

**Minutes of NPU-B regular monthly meeting  
Tuesday, November 5, 2013**

The meeting was called to order at 7:00 p.m. by Andrea Bennett, NPU-B Chairperson.

Present: 21

Absent 4

Proxies: 3

John Bailey to Jason Kendall

Bill Bozarth to Jim Cosgrove

E.T. Laird to Nancy Bliwise

## **1. CHAIRPERSON'S COMMENTS**

- Welcome and mission of NPU-B.
- Welcome to John Beech who replaces Brian Arnold as appointed neighborhood representative from Buckhead Forest.

## **2. AUDIENCE RECOGNITION**

### Atlanta Police Department (APD) Zone 2

Major Van H. Hobbs, Jr., [VHobbs@AtlantaGA.gov](mailto:VHobbs@AtlantaGA.gov)

- Reported aggravated assaults are down 14 percent for the year, but auto larcenies continue to increase. Prevent auto larcenies by not leaving purses, electronic devices, and other valuables visible in vehicles.
- As holidays approach remember not to leave empty boxes for televisions, etc. at curb, as those are likely to attract burglaries.

### Fulton County District Attorney Community Prosecutor's Office

Tiffany Harlow, Zone 2 Community Prosecutor

404-612-4506 (office), 404-931-5567 (cell), [tiffany.harlow@FultonCountyGA.gov](mailto:tiffany.harlow@FultonCountyGA.gov)

- Some resources are or will be refocused from burglaries to auto larcenies (car break-ins).
- The next Community Prosecutor Advisory Board Meeting is scheduled for Wednesday, November 13, 2013, at 6:00 p.m. at the APD Lenox Square "Mini Precinct" at 3393 Peachtree Road.

### MARTA Police Department (MPD) North Precinct (404-848-3902) [www.itsmarta.com](http://www.itsmarta.com)

Maj. Easterling reporting:

- More "SeeSay" (Something Say Something) brochures were distributed and the public is also reminded of the smartphone app available to report crime from your smartphone discretely from MARTA trains, buses, or facilities.
- The new "Ride with Respect" program which goes into effect on November 9. The program sets standards of conduct and provides for violating riders to be suspended for up to one year for conduct issues such as panhandling, loud music or other noise, etc.

### Department of Watershed Management (DWM) (404-982-1480) [www.atlantawatershed.org](http://www.atlantawatershed.org)

Verna Bair (404-330-6040 office, 404-259-0023 cell) [VABair@AtlantaGA.gov](mailto:VABair@AtlantaGA.gov)

- Ms. Bair gave a report and also distributed the Project Points monthly newsletter.

- “I Save Water” kits are available free of charge at AFRD Fire Stations and include a high-efficiency showerhead, faucet aerators, etc.
- “FOG” awareness: Most sanitary sewer spills are caused by Fats, Oils and Grease (FOG) placed in drains and kitchen sink garbage disposals – please dispose of FOG as solid waste/trash.
- DWM recommends that customers purchase water-line insurance to manage the risk of costly private water supply line repairs/replacement. All underground lines on the private side of the water meter are the responsibility of the customer/property owner. Premiums for such insurance are about to increase slightly.
- Customers may visit [www.payATLwateronline.com](http://www.payATLwateronline.com) to enroll for e-billing and online bill pay.
- Water system leaks should be reported to DWM customer service at 404-658-6500.

Atlanta Fire Rescue Department (AFRD) 404-546-7000

Chief Richard Heard

Bryant D. Tate, Battalion 6 Commander, reporting:

- Residential fire risk increases during the winter and holiday season. Contributing factors are cooking, candles and holiday lights, Christmas trees, space heaters, etc. The public is also reminded not to use turkey fryers on wooden decks or other flammable surfaces and to be certain that the turkey is fully thawed before submerging it in hot cooking oil. Google “fire safety” for other helpful tips.
- Battalion 6 response times are reported to be within targeted goals at a frequency of 95 percent for emergency calls and 53 percent for non-emergency calls.

Department of Parks and Recreation (DPR) (404-546-6813)

Angela Hill (404-237-2756) [AHill@atlantaGA.gov](mailto:AHill@atlantaGA.gov) (manager of Peachtree Hills Recreation Center)

- Atlanta residents are encouraged to participate in an on-line survey available on [www.surveymonkey.com](http://www.surveymonkey.com) and survey participants will be offered a twenty percent discount on fees for various DPR-sponsored recreation programs.
- Citizens may register for DPR-sponsored recreation programs by visiting the DPR section at [www.atlantaGA.gov/iparcs](http://www.atlantaGA.gov/iparcs)

Department of Public Works

Cheryl Hedgemon (404-330-6303) [cbHedgemon@atlantaGA.gov](mailto:cbHedgemon@atlantaGA.gov) reported

(alternate contact is Verna Singleton at [VSingleton@AtlantaGA.gov](mailto:VSingleton@AtlantaGA.gov))

Cheryl Hedgemon gave no report but was present and available to answer questions from the public regarding solid waste disposal matters.

Howard Shook, Councilmember, District 7

(404) 330-6050

[hshook@atlantaga.gov](mailto:hshook@atlantaga.gov)

[www.HowardShook.com](http://www.HowardShook.com)

No report.

Buckhead Coalition

Garth Peters [GPetersj@thebuckheadcoalition.org](mailto:GPetersj@thebuckheadcoalition.org)

No report.

Livable Buckhead, Inc.  
Denise Starling, Executive Director  
[www.livablebuckhead.org](http://www.livablebuckhead.org)  
Buckhead Community Improvement District (CID)  
[www.buckheadcid.com](http://www.buckheadcid.com)  
Buckhead Area Transportation Management Association  
[www.batma.org](http://www.batma.org)  
Mr. Tony Peters  
- No report.

City of Atlanta Office of the Solicitor: main office 404-658-6618  
Alan Coleman [acoleman@atlantaGA.gov](mailto:acoleman@atlantaGA.gov)  
404-658-6658 office; 404-902-0934 mobile  
No report.

APD Community Service Division, Code Enforcement Section  
CodesRequests@AtlantaGA.gov; 404-330-6190 / 404-330-6735; fax: 404-658-7084  
Officer S. Clair, Code Enforcement Officer (404-416-8092 mobile); [ssclair@AtlantaGA.gov](mailto:ssclair@AtlantaGA.gov)  
No report.

### **3. PRESENTATIONS**

None.

### **4. ADOPTION OF MINUTES**

**NPU-B Action: Minutes of the most recent regular monthly meeting were approved by vote of 24-0-0.**

### **8. OLD BUSINESS**

**Proposed Ordinance 13-O-0637 and subsequent proposals to create an exemption from the residential distance requirements for package stores**

For the convenience a large segment of the audience present in connection with this matter, the Old Business section was moved up from its usual place on the agenda. It was noted that an ad hoc committee of the NPUb had been formed after the May, 2013 full NPUb meeting for the purpose of studying and making recommendations to City Council regarding draft ordinance O-13-0637, which had at that time just recently been introduced to City Council by District 7 Councilmember Howard Shook for the purpose of creating an exemption from the residential distance requirements for package stores currently set forth in Atlanta Code of Ordinances, Part II, Section 10-88.1(b)(1).

Subsequent to introduction of that draft ordinance, a revised draft had been circulated and discussed by the ad hoc committee. The revised draft was specific to a building located at 3145 Peachtree Road which is owned by Selig Enterprises, Inc., and was formerly leased to the Container Store. The chair clarified that this revised draft (not introduced or substituted and

therefore bearing no identifying number) had been most recently circulated for consideration by the ad hoc committee and was now ripe for action by the full NPUb.

A final vote was not reported out of the ad hoc committee, and it was therefore agreed that the matter be brought forward for discussion and vote by the full NPUb by means of a motion to be offered by a supporter of the proposal, so that a limited number of speakers from the audience with differing points of view on the matter could be recognized by the chair to speak for up to three minutes each, following which debate would begin among NPUb members. Discussion and extensive debate followed in that fashion. The question was called. A vote by show of hands was then begun but not completed as it became obvious that the vote would be closely divided. Therefore, and again by agreement of the assembly, a roll call vote was taken and the results were as follows:

Yeas (11):

Bailey, John / Buckhead Heights (by proxy)  
Beech, John / Buckhead Forest  
Bennett, Andrea / North Buckhead  
Collura, Kathy / Peachtree Heights East  
Hillman, Amy / BUSINESS  
Kendall, Jason / Peachtree Park  
Kent, Randall / BUSINESS  
Issacs, Michael / Garden Hills  
Stasiowski, Bob / BUSINESS  
Tiller, Mark / BUSINESS  
Ward, Brian / BUSINESS

Nays (13):

Bliwise, Nancy / Pine Hills  
Boston, Cathy / BUSINESS  
Bozarth, Bill / BUSINESS (by proxy)  
Connelly, Bob / BUSINESS  
Cosgrove, Jim / BUSINESS  
Foley, John / Peachtree Heights West  
Graff, Michael / Ridgedale Park  
Laird, E.T. / South Tuxedo Park (by proxy)  
Martinez, Lisa / Brookhaven  
Murray, Bill / BUSINESS  
Shepherd, Abbie / BUSINESS  
Tibbs, Cory / BUSINESS  
Toye, Frank / East Chastain Park

Abstentions (0):

None.

Not Voting

Bailey, Jay / Peachtree Hills

**NPU-B Action: By roll call vote of 13-11 as outlined above, the NPU-B voted to oppose Proposed Ordinance 13-O-0637 and similar proposals to create an exemption from the residential distance requirements for package stores, and specifically to oppose the recent draft which would have created an exemption specific to the building located at 3145 Peachtree Road.**

## **5. PLANNER'S REPORT**

No report.

## **6. INTERNAL REPORTS**

Atlanta Planning Advisory Board (APAB)

Richard Rauh, NPU-B APAB delegate; Cathy Muzzy, alternate delegate.

Mr. Rauh submitted a written report.

## **7. STANDING COMMITTEE REPORTS**

### **A. PUBLIC SAFETY COMMITTEE**

Bob Stasiowski, Chair

Festival Applications:

None.

Liquor License Applications on Consent Agenda:

- Greater Good barbecue / new business / approved in committee 8-0-0

- J. W. Marriott / change of agent / approved in committee 8-0-0

- Prince's Place Cigar Bar & Bistro / new business / approved in committee 8-0-0

- St. Cecilia (Ford Fry/Northern Italian cuisine) / new business / approved in committee 8-0-0

**NPU-B action: A motion to recommend approval of the consent agenda passed by vote of 24-0-0.**

Other Applications:

None.

### **B. DEVELOPMENT AND TRANSPORTATION COMMITTEE**

Abbie Shepherd, Chair

No report.

## **C. ZONING COMMITTEE**

Bill Murray, Chair

### Applications on Consent Agenda:

Z-13-032; 4362 Wieuca Road

Applicant is seeking to rezone this parcel from R-3 to PD-H Applicant seeks no other variances at this time. Denied (no show): 8-0-0

V-13-171; 730 Darlington Circle.

Applicant seeks a variance from the zoning regulations to reduce the north side yard setback from 7'(required) to 4' for a rear addition. Applicant did not provide a full set of plans. Applicant seeks no other variances at this time. Approved: 8-0-0

Z-13-036; 3519 Roxboro Road

Applicant seeks to rezone from MR-3 to PD-H. Denied (multiple no shows): 8-0-0

V-13-194; 4011 Roswell Road

Applicant is seeking a special exception from the zoning regulations to allow active recreation adjacent to the street (i.e., the pool is adjacent to the main building on the Roswell frontage). Approved: 8-0-0 subject to conditions (supplied by Jessica Hill) that applicant shall provide landscaping for screening along the southern property line where the property abuts single-family residences.

V-13-177; 311 Alberta Terrace

Applicant is seeking a special exception from the zoning regulations to erect a 7'2" privacy wall with an 8' arbor in the required side yard where otherwise restricted. Applicant seeks no other variances at this time. Approved: 8-0-0

V-13-199; 1010 Angelo Court

Applicant seeks a variance from the zoning regulations to reduce the side yard setback from 20'(required) to 13' for a rear addition. Applicant did not provide a complete set of plans for review. Applicant seeks no other variances at this time. Approved: 8-0-0

V-13-192; 4136 North Stratford Road

Applicant seeks a variance from the zoning regulations to reduce the rear yard setback from 20' (required) to 7', reduce the half depth front yard from 25'(required) to 15', construct a 6' retaining wall and waterfall in the half depth front yard for an active recreation (pool) adjacent to a public street and will exceed the maximum 25% rear yard coverage. Applicant seeks no other variances at this time. Approved: 8-0-0

V-13-206; 2672 Ellwood Drive

Applicant seeks a special exception from the zoning regulations to erect a 47" wall, wooden fence with less than 50% visibility, with 56" posts in a required front yard for trash receptacle enclosure. Applicant seeks no other variances at this time. Approved: 7-0-1

**NPU-B action: A motion to recommend approval of the consent agenda passed by vote of 23-0-1.**

Other Applications on Zoning Committee Agenda:

U-13-020; 3714 Roswell Road

Applicant seeks a special use permit for outdoor dining within 1000 feet of R and RG zoning districts. Applicant seeks no other variances at this time.

This application was originally on the consent agenda for approval subject to the condition as proposed by the East Chastain Park Civic Association that there be no outdoor paging system, together with a second condition that the applicant obtain (prior to the November NPUb meeting) a letter of support from The View at Chastain HOA. The application was removed from the consent agenda because the applicant had been unable to obtain a letter of support from The View at Chastain. A discussion followed regarding concerns expressed by Vivian Dubose on behalf of The View at Chastain. There was discussion of an additional proposed condition prohibiting live music, the applicant objected to that proposed condition, and the discussion among board members included the point that the alcohol license application would provide a forum for discussion of any concerns regarding live music.

**NPU-B action: A motion to recommend approval of U-13-020 passed by vote of 24-0-0, subject to conditions set forth on the site plan and the additional condition that there be no outdoor paging system.**

**9. NEW BUSINESS**

None.

**10. PRESENTATIONS / ANNOUNCEMENTS:**

NPUb business representative elections will be held on Tuesday, November 12 from 6:00 p.m. until 8:00 p.m. at the Cathedral of Saint Phillip, 2744 Peachtree Road.

**11. ADJOURNMENT**

The meeting was adjourned at 9:35 p.m.