

**MARKED AGENDA  
ZONING REVIEW BOARD  
MAY 8, 2008**

**6:00 P.M., CITY HALL, COUNCIL CHAMBERS, SECOND FLOOR**

**CONTINUED CASE:**

**U-08-12-** An Ordinance granting a Special Use Permit for a broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications greater than 70 feet in height (new 150 foot cellular phone tower), property located at **1281 Fulton Industrial Boulevard, N.W.**, fronting approximately 299 feet on the south side of Fulton Industrial Boulevard and approximately 1249 feet west of the intersection Donald L. Hollowell (formerly Bankhead Highway) and Fulton Industrial Boulevard. Depth: approximately 767 feet. Area: approximately 5.3 acres. Land Lots 267 and 268, 17<sup>th</sup> District, Fulton County, Georgia.

**OWNER:** CLEVELAND ELECTRIC GROUP: JR CLEVELAND, JR.  
**APPLICANT:** MITTRIX INC. FOR T-MOBILE/SARRAN MARSHALL  
**NPU-H COUNCIL DISTRICT 9**

**NPU RECOMMENDATION: APPROVAL**

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**

**ZRB RECOMMENDATION: APPROVAL CONDITIONAL**

**NEW CASES:**

1. **Z-08-25-**An Ordinance expanding the designation of the Windsor House Apartments located at **990 Peachtree Street, N.E.** including certain real property 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 16/LBS (Midtown Special Public Interest District/Landmark Building or Site) to repeal conflicting laws and for other purposes. Land Lot 106. 17<sup>th</sup> District, Fulton County, Georgia

**NPU-E COUNCIL DISTRICT 2**

**NPU RECOMMENDATION: APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**ZRB RECOMMENDATION: APPROVAL**

2. **Z-08-26-** An Ordinance designating commercial row located at **990 Peachtree Street, N.E.** and certain real property on which it is located to the overlay zoning designation of historic building or site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from SPI-16 (Midtown Special Public Interest) District to SPI-16/LBS (Midtown Special Public Interest District/Historic Building or Site); to repeal conflicting laws and for other **purposes**. Land Lot 106. 17<sup>th</sup> District, Fulton County, Georgia

**NPU-E COUNCIL DISTRICT 2**

**NPU RECOMMENDATION: APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**ZRB RECOMMENDATION: APPROVAL**

3. **U-08-14-** An Ordinance granting a Special Use Permit for the transfer of excess development density from property located at **990 Peachtree Street (Sending Parcel) to property located at 207, 211, 219, 223, and 225 13<sup>th</sup> Street (Receiving Parcel)**; and for other purposes.  
NPU-E COUNCIL DISTRICT 2  
**NPU RECOMMENDATION: APPROVAL**  
**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**  
**ZRB RECOMMENDATION: APPROVAL CONDITIONAL**
4. **Z-08-18-**An Ordinance to rezone from the I-2 (Heavy Industrial) District to the MRC-3 (Mixed Residential Commercial) District, property located at **1175 Chattahoochee Avenue, N.W.**, fronting approximately 296.67 feet on the north side of Chattahoochee Avenue, beginning 10 feet from the northeast corner of Ellsworth Industrial Drive. Depth: approximately 693.62 feet. Area: 5.398 acres. Land Lots 152, 153, 186 and 187. 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: THE R.A. SIEGEL COMPANY C/O RICK HORNE  
APPLICANT: KENNETH J. WOOD AND JOAN M. LEWIS  
NPU-D COUNCIL DISTRICT 9  
**NPU RECOMMENDATION: DEFERRAL**  
**STAFF RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008**  
**ZRB RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008**
5. **Z-08-19-** An Ordinance to rezone from the R-3 (Single family Residential) District to the PD-H (Planned Development-Housing) District, property located at **495 Mountain Way, N.E.**, fronting approximately 204 feet on the south side of Mountain Way beginning approximately 200 feet from the southwest corner of Wieuca Road. Depth: approximately 330 feet. Area; 1.94 acres. Land Lot 64. 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: ANDREW T. HUNT  
APPLICANT: ANDREW T. HUNT  
NPU-B COUNCIL DISTRICT 7  
**NPU RECOMMENDATION: APPROVAL**  
**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**  
**ZRB RECOMMENDATION: APPROVAL CONDITIONAL**
6. **Z-08-20-**An Ordinance to rezone from the I-1 (Light Industrial) District to the MRC-3 (Mixed Residential Commercial) District, property located at **1040 Grant Street, S.E.**, fronting approximately 194.5 feet on the east side of Grant Street at the intersection of Grant Circle. Depth: approximately 360 feet. Area: 1.57 acres. Land Lot 42. 14<sup>th</sup> District, Fulton County, Georgia.  
OWNER: DAVID S. STITH (FOR GRANT STREET PARTNERS)  
APPLICANT: CALEB RACICOT (FOR GRANT STREET PARTNERS)  
NPU-W COUNCIL DISTRICT 1  
**NPU RECOMMENDATION: DEFERRAL**  
**STAFF RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008**  
**ZRB RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008**

7. **Z-08-23**-An Ordinance by Councilmembers Jim Maddox, Howard Shook and Ivory Lee Young, Jr. to rezone property located at **14F0039LL0282 (aka 4345 Pompey Dr.)** , **14F00390002006 (aka 4330 Pompey Dr.)** , **14F00390002004 (aka 4350 Pompey Dr.)** , **14F0039LL0373 (aka 4335 Pompey Dr.)** , **14F00390002003 (aka 4360 Pompey Dr.)** , **14F00390002005 (aka 4340 Pompey Dr.)** , **14F00390002002 (aka 3595 Old Fairburn Road)**, **14F0039LL0142**, **14F0039LL032**, **14F0039LL031**, and **14F0039LL033** from the Fulton County R-4 (Fulton County Single-Family Residential) District to the R-2A (Atlanta Single-Family Residential) District; to modify the Official Zoning Maps; and for other purposes.  
**STAFF RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008 (amended)**  
**ZRB RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008**

**DEFERRED CASES:**

8. **Z-07-98**-An Ordinance by Councilmember Carla Smith amending Section 16-20K.006 of the City of Atlanta's Code of Ordinances by **adding a new Sub-Paragraph (8) which would put in place Bike Lanes Regulations for the Grant Park Historic District**; and for other purposes.  
**NPU RECOMMENDATION: DEFERRAL**  
**STAFF RECOMMENDATION: 60-DAY DEFERRAL-JULY 2008**  
**ZRB RECOMMENDATION: 60-DAY DEFERRAL-JULY 2008**
9. **U-08-06**-An Ordinance granting a Special Use Permit pursuant to Section 16-28.023 of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said use is granted to **NP 10<sup>th</sup> Street LLC for 1007 Williams Street/97 Tenth Street, N.W. (Recipient Parcel)** its successors, assigns and all subsequent owners and are to be transferred from the **Academy of Medicine located at 875 West Peachtree Street, N.E. (Donor Parcel)**. Donor Parcel is located in Land Lot 49, District 14. Fulton County, Georgia. Recipient Parcel is located in Land Lot 107, District 17.  
**OWNERS: NP 10<sup>TH</sup> STREET, LLC (RECIPIENT PARCEL)**  
**ATLANTA MEDICAL HERITAGE, INC. (DONOR PARCEL)**  
**APPLICANT: NP 10<sup>TH</sup> STREET, LLC.**  
**NPU-E COUNCIL DISTRICT 2**  
**NPU RECOMMENDATION: APPROVAL**  
**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**  
**ZRB RECOMMENDATION: APPROVAL CONDITIONAL**

10. **U-08-08-** An Ordinance granting a Special Use Permit pursuant to Section 16-13.005 (1) (g) of the City of Atlanta Zoning Ordinance for a Hotel, property located at **3172 Roswell Road, N.W.**, fronting approximately 194 feet on the west side of Roswell Road at the intersection of Roswell Road and Irby Avenue. Depth: varies. Area: approximately 0.94 acres. Land Lot 99, 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: KENNETH A. ORKIN/SOUTHEASTERN PVC PIP MFG, INC.  
APPLICANT: RICHARD M. PATTON/NEW SOUTH PARTNERS, LLC  
NPU-B COUNCIL DISTRICT 8  
**NPU RECOMMENDATION: APPROVAL CONDITIONAL**  
**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**  
**ZRB RECOMMENDATION: APPROVAL CONDITIONAL**
  
11. **U-08-05-** An Ordinance granting a Special Use Permit for a Daycare Center (Section 16.07.005 (1)(b)), property located at **1271 Arkwright Place, S.E.**, fronting approximately 102 feet on the south side of Arkwright Place and the southwest corner of Arkwright Place and Dahlgren Street. Depth: approximately 212 feet. Area: approximately 0.48 acres. Land Lot 208, 15<sup>th</sup> District, DeKalb County, Georgia.  
OWNER: LEONARD WRIGHTEN  
APPLICANT: RANDY E. PIMSLER  
NPU-O COUNCIL DISTRICT 5  
**NPU RECOMMENDATION: DEFERRAL**  
**STAFF RECOMMENDATION: FILE**  
**ZRB RECOMMENDATION: FILE**
  
12. **Z-08-04-** An Ordinance to rezone from the C-2 (Community Service) District to the MR-4A (Multi-family Residential) District, property located at **1527 Northside Drive, N.W.**, and **0 Deering Road, N.W.** fronting approximately 180 feet on the east side of Northside Drive at the northeast corner of Deering Road. Depth: approximately 436 feet. Area: approximately 3.445 acres. Land Lot 147, 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: MUSTARD SEED LAND FUND, LLC/WESTWOOD PROPERTY DEVELOPMENT CORPORATION /VININGS I, LLC.  
APPLICANT: CORTLAND PARTNERS, LLC  
NPU-E COUNCIL DISTRICT 8  
**NPU RECOMMENDATION: APPROVAL CONDITIONAL**  
**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**  
**ZRB RECOMMENDATION: APPROVAL CONDITIONAL**

13. **Z-07-91**-An Ordinance by Zoning Committee to rezone property from the RG-2 (Residential General-Sector 2) District and C-3 (Commercial Residential) District to the C-3 (Commercial Residential) District and PD-H (Planned Development-Housing) District for property located at **2909, 2915 and 2919 Peachtree Road, N.E. and 3 and 5 Peachtree Avenue, N.E.**, fronting approximately 325 feet on the south side of Peachtree Avenue and approximately 180 feet on the east side of Peachtree Road. Depth: varies. Area: approximately 1.59 acres. Land Lot 100. 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: LEON WILLIAMS, CLAIRE O'NEILL AND BUCKHEAD JOINT  
VENTURE-A GEORGIA TENANCY-IN-COMMON  
APPLICANT: KENNEDY CAPITAL GROUP, LLC.  
NPU-B COUNCIL DISTRICT 7  
**NPU RECOMMENDATION: FILE**  
**STAFF RECOMMENDATION: FILE**  
**ZRB RECOMMENDATION: FILE**
  
14. **U-07-24**-An Ordinance by Zoning Committee granting a Special Use Permit for a Hotel (Section 16-13.005 (1) (g)) for property located at **2909, 2915 and 2919 Peachtree Road, N.E. and 3 and 5 Peachtree Avenue, N.E.**, fronting approximately 325 feet on the south side of Peachtree Avenue and approximately 180 feet on the east side of Peachtree Road. Depth: varies. Area: approximately 1.59 acres. Land Lot 100. 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: LEON WILLIAMS, CLAIRE O'NEILL AND BUCKHEAD JOINT  
VENTURE-A GEORGIA TENANCY-IN-COMMON  
APPLICANT: KENNEDY CAPITAL GROUP, LLC.  
NPU-B COUNCIL DISTRICT 7  
**NPU RECOMMENDATION: APPROVAL CONDITIONAL**  
**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**  
**ZRB RECOMMENDATION: APPROVAL CONDITIONAL**

15. **Z-07-106**-An ordinance to rezone from the R-5 (Two-Family Residential) District to the MR-3 (Multifamily Residential) District, property located at **1463 LaFrance Street, N.E.**, fronting approximately 126 feet on the southwesterly side of LaFrance Street beginning approximately 145 feet from the western intersection of Mayson Avenue. Depth: approximately 145 feet. Area: approximately 1.23 acres. Land Lots 209 and 210, 15<sup>th</sup> District, DeKalb County, Georgia.  
OWNER: CONVERGE REAL ESTATE, LLC.  
APPLICANT: BRENDA BASS.  
NPU-O COUNCIL DISTRICT 5  
**NPU RECOMMENDATION: DEFERRAL**  
**STAFF RECOMMENDATION: 60-DAY DEFERRAL-JULY 2008**  
**ZRB RECOMMENDATION: 60-DAY DEFERRAL-JULY 2008**
16. **Z-07-109**-An ordinance to rezone from the C-1-C (Community Business-Conditional) District to the PD-OC (Planned Development-Office Commercial) District., property located at **3312-3316 Piedmont Road, N.E. and 3232-3242 Peachtree Road, N.E.**, fronting approximately 300 feet on the west side of Piedmont Road and approximately 480 feet on the north side of Peachtree Road. Depth: varies. Area: approximately 13.1139 acres. Land Lots 61 and 62, 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: J.H. HOLDINGS, INC.  
APPLICANT: J.H. HOLDINGS, INC  
NPU-B COUNCIL DISTRICT 7  
**NPU RECOMMENDATION: DEFERRAL**  
**STAFF RECOMMENDATION: 60-DAY DEFERRAL-JULY 2008**  
**ZRB RECOMMENDATION: 60-DAY DEFERRAL-JULY 2008**
17. **Z-07-122**-An Ordinance to rezone from the I-2 (Heavy Industrial) District to the MR5-A (Multi-family Residential) District, property located at **575 14<sup>th</sup> Street, N.W.**, fronting approximately 470 feet on the west side of Mecaslin Street, beginning approximately 100 feet from the southwest intersection of Mecaslin and Sixteenth Street.. Depth: varies. Area: approximately 7.141 acres. Land Lots 148 and 149, 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: GEORGIA TECH FOUNDATION  
APPLICANT: POLLACK PARTNERS  
NPU-E COUNCIL DISTRICT 3  
**NPU RECOMMENDATION: DEFERRAL**  
**STAFF RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008 (amended)**  
**ZRB RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008**

MARKED AGENDA  
ZONING REVIEW BOARD  
MAY 8, 2008

6:00 P.M., CITY HALL, COUNCIL CHAMBERS, SECOND FLOOR

18. **Z-06-79-** An Ordinance to rezone from the R-5 (two-family residential) district to the RG-3 (Residential General-Sector 3) property located at 987 Myrtle Street, N.E. fronting approximately 45.57 feet on the east side of Myrtle Street. Depth: approximately 167 feet. Area: approximately 0.17 acres. Land Lot 106, 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: DILLON BAYNES  
APPLICANT: DILLON BAYNES  
NPU-E COUNCIL DISTRICT 6  
**NPU RECOMMENDATION: DENIAL**  
**STAFF RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008 (amended)**  
**ZRB RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008**
19. **Z-08-14-**An Ordinance to rezone from the RG-2 (Residential General-Sector 2) District to the MR-3 (Multifamily Residential) District, property located at **1185 Collier Road, N.W.**, fronting approximately 41.17 feet on the east side of Defoors Ferry Road, beginning approximately 372 feet from the northwest intersection of Defoors Ferry Road and Glenn Avenue. Depth: varies. Area: approximately 18.66 acres. Land Lot s 185 and 186, 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: GEORGIAN HILLS INVESTMENTS, LLC.  
APPLICANT: GEORGIAN HILLS INVESTMENTS, LLC.  
NPU-C COUNCIL DISTRICT 9  
**NPU RECOMMENDATION: DEFERRAL**  
**STAFF RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008 (amended)**  
**ZRB RECOMMENDATION: 30-DAY DEFERRAL-JUNE 2008**

**END OF AGENDA**