

**Minutes of NPU-B regular monthly meeting
Tuesday, October 5, 2021**

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

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

Present: 24 present

Proxies: Juan Calle to Kim Wachtel
Rebecca King to Ben Howard
Kyle Cunnion to Bill Murray
Mandi Gibson to Kim Wachtel (left early)

*3 member joined the meeting after establishing a quorum.

1. OPENING REMARKS / CHAIRPERSON’S COMMENTS

Dr. Bliwise commented that the agenda was very full. She asked everyone to keep the reports and comments brief.

Dan Pascale will be the new Garden Hills representative and was welcomed to the Board.

Savannah Sicurella with the Atlanta Business Chronicle participated in the meeting.

2. APPROVAL OF MINUTES

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

3. APPROVAL OF AGENDA

Agenda was modified to have the tree ordinance presentation before voting items.

NPU-B Action: A motion to approve the agenda of the NPU-B with modification 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 Mitchell noted that Sydney Marcus/Piedmont corridor seems to be a hot spot in Zone 2 for car break-ins. The two robberies at Lenox in the last month were not stranger-on-stranger incidents; the investigations indicate that the incidents were planned meetings for illegal

activities. The 4-man bike crew is working to address the quality-of-life issues in the Sydney Marcus/Piedmont corridor and partnered with a 2-man MARTA crew. The quality-of-life arrests have doubled this month as a direct result of these patrols. Resources are being invested to improve conditions in this area.

APD is working with the Buckhead Coalition and the Buckhead CID, who have invested in extra patrols around the malls. These additional officers are also helping with the water boys in evenings and weekends. The malls have also increased security. Captain Mitchell reported that the private partnerships and the specialized units have been helpful in supporting Zone 2. Captain Mitchell noted that crime is trending in the right direction and the trends are a testament to the hard work of Zone 2 officers and the partner organizations.

A board member expressed frustration about illegal tree cutting on weekends. Calling 911 doesn't seem like a good use of limited 911 and APD resources. The board member encouraged an on-call code enforcement officer or a on-call arborist to address these illegal weekend cuttings.

A board member asked about people sitting in their cars at Lenox Mall. Captain Mitchell noted that the private mall security needs to deal with that issue. If someone refuses to leave when requested, then it becomes criminal trespass and off-duty officers or APD can get involved.

Atlanta Fire Rescue Department (AFRD)

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

Captain Mike Rumsey noted that Station 21 is being remodeled and the staff are reporting to Station 3. Fall hydrant inspection season is ongoing and Captain Rumsey reminded everyone to drive carefully. If you see a hydrant out of service, you can call 404-546-7000.

Captain Rumsey reported that a recruit class is starting and there is an open application process. Car seat inspections are ongoing but call ahead of time to make sure a certified person is on duty. With cold weather approaching, have Captain Rumsey suggested checking HVAC systems as a malfunctioning system can cause a fire. This time of year, Captain Rumsey noted that there is an uptick in carbon monoxide calls. There are carbon monoxide readers available for free at the fire stations.

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 thanked NPU-B for the support for the grant that is supporting the upcoming Driving Under the Influence (DUI training).

A board member asked if the Office of the Solicitors was under pressure to bring indictments forward. Hala explained that indictments are a criminal procedure and the Solicitor's office doesn't handle these cases.

A board member reminded everyone that funds were approved by NPU-B to purchase food and beverages for the upcoming DUI training class that will be attended by APD. Some of the food is

getting donated but the allocated funds will be well spent. The board member noted that volunteers to serve lunch at the training on October 14 – 15th around noon are needed.

Hala Carey
Senior Assistant Solicitor,
DUI Division, City of Atlanta Municipal Court
Lead Community Prosecutor,
for Zone 2 and NPU-B
150 Garnett Street, 3rd floor
Atlanta, Georgia 30303
hcarey@atlantaga.gov

For Traffic Diversion Inquiries
Please email PTIT@atlantaga.gov

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 Department of Watershed Management noted that the quarry greenspace is open; however recreational activities within the quarry are strictly prohibited as it is a drinking water supply. Everyone was encouraged to sign up for DWM newsletters.

A board member asked whether the City would inspect a pipe if there were concerns of the pipe being clogged. Another board member noted that the City only maintains stormwater infrastructure within the right-of-way.

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 Walker noted that additional crews have been hired to address the backlog of yard debris. There are several neighborhoods that have not received pickup. The officers will be out and assessing areas that have not been picked up.

Several board members expressed frustration. A board member encouraged public works to set a reliable schedule; a more limited number of pickups but with yard waste removed is better than the current uncertainty. As a resident, the board member just wanted certainty as to when yard waste would be picked up.

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)

Willy Grayer
wgrayer@atlantaga.gov.
Cell: 404-387-4688 cell

No report.

ATL311
Barbara Dougherty, Community Affairs Coordinator. 470-698-5171. bdougherty@atlantaga.gov

No report.

Buckhead Coalition
Jim Durrett

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

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

The Buckhead Business Association and Livable Buckhead is hosting a candidate forum on October 14th from 7:15 am to 9 am at the Chastain Horse Park. The event is \$25 to attend in person or free to livestream.

A board member asked about the status of the project to re-time the lights on West Paces Ferry from Peachtree to I-75 and the status for progressing forward. Denise noted that she would ask and email an update.

5. COMMENTS FROM ELECTED OFFICIALS

None

6. COMMITTEE REPORTS

APAB report was distributed via email.

A. PUBLIC SAFETY COMMITTEE

Bryan Steed, Chair

Hyatt Centric Buckhead / 3301 Lenox Square Parkway / New Business / 7-0-0

NPU-B action: A motion to approve the consent agenda passed by vote of 22-0-0.

Element Buckhead / 3491 Piedmont Road NE / Change of Ownership /

*This was heard during the full board meeting.

NPU-B action: A motion to approve the Element Buckhead license passed by vote of 21-0-1.

Special Event:

Christkindl Market / 290 East Paces Ferry Road / November 26, 2021 to January 2, 2021

GACF (German American Cultural Foundation) which is a collective of multiple German based companies. The Christkindl Market is a German Festival. This is the fifth year the event has been held but the event has moved to several different locations. The Buckhead Village on an open parking lot is available for the market. Traditional wooden booth built in Germany is setup with wooden traditional booth and Christmas trees. People can buy food, beer, ornaments, Christmas decorations, and other Christmas items. The market will be open from 11:30 am to 9 pm during the week and 11:30 am to 10 pm on Saturday. There will be a combination of off-duty officers and shirted security professionals.

B. DEVELOPMENT, TRANSPORTATION and SPECIAL PROJECTS COMMITTEE

Jason Kendall, Chair

No Report.

C. ZONING COMMITTEE

Bill Murray, Chair

V-21-184 314 Delmont Drive NE

approved 9-0-0

Applicant seeks a variance from the zoning regulation to 1) reduce the required east side yard setback from 7 feet to 1 foot 7.5 inches and 2) reduce the rear yard setback from 15 feet to 8 feet 10 inches in order to construct a two-car garage.

*Note this maintains an existing impervious encroachment and replaces a previously demolished garage.

V-21-196 785 Martina Drive NE approved 9-0-0
Applicant seeks a variance from the zoning regulation to 1) reduce the required front yard setback from 35 feet to 18.7 feet 2) reduce the required west yard setback from 7 feet to 4 feet in order to construct a new single-family detached dwelling.
*Note this is a new home to replace a home that was severely damaged by a fallen tree.
**The zoning committee conditioned the approval on the receipt of letters of support from adjacent neighbors. These letters were received.

NPU-B action: A motion to approve the consent agenda passed by vote of 19-0-1.

Z-21-076 314 West Wieuca Rd NE not heard at Zoning Committee

Applicant seeks to rezone to PD-H for the consolidation of 4 lots for the construction of 11 new single-family houses and a new future 4 acre park.

The applicant presented the site plan to rezone 4 parcels along W Wieuca as well as a triangular piece along Nancy Creek to create a PDH with 11 homes clustered on the street. The floodplain on the back of the property would be protected as greenspace with potential for future passive use trails. Currently the developer is in discussions with Livable Buckhead to develop the greenspace. The site plan shows a proposed pavilion in the floodplain.

Concerns about the stormwater storage and floodplain issues were expressed. There was a question about guest parking, one way-in and one way-out ingress and egress, and whether parking would be allowed on the driveways. There were additional board member concerns over traffic and no left turns allowed onto Roswell Road. Other developments have already worsened traffic in this area.

After the discussion, the applicant elected to defer to allow for more time for conversations with the neighborhood.

7. PLANNERS REPORT

Jessica shared that the 3rd Draft of the CDP is online and can be reviewed through October 8th. The final draft will be available on October 12th. Comments on the October 12th draft CDP can be left before the October 25th meeting, even if comments have been previously provided. The Council will consider the October 12th CDP on October 28th during a special session.

There is a NPU University class on parliamentary procedures schedule for October 28th at 6pm.

Historic Preservation Week starts October 18th and [focuses](#) on Atlanta's shared legacy through the Future Places Initiative.

Zoning re-write 2.0 will start on November 2nd with virtual meetings or "Idea Labs".

A board member asked if the City thought that the 4 days between October 8th and October 12th was sufficient time to address the recommended changes. Jessica said that the Planners thought the schedule was sufficient.

A board member noted that the kickoff for the Zoning Re-Write 2.0 is Election Day. The date is a bad time for public meeting as it forces the public to decide between voting and participating in an important foundational public meeting.

8. MATTERS FOR VOTING (above)

Z-21-74 (Amended), Z-21-74 (Amended), 21-O-0455/CDP-21-43 (Amended)

An Ordinance by Councilmember Amir R Farokhi to amend the Zoning Ordinance of the City of Atlanta (Part 16), by amending various provisions of the text of the Zoning Ordinance, including individual zoning district regulations, with regard to the subject areas and provisions that follow: MR-MR (Multifamily Residential Multi-Unit) zoning district and regulations (Section 1 Below); Minimum Parking Requirements (Section 2 Below); Accessory Dwellings (Section 3 Below); to promote a diversity of housing options and increase housing affordability; and for other purposes.

Only one of the three ordinances is moving forward. The other two previously submitted Ordinances are on hold.

NPU B has lots of multi-family as well as SFR; but Chanel noted that there is a missing “middle density” housing. The City wants to remove parking restrictions in R-4 and R-5. ADUs can be attached or detached. The Ordinance caps the number of units and caps the size of the ADU. The ADUs are calculated within the floor-area ratio (FAR). For-sale options are available through property subdivisions. MR-MU restrictions are included.

Chanel noted that the proactive re-zoning is being delayed. This Ordinance will be heard by Council in October, ZRB on November 4th, and a first reading by City Council on November 29th for City Council and a final vote on December 6th.

A board member asked why this Ordinance is being pushed so hard with a zoning rewrite coming in November. Chanel noted that growth is coming so fast that the City can't wait the 5 years for Zoning re-write.

A board member noted that the developers are not building affordable developments. The Ordinance will destroy R-4 and not provide affordable housing.

A board member noted that eliminating the parking requirements within R-4 and R-5 will create traffic issues. All other cities that have done this have seen increases in housing prices and less affordable housing.

A board member reiterated that an increase in density does not necessarily result in more affordable housing.

NPU-B action: A motion to deny Ordinance Z-21-74 passed by vote of 21-1-0.

Z-21-85

An Ordinance by Zoning Committee to amend the 1982 Atlanta Zoning Ordinance, as amended, by creating a definition of a “Short-Term Rental” and to allow a short-term rental as a use in certain zoning districts; and for other purposes.

Kellie Simpson introduced herself. She has and manages short-term rentals and is working on some of the codes and enforcement mechanisms for short-term rentals. Her goal is to create a cohesive group with all interested stakeholders.

A board member noted that the current Ordinance is to amend the Zoning Ordinance because it conflicts with the STR ordinance that was passed and establishes a management provision. A board member noted that there are still concerns for the real estate industry related to occupancy after sale. A board member noted that both of these issues were previously raised and still yet to be addressed by the City.

NPU-B action: A motion to deny Ordinance Z-21-85 agenda passed by vote of 17-4-1.

9. PRESENTATIONS

Tree Ordinance – Catherine Cole – Citizens Group

Catherine reported that from the previous discussion, approximately ¼ of the City’s land use is R-4. The Tree Ordinance group is against the proposed Zoning Ordinance because MR-MU is considered commercial and would have lower tree protections.

The Citizens Group has developed a blended draft that has a number of important distinctions from the City’s version. Not having a tree permit onsite is a violation. Tree cutters caught illegally cutting trees will be fined as well as the property owner, which might decrease some of the illegal tree cutting.

Catherine noted that 95% of Atlanta’s trees are on private property and 80% of that on single-family residential property.

A City audit found that the City’s Planning Department is misusing the City’s trust fund.

The Planning Department ignored the public’s comments in the Draft in March 2020. The last 1.5 year, the Citizens Group has been working to amend the City’s Draft Ordinance (Blended Draft). There are currently 2 drafts, Planning Department draft and the Blended Draft. There are multiple differences between the two drafts.

The Ordinance will be on the agenda in November or December. Catherine urged everyone to support the amended Citizen Blended Tree Ordinance, introduced by Councilman Bond.

NPU-B action: A motion to approve a letter of support for the Citizen Blended Tree Ordinance from NPU-B passed by vote of 19-0-0.

10. OLD BUSINESS

Nancy reported that there were very few changes to the CDP. The schedule does not allow time for the City to address comments. It appears that the City’s intentions are clear.

A board member noted that the pressure to adopt the current CDP seems to be related to the potential “loss of funding” and City staff are quoting a very high amount of lost funding. There are only a few funds that are tied to the Qualified Local Government status and funds are only delayed and not lost. There is a limited list of funding sources tied to CDP adoption. Of this list, the City does receive Community Development Block Grants (CDBG) which were approximately 4% of the City’s revenue last year. The funds are not “lost” just delayed, in contrast to what City planners have stated.

11. NEW BUSINESS

It is time for business elections. They will be done by the 3rd week of November.

The Grand Bargain has been postponed.

12. ANNOUNCEMENTS

The next NPU-B meeting will be November 2, 2021.

The next BZA meetings are posted on their website and is October 14th at noon.

The September 9th ZRB was cancelled for lack of quorum.

The next ZRB meetings are posted on their website and are October 14th and October 21st at 6pm.

13. ADJOURNMENT

NPU-B action: A motion to adjourn passed by vote of 21-0-0.

The meeting was adjourned at 9:47 PM.