

CITY OF EAST POINT

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

January 17, 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, Provisional Chair**

Commissioner Gregory **FANN**

Commissioner Patricia **LOVETT**

Commissioner Jarrett **BELL**

Commissioner William **MILLER - Vice Chair -Absent**

Commissioner LaJeanna **MCKNIGHT**

Commissioner Willard **MAXWELL**

Commissioner Clyde **MITCHELL**

Also Present:

Ms. Kimberly **SMITH**
Director- Absent

Ms. Angela **BLATCH**
Senior Planner

Willis **HATCHER**
City Engineer - Absent

Linda **DUNLAVY**
City Attorney

Videographer
JAMES **Hammond -Absent**

Albert **TREVINO**
Associate Planner

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Appearances

Page

Case No.

Applicant

2018Z-011-12
2018VC-022-12

AOK Properties
Scott Bennett

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2018U-007-12
2018VC-021-12

City of East Point
Shean Atkins

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2018V-020-12

Mithaiwala, Inc.

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Index	
<u>Description</u>	<u>Page</u>
I. Call to Order	4
II. Roll Call	4
III. Moment of Silence	5
IV. Pledge of Allegiance	5
V. Adoption of Agenda	5
VI. Approval of December 20, 2018 Minutes	32
VII. New Business	9
VIII. Announcements	32
IX. Adjournment	33

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening, ladies and gentlemen. I'm Shean Atkins and I'm the Chair of the East Point Planning and Zoning Commission. At this time, I'd like to call our meet to go order.

Staff, would you please sound Roll Call.

II. ROLL CALL:

MS. BLATCH: Commissioner Lovett.

COMMISSIONER LOVETT: (No response.)

MS. BLATCH: Commissioner Bell.

COMMISSIONER BELL: Here.

MS. BLATCH: Commissioner Miller.

COMMISSIONER MILLER: (No response.)

MS. BLATCH: Commissioner Fann.

COMMISSIONER FANN: Here.

MS. BLATCH: Commissioner Atkins.

COMMISSIONER ATKINS: Present.

MS. BLATCH: Commissioner Tucker.

COMMISSIONER TUCKER: Here.

MS. BLATCH: Commissioner McKnight.

COMMISSIONER MAXWELL: Here.

MS. BLATCH: Commissioner Mitchell.

COMMISSIONER MITCHELL: Present.

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

COMMISSIONER ATKINS: Thank you. At this time, I'd like

1 for everyone to please join us in a Moment of Silence.

2 **III. MOMENT OF SILENCE:**

3 COMMISSIONER ATKINS: If you would please stand and join
4 me in the Pledge of Allegiance.

5 **IV. PLEDGE OF ALLEGIANCE:**

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

8 **V. ADOPTION OF AGENDA:**

9 COMMISSIONER MITCHELL: Move that we adopt the
10 agenda.

11 COMMISSIONER ATKINS: There a second?

12 COMMISSIONER MAXWELL: I second the motion.

13 COMMISSIONER ATKINS: It's been moved been
14 Commissioner Mitchell, seconded by Commissioner Maxwell that we
15 adopt our agenda for our January 17, 2019 meeting. All in favor
16 sound aye.

17 COMMISSIONERS: Aye.

18 COMMISSIONER ATKINS: All opposed sound nay.

19 COMMISSIONERS: (No response.)

20 COMMISSIONER ATKINS: Hearing none, the ayes have it.
21 Our agenda is adopted. I think there's a question from our zone
22 attorney.

23 ATTORNEY LINDA DUNLAVY: Yes. Mr. Chair, it appears that
24 we do not have applicants present; so I was going to suggest that a
25 motion be made to amend the agenda to move forward with those

1 items where we do have applicants. It appears that we have an
2 applicant here for AOK Properties, which is the third item on the
3 agenda; and, of course, the second item on the agenda the applicant
4 is here; and that way we could move through and hopefully by then,
5 the first item on the agenda, the applicant would be present.

6 COMMISSIONER ATKINS: Okay. For -- okay.

7 ATTORNEY LINDA DUNLAVY: So I just ask that you go
8 ahead and, you know, entertain a motion to amend the agenda for
9 the purposes of changing the order as outlined.

10 COMMISSIONER ATKINS: Okay.

11 COMMISSIONER MITCHELL: Mr. Chair.

12 COMMISSIONER ATKINS: Yes, Commissioner Mitchell.

13 COMMISSIONER MITCHELL: I would like to amend the
14 agenda to start with Mr. Shean Atkins.

15 COMMISSIONER ATKINS: Okay.

16 COMMISSIONER ATKINS: So the motion is to amend the
17 agenda so that we would first hear Case Number 2018 "U" as in
18 umbrella-007-12 and Case Number 2018 "V" as in Victor, "C" as in
19 Charlers-021-12; and then we would go in the order of the item
20 below that, Number 3, the third case on our our agenda; and then
21 we will come to back to Case Number 1.

22 That is the motion. Is there a second?

23 COMMISSIONER TUCKER: I second for discussion.

24 COMMISSIONER ATKINS: Yes, Commissioner Tucker.

25 COMMISSIONER TUCKER: If it would be acceptable for a

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friendly amendment do that, I would like to start with AOK Properties, LLC as first; and then Mr. Shean Atkins; and then the third one being the 2018V-0202-12.

COMMISSIONER ATKINS: Okay.

COMMISSIONER MITCHELL: No problem.

COMMISSIONER ATKINS: Okay. Commissioner Mitchell has accepted the friendly amendment. So the motion is to hear Case Number 2018 "Z" as in zebra-011-12 and 2018 "V" as in Victor, "C" as in Charles-022-12. It has been moved by Commissioner Mitchell, seconded by Commissioner Tucker that we change the agenda as so. 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 proceed with the agenda as just amended.

Having said that, our next Agenda Item is New Business. Each of the cases on our agenda this evening will require a public hearing. At this time, I'll read the rules for the public hearing.

(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

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

You've heard our Rules for Public Hearings. Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2018 "Z" as in zebra-011-12 and Case Number 2018 "V" as in Victor, "C" as in Charles-022-12.

COMMISSIONER TUCKER: So moved.

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COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: The public hearing is now open. Staff, would you please sound this zoning item.

VII. NEW BUSINESS:

MR. TREVINO: Yes, Commissioner. Case Number 2018Z-011-12 and associated case 2018VC-022-12, the applicant is AOK Properties, LLC; located at Jaillette Road and 0 Bonecho Drive; wants to rezone two properties from I-1 (Light Industrial) and R-1 (Single Family Residential) to R-T (Residential Townhomes) with a two-part Concurrent Variance to reduce the minimum width from thirty-feet (30) to twenty feet (20) in accordance with Section 10-2069 (e) (f), and to reduce the lot size from three-thousand feet (3,000) square to two-thousand (2,000) square feet as noted in Section 10-2069 Subsection (e) (e).

COMMISSIONER ATKINS: Thank you. At this time, is is the applicant present?

AUDIENCE: Yes.

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

(Whereupon Applicant Scott Bennett approaches the podium.)

MR. BENNETT: Scott Bennett, General Counsel for MK Industries, 6685 Peachtree Industrial Boulevard, Doraville, Georgia, 30360; and I'm here tonight on behalf of AOK Properties. That's one of our subsidiaries companies that owns this particular -- these two

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tracts of land. Would you like for me to proceed?

COMMISSIONER ATKINS: Yes, sir.

MR. BENNETT: First, I want to say hello to Linda. It's been quite a while since I've seen Linda. We use to do work together -- work against each other in Dekalb County on some issues; but it's good to see you again.

As we discussed at the workshop, you know, we own these two properties at the very edge to have City. We're surrounded, if I notice, really on all sides by the City of South Fulton except for Jailette Road itself. The property, as you can tell, Bonecho Drive is not much of a drive; it's a dirt road as we discussed; and it serves really as a driveway that is housed; and in order to access that single family portion, we would have to encroach on those people's front yards pretty much to put a road in.

So what we're proposed to do is to allow Jailette to be the dividing line between the Light Industrial, which is to the north and the east of our property, between Light Industrial and then have this residential on the southwestern side. We've proposed townhomes to be allowed twenty (20) feet wide with a hundred foot deep lots. It will be laid out as you can see on that diagram. Half of that residential property probably is currently on residential would be the open space.

We wouldn't build on that because the amenities would be -- and we think there is sufficient buffer given the right-of-way for Jailette Road and then the buffers go on over to the Light Industrial

1 to protect our property; and the homeowners that would be there
2 with the backyard of those townhomes; and, you know, as we
3 discussed it's very difficult with this shape to do something with it;
4 and so if you have any questions, I'd be happy to answer them or we
5 can wait -- I don't know if anyone hear is against it, but this is what
6 we're proposed to do with those two tracts.

7 COMMISSIONER ATKINS: Thank you, Mr. Bennett. Are
8 there any other persons here to speak in favor of the zoning
9 application?

10 AUDIENCE: (No response.)

11 COMMISSIONER ATKINS: Any other persons here to speak
12 in favor?

13 AUDIENCE: (No response.)

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

16 AUDIENCE: (No response.)

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

19 AUDIENCE: (No response.)

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

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

25 COMMISSIONER ATKINS: Is there a second?

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COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Mitchell 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, at this time, sound your recommendation.

MS. BLATCH: In Case Number 2018Z-011-11, Concurrent Case Number 2018VC-022-12, Staff recommends denial of rezoning of properties from I-1 (Light Industrial) and R-1 (Single Family Residential) to R-2 (Residential Townhome District) due to none conformity with division intent and using scale of the Business Park industrial character area adopted in the City of East Point's 2017 Comprehensive Land-Use Update and Future Development Map.

Subsequently, Staff recommends denial of the two-part Concurrent Variance to reduce the minimum lot width from thirty (30) feet to twenty (20) feet; and to reduce the lot size from three thousand (3,000) square feet to two thousand (2,000) square feet.

COMMISSIONER ATKINS: Thank you. Commissioners, you've heard from the applicant Mr. Bennett representing AOK Properties, LLC and you've also heard Staff's recommendation. At this time, I'll entertain a motion.

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COMMISSIONER FANN: Motion to accept Staff's recommendation for denial; motion to accept Staff's recommendation for denial.

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Tucker that this Body recommend denial for Case Number 2018 "Z" as in zebra-011-12 and 2018 "V" as in Victor, "C" as in Charles-022-12. Any comments, questions or concerns at this time?

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. This Body recommends denial of this case. Our next Agenda Item includes myself, the Chair as the applicant; so at this time, recuse myself and ask that our Provisional Chair, in the absence of our Vice Chair, to preside over the meeting.

(Whereupon Commissioner Atkins recuses himself from the meeting.)

COMMISSIONER TUCKER: Thank you, Mr. Chair. My name is Joel Tucker and the Chair has just recused himself; and it is in the absence of the Vice Chair, as Provisional Chair, I'll be Chairing our

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next Agenda Item.

Our next Agenda Item is Case Number 2018V-007-12, 2018VC-021-12; and it's a two-part Concurrent Variance. Staff, would you please sound the next Agenda Item.

MR. TREVINO: Case Number 2018U-007-12 with associated case 2018VC-021-12; the applicant is Shean Atkins, located at 1311 Jefferson Avenue wants Special Use Permit to establish an a habitable accessory structure with a Concurrent Variance for relief from the three-foot setback requirement from all property lines in accordance with Section 10- 2130, Subsection 11.

COMMISSIONER TUCKER: Well done, thank you. This item requires a public hearing. The rules pertained to public hearings has been read and remain in effect. At this time, I'll entertain a motion to open the public hearing on Case Number 2018U-007-12 and 2018VC-021-12.

COMMISSIONER MAXWELL: So I move.

COMMISSIONER TUCKER: Is there a second?

COMMISSIONER FANN: Second.

COMMISSIONER TUCKER: It has been moved and seconded that we open the public hearing for this case. All in favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER TUCKER: All opposed say nay.

COMMISSIONERS: (No response.)

COMMISSIONER TUCKER: Hearing no nays, the public hearing is now open. Would the applicant please approach the

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podium and state your name, address and speak to your application.

(Whereupon Applicant Shean Atkins approaches the podium.)

MR. ATKINS: Yes. Thank you very much. My name is Shean Atkins and I reside at 1311 Jefferson Avenue, East Point, Georgia, 30344. Commissioners, thank you so much for the opportunity to present this case.

As stated by Staff, I am seeking a Special Use Permit to build a habitable accessory structure above the two-car detached garage located on my property. This particular structure is allowed within my zoning district; however, it does require a Special Use Permit. It is a Concurrent Variance as a part of this case because to have location of the current detached garage.

One of the things that I learned in doing research to get prepared for this is that the garage is also built in 1920; so it, too, is almost 99 years old; and at the time that it was built, it was built within side yard setbacks that I'm assuming were in compliance with the current zoning laws. Over the years as those things have changed, the garage now is within the side yard setback required; we'll need a variance for that.

The property sits on one-acre lot; and the primary structure is a 2,400 eight square foot home. The space that I'm seeking to build would be just above the detached two car garage and it will be a total of 480 square feet. I bring those points up specifically because according to our zoning regulations, a habitable structure cannot be more than 50 percent of the primary structure; so I am well under

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that amount even if we incorporate it, the amount of space below the garage, the unconditioned space, I am still well below the 50 percent.

As it relates to the variance, my home is located in what we deem a traditional urban neighborhood; and traditional urban neighborhoods are usually characterized by smaller narrower lots; and generally characterized by a concentrated density and mixed-housing types; and so as with this, my particular case, the lot is extremely narrow; it's a 50-foot lot, but the lot is deep. I believe it's 150 feet deep.

Approval of the variance would not go beyond the minimal necessary to afford relief; as the newly built addition will stay within the footprint of the existing detached two-car garage upon which it will be built. So I'm not asking to encroach further upon the side yard setback. I'm only asking to go up, and the footprint of the two-car garage would remain the same.

And because having an accessory structure, a permitted use in my zone district, the variance does not expand, enlarged or reestablish a nonconforming use; and so I am asking this evening for a Special Use Permit to build a habitable accessory structure and a relief to the side yard setback as a part of the variance so that I may build that particular space above the two-car garage.

Thank you.

COMMISSIONER TUCKER: Mr. Atkins. At this time, I would ask if there are any proponents that wish to speak?

AUDIENCE: (No response.)

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COMMISSIONER TUCKER: Any proponents?

AUDIENCE: (No response.)

COMMISSIONER TUCKER: Any opponents that wish to speak?

AUDIENCE: (No response.)

COMMISSIONER TUCKER: Seeing none, Commissioners, at this time, I want to entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing.

COMMISSIONER TUCKER: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER TUCKER: Okay. It's been moved and seconded that we close the public hearing. All those in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER TUCKER: All opposed say nay.

COMMISSIONERS: (No response.)

COMMISSIONER TUCKER: Hearing none, the ayes have it and the public hearing now closed.

Staff, will you please sound your recommendation.

MS. BLATCH: Case Number 2018U-007-12 with the Concurrent Variance Case Number 2018VC-021-12, Staff recommends a Special Use Permit for a habitable accessory structure in the R1A zoning district be deferred to the February, 2019 Planning and Zoning Commission meeting to allow for an amendment to the requested Concurrent Variance.

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COMMISSIONER TUCKER: Thank you. Mr. Atkins, do you accept the Staff recommendation for deferral to our next regularly scheduled meeting in February?

MR. ATKINS: I do, sir.

COMMISSIONER TUCKER: All right. Commissioners, at the time, we have heard from the applicant and you heard Staff's recommendation for a deferral. I'll entertain a motion.

COMMISSIONER FANN: Motion to deferral until the February 2019 meeting.

COMMISSIONER TUCKER: Thank you, sir.

COMMISSIONER FANN: The February meeting 2019.

COMMISSIONER TUCKER: Is there a second?

COMMISSIONER MAXWELL: I second the motion.

COMMISSIONER TUCKER: Okay. All right. Any comments or questions?

COMMISSIONERS: (No response.)

COMMISSIONER TUCKER: All right. All those in favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER TUCKER: All those opposed say nay.

COMMISSIONERS: (No response.)

COMMISSIONER TUCKER: All right. So the case has been deferred to our next regularly scheduled meeting in February. At this time, I'll return the meeting to our incredible Chair, Atkins.

(Whereupon Commissioner Atkins returns to the meeting.)

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COMMISSIONER ATKINS: Staff, would you please sound our next Agenda Item, 2018 "V" as in Victor-020-12.

MR. TREVINO: Yes, Commissioner. Case Number 2018V-020-12. The Applicant Mithaiwala, Inc. is located at 2871 Main Street. They are requesting a variance for reduction of the off-street parking requirements as required in Section 10-2154.

COMMISSIONER ATKINS: Thank you. Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2018 "V" as in Victor-020-12.

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, second by Commissioner Fann that the hearing is open for 2018 "V" as in Victor-020-12. 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?

AUDIENCE: Yes.

COMMISSIONER ATKINS: If so, please step to the podium; state your first and last name and your current address.

(Whereupon Applicant Nafisa Mithaiwala approaches the

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podium.)

MRS. MITHAIWALA: Hello. My name is Nafisa Mithaiwala. I reside at 3291 Sir Henry Street in East Point. I am here today because we bought a property on Main Street, 2871; which is located right across from the Marta Station.

COMMISSIONER FANN: Can you speak up just a little bit.

COMMISSIONER ATKINS: Yes, yes.

MRS. MITHAIWALA: Sorry. So we bought this property hoping -- because we've been living in East Point for a long time; and we would like to open up a restaurant or like a pastry shop; something to that effect.

At the time when we brought the property, we did not realize that, you know, that's not enough parking; so that's why we're here to ask for the variance. The existing property has about -- space for about four parking spaces in the back alley area; and since there is Mexican restaurant on the left hand side; and on the right hand side, there is like a convenient store that has a parking space; but unfortunately, we don't have any.

We looked at many different ways how we can utilize that space and make more parking space; but unfortunately, the design of the building is such that we're not able to; so that's why we're here to ask for the variance.

I know that -- and we looked at other places, like in Decatur and other places where their downtown area doesn't have much parking; so we were hoping that since they're building the new City

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Hall and we're still hoping they'll have some more parking spaces in the back over there; so that will accommodate some of our parking spaces.

COMMISSIONER ATKINS: Thank you, Mrs. Mithaiwala. Is there anyone here to speak in favor of this zoning case also?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Anyone 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 TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FANN: Second

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Fann that we close the public hearing for 2018 "V" as in Victor-020-12. 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: Case Number 2018V-020-12, Staff recommends approval of a variance to reduce the number of off-street parking spaces from 16 as required in Section 10-2154 of the Zoning Ordinance to 4.

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

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I would like to make a motion to recommend approval?

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MAXWELL: Second the motion.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Maxwell that this Body approves -- it's a variance so the Body -- the motion to be made in the form of a -- not a recommendation.

COMMISSIONER TUCKER: Recommend approval.

COMMISSIONER ATKINS: Okay. The motion is to approve?

COMMISSIONER TUCKER: Motion to approve.

1 COMMISSIONER ATKINS: Okay. And Mr. Maxwell, does
2 your second still stand?
3 COMMISSIONER MAXWELL: Yes.
4 COMMISSIONER ATKINS: Okay. Any comments, questions
5 or concerns.
6 COMMISSIONER LOVETT: Question.
7 COMMISSIONER TUCKER: I have a comment.
8 COMMISSIONER ATKINS: Yes, yes; Commissioner Tucker
9 and then Commissioner Lovett.
10 COMMISSIONER TUCKER: Would this particular property --
11 you know, I went and looked at it; couldn't figure out how in the
12 world there would be property that had no parking; yours doesn't. It
13 looks like the front part of it was an original part of it and maybe at
14 some point, it was added on; because it's wood in the back.
15 MRS. MITHAIWALA: Yes, yes.
16 COMMISSIONER TUCKER: So that a why, because of your
17 hardship, that I am recommending approval.
18 MRS. MITHAIWALA: Thank you. We appreciate that.
19 COMMISSIONER TUCKER: And we wish you the best for the
20 building.
21 COMMISSIONER ATKINS: Commissioner Lovett.
22 COMMISSIONER LOVETT: Thank you. The four parking
23 spaces that you do have available to you, will they be used for
24 customers or for employees?
25 MRS. MITHAIWALA: Well, the priority would probably be

1 employees first; because without a space, we would not be able to --
2 I mean, I don't think all four would be required for the employees;
3 but if there's two of them, can be for employees, too and the
4 customers -- and also we had a recommendation that we can talk to
5 the convenient store that's located next to us and see, you know, if
6 we can get something where they would allow us to use some of
7 their parking spaces or our customers to use their parking space;
8 because I think they have like eight or ten spaces.

9 COMMISSIONER LOVETT: Now which location is that?

10 MRS. MITHAIWALA: It's located right next to our location.
11 It's the convenient store. You'll have to go back to the map.

12 COMMISSIONER LOVETT: I think I know which one you're
13 talking about.

14 MRS. MITHAIWALA: There's a Mexican restaurant right next
15 to -- like ours is in the middle; and then the Mexican restaurant on
16 the left hand side; and on the right hand side, there's a convenient
17 store. It's located right across from the Marta station.

18 COMMISSIONER LOVETT: So what is going to be the
19 difference in the parking? This maybe a question for Staff. What is
20 going to be the difference in parking requirements for a restaurant as
21 opposed to a bakery slash coffee shop?

22 MS. BLATCH: They're the same requirements. It's based on
23 the square footage; and they're all in the category. Essentially, what
24 the requirement is for the square footage of this particular building, it
25 equal to 18 square feet. They got a reduction in park of two;

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because they are across from the Marta station. So since they are able to show that they can comply with four parking spaces, Staff was amenable to that.

COMMISSIONER LOVETT: Just curious question, so where will people park when those four spaces have been utilized or being occupied?

MS. BLATCH: Honestly, I don't have an answer for that.

COMMISSIONER LOVETT: Okay, thank you.

MRS. MITAIWALA: If I can say something?

COMMISSIONER ATKINS: Well, the Commissioner would have to ask you the question because the public hearing is closed. So Commissioner Lovett, would you like to ask the applicant a question for further clarification or you're okay.

COMMISSIONER LOVETT: I do have an addition question; and that is you indicated that the occupants, the owners next door, maybe amenable to your customers parking in their spaces. Have you gotten that approval?

MRS. MITHAIWALA: No, not yet; because we weren't sure, you know, exactly if we could get the variance; so we're kind of like one step at a time; definitely, we will ask them; but we have not yet.

COMMISSIONER LOVETT: Thank you.

COMMISSIONER ATKINS: Anymore comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, I will take this

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opportunity to speak to this case. I'll speak a little bit to your question, Commissioner Lovett. I'm glad we have this slide on the screen because I do want to speak to this slide. One of the things that we discussed -- this was a case that we discussed at length in our Work Session last week. What this image on the slide does not show -- it shows you four parking spaces on this parcel of land; but it does not show you how you get to those four parking spaces.

My concern with having this parking for anyone other than employees is that we're asking for an accident. There is only an alley that leads to those four parking spaces. According to what we were able to see last week, that alley is probably approximately only ten foot wide; so there's not even enough space for two cars in opposite directions to travel that alley to reach those parking spaces.

I would personally be concerned having customers going in and out of that parks space; because it's an alley; it's a tight space; there is, I think, a fence at the very end so you can't get to the other side; an even with this angled parking, it's great to take a mouse and drop vehicles in those spaces, but I don't really know what the turning radius is; I don't really know how you get into those spaces.

One of the things that I mentioned in the Work Session last week, having been here for probably twenty years on this Commission, several similar cases have come before us. I know that we dealt with those cases; and I think that we've done so in a very fair way. I am okay if there were no customer parking -- I am not okay with it; but I get it and I understand because of the parcel;

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because of the narrowness of the property.

I personally would like to see some way for the applicant to advertise a ride share; so to have like a ride share stand out front. It is located directly across the street from the Marta. One of the things that we're trying to do is to increase pedestrian activity in this downtown area; but as it relates to parking in the rear of the building for customers, I think it would be a disaster. I think that we'd have East Point Police over there every other day for accidents; because it's just not -- you just can't get to it.

And I was also in favor of using that only for service. I would not like to have service come to the front of the building to deliver your supplies and your item; but if those spaces could be used for employees or service -- and I don't know if we need to condition that here -- if so, then a Commissioner would need to do that; but that is a very very tight lot to get to for parking; and if you try to back one of those cars out as shown on that map, you're going to run into that wall or whatever the other property is; so it's very tight.

So those are my three cents. There is a motion by Commissioner Tucker and a second by Commissioner Maxwell. There is a motion to approve made by Commissioner Tucker; a second by Commissioner Maxwell.

COMMISSIONER TUCKER: And I'm wanted oppose to those condition. Are those conditions --

COMMISSIONER ATKINS: We would have to add --

COMMISSIONER TUCKER: That we would; should; could;

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need to?

ATTORNEY LINDA DUNLAVY: You'd have to proposed a friendly amendment. It's your motion; is that right? Okay. So someone would have to propose a friendly amendment; you accept it and I would like to hear your articulation of those conditions in a little bit more formal manner.

COMMISSIONER ATKINS: We would have to write those out and state those.

ATTORNEY LINDA DUNLAVY: Yeah.

COMMISSIONER ATKINS: I would be very uncomfortable saying that it's amended based on my comments because it was a lot; so I think that we would have to articulate that so we can read it into the record as well.

ATTORNEY LINDA DUNLAVY: Yes. So I would suggest that one proposed a friendly amendment with specific on which as to the conditions and then it will be up to Commissioner Tucker to whether he's going to accept it.

COMMISSIONER FANN: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Fann.

COMMISSIONER FANN: I would make another amendment that we table this matter to next month meeting so we can have further discussion so that we're clear; so we can sit down and be clear on what those conditions will be so the attorney with write out for us; so it would stand in terms of any legality in the future; because you stated a lot of stuff and some of it I agree it; some I

1 didn't agree with; but I think that one, that we probably need to sit
2 down at the next meeting and kind of work it out; and I'll be willing
3 to come to Work Session at that meeting to work it out.

4 COMMISSIONER ATKINS: Well, we did have great discussion
5 at the last meeting; and I don't want to unduly penalize the
6 applicant; but you have made a motion. Commissioner Fann's
7 motion is to table this -- his specific motion is to table it in his
8 language for our February meeting. Is there a second?

9 COMMISSIONER LOVETT: Second.

10 COMMISSIONER ATKINS: All in favor -- any comments,
11 questions or concerns?

12 COMMISSIONER MITCHELL: Comment.

13 COMMISSIONER ATKINS: Yes, Commissioner Mitchell.

14 COMMISSIONER FANN: You can't discuss a table --

15 COMMISSIONER MITCHELL: That's right. That's fine.

16 COMMISSIONER FANN: You only vote it up or vote it down.

17 COMMISSIONER MITCHELL: Then, Mr. Fann.

18 COMMISSIONER ATKINS: There's a motion to table this
19 Agenda Item to our regularly scheduled February meeting made by
20 Commissioner Fann, seconded by Commissioner Lovett. All in favor
21 sound aye.

22 COMMISSIONERS: Aye.

23 COMMISSIONER ATKINS: All opposed sound nay.

24 COMMISSIONERS: Nay.

25 COMMISSIONER ATKINS: Okay.

1 ATTORNEY LINDA DUNLAVY: Roll Call.
2 COMMISSIONER ATKINS: Roll Call.
3 MS. BLATCH: Commissioner Lovett.
4 COMMISSIONER LOVETT: Yes.
5 MS. BLATCH: Commissioner Bell.
6 COMMISSIONER BELL: No.
7 MS. BLATCH: Commissioner Fann.
8 COMMISSIONER FANN: Yes.
9 MS. BLATCH: Commissioner Tucker.
10 COMMISSIONER TUCKER: Yes.
11 MS. BLATCH: Commissioner McKnight.
12 COMMISSIONER MCKNIGHT: No.
13 MS. BLATCH: Commissioner Maxwell.
14 COMMISSIONER MAXWELL: Yes.
15 MS. BLATCH: Commissioner Mitchell.
16 COMMISSIONER MITCHELL: No.
17 COMMISSIONER ATKINS: The motion passes to table.
18 Okay. So we will table this Agenda Item to our next Work Session.
19 MRS. MITHAIWALA: Okay.
20 COMMISSIONER TUCKER: And if you guys could come to the
21 Work Session, that would be great.
22 COMMISSIONER ATKINS: Yeah, I do believe that we -- like
23 as I mention, we spent the majority of our meeting talking about this
24 Agenda Item; so there was lots and lots of discussions about it. So I
25 would just say this, not just for this case, but in other cases, I don't

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want to unduly penalize an applicant because of the Commissioners have not done their due diligence. We all know that our Work Session are the second Thursday of the month; and so I do ask that all of the Commissioners come to the Work Session; but ninety percent of our discussion was about this; because we tried to figure out all sorts of ways to make this work because of the narrow lot. Okay.

COMMISSIONER FANN: I want to this just this, Mr. Chair. You the one came up with all the condition; and if I wanted to have those conditions, you should have had them outlined so that we could at least understood what the conditions are; because we know where the property is and we know the issues with the property; and something was raised by Commissioner Lovett somewhat in terms of Ride Share or whether or not she's talked to the other people, that should have been raised at that time so she could have said, well, I have a letter from the other property owner saying that they would be willing to share the parking.

That would alleviate a lot the discussion tonight; so, I mean, no, I was not Work Session; but I do understand when we talk about putting conditions on people; we want to make sure that those conditions are fair conditions that they can agree to and they will abide by because it will come back to the City if they violate those conditions.

COMMISSIONER ATKINS: That is correct. Okay.

COMMISSIONER FANN: Thank you so very much.

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COMMISSIONER ATKINS: And Commissioner, I do appreciate your comments. I was not talking specifically about you. You were not the only Commissioner not at the Work Session; and your comment -- we did discuss having an agreement already; so it would not have alleviated it because we discussed that at great length as well.

So I do appreciate your comments; but there was a lot of discussions about this case at our meeting last week.

COMMISSIONER FANN: I will be at the next one.

COMMISSIONER ATKINS: Okay.

COMMISSIONER FANN: I want promise you all of them.

COMMISSIONER ATKINS: Okay. At this time, we'll go to our next Agenda Item, which will be announcements. Staff, do you have any announcements?

VIII. ANNOUNCEMENTS:

ATTORNEY LINDA DUNLAVY: Actually, Mr. Chair, I hate to bring this to your attention, but you skipped approving the minutes for December; so I would ask that you go back to that Agenda Item and deal with the minutes. Thank you.

COMMISSIONER ATKINS: Thank you so very much. I did and thank you for catching that, Madam Attorney.

Commissioners, as stated, I did overlook the approval of our December 20, 2018 meeting minutes. At this time, I'll entertain a motion to approve our December 20, 2018 meeting minutes.

VI. APPROVAL OF THE DECEMBER 20, 2018 MEETING

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MINUTES:

COMMISSIONER TUCKER: So move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MAXWELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, second by Commissioner Maxwell that we approve our December 20, 2018 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our December 20, 2018 are approved.

If there are no announcements, Commissioners, at this time, I'll entertain a motion to adjourn.

IX. ADJOURNMENT:

COMMISSIONER FANN: Motion to adjourn.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Mitchell that we adjourn our meeting. 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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This meeting is now adjourned. Thank you.

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Attest:

I hereby attest that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 35 represent a true and correct transcript; that I am not in any way financially interested in the result of said case.

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

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

The foregoing Special Call Meeting for the City of East Point, Department of Planning and Community Development , on January 17, 2019 at seven o'clock P.M., were taken down by me and transcribed by me on this 31st day of January, 2019.