

**Minutes of NPU-B regular monthly meeting
Tuesday, April 6, 2021**

The meeting was called to order at 7:01 p.m. by Nancy Bliwise, NPU-B Chairperson.

****This meeting was held via Zoom****

Present: 11

Proxies: Mandi Gibson to Jefferson McConkey
Bryan Steed to Jefferson McConkey
Abby Shephard to Jason Kendall

*7 members joined the meeting after establishing a quorum.

1. OPENING REMARKS / CHAIRPERSON’S COMMENTS

Welcome, mission of NPU-B, and introductory remarks. Dr. Bliwise.

John Ruch with the Buckhead Reporter was in attendance.
Dyana Bagby, Atlanta Business Chronical

2. APPROVAL OF MINUTES

NPU-B Action: A motion to approve the minutes from the previous regular monthly meeting (March) of the NPU-B passed by vote of 20-0-0.

Motion to change agenda passed 18-0-0

3. APPROVAL OF AGENDA

NPU-B Action: A motion to approve the agenda of the NPU-B passed by vote of 21-0-0.

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

Atlanta Police Department (APD) Zone 2

Major Senzer, Commander Zone 2, asenzer@atlantaga.gov ; 404-624-0674.

Captain Williams notes that there are seven (7) new police officers that joined the Zone 2 a few weeks ago. The crime trends are declining. Captain Williams promoted the Clean Car Campaign because keeping your car clean is an effective way to reduce crime. Place any items in your trunk that you cannot take inside.

Crime statistics were not available but can be shared in the future. THWilliams@atlantaga.gov

The officers should receive credit for the reduction in crime, as it is a direct result of their hard work.

A board member asked whether the 7 new officers were additional officers or the replacement of departed officers. Captain Williams noted that they were new officers.

Atlanta Fire Rescue Department (AFRD)

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

Captain Young noted that hydrant season is underway. The City is coordinating with Watershed during the hydrant inspections. Call 404-546-7000 (Station 21) to call with concern about a hydrant.

Captain Young reminded everyone to change your batteries in your smoke detector twice a year at daylight savings time change. He also advised everyone to look at the date the smoke detector was installed, because smoke detectors over 5 years old may not still function. The combination smoke detector and carbon monoxide detectors are not recommended. Smoke from fires rises and carbon monoxide sinks. Two separate detectors in the appropriate areas are recommended.

A reminder to close your door while you sleep was given. In modern homes, there is only 3 to 5 minutes to escape, whereas with the door closed you have up to 17 minutes to escape. Plan an escape route with kids and grandkids and sleep with your door closed to improve your safety.

A board member asked about fire hazards due to the dry weather. Captain Young said that the City is working on a public statement. Burning yard debris is illegal in Atlanta. Fire pits are popular but should not be placed on grass, to avoid accidental fires.

Atlanta Office of the Solicitors

Judge Sylvia J Lee; 404-932-5566, sjlee@atlantaga.gov

Hala Carey, Senior Assistant Solicitor, 404-658-6003, hcarey@atlantaga.gov

Ms. Carey noted that the solicitor's office is very busy. The courts are opened every day. Street racing and loud muffler cases are hitting the court system now.

The APD training academy has been set for October 2021. While this is later than anticipated, the staff needed to present are not available until that date. The training will be in person. In the interim, Ms. Carey is evaluating a virtual training or in-person Zone 2 only training. The training will cover the details needed to make a good DUI case.

Ms. Carey has shared the possible tree mitigation strategies to further address illegal tree removals with her leadership team for further consideration. The additional strategies include "tree school", required tree community service hours, and an extended stop work order.

If you get stopped for a traffic citation, you can take advantage of the diversion program. You can inquire by email to PTIT@atlantaga.gov.

The Cigar Lounge has been charged with operating without a license.

A board member asked about when impact statements for this case were due. Ms. Carey responded that impact statements are submitted after the case is adjudicated and before sentencing. A board member asked whether videos taken by members of the community that

demonstrate the code violation were helpful. Ms. Carey noted that these videos would be appropriate in the community impact statement phase.

Fulton County District Attorney Community Prosecutor's Office

Megan McCulloch, Zone 2 Community Prosecutor (megan.mcculloch@fultoncountyga.gov, 678-362-1855)

No Report.

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

No Report.

Department of Watershed Management (DWM) (404-982-1480) www.atlantawatershed.org
Louis Sheppard, 404-546-1181, cell (770) 624-0793, lsheppard@atlantaga.gov

The DWM 4045460311 is the customer service number. Toilet rebate program is in effect.

There was a question about the waterline repair on Blackland Road and whether it was completed or still ongoing. The Department update via email noted that the project was ongoing.

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

Erica Collins, Manager, Peachtree Hills Recreation Center (PHRC), 308 Peachtree Hills Ave.
eknox@atlantaga.gov

No report.

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

Officer J.Walker – 470-698-6976 or jawwalker@atlantaga.gov

J Walker DPW S.W.E.E.T OFFICER - 4706989673 - jawwalker@atlantaga.gov

Officer Frances from the SWEET team reminded everyone that the City will be alternating weeks of recycling and yard trimmings while collecting solid waste every week. These changes are in response to COVID-19 challenges and to keep everyone safe. Residents can put out extra recyclables during the recycling week if it is in a marked container. The alternating schedule may be extended but that has not been determined.

Additional recycling can be marked in a reusable container, preferably marked.

Residents may drop off yard waste at the City's Facility, located at: 2175 James Jackson Parkway from 7:30am – 4pm.

Contact 311 to schedule bulk pickups for more than 20 yard bags, large lawn debris, furniture, or other bulky items.

This week is a recycling week. The alternating is expected to last about 90 days. Call 311 if you see any illegal dumping.

Please do not put trash in your recycling container as this is a code violation. Do not put plastic garbage bags in the recycling bins.

A board member asked whether waste from a large bamboo abatement project needed a bulk pickup or was considered a specialty service. Officer Frances responded to call Keep Atlanta Beautiful as this is a specialty service.

Atlanta Department of Transportation

Josh Rowan, jrowan@atlantaga.gov

No report.

Code Enforcement Section, APD Community Services Division

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

Officer Bowden, labowden@atlantaga.gov, (404) 387-4688

McCala tmculbreth@atlantaga.gov 470-585-8937.

No Report.

Nancy noted that she did not get a report this month but will pass it along. She did notice that several cases in NPU-B had been resolved.

ATL311

Barbara Dougherty, Community Affairs Coordinator. 470-698-5171. bdougherty@atlantaga.gov

Joy Durrah with ATL311 explained that ATL311 is the Non-Emergency Call Center for City of Atlanta services and we are open Monday-Friday from 7am--7pm. The website has been updated and you can register to get alerts and track items on the new portal.

You can contact us by Dialing 3-1-1 inside city limits or (404)546-0311 outside the City limits.

1. Visiting us online at www.ATL311.com

2. Emailing us at ATL311@atlantaga.gov

3. Downloading & reporting issues via our app by searching “ATL311” in your app store.

4. Sending us a message on Social Media. Just search “ATL311” on Twitter, Facebook, Instagram, Reddit, NextDoor, SnapChat, and YouTube.

Additional Information: Sign up for COVID--related emergency notifications related emergency notifications by texting “ATLSTRONG” to 888777.

ATL311 is helping residents secure transportation to get COVID-19 vaccinations.

Buckhead Coalition

Jim Durrett

Livable Buckhead, Inc (LBI) - Denise Starling, Executive Director
www.livablebuckhead.org

Buckhead Community Improvement District (CID)
www.buckheadcid.com

No Report.

5. COMMENTS FROM ELECTED OFFICIALS

6. COMMITTEE REPORTS

APAB report was distributed via email.

A. PUBLIC SAFETY COMMITTEE

Bryan Steed, Chair

Buckhead Arts Festival – no vote required because the event was rescheduled from last Fall.

Velvet Taco / 77 West Paces Ferry Road NW / Change of Agent / 7-0-0

The Iberian Pig / 3150 Roswell Road NE / Adding Wine Specialty Shop / 7-0-0

Hungry Peach Cafe /65 Irby Avenue NW / New Business / 7-0-0

NPU-B action: A motion to approve the consent agenda passed by vote of 19-0-0.

B. DEVELOPMENT, TRANSPORTATION and SPECIAL PROJECTS COMMITTEE

Jason Kendall, Chair

Committee presentation is included under Agenda Item 8, Matters for Voting.

C. ZONING COMMITTEE

Bill Murray, Chair

Z-21-7 3330 Piedmont Road NE Approved with conditions

Applicant seeks to rezone the 10.886 acre property from the SPI-9 SA4/Buckhead Parking Overlay designation to the SPI-9 SA4/Buckhead Parking Overlay to demolish and reconstruct an existing grocery store.

NPU-B action: A motion to approve the consent agenda passed by vote of 21-0-0.

Non-Consent Agenda:

V-20-154 820 Haven Oaks Court

condition on site plan

Applicant seeks a special exception from the zoning regulation to allow active recreation in a yard adjacent to a street (Haven Oaks Court) in order to install a swimming pool.

The neighborhood worked hard to come to an agreement that included a change to the neighborhood covenants. There are concerns that the pool is within the setback but the City noted that it was out of the setback. The variance is only for the active recreation in a yard adjacent to a street.

Conditioned on Site Plan.

NPU-B action: A motion to approve V-20-154 passed by vote of 13-3-0.

Z-21-3 69 Delmont Drive NE

approved with conditions

Applicant seeks to rezone the 2.49-acre property from the RG-2 (General (multi-family) residential, maximum floor area ratio of 0.348) zoning designation to the RG-3 (General (multi-family) residential, maximum floor area ratio of .696) zoning designation to allow for the redevelopment of a townhome neighborhood.

The Hedgewood Homes representative presented the site plan. The presentation detailed the elements of the agreement with Garden Hills neighborhood. There is a neighborhood agreement in addition to the conditions.

The adjacent condo association is generally in favor of the development because the alleyway will provide additional access for adjacent homes and the homes will be a beautiful addition to the neighborhood.

Garden Hills supports the project with the conditions and private neighborhood agreement. One member of the condo association has been very vocal in opposition and George asked the Condo Association to follow up with him. The condo association has spoken with this individual.

Acorn to Oaks group, associated with Garden Hills Elementary, is very concerned about the stormwater and car traffic. They were not included in the discussions. There are concerns about the FAR and that the project is not conditioned on the site plan. All parties affected should be included.

A presentation of opposition was presented by Atlanta International School. (1) The 55 Delmont agreement has not been approved and will create some non-conformity. The application should be deferred until access is confirmed. (2) loss of affordable housing is also seen as a negative. (3) this project is not in keeping with the neighborhood character as a traditional neighborhood. (4) increase of traffic and impact to student safety in an area with an independent school and a public school.

Garden Hills noted that the AIS has removed affordable housing too. Garden Hills is trying to get the best development plan that they can. The area surrounding the project is RG-2, where Garden Hills is R-3 and R-4. The RG-2 is not typical neighborhood pattern. Garden Hills board is in unanimous support.

Concerns regarding the stormwater management plans for the site were presented. The additional stormwater controls offered are nominal at best and Laurel notes that the restoration of the sports field will only be effective during construction. The development would have been responsible for addressing construction damage without the agreement. There is a large increase in impervious area. The developer should provide additional extended detention to protect the downstream field and homes from larger rain events.

There was a concern from a neighbor about the large number of units proposed for the site as well as the number of cars for each unit. Additional units may also yield additional cars parked on street. The neighbor wants a traffic study done in September (when both AIS and Garden Hills are in full session).

A Garden Hills resident noted that affordable housing is a neglected issue and should have been part of this discussion.

A board member spoke in support of the project and discredited several of the arguments made by others.

These conditions reflect an Agreement between the Garden Hills Civic Association and the Developer (Hedgewood Delmont). The intent is to provide the following conditions whereby the Property is rezoned from RG2 to RG3. Furthermore, whether by private agreement or by attaching these conditions to the rezoning of the Property, the Developer agrees that these conditions and any modifications made by the NPU shall survive all approvals and permitting. Thereafter, all obligations shall be binding and survive the sale of units to customers.

1. The maximum FAR allowed is 0.696.
2. No more than 35 residences will be developed.
3. The maximum height of the buildings is 45 feet and shall not violate the transitional height plane that is required adjacent to the property zoned RG-2.
4. The project roads shall not be gated.
5. Lighting within the project shall be designed to be residential in nature and shall not cause lighting spill onto adjacent residential properties.
6. HVAC compressors (condensing units) shall not be installed between the front of the homes and the public right-of-way.
7. Developer to design a storm water facility for the Delmont site that will exceed the current City of Atlanta Stormwater ordinances as it pertains to runoff reduction and attenuation of the predevelopment site discharges. City of Atlanta Allowable Stormwater discharges will be reduced by an additional 5% utilizing on-site storm water management systems for all post development discharges. The RRv will be increased from 1 inch of rainfall to 1 and 1/8" of rainfall.
8. In no event shall buildings be setback less than five feet from the property lines adjacent to Sheridan and Delamont Drives rights-of-way.
9. Developer shall construct streetscape to include a sidewalk of not less than 5' adjacent to the curb and a landscape strip adjacent to the sidewalk (between the building and the sidewalk) which will vary from 10' to 15', depending upon the applicable setback.
10. Developer shall replace curbs around the perimeter of the property as needed with concrete header curb per city standard specifications.
11. Impervious paving around the perimeter of the pool shall be a maximum of 4,800sf. Pedestrian paths on the interior of the site shall be constructed using mulch, gravel, or other pervious material.

12. Construction traffic shall access the site from Sheridan Drive or Delmont Drive via Peachtree Road. Developer will discourage construction traffic from driving through the Garden Hills neighborhood. All construction materials and parking staged onsite. Developer shall discourage construction traffic on neighborhood surface streets.
13. Construction noise shall meet the requirements of Section 74-134(a) of the Code of the City of Atlanta which states that: construction noise will not be plainly audible within any single-family or multi-family residential zoning district more than 100 feet beyond the property boundary of the property except between the hours of 7:00 a.m. (or 9:00 a.m. on a weekend day or legal holiday) and 7:00 p.m.
14. During construction, the developer shall sweep the street regularly and pick up any debris or spills. All building materials shall be staged solely within the development.
15. Developer agrees to support and sign a petition if the Garden Hills Civic Association desires to submit a petition to the City of Atlanta to establish speed bumps and such other measures that would calm traffic and increase safety on roads adjacent to the Property.
16. Developer agrees to contribute \$20,000.00 to a traffic impact study examining vehicle trips in an area to include (1) the intersection of Peachtree Road and Delmont Drive; (2) the intersection of Peachtree Road and Sheridan Drive; and (3) the entirety of Delmont and Sheridan Drives. Said study will be put out to bid among several licensed traffic engineering firms. Subsequent to the study, Developer and Garden Hills Civic Association will work together to review the conclusions and recommendations that emerge from the study and to identify solutions that are acceptable to both parties. This condition will expire five years after the date of the approval of the rezoning.
17. Developer agrees that they are developing housing intended for owners' occupancy. Developer will create Homeowners Association documents that stipulate a standard rental limit not to exceed 20% of the units being allowed as rentals. This limit shall include Hedgewood's own short term rentals (eg, Hedgewood/Stay).
18. Developer will construct a new crosswalk from the sidewalk adjacent to its Property to align with the stairs to the Garden Hills Elementary School Park. Developer to give consideration to mutually beneficial street furniture such as benches. Both of these provisions are subject to approval by the relevant departments of the City of Atlanta.
19. Developer agrees to support a request from the Garden Hills Civic Association to the City of Atlanta to restrict parking on Delmont and Sheridan Drives adjacent to the Property between 7:00 am-8:30 am and 2:30 pm -4:00 pm Monday through Friday.
20. Developer agrees to retain some ownership of the homeowners association after completion of development.
21. The developer of the subject property will be required to clean any silt or construction debris, directly related to the failure of erosion and sediment control measures installed by developer during the development of the 67 Delmont property that happens to be transported to the adjacent grass field located at 285 Sheridan Drive, NE (Parcel ID 17 0100 LL010) due to an unusually heavy rainfall event. Silt shall be defined as newly disturbed earth, which is typically "red" in color.

NPU-B action: A motion to approve Z-21-3 passed by vote of 10-8-1.

V-21-062 152 Ridgeland Way

Applicant seeks a variance from the zoning regulation to reduce the required half-depth front yard setback from 17.5 feet to 8.5 feet in order to construct an addition to an existing single-family residence.

NPU-B action: A motion to approve V-21-062 passed by vote of 17-0-0.

DEFERRED CASES

Z-21-007 3330 Piedmont Road NE
Z-20-83 1 Emma Lane NE
V-21-006 611 East Paces Ferry Road NE

7. PLANNERS REPORT

Nathanael Hoelzel participated in the meeting for the Planning Department.

1. For more information about NPU University courses, visit www.npuatlanta.org/npuucatalog or call 404.546.0158.
2. To report unpermitted construction activity, email CodeBustersDCP@atlantaga.gov or call 404.865.8550. For more information <https://www.atlantaga.gov/Home/Components/News/News/13482/1338>
3. For public hearings or other departmental information visit <https://www.atlantaga.gov/government/departments/city-planning>
4. Follow NPU voting activity on the NPU Dashboard: <https://www.npuatlanta.org/npu-dashboard>
5. For info on the CDP, visit www.atlcitydesign.com/2021-cdp
6. For information on the tree ordinance visit Tree Protection Ordinance For more information about the parklets program visit www.atlcitydesign.com/parklets
7. To stay informed, follow us on social media @npuatlanta

8. MATTERS FOR VOTING (above)

Ordinance Z-21-27: An Ordinance to amend the 1982 Atlanta Zoning Ordinance, as amended, to amend section 16-26.003, entitled “Conditions of Granting a Variance” and to create a new section 16-26.008 entitled “Administrative Zoning Setback Variances for the Preservation of Trees”; and for other purposes.

Jason presented on behalf of Abby, who couldn’t attend. Her viewpoint is that this Ordinance is not needed especially because the City’s Tree Ordinance re-write is underway. Jim emailed several strong technical arguments in opposition to the Board members.

Several speakers noted that the Ordinance will destroy the character that neighborhoods have worked so hard to protect. The variance process allows for developers to get variances for site-specific issues, such as historic or “special” trees, through the NPU process.

The City noted that the Ordinance was to make the process easier for City staff.

NPU-B action: A motion to deny Ordinance Z-21-27 passed by vote of 21-0-0.

9. PRESENTATIONS

Steven Gonzales is part of a citizen-led group working on a re-write of the Tree Ordinance. The right to appeal a tree decision is not in the current draft. Multi-family or multi-use projects in the current ordinance have NO tree save requirements. The group’s website, www.cityintheforest.org, posted the proposed Ordinance along with comparisons between the City’s version and the recommended version. Mr. Gonzales asked NPU B to encourage elected officials to recommend adoption of the citizens blended draft of the Tree Ordinance.

10. OLD BUSINESS

Remember to pay dues.

11. NEW BUSINESS

There was a discussion about when we will return to in person meetings. This is a complex issue that will require more discussion.

Robert feels like time should be set aside to discuss affordable housing.

12. ANNOUNCEMENTS

Dr. Bliwise reported that a letter sent from NPU’s A, B, C to Commissioner Keane about the Atlanta City Design Housing was circulated by email. The letter was very long but raised several very critical issues.

The next NPU-B meeting will be May 4, 2021.

The next BZA meetings are posted on their website and are April 1 and April 8 at noon.

The next ZRB meetings are posted on their website and are April 1 and April 8 at 6pm.

13. ADJOURNMENT

NPU-B action: A motion to adjourn passed by vote of 20-0-0.

The meeting was adjourned at 8:52 PM