

**ZONING COMMITTEE
MINUTES
WEDNESDAY, SEPTEMBER 12, 2007**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, September 12, 2007** in the Council Chambers, at 11:30 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Joyce Sheperd, Vice Chair
The Honorable Anne Fauver
The Honorable Carla Smith
The Honorable Howard Shook**

The following member were absent:

**The Honorable Natalyn Archibong
The Honorable C. T. Martin**

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 BY ADDING 1 PIECE OF LEGISLATION

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

07-O-1913 (1) An Ordinance by Zoning Committee to rezone property from the R-3 (Single-Family Residential) District to the C-1 (Community Business) District, property located at **134 Lynhurst Drive, SW**, fronting approximately 329 feet on the east side of Lynhurst Drive and approximately 525 feet south of the intersection of Lynhurst Drive and Martin Luther King, Jr. Drive.

Depth:	Varies
Area:	Approximately 1.196 Acres
Land Lot:	237, 14 th District, Fulton County, Georgia
Owner:	Dan Gagne (West Ridge, LLC)
Applicant:	Lester Freeman A. (Stellite Realty, LLC)
NPU-I	Council District 10

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

Peachtree Avenue and approximately 180 feet on the east side of Peachtree Road.

Depth: Varies

Area: 1.59 Acres

Land Lot: 100, 17th District, Fulton County, Georgia

Owner: Leon Williams, Claire O'Neill and

Buckhead Joint Venture-A Georgia Tenancy-In-Common

Applicant: Kennedy Capital Group, LLC.

NPU-B

Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1919 (7)
Z-07-93

An Ordinance by Zoning Committee to rezone property from the RG-2 (Residential General-Sector 2) District to the RG-3 (Residential general-Sector 3) District, property located at **38 Peachtree Avenue, NE**, fronting approximately 59.6 feet on the north side of Peachtree Avenue, beginning 197 feet from the northwest corner of Peachtree Avenue and North Fulton Drive.

Depth: Varies

Area: Approximately 0.317 Acre

Land Lot: 100, 17th District, Fulton County, Georgia

Owner: Larry L. and Judith I. Benton

Applicant: Peahtree Avenue Brownstones, LLC.

NPU-B

Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1920 (8)
Z-07-84
Z-04-16/
Z-02-34/
Z-02-41

An Ordinance by Zoning Committee to amend Ordinance 02-O-0897 (Z-02-41) adopted by City Council October 21, 2002 and approved by the Mayor October 28, 2002 which rezoned property from the R-4 (Single-Family Residential) District and I-1 (Light Industrial) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3871 Redwine Road, SW**, for the purpose of a Site Plan Amendment.

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

Depth: Varies
Area: 41.807 Acres
Land Lot: 2, 14th FF District, Fulton County, Georgia
Owner: Patrick Malloy Communities
Applicant: James R. Bailey
NPU-P Council District 11

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1921 (9)
**U-07-27/
U-06-23** An Ordinance by Zoning Committee to amend Ordinance 06-O-2254 (U-06-23) which granted a Special Use Permit for a Private School pursuant to Section 16-08.005 (l) (k), property located at **23-41 Peachtree Avenue, NE and 2380 (a.k.a. 2890) North Fulton Drive, NE**, for the purpose of a Site Plan Amendment.

Depth:
Area: 12.98 Acres
Land Lot: 100, 17th District Fulton County, Georgia
Owner: International School of Atlanta and Atlanta Public Schools
Applicant: International School of Atlanta (DBA Atlanta International School)
NPU-B Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1922 (10)
**U-07-25/
U-06-73** An Ordinance by Zoning Committee to amend Ordinance 98-O-0244 (U-97-73) adopted by City Council on August 3, 1998 and approved by the Mayor on August 11, 1998 which granted a Special Use Permit located at **930 Custer Avenue, SE**, for the purpose of a Site Plan Amendment.

NPU-W Council District 1

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

07-O-1923 (11) An Ordinance by Zoning Committee to amend Ordinance 00-
U-07-23 O-1446 (U-00-27) which amended Ordinance U-78-18
(adopted by City Council on July 17, 1978 and approved by
the Mayor on July 25, 1978) which granted a Special Use
Permit for a Private School, property located at **4075 Paces
Ferry Road, NW** for the purpose of a Site Plan Amendment.

Owner: The Lovett School

Applicant: The Lovett School, by David Meriwether,
Business Manager

NPU-A

Council District 8

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

07-O-1924 (12) An Ordinance by Zoning Committee granting a Special Use
U-07-24 Permit for a Hotel (Section 16-13.005 (l) (g)) for property
located at **2909, 2915 and 2919 Peachtree Road, NE and
3 and 5 Peachtree Avenue, NE**, fronting approximately 325
feet on the south side of Peachtree Avenue and
approximately 180 feet on the east side of Peachtree Road.

Depth: Varies

Area: Approximately 1.59 Acres

Land Lot: 100, 17th District, Fulton County, Georgia

Owner: Leon Williams, Clair O'Neill and Buckhead
Joint Venture-A Georgia Tenancy-In-
Common

Applicant: Kennedy Capital Group, LLC.

NPU-B

Council District 7

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

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REGULAR AGENDA

C. ORDINANCE FOR SECOND READING

07-O-1906 (1) An Ordinance by Councilmembers Clela Winslow and Ceasar C. Mitchell authorizing the Mayor or her designee to place Interim Development Controls on the Issuance of Buildings Permits for new construction on vacant lots, in the Pittsburgh District for a period of six (6) months while work is being done to create a Historical District Designation; and for other purposes.

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

FAVORABLE

D. 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 Clela 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-1950 (6)
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 (7)
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, 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-1927 (8) 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

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E. PAPERS HELD IN COMMITTEE (CONT'D)

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

07-O-0396 (9)
CDP-07-09

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**

HELD

07-O-0148 (10)
Z-06-138

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**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1445 (11) 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

06-O-2308 (12) An 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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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0389 (13) An Ordinance by Zoning Committee to amend Ordinance 04-
Z-07-24 O-2076/Z-04-127 which amended Z-03-85 which rezoned
property from the RG-2 (Residential General-Sector 2)
District to the PD-H (Planned-Development-Housing)
District, property located at **201 Moury Avenue, SE** for the
purpose of a Site Plan Amendment. **(Held 6/27/07)**
Owner: Villages at Carver, LLC.
Applicant: James R. Bailey
NPU-Y **Council District 11**

HELD

07-O-1524 (14) An Ordinance by Councilmember Joyce Sheperd to rezone
Z-07-40 from the R-4 (Single-Family Residential) district to the R-4A
(Single-Family Residential) District, property located at
**1623, 1619, 1615, 1609, 1603, 1599, 1595, 1589, 1585,
1579, 1575, 1573, 1569 and 1559 Langston Avenue, SE,**
fronting approximately 716.50 feet on the west side of
Langston Avenue. Property is located approximately 150 feet
on north of the intersection of Langston Avenue and
Katherwood Drive. **(Held 8/29/07 for further review)**
Depth: Varies
Area: Approximately 6.03 Acres
Land Lot: 121, 14th District, Fulton County, Georgia
Owner: Brian Turner, President Southern Saw
Applicant: David N. Hauseman
NPU-X **Council District 12**

HELD

E. ITEM NOT ON THE AGENDA

07-O-1454 (1) A **Substitute** Ordinance by Zoning Committee to amend the
Z-07-73 1982 Zoning Ordinance of the City of Atlanta by replacing
Chapter 18I:SPI-9 Buckhead Commercial Core District
Regulations with a NEW Chapter 18I:SPI-9 Buckhead Village
Overlay District; and to amend the Official 1982 Zoning
Ordinance Map by overlaying said Amended SPI-9 District;
and for other purposes.

FAVORABLE ON SUBSTITUTE

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There being no further business to come before the Zoning Committee the meeting was adjourned at 11:35 a.m.

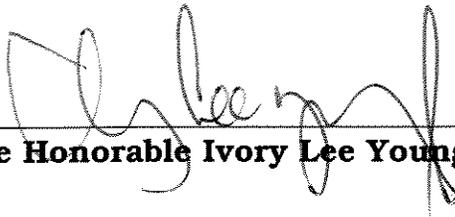
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory Lee Young, Jr., Chairman