

**ZONING COMMITTEE  
MINUTES  
WEDNESDAY, MAY 28, 2008**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, May 28, 2008** in Council Chambers, at 11:15 a.m.

The following members were present:

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

The following member was absent:

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

**A. ADOPTION OF AGENDA - ADOPTED AS AMENDED BY ADDING ONE PIECE OF LEGISLATION**

**B. APPROVAL OF MINUTES - APPROVED**

**CONSENT AGENDA**

**C. ORDINANCES FOR FIRST READING**

08-O-1134 ( 1)      An Ordinance by Zoning Committee to grant a Certificate  
**MRPA-08-01**      Under the Provisions of the Metropolitan River Protection Act  
for the Construction of a Single-Family Home, located **at**  
**1501 Whitewater Creek Road, NW** 3.168 acres in Land  
Lots 201 & 214, 17<sup>th</sup> District, Fulton County, Georgia  
Owner:                      Gene W. Milner, Jr.  
Applicant:                  Sprinkle Design Conservancy, Inc.  
**(Advertised for a Public Hearing on 6/11/08)**  
**NPU-A**    **Council District 8**

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

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

08-O-1135 ( 2)      An Ordinance by Zoning Committee authorizing the Mayor or  
**Z-08-06**                      her designee to correct Ordinance No. 08-O-0309 by  
including the correct name of the owner and the applicant  
for the rezoning which is the subject of the ordinance; and  
for other purposes.

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

08-O-1136 ( 3)      An Ordinance by Zoning Committee to amend Ordinance 05-  
**Z-08-30**                      O-0870 adopted by the City Council on September 19, 2005  
and the Mayor on September 27, 2005 and 02-O-0049  
adopted by the City Council on March 4, 2002 and approved  
by Action of Law on March 12, 2002 for property located at  
**456 Patterson Avenue, SE (Formerly one lot addressed as  
460 Patterson Avenue, SE)** for the purpose of a Change of  
Conditions.

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

08-O-1137 ( 4)      An Ordinance by Zoning Committee to amend Ordinance E-  
**Z-08-32**                      78-3 adopted by the City Council on November 6, 1978 and  
returned by the Mayor, with no signature on November 14,  
1978 which approved an exception for a Community Unit  
Plan (CUP), now a Planned Development-Housing (PD-H) for  
property previously addressed under the CUP as **3355  
Ridgewood Road, NW**, for the purpose of a Site Plan  
Amendment.

Owner:              William M. McClatchey as Trustee of the Marvin  
R. McClatchey Residuary Trust under the will of  
Marvin R. McClatchey

Applicant:        William M. McClatchey as Trustee of the Marvin  
R. McClatchey Residuary Trust under the will of  
Marvin R. McClatchey

**NPU-A**

**Council District 8**

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



CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

Barry D. Bucy, Terrye Bucy, Joanie Dufries, T. Joseph Durham, John C. Cheshire, Denise Earles, Jerome K. Chautin/Julie Chautin, Kathleen S. Countin, Patricia Watters Morgan

Applicant: Lenbrook Square Foundation, Inc.

**NPU-B**

**Council District 7**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-1140 ( 7 )  
**Z-08-36**

An Ordinance by Zoning Committee to rezone from the R-3 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **1071 and 1061 Veltre Circle, SW**, fronting approximately 199 feet on the west side of Veltre Circle, SW, beginning 1,530 feet from the northwest corner of Benjamin E. Mays.

Depth: Approximately 652 Feet

Area: 4.5 Acres

Land Lot: 215, 14<sup>th</sup> District, Fulton, County, Georgia

Owner: Bobby L. Wilson

Applicant: Lee M. Mayweather

**NPU-I**

**Council District 11**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-1141 ( 8 )  
**Z-08-37**

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 **151 Dollar Mill Road, SW**, fronting approximately 140 feet on the west side of Dollar Mill Road beginning approximately 579 feet from the corner of Bakers Ferry Road.

Depth: Approximately 579 Feet

Area: 3.56 Acres

Land Lot: 50, 14FF<sup>th</sup> District, Fulton County, Georgia

Owner: Gerry L. Fairley

Applicant: Samuel McIntosh

**NPU-H**

**Council District 11**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE



CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

08-O-1144 (11) An Ordinance by Zoning Committee granting a Special Use  
**U-08-18** Permit for a Clubhouse and Pool (Section 16-06A.005(l)(k),  
property located at **1529 and 1539 Carlisle Street, NW**,  
fronting approximately 87 feet on the west side of Holly  
Street and approximately 100 feet on the north side of  
Carlisle Street

Depth: Varies  
Area: 0.448 Acre  
Land Lot: 146, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Perry Smith  
Applicant: Matt Wilson

**NPU-J Council District 3**

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

08-O-1145 (12) An Ordinance by Zoning Committee granting a Special Use  
**U-08-19** Permit for a Transfer of Excess Development Density from  
property located at **990 Peachtree Street, NE** (Sending  
Parcel) to property located at **1138 Peachtree Street, NE**  
(Receiving Parcel); and for other purposes.

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

08-O-1146 (13) An Ordinance by Zoning Committee amending Ordinance  
**U-08-20** 07-O-0633 (U-07-01) adopted by the City Council on May  
21, 2007 and approved by the Mayor on May 29, 2007 which  
granted a Special Use Permit for an Assisted Living Facility  
for property located at **2045 Graham Circle, SE and 1017  
Fayetteville Road, SE**, for the purpose of a Site Plan  
Amendment.

Depth: Varies  
Area: 2.145 Acres  
Land Lot: 147, 15<sup>th</sup> District, Dekalb County, Georgia  
Owner: Chris Homes Properties, Inc.  
Applicant: Jonathan R. Toppen

**NPU-W Council District 5**

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

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REGULAR AGENDA

D. ZRB SUMMARY REPORT

E. PAPERS HELD IN COMMITTEE

06-O-0273 ( 1) 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

06-O-0007 ( 2) An Ordinance by Councilmember Carla Smith  
**Z-05-65** **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 ( 3) An Ordinance by Councilmember Carla Smith  
**U-05-22** 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 ( 4) A **Substitute** Ordinance by Zoning Committee to rezone from  
**Z-06-44** 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, 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

06-O-1927 ( 5) 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 ( 6)  
**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 14<sup>th</sup> Street**, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. **(1<sup>st</sup> 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



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E. PAPERS HELD IN COMMITTEE (CONT'D)

**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, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Robert T. Budd

Applicant: Kevin A. Ross

**NPU-N**

**Council District 2**

**HELD**

07-O-1910 (10)  
**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 (11)  
**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 (12)  
**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**

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

**Hearing held 11/26/07) (Favorable by CD/HR Committee  
11/27/07)  
NPU-W Council District 1**

**HELD**

07-O-2594 (13) 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 (14) An Ordinance by Councilmembers Carla Smith and Ivory Lee  
**Z-05-56** 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**

06-O-2697 (15) An Ordinance by Councilmember Carla Smith to amend  
**Z-06-144** Chapter 28 of Part 16 of the Atlanta City Land Development Code to provide for density increases in exchange for affordable workforce housing; to define certain terms; to provide limitations and requirements; and for other purposes. **(Held 1/30/08)**

**HELD**

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

07-O-1620 (16) An Ordinance by Zoning Committee to rezone certain  
**Z-07-92** properties within the BeltLine Overlay District from R4-A (Single Family Residential) and RG-3 (Residential General-Sector 3) Districts to MR-4A (Multifamily Residential) District; and for other purposes. **(Held 2/13/08)**

**HELD**

07-O-1917 (17) An **Amended** Ordinance by Zoning Committee to rezone  
**Z-07-89** property from the RG-4 (Residential General-Sector 4) to the C-1 (Community Business) Districts, property located at **626-628 Parkway Drive, NE**, fronting approximately 100 feet on the west side of Parkway Drive and approximately 700 feet north of the intersection of North Avenue and Parkway Drive. **(Held 2/27/08 for CDP Amendment)**

Depth: Varies  
Area: 0.448 Acre  
Land Lot: 48, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Renee C. McPhee and Kendrick Armistead  
Applicant: Kendrick P. Armistead  
**NPU-M Council District 2**

**HELD**

07-O-2152 (18) An Ordinance by Zoning Committee to rezone from the I-1  
**Z-07-100** (Light Industrial) District to the MRC-3 (Mixed Residential Commercial) District, for property located at **1035-1039 Grant Street, SE**, fronting approximately 540 feet on the west side of Grant Street beginning approximately 1,060 feet north from the northwest corner of Englewood Avenue. **(Held 4/2/08)**

Depth: Approximately 310 Feet  
Area: Approximately 3.8 Acres  
Land Lots: 1 and 2, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Arthur Cohen  
Applicant: John A. Bell  
**NPU-W Council District 1**

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

**FAVORABLE**

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

08-O-0306 (19) An Ordinance by Zoning Committee to rezone from the R-4  
**Z-08-02** (Single-Family Residential), RG-1 (Residential General-Sector 1) and C-1 (Community Business) Districts to the I-1 (Light Industrial) District, for various properties bounded by Simon Street on the north, Ruby Harper Boulevard (a.k.a. Gilbert Road) on the east, Southside Industrial Parkway (a.k.a. Poole Creek Road) on the south. Property fronts approximately 751 feet on the east side of Ruby Harper Boulevard at the northeast corner of Ruby Harper Boulevard and Southside Industrial Parkway. **(Held 4/2/08)**  
Depth: Varies  
Area: Approximately 22.85 Acres  
Land Lot: 33, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: The Housing Authority of the City of Atlanta/City of Atlanta Department of Aviation/Annie McClendon  
Applicant: Atlanta Economic Renaissance Corporation/AMB Property Corporation

**NPU-Z**

**Council District 12**

**HELD**

07-O-2297 (20) An Ordinance by Community Development/Human  
**CDP-07-38** 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 **1035-1039 Grant Street, NE**, from the "Industrial" Land Use Designation to the "Mixed Use" Land Use Designation; and for other purposes. **(Held 11/13/07) (CDP Amendment Public Hearing held 11/26/07) (A second CDP Amendment Public Hearing was held on 3/10/08) (Favorable by CD/HR Committee 4/1/08) (Held 4/2/08)**  
NPU-W **Council District 1**

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

**FAVORABLE**

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

08-O-0307 (21) An Ordinance by Zoning Committee to rezone from the C-2  
**Z-08-04** (Community Service) District to the MR-4A (Multi-Family Residential) District, property located at **1527 Northside Drive, NW**, fronting approximately 180 feet on the east side of Northside Drive at the northeast corner of Deering Road.  
Depth: Approximately 436 Feet  
Area: Approximately 3445 Acres  
Land Lot: 147, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Mustard Seed Land Fund, LLC/Westwood Property Development Corporation/Vinings I, LLC  
Applicant: Cortland Partners, LLC  
**NPU-D Council District 8**

**HELD**

**F. ITEMS NOT ON THE AGENDA**

08-O-0320 ( 1) An Ordinance by Community Development/Human  
**CDP-08-07** 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 **852 Washington Street, SW**, from the "Low Density Residential" Land Use Designations to the "Low Density Commercial" Land Use Designation; and for other purposes. **(Held 2/26/08) (CDP Amendment Public Hearing held 3/10/08) (Adversed by CD/HR Committee 5/27/08)**  
**NPU-V Council District 1**

**ADVERSED**

SUMMARY REPORT  
May 28, 2008

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
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FAVORABLE

08-O-0651	Z-08-25	990 Peachtree Street, NE E-2	Expanding the designation of the Windsor Apartments and rezone from SPI-16/LBS	Approval	Approval	Approval
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Councilmember Shook made a motion to approve. The vote was unanimous.

08-O-0652	Z-08-26	990 Peachtree Street, NE E-2	Designating commercial row and rezone from SPI-16 to SPI-16/LBS	Approval	Approval	Approval
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Councilmember Shook made a motion to approve. The vote was unanimous.

FAVORABLE AS AMENDED

07-O-1924	U-07-24	2909, 2915 and 2919 Peachtree Rd., NE 3 and 5 Peachtree Avenue, NE B-7	Special Use Permit for a Hotel	Approval Conditional	Approval Conditional	Approval Conditional
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Councilmember Shook made a motion to approve as amended. The vote was unanimous.

08-O-0520	U-08-06	97 Tenth Street, NW (Recipient) 875 West Peachtree Street, NE (Donor) E-2	Special Use Permit for the transfer of excess development density	Approval Conditional	Approval	Approval Conditional
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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.
<b>FAVORABLE AS AMENDED (cont'd)</b>						
08-O-0522	U-08-08	3172 Roswell Rd., NW B-8	Special Use Permit for a Hotel	Approval	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
08-O-0841	U-08-12	1281 Fulton Industrial Blvd., NW H-9	Special Use Permit for a broadcasting tower and line of sight relay devise	Approval Conditional	Approval	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
08-O-0653	U-08-14	990 Peachtree Street (Sending Parcel) to property located at 207, 211, 219, 223, and 225 13 <sup>th</sup> Street (Receiving Parcel) E-2 & 6	Special Use Permit for the transfer of excess development density	Approval Conditional	Approval	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
08-O-0310	Z-08-07	1175, 1197 and 1195 McDonald Drive, SE Y-1	I-1-C/BellLine Overlay Districts to MR-4A-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
08-O-0840	Z-08-19	495 Mountain Way, NE B-7	R-3 to PD-H	Approval Conditional	Approval	Approval Conditional
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.
<b>ADVERSE</b>						
08-O-0519	U-08-04	535 Joseph E. Lowery Blvd., SW T-4	Special Use Permit for a Church	Denial	Denial	Denial
Councilmember Shook made a motion to adverse. The vote was unanimous.						
08-O-0305	Z-08-01	852 Washington Street, SW V-1	R-5-C to R-LC	Denial	Denial	Denial
Councilmember Shook made a motion to adverse. The vote was unanimous.						
08-O-0311	Z-08-08	113 Brown Avenue, SE Y-1	R-4 to R-4B	Denial	Denial	Denial
Councilmember Shook made a motion to adverse. The vote was unanimous.						
<b>FILE</b>						
07-O-1918	Z-07-91	2909, 2914 and 2919 Peachtree Rd., NE 3 and 5 Peachtree Avenue, NE B-7	RG-2 and C-3 to C-3 and PD-H	File	File	File
Councilmember Shook made a motion to file. The vote was unanimous.						
08-O-0316	U-08-05	1271 Arkwright Place, SE O-5	Special Use Permit for a Daycare Center	File	Deferral	File
Councilmember Shook made a motion to file. The vote was unanimous.						

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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
08-O-0516	2-08-15	175 Moreland Ave., SE N-5	R-5 to C-1	Denial	Deferral	File

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

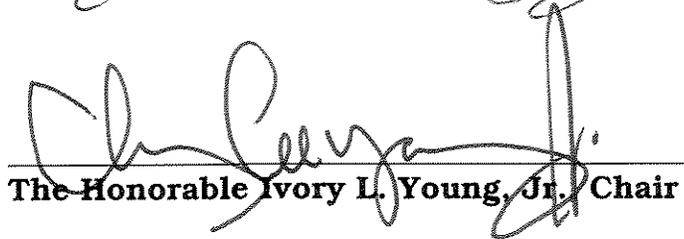
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**There being no further business to come before the Zoning Committee the meeting was adjourned at 11:40 a.m.**

**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 L. Young, Jr., Chair**