

**ZONING COMMITTEE
MINUTES
WEDNESDAY, MAY 30, 2007**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, May 30, 2007** in the Council Chambers, at 11: 15 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 Anne Fauver
The Honorable Howard Shook
The Honorable C. T. Martin
The Honorable Natalyn Archibong**

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

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ZRB SUMMARY REPORT (SEE ATTACHED LIST)**

CONSENT AGENDA

D. ORDINANCES FOR FIRST READING

07-O-1118 (1)
Z-06-139 An Ordinance by Zoning Committee authorizing the Mayor or her designee to amend Ordinance 07-O-0149 (Z-06-139) by correcting the Zoning designation in the legislation; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZONING COMMITTEE

07-O-1119 (2)
Z-06-126 An Ordinance by Zoning Committee authorizing the Mayor or her designee to amend Ordinance 06-O-2688 (Z-06-126) by deleting legal descriptions not pertaining to the property rezoned in the legislation; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZONING COMMITTEE

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CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

07-O-1120(3) An Ordinance by Zoning Committee amending Ordinance
Z-07-63 06-O-1072 adopted by City Council September 18, 2006
approved by the Mayor September 26, 2006 rezoning
property located at 547, 553, 559-565 Boulevard, NE, and
489 Boulevard Place, NE, from the RG-4 (Residential
General-Sector 4) District to the MRC-3-C (Mixed Residential
Commercial-Conditional) District so that the Zoning
Ordinance of the City of Atlanta be amended, be changed so
as to delete condition 6C.

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
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07-O-1121 (4) An Ordinance by Zoning Committee to amend Ordinance (U-
U-07-18/U-83-7 83-7) adopted by the City Council on June 6, 1983 and
approved by the Mayor on June 10, 1983, which granted a
Special Use Permit for a Truck Terminal for property located
at **3350 Bankhead Highway, NW**. The property fronts
approximately 572 feet on the west side of Bankhead
Highway at the northwest corner of Fulton Industrial
Boulevard.

Depth: Approximately 1,195 Feet

Area: 19.3 Acres

Land Lot: 267, 17th District, Fulton County, Georgia

Owner: Mike Gerlin (Heartland Express)

Applicant: Sarran Marshall

NPU-H

Council District 9

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

CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

07-O-1124 (7)
Z-07-57B An Ordinance by Zoning Committee to rezone from the C-1 (Community Business) and R-4 (Single-Family Residential) Districts to the C-1 (Community Business) District, property located at **2365 and 2371 Hosea Williams Drive, SE**, fronting approximately 99.83 feet on the south side of Hosea Williams Drive, at the southeast corner of Hosea Williams and Second Avenue.
Depth: 200 Feet
Area: 0.857 Acre
Land Lot: 204, 15th District, Dekalb County, Georgia
Owner: 2nd Avenue Associates, LLC
Applicant: Eric Kronberg
NPU-O **Council District 5**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1125 (8)
Z-07-59 An Ordinance by Zoning Committee to rezone from the SPI-16-Subarea 3 (Midtown Special Public Interest) District to the SPI-16-Subarea 1 (Midtown Special Public Interest) District, property located at **131-151 Ponce de Leon Avenue, NE**, fronting approximately 304 feet on the south side of Ponce de Leon Avenue at the southeast corner of the intersection of Ponce de Leon and Juniper Street.
Depth: Approximately 332 Feet
Area: 2.53 Acres
Land Lot: 49, 14th District, Fulton County, Georgia
Owner: Thirty-Third Latitude Properties
Applicant: Thirty-Third Latitude Properties by G. Douglas Dillard, Esq.
NPU-E **Council District 2**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

07-O-1126 (9) An Ordinance by Zoning Committee to amend the 1982
Z-07-61 Zoning Ordinance of the City of Atlanta, as amended, so as
to create a new Section 16-29.001(67) to provide for a
definition of Rail Transportation Communications Facilities;
and to create a new Section 16-28.024 to provide for the
permitting of Rail Transportation Communications Facilities;
and for other purposes.

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

07-O-1127 (10) An Ordinance by Zoning Committee to rezone from the R4-
Z-07-62 B-C (Single-Family Residential Conditional) District to the
R4-B-C (Single-Family Residential-Conditional) District for
the purpose of a change of conditions, property located at
677 Martin Street, SE, fronting approximately 25 feet on
the west side of Martin beginning 175 feet south from the
southwest corner of Martin Street and Georgia Avenue.

Depth: Approximately 93 Feet

Area: 0.0642 Acre

Land Lot: 54, 14th District, Fulton County, Georgia

Owner: Lonnie C. King, Jr.

Applicant: Lonnie C. King, Jr.

NPU-V

Council District 1

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

07-O-1128 (11) An Ordinance by Zoning Committee granting a Special Use
U-07-13 Permit for a Personal Care Home (Section 16:05.005 (l)(g)),
property located at **765 Skipper Drive, SW**, fronting
approximately 125 feet on the east side of Skipper Drive and
216 feet on the south side of Eleanor Terrace. Property is
located at the southeast corner of the intersection of Eleanor
Terrace and Skipper Drive.

CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

Depth: Varies
Area: Approximately 0.80 Acre
Land Lot: 240, 14th District, Fulton County, Georgia
Owner: Amos O. Daniels
Applicant: Amos O. Daniels/Sandy J. Glass
NPU-I Council District 9

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1129 (12) An Ordinance by Zoning Committee granting a Special Use
U-07-14 Permit for a Daycare Center (Section 16:06.005 (l)(b)),
property located at **3245 Katomarick Drive, SE**, fronting
approximately 75 feet on the east side of Katomarick Drive.

Depth: Varies
Area: Approximately 0.657 Acre
Land Lot: 30, 14th District, Fulton County, Georgia
Owner: Shawn and Annette Draughn
Applicant: Annette Draughn

NPU-Z Council District 12

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1130 (13) An Ordinance by Zoning Committee granting a Special Use
U-07-15 Permit for a Hotel (Section 16.13.005 (l)(g)), property located
at **3002 Peachtree Street, NE**, fronting approximately
196.25 feet on the west side of Peachtree Road and the
southwest corner of the intersection of Pharr Road and
Peachtree Road.

Depth: Varies
Area: 2.4108 Acres
Land Lot: 100, 17th District, Fulton County, Georgia
Owner: Pharr Road, LLC
Applicant: Buckhead Avenues Development Co., LLC

NPU-B Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

07-O-1131(14) An Ordinance by Zoning Committee granting a Special Use
U-07-16 Permit for a Game Room/Billiard Parlor (Section 16.11.005 (l)(d)), property located at **2698 Campbellton Road, SW (also addressed as 2694, 2674 and 2670 Campbellton Road)**, fronting approximately 175 feet on the south side of Campbellton Road and approximately 150 feet on the west side of Dodson Drive.
Depth: 175 Feet
Area: 0.6019 Acre
Land Lot: 199, 14th District, Fulton County, Georgia
Owner: Herman Porter
Applicant: Stephanie D. Jackson
NPU-R **Council District 11**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1132 (15) An Ordinance by Zoning Committee granting a Special Use
U-07-17 Permit for a Daycare Center (Section 16:06.005 (l)(b)) property located at **470 Macedonia Road, SE**, fronting approximately 108.66 feet on the south side of Macedonia Road, beginning 320 feet from the southwest corner of Jonesboro Road.
Depth: Varies
Area: Approximately 0.523 Acre
Land Lot: 34, 14th District, Fulton County, Georgia
Owner: Sylvester L. Davis
Applicant: Larry A. Oladehinbo
NPU-Z **Council District 12**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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REGULAR AGENDA

E. PAPERS HELD IN COMMITTEE

06-O-0038 (1)
Z-05-56 An Ordinance by Councilmember Carla Smith to 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)
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

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E. PAPERS HELD IN COMMITTEE (CONT'D)

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)**

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

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1927 (10) 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 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)**

07-O-0396 (11) 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 **349 14th Street**, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. **(1st Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07 awaiting companion Zoning legislation) (Favorable by CD/HR Committee 3/27/07) (Held 3/28/07 at the request of the applicant)**
NPU-E **Council District 2**

07-O-0148 (12) An Ordinance by Zoning Committee to rezone from the C-2 (Commercial Service) District to the MRC-3 (Mixed Residential-Commercial) District, property located at **349 14th Street, NW**, fronting approximately 134 feet on the south side of 14th Street, at the southwest corner.
Depth: Approximately 152 Feet
Area: Approximately 0.47 Acre
Land Lot: 149, 17th District, Fulton County, Georgia
Owner: Julian W. Rikard
Applicant: Michael Gamble
(Held 3/28/07 at the request of the applicant)
NPU-E **Council District 2**

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1445 (13) An Ordinance by Zoning Committee to rezone from the R-G-3
Z-06-74 (Residential General-Sector 3) District to the PD-MU
(Planned Development-Mixed Use) District, property located
at **3700 Martin Luther King, Jr. Drive, SW**, fronting
approximately 474.25 feet on the south side of Martin Luther
King, Jr. Drive beginning approximately 183 feet from the
southwest corner of Adamsville Drive. **(Held 5/2/07 at the
request of Councilmember of the District)**

Depth: Varies
Area: Approximately 27 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Atlanta Neighborhood Development Partnership
Applicant: Marvin Greer
NPU-H **Council District 10**

HELD

07-O-0383 (14) An Ordinance by Zoning Committee to rezone from the RG-2
Z-07-10 (Residential General-Sector 2) District to the MR-3 (Multi-
Family Residential) District, property located at **421 Connell
Avenue, SE**, fronting approximately 400 feet on the north
side of Connell Avenue beginning approximately 100 feet
from the northeast corner of Cleveland Circle. **(Held 5/2/07)**

Depth: Approximately 589 Feet
Area: Approximately 4.98 Acres
Land Lot: 92, 14th District, Fulton County, Georgia
Owner: Oyuind Jordhoy
Applicant: Kevin S. Edwards
NPU-X **Council District 12**

HELD

07-O-0493 (15) An Ordinance by Councilmembers Howard Shook and Jim
Z-07-32 Maddox **as amended by Zoning Committee** to rezone those
portions of properties within Unincorporated Fulton County
known on the Tax Records of said County as Club Drive
rear, Parcels 17 00120005046, 17 00120005049, 17
00120005050 and 17 00120005055; Mabry Road rear,
Parcels 17 00130002015, 17 00130002016 and
17 00130002033; 4500 East Brookhaven Drive rear, Parcel
17 00120005052; 4536 East Brookhaven Drive, Parcel 17

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E. PAPERS HELD IN COMMITTEE (CONT'D)

00130002026; 4524 East Brookhaven Drive, Parcel 17
00130002038; 4520 East Brookhaven Drive, Parcel 17
00130002042; 4516 East Brookhaven Drive, Parcel 17
00130002043; and 4647 Club Valley Drive, Parcel 17
00130002041, from the R-3 (Fulton County Single-Family
Residential) District to the R-3 (Atlanta Single-Family
Residential) District; to modify the Official Zoning Maps; and
for other purposes.

HELD

07-O-0501 (16) An Ordinance by Councilmembers Jim Maddox and Howard
Z-07-34 Shook to rezone the property known as Kimberly Road,
Parcel 14F0030 LL010, Kimberly Road rear, Parcel 14F0030
LL011, Kimberly Road, Parcel 14F0030 LL012, Kimberly
Road, Parcel 14F0030 LL013, Kimberly Road, Parcel
14F0030 LL027 and Kimberly Road, Parcel 14F0030 LLO28,
be changed from the R-3 (Fulton County Residential) District
to the R-3 District; to modify the Official Zoning Maps and
for other purposes.

HELD

07-O-0506 (17) An Ordinance by Councilmembers Jim Maddox and Howard
Z-07-36 Shook to rezone the property located at **Welcome All Road**,
Parcel 14F0037 LL005, be changed from the AG-1 (Fulton
County Agricultural) District to the I-2 (Atlanta Heavy
Industrial) District; to modify the Official Zoning Maps; and
for other purposes.

HELD

07-O-0507 (18) An Ordinance by Councilmembers Jim Maddox and Howard
Z-07-37 Shook to rezone the property located at Welcome All Road,
Parcel 14F0037 LL008, be changed from the AG-1 (Fulton
County Agricultural) District to the I-2 (Atlanta Heavy
Industrial) District; to modify the Official Zoning Maps; and
for other purposes.

HELD

**SUMMARY REPORT
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LEGISLATION NUMBER FAVORABLE	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
07-O-0375	Z-07-31	Beltline Overlay District Map Boundaries (Z-06-121) so as to correct and clarify the rezoning of properties in the Butler/Auburn and Old Fourth Ward/Central Atlanta/Bedford Pine Neighborhoods	M-2 Text Amendment	Approval	Approval	Approval
Councilmember Smith made a motion to approve. The vote was unanimous.						
FAVORABLE as amended						
07-O-0635	U-07-04	51 Polar Rock Road, S.W. (also addressed as 2119 Polar Rock Road, S.W.)	Z-12 Special Use Permit for a Daycare Center	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.						
07-O-0388	Z-07-22	2264 Childress Drive, S.W.	R-11 R-1C-C to R-1C-C (Change of Condition)	Approval	Approval Conditional	Approval Conditional
Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.						
07-O-0629	Z-07-25	1280 Ralph David Abernathy Boulevard, S.W.	T-4 R-5 to C-1-C	Approval Conditional	Approval	Approval Conditional
Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.						
07-O-0855	Z-07-41	2011 Bolton Road, N.W.	D-9 Site Plan Amendment	Approval Conditional	Approval	Approval Conditional
Councilmember Sheperd 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
06-O-2309	Z-06-112	2561 Bolton Road N.W., 2338, 2346, 2358, 2372, 2380 and 2390 Coronet Way, N.W., 2400 Coronet Way, N.W., and 2611 Bolton Road, N.W., C-9	C-1 to C-3-C	Approval Conditional	Approval Conditional	Approval Conditional

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

ADVERSE

07-O-0632	Z-07-39	518 English Avenue, N.W. L-3	R4A to R4B	Denial	Approval Conditional	Denial
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Councilmember Smith made a motion to adverse. The vote was unanimous.

FILE

06-O-2308	Z-06-113	863 Ponce de Leon (rear) N.E. N-6	SPI-6 (Poncey Highland Special Public Interest) District to the C- 1 (Community Business) District	Deferral	Deferral	File
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Councilmember Fauver made a motion to file. The vote was unanimous.

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E. PAPERS HELD IN COMMITTEE (CONT'D)

There being no further business to come before the Zoning Committee the meeting was adjourned at 11:40 a.m.

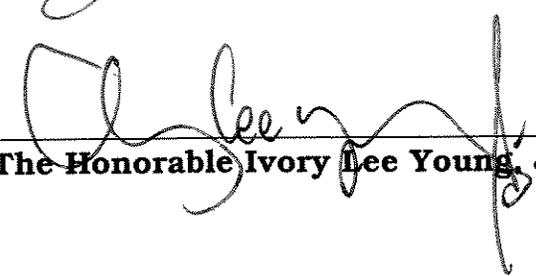
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory Lee Young, Jr., Chairman