CITY OF ATLANTA

ANDRE DICKENS
MAYOR

DEPARTMENT OF CITY PLANNING
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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-23 for 1944 St. Johns Circle SW**

DATE: July 10, 2025

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to MR-3 (Multifamily Residential) for property located at **1944 St. Johns Circle SW.**

The applicant has requested a deferral to obtain a recommendation from NPU Y. Staff is supportive of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL – AUGUST 2025

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-33 for 355 St. Johns Avenue and 365 St. Johns Avenue SW**

DATE: July 10, 2025

An Ordinance by Zoning Committee to rezone from MR-3-C (Multifamily Residential Conditional) to MR-3 (Multifamily Residential) for a change in conditions for property located at **355 St. Johns Avenue and 365 St. Johns Avenue SW.**

The applicant has requested a deferral to obtain a recommendation from NPU Y. Staff is supportive of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL – AUGUST 2025

ANDRE DICKENS
MAYOR

CITY OF ATLANTA

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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-36 for 65 Willis Mill Road SW**

DATE: July 10, 2025

An Ordinance by Zoning Committee to rezone from C-1-C (Community Business District Conditional) to C-1 (Community Business District) for a change of conditions for property located at **65 Willis Mill Road SW.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 198.88 feet on the west side of Willis Mill Road SW commencing at a concrete monument found at the intersection of the southern right-of-way of Martin Luther King Jr. Drive and the western right-of-way of Willis Mill Road, thence continuing with said right-of-way of Willis Mill Road SW, a distance of 123.44 feet to a 1/2-inch rebar found and being the point of beginning. The property is in Land Lot 205 of the 14th District of Fulton County, Georgia in the Florida Heights Neighborhood of NPU I, in Council District 10.

- **Property size and physical features:** The property is approximately 0.535 acres (23,301 square feet). The site has a depth of about 195 feet and is currently vacant and undeveloped. Vehicular access is available via a curb cut on Willis Mill Road. The lot is relatively flat and features no trees, with some scattered grass and concrete present on the property.

- **CDP land use map designation:** The future land use designation for this property is Mixed Use within the 2021 Comprehensive Development Plan. A land use amendment to the Comprehensive Development Plan will not be needed to accommodate the proposed development.

- **Current/past use of property:** The subject property is currently developed with a one-story commercial building with prior use as a religious institution (currently abandoned). The property was also the former location of an eating and drinking establishment, Anderson's BBQ. Staff is unaware of any other previous uses for the site.

- **Surrounding zoning/land uses:** The current land use for this parcel is Mixed Use, and the zoning designation is C-1-C (Community Business District Conditional). Lots in the immediate area vary in size and shape. The immediate property to the north is zoned C-1 (Community Business District) with a MU (Mixed Use) land use designation. To the east, properties are zoned C-1 (Community Business District) with a MU (Mixed Use) land use designation and R-4 (Single Family Residential) with a SFR (Single Family Residential) land use designation. To the south, the properties are zoned R-4 (Single Family Residential) with a SFR (Single Family Residential) land use designation, and the location of Fulton County General Services. To the west are property is zoned C-1-C (Community Business District Conditional) with a MU (Mixed Use) future land use designation.

- **Transportation:** The subject property consists of two parcels that will be combined into a single development site. The parcel being rezoned is located along the west side of Willis Mill Road SW, while the combined site extends to the south side of Martin Luther King Jr. Drive SW and the west side of Willis Mill Road SW. Martin Luther King Jr. Drive SW is classified as an arterial road and State Route 139, while Willis Mill Road SW is classified as a collector road. The site is served by MARTA bus routes #3 and #867, with a bus stop located at Martin Luther King Jr. Drive at Willis Mill Road SW. Route #3 provides service between the Helene S. Mills Senior Multipurpose Facility and the Hamilton E. Holmes MARTA Station. Route #867 operates between Verbena Court/Sewanee Avenue and the Hamilton E. Holmes MARTA Station. The site is located approximately 0.4 miles from the Hamilton E. Holmes MARTA Station, providing convenient access to transit. Sidewalk exists on both sides of SW, and partial sidewalk is present along Willis Mill Road near its intersection with Martin Luther King Jr. Drive, enhancing walkability in the area.

PROPOSAL: The applicant is requesting to rezone from C-1-C (Community Business District Conditional) to C-1 (Community Business District) for a change of conditions to develop a drive-thru car wash. Phillips Auto Wash DBA "Jay's Car Wash" is proposing to develop a drive-thru car wash on the properties located at 2324 Martin Luther King Jr. Drive and 65 Willis Mill Road SW. The combined properties consist of approximately .9 acres. The car wash building is proposed at 3,000 square feet and provide self-service vacuums for its customers and will employ 15-20 workers.

CONCLUSIONS:

1) **Compatibility with comprehensive development plan (CDP); timing of development:** The subject property is designated Mixed Use in the 2021 Comprehensive Development Plan (CDP). The proposed rezoning to C-1 (Commercial Business) is compatible with the 2021 CDP designation of Mixed Use; thus, a land use amendment is not required to accommodate 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 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 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 requested rezoning is not anticipated to adversely affect the surrounding environment or disrupt the balance of land uses in the area. Rather, the proposed project aligns with existing commercial uses along the Martin Luther King Jr. Drive corridor and is compatible with adjacent development. It will also support the redevelopment of blighted, distressed, and vacant parcels in the neighborhood, contributing to broader revitalization efforts and addressing a public need for reinvestment in the area.

4) **Effect on character of the neighborhood:** The proposed development is expected to positively impact the surrounding neighborhood by redeveloping a long-vacant and underutilized parcel into nonresidential use along a corridor. This infill project aligns with the 2021 Comprehensive Development Plan (CDP), particularly NPU-I Policy #2, "*In commercial and mixed used spaces, development should focus on areas of blight or empty lots along the Martin Luther King corridor".* The proposed car wash would contribute to the commercial vibrancy of the Martin Luther King Jr. Drive corridor without encroaching into adjacent low-density or single-family areas, consistent with NPU-I Policy #4, "*Support redevelopment and unification of commercial and multifamily uses along Martin Luther King Jr. Drive and Donald Lee Hollowell Parkway without encroachment into adjacent low density and single-family residential areas".* The Martin Luther King Jr. Drive corridor is identified in the CDP as a key location for encouraging redevelopment, particularly near MARTA rail lines. The introduction of a modest nonresidential service, such as a car wash, can generate local tax revenue, create jobs, and provide a convenient amenity for area residents, particularly those who may lack access to private vehicle washing options due to infrastructure or utility constraints. While the development is nonresidential in nature, it supports the broader planning goals of the NPU by reinvesting in a neglected site and enhancing the character and economic health of the corridor.

5) **Suitability of proposed land use:** The subject site is currently abandoned and vacant, making it well-suited for redevelopment. The proposed land use and zoning are compatible with both the existing conditions and adopted plans. The applicant is requesting to rezone the property from C-1-C (Commercial Business Conditional) to C-1 (Commercial Business District) to permit a car wash—a use that is allowed by right within the C-1 zoning designation. Staff finds the proposed rezoning appropriate and believes it would be a compatible and suitable addition to the Martin Luther King Jr. Drive commercial corridor. The site is designated as Mixed Use in the 2021 Comprehensive Development Plan (CDP), a designation that supports C-1 zoning. The proposed change in zoning conditions would facilitate a more cohesive and context-sensitive redevelopment of the site. Importantly, the proposal includes a transitional vegetative buffer adjacent to the R-4 zoned property to the south, and additional buffering along Willis Mill Road to the east, where the site abuts existing single-family and multifamily residential uses. These features are intended to mitigate potential noise and visual impacts and promote compatibility with nearby residential development. This redevelopment also aligns with the Intown Corridor (IC) and Redevelopment Corridor (RC) Character Area policies outlined in the CDP, including

IC/RC 6 – *Encourage compatible infill development on vacant lots or deteriorated properties*. IC/RC 8 – *Ensure that small-scale commercial uses respect existing residential character and serve neighborhood needs*. IC/RC 10 – *Connect nearby residents to local jobs and economic opportunities*. Overall, the proposed rezoning supports reinvestment, fosters corridor revitalization, and aligns with adopted policy objectives for land use and urban design.

6) **Effect on adjacent property:** Staff is of the opinion that the proposed rezoning of the subject site to the C-1 (Commercial Business District) zoning designation will not have a negative impact on adjacent properties. The applicant is not seeking to introduce a new use, but rather to remove existing conditions that limit development; the proposed car wash is a permitted principal use of the C-1 zoning designation. The site is bordered by single-family residential zoning (R-4) to the east and south, and by commercial zoning to the north, west, and portions of the east. To ensure compatibility with neighboring residential uses, the proposal includes a transitional vegetative buffer adjacent to the R-4 property to the south, as well as additional landscaping along Willis Mill Road to the east, where the site abuts single-family and multifamily residences. These measures are intended to mitigate potential noise, visual, and operational impacts. Staff finds the proposed development suitable for the site, which has remained abandoned and vacant, and believes it will contribute to the broader revitalization of the Martin Luther King Jr. Drive corridor. The proposed modification to zoning conditions supports the strategic placement of nonresidential uses along established corridors, in line with the NPU-I policies and Comprehensive Development Plan goals for context-sensitive redevelopment and reinvestment in underutilized properties.

7) **Economic use of current zoning:** The subject property has limited economic use under the current zoning conditions. Since the adoption of Z-18-44/18-O-1235 in 2018, which restricted the site to an eating and drinking establishment, including those licensed for on-premises alcohol consumption, the property has remained vacant and underutilized. The proposed rezoning seeks to remove the existing condition and allow for a drive-through car wash. This change would develop a long-vacant site and enable a more productive and economically viable use of the land. The proposal also aligns with Intown/Redevelopment Corridor Policy #10 of the 2021 Comprehensive Development Plan (CDP), which encourages *development that connects nearby residents to local jobs and economic opportunities*. By allowing the use the full nonresidential potential is realized. The rezoning supports broader corridor revitalization efforts and brings value to the surrounding community.

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**: 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, **65 Willis Mill Road SW**. are located within a Growth Area Corridor. Growth Area Corridors are described as follows:

"These are 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 and Northside slice straight lines across hills and valleys. In either case, we find commercial sites, civic buildings and anchor institutions along the way. With better design, these corridors can become main streets for every community, accommodating a reasonable amount of growth that will spur commercial vitality and a vibrant public life out beyond the core of the city."

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The applicant shall plant evergreen trees/shrubs along Willis Mill Road that shall measure 6' to 8' in height at maturity.

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Jahnee R. Prince, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-40 for 1068 Hightower Road NW, 1070 Hightower Road NW, 1168 Eighth Street rear, and 1111 Third Street NW**

DATE: July 10, 2025

An Ordinance by Zoning Committee to rezone from R-4A (Single Family Residential) and R-4B-C (Single Family Residential Conditional) to PD-H (Planned Development Housing) for property located at **1068 Hightower Road NW, 1070 Hightower Road NW, 1168 Eighth Street rear, and 1111 Third Street NW.**

FINDINGS OF FACT:

- **Property Location**: The properties front 103.35 feet on the west side of Hightower Road NW, front 100 feet on the west side of Eighth Street and front 50 feet on the east side of Third Street NW commencing at the northwest intersection of Hightower Road NW and St. Peters Avenue NW and commencing 250 feet from the northwest corner of St. James Avenue NW and Eighth Street NW and commencing 130 feet from the southeast intersection of St. James Avenue and Third Street. The properties are in Land Lot 249 of the 17th District of Fulton County, Georgia in the Carey Park Neighborhood in NPU-G, Council District 9.

- **Property Size and Physical Features:** The properties have approximately 0.57 acres (24,829 square feet) of lot area. They are located along multiple streets, and all are undeveloped. The topography varies across the site and there are several large and mature trees.

- **CDP Land Use Map Designation:** The current land use category for the parcels is Single Family Residential (SFR) within the 2016 Comprehensive Development Plan (CDP).

- **Current/Past Use of Property:** The subject parcels are vacant and undeveloped, with heavy vegetation. Staff is unaware of any other uses for the sites.

- **Surrounding Zoning/Land Uses**: Parcels to the north, east, and south are zoned R-4A (Single Family Residential) and R-4B-C (Single Family Residential Conditional) with Single Family Residential (SFR) land use designation. To the west, properties are zoned R-4A (Single Family Residential) with Low Density Residential (LDR) land use designation.

- **Transportation System:** Third and Eighth Street are classified as local streets, while Hightower Road is classified as a collector street. There are very few sidewalks throughout the area. MARTA provides bus service to the immediate area via bus routes #50, #60, and #153 with connections to the Bankhead, North Avenue and Hamilton E. Holmes Transit Stations. The closest MARTA Transit Station is the Hamilton E. Holmes Transit Station located 3.4 miles from the development area.

PROPOSAL:
The applicant seeks to rezone 4 parcels from R-4A and R-4B-C to PD-H to construct up to 459 residential units. This application is an amendment to the previous rezoning application Z-21-59 for 1100 Hightower Road to rezone 157 parcels to PD-H. This project includes affordable housing, with 20% of rentable units rented to income earners at 80% AMI, and 20% for-sale units will be sold to income earners at 100% AMI.

Current Zoning:	R-4A/R-4B-C
Proposed Zoning:	PD-H
Net Lot Area:	1,332,835 sq. ft. (30.60 acres)
Gross Floor Area:	1,834,841 sq. ft. (42.12 acres)
Proposed Building Setbacks	
Front:	10 feet
Side and Rear yards for Single Family Detached and Two Family:	3 ft (adjacent to PD-H) 5 ft (adjacent to R-district)
Side and Rear Yards for Multi-Family:	5 ft (adjacent to PD-H or MRC) 10 ft with 5 ft landscape buffer (adjacent to R-district)
Parking Minimum:	None
Proposed FAR:	0.348
Proposed total units:	459 units/638, 525 sq. ft.

CONCLUSIONS:

1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The City of Atlanta Comprehensive Development Plan designates the property as Single Family Residential (SFR) and Low Density Residential (LDR). The proposed development would not require a land use amendment to the Comprehensive Development Plan.

2) **Availability of and effect on public facilities and services; referrals to other agencies:** 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. As there are active single family residential uses in the immediate vicinity, public facilities and services are presumed available. 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 applicant has not indicated that they own other land that would be suitable for this development. Currently, all these parcels are vacant and undeveloped. The proposed rezoning would facilitate the parcels redevelopment with affordable, infill housing. Thus, Staff is of the opinion that the proposed development will have a positive effect on the balance of land uses.

4) **Effect on character of the neighborhood:** Staff finds that the proposed Planned Development – Housing (PD-H) zoning classification will provide an infill residential development opportunity and diversify housing options in the area by providing a mix of one-family, two-family and multi-family, detached, semidetached and attached dwellings. These housing options will provide an appropriate transition between the existing single and two-family residences while creating a denser neighborhood core in Carey Park. Thus, the proposed development should have a positive effect on the character of the neighborhood.

5) **Suitability of proposed land use:** Staff finds the proposed land use suitable since adjacent lots have a residential use consistent with the rezoning request. The request supports the following NPU-G policy expressed in the 2021 Comprehensive Development Plan (CDP): *Preserve and protect the existing single family and low density residential character of NPU-G, including the following neighborhoods: Almond Park, Bolton Hills, Brookview Heights, Carey Park, Carver Hills, English Park, Lincoln Heights, Monroe Heights and Scotts Crossing.* The proposed land use also supports NPU G's 2021 Updated Master Plan, which encourages "*adding different types of housing that offer opportunities for legacy residences, without disrupting NPU G's current character*".

6) **Effect on adjacent property:** The proposed development would have no negative impact on adjacent properties. There should be an overall positive effect on the adjacent properties by providing infill housing in an area where many lots are vacant or undeveloped.

7) Economic use of current zoning: Staff finds that the current zoning has reasonable economic use. However, the rezoning would provide a more diverse housing stock in the neighborhood. The properties are vacant and undeveloped, and new development on the properties will increase the economic value of the lot.

8) Compatibility with policies related to tree preservation: Development of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting.

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

a. The suitability of the tract for the general type of PD zoning proposed.
This application is a request for a rezoning to develop up to 459 residential units. Location, the zoning of surrounding properties, and availability of public utilities are appropriate elements considered by Staff as satisfactory. Also, Staff is of the opinion that the proposed project would be appropriate and would enhance the character of the Carey Park neighborhood.

b. The relationship to major roads and mass transit facilities, utilities and other facilities and services. 3rd Street is classified as a local street. There are no sidewalks available in this area. MARTA provides bus service to the immediate area via routes #50, #60, and #153 with connections to Bankhead, North Avenue, and the Hamilton E. Holmes Transit Stations.

c. The evidence of unified control. The applicant will have to demonstrate unified control at the time of permitting.

d. The suitability of proposed plans. The proposed plans entitled "Carey Park Redevelopment", originally dated August 16, 2021, and stamped received by the Office of Zoning and Development on August 24, 2021, then updated on March 4, 2025, and stamped received by the Office of Zoning and Development on May 6, 2025, appear to be suitable for the development.

e. Specific modifications. Detailed site plans have been submitted with the application.

f. The suitability of a maintenance program. The applicant has provided no information related to a maintenance program for any possible common areas. Staff will require that the development is governed by private covenants to provide for ownership/maintenance of future common areas.

10) 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 of the Growth Areas area 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, **1068 Hightower Road NW, 1070 Hightower Road NW, 1168 Eighth Street rear, and 1111 Third Street NW** is located within the Conservation area for Urban Neighborhoods. The Urban Neighborhood areas are described as follows:

> "These are small-scale, historic, walkable neighborhoods where growth capacity is limited mostly by our desire to keep them the way they are. They are the traditional intown communities that were built by the expansion of streetcars a century ago, such as Westview, Grant Park, and Brookwood Park. Most have some form of commercial district within walking distance from homes, and many includes small apartment buildings, townhouses, or two and three-family homes. Their inherent walkability, historic charm, and proximity to Downtown make them highly desirable under today's market pressures, and therefore, threatened by even denser development."

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The site shall be developed in accordance with the site plan entitled "Carey Park Redevelopment" prepared by Kronberg Urbanists Architects originally dated August 16, 2021, and stamped received by the Office of Zoning and Development on August 24, 2021, then updated on March 4, 2025, and stamped received by the Office of Zoning and Development on May 6, 2025. Development options other than those specified may also be developed, which options may change the development type, ratios of development types, development density, footprints, heights, sizes and locations of any or all the buildings, structures, roads, drives, alleys, open spaces, green spaces, trails, parking, sidewalks, and other elements of the Site Plan. These alternative development options will be reviewed, and action taken administratively in accordance with Code Section 16-19.005(7) only if the proposed options are in accordance with the conditions below. The conditions below may not be altered except through compliance with Code Section 16-02.003(7).

2. The project at completion will contain one or more of the residential unit types authorized by PD-H. Allocations of unit types on the site plan are illustrative only and may change.

3. The total number of residential units within the total project shall not exceed 459 units.

4. Unified control of the project will be maintained by the site plan, as it may be altered in accordance with these conditions. Parcels within the project area may be subsequently sold provided these zoning requirements are maintained and other city regulations followed. The project will be subjected to a Declaration of Covenants, Controls and Restrictions forming a Master HOA, which may include sub-HOA's for specific components of the project.

5. A total of 20 percent of the residential rental units shall be actively marketed for lease to households having an income, as certified by the prospective tenant(s) at the time of execution of the applicable lease agreement, at 80 percent of the AMI limits as published by the City of Atlanta Office of Housing and Community Development on an annual basis. The AMI limits will account for household size based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's

application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit shall not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households at 80 percent of the AMI pay no more than 30 percent of their household's monthly gross income, adjusting for the number of bedrooms in the units.

6. A total of 15 percent of the total dwelling units will be made available for sale to households having an income as certified by the buyer or buyer's lender and verified by the City of Atlanta Office of Housing and Community Development at 100 percent of AMI, as applicable, adjusted for household size, for the Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development ("HUD AMI"). The maximum sales price cannot exceed the Workforce Owner Housing Maximums established by the City of Atlanta Office of Housing and Community Development (100 percent of the HUD AMI), adjusted by household size.

7. All dwellings shall be actively marketed, and the Applicant shall coordinate with the City of Atlanta Office of Housing and Community Development or its program designee(s) to locate and place AMU qualified residents in available affordable/workforce housing units. If any affordable workforce housing unit has not been leased or sold to a Workforce Resident as defined in Sec. 16-41.003(9) for a period of 60 days from completion of such units or the vacation of any such unit by any Workforce Resident, then such units shall be counted towards the affordable workforce housing unit requirement.

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Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-41 for 2099 Fairburn Road SW**

DATE: July 10, 2025

An Ordinance by Councilmember Marci Collier Overstreet to rezone a portion of **2099 Fairburn Road SW** from R-4 (Single Family Residential) to C-1 (Community Business District) for the erection of a freestanding sign; and for other purposes.

FINDINGS OF FACT:

- **Property location**. The subject property fronts 8 feet on the north side of Fairburn Road SW. The property begins at 27.64' feet from an IPF. The property is in Land Lot 6 of the 14F District of Fulton County, Georgia within the Kings Forest neighborhood of NPU-P in Council District 11.

- **Property size and physical features.** The site is a rectangular shaped lot with approximately 16 square feet in area. The subject property is currently developed with a static monument sign with frontage on Fairburn Road SW.

- **CDP land use map designation**: The parcel is currently zoned R-4 (Single Family Residential). The land use designation is Single Family Residential within the 2021 Comprehensive Development Plan (CDP).

- **Current/past use of property**: The subject property is currently developed with a place of worship, Ben Hill United Methodist Church. Staff is unaware of any previous uses on the site.

- **Surrounding zoning/land use**: Parcels located to the north and west are zoned R-3 (Single Family Residential) and R-4 (Single Family Residential) with an SFR (Single Family Residential) land use designation. Properties located east, west and south of the subject site are zoned R-4 (Single Family Residential).

- **Transportation system**: Fairburn Road is classified as an arterial street and Cascade Road SW and Campbellton Road SW. Fairburn Road in this location is not serviced by MARTA. Located .2 miles northeast of the site, there is a bus stop serviced by route #165 with access to the Hamilton E. Holmes Transit Station.

PROPOSAL: The legislation seeks a rezoning from R-4 to C-1 to allow the erection of a monument sign that will not change its display more than once in a 24-hour period for a place of worship.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development: The proposed zoning is not consistent with the existing Single Family Residential land use designation. However, given the square footage and the use a land use amendment is not necessary.

(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 allow the construction of a monument sign for a place of worship. Without approval the place of worship would only be permitted to erect a building signature sign on the face of the building limiting visibility from the public right-of-way. Staff finds that the necessity for identification of the place of worship from the public right-of-way will have a positive effect on the balance of land uses regarding the public need.

(4) Effect on character of the neighborhood: Staff believes the proposed rezoning will sustain the value of the character of the neighborhood. The character of the neighborhood would be unchanged by the allowance of the monument sign.

(5) Suitability of proposed land use: A change in land use is not necessary. Staff is of the opinion that the proposed request to rezone the property to the C-1 (Commercial Business) zoning district is suitable given the current nature of the surrounding area.

(6) Effect on adjacent property: Staff believes the proposed rezoning will have no effect on adjacent property. The request is to allow the erection of a monument sign for a place of worship development.

(7) Economic use of current zoning: The economic opportunity of the subject property will remain the same and is not negatively impacted by the allowance of a monument sign. The sign will serve as a marker for the development from the public right-of-way.

(8) <u>Compatibility with policies related to tree preservation:</u> The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.

(9) <u>Other Considerations:</u>

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, **2099 Fairburn Road SW** is located within a Suburban area within a Conservation Area. Suburban areas are described as follows:

> "These are the peaceful post-war subdivisions designed by the speed and easy distance of automobiles. Many, like Adamsville, Brandon and Perkerson, lack sidewalks, are not as well connected as older neighborhoods, and are often distant from retail and employment areas. Their more generous yards and intervening floodplains, however, provide far less runoff, more habitat and host huge swaths of Atlanta's tree canopy. In this way, in addition to offering homes for families who prefer less-urban lifestyles, these neighborhoods provide enormous benefits to the city at large".

STAFF RECOMMENDATION: APPROVAL

CITY OF ATLANTA

ANDRE DICKENS
MAYOR

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JAHNEE R. PRINCE, AICP
COMMISSIONER

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-43 Short Term Rental for Home Park**

DATE: July 10, 2025

An Ordinance by Councilmembers Byron D. Amos and Dustin Hillis to amend Part 16, Chapter 18H of the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to **create a new Section 16-18H.004 to create regulations for short term rentals in the Home Park Neighborhood;** and for other purposes.

The Atlanta City Council adopted Ordinance No. 20-O-1656 establishing a regulatory framework for short-term rentals on March 15, 2021, and said ordinance was approved on March 24, 2021, pursuant to City Charter Section 2-403. The Ordinance established the regulatory framework in Atlanta City Code Section 20-1001, et al., by which the City of Atlanta shall govern the operation of short-term rentals within the City, but which did not supersede existing private agreements, leases, or covenants such as condo association rules, should such agreements prohibit the operation of certain properties as short-term rentals. The City Council adopted 21-O-0682, a companion zoning ordinance that works in conjunction with the regulatory framework in Atlanta City Code Section 20-1001, et al.

Short-term rentals provide a way for visitors to stay in Atlanta during their travels and fill temporary housing needs for people in the medical and film/tv industries. In addition short term rental allows persons to take part in the gig economy generating income by leasing their personal homes for short term stays. Research from Oxford Economics highlights how the short-term rental community can be a vital part of Atlanta's economic recovery, however, the proliferation of short-term rentals in neighborhoods may impact the personal safety and compromise the comfort of the permanent residents and may also disrupt the residential character of neighborhoods like Home Park. Further, any property that is converted to use as a short-term rental results in one less long-term rental available in the marketplace and one less permanent home for a family. Fewer long-term rentals, absent less demand or increased housing construction, means decreased supply for the long-term rentals or permanent residency that remains. In many communities, this has caused a dramatic uptick in rental prices. Short-term rentals have had a significant impact on existing and would-be renters alike with fewer units

available, those that remain for long-term rental become more competitive and therefore, more costly.

PROPOSAL: This text amendment proposes to prohibit the issuance of short term rental licenses within the Home Park neighborhood.

CONCLUSIONS:

1) **Compatibility with comprehensive development plan (CDP); timing of development**: The proposed legislation would not require a land use amendment to the Comprehensive Development Plan.

2) **Availability of and effect 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:** The proposed text amendment would not change zoning or allowed density of any district. Thousands of Atlanta residents rent their homes on a short-term basis to earn additional income to pay for essential needs and expenses. However, short term rental can be used as a business enterprise where dwellings are used for or constructed for the sole purpose of renting the property on a short-term basis. The balance of land use may be negatively altered should the character of residents be transient which can present several problems, including neighborhood disruptions, and housing shortages. To address the concerns that short-term rental may create, Ordinance 24-O-1687 seeks to create a regulatory framework for short-term rental and ensure that the use is subject to applicable state and local taxes and are responsible for payment thereof as established by state law and the City of Atlanta Code of Ordinances. Such that Ordinance 24-O-1687 and the proposed regulation be adopted in conjunction.

4) **Effect on character of the neighborhood:** Short-term rentals can present several problems, including neighborhood disruptions, housing shortages, and financial strain on local communities. These issues arise from the influx of transient visitors, the conversion of long-term housing into rentals, and the potential for illegal operation. There can be increased noise, parking congestion, and trash issues, impacting the quality of life for permanent residents. Guests, being unfamiliar with local norms, may not respect neighborhood rules and expectations. The conversion of long-term rental units into short-term rentals can reduce the availability of affordable housing, driving up rental prices for residents. The transient nature of short-term rentals can disrupt the social fabric of a community, leading to a decline in neighborly interactions and a sense of community. However, the regulation of short-term rentals through licenses and taxation may alleviate concerns that short-term rentals create. Further, applying occupation tax to short-term rentals will generate additional revenue into the City's general fund, thus promoting critical public goods and services, including those related to creating affordable housing and reducing homelessness

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.

7) **Economic use of current zoning:** Since no development project is being proposed, this consideration is not applicable.

8) **Compatibility with policies related to tree preservation:** Since no development project is being proposed, this consideration is not applicable.

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

1. Ordinance 24-O-1687 be amended to create an exemption for neighborhoods to opt out of the allowance of short term rental.
2. Ordinance 24-O-1687 shall be amended to create regulations that will allow City Council to enact a citywide periodic short term rental license for special events.

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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **U-25-02 for 981 Howell Mill Road NW and 1000 Watkins Street NW**

DATE: July 10, 2025

An Ordinance by Zoning Committee for a special use permit for a hotel pursuant to 16-34.007(1)(j) for property located at **981 Howell Mill Road NW and 1000 Watkins Street NW.**

FINDINGS OF FACT:

- **Property location**: The subject property fronts 125.78 feet on the east side of Howell Mill Road NW beginning at a point at the intersection formed by the northeasterly r/w of Howell Mill Road and the southeasterly right-of-way of Edgehill Avenue. The property is in Land Lot 150 of the 17th District, Fulton County, Georgia in the Marietta Street Artery Neighborhood of NPU-E, Council District 3.

- **Property size and physical features**: The subject property is approximately 2.293 acres (99,864 square feet). The property is currently developed with 2 two-story buildings and 3 surface parking lots formerly occupied by the Atlanta Humane Society. The topography varies across the lot, with approximately 40 feet between its highest and lowest points. Vehicular access is currently provided via 4 existing curb cuts on Edgehill Avenue and 1 curb cut on 10th Street.

- **CDP Land Use and designation**: The subject property has a future land use designation of Mixed Use (MU) within the 2021 Comprehensive Development Plan (CDP).

- **Current/past use of property**: The subject property is currently developed with 2 two-story buildings and was previously utilized as an animal shelter. Staff is unaware of any other previous uses on the site.

- **Surrounding zoning/land uses:** The parcels to the north, south, east, and west have a Mixed Use (MU) future land use designation. The parcels to the north are zoned MRC-3/MSA/UPWO (Mixed Residential Commercial/Marietta Street Artery Overlay/Upper Westside Overlay). The parcels to the south are zoned MRC-3/MSA/UPWO (Mixed Residential Commercial/Marietta Street Artery Overlay/Upper Westside Overlay) and I-1/MSA/UPWO (Light Industrial/Marietta Street Artery Overlay/Upper Westside Overlay). The parcels to the east are zoned PD-MU/MSA/UPWO (Planned Development – Mixed Use/Marietta Street Artery Overlay/Upper Westside Overlay). The parcels to the west are zoned PD-MU/MSA/UPWO (Planned Development – Mixed Use/ Marietta Street Artery Overlay/Upper Westside Overlay) and C-2/MSA/UPWO (Commercial Service/Marietta Street Artery Overlay/Upper Westside Overlay).

- **Transportation system:** The site has frontage along Howell Mill Road NW, 10th Street NW, Watkins Street NW, and Edgehill Avenue NW. Howell Mill Road is classified as an arterial street and 10th Street, Edgehill Avenue and Watkins Street are classified as local roads. MARTA bus route service operates nearby along 10th Street and Northside Drive. There are sidewalks along 10th Street and Howell Mill Road.

PROPOSAL: The applicant seeks a special use permit to operate a hotel as a part of a mixed-use development with 697 multifamily units and 54,380 square feet of nonresidential uses. These hotel uses include a 200 key limited-service hotel and 130 hotel units consisting of fully furnished residential units that will be available for lease at daily rates.

- **Ingress and egress**: The project proposes one curb cut on 10th Street, one curb cut on Edgehill Avenue, and two curb cuts on Watkins Street. The second curb cut on Watkins Street serves as an entrance for hotel drop-offs. Employee and client vehicles will enter and leave the property from either 10th Street, Edgehill Avenue, or Watkins Street. These curb cuts serve the parking garage where all employee and client vehicles will park. Emergency vehicles can gain access to the property through the proposed curb cuts or by parking in front of the property on Howell Mill Road, Watkins Street, Edgehill Avenue, or 10th Street. The proposed mixed-use development is expected to generate 7,212 daily trips with 325 am peak trips and 510 pm peak trips. The development will be subject to a Development of Regional Impact (DRI) review, which will identify any required road improvements to accommodate the development.

- **Off-Street Parking and loading**: Parking for the development will be accommodated through two proposed parking structures that will be incorporated into two buildings onsite. There are levels of the proposed parking decks that are submerged from the sidewalk level, below each building's residential lobby and retail uses. The site provides 800 off-street parking spaces and 150 bicycle parking spaces. Service personnel, employees, and clients will park their vehicles in the parking garages. Loading will be accommodated via the waste/back of house areas located in the rear of the two onsite parking garages. Products and supplies will be delivered to the waste/back of house area on the second floor of the parking garage, accessible via Edgehill Avenue, or to the waste/back of house area on the ground floor and first floor of the parking garage, accessible via 10th Street or Watkins Street.

- **Refuse and services areas**: A private garbage disposal service will dispose of refuse and waste using roll-off compactors located in the waste/back of house area of each parking garage. The trash service frequency will be determined based on the amount of trash generated by the project.

- **Buffering and screening**: The applicant does not propose any additional buffering or screening. The parking deck will be screened to minimize light pollution. The site does not anticipate generating negative glare from lights and noise outside the typical indoor lighting and noise generated from typical hotel use. The applicant anticipates most noise and light emanating from the hotel will be like neighboring properties and will meet all City codes.

- **Hours and manner of operation**: The proposed use of the property is a mixed use development with 697 multifamily units, 54,380 square feet of nonresidential use, and 330 hotel units. The hotel component includes 130 units that are available for short-term rental to the public and a 200 key limited-service hotel. The 200-key hotel will share parking structures with the residential and nonresidential uses. The site will have retail activated at the street-level, landscaped amenity areas, and a publicly accessible pedestrian corridor. The proposed hotel will be open 24 hours a day, 7 days a week, all year round. The hotel is expected to have approximately 40 employees and serve approximately 330-500 patrons daily. All ages will be served but only adults may rent the units, subject to screening requirements. The hotel will not offer meals. Food and beverage businesses may be tenants in the street level nonresidential space.

- **Duration**: The applicant requests an indefinite duration.

- **Required yards and open space**: The proposed development will new construction. There will be no additions to an existing structure. The existing facilities will be demolished. No encroachment into required yards or open space is contemplated.

- **Tree Preservation and Replacement**: Any tree removal on the property will be permitted via the City Arborist.

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**: The project proposes one curb cut on 10th Street, one curb cut on Edgehill Avenue, and two curb cuts on Watkins Street. Pedestrians can gain access through the front of the buildings along the street frontages of the three structures or through elevators and pedestrian facilities within the parking garages. Based on the site plans submitted by the applicant the proposal appears to provide adequate access to the site. Staff is of the opinion that the proposed ingress and egress are sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.

b) **Off-Street Parking and loading**: Parking for the development will be accommodated through two proposed parking structures. The site provides 800 off-street parking spaces and 150 bicycle parking spaces. Employees and clients will park their vehicles in the proposed parking garages with access from 10th Street, Edgehill Avenue, and Watkins Street. Three off street loading areas are provided in the rear of the 2 onsite parking garages. The loading and service areas will be accessed via curb cuts on Edgehill Avenue, 10th Street, and Watkins Street from the enclosed parking area. Staff is of the opinion that the parking and loading are adequate for the proposed use.

c) **Refuse and services areas**: A private garbage disposal service will be used by the development and refuse, and garbage will be disposed of using dumpsters located in the rear of the parking garages that will be accessed via curb cuts along the property. Staff supports the location of loading and service.

a) **Buffering and screening**: The site is surrounded by similar intensity nonresidential uses that will not be negatively impacted by the operations on this site. The parking deck will be screened to minimize light pollution. No noise that is inconsistent with other uses in the area is expected by the proposed use. The applicant will comply with all regulations regarding the proposed use, including but not limited to; The Upper Westside Overlay District regulation per Sec. 16-44.007(7)(b) "*No outdoor dining and/or any amplified sound shall be allowed to operate outside enclosed permanent structures between the hours 11:00 p.m. to 6:30 a.m.*" Staff finds the proposed buffering and screening to be sufficient.

d) **Hours and manner of operation**: The proposed hotel use will be open 24 hours a day, 7 days a week, annually. The hotel is expected to have approximately 40 employees and serve approximately 330-500 patrons daily. All ages will be served but only adults may rent the units, subject to screening requirements. The hotel will not offer meals. Food and beverage businesses may be tenants in the street level nonresidential space. Staff finds the proposed hours and manner of operation adequate for the proposed use.

e) **Duration**: The applicant requests an indefinite duration. Staff is supportive of a 10-year duration.

f) **Required yards and open space**: The development proposal contemplates redevelopment of the entire site. The site plan presented proposes no encroachments into any required yards.

g) **Compatibility with policies related to tree preservation**: Trees impacted by the property's development will be reviewed and must comply with the City Arborist in accordance with the Tree Preservation Ordinance.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The special use permit shall be valid for 10 years from the date of adoption by the Atlanta City Council.
2. The applicant will not play music or emit amplified sound from an outdoor speaker, amplifier, or any similar device between 11:00 PM and 6:30 AM.

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **U-25-16 for 4465 Northside Drive NW**

DATE: July 10, 2025

An Ordinance by Zoning Committee for a special use permit for a columbarium pursuant to Section 16-04.005(1)(a) for property located at **4465 Northside Drive NW.**

FINDINGS OF FACT:

- **Property location:** The subject properties front 489 feet on the northeast side of Northside Drive NW beginning at a 5/8-inch rebar set at the intersection of the northeastern right-of-way of Northside Drive with the eastern right-of-way of Mount Paran Road. The property is located within Land Lot 161 of the 17th District of Fulton County, Georgia, in the Chastain Park neighborhood of NPU A in Council District 8.

- **Property size and physical features:** The subject property is an irregularly shaped corner lot located at the intersection of Northside Drive NW and Mount Paran Road NW, approximately 4.99 acres (217,743 square feet). There is approximately 490 feet of frontage along Northside Drive NW and 286.37 feet along Mount Paran Road NW, with existing curb cuts on both frontages providing vehicular access. The site is currently developed with a variety of institutional buildings, including a two-story, 13,724.23-square-foot place of worship with a balcony, a two-story, 14,243-square-foot Parish Life Center with a basement, a three-story, 4,596-square-foot parish office building, an existing outdoor chapel, and a cellular phone tower and associated equipment. The property is well-landscaped, containing mature trees, manicured lawns, pedestrian walkways, and surface parking areas. A total of 225 off-street parking spaces are provided on-site. The topography of the site varies across the property but does not present any significant development constraints.

- **Current/past use of property:** The current use of the property is the Holy Spirit Catholic Church campus. Staff is not aware of any past uses of the site.

- **Surrounding zoning/land uses:** The subject property is currently designated as Single Family Residential with an R-2 (Single Family Residential) zoning classification. Immediately north of the site lies the City of Sandy Springs, where properties are zoned RE-1 (Residential Estate) zoning with a minimum lot size of one acre. To the east, south, and west, the surrounding properties are zoned R-2 (Single Family Residential) and have a Single Family Residential land use classification, consistent with the character of the neighborhood. At the nearby intersection of Mount Paran Road NW and Northside Drive NW, there is a small pocket park designated as Open Space, providing a recreational amenity within the area. The neighborhood is characterized by a variety of single-family homes, contributing to a diverse and well-established residential community.

- **Transportation system:** The subject property is situated between two public roadways: Northside Drive NW and Mount Paran Road NW. Northside Drive NW functions as a major arterial roadway and is also designated as a collector street and State Route 3/U.S. Highways 19, 29, and 41. Mount Paran Road NW is classified as a collector road, providing local connectivity within the surrounding residential area. Currently, the site is not served by MARTA bus or transit services, and there are no existing sidewalks along either side of Northside Drive NW or Mount Paran Road NW, limiting pedestrian access in the immediate vicinity.

PROPOSAL: The applicant seeks a Special Use Permit to allow the construction of a columbarium and Memorial Garden on a portion of the existing Holy Spirit Catholic Church property. The subject property is currently governed by Special Use Permit U-76-2, originally approved in 1976 and subsequently amended multiple times.

- **Ingress and egress:** The proposed columbarium will be located within the grounds of the existing Holy Spirit Catholic Church. Access to the site will continue to utilize the Church's existing ingress and egress points; no new access points are proposed. The columbarium will not affect vehicles, pedestrians, or emergency access to the property. As an outdoor memorial garden intended for quiet visitation, the columbarium will not increase the intensity of use on the site or generate additional traffic. While the columbarium is proposed within a portion of the area designated for fire truck access, it has been thoughtfully designed to preserve adequate clearance and ensure full compliance with emergency access requirements. No traffic congestion or access issues are anticipated because of this development.

- **Parking and loading:** The proposed outdoor memorial garden and columbarium will not require dedicated off-street parking or loading areas. Any necessary deliveries will continue to be accommodated using the existing service areas designated for Holy Spirit Catholic Church. Vehicular access to the service drive and loading dock will remain unchanged. Although the project will result in the removal of eight (8) parking spaces, this minor reduction will not effect the Church's overall parking capacity. Following construction, the site will retain 225 parking spaces, which exceeds the minimum requirement of 168 spaces as prescribed by the Zoning Ordinance. Visitors to the columbarium will arrive on foot from the existing place of worship parking facilities, and no vehicular traffic will be directed to the garden space. As a low-intensity, passive-use area, the columbarium is not expected to impact overall parking demand or circulation on the property.

- **Refuse and service areas:** The columbarium will have no impact on refuse/garbage, product and supply delivery or service personnel for the place of worship. As an outdoor memorial garden, the columbarium will not result in refuse or garbage generation. It will likewise not require the delivery of any products or supplies or the addition of service personnel. Parishioners spending time at the columbarium will utilize existing parking on the property. Access to the columbarium will be on foot as an outdoor garden space.

- **Buffering and screening:** The adjoining properties will be screened from the columbarium by an existing vegetative buffer between the place of worship sanctuary and Northside Drive as well as the natural topography of the proposed location for the columbarium which lies between fifteen (15) to eighteen (18) feet below street grade. The columbarium's walls are designed to be only eight feet (8') tall, which will allow it to exist completely below street grade. Accordingly, it will not be visible to traffic traveling on Northside Drive or Mount Paran Road. The columbarium likewise is not expected to generate any material increase in vehicular trips to the property. As an ancillary religious function to the place of worship, the columbarium should not generate any additional traffic or parking beyond the existing operations.

- **Hours and manner of operation:** The proposed project involves the expansion of the existing Holy Spirit Catholic Church campus through the construction of a columbarium and memorial garden. The columbarium will be an entirely outdoor space, enclosed by eight-foot (8') tall masonry brick walls containing niches for the inurnment of cremated human remains. There are no dedicated hours of operation planned for the columbarium, as it will function as a quiet, contemplative space accessible to members as needed. No additional staff will be employed to manage the columbarium, and no food or meals will be served on-site. Visitors to the columbarium will utilize the existing parking facilities.

- **Duration:** The applicant requests that the use permit be allowed indefinitely.

- **Required yards and open space:** The columbarium will not intrude on any setbacks or required yards. The columbarium will not increase impervious surfaces on the property. The columbarium will add an open area of reflection on the campus that will be beautifully constructed to complement the sanctuary.

- **Tree Preservation and Replacement:** The proposed columbarium will be constructed in an existing paved parking area; therefore, no trees will be removed as part of its development. Should any tree removal become necessary at any point during the development process, the project will be required to comply with the City of Atlanta Tree Protection Ordinance in effect at the time of permitting.

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: Following a thorough review of the applicant's surveys, site plans, and an on-site evaluation, staff has determined that the existing access to the Holy Spirit Catholic Church campus is adequate to serve the proposed columbarium. The columbarium will be situated entirely within the grounds and will continue to utilize the existing ingress and

egress points; no new access points are planned or necessary. The proposed development will not impact vehicular, pedestrian, or emergency access to the property. As a passive outdoor memorial garden intended for quiet visitation, the columbarium will not increase site intensity or generate additional traffic. Although the columbarium is in part of the area designated for fire truck access, its design preserves sufficient clearance to fully comply with emergency vehicle access requirements. Staff does not anticipate any traffic congestion, safety concerns, or access issues resulting from this project. Accordingly, staff concludes that the existing ingress and egress are sufficient to maintain safe and convenient automotive and pedestrian circulation without compromising emergency access or causing traffic delays.

b) **Off-street parking and loading:** There is no specific off-street parking or loading requirement for a columbarium. However, parking requirements for places of worship within the R-2 zoning district are governed by Section 16-06.010(2) of the City of Atlanta Zoning Ordinance. This section requires: One (1) parking space for every four (4) fixed seats (with each 18 inches of bench length counted as one seat), or One (1) space per 35 square feet of enclosed floor area used for movable seating in the largest assembly room, whichever is greater. The proposed columbarium and memorial garden are an outdoor passive-use space and will not require additional off-street parking or loading accommodations. Any necessary deliveries will continue to be handled through the existing service areas dedicated to Holy Spirit Catholic Church. Access to the service drive and loading dock will remain unchanged. While the project will result in the removal of eight (8) parking spaces to accommodate the columbarium, this reduction will not materially impact the overall parking capacity. Upon completion of construction, the site will retain 225 off-street parking spaces, well above the minimum requirement of 168 spaces as mandated by the Zoning Ordinance. Visitors to the columbarium will arrive on foot from the existing parking areas, and no increase in vehicular traffic is anticipated. As a low-intensity use, the columbarium is not expected to affect overall parking demand, site circulation, or loading operations on the property. Staff finds the off-street parking and loading to be reasonable.

c) **Refuse and service areas:** The proposed columbarium will not impact the existing refuse, garbage collection, or service operations at Holy Spirit Catholic Church. As an outdoor memorial garden, the columbarium is a passive-use space that will not generate refuse or require regular waste disposal. All trash and garbage services will continue to follow the current procedures, with no changes to existing service areas. Additionally, the columbarium will not require the delivery of products or supplies, nor will it necessitate the addition of service personnel. Mourners visiting the columbarium will arrive on foot from the existing on-site parking, and no vehicular access to the garden space will be required. Staff finds the proposal regarding refuse and service areas to be reasonable and appropriate for the scope and nature of the use.

d) **Buffering and screening:** The proposed columbarium will be effectively screened from adjacent properties by existing site conditions, including mature vegetative buffering and natural topography. Specifically, the columbarium will be located between the sanctuary and Northside Drive, within an area that sits approximately fifteen (15) to eighteen (18) feet below street grade. In addition to the existing landscape buffer, the columbarium's design includes eight-foot (8') tall masonry walls, ensuring the structure remains completely below street level. As a result, it will not be visible to vehicles traveling along Northside Drive or Mount Paran Road, preserving the visual character of the surrounding area. The columbarium

is not anticipated to generate any material increase in vehicular trips, as it serves as an ancillary religious function intended for quiet reflection by members of the existing congregation. No additional parking demand or traffic impacts are expected beyond current operations. Staff finds the proposed buffering, screening, and placement of the columbarium to be reasonable and appropriate given the scale, scope, and nature of the use.

e) **Hours and manner of operation:** The proposed project involves the enhancement of the existing Holy Spirit Catholic Church campus through the addition of a columbarium and memorial garden. This columbarium will be a serene, entirely outdoor space, enclosed by eight-foot (8') tall masonry brick walls containing niches for the inurnment of cremated human remains. There are no specific or fixed hours of operation proposed for the columbarium. Instead, the space will function as a peaceful, contemplative area available to parishioners and mourners as needed. As a passive-use feature, the columbarium will not require the hiring of additional staff, and no food service or meals will be offered on-site. Visitors to the columbarium will use the existing parking facilities, and no changes to site access or operations are anticipated. Staff finds the proposed hours and manner of operation to be appropriate and consistent with the intended religious and memorial use.

f) **Duration:** The applicant requests an indefinite duration request. Staff is supportive of the indefinite duration.

g) **Required yards and open space:** The proposed columbarium will fully comply with all setback and yard requirements and will not encroach upon any required yards as defined by the applicable zoning regulations. Additionally, the project will not result in an increase in impervious surface area on the property. The columbarium is designed as a passive, open-air memorial garden that will enhance the campus by providing a thoughtfully constructed space for quiet reflection. Its design will complement the existing sanctuary and surrounding landscape, reinforcing the spiritual and contemplative atmosphere of the site. Staff finds the proposal to be consistent with required yard and open space provisions and deems it appropriate and sufficient for the intended use.

h) **Compatibility with policies related to tree preservation:** Redevelopment of the property must adhere to the City of Atlanta Tree Ordinance during the permit process.

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1. The property shall be developed in accordance with the site plan entitled Holy Spirit Catholic Church by Smith Boland Architects dated May 1, 2025, and stamped received by the Office of Zoning and Development on May 5, 2025. Minor changes to the Site Plan may be authorized by the Director of the Office of Zoning and Development in accordance with Section 16-02.003(7) of the Atlanta Zoning Ordinance. The site plan shall control setbacks, lot coverage of the buildings on the site and floor area ratio allowed by the site plan.
2. The special use permit shall be valid as long as the Holy Spirit Catholic Church is the owner and operator.

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Jahnee R. Prince, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-03 for 1138 Glenwood Avenue SE**

DATE: July 10, 2025

An Ordinance by Zoning Committee to rezone from R4/BL (Single Family/Beltline Overlay) to NC-2/BL (East Atlanta Village Neighborhood Commercial District/Beltline Overlay) for property located at **1138 Glenwood Avenue SE.**

FINDINGS OF FACT:

- **Property Location**: The property fronts 50.36 feet on the north side of Glenwood Avenue SE commencing at an one inch open top pipe found at the intersection of the westerly right of way of Moreland Avenue and the northerly right of way of Glenwood Avenue. The property is in Land Lot 12 of the 14th District, Fulton County, Georgia in the Ormewood Park Neighborhood of NPU-W, Council District 5.

- **Property Size and Physical Features:** The subject property is approximately 0.1639 acres (7,140 square feet) of lot area. The site is currently vacant and undeveloped. Vehicular access to the site is provided via a curb cut along Glenwood Avenue SE. The topography is relatively flat. Two mature trees are planted on the property.

- **CDP Land Use Map Designation:** The current land use category for the site is Low Density Residential (LDR) within the 2021 Comprehensive Development Plan (CDP). A land use amendment would be required for the requested zoning designation.

- **Current/Past Use of Property:** The site is currently vacant and undeveloped. Staff is unaware of any other previous uses of the property.

- **Surrounding Zoning/Land Uses**: Adjacent properties to the north and west are zoned R-4/BL (Single-Family Residential/Beltline Overlay) with a future land use designation of Low Density Residential (LDR). Properties located to the east are zoned NC-2/BL (East Atlanta Village Neighborhood Commercial District/Beltline Overlay) and have a future land use designation of Low Density Commercial (LDC). To the south, properties are zoned MRC-1/BL (Mixed Residential Commercial/Beltline Overlay) with a Low Density Commercial (LDC) future land use designation.

- **Transportation System:** Glenwood Avenue SE is classified as a collector street and has sidewalks on both sides, enhancing pedestrian connectivity in the area. MARTA route #4 operates nearby along Moreland Avenue, connecting Inman Park/Reynoldstown Station to Leila Valley, Thomasville Heights, and Rebel Forest neighborhoods, with key stops at the Edgewood Retail District and Sunshine Plaza. Route #107 also serves the area via Glenwood Avenue, providing east–west service between Georgia State and Indian Creek stations. Notable destinations along this corridor include Sweet Auburn Municipal Market, Grady Health System, Habitat for Humanity, East Atlanta Village, and East Lake Golf Club.

PROPOSAL: The applicant seeks to rezone from R-4/BL (Single Family/Beltline Overlay) to NC-2/BL (East Atlanta Village Neighborhood Commercial District/Beltline Overlay) to develop an eco-friendly shipping container restaurant concept.

CONCLUSIONS

1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The 2021 Comprehensive Development Plan designates the subject property as Low Density Residential (LDR) which is not compatible with the proposed NC-2/BL (East Atlanta Village Neighborhood Commercial District/Beltline Overlay) zoning. The proposed rezoning would require a land use amendment.

2) **Availability of and effect on public facilities and services; referrals to other agencies:** There has been no indication from review agencies or departments that there would not be adequate public facilities and services at the subject location. Compliance with all applicable City codes will be required when proposed development plans are submitted to other agencies for permit review.

3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The requested rezoning would result in a departure from the current Low Density Residential (LDR) land use designation, potentially generating adverse environmental impacts and disrupting the existing balance of land uses.

4) **Effect on character of the neighborhood:** While properties located directly to the east are zoned NC-2/BL (East Atlanta Village Neighborhood Commercial District/Beltline Overlay), the subject site itself remains embedded within a residential block. This block is characterized by low-density, single-family development. The introduction of a nonresidential use, particularly one with a non-traditional built form such as a shipping container restaurant, would constitute a notable departure from the prevailing character of this portion of the neighborhood. As such, the proposed rezoning may visually and functionally disrupt the established development pattern, despite some nonresidential zoning in the broader vicinity.

5) **Suitability of proposed land use:** The applicant seeks to amend the current Low Density Residential (LDR) land use designation to one that aligns more closely with the proposed NC-2/BL (East Atlanta Village Neighborhood Commercial District/Beltline Overlay) zoning classification. However, the subject property is located within the "Traditional Neighborhood Existing" Character Area as identified in the Atlanta Comprehensive Development Plan (CDP). As such, the proposed rezoning is inconsistent with applicable CDP land use policies, including: TNE 1: *Preserve the walkable scale and residential character of the neighborhoods* and TNE 2: *Ensure lots have adequate open space and permeable surfaces to manage stormwater*. Further, NPU-W Policy W-1 reinforces the intent to "*preserve the single-family and low-density character of neighborhoods such as Ormewood Park, East Atlanta, Woodland Hills, Custer Avenue, McDonough, Guice, Benteen, Boulevard Heights, and Grant Park*." As such, the proposed land use change may be viewed as incompatible with both citywide planning principles and localized policy guidance.

6) **Effect on adjacent property:** Based on the stated goals of the 2021 Comprehensive Development Plan, Staff is of the opinion that the proposed development would have a negative impact on adjacent properties.

7) **Economic use of current zoning:** There is economic use under the current zoning designation. As currently zoned an accessory dwelling unit and an accessory structure may be constructed.

8) **Compatibility with policies related to tree preservation:** Development of the property must comply with the City of Atlanta Tree Ordinance at the time of permitting.

STAFF RECOMMENDATION: DENIAL

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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-17 for 590 Cedar Avenue NW**

DATE: July 10, 2025

An Ordinance by Zoning Committee to rezone from R-4/WPAHO (Single-Family Residential District/Westside Park Affordable Workforce Housing Overlay) to R-4B/WPAHO (Single-Family Residential District/ Westside Park Affordable Workforce Housing Overlay) for property located at **590 Cedar Avenue NW.**

FINDINGS OF FACT:

- **Property Location**: The property fronts 95 feet on the west side of Cedar Avenue NW. The property is in Land Lot 207 of the 14th District, Fulton County, Georgia in the Center Hill Neighborhood of NPU-J, Council District 9.

- **Property Size and Physical Features:** The subject property is a rectangular shaped parcel approximately 0.364 acres (15,865 square feet) of lot area. The parcel is currently undeveloped but previously was developed with a single-family home. Vehicular access is not provided. Topography decreases (approximately 16 feet) from the front of the property to the rear. Mature trees and vegetation are planted on the property.

- **CDP Land Use Map Designation:** The current land use category for the site is Single Family Residential (SFR) within the 2021 Comprehensive Development Plan (CDP). A land use amendment is not required for the requested zoning designation.

- **Current/Past Use of Property:** The parcel appears to have been previously used for single-family dwelling.

- **Surrounding Zoning/Land Uses**: The subject parcel adjoins a PD-H/WIZ (Planned Development – Housing District/Westside Park Affordable Workforce Housing Overlay) property to the south and R-4/WIZ (Single-Family Residential/Westside Affordable Housing Overlay) to the north, east, and west. All have Single-Family Residential future land use designations. All surrounding properties are developed with single-family homes.

- **Transportation System:** Cedar Avenue NW is designated as a local street and does not have sidewalks along either side of Cedar Avenue NW. Nearby Donald Lee Hollowell Parkway NW to the north of the property is classified as an arterial street and Baker Road NW to the south of the property is classified as a collector street. MARTA bus service operates on both streets with Donald Lee Hollowell Parkway NW bus service connecting to the North Avenue rail station and Baker Road NW with connecting service to the West-Lake rail station.

PROPOSAL: The applicant seeks to rezone from R-4/WPAHO (Single-Family Residential/Westside Park Affordable Housing Overlay) to R-4B/WPAHO (Single-Family Residential/Westside Park Affordable Housing Overlay) for a minor subdivision and development of 2 single-family homes.

CONCLUSIONS

1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The 2021 Comprehensive Development Plan designates the subject property with a Single Family Residential (SFR) land use; therefore, the proposed zoning district is compatible.

2) **Availability of and effect on public facilities and services; referrals to other agencies:** There has been no indication from review agencies or departments that there would not be adequate public facilities and services at the subject location. At the time of permitting, the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.

3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The applicant has not presented any evidence that they own other land in the area that is suitable for this development as proposed. There are not any other vacant lots on the Cedar Avenue block face and if the rezoning were to be approved it will affect the balance and consistency of lot frontages.

4) **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 surrounding neighborhood given the character of the block face. The proposed lots will not be consistent in frontage and size with some of the lots along Cedar Avenue. Although there is one lot to the North of the subject parcel that has existing 45-foot frontage, most of the other lots provide frontage of no less than 50-feet and no more than 100-feet on both sides on Cedar Avenue. Therefore, Staff finds the prevailing lot pattern to be unreasonable.

5) **Suitability of proposed land use:** The proposed rezoning as presented is not suitable for the site and is inconsistent with the lot pattern of parcels on the same street frontage. Even though the proposed rezoning aligns with the single-family housing pattern and the land use will remain as such, the proposed minor subdivision would create conflict with the pattern of lot frontages in the neighborhood.

6) **Effect on adjacent property:** The proposed rezoning could have a positive impact on the surrounding neighborhoods by eliminating an undeveloped site and increasing the overall housing supply in a neighborhood identified for redevelopment. However, the proposed development is not consistent with the existing neighborhood character and scale due to not meeting the character of the block face. Staff is of the opinion that the proposed infill development will have a negative effect on the adjacent property.

7) **Economic use of current zoning:** The property appears to have been vacant/underutilized for an extended period. Historically, single-family dwelling existed on the property.

8) **Compatibility with policies related to tree preservation:** Development 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, **590 Cedar Avenue NE** is located within a Conservation Area: Urban Neighborhood. Urban Neighborhood areas are described as follows:

> "These are small-scale, historic, walkable neighborhoods where growth capacity is limited mostly by our desire to keep them the way they are. They are 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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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-22 for 1283 Marietta Boulevard and 1295 Marietta Boulevard NW**

DATE: July 10, 2025

An Ordinance by Zoning Committee to rezone from MRC-3-C/BL/UPWO (Mixed Residential Commercial Conditional/Beltline Overlay/Upper Westside Overlay) to MRC-3-C/BL/UPWO (Mixed Residential Commercial Conditional/Beltline Overlay/Upper Westside Overlay) for a change of conditions for property located at **1283 Marietta Boulevard NW and 1295 Marietta Boulevard NW.**

FINDINGS OF FACT

Property location: The subject property fronts approximately 300 feet on the east side of Marietta Boulevard NW commencing at a 5/8 inch rebar set on the northeasterly right-of-way of Marietta Boulevard and the former southwesterly right-of-way of Ellsworth Drive, said rebar lying 492.2 feet from the intersection of the right-of-way of Marietta Boulevard and the right-of-way of Huff Road, said rebar being the true point of beginning. The property is in Land Lot 191 of the 17th District, Fulton County, Georgia in the Blandtown neighborhood of NPU-D in Council District 9.

Property size and physical features: The subject property consists of two assembled parcels forming an irregularly shaped corner lot at the intersection of Marietta Boulevard and Elaine Avenue. The total site area is approximately 1.1782 acres (51,322 square feet), with roughly 300 feet of frontage along Marietta Boulevard. The property is currently vacant. An overhead utility line traverses the northern portion of the site, resulting in a wide easement that renders much of the northern half undevelopable. The site also features challenging topography, with a downward slope of approximately 22 feet in elevation toward the northeast along Elaine Avenue. Additionally, the property currently lacks established vehicular access.

CDP land use map designation: The future land use designation for this property is MU (Mixed Use) within the 2021 Comprehensive Development Plan. A land use amendment to the Comprehensive Development Plan is not needed to accommodate the proposed development.

Current/past use of property: The property is undeveloped. Staff is unaware of any other previous uses on the site.

Surrounding zoning/land uses: The subject property is bordered by residential, nonresidential, and industrial districts. To the north, adjacent parcels are zoned MRC-1/BL/UPWO (Mixed Residential Commercial Conditional/BeltLine Overlay/Upper Westside Overlay) with a Mixed Use (MU) land use designation. Additionally, a Transportation, Communication, and Utilities (TCU) land use designation lies to the north, representing the planned alignment for the BeltLine transit expansion. To the east and south, these parcels are zoned I-2/BL/UPWO (Heavy Industrial/BeltLine Overlay/Upper Westside Overlay) and have a Mixed Use (MU) land use designation, and to the west properties are zoned I-2/BL (Heavy Industrial/BeltLine Overlay) with an Industrial (I) land use designation, reflecting the area's historical industrial character.

Transportation: The subject parcel is located at the intersection of Marietta Boulevard and Elaine Street. Marietta Boulevard is classified as an arterial street, and Elaine Street is classified as a local street. Currently, MARTA serves the area via bus route #1 along Marietta Boulevard. There are several bus stops near the subject property. The closest MARTA station is the Bankhead Transit Station, which is 2 miles from the subject property.

PROPOSAL: The applicant proposes to rezone from MRC-3-C/BL/UPWO (Mixed Residential Commercial Conditional/Beltline Overlay/Upper Westside Overlay) to MRC-3-C/BL/UPWO (Mixed Residential Commercial Conditional/Beltline Overlay/Upper Westside Overlay) for a change of conditions to allow for the development of 238 residential units designed to accommodate graduate students from local universities, recent graduates in the technology industry, and workforce housing instead of the current limitation of 200 units. The residential units will be supported by on-site structured parking, surface parking, resident amenities, and approximately 7,500 square feet of retail space serving both residents and the public. The building program can be accommodated in a 10-level residential building above 4 levels of structured parking, featuring residential units facing Marietta Boulevard and Elaine Avenue, with street-level retail and a residential lobby.

Project Specification

Tract #1	0.5917 Acres
Tract #2	0.5865 Acres
Total	1.1782 Acres
Net Lot Area (NLA)	51,323 sq. ft.
Gross Lot Area (GLA)	84,603 sq. ft.
PROPOSED USE:	
Retail	7,000 sq. ft.
Residential	238 units

FAR	
Allowed	270, 729 sq. ft.
3.2 x GLA + Bonuses	51,323 sq. ft.
Bonuses –	21,000 sq. ft.
Affordable Housing (I x NLA)	
Ground Floor Retail (7K x 3)	343, 052 sq. ft.
Proposed	189,425 sq. ft.
Excess FAR not utilized	153,627 sq. ft.
Residential Units	
1 Bedroom Units – AVG. 509 square feet	226 units
2 Bedroom Units – AVG. 1,014 square feet	12 units
Total Unit Count	238 units
Usable Open Space	
Required	20%
Provided	20%
Parking	
Total Structured Parking Provided	172 spaces
Total Surface Parking Provided	12 spaces
Total Project Parking Provided	184 spaces
Off-Street Loading	3 bays

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP):** The subject property is designated as Mixed Use in the City of Atlanta's 2021 Comprehensive Development Plan (CDP). The land use map indicates that most of the assembled parcels fall within the MU (Mixed Use) designation, while a portion located at the intersection of Marietta Boulevard and Elaine Avenue lies within the Transportation/Communication/Utilities (TCU) designation. The proposed zoning modification is compatible with the MU (Mixed Use) land use designation. The area designated TCU aligns with the future BeltLine transit corridor. As such, the portion of the property within the TCU designation must remain to preserve the planned BeltLine transit and trail extension. Therefore, a land use amendment is not required to accommodate the proposed development, as the proposed zoning changes are consistent with the existing land use designations.

(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 at the subject location. At the time of permitting, the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.

(3) <u>Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need</u>: The applicant has not provided evidence of owning other suitable properties in the area for this type of development. The subject site is uniquely located at the intersection of Marietta Boulevard and Elaine Avenue, directly adjacent to the Atlanta BeltLine Trail and the future transit alignment area, making it highly suitable for mixed-use, transit-oriented development. The applicant notes that the location offers a strategic opportunity to introduce additional housing to accommodate a growing population. The site's proximity to Westside Reservoir Park, technology employment centers, and walkable entertainment areas further supports the need for and viability of dense, mixed-use development in this corridor. The proposed rezoning is consistent with the long-term vision for a vibrant, walkable, mixed-use neighborhood as articulated in the 2021 Comprehensive Development Plan (CDP). It does not create an imbalance of land uses, but rather supports several key citywide policies, including: CW-3: *Promote a balance of uses, particularly between jobs and housing, and between retail and housing*, CW-4: *Encourage mixed-use development along corridors and centers, with height and density transitions to nearby residential areas*, CW-5: Facilitate transit-oriented development (TOD) to better align density with public transit access, CW-6: *Improve sidewalk, bicycle, trail, and transit connectivity and safety, especially between residential areas, commercial centers, parks, schools, and community facilities*, and CW-10: *Provide diverse and more affordable housing choices that are accessible to all people.* Given these factors, staff believes the rezoning supports the public need and complements the evolving character of the Upper Westside as a walkable, transit-ready community.

(4) <u>Effect on character of the neighborhood</u>: Staff finds that the proposed rezoning would have a positive impact on the character of the surrounding neighborhood. The proposal aligns with the BeltLine Subarea 8 Master Plan, which recommends "*a range of mixed-use intensity around transit stations, generally consistent with current land use policy in the City's Comprehensive Development Plan (CDP), to support transit-oriented development within walking distance to each station*". Historically, the area was part of the small railroad community of Blandtown, surrounded by industrial uses and rail lines. Today, it is undergoing significant transformation into a mixed-use, transit-supportive neighborhood. The proposed development contributes to this evolution and is consistent with the emerging land use pattern in the area. Additionally, the development will be required to comply with the MRC (Mixed Residential Commercial) zoning regulations, which are designed to foster a pedestrian-oriented environment. These include requirements for active street frontages, primary pedestrian access from sidewalks to building entrances, and fenestration standards—all of which will enhance walkability and urban design quality in the area. Staff also strongly recommends that the site layout respect the future transit alignment identified in the 2021 Comprehensive Development Plan. Specifically, a portion of the site is designated Transportation/Communication/Utilities (TCU) to accommodate the future Atlanta BeltLine transit corridor. This portion of the property must remain preserved for that purpose, and the development should be arranged in a way that supports the long-term function and integration of BeltLine infrastructure. Moreover, the proposed redevelopment supports the Intown Corridor (IC) and Redevelopment Corridor (RC) Character Area policies of the CDP, including IC/RC 1: *Elevate the distinct character of each corridor while encouraging density, growth, revitalization, and vibrancy*; IC/RC 2: *Support the redevelopment of vacant and underutilized land and buildings*; IC/RC 3: *Encourage pedestrian-oriented development around major intersections*; and IC/RC 4: *Concentrate the*

highest densities near key intersections, centers, and transit stations. The applicant further notes that the proposed mixed-use development, consisting of multifamily residential units and ground-floor retail, aligns with current development trends and responds to the demand for housing in the area. Smaller residential units are particularly well suited for recent graduates and young professionals entering the workforce from nearby institutions such as Georgia Tech, Georgia State University, and the Atlanta University Center.

(5) **Suitability of proposed land use:** Staff finds that the proposed land use is suitable in view of the use and development of adjacent and nearby properties. The surrounding area includes a mix of business centers, production studios, restaurants, and both residential and non-residential uses. The site is located approximately 0.3 miles from Westside Reservoir Park, a significant regional asset that continues to attract reinvestment and redevelopment interest in the Upper Westside. The proposed mixed-use development is compatible with the surrounding context. The property directly abuts an office park and an adult entertainment business and is situated along roads that currently experience light traffic volumes. The proposal introduces a more balanced and context-sensitive use that helps transition between varied land uses while supporting walkability and urban vibrancy. Importantly, the proposed change aligns with the 2021 Comprehensive Development Plan (CDP) future land use designation of Mixed Use, as well as with the Upper Westside Livable Centers Initiative (LCI), which recommends MRC (Mixed Residential Commercial) zoning for this property. Additionally, the proposal supports NPU-D Policy #17, which encourages: "*Medium- and high-density residential development around the Atlanta Waterworks, at the west end of Blandtown close to the new Westside Park, and along Marietta Boulevard in Bolton and Hills Park. Medium- and low-density residential development is encouraged on the periphery of existing single-family areas*". The proposal contributes to a pattern of redevelopment that reflects community goals for growth, transit readiness, and compatible infill. Therefore, staff concludes that the proposed land use is both suitable and consistent with the City's adopted plans and policies.

(6) **Effect on adjacent property:** Staff finds that the proposed change in conditions to the existing MRC-3-C (Mixed Residential Commercial – Conditional) zoning is likely to have a positive impact on adjacent properties. The change is expected to complement both existing and planned mixed-use developments in the area, contributing to the ongoing transformation of this former industrial corridor into a vibrant, transit-supportive neighborhood. Significant residential redevelopment is anticipated around the future Atlanta BeltLine transit station, and this proposal aligns with that vision. By supporting higher residential density and limited commercial uses, the development will enhance the character of the area, activate the street frontage, and promote walkability. Moreover, the project is well positioned to benefit from and contribute to the success of the BeltLine trail extension and proposed transit alignment. This redevelopment also aligns with the Intown Corridor (IC) and Redevelopment Corridor (RC) Character Area policies outlined in the CDP, including IC/RC 6 *Encourage compatible infill development on vacant lots or deteriorated buildings*, IC/RC 8 *Ensure small-scale commercial uses are compatible with the existing residential character and serve neighbors, and* IC/RC 11 *Provide attractive pedestrian-oriented storefronts adjacent to sidewalks*. Therefore, staff believes the proposed change will reinforce the area's evolution into a mixed-use, transit-oriented district.

(7) Economic use of current zoning: Staff finds that the current zoning provides for a reasonable economic use of the property. However, the proposed change in conditions to allow an additional 38 units, beyond the previously approved 200 units, would enable a more efficient and economically viable use of the site. Due to the site's challenging topography and the presence of a utility easement, approximately half of the property is undevelopable. The proposed zoning conditions would support a site plan that utilizes the southern portion of the parcel for development, including a structured parking deck to meet zoning requirements. Furthermore, the inclusion of multi-unit residential development with limited nonresidential use is aligned with the anticipated expansion of BeltLine transit in the area and would help support future ridership and commercial activity. The development would also benefit from direct adjacency to the planned BeltLine trail extension, creating opportunities for both economic revitalization and enhanced connectivity. Therefore, staff supports the proposed change in conditions.

(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 **1283 Marietta Boulevard NW and 1295 Marietta Boulevard NW** is located within 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 site shall be developed in accordance with the site plan entitled "1283 Marietta Boulevard Mixed Use Highrise" prepared by A- EC dated February 17, 2025, and stamped received and amended by the Office of Zoning and Development on July 7, 2025. Minor changes to the approved site plan may be authorized by the Director of the Office of Zoning and Development in accordance with Section 16-02.003(7).
2. Any uses other than walkways, benches and other such recreational uses per Section 15-36.011(2a) of the BeltLine Overlay District shall be prohibited within the City of right-of-way or 20' BeltLine buffer.

3. The number of dwelling units shall not exceed 238

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JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Zoning Review Board

FROM: Keyetta M. Holmes, AICP, Director *KMH*

SUBJECT: **Z-25-31 335 Sawtell Avenue SE**

DATE: July 10, 2025

An Ordinance by Councilmember Jason H. Winston to rezone property located at **335 Sawtell Avenue SE,** from R-4 (Single-Family Residential) to MRC-1 (Mixed Residential Commercial), to modify the official zoning map; and for other purposes.

FINDINGS OF FACT:

(1) Property location. The subject property fronts 200 feet on the south side of Sawtell Avenue SE and begins at the southeast intersection of Sawtell Avenue SE and Charleston Avenue SE. The property is in the Land Lot 39 of the 14th District of Fulton County, Georgia within the Lakewood Heights neighborhood of NPU-Y in Council District 1.

(2) Property size and physical features. The site is 1.62 acres (70,567.2 square feet) in area. The subject property is currently undeveloped with mature trees and grasses.

(3) CDP land use map designation: The parcel is currently zoned R-4 (Single Family Residential). The land use designation is MDR (Medium Density Residential) within the 2021 Comprehensive Development Plan (CDP). A land use amendment to LDC (Low Density Commercial) was heard by the CD/HS Committee at their 2nd Quarter public hearing.

(4) Current/past use of property: The subject property is developed with a former nonresidential building used for educational purposes known as the Lakewood Heights Elementary School. Staff is unaware of any previous uses of the property.

(5) Surrounding zoning/land use: Parcels located to the west are zoned MRC-2 (Mixed Residential Commercial) with a MU-MD (Mixed Use Medium Density) land use designation and R-4 (Single

Family Residential) with a SFR (Single Family Residential) land use designation. Properties located north of the site are zoned R-4 (Single Family Residential) with a SFR (Single Family Residential) land use designation and MRC-1-C (Mixed Residential Conditional) with a MU (Mixed Use) land use designation. Properties south of the subject site are zoned R-4 (Single Family Residential) with a HDR (High Density Residential) land use designation. East of the property are parcels that are zoned R-4 (Single Family Residential) with a SFR (Single Family Residential) land use designation.

(6) Transportation system: Sawtell Avenue SE is classified as a local street and connects to Lakewood Avenue SE. MARTA bus route #55 and #155 runs along Lakewood Avenue SE and connects to Five Points MARTA Transit Station and West End MARTA Transit Station. The closest bus stop is on Lakewood Avenue SE and Sawtell Avenue SE less than 500 ft from the site.

PROPOSAL: This application seeks a rezoning from R-4 (Single-Family Residential) to MRC-1 (Mixed Residential Commercial).

Existing Zoning	R-4 (Single Family Residential)
Proposed Zoning	MRC-1 (Mixed Residential Commercial)
Gross Lot Area	2.15 acres
Net Lot Area	1.62 acres
Maximum FAR	1.696
Bonus FAR	1.0
Maximum Height	35 feet

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development: The proposed zoning is consistent not with the existing MDR (Medium Density Residential) land use designation; therefore, a Comprehensive Development Plan (CDP) amendment is required.

(2) Availability of and effect of public facilities and services; referral to other agencies: The location of the site and current use of surrounding properties indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and/or departments that there would not be adequate public facilities and services at the subject location. When the proposed development plans are submitted to other agencies for permit review, compliance with all applicable City codes will be required.

(3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need: The zoning regulations indicate that this consideration is

optimal. This proposal allows residential and nonresidential uses consistent with land use policies in the area. The proposed zoning district is established to *protect existing neighborhoods from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods; ensure pedestrian-oriented building forms; provide for a pedestrian-oriented environment on streets and sidewalks; promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks; and ensure residents have convenient pedestrian access to nearby commercial uses;*. Regarding the public need, the MRC-1 zoning district allows permitted uses that are consistent with existing permitted uses already developed or proposed along Sawtell Avenue SE. Staff is of the opinion that the additional proposed residential and nonresidential uses are compatible and will not negatively impact land use.

(4) Effect on character of the neighborhood: Staff believes the proposed rezoning has the potential to add value to the character of the neighborhood. The development will provide neighborhood commercial services and new residents to utilize those uses in the neighborhood. Further, the development will provide additional nonresidential uses and add to the housing stock of NPU Y.

(5) Suitability of proposed land use: A change in land use is necessary as the proposed zoning district is not compatible with the MDR (Medium Density Residential) land use designation. A land use amendment to LDC (Low Density Commercial) was heard by the CD/HS Committee at their 2nd Quarter public hearing. Staff is of the opinion that the proposed request to rezone the property to the MRC-1 (Mixed Residential Commercial) 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 development and improve the aesthetics of the built environment.

(7) Economic use of current zoning: The economic opportunity of the subject property may be limited under the existing R-4 (Single Family Residential) zoning designation. The requirements of the existing zoning district limit the usability of the lot in adjacency to the single family neighborhood. The proposed zoning district provides an opportunity to increase the economic value of a site by allowing uses in a district at a height and density that is more compatible to the single family neighborhoods surrounding the 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, **335 Sawtell Avenue SE** is located within a Conservation Area within a Urban Neighborhoods. Urban Neighborhoods are described as follows:

"These are small-scale, historic, walkable neighborhoods where growth capacity is limited mostly by our desire to keep them the way they are. They are the traditional intown communities that were built by the expansion of streetcars a century ago, such as Westview, Grant Park and Brookwood Park. Most have some form of commercial district within walking distance from homes, and many 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