

**Minutes of NPU-B regular monthly meeting
Tuesday, September 4, 2018**

The meeting was called to order at 7:03 p.m. by Dr. Nancy Bliwise, NPU-B Chairperson.

Present: 17*

Proxies: 3

Randall Kent to Bob Stasiowski
Mandi Gibson to Bob Stasiowski
Martha Church to Kim Shorter

*1 NPU member joined after the approval of the minutes.

1. OPENING REMARKS / CHAIRPERSON'S COMMENTS

Welcome, mission of NPU-B, and introductory remarks

2. APPROVAL OF MINUTES

NPU-B Action: A motion to approve minutes from the previous regular monthly meeting of the NPU-B passed by vote of 19-0-0.

3. REPORTS FROM CITY DEPARTMENTAL REPRESENTATIVES, ELECTED OFFICIALS, AND OTHERS IN AUDIENCE

Nancy noted that the City sent NPU representative to Roberts Rules of Order training. She noted that the NPU has the opportunity to limit the discussion to 5 minutes on items that we are voting on. Members of the NPU have the opportunity to offer a motion to extend the timeframe if additional discussion time is needed. The vote to limit discussion to 5 minutes will carry on to future meetings.

NPU-B Action: A motion to limit the discussion to 5 minutes per discussion topic during NPU-B regular meetings passed by vote of 17-1-1.

Atlanta Police Department (APD) Zone 2

Major Barry Shaw, Precinct Commander Zone 2, JBShaw@atlanta.ga.gov ; 404-391-0081.

Major Shaw noted that there has not been an arrest on the homicide in Garden Hills. The officers think that they know the perpetrator and are putting together a case. Major Shaw addressed the motor scooter issue where the perpetrators zoomed through Target and were harassing patrons. The City is not having "big" problems with scooters, but they are having problems with specific juveniles. Several of these juveniles are repeat offenders. One of the juveniles was "tazed" and caught. There are several bike patrols that caught 3 additional juveniles from this incident. The juveniles get taken home to a guardian that the punishment is left to the guardian who may or may not be helpful in correcting behavior.

The juveniles are stealing wallets with credit cards and then using the stolen credit cards to rent the scooters and then riding the scooters until the battery dies. There are no business licensing requirements or permits associated with the motor scooters. The City is working on policies related to scooters.

Major Shaw provided an update on the homeless camps on Piedmont/ Cheshire Bridge area. There has been an increase in burglaries at storage units in this area. Most of the homeless camps are on private property, so the City is limited in its ability to enter private property and clean out the homeless camps. The City is working with the land owners and has preliminarily plans to address the issues in these homeless camps.

There was a question about a drive-by shooting in the 3000 block of Peachtree. An officer discharged their weapon in the parking lot associated with a traffic stop when the person tried to flee. The discharge is under review but nobody was hurt.

The City's cameras caught someone with driving through the West Paces Ferry area going through people's yards with a gun. The gentleman started in NPU C and transitioned to NPU B. He was actively trying to steal cars, guns, garage openers, and more. He was charged with 18 counts. He received a signature bond and is out of jail.

There was a question about a reported rape on Timm Valley. Major Shaw noted that he was unaware of that report.

There was a question regarding the safety of the median that was installed by Public Works on West Paces Ferry Road near Valley and the Atlanta History Center. The neighbor adjacent to the median has videos of several cars hitting the median and spinning out. The cars typically drive away before the police arrive. There are also neighborhood concerns that during rush hour traffic, police and fire can no longer use the center lane to get to emergencies and response time is hindered. Major Shaw noted that he would look at the median and evaluate whether this impedes reaction times.

Atlanta Fire Rescue Department (AFRD)

404-546-4400 (or dial 404-546-4421 to reach station 21)

An AFRD representative noted that September is fire safety month. The City is promoting a "close the door" campaign. If you close the bedroom and accessory doors, you can isolate the fire. Closed doors reduce the carbon dioxide levels by 90% and temperature by 900 degrees. Closing the doors in your home can save lives.

City of Atlanta Municipal Court

Judge JaDawnya C. Baker; 404-588-5970, jcbaker@atlantaga.gov

No Report.

Fulton County District Attorney Community Prosecutor's Office

Brenden Dougherty, Zone 2 Community Prosecutor (Brenden.Dougherty@fultoncountyga.gov)

Bailey Rogers, Zone 2 Community Prosecutor

No Report

City of Atlanta Office of the Solicitor: main office 404-658-6618

Alan Coleman acoleman@atlantaGA.gov

404-658-6658 office; 404-902-0934 mobile
E.J. Inyang, Assistant Solicitor, ieinyang@atlantaga.gov (404-658-6702)

Fulton County Officer of the Solicitor

Joe Carn with the Fulton County Solicitors office was in attendance to answer questions. The Fulton County Office of the Solicitor handles misdemeanors from cities that are bound over from the cities as well as those within the unincorporated county. The Solicitor handles traffic violations, DUI's, and misdemeanors.

MARTA Police Department (MPD) North Precinct (404-848-3902) www.itsmarta.com
Major Matthew Carrier; mcarrier@itsmarta.com, 404-848-4813

It was a very busy MARTA weekend with DragonCon, football games, and other events. There were no real issues this weekend. Download the SEE-SAY app if you ride MARTA. He noted that juveniles are a problem on MARTA and they have the authority to suspend these juveniles. If juveniles violate the suspension, they can get arrested. If you see anything or anyone acting unusual, you need to help the MARTA police with the SEE-SAY app.

Susan commented that outside of the Lenox Station there was a group of 8 to 10 juveniles (around 10 years old) that were soliciting funds. Susan asked if this was kids starting young or if there were adults coordinating these efforts. Recently an adult was cited for leading a group of kids selling items at the MARTA station. The adult cited wasn't the parent, but MARTA was able to talk to all of the parents. You can use the SEE-SAY app just outside of the MARTA system. If they are juveniles outside of a station, they are likely using MARTA and therefore subject to MARTA rules and regulations.

Department of Watershed Management (DWM) (404-982-1480) www.atlantawatershed.org
Denita Burton, Office of Safety, Security, & Emergency Management (404-546-3374) or dburton@atlantaga.gov; 404-798-8103 (cell)

Denita Burton noted that there were new announcements or outstanding neighborhood issues. There were a few issues that were presented at the meeting for Denita. Kim thanked Denita for her recent help with an issue in NPU B.

Department of Parks and Recreation (DPR) (404-546-6813)
www.atlantaGA.gov/iparcs

Jose Salazar, Manager, Peachtree Hills Recreation Center (PHRC), 308 Peachtree Hills Ave.
Jsalazar@AtlantaGA.gov or 404-295-3874.

Lauren James noted that camp is over at Peachtree Hills Recreation Center and they are seeing about 120 kids a day at afterschool programs at the PHRC. The membership is free for teenagers, giving them a safe place to hang out after school with activities. Lauren noted that there is a free senior citizen program at various recreational centers and they go on trips, etc. Girls on the Run is happening for 3 through 5th grades. There are 15 girls with a cap of 20 for the program. Soccer starts in three weeks. Soccer in the streets is hosting a free activity at PHRC and they will be playing against teams from Agape and E Rivers.

There was a question as to whether Soccer in the Streets was still happening at Garden Hills. Garden Hills had 14 teams last year. Lauren did not know about Garden Hill's participation.

Department of Public Works

Marcus McGaw (404-865-8743) mlmcgaw@atlantaga.gov

Verna Singleton, VSingleton@AtlantaGA.gov

Officer O (404-807-2610)

Sama 404-865-8621 samakoi@atlantaga.gov

Officer McLendon, amclendon@atlantaga.gov, 404-273-0865

Mr. James with SWEET noted that there are more people patrolling in the NE and NW. There are issues in this region with people not bringing their refuse bins back after the trash has been collected. Cans can come out the night before at 7pm and then should be pulled back by the next morning. If you have an unusual circumstance, you can reach out to SWEET and coordinate on a one-on-one basis to handle special issues.

There was a question from the NPU about an issue with a new home that is under warranty and has a stormwater pond. The stormwater pond is not functioning properly. The question was whether this was a code enforcement issue or a public health issue. Mr. James noted that this would be a watershed issue. Kim noted that all new ponds should have a maintenance agreement and Watershed would have a copy.

Mr. James noted that the city doesn't recycle plastic grocery bags. These should be taken back to grocery stores who do recycle them. Please do not put recyclables in plastic grocery bags, as these get caught in the equipment that is used to sort and recycle the trash.

There was a question with the holiday this week. Mr. James noted that people with Friday pickup will get their trash picked up on Saturday.

Code Enforcement Section, APD Community Services Division

CodesRequests@AtlantaGA.gov 404-546-3800 (call to report an issue)

jhbrown@atlantaga.gov; 404-546-3846 office; 404-557-2748 cell

No Report.

Buckhead Business Association

Bob Gibeling, VP, Community Alliance, BBA office: 404-467-7607

No Report.

Livable Buckhead, Inc (LBI) - Denise Starling, Executive Director

www.livablebuckhead.org

Buckhead Community Improvement District (CID)

www.buckheadcid.com

Buckhead Area Transportation Management Association (BATMA)

www.batma.org

No Report.

4. PRESENTATIONS

None

5. PLANNER'S REPORT

Jessica handed out a presentation on Atlanta's Transportation Plan. The Atlanta Regional Commission does regional planning and gives every county in the region funds to do a local plan. This Plan was funded by the ARC. The goals are to improve safety, mobility, and affordability.

There is an effort to reduce congestion through offering work flexibility, increase vehicle occupancy, and shift to other modes of transportation. Using technology to reduce congestion is also recommended. There are a recommended set of projects. Andrew Walter is the project manager for this project.

There was a discussion regarding first mile and last mile considerations being important. More high capacity transit throughout the City is needed. This discussion was broadened to add the need to coordinate with other counties and employers within Buckhead. W Paces Ferry and Roswell Road are filled with Cobb County license plates. There was an additional note that the Cobb County high-speed bus system only goes to the Arts Center station and they should add bus service from Cobb County to directly into Buckhead.

There was a comment that the City needs to evaluate pedestrian access to MARTA. It does not feel safe to walk to stations because they are not well lit and/or sidewalks don't feel safe. Improving the pedestrian experience would increase ridership.

Plan is completed and online and the City Council will hear it shortly.

Jessica talked about the zoning ordinance update and brought handouts. There was a workshop a few Saturday's ago. The legislation and revised booklet incorporated the comments. There were some concerns from NPU-B that were previously voiced. Tonight's meeting is for review and comment and next month the NPU needs to vote. We can vote on each action independently, so if there are specific comments on one item then the NPU can isolate that one item. Nancy noted that it sounded like the City was really working on making changes based on NPU members concerns.

There was a discussion about the loading requirements. Jessica said that the loading is not for taxi and car service but for goods and services loading and unloading. She noted that the City is trying to make the rules more uniform across the City. Loading requirements are part of this package of changes because they are a highly requested variance. In older buildings, loading requirements can be a challenge. Wes was told that a lot of the standards were written based on a very large tractor trailer and fork lift delivery but now there are more trips with smaller vehicles. The language still says that it is the number of spaces and not the dimension of the spaces, so there appears to be a conflict in what was said and what is written.

Wes asked about the accessory dwelling and whether they still had to comply with all setbacks. There is still a conflict between what is stated on one side of the page and the other side of the page. Jessica noted that she thinks that the ordinance currently notes that the setbacks stay in force, and the ordinance language is what matters.

There was a question about the mixed middle housing category. The maximum number of units is limited but there is no FAR limit. Jessica confirmed that this is true. There were questions about what would be allowed in this zoning – for example, would a series of 10 story skinny townhomes be allowed? Jessica noted that there are some specific units that this was designed to address. There are setbacks but they are smaller and the height restriction is 35 feet. The number of bedrooms is not limited. The footprint and setbacks effectively limit the future use and the FAR, even without a FAR restriction.

Jason had some concerns about tiny houses, specifically in nationally registered historic neighborhoods. The concern is that tiny houses will destroy the character of the neighborhood. The recommendation was to not allow tiny houses on non-conforming R-4 lots and also don't allow in nationally registered historic neighborhoods.

The telecommunications changes bring the City in compliance with federal regulations for cell towers. Local government's ability to reject cell towers has been limited and this language mirrors the changes in Federal Code.

Jessica noted that everyone should email Mary Darby with concerns. Jessica will send Mary the notes from tonight but if there are specific concerns, everyone is encouraged to email her independently as well. Nancy asked if Jessica could send out responses or the re-draft ahead of the meeting so the NPU members have a chance to review the changes.

Jessica does not know when the legislation will be presented to City Council and/or ratified.

6. STANDING COMMITTEE REPORTS

A. PUBLIC SAFETY COMMITTEE

Bob Stasiowski, Chair

Genuine Pizza / 3500 Peachtree Road / Adding Distilled Spirits / APPROVED 7-0-0

Flower Child / 3400 Around Lenox Drive / Change of Agent / APPROVED 7-0-0

Biltong Bar / 306 Buckhead Avenue / Change of Ownership / APPROVED 7-0-0

Copper Cove Bistro / 2991 North Fulton Drive / Change of Ownership / APPROVED 7-0-0

Café Posh / 3150 Roswell Road / New Business / APPROVED 7-0-0

NPU-B action: A motion to adopt committee recommendations on the above-listed consent agenda passed by vote of 20-0-0.

November 18th – Macy's Great Tree Lighting at Lenox Mall Approved in Committee 7-0-0
There will be fireworks at the end. Pre-show at 6:30pm with fireworks going to 8:02pm. The tree is still fake and there will not be a menorah.

NPU-B action: A motion to adopt committee recommendations on the above-listed consent agenda passed by vote of 19-1-0.

B. DEVELOPMENT AND TRANSPORTATION COMMITTEE

No Report.

C. ZONING COMMITTEE

Bill Murray, Chair

V-18-227 569 East Wesley Road NE WITH CONDITIONS

Applicant seeks a variance from the zoning regulation to reduce the required eastern side yard setback from 7 feet to 1 foot, in order to construct an addition to a single-family dwelling.

Applicant also seeks a special exception to allow a 6 foot fence (50% open) in the required half depth front yard whereas only a 4 foot, 50% opaque fence would be allowed. Applicant seeks no other variances or exceptions at this time.

*Conditioned on site plan and that deck cannot be covered nor enclosed at any later date.

V-18-217 1006 Ferncliff Road NE WITH CONDITIONS

Applicant seeks a variance from the zoning regulations to reduce (1) the required east side yard setback from 10 feet to 7 feet 5 inches and (2) reduce the required west side yard setback from 10 feet to 3 feet 2 inches.

*Conditioned on site plan and letters of support (received)

NPU-B action: A motion to adopt committee recommendations on the above-listed consent agenda passed by vote of 20-0-0.

The following 3 applications are all associated with the same project and parcel.

V-18-236 3600 Piedmont Road NE

Applicant seeks a special exception from the zoning regulations to reduce the minimum required parking from 149 parking spaces to 88 parking spaces. Pending rezone approval from O-I-C to C-1.

Z-18-077 3600 Piedmont Road NE

Applicant seeks to rezone the 1.85 acre property from the O-I-C zoning designation (Office-Institutional with Conditions) to the C-1 zoning designation (Community Business) for the renovation of an existing hotel and restaurant with outdoor dining.

U-18-024 3600 Piedmont Road NE

Applicant seeks a special use permit for a hotel and outdoor dining within 1000 feet of residential property.

The property is zoned O-I and currently a hotel. The owners would like to upgrade the existing hotel into a boutique hotel with a restaurant that serves guests as well as the public and local neighbors. The downzoning that is proposed will allow for the hotel to have a restaurant that serves both hotel guests, their guests, and the adjacent neighbors. Also asking to maintain the existing 88 parking spaces and they would offer valet parking during the dinner hours, if the parking lot is full. The parking lot is almost never full, despite full occupancy. Everyone from the community who talked about the project supports the applicant's goals. There was a discussion about the potential precedent of the rezoning. Given the existing use and the proposed

use and the specific location of this parcel, the changes are appropriate. The NPU stated that this does not set a precedent for additional changes at this location.

NPU-B action: A motion to approve the above actions (V-18-236, Z-18-077, and U-18-024) with conditions that are to be agreed to by the neighborhood and applicant by Friday, September 7, 2018 passed by vote of 20-0-0.

7. OLD BUSINESS

BELTLINE NOW – A representative attended the meeting and gave a brief overview of their desire to have funding allocated from the Clifton Corridor to the Beltline.

Dr. Bliwise recused herself from the discussion.

There were no questions for Beltline Now. The NPU felt that it was inappropriate to sign the petition as an NPU but rather to allow each member to elect to sign and to pass along to their neighbors for their evaluation.

NPU-B action: A motion to deny signing the petition as an NPU but instead allow NPU representatives to sign individually and/or share with their neighborhoods passed by a vote of 19-0-1.

Nancy followed up from last month's discussion. A letter was written to J.P. Matzkeit regarding concern over the loss of single-family residential property. Nancy wrote a letter that has been sent to JP.

8. NEW BUSINESS

Jason noted that the D&T committee doesn't always have issues to address and could serve a broader use to the NPU. With repeated concerns regarding speculation on lots that are undeveloped and other challenges in the NPU, he proposed that the D&T committee look at broader Master Planning. There was a discussion that the SPI has strong restrictions in place with sidewalks and landscaping requirements, etc.

The D&T committee could facilitate discussions with the neighborhoods to identify what is important and then write Plans that could be adopted by the City. Jason noted that the first effort might be to look at the corridors (Peachtree & Roswell Road) and work with the neighborhoods to figure out how we want these areas to look in the future. If we as an NPU create a real master plan, then there are stronger requirements in place when developers want to re-develop.

Sally Silver is working with the planning department to spearhead a Plan for the Roswell Road Corridor. North Buckhead's Master Plan was approved in 2015 by City Council and is a good example.

There was discussion that we could consider extending SPI-9 down the Peachtree & Roswell corridors.

Nancy asked Jason to outline the next steps based on NPU feedback.

It was added that any Plan needs to look holistically at all of the issues in the community... hydrology, tree preservation, pedestrian access, sidewalks, cross walks, and not just zoning and planning issues. That appears to be a short coming of some current effort.

9. ANNOUNCEMENTS

Then next NPU meeting will be October 2, 2018.

The next BZA meetings will be held on September 6th and September 13th on the 2nd floor of the City Hall Annex at noon.

The next ZRB meeting will be held on September 11th, September 13th, and September 18th on the 2nd floor of the City Hall Annex at 6 PM.

10. ADJOURNMENT

The meeting was adjourned at 9:04 PM.