



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

KEYETTA M. HOLMES, AICP
Interim Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-19-34 for 940 Bruce Circle, S.E.

DATE: June 13, 2019

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to R-4A (Single Family Residential) for property located at **940 Bruce Circle, S.E.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 120 feet on the north side of Bruce Circle, S.E. beginning 240 feet from the intersection of Fisher Road, S.E. and Bruce Circle, S.E., in Land Lot 9, 14th District, Fulton County, Georgia in the Custer/McDonough/Guice neighborhood of NPU W, Council District 1.
- **Property size and physical features:** The property consists of approximately 0.558 acres (24,297 square feet) of net lot area. The lot is rectangular in shape. It is currently developed with an existing one-story single family dwelling. The topography rises from the front to the rear of the lot. Vehicular access to the property is provided via a driveway along the eastern property line. Vegetation and large mature trees can be found throughout the property.
- **CDP land use map designation:** The land use designation for this property is Single Family Residential (SFR) within the 2016 Comprehensive Development Plan. An amendment to the Comprehensive Development Plan is not needed to accommodate the proposed rezoning and development.
- **Current/past use of property:** Staff is not aware of any previous uses other than residential.

- **Surrounding zoning/land uses:** Land use and zoning designations in the immediate area are limited to R-4 (Single-Family Residential) zoning with Single Family Residential land use to the north, west, east and south of the subject lot.
- **Transportation:** Bruce Circle is classified as a local road. Currently, MARTA serves the area via bus routes #832 Grant Park and #9 Tilson Road – Rainbow Village, with stops located within 0.5 miles of the property.

PROPOSAL:

The applicant seeks to rezone the property from R-4 (Single Family Residential) to R-4A (Single Family Residential).

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates the property as Single Family Residential. The proposed rezoning to R-4A (Single Family Residential) District is consistent with the existing land use.
- 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 regarding water supply and sewage disposal. When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The zoning regulation indicates that this consideration is optional. The applicant has not indicated that they own other land in the area that would be suitable for the proposed development. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses or to the health of humans or the environment by allowing the rezoning from R-4 to R-4A for the construction of single-family homes. The proposed rezoning would allow for an appropriate type of infill development for the existing single-family neighborhood at a scale that is comparable to the original lot pattern.
- 4) **Effect on character of the neighborhood:** Staff believes the proposed rezoning is compatible with the character of the neighborhood. The subject property is surrounded by properties with non-conforming R-4 (Single-Family Residential) lots. The majority of development surrounding the subject property is detached single family homes with a lot frontage not meeting the R-4 standard of 70 feet in width. Staff is of the opinion that the introduction of the R-4A zoning category will allow for the subdivision of the subject lot to create more consistent lots on the block.

- 5) **Suitability of proposed land use:** The proposed use reflects the single family residential character of the area. The proposed R-4A (Single Family Residential) zoning would allow the construction of a single-family residence, develop an underutilized portion of land and add housing stock to an area that has limited space for new development.
- 6) **Effect on adjacent property:** A change in land use is not necessary as the proposed use is compatible with 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 non-conforming R-4 lots in the surrounding area.
- 7) **Economic use of current zoning:** The current zoning condition only allows for limited economic use of the land, one single family structure per parcel. The property has a portion that's remained undeveloped by past and current land owners. A change in zoning to allow a subdivision and creation of a new residential lot would bring more economic incentives to the area without changing the characteristics of the established community.
- 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) **Other Considerations:**
The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **940 Bruce Circle, S.E.** is located within a Suburban Neighborhood within a Conservation Area. Suburban Neighborhoods are described as follows:

“These are the peaceful post-war subdivisions designed by the speed and easy distance of automobiles. Many, like Adamsville, Brandon and Perkerson, lack sidewalks, are not as well connected as older neighborhoods, and are often distant from retail and employment areas. Their more generous yards and intervening floodplains, however, provide far less runoff, more habitat and host huge swaths of Atlanta's tree canopy. In this way, in addition to offering homes for families who prefer less-urban lifestyles, these neighborhoods provide enormous benefits to the city at large.”

STAFF RECOMMENDATION: APPROVAL



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Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-19-39 for 1449 Macklone Street, N.E.

DATE: June 13, 2019

An Ordinance by Zoning Committee to rezone from R-5 (Two Family Residential) to MR-MU (Multifamily Multi Unit) for property located at **1449 Macklone Street, N.E., 1453 Macklone Street, N.E. and 1457 Macklone Street, N.E.**

The applicant has requested a 30-day deferral for more time to work with the neighborhood and NPU. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL JULY 2019



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-19-40 for 1456 Macklone Street, N.E.

DATE: June 13, 2019

An Ordinance by Zoning Committee to rezone from R-5 (Two Family Residential) to MR-MU (Multifamily Multi Unit) for property located at **1456 Macklone Street, N.E.**

The applicant has requested a 30-day deferral for more time to work with the neighborhood and NPU. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL JULY 2019



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-19-41 for 114 Wesley Avenue, N.E.

DATE: June 13, 2019

An Ordinance by Zoning Committee to rezone from R-5 (Two Family Residential) to MR-MU (Multifamily Multi Unit) for property located at **114 Wesley Avenue, N.E.**

The applicant has requested a 30-day deferral for more time to work with the neighborhood and NPU. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL JULY 2019



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Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: **Z-19-42 for 1108 Eddie Avenue, S.E.**

DATE: June 13, 2019

An Ordinance by Zoning Committee to rezone from R-4/BL (Single Family Residential/BeltLine Overlay) to R-4B/BL (Single Family Residential/BeltLine Overlay) for property located at **1108 Eddie Avenue, S.E.**

The applicant has requested a 30-day deferral for more time to work with the neighborhood and NPU. Staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL JULY 2019



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Interim Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-19-09 for 1138 Peachtree Street, N.E.

DATE: June 13, 2019

The applicant seeks an ordinance by Zoning Committee for a special use permit for transfer of development rights for property located at **1138 Peachtree Street, N.E.**

FINDINGS OF FACT:

- **Property location:** The sending parcel is located at 979 Crescent Avenue, N.E. and fronts approximately 210 feet on the east side of Crescent Avenue beginning at the southeast intersection of Tenth Street, N.E. and Crescent Avenue, N.E. in Land Lot 106 of the 17th District, Fulton County, Georgia within the Midtown neighborhood of NPU-E in Council District 2.

The receiving parcel is located at 1138 Peachtree Street, N.E. fronting 127.14 feet on the west side of Peachtree Street, N.E. beginning at the intersection of the southerly right-of-way of Fourteenth Street, N.E. and the westerly right-of-way of Peachtree Street, N.E. in Land Lot 106 of the 17th District, Fulton County, Georgia within the Midtown neighborhood of NPU-E in Council District 2.

- **Property size and physical features:** The sending parcel is approximately 0.55 acres (23,958 square feet) in size with approximately 210 feet of frontage along Crescent Avenue, N.E., having approximately 181 feet of frontage along Tenth Street, N.E., and approximately 169 feet of frontage along Peachtree Street, N.E. The sending property is developed with a 3-story residential structure known as the Margaret Mitchell House. The lot topography is relatively flat with a number of mature trees and shrubs scattered throughout the property.

The receiving parcel is approximately 0.91 acres (39,639 square feet) in size with approximately 127 feet of frontage along Peachtree Street. The current use of the property is a parking lot and the topography is relatively level. Trees line the edge of the property.

- **CDP land use map designation:** The sending parcel and receiving parcels are designated as High Density Commercial which is appropriate for the requested transfer of development rights.
- **Current/past use of property:** The sending parcel is the site of the Windsor House Apartments also known as the Margaret Mitchell House & Museum. The structure was built in 1899 and has been designated as a Landmark Building or Site since 1989 via Ordinance 89-O-1437. Staff is unaware of any other uses of the sending parcel. The receiving parcel is currently used as a parking lot.
- **Surrounding zoning/land uses:** The sending parcel and receiving parcels are located in Special Public Interest District 16, Subarea 1 (SPI-16, SA1), and are surrounded by a mix of uses including commercial, office, and residential uses with a High Density Commercial land use designation by the 2016 Atlanta Comprehensive Development Plan (CDP).
- **Transportation system:** The sending parcel along Crescent Avenue is classified as a local street, Tenth Street is a minor arterial, and Peachtree Street is classified as an arterial street. There are sidewalks consistently provided along both sides of Crescent Avenue, Tenth Street, and Peachtree Street. Multiple MARTA bus lines operate along Crescent Avenue, Tenth Street, Peachtree Place, and Peachtree Street, and connect to the Midtown MARTA station located within a mile of the sending parcel.

The receiving parcel, also located along Peachtree Street is classified as an arterial street. There are sidewalks consistently provided along both sides of Peachtree Street. Multiple MARTA bus lines operate along Peachtree Street and the Arts Center and Midtown MARTA stations are located within a mile of the receiving parcel.

PROPOSAL:

The applicant is requesting to sever approximately 185,000 square feet of excess residential development rights from 'The Margaret Mitchell House and Museum' property to transfer to the receiving parcel of 1138 Peachtree Street, N.E. In accordance with Sections 16-18P.007(1)(f) and 16-25.002 of the Zoning Ordinance, both the sending parcel and receiving parcels are located in SPI-16 (Midtown Special Public Interest District), the sending parcel is on the National Register of Historic Places and designated as a historic landmark, and the documents ensure that the historic property shall remain in perpetuity. Calculations of the transfer of development rights are as follows:

Sending Parcel (979 Crescent Avenue):

Net lot area: 24,177 square feet (0.55 acres)

Gross Lot Area: 48,627.9 square feet (1.11 acres)

Residential FAR Bonus: 3.2

Ground floor Retail FAR Bonus: 2.0

Transit Area Bonus: 3.2

SPI-16 Residential F.A.R. available: $48,627.9 \times 8.4 = 408,474.36$ square feet
 Total available development rights remaining (Residential) = $408,474.36 - 170,873.1 = 237,601.26$ square feet

Total remaining pending approval of U-19-09 = $237,601.26 - 185,000 = 52,601.26$ square feet

979 Crescent Avenue Transfer of Development Rights (Residential) Case History:

Ordinance	Request	Status
13-O-1038	120,290 sq. ft. to 207-205 13 th Street	Complete
14-O-1425	50,583.1 sq. ft. to multiple addresses on 11 th and 10 th Street	Complete
16-O-1585	180,000 sq. ft. to 1138 Peachtree Street	Incomplete and Expired

- 89-O-1038 – Windsor House Apartments at 979 Crescent Avenue designated to the overlay designation of landmark building.
- 13-O-1038 – Transfer of 120,290 square feet of residential development rights from 979 Crescent Avenue to 207-225 13th Street (completed).
- 14-O-1425 – Transfer of 169,100 square feet of residential development rights from 979 Crescent Avenue, 90 Peachtree Place, and 990 Peachtree Street to 169, 171, 175, 179, 181, 185, 191, and 195 11th Street and 180 10th Street. 50,583.1 square feet of residential rights were severed from 979 Crescent Avenue (residential portion incomplete and expired).
- 16-O-1585 – Transfer of 180,000 square feet of residential development rights to 1138 Peachtree Street (incomplete and expired).

Receiving Parcel (1138 Peachtree Street):

Net lot area: 39,432 square feet (0.9 acres)
 Gross lot area: 46,970 square feet (1.09 acres)
 Building area: 471,200 square feet
 Building height: 529 Feet

- **Ingress and egress:** Vehicular ingress and egress will be provided via one of two entrances, one entrance on Peachtree Street and one entrance on Crescent Avenue. Emergency vehicles will have access to the site via either entrance.
- **Parking and loading:** The site plan proposes a parking deck with 400 residential spaces and 120 retail parking spaces, and 2 loading spaces.
- **Refuse and service areas:** All trash containers and service will be handled in an internal service area off Crescent Avenue and will not be visible from the street.

- **Buffering and screening:** The parking deck, extending to the adjacent property lines, will be completely enclosed per code requirements preventing noise and light spillage.
- **Hours and manner of operation:** The applicant proposes management office hours to be Monday through Saturday from 10:00 a.m. to 6:00 a.m. and Sunday 12:00 p.m. to 6:00 p.m. The retail space will be open from 6:00 a.m. to 2:00 a.m.
- **Duration:** Duration of the special use permit is dictated by Code Section 16-28.023(11).
- **Required yards and open space:** The applicant intends to honor all required yard and open space requirements of the City of Atlanta Code of Ordinances.
- **Tree Preservation and Replacement:** All existing trees will be removed with the intention of replanting trees and paying recompense in which to comply with the City of Atlanta's Tree Preservation Ordinance.

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:** Vehicular ingress and egress as proposed should be adequate for the site.
- b) **Off-street parking and loading:** The parking and loading as proposed by the applicant should be adequate for the proposed use and site.
- c) **Refuse and service areas:** The location of the proposed service and loading areas is reasonable.
- d) **Buffering and screening:** The proposed landscaping and buffering seems sufficient.
- e) **Hours and manner of operation:** Staff is of the opinion that the proposed hours of operation will not have a negative impact on surrounding properties.
- f) **Duration:** The applicant requests that the use permit be approved for an indefinite period. Staff recommends approval for an indefinite period. . However, Staff notes that the criteria of Sec. 16-28.023(11) regarding the expiration of transferable development rights for lack of timeliness of either 'initial development' or issuance of a certificate of occupancy would still apply.
- g) **Required yards and open space:** The proposed plan appears to comply with the required yards and lot coverage requirements.
- h) **Compatibility with policies related to tree preservation:** Any construction or use of the facility must comply with the City of Atlanta Tree Ordinance at time of permitting.

The proposed transfer of development rights to allow for the development of more residential units for a mixed-use project at the subject location is reasonable. The proposed development conforms to the intent and requirements of the City of Atlanta transfer of development rights program. The proposed transfer of excess development rights agreement assures future protection of public interest and achievement of public objectives to the same or a higher degree than would application of the regulations to the individual properties.

STAFF RECOMMENDATION: APPROVAL, conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled "Yoo on Peachtree" prepared by Smallwood, Reynolds, Stewart, Stewart and Associates, Inc. Architects dated March 4, 2019 and stamped received by the Office of Zoning and Development on March 5, 2019. Minor changes to the approved site plan may be authorized by the Director, of the Office of Zoning and Development in accordance with Section 16-02.003(7).
2. All agreements, assignments and affidavits (properly executed and recorded) are to be submitted to the Director of Zoning and Development to transfer a total of 185,000 square feet of residential development rights from 979 Crescent Avenue, N.E. (the sending property), zoned SPI-16, Subarea 1, to 1138 Peachtree Street, N.E. (the receiving property) zoned SPI-16, Subarea 1.



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KEYETTA M. HOLMES, AICP
Interim Director
Office of Zoning & Development

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: U-19-10 for 2211 Perry Boulevard, N.W.

DATE: June 13, 2019

An Ordinance by Zoning Committee for a special use permit for a place of worship pursuant to 16-06A.005 for property located at **2211 Perry Boulevard, N.W.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 358.8 feet on the south side of Perry Boulevard, N.W. beginning at an iron pin located on the north east side of Perry Boulevard, N.W. at the point of intersection of the north east side of Perry Boulevard, N.W. It is located within Land Lot 245 and 153 of the 17th District of Fulton County, Georgia in the Scotts Crossing neighborhood of NPU G in Council District 9.
- **Property size and physical features:** The subject property consists of 1.0378 Acres (45,207 square feet) acres fronting 358.8 feet on the southwesterly side of Perry Boulevard. The property is developed with a one-story church building. The existing structures are one story in height. The topography is relatively level. Vehicular access to the property is currently available through two curb cuts on Perry Boulevard with an existing paved parking lot.
- **Current/past use of property:** The current use of the property is a place of worship. Staff is unaware of any previous uses.
- **Surrounding zoning/land uses:** Properties adjacent are zoned R-G (Residential General District) and R-4A (Single Family Residential) with a low-density residential land use designation. Located to the north and east properties are zoned I-2 (Heavy Industrial), to the southeast MRC-3-C (Mixed Residential Commercial Conditional) with a low density commercial land use designation, and R-4A (Single Family Residential).

- **Transportation:** Perry Boulevard is categorized as a collector street. MARTA transit is available via bus route #26. The MARTA Bankhead Transit Station is less than a mile from the subject property.

PROPOSAL:

The applicant seeks a special use permit to allow for site improvements and construction of an addition for a new approximately 1,426 square feet fellowship hall. The improvements include streetscape and a parking expansion.

- **Ingress and egress:** There are two curb cuts that will be consolidated into one entrance and exit. Streetscape and signage will be installed, and a dedicated pedestrian path will be created from the parking lot. All emergency vehicles (fire, police and ambulance) will gain access to the property via two proposed curb cuts.
- **Parking and loading:** There are currently 25 parking spaces on site. Deliveries are expected to be minimal. All employees or service personnel will park at the rear of the parking lot and use the main entrance to access the property. There is no designated loading space is proposed.
- **Refuse and service areas:** Garbage and recycling dumpsters will be located in the front of the parking lot in a screened location. The subject site will utilize private services for weekly pick-up. No increase of refuse generation is expected.
- **Buffering and screening:** Significant landscaping and buffering will be installed along the property line to protect adjacent neighbors. New lighting and security fencing will be installed on the rear property line. Additionally, the applicant proposes a streetscape in addition to the proposed fellowship hall to improve on-site parking layout to mitigate any other issues.
- **Hours and manner of operation:** The applicant has indicated the hours of operation will mainly take place on Sundays between 10 a.m. and noon each week with approximately 20-60 members of all ages. The church will have normal office hours during the weekday as needed operating between 9a.m.-5p.m. with approximately three employees on site. All programs will be related to church activities and fellowship.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** The church intends to honor all required yard and open space requirements of the City of Atlanta Code of Ordinances.
- **Tree Preservation and Replacement:** No trees will be damaged, destroyed or removed. Applicant will comply with tree ordinance through the City of Atlanta Arborist Office.

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:** The proposal illustrates an improvement to aid traffic circulation, parking, and pedestrian access to the property and its surroundings via the two curb cuts provide as entrance and exit. Staff is supportive of the proposed traffic plan.
- b) **Off-street parking and loading:** The proposed parking appears adequate for use on Sunday for worship services and adequate for other special programs and events operated by the church. Staff finds the off-street parking and loading adequate.
- c) **Refuse and service areas:** Refuse is currently collected and disposed of by a private waste management company. The proposed garbage and recycling location seem adequate to serve the needs of the church. Staff is supportive of refuse and service areas.
- d) **Buffering and screening:** The proposed landscaping and buffering seems sufficient to address screen adjacent residential uses. Additionally, the applicant proposes landscaping around the property line and landscaping nodes throughout. Staff is of the opinion that buffering and screening sufficient.
- e) **Hours and manner of operation:** Staff is of the opinion that the proposed hours of operation will not have a negative impact on surrounding properties as this site has been the location of an active church.
- f) **Duration:** Staff is supportive of the request for indefinite period of time for the special use permit.
- g) **Required yards and open space:** The proposed plan appears to comply with the required yards and lot coverage requirements.
- h) **Compatibility with policies related to tree preservation:** Any construction or use of the facility must comply with the City of Atlanta Tree Ordinance at time of permitting.
- i) **Other Considerations:**

Consistency with Atlanta City Design: The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **2211 Perry Boulevard, N.W.** are located within a Outside the Growth Areas: Rural Neighborhoods. Rural area corridors are described as follows:

“These are the least dense, least-walkable parts of Atlanta. They are not-quite-rural communities of reasonably large suburban estates that have big lots and narrow, winding and often curb-less streets. They include neighborhoods like Mount Paran and Cascade Heights, where seclusion and nature are prioritized over any interest in city life.”

STAFF RECOMMENDATION: APPROVAL



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KEYETTA M. HOLMES, AICP
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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: U-19-11 for 1492 Piedmont Avenue, N.E.

DATE: June 13, 2019

An Ordinance by Zoning Committee for a special use permit for outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property pursuant to 16-11.005(1)(l) for property located at **1492 Piedmont Avenue, N.E.**

Staff requests that this item be filed.

STAFF RECOMMENDATION: FILE



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MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: U-19-12 for 1189 South Ponce De Leon Ave.

DATE: June 13, 2019

An Ordinance by Zoning Committee for a special use permit for a law office pursuant to 16-20B.004(3)(a) for property located at **1189 South Ponce de Leon Avenue, N.E.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 266 feet on the southeast corner of Ponce de Leon Avenue and Moreland Avenue and at the point South Ponce de Leon Avenue begins. The property is located within Land Lot 241 of the 15th District, DeKalb County, Georgia in the Druid Hills neighborhood of NPU-N in Council District 6.
- **Property size and physical features:** The subject property is a rectangular tract of land consisting of 1.833 (79,845 sq. ft.) acres. It is developed with a two-story residential structure built in 1921. The property retains the historic landscape plan from its original development including large hard wood trees, azaleas, and other types of shrubbery. A circular driveway is located off South Ponce de Leon with additional parking areas located on the east and west side of the property.
- **CDP Land Use and designation:** The subject property has a future land use designation of OIR (Office/Institutional/Residential) within the 2016 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The subject property is currently used as real estate office. The property was developed and used for residential purposes from 1921 until 1955 when the property was purchased by the First Church of Christ. The property was sold to the Golden Key Society expanding the by 2,500 square feet for office use. In 2005, the current owner obtained a special use permit to allow a real estate office, pursuant to ordinance 05-0-0750, zoning case U-05-09.

- **Surrounding zoning/land uses:** Properties west of the subject site are currently zoned RG-3 (Residential General Sector 3) with a medium density residential land use designation and C-1 (Community Business District) with a Mixed Use land use designation. Properties located south of the subject site are zoned HC-20B (Druid Hills Landmark District) with a Medium Density land use designation. North of the subject site properties are zoned HC-20B (Druid Hills Landmark District) with an Office/Institutional/Residential land use designation.
- **Transportation:** South Ponce de Leon Avenue and Moreland Avenue are categorized as arterial streets. MARTA transit is available via bus route #816, #2 and #6.

PROPOSAL:

The applicant seeks a special use permit to allow for existing office building to be used for a law office. This application proposes no alterations to the existing building or grounds.

- **Ingress and egress:** The points of ingress and egress to the property and proposed structure are shown on the site plan and provide safe automotive and pedestrian activity. All emergency vehicles (fire, police and ambulance) will gain access to the property via a circular drive with ingress and egress from South Ponce de Leon Avenue.
- **Off-street parking and loading:** A total of 26 parking spaces are available on site. Deliveries are expected to be minimal. All employees or service personnel will park behind the structure and utilize the main entrance to access the property.
- **Refuse and service areas:** Garbage and recycling dumpsters will be located along the back of the property line in a screened location. The subject site will utilize City of Atlanta services for weekly pick-up. No increase of refuse generation is expected.
- **Buffering and screening:** The applicant has not indicated any new changes to buffering and screening. All existing trees and shrubbery used for buffering and screening will remain.
- **Hours and manner of operation:** The applicant has indicated the hours of operation will be between 9 a.m.- 5 p.m. during the week and occasion weekends with approximately 5-7 clients weekly and two employees. Furthermore, all programs will be related to law firm related activities.
- **Duration:** The applicant requests a permanent duration for the special use permit.
- **Required yards and open space:** The required yards appear to be met.
- **Tree Preservation and Replacement:** No trees will be damaged, destroyed or removed. The applicant is required to comply with all requirements of the Atlanta Tree Ordinance.

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 property is managed by a circular drive on South Ponce de Leon Avenue. Traffic flow and control as well as pedestrian safety are deemed accurate. Emergency and service vehicles will access the site via a curb cut on South Ponce de Leon Avenue. Staff is of the opinion that the proposed ingress and egress is sufficient for the proposed use.
- b) **Off-street parking and loading:** Loading will be limited to occasional deliveries and can be accommodated on the existing asphalt off-street parking area and is presumed not to exceed normal office deliveries. There are 31 existing off-street parking spaces onsite of which 26 are required. Current parking exceeds the requirement and staff is of the opinion that off-street parking and loading is satisfied.
- c) **Refuse and service areas:** Refuse is currently collected and disposed of by the City of Atlanta. The proposed garbage and recycling location seem adequate to serve the needs of the law firm. Staff is supportive of refuse and service areas.
- d) **Buffering and screening:** The proposed landscaping and buffering seems sufficient to screen the adjacent residential uses. Additionally, landscaping around the property line and landscaping nodes exist throughout the subject site. Staff is supportive of buffering and screening measures.
- e) **Hours and manner of operation:** Staff is of the opinion that the proposed hours of operation will not have a negative impact on surrounding properties as this site has been the location of an active office space.
- f) **Duration:** Staff is supportive limited duration.
- g) **Required yards and open space:** The proposed plan appears to comply with the required yards and lot coverage requirements in accordance with Section 16-20B.004(3).
 - a. **Such nonresidential use of the existing structure is not incompatible with or detrimental to the residential character of the district.** The subject property has been used for non-residential purposes since 1955 and retained its character and community support through the years with a certificate of appropriateness approved by Atlanta Urban Design commission in 1984 for nonresidential use. Furthermore, the proposed use supports future land use.
 - b. **That the structure, as it exists or as it is permitted to be modified under this chapter and the landmark district regulations, can no longer feasibly be used as residence; provided, however, the burden of proving that the structure can no longer feasibly be used as a residence shall be upon the applicant.** The applicant has provided sufficient information that the subject property was marketed for residential purposes and lack of response from potential purchasers was directly related to converting it back to original use.

h) Compatibility with policies related to tree preservation: Any construction or use of the facility must comply with the City of Atlanta Tree Ordinance at time of permitting.

i) Other Considerations:

Consistency with Atlanta City Design: The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **1189 S Ponce De Leon Ave NE**. are located within a Conservation Area: Urban Neighborhoods. Urban area corridors are described as follows:

"These are small-scale, historic, walkable neighborhoods where growth capacity is limited mostly by our desire to keep them the way they are the traditional intown communities that were built by the expansion of streetcars a century ago, such as Westview, Grant Park and Brookwood Park. Most have some form of commercial district within walking distance from homes, and many include small apartment buildings, townhouses, or two- and three-family homes. Their inherent walkability, historic charm and proximity to downtown make them highly desirable under today's market pressures, and therefore, threatened by even denser development."

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled "Plat Prepared for: 1189 Ponce de Leon Avenue" prepared by Service Systems Atlanta, Charles W. Loveless dated January 18, 2019 and stamped received by the Office of Zoning and Development on April 1, 2019. Minor changes to the approved site plan may be authorized by the Director, of the Office of Zoning and Development in accordance with Section 16-02.003(7).
2. This Special Use Permit shall become null and void at the time the law firm owned and operated is no longer operating from the subject property.
3. No advertising or commercial signage is to be visible from the exterior (except to the extent the sign consists of a stone monument and name of owner/user is chiseled in stone, with no coloration)
4. No placards or banners, balloons, flags or streamers are to be visible from the exterior.
5. No commercial truck traffic is allowed on site.
6. No trash dumpsters are allowed on site.
7. No off-site property and lots may be used to service this use in any way (including parking, trash, storage, etc.)

8. The adjoining lot of Fairview Road may not be used in any way to service this use (including parking, trash, storage, etc.)
9. Any new exterior lighting shall be limited to gaslight.
10. No color changes are allowed on the exterior façade of the structure.
11. No expansion of the existing improvements or parking areas is allowed.
12. The facility shall not be permitted for hire for private parties.
13. There shall be no directional signage allowed in the parking area.



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KEISHA LANCE BOTTOMS
MAYOR

TIM KEANE
Commissioner

KEYETTA M. HOLMES, AICP
Interim Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: U-19-13 for 3872 Roswell Road, N.E.

DATE: June 13, 2019

An Ordinance by Zoning Committee for a special use permit for outdoor dining at an eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property pursuant to 16-11.005(1)(l) for property located at **3872 Roswell Road, N.E.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 511.04 feet on the west side of Roswell Road, N.E., in Land Lot 97, 17th District, Fulton County, Georgia within the East Chastain Park neighborhood of NPU-B in Council District 8.
- **Property size and physical features:** The subject property is approximately 6.120 (266,587 sq. ft.) acres in size and developed with a one- and two-story plaza and one free-standing building. The subject property has a surface parking lot with 286 parking spaces. Vehicular access to the property is provided via three curb cuts. The lot topography is relatively level. There is streetscaping and landscape nodes provided throughout.
- **CDP land use map designation:** The subject property has a Low Density Commercial land use designation within the Comprehensive Development Plan (CDP).
- **Current/past use of property:** The current use of the subject property is a retail. Staff is unaware of any other uses of the property.
- **Surrounding zoning/land uses:** The surrounding properties south of the subject site are zoned C-1 (Community Business District) with a Low Density Commercial land use designation and RG-3-C (Residential General Sector 3 Conditional) with a Medium Density Residential land use designation to the southeast. Properties to the north are zoned C-1-C

(Commercial Service District Conditional) with a Low Density Commercial land use designation.

- **Transportation system:** The subject property is located along Roswell Road which is classified as an arterial street. There are sidewalks provided along both sides of Roswell Road. MARTA provides service via bus route #5 to the immediate area along Roswell Road. The closest transit station is Lindbergh MARTA Station which is 3.4 miles away from the subject property.

PROPOSAL:

The applicant is requesting a special use permit for outdoor dining for a patio area in a new restaurant. The patio will not exceed 643 square feet in area. The applicant proposes to separate the patio from adjacent parking via a 42-inch railing.

- **Ingress and egress:** Vehicles and emergency vehicles will access the property using existing curb cuts located on Roswell Road, N.E. and on Le Brun Road, N.E.
- **Parking and loading:** Employees and visitors will use the 286 on-site parking spaces on the existing subject lot. In case of additional parking demand, the applicant has indicated that shared parking has been arranged with the adjacent office building to accommodate restaurant patrons. Services and Loading will be provided through the back of the directly into the kitchen.
- **Refuse and service areas:** Refuse is handled through an existing dumpster located in the rear of the plaza. Private waste pickup will be provided.
- **Buffering and screening:** There is existing mature landscaping that provides buffering and screening from adjacent properties. Also, there is an existing sidewalk and railing along the side of the plaza.
- **Hours and manner of operation:** The hours and manner of operation of the restaurant will be compatible with the existing uses at Buckhead Court. The restaurant will be open seven days per week from 11 a.m. until 10 p.m. and will be a fast-casual dining experience.
- **Duration:** The applicant is requesting a permanent duration.
- **Required yards and open space:** The applicant has indicated there are no structural changes associated with the proposal encroaching the required yards and open space for the subject property.
- **Tree Preservation and replacement:** The applicant has indicated that a few bushes will be impacted to allow outdoor patio and for installation and will be replaced.

CONCLUSIONS:

- **Ingress and egress:** Based on the site plans and documentation submitted by the applicant and an on-site review conducted by staff, there appears to be adequate access to the site. Therefore, Staff is of the opinion that the existing ingress and egress are sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- **Off-street parking and loading:** The parking requirement for eating and drinking establishments is *one (1) parking space provided for each 100 square feet of floor area* in the C-1 zoning district. The facility is required to have 218 parking spaces. Patrons of the establishment may utilize the parking located on-site. Furthermore, service personnel may utilize the existing parking as well. The plaza currently has 286 parking spaces. The applicant has indicated that they would like to utilize a shared parking agreement to meet required on-site parking. A shared parking agreement may be sought must be in conformance with 16-11.005(2). Therefore, Staff is of the opinion that off-street parking and loading is sufficient.
- **Refuse and service areas:** The applicant has indicated the use of private waste removal service for refuse pick-up. Staff is of the opinion that this is adequate for the operations of the establishment.
- **Buffering and screening:** Staff is also of the opinion that there is significant screening on the property. The sidewalks and rails along the building screened properly screens the patio area is not visible from the parking lot. The applicant has indicated there will be adequate lighting measures to screen and buffer the site from the surrounding residential properties and there will be no light spillage.
- **Hours and manner of operation:** The establishment will operate between the hours of 11 a.m. to 9:00 p.m. Sunday through Thursday and 11 a.m. to midnight Friday and Saturday night. There will be two shifts of twelve employees per shift serving a maximum of seventy-five customers at peak times. Staff is of the opinion that the hours and manner of operation are sufficient.
- **Duration:** Staff is supportive of a permanent duration.
- **Compatibility with policies related to tree preservation.** The applicant will provide remedies and measures to comply with the City's tree preservation ordinance in association with the land disturbance analysis.
- **Required yards and other open spaces:** The applicant has indicated there are no structural changes associated with this proposal.
- **Other Considerations:**
The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into

already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to Atlanta City Design **3872 Roswell Road, N.E.** is located within Corridor Area. Corridor Areas are described as follows:

“These are the connecting tissues of the city: the major streets that flow out of the core in every direction. They stitch Old and New Atlanta together and most of them are commercially developed. Streets like Hollowell, Peachtree and Jonesboro wind along the contours of the city while streets like Metropolitan and Northside slice straight lines across hills and valleys. In either case, we find commercial sites, civic buildings and anchor institutions along the way. With better design, these corridors can become main streets for every community, accommodating a reasonable amount of growth that will spur commercial vitality and a vibrant public life out beyond the core of the city.”

STAFF RECOMMENDATION: APPROVAL



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KEISHA LANCE BOTTOMS
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TIM KEANE
Commissioner

KEYETTA M. HOLMES, AICP
Interim Director
Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-18-33 for 1640 Flat Shoals Road, S.E.

DATE: June 13, 2019

A substitute Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to PD-H (Planned Development Housing) for property located at **1640 Flat Shoals Road, S.E.**

The applicant has requested a deferral to continue to work with the NPU. Staff is supportive of the request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL - JULY 2019



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TIM KEANE
Commissioner

KEYETTA M. HOLMES, AICP
Interim Director
Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-18-124 for 1224 Avondale Avenue, S.E.

DATE: June 13, 2019

An Ordinance by Zoning Committee to rezone from R-4/BL (Single Family Residential/BeltLine Overlay) to R-4B/BL (Single Family Residential/BeltLine Overlay) for property located at 1224 Avondale Avenue, S.E.

FINDINGS OF FACT:

- **Property location.** The subject property fronts approximately 76.59 feet on the east side of Avondale Avenue, S.E. beginning at a point located at the intersection of the northerly right-of-way of Turpin Avenue with the southerly right-of-way of Avondale Avenue, S.E. The parcel is located in Land Lot 24, 14th District, Fulton County, Georgia within the Boulevard Heights neighborhood of NPU-W in Council District 1.
- **Property size and physical features.** The site is a corner lot with an irregular rectangular shape and approximately 0.26 acres (11,109 square feet) in lot area. The subject property is currently developed with a one story single family dwelling with driveway access and frontage on Avondale Avenue. The lot is wooded at the corner of Avondale Avenue and Turpin Avenue and along the Turpin Avenue frontage. The topography of the site slopes from a highpoint at the north side of the site to a low point at the southeast corner of the site on Turpin Avenue. There is a steep wooded slope rising above the street on the Turpin Avenue frontage.
- **CDP land use map designation:** The parcel is currently zoned R-4/BL (Single Family Residential/BeltLine Overlay). The land use designation is Single Family Residential in the 2016 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is currently developed with a one story single family dwelling. Staff is not aware of any previous uses of the site.

- **Surrounding zoning/land use:** The surrounding parcels are zoned R-4/BL (Single Family Residential/BeltLine Overlay) with a Single Family Residential land use designation. There is a townhouse development zoned MR-4A-C/BL (Multi-Family Residential-Conditional/BeltLine Overlay) approximately 250 feet north on the east side of Avondale Avenue, S.E. The parcels zoned MR-4A-C/BL have a High Density Residential land use designation.
- **Transportation system:** Avondale Avenue, S.E. and Turpin Avenue, S.E. are classified as local streets and connect to United Avenue, S.E. which is classified as a collector street. MARTA provides bus service along United Avenue, S.E., Boulevard, S.E. and Moreland Avenue, S.E. with connections to the Five Points and Inman Park/Reynoldstown Transit Stations. The distance between the subject property and the closest bus stop is approximately 0.4 miles. Sidewalks are not present on Avondale Avenue or Turpin Avenue.

PROPOSAL:

The applicant seeks a rezoning from R-4/BL (Single Family Residential/BeltLine Overlay) to R-4B/BL (Single Family Residential/BeltLine Overlay) in order to subdivide the subject property into two lots. The applicant has provided a proposal showing the subject property subdivided into two lots, one with a 62.00 foot frontage which preserves the existing house, and one with a 52.85 foot frontage.

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 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.
- (3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Staff is of the opinion that, although the land use is consistent, the request to rezone the subject parcel from R-4 (Single Family Residential) to an R-4B (Single Family Residential) zoning classification is not consistent. Lot frontages existing in the neighborhood are consistent with the R-4 development requirements with the majority of the lots in the subject block meeting or exceeding the 70' lot width required for R-4 zoning. Allowing a rezoning to subdivide the lot to create lot frontages that are not consistent with the majority of lot frontages in the area may have a negative impact on the balance of land uses with regard to public need.
- (4) **Effect on character of the neighborhood:** Staff believes the proposed rezoning is not compatible with the character of the neighborhood. The subject property is surrounded by properties with conforming R-4 (Single-Family Residential) lots. Most development surrounding the subject property is detached single family homes with lot frontages meeting or exceeding the R-4 standard of 70 feet in width. Staff is of the opinion that the introduction of R-4B zoning in the midst of an

established neighborhood of standard R-4 lots could potentially allow for the subdivision of larger lots into smaller lots putting the existing character of the neighborhood at risk.

- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed use is compatible with the Single Family Residential land use designation. However, Staff is of the opinion that the proposed request to rezone the property to the R-4B (Single Family Residential) zoning district is not suitable given the current conforming R-4 lots in the surrounding area.
- (6) **Effect on adjacent property:** The development of R-4B (Single Family Residential) lots in the midst of a neighborhood with conforming R-4 (Single Family Residential) lots will not comply with the vision of the Comprehensive Development Plan. The CDP characterizes the subject property area as a Traditional Neighborhood Existing character area. The CDP policy emphasizes: *“Preserving the residential character of Traditional Neighborhoods; Protecting single-family detached residential neighborhoods from encroachment by non-residential uses, incompatibly scaled residential development; and Encouraging new housing development that is compatible with the character of existing neighborhoods.”* Staff finds that the introduction of R-4B zoning would be incompatible in scale and character with the existing neighborhood.
- (7) **Economic use of current zoning:** The economic opportunity of the subject property could be increased by the proposed rezoning however it may have a detrimental effect on adjacent properties and the neighborhood as a whole.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta’s Tree Ordinance.

(9) **Other Considerations:**

The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to Atlanta City Design **1224 Avondale Avenue, S.E.** is located within Conservation Suburban Neighborhoods. Conservation area is the more natural part of the city that we want to protect from radical change. These are composed mostly of single-family homes. Suburban Neighborhoods are described as follows:

These are peaceful post-war subdivisions designed by the speed and easy distance of automobiles. Many, like Adamsville, Brandon, and Perkerson, lack sidewalks, are not as well connected as older neighborhoods and are often distant from retail and employment areas. Their more generous yards and intervening floodplains, however, provide for less runoff, more habitat and host huge swaths of Atlanta’s tree canopy. In this way, in addition to offering homes for families who prefer less-urban lifestyles, these neighborhoods provide enormous benefits to the city at large.

STAFF RECOMMENDATION: DENIAL



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Interim Director
Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: U-18-37 for 509 Foundry Street NW.

DATE: June 13, 2019

An Ordinance by Zoning Committee to rezone from special use permit for an outdoor amusement enterprise pursuant to 16-18K.004 for property at **509 Foundry Street, N.W.**

The applicant has requested a 30-day deferral to work with the neighborhood and NPU. Staff is supportive of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL – JULY 2019