

**ZONING COMMITTEE
MINUTES
WEDNESDAY, JULY 29, 2009**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, July 29, 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 Anne Fauver
The Honorable Mary Norwood**

The following members were absent:

**The Honorable Carla Smith
The Honorable Howard Shook**

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

A. ADOPTION OF AGENDA - ADOPTED AS AMENDED

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

09-O-1383 (1) An Ordinance by Zoning Committee to rezone property from RLC-C (Residential Limited Commercial-Conditional) to RLC-C (Residential Limited Commercial-Conditional) property located at **2867 Piedmont Road, NE** for the purpose of a change in conditions. Property fronts approximately 116.35 feet on the east side of Piedmont Road at the southeast corner of Elliott Circle and Piedmont Road.

Depth: Approximately 362 feet
Area: Approximately 0.502 Acre
Land Lot: 47, 17th District, Fulton County, Georgia
Owner: Soon R. Hoh
Applicant: Soon R. Hoh

NPU-B

Council District 7

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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C. ORDINANCES FOR FIRST READING (CONT'D)

09-O-1384 (2) An Ordinance by Zoning Committee to amend Ordinance 06-O-
U-09-14 2255 (U-06-24) which granted a Special Use Permit for a Private
Club pursuant to legislation adopted by the City Council on
December 4, 2006 and approved by the Mayor on December 13,
2009 property located at **254 Club Place and 2560 Alston
Drive, NE.**

Land Lot: 181, 15th District, Dekalb County, Georgia
Owner: East Lake Investments, Inc./Nonami Real
Estate, LLC

Applicant: Charles F. Palmer

NPU-O Council District 5

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

D. ZRB SUMMARY REPORT

E. 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

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E. PAPERS HELD IN COMMITTEE (CONT'D)

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, 14th 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) (Held 5/2/07 at the request of Councilmember of the District)**
NPU-H Council District 1

HELD

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

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-2697 (9) 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

07-O-2527 (10) A **Substitute** Ordinance **as amended** by Zoning Committee
Z-07-113 to rezone from 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, 14th District, Fulton County, Georgia

Owner: JWGST LLC/Joseph Wiles

Applicant: Jason Fritz

NPU-Y

Council District 1

HELD

08-O-2125 (11) A **Substitute** Ordinance by Zoning Committee to rezone
Z-08-73 from the R-4 (Single Family Residential) and NC-2 (Neighborhood Commercial) Districts to the NC-2 (Neighborhood Commercial) District, property located at **1146 Portland Street, SE, 1152 Portland Street, SE, 1131 Glenwood Avenue, SE, 1137 Glenwood Avenue, SE, 525/527 Moreland Avenue, SE, 529 Moreland Avenue, SE, 535 Moreland Avenue, SE and 537 Moreland Avenue, SE** fronting approximately 250 feet on the north side of Portland Avenue, approximately 300 feet on the west side of Moreland Avenue and approximately 250 feet on the south side of Glenwood Avenue. **(Held 5/27/09)**

Depth: Varies

Area: Approximately 1.75 Acres

E. PAPERS HELD IN COMMITTEE (CONT'D)

Land Lot: 12, 14th District, Fulton County, Georgia
Owner: George Rohrig
Applicant: Joseph Alcock
NPU-W **Council District 1**

HELD

F. ITEMS NOT ON THE AGENDA

ORDINANCES FOR SECOND READING

09-O-0300 (1)
CDP-09-10 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 that is located at **3755 and 3765 Forrest Park Road, 950 Conley Drive and Parcel 14 00010002052**, from the "Industrial" Land Use Designation to the "Medium Density Residential" Land Use Designation (Z-09-01); and for other purposes. **(CDP Public Hearing held 3/9/09) (Favorable by CD/HR Committee 07/28/09)**
NPU-Z **Council District 12**

FAVORABLE

08-O-0328 (2)
CDP-08-15 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 **1463 LaFrance** from the "Low Density Residential" Land Use Designation to the "Medium Density Residential" Land Use Designation; and for other purposes. **(CDP Amendment Public Hearing held 3/10/08) (Favorable by CD/HR Committee 07/28/09)**
NPU-O **Council District 5**

FAVORABLE

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F. ITEMS NOT ON THE AGENDA (CONT'D)

09-O-1071 (3) An Ordinance by Councilmember Howard Shook to amend the Land Use Element of the City of Atlanta 2008 Comprehensive Development Plan (CDP) so as to designate property at **4118 E. Brookhaven Drive** to the Single-Family Residential Land Use classification; and for other purposes. **(Public Hearing held 06/30/09) (Favorable by CD/HR Committee 07/28/09)**

FAVORABLE

09-O-0806 (4)
Z-09-14 An Ordinance by Zoning Committee designating the Crum & Forster Building, located at **771 Spring Street, NW**, Land Lot 80, of the 14th District of Fulton County, Georgia and certain real property on which it is located, to the Overlay Zoning Designation of Landmark Building or Site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from SPI-16 (Special Public Interest District-16) to SPI 16/LBS (Special Public Interest District-16/Landmark Building or Site); to repeal conflicting laws; and for other purposes.

FAVORABLE

09-O-0844 (5)
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

09-O-1070 (6)
Z-09-25 An Ordinance by Councilmember Howard Shook **as substituted and amended by Zoning Committee** to rezone property located at **4118 E. Brookhaven Drive**, from the R-75 (Single Family Residential) District (DeKalb County) to the R-4 (Single Family Residential) District; and for other purposes.

FAVORABLE ON SUBSTITUTE AS AMENDED

SUMMARY REPORT
July 29, 2009

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
<u>FAVORABLE</u>						
<u>AS AMENDED</u>						
<u>CDP REQUIRED</u>						
07-O-2224	Z-07-106	1463 LaFrance Street O-5	R-5 to MR-3-C	Approval Conditional	Denial	Approval Conditional
Councilmember Martin made a motion to approve as amended. The vote was unanimous.						
09-O-0205	Z-09-01	3765 & 3755 Forrest Park and 950 and 0 Conley Road, S.E. Z-12	RG-2 to MR-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Archibong made a motion to approve as amended. The vote was unanimous.						
<u>FAVORABLE</u>						
<u>AS AMENDED</u>						
09-O-0993	Z-09-22	A portion of 3415 N. Stratford Road, N.E. B-7	PD-H to C-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Archibong made a motion to approve as amended. The vote was unanimous.						
09-O-0484	Z-09-04/Z-03-82	1950 Perry Boulevard, N.W. G-9	Site Plan Amendment	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Archibong made a motion to approve as amended. The vote was unanimous.						
09-O-0508	U-09-07	1318, 1322, 1326 Sylvan Road and 1309 Hartford Avenue and 883, 893, 895, 897-901, 905, 907 and 909 Dill Avenue, S.W. X-12	Assisted Living Facility	Approval Conditional	Denial	Approval Conditional
Councilmember Archibong made a motion to approve as amended. The vote was unanimous.						

SUMMARY REPORT
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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
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ADVERSE

09-O-0994	Z-09-23	2219 Dunseath Avenue, N.W. D-9	R4 to R4B	Denial	Denial	Denial
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Councilmember Fauver made a motion to adverse. The vote was unanimous.

FILE

08-O-1794	Z-08-74	Secured Storage	Text Amendment	File	No Action	File
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Councilmember Archibong made a motion to file. The vote was unanimous.

08-O-1795	Z-08-72	Secured Storage	Text Amendment	File	No Action	File
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Councilmember Archibong 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 12:07 p.m.

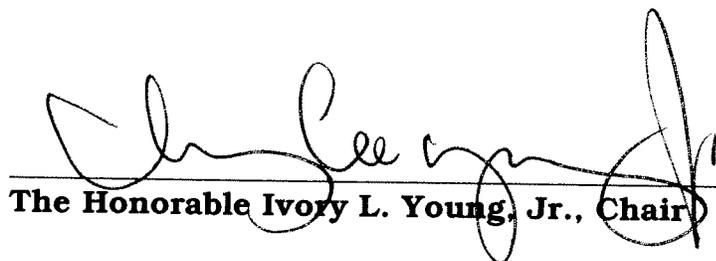
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory L. Young, Jr., Chair