

**Minutes of NPU-B regular monthly meeting
Tuesday, September 7, 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: Bryan Steed to Mandi Gibson
Jaun Calle to Kim Wachtel (left early)
John Bagwell to Kim Shorter (left early)
Ashley Battleson to Bill Murray

*0 members joined the meeting after establishing a quorum.

1. OPENING REMARKS / CHAIRPERSON’S COMMENTS

Dr. Bliwise commented that the agenda was very full and there are a number of complicated voting matters. She asked everyone to keep the reports and comments brief.

One member of the media participated in the meeting.
Amy Wenk with Reporter Newspapers.

2. APPROVAL OF MINUTES

NPU-B Action: A motion to approve the minutes as corrected from the previous regular monthly meeting (July) of the NPU-B passed by vote of 21-0-0.

3. APPROVAL OF AGENDA

NPU-B Action: A motion to approve the agenda of the NPU-B with addition passed by vote of 22-0-0.

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.

Major Senzer attended the meeting. Dr. Bliwise noted that there was a video of Major Senzer in action that were impressive. Major Senzer has 2 important announcements. First, there will be a new Zone precinct opened up in the West Village. The precinct is based on compelling data that there is additional need in the area. This precinct will be staffed by up to 24 additional officers with a target date of summer 2022. This will free beat officers to handle calls more expeditiously. These officers will be focused on addressing traffic issues, which tie up officer resources.

There will also be a new 4-person bike crew that is going to be active in the zone bounded by Sydney Marcus/Piedmont/Lindbergh/Interstate. There are too many of quality-of-life issues that need to be mitigated. The officers will work 10am to 6pm on bikes and target individuals committing quality of life offenses (drinking, loitering, illegal drugs, etc.). The new policing alternatives and diversion will be started soon that will be for low level offenses and include wrap around services. After one week of the bike crew, there has been a very strong response from the community.

Crime numbers are trending downward compared to 2019. Currently, the numbers are below 2019 and are trending below 2020.

City is still dealing with violent crime, which takes precedent. Zone 2 is still focusing on entertainment establishments to limit crime.

Board member asked about an elderly person who had been kidnapped last year from a gas station. They have not heard an update and don't know how to find out progress on finding the kidnapper. Major Senzer suggested contacting him with the case number and he will find an update.

Atlanta Fire Rescue Department (AFRD)
404-546-4400 (or dial 404-546-4421 to reach station 21)

No Report.

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 department participated in a campus safety event at Georgia Tech recently. The alcohol training class will be held October 14 – 15, and there a lot of registrations. There is a new sexual harassment ordinance and enforcement will be the responsibility of the solicitors' office.

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@fultoncountygga.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 is celebrating 19 years as a department, though the water system dates back to 1875. City Hall will reopen for in-person transactional services based on the latest data and public health guidance.

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 Ferguson with Public Works noted that the City is behind on collecting yard debris. There are still COVID-19 staff outages.

A board member noted that the City of Atlanta portion of Brookhaven has not had yard waste picked up in months.

The following neighborhoods have not been picked up recently: Historic Brookhaven (off Club Drive), Pine Hills, Peachtree Park, Garden Hills, South Tuxedo, North Buckhead, Peachtree Heights East, Peachtree Heights West. An email will be sent to vferguson@atlantaga.gov when

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

Mr. Grayer is working with Mr. Bagwell and others on the access and sidewalk issue to improve access for the resident having difficulty. When information on the case is updated, he is forwarding it to Mr. Bagwell.

Not much to report. There are 19 notices have been mailed out and there are a lot of re-inspections in the area. Some of those in non-compliance are stating that noncompliance is the result of lack of materials and slow permit processing. Willy feels that conditions are improving.

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

Joy with ATL 311 described the various ways and various services that ATL 311 can do to support residents.

Buckhead Coalition
Jim Durrett

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

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

Anna Sharp shared information on PARK day. It will be Friday, September 17th from 11am to 2pm. There will be 25+ parking spaces in the Lenox Square parking lot and create a path with tiny parks. The display will show why parks are important.

Party on the Path event is being postponed. This will be presented to NPU-B in January.

5. COMMENTS FROM ELECTED OFFICIALS

None

6. COMMITTEE REPORTS

APAB report was distributed via email.

A. PUBLIC SAFETY COMMITTEE
Bryan Steed, Chair

St Germain French Bakery / 3035 Peachtree Road / New Business / 8-0-0

Fetch / 309 Buckhead Avenue / New Business / 9-0-0

Perrine's Wine House / 3121 East Shadowlawn / New Business / 9-0-0

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

Knife Kitchen & Cocktails / 3162 Piedmont Road NE / New Business / 7-10-0

NPU-B action: A motion to approve the consent agenda failed by vote of 7-10-0.

Note: There were several concerns from the neighborhood about this application that were expressed during the meeting. There were concerns about noise, that the concept would change from what is presented into another concept. There were additional concerns about ownership, as the application listed an owner who was not present.

NPU-B action: A motion to rescind the denial in order to allow the applicant to defer to work with the neighborhood passed by vote of 21-0-0.

Spice House / 2591 Piedmont Road / New Business / Deferred

*The applicant on the liquor license was unable to attend the meeting due to illness. The committee deferred the review of the application until the applicant could be present.

B. DEVELOPMENT, TRANSPORTATION and SPECIAL PROJECTS COMMITTEE

Jason Kendall, Chair

The committee met earlier today to discuss the Wieuca Road land use change. Committee voted 7-1-1 to approve the application.

Woody presented on behalf of the developer. The City's future land use plan that shows the southern part of the Wieuca site is proposed for high density commercial. The site is currently bordered on three of four sides by high density commercial. He presented the areas intended for SPI-12 Subarea 3, Subarea 2, and Subarea 1. The step-down transition was discussed in detail. There were a number of public meetings that raised many questions. The North Buckhead zoning committee negotiated the presented land use with an exhaustive list of conditions.

Kyle Williams is a land use attorney representing 400 homes, condos, apartments, and others and presented for the opposition. Kyle noted that the participants in opposition are wearing white noting that they should not surrender. Subarea 3 was placed in the CDP intentionally and the change presented is creeping the high density. The Subarea 3 designation was deliberate and there are long lasting implications to sell off this church property. This change will increase the density and strips away the density step down into the single family residential. What is around the property doesn't matter, it is the current land use that matters. Several of the neighbors don't feel like their voice was heard in the process. They ask that the process not be rushed. They have not seen elevations or renderings yet. The CDP is not consistent.

Greg Hill, resident at Park Regency, is also president of the church council at a nearby church. There are a number of challenges with running a church such as older buildings and older equipment, that are expensive to maintain. An aging congregation that is contributing less

money. The massive development appears to be designed to squeeze every last dollar out of the property. There is a concern about traffic and the project will alienate the neighborhood from the church, which will make sustainability difficult.

Jessica Lavandier with the City asked if an amended application has been submitted to the City. Woody noted that an amended site plan has been submitted to Keyetta Holmes.

Robert Patterson with NBCA shared the NBCA's view of the development. Robert explained that the layout of the subdivision; there is an urban sector at the southern portion of the neighborhood and the northern portion is mainly single family residential. The battle has always been defining the boundary of urban growth. This is the last remaining parcel where that battle would occur. The line between urban and low density residential is very important to the neighborhood.

Abbie commented that she determined one of the reasons why there is a subarea 3 for this small section. The intent of the SPI-12, like SPI-9, was to spread the density out, stepping down off the spine of Peachtree Rd - subarea 1 being on the arterial roads, followed by subarea 2 on collector roads then subarea 3 on local roads. Since the Wieuca Church dumps out onto Wieuca on the north side of the roundabout going into the neighborhood, it was classified as subarea 3.

Shawn thought that those opposed were against the density but not the land use. She asked Kyle Williams whether the residents are opposed to both. Their argument is that this should remain low density residential as they feel that is the intention of subarea 3. There are concerns that the land use could change further moving forward and the church isn't guaranteed to remain.

Woody noted that the arguments are false. There were rumors that the church might sell when the SPI was developed. The protections are to ensure that if anything changes, the property will have to come through the rezoning process, as the zoning is conditioned on the site plan.

NPU-B action: A motion to approve the consent agenda passed by vote of 22-1-0.

C. ZONING COMMITTEE

Bill Murray, Chair

V-21-184 314 Delmont Drive NE 11-0-0 with conditions
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.

V-21-181 3388 Mathieson Drive NE 11-0-0
Applicant seeks a variance from the zoning regulation to 1) reduce the required front yard setback from 35 feet to 25.8 feet for a garage addition and 2) a special exception to exceed the height of a retaining wall in the side yard from 6 feet to 8.7 feet in order to build a new retaining wall.

NPU-B action: A motion to approve the consent agenda passed by vote of 17-4-0.

Z-21-055 3721 Peachtree Dunwoody Road, NE

7-5-0 with Conditions

Woody presented information for the zoning portion of the church at Wieuca Redevelopment. Barry Howard, pastor at the church of Wieuca, noted that the church is preparing for the next 50 years, which meant preparing the church campus to create a live-work-play environment. The church is committed to the community for a long-time to come. The current plans splits the parcel into three portions. One of the advantages of the existing plan is that 6.67 acres remains as a church in the center of the property. The property worked with the NBCA and held a number of meetings with impacted members and the meetings were well attended.

The project steps down in density from Peachtree back along Wieuca. The discussion with BCNA resulted in a significant reduction in the planned density, which was consistent with surrounding areas. The site includes several pocket parks along the site.

Williams noted that he represented 400 owners in several different complexes. The residents said that they were not included in the discussions. The issues they are concerned about include: fire/life safety response times, lack of renderings, no comprehensive traffic or transportation plan, and concern with traffic on Wieuca Road. The current traffic plan is a compilation of a number of smaller plans and is not holistic view of traffic impacts. The request is that the applicant defer.

Woody rebutted to respond to the traffic analysis. The property is a Developer of Regional Interest (DRI) and a number of traffic agencies have reviewed the Kimley Horn study. It included the newer multi-family properties and the proposed roundabout. The DRI review determined that there wouldn't be an impact to local traffic. Efforts were made to limit traffic discharging onto other properties. There are several shared ingress/egresses between 3630 Peachtree and the Church. In fact, 3630 Peachtree would not have been built except for the access provided by the Church. The church plans to close an access point to improve traffic flowing into the roundabout.

Robert Patterson spoke on behalf of BCNA. He shared what the BCNA tried to accomplish. The BCNA wanted a seat at the table to influence the package but felt that would be better than getting nothing. BCNA did not get everything they wanted, but the project is better as the result of the efforts. The BCNA wanted to reduce the density and feel that maintaining 6+ acres for the church, reduces the overall density. Another BCNA goal was to complement the fabric of North Buckhead. The project transitions from high density, medium density, and low density residential. There was substantial input, which does not mean that everyone got what they wanted. The detailed comments received in writing were reviewed and considered carefully. Consensus was not achieved, but there was input. BCNA was successful at getting alternatives to driving integrated into the plans, they pulled the development away from the road, an increased greenspace. The conditions ensure that the landscaping will complement the North Buckhead Park. There were several items that were not fully addressed as much as hoped; and traffic was one of those concerns.

Nancy reminded everyone that NPU-B is an advisory body. NPU-B cannot make an agreement with a developer, so the negotiation of conditions happens with the neighborhood who can enter into agreements with conditions. There was a question as to whether BCNA membership was

restricted to single-family residential or whether anyone could participate. Robert shared that everyone could join BCNA and that the membership fee is only \$50 (i.e., the price of dinner at LaFonda) and are considerably cheaper than other neighborhoods. BCNA does ask that meeting attendees be in good standing to participate, but this is not closely monitored. Communications and emails are distributed to a broader group of 1,400 people that includes members and non-members. The newsletter is the primary means of communication along with news flashes. Anyone can sign up for the news blasts.

NPU-B action: A motion to approve Z-21-055 with conditions passed by vote of 14-4-2.

Z-21-044 77 Sheridan Drive NE

7-5-0 with Conditions

Laurel David spoke on the Sheridan Drive rezoning application. David Smith and Chuck Abbott are on the call as well. The site plan was presented with 12 units. In the front there are smaller units with offices or guest bedrooms but will not be rental units. The property has capacity for 15 units but 12 are shown. The renderings were presented. Units are limited by height based on zoning conditions. The applicant does not want to have conditions based on the site plan. Instead, they worked with Garden Hills to define the buildable areas and the areas that are not built.

A board member asked about the front yard setbacks. Laurel noted that RG zoning has a 40-foot front yard setback.

Jason Holland spoke that his group Acorns to Oaks is very concerned about stormwater impacts. Jason believes that while the development will meet the City's requirements; the systems would be insufficient to prevent future flooding and problems on the renovated field.

Ms. Tatum with Sheridan Parc, which is the most impacted HOA, would like to see the rezoning denied. The two developments are an assemblage and many community members did not know that these packages were combined. Most of the communications and processes were not inclusive. Ms. Tatum would like to see a 40-foot setback and does not believe there is a hardship to justify the rezoning. The nature of the development will change the nature of the street. She feels there is a way to make this a successful development, but that process requires an open and transparent process.

A board member asked about the timeframe from the ZRB meeting. The development is on the schedule for the October 7th ZRB meeting.

George noted that Garden Hills views this as a 47-unit development site, with the sites on Sheridan and Delmont. Garden Hills responds to property owners and people who submit applications. While many board members would like to see a different use, Garden Hills must respond to the application submitted by the developer. Garden Hills knew that there was a 47-unit development site. Garden Hills Civic Association is mainly single family but most of the surrounding properties are multi-family. There are several nearby precedents with denser development. Based on the City's review, the SPI-24 overlay does not apply to the property. The 69 Delmont site plan has changed but this is a 47-unit development. This 12-unit plan had major challenges. Garden Hills wanted to condition the zoning on the site plan but thinks that the final compromise is good for Garden Hills.

There were questions about the process for Garden Hills participation in the process. The Garden Hills bylaws allow for MF property owners to be a member or provide a member to the civic association. Garden Hills Civic Association hopes that more multi-family owners will join. The project was discussed at board meetings and there were several newspaper articles and posts on social media. Acorn to Oaks needs to look at the private agreement between Garden Hills Civic Association and the developer, as the \$20k allocated for the traffic study could be used by the Garden Hills Foundation if not used for the traffic study. Laurel added that there has been public outreach and conversations with representatives about the 77 Sheridan development.

NPU-B action: A motion to approve Z-21-044 without conditions passed by vote of 19-2-1.

**The NPU Board discussed that the conditions are setting up the need for a variance to happen later and are intertwining these issues. Separating the conditions (that embedded the need for future variances) from the rezoning will separate the discussion of the land use with the need for variances. The developer is going to move forward on conditions in an inclusive process with all impacted properties, parties, and owners. The negotiations and agreement on these conditions can be presented as variances, if needed.

7. PLANNERS REPORT

Jessica noted that the next CDP draft should be released by September 13th.

NPU University on Officer Elections is coming up soon.

Preservation Week is Oct 18 – 22 and will reflect on our shared legacy.

Z-21-73 (Amended), Z-21-74 (Amended), 21-O-0455/CDP-21-43 (Amended)

Chanel Zeisel with Department of City Planning presented a very quick update on the proposed ordinances. She noted that the goal is to create subtle changes that create subtle density. Two of the ordinances Ordinance 21-O-0454 & -0455 address areas near MARTA stations. Planning believes that neighborhoods will be better protected with the MR-MU amendments. The newest draft ordinance makes it harder to subdivide lots, increases the front yard setback to 40 feet, addresses a lot coverage maximum, and disallows townhomes. MR-MU currently does not have any of these controls and the new ordinance adds downzones and density bonuses. There are plans to expand affordability incentives. Proactive rezoning is different from MR-MU controls. There is an interactive map on the website. Historic district protections are added in the newest version that trump any of the proposed changes. A highlight of zero lot line was given as well.

8. MATTERS FOR VOTING (above)

9. PRESENTATIONS

None

10. OLD BUSINESS

69 Delmont Site Plan Amendment

NPU-B action: A motion to rescind the July 6, 2021 vote to support V-21-135 passed by vote of 18-4-0.

Changes were made to the site plan to provide greater setbacks along Delmont, and Sheridan. Laurel walked the committee through the zoning changes. There was a question about the hardship and the answer given was the shape of the property. There was an overview of the stormwater system provided by the engineer. A condition was added to the variance that the applicant submit a copy of the hydrology report to NPU B at the same time it is submitted to the City.

NPU-B action: A motion to deny V-21-135 passed by vote of 14-7-0.

11. NEW BUSINESS

Nancy noted that the bylaws need to be voted upon tonight. There was an NPU-B board meeting and there was a long discussion about representation. It was decided that representation would not be added to the bylaws. Instead, NPU B will ask applicants for land use or zoning matters about their public involvement process. Neighborhood leaders will be asked to ensure their civic associations are open and inclusive when it relates to land use or zoning matters, as was the intention of the NPU system.

NPU-B action: A motion to approve the bylaws passed by vote of 24-0-0.

George Heery is participating in his last NPU meeting as a board member this month. He was showered with praise for his dedicated service and friendship.

12. ANNOUNCEMENTS

The next NPU-B meeting will be October 5, 2021.

The next BZA meetings are posted on their website and are September 2 and September 9 at noon.

The next ZRB meetings are posted on their website and are September 2 and September 9 at 6pm.

13. ADJOURNMENT

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

The meeting was adjourned at 9:17 PM.