

**ZONING COMMITTEE
MINUTES
WEDNESDAY, JANUARY 30, 2008**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, January 30, 2008** in the Committee Room #2, at 11:10 a.m.

The following members were present:

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

Others present at the meeting were: Councilmember Mary Norwood; Charletta Wilson-Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorney Peter Andrews 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

08-O-0205(1) An Ordinance by Zoning Committee correcting Ordinance Number 06-O-2693 which granted a Special Use Permit pursuant to Section 16-11.005(1)(H) for a hotel on property abutting Peachtree Road, Bolling Way and Buckhead Avenue; and for other purposes.

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-0206 (2)
Z-07-120 An Ordinance by Zoning Committee to rezone from the RG-2 (Residential General-Sector 2) District to the C-2 (Commercial Services) District, property located at **2370 Metropolitan Parkway, SW**, fronting approximately 300 feet on the east side of Metropolitan Parkway and approximately 200 feet north of the northeastern intersection of Metropolitan Parkway and Pegg Road.

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C. ORDINANCES FOR FIRST READING (CONT'D)

Depth: 229 Feet
Area: Approximately 6.88 Acres
Land Lot: 19, 14th District, Fulton County, Georgia
Owner: SADC, LLC.
Applicant: Lawrence T. Humprey
NPU- X Council District 12

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

D. ZRB SUMMARY REPORT

E. PAPERS HELD IN COMMITTEE

06-O-0273 (1) 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 (2)
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 (3)
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 (4)
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-0955 (5)
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

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1927 (6) 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

07-O-0396 (7)
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 (8)
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 (9) 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 (10) 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

07-O-1524 (11) 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)**

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E. PAPERS HELD IN COMMITTEE (CONT'D)

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

07-O-1910 (12)
Z-07-99 An Ordinance by Councilmember Carla Smith to rezone the properties located at **760 Confederate Avenue, also known as 766 Confederate Avenue and 750 Confederate Avenue** from the R-5 (Two Family Residential District) District to the C-1-C (Community Business District Conditional); to modify the Official Zoning Maps; and for other purposes. **(Held 11/28/07)**

HELD

06-O-1888 (13)
CDP-06-65 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 property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07)**

NPU-H

Council District 1

HELD

07-O-2300 (14)
CDP-07-42 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 **760 Confederate Avenue**, from the "Low Density Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation; and for other purposes. **(Held 11/13/07) (CDP Amendment Public Hearing held 11/26/07) (Favorable by CD/HR Committee 11/27/07)**

NPU-W

Council District 1

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2594 (15) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

HELD

06-O-0038 (16) An Ordinance by Councilmembers Carla Smith and Ivory Lee Young, Jr. 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. **(Favorable by Zoning Committee 10/31/07) (Referred back by Council 11/5/07) (Public Hearing held 12/12/07) (Held 12/12/07)**

HELD

07-O-1534 (17) An Ordinance by Zoning Committee to rezone from the SPI-16 Sub Area 2 (Midtown Special Public Interest) District to the SPI-16 Sub Area 2 Transition Area (Midtown Special Public Interest) District, property located at **207, 211, 219, 223 and 225 13th Street, NE**, fronting approximately 208 feet on the south side of 13th Street beginning 408.87 feet from the southwest corner of Piedmont Avenue. **(Held 1/16/08)**

Depth: Approximately 178 Feet

Area: 0.854 Acre

Land Lot: 106, 17th District, Fulton County, Georgia

Owner: 13th Street Holdings, LLC./Frederick Lewis,
Paul Patterson

Applicant: 13th Street Holdings, LLC.

NPU-E Council District 6

**ADVERSE - 3 YEA'S (YOUNG, FAUVER AND SMITH), 2
ABSTENTIONS (ARCHIBONG AND SHEPERD) 1 NAY
(MARTIN)**

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-1916 (18) An Ordinance by Zoning Committee to rezone property from
Z-07-88/ the RG-2-C (Residential General-Sector 2-Conditional) to the
Z-05-114 MR-3 (Multi-Family) District, property located at **2853
Campbellton Road, SW**, fronting approximately 1,098 feet
on the north side of Campbellton Road. **(Held 1/16/08)**
Depth: Varies
Area: Approximately 10.179 Acres
Land Lot: 218, 14th District, Fulton County, Georgia
Owner: Cascade Walk, LLC
Applicant: Michael B. Vinson
NPU-R **Council District 11**

HELD

07-O-0860 (18) An Ordinance by Zoning Committee to rezone from the MR-
Z-07-49 4B (Multi-Family Residential) District to the MR5-A (Multi-
Family Residential) District, property located at **930 Mauldin
Street, SE (aka addressed as 922 Mauldin Street, SE)**,
fronting approximately 198.65 feet on the north side of
Mauldin Street and is located at the northwest corner of
Holtzclaw Street.
Depth: Varies
Area: Approximately 1.309 Acres
Land Lot: 13, 14th District, Fulton County, Georgia
Owner: 930 Mauldin Associates, LLC.
Applicant: David Green
NPU-N **Council District 5**

HELD

07-O-2531 (19) An Ordinance by Zoning Committee to amend Ordinance 03-
U-07-35/ O-0692 (U-03-13) which granted a Special Use Permit for a
U-03-13 Church pursuant to Section 16-05.005 (1) (c) for purposes of
a Site Plan Amendment. Property located at **306-312
Peyton Road, SW**, fronting approximately 482.8 feet on the
southeasterly side of Peyton Road beginning approximately
1,540 feet northerly from the northeast corner of Peyton
Woods Trail.

SUMMARY REPORT
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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE</u>						
07-O-2426	Z-07-1111/Z-02-83	Edgewood Retail District O-5	Change of Conditions	Approval	Approval	Approval
Councilmember Sheperd made a motion to approve. The vote was unanimous.						
<u>FAVORABLE AS AMENDED</u>						
07-O-2530	U-07-34/U-01-37	1700 Piedmont Avenue, N.E. F-6	Site Plan Amendment	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.						
07-O-2532	U-07-36/U-02-33 /U-86-39	1215 Piedmont Avenue, N.E. E-6	Site Plan Amendment	Approval Conditional	Approval	Approval Conditional
Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.						
07-O-2536	U-07-39	600 Peachtree Battle Avenue, N.W. C-8	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-1125	Z-07-59	131-151 Ponce de Leon Avenue, N.E. E-2	SPL-16 Subarea 3 to SPL-16 Subarea 1	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Sheperd made a motion to approve as amended. 6 YEA'S (YOUNG, MARTIN, SHOOK, SHEPERD, FAUVER AND SMITH) 1 ABSTENTION (ARCHIBONG)						
<u>ADVERSE</u>						
07-O-2535	U-07-37	1438 South Gordon Street, S.W. T-10	Special Use Permit for a Personal Care Home	Approval Conditional	Denial	Denial
Councilmember Smith made a motion to adverse. The vote was unanimous.						
07-O-1620	Z-07-92	Properties within the Beltline Overlay District K-3	R4-A and RG-3 to MR4-A	Approval Conditional	Denial	Denial

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

SUMMARY REPORT
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<u>FILE</u>	LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
	07-O-1130	U-07-15	3002 Peachtree Street, N.E. B-7	Special Use Permit for a Hotel	File	File	File
Councilmember Smith made a motion to file. The vote was unanimous.							
	07-O-2697	Z-06-144	Text Amendment	Affordable Workforce Housing	File	See Worksheet	File

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

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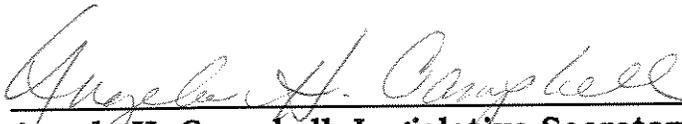
E. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 7.330 Acres
Land Lots: 213 and 204, 14th District, Fulton County,
Georgia
Owner: St. Paul's Episcopal Church
Applicant: Metro Planning Service, Inc.
By: James R. Bailey
NPU-R **Council District 10**

HELD

There being no further business to come before the Zoning Committee the meeting was adjourned at 12:25 P.M.

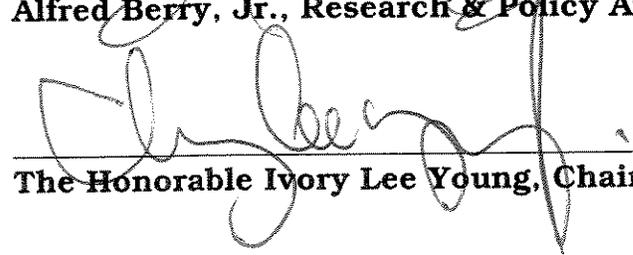
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory Lee Young, Chairman