

# NEIGHBORHOOD PLANNING UNIT – F

Monday, September 21, 2020 at 7:00 PM Via Zoom



## CONTACT INFORMATION

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## MINUTES

1. Welcome and Opening Remarks
2. The meeting was called to order at 7:04 pm.
3. Approval of Minutes  
August 2020 minutes have been posted on the NPU-F website and on Facebook. Motion by Rich Sussman and seconded by Jim Hardy to approve the minutes carries by a vote of 24 in favor, zero nays and 1 abstention
4. Calendar Announcements - see the Consent Agenda
  - The NPU Executive Committee meets September 28 to go over proposed changes to the by laws. The plan is to reconfirm the current bylaws today so that we will meet the City requirements to submit them by September 30<sup>th</sup> and then vote on changes in the next couple of months.
5. Reports from City Departmental Representatives
  - Atlanta Police Dept – Zone 6 -Major Ries, Zone 2 – Major Senzer; Captain Singh

Deputy Chief Murphy and Captain Singh represented Zone 2. Major Ries is the new Zone 6 commander and he introduced himself. He has held a variety of positions within the department. His email is [pjries@atlantaga.gov](mailto:pjries@atlantaga.gov) and he can be reached at 404-561-2776. Major Ries is aware of business burglaries in the Highlands and is stepping up patrols. He is also aware of parties in parking lots and is imonitoring racing. Zones 2 and 6 have dedicated considerable resources to managing the racing issue.

A resident raised a concern about the Friends Neighborhood Bar which may be violating city ordinances regarding drugs and alcohol. Drag racers also tend to congregate at the location.

DC Murphy reiterated that that the police are continuous dealing with the drag racing issue and changing tactics to keep pace with the offenders.

Jim Hardy, NPU Public Safety chair, has heard many complaints about clubs off Cheshire Bridge in Zone 2. There was also a recent shooting in Linridge Martin Manor.

Major Ries is aware of the club situation and working with councilmembers across zone 6 of APD. Captain Singh commented that the shooting investigation is open and he cannot comment on it.

The NPU chair inquired about the border between zone 2 and 6. The right hand side of Cheshire Bridge Road going towards the highway is zone 6 and other side is zone 2.

A resident raised concerns about home invasions in LMM. He was concerned that the perpetrators are not detained by police. Captain Singh suggested going through the 911 system to report all crime. Crime reports do not indicate a pattern in burglaries in the NPU.

Chief Bryant from APD noted that on the issues of clubs and street racing, the APD is collaborating with the state, and he will discuss alternative strategies with councilmembers.

Inspector Tillman - virtual coffee with a cop on crime prevention is coming up. Information on National Night Out will be shared shortly. jltillman@atlantaga.gov.

- Fulton County Prosecutor – Zone 2, Zone 6 – Nemonie Nooks  
The courts are still operating virtually and the state of emergency has been extended until October 12. The courts are discussing ways to safely convene juries for jury trials.
- Bureau of Housing and Code Compliance – Office Jeter  
Vince Jeter, code enforcement, reported on . 6 NPU cases classified as highly hazardous, While some officers are in the field, the Code Enforcement department is not fully open.

Officer Wimberly could not attend and can be reached at  
knwimberly@atlantaga.gov

- Office of the Solicitor's – Andrew Hughes, Assistant Solicitor Present.  
He did not share a report. At this point he is unsure when the Municipal Court when resume operations. Officers are still issuing citations. Operations are impacted because court is closed except for bond hearings. Mr Hughes can be reached at 770-687-1136 or ahughes@atlantaga.gov

- **ATL311**

ATL 311 was represented by Barbara Doughty. Ms Doughty recommended submitting photos with requests via the ATL311 website or via email at  
Atl311@atlantaga.gov

6. Comments from Elected Officials - None

7. Presentations

- Fulton County Library System: Elizabeth Puckett - Not Present

APS Renaming Committee for Grady High School: Courtney Smith

Henry Grady HS is being considered for renaming. Courtney Smith with the Midtown Neighborhood Association shared an update. The process began with a request from students wanting to rename the school and the Committee has been meeting since July. The last 2 meetings will be held in October. Eventually one name will be submitted to the City's Board of Education. Ms Smith shared the website that links to the Committee. Three categories of names are under consideration – geographic, honorariums, and conceptual. John Lewis is very popular but cannot be considered. An NPU resident noted that there's no pressing reason to resolve the issue in October and it needs to be carefully researched. Ms Smith stated that the renaming needs to be resolved before the Grady renovation is completed.

Ms Smith shared that NPU-E is lobbying for impounding of cars involved in street racing. Kay Stephenson noted that impounding is effective only if used for extended periods (or permanent seizure) and requires action by the state.

8. Planner's Report

- All permits are being processed through email or digital portals. The City is conducting virtual inspections. City Hall is closed, staff are working remotely. A resident inquired about the status of the Design Awards. They were postponed from May and new timeline is being considered.
- Another resident inquired about the accessibility of the portal to the public? Staff reports and comments can be viewed on the Accela citizen portal.
- The Chair commented that CDP hearings, requires public comments to be recorded the night before the meeting. Comments are played back prior to the presentations at the meeting.

9. Neighborhood and Committee Reports

Lindridge-Martin Manor – Rich Sussman

LMMNA is concerned about clubs which is also a Citywide concern. Liquor license for Allure is coming up for renewal.

Morningside-Lenox Park – No report

Piedmont Heights Civic Association

Stormwater management from the Hedgewood project continues to be a concern.

Virginia-Highland Civic Association – No report

Edmund Park— No report

Emory/CDC Area/Druid Hills – No report

Parks/Trees and Environment

Residents can contact Trees Atlanta to get a tree for their yard.

Education – No report

Public Safety – No report

Chair:

- The NPU-F Executive Committee will meet next Monday, September 28<sup>th</sup> at 7 pm to review proposed changes to the by-laws and Policy Sheet, and specifically to modify both to include Virtual Meetings. The link to the meeting is on the Consent Agenda which is available in the chat room. The Executive Committee was sent a summary of the proposed changes for review last week. If you are interested in attending the meeting or seeing the proposal – subject to change – send an email in the chat room and I will forward to you.
- City Councilmember Howard Shook, with CMs Sheperd, Matzigkeit, Bond and Hillis have introduced legislation to define Short-Term Rentals and to formally prohibit them as a use in Residential Zoning (R-1 to R-4B and PD-H zoning). NPU-F will review the legislation for comment in October and vote on it in November. Copies of the legislation will be sent to the neighborhood zoning committees this week for their review.
- APAB met on Saturday, Sept 19<sup>th</sup>. I was excited to see that 20 NPUs were represented at the APAB meeting on Saturday according to the Zoom attendance report. A total of 51 people were at the meeting. That included 19 Delegates, 5 Alternates, and 8 NPU chairs.
- We've come a long way from the early days of holding our breath to see if we could eke together a quorum -- and often walking away without. Several agenda items to note:
  - APAB's by-law committee is proposing a subtle, but could be significant change to the role of the NPU Chair as a voting member of APAB and if the Chair is a voting member when there is also a Delegate and Alternate. There was a lengthy discussion at the meeting and the Committee will work to get the language correct.
  - There are volunteer opportunities to represent APAB on the Invest Atlanta board, the Beltline TADAC, and Code Enforcement Commission. The deadline for submitting a resume and letter of interest is September 30<sup>th</sup>.

## 10. MATTERS FOR VOTING

REMINDER -- All votes taken at the NPU are only recommendations to one of the city boards.

## Consent Agenda

### Special Events Applications

| Event Name   | Event Type                    | Date  | Recommendation             |
|--|-------------------------------|---|----------------------------|
| <a href="#">Atlanta AIDS Walk+ Music Festival</a><br>(Original Applicant Supported on 4/20/20) | Class D<br>9,000 Participants | Piedmont Park<br>September 25,<br>2021<br>(Date Change) | <b>Continue to Support</b> |

### Board of Zoning Adjustment Applications

| Application                                 | Request  | Recommendation                                     |
|---|--|--|
| V-20-100<br><b>1777 Flagler Ave NE</b>      | Applicant seeks a variance to reduce the front yard setback from 35 feet to 27 feet 6 inches for the construction of a second story addition.  | <b>PH: approve</b>                                 |
| V-20-101<br><b>1105 Amsterdam Avenue NE</b> | Applicant seeks a variance from the zoning regulations to reduce the required front yard setback from 35 feet to 20 feet 7 inches and to reduce the required half-depth front yard from 17.5 feet to 7 feet in order to construct a new single-family residence. | <b>VH: Defer</b> (at the request of the applicant) |

**NPU-F Action:** Motion by Kay Stephenson and seconded by Rich Sussman to approve the consent agenda carries by 14 yeas, 0 opposed, 1 abstention,

### Alcohol License Applications (LRB)

| Name of Business                               | Applicant                          | Property Address        |
|--|------------------------------------|-------------------------|
| <a href="#">CVS Pharmacy #4747</a><br>Pharmacy | Change of Agent<br>Denton A. McKay | 1544 Piedmont Avenue NE |

**Comments:** CVS was represented by the attorney, new agent was present.

**NPU-F Action:** Kay Stephenson motioned to support, Jim Hardy seconded. 23 in favor, none opposed and no abstentions.

|   |                                   |                              |
|---|-----------------------------------|------------------------------|
| <a href="#">Tribeca Restaurant and Lounge</a><br>Restaurant | Change of Agent<br>Abraham Wossen | 1782 Cheshire Bridge Road NE |
|---|-----------------------------------|------------------------------|

**Report:** This application is for a change of agent, restaurant with live entertainment, to sell liquor, beer, and wine for on premise consumption. Applicant has prior experience managing restaurant and night clubs (Rose Bar on Piedmont). Hours of operation Monday-Saturday 11:30-2:30 and Sunday noon-midnight. Seating capacity of 60. Total square footage 4400, required 44 parking spaces, application states 50 on site.

1. Further describe the business model-operate as restaurant, lounge, bar, hookah bar etc? VIP/private rooms? Applicant, Mr Wossen, said it is both a bar and a restaurant.
2. Further describe the live entertainment planned. No live entertainment is planned.
3. Distance from Single-family residential? Area behind property is zoned light industrial. Restaurant is not within 300 feet of residential dwellings.

4. Parking arrangements. Valet parking will be used. Owner stated that additional parking is available at Nakato.
5. Still current owner/manager at Rose Bar; remain general manager here.

**Past Application**

Cape Dutch 7/14/2015 (Inv Miles)-Wilson Wolf Group LLC Restaurant change of ownership 6500 sq ft-did not answer parking question

**Comments:** An NPU resident noted that the location is in compliance with live entertainment in a bar/restaurant. Applicant states that he has hired a chef who was previously at the Four Seasons. Possible jazz band for the holidays. No VIP room

**NPU-F Action:** Motion to approve this application by Jack White and seconded by Rebeka Falkler carries with 19 in favor, 3 opposed and 3 abstentions.

**Additional Report:** Jane Rawlings noted that the Allure Club due cause hearing is coming up at LRB. It will be managed by the APD. The NPU does not provide input.

**Board of Zoning Adjustment Applications (BZA)**

**V-20-84 1775 Wildwood Road NE**

Applicant seeks a special exception from the zoning ordinance to exceed the maximum height requirement for two retaining walls in the required half depth front yard from 3 feet maximum height to 6 feet maximum height of retaining walls.

**MLPA Report:** The MLPA Board voted to approve with 13 in favor, 0 opposed.

**Comments:** Applicants were present. Courtney Willis appeared for the applicant.

**NPU-F Action:** Motion by Rebekah Falkler and seconded by Kay Stephenson to recommend approval carries 21 favor and zero opposed.

**V-20-85 1280 Middlesex Avenue NE**

Applicant seeks a variance from the zoning regulations to 1) reduce the required half depth front yard setback from the required 17.5 feet to 8.5 feet, 2) increase the size of a garage on the ground floor from 35 percent of the ground floor to 72% of the ground floor and 3) exceed the width of a driveway from 20 feet to 35.5 feet for an addition to an existing single-family residence.

**MLPA Report:** The MLPA Board voted to approve with 13 in favor, 0 opposed.

**Comments:** David Price from Price Residential Design was present for the applicants.

**NPU-F Action:** Motion to recommend approval by Rebekah Falkler and seconded by Kay Stephenson carries 21 in favor, one opposed and 2 abstentions.

**V-20-86 1007 Courtenay Drive NE**

Applicant seeks a variance from the zoning regulations to reduce the required west side yard setback from 7 feet to 1 foot in order to construct a carport.

**MLPA Report:** The MLPA Board voted to approve with 13 in favor, 0 opposed.

**Comments:** Cary and Diane Aiken were present for owners.

**NPU-F Action:** Rebecca Falkler and Jack White seconded to recommend approval of V-20-86 carries by a vote of 20 in favor, zero opposed.

**V-20-108 1164 McLynn Avenue NE**

Applicant seeks a variance to reduce the west side yard setback from 7 feet to 5.5 feet, the rear yard setback from 15 feet to 3.5 feet and to increase the size of an accessory structure from 30 percent of the main dwelling to 43 percent for the construction of a detached accessory structure.

**MLPA Report:** The MLPA Board voted to approve with 13 in favor, 0 opposed.

**Comments:** Mark Arnold, architect for homeowner, was present. Mr Arnold noted that the architect measured the accessory structure size to be 36% of main floor area. Rebecca moved to approve and Kay seconded the motion.

**NPU-F Action:** Motion by Rebekah Falkler and seconded by Kay Stephenson to recommend approval carries 17 in favor, zero opposed

**V-20-109 1112 Zimmer Drive NE**

Applicant seeks a variance to reduce the west side yard setback from 7 feet to 1.25 feet for the additions to the existing single-family dwelling.

**MLPA Report:** The MLPA Board voted to approve with 13 in favor, 0 opposed.

**Comments:** Mark Arnold was present for the applicant.

**NPU-F Action:** Motion by Rebekah Falkler and seconded by Jack White to recommend approval of V-20-109 carries by a vote of 12 ayes, 1 nay, and no abstentions.

**V-20-111 1854 Flagler Avenue NE**

Applicant seeks a variance to reduce the south side yard setback from 7 feet to 2.4 feet and the north side yard setback from 7 feet to 5.3 feet for additions to an existing single-family dwelling.

**PH report:** The Piedmont Heights Civic Association Board met last night and voted unanimously to recommend approval on both variance requests V-20-100, 1777 Flagler, and V-20-111, 1854 Flagler. PHCA Zoning had done site visits to both homes and had recommended approval of both. Renovation work in both sites will be within the same footprint as current homes.

1854 Flagler renovation will require removal of a large boundary tree which is leaning dangerously over the existing home now.

**Comments:** Peter Williams, the owner, was present. He plans to add a porch on the back of the house. He also plans to move 2 cars into the carport structure. An NPU resident cautioned that the BZA may not approve the 2.4 feet setback because it extends a nonconformity and could cause difficulties with maintenance.

**NPU-F Action:** Motion by Tim Berube and seconded by Rebekah Falkler to recommend approval carries with 16 ayes, 0 nays, 0 abstentions.

| Text Amendments – Zoning Ordinance |  |
|------------------------------------|--|
| Legislation                        |  |
| <a href="#">Z-20-07</a>            | An Ordinance to amend the City of Atlanta Code of Ordinances Part 16 Zoning, Chapters 3, 4, 5, 6 and 6A Single-Family Residential District Regulations for R-1, R-2, R-3, R-4 and R-4A by requiring the development of new single-family detached dwellings on land-locked lots to obtain a special use permit; and for other purposes. <a href="#">FACT SHEET</a> |

**Comments:** There was a concern that the legislation did not address property that was located in both Atlanta-Fulton County and Dekalb County. Doug Young commented that the lots being discussed are not land locked. He also noted that the City of Atlanta cannot legislate for Dekalb County.

**NPU-F Action:** Motion to support approval of the ordinance was moved by Kay Stephenson and seconded by Rich Sussman. It passed with 10 in favor and 2 opposed.

### MATTERS FOR REVIEW AND COMMENT

| Alcohol License Applications (LRB)   |             |                          |                 |
|--|-------------|--------------------------|-----------------|
| Name of Business   | Applicant   | Property Address         | Request         |
| <a href="#">Whole Foods Market</a><br>Retail Grocery                           | Matar Diouf | 650 Ponce de Leon Avenue | Change of Agent |
| <a href="#">Whole Foods Market</a><br><a href="#">Restaurant</a><br>Restaurant | Matar Diouf | 650 Ponce de Leon Avenue | Change of Agent |

**Comments:** Midtown Neighbors Association and NPU-E voted to approve both applications without conditions.

**NPU-F:** No comments from NPU-F

11. Old Business - None

12. New Business -Bylaws Re-confirmation for 2021

- The NPU is required to reconfirm the by laws and policy sheet in September of every year. Both documents will be revised to include Virtual meetings.
- Kay Stephenson introduced the proposed changes and Rich Sussman seconded the motion to reconfirm.
- By-laws were approved 10 to zero.
- The policy sheet was approved 11 to zero.

13. Announcements

14. Adjournment

The meeting adjourned at 9:46 pm.