



CITY OF ATLANTA

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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 *KMH*

SUBJECT: Z-19-50 for 217 3rd Avenue, S.E.

DATE: August 8, 2019

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to R-4A (Single Family Residential) for property located at **217 3rd Avenue, S.E.**

FINDINGS OF FACT:

- **Property location.** The subject property fronts 105 feet on the west side of 3rd Avenue, S.E. beginning at the intersection formed by the southern right-of-way of Memorial Drive, S.E. (fka E. Fare Street) and the western right-of-way of 3rd Avenue, S.E. (fka Hampton Street). The parcel is located in Land Lot 181, 15th District, DeKalb County, Georgia within the East Lake neighborhood of NPU-O in Council District 5.
- **Property size and physical features.** The site is a corner lot with a rectangular shape and is approximately 0.496 acres (21,624 square feet) in lot area. The subject property is currently undeveloped. The lot is covered with grass and there is currently one curb cut for vehicular access to the property from 3rd Avenue. The topography of the site is relatively level. Vegetation and large mature trees are located throughout the property.
- **CDP land use map designation:** The parcel is currently zoned R-4 (Single Family Residential). The land use designation is Single Family Residential in the 2016 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is currently vacant. Past use of property was for day care facility under approved via Ordinance 00-O-006. Staff is not aware of any previous uses of the site.

- **Surrounding zoning/land use:** Properties to the east are zoned C-1 (Community Business District) with a Low-Density Commercial land use designation. Properties north and south of the subject site are zoned R-4 (Single Family Residential) with a SFR (Single Family Residential) land use designation.
- **Transportation system:** Memorial Drive is classified as collector road and 3rd Avenue as local road. MARTA provides bus service along Memorial Drive via route #21. Sidewalks are present on north side of 3rd Avenue.

PROPOSAL:

The applicant seeks a rezoning from R-4 (Single Family Residential) to R-4A (Single Family Residential) in order to subdivide the subject property into two lots and subsequently construct two single-family detached dwellings.

Project Specifications:

Net Lot Area: 21,624 sq. ft.

Minimum Area required:

R-4A: 7,500 sq. ft.

Proposed Area (as labeled on site plan):

Parcel 1: 10,810 sq. ft.

Parcel 2: 10,814 sq. ft.

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:** The zoning regulations indicate that this consideration is optional. Lots within the immediate block face of 3rd Avenue have lot frontages that are consistent with the lot frontage requirements for R-4A (Single Family Residential) of 50 ft. The subject lot has 100 feet of frontage along 3rd Avenue. The rezoning will allow for the subdivision of the subject lot to create lots that are consistent with lots in the area and will not have a negative impact on the balance of land uses.

- (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 lots on the block that are consistent with the existing lot pattern.
- (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. 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.
- (6) **Effect on adjacent property:** Staff is of the opinion that the proposed development will have minimal to no negative effect on the adjacent properties. The majority of the lots in the surrounding area have a lot frontage that is consistent with the R-4A development requirements.
- (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. 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:** 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 **3rd Avenue, S.E.** is located within Growth Areas: Corridors. Corridors 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, Memorial, 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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TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Zoning Administrator 

SUBJECT: Z-19-60 for SPI-9 Buckhead Village District

DATE: August 8, 2019

An Ordinance by Councilmember Howard Shook to amend Chapter 18I of the Atlanta Zoning Ordinance Entitled “SPI-9 Buckhead Village District Regulations” for corrective purposes by attaching and incorporating previously approved conditions to certain parcels and to rezone these certain parcels to attach these conditions; and to amend the official zoning map by denoting zoning districts with previously approved conditions; and for other purposes

FINDINGS AND FACTS:

In 2010 the SPI-9 (Buckhead Village Special Public Interest District) was adopted via 10-O-1339/Z-10-17.

Prior to the enactment of Ordinance No. 10-O-1339 the Atlanta City Council had approved certain zoning conditions associated with various parcels within the newly enacted SPI-9 (Buckhead Village Special Public Interest District). It was the intent of Ordinance No. 10-O-1339 to incorporate the previously approved conditions as conditions for the new zoning for such parcels. A recent court ruling has held that Ordinance No. 10-O-1339 did not sufficiently attach and identify the previously approved conditions for parcels within SPI-9. It is necessary to amend Ordinance No. 10-O-1339 to sufficiently identify and incorporate all previously approved conditions. The official zoning map of the City will be amended, and the parcels denoted by adding a "C" to each appropriate parcel's official zoning designation.

PROPOSAL:

The proposal is to rezone certain parcels to attach previously adopted zoning conditions, and to amend the official zoning map by denoting zoning districts with previously approved conditions.

CONCLUSIONS:

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

The proposed legislation would not require a land use amendment to the Comprehensive Development Plan.

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

The proposed legislation would not affect the availability of public facilities and services.

3. **Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need:**

There is no other land that is suitable. This rezoning is specific to SPI 9 (Buckhead Village Special Public Interest District). Staff is of the opinion that no negative impacts on the balance of land uses.

4. **Effect on character of the neighborhood:**

The proposed rezoning to add previously adopted conditions should not have any adverse impact on the character of the neighborhood. In fact, the conditions will continue to foster and support the desires of the neighborhood and provide for a balanced approach to development in SPI-9 (Buckhead Village Special Public Interest District) and continue to implement urban design standards that support the growth of sustainable neighborhoods.

5. **Suitability of proposed land use:**

The previously approved zoning conditions were made through community engagement and public involvement that supports the goals of the neighborhoods. Staff believes that the proposed rezoning to attach the conditions are suitable.

6. **Effect on adjacent property:**

Since no development projects are being proposed as part of this rezoning these considerations are not applicable.

7. **Economic use of current zoning:**

Since no development project is being proposed, this consideration is not applicable.

8. **Compatibility with policies related to tree preservation:**

Any tree loss that occurs because of any proposed amendment will have to comply with the City of Atlanta's tree preservation policies.

STAFF RECOMMENDATION: APPROVAL