



CITY OF ATLANTA

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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-20-27 for 762 Fraser Street, S.E.**

DATE: September 3, 2020

An Ordinance by Zoning Committee to rezone from R-4B-C (Single Family Residential Conditional) to MRC-1 (Mixed Residential Commercial) for property located at **762 Fraser Street, S.E.**

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

STAFF RECOMMENDATION: FILE



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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-20-45 for 183 Moreland Avenue, S.E

DATE: September 3, 2020

An Ordinance by Zoning Committee to rezone from MRC-1-C/BL (Mixed Residential Commercial Conditional/BeltLine Overlay), to MRC-2/BL (Mixed Residential Commercial/BeltLine Overlay) for property located at **183 Moreland Avenue, S.E.**

FINDINGS OF FACT:

Property location: The subject property fronts approximately 153 feet on the west side of Moreland Avenue, S.E. beginning at an iron pin on the west side of Moreland Avenue which iron pin is 550 feet south as measured along the west side of Moreland Avenue from the intersection formed by the west side of Moreland Avenue and the south side of Kirkwood Avenue. The property is located in Land Lot 13, 14th District Fulton County, Georgia in the Reynoldstown neighborhood of NPU-N, Council District 5.

Property size and physical features: The subject property has an area of approximately 0.51 acres (22,022 square feet) with a frontage of approximately 145 feet on Moreland Avenue. The lot is currently developed with a one-story place of worship building and parking lot. Access to the site is via one curb cut on Moreland Avenue and the existing topography slightly inclines toward the southwest of the property.

CDP land use map designation: The Future Land Use designation for this property within the 2016 Comprehensive Development Plan is Mixed-Use (MU).

Current/past use of property: The lot is currently developed with a one-story place of worship building. Staff is not aware of any previous uses of the site.

Surrounding zoning/land uses: The subject property is currently zoned MRC-1-C/BL (Mixed Residential Commercial Conditional/BeltLine Overlay). Surrounding zoning includes, R-5 (Two- Family Residential) to the north and west, C-2 (Commercial Service) to the south, and C-1 (Community Business) east of the subject property. The surrounding Land-Use designation includes Low Density Residential (LDR) to the north and west, and Mixed-Use (MU) to the south and east of the property.

Transportation system: Moreland Avenue is classified as an arterial road. MARTA provides bus service along Moreland Avenue, via bus route #4 with connection to the Inman Park/Reynoldstown Transit Station. The closest bus stop is located 0.1 miles from the subject property and there are sidewalks along Moreland Avenue.

PROPOSAL: The applicant proposes to rezone the property to MRC-2/BL (Mixed Residential Commercial Conditional/BeltLine Overlay) for the development of 16 townhome units.

Project Specifications:

Dwelling Units

Net Lot Area:	22,022 (0.51 acres)
Gross land Area:	28,271 (0.65 acres)
F.A.R. (Permitted Max):	1.49 (32,813 sq. ft.)
F.A.R. (Proposed):	29,648 sq. ft. (1.34)
Usable Open Space (Proposed):	9,239 sq. ft. (0.42)
Parking (Required minimum):	0.75 spaces per dwelling unit
Parking (Proposed):	2 spaces per dwelling unit
Proposed Building Height:	39'-10'ft.

CONCLUSIONS:

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

The Future Land Use designation for this property in the 2016 Comprehensive Development Plan is Mixed-Use (MU). An amendment to the Comprehensive Development Plan will not be needed to accommodate the proposed rezoning to MRC-2.

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 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 proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses. This proposal would help activate an underdeveloped property and provide more density as encouraged in the Intown Character area of the Comprehensive Development Plan.

- 4) **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. The subject property is located in the Intown Corridor character area of the CDP which encourages multi-family residential as one of the primary land uses. The Intown Corridor Character Area “*Promotes and encourage mixed use (residential, retail and office uses) and multi-family residential development with a pedestrian oriented urban form.*” The proposed development would also improve the overall visual appearance of the area by improving pedestrian infrastructure and streetscape.
- 5) **Suitability of proposed land use:** The proposed zoning category, MRC-2 (Mixed Residential Commercial) is consistent with the Mixed Use (MU) land use designation adopted in the 2016 Comprehensive Development Plan. The mixed-use land use on the subject property compliments the existing single-family residential, and low-density residential land uses in the area.
- 6) **Effect on adjacent property:** Staff is of the opinion that the proposed request to rezone the property will have a positive effect on adjacent properties. The applicants propose to continue the proposed streetscape improvement to the property located at intersection of Arkwright Place and Moreland Avenue. Additionally, this rezoning will add an active multifamily residential use to a currently underdeveloped vacant property.
- 7) **Economic use of current zoning:** The current zoning allows for reasonable economic use of the property with a low-density redevelopment. Staff is of the opinion that a rezoning to the MRC-2 district would allow for medium density redevelopment of the subject property, thus allowing more economic use of the property.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at the 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, **183 Moreland Avenue, S.E.** is located in a Corridor Neighborhood within a Growth Area. Growth Area 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

Z-20-45 for 183 Moreland Avenue, S.E.

September 3, 2020

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main streets for every community, accommodating a reasonable amount of growth that will spur commercial vitality and vibrant public life out beyond the core of the city.

STAFF RECOMMENDATION: APPROVAL



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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-20-46 for 545 Northside Drive, N.W.**
DATE: September 3, 2020

An Ordinance by Zoning Committee to rezone from I-1 (Light Industrial) and I-2 (Heavy Industrial) to I-MIX/BL (Industrial Mixed Use/BeltLine Overlay) for property located at **380 North Avenue, N.W. (395 Northyards Boulevard), 480 North Avenue, N.W., 545 Northside Drive, N.W. and 87 Technology Circle (395 Northyards Boulevard).**

The applicant has requested a 60-day deferral for more time to work with the neighborhood and NPU. Staff is supportive of this request.

STAFF RECOMMENDATION: 60-DAY DEFERRAL NOVEMBER 2020



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MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-20-47 for 1074 Ponce de Leon Avenue, N.E.**

DATE: September 3, 2020

An Ordinance by Zoning Committee to rezone from R-LC-C (Residential Limited Commercial Conditional) to R-LC (Residential Limited Commercial) for a change of conditions for property located at **1074 Ponce de Leon Avenue, N.E.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 92.58 feet on the north side of Ponce de Leon Avenue, N.E. beginning at a one half inch rebar set at the intersection of the easterly right-of-way of North Highland Avenue and the northerly right-of-way of Ponce de Leon Avenue. The property is located within Land Lot 16, 14th District Fulton County, Georgia in the Atkins Park Neighborhood of NPU-F in Council District 6.
- **Property size and physical features:** The subject property is a regular shaped corner lot of approximately 0.1521 acres (6625 sq. ft.). The property is currently developed with a two-story building located at the corner of Ponce de Leon Avenue and North Highland Avenue. The site has approximately 92.58 feet of frontage on Ponce de Leon Avenue and a depth of 70.59 feet along North Highland Avenue. The building has a pedestrian oriented design with pedestrian access from both Ponce de Leon Avenue and North Highland Avenue. The site has topography that inclines toward the northwest of the site. The subject site is landscaped with hedges and shrubs along both Ponce de Leon Avenue and North Highland Avenue. Access to the site is via one curb cut on Ponce de Leon Avenue with access to garage and surface parking in the side yard.
- **CDP land use map designation:** The Future Land Use designation for this property in the 2016 Comprehensive Development Plan is Low Density Residential (LDR).
- **Current/past use of property:** The subject property is currently developed with a two-story vacant building, that has had a mix of residential and commercial uses. Staff is unaware of any other previous uses.

- **Surrounding zoning/land uses:** The subject property is currently zoned R-LC-C (Residential Limited Commercial Conditional). Surrounding zoning includes R-4 (Single Family Residential) to the north, MRC-2-C (Mixed Residential Commercial Conditional) to the south, RG-5 (Residential General Sector 5) to the west, and RG-3 (Residential General Sector 3) to the east. The surrounding land use designations include Single Family Residential (SFR) to the north, Mixed-Use (MU) to the south, Very High Density Residential (VHDR) to the west, and Low Density Residential (LDR) to the east.
- **Transportation:** Ponce de Leon Avenue is classified as an arterial and North Highland Avenue is classified as a collector. MARTA provides bus service along both Ponce de Leon and North Highland Avenues, via bus routes #816 and #2 with connection to North Avenue Transit Station. The closest bus stop is located in front of the subject property on Ponce de Leon Avenue. There are existing sidewalks along both Ponce de Leon and North Highland Avenues.

PROPOSAL:

The applicant requests a rezoning from R-LC-C (Residential Limited Commercial Conditional) to R-LC (Residential Limited Commercial) for a change in conditions to eliminate all the conditions imposed by Z-89-51. The applicant proposes a reuse of the existing building for an office/studio/clinic Mixed-Use Development.

CONCLUSIONS:

1. **Compatibility with comprehensive development plan (CDP); timing of development:**
The Future Land Use designation for this property in the 2016 Comprehensive Development Plan is Low Density Residential (LDR). The current land use category is not compatible with the existing and proposed R-LC zoning which allows a mix of residential and commercial uses. The applicant has submitted a Comprehensive Development Plan amendment to change from the existing Low-Density Residential land use to the Mixed-Use Low-Density land use category.
2. **Availability of and effect on public facilities and services; referrals to other agencies:** The request for a change in conditions should have no effect on public facilities and services. The proposed change in conditions pertain to uses permitted within the existing structure on the subject property. When the proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
3. **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The proposed Comprehensive Development Plan land use amendment from Low Density Residential (LDR) to Mixed-Use Low-Density will have a positive effect on the balance of land uses. The subject property currently exists with a land use that is incompatible with the existing and proposed R-LC zoning district. The intent of the R-LC zoning district is *“To provide for the transition of areas from residential to office and limited commercial retail services which do not generate large volumes of traffic, noise, or other harmful effects, and which are compatible with residential uses.”* A Mixed-Use Low-Density land use would be more compatible with the intent of the R-LC District

4. **Effect on character of the neighborhood:** The subject property currently contributes to the exiting character of the neighborhood. The 2016 CDP places the site within the Intown Corridor Character Area which encourages preservation and renovation of historic structures along corridors. *“Existing historic and potentially historic structures; including homes, apartments, and institutional, commercial and religious buildings should be preserved and renovated.”* Staff believes that a change in zoning conditions will allow the reuse and preservation of this existing historic property which will add to the positive effect that the property has on the character of the neighborhood.
5. **Suitability of proposed land use:** The intent of the R-LC zoning district is *“To provide for the transition of areas from residential to office and limited commercial retail services which do not generate large volumes of traffic, noise, or other harmful effects, and which are compatible with residential uses.”* The proposed Mixed Use Low Density land use would be more compatible and suitable to the R-LC zoning district than the existing Low-Density Residential land use.
6. **Effect on adjacent property:** Staff is of the opinion the proposed should have a positive effect on adjacent property by allowing uses that will activate this currently vacant property.
7. **Economic use of current zoning:** Staff finds that the current zoning conditions, specifically condition #3, are restrictive to the reasonable economic use the property. Zoning Condition #3 states: *“Development shall be limited to two 1,344 square-foot floors of residential use to be located on the basement and second floor levels and 1,344 square feet of business use to be located on the ground floor.”* Staff believes eliminating current zoning conditions and amending the existing land use will have a positive effect on the economic use of this R-LC zoned property.
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, **1074 Ponce de Leon Avenue** is located in a Corridor Neighborhood within a Growth Area. Growth Area 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 vibrant public life out beyond the core of the city.”

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The Director of the Urban Design Commission shall review and comment to the Director of the Office of Zoning and Development on exterior building alterations to ensure architectural compatibility with the Atkins Park Historic District. The architectural standards for such review and comment shall be those found in the Atkins Park Historic District.



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Office of Zoning & Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: Z-19-98 for 637 Willoughby Way, N.E.

DATE: September 3, 2020

A Substitute Ordinance by Zoning Committee to rezone from R-4/BL (Single Family Residential/BeltLine Overlay) to R-4B/BL (Single Family Residential/BeltLine Overlay) for property located at **637 Willoughby Way, N.E.**

FINDINGS OF FACT:

- **Property location.** The subject property fronts approximately 75 feet on the south side of Willoughby Way, N.E. beginning at the southeast corner of Willoughby Way and Fortune Street. The parcel is located in Land Lot 18, 14th District, Fulton County, Georgia within the Old Fourth Ward neighborhood of NPU-M in Council District 2.
- **Property size and physical features.** The site is a regular rectangular shaped lot located at the corner of Fortune Street and Willoughby Way. The subject property is approximately 0.205 acres (8,940 square feet) in lot area. The site is currently vacant and undeveloped with driveway access on Fortune Street. There are several trees on the property along the rear property line and the topography of the site is fairly level.
- **CDP land use map designation:** The Future Land Use designation for this property in the 2016 Comprehensive Development Plan is Low Density Residential (LDR).
- **Current/past use of property:** The property is currently vacant and undeveloped and was previously developed with one single family residential home. Staff is unaware of any other previous use at the property.

- **Surrounding zoning/land use:** The surrounding parcels to the south and east of the subject property are zoned R-4/BL (Single Family Residential/BeltLine Overlay) and R-5/BL (Two Family Residential/BeltLine Overlay). Parcels to the west are zoned MR-4/BL (Multifamily Residential/BeltLine Overlay), and parcels to the north are zoned MRC-3-C (Mixed Residential Commercial Conditional/BeltLine Overlay) and R-4 (Single Family Residential/ BeltLine Overlay). The parcels located to the north and west of the subject property have a Mixed Use land use designation and parcels to the east and south have a Low-Density Residential land use designation. There is a townhome development zoned MR-4A/BL (Multifamily Residential/BeltLine Overlay) located across the street from the subject property on Fortune Street.
- **Transportation system:** Willoughby Way, N.E. and Fortune Street, N.E. are classified as local streets and connect to Ralph McGill Boulevard which is classified as an arterial. MARTA provides bus service along Ralph McGill Boulevard, N.E., with connections to the Civic Center Transit Station. The closest bus stop to the subject property is located across the street on Willoughby Way, N.E./Ralph McGill Boulevard. There are existing sidewalks along both Willoughby Way and Fortune Street.

PROPOSAL:

The applicant seeks a rezoning from R-4/BL (Single Family Residential/BeltLine Overlay) to R-4B/BL (Single Family Residential/BeltLine Overlay) in order to subdivide the subject property into three single family lots.

	R-4 District Requirements	R-4B District Requirements
Net Lot Area:	9,000 sq. Ft. (minimum)	2,800 sq. Ft. (minimum)
Lot Frontage:	70 ft. (minimum)	40 ft. (minimum)
Front Setback:	35 ft. (minimum)	20 ft. (minimum)
Side Setback:	7 ft. (minimum)	5 ft. (minimum)
Half-Depth Setback:	17.5 ft (minimum)	10 ft (minimum)
Rear Setback:	15 ft. (minimum)	5 ft. (minimum)
Lot Coverage:	50% (maximum)	85% (maximum)
Floor Area Ratio:	.50 (maximum)	.75 (maximum)

- **Proposed Net Lot Area:** 2,980 Sq. Ft.

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed zoning is consistent with the existing Low Density Residential (LDR) land use designation. Therefore, a Comprehensive Development Plan (CDP) amendment is not required. However, the proposed development is not compatible with the existing development pattern on the block.

- (2) **Availability of and effect of public facilities and services; referral to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. When the proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
- (3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Staff is of the opinion that the request to rezone the subject property from R-4 (Single Family Residential) to R-4B (Single Family Residential) is not consistent with the existing development pattern of the surrounding lots. The existing lot frontages on the block face of the subject property range from 50 to 75 feet wide lots with a lot depth ranging from 118 to 130 feet. The block face immediately south contains lots frontages ranging from 50 to 60 feet of width and lot depths of approximately 110 feet. This pattern is not consistent with the R-4B development requirements that allow a smaller lot size of 2,800 square feet and smaller lot width of 40 feet. Additionally, the property is proposed to be subdivided into three lots fronting on Fortune Street which is inconsistent with the existing frontage along Willoughby Way. With a lot depth of 118 feet along Fortune Street, the subject property cannot produce three lots, each with the required 40 feet of frontage. Staff believes that allowing a rezoning that subsequently subdivides the subject property to create lot frontages that are not consistent with the majority of lot frontages in the immediate area may have a negative impact on the balance of land uses with regard to public need.
- (4) **Effect on character of the neighborhood:** Staff finds that the proposed rezoning would be incompatible with the character of the surrounding neighborhood. Lots surrounding the subject property are larger than the 40-foot-wide and 2,800 square feet. Therefore, Staff is of the opinion that allowing R-4B zoning in an established neighborhood of R-4 lots would not be compatible with the existing lot subdivision pattern or character of the neighborhood.
- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed use is compatible with the Low-Density Residential land use designation. However, Staff is of the opinion that the proposed request to rezone the property to the R-4B (Single Family Residential) zoning district is not suitable given the current subdivision pattern of the subject block face and R-4 lots in the surrounding area.
- (6) **Effect on adjacent property:** An R-4B (Single Family Residential) development in an area 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 Existing character area. The CDP policy emphasizes: *“Preserving the residential character of Traditional Neighborhoods; Protecting single-family detached residential neighborhoods from encroachment by non-residential uses, incompatibly scaled residential development; and Encouraging new housing development that is compatible with the character of existing neighborhoods.”* Staff finds that allowing R-4B zoning on the subject property would be incompatible in scale and character with the existing neighborhood, the existing platting pattern of the neighborhood, and subject block face.

- (7) **Economic use of current zoning:** The current zoning of the subject property has reasonable economic use. The economic opportunity of the subject property may be increased by the proposed rezoning. However, the proposed inconsistent development pattern may have a negative impact on adjacent properties.
- (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, **637 Willoughby Way, N.E.** is located in an Urban Neighborhood within a Conservation Area. 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. 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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KEYETTA M. HOLMES, AICP
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MEMORANDUM

amended

TO: Zoning Review Board

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

SUBJECT: U-20-08 for 530 Flat Shoals Avenue, S.E.

DATE: September 3, 2020

The applicant seeks a special use permit pursuant to 16-32B.002(4) for a microbrewery for property located at **530 Flat Shoals Avenue, S.E.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 77.6 feet on the southeast side of Flat Shoals Avenue beginning on the south side of Glenwood Avenue and Flat Shoals Avenue, said beginning point being at the northeast corner of the property belonging to East Atlanta Bank in Land Lot 176 of the 15th District, DeKalb County, Georgia in the East Atlanta neighborhood of NPU W, Council District 5.
- **Property size and physical features:** The property consists of approximately 0.142 acres (6,369 square feet) of lot area. The site is currently developed with a row of commercial buildings. There are sidewalks Flat Shoals with adjacent on street parking. There are a few street trees along Flat Shoals Avenue.
- **CDP land use map designation:** The land use designation for this property is Low Density Commercial withing the 2016 Comprehensive Development Plan.
- **Current/past use of property:** The current and past use of the building is commercial. Staff is not aware of any other prior uses of the site.

- **Surrounding zoning/land uses:** The subject property and adjacent properties are located in the NC-2 (East Atlanta Village Neighborhood Commercial District) and have a Low-Density Commercial land use designation.
- **Transportation system:** Flat Shoals Avenue is classified as an arterial and Glenwood Avenue is classified as collector. Currently, MARTA serves the area via bus routes #107, #21, and #4. Sidewalks are located on both sides of Flat Shoals Avenue and Glenwood Avenue.

PROPOSAL: The applicant proposes to operate a microbrewery known as the Sabbath Brewing, LLC.

- **Ingress and egress:** Patrons, visitors, employees, service personnel and emergency personnel may enter the property via a paved, public sidewalk along Flat Shoals Avenue which leads to the front door of the microbrewery. Vehicles may not enter or exit the property.
- **Parking and loading:** There are no off-street parking spaces. The applicant will apply for a special exception to reduce the off-street parking requirement via a shared parking arrangement with a lot located at 1342 Glenwood Avenue, S.E. Small delivery trucks will park on street and make deliveries either via the Flat Shoals Avenue or Glenwood Avenue entrances.
- **Refuse and service areas:** Onsite trash receptacles will be used to dispose of refuse. Additionally, the applicant will utilize a private commercial service to pick up refuse on a bi-weekly basis and a local farmer will pick up spent grains.
- **Buffering and screening:** The property is located in a row of commercially used buildings. All doors will remain closed except when being used for ingress and egress. Sound will be buffered by the walls of the building.
- **Hours and manner of operation:** The microbrewery will operate Tuesday through Friday 5:00 p.m. to 12:00 a.m. and Saturday noon to 12:00 a.m. The establishment will employ 10 employees with 7 onsite during peak hours. The microbrewery has a 70-person capacity but anticipates serving a maximum of 30 patrons per day on weekdays. All patrons must be 21 years of age or older.
- **Duration:** The applicant requests a permanent duration.
- **Required yards and open space:** No additions to the existing facility structure are planned.
- **Tree Preservation and Replacement:** No trees will be damaged or cut down for this use.

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:** Pedestrians will access the site via the sidewalk on Flat Shoals Avenue or enter the site from the parking lot on Glenwood Avenue. The site is located in a row of commercial buildings with no off-street parking and the site cannot be accessed with vehicles, therefore there are no negative impacts on traffic flow and control anticipated. Emergency vehicles and personnel as well as service vehicles and personnel can access the site using on-street parking on Flat Shoals Avenue or enter the site via Glenwood Avenue. Staff is of the opinion that the ingress and egress for the proposed use is sufficient.
- b) **Off-street parking and loading:** The off-street parking requirement for the proposed use is 15 spaces. However, due to the nature of the use and the location the applicant will submit an application for a special exception to enter into a shared parking agreement with a lot on Glenwood Avenue. At peak times it is anticipated that 15 vehicles will utilize the lot on Glenwood. Additionally, on-street parking spaces are located on Flat Shoals Avenue. All deliveries will be made by small delivery trucks utilizing either Flat Shoals Avenue or Glenwood Avenue entrances in a similar manner as other businesses along Flat Shoals Avenue. All service personnel will park vehicles and gain access the property to via Flat Shoals on-street parking or the Glenwood lot. Staff is of the opinion that the proposed off-street parking and loading are sufficient to support the proposed use.
- c) **Refuse and service areas:** Trash receptacles and bins to dispose of garbage and spent grains. A private commercial waste hauler will pick up garbage biweekly in addition to a local farmer who will pick up spent grain Monday-Friday. Staff finds the proposed refuse and service areas to be sufficient for the use.
- d) **Buffering and screening:** Sound buffers are in place on site and doors will remain closed to the establishment expect when patrons exit/enter the microbrewery. Additionally, No sound. amplified or otherwise, shall be audible outside of the "premises," in accordance with the Alcohol Code, Section 10-1. Therefore, Staff is of the opinion that required buffering and screening measures have been met are suitable for the proposed use.
- e) **Hours and manner of operation:** The applicant proposes to operate a microbrewery, Sabbath Brewing. The brewery will specialize in lower alcohol by volume (ABV) beers fermented in oak barrels. The beer will be brewed in a 3.5-barrel system with an anticipated production of 500 barrels per year. The beer will be bottled for off-site consumption sales and there will be 6 taps onsite for consumption on premises. Sabbath Brewery will operate Tuesday through Friday 5:00 p.m. to 12:00 a.m. and on Saturday from 12:00 p.m. to 12:00 a.m. The brewery will employ 10 employees with 7 onsite during peak business hours. The business will serve patrons 21 years or older and anticipates a 70-person capacity with a maximum of 30 patrons on weekday nights. No meals will be offered to patrons. Staff find the hours and manner of operation suitable for the proposed use.

- f) **Duration:** The applicant has requested an indefinite duration. Staff is supportive of a 2-year duration.

- g) **Required yards and open space:** The applicant's proposal does not encroach into any required yards or open space. Staff finds the required yard and open space sufficient.

- h) **Compatibility with policies related to tree preservation:** There is no tree removal anticipated. Should tree removal be contemplated it shall be in accordance with the City of Atlanta Tree Preservation Ordinance.

STAFF RECOMMENDATION: APPROVAL, conditioned upon the following:

1. The special use permit shall be valid for two years from the date of City Council adoption.