



# 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  
Director  
Office of Zoning & Development

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-11 for 1596 Willowbrook Drive, S.W.**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to RG-1 (Residential General Sector 1) for property located at **1596 Willowbrook Drive, S.W.**

### **FINDINGS OF FACT:**

- **Property location:** The subject property fronts 134 feet on the east side of Willowbrook Drive, S.W. beginning at a point 285 feet north of the intersection of Campbellton Road and Willowbrook Drive. The parcel is located in Land Lot 153, 14<sup>th</sup> District, Fulton County, Georgia within the Venetian Hills neighborhood of NPU-S in Council District 12.
- **Property size and physical features:** The site is an irregular shaped lot with approximately 0.86 acres (37,631 square feet) in area. The subject property is currently developed with a two-story triplex with driveway access and frontage on Willowbrook Drive. The lot is vegetated with mature trees and shrubs particularly along the property lines. The topography of the site slopes approximately 15 feet in elevation from a highpoint at the north side property line to a low point at the south front corner of the lot.
- **CDP land use map designation:** The land use designation in the 2016 Comprehensive Development Plan (CDP) is Single Family Residential.
- **Current/past use of property:** The subject property is currently developed with a two story three family dwelling that is unoccupied. Staff is not aware of any previous uses of the site.

- **Surrounding zoning/land use:** The surrounding parcels are zoned R-4 (Single Family Residential) with a Single-Family Residential land use designation. The lots to the north, east and south are developed with single family residences. The lot to the west of the subject property is an undeveloped wooded lot.
- **Transportation system:** Willowbrook Drive, S.W. is classified as a local street and connects to Campbellton Road, S.W. which is classified as an arterial street. MARTA bus route #83 runs along Campbellton Road. The Oakland City Transit Station is approximately 1.4 miles from the subject property. Sidewalks are not present on Willowbrook Drive.

### **PROPOSAL:**

This applicant seeks a rezoning from R-4 (Single Family Residential) to RG-1 (Residential General Sector 1) for property located at **1596 Willowbrook Drive, S.W.** in order to renovate and reuse an existing unpermitted triplex.

### **CONCLUSIONS:**

1. **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed zoning is not consistent with the existing Single-Family Residential land use designation. Therefore, a CDP amendment to Low Density Residential would be 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. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The rezoning is requested in order to develop an existing structure that was illegally converted to a triplex within a single family neighborhood. The 2005 NPU-S 2020 Comprehensive Plan housing goals include “*Conservation of single-family residential housing is the primary goal for NPU-S.*” Staff is of the opinion that if this property is rezoned there will be a negative effect on the balance of land uses with regard to the public need.

4. **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning is not compatible with the character of the Venetian Hills single family neighborhood. The subject property and surrounding properties to the north and east are within a Traditional Neighborhood Redevelopment Character Area in the 2016 CDP. The subject property is surrounded by detached single-family homes and developable lots zoned for single family residential. The rezoning request is not supported by the 2016 CDP NPU-S policy to “*Preserve the single family and low-density residential character of the Venetian Hills and Oakland City neighborhoods.*” Therefore, staff is of the opinion the proposed rezoning may have a detrimental effect on the single-family character of the neighborhood.
5. **Suitability of proposed land use:** A change in land use to Low Density Residential would be necessary as the proposed zoning classification is not compatible with the existing Single-Family Residential land use designation. Staff is of the opinion that the proposed land use change to Low Density Residential is not suitable given the existing single-family neighborhood. The 2005 NPU-S2 020 Comprehensive Plan housing goals include “*Conservation of single-family residential housing is the primary goal for NPU-S.*” This proposal to allow a triplex that was not permitted properly and is not compatible with surrounding single-family residential dwellings conflicts with the policies of the NPU-S Comprehensive Plan goals. Therefore, Staff finds the proposed Low-Density Residential land use is not suitable for the subject property.
6. **Effect on adjacent property:** The structure was illegally divided into a triplex dwelling on a parcel that has a single-family zoning designation and land use category. All immediately adjacent parcels are zoned R-4 (Single Family Residential) and have a single-family land use designation. Staff is of the opinion that the use of an illegally divided structure into an three family dwelling surrounded by single family residential dwellings does not support the goals of the NPU and may have a detrimental effect on adjacent property.
7. **Economic use of current zoning:** The current single family zoning of the property as economic use. Staff is of the opinion that any increased economic use that may be achieved by a rezoning will have a detrimental effect on adjacent properties because the proposed district will change the character of the neighborhood.
8. **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta’s Tree Ordinance.

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. Q

According to the Atlanta City Design map, **1596 Willowbrook Drive, S.W.** is located within an Urban Neighborhood within a Conservation Area. 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 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: DENIAL**



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Office of Zoning and Development

MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-14 for 524 Marietta Street, N.W.**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from I-1 (Light Industrial) to I-MIX (Industrial Mix Use) for property located at **524 Marietta Street, N.W.**

Staff has requested a deferral.

**STAFF RECOMMENDATION: AUGUST 13, 2020**



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## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-20-17 for 1103 Custer Avenue, S.E.

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to R-4A (Single Family Residential) for property located at **1103 Custer Avenue, S.E.**

### FINDINGS OF FACT:

- **Property location.** The subject property fronts 195.01 feet on the south side of Custer Avenue, S.E. commencing at a point located at the intersection of the southerly right-of-way of Custer Avenue and the easterly right-of-way of Woodland Avenue at a point, said point being the true point of beginning. The parcel is located in Land Lot 9, 14<sup>th</sup> District, Fulton County, Georgia within the Custer/McDonough/Guice neighborhood of NPU-W in Council District 1.
- **Property size and physical features.** The site is a corner lot with a rectangular shape and 0.87 acres (37,770 square feet) in lot area. The subject property is currently vacant with frontage on Custer Avenue and Woodland Avenue. Vehicular access is provided by a curb cut on Custer Avenue. There are several mature trees on the property particularly within the stream buffer at the rear of the site. The topography slopes from a highpoint at the northwest corner of the site to a low point at the southeast corner of the site. A creek traverses the southeast corner of the lot and a significant portion of the rear of the lot is within a creek buffer.
- **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 undeveloped. Staff is not aware of any previous uses of the property.

- **Surrounding zoning/land use:** The surrounding parcels to the east, south and west are zoned R-4 (Single Family Residential) with a Single Family Residential land use designation. Surrounding parcels to the north are zoned PD-H (Planned Development Housing) with a Single Family Residential land use designation.
- **Transportation system:** Woodland Avenue is classified as a local street and connects to Custer Avenue which is classified as a collector street. MARTA provides service via bus route #832 along Woodland Avenue and bus route #9 along Custer Avenue. A MARTA bus stop is located contiguous to the site at the corner of Custer Avenue and Woodland Avenue. Sidewalks are not present on Custer Avenue or Woodland Avenue contiguous to the site but are present on the north side of Custer 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 four lots.

### **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. The Fulton County Board of Health, Environmental Health Services Division comments that *“Prior to the approval of any plat by the appropriate jurisdiction, the Environmental Health Services Division of the Fulton County Board of Health shall review and approve the plat regarding water supply and sewage disposal. No person may sell, offer for sale, lease, begin construction or otherwise begin the physical improvement of an exemption plat development, nor shall a building permit be issued in any form until all requirements set forth by the Fulton County Board of Health have been met.”* 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 the land use and the request to rezone the subject parcel from R-4 (Single Family Residential) to R-4A (Single Family Residential) zoning classification is not consistent with the existing development pattern of the area. The existing lot frontages on the block face range from 78 feet wide to 200 feet wide. The block face immediately south contains lot widths ranging from 65 feet wide to 233 feet wide with lot depths of 186 feet at the shallowest and areas of more than the 9,000 square feet required by R-4 zoning. This platting pattern is not consistent with the R-4A development requirements that allow a smaller lot size of 7,500 square feet and smaller lot width of 50 feet. Staff believes that allowing a rezoning to subdivide the subject property creating lot sizes and frontages that are inconsistent with

most lot sizes and frontages in the immediate area may have a negative impact on the balance of land uses with regard to public need. Staff also finds the smaller lot pattern proposed may not protect the stream buffer and associated mature vegetation according to City policy.

- (4) **Effect on character of the neighborhood:** Staff finds the proposed rezoning to be incompatible with the character of the surrounding neighborhood. Lots surrounding the subject property are larger than the R-4A development standard. Therefore, Staff is of the opinion that allowing the R-4A zoning district in an established neighborhood of R-4 lots is not be compatible with the existing lot subdivision pattern or character of the neighborhood. NPU-W policies outlined in the CDP include: “Preserve the single-family and low-density character of the Ormewood Park, East Atlanta, Woodland Hills, Custer Avenue, McDonough, Guice, Benteen, Boulevard Heights, and Grant Park neighborhoods.”
- (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-4A (Single Family Residential) zoning district is not suitable given the current subdivision pattern of the subject street, block face and R-4 lots in the surrounding area.
- (6) **Effect on adjacent property:** The development of R-4A (Single Family Residential) in an area platted with R-4 (Single Family Residential) development will not comply with the vision of the Comprehensive Development Plan. The CDP characterizes the subject property area as a Traditional Neighborhood Redevelopment character area. The CDP policy is to: “*Encourage new housing development that is compatible with the character of existing neighborhoods. Neighborhood character is defined by attributes of the platting pattern, including the layout of streets and blocks, street connectivity, the shapes and sizes of lots, the natural topography, the presence of mature trees, and protect and enhance natural resources.*” Staff finds that the R-4A zoning district on the subject property would be incompatible in scale and character with the existing neighborhood, the existing platting pattern of the neighborhood, subject streets, and subject block faces. Staff also finds it would increase density adjacent to a stream buffer that neighboring development has protected.
- (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 **1103 Custer Avenue, S.E.** is located within a Conservation Suburban Neighborhood. 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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Office of Zoning & Development

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-18 for 255 Love Street, S.W.**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from SPI-18 SA5 (Mechanicsville Neighborhood Special Public Interest District Subarea 5) to SPI-18 SA6 (Mechanicsville Neighborhood Special Public Interest District Subarea 6) for property located at **255 Love Street, S.W.**

### **FINDINGS OF FACT:**

- **Property location.** The subject property fronts 93.04 feet on the north side of Love Street, S.W. commencing at a ½” rebar found at the intersection of the southerly right-of-way of Bass Street, said point being 16.0 feet from the centerline of road and the easterly right-of-way of Cooper Street; thence running along the southerly right-of-way of Bass Street southeast a distance of 99.88 feet to a ½” rebar found on the westerly side of a 10 foot alley; thence southeast a distance of 10 feet to a ½” rebar found on the easterly side of a 10 foot alley; thence leaving said right-of-way and running along said alley southwest a distance of 120.01 feet to an iron pin set; thence southeast a distance of 7.03 feet to an iron pin set on the northerly side of the alley; thence crossing said alley along a tie line southeast a distance of 31.79 feet to an iron pin set on the southerly side of an alley and the true point of beginning. The parcel is located in Land Lot 75, 14<sup>th</sup> District, Fulton County, Georgia within the Mechanicsville neighborhood of NPU-V in Council District 4.
- **Property size and physical features.** The site is an irregular shaped lot and has approximately 0.495 acres (21,562 square feet) in lot area. The subject property is currently vacant. Love Street on the south side of the property is a paper street and is not developed. The topography of the site is relatively level throughout.

- **CDP land use map designation:** The parcel is currently zoned SPI-18 SA5 (Mechanicsville Neighborhood Special Public Interest District Subarea 5). 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. Staff is not aware of any previous uses of the site.
- **Surrounding zoning/land use:** Parcels surrounding the subject property are zoned SPI-18 SA5 (Mechanicsville Neighborhood Special Public Interest District Subarea 5) except on the west side where the parcels are zoned SPI-18 SA4 (Mechanicsville Neighborhood Special Public Interest District Subarea 4) with a Single-Family Residential land use designation. The parcels are mostly developed with duplex and single-family structures.
- **Transportation system:** Love Street, S.W. is classified as local street. It is connected to Pryor Street, S.W. by Formwalt Street, S.W. and Tennessee Avenue, S.W., on the east side, which are both classified as local streets. Pryor Street is classified as a major arterial street. On the west side, Love Street connects with Cooper Street, S.W. MARTA provides the nearest bus service along Cooper Street, S.W. which is less than 200 feet from the subject property. The nearest transit station is West End Transit Station which is 1.3 miles from the subject property. Sidewalks are not present on Love Street but are present on Formwalt Street, S.W., Tennessee Avenue, S.W., Cooper Street, S.W., and Pryor Street, S.W.

**PROPOSAL:** The applicant seeks to rezone from SPI-18 SA5 (Mechanicsville Neighborhood Special Public Interest District Subarea 5) to SPI-18 SA6 (Mechanicsville Neighborhood Special Public Interest District Subarea 6) in order to subdivide the lot into two lots.

**CONCLUSIONS:**

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**  
The proposed zoning is not consistent with the existing Single-Family Residential land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment is required.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:** The location of the site and 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 although, the request to rezone the subject parcel from SPI-18 SA5 to SPI-18 SA6 would introduce a new subarea in the area. After the proposed rezoning and subsequent subdivision, the new lots will be consistent with the existing lot pattern. Therefore, Staff is of the opinion that the proposal will not have a negative effect 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 a mix of residential used including two-family and single-family. The proposed rezoning will allow the applicants to develop the lot with two duplexes. Staff is of the opinion that the proposed use will allow for an increase in density that is consistent with the residential buildings in the area and will have no negative effect on the character of the neighborhood.
- (5) **Suitability of proposed land use:** A change in land use is necessary as the proposed use is not compatible with the Single-Family Residential land use designation.
- (6) **Effect on adjacent property:** The subject property is currently vacant and underutilized. The proposal to rezone the lot and create two lots to develop duplexes will provide for appropriate residential infill. Therefore, rezoning of the property to SPI-18 SA6 would have a positive effect on adjacent properties as the redevelopment will be socially and environmentally beneficial to surrounding and adjacent properties.
- (7) **Economic use of current zoning:** The current zoning condition only allows for limited economic use of the land as the maximum number of dwelling units per lot is one. The rezoning will allow subdivision of the lot into two lots allowing two duplexes. The change in zoning will allow the utilization of the same lot for denser development.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.
- (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 **255 Love Street, S.W.** is located within 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: APPROVAL**



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Office of Zoning and Development

MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-19 for 99 University Avenue, S.W.**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from I-2-C/BL (Heavy Industrial Conditional/BeltLine Overlay) to MRC-3/BL (Mixed Residential Commercial/BeltLine Overlay) for property located at **99 University Avenue, S.W.**

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

**STAFF RECOMMENDATION: 90 DAY DEFERRAL – NOVEMBER 2020**



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### MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-20 for 1565 Moreland Ave S.E. rear**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to MRC-1 (Mixed Residential Commercial) for property located at **1565 Moreland Avenue, S.E. rear**.

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

**STAFF RECOMMENDATION: FILE**



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## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-21 for 1121 Allene Avenue, S.W.**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from I-1-C/BL (Light Industrial Conditional /BeltLine Overlay) to I-MIX/BL (Industrial Mixed Use/BeltLine Overlay) for property located at **1121 Allene Avenue, S.W.**

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

**STAFF RECOMMENDATION: FILE**



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## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-22 for 1070 Bolton Road, N.W.**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from MR-3-C (Multifamily Residential Conditional) to MR-3 (Multifamily Residential) for a site plan amendment for property located at **1070 Bolton Road, N.W.**

Staff has requested that this application be filed.

**STAFF RECOMMENDATION: FILE**



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## MEMORANDUM

**TO:** Zoning Review Board  
**FROM:** Keyetta M. Holmes, AICP, Zoning Administrator *KMH*  
**SUBJECT:** U-20-04 for 567 Courtland Street, N.E.  
**DATE:** August 6, 2020

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An Ordinance by Zoning Committee pursuant to 16-18A.006(4) for a special use permit for an outdoor sales area for property located at **567 Courtland Street, N.E.**

### FINDINGS OF FACT:

- **Property location:** The subject property fronts 104.23 feet on the east side of Courtland Street beginning at a point at the intersection of the westerly right-of-way line of Willow Street and Linden Avenue in Land Lot 50, 14<sup>th</sup> District Fulton County, Georgia in the Downtown Neighborhood of NPU-M, Council District 2.
- **Property size and physical features:** The site is a rectangular shaped corner lot of approximately 0.262 (11,442 sq. ft.) acres. The entire lot is undeveloped. The subject property has fencing, and an existing curb cut is available on Courtland Street.
- **Current/past use of property:** Currently, the site is improved with a commercial building. Staff is unaware of any other past uses on the property.
- **Surrounding zoning/land uses:** The subject property is zoned SPI-1 SA3 (Downtown Special Public Interest District Subarea 3). North, south, east and west of the subject site properties are zoned SPI-1 SA3 (Downtown Special Public Interest District Subarea 3) and SPI-1 SA2 (Downtown Special Public Interest District Subarea 2) with a Mixed Use land use designation.
- **Transportation:** Courtland Street is classified as collector road and Willow Street is a local road. Sidewalks are present along both sides of Courtland Street and Willow Street. The area is serviced by the MARTA North Avenue Transit Station and bus route #899 and #40 at Peachtree and Linden Ave.

**PROPOSAL:** The applicant seeks a Special Use Permit for a mobile food unit pursuant to 16-18A.006(4).

- **Ingress and egress:** The subject property has street frontage along Courtland and Willow Streets. Vehicular access to the property is provided through one curb cut from Courtland Street providing access to a parking lot on the site. Emergency vehicles will have access to the property 24/7 using the same access point on Courtland Street. The primary pedestrian access point to the food truck will be via the Courtland and Linden Avenue sidewalks.
- **Parking and loading:** Off-street parking is available via an unpaved and non-stripped parking lot. There is one dedicated parking space for employees. Employees and clients will enter and leave the property from the existing curb cut on Courtland Street. Products and supplies will be delivered daily via a refrigerated truck. Service vehicles can park only for routine maintenance onsite.
- **Refuse and service areas:** Refuse will be disposed of in the dumpster and containers located on site. Refuse pick-up is weekly by a private waste company.
- **Buffering and screening:** The applicant proposes no buffering or screening measures.
- **Hours and manner of operation:** The proposed hours and manner of operation are Monday-Sunday, 11am-1am with 2 employees on site at all times and when applicable 1 other employee will join depending on volume of business with two shifts daily. Kitchen staff will prepare all menu items as the orders are received and once ready will be delivered to the customers via UberEats, GrubHub and DoorDash only. All items will be cooked to order and made fresh daily serving between 25-90 customers. Pedestrians are not allowed to walk up and make a purchase on site.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** The applicant proposes no site development that will impact any required yards or open space.
- **Tree Preservation and Replacement:** No trees will be impacted.

#### **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:** Primary pedestrian access is provided in front of the proposed food truck on Courtland Street. Pedestrians may also access the food unit by using the off-street parking and sidewalk access. Based on the submitted site plan there appears to be adequate vehicular access to the property by way of the curb cut. Furthermore, emergency vehicles will enter the property through said curb cut. Staff is of the opinion that the proposed ingress and egress is sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.

- b) **Off-street parking and loading:** The food truck will not generate any additional parking demand, nor will it negatively impact the operation of the parking lot. Currently, there is only one parking space on site that is used for employees only. There is no indication from the applicant of additional landscaping and striping of the parking lot. Additionally, the site does not warrant any site improvements and no parking requirements. The parking lot will not be used as traditional parking lot. The vehicles that have access to the lot will be present for a short-period for only pick-up of generated orders and on-street parking is available on Willow Street and Linden Avenue. Staff is supportive of off-street parking and loading.
- c) **Refuse and service areas:** The refuse and service area appear to be adequate for the facility.
- d) **Buffering and screening:** Based on the submitted site plan, staff is of the opinion that there are no proposed screening and buffering measures for the property. The site does have existing sidewalk and streetscaping. Additionally, the site does not warrant any site improvement to operate a mobile food unit. Staff is supportive.
- e) **Hours and manner of operation:** The applicant proposes that Reef's Kitchen will operate the mobile unit at traditional meal times; breakfast, lunch, and dinner on an intermittent basis. The proposed hours are Monday through Sunday, 11a.m.-1a.m. There will always be 2 employees on site and when applicable 1 other employee onsite depending on the volume of business. There will be two employee shifts daily. The mobile food unit will serve twenty-five (25) to ninety (90) customers per day. Kitchen staff will prepare all menu items as the orders are received and once ready will be delivered to the customers via partnered deliver services such as UberEats, Grubhub, and DoorDash. The partnered deliver services include on-the-go drivers during business hours. All drivers will get a notification from an online platform that will provide order details, pick-up location and time. During peak meal times only, there will be 3 to 5 drivers waiting onsite. No walk-up customer ordering is allowed. This food truck strictly operates with partnered deliver services only. Staff is of the opinion that the hours and manner of operation will not have a negative impact on surrounding properties.
- f) **Duration:** The applicant requests an indefinite duration. Staff is not supportive of this request.
- g) **Required yards and open space:** The proposed site plan complies with the required yards and lot coverage requirements.
- h) **Compatibility with policies related to tree preservation:** No trees will be impacted.
- i) **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 **567 Courtland Street, N.E.** is located within Growth Area: 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 conditioned upon the following:**

1. The special use permit shall be valid for a period of three (3) years from the date of City Council Adoption.
2. The special use permit shall be active as long as Reef’s Kitchen is the operator.
3. The special use permit is not transferrable.
4. No portion of the vending operation shall encroach into the sidewalk and a ten-foot horizontal clearance from the driveway curb cut shall be maintained.
5. No portion of the vending operation shall inhibit the full application of the zoning code as it relates to off-street parking requirements for the existing business on the site, specifically during business hours of 11am-1am.
6. All refuse and service areas shall be covered from the public-right-of-way.
7. The applicant shall park the food truck only in the location described in the license agreement with the property owner and as depicted on the approved site plan stamped received by the Office of Zoning and Development on September 4, 2019.
8. The mobile food service unit shall operate from its permitted base of operation and report daily to such location for supplies and cleaning and servicing operations.
9. The operator is required to remove the mobile food unit from the site every night.
10. Toilet facilities must be available for employee's use and, as applicable, consumer use along the route of food vending locations as per requirements found in DPH Rule 511-6-1-.06(2)(h). In addition, and to the satisfaction of the Fulton County Health Authority, the permit holder must maintain and provide a list of toilet facilities available in proximity to the vending location.



# CITY OF ATLANTA

KEISHA LANCE BOTTOMS  
MAYOR

DEPARTMENT OF CITY PLANNING  
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TIM KEANE  
COMMISSIONER

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

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-19-38 for 3731 Wieuca Road, N.E., 3745 Wieuca Road, N.E. and 3755 Wieuca Road, N.E.**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from R-3 (Single Family Residential) to PD-H (Planned Development Housing) for property located at **3731 Wieuca Road, N.E., 3745 Wieuca Road, N.E. and 3755 Wieuca Road, N.E.**

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

**STAFF RECOMMENDATION: FILE**



# CITY OF ATLANTA

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

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-19-76 for Text Amendment to Define “Party House”**

**DATE:** August 6, 2020

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A substitute Ordinance by Councilmember J.P. Matzigkeit to amend the 1982 Atlanta Zoning Ordinance, as amended, by amending the R-LC (Residential Limited Commercial District), 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), NC (Neighborhood Commercial), and MRC (Mixed Residential Commercial) zoning districts so as to allow a “**party house**” as a use in some commercial zoning districts and expressly prohibit a “**party house**” in R-1 (Single Family Residential), R-2 (Single Family Residential), R-2A (Single Family Residential), R-2B (Single Family Residential), R-3 (Single Family Residential), R-3A (Single Family Residential), R-4 (Single Family Residential), R-4A (Single Family Residential), R-4B (Single Family Residential), R-5 (Two Family Residential), RG (Residential General), MR (Multifamily Residential), I-1 (Light Industrial) and I-2 (Heavy Industrial)

Staff requests a deferral to continue to work with the NPU’s.

**STAFF RECOMMENDATION: 90 DAY DEFERRAL – NOVEMBER 2020**



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TIM KEANE  
COMMISSIONER

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

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-19-78 for 384 Hamilton E. Holmes Drive, N.W., 404 Hamilton E. Holmes Drive, N.W., 410 Hamilton E. Holmes Drive, N.W., 418 Hamilton E. Holmes Drive, N.W. and 428 Hamilton E. Holmes Drive, N.W. rear**

**DATE:** August 6, 2020

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An Ordinance to rezone from R-4/HD20Q (Single Family Residential/Collier Heights Historic District) to PD-H/HD20Q (Planned Development Housing/Collier Heights Historic District) for property located at **384 Hamilton E. Holmes Drive, N.W., 404 Hamilton E. Holmes Drive, N.W., 410 Hamilton E. Holmes Drive, N.W., 418 Hamilton E. Holmes Drive, N.W. and 428 Hamilton E. Holmes Drive, N.W. rear**

The applicant has requested this application be filed. Staff is supportive of the request.

**STAFF RECOMMENDATION: FILE**



CITY OF ATLANTA

KEISHA LANCE BOTTOMS  
MAYOR

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TIM KEANE  
Commissioner

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

MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-19-99 for 125 Wesley Avenue, N.E.**

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from R-5 (Two Family Residential) to MR-MU (Multifamily Multiunit) for property located at **125 Wesley Avenue, N.E.**

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

**STAFF RECOMMENDATION: FILE**



CITY OF ATLANTA

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TIM KEANE  
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Director  
Office of Zoning and Development

MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-19-109 for 639 and 643 John Wesley Dobbs Avenue, N.E.

**DATE:** August 6, 2020

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An Ordinance by Zoning Committee to rezone from R-5/BL (Two Family Residential/BeltLine Overlay) to MR-MU/BL (Multifamily Residential Multiunit/BeltLine Overlay) for property located at **639 John Wesley Dobbs Avenue, N.E. and 643 John Wesley Dobbs Avenue, N.E.**

**FINDINGS OF FACT:**

- **Property location:** The subject property fronts 73 feet on the south side of John Wesley Dobbs Avenue, N.E. beginning at an iron pin located on the southerly side of John Wesley Dobbs Avenue from its intersection with the westerly side of Samson Street. The property is located in Land Lot 19, 14<sup>th</sup> District, Fulton County, Georgia within the Old Fourth Ward neighborhood of NPU-M, Council District 2.
- **Property size and physical features:** The subject site is two rectangular lots; 639 John Wesley Dobbs is 0.13 acres (5,700 square feet) and 643 John Wesley Dobbs is 0.12 acres (5,250 square feet). The parcels are currently developed with a single-family residence on each lot. Lot topography slopes approximately 10 feet from a highpoint along the front northeast corner to a low point at the rear southwest corner of the subject site. Vehicular access to the site is currently provided in the rear of each lot from a rear alley. 643 John Wesley Dobbs has a detached garage at the rear. There are several mature hardwoods in the rear of the lots particularly along the side property lines.
- **CDP land use map designation:** The current land use designation is Low Density Residential with a density cap of 9-16 units per acre (LDR 9-16) within the 2016 Comprehensive Development Plan.

- **Current/past use of property:** Each lot is developed with a single-family residence. Staff is not aware of any prior uses on the site.
- **Surrounding zoning/land uses:** Properties adjacent to the subject site are zoned R-5/BL (Two Family Residential/ BeltLine Overlay) with an LDR 9-16 (Low Density Residential, 9-16 units/acre) land use designation. Several small nonconforming multifamily residential buildings zoned R-5 (Two Family Residential) with an LDR 9-16 (Low Density Residential, 9-16 units/acre) land use designation is found within a block of the subject parcels. A small multifamily residential building is located across the street and one lot east of the subject parcels and is zoned MRC-3-C/BL (Mixed Residential Commercial Conditional/BeltLine Overlay) with an LDR 9-16 (Low Density Residential, 9-16 units/acre) land use designation.
- **Transportation system:** The subject property is located on John Wesley Dobbs Avenue which is classified as a local street and connects to an arterial, Randolph Street one block west of the site. MARTA services the immediate area via bus route #3 along Irwin Street and bus route #809 along Boulevard. The nearest transit station is the King Memorial Transit Station which is 1.2 miles away from the subject property. Sidewalks are present on both sides of John Wesley Dobbs Avenue.

**PROPOSAL:**

The applicant requests to rezone a 0.13 acre parcel at 639 John Wesley Dobbs Avenue and 0.12 acre parcel at 643 John Wesley Dobbs Avenue from R-5/BL (Two Family Residential/BeltLine Overlay) to MR-MU/BL (Multifamily Residential Multiunit/BeltLine Overlay) for the development of two multifamily residential buildings with 4 dwelling units each for a total of 8 units.

<b>Development specifications:</b>	<b>639 John Wesley Dobbs Ave.</b>	<b>643 John Wesley Dobbs Ave.</b>
Proposed dwelling units	4	4
Lot Area	5,700 sf	5,250 sf
Proposed residential floor area	6,375 sf	6,375 sf
Proposed garage floor area	2,000 sf	2,000 sf
Proposed FAR	1.12	1.21
Proposed parking	6 PS	6 PS
Proposed building height	35 ft	35 ft
Proposed lot coverage	0.51	0.53

**CONCLUSIONS:**

1. **Compatibility with comprehensive development plan (CDP); timing of development:**  
 The proposed rezoning does not comply with the current land use designation of Low Density Residential (9-16) because the density exceeds the per acre threshold for the site. Therefore, a Comprehensive Development Plan (CDP) amendment is required.
2. **Availability of and effect of public facilities and services; referral to other agencies:**  
 The location of the site and 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. The Fulton County Department of Health and Wellness requires submittal of plans for review and approval and permits for the outside refuse containers, and the pad and approach area for the refuse containers. 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 land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulation indicates 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. Staff believes that the proposal to develop the subject property with two four-unit residential buildings would not have an adverse environmental effect on the balance of land uses as the property is located in an area currently developed with a mix of single-family homes, duplexes and multifamily buildings. The intent of the MR-MU zoning district is to increase housing options targeting “Missing Middle” housing needs within a scale that is compatible with nearby single family and other Low and Medium Density Residential development.
4. **Effect on character of the neighborhood:** The proposal to rezone to MR-MU would have a positive effect on the surrounding neighborhood by allowing the use of two residential lots with a 4 unit residential building on each lot to provide “missing middle” housing. Neighborhoods with missing middle housing allow higher densities than would be provided by a single unit on a lot. However, because the zoning district requires buildings that have the look and feel of single-family homes, it provides the density while increasing the housing supply but retaining the neighborhood character. Higher density will further support walkable neighborhoods. A community of only single-family homes will not provide enough residents to support amenities such as local-serving businesses or transit. Furthermore, the surrounding neighborhood is developed with single family dwellings, duplexes and multifamily buildings. The proposed 4-unit residential buildings will add to the diversity of housing types in the neighborhood and are consistent with the character of the existing neighborhood. The subject property and surrounding properties are within a Traditional Neighborhood Redevelopment Character Area in the 2016 Comprehensive Development Plan (CDP). CDP policies for this area include to “*Promote diversity of housing types. Promote Missing Middle housing types that are compatible in size and scale with the character of the neighborhood as transition between single family uses and more intense uses.*” and “*Maintain, rehabilitate and replace the existing housing stock where appropriate.*” This proposal meets those goals. Therefore, Staff is of the opinion that the proposal would have a positive effect on character of the neighborhood.
5. **Suitability of proposed land use:** Staff is of the opinion that the request to rezone the subject property for the purpose of constructing two multi-unit buildings with 4 residential dwellings each would be suitable. The 2016 Comprehensive Development Plan designates the area Low Density Residential 9-16 units per acre, however, the proposal exceeds 16 units per acre. The proposed use is suitable for this site since the surrounding area already contains a mix of housing types including small multifamily buildings. The subject property is located within the planning study area of the 2008 Old Fourth Ward Master Plan. The

plan states “*Land Use Recommendations will encourage higher density development to promote walking, biking, and transit use.*” The Plan also indicates that “*The Recommended Maximum Building Height map proposes height limits for all neighborhood properties. In single-family areas, character is preserved by capping buildings at 35 feet.*” The subject property is within the area designated as single family residential with a maximum height of 35 feet. The intent of the MR-MU zoning classification is to provide density that is compatible in character and scale with single family residential. Therefore, Staff believes that the proposed 35 feet high, 4-unit residential building scaled to be compatible with single family residential is suitable for the subject property.

6. **Effect on adjacent property:** Staff is of the opinion that the rezoning of the subject property to the MR-MU (Multifamily Residential Multiunit) zoning designation would not pose negative impacts to adjacent properties. The neighboring lots directly adjacent to the subject properties are single-family residences. Duplexes and small multifamily buildings are found within the subject block. Higher density multifamily and mixed-use buildings are found within one block of the subject properties adjacent to the Beltline. The subject lots are within the Beltline Overlay with the intent to “*Promote development of a wide range of housing types appropriate to meet various housing needs and income levels.*” The redevelopment of the subject parcels with four-unit residential buildings will provide another housing type that complements the adjacent properties with a similar scale and use. Therefore, Staff is of the opinion that the proposed rezoning will help add density to support a walkable and more vibrant neighborhood in a form that is compatible with adjacent properties.
7. **Economic use of current zoning:** While the current zoning conditions allow for the economic use of the land, a change to the MR-MU (Multifamily Residential Multi Unit) District would allow a more effective economic use of the subject property. The proposed development will offer a housing type at an affordable price point and will support transit in the urban core and support sustainability and equity in the neighborhood.
8. **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta’s Tree Ordinance.
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, **1639 John Wesley Dobbs Avenue, N.E. and 643 John Wesley Dobbs Avenue, N.E.** are located within an Urban Neighborhood within a Conservation Area. 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 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 development shall not exceed four dwelling units at 639 John Wesley Dobbs Avenue, N.E.
2. The development shall not exceed four dwelling units at 643 John Wesley Dobbs Avenue, N.E.