

1 CITY OF EAST POINT

2 **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

3 April 19, 2018
4 7:00 P.M.
5 Official Meeting Minutes

6 City Annex
7 3121 Norman Berry Drive
8 East Point, Georgia 30344

9 Board Members:

10 Commissioner Shean **ATKINS, Chair**

11 Commissioner Joel **TUCKER TODD, Provisional Chair - AB**

12 Commissioner Gregory **FANN**

13 Commissioner Patricia **LOVETT**

14 Commissioner Jarrett **BELL**

15 Commissioner William **MILLER - Vice Chair**

16 Commissioner LaJeanna **MCKNIGHT**

17 Commissioner Willard **MAXWELL - AB**

18 Commissioner Clyde **MITCHELL**

19 Also Present:

20 Mr. Nigel **WALKER**
21 Director

22 Ms. Angela **BLATCH**
23 Senior Planner

24 Mr. Frank **LEE**
25 Associate Planner

Willis **HATCHER**
City Engineer - Absent

Linda **DUNLAVY**
City Attorney

Videographer
Eric **Hammond**

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Appearances

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening, ladies and gentlemen. I'm Shean Atkins and time Chair of the East Point Planning & Zoning Commission. At this time, I'd like to call our April 19, 2018 meeting to order.

Staff, would you please sound Roll Call to establish a quorum.

II. ROLL CALL:

MR. LEE: Commissioner Lovett.

COMMISSIONER LOVETT: Present.

MR. LEE: Commissioner Bell.

COMMISSIONER BELL: Here.

MR. LEE: Commissioner Miller.

COMMISSIONER MILLER: Here.

MR. LEE: Commissioner Fann.

COMMISSIONER FANN: Here.

MR. LEE: Commissioner Atkins.

COMMISSIONER ATKINS: Present.

MR. LEE: Commissioner Tucker.

COMMISSIONER TUCKER: (No response.)

MR. LEE: Commissioner McKnight.

COMMISSIONER MCKNIGHT: Here. Commissioner Maxwell.

COMMISSIONER MAXWELL: (No response.)

MR. LEE: Commissioner Mitchell.

COMMISSIONER MITCHELL: Present.

MR. LEE: Mr. Chair, quorum.

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COMMISSIONER ATKINS: Thank you. At this time, ladies and gentlemen, we take a Moment of Silence so if you would all please join us in the a Moment of Silence.

III. MOMENT OF SILENCE:

COMMISSIONER ATKINS: Thank you. If you would please stand and join me in the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER ATKINS: Thank you. Commissioners, at this time, I'll entertain a motion to adopt our agenda as printed.

V. ADOPTION OF AGENDA:

COMMISSIONER LOVETT: Motion to adopt.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Lovett, seconded by Commissioner Miller that we adopt the agenda as printed. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The agenda is adopted. Commissioners, at this time, I'll entertain a motion to approve our March 15, 2018 meeting minutes.

VI. APPROVAL OF THE MARCH 15, 2018 MEETING

MINUTES:

COMMISSIONER MILLER: Mr. Chairman.

1 COMMISSIONER ATKINS: Yes, Commissioner Miller.
2 COMMISSIONER MILLER: Motion to approve the minutes.
3 COMMISSIONER ATKINS: Is there a second?
4 COMMISSIONER MITCHELL: Second.
5 COMMISSIONER ATKINS: It's been moved by Commissioner
6 Miller, seconded by Commissioner Mitchell that we approve our
7 March 15, 2018 meeting minutes. All in favor sound aye.
8 COMMISSIONERS: Aye.
9 COMMISSIONER ATKINS: All opposed sound nay.
10 COMMISSIONERS: (No response.)
11 COMMISSIONER ATKINS: Hearing none, the ayes have it.
12 Our March 15, 2018 meeting minutes are approved.
13 Our next Agenda Item will be our cases for this evening.
14 We've got four cases, all of which require a public hearing. At this
15 time, I'll read the rules for our public hearing, after which time, I'll
16 ask Staff to sound the first Agenda Item and then our open the
17 public hearing.
18 (Whereupon the City of East Point Rules for Public Hearing
19 are read into the record.)
20 COMMISSIONER ATKINS: Public hearings before the Planning
21 & Zoning Commission shall be conducted in accordance with Section
22 10-2219 of the East Point Zoning Code and Development Regulations
23 as follows: Persons both favoring and opposing the proposed case
24 will be provided an opportunity to address the Commission.
25 The applicant for the zoning case or the the applicant's

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designated representative, if any, will be entitled to speak first followed by other speakers in favor of the proposal for a total of fifteen (15) minutes. Those who oppose the proposed zoning cases will then be permitted to speak for a total of fifteen (15) minutes. By majority vote, the Commission may increase the total time for speakers provided that each speaker is given the same amount of time. If there is more than one speaker for a side, the Chair or the presiding office may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her time for rebuttal.

Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall identify him or herself and state his or her current address. Each speaker shall speak only to the merit to have proposed zoning decision under consideration, shall address remarks only to the Commission and shall refrain from making personal attacks on any other speaker. The presiding office may refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate the rules of decorum.

You've heard our Rules for Public Hearings. At this time, I'll ask Staff to please sound our first agenda item.

VII. NEW BUSINESS:

MR. LEE: Case Number 2018V-003-03, the applicant is Roman P. Dean. The location is 1953 Broad Avenue. The applicant seeks a variance to increase square footage greater than 50 percent of the average footprint of the homes within the eco-capability

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survey area.

COMMISSIONER ATKINS: Thank you. At this time, Commissioners, I'll entertain a motion to open the public hearing.

COMMISSIONER LOVETT: Motion to open.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MCKNIGHT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Lovett, seconded by Commissioner McKnight that we open the public hearing for Case Number 2018 "V" as in Victor-003-03. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none the, the ayes have it. The public hearing is now open. Is the applicant present this evening, Roman P. Dean?

AUDIENCE: Yes, sir.

COMMISSIONER ATKINS: Would you please step to the podium. State your first and last name and your current address, sir. (Whereupon Applicant Roman P. Dean approaches the podium.)

MR. DEAN: Yes, sir. Thank you, Counsel, for having us today. My name. My name is Roman Dean and I'm at 1953 Broad Avenue, East Point, Georgia.

COMMISSIONER ATKINS: You can present your case.

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MR. DEAN: Yes, sir. We wanted to increase our home -- I'll actually introduce my wife to explain the hardship for us a little better.

COMMISSIONER ATKINS: She does need to state her first and last name and her current address as well.

(Whereupon Applicant's wife, Bree Duke approaches the podium.)

MS. DUKE: My name is Bree Duke and the address is 1953 Broad Avenue.

COMMISSIONER ATKINS: Okay.

MS. DUKE: Okay. First I just want to say that we love East Point. This is our home. My husband is a native and he brought me here ten years ago, 2009 -- almost ten years ago and at first I was really hesitant, like, East Point, okay, but it's home now and the home we live in belongs to Roman's grandmother. I believe she was the original owner.

COMMISSIONER ATKINS: Please speak into the microphone, Mr. Dean.

MR. DEAN: Yes, yes, sir. My home has been -- my family has been here in East Point for over 75 years. My parents, my grandparents -- we have four generations per family that lived here in East Point and we love -- and we want to stay here and continue to live here and grow and we hope you can present us an opportunity to have a family and so I'll go ahead and turn it back over to you.

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MS. DUKE: Okay. Our dream is to stay here, raise our family here. We have four children, one daughter. Her name is Olivia. She's named after Roman's mother, who passed away in 2016 and our daughter, Olivia, is growing up in the same bedroom his mother literally grew up in, you know, which we would love to keep it that way, stay here, raise our children here but we simply need more space.

We have two widowed parents who are coming to live with us, four children and two bedrooms and one bath currently. We don't want to do anything extravagant or -- just enough to live, be comfortable, less chaos.

MR. DEAN: And to take care of my family. They're getting older. My father and my mother-in-law, they're getting to the age where they need extra care. We need a reasonable place where we can keep them at home, take care of them and watch them. I have four children and they need a little bit more space to spread out. They're getting older and we just want to be able to present -- and what we're presenting right now is the original size of our home was -- I think it was 1,034 feet and we want to expand it to 2,800 feet.

COMMISSIONER ATKINS: Twenty eight hundred square feet?

MR. DEAN: Yes, sir.

COMMISSIONER ATKINS: Okay. Yes, could you just please speak into the microphone, please Mr. Dean.

1 MR. DEAN: I apologize, sir. Uh, 2,800 square feet is what we
2 want to expand it to, the maximum and do you have anything else to
3 say?
4 MS. DUKE: (No response.)
5 MR. DUKE: I think that's all we have.
6 COMMISSIONER ATKINS: Thank you. Are there any other
7 proponents here to speak to this zoning case?
8 AUDIENCE: (No response.)
9 COMMISSIONER ATKINS: Any other proponents here to
10 speak to this zoning case?
11 AUDIENCE: (No response.)
12 COMMISSIONER ATKINS: Anyone else in favor?
13 AUDIENCE: (No response.)
14 COMMISSIONER ATKINS: Are there any opponents here to
15 speak against this zoning case?
16 AUDIENCE: (No response.)
17 COMMISSIONER ATKINS: Any opponents here to speak
18 against this zoning case?
19 AUDIENCE: (No response.)
20 COMMISSIONER ATKINS: Seeing none, Commissioners, at
21 this time, I'll entertain a motion to close the public hearing.
22 COMMISSIONER LOVETT: Motion to close.
23 COMMISSIONER ATKINS: Is there a second?
24 COMMISSIONER MILLER: Second.
25 COMMISSIONER ATKINS: It's been you moved by

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Commissioner Lovett, seconded by Commissioner Miller that we close the public hearing for Case Number 2018 "V" as in Victor-003-03. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now closed. Staff, would you please sound your recommendation.

MR. LEE: Case Number 2018V-003-03, the applicant is Roman P. Dean. The location is 1953 Broad Avenue. Staff recommends approval to increase square footage greater than 50 percent of the average footprint of the homes within the eco-compability survey area with the following condition: Total resident show build square foot shall not exceed 2,900 square feet.

COMMISSIONER ATKINS: All right. Commissioners, you've heard from the applicant and you've also heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER FANN: Motion to approve.

COMMISSIONER ATKINS: Is there a second.

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Lovett that we approve this motion, Case Number 2018 "V" as in Victor-003-03. Any comments, questions or concerns?

1 ATTORNEY LINDA DUNLAVY: Mr. Chair, point of clarification.
2 Mr. Fann, did you intend to make that a motion to approve with the
3 condition of Staff or without the condition of Staff?
4 COMMISSIONER FANN: Yes, with the condition.
5 ATTORNEY LINDA DUNLAVY: With the condition of Staff?
6 COMMISSIONER FANN: Yes, Ms. Dunlavy.
7 COMMISSIONER ATKINS: Okay. Commissioner Fann's
8 motion is for approval with Staff's conditions. Ms. Lovett does your
9 second still stand?
10 COMMISSIONER LOVETT: Second, yes.
11 COMMISSIONER ATKINS: Okay. Synopsis of summary of
12 the motion, the motion on the floor is to approve this variance for the
13 Dean Family. The motion was made by Commissioner Fann,
14 seconded by Commissioner Lovett with Staff's condition. All in favor
15 sound aye.
16 COMMISSIONERS: Aye.
17 COMMISSIONER ATKINS: All opposed sound nay.
18 COMMISSIONERS: (No response.)
19 COMMISSIONER ATKINS: Hearing none, the ayes have it.
20 Your variance is approve.
21 MR. DEAN: Thank you.
22 COMMISSIONER ATKINS: All right. Our next Agenda Item is
23 2018 "V" as in Victor-005-03. Staff, would you please sound this
24 Agenda Item.
25 MR. LEE: Case Number 2018V-005-03, the applicant is

1 Technique Concrete Construction. The location is 2953 Park Street.
2 Applicant seeks a 2-part Concurrent Variance to reduce the five foot
3 side yard setback to zero feet and minimal width of driveway from 12
4 feet to ten feet for the installation of a driveway.

5 COMMISSIONER ATKINS: Thank you. Commissioners, at
6 this time, I'll entertain a motion to open the public hearing for Case
7 Number 2018 "V" as in Victor-005-03.

8 COMMISSIONER MITCHELL: Motion that we open the public
9 hearing.

10 COMMISSIONER ATKINS: Okay, Commissioner Mitchell. Is
11 there a second?

12 COMMISSIONER MILLER: Second.

13 COMMISSIONER ATKINS: It's been moved by Commissioner
14 Mitchell, seconded by Commissioner Miller that we open the public
15 hearing for this Agenda Item. All in favor sound aye.

16 COMMISSIONERS: Aye.

17 COMMISSIONER ATKINS: All opposed sound nay.

18 COMMISSIONERS: (No response.)

19 COMMISSIONER ATKINS: Hearing none, the ayes have it T.
20 public hearing is now open. Is Technique Concrete Construction
21 present this evening?

22 AUDIENCE: Yes, sir.

23 COMMISSIONER ATKINS: Okay. Please step to the podium.
24 State your first and last name and your current address, sir.

25 (Whereupon the Applicant Melvin Griffin approaches the

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podium.)

MR. GRIFFIN: Good evening. My name is Melvin Griffin. I'm an employee of Technique Concrete Construction. My current address is 3651 Walnut Creek Way, Lithonia, Georgia, 30038. What we are seeking is a variance to reduce the setback from five feet to zero and the width from 12 feet to ten feet and what we're seeking to do is to extend the driveway to the rear of the property and allow -- to have access for the car to turn around and drive back out rather than for them to back out into the street.

This driveway was deteriorated and we had to have it replayed anyway for the condition of it so in doing that, we would like to extend it to the rear and give the occupant of the property a little more freedom in moving their cars around. This property here at 2953 Park Street is just one of three properties that we own on Park Street. I own property at 2963 and 2979 -- 2969 and 2979. The one we're speaking the variance on is 2953. We have already -- we have renovated the property -- we bought it as -- renovation had been started by someone else but we finished the renovation inside and out and so we would just like to thank you for the opportunity to make our presentation and our case for the variance. We want to make the property as livable and user friendly as possible.

COMMISSIONER ATKINS: All right, thank you. Is it Richards, the last name?

MR. GRIFFIN: Melvin Griffin.

COMMISSIONER ATKINS: Griffin. Thank you Mr. Griffin. Are

1 there any other proponents here to speak in favor of this zoning
2 case?
3 AUDIENCE: (No response.)
4 COMMISSIONER ATKINS: Any other proponents?
5 AUDIENCE: (No response.)
6 COMMISSIONER ATKINS: Are there any opponents here to
7 speak against this zoning case?
8 AUDIENCE: (No response.)
9 COMMISSIONER ATKINS: Anyone here to speak against the
10 zoning case?
11 AUDIENCE: (No response.)
12 COMMISSIONER ATKINS: Seeing none, Commissioners, at
13 this time, I'll entertain a motion to close the public hearing.
14 COMMISSIONER MITCHELL: Move that we close the public
15 hearing.
16 COMMISSIONER ATKINS: Is there a second?
17 COMMISSIONER LOVETT: Second.
18 COMMISSIONER ATKINS: It's been moved by Commissioner
19 Mitchell, seconded by Commissioner Lovett that we close the public
20 hearing for Case Number 2018 "V" as in Victor-005-03. All in favor
21 sound aye.
22 COMMISSIONERS: Aye.
23 COMMISSIONER ATKINS: All opposed sound nay.
24 COMMISSIONERS: (No response.)
25 COMMISSIONER ATKINS: Hearing none, the ayes have it.

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The public hearing is now closed. Staff, would you please sound remember recommendation.

MR. LEE: Case Number 2018V-005-03, the applicant is Technique Concrete Construction. The location is 2953 Park Street. Staff recommends approval of the Concurrent Variance Part One to reduce the five foot setback as required in Section 10-4050 to zero feet for the installation of a driveway.

Staff also recommends approval of Concurrent Variance Part Two to reduce the minimal width of driveway from 12 feet as required in Section 10-4057 to ten feet.

COMMISSIONER ATKINS: Okay, thank you. Commissioners, you've heard from the applicant, Technique Concrete Construction and you've also heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER LOVETT: Motion to approve.

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Lovett, seconded by Commissioner Mitchell that this Body approves the Two-Part Variance, reducing the side yard setback from five feet to zero and the minimal width of the driveway to ten feet. Commissioners, I'd also like for you all to remember that as discussed in Work Session last week, we may need consider a reduction in the driveway width from Staff's recommendation of ten feet to nine feet three inches. And so if a Commissioner would like to make a friendly amendment to that, I'd be very happy to hear one.

1 COMMISSIONER MILLER: Mr. Chairman.

2 COMMISSIONER ATKINS: Yes, Commissioner Miller.

3 COMMISSIONER MILLER: I would like to make an amendment

4 to change the requirements from ten feet to nine point three feet.

5 COMMISSIONER ATKINS: Commissioner Mitchell, would you

6 accept that friendly amendment?

7 COMMISSIONER MITCHELL: I did the second, I believe.

8 ATTORNEY LINDA DUNLAVY: I'm sorry.

9 COMMISSIONER MITCHELL: I did the second.

10 COMMISSIONER ATKINS: Mitchell made the motion, Lovett

11 seconded it.

12 COMMISSIONER MITCHELL: My bad. Yes, I do accept that as

13 a friendly amendment, thank you.

14 COMMISSIONER ATKINS: Okay. Ms. Lovett, does your

15 second still stand?

16 COMMISSIONER LOVETT: Yes, it does.

17 COMMISSIONER ATKINS: Okay.

18 COMMISSIONER FANN: I have a question.

19 COMMISSIONER ATKINS: Yes.

20 COMMISSIONER FANN: What is the rationale to reduce from

21 ten to nine?

22 COMMISSIONER ATKINS: It's nine, three.

23 COMMISSIONER FANN: Okay, okay, all right.

24 COMMISSIONER ATKINS: We want to make sure it's

25 consistent.

1 COMMISSIONER FANN: It is consistent.
2 COMMISSIONER ATKINS: Yes, okay.
3 COMMISSIONER FANN: All right.
4 COMMISSIONER ATKINS: The motion on the floor,
5 Commissioners, made by Commissioner Mitchell, seconded by
6 Commissioner Lovett, amended by Commissioner Miller, is that this
7 Body approval a variance to reduce the side yard setback from zero
8 -- from five feet to zero feet and the minimal width of the driveway
9 from nine feet to nine feet three inches. All in favor sound aye.
10 COMMISSIONERS: Aye.
11 COMMISSIONER ATKINS: All opposed sound nay.
12 COMMISSIONERS: (No response.)
13 COMMISSIONER ATKINS: The ayes have it. The motion
14 carries and the variance is approved, Mr. Griffin.
15 MR. GRIFFIN: Thank you.
16 COMMISSIONER ATKINS: The next Agenda Item is 2018 "V"
17 as in Victor-006-03. Staff, would you please sound this Agenda Item.
18 MR. LEE: Case Number 2018V-006-03, the applicant is Steve
19 Bennett. The location is 2443 Woodland Circle. The applicant seeks a
20 2-part Concurrent Variance to reduce the five foot side yard setback
21 to zero feet and minimum width of the driveway from 12 feet to ten
22 feet for the installation of a driveway.
23 COMMISSIONER ATKINS: Okay. Commissioners, at this
24 time, I'll entertain a motion to open the public hearing for 2018 "V"
25 as in Victor-006-03.

1 COMMISSIONER LOVETT: Motion to open the hearing.
2 COMMISSIONER ATKINS: Is there a second?
3 COMMISSIONER MCKNIGHT: Second.
4 COMMISSIONER ATKINS: It's been moved by Commissioner
5 Lovett, seconded by Commissioner McKnight that we open the public
6 hearing. All in favor sound aye.
7 COMMISSIONERS: Aye.
8 COMMISSIONER ATKINS: All opposed sound nay.
9 COMMISSIONERS: (No response.)
10 COMMISSIONER ATKINS: Hearing none, the ayes have it T.
11 public hear is now open. Former Commissioner Bennett, would you
12 please take the podium. State your first and last name and your
13 current address.
14 (Whereupon the Applicant Steve Bennett approaches the
15 podium.)
16 MR. BENNETT: Thank you, Mr. Chairman. It's Steven, 1949
17 Montrose Drive, East Point, Georgia and I hope you'll bare with me.
18 I've been battling a cold awhile and I don't have much of a voice.
19 COMMISSIONER ATKINS: Okay.
20 MR. BENNETT: But my request is very similar to the
21 previous. We are requesting a 2-part Variance on the setback and
22 the width and this was a house that was built in the 40s. The original
23 driveway has been there since the early 50s and this repair
24 whatnot -- it was built, like many of them in East Point, on the
25 property line and narrower than twelve feet and basically, the way

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the lot is, it's on a steep incline. It has a retaining wall on each side so moving it or widening itself just wasn't gonna work because there is about a 36 inch retaining walls on both sides in the front so that was the reason we had to keep it where it was and so that's probably much the gist of it is that we put it right back where it's been for the last 60 years and as I've stated, I've been fighting a cold so I apologize I wasn't at Work Session so I am available if you have any questions at this point.

COMMISSIONER ATKINS: Thank you, Mr. Bennett. Are there any other proponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any opponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents to speak against this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER LOVETT: Motion to close.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

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COMMISSIONER ATKINS: It's been moved by Commissioner Lovett, seconded by Commissioner Miller that we close the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. public hearing is now closed. Staff, would you please sound your recommendation.

MR. LEE: Case Number 2018V-006-03, the applicant is Steve Bennett. The location is 2443 Woodland Circle. Staff recommends approval of Concurrent Variance Part 1 to reduce the five foot setback as required within Section 10-4050 to zero feet for the installation of a driveway. Staff also recommends approval of Concurrent Variance Part 2 to reduce the minimum width of driveway from 12 feet as required in Section 10-4057 to ten feet.

COMMISSIONER ATKINS: Thank you. Commissioners, you've heard from the applicant and you've heard Staff's recommendation and at this time, I'll entertain a motion

COMMISSIONER LOVETT: Motion to approve.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Lovett, seconded by Commissioner Miller that this Body approves the variance to reduce the side yard setback at 2443 Woodland Circle

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from five feet to zero feet and the minimum driveway width from 12 feet to ten feet. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

Case Number 2018 "V" as in Victor-006-03 is approved, Mr. Bennett. Thank you.

Our next Agenda Item is 2018 "V" as in Victor-004-03. Staff, would you please sound this Agenda Item.

MR. LEE: Case Number 2018V-004-03, the applicant is SPG Creekside, LLC. The location is 2135 Lawrence Avenue. The applicant seeks to reduce the zoning buffer where adjacent to residential from 100 feet as required within Section 10-6008 (d) to 25 feet.

COMMISSIONER ATKINS: Thank you. Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2018 "V" as in Victor-004-03.

COMMISSIONER MILLER: Mr. Chairman.

COMMISSIONER ATKINS: Yes, Commissioner Miller.

COMMISSIONER MILLER: Move to open.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Lovett that we open the public

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hearing for this Agenda Item. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now open. Is the represent from SPG
Creekside, LLC present this evening?

AUDIENCE: Yes, sir.

COMMISSIONER ATKINS: Please step forward. State your
first and last name and your current address.

(Whereupon the Applicant Mal Hill approaches the podium.)

MR. HILL: You want the office address or my personal
address?

COMMISSIONER ATKINS: I can't tell you which one, sir.
Please step forward. State your first and last name and your current
address.

MR. HILL: Yes, sir. My name is Mal Hill, 2870 Peachtree
Road, Atlanta.

COMMISSIONER ATKINS: Say your name again, please.

MR. HILL: Mal, M-a-l, Hill.

COMMISSIONER ATKINS: Okay, Mr. Chairman, members of
the Commission, ladies and gentlemen, thank you. A little
background. Solution Property Group is my company. We are the
developer of the redevelopment across the street from the site at
2135 Lawrence Avenue. It's an award winning Class A industrial

1 facility that is the largest Class A facility inside 285 in East Point and
2 it's actually the larger facility of it's kind inside the ring around 285
3 and won a national award for the development that we did there. By
4 way of background what got us here tonight is in our marketing
5 efforts -- and we've had Walmart in there for a while and they were
6 very happy -- but in our marketing efforts, we have not had enough
7 parking to secure some of the higher employee count requirements
8 and we've lost them to Fairburn, Palmetto and specifically College
9 Park.

10 To address that, we purchased our friends across the street,
11 who had a legacy site at Georgia Pacific and asked if we could
12 purchase some of their property. We worked that out. We went
13 through the process and own the 9.4 acres is at 2135 Lawrence
14 Avenue that we're here talking about tonight.

15 The question that came up in Work Session which is relevant
16 one is: Why did we apply for a variance? And specifically the reason
17 we applied for the variance is the reduction down to 25 feet is
18 actually what we thought was our legal entitled right based on the
19 publically available information and specifically that's what has create
20 this hardship. So from your East Point Website and mini code
21 Section 10-2159.1, parking loading locations, right underneath that it
22 says: Note the minimum requirement in a subsection maybe less
23 than requirements necessary to accommodate the landscape area
24 buffer requirement of Chapter 6. It also talks about trees.
25 Subsection F which applies to us, I-1 -- I-1 and I-2 Industrial

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Districts, off-street parking, which is what we're attempting to supplement so we could secure some of these requirement -- the off-street parking location for dwelling schools, institutions similar uses, are the same as those in the A District. Uses devoted to manufacturing warehouses and commercial and other uses permitted in the districts shall provide no off street parking within 25 feet of any property line which adjoins a residential use or district.

Obviously, an intelligent person goes back to the previous initial sentence. We have to cross-reference Chapter 6 -- we go to Chapter 6, Section 10-6008 (dot), minimum landscape strips and buffers, Subsection D, zoning buffer shall be provided where adjacent any residential specified in Table 2. There is no Table 2. Doesn't exist. It's not on there. As a result, our lawyers and engineers calculated the useable acreage that we could actually pave, one of the entitlements. What we submit for an LDP, instead of the 25 feet that we paid to have the engineers do, they said, no. It's a hundred feet. We're like, where?

As a result, the hardship that's impacted on us is 1.4 acreage, which is the difference between a hundred feet and 25 feet times the depth of our site which is 820 feet, comes up to 1.4 acres of land that had we known it was a hundred feet -- had Table 2 been there, Georgia Pacific would not have charged us for it so we have incurred a hardship of roughly \$150,000 because the -- there's an administrative error that's on the Website. That also gets us to -- one of the recommendation that's noted in the Staff (inaudible)

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which was if a preference or if we were granted relief for the zoning buffer, then it would be a preference for this site. We actually would suggest that if the Website is fixed -- and that information is perfectly transparent and this issue comes up again, it would not be preferential to us because we didn't have access to the information of it being a hundred feet. So the purpose of our variance is to try to get some relief to reflect the economic hardship impacted by the Website error is.

Now, I'd like to add that after discussing with our neighborhoods, we would actually prefer you to consider an alternative buffer reduction to 50 feet, with planting the first ten feet. We don't believe there's any community support near us for 25 and 50 feet gets us to .94 more useable acres and we're willing to compromise to that and willing to pay for the requested improvements to screen the neighbors that approve their -- let you listen to them if there are folks that will speak to that.

The next item related specifically to a Staff report to us, is that there was no similar site that had this kind of restriction. Our immediate neighbor to the south Lucas Logistics is zoned I-1. They have no restriction on their parking all the way up to their property line.

Lastly, the entire point of what we're doing is not to operate something that's possible within I-1 but just to support the Creekside project to get some of these larger employers into East Point and particularly this older part of the City that hasn't seen some of the

1 benefits that are going to our suburbs north and south and College
2 Park next door. To close, we request that you consider an alternate
3 undisturbed buffer with actually 50 feet plantings in the first ten.
4 We do have full size drawings that show that and we believe we have
5 some folks that may speak in favor of it. Are there questions?

6 COMMISSIONER ATKINS: There will be no questions. This is
7 a public hearing. Are there any other proponents for -- I'm sorry.
8 You were pointing at something -- so if there's something that you
9 want to show us during this time, please feel free to do that now.

10 MR. HILL: Okay. Thank you. I'd like to show you copies of
11 the drawing that shows the landscape plan and the alternate request
12 of 50 feet buffer reduction.

13 COMMISSIONER ATKINS: Are they all the same copy?

14 MR. HILL: Yes, sir.

15 COMMISSIONER ATKINS: So Staff should have a copy for
16 our official record. Did you show this to Staff earlier?

17 MR. HILL: Yes.

18 COMMISSIONER ATKINS: Okay. All the Commissioners
19 should have a copy of this.

20 MR. HILL: And lastly, we were requested in Work Session for
21 a tree City drawing. There was a copy electronically sent to Staff and
22 then we also have a full size print of that.

23 COMMISSIONER ATKINS: I'm sorry. The papers are
24 rumbling. I'm gonna have to ask you in just one second to repeat
25 that.

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MR. HILL: This is a different drawing. This came up in our Work Session. There was a request to look at our tree survey and there's an electronic copy that was sent to Staff so maybe it's in your file but we have a full size print of this also.

COMMISSIONER ATKINS: Okay. As long as Staff has it for our official record.

MR. HILL: I'm all finish. Thank you.

COMMISSIONER ATKINS: Okay. Are there any other proponents here to speak to this zoning case? Any other proponents? Anyone else here to speak in favor?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Please step to the podium. State your first and last name and your current address.

(Whereupon Proponent Dorothy Hall approaches the podium.)

MS. HALL: Good afternoon. My name is Dorothy Hall and I reside at 1660 Woodberry Avenue, East Point, Georgia. Been a resident there and own my home for 33 years. I'm voting in favor of allowing Creekside a buffer of 50 feet from the property on the variance that it had requested and we talked about it at the last meeting and I'm in favor of it. I do think that will it would bring jobs to the East Point area. I used to be an employee with the City of East Point, worked in the City Manager's office, Parks and Recreation and also Purchasing so I know some of those people on the Board but I would just like to say if you all can grant them that 50 feet so construction can get started, I would be if favor of it. Thank you

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COMMISSIONER ATKINS: Thank you, Ms. Hall. Are there any other proponents here to speak in favor of this zoning case, any other proponents?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Please step forward. Step to the podium. State your first and last name and your current address.

(Whereupon Proponent Sheila Leslie approaches the podium.)

MS. LESLIE: Good evening. My name is Sheila Leslie and I live at 1674 Woodberry Avenue and there has been a lot said about this buffer and we have been back and forth and definitely, I'm against 25 feet but I do say, hum, 50 feet is okay but let me throw this in. I saw some coyotes the other morning. I went to my front window and I guess now that the land has been disturbed, I've never seen a coyote since I've been living in East Point but I saw one the other morning so my thing is, yes, 50 feet could be okay but what else coming out of that buffer besides coyotes? That's all I have to say.

COMMISSIONER ATKINS: Thank you, Ms. Leslie. We appreciate that. Are there any other proponents here to speak in favor of the zoning case?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Please step forward. Step to the podium. State your first and last name and your current address.

(Whereupon Proponent Alex Crown approaches the podium.)

MR. CROWN: Good evening, Mr. Chairman, ladies and

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gentlemen. My name is Alex Crown and my family has owned the property at 1690 East Woodberry Avenue for approximately 60 years and I would like to say that my mom that passed at 91 years old bought and lived in that house and it was thoroughly pleased most of her later years and I helped her for about seven and a half of those years in that house and I am currently still there.

I've listened to and met with my neighbors and I've also had a pleasant opportunity to talk to the developer of one of the nicest buildings in the State of Georgia. I used to be with the State Chamber of Commerce and I'm familiar with all 159 counties. I think his amended proposal, if ya'll so desire of 50 feet, is quite reasonable and I think myself and the other neighbors would be more than happy provided that the buffer zone is completed the way that the developer has suggested and shown us what it would look like. I'm very much in favor of it as you can see. I think it would be a big benefit to the City of East Point. That's all I have. Thank you.

COMMISSIONER ATKINS: Thank you, Mr. Crown. Are there any other proponents for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: Yes.

(Whereupon Proponent Rufus Leslie approaches the podium.)

MR. LESLIE: Good evening. My name is Rufus Leslie. I've been at 1674 Woodberry for about, I guess about, 32 years. I moved here in '85 and I go along with the 50 feet buffer. It seems

1 reasonable and it's 50 feet below my property line in the back.
2 COMMISSIONER ATKINS: Okay.
3 MR. LESLIE: It might keep some of the coyotes or whatever,
4 you know. I would have to wait when they start construction there.
5 COMMISSIONER ATKINS: Thank you, Mr. Leslie. Are there
6 any other proponents here to speak in favor of this zoning case?
7 AUDIENCE: (No response.)
8 COMMISSIONER ATKINS: Any other proponents?
9 AUDIENCE: (No response.)
10 COMMISSIONER ATKINS: Seeing none, are there any
11 opponents here to speak against this zoning case?
12 AUDIENCE: (No response.)
13 COMMISSIONER ATKINS: Any opponents?
14 AUDIENCE: (No response.)
15 COMMISSIONER ATKINS: Seeing none, Commissioners, at
16 this time, I'll entertain a motion to close the public hearing:
17 COMMISSIONER LOVETT: Motion to close the public
18 hearing.
19 COMMISSIONER ATKINS: Is there a second?
20 COMMISSIONER MILLER: Second.
21 COMMISSIONER ATKINS: It's been moved by Commissioner
22 Lovett, seconded by Commissioner Miller that we close the public
23 hearing. All in favor sound aye.
24 COMMISSIONERS: Aye.
25 COMMISSIONER ATKINS: All opposed sound nay.

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.
The public hearing is now closed. Staff, would you please sound
your recommendation.

MR. LEE: Case Number 2018V-004-03, the applicant is SPG
Creekside, LLC. Staff recommends -- the location is 2135 Lawrence
Avenue. Staff recommends denial to reduce the zoning buffer where
adjacent to residential from 100 feet as required within Section
10-6008 (d) to 25 feet.

COMMISSIONER ATKINS: Okay. Thank you.
Commissioners, you've heard from the applicant and you've also
heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER BELL: I have one question.

COMMISSIONER ATKINS: You have to have a motion on the
floor and a second before we have any discussion so if you'd like to
make a motion and someone seconds that motion, then we can go
into questions and discussion.

COMMISSIONER BELL: I move that we open the floor for
conversation.

COMMISSIONER FANN: I'll make the motion for approval for
the -- for approval of Staff denial. I'll make that motion for
discussion.

COMMISSIONER ATKINS: Okay. So your motion is to deny?

COMMISSIONER FANN: The motion is to deny for
discussion.

1 COMMISSIONER ATKINS: Yes. Is there a second?

2 COMMISSIONER LOVETT: Second.

3 COMMISSIONER ATKINS: Okay. It's been moved by
4 Commissioner Fann, seconded by Commissioner Lovett that this Body
5 denies this variance application. Any comments, questions or
6 concerns? Commissioner Bell.

7 COMMISSIONER BELL: Okay. Thank you very much. I have
8 a question for the applicant so for this particular site --

9 COMMISSIONER ATKINS: Hold on a second. Mr. Hill, would
10 you please step to that -- is that what you're speaking of?

11 COMMISSIONER BELL: Yes.

12 COMMISSIONER ATKINS: Okay. So please step to the
13 podium.

14 (Whereupon the Applicant Mal Hill approaches the podium.)

15 COMMISSIONER BELL: So for this particular site, over the last
16 two weeks, I've taken some trips there and I notice there is a stop
17 work order on the site so for the viewing audience, can you elaborate
18 on why that was issued and what activities was taking place on that
19 site for a work -- for a stop work order to be issued?

20 MR. HILL: Certainly. I'll share with you as much information
21 as I have. I did not even talk to this inspector but specifically, we
22 engaged our landscape company, a commercial firm, to -- we were
23 asked for a couple of executive tours -- that were -- flying in -- these
24 projecting with a couple hundred jobs to improve the look of the site
25 so that people could visualize the additional parking because we are

1 short of -- well me just directly answer your question. So we had a
2 landscaper come out and use something called a forestry tree mower
3 and what I ended -- and a forestry mower is specifically designed to
4 not engage in any land disturbance activity but it will chew up small
5 brush and small trees that are a couple three inch, whatever, but it is
6 specifically not a land disturbance activity. However, when a forestry
7 mower is used, it does chip up whatever it was grinding in that
8 location. My understanding is, I'm not sure that the inspector knew
9 what a forestry mower was but it would specifically engaged the
10 landscape company to go in there and do that clearly but provided
11 they did not do anything that require a land disturbance permit and
12 we were told that we did not conduct any land disturbance activity.

13 COMMISSIONER BELL: Can you tell me when did this take
14 place?

15 MR. HILL: The specific date?

16 COMMISSIONER BELL: If you can give me like the time range,
17 yes.

18 MR. HILL: Like in February but we would have to dig up the
19 contract of the vendor.

20 COMMISSIONER ATKINS: I'm sorry. I was distracted. Could
21 you repeat that because I had written that question down myself
22 because I wanted to get an answer to that.

23 MR. HILL: We believe it's likely February but we would have
24 to dig up the contract with the vendor.

25 COMMISSIONER ATKINS: You believe that it's likely

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February?

MR. HILL: Yes, but we can look it up. Nathan, who is here with me, actually would have transacted that with the vendor.

COMMISSIONER ATKINS: Okay. So while you're answering Commissioner Bell's question, I would greatly appreciate it if your colleague would look that information up. It is one of the question that I had as well.

MR. HILL: Sure, okay.

COMMISSIONER ATKINS: Anyone else have any questions of the applicant?

COMMISSIONER MCKNIGHT: I have a question, I'm sorry.

COMMISSIONER ATKINS: Go ahead.

COMMISSIONER MCKNIGHT: So what's cleared off now? Is that -- I'm looking at this report here. Is it the 40 feet or what's cleared off now because my biggest concern is, you know, so many trees are gone in that area.

MR. HILL: Sure. So to back up, the site was owned by Georgia Pacific so there's very -- and that's part of why the tree save plan that's over here is relevant because that actually shows the specimen of trees that would actually tie to an East Point ordinance other than land disturbance activity but the forestry mower doesn't do that. But in general, we're not anywhere close, I believe, to either even the hundred foot buffer. There's just a section generally in the middle -- the only reference I know, personally that I have, is relatively the big white oak that's on there and it's on that tree survey

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because you can see standing by itself and then it's sort of back to where the (inaudible) against the drop, toward the back of the site.

COMMISSIONER MCKNIGHT: I guess I should be more specific but what I want to know is like what's cleared now because I don't -- visually, I don't know how many, you know, feet that is but it just looks really clear. Is that 40 feet that's clear now? Is there like a 40 feet buffer now or --

MR. HILL: Okay, yeah -- no. In terms of what's cleared, it's not even up to the hundred foot buffer so we probably cleared someone in the three acres range, maybe three and a half are cleared, cleaned out of the 9.4 so probably a third of the site. It shouldn't be anywhere close to a buffer and I believe the inspector, when he went out there to stop work, there wasn't any work going on but he put the stop work on it anyway.

COMMISSIONER MCKNIGHT: Okay, so I'll get more specific. Where you are now -- and I'm talking specifically on the area that's facing everyone's home, like their backyards, right -- adjacent to their homes so how much further would you have to clear for it to be at the 50 foot buffer? Would you have to clear more trees that's -- more trees than what is already cleared now in order to get to that 50 foot buffer?

MR. HILL: The best way I know to explain it would be normally, to answer that, I'd have to look at a full set of land disturbance permit drawings that we would submit and go through that approval to check all regulations. I don't -- can't specifically

1 answer that. I'm used to just full sets of drawings so I don't know
2 how to articulate it in a less specific way.

3 COMMISSIONER MCKNIGHT: Okay.

4 COMMISSIONER ATKINS: Okay. I'm gonna piggyback off of
5 Commissioner McKnight's question. You said just now, that you
6 would have to look at a full set of land disturbance permit drawings
7 to be able to answer her question; is that correct?

8 MR. HILL: That's the way I'm used to answering questions.
9 But I'm also not used to doing public hearings.

10 COMMISSIONER ATKINS: Did you also know that you were
11 coming here tonight for a variance to reduce a buffer from 100 feet
12 to 25 feet?

13 MR. HILL: Yes.

14 COMMISSIONER ATKINS: Okay. So nothing that, would you
15 not come to this public hearing prepared to answer those types of
16 questions? And the reason that I'm making a point of this is because
17 it was seven days ago, one week --

18 MR. HILL: Yes.

19 COMMISSIONER ATKINS: -- that when we had some other
20 questions of you, you stated in the Work Session that we have the
21 entire set of land disturbance permits and we can send those to the
22 Commission. Do you recall that?

23 MR. HILL: We had an entire set of land disturbance drawings
24 except for a hundred feet -- I'm sorry for 25 feet, which is what
25 started the entire process, which were went back.

1 COMMISSIONER ATKINS: Do you recall saying that you had
2 a whole set of land disturbance drawings?
3 MR. HILL: Yes.
4 COMMISSIONER ATKINS: Okay. So are you not familiar with
5 those drawings and not prepared to answer questions from this
6 Commission regarding the amount of trees and brush that you've cut
7 back on that property and how close it gets to the one hundred foot
8 buffer? Because what you're saying right now is that your saying: I
9 think. It's this. It shouldn't be any closer to it than this. You're not
10 speaking with certainty.
11 MR. HILL: Okay.
12 COMMISSIONER ATKINS: Okay.
13 MR. HILL: I understand.
14 COMMISSIONER ATKINS: And my challenge with that is that
15 in addition to knowing -- when Ms. Leslie stated that the land had
16 been disturbed and she's starting to see coyotes -- so I was a bit
17 taken aback because lastly first and when your colleague stated no
18 less than three times in the interest of full disclosure, you nor your
19 colleague never disclosed that the City of East Point had issued to
20 you a stop work permit, a stop work order on that site; is that
21 correct?
22 MR. HILL: I don't recall the question.
23 COMMISSIONER ATKINS: You don't recall? Let me tell you.
24 Let me tell you. Let me tell you. Let me tell you how I know you
25 didn't mention it because I don't recall it. Because Commissioner

1 Miller didn't recall it. Commissioner Bell didn't recall it. None of the
2 Commissioners who were in that session recalled the fact that the
3 City had issued you a stop work order.

4 MR. HILL: Okay.

5 COMMISSIONER ATKINS: And we had an extensive
6 conversation about different options, could we do this, could we do
7 that and it was never disclosed even after your colleague talked
8 about, in the interest of full disclosure, so did you not think it was
9 important to disclose that to this Body?

10 MR. HILL: I assumed everyone had that information. The
11 stop work order --

12 COMMISSIONER ATKINS: As the applicant -- as the
13 applicant, sir --

14 MR. HILL: Yes, sir.

15 COMMISSIONER ATKINS: -- did you not think it was
16 important to disclose the fact that your organization had gone out --
17 and I don't want to hear about the landscaper did this and those
18 kinds of things. You're responsible.

19 MR. HILL: That's correct.

20 COMMISSIONER ATKINS: Okay. So did it not dawn on you,
21 at that time, that that should have been a part of the discussion?

22 MR. HILL: I -- I had assumed it was in the record of
23 everything. The stop work order we were issue, I believe, occurred
24 maybe two threes, three weeks -- it was more than two or three
25 weeks after the vendor was finish with their work.

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COMMISSIONER ATKINS: Did your colleague find the date that the two or occurred?

AUDIENCE: I did not get the date.

COMMISSIONER ATKINS: Okay. All right. Thank you. So we don't have that information. Another question to you, sir. What is the square footage of your building, the property that you own across the street and by the way, I think it was a lovely building and it's very well constructed. It was the first time that I saw it here recently. What is the square footage of that building?

MR. HILL: 538,500 feet.

COMMISSIONER ATKINS: Staff, how many parking spaces would be required for a building of that size?

MR. LEE: From our calculations, that would be 269 parking spaces.

COMMISSIONER ATKINS: Okay. How many parking spaces are you proposing in that site plan?

MR. HILL: 425 and the reason for that is as -- the building is constructed, that's correct, but just the shell building, we had designed the building for up to five tenants but on the way the structure is set up and the project we're attracting, we believe we're gonna have up to 70,000 feet of office space built out and I do believe that in the East Point code, it's three per thousand on the office and with shift changes, we'll easily use that 425 plus what we may have remaining across the street at the building. Our goal is to --

1 COMMISSIONER ATKINS: In ordinance requires 269 parking
2 spaces; is that correct, Staff --

3 MR. LEE: That's correct

4 COMMISSIONER ATKINS: -- for 538,500 square feet.
5 You're proposing 425 parking spaces. Can you please help me to
6 understand your hardship.

7 MR. HILL: Yes, sir. So for example, the average tenant that
8 comes and looks at that -- we have built a vanilla box. When they in
9 and they say, how many square feet do you want -- 200,000 feet and
10 here is how many people we're gonna have, we then will design and
11 submit to the City for a building permit to build out the office and as
12 part of that requirement, a parking ratio requirement will go up.

13 In general, buildings like this, anywhere in the state, one per
14 thousand on the total square footage, is a market ratio of the amount
15 parking these facilities typically need particularly -- and all we have to
16 do is go to East Point and Amazon -- and that Duke park when I
17 worked at Duke, helped them title that a decade or two ago. That's
18 what's happening with warehouses. It's so much more
19 people-intensive and those folks need a place to park and that's the
20 reason we've been cut from projects.

21 COMMISSIONER ATKINS: Is that a hardship?

22 MR. HILL: The biggest hardship is related to not knowing
23 about the hundred feet and we would have gotten the deduction
24 from the seller on the sales price had that been easily --

25 COMMISSIONER ATKINS: That's your hardship?

1 MR. HILL: Yes, sir.

2 COMMISSIONER ATKINS: Okay. For that record, that is your
3 hardship?

4 MR. HILL: Yes, sir.

5 COMMISSIONER ATKINS: Okay. Thank you. You mentioned
6 in your presentation to this Body that your organization would, of
7 course, pay for the requested screening and for part of the property
8 that is adjacent to the homes on Woodberry. That would be nice,
9 wouldn't it, since your organization cut all those trees down. That
10 would be nice, right.

11 MR. HILL: (No response.)

12 COMMISSIONER ATKINS: So are saying that your
13 organization may not pay for a replanting of the trees?

14 MR. HILL: No, sir. The landscape plan we submitted to you,
15 we're proposing planting additional screening trees underneath the
16 canopy within the buffer to help screen the homes from activity that
17 may occur on our parking lot. In addition to the land -- we are going
18 to plant what's required in the East Point code related to landscaping
19 and that would be part of the LDP that we submit.

20 COMMISSIONER ATKINS: And a recompense for the
21 specimen trees?

22 MR. HILL: Yes, sir.

23 COMMISSIONER ATKINS: Have you figured that up?

24 MR. HILL: Uh, that's what that tree survey that Staff has a
25 copy of shows. What's your recompense total?

1 MR. HILL: I -- I -- I don't know that number but it maybe on
2 there.

3 COMMISSIONER ATKINS: Commissioners, do you have any
4 other questions?

5 COMMISSIONER FANN: I just have one question. How
6 many trees are you planning to plant? Do you know in all total?

7 MR. HILL: How many trees related to the permission we're
8 asking for to plant in the buffer or the entire --

9 COMMISSIONER FANN: Yes, in the buffer because you
10 said -- you're make impervious surface and water is going to run off
11 and those tree actually drink a lot of water. We don't want to flood
12 people out in their backyard so how many trees are you planning on
13 putting there because they will be back up here talking about this
14 parking lot flooding us out so how many trees are you planning on
15 planting in that buffer zone to catch that water runoff from the --

16 MR. HILL: I'll that he knows two ways. At the back of the
17 site, is where we would construct a detention pond to catch the
18 water to meet East Point and Georgia State Regs. The specific
19 number of trees is gonna be on one of the drawings that I put on
20 there that should have the total and we got the type and everything
21 else.

22 ATTORNEY LINDA DUNLAVY: Commissioner Fann, just for
23 the record -- and I'm kind of trying to do the Math in my head here
24 but in looking at the plan that's been submitted, they're proposing to
25 plant 99 Evergreens and 23 Hollies in the buffer area and it appears,

1 just kind of running through the Math, that there are 39 existing
2 trees, at least on this legend. I assume that those are within tree
3 save areas that appear to be in the buffer so there would be 39
4 existing tree and 99 trees proposed to be planted plus Hollies.

5 COMMISSIONER FANN: And that's based upon 25 foot
6 setback. That's not based upon --

7 ATTORNEY LINDA DUNLAVY: That is -- that appears to be, if
8 I'm reading the plan correctly, based upon the proposal that he's put
9 forward this evening for a 50 foot buffer -- 40 foot undisturbed
10 buffer, which has 39 existing trees in it and then the ten foot strip,
11 which would have 99 trees plus --

12 COMMISSIONER FANN: Linda, could you just you say it
13 again. Say it again. I missed that. It's based upon what now?

14 ATTORNEY LINDA DUNLAVY: Okay, okay. Based upon the
15 plans that have been submitted by the applicant for the reduction
16 down to 50 as opposed to the 25 feet, their plans are showing
17 approximately 39 trees existing in that undisturbed buffer already
18 and then they are proposing to plant 99 additional tree. It's a little
19 difficult, but honestly, Commissioner Fann, to took at the plan and no
20 whether tree grid number one and number two showing existing
21 trees are actually within that 50 foot buffer because there is no 50
22 foot buffer line dropped on this plan but that's my best interpretation
23 on the fly if it helps.

24 COMMISSIONER FANN: Thank you. Thank you that does
25 help. Thanks.

1 COMMISSIONER ATKINS: Commissioners, anymore
2 questions?

3 COMMISSIONER MITCHELL: Question.

4 COMMISSIONER ATKINS: Yes, Commissioner Mitchell.

5 COMMISSIONER MITCHELL: I know it's note required that
6 you have it before us, but I'm interested in the type of lighting that
7 you're gonna have out there in the parking area and how would it
8 affect the homes that are immediately adjacent to the parking lot and
9 what -- and the type of illumination that it will give.

10 MR. HILL: Sure. So just like the office area that we don't
11 currently have built -- for example, folks like Amazon and others, we
12 know that there is a light ordinance within the City that obviously we
13 have to comply with. We would typically use LED lights but some
14 large tenants have their nationally spec that they would give us that
15 we would then compare to your specific code but until we have a
16 tenant that is going to specify what those lights maybe and compare
17 that to your code, we are not planning on putting any lights out there
18 on a specular basis. We would just pave a section of the parking lot
19 without lighting.

20 COMMISSIONER ATKINS: I'm sorry. I'm sorry Commissioner
21 Mitchell.

22 COMMISSIONER MITCHELL: So -- I have no further
23 questions.

24 COMMISSIONER ATKINS: I missed the response about
25 lighting. I'm sorry. Can you --

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ATTORNEY LINDA DUNLAVY: I think the response was that it is tenant driven and they have no specific lighting plans for the parking lot and at this point, there wouldn't be any lights on the parking lot unless the tenant demands it. Is that the fair statement that you --

MR. HILL: That -- that is correct. I'm looking up the (inaudible) to the vendor to answer your previous question.

COMMISSIONER ATKINS: Commissioners, did you understand that response?

COMMISSIONER MITCHELL: Interesting.

ATTORNEY LINDA DUNLAVY: I will be more than happen to repeat it. I want Mr. Hill to confirm that, in fact, that's an accurately paraphrasing what his answer to Commissioner Mitchell was. Commissioner Mitchell asked what kind of lighting it would be on the parking lot. My understanding from Mr. Hill's response is that lighting specifications are tenant driven. They don't have any specific plans at this point in time for a particular lighting in detail and so construction of the parking lot, at this point in time, would be without any lighting. Is that a fair statement, Mr. Hill?

MR. HILL: That is correct. That's better than a paraphrase. That's better than I can say it but, yes, that's accurate.

COMMISSIONER MITCHELL: Okay. So what we're saying since it tenant driven, if this is approved, then the neighbors have no idea on the affect that lighting may have and affect the quality of life that they may have in their community until you get tenants in there.

1 Instead of being proactive and saying, these are the type of lights
2 that we will have to make sure that we do not disturb our neighbors
3 that are coming out here to support us -- because the trees will not
4 be fully grown until what, ten, fifteen, twenty years down the line so
5 it's just interesting that even though it's not required that you would
6 not come here proactively and say, look, we're gonna be good
7 neighbors. We know lighting can affect and will effect -- since it's
8 only gonna be 50 -- what you're asking is 50 buffer -- the quality of
9 life that your neighbors will have. Just interesting.

10 MR. HILL: So in my experience which we have attempted to
11 do this before, the sooner you can get any plantings in a buffer
12 related to a different neighborhood, the faster the landscaping grows
13 but specifically to your lighting question we are not -- there is not
14 going to be a tenant driven issue that is going to prohibit us from
15 keeping lights to not face the residences next door. That's a
16 reasonable request. That's what I would want if I lived in one of
17 those houses.

18 COMMISSIONER MITCHELL: You work for Duke before, you
19 said?

20 MR. HILL: Yes, sir.

21 COMMISSIONER MITCHELL: Thank you.

22 COMMISSIONER MCKNIGHT: I just --

23 COMMISSIONER ATKINS: Go ahead, Ms. McKnight.

24 COMMISSIONER MCKNIGHT: Okay. I don't -- I don't have
25 a -- it's not an actually question. It's just more of a statement, you

1 guys. So what I just wanted to make sure that it's clear and for the
2 record -- and I hope I can speak on behalf of everyone, of the other
3 Commissioners here is that, we appreciate you guys being as a
4 business in East Point. We do. And we're not being -- we have two
5 sides that we have to serve, both businesses as well as our residents,
6 right. So our biggest concern -- well, I'll speak for myself on this
7 one. My biggest concern for the residents, especially those who
8 homes, you know -- their backyard. They had this beautiful, you
9 know, trees that they were looking out on and now they'll be seeing
10 car lights and, you know -- because there's nothing that's gonna
11 protect them at all. So that's my biggest concern with how far, you
12 know -- how much more is going to be taken down from them or
13 taken away from them in terms of their privacy that they once had,
14 whether or not the buffer is just going to be enough so it's more of a
15 statement I think I really wanted to be clear because, you know, we
16 do have a lot of questions and we want to make sure that we're
17 protecting everyone, okay.

18 MR. HILL: Sure.

19 COMMISSIONER MCKNIGHT: I just wanted to let you know
20 that.

21 MR. HILL: Yeah, I mean. It came up in Work Session and
22 again, this isn't supposed to be a dialogue but I'm gonna say it
23 anyway. We had discussed with our marketing firm should we just
24 come to the City for a variance when we have the specific tenant
25 who is going to specifically locate on that property and then go

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through this variance process. The challenge is when these tenant land at Hartsfield and they do their tour, they make a decision in 30 days and you're either entitled to give them what they need or not and in our case, we have not been so we've just been cut. So we're trying to get closer to lead markets so we can get those employers in their and create the jobs.

COMMISSIONER ATKINS: I just -- I'm gonna follow back up on this parking thing and lighting. It perplexes me and if I'm being one percent honest, I think that you're not being absolutely forthright and that is concerning me because I think if I'm feeling this way as a Commissioner and I felt very portrayed when there was no discussion about the stop work order. I don't know what you're sharing with the residents there. As Commissioner McKnight just said, we want great businesses in the City of East Point. We appreciate all of our residential citizens and we appreciate all of our commercial and corporate citizens but we've got laws and we've got rules and we've got ordinances and all of those things and knowing that you want to put in -- your desire is to put in a parking lot that would accommodate 425 cars.

MR. HILL: Yes, sir.

COMMISSIONER ATKINS: You've also stated this evening that the nature of the facility that you own across the street would accommodate shift work.

MR. HILL: Yes.

COMMISSIONER ATKINS: Safety is a concern.

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MR. HILL: Yes.

COMMISSIONER ATKINS: And so to talk about a shift that would get off in the wee hours of the morning and there's no lighting in the parking lot but we can't even tell the property owners who about that land what type of lighting they might expect to experience that would affect their quality of life and in addition to the lighting, we also have to consider that you're talking about 420 vehicles. Not all of them are Hybrids, meaning that they hum, okay.

So you're talking about shift work all hours of the night, vehicles starting and shutting off and lighting and all of those things and you can't tell us about a lighting plan or the type of light that you want -- that you're proposing to use and all of those kinds of things? I feel very uncomfortable with this and the more we discuss it, I feel even more uncomfortable. I just don't think that you're sharing all of the information and I wish that you would because it would help us make a decision and as I'm sitting here looking out into the audience, I see some folks shaking their head that they don't believe you're sharing all the information either.

This is very difficult. What we try to do as a Commission -- our job is not to sit here and to make it difficult for you but let me tell you what. We do have a job and a duty to do to make sure that we're also looking out for those citizens who have been here. One resident -- Ms. Hall said she's been here 33 years. The Leslie's said that they have been here for 32 years. Mr. Crown said his family has owned that property for 90 years?

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MR. CROWN: Been about 65 or 70.

COMMISSIONER ATKINS: -- about 65 or 70 years. These are folks who have been here for a very long time. It would be remiss for us to just say, absolutely, yes, 25 foot buffer, any kind of light you want to put no kind of barrier, all of that kind of stuff. We can't do that a for the folks who have been here for a very long time and by the same token, we want to be fair to you and amenable to what you're trying to do from a business prospective but I can tell you this right here. It is very difficult to do that when I personally feel that you're not being forthright with the information.

MR. HILL: May I speak?

COMMISSIONER ATKINS: I'm telling you, it is very difficult to make a decision in your favor when I feel that you're not providing all of the information. What would you like to say?

MR. HILL: I'm sorry you feel that way, Mr. Chairman. To echo on Ms. Dunlavy's paraphrase, we're a service provider. There will be no vehicle activity on that site until we have a tenant, we submit building plans. The building plans would include whatever part of the parking lot that tenant would use. That would include the lighting plan. All of that would be submitted. The reason I cannot answer your questions in the detail you would like, you're asking me questions that would be appropriate if we had the tenant identified -- or tenants. We have all their plans. We know all their specifications and we will have it down exactly what height, light, how many lumens, the wattage, et cetera, but it is all tenant driven so I can't

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answer that. I'm not the tenant. We are trying to provide flexibility to gain tenants in there. We have not been successful today other than Walmart and we just have a small office for that. It was submitted through the City but there would be no parking -- no lighting on that site until we have a CO honest face across the street that ties to that and that's why I'm not answering your questions because I don't know the answers. I'm not trying to be untruthful.

COMMISSIONER MITCHELL: I'm being community friendly, neighbor friendly and proactive, there have been things that I've been used to once being on this Board and being as a City Council person and Mayor pro-tem for this City, I'm use to do having people come forth with full details and full information. It's gonna be some things coming before this Board that will have lighting as a part of the recommendation because the citizens have requested because it will affect the quality of life. Your job for your company and what you're trying to do is to come with us, appease the citizens. Do not affect their quality of life in a negative way and lighting will do it so you're basically saying, let's get this approved. We will put in lighting based on our tenants that are coming there. I don't buy that and I don't think that's being totally -- the best way just to say it, "friendly". You work with Duke. I work with Duke. I had a great relationship with Duke. Mr. Fann -- Commissioner Fann also has -- and we know how they come to the community trying to find a win win for both parties and not having that is really disingenuous to me, knowing what's coming before this Board with lighting involved and

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with that, Mr. Chair, I call for the question.

COMMISSIONER ATKINS: Okay. Commissioners, Commissioner Mitchell has called for the question. The motion on the floor made by Commissioner Fann is to deny. It was seconded by Commissioner Lovett. So the motion is to deny the variance. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The variance is denied, sir.

MR. HILL: Thank you for your time.

COMMISSIONER ATKINS: Thank you. Our next Agenda Item is our announcements. Any announcements?

VIII. ANNOUNCEMENTS:

MR. LEE: No.

COMMISSIONER ATKINS: Okay, from Staff. Any announcements from the Commission?

COMMISSIONER FANN: I want to make an announcement that on May the 8th, at 6:30 p.m., at the St. Stephens Missionary Baptist Church, 2670 Hogan Road, there will be a forum with the candidates that's running for the Court of Appeal, the State Court -- the Superior Court and the Magistrate Court and we're inviting everyone to come out to hear from these individuals that's running for judge so those positions are very influential and powerful

1 position, very important positions so we need to know who these
2 individuals who are trying to be judges in our County and State. So
3 that will be at 6:30 on May the 8th at St. Stephens Missionary Baptist
4 Church, 2670 Hogan Road. Thank you.

5 COMMISSIONER ATKINS: Thank you. Any other
6 announcements?

7 COMMISSIONERS: (No response.) For the record, as a
8 Commissioner, I would like to make sure if our reporter would please
9 include this in our minutes and also if Staff would you please relay
10 the information to our Interim Director of Planning & Community
11 Development, Mr. Vincent Washington, the property at 2135
12 Lawrence Avenue. The clear cutting on that property -- I do believe,
13 that the amount of clear cutting on that property is negatively
14 affecting the quality of life of those residents living along Woodberry
15 and so I don't know what the recompense would be or how the City
16 would handle that but I'd like to make sure that the director looks
17 into that and if there's something that is equitable for the residents
18 living along Woodberry as there have been so many trees cut down
19 there. All right. Thank you.

20 COMMISSIONER FANN: Mr. Chair, as an addition to that, we
21 may want to call the Georgia Department of the Natural -- for the
22 animals to just look and see -- resources to see what would the --
23 you know, the statement, coyote is seen over there -- maybe to have
24 them to come and let them see what's in those woods because they
25 may even want to trap those coyotes because we want to look out

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for the safety of the citizens of this community so if you would add that in there, Mr. Lee, so that we can make a recommendation that they look into that. Thank you.

COMMISSIONER ATKINS: Thank you. If there are no other announcements that the time -- Commissioner Lovett, you have an announcement?

COMMISSIONER LOVETT: No.

COMMISSIONER ATKINS: Okay. If there are no other announcements, at this time, I'll entertain a motion to adjourn.

IX. ADJOURNMENT:

COMMISSIONER FANN: Motion to adjourn.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MCKNIGHT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner McKnight that we adjourn our April 19, 2018 meeting. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

This meeting is now adjourned. Thank you.

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Attest:

I hereby attest that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 57 represent a true and correct transcript; that I am not in any way financially interested in the result of said case.

I am here as an independent contractor for the City of East Point, Department of Planning and Community Development.

I was contacted by the Offices of East Point, Department of Planning & Community Development to provide stenography services to take down the meeting minutes.

The foregoing Special Call Meeting for the City of East Point, Department of Planning and Community Development , on April 19, 2018 at seven o'clock P.M., were taken down by me and transcribed by me on this 3rd day of May, 2018.