



# CITY OF ATLANTA

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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-20-10 for Marietta Street Artery Overlay

**DATE:** September 10, 2020

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An Ordinance by Councilmember Antonio Brown to amend the 1982 Atlanta Zoning Ordinance, as amended, (Part 16 of the Land Development Code), so as to create **Chapter 40 Marietta Street Artery Overlay**; and for other purposes

### FINDINGS OF FACT:

The City of Atlanta 2016 Comprehensive Development Plan (CDP) NPU M policies encourage infill development that is compatible with surrounding areas. The Marietta Street Artery neighborhood is a part of Subarea 4 of the D3 Westside Revive Plan and residents recognize that new development is proposed or under construction and the desire is to preserve the character of the neighborhood. Marietta Street Artery neighborhood's rapid evolution from an industrial transportation artery to a diverse mixture of residential, retail, commercial, industrial, and recreational uses requires special consideration. The purpose and intent of the overlay intends to anticipate, and restrict or encourage as may be appropriate, certain uses as well as the size and scale of those uses.

- **Property location:** The area includes land bounded by Howell Mill Road to the north, Northside Drive to the east, Marietta Street on the west and Mills Street is the southern border. The area is located in Land Lots 79, 80, 81, 82 and 112 of the 14<sup>th</sup> District and 150 of the 17<sup>th</sup> District within NPU M, Council Districts 3.
- **Property size and physical features:** The properties within the subject area varies in size, shape, and typography.
- **CDP land use map designation:** The existing land uses of the subject properties has land use designations including Mixed Use (MU) and O-I (Office Institutional) with in the 2016 Comprehensive Development Plan.

- **Current/past use of property:** The current land uses are widely varied; but primarily includes office, residential, institutional, retail, restaurants, and personal services; among others.
- **Surrounding zoning/land uses:** The subject site is surrounded by a variety of zoning classifications and land uses. The current land use designations in the Marietta Street Artery area vary. The 2016 Comprehensive Development Plan promotes compatible zoning and land uses adjacent to existing neighborhoods.
- **Transportation:** The Marietta Street Artery area has several major streets including Howell Mill Road, Northside Drive and Marietta and West Marietta Street. The district is served by public transit including numerous local bus routes.

**PROPOSAL:** This text amendment creates Chapter 40 entitled “Marietta Street Artery Overlay” with a map attachment of said district.

#### **CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** Currently, the text amendment is compatible with the existing land use designations. Therefore, a Comprehensive Development Plan (CDP) amendment is not required.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** The location of the site and current use of surrounding properties indicate 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 in the area. 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:** Since no development project is being proposed, these considerations are not applicable. The proposed text amendment would not change zoning, allowed density or balance of uses of the district. In fact, the zoning text is part of an effort in the area to refine zoning allowances in a well-designed, hospitable, and aesthetically pleasing manner. Therefore, Staff is of the opinion that this amendment could only improve the balance of land uses in the area.
- 4) **Effect on character of the neighborhood:** Since no development project is being proposed, these considerations are not applicable. However, the zoning overlay is expected to improve the character of the neighborhood consistent with the goals of the D3 Westside Revive Plan. The reasons for this include limiting uses, limitations on uses over 7500 sq. ft., requiring developments to implement a transportation management plan and public safety management plan, and requiring developments to design with quality of life standards including sidewalks.
- 5) **Suitability of proposed land use:** Since no development project is being proposed, this consideration is not applicable. The proposed text amendment would not change land uses either existing or proposed in the district.

- 6) **Effect on adjacent property:** Since no development project is being proposed, this consideration is not applicable. Staff does not anticipate any negative effects on adjacent properties from the proposed text amendment. The boundaries of the district would not change nor would the protection afforded to immediately adjacent neighborhoods of Marietta Street Artery be affected. In fact, the expected improved balance of uses with higher urban design standards should enhance and protect the character of the surrounding community.
  
- 7) **Economic use of current zoning:** Since no development project is being proposed, this consideration is not applicable. Although Staff is aware the current zoning has substantial economic uses, this ordinance allows for a more unified pedestrian-oriented built environment. Therefore, it is expected that the market value of properties in the district would only increase because of the additional requirements and the opportunity for convenient and accessible goods and services.
  
- 8) **Compatibility with policies related to tree preservation:** Since no development project is being proposed, this consideration is not applicable. Upon application of a building permit, the applicant will have to comply with the City of Atlanta Tree Ordinance.

**STAFF RECOMMENDATION: APPROVAL**



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MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-32 for 1750 Chattahoochee Avenue, N.W.**

**DATE:** September 10, 2020

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An Ordinance by Zoning Committee to rezone from I-1 (Light Industrial) to MR-4A (Multifamily Residential) for property located at **1750 Chattahoochee Avenue, N.W.**

**FINDINGS OF FACT:**

- **Property location:** The subject property fronts 242 feet on the southwest side of Chattahoochee Avenue and begins at a 5/8" rebar set at the intersection of the easterly right-of-way line of Maid Lane and the southerly right-of-way line of La Dawn Lane said point being the true point of beginning. The property is located within Land Lot 221 of the 17<sup>th</sup> District, Fulton County, Georgia in the Bolton Neighborhood of NPU-D in Council District 9.
- **Property size and physical features:** The subject property is approximately 1.90 acres (82,785 square feet) and is an irregular shaped quadrangle. The property is bounded by roads on three sides with frontage on the west side of Chattahoochee Avenue, the south side of La Dawn Lane and the east side of Maid Lane. The parcel is developed with a one-story 38,963 square foot warehouse with loading and two surface parking lots. The topography slopes approximately 25 feet from a highpoint near the southeast corner of the site to a low point at the northwest corner of the site. The subject site is vegetated with mature trees and shrubs around the perimeter of the property. Access to the site is provided by curb cuts on Chattahoochee Avenue and Maid Lane that do not connect within the site. Both curb cuts are used for parking and service access.
- **CDP land use map designation:** The subject property has a future land use designation of Industrial (I) within the 2016 Comprehensive Development Plan (CDP).

- **Current/past use of property:** The subject property is currently occupied by Mikart Pharmaceuticals and is developed with a one-story warehouse with light industrial pharmaceutical uses. Staff is unaware of any other previous uses on the site.
- **Surrounding zoning/land uses:** The subject property is currently zoned I-1 (Light Industrial). The subject property has a future land use designation of Industrial within the 2016 Comprehensive Development Plan (CDP). Adjacent parcels to the north are zoned C-1-C (Community Business Conditional) with a future land use designation of Low Density Commercial and are in the process of being developed into low density commercial components of the Westside Village mixed use project. Parcels to the west are zoned R-4 (Single Family Residential) with a future land use designation of Low Density Residential and are developed with single family residences. The abutting parcel to the south is zoned I-1 (Light Industrial) with a future land use designation of Industrial and a current use of industrial. The adjacent parcel to the east is zoned O-I-C (Office-Institutional-Conditional) with a future land use designation of Business Park and is currently used as a community center.
- **Transportation:** Chattahoochee Avenue, La Dawn Lane and Maid Lane are classified as local roads. Nearby Marietta Boulevard, N.W is classified as an arterial and is designated as a truck route. MARTA serves the area via bus routes #1, #14, #37 and #60 on Bolton Road. MARTA bus stops are located on Marietta Boulevard within a few blocks of the subject site.

## **PROPOSAL:**

The applicant proposes to rezone 1750 Chattahoochee Avenue, N.W. from I-1 (Light Industrial) to MR-4A (Multifamily Residential) for the purpose of developing a residential project with 3-story townhomes on the Maid Lane frontage and 5-story multifamily residential on the Chattahoochee Avenue frontage. The applicant proposes approximately 131 stacked flat multifamily residential units with a parking garage and approximately 16 townhouses with parking in individual unit garages. The subject property is a portion of the existing Mikart Pharmaceuticals campus which consists of three total properties that are companion parcels for proposed rezoning. Companion rezoning proposals include: Z-20-34 rezone 1661 Chattahoochee Avenue (1.4 acres) from I-1 to MR-5A for a multifamily residential building with 214 units; and Z-20-33 rezone 1593/1595 Chattahoochee Avenue (7.9 acres) from I-1 to MRC-2 for approximately 660 multifamily units and 432,972 square feet of office, retail, hotel and restaurant space.

### **Project Specifications:**

Max. Building Height Permitted: 80 feet (transitional height plane will apply)  
Proposed Building Height Max.: 80 feet  
Net Lot Area: 82,785 sq. ft. (1.90 acres)  
Gross Lot Area: 105,274 sq. ft. (2.42 acres)  
Maximum F.A.R. Permitted (total): 1.49  
Proposed F.A.R. (total): 1.49  
Proposed Dwelling Units: 147  
Parking Required: 108 spaces (0.73/Dwelling Unit)  
Parking Proposed: 108 spaces  
Usable Open Space Required: 0.43 (46,267 sq. Ft.)

Usable Open Space Proposed: 0.47 (49,577 sq. Ft.)

## CONCLUSIONS:

1. **Compatibility with comprehensive development plan (CDP):** The subject property is designated Industrial in the 2016 Comprehensive Development Plan (CDP). The proposed rezoning to MR-4A (Multifamily Residential) is not compatible with the CDP designation of Industrial. Therefore, a land use amendment to amend the CDP from Industrial to HDR (High Density Residential) was submitted with the application for the proposed development.
2. **Availability of and effect on public facilities and services; referrals to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. However, this application proposes 147 residential units along with companion rezoning requests of 660 residential units and 432,972 sf of non-residential development proposed at 1593 and 1595 Chattahoochee Avenue and 214 residential units proposed at 1661 Chattahoochee Avenue. These developments combined with recently approved 350 residential units and 299,292 sf of non-residential development at nearby 2184 and 2194 Marietta Boulevard and 1703 Chattahoochee Avenue totals approximately 1371 residential units and 732,264 sf of non-residential development. Together, this scale of development will have a significant impact on public facilities particularly in an area with a lack of street connectivity, overburdened thoroughfares, and limited transit access. When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
3. **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The proposed rezoning will create an imbalance of land uses in the area. The proposed development would effectively replace 1.9 acres of industrially zoned land with non-industrial uses. The land uses immediately south of the subject property and within the entire block have industrial uses, a change to any land use other than industrial limits the future consolidation or expansion possibilities for neighboring industrial properties within the same block. Rezoning to MR-4A disrupts and fragments the pattern of industrial uses and introduces an incompatible land use in the area, further depleting the area and the City of Atlanta of industrially zoned property. It is important to maintain a cohesive area of industrially zoned property to allow for changes in the nature of industrial structures and adequate service to an industrial district. A more suitable zoning district and land use would be I-MIX, which was specifically created for areas where non-industrial land uses have begun to permeate the landscape. It functions to preserve the remaining industrial spaces in Atlanta that provide jobs and services locally and can be available for future generations. I-MIX could preserve critical industrial uses in the area, while allowing the applicant to develop the property in a manner consistent with mixed use quality of zoning districts. The more appropriate I-MIX zoning designation could offset the adverse impacts created by an imbalance of land uses.
4. **Effect on character of the neighborhood:** The 2016 Comprehensive Development plan places the subject site within the Industrial Character Area. The CDP states “*The need to preserve and protect industrial land uses is important in order to retain industrial based jobs.*”

it also acknowledges *“The pressure to convert industrial acreage has come from a variety of sources led mostly by increased demand for residential housing, multifamily and single family.”* The subject property abuts the Traditional Neighborhood Existing Character Area to the west, the Redevelopment Corridor Character Area to the north and the Industrial Character area to the south and east. Rezoning the subject property to MR-4A would further erode the industrial character of the area and would put the industrial character and use of the entire block at risk. Staff is of the opinion that the proposed rezoning would have a negative impact on the character of the neighborhood as it perpetuates a pattern of destabilization of established industrial land uses.

5. **Suitability of proposed land use:** Staff finds that the proposed multifamily and single-family residential land use is in conflict with the policies and needs of the City of Atlanta to maintain industrial use and middle-income wage jobs within the City limits. The CDP states *“The City of Atlanta has many important industrial areas that should be protected from incompatible land uses, particularly residential uses, in order to be able to continue operations and have the ability to expand. These policies are intended to retain and promote industrial land uses and industrial businesses.”* Maintaining industrial use on the subject site is critical to hold the line of encroachment of residential and commercial uses into the industrial area delineated by the CDP and currently used as industrial. The use and scale of the proposed development is incompatible with the surrounding industrial uses and the long-term vitality of the industrial district. The proposed High-Density Residential land use is not suitable as it will lead to instability of the surrounding industrial uses and will fragment and further isolate the industrial park centered on MacArthur Boulevard and Chattahoochee Avenue. High Density Residential land use would be more suitable near MARTA transit stations, along corridors such as Donald Lee Hollowell Parkway, and in employment centers such as Downtown. The Atlanta Regional Commission's comments in the Development of Regional Impact (DRI) report for companion development proposed at 1593 and 1595 Chattahoochee Avenue include *“This is a larger issue for the City to consider as increased development pressure erodes the amount of industrial land available for job creation and retention.”*
6. **Effect on adjacent property:** Staff finds that the proposed rezoning to MR-4A (Multifamily Residential) and the proposed development would adversely impact the adjacent industrial properties. The stability and viability of surrounding industrial uses is dependent on the ability to expand, continue operations and provide access within the industrial area. Rezoning of the subject property to Multifamily Residential may limit expansions or deter other industrial uses or reuse of adjacent properties. The negative impact on commercial properties to the north or residential properties to the west is undetermined, however, it is critical that the subject parcel remain industrial to transition land uses and to prevent fragmentation of industrial uses within the block and the larger industrial district.
7. **Economic use of current zoning:** Staff finds that the current I-1 (Light Industrial) zoning has a reasonable economic use. Maintaining industrially zoned property within the City limits is vital to the healthy economy, employment mix and tax base for the City of Atlanta. Maintaining industrial zoning on the subject property is critical to the stable industrial use of the entire block, and therefore, the greater industrial area. As demand for larger industrial

properties increases, it is critical to maintain contiguous areas of industrial zoning that are large enough to meet potential future needs and are not fragmented by other uses.

8. **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.
9. **Other Considerations:** The Atlanta City Design articulates Atlanta’s vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to Atlanta City Design **1750 Chattahoochee Avenue, N.W.** is located within a Production Area. Production Areas are described as follows:

“Beyond neighborhoods, these are other areas that the City has an interest in protecting from change. Primarily, they consist of strategic industrial land and railyards where intermodal transfer facilities, warehousing and key production facilities are needed close to the city center. They also include sites like the federal penitentiary and the large film studios at Fort McPherson and Lakewood Fairgrounds, which are simply unlikely to change and should not be included in the growth area.”

**STAFF RECOMMENDATION: DENIAL**



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### MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-20-33 for 1593 and 1595 Chattahoochee Avenue, N.W.

**DATE:** September 10, 2020

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The applicant seeks a rezoning of the properties located at **1593 and 1595 Chattahoochee Avenue, N.W** from I-1 (Light Industrial) to MRC-2 (Mixed Residential Commercial) District.

#### **FINDINGS OF FACT:**

- **Property location:** The subject properties are located at 1593 and 1595 Chattahoochee Avenue, N.W. fronting 892 feet on the west side of Marietta Boulevard beginning at a nail found located at the intersection of the westerly right-of-way of Marietta Boulevard with the easterly right-of-way of Chattahoochee Avenue said point being the true point of beginning. The properties are located in Land Lots 221 and 222 of the 17<sup>th</sup> District of Fulton County, Georgia within the Bolton neighborhood of NPU-D in Council District 9.
- **Property size and physical features:** The subject properties are approximately 7.903 acres (344,254.68 square feet) in size with approximately 892 feet of frontage along Chattahoochee Avenue, N.W. The parcels are developed with several one-story warehouse buildings. The topography declines southeasterly towards the frontage along Marietta Boulevard. There are very few trees on the subject parcels.
- **CDP land use map designation:** The Future Land Use designation for the properties is Industrial (I) within the 2016 Comprehensive Development Plan (CDP).
- **Current/past use of property:** The properties are developed with several one-story warehouse buildings with parking previously used for light industrial and warehousing for a pharmaceutical company. Staff is unaware of any other previous uses.

- **Surrounding zoning/land use:** To the west and south, the parcels have Open Space (OS) land uses with R-5 (Two-Family Dwelling) zoning. To the east, the parcels have an Industrial land use and I-1 (Light Industrial) zoning. To the north and east, the parcels have Industrial (I) land use with I-1 (Light Industrial) zoning.
- **Transportation system:** Marietta Boulevard, N.W. is a four-lane, arterial street and truck route and Chattahoochee Avenue, N.W. is a collector street. The site is served by MARTA bus routes #1 and #14 along Marietta Boulevard.

## **PROPOSAL:**

The applicant seeks to rezone the properties for a mixed-use development which includes 384,236 square feet of office, restaurant, retail, and potential hotel uses, and 660 multifamily units. The hotel use will require a special use permit.

### **Project Specifications:**

Total lot area:	7.903 acres (344,254 square feet)
Residential:	630,052 sf (660 units)
Residential FAR:	1.49
Non-Residential:	432,972 sf
Non-Residential FAR:	1.26
Proposed Parking:	2,293 spaces

## **CONCLUSIONS:**

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject properties with an Industrial land use; therefore, the proposed MRC (Mixed Residential Commercial) zoning is not compatible. A land use amendment to amend the comprehensive plan from Industrial to MDMU (Medium Density Mixed Use) was submitted with the application.
- **Availability of and affect of public facilities and services; referral to other agencies:** The location of the site and surrounding uses indicate there are public facilities and services available to the subject properties. However, the addition of 660 residential units and 439,972 square feet of non-residential uses will have a significant impact on public facilities. The combined total of both uses is 1,070,024 square feet. Additionally, parcels on the opposite end of these properties at 2184 and 2194 Marietta Boulevard and 1703 Chattahoochee Avenue were previously rezoned to MRC-2 via ordinance 19-O-1267. These properties are less than ½ mile from the subject sites. This development includes 350 residential units (350,546 square feet) and 299,292 square feet of non-residential uses. The combined total of both uses is 649,838 square feet. Thus, the impact of both developments will add 1,010 residential units and 739,264 square feet of non-residential uses. While some transit does serve this area, it is very limited. Thus, the addition of the previously approved development and the addition of this project will exacerbate traffic along Chattahoochee Avenue and Marietta Boulevard.

- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The proposed rezoning will create an imbalance of land uses in the area. The proposed development would replace 7.9 acres of industrially zoned land with non-industrial uses. As noted previously, land uses immediately west and south of the subject property have industrial uses. Rezoning to MRC disrupts the pattern of industrial uses and introduces an incompatible land use in the area. Additionally, via ordinance 19-O-1267, 4.5 acres of industrial property less than ½ mile from these properties were also rezoned to MRC-2. Thus, further depleting the area and the City of Atlanta of industrially zoned property by removing a total of 12.4 acres. The proposed rezoning also underwent review from the Atlanta Regional Commission (ARC) as a Development of Regional Impact (DRI). ARC indicated in their preliminary report the following: *“It is not compatible with the City’s Future Land Use for this location, which remains industrial. This is a larger issue for the City to consider as increased development pressure erodes the amount of industrial land available for job creation and retention.”* A more suitable zoning district and land use would be I-MIX, which was specifically created for areas where non-industrial land uses have begun to permeate the landscape. It functions to preserve the remaining industrial spaces in Atlanta that provide jobs and services locally and can be available for future generations. I-MIX could preserve critical industrial uses in the area, while allowing the applicant to develop the property in a manner consistent with mixed use quality of zoning districts. The more appropriate I-MIX zoning designation could offset the adverse impacts of rezoning approximately 8 acres of land to MRC-2 (Mixed Residential Commercial).
- **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a negative impact on the character of the neighborhood as it perpetuates a pattern of destabilization of established industrial land uses. The 2016 Comprehensive Development Plan identifies this parcel and the adjacent properties as an Industrial Character Area. This Industrial Character Area has faced increasing pressure to convert to multifamily and other non-industrial uses. These conversions places incompatible land uses of very different intensities next to one another without suitable transitions. This further diminishes the City’s ability to support future industrial uses which provide jobs and services to the region. The addition of 660 residential units and 432,972 square feet of non-residential will increase vehicular traffic in the area. Additionally, the project proposes 2,293 parking spaces for the development. This is quite a significant number of spaces to accommodate vehicular traffic to the site. The site plan submitted anticipates only 607 spaces are required but the applicant is proposing almost 4 times that amount. According to ARC’s Transportation Improvement Program, the Regional Transportation Plan (Atlanta Region’s Plan), GDOT’s construction work programs, and the GA STIP, no projects are programmed or planned to be completed within the study area. Thus, this project may not have the proper roadway and connectivity improvements in order to accommodate more than 1,000,000 square feet of new residential and non-residential uses.
- **Suitability of proposed land use:** A change in the land use map is required, thus the proposed land use is not suitable.
- **Effect on adjacent property:** Staff finds that the proposed development would adversely affect the adjacent properties. There are several other industrially zoned properties and uses along Chattahoochee Avenue. Rezoning the property to Mixed Residential Commercial may limit expansions or deter other industrial uses in the future or the reuse of the industrial buildings. The

vehicular traffic that can be generated by this proposed development may negatively impact how the established industrial uses are able to deliver goods and services to their customers, or the manner in which they may operate.

- **Economic use of current zoning:** The subject property has some economic use under the existing conditions. The existing I-1 zoning allows some of the same uses proposed in the application, including offices, and conversion of buildings 50 years or older to uses such as eating and drinking establishments, and single- and multi-family dwellings. Records from the Fulton County Tax Assessor suggests that the several buildings on the properties along Chattahoochee Avenue were built prior to 1970 and thus the current zoning will allow conversion of the existing buildings to residential and some commercial uses by right.
- **Tree Preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.
- **Other Considerations:** Consistency with Atlanta City Design: The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **1593 and 1595 Chattahoochee Avenue, N.W.**, are located within a Production Area. Production Areas are described as follows:

“Beyond neighborhoods, these are other areas that the city has an interest in protecting from change. Primarily, they consist of strategic industrial land and railyards where intermodal transfer facilities, warehousing and key production facilities are needed close to the city center. They also include sites like the federal penitentiary and the large film studios at Fort McPherson and Lakewood Fairgrounds, which are simply unlikely to change and should not be included in the growth area.

**STAFF RECOMMENDATION: DENIAL**



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## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** Z-30-34 for 1661 Chattahoochee Ave N.W.

**DATE:** September 10, 2020

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An Ordinance by Zoning Committee to rezone from I-1 (Light Industrial) to MR-5A (Multifamily Residential) for property located at **1661 Chattahoochee Ave N.W.**

### FINDINGS OF FACT:

- **Property location:** The subject property fronts 234 feet on the east side of Chattahoochee Avenue beginning at a point at the intersection of the easterly right-of-way line of Chattahoochee Avenue and the land lot lines common to Land Lots 221 and 222, said point being the true point of beginning. The site is located in land lot 221 and 222, 17<sup>th</sup> District Fulton County, Georgia and within the Bolton neighborhood of NPU-D, Council District 9.
- **Property size and physical features:** The subject property is an irregular shaped lot with approximately 1.41 acres (61,262 square feet) in lot area. The property is currently developed with a one-story brick warehouse building. There are a variety of trees located in the side yards of the property. The topography is relatively level. Vehicular access to the property is provided via two curb cuts along Chattahoochee Avenue and leads to a parking lot in the front yard of the property.
- **CDP land use map designation:** The subject property has a current land use designation of Industrial within the 2016 Comprehensive Development Plan. The current land use category is not compatible with the proposed multifamily residential development.
- **Current/past use of property:** The property is currently developed with a one-story brick warehouse building that is proposed to be demolished for redevelopment. Staff is unaware of any other previous uses.

- **Surrounding zoning/land uses:** Parcels north of the subject property are zoned I-1 (Light Industrial) along with RG-3 (Residential General Sector 3) farther north. Parcels west of the subject property are zoned I-1 (Light Industrial) and R-5 (Two-family Residential). The property southwest of the subject property, across the street on Chattahoochee Ave, is zoned R-5 (Two-Family Residential) with an open space land use designation and is the location of Crestlawn Memorial Park. Parcels southeast of the subject property are zoned I-1 (Light Industrial). The future land use map shows that the subject property is surrounded by properties with land use designations including Medium density mixed-use and Industrial to the north and east, and Open space and Industrial to the south and west of the property
- **Transportation system:** Chattahoochee Avenue is a local road that leads into Marietta Boulevard, N.W. which is an arterial. MARTA services the area via Bus route #14 along Marietta Boulevard with 2 bus stops 0.6 miles from the subject property. The nearest transit station is the Arts Center Transit Station which is 4.6 miles from the subject property. There are currently no sidewalks along Chattahoochee Avenue.

## PROPOSAL

The applicant has proposed to rezone from I-1 (Light Industrial) to MR-5A (Multifamily Residential) to allow for the development of a 214-unit multifamily residential building.

### Development Specifications:

Total residential units:	214 units
Net Lot Area:	61,262 sq. ft. (1.41 acres)
Gross Lot Area:	68,347 sq. ft. (1.57 acres)
Total F.A.R. (Permitted):	3.20 (MR-5A)
Residential F.A.R. (Proposed):	2.57 (MR-5A)
Building Height Max (Permitted):	150 feet
Building Height (Proposed):	80 feet
Useable Open Space (Required):	0.46 (LUI Table)
Setbacks (Required):	Side Yard: 20 ft. Rear Yard: 20 ft
Min. Parking (Required):	125 spaces (0.53/unit)
Parking (Proposed):	300 spaces

## CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan (CDP) designates the property as industrial. The proposed rezoning to MR-5A (Multifamily Residential) District is not consistent with the existing land use; therefore, a land use amendment is required. A land use amendment to the Comprehensive Development Plan from Industrial to Very High-density Residential was submitted along with this rezoning application.

- 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. However, staff is of the opinion that this rezoning along with others proposed in the vicinity will have significant impact on public facilities particularly in an area with a lack of street connectivity, overburdened thoroughfares, and limited transit access. Including the 214 residential units proposed on the subject property, a total of approximately 1,371 residential units and 732,264 sq. ft. of non-residential development have been proposed along and around the Chattahoochee Avenue industrial corridor vicinity. This includes:

- A companion rezoning request for 147 residential units at 1750 Chattahoochee Avenue;
- Another companion rezoning request for 660 residential units and 432,972 sq. ft. of non-residential development at 1593 and 1595 Chattahoochee Avenue; and
- A recently approved rezoning for 350 residential units and 299,292 square feet of non-residential development at nearby 2184 and 2194 Marietta Boulevard.

When proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required. Staff is of the opinion that all these proposed developments, at their proposed scale will have a

- 3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The proposed rezoning would have an adverse environmental effect on the balance of land uses. The proposed rezoning to MR-5A with a very high-density residential land use would not be suitable in this existing established industrial area. A rezoning to MR-5A will result in instability of the surrounding industrial uses and will fragment the industrial park centered on Chattahoochee Avenue. A rezoning to a compatible district like I-MIX would allow a higher density mixed use development within the exiting industrial land use without causing an imbalance of land uses.
- 4) **Effect on character of the neighborhood:** The 2016 Comprehensive Development plan places the subject site within the Industrial Character Area. The CDP states “*The need to preserve and protect industrial land uses is important in order to retain industrial based jobs.*” Staff is of the opinion that the proposed rezoning to MR-5A does not fit the existing industrial character of area and would have a negative and disruptive effect on the character of the existing established industrial area along Chattahoochee Avenue. To retain an industrial character and have a compatible higher density development, rezoning to I-MIX (Industrial Mixed-Use) is recommended. The Industrial sector is an important part of Atlanta’s economy and needs to be maintained and encouraged to continue.
- 5) **Suitability of proposed land use:** The 2016 Comprehensive Development Plan future land use designation for this area is Industrial. The applicant proposes to change the land use to very high density residential which is not a suitable land use for the surrounding area. The density of the proposed land use is too intense for the existing low-density industrial and open space land uses of the surrounding area. Therefore, staff is of the opinion that the request to rezone the property

for the purpose of constructing a very high-density multi-family residential development would not be suitable.

- 6) **Effect on adjacent property:** There are several other industrially zoned properties and uses along Chattahoochee Avenue. The proposed rezoning would excessively increase residential density and negatively affect adjacent industrially zoned properties with existing industrial land uses. Rezoning the property to Mixed Residential Commercial will further disrupt this established industrial area by limiting expansions, or by deterring other industrial uses in the future or the reuse of industrial buildings
- 7) **Economic use of current zoning:** The subject property has reasonable economic use under the current I-1 (Light Industrial) zoning. Maintaining industrially zoned property within the City limits is vital to the healthy economy, employment mix and tax base for the City of Atlanta. Maintaining the subject property's industrial zoning is critical to the stability of industrial use of the entire block, and therefore, the greater industrial area.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.
- 9) **Other Considerations:** Consistency with Atlanta City Design: The Atlanta City Design articulates Atlanta's vision organized according to its five core values of Equity, Progress, Ambition, Access, and Nature. It focuses future growth into already-developed areas called Growth Areas, which are further categorized as Core, Corridors, and Clusters. Outside the Growth Areas are the Conservation Areas, which include Urban Neighborhoods, Suburban Neighborhoods, Rural Neighborhoods, and Production Areas. Conservation Areas are the natural parts of the city that are less suited for growth and that should be protected from radical change.

According to the Atlanta City Design map, **1661 Chattahoochee Avenue, N.W.**, is located within a Production Area. Production Areas are described as follows:

“Beyond neighborhoods, these are other areas that the city has an interest in protecting from change. Primarily, they consist of strategic industrial land and railyards where intermodal transfer facilities, warehousing and key production facilities are needed close to the city center. They also include sites like the federal penitentiary and the large film studios at Fort McPherson and Lakewood Fairgrounds, which are simply unlikely to change and should not be included in the growth area.

**STAFF RECOMMENDATION: DENIAL**



# CITY OF ATLANTA

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

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-37 for SPI 12 SA4 (Buckhead/Lenox Stations Special Public Interest District Subarea 4)**

**DATE:** September 10, 2020

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An Ordinance by Councilmember Howard Shook to amend SPI-12 (Buckhead/Lenox Stations Special Public Interest District) to create a new Subarea 4 entitled Piedmont Center; to rezone certain properties listed herein and commonly known as Piedmont Center from the PD-OC (Planned Development Office Commercial) zoning classification to the **SPI-12 SA4 (Buckhead Lenox Stations Special Public Interest District Subarea 4)** zoning classification and to the Buckhead Parking Overlay District; and for other purposes

### **FINDINGS OF FACT:**

Currently properties on the east side of Piedmont Road and immediately north of the SPI-12 (Buckhead/Lenox Stations Special Public Interest) District boundaries are zoned PD-OC (Planned Development Office Commercial) pursuant to a series of zoning approvals dating back to 1984 and is commonly known as Piedmont Center. The development accommodated by the existing PD-OC (Planned Development Office Commercial) zoning district is inconsistent with the emerging pedestrian oriented mixed-use development in the area. Recent improvements in the immediate area such as PATH 400, the opening of the Buckhead MARTA Transit Station access into Tower Place and other new development along the Piedmont Road corridor, an extension of the SPI-12 (Buckhead/Lenox Stations Special Public Interest) District boundaries north of the Buckhead Loop on Piedmont Road is appropriate and is consistent with the intent of SPI-12 to ensure the overall aesthetic of the built environment is urban in nature and extremely high in quality.

### **PROPOSAL:**

The purpose and intent of this ordinance is to amend the zoning regulations for the SPI-12 (Buckhead/Lenox Stations Special Public Interest District) zoning classification, including the creation of a new Subarea 4, and to rezone the Piedmont Center development from its current PD-OC (Planned

Development Office Commercial) zoning district to the new Subarea 4 of the SPI-12 (Buckhead/Lenox Stations Special Public Interest) District zoning classification and include the properties in the Buckhead Parking Overlay District.

### **CONCLUSIONS:**

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed zoning is consistent with the existing Office Institutional land use designation; therefore, a Comprehensive Development Plan (CDP) amendment is not required.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:** The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. When the proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.
- (3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The zoning regulations indicate that this consideration is optimal. This proposal is to create Subarea 4 of SPI-12 (Buckhead/Lenox Stations Special Public Interest District) consistent with the land uses currently existing in Subarea 1-3. Further, the uses proposed will further the intent of SPI-12 by providing housing opportunities that reflect a rich diversity of incomes and ages; continue to promote the district as a lifelong living community providing residential opportunities for all stages of life and will preserve and continue to facilitate the mixture and connectivity of commercial uses and residential uses via a dense street network throughout the district.
- (4) **Effect on character of the neighborhood:** Staff believes the proposed rezoning has the potential to add value to the character of the neighborhood as the new subarea is substantially similar to Subarea 1 provided however that the following uses are prohibited: (a) fueling stations; (b) plumbing, heating, ventilation, air conditioning service/repair; and (c) automobile repair garages, service stations and paint and body shops, provided that no service station may be located within 1,500 feet of another service station. Veterinary clinics, provided animals are kept in soundproof buildings, shall be permitted to have overnight boarding of animals in Subarea 4. The character of the neighborhood is further maintained by the height of future commercial development being limited to 100 feet (height of current buildings), establishing a multi-purpose walking path along Piedmont Road, creating permanent buffers to the rear (50ft) and southern side (20ft), providing height plane transitions between the rear and side setbacks, providing stricter controls to prevent right turns out of the drive on Old Ivy Road and left into the drive on Old Ivy Road (to aid in limiting cut through traffic on a residential street). Inclusion of the area in the Buckhead Parking Overlay District is consistent with the SPI-12 and SPI-9 parking regulations to set a maximum parking requirement.
- (5) **Suitability of proposed land use:** A change in land use is not necessary as the proposed uses are consistent with the Office Institutional land use designation. Staff is of the opinion that the proposed request to rezone the property to the SPI-12 SA 4 (Buckhead/Lenox Stations Special

Public Interest District Subarea 4) zoning district is suitable given the current nature of the surrounding area.

- (6) **Effect on adjacent property:** Staff believes the proposed rezoning has the potential to add value to the character of the neighborhood. Furthermore, the development will provide an appropriately scaled commercial development and improve the aesthetics of the built environment.
- (7) **Economic use of current zoning:** The economic opportunity of the subject property is limited under the existing PD-OC (Planned Development Office Commercial) zoning designation. The requirements of the existing zoning district limit the usability of the properties. The proposed zoning district provides an opportunity to increase the economic value of a site.
- (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, **the proposed SPI-12 SA 4** is located within a Growth Area within 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**



KEISHA LANCE BOTTOMS  
MAYOR

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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-20-41 for 689 Boulevard, N.E.**

**DATE:** September 10, 2020

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An Ordinance by Zoning Committee to rezone from MRC-2-C/BL (Mixed Residential Commercial Conditional/BeltLine Overlay), to MRC-2-C/BL (Mixed Residential Commercial Conditional/BeltLine Overlay) for a change of conditions for property located at **689 Boulevard, N.E. and 513 Ponce de Leon Avenue, N.E.**

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

**STAFF RECOMMENDATION: 30-DAY DEFERRAL**



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TIM KEANE  
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KEYETTA M. HOLMES, AICP  
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Office of Zoning and Development

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** **Z-20-42 for Candler Park Rezoning**

**DATE:** September 10, 2020

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An Ordinance by Councilmember Amir Farokhi to rezone certain properties in the **Candler Park Neighborhood** from R-5 (Two Family Residential) to R-5-C (Two Family Residential Conditional) to encourage compatibility of new construction with existing residential properties and reduce onsite parking for new two-family and duplex structures; and for other purposes.

### FINDINGS OF FACT:

Candler Park is a neighborhood located two miles east of Downtown Atlanta and directly east of the Little Five Points neighborhood commercial district. The neighborhood is bounded by arterial streets DeKalb Avenue on the south and Moreland Avenue on the west. Collector streets McClendon Avenue, Oakdale Road, Clifton Road, Euclid Avenue and North Avenue serve as the primary transportation corridors through the neighborhood. MARTA serves the neighborhood via the Edgewood-Candler Park Transit Station and bus routes #6 and #102. Candler Park is primarily a residential neighborhood interspersed with commercial nodes and large and small parks. Much of the Candler Park housing stock consists of historic single-family bungalows which contribute to the Traditional Neighborhood Character of the area. Candler Park has been included in several plans including the Candler Park Master Plan adopted by the City of Atlanta in 2013, and the Edgewood-Candler Park MARTA Area Plan adopted by the City of Atlanta in 2011. The plans provide various strategies and recommendations including incorporating additional controls into the residential zoning of the neighborhood.

## PROPOSAL:

The proposal is to rezone certain properties in the Candler Park Neighborhood from R-5 (Two Family Residential) to R-5-C (Two Family Residential Conditional) to encourage compatibility of new construction with existing residential properties and reduce onsite parking for new two-family and duplex structures. The zoning conditions proposed for single family, two-family and duplex structures require a front yard depth of not less than 30 feet or the average front yard depth of adjacent residential properties, whichever is greater, front walks, and side walls with building length off-sets and a minimum window fenestration of 10% of the side façade. Zoning conditions proposed for two-family and duplex structures include a lower maximum FAR of 0.55 and lot coverage of 50%, a lower minimum parking requirement of one parking space per dwelling, and minimum lot size requirements for zero-lot line development of 4,500 square feet in net lot area.

## CONCLUSIONS:

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The proposed zoning of R-5-C (Two Family Residential Conditional) is compatible with the current land use designation of LDR (Low Density Residential). Therefore, a land use amendment will not be required.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** Since no development projects are being proposed as part of the rezoning, these considerations are not applicable, however, public facilities and services appear to exist to support development according to the proposed conditions of zoning.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The proposed rezoning is specifically targeted to encourage compatibility of new construction with existing residential properties. The zoning conditions proposed are intended to reduce the bulk and scale of new construction and reduce the impact of parking but will not change the land uses of the subject properties. Therefore, Staff is of the opinion that the effect on the balance of land uses with regard to the public need will not have a negative impact.
- 4) **Effect on character of the neighborhood:** The proposed zoning conditions were developed to protect the existing character of the neighborhood in response to the Candler Park neighborhood's desire to have infill development that is compatible and complementary with existing structures, and a preference for the renovation of existing structures over demolition and new construction. The Candler Park Master Plan articulates a vision for the future of the neighborhood and creates an inventory of community desires and recommendations including: *“Create a Candler Park Neighborhood Organization (CPNO) committee to study the merits of incorporating a limited number of additional controls into the zoning of the single family residential neighborhood.”* The City of Atlanta Comprehensive Development Plan (CDP) identifies the Character Area of subject properties as Traditional Neighborhood Existing. The CDP notes that in these areas *“numerous homes have been torn down and replaced with homes that are incompatible with the character of the neighborhood in terms of scale, height and design and subdivision layout.”* CDP policies that support the proposed zoning conditions include: *“Ensure that the size and scale of new homes are commensurate with lot sizes in order to provide adequate open space, permeable surfaces and tree*

*cover on each lot.” and “Promote the maintenance and rehabilitation of existing housing stock to maintain neighborhood character and diversity.”* The proposed zoning conditions have the potential to protect and enhance the character of the Candler Park neighborhood as recommended in the CDP and 2013 Candler Park Master Plan.

- 5) **Suitability of proposed land use:** The allowable and permitted land uses for proposed R-5-C zoning within the Candler Park neighborhood will not change from LDR (Low Density Residential). The proposal introduces zoning conditions that incrementally reduce the scale of new development while permitting the existing densities. Zero lot line subdivision would be limited to larger lots to prevent the overdevelopment of small lots and to discourage the demolition of small cottage bungalows. Densities permitted in R-5 districts will still be allowed but the ownership arrangements allowed in zero lot line subdivision will be limited to a minimum lot size of 4,500 square feet after subdivision. The zoning conditions also introduce design controls that were recommended by the community to support the vision and goals of the neighborhood but do not impact the land use. The 2011 Edgewood-Candler Park MARTA Area Plan proposes increased densities on the south side of the rail line and supports maintaining the existing land uses north of the rail line. Therefore, Staff believes that the proposed rezoning conditions which allow the current land uses would be suitable for the community.
- 6) **Effect on adjacent property:** The intent of the proposed zoning conditions is to protect the existing neighborhood from building forms that are incompatible with the scale and character of adjacent properties. Front yard setbacks are proposed to be compatible with neighboring setbacks and side wall building length off-sets and window fenestration requirements are proposed to break up the mass of a long side wall and to be more compatible with adjacent properties. For duplex and two-family structures FAR is reduced from 0.60 to 0.55 and lot coverage is reduced from 55% to 50% for the purpose of making the scale more compatible to existing single family structures in the neighborhood. Parking requirements are reduced to be more compatible with existing parking provided in the neighborhood and to support a more pedestrian and transit oriented urban design. Therefore, Staff believes that the rezoning will have a positive effect on adjacent property.
- 7) **Economic use of current zoning:** Since no rezoning or development projects are being proposed as part of these zoning conditions, these considerations are not applicable.
- 8) **Compatibility with policies related to tree preservation:** Since no development projects are being proposed as part of the zoning conditions, these considerations are not applicable, however, any tree loss that occurs because of any proposed development 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, properties proposed for **Candler Park R-5-C Rezoning** 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**



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Office of Zoning & Development

## MEMORANDUM

**TO:** Zoning Review Board

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

**SUBJECT:** U-20-07 for 1800 Piedmont Road, N.E.

**DATE:** September 10, 2020

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An Ordinance by Zoning Committee for a special use permit for a private school pursuant to 16-06.005(1)(l) for property located at **1800 Piedmont Road, N.E.**

### FINDINGS OF FACT:

- **Property location:** The subject property fronts 193.96 feet on the west side of Piedmont Avenue beginning at a point located on the western right-of-way of Piedmont Avenue southwest from the intersection of the southern right-of-way of Rock Springs Road and the western right-of-way of Piedmont Avenue. The property is located within Land Lot 56 of the 17<sup>th</sup> District of Fulton County, Georgia in the Piedmont Heights neighborhood of NPU-F in Council District 6.
- **Property size and physical features:** The site is approximately 1.61 acres (70,236 square feet) in lot area. The property has one 2-story building that includes a lower level basement. Vehicular access to the property is provided by an existing curb cut on Piedmont Avenue with a driveway connected to an existing parking lot. There are large, mature trees located throughout the property. The rear of lot includes a recreational area with fencing. The topography varies throughout the property.
- **CDP Land Use and designation:** The land use designation is Single Family Residential in the 2016 Comprehensive Development Plan.
- **Current/past use of property:** The past and current use of the property is a place of worship. Staff is not aware of any other previous uses of the site.

- **Surrounding zoning/land uses:** The parcels to the north, south and west are zoned R-4/BL (Single Family Residential/Beltline Overlay) with a Single-Family Residential land use designation. Property east of the subject site is zoned C-2/BL (Commercial Service District/BeltLine Overlay) with a Low-Density Commercial land use designation.
- **Transportation Systems:** Piedmont Road is classified as an arterial street and Rock Springs Road is classified as a local road. MARTA bus route #6 services the area with the closest bus stop located approximately 500 feet from the subject site with connection to the Lindbergh Transit Station. Sidewalks are present on Piedmont Road and Rock Springs Road.

**PROPOSAL:** The applicant seeks a special use permit for a private school. Heritage Preparatory School will serve students in grades 9 through 12 with a maximum enrollment of 150 students.

- **Ingress and egress:** Ingress and egress to the site is provided by the existing curb cut on Piedmont Road for vehicular traffic and sidewalks for pedestrian traffic.
- **Off-Street parking and loading:** There are no modifications to the existing off-street parking and loading area proposed. The site has an existing parking lot with 47 spaces available on site.
- **Refuse and services areas:** The applicant states that disposal services will be provided to the property once a week by a private refuse and garbage service.
- **Buffering and screening:** Existing landscaping of trees and shrubbery provide buffering and screening from surrounding residential dwellings.
- **Hours and manner of operation:** The school will operate Monday through Friday from 7:00 a.m. to 4:00 p.m., and some evenings and weekends for extracurricular activities. The school employs approximately 10 people with a maximum enrollment of 150 students.
- **Duration:** The applicant requests a permanent duration.

**Required yards and open space:** Based on the site plan submitted by the applicant, the site has proposed no additional open space. The existing play area will be utilized for recreational purposes only.

- **Tree Preservation and Replacement:** The applicant has indicated they will contact the City of Atlanta Arborist office for matters related to tree protection and tree removal.

## **CONCLUSIONS:**

- **Ingress and egress:** Ingress and egress for all vehicles will continue to be provided by the existing curb cut on Piedmont Road. No additional curb cuts are proposed or needed. Internal vehicle flow will remain the same. The applicant has proposed 75-100 vehicles will utilize the facility on a daily basis once fully operational with 150 students enrolled. For the first 5-7 years the school expects approximately 25-40 vehicles. There are no plans for road improvements

and Piedmont Road can accommodate this minimal increase. Staff finds the ingress and egress sufficient.

- **Off-Street parking and loading:** There are 47 off-street parking spaces provided including 2 handicap parking spaces. The parking requirement for a school requires the proposed use to have 76 parking spaces. A special exception will be applied for and considered by the Board of Zoning Adjustment. The proposed private school will not increase the number of staff or students beyond the proposed, therefore, an increase in parking is not necessary. Employees and students will park in the designated parking lot and through the designate entry point daily. Loading will remain as it exists at the loading dock in the rear. Therefore, Staff is of the opinion that the off-street parking and loading may be sufficient to support the proposed use.
- **Refuse and services areas:** Refuse will be picked up by a commercial hauler one day per week. Delivery vehicles and service personnel will utilize the existing surface lot on site. All deliveries and service access will be made through the front of the building.
- **Buffering and screening:** A recently approved residential development has created a buffer between the development and existing place of worship. The new development also creates a buffer between the place of worship and development on Rock Springs Road. Therefore, Staff is of the opinion that required buffering and screening measures have been met.
- **Hours and manner of operation:** The Heritage Preparatory School (HPS) will operate Monday thru Friday, with occasional activities on Saturday, during the regular school year, August through May. The school will operate between the hours of 7:00 a.m. and 4:00 p.m. The initial enrollment is 65 students. The school's maximum enrollment will not exceed 150 students with the enrollment cap not being met until 2030. There will be 10 employees at this location. There will be no meal plan offered on site. After school activities will occasionally occur but will not be out of character from the normal operations of a school and parking will be accommodated onsite and at the nearby Morningside Baptist Church where the Pre-K through 8<sup>th</sup> grades are housed. Staff finds the hours and manner of operation to be adequate.
- **Duration:** The applicant requests an indefinite duration request. Staff is supportive of the request.
- **Compatibility with policies related to Tree Preservation and Replacement:** The applicant indicates that they will coordinate with the City of Atlanta Arborist Division for the removal of any trees.
- **Required yards and open space:** No requires yards and open space. Staff is supportive.

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

1. The special use permit for a private school shall be valid only as long as, Heritage Preparatory School of Georgia is the owner and operator.
2. The special use permit is not transferable.

U-20-07 for 1800 Piedmont Road, N.E.

September 10, 2020

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3. The maximum number of 150 children shall be the enrolled. Evidence of the enrollment shall be demonstrated at the beginning of the school year by delivery from Heritage Preparatory School of Georgia to the City's Office of Zoning and Development.