



Legislation Details (With Text)

**File #:** 2023-0069    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Preliminary Item

**File created:** 1/9/2023    **In control:** Board of Commissioners - Zoning Meeting

**On agenda:** 3/30/2023    **Final action:**

**Title:** COMMISSION DISTRICT(S): Commission District 03 Super District 06  
Application of Craig Wasilewsky to rezone property from R-75 (Residential Medium Lot) zoning district to MR-2 (Medium Density Residential-2) zoning district to construct multi-family apartments, at 710 Fayetteville Road.

**Indexes:**

**Attachments:** 1. Z-23-1246248 Recommended Conditions, 2. Z-23-1246248 March BOC 2023 Staff Report 710 Fayetteville Rd

Date	Ver.	Action By	Action	Result
3/30/2023	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
3/7/2023	1	Planning Commission	approved with conditions per staff recommendation	Pass

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): Commission District 03 Super District 06**  
**Application of Craig Wasilewsky to rezone property from R-75 (Residential Medium Lot) zoning district to MR-2 (Medium Density Residential-2) zoning district to construct multi-family apartments, at 710 Fayetteville Road.**

**PETITION NO: N6-2023-0069 Z-23-1246248**

**PROPOSED USE:** Multi-family apartments.

**LOCATION:** 710 Fayetteville Road, Atlanta, Georgia 30316

**PARCEL NO. :** 15-173-07-022

**INFO. CONTACT:** Brandon White, Planning Manager

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of Craig Wasilewsky to rezone property from R-75 (Residential Medium Lot) zoning district to MR-2 (Medium Density Residential-2) zoning district to construct multi-family apartments. The property is located 140 feet east of Fayetteville Road and approximately 456 feet north of Terry Mill Road, at 710 Fayetteville Road, Atlanta, Georgia. The property has no public road frontage (proposed access will be via Second Avenue through adjacent properties to the east under common ownership) and contains 1.96 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval.

**PLANNING COMMISSION:** Approval with Conditions.

**PLANNING STAFF:** Approval with Conditions.

**STAFF ANALYSIS:** The applicant is requesting a rezoning from the R-75 (Residential Medium Lot-75) Zoning District to the MR-2 (Medium Density Residential-2) Zoning District for development of a 47-unit multi-family building. The project represents phase 2 of the previously approved Bag Factory Development. The phase 1 rezoning to MR-2 (Z-22-1245577 (2022-1475)) was approved with conditions by the Board of Commissioners on June 28, 2022. Phase 1 is in the land development permit phase of the development process. The requested rezoning to MR-2 is currently not consistent with the *Comprehensive Plan*. The subject property is located in the Suburban (SUB) future land use character area, which does not include MR-2 as a permissible zoning district (pg. 25). However, there is a companion application to amend the future land use map from the Suburban character area to a Neighborhood Center (NC) activity center designation. Approval of the future land use map amendment will provide the necessary foundation for this rezoning request. The development proposal consists of 47 apartment units in a single building with a maximum density that mirrors phase 1, 24 dwelling units per acre. The subject property is located in a federal opportunity zone. This designation refers to “an economically distressed community where new investments, under certain conditions, may be eligible for preferential tax treatment” (<https://www.dca.ga.gov/communityeconomic-development/incentive-programs/federal-opportunity-zones>). Developers may obtain a 100% density bonus for projects in opportunity zones. The combined density of both phases comes in just under the 24 dwelling units per acre maximum for the zoning district (23.9 dwelling units per acre). cursory regulatory review of the project did not yield any major issues. Phase 2 shall include 50-foot vegetated buffers on the northern, western, and southern sides of the subject property. The proposed building shall not disturb the existing stream buffer. Phase 2 is proposed to “blend seamlessly” with the previous phase and share overall ingress/egress along 2<sup>nd</sup> Avenue. School impacts are estimated to be minimal. Water and sewer service should incorporate these additional units and account for ancillary impacts. Phase 1 includes three access points. The additional forty-seven (47) units triggers the need for a fourth access point to serve the overall project site. A variance from Planning Commission will be required. Lastly, the previously submitted traffic impact study has been updated to account for phase 2. Therefore, Staff recommends “Approval with Conditions”.

**PLANNING COMMISSION VOTE: Approval with Conditions 6-1-1.** Jan Costello moved, Jana Johnson seconded for Approval with five conditions, per Staff recommendation. Tess Snipes opposed; LaSonya Osler abstained. Vivian Moore was not present for this vote.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 6-1-0.**