

**ZONING COMMITTEE  
MINUTES  
WEDNESDAY, MAY 13, 2009**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, May 13, 2009** in Committee Room 2, at 11:06 a.m.

The following members were present:

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

The following members were absent:

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

Others present at the meeting were: Debi Starnes, Mayors Office; Zoning Administrator Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorney Jeffery Heymore, 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**

09-O-0841 ( 1)     An Ordinance by Zoning Committee to rezone from RG-4 (Residential General-Sector 4) District and the R-4 (Single Family Residential) District to the RG-4 (Residential General-Sector 4) District, property located at **2699 Peachtree Road, NE**, fronting approximately 346.38 feet on the east side of Peachtree Road at the northeast corner of Peachtree Road at the northeast corner of Peachtree Way.

Depth:	Varies
Area:	Approximately 3.846 Acres
Land Lot:	101, 17 <sup>th</sup> District, Fulton County, Georgia
Owner:	Roman Catholic Archdiocese of Atlanta
Applicant:	Roman Catholic Archdiocese of Atlanta
<b>NPU-B</b>	<b>Council District 7</b>

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

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

09-O-0842 ( 2)  
**Z-09-15** An Ordinance by Zoning Committee to rezone from the C-1-C (Community Business-Conditional) District and R-LC (Residential Limited Commercial) District to the PD-MU (Planned Development-Mixed Use) District, property located at **87, 99 and 91 West Paces Ferry Road, Units 1-7 and 9; 91 West Paces Ferry Road, Unit 8; 79 West Paces Ferry Road; and 3188 Paces Ferry Place,** fronting approximately 445 feet on the west side of Paces Ferry Place at the northwest corner of West Paces Ferry Road.

Depth: Varies  
Area: 3.484 Acres  
Land Lot: 99, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: 800 Corporation Ludwig I Fla. Corporation and Woodlands of Georgia, Inc., c/o Miller and Martin PLLC, 79 West Paces Ferry, LLC., and Mrs. Jacqueline Snelling

Applicant: 800 Corporation  
**NPU-B** **Council District 7**

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

09-O-0843 ( 3)  
**Z-09-16** An Ordinance by Zoning Committee to rezone from the R-4 (Single Family Residential) District to the RG-2 (Residential General-Sector 2) District, property located at **230 Westview Place, SW,** fronting approximately 99.9 feet on the east side of Westview Place beginning 196.5 feet from the southwest corner of Mims Street and Westview Place.

Depth: Varies  
Area: Approximately 3.7 Acres  
Land Lot: 141, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Berean Community Development Corporation  
Applicant: Berean Community Development Corporation  
**NPU-K** **Council District 3**

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

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

09-O-0844 ( 4)  
**Z-09-20** An Ordinance by Zoning Committee to amend the 1982 Atlanta Zoning Ordinance, as amended, by amending the use chart for SPI-21 Historic West End/Adair Park Special Public Interest District so as to provide that churches and synagogues are additional permitted uses within Sub-Areas 1, 2, 3, 4, 8 & 9; so as to remove churches and synagogues as a permitted use in Sub-Area 7; so as to eliminate the distinction between lot size for churches and synagogues within all sub-areas; so as to require museums, art galleries, libraries, childcare centers and kindergartens to obtain a Special Use Permit in Sub-Areas 5 & 6; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-0845 ( 5)  
**U-09-08** An Ordinance by Zoning Committee to amend Ordinance 02-O-1271 (U-O2-17) and Ordinance 95-O-1460 (U-87-19) which granted a Special Use Permit under the provisions of Section 16-06.005 (1)(g) for a Rehabilitation Center for the purpose of a Site Plan Amendment. Property located at **690 Courtenay Drive, NE.**  
Land Lot: 52, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Teresa Stokes  
Applicant: Jason C. Snyder  
**NPU-F** **Council District 6**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-0846 ( 6)  
**U-97-3** An Ordinance by Zoning Committee to amend Ordinance U-97-3, as adopted by the City Council on June 02, 1997 and approved by the Mayor on June 09, 1997, for the purposes of approving a Ttransfer of Ownership for a Special Use Permit for a Day Care Center for property located at **862 Hollywood Road, NW;** and for other purposes.

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

**PUBLIC HEARING ITEM**

**D. ORDINANCE FOR SECOND READING**

09-O-0651 ( 1) An Ordinance by Zoning Committee to grant a Certificate under  
**MRPA-09-01** the provisions of the Metropolitan River Protection Act for an  
addition to a single-family home, located at **2485 West Wesley  
Road, NW**, 5 acres in Land Lot 233, 17<sup>th</sup> District, Fulton County,  
Georgia. **(A Public Hearing was held on 5/13/09)**  
Owner: Craig and Melissa Allen  
Applicant: Keri Hammond  
**NPU-A Council District 8**

**FAVORABLE**

**E. ORDINANCES FOR SECOND READING**

09-O-0089 ( 1) An **Amended** Ordinance by Zoning Committee to amend  
**U-08-29/U-07-35** Ordinance 07-O-2531 (U-07-35) and 03-O-0692 (U-03-13)  
**U-03-13** which granted a Special Use Permit for a church pursuant to  
Section 16.05.005 (1)(c) for purposes of a site plan amendment.  
**(Referred back by Council 5/4/09)**

**FAVORABLE AS AMENDED - 3 YEA'S (SMITH, FAUVER,  
SHOOK, 1 NAY (MARTIN)**

09-O-0090 ( 2) An **Amended** Ordinance by Zoning Committee to grant a  
U-08-30 special use permit pursuant to Section 16-05.005 (1)(c) for a  
church, property located at **311 and 329 Peyton Road, SW**  
fronting approximately 619.41 feet on the west side of Peyton  
Road, SW, beginning approximately 746.95 feet from the  
northwest corner of Peyton Place. **(Referred back by Council  
5/4/09)**  
Depth: Approximately 320 feet  
Area: 6.39 acres  
Land Lot: 213, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: St. Paul's Episcopal Church  
Applicant: Metro Planning Service, Inc., by James R. Bailey  
**NPU-I Council District 10**

**FAVORABLE AS AMENDED - 3 YEA'S (SMITH, FAUVER,  
SHOOK, 1 NAY (MARTIN)**

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**F. 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)  
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, 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**

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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**

06-O-1888 ( 7)  
**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**

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F. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2594 ( 8) 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 ( 9)  
**Z-06-144** An Ordinance by Councilmember Carla Smith to amend 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 (10)  
**CDP-08-22** An Ordinance by Community Development/Human 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 (11)  
**Z-08-20** An Ordinance by Councilmember Ivory L. Young, 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

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F. PAPERS HELD IN COMMITTEE (CONT'D)

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

07-O-2527 (12) A **Substitute** Ordinance by Zoning Committee to rezone from  
**Z-07-113** the I-1-C (Light Industrial-Conditional) District to the MRC-3  
(Mixed Residential Commercial) District, property located at **430  
and 460 Englewood Avenue, SE**, fronting approximately 678  
feet on the north side of Englewood Avenue beginning  
approximately 132 feet from the northeast corner of Mailing  
Avenue. **(Held 4/29/09)**

Depth: Approximately 1,010 Feet  
Area: Approximately 10.32 Acres  
Land Lot: 42, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: JWGST LLC/Joseph Wiles  
Applicant: Jason Fritz  
**NPU-Y** **Council District 1**

HELD

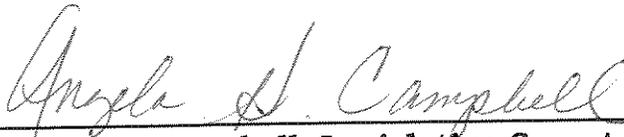
08-O-1251 (13) An Ordinance by Councilmembers Carla Smith  
**Z-08-48** and Ivory Lee Young, Jr. **as substituted and amended by  
Zoning Committee** to amend various Sections of the Zoning  
Code of the City of Atlanta, for the purpose of clarifying and/or  
defining certain terms related to Supportive Housing and  
Shelters; to provide where such uses shall be permitted; 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 boardinghouses as permitted uses  
in certain districts; and for other purposes. **(Work session held  
7/14/08) (Held 4/29/09)**

**FAVORABLE ON SUBSTITUTE AS AMENDED - 3 YEA'S  
(SMITH, SHOOK AND FAUVER), 1 ABSTENTION - (MARTIN)**

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There being no further business to come before the Zoning Committee the meeting was adjourned at 11:15 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 Carla Smith, Acting Chair