

**ZONING COMMITTEE
MINUTES
WEDNESDAY, OCTOBER 11, 2006**

regularly scheduled meeting of the Zoning Committee was held on **Wednesday, October 11, 2006** in Committee Room #2, at 11: 05 a.m.

The following members were present:

**The Honorable Carla Smith, Chair
The Honorable Anne Fauver
The Honorable Natalyn Archibong
The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable C. T. Martin
The Honorable Howard Shook
The Honorable Mary Norwood, Vice Chair**

Others present at the meeting were, Charletta Wilson Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorneys Lem Ward, Peter Andrews and Terri Grandison Law Department; and members of the Public and Council staff.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

06-O-2253 (1) An Ordinance by Zoning Committee granting a Special Use
U-06-22 Permit pursuant to Section 16-16.005 (1)(1) for a Materials
Recovery Facility, property located at **825 Warner Street,**
NW, fronting approximately 177.18 feet on the west side of
Allene Avenue.

Depth: Approximately 532 Feet.

Area: Approximately 2.96 Acres

Land Lot: 106, 14th District, Fulton County, Georgia

Owner: Marshall C. Ezell, Jr.

Applicant: Marshall C. Ezelle, Jr.

NPU-J

Council District 3

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

06-O-2254 (2)
U-06-23 An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-08.005 (1)(k) and Section 16-06.005 (1)(1) for a Private School, property located at **23-41 Peachtree Street, NE**, fronting approximately 608 feet on the south side of Peachtree Avenue, beginning 100 feet from the southwest corner of Peachtree Avenue and North Fulton Drive.

Depth: 268 Feet.
Area: Approximately 3.76 Acres
Land Lot: 100, 17th District, Fulton County, Georgia
Owner: International School of Atlanta (DBA Atlanta International School)
Applicant: International School of Atlanta (DBA Atlanta International School)

NPU-B Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-2255 (3)
U-06-24 An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-06.005 (1)(d) for a Private Club, property located at **254 Club Place and 2560 Alston Drive, NE**, fronting approximately 249 feet on the north side of Alston Drive.

Depth: 337 Feet.
Area: Approximately 2.0 Acres
Land Lot: 181, 15th District, Dekalb County, Georgia
Owner: East Lake Investments, Inc/Nonami Real Estate, LLC.
Applicant: Charles F. Palmer

NPU-O Council District 5

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-2256 (4)
U-06-25 An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-11.005 (1)(d) for an Amusement Arcade and Game Room (Bowling Center), property located at **1959 Metropolitan Parkway, SW**, fronting approximately 201 feet on the west side of Metropolitan Parkway.

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

Depth: Varies
Area: Approximately 2.0 Acres
Land Lot: 103, 14th District, Fulton County, Georgia
Owner: Stewart Square, LLC.
Applicant: Bruce E. Richardson

NPU-X

Council District 12

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-2257 (5) An Ordinance by Zoning Committee granting a Special Use
U-06-26/U-70-14 Permit pursuant to Section 16-08.005 (1)(f) for a Nursing Home for purposes of a change of ownership and a change of conditions, property located at **2920 S. Pharr Court, NW**, fronting approximately 269 feet along the west side of Pharr Court South.

Depth: Varies
Area: Approximately 1.91 Acres
Land Lot: 100, 17th District, Fulton County, Georgia
Owner: Powder Springs Road, Associates, LLC.
Applicant: Pharr Court Associates, LLC.

NPU-B

Council District 7

06-O-2258 (6) An Ordinance by Zoning Committee to rezone from the RG-2
Z-06-102 (Residential General-Sector 2) District to the RG-3 (Residential General-Sector 3) District, property located at **23-41 Peachtree Street, NE**, fronting approximately 608 feet on the south side of Peachtree Avenue, beginning 100 feet from the southwest corner of Peachtree Avenue and North Fulton Drive.

Depth: 268 Feet.
Area: Approximately 3.76 Acres
Land Lot: 100, 17th District, Fulton County, Georgia
Owner: International School of Atlanta (DBA Atlanta International School)
Applicant: International School of Atlanta (DBA Atlanta International School)

NPU-B

Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

06-O-2261 (9) An Ordinance by Zoning Committee to rezone from the I-1-C
Z-06-107 (Light Industrial-Conditional) District and R-4 (Single-Family
Residential) District to the PD-H (Planned Development-
Housing) District, property located at **3415 and 0 Fairburn
Road, SW**, fronting approximately 219 feet on the north side
of Fairburn Road.

Depth: Varies
Area: Approximately 1.23 Acres
Land Lots: 35 and 40, 14th ff District, Fulton County,
Georgia
Owner: Savannah Park, LLC.
Applicant: Cowart Lake Ventures, LLC.

NPU-P

Council District 11

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

06-O-2262 (10) An Ordinance by Zoning Committee to rezone from the R-4
Z-06-110 (Single-Family Residential) District to the PD-H (Planned
Development-Housing) District, property located at **465,
475, 483 and 485 Rock Springs Road, NE**, fronting
approximately 240 feet on the west side of Monroe Drive,
beginning 934 feet from the west corner of Monroe Drive.

Depth: Varies
Area: Approximately 1.744 Acres
Land Lot: 57, 17th District, Fulton County, Georgia
Owner: Weems L. Holland, Jr.
Applicant: William L. Stephenson

NPU-F

Council District 6

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

06-O-2263 (11) An Ordinance by Zoning Committee to rezone from the I-1
Z-06-111 (Light Industrial) District and R-4 (Single-Family Residential)
District to the I-1 (Light Industrial) District, property located
at **84,88, 96 98, 100, 120 and 130 Poole Creek Road and
3715 and 3711 Wilson Drive, SE**, fronting approximately
240 feet on the south side of Southside Industrial Boulevard
beginning approximately 419.82 feet from the northwest
corner of Southside Industrial Boulevard and Wilson Road.

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

Depth: Approximately 1,324 Feet
Area: Approximately 20.392 Acres
Land Lot: 64, 14th District, Fulton County, Georgia
Owners: Mary Glover c/o Darren E. Williams,
Darren E. Williams, Pamela R. Bailey,
Southern Region Industrial Realty, Inc,
and City of Atlanta c/o Atlanta
Development Authority
Applicant: AMB Property Corporation and Atlanta
Economic Renaissance Corporation

NPU-Z

Council District 12

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

06-O-2264 (12)
U-75-1 An Ordinance by Zoning Committee to amend Ordinance U-75-1, as adopted by the City Council on April 7, 1975 and approve by the Mayor on April 15, 1975, for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **1041 Monroe Drive, NE**; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZONING COMMITTEE

06-O-2265 (13)
U-75-2 An Ordinance by Zoning Committee to amend Ordinance U-75-2, as adopted by the City Council on April 7, 1975 and approve by the Mayor on April 15, 1975, for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **608 Coledge, NE (604 Coledge, NE)**; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZONING COMMITTEE

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REGULAR AGENDA

D. COMMUNICATION

- 06-C-2148 (1) A Communication by Councilmembers Natalyn Archibong, District 5; Anne Fauver, District 6; Howard Shook, District 7; Clair Muller, District 8 and Mary Norwood, Post 2 At-Large, appointing **Mr. Henry Bryant** to serve as a member of the Board of Zoning Adjustment in the Lay Position Category. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation. **(Held 10/11/06 to allow appointee the opportunity to come before the Committee)**

HELD

E. PAPERS HELD IN COMMITTEE

- 06-O-0038 (1) An Ordinance by Councilmember Carla Smith to
Z-05-56 amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. **(Held 2/1/06 for further review)**

HELD

- 06-O-0273 (2) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0286 (3)
Z-06-05 An Ordinance by Zoning Committee to rezone from the RG-4-C-HBS (Residential General-Sector 4 Conditional-Historic Building/Site) and RG-4-C (Residential General-Sector 4-Conditional) Districts, to the RG-4-C (Residential General-Sector 4-Conditional) District, property located at **2494 and 2510 Peachtree Road (a.k.a. 2500 Peachtree Road), NE**, fronting approximately 387.76 feet on the west side of Peachtree Road, beginning 400 feet from the southwest corner of Muscogee Avenue and Peachtree Road. **(Held 3/29/06 for further review)**
Depth: Varies
Area: Approximately 3.086 Acres
Land Lot: 112, 17th District, Fulton County, Georgia
Owner: 2500 Peachtree Condominium Association, Inc.
Applicant: 2500 Peachtree Condominium Association, Inc.
NPU-C Council District 8

HELD

06-O-0007 (4)
Z-05-65 An Ordinance by Councilmember Carla Smith **as amended by Zoning Committee** to rezone the portion of the property located at **1821 W. Anderson Avenue** that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

06-O-0022 (5)
U-05-22 An Ordinance by Councilmember Carla Smith to issue a Special Use Permit for a Nursing Home at **1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue)**; to waive the 2,000 foot distance requirement for this location; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0145 (6)
Z-05-134 An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **2228 Bicknell Street, SE**, fronting approximately 257.5 feet on the southeast side of Bicknell Street, beginning 109 feet from the southeast corner of Bagwell Drive. **(Held 8/16/06 at the request of the Councilmember of District 12)**
Depth: Varies
Area: Approximately 3.5 Acres
Land Lot: 70, 14th District, Fulton County, Georgia
Owner: Portfolio Properties Construction Co., LLC.
Applicant: Portfolio Properties Construction Co., LLC.
NPU-Z Council District 12

HELD

06-O-0944 (7)
Z-06-56 An Ordinance by Councilmember Kwanza Hall **as substituted by Zoning Committee** to amend the Zoning Ordinance of the City of Atlanta and the Maps established in connection with the property located at **695 North Avenue** and to waive the provisions of Section 16-27.002(3) of the Zoning Ordinance of the City of Atlanta, entitled "Amendments," solely for the purposes of this ordinance; and for other purposes. **(Held 8/30/06 pending CDP Amendment Hearing on 9/11/06)**

FAVORABLE ON SUBSTITUTE

06-O-1074 (8)
Z-06-64 An Ordinance by Zoning Committee designating the DuPre Manufacturing Company Mill (a/k/a Excelsior Mill and the Masquerade), located at **695 North Avenue, NE**, Land Lot 18, of the 14th District of Fulton County, Georgia and certain real property on which it is located, to the overlay Zoning Designation of Landmark Building or site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from PD-MU (Planned Development-Mixed Use) to PD-MU/LBS (Planned Development-Mixed Use/Landmark Building or Site); to repeal conflicting Laws; and for other purposes. **(Held 8/30/06 pending CDP Amendment Hearing on 9/11/06)**

FAVORABLE

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1807 (9) An Ordinance by Zoning Committee to rezone from the R-4
Z-06-89 (Single-Family Residential) District to the RL-C (Residential-
Limited Commercial) District, property located at **2459**
Barge Road, SW, fronting approximately 75 feet on the west
side of Barge Road and approximately 307 feet north of the
intersection of Barge Road and Melwood Avenue. **(Held**
9/27/06 waiting on CDP Legislation)

Depth: Varies
Area: Approximately 0.31 Acre
Land Lot: 5, 14th District, Fulton County, Georgia
Owner: SHH Partners, LP
Applicant: PEC Development

NPU-P

Council District 11

ADVERSE

06-O-1809 (10) An **Amended** Ordinance by Zoning Committee to rezone
Z-06-91 from the R-4 (Single-Family Residential) District to the MR-3
(Multi-Family Residential) District, property located at **1057**
Constitution Road, SE, (a.k.a. addressed as 1058),
fronting approximately 210 feet on the north side of
Constitution Road. **(Held 9/27/06 waiting on CDP**
Legislation)

Depth: Approximately 615 Feet
Area: Approximately 2.98 Acres
Land Lot: 6, 14th District, Fulton County, Georgia
Owner: CB Partners, LLC.
Applicant: Michael G. Bryant

NPU-Z

Council District 1

FAVORABLE AS AMENDED

F. ITEMS NOT ON THE AGENDA

06-O-1878 (1) A **Substitute** Ordinance by Community Development/Human
CDP-05-40 Resources Committee to amend the Land Use Element of the
City of Atlanta's 2004-2019 Comprehensive Development Plan
(CDP) so as to re-designate a portion of the property adjacent to
695 North Avenue and known as the Beltline Tract-4 from the
"Open Space" Land Use Designation to the "Mixed-Use" Land
Use Designation; and for other purposes. **(Public Hearing held**
9/11/06) (Favorable by CD/HR Committee 10/10/06)

NPU-M

Council District 2

FAVORABLE ON SUBSTITUTE

