

CITY OF EAST POINT

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

June 16, 2016 7:00 P.M.
Official Meeting Minutes

Jefferson Station
1526 East Forrest Avenue
4th Floor Council Chambers
East Point, Georgia 30344

Board Members:

Commissioner Shean **ATKINS, Chair**

Commissioner Linda **SHELDON, Vice Chair**

Commissioner Joel **TUCKER, Provisional Chair**

Commissioner Laura **BORDERS**

Commissioner Gregory **FANN - Absent**

Commissioner Patricia **LOVETT**

Commissioner William **MILLER**

Commissioner LaJeanna **MCKNIGHT**

Commissioner Willard **MAXWELL**

Also Present:

Ms. Keyetta **HOLMES**
Senior Planner

Ms. Angela **BLATCH**
Associate Planner

Willis **HATCHER**
City Engineer

Ms. Linda **DUNLAVY**
Attorney

Videographer
James **Hammond**

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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 May 19, 2016 Minutes | 5 |
| VII. New Business | 6 |
| VIII. Announcement | 32 |
| IX. Adjournment | 33 |

1
2
3
4
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I. CALL TO ORDER:

COMMISSIONER SHELDON: Ladies and gentlemen, my name is Linda Sheldon. I'd like to welcome you to this evening's Planning & Zoning Commission meeting. I am the Vice Chair. Our you Chair is out this evening. We will start the evening with a Call to Order and a Roll Call.

II. ROLL CALL:

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

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MS. BLATCH: Ms. Chair, we have a quorum.

COMMISSIONER SHELDON: Thank you. Our first order of business is a Moment of Silence and let's add, to our Moment of Silence, some recognition of the losses in Orlando so join with us, please.

III. MOMENT OF SILENCE:

COMMISSIONER SHELDON: Thank you. If you'll stand with us for the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER SHELDON: All right. Commissioners, I will now entertain a motion to adopt the agenda.

IV. ADOPTION OF AGENDA:

COMMISSIONER TUCKER: So moved.

COMMISSIONER SHELDON: Do I hear is second?

COMMISSIONER MILLER: Second.

COMMISSIONER SHELDON: Thank you. Everyone bear with me. I haven't done this in awhile so I'm a little rusty so if I mess up, correct me, please. All right. With the adoption of the agenda, I will now entertain a motion for the approval of the May 19th, 2016 minutes.

V. APPROVAL OF THE MAY 19, 2016 MEETING

MINUTES:

COMMISSIONER MAXWELL: I so move.

COMMISSIONER SHELDON: Thank you, Mr. Maxwell.

COMMISSIONER BORDERS: Second.

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COMMISSIONER SHELDON: Thank you, Ms. Borders. All in favor.

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: All opposed.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Thank you. New Business, Staff.

VII. NEW BUSINESS:

MS. BLATCH: Case Number 2016M-004-06, Citywide application for a Text Amendment to Part 10, Chapter 2, Article A, Definitions, Article B, General Provisions, Article C, Zoning Text, District Classifications and Boundaries and Article D, Administrative Permits and Use Permits.

COMMISSIONER SHELDON: All right. This item, as well as all of the item on our agenda tonight, requires a public hearing and I will read the rules for public hearings which will apply to each one of these.

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

COMMISSIONER SHELDON: Public hearings 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 amendment will then be provided an opportunity to address the Council once the public hearing is open.

The applicant for the proposed amendment or applicant's

1 designated representative, if any, will be entitled to speak first
2 followed by other speakers in favor of the proposal for a total of
3 fifteen (15) minutes. Those who opposed the proposed zoning
4 amendment will then be permitted to speak for a total of fifteen (15)
5 minutes. By majority vote, the Commission may increase the total
6 time for speakers provide that each side is given the same amount of
7 time. If there is more than one speaker for a side, the presiding
8 officer may limit the time allotted to each individual speaker other
9 than the zoning applicant. The zoning applicant may reserve a
10 portion of his allotted time for rebuttal.

11 Speakers must adhere to rules of decorum. Prior the
12 speaking, each speaker shall identify himself or herself and state his
13 or her current address. Each speaker shall speak only to the merits
14 of the proposed zoning decision under consideration, shall address
15 remarks only to the Commission and shall refrain from making
16 personal attacks on any other speaker. The presiding officer may
17 refuse a speaker the right to continue if, after first being cautioned,
18 the speaker continues to violate the rules of decorum.

19 Having read the rules, Commissioners, I'll entertain a motion
20 to open the public hearing for Item Number 2016M-004-06.

21 COMMISSIONER MILLER: Motion to open the public hearing.

22 COMMISSIONER SHELDON: Thank you, Mr. Miller.

23 COMMISSIONER MAXWELL: Second the motion.

24 COMMISSIONER SHELDON: Thank you. All in favor.

25 COMMISSIONERS: Aye.

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COMMISSIONER SHELDON: All opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Public hearing is now open.
(Whereupon Department of Planning and Community
Development present a slide presentation to the Commissioners.)

MS. HOLMES: Good evening, Commissioners. My name is
Keyetta Holmes and I serve as the senior planner in the Department
of Planning and Community Development. Tonight, we will will
discussing items that are being considered for a Text Amendment to
Part 10, Chapter 2, Planning and Community Development.

The first item is Article A, Definitions. In review of the
Definition section in Article A, we found that there were definitions
that were not used anywhere in the development code or the zoning
code and we also found that there were items that -- definitions that
were not in line with State definitions. The Text Amendment before
you corrects both of those items. Next side, please.

The General Provision section is overhauled to withstand
legal challenge. There were items that were not -- that could
withstand legal challenge by any means, but this process strengthens
those items or those regulations. In addition to that realignment, we
also realigned the Accessory Uses and Structure Section as well as
the night sky ordinance was also changed to now read, the standards
for outdoor lighting. Next side, please.

The major changes were made in Article C, Zoning Text
District Classifications and boundaries. The way that the zoning

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ordinance is now aligned, in Article D you will find all of the administrative permits and use permits. However, persons using our Zoning Code and Development Regulations, found it challenging to understand what was required by administrative permit, what was required by use permit, what was allowed in certain zoning classifications. So the item before you now lists all of the applicable administrative permits and use permits by zoning category. In addition to that, zoning classifications for R5, OIT, are made in access. Next slide, please.

In addition to those items that were changed, places of worship aren't in this amendment. Places of worship are allow where existing no new churches are allowed in certain districts and for existing churches, SUPs are required for enlargement. Staff found it very challenging that we had a number of Special Use Permits come before the Planning & Zoning Commission and City Council. However, they were located in commercial districts and in districts where the City is trying to revitalize so we found it very challenging to bring in other retail, other restaurants, other uses when churches and schools and other institutional uses are present.

In addition to that, they were gathering and pretty much the same location all along one street so we were trying to avoid that happening.

In addition to that, in Article C, instead of listing every single use as possible, we now have broad categories that cover a number of things so instead of it saying, a hookah bar, it will say, a bar, a

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restaurant or grill, which will cover hookah bars, restaurants, grills, everything into one category, which makes it easier for persons to utilize it. Next side, please.

In Article D, we eliminated some Special Use Permit applications. Agricultural related activities have become a permitted use in certain districts. Convalescent center, nursing home and hospice has been completely eliminated from the code. Group home is no longer a category in the code. Person care home and assistant living is listed in certain districts by administrative permit or use permit only. Private correctional facility has been completely eliminated and senior housing has now become either a permitted use by right or a use permit -- an administrative permit. Next slide, please.

In addition to that, some SUPs have now become administrative permits. Community garden, landscaping businesses, plant nurseries have now become an administrative permit and will be reviewed by the administrative Staff in a shorter period of time than a Special Use Permit would allow. Next slide, please.

New Special Use Permit now are assisted living facility, community living arrangement and personal care home. In review of the next amendment, you will find there are several district regulations as it applies to them this does not allow them to congregate in one area and they have distance requirements as well as size requirements in other departments and that completes my presentation. Thank you so much.

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COMMISSIONER SHELDON: Thank you. All right, Commissioners, you've heard the presentation. Are there any folks present who wish to speak against this Text Amendment?

COMMISSIONERS: (No response.)

AUDIENCE: (No response.)

COMMISSIONER SHELDON: No opposition, seeing none, I will entertain a motion to close the public hearing.

COMMISSIONER TUCKER: So moved.

COMMISSIONER SHELDON: Thank you.

COMMISSIONER MILLER: Second.

COMMISSIONER SHELDON: Did you get that, Jeanene? It's been moved and seconded that we close the public hearing. All those in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Those opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Hearing none, the public hearing is now closed and we're read for Staff's recommendation.

MS. BLATCH: Case Number 2016M-004-06, Text Amendment to Part 10, Chapter 2, Article A, Definitions, Article B, General Provisions, Article C, Zoning Texts, District Classification s and Boundaries and Article D, Administrative Permits and Use Permits, Staff recommends approval.

COMMISSIONER SHELDON: All right, Commissioners, I'll entertain a motion on this item and this would be in form of a

1 recommendation, is that correct?

2 ATTORNEY LINDA DUNLAVY: Correct.

3 COMMISSIONER SHELDON: Can I hear a motion, please?

4 COMMISSIONER TUCKER: Madam Chair, I would give a
5 motion to approve, a recommendation to approve.

6 COMMISSIONER SHELDON: Can I have a second?

7 COMMISSIONER MILLER: Second.

8 COMMISSIONER SHELDON: Thank you, Mr. Miller. It has
9 been moved and seconded that we recommend approval of this Text
10 Amendment. Is there any discussion?

11 COMMISSIONERS: (No response.)

12 COMMISSIONER SHELDON: Any questions of Staff?

13 STAFF: (No response.)

14 COMMISSIONER TUCKER: I just want to thank Staff. You did
15 a great job. It's very comprehensive and I'm always amazed at what
16 you guys are doing so, thank you.

17 MS. HOLMES: Thank you.

18 COMMISSIONER SHELDON: I quite agree. This is a bit
19 undertaking and this is just the beginning of a big project I know you
20 all are doing and this is extremely professional and an enormous
21 upgrade so bravo.

22 MS. HOLMES: Thank you.

23 COMMISSIONER SHELDON: All right. Any other comments,
24 compliments?

25 COMMISSIONERS: (No response.)

1 COMMISSIONER SHELDON: Hearing none, all those in favor?
2 COMMISSIONERS: Aye.
3 COMMISSIONER SHELDON: Any opposed?
4 COMMISSIONERS: (No response.)
5 COMMISSIONER SHELDON: Hearing none, motion carries.
6 We will recommend approval. Next item.
7 MS. BLATCH: Case Number 2016Z-006-05, the applicant is
8 USBS, LLC. The address is 2745 Sylvan Road, seeking a rezoning of
9 the property from R-1A, Urban Residential to R2, Two Family
10 Residential.
11 COMMISSIONER SHELDON: All right. I will entertain a
12 motion to open the public hearing on this item.
13 COMMISSIONER TUCKER: So moved.
14 COMMISSIONER BORDERS: Second.
15 COMMISSIONER SHELDON: Thank you. Did you get that.
16 I'm sorry, I'm not repeating -- the motion has been made and
17 seconded to open the public hearing for this evening. All in favor?
18 COMMISSIONERS: Aye.
19 COMMISSIONER SHELDON: Anyone opposed?
20 COMMISSIONERS: (No response.)
21 COMMISSIONER SHELDON: The public hearing is now open.
22 Will the applicant please step forward?
23 (Whereupon Applicant Alexander Holb approaches the
24 podium.)
25 COMMISSIONER SHELDON: Will you state your name and

1 address, first?

2 MR. HOLB: Yes, Alexander Holb and my address is 2745

3 Sylvan Road. I'm trying to rezone property on this address to R-2 like

4 it was before, year ago so because one year vacant, it's come back to

5 R1 so those my project piece. Thank you.

6 COMMISSIONER SHELDON: Is there anyone else who would

7 like to speak to this item in approval, in support of it?

8 AUDIENCE: (No response.)

9 COMMISSIONER SHELDON: Is there anyone present who

10 wishes to speak in opposition?

11 AUDIENCE: (No response.)

12 COMMISSIONER SHELDON: Any opposition?

13 AUDIENCE: (No response.)

14 COMMISSIONER SHELDON: Seeing none, I will entertain a

15 motion to close the public hearing.

16 COMMISSIONER TUCKER: So moved.

17 COMMISSIONER MAXWELL: I second.

18 COMMISSIONER SHELDON: Moved and seconded. We had a

19 motion to close the public hearing, all in favor.

20 COMMISSIONERS: Aye.

21 COMMISSIONER SHELDON: Opposed?

22 COMMISSIONERS: (No response.)

23 COMMISSIONER SHELDON: The public hearing is now closed.

24 Staff.

25 MS. BLATCH: Case Number 2016Z-006-05, location 2745

1 Sylvan Road, Staff recommends approval of the rezoning from R-1A
2 Urban Residential to R2, Two Family Residential with the following
3 conditions: Applicant must remove all barb wire. Barb wire is
4 prohibited in residential zoning districts. Applicant must obtain
5 permits from all unpermitted work. This will include plumbing,
6 electric, HVAC and newly installed fence. Property must be
7 readdressed. Once new addresses are assigned, the owner will be
8 required to post the the property in accordance with Chapter 8,
9 Section 10-8003.

10 COMMISSIONER SHELDON: Thank you. Commissioners, I'll
11 now entertain a motion on this item.

12 COMMISSIONER TUCKER: Madam Chair, I would recommend
13 that we approve with Staff recommendations.

14 COMMISSIONER SHELDON: And that would be a
15 recommendation to Council, correct?

16 COMMISSIONER TUCKER: That's correct.

17 COMMISSIONER SHELDON: All right. Do I hear a second.

18 COMMISSIONER MILLER: Second.

19 COMMISSIONER SHELDON: Thank you, Mr. Miller. Any
20 discussion, questions?

21 COMMISSIONERS: (No response.)

22 COMMISSIONER SHELDON: Hearing none, we have a motion
23 and a second on the floor. All in favor?

24 COMMISSIONERS: Aye.

25 COMMISSIONER SHELDON: Opposed?

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COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Hearing none, we will recommend approval of this application. Next item, please.

MS. HOLMES: Case Number 2016U-004-05, applicant is India Williams, location is 1868 Washington Road, Suite B. Applicant seeks a Special Use Permit for a Child Daycare Center, Medium.

COMMISSIONER SHELDON: Thank you. I'll now entertain a motion to open the public hearing.

COMMISSIONER TUCKER: So moved.

COMMISSIONER SHELDON: Do I hear a second.

COMMISSIONER LOVETT: Second.

COMMISSIONER SHELDON: It's been moved and seconded that we open the public hearing on this item. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Any opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: The public hearing is now open. Will the applicant please come forward?

(Whereupon the Applicant India Williams approaches the podium.)

MS. WILLIAMS: Good evening. My name is India Williams, address 1867 Washington Road, Suite B. My intentions were, in Suite B, to open a small childcare of maximum of seven children. What I've done on the front of the folder is simplify the site plan a little bit. I do understand it was a little complex at first and I wanted to further

1 demonstrate that in Suite B, for seven children, there was no space.
2 There was concern about parking. 1868 has nine assigned parking
3 spaces. Due to me having -- providing transportation for the
4 children, impeding on traffic wasn't an issue. There was also a
5 concern about safe passage for the children moving from the building
6 to the playground area and what I attempted to do in the pictures on
7 the inside was to show you that the sidewalk wraps around the entire
8 building and we have a temporary fixture that goes from the sidewalk
9 over to the play area that allows access comfortably for the children.

10 There was also a concern about water. I did speak to the
11 fire marshal and I do understand that the fire regulations, that all
12 child daycares have some type of sprinkler system, instant water
13 supply in case of fire. I have looked into doing a contract, installing a
14 small sprinkler system. 1868 is four hundred fifty (450) square feet.
15 That's including the restroom that's there so I would only -- the way I
16 was advised is that I would need three spouts -- two spouts for that
17 size property. As well, I wanted to mention that -- like I said, I was
18 hoping for a C.O., a maximum of ten people, that includes myself,
19 one other teacher and a halftime employee. For food service and the
20 children that I serve is now at six, but I've maxed out to seven.
21 That's why I'm I'm moving from my home to 1868.

22 COMMISSIONER SHELDON: All right, thank you. Is there
23 anyone else who would like to speak in favor of this item?

24 AUDIENCE: (No response.)

25 COMMISSIONER SHELDON: Any other proponents?

1 AUDIENCE: (No response.)

2 COMMISSIONER SHELDON: Seeing none, are there any

3 opponents to this item?

4 AUDIENCE: (No response.)

5 COMMISSIONER SHELDON: Any opposition?

6 AUDIENCE: (No response.)

7 COMMISSIONER SHELDON: Seeing none, I'll entertain a

8 motion to close the public hearing.

9 COMMISSIONER TUCKER: So moved.

10 COMMISSIONER SHELDON: Do I have a second?

11 COMMISSIONER BORDERS: Second. Thank you

12 COMMISSIONER SHELDON: Thank you. It's been moved and

13 properly seconded that we close the public hearing. All in favor?

14 COMMISSIONERS: Aye.

15 COMMISSIONER SHELDON: Opposed?

16 COMMISSIONERS: (No response.)

17 COMMISSIONER SHELDON: Public hearing is now closed.

18 Staff.

19 MS. HOLMES: Case Number 2016U-004-05, location is 1868

20 Washington Road, Suite B, applicant seeks is Special Use Permit for a

21 Child Daycare Center, Medium. Staff recommends denial of the

22 Special Use Permit application for a Child Daycare Center, medium at

23 1868 Washington Road, Suite B.

24 COMMISSIONER SHELDON: All right. Commissioners, I'll

25 entertain a motion on this item.

1 COMMISSIONER BORDERS: I'd like to make a motion for
2 open discussion.

3 COMMISSIONER SHELDON: You must make a motion for
4 approval or denial for discussion.

5 COMMISSIONER BORDERS: Pardon me, Madam Chair.

6 COMMISSIONER SHELDON: And you can change that. Okay.
7 Motion to approve for discussion.

8 COMMISSIONER BORDERS: Motion to approve for
9 discussion.

10 COMMISSIONER SHELDON: Thank you.

11 COMMISSIONER BORDERS: Thank you.

12 COMMISSIONER SHELDON: Do I have a second?

13 COMMISSIONER TUCKER: Second.

14 COMMISSIONER SHELDON: It's been moved and properly
15 seconded that we open this item for discussion and you can begin
16 your discussion.

17 COMMISSIONER BORDERS: Thank you. Excuse me, did you
18 happen to say that -- this went by me. I want to get this correct.
19 Did you say you were moving into the property on Washington Road
20 also?

21 MS. WILLIAMS: Well, I lease the property already, yes,
22 ma'am.

23 COMMISSIONER BORDERS: Oh, you've leased it, okay. I
24 thought I heard you say you were going to live there. I guess, I
25 really appreciate -- you've done a comprehensive job photographing

1 the area. I do still have some concerns, having looked at the area,
2 about the dropoff, which is on an angle. It's in fairly close proximity
3 to oncoming traffic coming into that driveway and there is a portion
4 of the walk, between the end of the building and the playground area
5 that is just kind of open and so forth so I do have some safety
6 concerns, as is the entry dropoff, the walkway to the the playground.
7 I'm not sure -- you have, on this diagram, the sidewalk passage to
8 playground up here?

9 MS. WILLIAMS: Yes, ma'am. The sidewalk passage are just
10 the arrows that's on the front of the site plan where it would leave
11 Suite B and walk around the building on the sidewalk and there is a
12 temporary sidewalk where they're planning to move, where you see
13 the extra grass and the extra shrubbery on the side of the building,
14 from the sidewalk over to the play area. Those things would be
15 removed and there's a temporary sidewalk that's going there.

16 COMMISSIONER BORDERS: Okay, okay. So there is gonna
17 be some other stuff built, okay. Thank you.

18 COMMISSIONER SHELDON: Any additional discussion or
19 questions?

20 COMMISSIONER MCKNIGHT: I have a question about the
21 picture. So Picture 4, that's the playground area?

22 MS. WILLIAMS: Yes, ma'am.

23 COMMISSIONER MCKNIGHT: Okay. And it's fenced off or --

24 MS. WILLIAMS: There is a privacy gate there, six feet, all the
25 way around except the front, it's four feet high.

1 COMMISSIONER MCKNIGHT: Oh, okay. So it's gated?
2 MS. WILLIAMS: Yes, ma'am.
3 COMMISSIONER MCKNIGHT: Okay.
4 COMMISSIONER SHELDON: Any other discussion?
5 COMMISSIONERS: (No response.)
6 COMMISSIONER SHELDON: All right. We have a motion on
7 the floor. Does that motion still stand?
8 COMMISSIONER BORDERS: Is it is motion for approval?
9 COMMISSIONER SHELDON: Yes.
10 COMMISSIONER BORDERS: No. I would like to -- is it
11 resend, the proper term?
12 COMMISSIONER SHELDON: With withdraw.
13 COMMISSIONER BORDERS: Withdraw the motion for
14 approval.
15 COMMISSIONER SHELDON: All right. Do I have a substitute
16 motion or an additional motion since this one has been withdrawn?
17 COMMISSIONER BORDERS: Motion to deny.
18 COMMISSIONER SHELDON: Do I have a second?
19 COMMISSIONER TUCKER: Second.
20 COMMISSIONER SHELDON: It's been moved and properly
21 seconded that we recommend denial of this application. Any
22 discussion, further or questions?
23 COMMISSIONERS: (No response.)
24 COMMISSIONER SHELDON: All in favor?
25 COMMISSIONERS: Aye.

1 COMMISSIONER SHELDON: Opposed?
2 COMMISSIONER MAXWELL: Aye.
3 COMMISSIONER SHELDON: So we have one. Mr. Maxwell, is
4 that right.
5 ATTORNEY LINDA DUNLAVY: Mr. Maxwell opposed.
6 COMMISSIONER SHELDON: All right. Did you get that on the
7 record? All right. The ayes have it and the recommendation will be
8 to deny. Next item.
9 MS. BLATCH: Case Number 2016Z-004-05, the applicant is
10 Brill Brothers, LLC. The location is 2773 Harlan Drive. They're
11 seeking to rezone the property from R-1A, Urban Residential to R-3,
12 Multi-Family Residential.
13 COMMISSIONER SHELDON: All right. Commissioners, I'll
14 entertain a motion to open the public hearing on this item.
15 COMMISSIONER TUCKER: So moved.
16 COMMISSIONER SHELDON: We a motion. Do I have a
17 second?
18 COMMISSIONER MILLER: Second.
19 COMMISSIONER SHELDON: Thank you. It's been moved and
20 properly seconded that we open the public hearing for this item. All
21 in favor?
22 COMMISSIONERS: Aye.
23 COMMISSIONER SHELDON: Opposed?
24 COMMISSIONERS: (No response.)
25 COMMISSIONER SHELDON: Public hearing is now open.

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(Whereupon the Applicant's Representative Vickie Chung approaches the podium.)

MS. CHUNG: Thank you, Madam Chair, good evening, Commissioners. My name is Vickie Chung. I'm with with the firm Smith, Gambrell & Russell, 1230 Peachtree Street. I'm here on behalf of the applicant. At the outset, I'd like to clarify that when we initially filed this application, we were seeking R-3 but after consulting with Staff, we do believe that R-2 is more appropriate designation and we fully agree with and support Staff's recommendation of R-2.

This property is located on Harlan Drive. It's on a portion of the road that is definitely an area in transition. There are several homes that are well-kept and well-maintained and there are others that are in desperate need of some investment and some redevelopment and the property is also located in the redevelopment neighborhood classification under the Comprehensive Plan, which anticipates investing in vacant properties and redeveloping existing structures and renovating them in a way to bring more value to the neighborhood and that's exactly what we're proposing to do here.

These pictures are actually from a renovation that the applicant has done in Marietta and it's a similar style home and that it's a duplex and this renovation was done in 2015, fairly recently and because we're at a stage in the project that's a very preliminary stage, we don't have any renderings, but this is at least an illustration of the kind of work that the applicant does.

I'd also like to note that we are compliant with the R-2

1 district regulations and I'd like the record to reflect that we are
2 submitting our legal and constitutional objections to the Clerk and I'd
3 like to reserve any other time for your questions or for rebuttal.
4 Thank you.

5 COMMISSIONER SHELDON: Is there anyone else who wishes
6 to speak in support of this item?

7 AUDIENCE: (No response.)

8 COMMISSIONER SHELDON: Any proponents?

9 AUDIENCE: (No response.)

10 COMMISSIONER SHELDON: Seeing none, are there any
11 opponents who wish to speak to this item?

12 AUDIENCE: (No response.)

13 COMMISSIONER SHELDON: Seeing none, I'll entertain a
14 motion to close the public hearing.

15 COMMISSIONER TUCKER: So moved.

16 COMMISSIONER MAXWELL: Second the motion.

17 COMMISSIONER SHELDON: Motion was from Mr. Tucker and
18 second from Mr. Maxwell, is that correct? Thank you. It's been
19 moved and properly seconded that we close the public hearing. All in
20 favor?

21 COMMISSIONERS: Aye.

22 COMMISSIONER SHELDON: Opposed?

23 COMMISSIONERS: (No response.)

24 COMMISSIONER SHELDON: Public hearing is now closed.
25 Staff.

1 MS. BLATCH: In Case Number 2016Z-004-05, the location is
2 2773 Harlan Drive, rezoning property from R-1A, Urban Residential to
3 R-3, Multi-Family Residential. Staff recommends approval of a less
4 intense rezoning from R-1A, Urban Residential to R2, Two Family
5 Residential with the following condition: Property must be
6 readdressed. Once new addresses are assigned, the owner will be
7 required to post the property in accordance with Chapter 8, Section
8 10-8003. The property shall be replumbed for two separate water
9 services and two meters. Structure must meet Georgia State
10 Adopted Codes as Two-Family Dwelling.

11 COMMISSIONER SHELDON: Thank you. Commissioners,
12 you've heard Staff's recommendations with condition. I'll entertain a
13 motion on this item.

14 COMMISSIONER TUCKER: Madam Chair.

15 COMMISSIONER SHELDON: Yes, sir.

16 COMMISSIONER TUCKER: I would recommend approval with
17 Staff recommendations.

18 COMMISSIONER SHELDON: And that would be a
19 recommendation to Council for approval with conditions?

20 COMMISSIONER TUCKER: Yes, yes, ma'am.

21 COMMISSIONER SHELDON: Do I have a second?

22 COMMISSIONER MILLER: I second the motion.

23 COMMISSIONER SHELDON: Thank you, Mr. Miller. It's been
24 moved and properly seconded that we recommend approval with
25 Staff's conditions on this particular item. All in favor?

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COMMISSIONER BORDERS: May I make a motion for discussion, please.

COMMISSIONER SHELDON: Oh, discussion. I'm so sorry, I'm sorry, yes.

COMMISSIONER BORDERS: All right. Please, let's move for -- we open for discussion, please.

ATTORNEY LINDA DUNLAVY: You don't need to move for discussion.

COMMISSIONER BORDERS: Thank you. I just want to refresh my memory from our Work Session. This is a property that you had bought and we're using the tax records as a guide, right, on the zoning and so forth. I want to just put this out there as a comment. I did look at the property closely and walked it. I appreciate your situation and I respectfully disagree with the City of East Point Inspections Report that it was constructed as a duplex. I believe it was constructed as a single family dwelling based on certain historical markers. For instance, the type of curbing that's used and the footprint of the the house from the way it's been blocked in various places and it presents somewhat of a paradox for me because the other R-1, R-2 zonings clearly built as a duplex and there is a gray area about this property and R-1A is there for a specific reason and it also has to do with the development of the City and so when I look at these two structures, I have doubts and I wanted to give you an explanation, really and that's it, free to comment or whatever.

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COMMISSIONER SHELDON: Was there some research on this property, was there not?

MS. CHUNG: We did receive some historical zoning information from the City and this particular property was zoned R-2 for about thirty year before it was rezoned to R-1 in 2002.

COMMISSIONER SHELDON: But I think we also learned, didn't we not, that that was originally built as a single family dwelling and then that zoning was changed in the 60s; is that correct?

MS. BLATCH: The zoning maps that we have shows that in 1957, the zoning on the property was R-1. In 1960, the zoning on the property was change -- the zoning on the property was changed to Two Family Residential. From 1988 to 1990, it was R-2. In 2000, the zoning was R-1, which it remained up until 2006, it was changed to R-1A.

COMMISSIONER SHELDON: Very good. So that explains the complexity of this. Does that help you more?

COMMISSIONER BORDERS: It sort of confirms my feeling and this may sound like a small thing, but frankly, the way the construction of the streets, the curbing, et cetera, is consistent with a much old construction than -- and they just didn't build R-2s in East Point then.

MS. CHUNG: There are several houses -- I also drove there to check out the area and there are several houses on our side of Harlan that have two mailboxes out front, 2789, 2795, 2809, 2821 -- these are all within the same block as our particular home and,

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obviously, I'm not a hundred percent sure on what the zoning history of those houses are, but it is evident, from that fact, that this area is consistent with two family use.

We're proposing taking a structure that is not currently compliant and bringing it up to code and getting the proper permitting for all of the construction and all of the work that will be done on the house and, again, I'd like to remind you all that this is an area of East Point that could use investment and redevelopment.

COMMISSIONER SHELDON: Thank you. Additional discussion?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Anyone else?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Any questions?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: All right, ladies and gentlemen, we have a motion on the floor with a second to recommend approval of this rezoning with conditions as stated by Staff. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Any opposition?

COMMISSIONER BORDERS: Nay.

COMMISSIONER SHELDON: We have one opposed.

MS. CHUNG: Just to clarify, that recommendation of approval is for R-2, correct, not R-3?

COMMISSIONER SHELDON: Yes, yes, it is, yes, it is. So this

1 will go to Council with your recommendation for approval with one
2 opposing vote.

3 MS. CHUNG: Okay, great. Thank you.

4 COMMISSIONER SHELDON: Thank you. Next item, please.

5 MS. HOLMES: Case Number 2016V-005-05, applicant is SS
6 Columbia, LLC, location is 2717 and 2725 Sylvan Road. Applicant
7 seeks a 2-Part Concurrent Variance to Stream Buffer Encroachment
8 and the number of driveway entries.

9 COMMISSIONER SHELDON: If the applicant will please step
10 forward.

11 (Whereupon the Applicant Hakim Hilliard approaches the
12 podium.)

13 COMMISSIONER SHELDON: I will entertain a motion to open
14 the public hearing on this item.

15 COMMISSIONER TUCKER: So moved.

16 COMMISSIONER SHELDON: It's been moved. Do I have a
17 second?

18 COMMISSIONER BORDERS: Second.

19 COMMISSIONER SHELDON: I have a second. All those in
20 favor.

21 COMMISSIONERS: Aye.

22 COMMISSIONER SHELDON: Any opposition

23 COMMISSIONERS: (No response.)

24 COMMISSIONER SHELDON: The public hearing is now
25 opened.

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MR. HILLIARD: Thank you, Madam Chair, Members of the Commission. My name is Hakim Hilliard with the Hilliard Firm at 260 Peachtree Street, Atlanta, Georgia, 30303.

I'm here this evening on behalf of the applicant to seek a 60-day deferral. And just for your information, at the time we proposed the redevelopment of this property, our architects and engineers and surveyors believed that there was a way to development this property in a way that would be minimally impactful on the stream buffer -- at the stream that almost bisects the property. And since that time, in the last couple of weeks, we have discovered there is not only conflicting information between our surveyors and engineers but also with the maps that the City relies on, the FEMA maps, so we think the 60-day deferral would give us time to attempt to resolve that issue.

If it's resolved in a way that we can't defend the request, I would probably withdraw it before we come back before you and we'll only be back before you if we're able to give sufficient information to Staff to be able to recommend and support of it so we're here to ask for 60 days to be able to do that research and decide whether we can come back.

COMMISSIONER SHELDON: Thank you, sir.

MR. HILLIARD: Thank you.

COMMISSIONER SHELDON: Anyone else who wishes to speak to this item?

AUDIENCE: (No response.)

1 COMMISSIONER SHELDON: Proponents are opponents?
2 AUDIENCE: (No response.)
3 COMMISSIONER SHELDON: Seeing none, I'll entertain a
4 motion to close the public hearing on this item.
5 COMMISSIONER BORDERS: So moved.
6 COMMISSIONER SHELDON: Moved by Commissioner
7 Borders. Do I have a second?
8 COMMISSIONER MILLER: Second.
9 COMMISSIONER SHELDON: Thank you, Mr. Miller. All in
10 favor?
11 COMMISSIONERS: Aye.
12 COMMISSIONER SHELDON: All opposed?
13 COMMISSIONERS: (No response.)
14 COMMISSIONER SHELDON: The public hearing is now closed.
15 MS. HOLMES: Case Number 2016V-005-05, applicant is SS
16 Columbia, LLC, location is 2717 and 2725 Sylvan Road. Staff
17 recommends deferral of Concurrent Variance, Part One to reduce the
18 50 foot undisturbed natural vegetative buffer to 0 as required within
19 Section 10-12021(1).
20 Staff also recommends deferral of Concurrent Variance, Part
21 Two to increase maximum minimal of driveway entries from one to
22 two as required within Section 10-14031(G10).
23 Staff is also supportive of a 60-day deferral until your next
24 regularly scheduled meeting in September.
25 COMMISSIONER SHELDON: September or August?

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MS. HOLMES: August, August.

COMMISSIONER SHELDON: Thank you. All right.

Commissioners, I will entertain a motion on this item, please.

COMMISSIONER BORDERS: Motion to approve deferral.

COMMISSIONER LOVETT: Second.

COMMISSIONER SHELDON: Can we add a friendly amendment including the August regularly scheduled Planning and Zoning meeting?

COMMISSIONER BORDERS: Yes, including the amendment to defer, including the August Planning and Zoning meeting.

COMMISSIONER SHELDON: Thank you.

COMMISSIONER LOVETT: Second.

COMMISSIONER SHELDON: Thank you. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Any opposition?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Motion carries. We will defer this item to the August 2016 meeting.

MR. HILLIARD: Thank you very much.

COMMISSIONER SHELDON: All right. I think we've reached the end of our agenda. Are there any announcements from Staff?

VIII. ANNOUNCEMENTS:

STAFF: (No response.)

COMMISSIONER SHELDON: Nothing? Any announcements from the Commission?

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COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Seeing none, I would just like to say one word about what happened in Orlando last weekend and how I know it has affected a lot of people in our community and I would like to send our thoughts and our support and our sympathy to the Orlando community and to uplift and support us here in East Point. I know we've had several vigils in different communities here in East Point and I would like to say how proud I am of our community for being present for that.

COMMISSIONER BORDERS: I would support you in that, Madam Chair.

COMMISSIONER SHELDON: Thank you, Commissioner Borders. Is there anything anyone else would like to say?

COMMISSIONER ATKINS: I'll support, too.

COMMISSIONER SHELDON: I'm so glad you made it.

COMMISSIONER ATKINS: Thank you.

COMMISSIONER SHELDON: I was a little rusty tonight. You'll see it on camera.

COMMISSIONERS: (Laughs)

COMMISSIONER SHELDON: Ladies and gentlemen, with that being said, I will entertain a motion to adjourn.

IX. ADJOURNMENT:

COMMISSIONER ATKINS: So moved, Madam Chair.

COMMISSIONER SHELDON: Second?

COMMISSIONER MILLER: Second.

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COMMISSIONER SHELDON: All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: We are adjourned, thank you.

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

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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 35 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 June 16, 2016 at seven o'clock P.M., were taken down by me and transcribed by me on this 30th day of June, 2016.