



# 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 

**SUBJECT:** Z-19-77 for 863 Ponce De Leon, N.E.

**DATE:** November 7, 2019

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An Ordinance by Zoning Committee to rezone from MRC-2-C/BL (Mixed Residential Commercial Conditional/BeltLine Overlay) to MRC-2-C/BL (Mixed Residential Commercial Conditional/BeltLine Overlay) for a change of conditions for property located at **863 Ponce de Leon Avenue, N.E.**

### FINDINGS OF FACT:

- **Property location:** The subject property fronts 122.27 feet on the southwest side of Ponce de Leon Avenue, N.E. beginning at a point where the southern right-of-way of Ponce de Leon Avenue intersects with the western right-of-way of Barnett Street, N.E. The property is located in Land Lot 17, 14<sup>th</sup> District, Fulton County, Georgia within the Poncey-Highland neighborhood of NPU-N, Council District 2.
- **Property size and physical features:** The subject property is a corner lot of approximately 0.43 (18,534 square feet) acres. The lot is currently developed with a one-story concrete building. Lot topography declines gradually from the front to the rear of the parcel. There is a curb cut along Ponce De Leon Avenue and two more along Barnett Street providing access to the site. There are several small trees and shrubs surrounding the perimeter of the lot.
- **CDP land use map designation:** The current land use designation is Mixed Use within the 2016 Comprehensive Development Plan.
- **Current/past use of property:** The site is currently developed with a one-story concrete building used for a restaurant. Staff is not aware of any other prior uses of the site.
- **Surrounding zoning/land uses:** Properties to the north are zoned C-1 (Community Business) and C-1-C (Community Business-Conditional) with a Mixed-Use land use designation. Parcels to the east are zoned MRC-2-C (Mixed Residential Commercial-

Conditional) with a mixed-use land use designation. Parcels to the south are zoned SPI-6 SA 4 (Poncey-Highland Special Public Interest District Subarea 4) and RG-3 (Residential General Sector 3) with a Low-Density Residential land use designation. Parcels to the west are zoned SPI-6 SA 4 (Poncey-Highland Special Public Interest District Subarea 4) and SPI-6 SA 2 (Poncey-Highland District (Poncey-Highland Special Public Interest District Subarea 2) with an Open Space land use designation.

- **Transportation system:** The subject property has frontages along Ponce De Leon Avenue, an arterial street and Barnett Street, which is classified as a collector street. MARTA does service the immediate area via bus routes #2 and #102 along Ponce De Leon Avenue. The nearest bus stop is directly adjacent to the parcel at Freedom Park.

**PROPOSAL:** The applicant requests to rezone from MRC-2-C/BL (Mixed Residential Commercial Conditional/Beltline Overlay) to MRC-2-C/BL (Mixed Residential Commercial Conditional/Beltline Overlay) for a change of conditions for a mixed-use development.

**Development Specifications:**

Net Lot Area: 0.43 acres (18,534 square feet)

Gross Lot Area: 0.95 acres (41,305 square feet)

Non-Residential: 1,800 sq. ft.

Residential: 1-bedroom units (35) 22,750 sq. ft.

2-bedroom units (15) 19,500 sq. ft.

Parking Provided: 67 spaces

**CONCLUSIONS:**

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

The Comprehensive Development Plan (CDP) designates the property as Mixed Use which is consistent with the proposed development. Thus, Staff finds the designation is compatible.

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

Fulton County Board of Health will require that the owner/developer connect the proposed development to public water and public sanitary sewer which are available to the site. Since this proposed development constitutes a premise where people live, onsite sanitary facilities will be mandatory prior to use or occupancy. The Fulton County Department of Health and Wellness requires submittal of plans for review and approval and must obtain permits for the outside refuse containers, and the pad and approach area for the refuse containers.

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

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 believes the proposed rezoning is compatible with the character of the neighborhood. Several multi-family developments and

commercial businesses can be found in the immediate vicinity. Thus, Staff is of the opinion the proposal will complement the surrounding community.

- (5) **Suitability of proposed land use:** The current mixed-use land use designation of the parcel is suitable, and the site plan reflects an appropriate mix of uses for this redeveloping area.
- (6) **Effect on adjacent property:** The proposed development should have no adverse effects on the adjacent properties. The proposal presented by the applicant is anticipated to complement the developments currently found in the area. Ordinance 14-O-1031 imposes a 52-foot height restriction on this property as it is adjacent to a park of at least 2 acres. However, the site has some challenges related to topography and size. Elevations submitted by the applicant illustrate a structure that will be no more than 7 stories or approximately 70 feet, which will include lower level parking decks. Staff is of the opinion that the proposed height and scale will be in character with the surrounding area located on an arterial.
- (7) **Economic use of current zoning:** The current zoning conditions allow for some economic use of the land, however, removing the condition limiting the height of buildings next to parks of 2 acres or more provides greater redevelopment potential.
- (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 **863 Ponce De Leon Avenue, N.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 Street 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 conditioned upon the following:**

1. The site shall be developed in accordance with the site plan entitled "863 Ponce De Leon Ave NE" prepared for Place Maker Design dated October 21, 2019 and marked received by the Office of Zoning and Development on October 22, 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. The height of the proposed structure shall be limited to six (6) stories (approximately 60 feet) plus a roof top deck when measured from sidewalk grade at the corner of Ponce de Leon Ave and Barnett Street fronting the property. The overall height shall not exceed ninety (90) feet when measured at sidewalk grade at the corner of Ponce de Leon Ave and Barnett Street fronting the property.
3. Use of cementitious panel shall be limited to accents.
4. Garage screen shall be covered with vines which shall be planted directly in the ground, not in containers.



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Interim Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-19-81 for 296 Dilbeck Place, N.E.

**DATE:** November 7, 2019

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An Ordinance by Zoning Committee to rezone R-4 (Single Family Residential) to MR-3 (Multifamily Residential) for property located at **296 Dilbeck Place, N.E.**

### FINDINGS OF FACT:

- **Property location:** The subject property fronts 364.38 feet on the north side of Dilbeck Place, N.E., beginning at an iron set located at the intersection of the eastern land lot line of Land Lot 95 with the northeasterly right-of-way line of Dilbeck Place in Land Lot 95 of the 17<sup>th</sup> District, Fulton County, Georgia in the North Buckhead neighborhood of NPU B, Council District 7.
- **Property size and physical features:** The property consists of approximately 1.75 acres (76,230 square feet) of net lot area. The site is currently developed with a one-story building, accessory storage building, and a parking lot. Vehicular access to the property is provided via curb cuts along Dilbeck Place. There are a few trees and shrubs around the perimeter of the property.
- **CDP land use map designation:** The land use designation for this property is Single Family Residential within the 2016 Comprehensive Development Plan. An amendment to the Comprehensive Development Plan to Medium Density Residential is necessary to accommodate the proposed rezoning and development.
- **Current/past use of property:** The property is currently utilized as an AT&T facility and van parking area. Staff is not aware of any other prior uses of the site.
- **Surrounding zoning/land uses:** To the north, parcels are zoned R-4 (Single Family Residential) with a Single-Family Residential land use designation. To the east, parcels are zoned PD-H (Planned Development-Housing) with a Single-Family Residential land use designation. To the

south, parcels are zoned R-LC-C (Residential Limited Commercial-Conditional) with Low Density Commercial and Office-Institutional land use designations. To the west, parcels are zoned C-1 (Community Business) with a Low-Density Commercial land use designation.

- **Transportation:** Dilbeck Place is classified as a local street. Dilbeck Place connects to nearby Wieuca Road, which is classified as a collector street. Currently, MARTA serves the area via bus route #5.

## **PROPOSAL:**

The applicant seeks to rezone the property from R-4 (Single Family Residential) to MR-3 (Multifamily Residential) for the development of 45 townhome units.

## **Project Specifications:**

Net lot area: 1.75 acres (76,230 sf)  
Residential floor area ratio: 0.696 FAR – 55,473 sf (45 units)

## **CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates this property as Single Family Residential. The proposed rezoning to MR-3 (Multifamily Residential) District is not consistent with the existing land use. Therefore, the proposed rezoning requires a CDP amendment to Medium Density Residential.
- 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 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 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. The proposed rezoning would allow for a redevelopment opportunity in the Sweet Auburn community.
- 4) **Effect on character of the neighborhood:** Staff believes the proposed rezoning is compatible with the character of the neighborhood. A range of housing types can be found in the area including single family detached homes, apartments, and townhomes. Rezoning this parcel to MR-3 would complement the surrounding community by providing an infill redevelopment opportunity at an appropriate scale.

- 5) **Suitability of proposed land use:** The proposed rezoning and land use amendment would allow for the construction of a 45-unit townhome development. Staff is of the opinion that the request is suitable as it complements the existing housing stock found in the area and provides a redevelopment opportunity to the area.
- 6) **Effect on adjacent property:** The proposed request would rezone the property to a designation that complements the existing conditions of the community, and thus, should not have a negative effect on adjacent properties.
- 7) **Economic use of current zoning:** The current zoning conditions allow for some economic use of the land, however, rezoning to MR-3 would provide for the redevelopment of an underutilized parcel in the North Buckhead 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, **296 Dilbeck Place, N.E.**), is located in a Suburban Neighborhood. 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 CONDITIONAL upon the following:**

1. The site shall be developed in accordance with the site plan entitled "Dilbeck: 296 Dilbeck Place NE, Atlanta, GA 30342" prepared by Kimley Horn, dated September 30, 2019 and stamped received by the Office of Zoning and Development on October 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).



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### MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-19-86 for 8 Clifton Street, S.E. and 16 Clifton Street, S.E.

**DATE:** November 7, 2019

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An Ordinance by Zoning Committee to rezone from RG-2 (Residential General Sector 2) to MR-3 (Multifamily Residential) for property located at **8 Clifton Street, S.E. and 16 Clifton Street, S.E.**

#### FINDINGS OF FACT:

- **Property location:** The subject property is 200 feet on the east side of Clifton Street, S.E., beginning at the southeast intersection of Clifton Street and Hosea L. Williams Drive, S.E. The properties are located in the Kirkwood Neighborhood, in Land Lot 207 of the 15<sup>th</sup> District in NPU-O, Council District 5, DeKalb County, Georgia.
- **Property size and physical features:** The properties consist of approximately 0.42 acres (18,311 square feet) of net lot area. They are currently developed with an 8-unit, two-story apartment building. The topography is relatively across the site. Vehicular access to the property is available via curb cuts along both Hosea L. Williams Drive and Clifton Street. There are very few trees and shrubs surrounding the property.
- **CDP land use map designation:** The Future Land Use designation for this property is Single Family Residential (SFR) within the 2016 Comprehensive Development Plan (CDP).
- **Current/past use of property:** An 8-unit apartment building currently occupies the properties. Staff is unaware of any other uses for the property.

- **Surrounding zoning/land uses:** Parcels to the north, south, and west are zoned R-4A (Single Family Residential). Parcels to the east are zoned RG-2 (Residential General Sector 2). All parcels have a Single Family Residential future land use designation.
- **Transportation:** The subject property has frontage along Clifton Street and Hosea L. Williams Drive, both of which are local streets. Sidewalks are provided along both sides of Clifton Street and Hosea L. Williams Drive. MARTA provides public transportation service to this area via bus route #24 along Hosea L. Williams Drive.

**PROPOSAL:**

The applicant seeks to rezone from RG-2 (Residential General Sector 2) to MR-3 (Multifamily Residential) for property located at 8 Clifton Street, S.E. and 16 Clifton Street, S.E. in order to construct 15 additional apartment units.

**Project Specifications:**

Net Lot Area:	0.42 acres (18,311 square feet)
Studio Apartments:	15 units (8 units currently on site)
Residential Floor Area:	16,283 square feet

**CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates the subject property as Single Family Residential (SFR). The proposed rezoning to the MR-3 (Multifamily Residential) District is not consistent with the existing land use. Therefore, the proposed rezoning requires a CDP amendment to Medium Density Residential (MDR).
- 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 proposed rezoning would have an adverse effect on the environment by introducing a development that is out of scale and character with the surrounding area. The predominant land use in the immediate area is Single Family Residential. There is only one other multifamily development in close proximity located at 9 Clay Street. Similar to the subject property, this parcel is approximately 0.4 acres, developed with 12 units. At a proposed 23 units, this is nearly double the amount currently found at Clay Street. Thus, the development is not complementary to the existing neighborhood and will have a negative effect on the balance of land uses.

- 4) **Effect on character of the neighborhood:** The proposed rezoning will not have a positive effect on the surrounding single-family neighborhood. The proposed development is significantly out of scale for the area. Additionally, the applicant proposes to close a point of ingress and egress from the property along Clifton Street in order to place the additional units. Thus, the only point of access for all vehicular traffic would be along Hosea L. Williams Drive. Although this street is not a major thoroughfare, the additional traffic generated by the development will certainly impact traffic patterns along the street.
- 5) **Suitability of proposed land use:** The proposed Medium Density Residential land use designation of the parcel is not suitable for this area. The predominant land use classification in the area is Single Family Residential.
- 6) **Effect on adjacent property:** The proposed development will have adverse effects on the adjacent properties. The density is not in scale with the surrounding community and could worsen traffic circulation in the area. Closing an access point to the site while adding 15 additional units could have a detrimental impact.
- 7) **Economic use of current zoning:** The current zoning condition has economic use, as it currently zoned RG-2 (Residential General Sector 2) and is an active multi-family development.
- 8) **Compatibility with policies related to tree preservation:** Development of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.
- 9) **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, **8 Clifton Street, S.E. and 16 Clifton Street, S.E.**, is located within a Conservation Area: Urban Neighborhoods. Urban Neighborhoods 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. 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 includes 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: DENIAL**



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## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-19-87 for 0 Poole Creek Road, S.E. (14 0064002012)

**DATE:** November 7, 2019

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An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to I-1 (Light Industrial) for property located at 0 Poole Creek Road, S.E. (14 0064002012).

The applicant has requested a deferral. Staff is supportive of the request.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL – DECEMBER 2019**



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## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-19-88 for 0 Poole Creek Road, S.E. (14 0064002012)

**DATE:** November 7, 2019

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An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to I-1 (Light Industrial) for property located at 0 Poole Creek Road, S.E. (14 00640002038).

The applicant has requested a deferral. Staff is supportive of the request.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL – DECEMBER 2019**



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### MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-19-94 for 1095 Vaughn Street, 1420 Vaughn Street, 1428 Vaughn Street, 1432 Vaughn Street, 1438 Vaughn Street, 1449 Vaughn Street, 1450 Vaughn Street, 1451 Vaughn Street, 1454 Vaughn Street, 2109 Vaughn Street, 1454 Memorial Drive, 1458 Memorial Drive, 1425 Woodbine Avenue, 0 Woodbine Avenue (15 208 02 134) and 0 Woodbine Avenue (15 208 02 132)

**DATE:** November 7, 2019

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An Ordinance by Zoning Committee to rezone from PD-H (Planned Development Housing) to PD-H (Planned Development Housing) for a site plan amendment for property located at **1095 Vaughn Street, 1420 Vaughn Street, 1428 Vaughn Street, 1432 Vaughn Street, 1438 Vaughn Street, 1449 Vaughn Street, 1450 Vaughn Street, 1451 Vaughn Street, 1454 Vaughn Street, 2109 Vaughn Street, 1454 Memorial Drive, 1458 Memorial Drive, 1425 Woodbine Avenue, 0 Woodbine Avenue (15 208 02 134) and 0 Woodbine Avenue (15 208 02 132)**

The applicant has requested a 30-day deferral to continue working with the Neighborhood Planning Unit. Staff is supportive of this request.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL – DECEMBER 2019**



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## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-19-96 Text Amendment to create Definition of Small Discount Variety Stores**

**DATE:** November 7, 2019

An Ordinance by Councilmember Marci Collier Overstreet to amend the 1982 Atlanta Zoning Ordinance, as amended, to add Section 16-29.001(87) to add the definition of **small discount variety** store; to amend the C-1 (Community Business), C-2 (Commercial Service), C-3 (Commercial Residential), C-4 (Central Area Commercial Residential), C-5 (Central Business Support), I-MIX (Industrial Mixed Use District), I-2 (Heavy Industrial District), SPI-1 (Downtown Special Public Interest District), SPI-2 (Fort McPherson Special Public Interest District), SPI-9 (Buckhead Village District), SPI-12 (Buckhead/Lenox Stations Special Public Interest District), SPI-15 (Lindbergh Transit Station Special Public Interest District), SPI-16 (Midtown Special Public Interest District), SPI-17 (Piedmont Avenue Special Public Interest District), SPI-18 (Mechanicsville Neighborhood Special Public Interest District), SPI-20 (Greenbriar Special Public Interest District), SPI-21 (Historic West End/Adair Park Special Public Interest District), SPI-22 (Memorial Drive/Oakland Cemetery Special Public Interest District), PD-MU (Planned Development – Mixed Use District), PD-OC (Planned Development – Office-Commercial District), Cabbagetown Landmark District, Martin Luther King Jr. Landmark District, Inman Park Historic District, Pratt-Pullman Landmark District, NC (Neighborhood Commercial), LW (Live Work District), and MRC (Mixed Residential Commercial) zoning districts so as to allow small discount variety stores as a use; **to require a 5,280 foot distance between small discount variety stores** as defined by this ordinance; and for other purposes

### FINDINGS OF FACTS:

Cities, nonprofit groups, and universities across the United States have evaluated the effects small retail stores have on economically depressed areas. There are a significant number of these small retail stores in the City of Atlanta (“City”) that conduct small retail sales of consumer

goods at a discount price but fail to offer fresh fruits and vegetables. A proliferation of these small retail stores are concentrated in economically depressed areas with scarce access to healthy and affordable food options. Communities in the City desire a greater diversity of retail shopping choices, including but not limited to conventional grocery stores.

The Atlanta City Council desires to address the concentration of small discount variety stores in the City. To promote a diversity of land uses in the City this text amendment proposes a distance requirement of 5,280 feet between small discount variety stores in the following districts: C-1 (Community Business), C-2 (Commercial Service), C-3 (Commercial Residential), C-4 (Central Area Commercial Residential), C-5 (Central Business Support), I-MIX (Industrial Mixed Use District), I-2 (Heavy Industrial District), SPI-1 (Downtown Special Public Interest District), SPI-2 (Fort McPherson Special Public Interest District), SPI-9 (Buckhead Village District), SPI-12 (Buckhead/Lenox Stations Special Public Interest District), SPI-15 (Lindbergh Transit Station Special Public Interest District), SPI-16 (Midtown Special Public Interest District), SPI-17 (Piedmont Avenue Special Public Interest District), SPI-18 (Mechanicsville Neighborhood Special Public Interest District), SPI-20 (Greenbriar Special Public Interest District), SPI-21 (Historic West End/Adair Park Special Public Interest District), SPI-22 (Memorial Drive/Oakland Cemetery Special Public Interest District), PD-MU (Planned Development – Mixed Use District), PD-OC (Planned Development – Office-Commercial District), Cabbagetown Landmark District, Martin Luther King Jr. Landmark District, Inman Park Historic District, Pratt-Pullman Landmark District, NC (Neighborhood Commercial), LW (Live Work District), and MRC (Mixed Residential Commercial). This text amendment will not negatively impact the intent of the zoning districts but will serve the public health, safety, and general welfare of the community.

#### **PROPOSAL:**

The proposal is to define the term “small discount variety store” and the manner in which the use is permitted.

*Small Discount Variety Store:* A retail establishment with a floor area less than 12,000 sq. ft. that offers a variety of consumer products including household goods, personal care products, entertainment products, electronics, and other consumer products, including food or beverages for off-premise consumption, and that sells these consumer products at a discounted rate. However, this definition of small discount variety store does not include; (1) grocery stores which offer full food choices including fresh fruit and vegetables; (2) stores which includes a pharmacy and pharmacy means any place of business of a pharmacist; (3) convenience stores which also sell gasoline as part of a service station; (4) beauty supply stores; (5) art supply stores; (6) office supply stores; (7) small retail stores typically less than 5,000 sq. ft. which are housed inside office buildings; or (8) stores permitted under Atlanta City Code Sec. 16-08.004(7)(a).

Amend zoning districts C-1, C-2, C-3, C-4, C-5, I-MIX, I-2, SPI-1, SPI-2, SPI-9, SPI-12, SPI-15, SPI-16, SPI-17, SPI-18, SPI-20, SPI-21, SPI-22, PD-MU, PD-OC, Cabbagetown Landmark

District, Martin Luther King Jr. Landmark District, Inman Park Historic District, Pratt-Pullman Landmark District, NC, LW, and MRC requiring a 5,280 foot distance requirement between small discount variety stores.

## **CONCLUSIONS:**

1. **Compatibility with Comprehensive Development Plan (CDP); timing of development:**  
Since no development project is being proposed, this consideration is not applicable.
2. **Availability of and effect of public facilities and services; referral to other agencies:**  
Since no development projects are being proposed as part of the text amendment, these considerations are not applicable.
3. **Effect on character of the neighborhood:**  
The proposed amendment should not have any negative effects on the character of neighborhoods. In fact, the proposed amendment will allow for the use in appropriate locations that are presumed to not pose a threat to health and safety of the public.
4. **Suitability of proposed land use:**  
Since no development project is being proposed, this consideration is not applicable.
5. **Effect on adjacent property:**  
Since no development projects are being proposed as part of this text amendment, these considerations are not applicable. However, any use that may cause a potential detriment to the neighborhood has been subjected to the review and approval of a Special Administrative Permit (SAP) or Special Use Permit (SUP). The SAP or SUP will ensure that any potential negative adverse effects to adjacent properties will be mitigated.
6. **Economic use of current zoning:**  
Since no development projects are being proposed as part of this text amendment, these considerations are not applicable.
7. **Compatibility with policies related to tree preservation:**  
The proposed legislation will not affect these requirements.

**STAFF RECOMMENDATION: APPROVAL**



KEISHA LANCE BOTTOMS  
MAYOR

## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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TIM KEANE  
Commissioner

KEYETTA M. HOLMES  
Interim Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-19-35 for 2161 Oakview Road, S.E.

**DATE:** November 7, 2019

The applicant seeks a rezoning of the property located at **2161 Oakview Road, S.E.** from R-4 (Single Family Residential) to PD-H (Planned Development Housing) District.

#### FINDINGS OF FACT:

- **Property location:** The subject property is located fronts 332.93 feet on the south side of Oakview Road, S.E. beginning at an iron pin on the southwesterly right-of-way of Oakview Road, S.E. 209.05 feet northeasterly from its intersection with the easterly right-of-way of Douglas Street, S.E. The property is located in Land Lot 205 of the 15<sup>th</sup> District of DeKalb County, Georgia within the Kirkwood neighborhood of NPU-O in Council District 5.
- **Property size and physical features:** The subject property is approximately 2.982 acres (129,903 square feet) in size with approximately 332.93 feet of frontage along Oakview Road, S.E. The parcel is developed with a parking lot and one-story structure used for a church. The topography is relatively flat in the front but declines significantly towards a creek running through the adjoining parcels. Large, mature trees and vegetation surround the property.
- **CDP land use map designation:** The Future Land Use designation for the property is Single Family Residential (SFR) designation within the 2016 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The property is developed with a single-story structure previously used as a place of worship. Staff is unaware of any previous uses.
- **Surrounding zoning/land use:** The surrounding properties have a variety of residential zoning classifications and land use designations. Parcels to the north are zoned R-4 (Single Family

Residential), with Single Family Residential land use designations. Parcels to the east are zoned R-4 (Single Family Residential) and PD-H (Planned Development Housing), with a Single-Family Residential land use designation. Parcels to the south are zoned R-4 (Single Family Residential), RG-3 (Residential General Sector 3), and RG-3-C (Residential General Sector 3 Conditional), with Low Density and Medium Density Residential land use designations. To the west, parcels are zoned R-4 (Single Family Residential) and RG-2-C (Residential General Sector 2 Conditional), with a Single-Family Residential land use designation.

- **Transportation system:** Oakview Drive is classified as a local street. MARTA bus stops are located along nearby Memorial Drive, 2<sup>nd</sup> Avenue, and Hosea L. Williams Drive, less than a mile from the subject property.

### **PROPOSAL:**

The applicant seeks to rezone the property to construct five (5) detached single-family homes.

#### **Project Specifications:**

Total lot area:	2.982 acres (129,903 square feet)
Lot sizes:	Varies
Lot width:	Varies
Maximum building height:	35 feet
Total number of dwellings:	5

### **CONCLUSIONS:**

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject property as Single Family Residential land use; therefore, no amendment to the land use map will be required. At the site locations, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- **Availability of and affect 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. There has been no indication from review agencies or departments that there would not be adequate public facilities and services at the subject location. At the time of permitting, the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. There is no negative impact on the balance of land uses.

- **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the character of the neighborhood. It would allow a reasonable single-family development consistent with the existing neighborhood lot pattern. The PD-H zoning district regulations enable a development configuration that is compatible with the surrounding residential uses.
- **Suitability of proposed land use:** A change in the land use designation is not required.
- **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties. The proposed PD-H would provide for the redevelopment of an underutilized parcel in the Kirkwood neighborhood.
- **Economic use of current zoning:** The subject property has some economic use under the existing conditions. The existing R-4 zoning permits the development of single-family units. However, the proposed development would permit 5 new homes, more than what could be provided under the current zoning. Thus, the proposed development would represent an economic improvement to the community.
- **Tree Preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.
- **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, **2161 Oakview Drive, S.E.**, is located within a Suburban Neighborhood. 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.”

The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:

- a. **The suitability of the tract for the general type of PD zoning proposed.** Staff is of the opinion that the land is suitable for a PD-H zoning classification, based on the location of the parcel, zoning of surrounding properties, and availability of public utilities. Additionally, Staff is of the opinion that the proposed project would be compatible with the general character of the neighborhood.
- b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.** There is public transportation available in the area via MARTA bus routes #21, #24, and #34 running along nearby Memorial Drive, 2<sup>nd</sup> Avenue, and Hosea L. Williams Drive. These transit stops are located less than a mile from the subject parcel.
- c. **The evidence of unified control.** The site plan submitted by the applicant identifies several elements of unified control in the future development. The parcel is currently 2 acres and will have to be subdivided to create the 5 lots shown on the site plan, should the rezoning be approved. As these lots will be single family residential, the future residents will be responsible for the maintenance of their property.
- d. **The suitability of proposed plans.** The proposed PD-H development appears to be suitable.
- e. **Specific modifications.** The specific modifications in regard to this project would allow the subdivision of the property into 5 single family lots.
- f. **The suitability of a maintenance program.** The applicant has provided no information related to a maintenance program. Staff finds that the site plan identifies facilities and improvements proposed for common use noting that the internal shared driveway will be privately owned and maintained. Staff will require that the development be governed by private covenants to provide for ownership/maintenance of the common areas.

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon the following:**

1. The site shall be developed in accordance with the site plan entitled "Zoning Plan For: Parkwood Development" by DeKalb Surveys, Inc., last revised October 3, 2019 and stamped received by the Office of Zoning and Development on October 19, 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. The developer shall obtain Final Plat or Final Plan approval from the Office of Zoning and Development before making application for building permit for the single-family detached housing units. As a condition of approval of the final plat/plan, the developer shall provide the Office of Zoning and Development with recorded private covenants. The document must contain details on the ownership and the maintenance program for the private street/drive and all other common areas.
3. Maximum height for each house shall adhere to the requirements of code Sec. 16-19A.006(5).

4. All work to be undertaken by the applicant within the City of Atlanta right-of-way shall be permitted by the Department of Public Works prior to construction.
5. Development of the property shall be subject to all City of Atlanta development regulations including but not limited to, Watershed Management Department, Fire Safety Engineer, Public Works Department as well as City of Atlanta Tree Ordinance.