

1 CITY OF EAST POINT

2 **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

3 September 21, 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 Mr. Nigel **WALKER**
21 Director

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

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

Willis **HATCHER**
City Engineer

Linda **DUNLAVY**
City Attorney

Videographer
James **Hammond**

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Appearances

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<u>Case No.</u>	<u>Applicant</u>	<u>Representative</u>	
2017Z-005-07	Duke Realty	Steve Rothman	9
2017VC-008-07	Duke Realty	Steve Rothman	9
2017V-005-08	David Snell	Beverly Adams	21
2017Z-012-08	Michelle Mack	Pro per	25
2017U-002-08	Michelle Mack	Pro per	25

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening ladies and gentlemen. I'm Shean Atkins and I'm the Chair for the East Point Planning & Zoning Commission and at this time, I'd like to the call to order our regularly scheduled meeting for the month of September. Today is September 21st, 2017. Staff, would you 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: (No response.)
MS. BLATCH: Commissioner McKnight.
COMMISSIONER MCKNIGHT: (No response.)
MS. BLATCH: Commissioner Maxwell.

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COMMISSIONER MAXWELL: Here.

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

COMMISSIONER ATKINS: Thank you. At this time, we recognize a Moment of Silence and I would just ask if you would please indulge just for a moment and while you take your Moment of Silence if you would remember those all who have suffered from the natural disasters that have occurred over the past month in Texas, in Louisiana and Florida and Georgia and South Carolina Puerto Rico and Barbuda, the Virgin Islands the USA and many other places in the Caribbean, please and in Mexico because of the earth quack. Thank you.

III. MOMENT OF SILENCE:

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

IV. PLEDGE OF ALLEGIANCE:

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

V. ADOPTION OF AGENDA:

COMMISSIONER MAXWELL: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

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

COMMISSIONERS: Aye.

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COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

Our agenda is adopted. Commissioners, at this time, I'll entertain a motion to approve our August 17, 2017 meeting minutes.

VI. APPROVAL OF THE AUGUST 17, 2017 MINUTES:

COMMISSIONER FANN: Motion to approve.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Borders that we approve our August 17, 2017 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The our August 17th, 2017 meeting minutes are approved. Our next order on the agenda is Old Business. We do have Case 2017 "Z" as in zebra-005-07 and 2017 "V" as in Victor, "C" as in Charlie-008-07. This particular Agenda Item does require a public hearing. It is on our agenda as Old Business, although it has come before this Commission before. This particular Agenda Item was not properly advertised and it has been advertised properly and this evening we will have a public hearing for this and other items on the agenda and so at this time, I am going to read our Rules for Public Hearings and

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after the conclusion of that, I will have Staff to sound this Agenda Item.

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

COMMISSIONER ATKINS: 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, will be entitled to speak first followed by other speakers in favor of the proposal for a total of fifteen (15) minutes. Those who oppose the proposed zoning case will then be permitted to speak for a total of fifteen (15) minutes. By majority vote, the Commission may increase the total time for speakers 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 office may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her allotted time for rebuttal.

Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall state his or her first and last name and current address. Each speaker shall speak only to the merits of the proposed zoning decision under consideration, shall address remarks

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only to the Commission and shall refrain from making personal attacks on other at speaker. The presiding office may refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate the rules of decorum.

You have heard our Rules for Public Hearings. Staff, at this time, would you please sound our first Agenda Item.

VII. OLD BUSINESS:

MS. BLATCH: Case Number 2017z-005-07 with concurrent Case Number 2017VC-008-07. The applicant is Duke Realty. The location is the 4300 Block of South Commerce Drive, which is currently known as the Enclaves at South Commerce also 0 (zero) Commerce Drive and 0 (zero) Access Road. They're seeking to rezone from R-T (Residential Townhomes) , C-2 (Central Business District and R-3)(Multi-family Residential) to B-P (Business Park) with a 3-Part Concurrent Variance to the tree protection and landscape ordinance, zoning buffer and monument sign height.

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

COMMISSIONER MILLER: Motion to open the public hearing, please.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

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

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hearing, 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 present this evening? If so, please step forward to the podium. State your first and last name and your current address.

(Whereupon Applicant's Representative, Steve Rothman approaches the podium.)

MR. ROTHMAN: Good evening. My name is Steve Rothman, 2849 Paces Ferry Road, Atlanta, Georgia, 30339. I'm an attorney and I'm here on behalf of the applicant, Duke Realty. This is an application for rezoning on about fifteen (15) acres of land to build a 193, give or take, square foot building for eCommerce, the kind of thing that you see throughout the Duke -- or the Camp Creek Business Park.

This application is very similar to other applications that you've seen over the course of the past few months and over the course of the past few years, which is an application for a building asking for a variance from the requirement of the tree ordinance so that we may replant the site in accordance with the tree densities that you find throughout the Camp Creek Business Park, which is seven to eight three density units per acre. That's an amount that we've come to over many years in the pattern and practice with the

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City of an adequate tree cover and landscaping that consistent with the park and consistent with the City's desires and so we're asking to continue that here.

Secondly, there's a request for signage to go from four feet in height to eight feet in height. You've seen that at other locations. The purpose for that is because truckers require up and so a four feet maximum height doesn't allow the truckers eyeballs to see the sign like it is when they're eight feet up. Those eyeballs are nine feet in the air. We're not asking for a bigger sign. It's just to allow it to be taller.

And thirdly, as you've seen on other applications, is a request to remove the buffer that they did. We're not seeking to eliminate the buffer. In East Point, your definition of a buffer is land that's undisturbed. What we would like to do is disturb the buffer but then we agree as a condition and propose to revegetate the buffer. We'll keep the fifty foot buffer so we're not looking for something smaller. Duke just wants to come in as they have done throughout the park with your landscape plan and plant the buffer to the City's buffer standards and the way that we've done it elsewhere in the park.

This application is a little different than some of the other ones, however, because this property is on the eastern edge of the park and it fronts on South Commerce Drive. South Commerce drive is not to be confused with North Commerce Drive, which is the main drive into Camp Creek Business Park. South Commerce Drive is currently designated on your Comprehensive Development Plan as

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partially growing easy and that's what this property is and the remainder is designated industrial Business Park to the north and so what we're asking for is to change the zoning to allow Business Park.

I want to address the Staff's recommendation of denial and I know that you want there this in your Work Session a little bit week but I want to address it here. The question is: Is this consistent with the Land Use Plan, with the Comprehensive Development Plan, I should say, and we see that the Staff has analyzed the policies in the plan. They've correctly said that the land is designated for growing residential. We believe that industrial Business Park is more appropriate on this site and the reason for that is because two things: First, across the street from us -- and South Commerce is a very narrow road, maybe fifty feet wide, you have 285 and there's not a sound wall there. It is not a visual buffer. You're looking at all those lanes of traffic and hearing those cars. We think that's inconsistent with single family or residential living. Visually, you're connected to 285 there.

Secondly, to the north and to the west of us is land designated under the Comp Plan for business park industrial and your policy say you should have compatible and consistent land-uses. We're asking to do that, to allow -- that it's inconsistent fundamentally to have residential right next to industrial when you are directly across the street from an industrial park. If you've driven down South Commerce, you know that that street is fronted by a body shop with plenty of dismantled vehicles, sometimes in the

1 right-of-way, right in front, a hotel or motel that is, I think the best
2 way to describe it is that it's seated -- it's functional life as a quality
3 motel and what you've got here is a street that we have heard are
4 firm but also Duke, for years, this street needs to be cleaned up.
5 Can't Duke do something about this? Well, now, Duke wishes to do
6 something about it and so we would like to come in on this
7 property -- the building is oriented in access and its location on the
8 site towards the western side and access from North Commerce
9 Drive. We're not burdening South Commerce Drive with truck traffic.
10 In fact, South Commerce has such you poor connectivity with
11 Washington Road, trucks could not make the u-turn to get off of 285
12 and onto South Commerce Drive. North Commerce is the access
13 point that will be used for trucks.

14 The other reason why I respectfully disagree with Staff's
15 conclusion, although they do agree that in their report that the fact
16 that we're surrounded by Business Park does support a designation
17 of industrial Business Park but fundamentally, Staff said, well, this is
18 designated. It's growing residential. Despite the fact that it's
19 surrounded by Business Park designations and a highway across the
20 street, it's still designated as growing residential and so we think that
21 needs to be given a chance.

22 I'd like to read for you from the CDP what growing residential
23 is and if you've been to the site, I think it's on you to decide is that a
24 possibility here? Does that describe as a fifteen acre site? It says,
25 growing residential or predominately single family with some

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excessive growings -- I'm sorry, I'm reading the wrong one. I'm reading the suburban residential. Growing residential provides mixed residential housing types, including single family attached, single family detached and multifamily. Future planning will encourage the development of the neighborhood serving retail and community amenities in these locations.

So the question for you is on this fifteen acre site upon which a townhouse community was attempted to be developed and which was stopped and upon which matter, you have a pad-ready location for residential and nobody is attempting to purchase or develop residential there. It's got roads. It's got utilities and still nobody wants to build homes -- as I think that you heard from the owner last week -- because nobody wants to try to sell homes there. There is just no market for it because of 285, because of those other uses and because of the designations surrounded in the predominate-use characteristic, which is business park but the question for you is can growing residential go there? Can we fit on fifteen acres across -- you know, fifty feet from 285, can we fit what's envisioned here, multifamily and single Family and detached and accessory retail?

I think you need more land than that and the growing residential designation for this property is almost a small patch in the middle of an industrial area so we would submit that that policy isn't gonna work here. It might have been envisioned once but it's just not appropriate here. We're proposing something that the Staff, I think agrees is consistent with land-use principles when you consider

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the fact that we have industrial designations to the north and to the west and because the big deal here is you got that highway and all the noise and the exhaust so close and so it's visually impacted there and if you've been to the site, I'd like to ask you just to consider would you want for yourself, for your children to be raised there and to live there. That means it's appropriate but if you wouldn't, then I think it's fair to say there might be another appropriate use there so we ask that you recommend support for our rezoning. Thank you.

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

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. 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-005-07 with Concurrent Variance Number 2017VC-008-07, the applicant Duke Realty, locations being the 4300 Block of South Commerce Drive known as the Enclaves at South Commerce also 0 (zero) Commerce Drive and 0 (zero) Access Road, Staff recommends denial or rezoning of properties from residential townhomes, C-2 (Central Business District) and R-3 (Multi-family Residential) to B-P (Business Park) due to nonconformity with vision intent use and scale of the the growing residential character area adopted in the City of East Point Mission 2036 Comprehensive Land-use Update. Subsequently, Staff recommends denial of the 3-Part Concurrent Variances. However, should the Commission recommend approval of the rezoning from residential townhomes, Central Business District and Multi-Family Residential to Business Park, Staff recommends an amendment to

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the Mission 2036 Comprehensive Land-use and future Development Map to classify these properties as business park industrial sub-area two with the following conditions to the concurrent variances. The applicant will adhere to all regulations in Section 10-6001 through 10-6009. Applicant shall use tree and landscaping plant materials found in Section 10-6023. Any substitutions thereof shall be approved by the planning and community development director.

COMMISSIONER ATKINS: Commissioners, you've heard from the applicant and you've heard Staff's recommendations. At this time, I'll entertain a motion and because a part of this application is a rezoning, please state your motion in the form of a recommendation.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I would like to recommend approval of the rezoning and the Concurrent Variances one, two and three and also I would like to add the amendment as stated by Staff in the event that we recommend that.

COMMISSIONER MAXWELL: I second the motion.

COMMISSIONER ATKINS: Okay. It has been moved by Commissioner Tucker and seconded by Commissioner Maxwell that we recommend approval for the rezoning and for Concurrent Variances one, two and three and for that recommendation to include Staff's amendments to go along with the condition's recommendation. Are there any questions, comments or concerns about -- yes, Commissioner Fann.

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COMMISSIONER FANN: Sir, I want to thank you for your presentation and sharing with us the -- it's a Business Park. It is and putting residents where trucks are -- we would not have people that want to move over there, ever, not ever in a day so thank you so very much and I definitely support which you are trying to do in that area. Thank you.

COMMISSIONER ATKINS: Any other comments or questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: I do have some myself so Mr. Rothman, if you could please approach the podium. I'll just ask you a couple of questions before I go forth with the condition that I'd like to recommend. So a part of your application is you're requesting a double in the size of the monument sign from four feet to eight, correct?

MR. ROTHMAN: Not the size but the height.

COMMISSIONER ATKINS: The height of the sign, yes, from four feet to eight feet?

MR. ROTHMAN: Right, that's correct.

COMMISSIONER ATKINS: Okay. And is it also the intent of your client to have just one sign on that property for building, I think it's "W", is that the subject property?

MR. ROTHMAN: Right, that's correct.

COMMISSIONER ATKINS: Is that correct?

MR. ROTHMAN: That's correct.

COMMISSIONER ATKINS: Okay. And is it also the intent of

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your client to install that sign to the west of the structure labeled "W" on this site plan dated August 10th, 2017, so it would be to this side.

MR. ROTHMAN: That's correct, on North Commerce Drive.

COMMISSIONER ATKINS: On North Commerce Drive.

MR. ROTHMAN: That's correct.

COMMISSIONER ATKINS: Well, with that, then I'd like to offer these conditions as well. I'd like to offer these condition to read in this way that the monument sign shall be located only to the west of the structure labeled "W" on the site plan dated August 10th, 2017 to serve as we find it attracted along North Commerce Drive.

The next condition is that the sign shall be place at the driveway on North Commerce Drive that runs between buildings labeled 4800 and 4900 on the site plan dated August 10, 2017 and the third is building "W", the monument sign serving -- that should go along with building "W" shall have only one -- that building "W" shall only have one monument sign.

ATTORNEY LINDA DUNLAVY: You're offer this as a friendly amendment to Mr. Tucker's motion so now Mr. Tucker, you need to state whether you will accept that friendly amendment linking those unamended motion first.

COMMISSIONER TUCKER: I'll accept that.

COMMISSIONER ATKINS: And that was seconded by Commissioner Maxwell. Does your second still stand?

COMMISSIONER MAXWELL: I second, yes.

COMMISSIONER ATKINS: Okay. Commissioners, are there

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any other comments, questions, anything else that you'd like to add?
Commissioner Borders?

COMMISSIONER BORDERS: Yes, I would like to make a comment. I appreciate your presentation. I'm gonna take a different point of view on the contrary tonight and I'm gonna tell you why. I understand everything you're saying. I figured that the portion of that plot, if you look at a larger scale with access from Washington Road, Roosevelt Highway, 285 North Commerce Drive is really prettily accessible there and those are all the road. I would think that it would be a really valuable piece of land for residential. The fact that it has not yet been developed does not mean it will not be. If you look again to the north and to the south is all building in from there. There already is residential from apartment buildings and some home and frankly a lot of areas of East Point look like that to begin with and I'm not willing to give up a piece of residential land in such a valuable place, personally but we should see how the vote goes. Thank you.

COMMISSIONER ATKINS: Thank you, Commissioner Borders. Are there any other comments regarding this zoning application?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: So Commissioners, we have a recommendation -- we have a motion to recommend approval of this zoning application. It's a rezoning with three Concurrent Variances to include Staff's amendment as well as the three conditions as stated

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by the Chair of the Commission, which were accepted as a friendly amendment by Commissioner Tucker and seconded by Commissioner Maxwell. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

We will recommend approval. Thank you, Mr. Rothman. Our next Agenda Item is 2017 "V" as in Victor-005-08. This item is under our New Business and it also requires a public hearing. Commissioners, at this time, I'd like to have Staff sound this Agenda Item and then I'll entertain a motion to open the public hearing.

VIII. NEW BUSINESS:

MS. BLATCH: Case Number 2017V-005-08, the applicant is David Snell. The location is 1890 Spring Avenue. Mr. Snell, I'm sorry, is requesting a variance to reduce the driveway setback.

COMMISSIONER ATKINS: All right, thank you.

Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2017 "V" as in Victor-005-08.

COMMISSIONER MILLER: Motion to open the public hearing for Case Number 2017V-005-08.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

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

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now open. Do we have Mr. Snell here with us this evening?

MR. SNELL: I'm right here. I didn't fill out a speaker out a speaker card.

COMMISSIONER ATKINS: You're the applicant so you don't have a fill out a speaker's card so if you would like to speak, you can.

MR. SNELL: Okay. I think she has more to say that I do.

COMMISSIONER ATKINS: If you're gonna speak, you must come to the podium because we have to capture what you're saying for the viewing public.

(Whereupon Applicant's Representative Beverly Adams approached the podium.)

MS. ADAMS: And Mr. Atkins, good evening. I'm Beverly Adams. I'm actually his mother but I'm an attorney and my address is 2323 Brockett Road, Tucker, Georgia and I apologize I'm not dressed up. I do insurance defense litigation and I've been on a construction site all day.

COMMISSIONER ATKINS: It's okay.

MS. ADAMS: David has requested this variance to install a concrete driveway to replace the existing raw and red Georgia clay

1 driveway that is adjacent to his residency. Unfortunately, in order to
2 achieve that goal, the driveway needs to be along the east property
3 line and that requires a setback pursuant to the City ordinance. The
4 purpose for requesting this is eliminate on-going erosion from the
5 driveway into the street and also eliminate the on-going erosion
6 down to the backyard and into the neighbor's side yard also to
7 eliminate or make access to the residency safer for guests to allow
8 people to park off the street instead of blocking the street which is
9 somewhat valid if you have people parking on both sides and it
10 makes it safer for guests and residents is able to gain access to the
11 house by getting in and out of the car.

12 This makes the exterior appearance of the residence more
13 aligned with the at houses on the block. There's only one other
14 house on that block that does not have a paved driveway and we're
15 not requesting any special privilege. It has not been granted in the
16 past to similarly situated applicant and it's not requesting a
17 nonconforming use of the land.

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

20 AUDIENCE: (No response.)

21 COMMISSIONER ATKINS: Any other proponents?

22 AUDIENCE: (No response.)

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

25 AUDIENCE: (No response.)

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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 FANN: Motion to close the public hearing, Mr. Chair.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Miller that we close the public hearing for Case Number 2017 "V" as in Victor-005-08. 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 2017V-005-08, the applicant being David Snell, location 1890 Spring Avenue. Staff recommends approval to reduce the five foot setback as required in Section 10-4050 to 0 (zero) feet for the installation of a driveway

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

1 COMMISSIONER FANN: Motion to approve.
2 COMMISSIONER ATKINS: Is there a second?
3 COMMISSIONER TUCKER: Second.
4 COMMISSIONER ATKINS: It's been moved by Commissioner
5 Fann, seconded by Commissioner Tucker that we approve. Are there
6 any comments? Are there any comments, questions?
7 COMMISSIONERS: (No response.)
8 COMMISSIONER ATKINS: Hearing none -- I'm sorry. Sure.
9 Commissioner Tucker would like to offer discloser.
10 COMMISSIONER TUCKER: Just for the record, I was the
11 listing agent at this property, did not represent the buyer or have any
12 relationship with him prior and it's closed but I just wanted to
13 disclose that for the record.
14 COMMISSIONER ATKINS: Okay, thank you, Commissioner
15 Tucker. Commissioners, there a motion on the floor to approve by
16 Commissioner Fann, seconded by Commissioner Miller. All in favor
17 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 This Agenda Item is approved. Thank you. I'm sorry, for the record,
23 it was seconded by Commissioner Tucker. I think that you guys were
24 both competing but I think earlier I did, so for the record, it it was
25 seconded by -- so the motion was made by Commissioner Fann and

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seconded by Commissioner Tucker but it is not approved. Okay.
Staff, would you please sound the next Agenda Item.

MS. BLATCH: Case Number 2017Z-012-08 with concurrent
Case Number 2017U-002-08. The applicant is Michelle Mack. The
location is 3717 Chesapeake Way. The applicant is seeking to rezone
from R-L (Residential Limited) to E-I (Educational Institutional) to
operate a Community Living Arrangement.

COMMISSIONER ATKINS: Thank you. This Agenda Item
also requires a public hearing. Commissioners, at this time, I'll
entertain a motion to open the public hearing for this zoning case.

COMMISSIONER MILLER: Motion to open the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner
Miller, seconded by Commissioner Fann 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 Ms. Mack present this evening?

(Whereupon Applicant Michelle Mack approaches the
podium.)

MS. MACK: Yes.

COMMISSIONER ATKINS: Would you please step forward to

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the podium, state your first and last name and your current address.

MS. MACK: Good evening. My name is Michelle Mack.

COMMISSIONER ATKINS: Speak into the "mic" for us, please.

MS. MACK: Oh, sorry. Good evening. My name is Michelle Mack. My address 3717 Chesapeake Way, East Point, 30344. I'm here for the application for rezoning from R-L to E-1 (Educational Institution) with special-use permit for a Community Living Arrangement. I understand that in order to become community living arrangement there is projects that one could pursue. The project that I have in mind is to have the elderly to live in my home. This Special Use Permit would allow me to have up to three nonblood relatives that would live in my household. Should this be approved, I would have to go there further state approval and licensing in order to pursue this project.

Also I looked at all of the information from the Staff recommendation, which is a denial and on a number of items, I noticed it would not change the face of the community or impact it in a negative way. This project really would benefit the elderly who would not be able to afford a high quality living arrangement and would have the opportunity to live in a household where they would be part of a family.

I also looked at where it was noted based on the comprehensive land-use plan and future development pattern of the suburban residential corrupt area and that would not -- this

1 community living arrangement, if approved, would not change the
2 face of that. It would still be a residential in the sense of -- it
3 wouldn't be conducted as a business, per se, where there would be
4 added traffic or any noise, disturbances or any physical appearance
5 or a change to the community.

6 The difference with this -- and technically because it's call,
7 community living arrangement -- the technically difference with
8 having nonblood relatives living there, that is a technically difference
9 than having other relatives to join my household.

10 I hope that the Commission will consider this proposal and
11 move forward in approving it as I don't see any negative impact on
12 the community or the surrounding neighborhood.

13 COMMISSIONER ATKINS: All right. Anything else, Ms.
14 Mack?

15 MS. MACK: That should be all, thank you.

16 COMMISSIONER ATKINS: All right, thank you. Are there any
17 other proponents here to speak in in favor of this zoning application?

18 AUDIENCE: (No response.)

19 COMMISSIONER ATKINS: Any proponents here to speak in
20 favor?

21 AUDIENCE: (No response.)

22 COMMISSIONER ATKINS: Are there any opponents here to
23 speak against this zoning application?

24 AUDIENCE: Yes.

25 COMMISSIONER ATKINS: If you would please step forward.

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Make sure Staff has your speaking card.

(Whereupon Opponent Willie E. Cummings approaches the podium.)

MR. CUMMINGS: I do not have a speaking card.

COMMISSIONER ATKINS: Yes, you could have one there, sir and you fill that out for us, please.

MR. CUMMINGS: Okay.

COMMISSIONER ATKINS: And state your first name.

MR. CUMMINGS: Do I need to fill that out first?

COMMISSIONER ATKINS: You can do it afterwards.

MR. CUMMINGS: I'm Willie E. Cummings and I live at 3122 Redwine Road. I happen to be the president of the Washington Road Neighborhood Association where the applicant has made this application. I must say also that I met the applicant about two or three weeks ago at Asa Hilliard School and I want to speak from the perspective of a retired veteran also as a neighbor, as a president of the neighborhood association also. I want to say that I'm interested in the welfare and the good of all veterans. We work hard to try to maintain and sustain a quality neighborhood. We believe that community should be clean and it should be safe. Those are the basic minimum requirements. We understand that it is a residential area and from what I have receive -- the information I've received is that the applicant desires to provide housing for veterans.

Now, being a veteran, I want veterans to have the very best. At the same time, I'm a neighbor and I'm a homeowner and I want

1 the very best for our neighborhood. There are some challenges that
2 come to me about whether or not we're gonna allow a residential
3 area for residents to kind of comingle it's standard with respect to a
4 semi-business and we are concerned about what impact it's going to
5 have on our community. For example, who will the veterans be and
6 what state would be be in? Would they be ambulatory? Would they
7 require bedding or care something of that nature and where will they
8 come from?

9 On last evening or Tuesday evening prior to that, at the same
10 time I met the applicant, I happen to met a representative who
11 happened to be a retired Navy officer at Asa Hilliard School and it
12 was brought up at that time that he worked at the State House on
13 veterans issues and he specifically said that he was into the housing
14 of veterans so I had invited him to our neighborhood association this
15 past Tuesday and he made a presentation to the neighbors and I
16 handed out flyers to neighbor in the neighborhood even included the
17 applicant here and invited all to come because I know that an issue.

18 I received a request, a concern from individuals in the
19 neighborhood saying that we're not sure if the mix is suitable for our
20 area and we want to guard against it. So at the same time, as a
21 veteran, I want the veterans to have the best. I want the person
22 who is trying to do a service to have the best. I'm looking for a win
23 win win situation but to me there's too many questions there about a
24 lack of information and how it's going to turn and how would it affect
25 it and whether or not you have to make a rezoning just for one

1 house you in the neighborhood or whether or not, once it's zone that
2 way, then any other owner can, in fact, apply and get it accepted so
3 we are concerned about maintaining the integrity of our
4 neighborhood. At the same time, we don't want to be anti-veterans
5 and anti-supportive of having a facility that people can make money
6 on and I'm not sure whether or not there is money to be made on.
7 We didn't discuss that but I do understand from the representative
8 that there are grants available to assist people to provide housing so
9 where we are is that we want a win win situation but we don't want
10 to go back and destroy what is supposed to be a quality
11 neighborhood. That's my comments. I'm trying to be as fair as I
12 possibly can and I made the decision will be made in the future but
13 at least I have to bring to the table some conversations I've had and
14 concerns about the neighborhood. Thank you very much.

15 COMMISSIONER ATKINS: Thank you, also, Mr. Cummings.
16 Are there any other opponents to speak against this zoning case?

17 AUDIENCE: Yes.

18 COMMISSIONER ATKINS: If you would please step forward.
19 State your first and last name and your current address.

20 (Whereupon Opponent Hilda Adams approaches the
21 podium.)

22 MS. ADAMS: Good evening. My name is Hilda Adams and I
23 reside at 3674 West Potomac Drive and I'm here in opposition of the
24 zoning or the rezoning because presently, we are R-L and I have
25 lived in East Point since 1982 and we have strived over the many

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years to maintain the integrity of our neighborhood and to maintain residential zoning.

My concern and my opposition is to the E-I rezoning. While I applaud Ms. Mack for wanting to provide a service, this particular zoning does not just -- will not just limit her to what she wants to do. Should we spot zone one home in this well-preserved neighborhood, what that says to me is that we're willing to go back to something that East Point used to be guilty of and that's spot zoning and I think that would set a very dangerous and compromising position for us in our neighborhood.

It is my understanding that the E-I zoning not only would take tear of the community living aspect that she's looking for but it also covers things like day cares, schools, rehabilitation centers and so while her intentions maybe good, the zoning is just too broad and I think it would compromise the integrity of our neighborhood and a couple of my neighbors have also -- who could not be here, have prepared a little note that they would like to become a part of the minutes as well and that's Ms. Catherine Jenkins and Ms. Jan Smith so I have those if I need to turn them over to someone.

COMMISSIONER ATKINS: If you will, Ms. Adams. Thank you so very much and so if you'd like for that to be a part of the record, if you would please hand Ms. Jenkins' and Ms. Smith's comments to Staff, they will do that for us.

MS. ADAMS: All right, thank you.

COMMISSIONER ATKINS: You're welcome, thank you. Are

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there any other opponents to speak against this zoning application?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other opponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other opponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Okay, seeing none, the applicant does have the right rebut and how many minutes does the applicant have remaining to rebut?

MS. BLATCH: Six minutes, twenty-five seconds.

COMMISSIONER ATKINS: Okay. Ms. Mack, if you have anything to say on rebuttal to the opposition, you have a total of six minutes and twenty-five seconds, not that you have to use it all.

MS. MACK: I must first say that I understand having the concerns of my neighbor that the rezoning is very broad, that it gives you an opportunity to do several different things or access other areas that would be considered or that they would have a level of concern for but I really want to assure you that I'm going to be living there. It's still going to be my home and I have been an outstanding, meaning myself and my husband and other relatives would live there in the past have been nothing but an outstanding residence.

I have on two occasions where I have moved to a different state because of job and rented my property and have always taken the time to be very selective of who became the tenent there and none of my neighbors have every had any problems with any tenet

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that I've had in my property. I also want to assure you that working with the State to get the residence will be a standard that I would have. Those that are selected would have to meet the criteria that I know would fit into living into my home where we, my husband and I, my grandchildren or my friends who comes to visit, would be safe. It would be paramount that we are still concerned with our neighbors and we would not do anything to really change the face of the neighborhood or how we live at this time.

My final point is a concern that how do we -- should this be granted, then what happens if I'm not living at the property anymore. I don't have plans to sell or move or to do anything with this property other than what I've proposed, my proposal is this evening and we really can't -- from my standpoint, I believe that you wouldn't have a flood of people applying for rezoning because I rezoned. You in this room would know that I'm rezoned but many people won't even know that I'm rezoned and looking at this, if you're not serious about what you need or what you're about to -- a project you want to do, there's no one who is going to go through this process, spend the money that it takes to do this. So I hope that my neighbors could understand that even though the proposed, it's a wide range of things that you could do that -- what I'm proposing to do and anything that I would do would always take into consideration the milk of the neighborhood and how it impacts the neighbors. Thank you.

COMMISSIONER ATKINS: Thank you, Ms. Mack.

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Commissioners, we have heard from the applicant and we've also heard from those who opposed this zoning issue. At this time, I'll entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing, Mr. Chair.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, 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-012-08 with concurrent special use Case Number 2017U-002-08, the applicant Michelle Mack, the location being 3717 Chesapeake Way, Staff recommends denial of the rezoning from R-L (Residential Limited) to E-I (Educational Institutional) due to the inconsistency with the Comprehensive Land-use Plan and the future development pattern for the suburban residential care to area.

Subsequently, Staff recommends denial of the Concurrent Variance, the concurrent -- I'm sorry Special Use Permit to op

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operate as a community living arrangement.

COMMISSIONER ATKINS: Thank you. Commissioners, you've heard from the applicant and you've also heard from those who opposed and you've heard Staff's recommendation. At this time, I'll entertain a motion. Because it is a rezoning as a part of this application, please state your motion in the form of a recommendation.

COMMISSIONER BORDERS: May I ask a question?

COMMISSIONER ATKINS: If we want to talk about the case, Commissioner Borders, we have to have a motion on the floor, a second and then we can go into discussion so so if it's about the case, we'll have to wait until that process takes place so if you want to offer a motion.

COMMISSIONER BORDERS: Sure. Motion in the case 2017Z-012-08/2017U-002-08, I make a motion for denial.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Borders and seconded by Commissioner Tucker that we recommend denial for Case Number 2017 "Z" as in zebra-012-08 and the concurrent Special Use Permit 2017 "U" as in under-002-08. Any comments? Commissioner Borders, I think you wanted to say something.

COMMISSIONER BORDERS: I just had a question. I wasn't clear. Did the applicant state the number of people that she was

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going to place in her home?

COMMISSIONER ATKINS: Ms. Mack, the question from Commissioner Borders is if you stated the number of persons that you were seeking to have in your home? Please step to the podium.

MS. MACK: Okay. Based on my current arrangement, I would have up to two. The provision allows for up to three but based on what we would like to accomplish and to keep our home still as our home, we would have up to two. Thank you.

COMMISSIONER ATKINS: Any other questions?

COMMISSIONER FANN: I just have a comment. I want to say this to the young lady who spoke and I don't know your name, ma'am.

COMMISSIONER ATKINS: Ms. Adams.

COMMISSIONER FANN: Ms. Adams, I would concur with you in terms of the history of East Point in terms of spot zoning because once we start doing these kinds of things -- we moved away from spot zoning and we don't want to move back to spot zoning and I applaud you for what you want to do, but the character and integrity of what we've done over the years to keep East Point consistent in what it is and what we're trying to do -- that's why my vote will be for denial only not because of what you want to do. I applaud you but I can think of one thing -- but it move us back to spot zoning -- here and spot zoning there because if, in fact, I know it's not your intent to move and not your intent to do anything with what you are doing but if you leave, then that means that -- and that property is

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sold and that property is sold with that zoning -- so someone else could come in and do the same thing or some of those other things that it allows for so I will be voting for denial and I thank you so much for -- again, I thank you for what you're trying to do but it is -- it will create a problem long term as I said. We don't want to go back to what we were before.

COMMISSIONER ATKINS: Any other comments?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, Commissioners, the motion is to recommend denial for Case Number 201 "Z" as in zebra-012-08 and the concurrent Special Use Permit 2017 "U" as in umbrella-002-08. The motion was made by Commissioner Borders. It was seconded by Commissioner Tucker. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We will recommend denial for this zoning application.

We'll now move to -- the next item on your agenda is our announcements. Staff, do you have any announcements for this evening?

IX. ANNOUNCEMENTS:

MS. BLATCH: Yes. On behalf of the Department of Planning and Community Development, we would like to welcome Frank Lee. He is our new associate planner within the department.

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COMMISSIONER ATKINS: Frank, we're so glad to have you here and, of course, I'm going to put your on the spot so that you can say a few words and we can get you all baptized quite quickly.

MR. LEE: Well, it's nice to meet everyone again for a second time and I'm very excited to work with everyone and that's about it for now. So I'll have a lot more to say as the years go back.

COMMISSIONER ATKINS: Thank you, Frank. One of this things that I would like to ask just for the Commission, because they may not know and for those who are viewing, tell us a little bit about your background and we got you all the way from the west coast and so tell us a little bit about what you did there and your educational background as well.

MR. LEE: Seems like it's another job interview. I just move back recently from Los Angeles. Over in Los Angeles, I was doing some community development work with the nonprofit community development corporation, working with affordable housing developments as well as community planning. I'm a native of Atlanta. I grew up in Druid Hills neighborhood, went to Druid Hills High School, went to school, went to undergraduate school in Pittsburgh and had a long journey somehow and found my way back to East Point so a little bit about me. I do enjoy watching football games.

COMMISSIONER ATKINS: Okay. Excellent. Okay. At this time, I would like to entertain a motion to adjourn.

X. ADJOURNMENT:

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COMMISSIONER FANN: So move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Lovett that we adjourn. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.
This meeting is now adjourned. Thank you.

(Whereupon this concludes the City of East Point Planning and Community Development regularly scheduled meeting for September 21, 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 September 21, 2017 at seven o'clock P.M., were taken down by me and transcribed by me on this 6th day of October, 2017.