



ZONING COMMITTEE
REGULAR COMMITTEE MEETING
 ~Minutes~

Atlanta City Hall
 55 Trinity Ave.
 Atlanta, GA 30303
<http://www.atlantaga.gov/>

CITY OF ATLANTA

Chairperson
 The Honorable Keisha Lance Bottoms

Steven Tam
 (404) 330-6694
stam@atlantaga.gov

Wednesday, May 15, 2013

9:30 AM

Committee Room 2

I. CALL TO ORDER

The regularly scheduled meeting of the **Zoning Committee** was held on **Wednesday, May 15, 2013, at 9:30 AM.** in **Committee Room 2.** The following members were present:

II. INTRODUCTION OF MEMBERS

Attendee Name	Title	Status	Arrived
Joyce Sheperd	Councilmember, District 12	Absent	
Alex Wan	Vice-Chair	Present	9:30 AM
Keisha Lance Bottoms	Chair	Present	9:30 AM
Howard Shook	Councilmember, District 7	Present	9:30 AM
Carla Smith	Councilmember, District 1	Present	9:30 AM
Ivory Lee Young Jr.	Councilmember, District 3	Present	9:30 AM

Others present:

Attorneys Lem Ward and Jeffery Haymore, Law Department; Zoning Administrator Charletta Wilson Jacks; and members of the public and Council Staff.

III. ADOPTION OF AGENDA

IV. APPROVAL OF MINUTES

CONSENT AGENDA

V. ORDINANCES FOR FIRST READING

13-O-1036 (1) - U-77-31/TR13-02 An Ordinance by Zoning Committee to amend Ordinance U-77-31) adopted by the City Council on November 7, 1977 and approved by the Mayor on November 11, 1977, for property located at 470-480 Candler Park Drive, N.E. to approve a Transfer of Special Use Permit for a Church. NPU N COUNCIL DISTRICT 6

Application File Date	April 30, 2013
Zoning Number	TR-13-02
NPU / CD	N/6
Staff Recommendation	Not Required-Transfer of Previously A SUP

NPU Recommendation	Not Required-Transfer of Previously A SUP
ZRB Recommendation	Not Required-Transfer of Previously A SUP

RESULT: FAVORABLE [UNANIMOUS]

AYES: Wan, Bottoms, Shook, Smith, Young Jr.

ABSENT: Joyce Sheperd

TO BE REFERRED ZONING COMMITTEE

13-O-1037 (2) - TR-13-001/TR-11-003 An Ordinance by Zoning Committee to amend Ordinance 11-O-1593 (U-70-54) adopted by the City Council on November 21, 2011 and approved by the Mayor on November 30, 2011 without signature by Operation of Law, for property located at 1699 Westwood Avenue, S.W., to approve a Transfer of Special Use Permit for a Day Care Center. NPU T COUNCIL DISTRICT 10

Application File Date	March 25, 2013
Zoning Number	U-70-54-TR-001-TR-003
NPU / CD	Not Required. Transfer of Previously A SUP
Staff Recommendation	Not Required. Transfer of Previously A SUP
NPU Recommendation	Not Required. Transfer of Previously A SUP
ZRB Recommendation	Not Required. Transfer of Previously A SUP

RESULT: FAVORABLE [UNANIMOUS]

AYES: Wan, Bottoms, Shook, Smith, Young Jr.

ABSENT: Joyce Sheperd

TO BE REFERRED TO ZONING COMMITTEE

13-O-1038 (3) - U-13-10/U-08-14 An Ordinance by Zoning Committee granting a Special Use Permit for the Transfer of Excess Development Density from property located at 979 Crescent Street (Sending Parcel) to 207 13Th Street (Receiving Parcel) and for other purposes. NPU E COUNCIL DISTRICT 2

Application File Date	April 4, 2013
Zoning Number	U-13-10/U-08-14

NPU / CD	E/2
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

RESULT: FAVORABLE [UNANIMOUS]
AYES: Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT: Joyce Sheperd

REFERRED TO ZRB AND ZONING COMMITTEE

13-O-1039 (4) - /Z-13-14 An Ordinance by Zoning Committee to rezone property from R-5 (Two-Family Residential) District to the R-LC (Residential Limited-Commercial), property located at 164 Chester Avenue, S.E., fronting approximately 54 feet on the east side of Chester beginning approximately 120 feet from the north side of Mauldin Street. Depth: Approximately 117 Feet. Area: Approximately 0.140 Acres. Land Lot 13, 14Th District Fulton County, Georgia. OWNER: Massimiliano Gallinoni APPLICANT: Massimiliano Gallinoni NPU N
COUNCIL DISTRICT 5

Application File Date	April 15, 2013
Zoning Number	Z-13-14
NPU / CD	N/5
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

RESULT: FAVORABLE [UNANIMOUS]
AYES: Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT: Joyce Sheperd

REFERRED ZRB AND ZONING COMMITTEE

13-O-1040 (5) - /Z-13-15 An Ordinance by Zoning Committee to rezone property from R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing), property located at 1175 and 1185 SHERIDAN ROAD, N.E. fronting approximately 253 feet on the south side of Sheridan Road beginning approximately 720 feet from the east side of Cheshire Bridge Road. Depth: Varies Area: Approximately 2.15 Acres. Land Lot 108, 18Th District Fulton County, Georgia. OWNER: BEVERLY D. DELOACH/EDITH L. PLACEK APPLICANT: STEPHEN D. FICARRA NPU F COUNCIL DISTRICT 6

Application File Date	April 16, 2013
Zoning Number	Z-13-15
NPU / CD	F/6
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

RESULT: FAVORABLE [UNANIMOUS]
AYES: Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT: Joyce Sheperd

13-O-1041 (6) - REFERRED ZRB AND ZONING COMMITTEE
 /Z-13-09 An Ordinance by Zoning Committee to zone the former Cascade Road Landfill property located off Cascade Road to the R-3 (Single Family Residential) Zoning District and for other purposes.

NPU/ CD	H-10
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

RESULT: FAVORABLE [UNANIMOUS]
AYES: Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT: Joyce Sheperd

13-O-1042 (7) - REFERRED ZRB AND ZONING COMMITTEE
 Z-13-08 An Ordinance by Zoning Committee to rezone property from the O-I-C (Office Institutional-Conditional) Zoning District to the RG-4 (Residential General Sector 4) Zoning District, property located at 0 Downwood Circle, N.W, fronting approximately 342 feet on the east side of Downwood Circle beginning 302 feet from the Northeast Corner of Howell Mill Road. Depth; Varies. Area: Approximately 5.55 Acres. Land Lots 182 and 197, 17Th District, Fulton County, Georgia. OWNER: T.S. PROPERTY ACQUISITION FUND, LLC AND T.S. PROPERTY ACQUISITION FUND II, LLC APPLICANT: PAPPAS PROPERTIES, LLC NPU C COUNCIL DISTRICT 8

Application File Date	March 4, 2013
Zoning Number	Z-13-08
NPU / CD	C-8

Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

RESULT: FAVORABLE [UNANIMOUS]
AYES: Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT: Joyce Sheperd

REFERRED ZRB AND ZONING COMMITTEE

VI. ORDINANCES FOR SECOND READING

(ID # 2067) (8) - 13-O-0336/U-13-02 an Ordinance as Substituted by Zoning Committee Granting a Special Use Permit for a DAYCARE CENTER Pursuant to Section 16-06.005 (1) (B) of the Zoning Ordinance, Property Located at 470 CANDLER PARK DRIVE, N.E., Fronting Approximately 164 Feet on the West Side of Candler Park Drive and at Located at the Southwest Intersection of Candler Park Drive and Magnolia Street. Depth: Approximately 214 Feet. Area: 0.761 Acres. Land Lot 240, 15Th District, Dekalb County, Georgia. OWNER: FIRST EXISTENTIALIST CONGREGATION APPLICANT: RANDY PIMSLER NPU N COUNCIL DISTRICT 6

Application File Date	
Zoning Number	U-13-02
NPU/CD	N/6
Staff Recommendation	APPROVAL CONDITIONAL-Substitu Ordinance
NPU Recommendation	APPROVAL
ZRB Recommendation	APPROVAL CONDITIONAL-Substitu Ordinance

RESULT: APPROVED ON SUBSTITUTE [UNANIMOUS]
AYES: Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT: Joyce Sheperd

(ID # 2069) (9) - 13-O-0332/Z-13-05- A Substitute Ordinance by Zoning Committee to Rezone from the C-1 and R-4 (Community Business and Single Family Residential) District to the MR-4B (Multifamily Residential District, Property Located at 2114 AND 2116 (Rear) DEFOORS FERRY ROAD, N.W. AND 2108 and 2110 DEFOOR AVENUE, N.W., Fronting Approximately 234 Feet on the West Side of Defoors Ferry Road and Approximately 92 Feet Southwest of the Intersection of Defoors Ferry

Road and Cross Creek Parkway Depth: Varies. Area: Approximately 1.75 Acres. Land Lots 185 and 186, 17Th District, Fulton County, Georgia.
 OWNER: WYATT AMD KNOX INVESTMENTS, LLC.
 APPLICANT: VALENTIN CIUPERCA NPU C
 COUNCIL DISTRICT 9

Application File Date	February 13, 2013
Zoning Number	Z-13-05
NPU / CD	D/9
Staff Recommendation	Approval conditional of substitute ordin
NPU Recommendation	Approval conditional of substitute ordin
ZRB Recommendation	Approval conditional of substitute ordin

RESULT: HELD IN COMMITTEE [UNANIMOUS] Next: 5/29/2013 9:30 AM

AYES: Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT: Joyce Sheperd

(ID # 2068) (10)
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A13-O-0278/Z-13-04 n Ordinance by Councilmember Carla Smith to Rezone 1341 Moreland Avenue, SE (Tax PIN 14 0009 LL0748) and Moreland Avenue SE, (Tax PIN 14 0009 LL0730) from MRC-1-C (Mixed Residential Commercial) to MRC-1-C (Mixed Residential Commercial) for the Purpose of a Change of Conditions; to Modify the Official Zoning Map; and for Other Purposes.

Application File Date	
Zoning Number	Z-13-04
NPU / CD	W/2
Staff Recommendation	DENIAL
NPU Recommendation	APPROVAL
ZRB Recommendation	DENIAL

RESULT: FAVORABLE [UNANIMOUS]
MOVER: Carla Smith, Councilmember, District 1
AYES: Wan, Bottoms, Shook, Smith, Young Jr.
ABSENT: Joyce Sheperd

(ID # 2070) (11)
 -

12-O-1437/U-12-22- An Ordinance by Zoning Committee Granting a Special Use Permit for a PERSONAL CARE HOME Pursuant to Section

16-06.005 (1) (G) of the Zoning Ordinance, Property Located at 606 FLAT SHOALS AVENUE, S.E., Fronting Approximately 166 Feet on the East Side of Flat Shoals Avenue and Approximately 225 Feet on the South Side of Newton Avenue at the Intersection of Flat Shoals Avenue and Newton Avenue. Depth: Varies Area: Approximately 0.857 Acres Land Lot 176, 15Th District, Dekalb County, Georgia. OWNER: WILLIE MAE JOHNSON APPLICANT: KIMBERLY CASTLING AND ERIKA BROWN NPU W COUNCIL DISTRICT 5

Application File Date	10-2-12
Zoning Number	U-12-22
NPU / CD	W/5
Staff Recommendation	DENIAL
NPU Recommendation	Approval
ZRB Recommendation	File

RESULT: FILED BY COMMITTEE [UNANIMOUS]

AYES: Wan, Bottoms, Shook, Smith, Young Jr.

ABSENT: Joyce Sheperd

VII.PAPERS HELD IN COMMITTEE

(ID # 1821) (12) 10-O-0013/Z-07-113 An Ordinance by Councilmember Aaron Watson as substituted and 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. (Substituted as amended and held 1/13/10 at the request of the District Councilmember) 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

RESULT: HELD IN COMMITTEE [UNANIMOUS] Next: 5/29/2013 9:30 AM

AYES: Wan, Bottoms, Shook, Smith, Young Jr.

ABSENT: Joyce Sheperd

(ID # 1822) (13) 11-O-0692/U-11-16 An Amended Ordinance by Zoning Committee Granting a Special Use Permit Pursuant to Section 16-28.023 (2)(C)(3) and Section 16-28.027 (3)(C) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said Use is Granted to Atlanta BeltLine, Inc. (Recipient Parcel) Its Successors, Assigns

and All Subsequent Owners and Are to be Transferred from the 544 North Angier Avenue, NE (Donor Parcel). (Referred Back by Full Council 7/18/11) (Amended and Held 7/27/11)

RESULT: APPROVED AS AMENDED [UNANIMOUS]

AYES: Wan, Bottoms, Shook, Smith, Young Jr.

ABSENT: Joyce Sheperd

(ID # 1824) (14) 11-O-0693/U-11-17 An Amended Ordinance by Zoning Committee Granting a Special Use Permit Pursuant to Section 16-28.023(2)(C)(3) and Section 16-28.027 (3)(C) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said Use is Granted to Atlanta BeltLine, Inc. (Recipient Parcel) Its Successors, Assigns and All Subsequent Owners and Are to be Transferred from 641 (C 665) North Avenue, NE (Perlman Tract) (Donor Parcel). (Referred Back by Full Council 7/18/11) (Amended and Held 7/27/11)

RESULT: APPROVED AS AMENDED [UNANIMOUS]

AYES: Wan, Bottoms, Shook, Smith, Young Jr.

ABSENT: Joyce Sheperd

(ID # 1827) (15) 11-O-0857 An Amended Ordinance by Zoning Committee Granting a U-11-18 Special Use Permit Pursuant to Section 16-28.023 (2)(C)(3) and Section 16-28.027 (3)(C) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said Use is Granted to Atlanta BeltLine, Inc., (Recipient Parcel) Its Successors, Assigns and All Subsequent Owners and Are to be Transferred from 690 Morgan Street, NE, (A.K.A. 0 North Avenue Tax Parcel Identification 14-0018-0001-026-5), (Donor Parcel). (Referred Back by Full Council 7/18/11) (Held 7/27/11) An Ordinance

RESULT: APPROVED AS AMENDED [UNANIMOUS]

AYES: Wan, Bottoms, Shook, Smith, Young Jr.

ABSENT: Joyce Sheperd

(ID # 1865) (16) 11-O-0824 An Ordinance by Zoning Committee to Amend Section 6- 4028 and to Create Section 6-4028.1 of the Land Development Code, Part III of the Code of Ordinances, So as to Change the Deferral Fee for Variance and Special Exception Applications Before the Board of Zoning Adjustment to a Flat Fee for Each Instance that the Board Grants an Applicant's Request for Deferral to a Subsequent Public Hearing on the Application; and for Other Purposes. (Held 6/15/11) (Public Hearing Held 5/2/12)

RESULT: HELD IN COMMITTEE [UNANIMOUS] Next: 5/29/2013 9:30 AM

AYES: Wan, Bottoms, Shook, Smith, Young Jr.

ABSENT: Joyce Sheperd

VIII. REMARKS FROM THE PUBLIC

IX. ADJOURNMENT

There being no further business to come before the Zoning Committee the meeting was adjourned at

Respectfully submitted:

Angela H. Campbell, Legislative Assistant

Steve Tam, Research & Policy Analyst

The Honorable Joyce Sheperd, Chair