



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 29, 2013

9:30 AM

Committee Room 2

I. CALL TO ORDER

The regularly scheduled meeting of the **Zoning Committee** was held on **Wednesday, May 29, 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	Present	9:44 AM
Alex Wan	Vice-Chair	Present	9:36 AM
Keisha Lance Bottoms	Chair	Present	9:36 AM
Howard Shook	Councilmember, District 7	Present	9:36 AM
Carla Smith	Councilmember, District 1	Present	9:36 AM
Ivory Lee Young Jr.	Councilmember, District 3	Present	9:36 AM

Others in Attendance:

Senior City Attorneys Lem Ward and Jeffery Haymore, Zoning Administrator Charletta Wilson Jacks; and members of public and Council staff

III. ADOPTION OF AGENDA

IV. APPROVAL OF MINUTES

V. ORDINANCE FOR FIRST READING

13-O-1065 (1) - MRPA-13-01-AN ORDINANCE BY ZONING COMMITTEE TO GRANT A CERTIFICATE UNDER THE PROVISIONS OF THE METROPOLITAN RIVER PROTECTION ACT FOR A NEW SINGLE-FAMILY HOUSE AND DETACHED GARAGE LOCATED AT 4369 SENTINEL VIEW COURT, N.W. (PARCEL IDENTIFICATION NUMBER-17-02140002007), 1.1364 ACRES IN LAND LOT 214, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: DONZAK, LLC APPLICANT: DAVID DONNELLY NPU A COUNCIL DISTRICT 8 (ADVERTISED FOR A PUBLIC HEARING SCHEDULED ON 6/12/13)

Application File Date	
Zoning Number	MRPA-13-01
NPU / CD	A/8
Staff	Concur with ARC recommendation of

Recommendation	compliance
NPU Recommendation	
ZRB Recommendation	Not required

TO BE REFERRED TO ZONING COMMITTEE

RESULT: FAVORABLE [UNANIMOUS]

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

ABSENT: Joyce Sheperd

VI. ORDINANCES FOR SECOND READING

13-O-1036 (2) - 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 Approved SUP
NPU Recommendation	Not Required-Transfer of Previously Approved SUP
ZRB Recommendation	Not Required-Transfer of Previously Approved SUP

FAVORABLE

RESULT: FAVORABLE [UNANIMOUS]

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

ABSENT: Joyce Sheperd

13-O-1037 (3) - 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 Approved SUP
Staff Recommendation	Not Required. Transfer of Previously Approved SUP
NPU Recommendation	Not Required. Transfer of Previously Approved SUP
ZRB Recommendation	Not Required. Transfer of Previously Approved SUP

FAVORABLE

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

(ID # 2159) (4) - 13-O-0335 -U-13-01/U-08-02/U-84-48- AN AMENDED ORDINANCE BY ZONING COMMITTEE TO AMEND ORDINANCES 08-O-0315 (U-08-02) AND 84-O-0616 (U-84-48) WHICH GRANTED A SPECIAL USE PERMIT FOR A PRIVATE CLUB FOR PURPOSES OF A SITE PLAN AMENDMENT. PROPERTY LOCATED AT 196 AND 197 MONTGOMERY FERRY DRIVE, N.E., FRONTING APPROXIMATELY 550 FEET ON THE WEST SIDE OF MONTGOMERY FERRY DRIVE, BEGINNING 0 FEET FROM THE SOUTHWEST CORNER OF GOLF CIRCLE. DEPTH: VARIES; AREA: APPROXIMATELY 45 ACRES; LAND LOTS 56, 57, 103 AND 104, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: ANSLEY GOLF CLUB, INC. APPLICANT: BEN W. GILES NPU E
 COUNCIL DISTRICT 6

Application File Date	
Zoning Number	U-13-14
NPU / CD	E/6
Staff Recommendation	Approval Conditional
NPU Recommendation	Approval
ZRB Recommendation	Approval Conditional

FAVORABLE AS AMENDED

RESULT: APPROVED AS AMENDED [UNANIMOUS]

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

ABSENT: Joyce Sheperd

(ID # 2162) (5) - 13-O-0519- U-13-05-AN AMENDED ORDINANCE BY ZONING COMMITTEE TO AMEND ORDINANCE 08-O-0101 (U-07-40) AND ORDINANCE U-80-5 WHICH A SPECIAL USE PERMIT FOR A PRIVATE CLUB (SECTION 16-05.006 (1) (D)), PROPERTY LOCATED AT 155 WEST PACES FERRY ROAD, N.W. PROPERTY FRONTS APPROXIMATELY 1246 FEET ON THE NORTH SIDE OF WEST PACES FERRY ROAD, BEGINNING 350 FEET FROM THE EAST CORNER OF CHATHAM ROAD. DEPTH: APPROXIMATELY 1073 FEET. AREA: APPROXIMATELY 18.05 ACRES. LAND LOTS 98, 99, 114 AND 115. 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER:

CHEROKEE TOWN CLUB APPLICANT: KEVIN

EDWARDS NPU-A COUNCIL DISTRICT 8

Application File Date	
Zoning Number	U-13-05/U-07-40-U-80-5
NPU / CD	B/8
Staff Recommendation	Approval Conditional
NPU Recommendation	Approval
ZRB Recommendation	Approval Conditional

FAVORABLE AS AMENDED

RESULT: APPROVED AS AMENDED [UNANIMOUS]

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

ABSENT: Joyce Sheperd

13-O-1006 (6) - Z-13-11- AN AMENDED ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE RG-2C (RESIDENTIAL GENERAL-SECTOR 2-CONDITIONAL) DISTRICT TO THE RG-2C (RESIDENTIAL GENERAL-SECTOR 2-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT 1856 DEFOOR AVENUE, 1138 DAVIS STREET AND 1180 DAVIS CIRCLE, FRONTING APPROXIMATELY 515.32 FEET ON THE SOUTH SIDE OF DEFOOR AVENUE BEGINNING 110 FEET FROM THE WESTERLY INTERSECTION OF DAVIS STREET. DEPTH: VARIES AREA: APPROXIMATELY 13.9 ACRES. LAND LOT 186 AND 187, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: TABAS

TWO LLLP APPLICANT: TABAS TWO LLLP NPU D
COUNCIL DISTRICT9

Application File Date	
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Zoning Number	Z-13-11
NPU / CD	D/9
Staff Recommendation	Approval Conditional
NPU Recommendation	Approval Conditional
ZRB Recommendation	Approval Conditional

FAVORABLE AS AMENDED

RESULT: APPROVED AS AMENDED [UNANIMOUS]

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

ABSENT: Joyce Sheperd

13-O-1009 (7) - U-13-06 - AN AMENDED ORDINANCE BY ZONING COMMITTEE GRANTING A SPECIAL USE PERMIT PURSUANT TO SECTION 16-06.005 (1) (G) FOR PROPERTY LOCATED 1107 GRAYMONT DRIVE, S.W. FOR A PERSONAL CARE HOME. PROPERTY FRONTS APPROXIMATELY 105 FEET ON THE WEST SIDE OF GRAYMONT DRIVE NEAR THE INTERSECTION OF BLUEFIELD DRIVE AND GRAYMONT DRIVE. DEPTH: VARIES. AREA: APPROXIMATELY 0.316 ACRES. LAND LOT 130, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: ROBERT FLOYD APPLICANT: JUDITH D-ROBERT NPU S COUNCIL DISTRICT 4

FAVORABLE AS AMENDED

RESULT: APPROVED AS AMENDED [UNANIMOUS]

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

ABSENT: Joyce Sheperd

13-O-1010 (8) - U- 13-07-AN AMENDED ORDINANCE BY ZONING COMMITTEE GRANTING A SPECIAL USE PERMIT FOR THE SEVERANCE OF EXCESS DEVELOPMENT RIGHTS FOR THE FUTURE USE FOR PROPERTY LOCATED AT 659 PEACHTREE STREET, N.E., AND FOR OTHER PURPOSES. OWNER: CSC GEORGIAN TERRACE LIMITED PARTNERSHIP APPLICANT: CSC GEORGIAN TERRACE LIMITED PARTNERSHIP NPU E COUNCIL DISTRICT 2

Application File Date	3-12-13
Zoning Number	U-13-07
NPU / CD	E/2
Staff Recommendation	Approval Conditional
NPU Recommendation	Approval

ZRB Recommendation	Approval Conditional
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FAVORABLE AS AMENDED

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

13-O-1012 (9) - U- 13-09-AN AMENDED ORDINANCE BY ZONING COMMITTEE TO GRANT A SPECIAL USE PERMIT PURSUANT TO SECTION 16-18P.007 (1) (B) (II) FOR AN EATING AND DRINKING ESTABLISHMENT GREATER THAN 2,000 SQUARE FEET OR FLOOR AREA OR FOR OUTDOOR ACCESSORY DINING, PROPERTY LOCATED AT 905 JUNIPER STREET, N.E., FRONTING APPROXIMATELY 219 FEET ON THE EAST SIDE OF JUNIPER STREET AND APPROXIMATELY 196 FEET ON THE SOUTH SIDE OF 8TH STREET. DEPTH: VARIES AREA: APPROXIMATELY 1.02 ACRES LAND LOT 49, 14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: 905 JUNIPER STREET HOMEOWNERS ASSOCIATION
 APPLICANT: MARK DARREN CARR NPU E COUNCIL
 DISTRICT 2

FAVORABLE AS AMENDED

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

(ID # 2163) (10) - 12-O-1599-Z-12-40 AN ORDINANCE BY COUNCILMEMBER ALEX WAN AS SUBSTITUTED BY ZONING COMMITTEE TO AMEND CHAPTER 32D (NC-4 CHESHIRE BRIDGE ROAD NORTH NEIGHBORHOOD COMMERCIAL DISTRICT) OF THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, FOR THE PURPOSE OF ADDING SPECIFIC REGULATIONS REGARDING THE AMORTIZATION AND DISCONTINUANCE OF NONCONFORMING ADULT BUSINESS USES WITHIN SAID DISTRICT; AND FOR OTHER PURPOSES.

Application File Date	
Zoning Number	Z-12-40
NPU / CD	F/6
Staff Recommendation	Approval of Substitute Ordinance
NPU Recommendation	Approval
ZRB Recommendation	Denial

FAVORABLE ON SUBSTITUTE (3 YEARS, 2 NAYS, 1-

ABSTENTION)

RESULT: APPROVED ON SUBSTITUTE [3 TO 2]
MOVER: Alex Wan, Vice-Chair
AYES: Alex Wan, Keisha Lance Bottoms, Carla Smith
NAYS: Howard Shook, Ivory Lee Young Jr.
ABSTAIN: Joyce Sheperd

(ID # 2164) (11) 12-O-1600-Z-12-41 AN ORDINANCE BY COUNCILMEMBER ALEX WAN AS SUBSTITUTED BY ZONING COMMITTEE TO AMEND CHAPTER 32E (NC-5 CHESHIRE BRIDGE ROAD SOUTH NEIGHBORHOOD COMMERCIAL DISTRICT) OF THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, FOR THE PURPOSE OF ADDING SPECIFIC REGULATIONS REGARDING THE AMORTIZATION AND DISCONTINUANCE OF NONCONFORMING ADULT BUSINESS USES WITHIN SAID DISTRICT; AND FOR OTHER PURPOSES.

Application File Date	
Zoning Number	Z-12-41
NPU / CD	F/6
Staff Recommendation	Approval of a Substitute Ordinance
NPU Recommendation	Approval
ZRB Recommendation	Denial

FAVORABLE ON SUBSTITUTE (3 YEARS, 2 NAYS, 1-ABSTENTION)

RESULT: APPROVED ON SUBSTITUTE [3 TO 2]
MOVER: Alex Wan, Vice-Chair
AYES: Alex Wan, Keisha Lance Bottoms, Carla Smith
NAYS: Howard Shook, Ivory Lee Young Jr.
ABSTAIN: Joyce Sheperd

(ID # 2161) (12) 13-O-0337 - U-13-03- AN ORDINANCE BY ZONING COMMITTEE GRANTING A SPECIAL USE PERMIT FOR A PERSONAL CARE HOME PURSUANT TO SECTION 16-06A.005 (1) (G) OF THE ZONING ORDINANCE, PROPERTY LOCATED AT 974 NORTH EUGENIA PLACE, N.W. FRONTING APPROXIMATELY 50 FEET ON THE WEST SIDE OF NORTH EUGENIA PLACE AND APPROXIMATELY 50 FEET SOUTHWEST OF THE INTERSECTION OF NORTH EUGENIA PLACE AND CLARK PLACE. DEPTH: VARIES. AREA: 0.222 ACRES. LAND LOT 226, 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: ELGIN JORDAN APPLICANT: CYCLYN R. SMITH-MOBLEY NPU J COUNCIL DISTRICT 9

Application File Date	
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Zoning Number	U-13-03
NPU / CD	J/9
Staff Recommendation	Denial
NPU Recommendation	Denial
ZRB Recommendation	Denial

ADVERSE

RESULT: ADVERSED [UNANIMOUS]

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

VII. PAPERS HELD IN COMMITTEE

(ID # 1821) (13) 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

(ID # 1865) (14) 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)

(ID # 2069) (15) 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 ordinance
NPU Recommendation	Approval conditional of substitute ordinance
ZRB Recommendation	Approval conditional of substitute ordinance

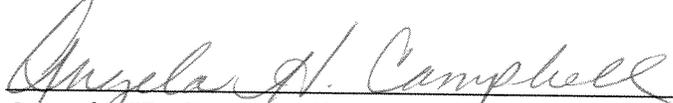
VIII. REMARKS FROM THE PUBLIC

Ron Shakir - Public Speaker

IX. ADJOURNMENT

There being no further business to come before the Zoning Committee the meeting was adjourned at 10:00 AM

Respectfully submitted:



Angela H. Campbell, Legislative Assistant



Steve Tam, Research & Policy Analyst



The Honorable Keisha Lance Bottoms, Chair