

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

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, March 11, 2009** in Committee Room 2, at 11:011 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Natalyn Archibong, Vice Chair
The Honorable Mary Norwood
The Honorable Carla Smith**

The following members were absent:

**The Honorable Howard Shook
The Honorable Anne Fauver
The Honorable C. T. Martin**

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 MOVING COMMUNICATIONS FIRST AND ADDING 4 ORDINANCES**
- B. APPROVAL OF MINUTES - APPROVED**
- CONSENT AGENDA**
- C. ORDINANCES FOR FIRST READING**

09-O-0484 (1) An Ordinance by Zoning Committee to amend Ordinance 03-O-2244 (Z-03-82), adopted by the Council on March 1, 2004 and approved by the Mayor on March 9, 2004, which rezoned property from RG-3 (Residential General-Sector 3), C-1 (Community Business) and RG-4 (Residential General-Sector 4) Districts to the PD-MU (Planned Development-Mixed Use) District, for the purpose of a Site Plan Amendment.

FAVORABLE - TO BE REFEREED TO ZRB AND ZONING COMMITTEE

09-O-0485 (2) An Ordinance by Zoning Committee to amend Ordinance U-98-04 which granted a Special Use Permit for a Church for the purpose of a Site Plan Amendment; and for other purposes.

FAVORABLE - TO BE REFEREED TO ZRB AND ZONING COMMITTEE

C. ORDINANCES FOR FIRST READING

09-O-0486 (3) An Ordinance by Zoning Committee granting a Special Use Permit
U-09-05 pursuant to Section 16-08.005 (l) (f) and Section 16-05.005 (l)(g) of
the City of Atlanta Zoning Ordinance for a Personal Care Home,
property located at **2410 Benjamin E. Mays Drive, SW**,
approximately 142 feet on the southeasterly side of Benjamin E.
Mays Drive.

Depth: Varies
Area: Approximately 1.7 Acres
Land Lot: 201, 14th District, Fulton County, Georgia
Owner: American Patriotic Charities, Inc.
Applicant: Tony Bryant/Purnell Investments
NPU-I Council District 11

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

09-O-0487 (4) An Ordinance by Zoning Committee granting a Special Use Permit
U-09-06 pursuant to Section 16-18A.006 (l) of the City of Atlanta Zoning
Ordinance for a Church, property located at **115 Courtland
Street, NE**, approximately 233 feet on the north side of John
Wesley Dobbs, and on the northeast side at the intersection of
Courtland Avenue and John Wesley Dobbs.

Depth: Approximately 202 Feet
Area: Approximately 1.076 Acres
Land Lot: 51, 14th District, Fulton County, Georgia
Owner: First Congregational Church, UCC
Applicant: Johnny L. Edwards
NPU-M Council District 2

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

REGULAR AGENDA

D. COMMUNICATION

09-C-0474 (1) A Communication by Mayor Shirley Franklin appointing **Ms.
Keyetta Holmes** to serve as a member of the Zoning Review Board
in the Municipal Planner Category. This appointment is for a term
of two (2) years, scheduled to begin on the date of Council
confirmation.

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

ZONING COMMITTEE MINUTES
WEDNESDAY, MARCH 11, 2009
PAGE THREE

E. ZRB SUMMARY REPORT

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)
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 (3)
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 (4)
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

ZONING COMMITTEE MINUTES
WEDNESDAY, MARCH 11, 2009
PAGE FOUR

E. 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) 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

07-O-2308 (7) 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

ZONING COMMITTEE MINUTES
WEDNESDAY, MARCH 11, 2009
PAGE FIVE

E. PAPERS HELD IN COMMITTEE (CONT'D)

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 (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 MINUTES
WEDNESDAY, MARCH 11, 2009
PAGE SIX

E. 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, 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

08-O-1767 (13) An **Amended** Ordinance by Zoning Committee to rezone
Z-08-63 from the 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, 14th District, Fulton County, Georgia
Owner: Robert S. Haywood

ZONING COMMITTEE MINUTES
WEDNESDAY, MARCH 11, 2009
PAGE SEVEN

E. PAPERS HELD IN COMMITTEE (CONT'D)

Applicant: John A. Bell
NPU-D **Council District 9**

HELD

08-O-1769 (14) An **Amended** Ordinance by Zoning Committee to rezone
Z-08-65 from the 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, 14th District, Fulton County, Georgia
Owner: James H. Bradshaw
Applicant: Joseph Alcock
NPU-M **Council District 2**

FAVORABLE AS AMENDED

F. ITEMS NOT ON THE AGENDA

08-O-1701 (1) An Ordinance by Community Development/Human
CDP-08-38 Resources Committee to amend the Land Use Element of the City
of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-
designate properties that are located at **767, 777, 793, and 833
Memorial Drive and 810 Old Flat Shoals Road** from "Industrial"
Land Use Designation to "Mixed Use-High Density" Land Use
Designation; and for other purposes. **(Public Hearing held
9/8/08) (Held 9/9/08) (Favorable by CD/HR Committee
3/10/09)**

NPU-N **Council District 5**

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

FAVORABLE

SUMMARY REPORT
March 11, 2009

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
FAVORABLE						
08-O-2315	Z-08-80	949 Mayson Turner Road and 132 Joseph E. Lowery Blvd. S.W. K-3	SPI-11 Vine City and Ashby Station Subarea 6 to SPI-11 Vine City and Ashby Station Subarea 9	Approval	Approval	Approval
Councilmember Norwood made a motion to approve. The vote was unanimous.						
FAVORABLE AS AMENDED						
08-O-1270	Z-08-45	777, 767, 793 and 833 Memorial Drive, S.E and 810 Old Flat Shoals Road, S.E. N-5	I-1-C to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
08-O-2438	Z-08-82	2284 Alvin Drive, N.W. G-9	R4A to RG-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
09-O-0091	U-08-31/U-03-19/U-95-23A/U-93-17/U-80-01	1424 West Paces Ferry Road, N.W. A-8	Site Plan Amendment	Approval Conditional	Approval	Approval Conditional
Councilmember Norwood made a motion to approve as amended. The vote was unanimous.						
FILE						
08-O-1264	Z-08-39	903 Huff Road, N.W. D-9	I-2 to MR-4A	File	Approval Conditional	File

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

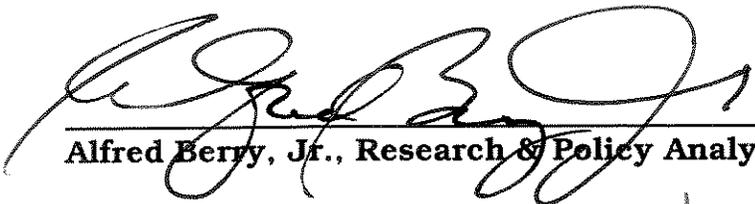
ZONING COMMITTEE MINUTES
WEDNESDAY, MARCH 11, 2009
PAGE NINE

There being no further business to come before the Zoning Committee the meeting was adjourned at 11:31 a.m.

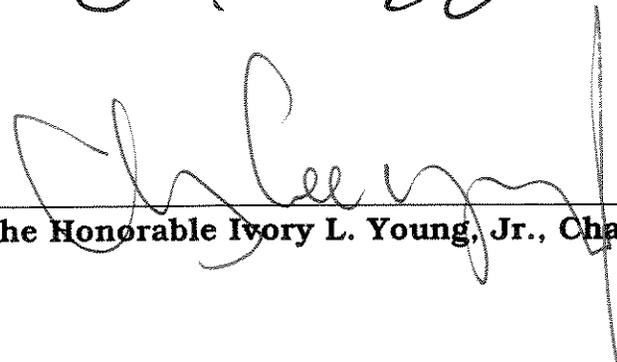
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory L. Young, Jr., Chair