CITY OF ATLANTA

ANDRE DICKENS
MAYOR

DEPARTMENT OF CITY PLANNING
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-25-46 for 1247 Ralph David Abernathy Boulevard SW**

DATE: September 4, 2025

An Ordinance by Zoning Committee to rezone from C-1-C/BL (Community Business District Conditional/Beltline Overlay) to C-1/BL (Community Business District Conditional/Beltline Overlay) for a change of conditions for property located at **1247 Ralph David Abernathy Boulevard SW.**

The applicant has requested a deferral to continue working with the NPU. Staff is supportive of this request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL – OCTOBER 2025

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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-25-49 for 1484 Bolton Road and 1488 Bolton Road NW**

DATE: September 4, 2025

An Ordinance by Zoning Committee to rezone from I-1-C (Light Industrial Conditional) to I-1 (Light Industrial) for property located at **1484 Bolton Road and 1488 Bolton Road NW.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 80.10 feet on the north side of Bolton Road NW commencing at a 1/2" rebar found at the intersection of the north line of Land Lot 261 and the west right-of-way of Bolton Road NW, within the City of Atlanta's Atlanta Industrial Park neighborhood in NPU-G, Council District 9.

- **Property size and physical features:** The subject property consists of two distinct tracts: Tract 1, the outer tract, is a triangular-shaped lot measuring approximately 61,670.9 square feet (1.42 acres), featuring a frontage of 80.10 feet on Bolton Road. Tract 2, the interior tract, is a rectangular lot with an area of 14,405.4 square feet (0.33 acres). Combined, the frontages of both tract 1 sections total 261.5 feet along Bolton Road. According to the site plan, Tract 1 includes an undeveloped area with a drainage ditch situated at the rear of the property, while Tract 2 has a one story wooden frame residential structure built in 1945. During a recent site visit, it was observed that the property is lined with gravel and contains numerous vehicles, in addition to a shipping container on-site. Access to the property is facilitated by two curb cuts from Bolton Road, which the applicant indicates predate their purchase. These access points appear to have been established around the time the property and neighboring lots were rezoned for light industrial use in December 1989. The access points are consistent with those of other parcels along both sides of Bolton Road. The property is secured with a gate, and the topography is relatively flat, contributing to its overall usability. Trees can be found scattered throughout the site and along the property line of Tract 1, while a grassy area extends from the gate in the front yard facing Bolton Road.

- **CDP land use map designation:** The subject parcels are currently zoned I-1-C (Light Industrial Conditional) and are identified as I (Industrial) in the City of Atlanta's 2025 Comprehensive Development Plan (CDP).

- **Current/past use of property:** The parcels are currently utilized for industrial purposes. The applicant has indicated that they lease the property to Kimbro Recycling, a Georgia-based used car broker that supports charitable donations for children via vehicle contributions. This ongoing use aligns with the light industrial classification of the site. Additionally, Staff is unaware of any previous uses of the site.

- **Surrounding zoning/land use:** The subject parcels are currently zoned I-1-C (Light Industrial Conditional) and are identified as I (Industrial) in the City of Atlanta's 2025 Comprehensive Development Plan (CDP). Parcels to the north, south, and west are zoned I-1 (Light Industrial) with an I (Industrial) development pattern designation, and parcels to the east are zoned R-4 (Single Family Residential) with a MLSF (Medium Lot Single Family) development pattern designation. The property to the north and west of the subject property is commonly known as the Atlanta Industrial Park.

- **Transportation system:** The subject property is accessed directly from Bolton Road, which in this location functions as both an arterial and collector street. The site frontage along Bolton Road lacks sidewalks; however, partial sidewalk segments exist on the north side of the road further east, while continuous sidewalks are present along the south side of Bolton Road. Public transit service is limited in the immediate vicinity. MARTA bus routes provide the nearest connections: route #850 operates along Donald Lee Hollowell Parkway, with the closest stop located at Atlanta Industrial Parkway (approximately 0.6 miles from the subject property). This route provides direct connections to Hamilton E. Holmes MARTA Station, approximately 4.5 miles away. Route #153 operates along Northwest Drive and Bolton Road, with a stop at Northwest Drive at Bolton Road (approximately 0.4 miles from the subject property). This route also provides connections to the Hamilton E. Holmes MARTA Station. Overall, the site has direct vehicular access via a major arterial corridor, limited pedestrian infrastructure along its frontage, and moderate transit accessibility through nearby bus routes connecting to the regional MARTA rail system.

PROPOSAL: The applicant requests to rezone the subject property from I-1-C (Light Industrial Conditional) to I-1 (Light Industrial) to remove conditions originally imposed on the site and adjacent parcels, under Z-89-44/89-O-1166. These conditions were intended to regulate a unified industrial and business park development that ultimately did not occur. The removal of conditions will allow the subject property to function independently with existing on-the-ground conditions and maintain the property's established Light Industrial use.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development: The subject property is designated as Industrial in the 2025 Comprehensive Development Plan (CDP). The proposed rezoning to I-1 (Light Industrial) aligns with this designation and maintains the intended use of the area. The applicant is not seeking a change in use, nor is any substantial redevelopment of the property planned; only minor modifications to the existing site are proposed. This rezoning request is designed to eliminate the original zoning

conditions imposed on the property, which is consistent with the city's objectives that endorse the ongoing industrial use and classification of the area. As a result, a development pattern amendment is not necessary to facilitate the proposed modifications.

(2) Availability of and effect of public facilities and services; referral to other agencies: The site's location and the current utilization of surrounding properties confirms the availability of public facilities and services for the subject property. The proposed rezoning request is expected to have no negative impact on these public amenities. Specifically, it will not affect the provision of water supply, sewage management, drainage systems, transportation infrastructure, educational institutions, fire and police services, or solid waste collection and disposal. This rezoning initiative primarily aims to remove conditions that were previously established for a proposed industrial and business park, which ultimately did not materialize. There has been no indication from relevant review agencies or departments that the subject site lacks adequate public facilities and services. Furthermore, any future development plans will be subject to a thorough review process, ensuring compliance with all applicable City codes and regulations.

(3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need: Since no development project is being proposed, the availability of other appropriately zoned land is not applicable. The request does not introduce a new use but instead seeks to modify outdated conditions associated with the property. Specifically, the conditions were originally imposed when the site and adjacent parcels were envisioned as part of a unified industrial and business park development. That development never materialized, and the conditions—most notably the restriction on access from Bolton Road—now create a practical barrier to independent use of the subject property. The proposed rezoning will not alter the property's underlying I-1 (Light Industrial) designation, nor will it expand or intensify industrial activity beyond what is already permitted. Instead, it will align the property's use with existing, adjacent industrial uses along Bolton Road. Removal of the conditions will not adversely affect the balance of land uses in the area; to the contrary, it will facilitate the reasonable use of the property consistent with surrounding land use patterns and the City's adopted plans.

(4) Effect on character of the neighborhood: The proposed rezoning to I-1 with a change in conditions will not negatively impact adjacent properties or alter the established character of the neighborhood. The request does not change the underlying Light Industrial zoning designation but simply removes outdated conditions imposed in 1989 that are no longer applicable. Since that time, the surrounding area has developed with industrial uses consistent with the current designation along Bolton Road. By removing obsolete restrictions, the rezoning ensures that the subject property can be used in a manner consistent with adjacent industrial parcels, thereby reinforcing the existing development pattern. No new or incompatible land uses are introduced, and the character of the neighborhood as an established industrial corridor will remain intact.

(5) Suitability of proposed land use: The proposed development pattern and zoning are suitable given both existing site conditions and adopted development pattern policies. The applicant seeks to rezone the property from I-1-C (Light Industrial Conditional) to I-1 (Light Industrial) by removing conditions imposed in 1989 that are no longer applicable. The site is already occupied by a use permitted by right within the I-1 zoning district, and no new or

incompatible development is proposed. Staff finds the request appropriate, as it preserves the Light Industrial designation while eliminating outdated restrictions that do not reflect current conditions. The rezoning will allow the property to be utilized in a manner consistent with adjacent and nearby industrial properties, maintaining compatibility with the surrounding development pattern and supporting the continued viability of the industrial corridor along Bolton Road.

(6) **Effect on adjacent property:** The proposed rezoning of the subject site to I-1 (Light Industrial) will not adversely affect adjacent properties. The request does not introduce a new or more intensive use, but instead removes outdated conditions originally imposed when the site and adjoining parcels were envisioned as an unified industrial and business park development. That development never materialized, and the conditions, most notably the restriction on access from Bolton Road, are no longer applicable. Retaining them creates unnecessary constraints that prevent lawful access and use of the property. The site's current use is permitted within the I-1 zoning district. The property is bordered by R-4 (Single Family Residential) to the east and south and by industrial zoning to the north and west. Removal of the conditions will not diminish the usability or development potential of adjacent or nearby properties. Rather, it will allow the subject site to function consistently with the surrounding industrial corridor while maintaining the same Light Industrial designation.

(7) **Economic use of current zoning:** The subject property has economic utility under its current I-1-C (Light Industrial Conditional) zoning designation; however, the applicant wants the conditions imposed under Z-89-44/89-O-1166 in 1989 to be removed. These conditions were intended to regulate an unified industrial and business park development that never materialized. As a result, the restrictions, particularly those prohibiting direct access from Bolton Road, create an unreasonable burden that prevents independent parcels from being accessed and used in a viable manner. The proposed rezoning maintains the property's underlying I-1 (Light Industrial) classification while removing conditions that no longer reflect current circumstances. By eliminating these conditions, the property can be utilized in a manner consistent with adjacent and nearby industrial uses.

(8) **Compatibility with policies related to tree preservation:** No redevelopment of the site is contemplated at this time, and only minor site improvements are proposed, such as the addition of striped parking spaces around the existing structure. These improvements will not result in the removal of trees or otherwise impact the City's adopted tree preservation standards. The request is limited to removing conditions imposed in 1989 and does not alter the property's underlying I-1 (Light Industrial) designation. Should future redevelopment or improvements trigger tree preservation or replacement requirements, the property will be subject to full compliance with the City of Atlanta Tree Protection 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, **1484 Bolton Road NW and 1488 Bolton Road NW,** is located within a Production Area. Production Areas are described as follows:

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

STAFF RECOMMENDATION: APPROVAL

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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-25-50 for 67 Griffin Street NW**

DATE: September 4, 2025

An Ordinance by Zoning Committee to rezone from SPI-19 SA6/WIZ(Vince City Special Public Interest District Subarea 6/Westside Affordable Workforce Housing Overlay) to SPI-19 SA5/WIZ (Vine City Special Public Interest District Subarea 5/Westside Affordable Workforce Housing Overlay) for the property located at **67 Griffin Street NW.**

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

STAFF RECOMMENDATION: 30 DAY DEFERRAL – OCTOBER 2025

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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-25-52 for 2410 Jonesboro Road, 2430 Jonesboro Road, 2436 Jonesboro Road and 2440 Jonesboro Road SE, and 808 Hargis Street, 816 Hargis Street, 824 Hargis Street, and 830 Hargis Street SE**

DATE: September 4, 2025

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to MRC-1 (Mixed Residential Commercial) for property located at **2410 Jonesboro Road, 2430 Jonesboro Road, 2436 Jonesboro Road and 2440 Jonesboro Road SE, and 808 Hargis Street, 816 Hargis Street, 824 Hargis Street, and 830 Hargis Street SE**.

Staff is requesting a deferral.

STAFF RECOMMENDATION: 30 DAY DEFERRAL – OCTOBER 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-25-55 for 1527 Northside Drive NW, and a portion of 1541 Northside Drive NW**

DATE: September 4, 2025

An Ordinance by Councilmembers Dustin Hillis and Mary Norwood to rezone from MR-4B-C/BL/UPWO (Multifamily Residential Conditional/BeltLine Overlay/Upper Westside Overlay) to MR-4B-C/BL/UPWO (Multifamily Residential Conditional/BeltLine Overlay/Upper Westside Overlay) for a change of conditions or property located at **1527 Northside Drive NW and a portion of 1541 Northside Drive NW**.

FINDINGS OF FACT:

- **Property Location**: The property fronts 200 feet on the east side of Northside Drive beginning at a point marked by an iron pin set at the point of intersection of the eastern right-of-way line of Northside Drive and the northern right-of-way line of Deering Road. The property is in Land Lot 147 of the 17th District of Fulton County, Georgia in the Loring Heights neighborhood in NPU-E, Council District 8.

- **Property Size and Physical Features:** The property consists of two parcels totaling 3.7 acres (161,079 square feet) in lot area and is currently developed with 62 townhones per rezoning application Z-15-42/15-O-1446. The topography rises from west to east across the site.

- **CDP Land Use Map Designation:** The subject property is currently zoned MR-4B-C/BL/UPWO (Multifamily Residential Conditional/BeltLine Overlay/Upper Westside Overlay) and is identified as MDR (Medium Density Residential) in the City of Atlanta's 2025 Comprehensive Development Plan (CDP).

- **Current/Past Use of Property:** The site is currently developed with townhomes. Previously, the site was undeveloped. Staff are not aware of any other proposed uses for the site.

- **Surrounding Zoning/Land Uses**: The subject property is zoned MR-4B-C/BL/UPWO (Multifamily Residential Conditional/BeltLine Overlay/Upper Westside Overlay) with a MDR (Medium Density Residential) development pattern designation. The subject property is surrounded by various land uses and zoning designations. To the immediate north, the parcel is zoned MR-4B-C/BL/UPWO (Multifamily Residential Conditional/BeltLine Overlay/Upper Westside Overlay) zoning with a MDR (Medium Density Residential) development pattern designation. To the east, the parcels are zoned R-4/BL (Single Family Residential/BeltLine Overlay) zoning with MLSF (Medium Lot Single Family) with development pattern designation. To the south, parcels are zoned I-1 (Light Industrial) zoning with a HDMU (High Density Mixed Use) and OS (Open Space) development pattern designations. To the west, the parcels are zoned C-2/BL/UPWO (Commercial Service District/BeltLine Overlay/Upper Westside Overlay) with a HDMU (High Density Mixed Use) development pattern designation and I-2/BL/UPWO (Heavy Industrial/BeltLine Overlay/Upper Westside Overlay) with a HDMU (High Density Mixed Use) and OS (Open Space) development pattern designations.

- **Transportation System:** The subject property is bordered by three right of ways: Northside Drive NW to the west, Deering Road NW to the south, and Northside Circle to the north. Northside Drive NW serves as both an arterial and collector street, functioning as a state and local route. Deering Road is classified as a collector street, while Northside Circle is a local street. Sidewalks are present on the north side of Deering Road but stop at Hascall Road NW; the rest of Deering Road lacks sidewalks. Sidewalks are also located on the east side of Northside Drive NW and along the south side of Northside Circle, ending at the property boundary. The north side of Northside Circle has sidewalks that extend only to the parcel immediately north of the subject property. MARTA bus route #37 runs along Northside Drive NW, with the closest stop located at the northwesternmost point of the property and across the right-of-way on the south side of the property at the corner. This bus route provides direct connections to the MARTA Arts Center Transit Station, which is approximately 1.8 miles away.

PROPOSAL: The proposal is to rezone the property from MR-4B-C/BL/UPWO (Multifamily Residential Conditional/BeltLine Overlay/Upper Westside Overlay) to MR-4B-C/BL/UPWO (Multifamily Residential Conditional/BeltLine Overlay/Upper Westside Overlay) for a change of conditions to amend Condition 5 and seeks to adjust the condition to reflect that unit 11 is included while unit 62 is no longer necessary and requests its removal from the original zoning conditions.

CONCLUSIONS:

1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:** The subject property has a MDR (Medium Density Residential) development pattern designation in the 2025 Comprehensive Development Plan (CDP). The proposed rezoning to MR-4B-C (Multifamily Residential Conditional) aligns with this designation and maintains the intended use of the area. The applicant is not seeking a change in use, nor is any substantial redevelopment of the property planned. This rezoning request is designed to eliminate a condition of zoning imposed on the property. As a result, a development pattern amendment is not necessary to facilitate the proposed modifications.

2) **Availability of and effect on public facilities and services; referrals to other agencies:** The location of the site and the current use of surrounding properties demonstrate the availability of public facilities and services for this property. The proposed rezoning request is not expected to negatively impact these public amenities. Specifically, it will not affect the provision of water supply, sewage management, drainage systems, transportation infrastructure, educational institutions, fire and police services, or solid waste collection and disposal. This rezoning aims to remove a condition that was previously established for the 62 unit townhome development. Furthermore, any future development plans will undergo a thorough review process to ensure compliance with all applicable City codes and regulations. The site is currently developed in accordance with the previously approved rezonings, Z-15-42 and Z-21-24, demonstrating compliance with all relevant City codes.

3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Since there is no development project currently proposed, the availability of other appropriately zoned land is not relevant. The request does not introduce a new use; rather, it seeks to remove a condition associated with the property. The proposed change of conditions will not negatively impact the balance of land uses. The development will continue to adhere to the previously approved site plan, with no alterations to development intensity. Removing the condition will not adversely affect the balance of land uses in the area.

4) **Effect on character of the neighborhood: S**taff is of the opinion that the proposed amendment to the zoning conditions will not negatively affect the character of the neighborhood. The requested rezoning to MR-4B-C, for a change in conditions, will not impact adjacent properties or alter the established character of the area. This request does not change the underlying designation; it simply removes a condition that was imposed in 2015 and is no longer needed or applicable.

5) **Suitability of proposed land use:** Staff finds that the proposed land use remains suitable for the development. The proposed development pattern and zoning are appropriate given both the existing site conditions and the established development pattern policies. The site is currently occupied by a multifamily development consisting of 62 townhome units, which is permitted by right within the MR-4B zoning district. No new or incompatible development is proposed. Therefore, staff finds this request appropriate, as it maintains the MDR (Medium Density Residential) development pattern designation while removing an outdated restriction that does not reflect current conditions.

6) **Effect on adjacent property:** The proposed will have no negative impact on neighboring properties. This request does not introduce a new or more intense use; rather, it aims to change conditions currently imposed. By removing these conditions, the usability or development potential of adjacent or nearby properties will not change.

7) **Economic use of current zoning:** Staff is of the opinion that the current zoning is a reasonable economic use of the property. The site is already developed with a 62-unit townhome community, which aligns with the previously approved rezoning application Z-15-42. The proposed condition amendment could positively influence the long-term economic viability of the property by improving its maintenance. According to the homeowners' association, the developer, and the current homeowner, this condition is no longer deemed necessary, and requests that it be removed.

8) **Compatibility with policies related to tree preservation:** No redevelopment of the site is planned at this time. If any major redevelopment or minor improvements require tree preservation or replacement, the property must comply with the City of Atlanta Tree Ordinance during the permitting process.

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, **1527 Northside Drive, NW and a portion of 1541 Northside Drive, NW.**is located within a Growth Area along a Corridor. Corridors are described as follows:

   "These are the connecting tissues of the city; the major streets that flow out of the core in every direction. They stitch Old and New Atlanta together and most of them are commercially developed. Streets like Hollowell, Peachtree and Jonesboro wind along the contours of the city while streets like Metropolitan, Memorial and Northside slice straight lines across hills and valleys. In either case, we find commercial sites, civic buildings and anchor institutions along the way. With better design, these corridors can become main streets for every community, accommodating a reasonable amount of growth that will spur commercial vitality and a vibrant public life out beyond the core of the city".

STAFF RECOMMENDATION: APPROVAL conditioned upon the following:

1) Condition 5 adopted in Ordinance 15-O-1446 shall be removed.
2) All remaining conditions in Ordinance 15-O-1446 shall apply to the property.
3) The applicant shall replant in accordance with the pan titled, "Eastern Boundary Replanted Plan" dated February 3, 2025, and stamped received by the Office of Zoning and Development September 3, 2025. Plantings shall include two (2) 15-foot Brackens Southern Magnolias trees, two (2) 15-foot American Holly trees, and thirty (30) 15-gallon Florida Anise plants subject to the approval of the City Arborist.
4) The applicant shall provide an access gate for maintenance along the fence line identified on the "Eastern Boundary Replated Plan" dated February 3, 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-25-56 for 684 Law Street NW and 679 Glass Street and 685 Glass Street NW**

DATE: September 4, 2025

An Ordinance by Zoning Committee to rezone from I-2/BL (Heavy Industrial/Beltline Overlay) to MRC-3/BL (Mixed Residential Commercial/Beltline Overlay) for property located at **684 Law Street NW and 679 Glass Street and 685 Glass Street NW.**

The applicant has requested a deferral to continue working with the NPU. Staff is supportive of the request.

STAFF RECOMMENDATION: 30 DAY DEFERRAL - OCTOBER 2025

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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **Z-25-57 for 1037 Bouldercrest Drive SE**

DATE: September 4, 2025

An Ordinance by Zoning Committee to rezone from R-4 (Single Family Residential) to R-4A (Single Family Residential) for the property located at **1037 Bouldercrest Drive SE.**

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

STAFF RECOMMENDATION: 30 DAY DEFERRAL – OCTOBER 2025

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Director
Office of Zoning and Development

MEMORANDUM

TO: Zoning Review Board

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

SUBJECT: **U-24-43 for 999 Desoto Street NW**

DATE: September 4, 2025

An Ordinance by Zoning Committee for a special use permit for a place of worship pursuant to Section 16-18K.004 for property located at **999 Desoto Street NW**.

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

STAFF RECOMMENDATION: FILE

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COMMISSIONER

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

MEMORANDUM
amended

TO: Zoning Review Board

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

SUBJECT: **U-25-11 for 1146 Sheridan Road NE**

DATE: September 4, 2025

An Ordinance by the Zoning Committee for a special use permit for a child day care facility pursuant to Section 16-06.005(1)(b) for the property located at **1146 Sheridan Road NE**.

FINDINGS OF FACT:

- **Property Location**: The property fronts 266 feet on the north side of Sheridan Road commencing from the point of intersection of the northerly right-of-way line of Cheshire Bridge Road; then along the northerly right-of-way line of Sheridan Road east for 185 feet to a 3/8" rebar found, said point being the point of beginning. The property is in Land Lot 6 of the 17th District, Fulton County Georgia within the Lindridge/Martin Manor Neighborhood of NPU-F in Council District 6.

- **Property Size and Physical Features:** The subject property is a regular shaped lot and spans approximately 51,486 square feet (1.182 acres), with a 266-feet of frontage along the north side of Sheridan Road. The site is developed with a one-story, 3,310-square-foot block building and a two-story, 11,236-square-foot brick building. Additionally, the property includes a 30-space parking lot, a semicircular drop-off driveway, internal walkways, and a fenced grass area.

- **CDP Land Use Map Designation:** The subject property has a Medium Lot Single Family development pattern designation within the 2025 Comprehensive Development Plan (CDP).

- **Current/Past Use of Property:** The property was previously utilized as a daycare facility, although it does not appear that the property is currently used for that purpose.

- **Transportation System:** The subject property has 266 feet of frontage along the north side of Sheridan Road, which is classified as a local street. Public transportation is available via MARTA bus route #27, with a stop located at the intersection of Sheridan Road and Cheshire Bridge Road NE. Sidewalks are provided along the north side of Sheridan Road and on both sides of Cheshire Bridge Road.

PROPOSAL:
The applicant is requesting a special use permit, pursuant to Section 16-06.005(1)(b), to operate a child day care facility at 1146 Sheridan Road NE for up to 175 children, ages six weeks to six years. No new improvements or site modifications are proposed in connection with the requested use.

- **Ingress and egress:** Vehicles will enter the property via the easternmost curb cut and exit through the semicircular drop-off/pick-up lane and curb cut on the west side. Emergency vehicles will have access through both the drop-off/pick-up lane and the parking lot. Employees, deliveries, and service vehicles will also utilize the existing access and exit points on the property.

- **Off- Street Parking and loading:** The site provides a total of 30 parking spaces, with six spaces nearest to Sheridan Road reserved for employee use to help reduce traffic impacts. Deliveries and service vehicles will utilize the parking area for loading and unloading materials and supplies. A dumpster will be located at the rear of the parking lot, accompanied by a designated loading space for waste collection.

- **Refuse and service areas:** The site includes a dumpster located at the rear of the parking lot, which will be managed by the school. The Clifton School will deposit its waste into the dumpster daily, and a third-party trash service will empty it twice weekly.

- **Buffering and screening:** The site contains existing vegetation along the southern and eastern boundaries, adjacent to neighboring lots. This vegetation will be maintained to provide screening for the properties to the south and east from the proposed use. Any exterior lighting will be directed and shielded to minimize light spillage onto the adjacent residential property to the east.

- **Hours and manner of operation:** The proposed hours of operation are Monday through Friday, from 6:30 AM to 6:30 PM. The preschool will serve children ages six weeks to six years, accommodating approximately 175 children, consistent with the building's license from the Georgia Department of Early Care and Learning. The facility will provide breakfast, lunch, and snacks. Other operational activities include assemblies, parent-teacher conferences, parent education, health assessments, workshops, community meetings, cleaning, laundry, and maintenance, all conducted within the designated business hours. During special events, families will be encouraged to use the Emory Shuttle to alleviate parking concerns.

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

- **Required yards and open space:** The applicant does not propose any new additions that would encroach into the required setbacks or open spaces. The facility will comply with all applicable zoning regulations regarding setbacks and open space. No special yard or open space requirements apply to this site.

- **Tree Preservation and Replacement:** The applicant does not propose to remove any trees.

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:** Client, employee, and emergency vehicles will access the site via a one-way curb cut driveway connecting to both the on-site parking area and the semicircular drop-off/pick-up lane, which will function as the primary point of ingress. Vehicular access from Sheridan Road is not anticipated to generate adverse traffic impacts or congestion. Upon entry, vehicles may circulate left toward the drop-off/pick-up lane or right toward the parking area. All outbound traffic will utilize the semicircular driveway, with the option to turn either eastbound or westbound onto Sheridan Road. Staff finds that the existing ingress, egress, and traffic flow are adequate to support the intended use.

b) **Off-street parking and loading:** The site provides a total of 30 parking spaces, exceeding the minimum required. The six spaces located closest to Sheridan Road will be reserved for employee use. Operations will consist of two shifts, with 20 employees during the morning shift and 20 employees during the afternoon shift. Assuming full employee utilization of on-site parking, 10 spaces will remain available to accommodate patrons, service vehicles, and deliveries. Parents will utilize the semicircular driveway as the designated drop-off/pick-up lane to ensure the safe loading and unloading of children. A dumpster will be located at the rear of the parking lot, with a designated loading space provided for waste collection. Deliveries and other service functions will make use of the existing parking lot for loading and unloading activities. Staff is of the opinion that the existing off-street parking and loading arrangement is adequate for the intended use.

c) **Refuse and service areas:** A dumpster area is located at the rear of the parking lot, with a designated loading and unloading zone. The dumpster will be serviced weekly by a third-party vendor. Although no separate service areas are specifically designated, service personnel will utilize the main parking area, with access to the buildings and site provided through the main entrance as needed. Staff finds the proposed refuse and service parking arrangements to be adequate for the intended use.

d) **Buffering and screening:** The site contains mature trees along its perimeter, providing natural screening between the school's activities and adjacent properties. Along the eastern property line, an existing six-foot-tall privacy fence and tree plantings serve as a buffer between the residential use and the day care facility. The applicant does not propose any alterations to the existing vegetation. Staff finds that the current buffering and screening are adequate for the intended use.

e) **Hours and manner of operation:** The applicant has indicated that the Georgia Department of Early Care and Learning has licensed the building for 175 children. Accordingly, the day care facility anticipates serving up to 175 children, ranging in age from six weeks to six years. The site will employ 40 staff members, with half assigned to the morning shift (6:30 AM to 2:30 PM) and the other half to the afternoon shift (10:00 AM to 6:30 PM). Meals will be provided, including breakfast at 8:00 AM, lunch at 12:00 PM, and snacks at 3:00 PM. Additional programs will include, but are not limited to, parent-teacher conferences, health assessments,

and community meetings. The proposed hours of operation, scope of services, and staffing and enrollment levels are appropriate given the site's size, zoning, and location.

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

g) Required yards and open space: There are no special yards and open space requirements, as no improvements are occurring on the property.

h) Compatibility with policies related to tree preservation: The applicant does not propose to remove any trees.

STAFF RECOMMENDATION: APPROVAL conditional upon the following:

1) The special use permit shall be valid as long as Emory Eggelston CDC Employee's Childcare, Inc., d/b/a The Clifton School is the owner/operator.
2) The maximum enrollment shall be 175 students.
3) The special use permit is not transferable.

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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: **U-25-15 for 1513 Howell Mill Road NW**

DATE: September 4, 2025

An Ordinance by the Zoning Committee for a special use permit for an outdoor sales area pursuant to Section 16-37.007(1)(k) for the property located at **1513 Howell Mill Road NW.**

FINDINGS OF FACT:

- **Property Location**: The property fronts 122.43 feet on the east side of Howell Mill Road NW being all that tract or parcel of land lying and being in Land Lot 152 of the 17th District, 1st Section of Fulton County Georgia as per plat recorded in Plat Book 12339, page 040,041,042,043,045,046,047 and common address herein known as 1513, 1515, 1517 Howell Mill Road, Atlanta, Georgia, as per plat recorded in the Superior Court of Fulton County. The property is in Land Lot 152 of the 17th District, Fulton County Georgia within the Berkeley Park Neighborhood of NPU-D in Council District 9.

- **Property Size and Physical Features:** The subject property is regularly shaped and encompasses approximately 25,063 square feet (0.58 acres), with 173 feet of frontage along Forrest Street and 122 feet of frontage along Howell Mill Road. It is developed with a 2,000-square-foot deck, a concrete pad, a gravel driveway, and is partially enclosed by a 6-foot wood privacy fence and a chain-link fence.

- **CDP Land Use Map Designation:** The subject property has a Low Density Mixed Use development pattern designation within the 2025 Comprehensive Development Plan (CDP).

- **Current/Past Use of Property:** The property appears to have previously been used as a parking lot and is currently vacant.

- **Transportation System:** The subject property has 122 feet of frontage along the west side of Howell Mill Road, which is classified as an arterial street, and 173 feet of frontage along Forrest Street, which is classified as a local street. Public transportation is available via MARTA bus route #12, with a stop located at the intersection of Howell Mill Road and Forrest Street. Sidewalks are provided along both sides of Howell Mill Road, but only on the south side of Forrest Street at the corner.

PROPOSAL: The applicant is requesting a special use permit, pursuant to Section 16-37.007(1)(k), to operate an outdoor sales (food truck) for the property located at 1513 Howell Mill Road NW.

- **Ingress and egress:** Vehicular access is proposed via a concrete curb cut on Forrest Street, providing entry to a 21-space parking lot. Emergency vehicles will use the same entrance and may park in either the parking area or the concrete food plaza in the event of an emergency. The applicant proposes a gate at the vehicle entrance, which will be locked outside of operating hours. Pedestrians will access the property via sidewalks along Howell Mill Road and a proposed interior concrete walkway connecting Howell Mill Road to the food plaza, dining deck, and restroom.

- **Off-street Parking and loading:** The applicant proposes a 21-space parking lot, with no designated loading or unloading areas. The business anticipates serving 8–10 patrons per hour, with up to 15 during peak hours. Staffing is expected to range from 6 to 10 employees, who will be permitted to park on-site.

- **Refuse and service areas:** The business will use either a private company or city service to pick up garbage twice a week, with the container provided by the selected company.

- **Buffering and screening:** The site is improved with a 6-foot chain link fence along Forrest Street and Howell Mill Road and a 6-foot wooden privacy fence which currently intersects the lot and extends along the northern half property line. The applicant stated that the chain link fence will remain if allowed and the privacy fence will provide buffering to adjacent properties.

- **Hours and manner of operation:** The food truck business will operate daily from 11:00 a.m. to 9:00 p.m. The food truck measures approximately 8 feet by 23 feet, and the dining deck will provide seating for up to 75 patrons. The applicant proposes six tables measuring 24 by 32 inches, each accommodating 4–6 people; two tables measuring 29 by 72 inches, each seating 7 people; and twelve round tables, each seating 2 people. The applicant stated that dining tables and chairs will be stored off-site overnight. The business anticipates employing 6 to 10 staff members. No amplified sound will be installed; only occasional low-volume music will be played during events. Applications for permanent and temporary signage permits will be submitted later.

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

- **Required yards and open space:** The applicant proposes a deck that does not appear to encroach into the required setback. However, it is unclear how the applicant intends to meet the requirement for interior open space, which must comprise 10 percent of the net lot area and be located within a building or structure.

- **Tree Preservation and Replacement:** The applicant's site plan indicates a small amount of vegetation; however, it is unclear whether these are existing or proposed plantings. Given the scope of the proposed improvements, the applicant will be required to comply with tree planting requirements for both parking lots and street trees.

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:** Vehicular and emergency access will be provided on Forrest Street, and the applicant proposes a bidirectional driveway for uninterrupted traffic flow. Pedestrian access is offered from Howell Mill Road only, however sidewalk improvements will be required along Forrest Street, and therefore, additional pedestrian connections will have to be provided from new sidewalks on Forrest Street, through the parking lot, to the dining deck and food truck plaza.

Regarding the proposed structures and uses, the applicant proposes two accessory structures—a 2,000-square-foot deck (already constructed without a permit) and two prefabricated bathrooms—along with a food truck, parking lot, and concrete plaza. Notably, the applicant is requesting approval for a food truck without a permanent principal structure on the site. Section 16-34.006 states that accessory uses and structures must be customarily accessory and clearly incidental to permitted principal uses. Section 16-34.005 requires principal uses such as commercial sales and services to be conducted within enclosed permanent structures, with outdoor sales or displays allowed only by special permit. Therefore, staff is of the opinion that a request for outdoor sales without a permanent principal structure is inconsistent with the policies and intent of the Zoning Ordinance. Additionally, Sec. 16-28.008(10), which regulates peddlers and itinerant vendors conducting business outdoors, states that "such business shall not be conducted on or from vacant lots." Because the subject property is an undeveloped, lot, the proposed use would not be permitted.

b) **Off-street parking and loading:** Eating and drinking establishments are required to provide one parking space per 300 square feet of floor area. Based on the dimensions of the food truck and deck, the applicant is required to provide 5 spaces. The proposal includes 21 parking spaces but no designated loading spaces. The food truck will not remain on-site overnight; instead, it will be parked at the applicant's off-site prep kitchen. Product supply and deliveries will occur on an as-needed basis. The business will employ 6 to 10 staff members, depending on demand, with service personnel parking in the on-site lot. The applicant anticipates serving 8 to 10 customers per hour, with up to 15 during peak hours. Signage and staffing will be provided to prevent overflow and on-street parking. Because more than 16 parking spaces are proposed, the tree planting requirements for parking lots will apply. Staff is of the opinion that, while the applicant appears to provide sufficient parking for the intended use, the request for outdoor sales without a permanent principal structure is inconsistent with the policies and intent of the Zoning Ordinance.

c) **Refuse and service areas:** The applicant indicated that the business will use either a private or city garbage disposal service, which will service the property twice a week. A dumpster will be provided by the selected company; however, the applicant has not identified its location. The code requires that dumpsters and loading areas be paved with impervious materials and screened from view of any public plaza, outdoor dining area at ground or sidewalk level, public sidewalk, or public right-of-way. In addition, dumpsters and loading areas serving residential uses must be enclosed with opaque walls at least six feet in height. Staff is of the opinion that compliance with these dumpster requirements has not been clearly demonstrated at this time. Moreover, even if the applicant were to comply, the request for outdoor sales without a permanent principal structure remains inconsistent with the policies and intent of the Zoning Ordinance.

d) **Buffering and screening:** The site adjoins I-1 (Light Industrial) zoning to the east and MRC-2 (Mixed Residential Commercial) zoning to the north; therefore, no special buffers or screening are required. However, the applicant has an existing 6-foot chain link fence along Forrest Street and Howell Mill Road. Chain link fencing is prohibited under the zoning conditions of Z-15-024 and must be removed. In addition, the survey and site visit indicate the presence of a newly built 6-foot privacy fence that currently intersects the lot and extends along the northern property line. Based on the site plan, this fence is proposed to be relocated to the perimeter of the lot, which will provide screening from adjacent properties. Staff is of the opinion that, although the chain link fence must be removed and the privacy fence relocated to the eastern property line, the request for outdoor sales without a permanent principal structure remains inconsistent with the policies and intent of the Zoning Ordinance.

e) **Hours and manner of operation:** The food truck business will operate daily from 11:00 a.m. to 9:00 p.m. The food truck measures approximately 8 feet by 23 feet, and the dining deck will provide seating for up to 75 patrons. According to the applicant's seating chart, there will be six tables measuring 24 by 32 inches, each accommodating 4–6 people; two tables measuring 29 by 72 inches, each seating 7 people; and twelve round tables, each seating 2 people. The applicant stated that dining tables and chairs will be stored off-site overnight. The applicant also proposes two prefabricated bathrooms. The business anticipates employing 6 to 10 staff members. No amplified sound will be installed; only occasional low-volume music will be played during events. Applications for permanent and temporary signage permits will be submitted later. Staff is of the opinion that the request for outdoor sales without a permanent principal structure remains inconsistent with the policies and intent of the Zoning Ordinance.

f) **Duration:** The applicant requests an indefinite duration. Staff is not supportive of the request.

g) **Required yards and open space**. In the MRC-2 zoning district, non-residential uses and developments of one-half acre or less are required to provide a minimum of 10 percent of the net lot area as exterior and interior public space. Exterior public space is defined as space located on the exterior of a building or structure that is intended to be available and accessible to the public. Interior public space is defined as space located within the interior of a building or structure that is available and accessible to the public during normal business hours. The applicant may be able to count some of the landscape areas as part of the exterior open space requirements if accessible to the public, however, the applicant is not able to demonstrate

compliance with the interior open space requirement which is intended to be within an enclosed structure.

h) **Compatibility with policies related to tree preservation:** The applicant will be required to plant trees in the parking lot, as more than 16 spaces are proposed. Parking lot planting requirements include one tree for every eight spaces. Trees must be overstory or mid-story species unless otherwise permitted. The applicant will also be required to plant street trees at a maximum spacing of one tree per 40 feet on center, within 10 feet of the back of the curb or sidewalk. Street trees may be used to satisfy parking lot tree requirements. The applicant does not show compliance with these requirements at this time. However, even if the applicant demonstrates compliance, the request for outdoor sales without a permanent principal structure remains inconsistent with the policies and intent of the Zoning Ordinance.

STAFF RECOMMENDATION: DENIAL

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JAHNEE R. PRINCE, AICP
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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-25-25 for 1280 Chattahoochee Avenue NW**

DATE: September 4, 2025

An Ordinance by Zoning Committee to rezone from I-2/UPWO (Heavy Industrial/Upper Westside Overlay) to MR-4A/UPWO (Multifamily Residential/Upper Westside Overlay) for property located at **1280 Chattahoochee Avenue NW.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts 397.98 on the south side of Chattahoochee Avenue NW and begins at a nail set on the southerly right-of-way of Chattahoochee Avenue at the intersection with the easterly right-of-way of Southland Circle. The property is in Land Lot 192, 17th District, Fulton County, Georgia, in the Hills Park Neighborhood in NPU-D, Council District 9.

- **Property size and physical features:** The property has a total area of 8.9 acres (391,210 square feet) and is currently improved with a 160,000-square-foot industrial building, along with off-street parking and outdoor storage areas. The site has an irregular shape, measuring approximately 398 feet in width and 650 feet in depth, and features relatively level topography.

- **CDP land use map designation:** The property has an (I) Industrial development pattern designation within the 2025 Comprehensive Development Plan. The proposed MR-4A (Multifamily Residential) zoning district is not compatible with this designation; therefore, the applicant is concurrently submitting a request for a development pattern amendment to change the designation from Industrial to High Density Residential.

- **Current/past use of property:** The property is currently utilized for industrial purposes by a roofing company. Staff is not aware of any prior uses of the site.

- **Surrounding zoning/land uses:** The surrounding zoning includes I-MIX-C (Industrial Mixed-Use Conditional) to the north and I-2 (Heavy Industrial) to the east, west, and south. All properties have Industrial development pattern designations. The properties to the north currently feature a mix of uses, including multifamily residential, office, retail, nonresidential, and light industrial. Properties to the west are currently used for a combination of light and heavy industrial activities. The adjoining property to the west is the site of Topgolf Atlanta Midtown. There are Medium Density Residential uses in vicinity to the site to the northwest on Carroll Drive and Woodmont Lane.

- **Transportation system:** Chattahoochee Avenue is classified as a collector street. The nearest bus stop is located approximately 0.1 miles away at the intersection of Chattahoochee Avenue NW and Southland Circle NW.

PROPOSAL: The applicant requests to rezone from I-2/UPWO (Heavy Industrial/Upper Westside Overlay) to MR-4A/UPWO (Multifamily Residential/Upper Westside Overlay) to allow the construction of a 350-unit multifamily building and 105 townhomes.

Project Specifications:

Net Lot area:	8.98 acres (391,210 square feet)
Gross Lot Area:	10.28 acres (447,914 square feet)
Total Unit Count:	455 units
Townhomes:	105 units
Multifamily	350 units
Maximum FAR allowed:	667,392 Square feet (1.49 of GLA)
Total FAR proposed:	622,600 square feet (1.39 of GLA)
Minimum Usable Open Space required:	188,123 square feet (0.42 of GLA)
Total Open Space proposed:	218,611 square feet (0.49 of GLA)
Minimum Parking Required:	350 spaces
Total parking provided:	747 spaces

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:** The 2025 Comprehensive Plan designates the subject property as Industrial, which is inconsistent with the requested MR-4A zoning district. The applicant has submitted a concurrent application for a development pattern amendment from Industrial to the High Density Residential.

(2) **Availability of and effect of public facilities and services; referral 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 provided evidence of ownership of any other land in the vicinity that would be suitable for the proposed development. The requested rezoning will impact the balance of land uses, particularly in terms of the public need for industrial land. The 2025 Comprehensive Plan City Wide Policy 5 seeks to promote balance of uses *"particularly between jobs and housing, retail and housing, services and housing, and civic uses and housing"* and Industrial Principle I 3 which seeks to *"retain and attract industrial uses and jobs as Atlanta grows and protect these areas from residential and commercial encroachment"*. Specifically, to meet this policy goal of the 2025 Comprehensive Development Plan, the City Council of Atlanta adopted a zoning district (I-MIX) that permits the construction of industrial, non-residential, and residential uses on the same property. I-MIX is compatible with the Industrial development pattern and is found in the vicinity of this property. While industrial uses have declined citywide due to increasing pressure for land use conversion, the 2023 Northwest Atlanta Framework Plan aims to preserve active industrial sites along Chattahoochee Avenue. Additionally, the 2021 Upper Westside CID Master Plan recommends rezoning portions of Chattahoochee Avenue to Industrial Mixed-Use (I-MIX) Districts to allow for a blend of light industrial, commercial, and residential uses. The applicant's request is not consistent with NPU-D policies, which encourage the transition of existing industrial sites to I-MIX Districts, and which seek to preserve Chattahoochee Avenue—between Howell Mill Road and Marietta Boulevard—as a primarily light industrial, commercial, and mixed-use corridor.

(4) **Effect on character of the neighborhood**: The site and surroundings are part of the Industrial development pattern, which includes land and infrastructure supporting manufacturing, warehousing, distribution, repair, and intermodal uses. The Industrial development pattern seeks to facilitate growth or more industrial uses to supply goods and services to local business and residents close to Atlanta's core and corridors throughout the city. Staff is of the opinion that the proposed rezoning would eliminate an active industrial use that currently contributes to local employment, and supply of goods and services. While the project may introduce family-oriented housing, staff believes it would alter the existing industrial character of the area and result in the loss of employment opportunities.

(5) **Suitability of proposed land use:** The subject property is located within the Industrial development pattern. This designation sets forth the policy to allow residential and non-residential growth without losing land zoned for industrial uses in the process, promotes the growth of both large and small businesses, ensures that industrial and non-industrial uses in the same development are compatible and planned in a unified manner and ensures that development

is compatible with adjacent districts in terms of operation, scale, and design. The proposed rezoning does not align with the Industrial development pattern therefore staff does not support a change in the development pattern. As such, staff is of the opinion that the High-Density Residential designation is not suitable for this location.

(6) **Effect on adjacent property:** The Industrial development pattern is characterized by "*land, buildings, rail yards, and transportation infrastructure that support traditional industrial uses like manufacturing, warehousing, distribution, repair, and intermodal activities. Although these areas host the most intense industrial uses—and should prioritize these—they can also serve new and emerging industrial uses, such as data centers, E-commerce, caterers, commissary kitchens (e.g., commercial kitchens for food trucks), last-mile distribution, and research and development. Sometimes, they may include compatible non-industrial uses in traditional industrial areas".* Adjacent property has Industrial development patterns and is developed with various uses that are permitted by zoning districts that are compatible with the existing development pattern. Staff is of the opinion that the proposed rezoning would eliminate existing employment opportunities supported by the current zoning designation. Additionally, it could create a spillover effect, placing pressure on surrounding industrial properties to convert to non-industrial uses.

(7) **Economic use of current zoning:** The property currently has economic viability under its existing zoning. The economic viability of the property can be enhanced by developing industrial, non-residential and residential uses. There is a similar development across the Chattahoochee Avenue right-of-way that has utilized the I-MIX zoning district and maintains and Industrial development pattern.

(8) **Compatibility with policies related to tree preservation:** At the time of permitting the development must comply with the City of Atlanta's Tree Ordinance.

(9) **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, **1280 Chattahoochee Avenue NW** is in a Production Area. Production areas are described as follows:

> "Beyond neighborhoods, these are other areas that the city has an interest in protection from change. Primarily, they consist of strategic industrial land and railyards where intermodal transfer facilities, warehousing, and key production facilities are needed close to the city center. They also include sites like the federal penitentiary and the large film studios Fort McPherson and Lakewood Fairgrounds, which are simply unlikely to change and should no be included in the growth area".

STAFF RECOMMENDATION: DENIAL

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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-25-01 for 4575 Boulder Park Drive SW**

DATE: September 4, 2025

An Ordinance by Zoning Committee for a special use permit for a personal care home pursuant to Section 16-06A.005(1)(g) for property located at **4575 Boulder Park Drive SW.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 100 feet on the southeast side of Boulder Park Drive SW, beginning on the north side of Boulder Park Drive. The property is in Land Lot 58 of the 14th District of Fulton County, Georgia in the Boulder Park Neighborhood, NPU H, Council District 10.

- **Property size and physical features:** The property is approximately 1.025 acres (44,647 square feet). The property is developed with a single-family structure. The topography varies across the lot, with approximately 27 feet between its highest and lowest points. A curb cut on Boulder Park Drive provides vehicular access to the site. There are mature trees throughout the property. There is a nonconforming privacy fence and gravel driveway onsite encroaching on the property to the east.

- **CDP land use map designation:** The property has a development pattern designation of LLSF (Large Lot Single Family Residential) within the 2025 Comprehensive Development Plan (CDP).

- **Current/past use of property:** The property is developed with a one-story single-family structure. Staff is unaware of any other previous uses on the site.

- **Surrounding zoning/land uses:** The parcels to the north, east, south, and west are zoned R-3 (Single Family Residential) with LLSF (Large Lot Single Family Residential) development pattern designation.

- **Transportation system:** The site has frontage along Boulder Park Drive, which is classified as a local road. MARTA's Community Circulator bus route #865, services this area along Boulder Park Drive with connecting services to Hamilton E. Holmes Transit Station. There are no sidewalks along Boulder Park Drive.

PROPOSAL: The applicant seeks to operate a personal care home for 6 elderly clients with mental or physical disabilities out of a single-story, single-family home.

- **Ingress and egress:** There is vehicular access provided to the site via a curb cut off Boulder Park Drive SW. Emergency vehicles can easily access the property via street parking or the driveway. There are two vehicular entrances to the site, one being a gravel driveway to the east of the original paved driveway.

- **Parking and loading:** Employees will park their vehicles in one of the two driveways or on the street, while residents are not expected to have vehicles. Visitors are expected to park in one of the two driveways. No special products or supplies; however, any deliveries will be dropped normally to the door.

- **Refuse and service areas:** Refuse will be disposed of by a private garbage facility every week. There will be a small commercial container to collect trash onsite atop the gravel drive. Service personnel can park on either the driveway or the street.

- **Buffering and screening:** The property is buffered to the east and west by mature trees. To the north, in the rear yard, there is a wooden privacy fence enclosing the rear yard. The nature of the use will not generate light or air pollution that could impact surrounding uses. No changes to the buffering and screening are proposed.

- **Hours and manner of operation:** The intended use of the property is to care for older citizens who need home care. This will serve as a personal care home. The facility will house residents around the clock but will have appointment slots for visitors from 11 am to 3 pm Monday through Friday. There will be meals provided every day, including breakfast (served at 8 am), lunch (served at 12:30 pm), dinner (served at 5:30 pm), and snacks throughout the day, and meals will be prepared onsite. There will be no special programs. The applicant anticipates serving 6 clients, ages 55 and up. The Zoning Ordinance and the State of Georgia require that personal care homes provide at least 80 square feet of personal living space per resident, whichever is greater. Based on that calculation, the bedrooms can accommodate 6 residents in the primary house.

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

- **Required yards and open space:** There are no proposed changes to the site or primary building as part of this application.

- **Tree Preservation and Replacement:** The applicant has indicated that no trees will be impacted on the site for this facility.

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:** Employees' and clients' vehicles will enter and exit the property from the driveway off Boulder Park Drive SW. Emergency vehicles will enter the site via the driveway or park on Boulder Park Drive SW. There is an additional gravel driveway to the east used to accommodate multiple vehicles on site. However, with an expectation of 5 cars onsite daily, there is no clear traffic flow/ circulation plans for the site to accommodate the possible traffic. The applicant has not described how they will mitigate any conflicts that may arise if emergency personnel/service personnel, visitors, and employees are on-site at the same time. Staff finds ingress and egress to be insufficient.

b) **Off-Street parking and loading:** The subject site features a driveway with a curb cut from Boulder Park Drive SW, along with a nonconforming gravel drive encroaching on the eastern edge that lacks a curb cut. The applicant proposes utilizing the main driveway for employee parking and the gravel driveway for a trash receptacle and guest parking. The applicant noted that the previous owner, the same as the neighboring property to the east, developed both the home and the gravel drive but has been unable to contact the current owner to obtain an easement agreement. The applicant anticipates minimal deliveries to be sent to the site but will allow delivery trucks to park on the street or the main driveway. Staff finds the off-street loading and parking to be insufficient for the proposed use due to the uncertainty of the use of the gravel drive.

c) **Refuse and service areas:** The site will utilize a private garbage service that will pick up refuse from a proposed “small commercial container” weekly. The applicant proposes to place the “dumpster’ atop an existing non-conforming gravel driveway. To mitigate smells, pests and help aesthetically, the applicant has agreed to add some type of screening for the container that will be enclosed on all sides. Staff finds this to be insufficient due to the residential nature of adjacent properties along Boulder Park Drive and the utilization of a gravel drive located off-site.

d) **Buffering and screening:** The site is buffered by a nonconforming privacy fence that surrounds the rear yard and encroaches onto the neighboring property to the east. The site generates minimal impact on surrounding uses, and the applicant has not proposed any changes to the buffering and screening provided. There is an existing park, Boulder Park, as well as a data center being developed across the street and residential areas to the east and west of the subject property. The existing buffering and screening appear to be suitable.

e) **Hours and manner of operation:** The intended use of the property is to care for older citizens who need home care due to mental or physical disabilities. This will serve as a personal care home facility that will house residents 24/7 but will have appointment slots for visitors from 11 am to 3 pm Monday through Friday. There will be meals provided every day, including breakfast (served at 8 am), lunch (served at 12:30 pm), dinner (served at 5:30 pm), and snacks throughout the day, and meals will be prepared onsite. There will be programming for the residents, including arts and crafts, book club, low-impact exercises, and social events. All events will take place onsite and will be led by employees, volunteers, or a hired instructor. There will be 3 bathrooms for 6 clients and the onsite nurses to share. There is no easement agreement for the use of the encroaching driveway, which will further limit the parking onsite. Additionally, the ratio of nurses to clients seemingly does not meet the needs of residents, especially for the night employee to manage should an emergency arise. Staff finds the hours and operations to be insufficient.

f) **Duration:** The applicant requests an indefinite duration. Staff is not supportive of the request.

g) **Required yards and open space:** There are no proposed changes to the site or dwelling as part of this application regarding required yards and open space. Therefore, these considerations are not applicable.

h) **Compatibility with policies related to tree preservation:** The site will be used in its current configuration. This program will impact no trees. Should there be any tree loss, it shall follow the Tree Preservation Ordinance. Staff finds this acceptable.

STAFF RECOMMENDATION: DENIAL

CITY OF ATLANTA

ANDRE DICKENS
MAYOR

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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-25-18 for 3485 Empire Boulevard SW**

DATE: September 4, 2025

An Ordinance by Zoning Committee for a special use permit for a truck terminal pursuant to Section 16-16.005(1)(e) for property located at **3485 Empire Boulevard SW.**

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

STAFF RECOMMENDATION: 30 DAY DEFERRAL – OCTOBER 2025