

**ZONING COMMITTEE  
MINUTES  
WEDNESDAY, FEBRUARY 11, 2009**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, February 11, 2009** in Committee Room 2, at 11:20 a.m.

The following members were present:

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

Others present at the meeting were: Zoning Administrator Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorneys Peter Andrews, and Jeffery Haymore, 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**
- C. ZRB SUMMARY REPORT**
- D. ORDINANCE FOR SECOND READING**

09-O-0210 ( 1)     An Ordinance by Zoning Committee authorizing the Mayor or  
**Z-08-71**             her designee to amend Ordinance Number 08-O-1898/Z-08-71 by  
correcting the Zoning Designation in Section 1, to reflect the  
conditional zoning based on the conditions that were adopted by  
the Council on December 1, 2008 and approved by the Mayor on  
December 9, 2008; and for other purposes.

**FAVORABLE**

- E. ORDINANCE FOR FIRST READING**

09-O-0261 ( 1)     An Ordinance by Zoning Committee to amend Ordinance U-96-  
**U-96-31/U-79-29** 31/U-79-29, as adopted by the City Council on November 19,  
1979 and approved by the Mayor per Section 2-403 of the 1974,  
Charter for a Special Use Permit, for the purposes of approving a  
Transfer of Ownership for a Special Use Permit for a Day Care  
Center for property located at 1860 North Avenue, NW; and for  
other purposes.

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

ZONING COMMITTEE AGENDA  
WEDNESDAY, FEBRUARY 11, 2009  
PAGE TWO

F. 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) 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)**

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

ZONING COMMITTEE AGENDA  
WEDNESDAY, FEBRUARY 11, 2009  
PAGE THREE

F. PAPERS HELD IN COMMITTEE (CONT'D)

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**

06-O-1445 ( 6)  
**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

Land Lot: 15, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Atlanta Neighborhood Development Partnership

Applicant: Marvin Greer

**NPU-H**

**Council District 10**

**HELD**

07-O-2308 ( 7)  
**Z-06-113** An Ordinance by Zoning Committee to rezone 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)**

ZONING COMMITTEE AGENDA  
WEDNESDAY, FEBRUARY 11, 2009  
PAGE FOUR

F. PAPERS HELD IN COMMITTEE (CONT'D)

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

06-O-1888 ( 8) 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 ( 9) 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-2697 (10) 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

ZONING COMMITTEE AGENDA  
WEDNESDAY, FEBRUARY 11, 2009  
PAGE FIVE

F. PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1009 (11) 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 (12) 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, 14<sup>th</sup> 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**

08-O-1767 (13) An **Amended** Ordinance by Zoning Committee to rezone from the  
**Z-08-63** I-2 (Heavy Industrial) District to the PD-MU (Planned  
Development-Mixed Use) District, property located at **1260 Foster  
Street, NW**, fronting approximately 558.58 feet on the  
northwesterly side of Foster Street at the northwest right-of-way of  
the Norfolk Southern Railroad. **(Held 2/11/09)**  
Depth: Varies  
Area: Approximately 11.74 Acres  
Land Lot: 150 and 189, 14<sup>th</sup> District, Fulton County,  
Georgia  
Owner: Robert S. Haywood  
Applicant: John A. Bell  
**NPU-D** **Council District 9**

**SUMMARY REPORT**  
February 11, 2009

<u>LEGISLATION NUMBER FAVORABLE AS AMENDED</u>	<u>ZONING NUMBER</u>	<u>LOCATION (NPU/CD)</u>	<u>CHANGE</u>	<u>STAFF RECOMM.</u>	<u>NPU RECOMM.</u>	<u>ZRR RECOMM</u>
08-O-1271	Z-08-46	2770 Lenox Road, NE E-7	Site Plan Amendment	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Norwood made a motion to approve as amended. The vote was unanimous.						
08-O-2124	Z-08-70	428 Boulevard Street, SE (also known as 360 Boulevard, 614, 620 and 624 Glenwood Street, SE) W-1	C-1/R-5/HD20K SA1 to NC-7/HD20K SA2-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Norwood made a motion to approve as amended. The vote was unanimous.						
08-O-2437	Z-08-81	493 and 497 Wilmer Street, NE M-2	I-1 to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Norwood made a motion to approve as amended. The vote was unanimous.						

ZONING COMMITTEE AGENDA  
WEDNESDAY, FEBRUARY 11, 2009  
PAGE SIX

F. PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1769 (14) An **Amended** Ordinance by Zoning Committee to rezone from the  
**Z-08-65** R-5 (Two Family Residential) District to the MRC-3 (Mixed Residential Commercial) District, property located at **629 Highland Avenue, 214 Corley Street, NE and 221 Lampkin Street, NE, 229 lampkin Street, and 235 Lampkin Street, NE,** fronting approximately 5,144.59 feet on the south side of Highland Avenue, at the northeast intersection of Highland Avenue and Corley Street. **(Held 2/11/09)**  
Depth: 271.42 Feet  
Area: Approximately 1.571 Acres  
Land Lot: 19, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: James H. Bradshaw  
Applicant: Joseph Alcock  
**NPU-M Council District 2**

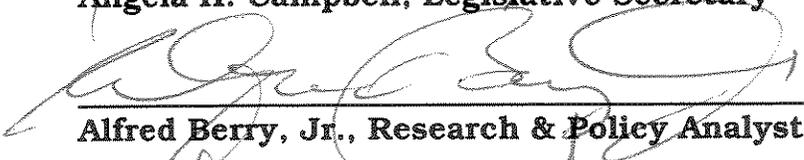
G. ITEMS NOT ON THE AGENDA

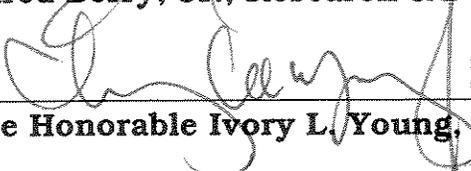
08-O-2121 ( 1) A **Substitute** Ordinance by Community  
**CDP-08-53** Development/Human Resources Committee to amend the Land Use Element of the 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate properties located at **428 Boulevard, 620 and 624 Glenwood Avenue** from the "Low Density Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation (Z-08-70); and for other purposes. **(Held 11/12/08) (Public Hearing held 11/24/08) (Substituted 11/25/08) (Favorable by CD/HR Committee 2/10/09)**  
**NPU-W Council District 1**  
**FAVORABLE ON SUBSTITUTE**

There being no further business to come before the Zoning Committee the meeting was adjourned at 11:30 a.m.

Respectfully submitted:

  
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Angela H. Campbell, Legislative Secretary

  
\_\_\_\_\_  
Alfred Berry, Jr., Research & Policy Analyst

  
\_\_\_\_\_  
The Honorable Ivory L. Young, Jr., Chair