

1 CITY OF EAST POINT

2 **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

3 July 21, 2016 7:00 P.M.  
4 Official Meeting Minutes

5 Jefferson Station  
6 1526 East Forrest Avenue  
7 4th Floor Council Chambers  
8 East Point, Georgia 30344

9 Board Members:

10 Commissioner Shean **ATKINS, Chair**

11 Commissioner Linda **SHELDON, Vice Chair**

12 Commissioner Joel **TUCKER, Provisional Chair**

13 Commissioner Laura **BORDERS**

14 Commissioner Gregory **FANN - Absent**

15 Commissioner Patricia **LOVETT**

16 Commissioner William **MILLER**

17 Commissioner LaJeanna **MCKNIGHT**

18 Commissioner Willard **MAXWELL**

19 Also Present:

20 Ms. Keyetta **HOLMES**  
21 Senior Planner - Absent

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

24 Willis **HATCHER**  
25 City Engineer

Ms. Linda **DUNLAVY**  
Attorney - Absent

Brad **BOWMAN**  
City Attorney

**Videographer**  
James **Hammond**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Appearances**

<u>APPLICANTS</u>	<u>PAGE</u>
2016V-006-06 TSP Parking Atlanta, LLC	11
2016V-007-06 TPS Parking Atlanta, LLC	21
2016Z-008-06 John Henderson	27
2016Z-009-06 John Henderson	30
2016U-002-06 Shawona Ingram	35
2016Z-001-01	41

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Index**

<u>Description</u>	<u>Page</u>
I. Call to Order	4
II. Roll Call	4
III. Moment of Silence	5
IV. Pledge of Allegiance	5
V. Adoption of Agenda	5
VI. Approval of June 16, 2016 Minutes	6
VII. Executive Session	6
VIII. New Business	11
IX. Announcement	48
X. Adjournment	49

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**I. CALL TO ORDER:**

COMMISSIONER ATKINS: Good evening, ladies and gentlemen. I'm Shean Atkins, and I'm the Chair of the East Point Planning & Zoning Commission and, at this time, we are just beyond the 7 o'clock hour so I'm officially calling the meeting to order. This is our regularly scheduled meeting for the month of July. At this time, I'd like for Staff to call the Roll to establish a quorum.

**II. ROLL CALL:**

MS. BLATCH: Commissioner Lovett.  
COMMISSIONER LOVETT: Here.  
MS. BLATCH: Commissioner Borders.  
COMMISSIONER BORDERS: Here.  
MS. BLATCH: Commissioner Miller.  
COMMISSIONER MILLER: (No response.)  
MS. BLATCH: Commissioner Fann.  
COMMISSIONER FANN: (No response.)  
MS. BLATCH: Commissioner Atkins.  
COMMISSIONER ATKINS: Present.  
MS. BLATCH: Commissioner Tucker.  
COMMISSIONER TUCKER: Here.  
MS. BLATCH: Commissioner Sheldon  
COMMISSIONER SHELDON: Here.  
MS. BLATCH: Commissioner McKnight.  
COMMISSIONER MCKNIGHT: Here.  
MS. BLATCH: Commissioner Maxwell.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER MAXWELL: Here.

MS. BLATCH: Mr. Chair, you have a quorum.

COMMISSIONER ATKINS: Okay. And we've also been joined by my colleague to my right. Mr. Will Miller has also joined us so please mark him a present as well.

COMMISSIONER MILLER: Here.

COMMISSIONER ATKINS: Thank you. At this time, I'd like to take a Moment of Silence in lieu of the prayer. There is so much that we have to be silent about, at this time, but not so silence at others.

**III. MOMENT OF SILENCE:**

COMMISSIONER ATKINS: Okay. Thank you. If you would please stand and join me for a Pledge of Allegiance.

**IV. PLEDGE OF ALLEGIANCE:**

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

**V. ADOPTION OF AGENDA:**

COMMISSIONER SHELDON: So move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by by Commissioner Lovett that we adopt the agenda a present. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER ATKINS: Hearing none, the ayes have it.  
Our agenda is adopted. Commissioners, at this time, I'll entertain a  
motion to approve our June 16, 2016 meeting minutes.

**VI. APPROVAL OF THE JUNE 16, 2016 MINUTES:**

COMMISSIONER MILLER: Motion to approve.  
COMMISSIONER ATKINS: Is there a second.  
COMMISSIONER MAXWELL: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner  
Miller, seconded by Commissioner Maxwell that we approve our June  
16, 2016 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.  
COMMISSIONER ATKINS: All opposed sound nay.  
COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.  
Our June 16, 2016 meeting minutes are approved. Commissioners,  
the next item on our agenda is an Executive Session. At this time, I'll  
entertain a motion to recess until Executive Session.

**VII. EXECUTIVE SESSION:**

COMMISSIONER TUCKER: So moved.  
COMMISSIONER ATKINS: Is there a second?  
COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner  
Tucker, seconded by Commissioner Lovett -- Commissioner Borders,  
I'm sorry, seconded by Commissioner Borders that we recess until  
Executive Session. All in favor sound aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

At this time, we will recess into Executive Session to discuss one item of litigation. There will be no official action taken in Executive Session. Upon the conclusion of our Executive Session, we will come back to reconvene the regularly scheduled Planning & Zoning meeting. We are now in recess.

(Whereupon the City of East Point Planning and Zoning Commission meeting for July 21, 2016 is now in recess and off the record.)

COMMISSIONER ATKINS: Commissioners, at this time, I'll entertain a motion to reconvene to our regularly scheduled July Planning & Zoning Commission meeting.

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second.

COMMISSIONER MAXWELL: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Maxwell that we reconvene back into our regularly scheduled Planning & Zoning Commission meeting. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER ATKINS: Hearing none, the ayes have it.  
Our meeting is back in session.

(Whereupon the City of East Point Planning and Zoning  
Commission meeting for July 21, 2016 is now back in session and on  
the record.)

COMMISSIONER ATKINS: Commissioners, at this time, I'll  
entertain a motion to approve our minutes, our Executive Session  
meeting minutes.

COMMISSIONER BORDERS: So moved.

COMMISSIONER ATKINS: Is there a second.

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner  
Borders, seconded by Commissioner Lovett that we approve our  
Executive Session meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.  
Our Executive Session meeting minutes are approved. We'll now  
move into New Business. For those who are here this evening and  
for in this viewing public, all of our Agenda Item this evening do  
require a public hearing. At this time, I'll read the rules for a public  
hearing. They will apply to all of our cases.

(Whereupon the City of East Point Rules for Public Hearings  
are read into the record.)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER ATKINS: Public hearing before the Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Zoning Code and Development Regulations as follows: Persons both favoring and opposing the proposed case will be provided an opportunity to address the Commission.

The applicant for the zoning case or the applicant's 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 case 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 provide that each side is given the same amount of time. If there is more than one speaker for a side, the Chair or the presiding officer 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 allotted time for rebuttal.

Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall state his or her first name and -- first and last name and current address. Each speaker shall speak only to the merits of the proposed zoning case under consideration, shall address remarks to the Commission only and shall refrain from making personal attacks on any other speaker.

The presiding officer may refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate the rules of decorum.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

You've heard our rules for public hearings. At this time, I'd ask Staff to please sound our first Agenda Item.

MS. BLATCH: Case Number 2016V-006-06, applicant is TPS Parking Atlanta, LLC. The location is 2741 Camp Creek Parkway. They're seeking a three-part electrified fence variance to reduce the vegetative buffer, vegetative screen and a minimum setback.

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

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Miller that we open 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. The public hearing is now opened. Is the applicant present?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay. If you would please approach the podium and state your first and last name and your current address.

(Whereupon the Applicant Kathryn Hauck approaches the

1 podium.)

2 **VIII. NEW BUSINESS:**

3 MS. HAUCK: Ladies and gentlemen, I'm Kathryn Hauck. I'm  
4 with DLA Piper and I am an advocate on behalf of the applicant,  
5 which is TPS Parking Atlanta, LLC.

6 COMMISSIONER ATKINS: Your address, also.

7 MS. HAUCK: Oh, the address, excuse me, and my address is  
8 1201 West Peachtree Street, Suite 28, Atlanta, Georgia 30309 and we  
9 are here -- let's see, and with me is the vice president of the  
10 applicant, Josh Worthman, who will also -- I think will limit the  
11 comments to me but, in the event -- well, I'll pull in Josh to speak as  
12 appropriate and permitted by the Commission. May we begin, oh,  
13 okay. Excellent. All right.

14 Members of the Commission, I thank you for your time this  
15 evening. As mentioned, we are looking for a variance under Section  
16 10-2093.2, the electrified fences ordinance under items four, five,  
17 ten, respectively, the vegetative buffer adjacent to our residential  
18 property, the five foot vegetative scene required adjacent to a public  
19 right-of-way and the minimum twenty-five feet setback requirement  
20 from the property line where the property is adjacent to a residential  
21 zone.

22 Members of the Commission, the mission statement that I  
23 have or the theme that I want to pass along tonight in your  
24 consideration is that good fences make good neighbors. The issue  
25 that we are experiencing on the property is that -- because of the

1 location that there's a pervasive amount of trespassers and vandalism  
2 that occurs and despite numerous attempts, costs and resources  
3 devoted to try and secure the property to eliminate this condition of  
4 folks who are cutting through the applicant property and to access  
5 the Marta stop or other locations or committing acts of vandalism --  
6 the use of the property is for an affordable cost-effective car storage  
7 area for those folks that are trying to use the airport and so they  
8 store their car and so there's a great deal of theft with consumers or  
9 customers of my client, who owns these two facilities.

10 The two facilities are located at 2741 Campcreek Parkway  
11 and 3600 North Desert Drive. We are asking with respect to the  
12 Campcreek Parkway, which --

13 COMMISSIONER ATKINS: I just want to be clear we can only  
14 speak to one of them at a time because we would have to formally  
15 open the public hearing for the other one --

16 MS. HAUCK: Yes.

17 COMMISSIONER ATKINS: -- so just only deal with Case  
18 Number 2016 "V" as in Victor-006-06, which is 2741.

19 MS. HAUCK: Yes, thank you.

20 COMMISSIONER ATKINS: Okay.

21 MS. HAUCK: Okay. In this instance, let's speak 2741  
22 Campcreek Parkway, which I have up here. On this property, we're  
23 seeking concurrent three-part variance and the areas that we are  
24 wanting to -- I'll handle the first item, which is the reduction in the  
25 five foot vegetative buffer, where it's next to a residential zone. The

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

areas that I'll highlight are -- as you can see, it's residential up here and we have residential down here. We have a fence that goes on our property line here but because of the location of the fence that we can't to construct, the electrified fence, it's not likely that we'll be able to accommodate in a normal way that we've interpret the zoning ordinance of needing a visible barrier that separates the use of the commercial use from the residential adjacent property.

However, this is very one-dimensional to look at and these are approximations of surveys performed on the property previously but -- let's see, here we go. I want you to look at the fence here that we have and on there property, there's actually a powerline that runs across here on the residential property, which sort of creates a natural buffer which I think will compliment the -- and serve the purpose of the vegetative buffer.

The other issue is that we're asking for the twenty-five minimum setback when it's adjacent and here, if you can notice the treeline here, the curves, we think we're in compliance but that's -- we're serving the purpose of having a buffer barrier between the uses. The issue would be with the setback there, too. And then also on the right-of-way, which we do not have to worry on that side because that is College Park but on the Washington Road right-of-way, there's a section here where it's cleary and we are concerned that once the fence is constructed, we won't have the full 5-Feet of a vegetative -- pull of plants, shrubs, et cetera, to be able to strictly comply with the ordinance as drafted but I will mention

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

that the fence, once it's constructed, will be far enough and the road dips such that the aesthetic or the agenda of the zoning ordinance to create a buffer between the uses and to create space. We'll still -- the purposes of separating the uses will still be served under the ordinance. Let's see. The fact-finding that you have to do here in order to to approve the variance -- I'll give you those arguments.

The strict compliance of the zoning ordinance as drafted, we are going to be deprived of our ability to have our fence constructed and in a manner that will allow us to have the full use and protect our commercial interest there so not have that privilege is depriving us of our rights that would be afforded to similar property owners.

Let's see. If the committee decides to grant us relief, it will not be a substantial detriment to the public welfare because, as I mentioned good fences make good neighbors. My understanding from my client is that other neighbors have requested that the fence be extended or constructed in a manner so it would protect from vandals and trespassers cutting through their property, penetrating the fence on our client's property and such that if the fence was constructed as an electric fence, then that would serve as a deterrent from further trespass and vandalistic acts.

So unless the committee would like to pose any other questions, I think I'll just respond to that as far as -- with respect to this property.

COMMISSIONER ATKINS: There are no questions from the Commission in this public hearing. Questions would come

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

afterwards.

MS. HAUCK: Okay, sorry.

COMMISSIONER ATKINS: Okay.

MS. HAUCK: Is there anything you'd want to say. Let me add that the Staff analysis that was issued, recommended that we be approved so I think that that's the best argument that we can make here is that the Staff of the Zoning and Planning Department actually has done an on-sight inspection; has looked at the property; has looked at the pictures and plans submitted -- understands the objective of the applicant and, therefore, they have -- they're opinion is the best opinion we can vouch for that this is a worthwhile step and will not be detrimental to the public.

I think that's what I'll say for the 2741 property.

COMMISSIONER ATKINS: Okay. Are there any other proponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: I would like to.

COMMISSIONER ATKINS: Okay. Are you here to speak for the zoning case?

AUDIENCE: I'll speak for but I have a comment or two.

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

(Whereupon the proponent Jacquelyn Richards approaches the podium.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. RICHARDS: Okay, my name is Jacquelyn Richards. I live at 3649 Calmer Circle. I don't have a problem at all with the fence, not at all but I want to assure you one thing, please do not put any debris or construction material on my property. My property is the first properties you come you that has the kudzu on the back going north. Okay. I have had problems with people dumping debris on my property so that's the main thing. I do not have a problem with it but please do not dump anything on my property.

COMMISSIONER ATKINS: You have to direct your comments to the Commission.

MS. RICHARDS: Oh, sorry.

COMMISSIONER ATKINS: You cannot direct them to other speakers, okay.

MS. RICHARDS: Yes, okay. Thank you. That's all I wanted, thank you.

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents to speak to the zoning case?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Okay. Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER MILLER: Motion to close.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Lovett 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. The public hearing is now closed. Staff, would you please sound your recommendation and just to be clear, we will take it into consideration and that's the best that I say.

MS. BLATCH: Case Number 2016V-006-06, Staff recommend approval of Concurrent Variance Part One to reduce the 5-Foot vegetative buffer required when adjacent to a residential zoned property as required within Section 10-2093 (2) (b) 4; Staff recommends approval of Concurrent Variance Part Two to reduce the five foot vegetative scene required when adjacent to the public right-of-way as required within Section 10-2093.2 (b) (5); Staff recommends approval of Concurrent Variance Part Three to reduce the minimum setback of twenty-five feet from all parameter property

1 line when adjacent to residential zoning district as required within  
2 Section 10-2093.2 (b) 10.

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

6 COMMISSIONER TUCKER: Mr. Chair.

7 COMMISSIONER ATKINS: Yes, Commissioner Tucker.

8 COMMISSIONER TUCKER: I would make a motion to prove  
9 with Staff's recommendation.

10 COMMISSIONER SHELDON: Point of order. Do we need to  
11 do these separately or -- they are Concurrent Variances. Is it best  
12 that we --

13 COMMISSIONER TUCKER: She's got a three-part.

14 COMMISSIONER ATKINS: Okay.

15 COMMISSIONER SHELDON: Just do it all --

16 COMMISSIONER ATKINS: Yes, all at once because of they're  
17 concurrent. It's a three-part, yes. Okay, Commissioner Tucker, can  
18 you please state your motion again.

19 COMMISSIONER TUCKER: Motion to approve.

20 COMMISSIONER ATKINS: Okay. Is there a second?

21 COMMISSIONER SHELDON: Second.

22 COMMISSIONER ATKINS: And is that with Staff's  
23 recommended conditions?

24 COMMISSIONER TUCKER: Yes, sir.

25 COMMISSIONER ATKINS: Okay. Commissioner Tucker says

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

that his motion is approve with Staff's recommended conditions and Ms. Sheldon, was your second --

COMMISSIONER SHELDON: There aren't any conditions.

COMMISSIONER ATKINS: Oh, you know what, they're reading their approval, the three-parts, and I'm thinking conditions. There are no conditions okay. Is there any discussion.

COMMISSIONER BORDERS: Yes, Mr. Chair, I make a motion for discussion.

COMMISSIONER ATKINS: Commissioner Borders.

COMMISSIONER BORDERS: Question for Staff, it's two parts. On number three, Part Three, to reduce minimum setback twenty-five feet, does that mean that it would be reduced to zero in all places or would it depend on the area; that's the first question; and seconded by, could you take us through why you recommended approval of a variance in each of the sections from our existing ordinances, please, yes, the three variances?

MS. BLATCH: Staff did make an on-sight visit and also we researched there was a previous zoning case for this particular property, where there was a requirement of a one-hundred foot buffer to protect the residential. We do see where the particular buffer still exists to this day.

On the other side of the property where there are subsequent residential properties -- if this is the I'm thinking -- they have two. They directly abut the residential. There is vegetation there. It's very sparse. To put any additional vegetation there would impede

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

and would actually go onto the residential properties that are currently there within the requirement that we have so that's the information that we could see as much as we could as far as when we visited the property, we also researched it with Google Maps to be able to see an area of that particular property and that was the best assessment that we saw to validate their request.

COMMISSIONER ATKINS: Okay. Commissioner Borders, any other questions.

COMMISSIONER BORDERS: Yes, this is on variance Number Three it reduces the minimum setback of twenty-five feet, Part Three? Does it mean it automatically goes to zero?

MS. BLATCH: That is correct.

COMMISSIONER BORDERS: Thank you.

COMMISSIONER ATKINS: Are there any other questions of the Commission?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, at this time, there's a motion to approve by Commissioner Tucker, a seconded by Commissioner Sheldon. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We will -- this item is approve -- we will recommend -- this item is approved. Thank you. Our next Agenda Item is 2016 "V" as in

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Victor-007-06, Staff would you please sound the Agenda Item.

MS. BLATCH: Case Number 2016V-007-06, applicant is TPS Parking Atlanta, LLC. The address is 3600 North Desert Drive. They're seeking a 2-Part electrified fence variance -- excuse me, to reduce the vegetative scene and minimum setback.

COMMISSIONER ATKINS: Okay. Commissioners, at this time, I'll entertain a motion to open the public hearing.

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Borders that we open the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing the ayes have it. The public hearing is now opened. Is the applicant present.

MS. HAUCK: Yes, we are.

COMMISSIONER ATKINS: Would you please step to the podium. State your first and last name and your address.

(Whereupon Applicant Kathryn Hauck approaches the podium.)

MS. HAUCK: I'm Kathryn Hauck. I'm from DLA Piper and I am the representative on behalf of TPS Parking Park Atlanta, LLC and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

with me is Josh Worthman, who is vice president of TPS Parking Atlanta, LLC, the operating member of the TPS Parking, the applicant and our address is let's see, 1201 West Peachtree Street, Suite 2800, Atlanta, Georgia 30309.

MS. HAUCK: Members of the Commission, again, on this property, this is 3600 North Desert Drive. We are seeking a 2-Part Concurrent Variance and that is under items five and ten of Section 10-93.1 under electrified fences. We would like to erect an electric fence behind the existing non-electrified fence that on and affects the property as an additional security measure to protect from a problem of trespassers and vandals entering the property and committing sometimes acts of theft and vandalism.

The problem is pervasive. It's been an issue of hardship and it is adversely impacts the business that is an airport cost-effective parking solution. The two variances is a reduction in the five foot vegetative buffer that is required between the fence and a public right-of-way. In this case, members of the Commission, we are talking about North Desert Drive, which moves along here the public right-of-way and then our property line in black and then we're also seeking, in an instance in the northwest -- excuse me, the southeastern corner of the property here where it's not a current expense but there will be, in looking at this depiction here, where we propose to put the fence.

A small portion -- once that fence is erected to cover our bases and take a look at the situation to make sure that when we

1 erect the fence, it may or may not interfere with that setback  
2 requirement but we'll be able to comply with the ordinance. On the  
3 right-of-way, couple things I want to mention. We refer to these  
4 parking spaces as Parking Lot E, D and C. The reduction in the five  
5 foot vegetation, the smallest reduction is about 1.25 feet; in other  
6 words, our -- the vegetative area that we're seeking to reduce at the  
7 smallest level is about one and a half feet and then it's about four to  
8 5-Feet here and then increases here. And now, what I'm saying is  
9 that within -- from our property line within, there is an area that  
10 would constitute likely more than four or 5-Feet, but it's not a  
11 thickness of a visual barrier that constitutes the four to 5-Feet that  
12 is -- or the 5-Feet that would be required under the ordinance.

13 Accordingly, we're seeking a variance under that so that we  
14 can comply but do look at the pictures and I think that the Staff  
15 analysis will witness to this, too. You can see to knows of foliage  
16 that moves along in between these lots and causing a clear distinct  
17 barrier that sets the fence apart from the right-of-way so it's not  
18 encroaching on the right-of-way and separates those two  
19 components so I think that the message is the same. We only want  
20 to be able to secure our property, protect our business and protect --  
21 and be a good neighbor and we want to -- we spend about \$200,000  
22 currently in trying to mitigate and use traditional security measures  
23 and yet the problem persists so we're looking for approval of the  
24 variance and the last point I'm mention, of course, is that the Staff  
25 has been on site, has looked at this property and the foliage and

1 have recommended approval with no conditions on both instances,  
2 both Concurrent Variance and we feel that the you unique nature and  
3 structure of the property that the objective of the ordinance to  
4 separate those uses and property one man's liberties from interfering  
5 with another's is protected by the nature of the property as it is and  
6 once the fence is constructed and other than these variances, we  
7 think was the electric fence, our plans for will comply with the  
8 electrified fence ordinance in all respects and I think that would be it.  
9 Do you have anything you want to add?

10 MR. WORTHMAN: That's it.

11 MS. HAUCK: Okay, great. That will be all from us. Thank  
12 you very much.

13 COMMISSIONER ATKINS: Thank you. Are there any other  
14 proponents here to speak to this zoning case?

15 AUDIENCE: (No response.)

16 COMMISSIONER ATKINS: Any other proponents?

17 AUDIENCE: (No response.)

18 COMMISSIONER ATKINS: Any other proponents?

19 AUDIENCE: (No response.)

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

22 AUDIENCE: (No response.)

23 COMMISSIONER ATKINS: Any opponents?

24 AUDIENCE: (No response.)

25 COMMISSIONER ATKINS: Seeing none, Commissioners, at



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

this time, I'll entertain a motion to close the public hearing.

COMMISSIONER BORDERS: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER ATKINS: It's been moved by Commissioner Borders, seconded by Commissioner Maxwell 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. The public hearing is now closed. Staff, would you please sound your recommendation.

MS. BLATCH: Case Number 2016V-007-06, location 3600 North Desert Drive. Staff recommends approval of Concurrent Variance Part One to reduce the 5-Foot vegetative scene when adjacent to the public right-of-way as required within Section 10-2093.3 (b) (5). Staff recommends approval of Concurrent Variance Part Two to reduce minimum setback of twenty-five feet from all parameter lines when adjacent to residential zoning district as required within Section 10-2093.2 (b) (10).

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

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Commissioner Tucker.

1 COMMISSIONER TUCKER: Case Number 2016V-007-06, I  
2 make a motion to approve.  
3 COMMISSIONER ATKINS: Okay. Is there a second?  
4 COMMISSIONER BORDERS: Second.  
5 COMMISSIONER ATKINS: It's been moved by Commissioner  
6 Tucker, seconded by Commissioner Borders. Is there any discussion?  
7 COMMISSIONERS: (No response.)  
8 COMMISSIONER ATKINS: Hearing none, all in favor sound  
9 aye.  
10 COMMISSIONERS: Aye.  
11 COMMISSIONER ATKINS: All opposed sound nay.  
12 COMMISSIONERS: (No response.)  
13 COMMISSIONER ATKINS: Hearing on, the ayes have it. This  
14 Agenda Item is approved. Thank you.  
15 MS. HAUCK: Thank you.  
16 COMMISSIONER ATKINS: Staff, would you please sound  
17 your next Agenda Item.  
18 MS. BLATCH: Case Number 2016Z-008-06, the Applicant John  
19 Henderson, address 2361 Jefferson Terrace, seeking a rezoning from  
20 R1A Urban Residential to R2, Two Family Residential.  
21 COMMISSIONER ATKINS: Commissioners, at this time, I'll  
22 entertain a motion to open the public hearing.  
23 COMMISSIONER SHELDON: So moved.  
24 COMMISSIONER ATKINS: Is there a second?  
25 COMMISSIONER MILLER: Second.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Miller that we open 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. The public hearing is now open. Is Mr. Henderson here this evening?

AUDIENCE: I'm John Henderson.

(Whereupon Applicant John Henderson approaches the podium.)

COMMISSIONER ATKINS: Okay. Step to the podium, state your first and last name and your address.

MR. HENDERSON: Name is John Henderson, address is 2860 Webb Bridge Road, that's in Alpharetta, Georgia 30009 and I am the applicant and basically what we have here is a building that was built as a duplex originally and it's been empty for quite a long time as under bad disrepair as many of the people who are come out to see it or well aware of it and basically I'm putting in an application to get it rezoned back to a duplex zoning from R-1A to an R-2 and we have two properties there together and we're gonna be completely remodeling things and re- renting them again and gonna make them nice. Quite frankly, their an eyesore to the community right now and I don't do things halfway so it's gonna add value not only to the property but to the neighborhood also because right now, it's -- the

1 next door neighbor wants to sell his house and this property sitting  
2 next to it does not help that very much so it's gonna help everyone in  
3 the neighborhood and provide some affordable housing for rent in  
4 the area.

5 COMMISSIONER ATKINS: Thank you Mr. Henderson. Are  
6 there any other proponents here to speak to this zoning case?

7 AUDIENCE: (No response.)

8 COMMISSIONER ATKINS: Any other proponents?

9 AUDIENCE: (No response.)

10 COMMISSIONER ATKINS: Any other proponents?

11 AUDIENCE: (No response.)

12 COMMISSIONER ATKINS: Any there any opponents here to  
13 speak to this zoning case?

14 AUDIENCE: (No response.)

15 COMMISSIONER ATKINS: Any opponents?

16 AUDIENCE: (No response.)

17 COMMISSIONER ATKINS: Any one to speak against the  
18 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 MILLER: Make a motion to close the public  
23 hearing.

24 COMMISSIONER ATKINS: Is there a second?

25 COMMISSIONER BORDERS: Second.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Borders 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. The public hearing is now closed. Staff, would you please sound your recommendation.

MS. BLATCH: In Case Number 2016Z-008-06, address 2361 Jefferson Terrace, Staff recommends approval of the rezoning from R-1A Urban Residential to R-2, Two Family Residential with following conditions: Property must be readdressed. Once new addresses are assigned, the owner will be required to post the property in accordance with Chapter 8, Section 10-8003. The shared driveway shall be repaved in accordance with Part 10, Chapter 2, Article E, Off-street Parking. Property shall be replumbed for two separate water services and two meters.

COMMISSIONER ATKINS: Thank you, Staff. Commissioner, you've heard from the applicant, you've heard Staff's recommendation. At this time, I'll entertain a motion. Please remember to state your motion in the form of a recommendation.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: On this particular Case Number,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I move that we recommend approval with with Staff's condition as previously stated.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Borders that we approve and include Staff's recommendations. Any discussion.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, all in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We will recommend approval for there zoning case. Staff, would you please sound the next Agenda Item.

MS. BLATCH: Case Number 2016Z-009-06, Applicant John Henderson, address 2369 Jefferson Terrace. He's seeking to rezone from R-1A Urban Residential, to R-2, Two Family Residential.

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

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Sheldon, seconded by Commissioner Miller that we open the public hearing for Case Number 2016 "Z" as in zebra-009-06. 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 Mr. Henderson here this evening?

MR. HENDERSON: I am.

COMMISSIONER ATKINS: Would you please state your first and last name and your current address.

MR. HENDERSON: John Henderson, address is 2860 Webb Bridge Road, that's in Alpharetta, Georgia 30009. I'm applying for rezoning from R-1A to R-2. The was built as a duplex. It's always been a duplex. It was part of the area of East Point long ago that was rezoned all single familiar. It's been empty for awhile so it has not had any utilities so it was not grandfathered so I have to do the rezoning and like the other building, it's an eyesore to the neighborhood. It will be an upgrade -- anything would be an upgrade probably at this point but we're gonna make it very nice, provide affordable housing and increase property values which, you know -- so hopefully increase the tax base as well for East Point.

COMMISSIONER ATKINS: All right. Thank you, Mr. Henderson.

MR. HENDERSON: Thank you.

1 COMMISSIONER ATKINS: Are there any other proponents  
2 here to speak to this zoning case?  
3 AUDIENCE: (No response.)  
4 COMMISSIONER ATKINS: Any other proponents?  
5 AUDIENCE: (No response.)  
6 COMMISSIONER ATKINS: Any other proponents?  
7 AUDIENCE: (No response.)  
8 COMMISSIONER ATKINS: Are there any opponents here to  
9 speak to the zoning case?  
10 AUDIENCE: (No response.)  
11 COMMISSIONER ATKINS: Any opponents?  
12 AUDIENCE: (No response.)  
13 COMMISSIONER ATKINS: Seeing none, Commissioners, at  
14 this time, I'll entertain a motion to close the public hearing.  
15 COMMISSIONER BORDERS: So moved.  
16 COMMISSIONER ATKINS: Is there a second?  
17 COMMISSIONER MILLER: Second.  
18 COMMISSIONER ATKINS: It's been moved by Commissioner  
19 Borders, seconded by Commissioner Miller that we close the public  
20 hearing. All in favor sound aye.  
21 COMMISSIONERS: Aye.  
22 COMMISSIONER ATKINS: All opposed sound nay.  
23 COMMISSIONERS: (No response.)  
24 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
25 The public hearing is now closed. Staff, would you please sound



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

your recommendation.

MS. BLATCH: In Case Number 2016Z-009-06, address 2369 Jefferson Terrace, Staff recommends approval of the rezoning from R-1A Urban Residential to R-2, Two Family Residential with the following conditions: Property must be readdressed. Once new addresses are assigned the owner will be required to post the property in accordance with Chapter 8, Section 10-8003. The shared driveway shall be repaved in accordance with Part 10, Chapter Two, Article E, Off-street Parking. Property shall be replumbed for two separate water services and two meters.

COMMISSIONER ATKINS: Commissioners, you've heard from the applicant, you've also heard Staff's recommendation. At this time, I'll entertain a motion. Please remember to state your motion in this form of a recommendation.

COMMISSIONER BORDERS: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Borders,

COMMISSIONER BORDERS: I recommend that in Case 2016Z-009-06 that we recommend approval.

COMMISSIONER MAXWELL: I second the motion.

COMMISSIONER ATKINS: Is that with Staff's conditions?

COMMISSIONER BORDERS: With Staff's condition, please.

COMMISSIONER ATKINS: Mr. Maxwell, does your second still stand?

COMMISSIONER MAXWELL: Yes.

COMMISSIONER ATKINS: Okay. There's a motion on the

1 floor to recommend approval with Staff's conditions by Commissioner  
2 Borders and it's seconded by Commissioner Maxwell. Any discussion?  
3 AUDIENCE: (No response.)  
4 COMMISSIONER ATKINS: Hearing none, all in favor sound  
5 aye.  
6 COMMISSIONERS: Aye.  
7 COMMISSIONER ATKINS: All opposed sound nay.  
8 COMMISSIONERS: (No response.)  
9 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
10 The Commission recommends approval.  
11 MR. HENDERSON: Okay.  
12 COMMISSIONER ATKINS: Thank you, Mr. Henderson.  
13 MR. HENDERSON: Thank you. Staff, please sound your next  
14 Agenda Item.  
15 MS. BLATCH: Case Number 2016U-002-06, applicant is  
16 Shawona Ingram, address 2892 East Point Street. She's seeking a  
17 Special Use Permit for a Child Daycare Center Large.  
18 COMMISSIONER ATKINS: Okay. Commissioners, at this  
19 time, I'll entertain a motion to open the public hearing.  
20 COMMISSIONER TUCKER: So moved.  
21 COMMISSIONER ATKINS: Is there a second?  
22 COMMISSIONER SHELDON: Second.  
23 COMMISSIONER ATKINS: It's been moved by Commissioner  
24 Tucker, seconded by Commissioner Sheldon that we open the public  
25 hearing. All in favor sound aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now opened. Is Ms. Ingram present this evening?

AUDIENCE: Yes, I am present.

COMMISSIONER ATKINS: Please step to the podium, state your first and last name and your current address and remember to speak into the microphone.

(Whereupon Applicant Shawona Ingram approaches the podium.)

MS. INGRAM: Good afternoon everyone. My first name is Shawona, last name is Ingram. My address is 2052 Bent Creek Way, Southwest Atlanta, 30311. I am the applicant and the owner. The property address is 2892 East Point Street.

COMMISSIONER ATKINS: Present your case, Ms. Ingram.

MS. INGRAM: I present my case to Council tonight to ask for -- let me give background information first -- first to establish a daycare service at the proposed address. Operate-N-Excellence has been in business since 2012. Currently, the business resides at my home. I am a previous educator who have worked in the environment of private schools and public schools. I decided to leave working in the classrooms setting and started from home. As I said, currently, I'm working from home. I have a waiting list at this time

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

and I have been looking for a location and the proposed address, I went there to see and I thought that it will be the ideal place and location for Operate-N-Excellence and in researching and submitting the application, it was submitted to East Point and it was denied. So once I received the Staff's analysis, I came back and presented some recommendation for the property.

Here, I have tonight, is a letter from the owner of the property and a revised site plan.

Okay. Everyone has one? Okay, all right. What you have before you is the letter that I'm presenting tonight and this is the letter that I -- once I reviewed the denial, I went to the property itself and to see exactly the denial and once I spoke to the owner, which is Mr. White, he stated that he was open and agreed that if the fence is removed, it will allow traffic to move forward and to move exiting on that property and on the second street is the revised site plan and I still left on the right side was put on there, the fence. If you consider and allow the fence to be removed, then it will allow an enter and to exit on that property and also on the back parking lot, I also put the normal -- I'm not for sure whether you know a two-way entering and exit on the normal road, the measurement is 20 feet and on this entering and exiting, it is 22 feet and that back parking lot, the square footage of it is 3,337 square footage and the normal parking space -- for a normal parking space it's usually eight and a half and it does fit that criteria.

COMMISSIONER ATKINS: We wouldn't have questions.

1 MS. INGRAM: You don't have any questions.

2 COMMISSIONER ATKINS: No, we won't have questions. It's  
3 a public hearing, Ms. Ingram.

4 MS. INGRAM: Okay.

5 COMMISSIONER ATKINS: And it's your opportunity to  
6 present.

7 MS. INGRAM: Okay, okay, thank you. I also want to mention  
8 a background information about Operating-N-Excellence Christian  
9 Academy. We're not just a preschool childcare center. Being in the  
10 education field, our mission statement is the teach the whole child  
11 beyond academics. It's so important in this day of time that, at an  
12 early age, that you have to -- I child has to be well-balanced and  
13 groomed and taught and our business, what we offer that -- we offer  
14 beyond academics. We also meet the needs as far as the social,  
15 physical and emotional development of children and I think that it's  
16 so imperative in this generation and I ask that you consider the  
17 recommendation and allow the preschool to be there at 2892 East  
18 Point Street.

19 COMMISSIONER ATKINS: Thank you, Ms. Ingram. Are there  
20 any other proponents here to speak to this zoning case?

21 AUDIENCE: (No response.)

22 COMMISSIONER ATKINS: Any other proponents?

23 AUDIENCE: (No response.)

24 COMMISSIONER ATKINS: Any other proponents?

25 AUDIENCE: (No response.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER ATKINS: Seeing none, are there any opponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

AUDIENCE: (No response.)

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

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Borders 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. The public hear is now closed. Staff, would you please sound your recommendation.

MS. BLATCH: In Case Number 2016U-002-06, address 2892 East Point Street, Staff recommends denial of the Special Use Permit application for a Child Daycare Center Large at this location.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard from the applicant, you've also heard Staff's recommendation. At this time, I'll entertain a motion. Please remember to make your

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

motion in a form of a recommendation. Let's not all speak at once, Commissioners.

COMMISSIONER BORDERS: Mr. Chairman.

COMMISSIONER ATKINS: Yes, Commissioner Borders. In this case, 2016U-002-06, I recommend denial.

COMMISSIONER ATKINS: Okay. There's a motion on the floor to deny. Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Borders, seconded by Commissioner Tucker that we recommend denial. Any discussion?

COMMISSIONER BORDERS: Yes, I would like to make a comment if I may please.

COMMISSIONER ATKINS: Sure, absolutely, Commissioner Borders.

COMMISSIONER BORDERS: Ma'am, I appreciate the effort that you've put you into this. One of the things that concerns me in your most recent drawing is you have expanded your parking spaces and eliminated your playground area. Perhaps, this is on oversight and you still have a playground area here? But I think in overall -- and I see your egress and egress and so forth. This is a very business intersection. It's Main Street, Dorsey and East Point Street and being able to see clearly where children can exit cars, enter the building and then get to their playground and so forth in this busy area and you are sharing with another business, would be our

1 primary motivator in making sure that we're looking out for the  
2 safety of the children and I appreciate all the effort you put into your  
3 application.

4 MS. INGRAM: Okay.

5 COMMISSIONER ATKINS: Any other comments?

6 COMMISSIONERS: (No response.)

7 COMMISSIONER MAXWELL: I have watched the same  
8 situation. I hope you will not stop but I would bring it back -- get the  
9 drawings so we can see something so we can see exactly, you  
10 know -- and be assured that the kids are safe. That's the most  
11 priority that I think we have at this time.

12 COMMISSIONER ATKINS: Thank you, Commissioner  
13 Maxwell. Any other questions or comments?

14 COMMISSIONERS: (No response.)

15 COMMISSIONER ATKINS: There's a motion to recommend  
16 denial by Commissioner Borders, seconded by Commissioner Tucker  
17 all in favor sound aye.

18 COMMISSIONERS: Aye.

19 COMMISSIONER ATKINS: All opposed sound nay.

20 COMMISSIONERS: (No response.)

21 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
22 Our recommendation is to deny. Sorry, Ms. Ingram.

23 MS. INGRAM: Thank you.

24 COMMISSIONER ATKINS: Okay. Commissioners, you would  
25 you please sound the next Agenda Item -- that would not be us, that



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

would be Staff. Staff, would you please sound the next Agenda Item.

MS. BLATCH: Case Number 2016Z-001-01. It's a rezoning from I-1, Light Industrial to I2 Heavy Industrial with an associated Text Amendment to the future development patterns with the associated various addresses that are associated within that request.

COMMISSIONER ATKINS: Okay. Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2016 "Z" as in zebra-001-01.

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: There's a motion by Commissioner Miller, seconded by Commissioner Sheldon to open 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. The public hearing is now open. The applicant, in this zoning case is Staff. Would you please state your first and last name and your current address.

STAFF: Angela Blatch, 1526 East Forrest Avenue, East Point, Georgia, 30344.

COMMISSIONER ATKINS: Thank you.

STAFF: Again, this is a rezoning of various addresses along Willingham and Central Avenue that we are questioning or the City is seeking -- City initiated rezoning from I-1, again, Light Industrial to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I2, Heavy Industrial with an associated Text Amendment.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard from the applicant. Are there any other proponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay. Would you step to the podium, state your first and last name, please, Mr. Ward.

(Whereupon Applicant's Representative, Mr. Lemuel Ward approaches the podium.)

MR. WARD: Thank you. My name is Lemuel Ward. I'm with Denton U.S., LLP, 303 Peachtree Street, Suite 5300. I'm here to speak in favor of and I represent SSC Industries at 1550 East Taylor Avenue and they have six related parcels.

We are here to speak in favor -- and I find myself here on a rather unusual mission because while we are in favor of the rezoning, we find ourselves in the position of having to say, we don't think we were ever zoned to I-1. That's a technical position, which I have to preserve my rights in favor of my client at this hearing and at the City Council. You would moot any claims that we might have by changing the zoning of the property to I2.

We maintain it has never been anything but I2, but out of cooperation with the City -- and I want to speak highly of City Staff as well as the City Attorney who has helped us. Going through this,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

we tried to cooperate with the City and Staff in ever way possible to prevent any work on my part other than just coming here and cooperating with the Staff and it's necessary for me, at this time, to place this notice of Constitution objection into the record.

I will give one to Ms. Blatch and -- the original signed copy to Ms. Blatch. Here is the copy for your City Attorney and one for all of the Commission members.

COMMISSIONER ATKINS: You have to give it to Staff and then they will pass them out to us.

MR. WARD: So be that as it may, we must understand that we have to do this because in I2 zoning, SSC, my client, has been in the City of East Point, always been a heavy industrial use since 1930. The mistake to I-1 -- it's explained in your letter and I don't want to belabor Staff, I don't want to belabor the Commission with it. Staff understands the position. As I said, I have to set forth this position in order to preserve it and I had nothing but cooperation from the City but the interest of my client require that I present this letter to you and make this argument.

What we have done here is tried to allow the City the opportunity to moot our case and go ahead and make it clear on the zoning map that the property is I2 rather than I-1. For the context of the case, I have given you an example of what we think happened. I sent a lot of time working with Staff looking at the old zoning maps, look at your Comprehensive Development Plan, reading the minutes of hearing just like this in 2005, '06 and 07; go over a lot of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

documents. This is one of those things that's sort of happened in a previous administration and I can't find anything that tells me that this property was every anything but I2. During that large we zoning back in 2005, when you created the R1 zoning district, I believe, to change some properties and in an R-L zoning district, somehow around that time period -- and again, it's explained in the letter -- the maps changed.

All the properties in Willingham; most of the properties that were in and folks similarly situated to SSC, somehow found themselves on the map as I-1 without any notice so with their inability to state any objections at the time, because there was your hearing like this, at which they could place that objection, the map was never validly adopted as to SSC and perhaps as to the entire zoning during that time and thus we are here to maintain that we are still I2 but we will cooperate with the City and we would love for the Board to give us a recommendation of approval -- to give the City a recommendation of approval here and we would -- and I case would go ahead; we'll go on about being good taxpayers, good citizens and positive employers and contributing to the tax base to the City of East Point and that's my presentation and I without belabor you with anymore but it's all stated in the letter here and that letter will be in the record. Thank you so much for your time and attention.

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

AUDIENCE: (No response.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER ATKINS: Any other proponents? Would you please step to the podium, state your first and last name. It's a public hearing so if you want to speak, you have to step and state your first and last name and your address.

Wait until you get to the -- so that we can capture it on television, please, Ms. Richards.

(Whereupon Proponent Ms. Richards approaches the podium.)

MS. RICHARDS: My name is Jacquelyn Richards. I live at 3649 Calmer Circle and I'm just looking at the zoning. It say, various addresses. I just want to know, can you be specific? You're saying, Willingham and the other location. I believe that if you're gonna say various locations, that's incorrect. You need to put down specific. That's just my comment.

COMMISSIONER ATKINS: Thank you, Ms. Richards.

COMMISSIONER ATKINS: Are there any other proponents here for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

1 COMMISSIONER ATKINS: Any opponents?  
2 AUDIENCE: (No response.)  
3 COMMISSIONER ATKINS: Seeing none, Commissioners, at  
4 this time, I'll entertain a motion to close the public hearing.  
5 COMMISSIONER TUCKER: So moved.  
6 COMMISSIONER ATKINS: Is there a second?  
7 COMMISSIONER LOVETT: Second.  
8 COMMISSIONER ATKINS: It's been moved by Commissioner  
9 Tucker, seconded by Commissioner Lovett that we close the public  
10 hearing. All in favor sound aye.  
11 COMMISSIONERS: Aye.  
12 COMMISSIONER ATKINS: All opposed sound nay.  
13 COMMISSIONERS: (No response.)  
14 COMMISSIONER ATKINS: Hearing on, the ayes have it. The  
15 public hearing is now closed. Staff, would you please sound your  
16 recommendation?  
17 MS. BLATCH: In Case Number 2016Z-001-01, Staff  
18 recommends approval of the rezoning from I-1 Light Industrial to I2  
19 Heavy Industrial. Staff recommends approval to amend the Mission  
20 2036 Town Center Sub-area One Downtown and Town Center  
21 Sub-area Three Willingham Ware District care to area to include I-1,  
22 Heavy Industrial as a typical zoning district in the Future  
23 Development Patterns.  
24 COMMISSIONER ATKINS: Thank you. Commissioners,  
25 you've heard from Staff and you've also heard from a proponent, Mr.

1 Lemuel Ward. At this time, I'll entertain a motion. This is a rezoning  
2 from R1 to -- from I-1 to I-2. I'll entertain a motion, Commissioners.  
3 COMMISSIONER TUCKER: Mr. Chair.  
4 COMMISSIONER ATKINS: Yes, Commissioner Tucker.  
5 COMMISSIONER TUCKER: On Case Number 2016Z-001-01, I  
6 would like to do a motion to defer.  
7 COMMISSIONER ATKINS: Okay. Mr. Tucker has the motion  
8 to defer until our --  
9 COMMISSIONER TUCKER: Next regularly called meeting.  
10 COMMISSIONER ATKINS: Okay. Commissioner Tucker has  
11 made a motion to defer until our next regularly scheduled meeting,  
12 that would be our August meeting. Is there a second?  
13 COMMISSIONER MAXWELL: Second the motion.  
14 COMMISSIONER ATKINS: Okay. There's been a motion by  
15 Commissioner Tucker, a seconded by Commissioner Maxwell. Any  
16 discussion?  
17 COMMISSIONER BORDERS: Yes:  
18 COMMISSIONER ATKINS: Commissioner Borders.  
19 COMMISSIONER BORDERS: Thank you. First after all, I'd  
20 just like to address the lady about the list. We're required by law to  
21 publish this in the neighbor newspapers and if you read the inside  
22 front page of your neighbor newspapers, you'll find the list of  
23 everything that goes on in Planning and Zoning and while I had this,  
24 I think -- to speak to our deferral, sir, your property is this little star  
25 right here and we've got all these other properties there that are

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

subject to this rezoning and we don't know what all the impacts are all for of these other properties in all of these other neighborhoods and we feel that it would be in the best interest of everyone for us to have more information and that's why we're asking for the deferral. Thank you.

COMMISSIONER ATKINS: Any other comments?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: There's a motion on the floor to defer to our regularly scheduled August meeting and there's a second. The motion is by Commissioner Tucker. The second is by Commissioner Maxwell. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We will defer Case Number 2016 "Z" as in zebra-001-01 to our regularly scheduled August meeting. At this time, our next Agenda Item are announcements. Staff, do you have any announcements?

**IX. ANNOUNCEMENTS:**

STAFF: (No response.)

COMMISSIONER ATKINS: Commissioners, do you have any announcements?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. There are no announcements from me either so at this time, Commissioners, I'll



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

entertain a motion to adjourn.

COMMISSIONER MAXWELL: Commissioner Fann --

COMMISSIONER ATKINS: Yes.

COMMISSIONER MAXWELL: -- lost his father.

COMMISSIONER ATKINS: Thank you, Commissioner Maxwell. What, Commissioner Maxwell was stating that this evening, we are without one Commissioner, that is Commissioner Gregory Fann and our condolences are extended to Commissioner Fann on the loss of his father. Okay, so at this time, Commissioners, I'll entertain a motion to adjourn.

**X. ADJOURNMENT:**

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: A motion by Commissioner Tucker, seconded by Commissioner Lovett. 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.

(Whereupon this concludes the regularly scheduled meeting for the City of East Point Department of Planning and Community Development.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 50 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 meeting for the City of East Point, Department of Planning and Community Development , on July 21, 2016 at seven o'clock P.M., were taken down by me and transcribed by me on this 4th day of August, 2016.