

**ZONING COMMITTEE
MINUTES
WEDNESDAY, DECEMBER 2, 2009**

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

The following members were present:

**The Honorable Natalyn Archibong, Vice Chair
The Honorable Howard Shook
The Honorable Anne Fauver
The Honorable Carla Smith**

The following members were absent:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable C. T. Martin
The Honorable Mary Norwood**

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

- A. **ADOPTION OF AGENDA - ADOPTED BY ADDING TWO PIECES OF LEGISLATION**
- B. **APPROVAL OF MINUTES - APPROVED**
- C. **COMMUNICATIONS**

09-C-2034 (1) A Communication by Councilmembers Cleta Winslow, District 4; Carla Smith, District 1; Kwanza Hall, District 2; Ivory Lee Young, Jr. District 3 and Ceasar C. Mitchell, Post 1 At-Large, appointing **Mr. Karl Webster Barnes** to serve as a member of the Board of Zoning Adjustment (BZA). 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

09-C-2035 (2) A Communication by Council President Lisa M. Borders; appointing **Ms. Martha Porter Hall** to serve as a member of the Board of Zoning Adjustment (BZA). 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

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C. COMMUNICATIONS (CONT'D)

09-C-2036 (3) A Communication by Councilmembers Howard Shook, District 7; Natalyn Archibong, District 5; Anne Fauver, District 6; Clair Muller, District 8 and Mary Norwood, Post 2 At-Large; appointing **Ms. Linda Sessler** to serve as a member of the Board of Zoning Adjustment (BZA). This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

**FORWARDED WITH NO RECOMMENDATION TO
COMMITTEE ON COUNCIL**

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)**

FILE

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)**

FILE

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)**

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E. PAPERS HELD IN COMMITTEE (CONT'D)

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**

FILE

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**)

FILE

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**)

FILE

07-O-2527 (10)
Z-07-113 A **Substitute Ordinance as amended** by Zoning Committee 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**

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G. PAPERS HELD IN COMMITTEE (CONT'D)

- 09-C-1899 (14) A Communication by Councilmembers Felicia A. Moore, District 9; C. T. Martin, District 10; Jim Maddox, District 11; Joyce Sheperd, District 12 and H. Lamar Willis, Post 3 At-Large appointing **Mr. Roger Nance** as a member of the Board of Zoning Adjustment. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Held 11/09/09) (Held to give appointee the opportunity to come before the committee)**

**FORWARDED WITH NO RECOMMENDATION TO COMMITTEE
ON COUNCIL**

H. ITEMS NOT ON THE AGENDA

- 09-O-1800 (1) An Ordinance by Councilmember Jim Maddox to amend the Land Use Element of the City of Atlanta 2008 Comprehensive Development Plan (CDP) so as to designate **4776 Campbellton Road** (Parcel ID #14F-0065-0001-003-0), Parcel Identification #14F-0065-0001-005-0 (a.k.a. Campbellton Rd. Rear), Parcel Identification #14F-0076-LL-008-8 (a.k.a. Kenny Rd. Rear), **2167 Alan Drive** (Parcel ID #14F-0065-0001-011-3), and **2175 Alan Drive** (Parcel Identification # 14F-0065-0001-013-9) to the Single-Family Residential Land Use Classification; and for other purposes. **(A CDP Public Hearing was held on 11/30/09) (Favorable by CD/HR Committee 12/01/09)**

FAVORABLE

- 09-O-1829 (2) An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 City of Atlanta Comprehensive Development Plan (CDP) so as to designate property at 1500 Kay Lane, to the Single-Family Residential Land Use Designation; and for other purposes. **(A CDP Public Hearing was held on 11/30/09) (Favorable by CD/HR Committee 12/01/09)**

FAVORABLE

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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
09-O-1699	Z-09-33	355 Peachtree Center Avenue, N.E. E-1	SPI-1(Subarea 1)/HBS to SPI-1 (Subarea 1)/LBS	Approval	Approval	Approval
Councilmember Shook made a motion to approve. The vote was unanimous.						
09-O-1863	Z-09-40	1500 Kay Lane, N.E.	R-75 (DeKalb County) to R-3 (City of Atlanta) (per annexation petition)	Approval	No Record	Approval
Councilmember Shook made a motion to approve. The vote was unanimous.						
09-O-1799	Z-09-34	Parcel Identification Numbers 4776 Campbellton Road (Parcel ID #14F-0065- 0001-003-0), Parcel Identification #14F- 0065-0001-005-0 (A.K.A. Campbellton Rd. Rear), 2167 Alan Drive (Parcel ID # 14F-0065-0001-0011-3), and 2175 Alan Drive (Parcel ID # 14-0065-0001-013-9) to the R-4 Single Family Residential District; Zone property located at Parcel Identification Number: 14F-0076-LL-008- 8 (A.K.A. Kenny Rd. Rear)	AG-1 (Fulton County) to R-4 and R-3 (Single Family Residential)	Approval	Deferral	Approval
Councilmember Shook made a motion to approve. The vote was unanimous.						
<u>FAVORABLE AS AMENDED</u>						
09-O-1629	U-09-15/U-06-07	8 East Lake Drive, N.E. O-5	Special Use Permit for a Community Center Facility	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Archibong made a motion to approve as amended. The vote was unanimous.						
<u>FAVORABLE ON SUBSTITUTE</u>						
09-O-1402	Z-09-30	Bed and Breakfast	Text Amendment	Approval of Substitute Ordinance	E=Approval K & L=Denial	Approval of Substitute Ordinance
Councilmember Shook made a motion to approve on substitute. The vote was unanimous.						

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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
07-O-0857	Z-07-46	305, 311, 317 and 323 Buckhead Avenue and 312 Pharr Road, N.E. B-7	C-1 to C-3	File	No Action Taken	File
Councilmember Fauver made a motion to file. The vote was unanimous.						
07-O-0865	U-07-09	3135 Peachtree Road and 288, 290, 292, 308, 310, 312 and 314 East Paces Ferry Road, N.E. B-7	Special Use Permit for a Hotel	File	No Action Taken	File
Councilmember Shook made a motion to file. The vote was unanimous.						

FILE

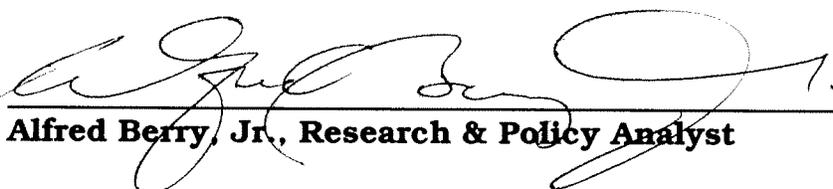
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There being no further business to come before the Zoning Committee the meeting was adjourned at 11:40 a.m.

Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Natalyn Archibong, Vice Chair