

**ZONING COMMITTEE  
MINUTES  
WEDNESDAY, JANUARY 10, 2007**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, January 10, 2007** in Committee Room #2, at 11: 10 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair  
The Honorable Joyce Sheperd, Vice Chair  
The Honorable Carla Smith  
The Honorable C. T. Martin  
The Honorable Anne Fauver  
The Honorable Howard Shook  
The Honorable Natalyn Archibong**

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

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED BY ADDING 7  
PIECES OF LEGISLATION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ELECTION OF VICE CHAIR**

**Councilmember Sheperd was elected as Vice Chair with a unanimous vote upon nomination by Councilmember Smith.**

**CONSENT AGENDA**

**D. ORDINANCE FOR FIRST READING**

**07-O-0093 ( 1)  
U-73-14**      An Ordinance by Zoning Committee to amend Ordinance U-73-14, as adopted by the Board of Alderman on May 21, 1973 and approved by the Mayor on May 25, 1973, for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **1039 Camilla Street, SW**; and for other purposes.

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

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**REGULAR AGENDA**

**E. ZRB SUMMARY REPORT**

**F. 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**

06-O-0286 ( 3)      An Ordinance by Zoning Committee to rezone  
**Z-06-05**              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)**

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**F. PAPERS HELD IN COMMITTEE (CONT'D)**

Depth: Varies  
Area: Approximately 3.086 Acres  
Land Lot: 112, 17<sup>th</sup> 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**

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)**

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**F. PAPERS HELD IN COMMITTEE (CONT'D)**

Depth: Varies  
Area: Approximately 3.5 Acres  
Land Lot: 70, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Portfolio Properties Construction Co., LLC.  
Applicant: Portfolio Properties Construction Co., LLC.  
**NPU-Z Council District 12**

**HELD**

06-O-1950 ( 7)  
**Z-06-92** An **Amended** Ordinance by Zoning Committee to rezone from the R-5 (Single-Family Residential) District to the RG-4 (Residential General-Sector 4) District, property located at **575 Boulevard, SE, (578 Rosalia Street, SE)**, fronting approximately 100 feet on the west side of Boulevard. **(Held 11/1/06 pending CDP Public Hearing)**

Depth: Varies  
Area: Approximately 0.339 Acre  
Land Lot: 44, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Atlanta Decatur Oxford District United Methodist Church, Bobby A. Jones, Trustee Chair  
Applicant: Jeffrey L. Wilson  
**NPU-W Council District 1**

**HELD**

06-O-0955 ( 8)  
**Z-06-44** A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**

Depth: Varies  
Area: Approximately 8.719 Acres  
Land Lot: 55, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Jack and Harvey Taffel  
Applicant: Chaz E. Waters/Skyline Partners, LLC.  
**NPU-Y Council District 1**

**HELD**

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**F. PAPERS HELD IN COMMITTEE (CONT'D)**

06-O-2283 ( 9) An Ordinance by Councilmembers Joyce M. Sheperd and Cleta Winslow authorizing the Mayor or her designee to place interim development controls on construction on all vacant parcels in the Murphy Triangle (lying within the boundaries of Murphy Avenue, Warner Street, Allene Avenue and Sylvan Road) for a period not to exceed nine (9) months; and for other purpose. **(Held 11/1/06 at the request of the author of the legislation)**

**HELD**

06-O-1439 (10) An Ordinance by Zoning Committee to rezone from the R-3  
**Z-06-67** (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **653-711 Longleaf Drive, NE**, fronting approximately 690 feet on the south side of Longleaf Drive, beginning approximately 445 feet from the southeast corner of North Stratford Road. **(Held 11/29/06)**

Depth: Approximately 200 feet

Area: Approximately 2.97 Acres

Land Lot: 44, 17<sup>th</sup> District, Fulton County, Georgia

Owners: Andrew Fleshner, Executor for the Estate of Ruth B. Fleshner, Lee H. Wysong, James T. and Elaine H. Horton, Maxwell R. Calloway, Mary L. and Craig G. Adams, and Mark R. and Virginia D. Simpson

Applicant: Jim Brown

**NPU-B**

**Council District 7**

**HELD**

06-O-1927 (11) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning

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G. PAPERS HELD IN COMMITTEE (CONT'D)

process for annexations; and for other purposes.  
(Forwarded with no recommendation by Zoning  
Committee 9/13/06) (Referred back by Council  
12/04/06) (Held 12/13/06 for further review)

HELD

H. ITEMS NOT ON THE AGENDA

06-O-1882 ( 1)  
CDP-06-59 An Ordinance by Community Development/Human  
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 properties located at **1129  
State Street and 1132 Atlantic Drive, NW**, from the "Low  
Density Residential" Land Use Designation to the "Low  
Density Commercial" Land Use Designation; and for other  
purposes. (Public Hearing held 9/11/06) (Adverse by  
CD/HR Committee 9/12/06) (Referred back by Council  
9/18/06) (Held 9/26/06 to allow the property owner to  
continue the dialogue with the NPU) (Filed by CD/HR  
Committee 1/9/07)

NPU-E

Council District 2

FILE

06-O-1891 ( 2)  
CDP-06-68 An Ordinance by Community Development/Human  
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 properties located at **1059  
Grant Street and 1084 & 1090 Hill Street, SE**, from the  
"Low Density Residential" and "Industrial" Land Use  
Designations to the "Mixed-Use" Land Use Designation; and  
for other purposes. (Public Hearing held 9/11/06) (Held  
9/12/06) (Favorable by CD/HR Committee 1/9/07)

NPU-W

Council District 1

Councilmember Smith made a motion to approve. The  
vote was unanimous.

FAVORABLE

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**H. ITEMS NOT ON THE AGENDA**

06-O-2572 ( 3)  
**CDP-06-88** An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **1817 Hollywood Road, NW**, from the "Low Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(A Public Hearing was held on 12/12/06) (Held 12/12/06, pending zoning legislation) (Favorable by CD/HR Committee 1/9/07)**  
NPU-G **Council District 9**

**Councilmember Smith made a motion to approve. The vote was unanimous.**

**FAVORABLE**

06-O-2573 ( 4)  
**CDP-06-89** An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **1822 Hollywood Road, NW**, from the "Low Density Commercial" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(A Public Hearing was held on 12/12/06) (Held 12/12/06, pending zoning legislation) (Favorable by CD/HR Committee 1/9/07)**  
NPU-G **Council District 9**

**Councilmember Fauver made a motion to approve. The vote was unanimous.**

**FAVORABLE**

06-O-2574 ( 5)  
**CDP-06-90** An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **2489 Perry Boulevard, NW**, from the "Low Density Commercial" and "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(A Public Hearing was held on 12/12/06) (Held**

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**H. ITEMS NOT ON THE AGENDA**

**12/12/06, pending zoning legislation) (Favorable by  
CD/HR Committee 1/9/07)**

**NPU-G**

**Council District 9**

**Councilmember Smith made a motion to approve. The  
vote was unanimous.**

**FAVORABLE**

**06-O-1800 ( 6)  
Z-06-81**

An **Amended** Ordinance by Zoning Committee to rezone  
from the C-1 (Community Business) District to the MRC-3  
(Mixed Residential Commercial) District, property located at  
**1817 Hollywood Road, NW**, fronting approximately 275 feet  
on the west side of Hollywood Road beginning approximately  
500 feet from the northwest corner of Browntown and  
Hollywood Roads.

Depth: Approximately 200 Feet

Area: Approximately 1.38 Acres

Land Lot: 252, 17<sup>th</sup> District, Fulton County, Georgia

Owner: Nathaniel Smith

Applicant: Nathaniel Smith

**NPU-G**

**Council District 9**

**Councilmember Fauver made a motion to approve. The  
vote was unanimous.**

**FAVORABLE AS AMENDED**

**06-O-1801 ( 7)  
Z-06-82**

An Amended Ordinance by Zoning Committee to rezone from  
the R4-A (Single-Family Residential) District to the MRC-3  
(Mixed Residential Commercial) District, property located at  
**1822 Hollywood Road, NW**, fronting approximately 209 feet  
on the south side of Perry Boulevard and approximately 85  
feet on the east side of Hollywood Road.

Depth: Approximately 85 Feet

Area: Approximately 1.29 Acres

Land Lot: 251, 17<sup>th</sup> District, Fulton County, Georgia

Owner: Nathaniel Smith

Applicant: Nathaniel Smith

**NPU-G**

**Council District 9**

**Councilmember Shook made a motion to approve. The  
vote was unanimous.**

**FAVORABLE AS AMENDED**

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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<b><u>FAVORABLE ON SUBSTITUTE</u></b>						
06-O-2312	Z-06-105A	1785 Kimberly Road, SW (P-11)	R-1 to PD-H	Approval Conditional on Substitute	Approval	Approval Conditional on Substitute
<b>Referred back to ZRB</b>						
06-O-2311	Z-06-105B	O Kimberly Road, SW (P-11)	R-1 to PD-H	Approval Conditional on Substitute	Approval	Approval Conditional on Substitute
<b>Referred back to ZRB</b>						
06-O-2310	Z-06-105C	1675 Kimberly Road, SW (P-11)	R-1 to PD-H	Approval Conditional on Substitute	Approval	Approval Conditional on Substitute
<b>Referred back to ZRB</b>						
<b><u>FAVORABLE AS AMENDED</u></b>						
06-O-2280	Z-06-120	Dixie Hills, Hunter Hills, Grove Park, Center Hill, West Lake, Washington Park, English Avenue, Vine City, Bankhead Avenue, Harvel Homes, Urban Villa, Penelope Neighbors and Knight Park/Howell Station which are wholly or partially located in Council District 3	Correction and clarification of zoning and maps for property previously zoned R-5 to R4-A	Approval	Approval	Approval

Councilmember Shook made a motion to approve as amended. The vote was unanimous.

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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
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**FAVORABLE AS AMENDED (CONT'D)**

06-O-1798	Z-06-78	1059 Grant Street, SE and 1084 and 1090 Hill Street, SE (W-1)	I-1 and R-5 to MRC-3	Denial	Approval Conditional	Approval Conditional
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Councilmember Shook made a motion to approve as amended. The vote was unanimous.

06-O-1802	Z-06-83	2489 Perry Boulevard, NW (G-9)	C-1 and RG-3 to MRC-3	Approval	Approval	Approval
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Councilmember Shook made a motion to approve as amended. The vote was unanimous.

06-O-2466	U-06-30	177 Estoria Street, SE (N-5)	Special Use Permit for a Childcare Center/Special School	Approval Conditional	Approval	Approval Conditional
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Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.

06-O-1920	U-06-21 / U-96-34	3368 and 3372 Peachtree Road, NE (B-7)	Special Use Permit for a Hotel	Approval Conditional	Approval	Approval Conditional
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Councilmember Smith made a motion to approve as amended. The vote was unanimous.

06-O-1954	Z-06-97	1971 Fairburn Road, SW (P-11)	R-3 to PD-H	Approval Conditional	Deferral	Approval Conditional
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Councilmember Shook made a motion to approve as amended. The vote was unanimous.

06-O-2263	Z-06-111	84, 88, 96, 98, 100, 120 and 130 Poole Creek Road and 3715 and 3711 Wilson Drive, SE (Z-12)	I-1 and R-4 to I-1	Approval	Approval	Approval Conditional
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Councilmember Smith made a motion to approve as amended. The vote was unanimous.

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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
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**FAVORABLE AS  
AMENDED (CONT'D)**

06-O-2307	Z-06-114	1050 Techwood Drive, NW (E-2)	Site Plan Amendment	Approval Conditional	Approval Conditional	Approval Conditional
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Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.

06-O-2306	Z-06-115	2391, 2411, 2417 Cook Street, NW and 2381 Main Street, NW (D-9)	R4-A to PD-H	Approval Conditional	Approval	Approval Conditional
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Councilmember Smith made a motion to approve as amended. The vote was unanimous.

**FILE**

06-O-1794	Z-05-53	Northeast BellLine Parcel Five (Freedom Parkway to Decatur Street (M and N-2)	I-1 and I-2 to MRC-3	File	Approval as amended on Condition	File
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Councilmember Smith made a motion to file. The vote was unanimous.

06-O-1073	Z-06-63	1131 State Street (aka 348 14 <sup>th</sup> Street, NW), 1129 State Street NE and 1132 Atlantic Drive, NW (E-2)	C-1 and R-5 to C-1	Denial	Denial	File
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Councilmember Smith made a motion to file. The vote was unanimous.

06-O-0015	Z-05-83	428 Boulevard, SE (W-1)	R-5/HD 20 K Subarea #1 to C-1/HD 20K Subarea #2	File	Denial	File
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Councilmember Smith made a motion to file. The vote was unanimous.

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<b>LEGISLATION NUMBER</b>	<b>ZONING NUMBER</b>	<b>LOCATION (NPU/CD)</b>	<b>CHANGE</b>	<b>STAFF RECOMM.</b>	<b>NPU RECOMM.</b>	<b>ZRB RECOMM</b>
06-O-1442	Z-06-71	3057 North Pharr Court, NE (B-7)	RG-4 to MR5-A	File	File	File

Councilmember Smith made a motion to file. The vote was unanimous.

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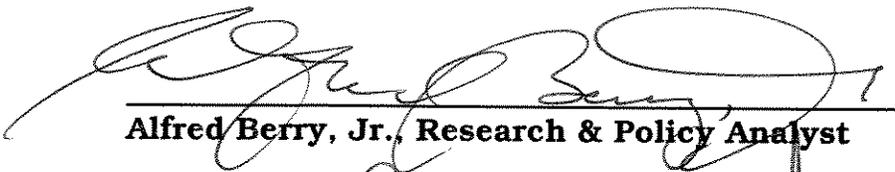
**There being no further business to come before the Zoning Committee the meeting was adjourned at 12:00 noon.**

**Respectfully submitted:**



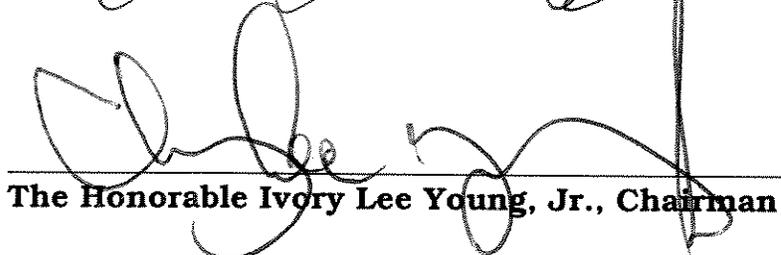
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**Angela H. Campbell, Legislative Secretary**



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**Alfred Berry, Jr., Research & Policy Analyst**



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**The Honorable Ivory Lee Young, Jr., Chairman**