

CITY OF EAST POINT

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

April 18, 2019  
7:00 P.M.  
Official Meeting Minutes

City Annex  
3121 Norman Berry Drive  
East Point, Georgia 30344

Board Members:

Commissioner Shean **ATKINS, Chair**

Commissioner Joel **TUCKER TODD**

Commissioner Gregory **FANN**

Commissioner Patricia **LOVETT**

Commissioner Jarrett **BELL, Provisional Chair**

Commissioner William **MILLER - Vice Chair**

Commissioner LaJeanna **MCKNIGHT**

Commissioner Willard **MAXWELL**

Commissioner Clyde **MITCHELL - (Excused from meeting before votes were taken.)**

Also Present:

Ms. Kimberly **SMITH**  
Director

Ms. Angela **BLATCH**  
Senior Planner

Valarie **ROSS** - Attorney

Willis **HATCHER**  
City Engineer - Absent

Linda **DUNLAVY**  
City Attorney - Absent

Videographer  
**MICHEAL Dimock**

Albert **TREVINO**  
**Associate Planner**

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**Appearances**

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Case No.

Applicant

2019Z-003-02 2019VC-005-02	Duke Realty Land, LLC	10
2019U-002-03	Melissa Campbell	24
2019V-006-03	Diana Flores	30
2019M-003-03	City of East Point	32
2019M-004-03	City of East Point	36

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**I. CALL TO ORDER:**

COMMISSIONER ATKINS: Good evening, ladies and gentlemen, I'm Shean Atkins, Chair of the East Point Planning and Zoning Commission and at this time, I'd like to call our April 18, 2019 meeting to order. Staff, would you please sound Roll Call to establish a quorum.

**II. ROLL CALL:**

MS. BLATCH: Commissioner Lovett.  
COMMISSIONER LOVETT: Present.  
MS. BLATCH: Commissioner Bell.  
COMMISSIONER BELL: Here.  
MS. BLATCH: Commissioner Miller.  
COMMISSIONER MILLER: Present.  
MS. BLATCH: Commissioner Fann.  
COMMISSIONER FANN: (No response.)  
MS. BLATCH: Commissioner Atkins.  
COMMISSIONER ATKINS: Present.  
MS. BLATCH: Commissioner Tucker.  
COMMISSIONER TUCKER: Here.  
MS. BLATCH: Commissioner McKnight.  
COMMISSIONER MCKNIGHT: Here.  
MS. BLATCH: Commissioner Maxwell.  
COMMISSIONER MAXWELL: Here.  
MS. BLATCH: Commissioner Mitchell.  
COMMISSIONER MITCHELL: Present. Mr. Chair, you have a

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quorum.

COMMISSIONER ATKINS: Thank you. At this time, I'd like to observe a Moment of Silence, so if you would, please, join us in a 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'd like to entertain a motion to adopt our agenda.

**V. ADOPTION OF AGENDA:**

COMMISSIONER TUCKER: So moved.

COMMISSIONER LOVET: Second.

COMMISSIONER ATKINS: Oh we forgot, amend the agenda.

COMMISSIONER TUCKER: Mr. Chair, I'd like to make a motion to amend the --

COMMISSIONER ATKINS: Well, currently, there's a motion to adopt and a second. And so there's a motion to adopt and a second to that motion and I think that there are some amendments that we need to make; so we need to --

ATTORNEY VALERIE ROSS: If the Commissioner that seconded the original motion would be willing to amend the -- allow the original maker of the motion to make an amendment, then he can take that second off.

COMMISSIONER LOVETT: I agree to amend.

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COMMISSIONER ATKINS: Okay. And what is your amendment, Commissioner Lovett? You'd like to amend the motion to do what?

COMMISSIONER LOVETT: I'm actually with drawing my second on the motion.

COMMISSIONER ATKINS: So she wants to withdraw her second on the motion; so there is a motion to adopt the agenda. Is there a second?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, that motion dies, so Commissioners, at this time, I'll entertain a motion to adopt the agenda.

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: Mr. Chairman.

COMMISSIONER ATKINS: Yes.

COMMISSIONER MILLER: I make a motion that we amend the agenda.

COMMISSIONER ATKINS: Okay. And what is your amendment?

COMMISSIONER MILLER: My amendment is that we approve the minutes at the end of the current session.

COMMISSIONER ATKINS: Thank you. Commissioner Miller has made a motion that we amend the agenda as printed, to move the approval of the minutes to the end of the agenda. Is there a second?

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COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: Are there any comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, it's been seconded by Commissioner Tucker that we amend the agenda this evening to move the approval of our March 21st, 2019 minutes to the end of the agenda. 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 so amended. Our next Agenda Item within the New Business, our first Agenda Item is 2019 "Z" as in zebra-003-02 and 2019 "V" as in Victor, "C" as in Charles-005-02. Staff, would you please sound this Agenda Item.

**VII. NEW BUSINESS:**

MS. BLATCH: Case Number 2019Z-003-02, Concurrent Variance 2019VC-005-02. The applicant, Duke Realty Land, LLC. The location is zero (0) Washington Road Rear. The applicant seeks to rezone the property from R3, Multi-Family Residential to B-P Business Park with a two-part Concurrent Variance. The applicant seeks relief from Chapter 6 Section 10-6010 through Section 10-6024 as well as relief from Chapter 6 Section 10-6008 (d) which reduces the zoning buffer where R3 is adjacent to B-P to zero (0).

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COMMISSIONER ATKINS: Okay. Thank you. This Agenda Item along with all the other items that are to be heard this evening require a public hearing. At this time, I'm going to read our Rules for Public Hearings. They will apply to all of our cases this evening.

(Whereupon the City of East Point Rules for Public Hearing are 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, 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 of 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 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 identify him or herself and state his or her current address. Each speaker shall speak only to the merits of



1 the proposed zoning ordinance under consideration, shall address  
2 remarks only to the Commission and shall refrain from making  
3 personal attacks on any other speaker. The presiding officer may  
4 refuse a speaker the right to continue if, after first being cautioned,  
5 the speaker continues to violate the rules of decorum.

6 You've heard our Rules for Public Hearings. Commissioners,  
7 at this time, I'll entertain a motion to open the public hearing for  
8 Case Number 2019 "Z" as in zebra-003-02 and 2019 "V" as in Victor,  
9 "C" as in Charles-005-02.

10 COMMISSIONER MAXWELL: I so move.

11 COMMISSIONER ATKINS: Is there a second?

12 COMMISSIONER MILLER: Second.

13 COMMISSIONER ATKINS: It's been moved by Commissioner  
14 Maxwell, seconded by Commissioner Miller that we open the public  
15 hearing for this zoning case. 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 The public hearing is now open. Is the applicant here this evening,  
21 Duke Realty?

22 AUDIENCE: Yes.

23 COMMISSIONER ATKINS: Would you please step to the  
24 podium, state your first and last name and your current address.

25 (Whereupon Applicant's Representative Attorney Steve

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Rothman approached the podium.)

MR. ROTHMAN: Good evening, Mr. Chair, members of the Commission. My name is Steve Rothman, 2849 Paces Ferry Road, Atlanta, Georgia, 30339 and I'm here on behalf of Duke Realty. I'm also joined by David Sprinkle with Duke Realty. I know we have gone over this thoroughly in last week's Work Session, but I got the Staff's recommendation so I'm going to -- it says denial so I'm going to go through in a little detail, our presentation, as I did last week and try to weave in their analysis and our response to it. We just got it and I think we're prepared to respond tonight.

This is a small piece of property. According to the Staff's report, it's 1.7 acres; we think it might be 1.8 or something like that, that doesn't have any road frontage; and so in order to get to this property, you've got to come across Duke Realty's property. That property, whether to the north or to the west, was zoned at the end of 2017 to Business Park. That property is immediately to the west. One of the pieces abuts an apartment complex that's to the east that we also abut to the east; this piece right here abuts to the east.

What we proposed to do with this property which is currently zoned, I believe, R4, is to use it to pave as a parking lot to store trailers behind the building that's been constructed to the west. If you'll recall, we came in a couple years ago -- I can't believe it's been a couple years -- and rezoned two parcels or two -- into two tracts but those tracts consisted of many many small parcels; and in a way, we combined them; they had different zonings, some single families

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and agricultures and Business Park. And then to the north of this, there was a tract that had been approved for townhomes and about ten townhomes had been built and then the deal did not go forward and it stood vacant for about ten years. And this Commission recommended approval to rezoned to Business Park for both of those, at this time, and it sort of wedded all those properties together.

This is an outparcel. The reason why Duke Realty didn't combine this with those is because at the time, the property was being foreclosed on by a bank; and at that time, Duke couldn't know whether or not the bank was successful foreclose and if it did, how and would the bank sell the property. Well, they have sold the property with Duke Realty now. The best use for this property, we believe, is to combine it with the surrounding uses to the north and to the west. The current R4, if tried to develop it under R4, we think would be inappropriate; so the current zoning is not appropriate at all. It's not large enough to independently build apartments of any size; and in order to get to these apartments, you have to drive through warehousing or resisted businesses to get there.

But more importantly, this area, I think is the Staff report, acknowledges, in reality has been redeveloped and is largely part of the Camp Creek Business Center. North Commerce Drive has been extended to attach to Washington Road. As I just said, the property to the west and to the north has been rezoned. The apartments to the best are older apartments as is the Motel 6. We are about

1 between 20 and 10 feet lower than elevation than those properties;  
2 and as we submitted to the Staff and showed and read to you in the  
3 Work Session, we have worked with the owner of that apartment  
4 complex and they have sent an email -- I guess it's too strong to say  
5 they support. They do not oppose this zoning and they were fine  
6 with it; and they were more concerned with us working with them to  
7 help them work on some other matters related to their sewer and  
8 water pipes and things like that.

9 So with that, we think that the current zoning is in  
10 appropriate. One more reason we believe the current zoning is in  
11 appropriate is that -- and this was expressly made when City Council  
12 ratified your recommendations on the two other parcels and  
13 approved Business Park zoning to the north and to the west. It was  
14 expressly stated that it is inappropriate to put homes here because of  
15 the flight path; and the City Council members expressly said, we  
16 don't need to be building any residential units in this area. And that  
17 was important because that was raised in the context of a concern  
18 raised by the Staff about the Future Land-use Map Designation for  
19 those pieces, which called it redevelop neighborhood or  
20 neighborhood -- some kind of neighborhood.

21 And at that time, a discussion was had expressly by City  
22 Council that even though the map says that, this should be approved  
23 to allow Business Park because the residential designation for this is  
24 just not appropriate; and so we believe City Council set policy by  
25 adopting those two zonings to go from residential to Business Park;

1 and so in this case when the Staff says, our concern -- one of our  
2 concerns is the Future Land-use Map Designation, I'd ask you to  
3 consider that number one, this Commission heard those arguments  
4 before and recognized not only the facts on the ground but the best  
5 use of this property going forward is not residential for the other two  
6 parcels. This is even more extreme because this is a land lot -- when  
7 I say, land lot, I mean, no street grids which is what the land-use  
8 plan classification suggests; no ability to connect to streets without  
9 walking to a Business Park property that actually -- between your  
10 policy that you recommended last time; City Council expressly  
11 adopting it, we think that that's appropriate in this case.

12           Additionally, there's a concern that was raised about  
13 apartments to the east and it impacted my occur with them by  
14 introducing the warehouse use. Well, first of all that was already  
15 introduced because the -- just to the south of us and to the  
16 southwest, business park zoning has been approved adjacent to that  
17 same apartment complex. That apartment complex owner does not  
18 object to this zoning request. Plus, this piece of property will not be  
19 used for loading and unloading and the kind of activity that's  
20 associated with warehousing. This will be the part to store trailers.

21           If anything, it's the most passage quiet use that a Business  
22 Park can have. Even an office with employees that are coming and  
23 going will have more noise and activity than having a trailer brought  
24 to this piece of property. Now, we discussed last week, conditions  
25 that we would be agreeable to and I want to reiterate that to you

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now. We agreed -- even though we showed you the site plan and we said we're agreeable to the site plan, there was some discussion about adding words that say the widest -- that the buffer -- it would be a minimum thirty foot buffer. And so we're agreeable to that. It was also an agreement we made that when the tree density calculations are calculated, we would calculate them not just on this 1.7 acre parcel; but with whatever lot we combine it with.

And so with that, save the rest of my time for rebuttal. We're here to respond to questions but we'd ask for your approval and we're happy for those conditions to be imposed. Thank you.

COMMISSIONER ATKINS: Thank you, Mr. Rothman. Are there any other proponents here, anyone else here to speak in favor of this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Is there anyone here to speak against this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any one here to speak against this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Okay. Seeing no proponents and

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seeing no opponents, at this time, Commissioners, I'll entertain a motion to close the public hearing.

COMMISSIONER TUCKER: Motion to close.

COMMISSIONER MILLER: Mr. Chairman, I'd like to make a motion to close the public hearing.

COMMISSIONER ATKINS: Okay. Mr. Tucker made the motion to close. Would you like to second?

COMMISSIONER MILLER: I will second.

COMMISSIONER ATKINS: Okay. There's been a motion to close the public hearing by Commissioner Tucker, seconded by Commissioner Miller. 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 2019Z-003-02, Concurrent Variance Number 2019VC-005-02, Staff recommends denial of rezoning a property from R3 Multi-Family Residential to B-P Business Park due to none conformity with the vision intent and uses scale of the development neighborhood character area adopted in the City of East Point 2017 Comprehensive Land-use Update and Future Development Map.

Subsequently, Staff recommends denial of the two-part

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Concurrent Variances to grant relief from all provisions required within Section 10-6010 through 10-6024 tree protection and landscaping ordinance and to allow graded into the 75 foot undisturbed buffer as required in Section 10-6008 (d).

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 TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I'd like to make a motion to recommend approval for discussion.

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Tucker, seconded by Commissioner Mitchell that we approve for discussion. At this time, one of the things before we get discussion started -- because I do with context for this conversation. Do we have the images that were presented at the Work Session that shows the aerial view of the subject property? That is a site plan and we do have that; but are there other images available as well?

MR. TREVINO: I do have the Google Maps available. I just need to switch to it. Would you like to see the Google Maps?

COMMISSIONER ATKINS: Yes, sir, thank you. So we've going to give Mr. Trevino an opportunity to pull up the Google Map so that we can have sort of a robust and informed conversation about this. Okay. Mr. Trevino, stay there, please. Can you hover



1 the mouse over the subject property. I want, for those  
2 Commissioners, who were not here for Work Session -- where Mr.  
3 Trevino is hovering, that is the subject property. Can you -- and I  
4 think I must say that this particular aerial view is outdated; as there  
5 is already developed land where he's now hovering the mouse; and I  
6 don't want to speak out of turn, but that, I believe is the land that  
7 was referenced by Mr. Rothman, that was assembled -- because  
8 there were several different properties and that is now warehousing;  
9 and so it's already part of a Business Park and they're all  
10 warehouses; correct?

11 MR. TREVINO: Correct.

12 COMMISSIONER ATKINS: Is it one -- two warehouses; how  
13 many; could you please step to the podium so that there's who are  
14 not here would have the benefit of this conversation as well.

15 MR. ROTHMAN: That's correct. It's one building and it is  
16 assembled from many parcels.

17 COMMISSIONER ATKINS: Assembled for many properties.  
18 So that big area where there is forest is now a huge warehouse,  
19 correct?

20 MR. ROTHMAN: That's correct.

21 COMMISSIONER ATKINS: Okay. And you did not purchase  
22 the other piece; that is the subject piece today where the mouse is --  
23 because at the time you assemble the other parcels and came before  
24 us, that piece was in foreclosure, correct?

25 MR. ROTHMAN: That's correct.

1 COMMISSIONER ATKINS: Okay. Thank you.

2 MR. ROTHMAN: And I would add, if you want to go into it, to  
3 the north, you see those street, the paved streets?

4 COMMISSIONER ATKINS: Yes.

5 MR. ROTHMAN: At the same time, that was also rezoned to  
6 B-P; and today, those roads and those townhomes that were built  
7 but never occupied are gone.

8 COMMISSIONER ATKINS: Or not there?

9 MR. ROTHMAN: Right. And that is going to be another  
10 warehouse.

11 COMMISSIONER ATKINS: Will Duke purchase that as well?

12 MR. ROTHMAN: That is correct.

13 COMMISSIONER ATKINS: Okay. All right. Thank you. All  
14 right. Anymore comments, questions, or -- Commissioner Tucker.

15 COMMISSIONER TUCKER: The 44 tractor trailer, you said,  
16 they're going to be parked, stored, running; what will come with  
17 those trailers on that?

18 MR. ROTHMAN: They're snot going to be running. Now,  
19 when I say they won't be running, that doesn't mean --

20 COMMISSIONER TUCKER: Of course.

21 MR. ROTHMAN: But it will be storing trailers that are not  
22 being used.

23 COMMISSIONER TUCKER: Thank you.

24 COMMISSIONER ATKINS: Anymore comments, questions or  
25 concerns?

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MS. SMITH: I'd like to interject and provide conditions that Staff prepared for you to consider.

COMMISSIONER ATKINS: Okay. Please do.

MS. SMITH: Staff's recommendation upon the Commissioners approval to have case, Staff recommending an amendment to the 2017 Comprehensive Land-use Plan and Future Land-use Map. To classify this properties as business park industrial with the following conditions to the current variance: The applicant will adhere to all regulations and Section 10-6001 through 10-6009; the applicant shall use trees and landscape plant materials found in 10-6023. Any substitutions thereof shall be approved by the planning and community development director and these conditions are in with ones that have been recommended in the past.

COMMISSIONER ATKINS: Thank you. In addition to that, while we're having discussion, there was also a site plan that was provided to this Commission by the applicant. I would also like to add to those conditions that Staff is recommending that the approval is subject to condition also the site plan that is provided by the applicant dated whatever that date is on it. Do we have any identifiers on that site plan so that we can reference that in the conditions?

MR. ROTHMAN: Mr. Chair, may I ask a question?

COMMISSIONER ATKINS: You may.

MR. ROTHMAN: I had not seen the recommended conditions from Staff. I usually see them beforehand. If those can go up again,

1 I think those are acceptable; but the first one said from 10-6001  
2 through 10-6009; but our first variance is to -- is a variance from  
3 10-6008 (d); and so as long as it's understood that we're getting a  
4 variance from 10-6008 (d), I'm cool. But I just wanted to make that  
5 clear so that there's not a confusion when we come in for permitting.  
6 So maybe you can clarify that.

7 MS. SMITH: It's just inclusive of seven additional sections of  
8 the code.

9 COMMISSIONER ATKINS: If I'm hearing Mr. Rothman  
10 correctly, what I believe is that going from 10-6001 to 10-6009, it  
11 includes 10-6008 and they're asking to vary from that, correct?

12 MR. ROTHMAN: That's correct.

13 COMMISSIONER ATKINS: So that means that that condition,  
14 in essence, nullify your request for a variance or our action here and  
15 subsequent action from the Council?

16 MR. ROTHMAN: Right. So that's correct. It would require  
17 us to leave it undisturbed.

18 COMMISSIONER ATKINS: Undisturbed.

19 COMMISSIONER ATKINS: So can you just give us just one  
20 second so that we can go through those sections? Staff, can I ask a  
21 question while you're doing that? Can we amend that to just list the  
22 sections 10-6001, 10-6002, 10-6003, 4, 5, 6, 7 and 9?

23 COMMISSIONER TUCKER: While they're doing that, were you  
24 able to give any indication of the date of your site plan?

25 MR. ROTHMAN: Yes. The site plan, which is the site plan

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that's submitted with the application is dated October 29th, 2018 and prepared for Duke Realty by the firm Haines, H-a-i-n-e-s, Gipsonm G-i-p-s-o-n and Associates.

COMMISSIONER ATKINS: Okay. We currently have a motion on the floor to approve. Staff has offered some conditions. The Commission, we are amenable to those conditions; but we do want to clean up part of those condition and we'd also like to add the site plan as we discussed in our Work Session last week. Commissioners, are you okay with that?

COMMISSIONERS: Yes.

COMMISSIONER ATKINS: Okay. And so what we would like to say first is -- and we'd have to go back and amend the motion; but I want to get the conditions right and then go back and amend the motion to add the conditions. So the conditions would be that the applicant would adhere to all regulations in Sections 10-6001 through 10-6009, excluding 10-6008 (d). Okay. I want to make sure that that is clear for the record. And the Commissioners, the reason we're going that is because they're asking to vary from 10-6008 (d), okay.

And then the next condition would be the applicant shall use trees and landscaping plant material found in 10-6023. Any substitutions thereof shall be approved by the planning and community development director. The third condition is -- and the applicant must adhere to the site plan as presented to the East Point Planning and Zoning Commission dated October 29th, 2018; is that right?

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COMMISSIONERS: Yes.

COMMISSIONER ATKINS: Okay, October 29th, 2018 site plan as presented by the applicant dated October 29th, 2018.

MS. SMITH: And to add the condition of 30-foot buffer; agreed to a condition of a minimum 30-foot buffer.

COMMISSIONER ATKINS: Okay there should be a minimum of a 30-foot buffer, 30-foot landscaping buffer.

MR. ROTHMAN: That's correct.

COMMISSIONER ATKINS: Yes. Okay. So those are the four; we'll do four conditions. So I just want to make sure the record is clear.

MS. SMITH: Was there one additional condition in reference trees and landscaping --

COMMISSIONER ATKINS: No. We had some decision about that last week so I think we're good with the site plan that they presented. So those are the four conditions, Commissioners, okay. They must adhere to the Sections 10-6001 through 10-6009 excluding 10-6008 (d). They must use trees and landscaping plant materials found in 10-6023. They must also adhere to the site plan as presented to the East Point Planning and Community Development Office and this Commission dated October 29th, 2018 and the minimum landscape buffer shall be 30 feet.

So those are the conditions. I think a motion was made by Commissioner Tucker. It was seconded by Commissioner Mitchell. Commissioner Tucker, do you amend your motion to accept those

1 condition?  
2 COMMISSIONER TUCKER: Yes, sir.  
3 COMMISSIONER MITCHELL: Second still stands.  
4 COMMISSIONER ATKINS: And the second still stands for Mr.  
5 Mitchell. Are there any comments, questions or concerns?  
6 COMMISSIONERS: (No response.)  
7 COMMISSIONER ATKINS: Hearing none, all in favor sound  
8 aye.  
9 COMMISSIONERS: Aye.  
10 COMMISSIONER ATKINS: All opposed sound nay.  
11 COMMISSIONERS: (No response.)  
12 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
13 This Body recommends approval. Thank you.  
14 MR. ROTHMAN: Thank you.  
15 COMMISSIONER ATKINS: Staff, would you please sound our  
16 next Agenda Item 2019 "U" as in umbrella-002-03.  
17 MR. TREVINO: Yes, Mr. Commissioner. The applicant Melissa  
18 Campbell is seeking a Special Use Permit to establish a Bed and  
19 Breakfast within the C-R Commercial Redevelopment zoning and  
20 downtown overlay district located at 2849 East Point Street.  
21 COMMISSIONER ATKINS: Okay. Thank you.  
22 Commissioners, at this time, I'm entertain a motion to open the  
23 public hearing for Case Number 2019 "U" as in umbrella-002-03.  
24 COMMISSIONER MILLER: Mr. Chairman.  
25 COMMISSIONER ATKINS: Yes, Commissioner Miller.

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COMMISSIONER MILLER: I make a motion that we open the public hearing.

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 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. Campbell present this evening?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Would you please step forward. State your first and last name and your current address.

(Whereupon Applicant Melissa Campbell approaches the podium.)

MS. CAMPBELL: Good evening. I'm Melissa Campbell. So is I am looking to bring quite a bit, I believe, a wealth of value to the corner of East Point Street and Thompson Avenue by starting a Bed and Breakfast that will be focused on two things: Number one, health. So it will mostly be a wellness center where people can come and stay and we can help them make some healthy decisions when it comes down to meals and so forth.



1                               Number two, it would provide lodging for -- because it will be  
2                               upscale hopefully for persons at Fort McPherson.

3                               COMMISSIONER ATKINS: Take your time.

4                               MS. CAMPBELL: Thank you. Okay. So that's my plan.

5                               COMMISSIONER ATKINS: Are there any other proponents  
6                               here to speak in favor of this zoning case?

7                               AUDIENCE: (No response.)

8                               COMMISSIONER ATKINS: Any other proponents?

9                               AUDIENCE: (No response.)

10                              COMMISSIONER ATKINS: Is there anyone else here to speak  
11                              in favor of this zoning case?

12                              AUDIENCE: (No response.)

13                              COMMISSIONER ATKINS: Is there anyone here to speak  
14                              against this zoning case?

15                              AUDIENCE: (No response.)

16                              COMMISSIONER ATKINS: Anyone here to speak against the  
17                              zoning case?

18                              AUDIENCE: (No response.)

19                              COMMISSIONER ATKINS: Hearing none and seeing none,  
20                              Commissioners, at this time, I'll entertain a motion to close the public  
21                              hearing.

22                              COMMISSIONER TUCKER: So moved.

23                              COMMISSIONER ATKINS: Is there a second?

24                              COMMISSIONER MILLER: Second.

25                              COMMISSIONER ATKINS: It's been moved by Commissioner

1 Tucker, seconded by Commissioner Miller that we close the public  
2 hearing. All in favor sound aye.

3 COMMISSIONERS: Aye.

4 COMMISSIONER ATKINS: All opposed sound nay.

5 COMMISSIONERS: (No response.)

6 COMMISSIONER ATKINS: Hearing none, the ayes have it.

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

9 MR. TREVINO: Staff recommends deferral of the Special Use  
10 Permit for a Bed and Breakfast to allow the applicant an opportunity  
11 to resolve existing encroachment concerns?

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

15 COMMISSIONER TUCKER: Mr. Chair.

16 COMMISSIONER ATKINS: Yes, Commissioner Tucker.

17 COMMISSIONER TUCKER: I'd like to make a motion to defer  
18 to our next regularly scheduled Work Session.

19 COMMISSIONER MAXWELL: I second the motion.

20 COMMISSIONER ATKINS: It's been moved by Commissioner  
21 Tucker, seconded by Commissioner Maxwell that we defer this  
22 Agenda Item to our regularly scheduled May meeting. Is there any  
23 comments, questions or concerns?

24 COMMISSIONERS: (No response.)

25 COMMISSIONER ATKINS: I'd like to ask a question of the

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applicant. Would you please step to the podium again.

(Whereupon the Applicant Melissa Campbell approaches the podium.)

COMMISSIONER ATKINS: So I'm assuming that you're aware that there's some encroachment issues that have yet to be resolve?

MS. CAMPBELL: Yes.

COMMISSIONER ATKINS: Okay. And are you okay with the deferrals are they going to cause a hardship or any of those things or do you have a remedy for the encroachment this evening that you want to share with us?

MS. CAMPBELL: I think I have a remedy. It does cause me some financial issues to push it off for another thirty days, as we have a couple of other things going on as well; and so this is kind of -- it's kind of an amendment and we have spent a significant amount of money on getting the site plan done; but what the problem is is that there's a sidewalk that is kind of like on the next property; however, we actually own all three properties somewhat; because one property is in my mom's name, deeded in my mom's name and the other two properties are deeded in my husband and I name; so it's like technically all of ours, number one.

But number two, the sidewalk is not something that we need access to whatsoever.

COMMISSIONER ATKINS: So the somewhat you sort of own the property but it's in different names; so I think that because of that, there are some concerns and we want to make sure that it's

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clean. And so I don't -- I haven't heard a remedy other than it is owned by family and they're different individuals and so I don't know if there's a sustainable or viable remedy. Okay.

MS. CAMPBELL: Okay. So I talked to Ms. Blatch. She had a couple of suggestions. One being, doing an encroachment so -- I'm sorry, an easement saying that we can -- you have that, you know, that easement; and so now we're kind of leaning towards just combining all three lots because it seems like that might solve the problem. But at the same time, I need it to be like -- I want to do whatever is going to be speedy because financially it is becoming quite a bit of work.

COMMISSIONER ATKINS: And I think we want to do whatever is proper and right -- you do not have an easement before us today, nor have we consolidated all of the lots; so is currently, there's a motion to defer to our May meeting and there's a second. But I thought that perhaps if you had a solution that had already been worked out that we did not know about, I wanted to give you an opportunity to express that but it sounds like you're not quite there yet.

MS. CAMPBELL: Okay. I appreciate that.

COMMISSIONER ATKINS: You're welcome. Thank you, Ms. Campbell.

COMMISSIONER ATKINS: Commissioners, there's a motion by Commissioner Tucker, seconded by Commissioner Maxwell that we defer this Agenda Item to our regularly scheduled May meeting.

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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 item is deferred. Our next Agenda Item is 2019 "V" as in Victor-006-03. Staff, would you please sound this Agenda Item.

MR. TREVINO: The applicant Diana Flores is seeking a stream buffer variance to encroach into the 25-foot setback as required in Section 10-12021, Subsection 2 located at 2938 Duke of Windsor.

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

COMMISSIONER MILLER: Motion open the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Mitchell that we open the public hearing for 2019 "V" as in Victor-006-03. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now open. Is Ms. Flores present this evening?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Please step forward. State your

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first and last name and your current address.

(Whereupon the Applicant Diana Flores approaches the podium.)

MS. FLORES: Good evening. My name is Diana Flores. My current address is 3034 Orr Drive in East Point, Georgia, 30344; and I'm seeking approval for a retaining wall at 2938 Duke of Windsor also in East Point. Basically, I just need this retaining wall approved to keep my son from falling into the creek from when we build our house so he can be able to be outside and enjoy the backyard as much as he can.

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

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?

AUDIENCE: (No response.)

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

COMMISSIONER LOVETT: Motion to close.

1 COMMISSIONER ATKINS: Is there a second?  
2 COMMISSIONER MILLER: Second.  
3 COMMISSIONER LOVETT: It's been moved by Commissioner  
4 Lovett, seconded by Commissioner Miller that we close the public  
5 hearing. All in favor sound aye.  
6 COMMISSIONERS: Aye.  
7 COMMISSIONER ATKINS: All opposed sound nay.  
8 COMMISSIONERS: (No response.)  
9 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
10 The public hearing is now closed. Staff, would you please sound  
11 your recommendation.  
12 MR. TREVINO: Yes, Commissioners. Staff recommends  
13 approval to encroach a maximum of 35 linear feet into the additional  
14 25-foot setback beyond the undisturbed natural vegetated buffer as  
15 required in Section 10-12021, Subsection 2.  
16 COMMISSIONER ATKINS: All right. Thank you.  
17 Commissioners, you've heard from the applicant and you've heard  
18 Staff's recommendation. At this time, I'll entertain a motion; and  
19 because it is a variance, please make sure that you do not have to  
20 make your motion in the form of a recommendation.  
21 COMMISSIONER LOVETT: Mr. Chair, I move that we act  
22 accept Staff's recommendation to approve.  
23 COMMISSIONER ATKINS: Is there a second?  
24 COMMISSIONER MCKNIGHT: Second.  
25 COMMISSIONER ATKINS: Okay. It's been moved by

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Commissioner Lovett, seconded by Commissioner McKnight that this Body approves Case Number 2019 "V" as in Victor-006-03. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The case is approve, Ms. Flores.

Our next Agenda Item is 2019 "M" as in Mary-003-03. Staff, would you please sound this Agenda Item.

MR. TREVINO: Yes, Commissioner. The applicant seeks to amend Part Ten, Chapter 2, Article B, Section 10-2013, Building Separations to include language on measuring distance.

COMMISSIONER ATKINS: Okay. The applicant for this Agenda Item is the City of East Point; so Staff, would you please present your case.

MS. BLATCH: The intent of the separation of use requirements outlined in various section of the City of East Point zoning ordinance is to present the proliferation and concentration of uses within a certain district. These requirements attempt to foster a diversity of uses within designated areas. Although provisions in Part 10, Chapter 2 Article D administrative and use permit do not stipulate a technique for measuring the distance specified with the exception of Section 10-2097, Subsection A16 focus on the intent of the City Council along with the consideration of analogous provisions in the



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zoning ordinance as a whole.

It is of Staff's opinion that the proper technique for measurement in these sections is a straight line measurement from the exterior face of the proposed use to the nearest exterior property line of the closest specified use. Recognizing that clarification maybe warranted as to the measurement technique, a Text Amendment is proposed as follows: Section 10-2013 Building and Use Separations. All building separations shall be as specified by the Internation Code Council unless otherwise specified herein where in the code requires minimal building or use separations, the separation distance shall be measured along a horizontal straight line from the benchmark specified.

Where the code section specifies measurements from or to buildings, the measurement shall be from or to the closest exterior building face. If no specific benchmarks for separation measurement are provided, the separation distant shall be measured from exterior property line to the closest property line of the property containing specified uses or within the zoning district specified.

COMMISSIONER ATKINS: Thank you. Is there anyone here -- did open the public hearing? I don't think I opened the public hearing. So I need to go back and clean that up. Commissioners, at this time, I'd like to entertain a motion to open the public hearing for Case Number 2019 "M" as in Mary-003-03.

COMMISSIONER MILLER: So moved.

COMMISSIONER ATKINS: Is there a second?

1 COMMISSIONER LOVETT: Second.

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

5 COMMISSIONERS: Aye.

6 COMMISSIONER ATKINS: All opposed sound nay.

7 AUDIENCE: (No response.)

8 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
9 We have heard Staff sound this Agenda Item. Are there any other  
10 proponents here to speak in favor of this Agenda Item.

11 COMMISSIONERS: (No response.)

12 COMMISSIONER ATKINS: Any other proponents?

13 AUDIENCE: (No response.)

14 COMMISSIONER ATKINS: Are there any opponents here to  
15 speak against this Agenda Item?

16 AUDIENCE: (No response.)

17 COMMISSIONER ATKINS: Any opponents?

18 AUDIENCE: (No response.)

19 COMMISSIONER ATKINS: Hearing none, and seeing none,  
20 Commissioners, at this time, I'll entertain a motion to close the public  
21 hearing.

22 COMMISSIONER MILLER: Motion to close the public hearing.

23 COMMISSIONER ATKINS: Is there a second?

24 COMMISSIONER MCKNIGHT: Second.

25 COMMISSIONER ATKINS: It's been moved by Commissioner

1 Miller, seconded by Commissioner McKnight that we close the public  
2 hearing. All in favor sound aye.

3 COMMISSIONERS: Aye.

4 COMMISSIONER ATKINS: All opposed sound nay.

5 COMMISSIONERS: (No response.)

6 COMMISSIONER ATKINS: Hearing none, the ayes have it.

7 The public hearing is now closed and, Staff, we've also heard your  
8 recommendation or your presentation on this. Commissioners, at  
9 this time, I'll entertain a motion.

10 COMMISSIONER MCKNIGHT: I would like to make a motion  
11 for the recommendation of the Text Amendment.

12 COMMISSIONER ATKINS: To approve?

13 COMMISSIONER MCKNIGHT: To approve the Text  
14 Amendment.

15 COMMISSIONER ATKINS: Okay. Is there a second?

16 COMMISSIONER LOVETT: Second.

17 COMMISSIONER ATKINS: So there's been a motion by  
18 Commissioner McKnight, seconded by Commissioner Lovett that this  
19 Body recommends approval of the Text Amendment. Any comments,  
20 questions or concerns?

21 COMMISSIONERS: (No response.)

22 COMMISSIONER ATKINS: All in favor sound aye.

23 COMMISSIONERS: Aye.

24 COMMISSIONER ATKINS: All opposed sound nay.

25 COMMISSIONERS: (No response.)

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COMMISSIONER ATKINS: Hearing none, the ayes have it.  
The Body recommends approval. Our next Agenda Item is 2019 "M"  
as in Mary-004-03. Commissioners, at this time, Staff, would you  
please sound this Agenda Item.

MR. TREVINO: Yes, Commissioner.

COMMISSIONER ATKINS: Go ahead and sound it and then  
I'm going to open the public hearing.

MR. TREVINO: The applicant, the City, is seeking to amend  
Part Ten, Chapter 2, Section 10-2062, the R-1A Residential and Part  
10, Chapter 2, Article D Administrative Permits and Use Permits to  
include regulations for an allowance of duplex and triplex uses where  
existing.

COMMISSIONER ATKINS: Thank you. Commissioners, at  
this time, I'll entertain a motion to open the public hearing for Case  
Number 2019 'M' as in Mary-004-03.

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner  
Tucker, seconded by Commissioner Mitchell 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.

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The public hearing is now open. The applicant is the City of East Point. Staff, would you please sound your case.

MS. BLATCH: The R1A Urban Residential zoning district was created in 20005 and re-codified in 2007. Upon creation of the single family zoning district, the City initiated a rezoning of several property to R1A including multiple properties of which duplex and triplex dwellings exist, rendering the existing duplex and triplex structures, legal nonconforming uses.

In accordance with City codes, the legal nonconforming status remain attached along as the structures were occupied. However, once the structure became vacant for a year or more, the legal nonconforming status was voided. Therefore, the structures has to conform to current zoning district regulations. The only option available to restore use of the structures is duplex or triplex residential is to rezone the property.

Since the creation of the R1A zoning district, numerous property owners have submitted applicants for rezoning properties on which duplexes or triplexes existed prior to the creation of the affirmation district. Many of said applications have been granted and in doing so, the Mayor and City Council has recognized that in certain instances, the existing of duplexes and triplexes within the R1A district is not consistent with the purpose and intent to have district and not a detriment to the public health safety and welfare.

Recognizing this development constraint, Staff proposing a Text Amendment to Part Ten, Chapter 2, Article C Section 10-2062

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Subsection C and Chapter 2 Article D Section 10-2091 Subsection 1 to allow the duplexes and triplexes by administrative permit. Is this amendment could defined duplex and triplex dwellings and established associated standards.

Finally, the institution of this Text Amendment will encourage revitalization of blighted and/or vacant properties and alleviate cost-prohibited development parameters created by reclassification of the above-mentioned property.

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

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: Hearing none and seeing none, Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER LOVETT: Motion to close.

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Lovett, seconded by Commissioner Mitchell that we close the public hearing. 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.

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

MS. BLATCH: In Case Number 2019M-004-03, Staff recommends approval of the Text Amendment to Part 10, Chapter 2, Section 10-2062, R1A Urban Residential and Part Ten, Chapter 2, Article D, Administrative Permits and Use Permits to include regulations for an allowance of duplex and triplex uses were resistant.

COMMISSIONER ATKINS: Okay. Thank you.

Commissioners, you've heard from Staff and you've heard the case and you've heard their recommendation. At this time, I'll entertain a motion.

COMMISSIONER LOVETT: Motion to accept Staff's recommendation to approve.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BELL: I have a question.

COMMISSIONER ATKINS: There has to be a motion and a second before we can start discussion; you can second for discussion if you'd like.

COMMISSIONER BELL: I second for discussion.

COMMISSIONER ATKINS: Okay. So there's a motion by Commissioner Lovett and a second for discussion by Commissioner

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Bell. Commissioner Bell, you have a question?

COMMISSIONER BELL: Yes. So I just want to be absolutely sure that we capture the amendment that we sent out regarding this text. It is an additional section that was added and there were changing to one of the sections. So there was some additional text that was added to Section 7 and Section 8 is new. So I just want to clear that it's included.

MS. SMITH: That's correct, that is included in the Text Amendment.

COMMISSIONER BELL: Okay.

COMMISSIONER ATKINS: All right. Any other comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: There's a motion to recommend approval made by Commissioner Lovett, seconded by Commissioner Bell. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hear none, the ayes have it. This Body recommends approval. Thank you. Our next Agenda Item will be the approval of our March 21st, 2019 meeting minutes. Commissioners, at this time, I'll entertain a motion to approve the March 21st, 2019 meeting minutes.

**VI. APPROVAL OF THE MARCH 21, 2019 MEETING**



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**MINUTES:**

COMMISSIONER MILLER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Miller.

COMMISSIONER MILLER: I make a motion that we accept the March meeting minutes as amended by P&Z Council.

COMMISSIONER ATKINS: Turn your microphone on, please.

COMMISSIONER MILLER: Mr. Chairman, I make a motion that we accept the March meeting minutes as amended by P&Z Council. There are some additions that I would like to read out loud.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Mitchell that we approve the March 21st, 2019 meeting minutes as amended by the P&Z Council. Mr. Miller, you said that you had some amendments that you would like to read into the record.

COMMISSIONER MILLER: Thank you, Mr. Chairman. Yes, on Page 20, Line Number 6, starts out with Ms. Clayton, who is the attorney; "We're just asking that she grant the distance variance which is a precursor or the staff's recommendation and unless I'm misunderstanding the staff, I think that it would become to some kind of agreement on the hardship and the variance and the special use permit and the additional variance for the higher restriction would follow."

The next addition would be on Page 31. It's Lines 21 through

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24. This is a statement by Commissioner Atkins. I have questions. So I was not at the last week's Work Session due to travel. My question is around I heard the first attorney Lauren reference the absence of the method which would be used to measure the distance. Can you speak to that a little bit just so I will be clear about that, please.

The next amendment is on Page 32. It's Line Number 5 through 7. The applicant apparently has shown not to repeal the Staff's interpretation that is a measurement, be a straight line measurement. This concludes the amendments.

COMMISSIONER ATKINS: Are there any other --

COMMISSIONER MITCHELL: Yes.

COMMISSIONER ATKINS: Okay. Commissioner Mitchell.

COMMISSIONER MITCHELL: Not to the amendment but a correction on the front page where it says I was absent and I was actually here. There was a motion and then I had to leave.

COMMISSIONER ATKINS: Okay. So do we then need to -- if Commissioner Mitchell had to leave, should we also note where he had to leave because if there was votes taken and he was not a part of the votes, then I don't know what's to be attributed to him. So how do we record that he was present for a portion of the meeting but then was not present for the lateral part.

ATTORNEY VALERIE ROSS: Staff would have to go through the recording and make that termination. I don't know if they would be able to do that right now. So you guys would have to have a

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correction made for that specific item to know minutes; because unless Staff would make that determination now, it would have to be revisited.

COMMISSIONER ATKINS: Okay. So there's a motion to approve the March 21st, 2019 meeting minutes by Commissioner Miller and it was seconded by Commissioner Mitchell. However, I think that we also need to perfect the record.

ATTORNEY VALERIE ROSS: Commissioner Mitchell just informed Staff that he did not participate in any votes on that evening. He left before the first case was sounded.

COMMISSIONER ATKINS: Yes.

COMMISSIONER MITCHELL: The last time I'm showing in the minutes is approval of February 21st, meeting minutes.

COMMISSIONER ATKINS: Right. Right. So how do we note that on the minutes?

ATTORNEY VALERIE ROSS: You can note that in the motion to approve the minutes that Commissioner Mitchell was not absent; he was here until the sounding of the first case.

COMMISSIONER ATKINS: Okay. And so, Commissioner Miller and Commissioner -- the motion is to approve our March 21st, 2019 meeting minutes with the amendments as made by our P&Z Counsel and as stated by Commissioner and is read into the record by Commissioner Miller; and also noting that Commissioner Mitchell was not present for any of the votes; as he left the meeting before the first case was sounded.

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ATTORNEY VALERIE ROSS: So he was not absent as indicated in the minutes.

COMMISSIONER ATKINS: Right. He was present and then he left the meeting before any votes were taken and so we want to make sure that that is a part of the record and be amended to the March 21, 2019 meeting minutes. Do you accept that as a friendly amendment?

COMMISSIONER MILLER: I accept it as a friendly amendment. However, there's another change.

COMMISSIONER ATKINS: Okay. You want to read another change.

COMMISSIONER MILLER: Yes, sir, Mr. Chairman. Due to our election of new officers and March of season February this year, Commissioner Garrett Bell is now the Provisional Chair.

COMMISSIONER ATKINS: Okay. So we also need to list Commissioner Bell as the Provisional Chair and that was based on the elections that took place the month prior to March, so the month of February. Okay. So we'll correct that as well. All right. So our corrections are the amendments as read by Commissioner Miller, we're also noting in the minutes that Commissioner Mitchell was present, but, however, left before any of the vote were taken on any of the cases. He left before we read the first case and we are added the title of Provisional Chair to Commissioner Bell's name in the meeting minutes. Do you accept that as a friendly amendment Commissioner Miller?

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COMMISSIONER MILLER: Yes, sir.

COMMISSIONER ATKINS: And Commissioner Mitchell and his second -- Commissioner Mitchell's second still stands. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hear none, the ayes have it. This Body approves the March 21st, 2019 meeting minutes as amendment and further noted. Okay. Our next Agenda Item are announcements. Any announcements, Staff.

**VIII. ANNOUNCEMENTS:**

STAFF: No.

COMMISSIONER ATKINS: Commissioners, do you have any announcements?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Great. At this time, I'll entertain a motion to adjourn.

**IX. ADJOURNMENT:**

COMMISSIONER MILLER: Motion to adjourn.

COMMISSIONER MITCHELL: Second.

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

This meeting is now adjourned. Thank you.

(Whereupon this concludes the City of East Point Planning and Development regularly scheduled meeting for April 18, 2019.)

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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 49 represent a true and correct transcript; that I am not in any way financially interested in the result of said case.

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

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

The foregoing Special Call Meeting for the City of East Point, Department of Planning and Community Development , on April 18, 2019 at seven o'clock P.M., were taken down by me and transcribed by me on this 2nd day of May, 2019.

1 **(AMENDMENTS.)**

2 (March 21, 2019 Meeting Minutes)

3 **(Whereupon Commissioner Millers reads amendments and**  
4 **corrections of March 21, 2019 meeting minutes.)**

5 COMMISSIONER MILLER: "Thank you, Mr. Chairman.

6 "Yes, on Page 20, Line Number 6, starts out with Ms. Clayton,  
7 who is the attorney."

8 "We're just asking that she grant the distance variance which  
9 is a precursor or the staff's recommendation and unless I'm  
10 misunderstanding the staff, I think that it would become to some  
11 kind of agreement on the hardship and the variance and the special  
12 use permit and the additional variance for the higher restriction  
13 would follow."

14 "The next addition would be on Page 31. It's Lines 21  
15 through 24.

16 "This is a statement by Commissioner Atkins."

17 "I have questions. So I was not at the last week's Work  
18 Session due to travel. My question is around I heard the first  
19 attorney Lauren reference the absence of the method which would  
20 be used to measure the distance. Can you speak to that a little bit  
21 just so I will be clear about that, please?"

22 "The next amendment is on Page 32."

23 " It's Line Number 5 through 7."

24 "The applicant apparently has shown not to repeal the Staff's  
25 interpretation that is a measurement, be a straight line



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measurement."

"This concludes the amendments."