

**ZONING COMMITTEE
MINUTES
WEDNESDAY, NOVEMBER 26, 2008**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, November 26, 2008** in Committee Room 2, at 9:45 a.m.

The following members were present:

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

The following members were absent:

**The Honorable Carla Smith
The Honorable C. T. Martin**

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

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED BY ACCEPTING 9
PIECES OF LEGISLATION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ZRB SUMMARY REPORT**
- D. 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-0007 (2)
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

**ZONING COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 26, 2008
PAGE TWO**

D. PAPERS HELD IN COMMITTEE (CONT'D)

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)**

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 (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

**ZONING COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 26, 2008
PAGE THREE**

E. PAPERS HELD IN COMMITTEE (CONT'D)

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 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 (7)
Z-06-138 An **Amended** Ordinance by Zoning Committee to rezone from the C-2 (Commercial Service) District to the MRC-3-C (Mixed Residential-Commercial Conditional) District, property located at **349 Fourteenth Street, NW**, fronting approximately 134 feet on the south side of 14th Street, at the southwest corner. **(Held 3/28/07 at the request of the applicant)**
Depth: Approximately 152 Feet
Area: Approximately 0.47 Acre
Land Lot: 149, 17th District, Fulton County, Georgia
Owner: Julian W. Rikard
Applicant: Michael Gamble
NPU-E **Council District 2**

HELD

06-O-1445 (8)
Z-06-74 An Ordinance by Zoning Committee to rezone from the R-G-3 (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

ZONING COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 26, 2008
PAGE FOUR

D. PAPERS HELD IN COMMITTEE (CONT'D)

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

HELD

07-O-2308 (9) 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

06-O-1888 (10) An Ordinance by Community Development/Human
CDP-06-65 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-2594 (11) 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

**ZONING COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 26, 2008
PAGE FIVE**

D. PAPERS HELD IN COMMITTEE (CONT'D)

for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

HELD

06-O-2697 (12) 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

08-O-1009 (13) An Ordinance by Community Development/Human
CDP-08-22 Resources Committee to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property that is located at **1040 Grant Street**, from "Industrial" Land Use Designation to "Mixed Use" Land Use Designation; and for other purposes. **(Public Hearings held 6/9/08 and 9/8/08) (Favorable by CD/HR Committee 9/9/08) (Favorable by Zoning Committee 9/10/08) (Referred back by Full Council 9/15/08) (Held 10/1/08)**

NPU-W

Council District 1

HELD

08-O-0838 (14) An Ordinance by Councilmember Ivory L. Young,
Z-08-20 Jr. **as amended by Zoning Committee** to rezone from the I-1 (Light Industrial) District to the MRC-3-C (Mixed Residential-Commercial-Conditional) District, property located at **1040 Grant Street, SE**, fronting approximately 194.5 feet on the east side of Grant Street at the intersection of Grant Circle. **(Favorable by Zoning Committee 9/10/08) (Referred back by Full Council 9/15/08) (Held 10/1/08)**

Depth: Approximately 360 Feet

Area: 1.57 Acres

Land Lot: 42, 14th District, Fulton County, Georgia

Owner: David S. Stith (for Grant Street Partners)

Applicant: Caleb Racioct (for Grant Street Partners)

NPU-W

Council District 1

HELD

**ZONING COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 26, 2008
PAGE SIX**

D. PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1764 (15) An **Amended** Ordinance by Zoning Committee to rezone
Z-08-60 from the R-4A (Single-Family Residential) District to the C-1-C
(Community Business-Conditional) District, property located at
814 Bellemeade Avenue, NW, fronting approximately 108 feet
from the southeast corner of Bellemeade Avenue and Howell Mill
Road. **(Held 10/29/08)**
Depth: Approximately 140.63 Feet
Area: Approximately 0.35 Acre
Land Lot: 152, 17th District, Fulton County, Georgia
Owner: 814 Bellemeade, LLC
Applicant: Chandler McCormack
NPU-D Council District 8

FAVORABLE AS AMENDED

08-O-1768 (16) An **Amended** Ordinance by Zoning Committee to rezone
Z-08-64 from the R-5 (Two Family Residential) and R-4 (Single-Family
Residential) Districts to the R-G3-C (Residential General-Sector 3-
Conditional) District, property located at **894 Constitution Road,
SE (aka 894 Forrest Park Road)**, fronting approximately 575 feet
on the west side of Forrest Park Road and the southeast
intersection of Constitution Road and Forrest Park Road. **(Held
10/29/08)**
Depth: 1,083.49 Feet
Area: Approximately 3.3 Acres
Land Lot: 27, 14th District, Fulton County, Georgia
Owner: Winston L. Knox
Applicant: John A. Bell
NPU-Z Council District 1

FAVORABLE AS AMENDED

E. ITEMS NOT ON THE AGENDA

08-O-1756 (1) An Ordinance by Councilmember Anne Fauver as **substituted by**
CDP-08-52 Community Development/Human Resources Committee to
amend the Land Use Element of the 2008 Atlanta Strategic Action
Plan (ASAP) so as to re-designate certain property that is located
at **995 North Highland Ave, and Parcel 17-00010008063**; from

**ZONING COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 26, 2008
PAGE SEVEN**

F. ITEMS NOT ON AGENDA (CONT'D)

the "Single-Family Residential" Land Use Designation to the Low "Density Commercial" Land Use Designation (Z-08-67) and **842 North Highland Ave.** from "Low Density Residential" to the "Low Density Commercial" Land Use Designation (Z-08-68); and for other purposes. **(Public Hearings held 9/8/08 and 11/24/08) (Favorable on substitute by CD/HR Committee 11/25/08)**
NPU-F **Council District 6**

FAVORABLE ON SUBSTITUTE

08-O-2111 (2)
CDP-08-39 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate properties located at **3089, 3093, 3099, 3107 and 3111 Peachtree Road** from "High Density Commercial" Land Use Designation to the "Mixed Use-High" Density" Land Use Designation (Z-08-49); and for other purposes. **(A Public Hearing was held on 11/24/08) (Favorable by CD/HR Committee 11/25/08)**
NPU-B **Council District 7**

FAVORABLE

08-O-2112 (3)
CDP-08-40 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate properties located at **3110, 3116, 3126 and 3136 Roswell Road** from "High Density Commercial" Land Use Designation to the "Mixed Use-High Density" Land Use Designation (Z-08-50); and for other purposes. **(A Public Hearing was held on 11/24/08) (Favorable by CD/HR Committee 11/25/08)**
NPU-B **Council District 7**

FAVORABLE

08-O-2113 (4)
CDP-08-41 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate properties located at **367-371 East Paces Ferry Road** from "Medium Density Residential" Land Use Designation to the "Mixed Use-High Density" Land Use Designation (Z-08-51); and for other

**ZONING COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 26, 2008
PAGE EIGHT**

G. PAPERS HELD IN COMMITTEE (CONT'D)

purposes. **(A Public Hearing was held on 11/24/08) (Favorable by CD/HR Committee 11/25/08)**

NPU-B

Council District 7

FAVORABLE

**08-O-2114 (5)
CDP-08-42**

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property located at **3030 Old Decatur Road** from "Medium Density Residential" Land Use Designation to the "Mixed Use-High Density" Land Use Designation (Z-08-52); and for other purposes. **(A Public Hearing was held on 11/24/08) (Favorable by CD/HR Committee 11/25/08)**

NPU-B

Council District 7

FAVORABLE

**08-O-2115 (6)
CDP-08-45**

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property located at **359 East Paces Ferry Road** from "High Density Commercial" Land Use Designation to the "Mixed Use-High Density" Land Use Designation (Z-08-53); and for other purposes. **(A Public Hearing was held on 11/24/08) (Favorable by CD/HR Committee 11/25/08)**

NPU-B

Council District 7

FAVORABLE

**08-O-2116 (7)
CDP-08-48**

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property located at **814 Bellemeade Avenue; NW** from the "Single Family Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation (Z-08-60); and for other purposes. **(A Public Hearing was held on 11/24/08) (Favorable by CD/HR Committee 11/25/08)**

NPU-D

Council District 8

FAVORABLE

SUMMARY REPORT
December 1, 2008

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

08-O-1464	Z-08-49	3089, 3093, 3099, 3107 and 3111 Peachtree Rd., NE	C-3 to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
-----------	---------	---	----------------	----------------------	----------------------	----------------------

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

08-O-1465	Z-08-50	3110, 3116, 3126 and 3136 Roswell Rd., NE	C-3 to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
-----------	---------	---	----------------	----------------------	----------------------	----------------------

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

08-O-1466	Z-08-51	367 and 371 East Paces Ferry Rd., NE	RG-3 to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
-----------	---------	--------------------------------------	-----------------	----------------------	----------------------	----------------------

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

08-O-1467	Z-08-52	3030 Old Decatur Rd., NE	RG-3 to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
-----------	---------	--------------------------	-----------------	----------------------	----------------------	----------------------

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

08-O-1468	Z-08-53	359 East Paces Ferry Rd., NE	C-3 to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
-----------	---------	------------------------------	----------------	----------------------	----------------------	----------------------

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

08-O-1766	Z-08-62	889 Wylie Street, SE	R-5 to MRC-1-C	Approval Conditional	Approval Conditional	Approval Conditional
-----------	---------	----------------------	----------------	----------------------	----------------------	----------------------

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

08-O-1272	U-08-22	222 Walnut St., NW	Special Use Permit for a Daycare Center	Approval Conditional	Approval	Approval Conditional
-----------	---------	--------------------	---	----------------------	----------	----------------------

SUMMARY REPORT
December 1, 2008

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

FAVORABLE AS AMENDED (cont'd)

08-O-2127	U-08-27	4555 Campbellton Rd., SW P-11	Special Use Permit for a Church	Approval Conditional	Approval	Approval Conditional
-----------	---------	----------------------------------	---------------------------------	----------------------	----------	----------------------

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

08-O-1898	Z-08-71	3126 Piedmont Road, NE B-7	C-1 to C-2	Approval Conditional	Approval Conditional	Approval Conditional
-----------	---------	-------------------------------	------------	----------------------	----------------------	----------------------

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

07-O-2526	Z-07-109	3312-3316 Piedmont Rd., NE and 3232-3242 Peachtree Rd., NE B-7	C-1-C to PD-OC	Approval Conditional	Approval Conditional	Approval Conditional
-----------	----------	--	----------------	----------------------	----------------------	----------------------

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

FAVORABLE ON SUBSTITUTE

08-O-1755	Z-08-67	Virginia Highland Commercial District F-6	C-1 and R-4 to NC-11 Virginia Highland Neighborhood Commercial District	Approval of Substitute Ordinance	Approval	Approval of Substitute Ordinance
-----------	---------	--	---	----------------------------------	----------	----------------------------------

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

08-O-1757	Z-08-68	Atkins Park Commercial District F-6	C-1 and RG-2 to NC-12 Atkins Park Neighborhood Commercial District	Approval of Substitute Ordinance	Approval	Approval of Substitute Ordinance
-----------	---------	--	--	----------------------------------	----------	----------------------------------

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

08-O-1758	Z-08-69	Amsterdam Commercial District F-6	C-1 and R-4 to NC-10 Amsterdam Neighborhood Commercial District	Approval of Substitute Ordinance	Approval	Approval of Substitute Ordinance
-----------	---------	--------------------------------------	---	----------------------------------	----------	----------------------------------

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

SUMMARY REPORT
December 1, 2008

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
08-O-1268	Z-08-43	593 Culberson St., NW T-4	R-4A/HD16.20G to R- LC/HD16.20G	Denial	Denial	Denial

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

FILE

08-O-0863	Z-08-29	998 and 1002 Center St., NW E-3	R-5 to R-4B	File	Deferral	File
-----------	---------	------------------------------------	-------------	------	----------	------

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

08-O-1469	Z-08-57	705 Constitution Rd., SE Z-1	I-1-C to I-1	File	Deferral	File
-----------	---------	---------------------------------	--------------	------	----------	------

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

**ZONING COMMITTEE MINUTES
WEDNESDAY, NOVEMBER 26, 2008
PAGE NINE**

H. PAPERS HELD IN COMMITTEE (CONT'D)

**08-O-2118 (8)
CDP-08-50** An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property located at **894 Constitution Road** from the "Single Family Residential" and "Low Density Residential" Land Use Designations to the "Medium Density Residential" Land Use Designation (Z-08-64); and for other purposes. **(A Public Hearing was held on 11/24/08) (Favorable by CD/HR Committee 11/25/08)**
NPU-Z Council District 1

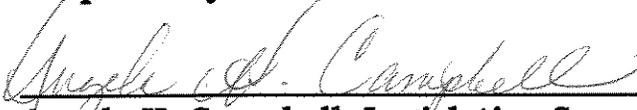
FAVORABLE

**08-O-2117 (9)
CDP-08-49** An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property located at **889 Wylie Street** from the "Single Family Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation (Z-08-62); and for other purposes. **(A Public Hearing was held on 11/24/08) (Favorable by CD/HR Committee 11/25/08)**
NPU-N Council District 5

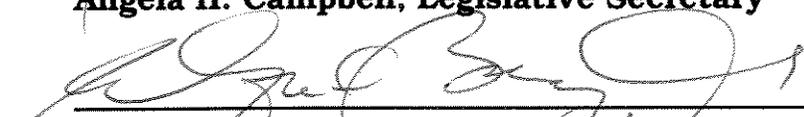
FAVORABLE

There being no further business to come before the Zoning Committee the meeting was adjourned at 10:30 a.m.

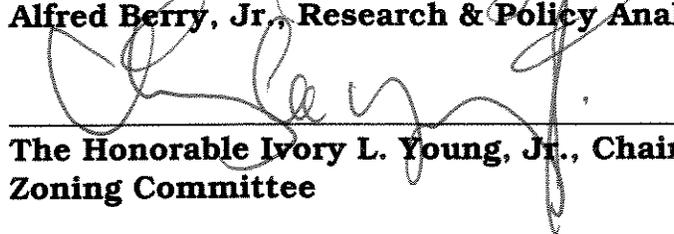
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



**The Honorable Ivory L. Young, Jr., Chair
Zoning Committee**