

**ZONING COMMITTEE
MINUTES
WEDNESDAY, JUNE 13, 2007**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, June 13, 2007** in the Council Chambers, at 12: 25 p.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 following member was absent:

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 Haymore, Law Department; and members of the Public and Council staff.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ORDINANCES FOR SECOND READING**

06-O-2308 (1) An **Amended** Ordinance by Zoning Committee to rezone
Z-06-113 from the SPI-6 (Poncey Highland Special Public Interest)
District to the C-1 (Community Business) District, property
located at **863 Ponce de Leon (rear), NE**, fronting
approximately 63 feet on the east side of Barnett Street,
beginning 150 feet from the westerly corner of Barnett Street
and Ponce de Leon Avenue. **(Filed by ZRB and Zoning
Committee 5/20/07) (Referred by back by Full Council
6/4/07) (Held 6/13/07)**

Depth: Approximately 74 Feet
Area: Approximately 0.861 Acre
Land Lot: 17, 14th District, Fulton County, Georgia
Owner: Robert T. Budd
Applicant: Kevin A. Ross

NPU-N

Council District 2

HELD

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C. ORDINANCES FOR SECOND READING (CONT'D)

07-O-1118 (2)
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.

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

FAVORABLE

07-O-1119 (3)
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.

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

FAVORABLE

07-O-1234 (4) An Ordinance by Councilmember Carla Smith **as amended by Zoning Committee** extending for eighty (80) days the effect of 06-O-2698 which placed Interim Controls on applications for Building Permits concerning any sign employing electronically changing digital message technology which is not currently regulated by the City of Atlanta Sign Ordinance; and for other purposes.

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

FAVORABLE AS AMENDED

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D. ORDINANCE FOR FIRST READING

07-O-1245 (1) An Ordinance by Zoning Committee to grant a Certificate
MRPA-07-01 under the provisions of the Metropolitan River Protection Act for the construction of a heated space addition, and driveway addition to an existing single-family Home, located at **2000 Garraux Road, NW** 4.2 Acres in Land Lots 234 and 235, 17th District, Fulton County, Georgia. **(Advertised for a Public Hearing 6/27/07)**

Owner: Ray Weeks

Applicant: PBS&J

NPU-A

Council District 8

FAVORABLE - TO BE REFERRED TO ZONING COMMITTEE

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-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, 14th 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)**

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E. PAPERS HELD IN COMMITTEE (CONT'D)

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

HELD

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-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)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0396 (11) An Ordinance by Community Development/Human
CDP-07-09 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**

HELD

07-O-0148 (12) An Ordinance by Zoning Committee to rezone from the C-2
Z-06-138 (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**

HELD

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**)

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E. PAPERS HELD IN COMMITTEE (CONT'D)

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**

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

FAVORABLE

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0493 (15) **Z-07-32** An Ordinance by Councilmembers Howard Shook and Jim 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 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.

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

FAVORABLE AS AMENDED

07-O-0501 (16) **Z-07-34** An Ordinance by Councilmembers Jim Maddox and Howard 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 LL028, 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.

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

FAVORABLE

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0506 (17) **Z-07-36** An Ordinance by Councilmembers Jim Maddox and Howard 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.

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

FAVORABLE

07-O-0507 (18) **Z-07-37** An Ordinance by Councilmembers Jim Maddox and Howard 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.

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

FAVORABLE

F. ITEMS NOT ON THE AGENDA

07-O-0491 (1) An Ordinance by Councilmembers Howard Shook and Jim Maddox **as substituted by Community Development/Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2004 Comprehensive Development Plan (CDP) so as to designate 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 00130002026; 4524 East Brookhaven Drive, Parcel 17 00130002038; 4520 East Brookhaven Drive, Parcel 17

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F. ITEMS NOT ON THE AGENDA (CONT'D)

00130002042; 4516 East Brookhaven Drive, Parcel 17 00130002043; and 4647 Club Valley Drive, Parcel 17 00130002041, to the Single-Family Residential Designation, effective upon its annexation into the City of Atlanta; and for other purposes. **(Public Hearing held 6/11/07) (Favorable on substitute by CD/HR Committee 6/12/07)**

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

FAVORABLE ON SUBSTITUTE

07-O-0499 (2) An Ordinance by Councilmembers Jim Maddox and Howard Shook to amend the Land Use Element of the City of Atlanta 2004 Comprehensive Development Plan (CDP) so as to designate property located at Welcome All Road, Parcel 14F0037 LL005, to the Industrial Designation, effective upon its annexation into the City of Atlanta; and for other purposes. **(Public Hearing held 6/11/07) (Favorable by CD/HR Committee 6/12/07)**

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

FAVORABLE

07-O-0502 (3) An Ordinance by Councilmembers Jim Maddox and Howard Shook to amend the Land Use Element of the City of Atlanta 2004 Comprehensive Development Plan (CDP) so as to designate 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 LL028, to the Single-Family Residential Designation, effective upon its annexation into the City of Atlanta; and for other purposes. **(Public Hearing held 6/11/07) (Favorable by CD/HR Committee 6/12/07)**

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

FAVORABLE

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F. ITEMS NOT ON THE AGENDA (CONT'D)

07-O-0508 (4) An Ordinance by Councilmembers Jim Maddox and Howard Shook to amend the Land Use Element of the City of Atlanta 2004 Comprehensive Development Plan (CDP) so as to designate property located at Welcome All Road, Parcel 14F0037 LL008, to the Industrial Designation, effective upon its annexation into the City of Atlanta; and for other purposes. **(Public Hearing held 6/11/07) (Favorable by CD/HR Committee 6/12/07)**

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

FAVORABLE

07-O-0960 (5)
CDP-07-19 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 **421 Connell Avenue, SE**, from the "Low Density Residential" Land Use Designation to the "Medium Density Residential" Land Use Designation; and for other purposes. **(Public Hearing held 6/11/07) (Favorable by CD/HR Committee 6/12/07)**
NPU-X **Council District 12**

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

FAVORABLE

07-O-0510 (6) An Ordinance by Councilmembers Jim Maddox and Howard Shook **as substituted by Community Development/Human Resources Committee** to amend the Land Use Element of the City of Atlanta 2004 Comprehensive Development Plan (CDP) so as to designate property known as Niskey Lake Trail, Parcel 14F0029 LL036, to the Single-Family Residential Designation, effective upon its annexation into the City of Atlanta; and for other purposes. **(Public Hearing held 6/11/07) (Favorable on substitute by CD/HR Committee 6/12/07)**

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F. ITEMS NOT ON THE AGENDA (CONT'D)

Councilmember Sheperd made a motion to approve on substitute. The vote was unanimous.

FAVORABLE ON SUBSTITUTE

**07-O-0503 (7)
Z-07-35** An Ordinance by Councilmembers Jim Maddox and Howard Shook **as amended by Zoning Committee** to rezone the property known as **Niskey Lake Trail**, Parcel 14F0029 LL036, be changed from the R-5 (Fulton County Residential) District to the R-3 District; to modify the Official Zoning Maps; and for other purposes.

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

FAVORABLE AS AMENDED

There being no further business to come before the Zoning Committee the meeting was adjourned at 12:58 p.m.

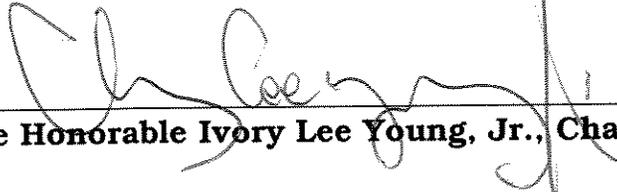
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory Lee Young, Jr., Chairman