

1 CITY OF EAST POINT

2 **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

3 August 17, 2017  
4 7:00 P.M.  
5 Official Meeting Minutes

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

9 Board Members:

10 Commissioner Shean **ATKINS, Chair**

11 Commissioner Linda **SHELDON**

12 Commissioner Joel **TUCKER, Provisional Chair**

13 Commissioner Laura **BORDERS**

14 Commissioner Gregory **FANN**

15 Commissioner Patricia **LOVETT**

16 Commissioner William **MILLER - Vice Chair**

17 Commissioner LaJeanna **MCKNIGHT - Absent**

18 Commissioner Willard **MAXWELL**

19 Also Present:

20 Ms. Angela **BLATCH**  
21 Associate Planner

22 Willis **HATCHER**  
23 City Engineer

24 Linda **DUNLAVY**  
25 City Attorney - Absent

Valerie **ROSS**  
City Attorney

**Videographer**  
James **Hammond**

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**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. At this time, I am calling the meeting to order. At this time, I'd like to ask Staff to please sound Roll Call to establish a quorum.

**II. ROLL CALL:**

MS. BLATCH: Commissioner Lovett.  
COMMISSIONER LOVETT: (No response.)  
MS. BLATCH: Commissioner Borders.  
COMMISSIONER BORDERS: Here.  
MS. BLATCH: Commissioner Miller.  
COMMISSIONER MILLER: Here.  
MS. BLATCH: Commissioner Fann.  
COMMISSIONER FANN: Here.  
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: (No response.)  
MS. BLATCH: Commissioner Maxwell.  
COMMISSIONER MAXWELL: Here.

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

COMMISSIONER ATKINS: Thank you. At this time, we'd like to observe a Moment of Silence and I'd just like to ask for all of us, if you would, during our Moment of Silence if you would meditate on some of the tragedies that have happened across our country and even today in Barcelona, if you consider those things through your Moment of Silence.

**III. MOMENT OF SILENCE:**

COMMISSIONER ATKINS: All right, thank you. If you would please stand and join me in the Pledge of Allegiance.

**IV. PLEDGE OF ALLEGIANCE:**

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

**V. ADOPTION OF AGENDA:**

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our agenda is adopted. Commissioners, before we go further, I

1 would just like to remind everyone if you would please speak into  
2 your microphones and make sure that we are captured by our  
3 videographer this evening as well as our court reporter so that our  
4 records will be complete and those who are viewing us from home  
5 will also be able to hear us. Thank you.

6 At this time, Commissioners, I'd like to entertain a motion to  
7 approve our July 20, 2017 meeting minutes.

8 **VI. APPROVAL OF THE JULY 20, 2017 MINUTES:**

9 COMMISSIONER TUCKER: So moved.

10 COMMISSIONER ATKINS: It's been moved by Commissioner  
11 Tucker. Is there a second?

12 COMMISSIONER MILLER: Second.

13 COMMISSIONER ATKINS: It's been moved by Commissioner  
14 Tucker, seconded by Commissioner Miller that we approve our July  
15 20, 2017 meeting minutes. All in favor sound aye.

16 COMMISSIONERS: Aye.

17 COMMISSIONER ATKINS: All opposed sound nay.

18 COMMISSIONERS: (No response.)

19 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
20 Our July 20, 2017 meeting minutes are approved. We'll now move  
21 on to New Business. First case under New Business is 2017 "V" as in  
22 Victor-007-07. Staff, would you please sound this Agenda Item.

23 **VII. NEW BUSINESS:**

24 MS. BLATCH: Case Number 2017V-007-07, applicant is  
25 Flagship East Point Investments. The location, 1043 Cleveland

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Avenue. They're seeking a variance to sign location.

COMMISSIONER ATKINS: Thank you. This particular Agenda Item, as well as two others on our agenda, will require a public hearing this evening. At this time, I'm going to read our Rules for Public Hearing. They will apply for this case and the other two cases that we will hear this evening.

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

Public hearings before the Planning & Zoning Commission shall be conducted in accordance with 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, would 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 provided 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 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

1 her first and last name and provide his or her current address. Each  
2 speaker shall speak only to the merits of the proposed zoning  
3 decision under consideration, shall address remarks only to the  
4 Commission and shall refrain from making personal attacks on any  
5 other speaker. The presiding officer may refuse a speaker the right to  
6 continue if, at first after being cautioned, the speaker continues to  
7 violate the rules of decorum.

8 You've heard our Rules for Public Hearing. Staff, at this  
9 time -- Commissioners, at this time, I'll entertain a motion to open  
10 the public hearing for Case Number 2017 "V" as in Victor-007-07.

11 COMMISSIONER FANN: Motion to open the public hearing. I  
12 won't state the numbers. You already have adequately.

13 COMMISSIONER ATKINS: Is there a second?

14 COMMISSIONER SHELDON: Second.

15 COMMISSIONER ATKINS: It's been moved by Commissioner  
16 Fann, seconded by Commissioner Sheldon that we open the public  
17 hearing for this particular zoning matter. 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 The public hearing is now open. Do we have the applicant here for  
23 Flagship East Point Investments?

24 AUDIENCE: Yes.

25 COMMISSIONER ATKINS: If you it would please come

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forward to the podium. State your first and last name and your current address.

(Whereupon Applicant Gordy Germany approaches the podium.)

MR. GERMANY: My name is Gordy Germany and my address is 4033 Club Drive, Atlanta, 30319.

COMMISSIONER ATKINS: You can present your case.

MR. GERMANY: Okay. A little background and I know that I met with ya'll a week ago but the building that I'm representing is the old CVS drugstore on Cleveland Avenue and it has been renovated and is now you a plasma donation center, opened last week and I'm requesting a variance for signage on the east face of the building so that the vehicles and traffic traveling east to west would know where we are.

There is -- signage, I believe, is critical to retail operations and I have some pictures that I took that are actually photographs. We did apply for and received approval for signage on the west side of the building because it fronts what would be the south side of the building that has Cleveland Avenue frontage. However, both of those side, no one can see if you're traveling east to west. I also have some photographs that I want to hand out, that show one of the things that used to be present with our facility, was is a large pole sign similar to the ones that our neighbors have, Chick-fil-A and O'Reilly Auto Parts.

These pole sign picked up, you know, fifteen or twenty feet

1 and then they have a two sided board that's about ten by ten, so  
2 much larger and frankly, I feel like that the signage that's actually on  
3 the side of the building is neater and it's very professionally done and  
4 I also have the pictures that I'd like to hand out to show you what  
5 the size that's actually on our building, how it looks like now because  
6 there was a concern that the signage is too large but I think when  
7 you see the photographs, you're gonna see if you're traveling  
8 down -- it's not a large sign as compared to what, I guess, what the  
9 other folks have and again, we'd like to have something on that face  
10 of the building for our future customers so it's a successful operation.

11 Can I come up and hand any of these out?

12 COMMISSIONER ATKINS: Sure, you can give them to Staff  
13 and then Staff will distribute to the Commissioners.

14 MR. GERMANY: Okay. The photographs that are gonna be  
15 handed out are the same as the ones that are on this board that I  
16 can describe so you can see. This is a shot that I took with the  
17 camera east looking west, the side of our building right here  
18 (indicating), O'Reilly, Chick-fil-A two-sided. In addition, they have  
19 the -- Chick-fil-A restaurant has it on three sides of their building as  
20 well, just building signage and so in this area right here, we'd like to  
21 have CSL Plasma. This is a close up of the signage that is on our  
22 building right now (indicating) and you can it was taken from the  
23 parking lot and then the other way to look at it is when you're driving  
24 down from west to east and you can see, out of the photograph  
25 there, it shows our building signage and I just feel like our signage is

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less large and less, I guess, noticeable and even the other tall signs that are out on the street themselves.

So in order for us to hopefully be a successful business here in town, we'd like to request that variance. As you know, the Staff recommended approval. I met with both of our adjoining neighborhood and they're in favor of it as well and if anyone has any questions --

COMMISSIONER ATKINS: No. We don't take questions at this time. It's a public hearing so we only hear from the public at this time, Mr. Germany.

MR. GERMANY: That's the end of my presentation.

COMMISSIONER ATKINS: Okay. Thank you very much. Are there any other proponents to speak in favor of this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

COMMISSIONER ATKINS: Are there any opponents here to speak against 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 for Case Number 2017 "V" as in Victor-007-07.

COMMISSIONER MILLER: Motion to close the public hearing.

COMMISSIONER MAXWELL: Okay. It's been moved by

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Commissioner Maxwell, seconded by Commissioner Miller.

COMMISSIONER MILLER: Yes, second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Maxwell, seconded by Commissioner Miller that we close the public hearing for this zoning case. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing the ayes have it. This public hearing is now closed. Staff, would you please sound your recommendation.

MS. BLATCH: In Case Number 2017V-007-07, the applicant being Flagship East Point Investments, location 1043 Cleveland Avenue, Staff recommends approval to allow an insulation of a wall sign on a a non-street facing wall as required in within Section 10-7017(e).

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

COMMISSIONER FANN: Motion for approval.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second for discussion.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Sheldon for discussion.

COMMISSIONER SHELDON: I have a question. This says,

1 non-street facing. It faces Cleveland Avenue.

2 MS. BLATCH: Street facing as defined, it has to be a street  
3 that's adjacent to the wall in which they are wanting to place the  
4 sign. This particular location, the east side of the building, there is a  
5 driveway there. Although, you can see it from Cleveland Avenue, it's  
6 not accessible directly from Cleveland Avenue.

7 COMMISSIONER SHELDON: And what is the size limitation by  
8 ordinance?

9 MS. BLATCH: By ordinance, the sign can be no more than  
10 twenty-five percent of the wall elevation so we take into  
11 consideration the length and width of the wall and you do the  
12 multiply of twenty-five percent and therefore, his sign could be no  
13 more than that.

14 COMMISSIONER SHELDON: So there's not a height  
15 restriction on the letter?

16 MS. BLATCH: There's not a height restriction on the letter and  
17 it has to be at least be twelve inches from the rooftop.

18 COMMISSIONER SHELDON: Okay, thank you.

19 COMMISSIONER ATKINS: Any other questions?

20 COMMISSIONERS: (No response.)

21 COMMISSIONER ATKINS: This is -- I don't have a question  
22 but Mr. Gordy; is that correct, Mr. Gordy?

23 MR. GERMANY: Germany.

24 COMMISSIONER ATKINS: Germany, Mr. Germany, yes. So  
25 my concern is I drove just past the site after our Work Session last

1 week and I also noticed from the photographs that you shared with  
2 us that -- that's one that you have on your board -- traveling east so  
3 going from west to east. I think that what we see, there's a double  
4 sign, if you will so I took a photo with my phone so I think that there  
5 are two signs really on that side so if you're driving Cleveland Avenue  
6 headed east and when you come upon the subject property, there is,  
7 in effect, two signs because of the angle of the entrance and so my  
8 concern is that I don't know if it's that you need an additional sign or  
9 if we can have to make some decisions around where you'd like to  
10 place the signs that are allow because if the sign on the west wall  
11 were not there, there's still a sign in front of the building. There's no  
12 sign on the eastside. Was that something that our organization took  
13 into consideration?

14 MR. GERMANY: With those two sign, one, we went on a  
15 forty-five degree angle. We seen more like the front of the building  
16 and that was the Cleveland Avenue side and then the Blount Street  
17 side and I'm not questioning that we've got two sign, but I think from  
18 the photographs you see there, our neighborhoods have signs on  
19 three sides of their building plus a large pole sign out there, much  
20 more signage than we're requesting.

21 I don't don't see what the -- is it -- are you concerned if we  
22 have those letters on that east face that it's just gonna be too much  
23 to -- I don't know, you know, I mean, I don't know what to say  
24 except that it seems like it's not outrageous to have the signage on  
25 there and like I said, it's just a -- obviously, the reason that these

1 retailers want signage is because they feel like it's necessary for their  
2 operation and that's probably why they have it on three sides and  
3 have in addition to it, they have a big pole sign as well and I think  
4 we're no different.

5 We want to make sure we can attract people coming down  
6 Cleveland Avenue and then you want something that somebody can  
7 see prior to just, you know -- being right in front of it and maybe not  
8 catching it. If you're going down the street and you're looking --  
9 you're not gonna see anything going to the -- and, you know, if  
10 you're driving straight ahead, you're not gonna -- you're not gonna  
11 see that sign to the -- right there if it's on that forty-five degree. You  
12 want to see it ahead of time.

13 COMMISSIONER ATKINS: Right. I think that's a little -- that  
14 response is a little different than to the question that I asked. The  
15 question was: Did you consider placing one of the two signs that you  
16 have on the east facade of the structure verses having a sign on the  
17 west side and one that is partially on the west?

18 Clearly, when had I drove the property and I wanted to make  
19 sure that I had an opportunity to do that so that I would be prepared  
20 to intelligently hear your case tonight, this is what I saw. It's two  
21 signs to me driving west to east and so there is no sign on the east  
22 facade and the reason that we're here this evening -- you're  
23 requesting a variance is because you are stating in your words, that  
24 you need to have a sign so that motorist could see the name of the  
25 structure driving east to west.

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So my question to you is did you consider placing one of the two signs, that you currently have, on the east facade because there would be sufficient signage for those traveling west to east but not east to west?

MR. GERMANY: Yes,we considered -- we actually -- but felt that the second best location, given we were only allow two -- was to have it right over the front door so we try to show the entrance of the building. I guess we did consider going east and west and not having something over the front but we felt like the signage right over the front door was probably the most important.

COMMISSIONER ATKINS: Okay. And I'm asking those questions not because I don't want your business to be successful. We want your business to be very successful but, obviously, we're here this the evening because we're trying to vary from the code and so it's a question that I think is relevant and very appropriate because what we are also trying to do is to make sure that whatever development comes and however we do signage and all of those things that is very tasteful for our City -- because we not only want your business to be successful but Cleveland Avenue is a major commercial thoroughfare in our City and we want all of those businesses to be successful.

MR. GERMANY: Absolutely, and I hope you feel like what we're showing is tasteful from what you see either on here or in the front of the -- I feel like it is but I hope ya'll do, too.

COMMISSIONER ATKINS: Commissioners, are there any

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other questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Anyone else have questions of /-F the applicant?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: There is a motion on the floor. Commissioner Fann has made a motion for approval. Commissioner Sheldon has seconded it. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Your variance is approved, Mr. Germany.

MR. GERMANY: Thank you.

COMMISSIONER ATKINS: Our next Agenda Item is 2017 "Z" as in zebra-007-04 and 2017 "VC"-Victor, Charles-002-04. This Agenda Item also requires a public hearing. Staff, would you please sound the Agenda Item.

MS. BLATCH: Case Number 2017Z-007-04, 2017VC-002-04, the applicant, Duke Realty. The location is 0 Campbell Drive and 0 Campbell Drive Rear where there are four parcels involve. The applicant request a rezoning from AG-1, (Agricultural District and R-3, Multi-Family Residential) to B-P (Business Park). The applicant also request a 3-Part Concurrent Variance to Section 10-6010 through 10-6024 of the tree protection and landscape ordinance, zoning

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buffer and height of monument signage.

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

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Sheldon 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 the applicant, Duke Realty here, okay.

AUDIENCE: Yes.

COMMISSIONER ATKINS: Step to the podium. State your first and last name and your address, please.

(Whereupon Applicant Representative Steve Rothman approaches the podium.)

MR. ROTHMAN: Good evening Commissioners, I'm name is Steve Rothman, 2849 Paces Ferry Road and I'm an attorney here on behalf of Duke Realty. I'm also joined by Davis Frankel who's with Duke Realty.

As you heard, this is a rezoning application with a three-part

1 variance request. This is on North Commerce Drive on the southern  
2 end. We've got Business Park across the street, Business Park next  
3 to us, existing Business Park. This property is zone AG-1, R3, NBP.  
4 They're remnants of parcels. They're small, remnants of zonings that  
5 are old zonings and we're just asking as to the rezoning that it be  
6 cleaned up and allow to be Business Park designation. Clearly, the  
7 existing zoning AG-1, the residential, isn't appropriate and we got  
8 uses all around that are inconsistent with that, with the Business Park  
9 but just distribution kind of uses so we're asking to go to Business  
10 Park. The request is consistent with the City's Comp Plan, division  
11 for not only this property but for the area.

12 With regard to the three Concurrent Variances, all of them  
13 are consistent with existing development in the existing Business  
14 Park. So, for example, with regard to the variance from the tree  
15 ordinance, the request that we have is to allow a density of trees and  
16 ya'll's ordinance measures tree by tree density units per acre.  
17 Instead of requiring what's imposed -- generally for smaller parcels of  
18 land -- and these are large parcels with buildings that are -- our  
19 proposed building here is over four acres -- that we come in with a  
20 tree density that compatible with the existing Business Park action  
21 which is a minimum of seven tree density units per acre and that's  
22 what we're asking for here.

23 We've gotten this variance in the past for several other  
24 buildings and demonstrated that that kind of tree density -- we got to  
25 that working with the Staff and with the Planning Commission

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before -- is the kind of tree density that's looked for in a campus style or campus environment, Business Park -- plenty of tree along the road, plenty of trees around the parking area. We just simply can't put a lot of trees in the middle of the four-acre eCommerce of logistics building.

That's the background on that. There's also a request for signage to allow the monument to be up to eight feet. The requirement is for four feet. Your Work Session last week, you guys asked some good questions about that signage. I got a little better answer this time than last week, which is that the reason we asked -- first of all, the Business Park years ago, under the previous ordinance, got a fourth of variance to allow eight foot tall monument signs.

So one aspect of our request, we believe, is justified -- and meets the criteria because it's compatible. We want the same kind of signage for this building in the Camp Creek Business Park that exist for all the other signs. But I think the question you asked is: Why did you go to eight feet? What was the justification? And the reason for that is eye height, that when a person is driving a passenger vehicle on Main Street, for example, your eye is three and a half to four feet above the ground.

But these truckers, their eyes -- according to AASHTO standards and the measurements, they have eight point five to nine feet above the ground and so when someone is up that high and they're trying to look at a sign and the science is there's a cone of

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vision, and the maximum height of the sign is four feet and all the lettering is two feet and three feet, then someone who's nine feet up driving a vehicle has to distract from steering the vehicle to try to read the sign and so what we want to do is get the signage up so it's in the cone of vision of the driver.

We're not asking for a bigger sign in terms of area. We're not asking for that variance. We're just asking to raise the sign so that a trucker could see it. So I'm a little more prepared than last week. You asked a great question last week on that. With regard to the buffer, the buffer variance is two allow us to go in -- your definition of a buffer is, "undisturbed." We want to go in and grade the buffer, disturb it but really what we want to do is make the ground level, whereas now it's undulating and there's shrub and there's trees and then Duke wants to replant it in the same fashion that they've planted their other buffers, which is a very thick tree cover with foliage that they can maintain over time.

So we're asking that -- the building is not coming into the setback. The building is not come caning into the buffer. We just want to go into the buffer and instead of leaving it undisturbed, we would like to plant it. Now, the buffer is required to be 75 feet. There will be portion of the driveway behind the building that comes closer than the 75 feet but we've been able to calculate that the building is behind us or hundreds of feet away from our building and so we believe that with our thick buffers just like we've done them elsewhere that the buffer that we've proposed is appropriate.

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Because the lot is shallow, it's a rectangular -- it's shallow and very wide along North Commerce and because the kind of building is that you encourage here, that's you're zoning in Comp Plan 1, which is this eCommerce. This building is over four acres in size. These kinds of distribution buildings are large and because this lot is shallow, we need to come back a little closer with the buffer but again, the building is staying out of the setback and out of the buffer so with that -- after the public hearing, we're available for question but we ask that you support our application. Thank you.

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: You (No response.)

COMMISSIONER ATKINS: Anyone else here to speak in favor of this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any other opponents here to speak against 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.

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COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Miller that we close the public hearing for Case Number 2017 "Z" as in zebra-007-04, 2017VC, Victor, Charles-002-04. 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 2017Z-007-04, 2017VC-002-04 the applicant, Duke Realty, location, 0 Campbell Drive and 0 Campbell Drive Rear, Staff recommends approval of rezoning the properties from AG-1, Agricultural District and R3, Multi-Family Residential to B-P, Business Park.

Staff recommends approval of Concurrent Variance Part One to allow relief from all previous -- all provisions, I'm sorry, required one Section 10-6010 through 10-6024 with the following conditions: The applicant will adhere to all regulations in Sections 10-6001 through 10-6009. The applicant shall use trees and landscaping plant materials found in 10-6023. Any substitutions thereof shall be approved by the planning and community development director.

Staff recommends approval of Concurrent Variance Part Two

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to reduce to requirement zoning buffer of 75 feet, where adjacent to residential, as required within Section 10-6008 (d) to fifty-six feet for the purpose of grading replanting.

Staff recommends approval of Concurrent Variance Part Three to increase monument signage height from four feet to eight feet as approved within Variance Application 2008V-006-05.

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

COMMISSIONER MAXWELL: I so moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: And Mr. Maxwell, are you moving to approve with Staff's conditions as stated?

COMMISSIONER MAXWELL: I move to approve with Staff's conditions a stated.

COMMISSIONER ATKINS: Okay. And the second was, Miller?

COMMISSIONER MILLER: Yes, sir.

COMMISSIONER ATKINS: Okay. So there a motion for approval with condition as stated by Staff, by Commissioner Maxwell and there is a second by Commissioner Miller.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I believe that the rezoning needs

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to be made in the form of a recommendation to City Council and did you want the variances to be separate? Should we have those be a separate motion?

ATTORNEY VALERIE ROSS: It's an option. It's a Concurrent Variance to the rezoning so you can just have it as one motion.

COMMISSIONER ATKINS: And Commissioner Sheldon is correct so, Mr. Maxwell, for your motion, I just want to say, for the record -- and you can agree or affirm that your motion is a recommendation to approve with conditions as stated by Staff, correct? Speak into the microphone for the record.

COMMISSIONER MAXWELL: I affirm.

COMMISSIONER ATKINS: Okay. And Commissioner Miller, your second still stands?

COMMISSIONER MILLER: My second still stands.

COMMISSIONER ATKINS: All right thank you. Are there any questions, comments about this zoning case?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Questions or comments?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, the motion on the floor is to recommend approval for Case Number 201 "Z" as in zebra-007-04 and also Case Number 2017VC, Victor, Charles-002-04. The recommendation is to approval with Staff's conditions made by Commissioner Maxwell, seconded by Commissioner Miller. All in favor sound aye.

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COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.  
We will recommend approval. Thank you.

Our next Agenda Item is Case Number 2017 "Z" as in zebra-005-07 and 2017VC, Victor, Charles-008-07. This particular Agenda Item will be deferred to our regularly scheduled September meeting due to a lack of proper advertisement.

So we will now move on to Case Number 2017 "Z" as in zebra-011-07 and Case Number 2017VC, Victor, Charles-009-07. This Agenda Item also requires a public hearing. Staff, at this time, I'll ask you to sound this Agenda Item.

MS. BLATCH: Case Number 2017Z-011-07, 2017VC-009-07, the applicant The Eco Cottages at East Point/Tiny South, LLC. The location is 2715 Cheney Street. The applicant is requesting a rezoning from R1A Urban Residential to CUP, Community Unit Plan. The applicant is also requesting a 2-Part Concurrent Variance to reduce the minimum contiguous acreage and minimum lot area per unit within Section 10-2068, Development Standards.

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

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FANN: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Would the applicant please step to the podium and state your first and last name and your current address.

(Whereupon, the Applicant Representative Harold Buckley. I'm with Wilson, Brock & Irby and our address is 2849 Paces Ferry Road in Atlanta. I'm here before you on behalf of Eco Cottages, which is the applicant in this case.

We have reviewed the Staff report for this application and we understand that the City Staff is recommending approval with site specific zoning conditions. We have reviewed those conditions and we agree with them so I would focus my remarks this evening on the request that this Body made last week at its Work Session for additional information.

One of the requests for additional information was for work detail on our site plan. One thing that we did was we took the black and white site plan and we converted it to color so that it was easier to read. On the site plan, you can see the alignment of the houses along the proposed new street on the site. You see the path that

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we're proposing that runs along the south side of the site. This path with actually connect into the path foundation's path network and provide pedestrian access through the site to Semmes Park and this trail access configuration will be public and there will be an easement for the public to use that trail to get through the site.

Adjacent to that trail, you see the community garden. That is being proposed as an amenity as part of this development. You also see the clubhouse and the barn at these two locations. The clubhouse is for community use. It is private, however, Eco Cottages has started conversations with the adjacent -- I'm sorry, surrounding neighborhoods to arrange them being able to use this facility for their neighborhood meetings so even though that is a private facility, they are working on an arrangement where they can use it for certain community meetings.

The barn is for storage of landscaping materials, the landscaping equipment, excuse me, that will be used to maintain the site and you will have on-street parking along this new roadway. There are fifty-two spaces and then you'll have another eight spaces here adjacent to the clubhouse and then another seven overflow spaces which will not be paved but they will be available if needed. These spaces don't have to be paved per City standard because we exceed the minimum parking requirement and so this is, in addition to, above and beyond what we're required to provide by the City code.

At the upper end of the site plan here, you see the detention

1 pond. We were asked to provide more detailed information on the  
2 landscaping materials that would be used in and around the  
3 detention pond. In this site plan detail, you see a blown up image of  
4 that detention pond. You have landscaping that will be placed in the  
5 pond itself and then you have other landscaping materials that will be  
6 used around the perimeter of the pond. The landscaping materials  
7 around the pond are pulled from the City of East Point's approved  
8 landscaped material and it is called out to include willow wilk white  
9 pine, Japanese Cryptomeria, Nellie R. Stevens Hollies, Carolina Cherry  
10 Laurels, Hexie Junipers or other approved plant materials per City  
11 code and the other landscaping materials used would be equivalent  
12 to those called out on this detailed plan.

13 The landscaping materials in the micro pool itself are pull  
14 from the State of Georgia's Storm Water Standards that specify plant  
15 materials to be used there and the micro pool plant list includes  
16 Yellow Water-Lilies, Switchgrass, Soft Rush, Duck Potato, Rice Cut  
17 Grass are other approved plant material per Georgia Storm Water  
18 Manual. So those are the plant materials that we are proposing or  
19 they're equivalent depending on what is material at the time the  
20 detention pond is developed so with that, I'll reserve the rest of my  
21 time and answer questions after the conclusion of the public hearing  
22 or at the end of the public hearing.

23 COMMISSIONER ATKINS: Thank you, Mr. Buckley. Are  
24 there any other proponents here to speak in favor of this zoning  
25 case?

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AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

(Whereupon Opponent Teresa Nelson approaches the podium.)

MS. NELSON: Teresa Nelson, 1732 Neely Avenue. I am adjacent to this proposed project. PolySi professors drilling to us not to be duped by glitter and generalities. The promises made by this applicant are glitter and generalities containing little specificity.

Staff has proposed conditions to approve unit applications but they did nothing to protect the community or the environment. These no true say plan to review prior to application approval. All the old growth trees on the Neely side will be cut down, harboring wildlife and increasing storm water runoff.

Based on the developer's Website clear cutting is how he has operated in the past so I would see no difference here. The applicant plan to support a public trailer on site and the easement but I still haven't seen anything in writing nor is it in the conditions. A significant bond for the project must be put in place to protect

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downstream residents and East Point taxpayers because of the flooding that will occur.

Investors will run the property and everybody will attracted be to this development particularly given it's location near Marta and the airport. There must be restrictions on the amount of rental property allowed. These none mentioned by the developer or any conditions. Frog Hollow already has residents owned by airline employees who use them as crash pads for coworkers between flights.

Actually, property owners have hurt our neighborhood, not supported it. Twenty total parking spaces plus the seven overflow are insufficient with little space left. Outside parking will occur on our neighborhood street and must be restricted. Cheney is too narrow for you to park on the street and for a fire truck to navigate that street. Frog Hollow should not be a parking lot for this development. In addition, they just recently stated that they would have overflow that is not paved. You cannot allow that to occur because what happens is if they can park on unpaved surfaces, everybody else in Frog Hollow can including their front yards. The requirements are a little regarding the detention pond maintenance and landscaping. Unfortunately, what they they've listed is predominantly non (inaudible) species.

Wildlife should be protect on that site and (inaudible) should be include or required to assist to protect the birds and other animals on the site. Some Civil War artifacts have been found at the site.

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Something should be done to make certain that any artifacts in the construction phase that it will stopped as soon as an archeology review can be done. Disclosure of political contributions are required for every applicant, however, only the actual applicant file one. Legal Counsel developer did not. Lead certification should be mandate for structures on the project. This development is truly to be sustainable and this is a minimum requirement, otherwise it's false advertisement.

No barrier on the Semmes Street side is mandated to keep pedestrians from falling off the sidewalk down a steeping bank on the property. Unlike the applicant, I did contact Trees Atlanta, South and Chattahoochee River (inaudible). They have raise the same concerned that I have in the trees that was distributed to you. Please don't be persuaded by applicant's glittering and promises. They are short on specifics and cannot state with any credibility that the promises will be for filled. This site is part of East Point stormwater plans and should be protected as much.

Protect residents from being subjected to more false promises, protect the community, protect the environment. Vote no on this application, thank you.

COMMISSIONER ATKINS: Thank you, Ms. Nelson. Are there any other opponents to speak against this zoning case?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Please step forward.

(Whereupon Opponent Jeffery Thomas approaches the

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podium.)

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

MR. THOMAS: My name is Jeffrey Thomas. I live at 2925 Kimmeridge Drive. That in East Point. I want to start off my ago I'm not against the Tiny Houses. However, there are other places in East Point that they can do this same type of development without the risks of the citizen a well as themselves because we'll be left with the bill.

I've been here since 1980. There was a previous meeting, I think, back last month when Mr. Buckley used the term -- two terms, "floodplan" and floodprone." Now, I don't know how they go together but I'm pretty sure based on the way this property is set up, it floods. That particular property in downstream but the questions or the problem I have is that location.

When the development is done or completed and they renting it in two years or three years down the road and our neighbors flood out, what happens? East Point gonna have to foot the bill. Some of us will leave and some of us will be here but either way it go, that developmental company will be gone to another project. I just want you all to really look at what we're asking for and what we want. Every kind of development seems to come to East Point because it's not touch, it's not tainted but he mentioned also a detention pond and they're gonna put plants inside, around and about. That soundings like a swap and in any terms that is a swap. I don't know

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if there has been a wetland study from the Core of Engineers but it seems at this point where we're at now, the second go around, that should have been one of the main priorities of this, the hydrology study, an engineering firm coming here in front of you all and giving you accurate information but they won't. Why won't they? For the simply fact, then you got to hold their feet to the fire because they making a public declaration right here on camera but yet, we get mixed messages. We want pictures. We don't need pictures. It's right behind City Hall down the street.

When they build the new City Hall, after they pull this nice parking lot and build this beautiful building, where will all that water you go? That water is gonna go downhill, the path of least resistance, then what we're gonna do? Now we're dealing with the water from the City of East Point as well as our you new building and our new parking lot, now we got Eco Cottages and the government going on and our neighbors are downstream from that of Headland over to back behind the Paul D. West, all downhill. That's a detention pond as it is now. Leave it like it is and make it a park.

Thank you

COMMISSIONER ATKINS: Thank you Mr. Thomas. Are there any other opponents to speak against this zoning item? Please step forward, state your first and last name and your current address.

(Whereupon Opponent Joe Eatman approaches the podium.)

MR. EATMAN: My name is Joe and I live at 1899 Montrose Drive. As I stated the time, I don't have a problem with Tiny Houses.

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My problem is with where they're located. I work with and evaluate land for buildings and developers all the time and in my almost thirty years of doing this, I've never seen nobody purposely place all of the development down a flood-prone area. This area not only carry storm water from all of downtown East Point, but then you're putting all this impervious surges right in the middle of a flood-prone area so not only -- it's not a matter of if but when this area floods and causes problems in the downtown East Point as well as below where the structure below.

Also I've been evaluating wetlands delineate wetlands and mitigating wetlands here in Georgia for almost thirty years. That site does contain wetlands. When I first move here twenty-four years ago, there was a huge willow tree that sit there next to the school and the first thing that came to my mind was how was they allowed to build that school there in that wetland? Well, this was long before people put any thought into environmental issues. That tree was taken down when they took down the school but wetlands still exist on this site and how do I know because underneath that Kudzu, you have willow trees all of which are species for wetlands.

Now, in my conversation with the developer, they said that that have done a wetland study and I asked them, did you get a determination letter from the core. Their answer is, no. I don't know if they ever went back and rectified it or not but I'm asking that you turn this down on the bases that it poses a threat to property and life from the potential of flooding and just environmental

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impacts.

In Old Fourth Ward, they had to go back and buy up all the houses that were down in the low area and those houses weren't sitting nearly as low as what these are gonna be sitting. East Point -- we don't have that kind of money so I'm asking you now to please turn this down and not let it go forward and again, as I stated, I don't have a thing against Tiny Houses but I do have a problem with where they're putting these. Thank you.

COMMISSIONER ATKINS: Thank you. Are there any other opponents to speak against this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other opponents?

COMMISSIONER ATKINS: Any other opponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, Commissioners -- I'm sorry, at this time, the applicant has an opportunity to rebut.

MR. BUCKLEY: In response to the concerns that have been raised by the neighbors and we are very sensitive to the concerns and the conditions that we leave for the neighbors. I would highlight the fact that this property is currently zoned R1A. Under the current R1A zoning, we could build forty houses on this property. We're asking for permission to put forty houses on this property. The difference between doing a traditional R1A development and what we're proposing is that our development would put you less impervious surface on the property that the current zoning allows.

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And the reason for that is that we are clustering houses along this central roadway that we're putting on the site. We could not do that under the current R1A standards and if we did that, not only would these houses be on lots that cover a bigger footprint and required more roadway to go on the property, but each house would have an independent driveway that would add even more impervious surface. We have shown on our site plan the natural wooded tree safe area. You see that here (indicating) and you see that here (indicating) and here (indicating.) If this approved condition on this site plan, those natural wooded areas would be a required set aside under that conditional site plan. One thing to keep in mind is that the trees shown on this site plan are about half as wide in diameter as they are shown here than they are in reality. The reason we did that is because if we showed them at their true diameter, the tree cover would cover the hold site plan and you could not see underneath them for purposes of looking at our development.

The trail that we're showing along the bottom of the south side of the site, as I said, that will be for public access. If there's any concern about whether that will be done, we would happily accept the condition requiring us to provide an easement for that trail running along the south side of the property. In terms of flooding, there is currently flooding and it happens on and around this property but it's not due to any wetland area on the site. We did go and talk to the Army Core of Engineers. The Army Core of Engineers told us that there were no protected wetland areas on the site.

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The reason for the flooding is the condition of the sewer infrastructure on and across the site. As part of this development, we will upgrade that sewer infrastructure. We have provided the City with a storm water study. According to the storm water study, the detention that we are proposing on the site exceeds the minimum requirements under the law by -- between fifty percent and two hundred percent, depending on the type of flood you're looking at whether it's a twenty-five year flood, hundred-year flood. We have Richard Breedlove here on the front row. He's our storm water engineer. He's happy to answer any questions that the Commission may have.

In terms of -- concerns about the City's resources, that is a valid concern. If this development is approved, my client will, at their own expense, upgrade the sewer infrastructure on and across the site to eliminate the flooding issues that the neighbors are currently experiencing. If this development doesn't happen, that's an expense that the City will have to take own, which would be a detriment to the City's finances and the public good.

In terms of absentee owners, this is not a low quality development, this being dumped in East Point. This is actually a high quality development that on a per square foot bases, people are paying a premium to live in. We actually have a waiting list for people who are interested in purchasing homes in this development.

In terms of the unpaved overflow parking, once again, the reason that we can do the unpaved overflow of parking is because

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we are providing more parking on the site than the City requires. So in addition to providing with greater degree, a storm water detention than the City requires, we're providing more parking than the City requires.

In terms of the concerns about landscape species, once again, we pulled plant materials from the City's approved landscape list for the perimeter of the detention area and we pulled from the State of Georgia Storm Water Standards for those plant materials in the detention micro-pool. And for that is, we're trying to provide a higher quality environment on this property than just the bare minimum. We're not required to put that caliber of plant material, you know, in the configuration that we're providing, you know, landscaping around the pool and landscaping in the pool. We're doing that because that justifies the price points that we are looking at for this development in terms of amenities. You got the decorative detention area, the trail system, the garden, the clubhouse. Those are not amenities that you provide in bare development.

In terms of concerns about any historic artifacts that maybe uncovered on this property, that is already governed by state and local law and if we do come across any historically significant artifacts, we're required to stop development and notify the proper authorities so that those artifacts can be can handle properly.

And then finally in terms of campaign contributions, I have not provided any campaign contributions to any public official in the City of East Point and neither has anyone in Eco Cottages so with

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that, I will happily answer anyone's questions and if you have questions for our storm water engineer, he's available as well.

COMMISSIONER ATKINS: We don't have questions at this time. It's a public hearing and so the questions will come after a motion and a second is on the floor. Thank you, Mr. Buckley. Okay. Staff, at this time -- Commissioners, at this time we've heard from the applicant and you've also heard from proponents and opponents of this zoning case. At this time, I'll entertain a motion to close the public hearing.

COMMISSIONER MILLER: Motion to close the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BORDERS: Second.

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 2017Z-011-07, 2017VC-009-07, applicant being Eco Cottages at East Point, Tiny South, LLC, location, 2715 Cheney Street.

Staff recommends approval of rezoning the property from

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R1A Urban Residential to CUP, Community Unit Plan with the following condition: Preliminary plat shall be file prior to the issuance of the land disturb permit. Name of new un-name street must be submitted with preliminary plat application. Tiny Houses on Wheels are prohibited. Exposed foundation shall be skirted with the same material as the structure. Amended site plan must be submitted per Staff conditions. Amenity must be labored on site plan. Home shall be built according to all kind and applicable Georgia State Minimum Code Standards.

Porches are required at the entrance of the structure and must be a minimal of three feet by three feet. Forty single-family dwellings will be permitted and consist of a maximum of fifteen units at five hundred square feet, a minimum of fifteen units at seven hundred and fifty square feet and a minimal of ten units at one thousand square feet.

Parking services shall include but are not limited to a porous concrete permeable interlocking concrete pavers, permeable concrete paver system, concrete rig pavers and plastic turf reinforcing grid as approved by Public Works.

Parking area shall be landscaped with shrubs and tress with a parking aisle in accordandce with approved species in Part 10, Chapter 6, Tree Protection and Landscaping. All residences shall be connected by a sidewalk or pedestrian walkway to the common area.

Sidewalks are required on both side of the new unnamed public street. Sidewalks are required along Cheney Street and

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Semmes Street within the property boundaries.

Sidewalks along Semmes Street shall be built in accordance with the Semmes Street right-of-way Improvement Project Number CSHPP-0007-00540. Homes shall be oriented to face a planted landscaped courtyard. Homes fronting the public street shall have the primary entrance and main windows facing the street. House sides must vary in each custom varying building placement to increase a variation of facades and more articulated building edges.

A series siding facade shall consist of wood, hardy plank, brick or stone. New unname public street shall be built to Fulton County and ASSHTO's Standards. All utilities must be underground. Signage shall be in accordance with Part 10, Chapter 7 Signage, Section 7017(b). The developer shall submit a traffic study to the Department of Public Works upon submittal of land disturbance plans.

Staff recommends approval of Concurrent Variance Part One to reduce the minimal contiguous acres as required within Section 10-2068, Development Standards to 7.69 acres.

Staff also approves Concurrent Variance Part Two for relief from the minimum lot area per unit from 6,000 as required within Section 10-2068, Development Standards to an average of 6,000 square feet.

COMMISSIONER ATKINS: Thank you. Commissioners, you've heard from the applicant, you also heard from other opponents and opponents for this zoning case and now we just heard

1 Staff's recommendation. At this time, I'll entertain a motion. Please  
2 remember to state your motion in the form a recommendation.

3 COMMISSIONER TUCKER: Mr. Chair.

4 COMMISSIONER ATKINS: Yes, Commissioner Tucker.

5 COMMISSIONER TUCKER: I'd like to make a motion to  
6 recommend approval with Staff recommends to the Concurrent  
7 Variance Part One and Two.

8 COMMISSIONER ATKINS: Is there a second?

9 COMMISSIONER SHELDON: Second.

10 COMMISSIONER ATKINS: It's been moved by Commissioner  
11 Tucker and seconded by Commissioner Sheldon to recommend  
12 approval with Staff's recommendations and conditions as stated. Any  
13 comments?

14 COMMISSIONER BORDERS: I would like to make a motion  
15 that we recommend discussion.

16 COMMISSIONER ATKINS: It's for discussion now. So we  
17 have to have a motion before we can have any discussion so at this  
18 time, I am -- I am recognizing any Commissioners who would like to  
19 speak.

20 COMMISSIONER SHELDON: Mr. Chair.

21 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

22 COMMISSIONER SHELDON: I would like to add a condition  
23 Number 23 to include an easement for the trail as shown on drawing  
24 RZ1, if the maker of the motion does not object.

25 COMMISSIONER ATKINS: Okay. And the second was Ms.

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Sheldon; correct, and obviously -- okay. Any other questions or concerns, comments?

COMMISSIONER BORDERS: Yes, Mr. Chair.

COMMISSIONER ATKINS: Commissioner Borders.

COMMISSIONER BORDERS: I have some questions.

COMMISSIONER ATKINS: Absolutely.

COMMISSIONER BORDERS: Just some basic things about public space. You showed foundation plans and I'm sort of assuming that there's a furnace inside and an air-conditioning unit outside and your drawings showed drawing foundation plans. Will that be the responsibility of the developer to put those in and does it mean what those are or is it the homeowner's --

MR. BUCKLEY: The landscaping materials that are shown on the site plan will be a condition for us pulling any permit and it will be the developer's responsibilities to install those.

COMMISSIONER BORDERS: Given that the way this is worded, you don't actually own the land the house sits on you have a shared -- how will you handle public space issues? For instance, I'm assuming that you'll be open to children within houses, people tend to personalize their space, perhaps they want to put up a swing set or something like that. However do you handle this type of thing?

MR. BUCKLEY: I'm going to defer the response to that question to Kim Bucciero from Eco Cottages.

COMMISSIONER ATKINS: If you state your first and last name and your address, please.

1 MS. BUCCIERO: Yes. My name is Kim Bucciero and my  
2 address is 1028 St. Charles Avenue, #5, Atlanta. So to address that,  
3 we'll have an HOA that will have covenant that's regulating what is  
4 allow and what's not to maintain, you know, a very tiny exterior and  
5 have rules to make sure that, you know, things are are consistent  
6 and landscaping is maintained. Basically, each of the owner with  
7 own down to their foundation of their homes and then similar to in a  
8 condo situation, they'll have a limited common element around their  
9 home, which would be at their yard and so that would be for their  
10 personal use in that limited common element even though they do  
11 own a percentage of the entire property as he mentioned.

12 COMMISSIONER BORDERS: How big is that?

13 MS. BUCCIERO: It will vary from house to house.

14 COMMISSIONER BORDERS: And so each house actually has  
15 a personal space area?

16 MS. BUCCIERO: They'll only own a common element, correct.  
17 It's considered elemented common and that's so when you have a  
18 condo that has a porch, it's a dedicated porch for that owner but the  
19 land is still owned as a collective just like in a condo, makes sense?

20 COMMISSIONER BORDERS: Another question. Given that  
21 these are -- it's a thousand square foot and they're 200,000 plus for  
22 these units plus the Homeowner's Association fee. Have you had a  
23 chance to determine the resale value of these type of units over time  
24 and time on pocket that they spend?

25 MS. BUCCIERO: No. At this point, we haven't looked at resale

1 value. A number of case studies in the area and general, the  
2 intentional communities, the resale is a very long period from the  
3 time of initial purchase to that resale. The Old Fourth Ward has a  
4 neighborhood call Lampkin Street Cottages. It's an example of this  
5 and the reason is once the owners by into the neighborhood,  
6 generally they're happy there and so that resale is delayed until a  
7 major-life change event so we haven't looked at resale in that regard  
8 but we do know that in general, the more intentional communities,  
9 pocket neighborhood and these larger version of them tend to have a  
10 little longer initial ownership.

11 MR. BUCKLEY: And we had a limited discussion along these  
12 lines at the zoning information meeting and one of the inflection  
13 points that we've reached in Atlanta is that historically because  
14 housing costs here are low compared to other major cities, the  
15 improvement on a piece of land is what gave that land its value. The  
16 land underneath your lot -- underneath your house was not very  
17 expensive but the house is where you got the value. But now that  
18 we're seeing a reverse migration and people moving back into the  
19 City of Atlanta, the City of East Point inside the perimeter, that  
20 paradigm is starting to shift so that now because no more is making  
21 anymore land inside 285, the location is where you are starting to  
22 derive a larger proportion of your value and so that is what is going  
23 to sustain or part of what's going to sustain in the resale values of  
24 this community.

25 COMMISSIONER ATKINS: Commissioner Borders, any other

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questions?

COMMISSIONER BORDERS: No. I do have a couple of comments.

COMMISSIONER ATKINS: Okay.

COMMISSIONER BORDERS: When is -- I do understand that they could have said that there are no protected wetlands -- that you already had designated this wetlands. I think the gentleman who spoke before was referring to the fact that you'll plant species that indicate that there are wetlands there such as the Willow trees, but no, it's not a protected wetland, not at all. The document that was handed to us that was prepared by Ms. Nelson makes a number of very good points, that we have to agree with in terms of the zoning for pre-detention pond, wildlife, sewer; they are all indicate the fact that this is a very wonderful idea but there is a problem with flash flooding and storm water in the area. There's a great deal of risks involved in this project. I hope you prove me wrong.

MR. BUCKLEY: And just very briefly, I wasn't trying to hedge or be cute when I used the term, "protective wetland." What I was really trying to convey is the fact that the term, "wetland" has a legal definition and there is no portion off of this site that meets that legal definition of wetlands.

COMMISSIONER BORDERS: And I'm agree with you on that. I'm simply saying the gentleman said there's cases that indicate this is wetlands.

COMMISSIONER ATKINS: Any other questions or comments?

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COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: Is it -- I'm I correct in remembering that the development will not proceed until it was -- at least 50% of the investment has been by home buyers?

MR. BUCKLEY: That is correct. Jim Chapman Homes will be the builder on this site and Eco Cottages partner in this development. That company is a very high-end builder of single family detached home and their practice to avoid any development with their name on it from winding up like so many you see with, you know, the beginning of site work but then you just sort of let the pipes sticking out of the ground. As a practice, they do not start a community until 50% of the home have been committed.

COMMISSIONER SHELDON: Thank you. And I guess my additional comment is that there's a lengthy review that will take place beyond this point once you beginning submitting your documents just so that everyone is for sure that Public Works -- all of these issues that we have stated our concerns about downstream, will get evaluated by our people and there maybe some more engineering work that needs to be done in response to that. I just want to make sure that that is stated before we vote.

COMMISSIONER FANN: Well, it's my time.

COMMISSIONER ATKINS: Commissioner Fann.

COMMISSIONER FANN: Thank you. Mr. Buckley, I appreciate your presentation tonight. I appreciate your presentation

1 but my position still what it has been in terms of early. I think that  
2 when you guys came back in terms of the five hundred square feet  
3 houses and seven hundred fifty square houses and thousand square  
4 feet houses, that's good. It's really good. It's location, location,  
5 location. When we talk about a through street, that means traffic  
6 gonna be driving through there. Anybody can cut through there.  
7 That would be a street that people cut through. We talked about  
8 building a state of the arts City Hall. I mean, it's gonna be beautiful.  
9 We been waiting on it. We can't wait until it comes but that City Hall,  
10 where they gonna build it at, we've already had problems when they  
11 built the law center there. I'm give you a history lesson.

12 In terms of the flood, water came from the law center  
13 downstream that created that problem, part of that problem in that  
14 bowl because that's what it is, a bowl and, of course, everything runs  
15 there and it's gonna be a lot of pervious surface with the new City  
16 Hall, it really is and I don't know if you have considered that or if  
17 your engineers have looked at that or for the storm water runoff  
18 perspectives, and not your proper, but it's gonna come to that  
19 problem. Those issues or issues that I think that many people would  
20 be really concerned about because they know what that area has  
21 been in the past. They know how that area had been flooded in the  
22 past. They know that.

23 The reality of it is is that my vote still gonna be, no, because  
24 I'm not against you guys doing whatever project -- I'm not -- I just  
25 think it's a bad location. It's location, location, location. There are

1 some other places, I believe, in this City, that can be suitable for this  
2 kind of project but I don't think that this location -- because of all of  
3 it's many problems over the years. We paid former Joe Macon, the  
4 Mayor, monies as he was mayor of the City because his property got  
5 flooded out. So I mean, I don't want us to go back to citizens having  
6 to pay money because of the flooding problem this property probably  
7 with have. Go on and tell me what you got to tell me then I'm finish  
8 my dissertation.

9 MR. DINGLE: Larry Dingle, 2849 Paces Ferry Road, Atlanta,  
10 Georgia. We spoke with Mr. Macon. One of the concerns that I had  
11 in specific is the fact that I did remember that Mr. Macon sued the  
12 City of East Point because the downgrading of flooding that affected  
13 his property. That's the very first person we talked to. That's the  
14 very first person who took the time to have our consultant develop a  
15 very detailed storm water study. We sat with him, went over that  
16 study and Mr. Macon has conclude that this property will not be  
17 harmed as a result of that.

18 The other issue you raised with regard to the development of  
19 the new City Hall. Your engineer and the City's Staff met with us for  
20 three hours to go over our storm water study. We left it with them  
21 to take further study of that document to evaluate the methodology  
22 used by our consultant. They concluded this study solid, the sign,  
23 the science behind the sign. In addition to that, the City's engineers  
24 also pointed out that in the construction of the new City Hall, they  
25 have a do to over-design for the purpose of retaining the water that

1 is gonna come out as a result of that impervious surface so what will  
2 happen is with both these developments downgrading water flow will  
3 be improve.

4 COMMISSIONER FANN: Thank you so much, Larry. The  
5 issue is -- are you a P.E., sir? You're a P.E. a Professional Engineer,  
6 storm water. You willing to state your professional engineer's license  
7 on this, sir.

8 AUDIENCE: Yes, sir.

9 COMMISSIONER FANN: You are? Okay, I'm still voting, no.  
10 But the reality of it is -- I've seen too much over the years, the  
11 flooding that takes place in that and I don't believe, in my -- and I  
12 may be wrong but in five years, I don't want to see the City of East  
13 Point coming back and having to buy this property because we did  
14 not do our, what we feel, is due diligence, bring everything. I mean,  
15 it looks good. Everything looks good in the picture just like you just  
16 talked about the sign. It looks good in the picture but in reality when  
17 that water come and it comes and it comes and it comes and the  
18 people there, they get flooded out, what are they gonna look at.  
19 They gonna look at the City of East Point and the first thing they  
20 gonna say is, why did you allow them to build in this area? So I'm  
21 gonna go for that record so if it passes, it passes but I'm for the  
22 record. People will know that Greg Fann said, no, and I don't believe  
23 it's a good location. I believe we can find a better location to do this  
24 same similar project which will probably be deceit for the City of East  
25 Point long-term but in a different location, not this location.

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COMMISSIONER ATKINS: All right. I have a question of the applicant. I want to go back to the detention pond and in your listing of the materials, you listed vegetation. Are we required to have the detention pond fenced?

MS. BLATCH: Typically, detention ponds are fenced. I would have to go back on the ordinance to see the requirement on it but I do believe that is one of the requirements that it has to be fenced and also typically landscaped.

COMMISSIONER ATKINS: With that -- and I know that Staff will go and verify that. Have you guys considered your material for fencing for the detention pond?

MR. BUCKLEY: Yes. On this enhanced scale drawing of the detention area, it does show a fence around the detention pond and the materials that hold out best, four foot black wrought iron or aluminum fencing with lockable security gate.

COMMISSIONER ATKINS: Okay, all right. And that particular site plan was referenced, Ms. Sheldon, in your Condition Number 23; is that correct?

COMMISSIONER SHELDON: It was one that we received with our packet. It was not the enhanced one so I think it was called out on that. Was it not called out on that as well?

MR. BUCKLEY: If I may, I think it was covered in the Staff's condition. We're required to submit a copy of this per the Staff, the Staff's conditions.

COMMISSIONER ATKINS: Of that?

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MR. BUCKLEY: Yes.

COMMISSIONER ATKINS: Yes, okay. And so as you have called that out there, Mr. Buckley, then it will be included as a part of the conditions as one of the material; is that correct; is as option, either the wrought iron or the aluminum fencing?

MS. BLATCH: I'm sorry. Can you repeat that. We were looking for the ordinance of the detention pond.

COMMISSIONER ATKINS: No problem, no problem. Mr. Buckley has stated that in -- apart of the materials that included in that enhanced site plan for fencing around the detention pond, it will either be wrought iron or aluminum fencing. My question was also if this enhanced site plan is referenced as a part of the condition, from which you read? And he also submit an uninanced version, correct, but it should include all of those things as you have stated them.

MR. BUCKLEY: Yes.

MS. BLATCH: Currently, what the condition indicates is that an amended site plan must be submitted per Staff's conditions and amenities must labeled on the site plan. Are we gonna extend that condition to call out the specific site plan as it indicates on this enhanced version?

COMMISSIONER ATKINS: Yes.

MS. BLATCH: So we would condition number two of the site plan?

COMMISSIONER ATKINS: Yes, okay. So do we need to amend that for the motion or are we sufficiently cover with the

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conditions a stated?

ATTORNEY VALERIE ROSS: I think for purposes of clarity for the record, you should just amend the motion so that it specifically references the site plan.

COMMISSIONER ATKINS: Okay. All right. So would we need to make that a number twenty-four? No, Linda stopped at 23.

MS. BLATCH: Okay.

COMMISSIONER ATKINS: Staff stopped at twenty-two, Linda went to 23 so do we need to make that a number twenty-four?

ATTORNEY VALERIE ROSS: Yes, number twenty-four.

COMMISSIONER ATKINS: Okay. Is there a Commissioner that will make that a number twenty-four?

COMMISSIONER SHELDON: If you'll help me word -- we would amend our motion to include a condition number twenty-four to reference the enhanced landscape plan presented in the Planning and Zoning meeting regarding materials for the fencing around the detention pond.

COMMISSIONER MILLER: I second.

COMMISSIONER ATKINS: Okay. It's the motion on the floor is to recommend approval with conditions as stated by Staff and also adding Condition Number 23 and number twenty-four -- condition number twenty-four was just stated. Condition number 23, I cannot read my chicken scratch, Commissioner Sheldon, but it references R31 , I believe.

COMMISSIONER SHELDON: It's the easement for the trail.

1 COMMISSIONER ATKINS: Easement for the trail.  
2 COMMISSIONER SHELDON: And we also have the Concurrent  
3 Variances.  
4 COMMISSIONER ATKINS: Yes, okay. So to include condition  
5 number 23, which is in regard to the easement for the trail, condition  
6 number twenty-four which speaks to the materials around the den  
7 tension pond, which include fencing material as well as the  
8 Concurrent Variances. That is the motion on the floor. It has been  
9 amended by Commissioner Sheldon, seconded by Commissioner  
10 Miller. All in favor sound aye.  
11 COMMISSIONERS: Aye.  
12 COMMISSIONER ATKINS: All opposed sound nay.  
13 COMMISSIONERS: Nay.  
14 COMMISSIONER ATKINS: Okay, Roll Call, please.  
15 MS. BLATCH: Commissioner Lovett.  
16 COMMISSIONER LOVETT: No.  
17 MS. BLATCH: Commissioner Borders.  
18 COMMISSIONER BORDERS: No.  
19 MS. BLATCH: Commissioner Miller.  
20 COMMISSIONER MILLER: Yes.  
21 MS. BLATCH: Commissioner Fann.  
22 COMMISSIONER FANN: No.  
23 MS. BLATCH: A Commissioner Atkins -- I don't vote.  
24 MS. BLATCH: Commissioner Tucker.  
25 COMMISSIONER TUCKER: Yes.

1 MS. BLATCH: Commissioner Sheldon.  
2 COMMISSIONER SHELDON: Yes.  
3 MS. BLATCH: Commissioner Maxwell.  
4 COMMISSIONER MAXWELL: Yes.  
5 MS. BLATCH: Mr. Chair --  
6 COMMISSIONER ATKINS: Four yeses and four three no's.  
7 COMMISSIONER ATKINS: So the motion passes. So we  
8 would recommend approval.  
9 MR. BUCKLEY: Thank you very much.  
10 COMMISSIONER ATKINS: All right. This brings us to  
11 announcements. Staff, are there any announcements for today?  
12 **VIII. ANNOUNCEMENTS:**  
13 MS. BLATCH: I just want to take this opportunity to welcome  
14 and introduce to our P&Z Commission audience. Our new director of  
15 Planning & Community Development, Mr. Nigel Roberts.  
16 COMMISSIONER ATKINS: Nigel, this is your time to say a few  
17 words about you're and from which you've come and all of the great  
18 skills and visionary ideas you have about our City and our  
19 Department of Planning and Zoning.  
20 MR. ROBERTS: Thank you, again. I feel like I'm coming back  
21 home. I'm coming back to East Point by way by the City of  
22 Birmingham, Alabama. I tell everybody I bought my first home here  
23 in East Point in 1990 when I first got out of college so it's very  
24 exciting to be able to come back to the City of East Point and be a  
25 part of the new growth and the changes that I see going on and it's

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very exciting to come back and this be one of the first meeting. This is a great project taking place so great Staff and I've already had an opportunity to work with and looking forward to really being a part of the great things here in the City of East Point so thank you for the introduction and I look forward to working with you.

COMMISSIONER ATKINS: Excellent. Commissioners, you have any announcements?

COMMISSIONER FANN: I have a question.

COMMISSIONER ATKINS: Yes, Commissioner Fann. I don't question about the last item that was just approved. That item was approved as a recommendation to Mayor and Council, correct?

COMMISSIONER ATKINS: That is correct. The motion was stated in the form of recommendation as all rezoning are.

COMMISSIONER FANN: All right, thank you so very much much. I just want it for the record.

COMMISSIONER LOVETT: I have a question about the same. Does Mallalieu Point feed the -- is that part of the bowl as well?

COMMISSIONER ATKINS: State that again, please.

COMMISSIONER LOVETT: Mallalieu Point, the new building that's downtown, is that part of that bowl as well, of water?

MS. BLATCH: No.

COMMISSIONER ATKINS: It's there are no further announcements, Commissioners, at this time, I'll entertain a motion to adjourn.

**IX. ADJOURNMENT:**

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COMMISSIONER FANN: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Miller that this meeting is now adjourned. 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 adjourn. Thank you.

(Whereupon this concludes the City of East Point Planning and Community Development regularly scheduled meeting for August 17, 2017.)

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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 59 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 August 17, 2017 at seven o'clock P.M., were taken down by me and transcribed by me on this 1st day of September, 2017.