

CITY OF EAST POINT

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

March 21, 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 - Absent**

Also Present:

Ms. Kimberly **SMITH**  
Director

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

2019V-003-02

Cindy Williams  
Donald McLellan

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2019U-001-02  
2019VC-004-02

Lauren Clayton  
Jason Sommer  
Larry Dingle

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**I. CALL TO ORDER:**

COMMISSIONER ATKINS: Ladies and gentlemen, good evening. I'm Shean Atkins, Chair of the East Point Planning and Zoning Commission and at this time, I'd like to call our March 21st, 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: (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 MCKNIGHT: Here.

MS. BLATCH: Commissioner Maxwell.

COMMISSIONER MAXWELL: Here. Commissioner Mitchell.

COMMISSIONER MITCHELL: Present.

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

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COMMISSIONER ATKINS: Thank you. At this time, I'd like for us all to join in a Moment of Silence, please.

**III. MOMENT OF SILENCE:**

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

**IV. PLEDGE OF ALLEGIANCE:**

COMMISSIONER ATKINS: Thank you. Commissioners, at this time, I'll entertain a motion to adopt our agenda for this evening's meeting.

**V. ADOPTION OF THE AGENDA:**

COMMISSIONER MITCHELL: I move that we adopt the agenda for this meeting.

COMMISSIONER ATKINS: Commissioner Tucker actually made the motion first and then it sounded like Commissioner Maxwell seconded the motion; is that correct?

COMMISSIONER MITCHELL: It would be me.

COMMISSIONER ATKINS: Commissioner Mitchell seconded the motion. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our agenda is adopted as printed.

Commissioners, at this time, I'll entertain a motion to approve our February 21, 2019 meeting minutes.

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**VI. APPROVAL OF THE FEBRUARY 21, 2019 MINUTES:**

COMMISSIONER MITCHELL: Now, I make the motion.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MCKNIGHT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Mitchell, seconded by Commissioner McKnight that we approve our February 21st, 2019 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 February 21st, 2019 meeting minutes are approved.

Commissioners, at this time, we'll move into New Business.

**VII. NEW BUSINESS:**

COMMISSIONER ATKINS: Okay. We'll move on to our next Agenda Item which is New Business. Staff, would you please sound our first case for this evening.

MR. TREVINO: Yes, Commissioner. Case Number 2019V-003-02; the Applicant Cindy Williams and Donald McLellan; located at 3151 Camp Creek Parkway. They're seeking a four-part variance to allow for an electrified and is requesting relief from the following: Chapter 2, Section 10-2095, Subsection (a) (1) relief from a minimum lot size of 20 acres; Chapter 2, Section 10-2095, Subsection (a) (3) relief from the prohibited use of barbed wire; Chapter 2, Section 10-2095, Subsection (a) (5) relief from a five-foot

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vegetative screen adjacent to the public right-of-way; and Chapter 12, Section 10-12021, Subsection (1) relief to encroach within the 50-foot of the undisturbed natural stream buffer.

COMMISSIONER ATKINS: Thank you. This Agenda Item as well as our other item of New Business, it does require public hearing. At this time, I'm going to read our Rules for Public Hearings. They will apply to both this case as well as our other case under New Business.

(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

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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 2019 "V" as in Victor-003-02.

COMMISSIONER TUCKER: So move.

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 we open the public hearing for Case Number 2019 "V" as in Victor-003-02. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now open. Do we have our applicant present



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this evening, Cindy Williams and/or Donald McLellan.

AUDIENCE: Yes, sir.

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

(Whereupon Applicant Cindy Williams approached the podium.)

MS. WILLIAMS: Cindy Williams, 550 Assembly Street, Columbia, South Carolina.

COMMISSIONER ATKINS: Okay.

MS. WILLIAMS: I appreciate the opportunity to be before you again tonight. We are hear for a variance from your code which does allow for electric security fences.

The first variance is for lot size. If you recall several years back when the code was written, the intent of the code was -- or the major reason impetus for installing the code -- changing the code was to allow a lot of these parking spaces, these parking lots, businesses outside of the airport for having a major problem with break-ins and theft; and that was the reason most of those are fairly large and that was the reason that you had the acreage limit on there.

However, Elite Parking is also a parking business right outside the airport and is a little bit smaller; and it is also experiencing quite a bit of the same problems; and so we're here seeking some relief on the lot size. I have believe this lot is fourteen (14) acres where your code says they should be twenty (20) acres. That's the first variance.

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The second variance is for a small section. This is just one section of fence that has barbed wire and we are asking to keep that barbed wire on that one section. There's a retaining wall there and the landscape or the topography of the lot lends itself to be -- that is easier to -- it kind of gives them a leg up to be able to get over that. So we're asking for just that small section to retain that barbed wire.

The third variances for the vegetative buffer requirement; if you look, that buffer is City property and if you'll recall in previous cases, we're not allow to plant and install into the public right-of-way, the City public right-of-way; so there is really nowhere for us to install there.

And the fourth variance is relief for the 50-foot undisturbed natural buffer on the creek bed; and we have been in touch with the State. The State is fine with that; but there's a City requirement also.

We are happy to apply with the conditions that Staff is recommending and happy to answer any questions. The business owner is here if you would like any testimony from him as to the problems he's experiencing.

COMMISSIONER ATKINS: Thank you.

MS. WILLIAMS: You're welcome.

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents here to speak in favor of the zoning case?

1 AUDIENCE: (No response.)

2 COMMISSIONER ATKINS: Are there any opponents here to  
3 speak against the zoning case?

4 AUDIENCE: (No response.)

5 COMMISSIONER ATKINS: Any opponents here to speak  
6 against the zoning case?

7 AUDIENCE: (No response.)

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

11 COMMISSIONER TUCKER: So moved.

12 COMMISSIONER ATKINS: Is there a second?

13 COMMISSIONER LOVETT: Second.

14 COMMISSIONER ATKINS: It's been moved by Commissioner  
15 Tucker, seconded by Commissioner Lovett that we close the public  
16 hearing for Case Number 2019 "V" as in Victor-003-02. All in favor  
17 sound aye.

18 COMMISSIONERS: Aye.

19 COMMISSIONER ATKINS: All opposed sound nay.

20 COMMISSIONERS: (No response.)

21 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
22 The public hearing is now closed. Staff, would you please sound  
23 your recommendation.

24 MR. TREVINO: Staff recommends approval of the four-part  
25 variance to construct an electrified fence of the subject property with

1 the following conditions: Barbed wire is allow only on the property  
2 line between the subject property and the adjacent property located  
3 at 3155 Camp Creek Parkway as shown and highlighted on Exhibit A.  
4 Condition Number Two, ensure adequate access is provided and any  
5 barbed wire on the property will not interfere with the fire  
6 department operations; and Condition Three, development must  
7 comply with all regulations set forth in Chapter 5, Flood Damage  
8 Prevention in the zoning ordinance as well as follow guidelines in  
9 Section 10-5010 through Section 10-5020 prior to commencement of  
10 the proposed activity.

11 COMMISSIONER ATKINS: Thank you. Commissioners, we've  
12 heard from the applicant and we've also heard Staff's  
13 recommendation. At this time, I'll entertain a motion. Please  
14 remember that this is a variance. Your motion need not be in the  
15 form of a recommendation.

16 COMMISSIONER TUCKER: Mr. Chair.

17 COMMISSIONER ATKINS: Yes, Commissioner Tucker.

18 COMMISSIONER TUCKER: I'd like to make a motion to  
19 approve with Staff's conditions.

20 COMMISSIONER ATKINS: Is there a second?

21 COMMISSIONER LOVETT: Second.

22 COMMISSIONER ATKINS: It's been moved by Commissioner  
23 Tucker, seconded by Commissioner Lovett that this Body approves  
24 Case Number 2019 "V" as in Victor-003-02 with conditions as stated  
25 by Staff. Any comments, questions or concerns?

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, I do have one question. The applicant talked about planting in the right-of-way and that I believe if I quote the applicant correctly, that that is prohibited. Is that, in fact, the case?

MS. BLATCH: That area along Camp Creek is actually a right-of-way of DOT.

COMMISSIONER ATKINS: Okay. So it's not an East Point right-of-way because it's a State road.

MS. BLATCH: That's correct; that's correct.

COMMISSIONER ATKINS: Okay. Thank you. Any other comments questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the motion is to approve Case Number 2019 "V" as in Victor-003-02 with conditions as stated by Staff. The motion was made by Commissioner Tucker, seconded by Commissioner Lovett. 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 case is approved. Thank you.

Our next Agenda Item is 2019 "U" as in umbrella-001-02 and 2019 "V" as in Victor, "C" as in Charles-004-02. Staff, would you please sound this Agenda Item.

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MS. BLATCH: In Case Number 2019U-001-02, Concurrent Variance Number 2019VC-004-02; the Applicant Jason Sommers. The location is 0 Camp Creek Parkway in Rear. The applicant seeks a Special Use Permit for a Multi Self-Storage. The applicant is also seeking a 2-part concurrent variance for relief from the minimum distance requirement in Section 10-2142, Subsection (a) (5) and the 40-foot height restriction in Section 10-2073, Subsection (e) (a).

COMMISSIONER ATKINS: Thank you. Commissioners, at this time, I'll entertain a motion to open the public hearing for 2019 "U" as in umbrella-001-02 and Case Number 2019 "V" as in Victor, "C" as in Charles-004-02.

COMMISSIONER TUCKER: So move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Is the applicant present this evening, Mr. Sommer, Jason Sommer.

(Whereupon the Applicant Representative Lauren Clayton approaches the podium.)

1 MS. CLAYTON: Good evening everyone. It's good to see  
2 everyone again. I'm Lauren Clayton from Wilson, Brock and Irby.  
3 It's 2849 Paces Ferry Road, Suite 700, Atlanta, Georgia. I wanted to  
4 introduce my client briefly. This is Aaron and Jason Sommer. They  
5 specialize in self-storage facilities and they brought a rendering that  
6 you all should have attached to your conditions as well as the site  
7 plan which I provided extra copies and there should be one available  
8 for everyone.

9 I'm going to give Jason just a minute to talk about his  
10 development from what they do.

11 (Whereupon Applicant Jason Sommer approaches the  
12 podium.)

13 MR. SOMMER: Hi. Thank you very much. Thank you for  
14 hearing us today. My name is Jason Sommer and this is Aaron  
15 Sommer. We are Diamond Point Development and we development  
16 high end --

17 COMMISSIONER ATKINS: State your address, please Mr.  
18 Sommer.

19 MR. SOMMER: Oh, I'm sorry. It's 4310 Grandview Way,  
20 Marietta, Georgia; and Aaron and I develop high end self-storage  
21 facilities within the Atlanta metro. We've done them all over the City  
22 and we want to make sure that they are the nicest best product out  
23 there. We do no develop this -- and this is something that we  
24 showed in the Work Session. We do not develop any of the -- we call  
25 mini storage. This is a very different product as you'll see from the

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rendering.

We have taken Staff's recommendation that if we do something, it needs to look similar to what we've rendered for the Council here, the committee here and we're very happy to do that. We think this is a great use for this property; for one of the reasons it's because it's not much else you can put on this property based on the makeup and the access and the visibility. We will make sure to have a beautiful product facing 285, something that everyone in East Point will be proud of and something that we showcase the community the way you want to showcase the community.

We've done this in many other communities on prominent streets and we will be a good neighbor; and that was what I wanted to say. Any questions for me?

COMMISSIONER ATKINS: No, just public hearing.

MS. CLAYTON: So of course we've reviewed Staff's recommendation and as discussed at the Work Session, there was some conversation about a difference of opinion with Staff as to whether or not we need a variance case on the measurement distances; and I'm just going to talk very briefly about that.

Our position is that in the absence of a measurement requirement -- because you have to issue ordinances and like most favorable to the applicant, it should be measured in a way that promotes the failures of the property for the applicant. In this particular case, the distance between the existing self-storage facility and this one is approximately 3100 square feet by pedestrian pathway.



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Staff measures it as (inaudible) from point A to point B, if yourself looking overhead; and I believe that was roughly 600 feet which is why we've asked for the (inaudible) because we defer to Staff's request.

If you look at the recommendation -- and I think this is probably clear -- but the Special Use Permit has ultimately been denied as well as the height variance because of the denial of the variance for the distance requirement. There is nothing in Staff's recommendation that speaks negatively about the height variance request or the (inaudible) to meet the Special Use Permit.

So we're essentially dealing with is (inaudible) is there a hardship when it comes to this distance requirement? And if you read the Letter of Intent that accompany the application, we believe that there is. For one thing, this property has been vacant for over forty years on and off. We have actually represented the owner of this property over the years; and for the past twenty years, our firm has been involved in some form or fashion in trying to redevelop this property to no avail.

Its current stint on the market has attempted to woo places like restaurants and other types of the entities, all commercial places that need visibility. And if you look at the site plan, this is an inverse triangle from Camp Creek; so ideally what you would have would be a triangle where the most square footage faces Camp Creek Parkway and you don't have that here. You've also got in a stream, those two things -- one it impedes the buildable area of the site; but more

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importantly, it doesn't even create an alternative to that lack of facing Camp Creek because you have the Camp Creek Market Place development to the west there and you cannot get to there from here; so you would have to build an extraordinary costly bridge to even be able to access -- to be able to kind of drive through the shopping center and say, oh, look, a restaurant or something.

But more importantly, a restaurant, an arcade, whatever you want to put there where someone might be driving through and say, hey, I want to stop there; it can't go to this site. There's no interest. Nobody wants to purchase -- nobody wants to put something there where they need traffic; and if you put traffic and people looking at it -- self-storage facility is ideal for this site because people seek out self-storage facility when they need storage.

You've been provided with a feasibility report just for your edification. The current self-storage facility are maxed and as commercial space proliferates in East Point, which is obviously a good thing for everyone, those commercial spaces need a self-storage space; and because this is a high end, it attracts people who are running commercial enterprises who need the climate control, who need the quality of the services that these gentleman have to offer.

This is also a very low-lying property down toward the stream and towards the Camp Creek area. The property, again, it would be enormous expensive to build any kind of bridge over that stream so that changes the accessibility configuration quite a bit; and so when you have here in terms of a site plan with the extension of Camp

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Creek Avenue is what you get; and it really limits what you can put there.

And I just the did want to point out -- I know this is not necessarily a consideration that you all are authorized to make, but in terms of the nature of the ordinance, and why that distance requirement is there, it's because we don't a proliferation of self-storage facilities what is totally understandable; and for these particular circumstances, what does proliferation mean? Well, you're driving around the neighborhood; it's your neighborhood; you don't want a bunch of self-storage facilities because you want people to have variety and be able to get from one place to another and be able to eat at this place and shop at this place.

The distance between this facility and the self-storage facility on 285 in terms of accessibility is night and day. I-285 divides them into essentially two different parts of town. The side with all the action happening at Camp Creek where this is proposed to go and the other side which I think we all agree is not as commercially developed. So this serve the purpose; it fills the need and it really relieves a significant hardship of this property which is essentially, you know, almost land loss.

And so we disagree with the planning stuff with respect to the analysis of the hardship and we do believe that contrary to what the report says on the hardship, that we did not make an argument; that where she a pretty solid one; is and we wish that you grant us this variance so that we can subsequently get the Special Use Permit and

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the other variance as well.

COMMISSIONER FANN: What you said again? You faded out on me.

MS. CLAYTON: Which part?

COMMISSIONER FANN: At the end, you just died.

MS. CLAYTON: We're just asking that you grant the distance variance which is the precursor to the Staff's recommendation and unless I'm misunderstanding the Staff, I think that if we could come to some kind of agreement on the hardship and the variance, then the Special Use Permit and the additional variance for the higher restriction would follow.

COMMISSIONER ATKINS: 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: Yes.

COMMISSIONER ATKINS: Did you all fill out a comment card?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay. Can we please get comment cards. Okay. The comment cards are on the back table. If you

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could please get a comment card and complete a comment card and then step to the podium and state your first and last name and your current address.

(Whereupon Mr. Fitzgerald Smith, Jr. Approaches the podium.)

MR. SMITH: My name is Fitzgerald Smith, Jr. I live at 2469 Stone Road in East Point. I am the President of Washington Road Neighborhood Association and I'm not here to speak on all of the neighbors, just those that I've talked to today because we just found out about this. I'm looking at this map here and that's true, you got those two; but what about the other two storage centers? There's four within a mile and a half radius of that one that they're proposing. There's one further down on Washington Road, right there at Washington Road an North Commerce intersection; and then there's another one that's on Welcome All Parkway; so that's four within this radius. Why do we need a fifth one? Why can't we wait to find something else to go there? That's all I have to say right now.

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

AUDIENCE: Yes.

COMMISSIONER ATKINS: Please step forward. Step to the podium. State your first and last name and your current address.

(Whereupon Ms. Jacqueline Slaughter-Gibbon approaches the podium.)

1 MS. SLAUGHTER-GIBBON: Jacqueline Slaughter-Gibbon,  
2 3652 Calmer Circle, East Point, Georgia. I opposed for that also. As  
3 you all know, I was on Council for eight years. We attempt to bring  
4 something in there. We have an opportunity to bring something  
5 beside storage space there. I've talked -- had three different  
6 gentlemen in the last year call me that want to put an entertainment  
7 center there. You all that don't know, I'm a bowler and when I go  
8 bowling at tournaments, they say, we need to get to East Point and  
9 put a bowling center there for children and adults. And (inaudible),  
10 we're in the process of locating one person from the south that own  
11 three bowling allies that's looking for a place in East Point and I think  
12 that would be perfect for entertainment for children.

13 I can't take my grand baby to Metropolitan, to Douglasville, to  
14 Austell, and I don't go to Old National for her entertainment. We  
15 need to bring something right here in East Point that will benefit our  
16 young people and our adults. And for you all that don't know,  
17 entertainment center with bowling alley make big money; big taxes;  
18 hotels; because I've traveled all over the country. Just got back from  
19 Biloxi, on my way to Kansas City and then to Vegas and then back to  
20 California; and you have to have hotels. That bring sales tax to us.

21 They utilize the restaurants; the shopping centers. Why can't  
22 we bring something like that that take some of the pressure off the  
23 resident of East Point? And also be good for them; and it's possible if  
24 we can get our Planning and Development and our Economic  
25 Development start talking to some of the people that keep asking me

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about it; and I'll be glad to give them the number and the person name.

COMMISSIONER ATKINS: Thank you, Ms. Slaughter-Gibbons. Our next speaker, please step forward. State your first and last name and your current address.

(Whereupon Mr. Rex Pulford approaches the podium.)

MR. PULFORD: It's Rex Pulford.

COMMISSIONER ATKINS: Speak into the microphone, please.

MR. PULFORD: Rex Pulford is my name. The address is 2950 Arlington Road. When I look at this, it just strikes me that we are building the next Old National Highway; and I've been familiar with Old National for forty years now and age has not improved it. We need to work now to put in something that's better; not something that holds to status quo for takes us down lower.

COMMISSIONER ATKINS: All right. Thank you, Mr. Pulford. Our next speaker, step forward. Step your first and last name and your current address.

(Whereupon Ms. Catalina Scott approached the podium.)

MS. SCOTT: Catalina Scott, 3206 Grant Estates Drive. I am completely opposed to this. As you all may remember, I was also opposed to the Food Bank; and we now have the Food Bank; we have parking lots; we have more than enough storage. You want to add more storage and you're turning our City and our neighborhood into something beyond a comfortable residential area; and I am just wondering at what point the City will stay, let's do something for our

1 residents instead outsiders that decided to come to East Point  
2 because it's the easiest place for them to get something built and  
3 done.

4 I don't see the benefit of having another storage facility; and  
5 if there is one, I would like to know what it is other than it may  
6 benefit those who build it. Additionally, if it is slated to be a high end  
7 storage facility, I'm not really sure who in this neighborhood would  
8 be able to use high end, sense most of the people that would  
9 probably use the storage dwell in the apartments.

10 So I would like the City to consider that and I agree with the  
11 previous speakers that we should look for something that is more  
12 amenable to our neighborhood; something that is more friendly and  
13 something that will draw the right type of people to the City of East  
14 Point. Thank you.

15 COMMISSIONER ATKINS: Thank you, Ms. Scott. Next  
16 speaker, step forward, please. State your first and last name and  
17 your current address.

18 (Whereupon Mr. Jonathan Rosser approaches the podium.)

19 MR. ROSSER: My name is Jonathan Rosser and I live at 2923  
20 Revere Court in East Point. And we got a call this morning from our  
21 president of our neighborhood association. And he was sharing this  
22 information about the meeting tonight and about this storage news  
23 that's going on. And based on the information that I see, again, I  
24 don't see the need for us to have another storage facility this close in  
25 our community. I do believe we can find a better use for this



1 property that will better serve our community. And that seem to me  
2 to be the reason for having a Council and everything else for us to do  
3 what's best for the community and for the City. And I don't see that  
4 this being any advantage to us. Thank you very much.

5 COMMISSIONER ATKINS: Thanks, Mr. Rosser. Our speaker,  
6 please step forward. State your first and last name and your current  
7 address.

8 (Whereupon Mr. Willie E. Cummings approaches the podium.)

9 MR. CUMMINGS: I'm Willie E. Cummings and I live at 3122  
10 Redwine Road. What I see there is a location that would best serve  
11 our community if it provided space for expanding the capability of the  
12 restaurant and the hotels there so that we could have family reunions  
13 and we'll have that space to try to use. And I think that a storage  
14 room, storage space now would defeat that purpose; and in as much  
15 as others is talking about other locations, I'm in favor of enhancing  
16 the capability of families to utilize space that current businesses there  
17 like the restaurant and the hotel. Thank you.

18 COMMISSIONER ATKINS: Thank you, Mr. Cummings. Next  
19 speaker, please step forward. State your first and last name and  
20 your current address.

21 (Whereupon Ms. Audrey Blackwell Bradwell approaches the  
22 podium.)

23 MS. BLACKWELL BRADWELL: My name is Audrey Blackwell  
24 Bradwell. I live at 3111 Grant Way. I am the President of the Grant  
25 Estate Homeowners Association and bottom line, I do not believe

1 that we need another storage unit in this location. I appreciate that  
2 they're saying that they are going to bring a high end; but I don't  
3 care if it's high end or low end, we do not need to continue to put  
4 storage unit, things of this nature -- of course, we were totally  
5 opposed to, as Catalina said, what we have; but again, to bring a  
6 storage building into this area -- we have two right there in the area.  
7 There's no way or no need for an additional storage unit.

8 I feel that this property could be better used for something  
9 else. I don't know what it is; but just to say, nothing else can come  
10 there. I believe that that's a falsehood and I think if we just hold off,  
11 give it an opportunity to see what else can be built there, it would be  
12 a better thing for the community. Thank you very much.

13 COMMISSIONER ATKINS: Thank you, Ms. Blackwell Bradwell.  
14 Hope I got that right. Okay. Any other opponents here to speak  
15 against this zoning case?

16 AUDIENCE: (No response.)

17 COMMISSIONER ATKINS: Any other opponents to speak  
18 against this zoning case?

19 AUDIENCE: (No response.)

20 COMMISSIONER ATKINS: Seeing none, the applicant has an  
21 opportunity to rebut.

22 (Whereupon Mr. Larry Dingle approaches the podium.)

23 MR. DINGLE: Good evening, Mr. Chair and Members of the  
24 Commission. I'm Larry Dingle, 2849 Paces Ferry Road here on behalf  
25 of the landowner and the applicant. I've had the benefit of working

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with this landowner for over twenty years on this particular piece of property, the property associated with Camp Creek Market Place and other holdings that he has in this community. So I speak with a degree of familiarity about the efforts that have been undertaken to rezone this property and to try to get it developed. Was it zoned as it is right now 12 years ago? The answer is, no. The landowner is willing to work with the City of East Point and an applicant at that point in time, who requested the property to be rezoned for recreation facility.

I've entertained solicitations from hotel developers; from senior housing developers; from apartment developers on this specific site in the last few years; and, in fact, in the last couple of years. There has simply been no takers so I want to make that very clear that there is really a difficulty to be associated with this site as my colleague Lauren Clayton has described to you before.

With regard to the bowling center, this property has been zoned for 12 years; 12 years for that type of facility. Nobody has done anything at all to offer any credible interest in this property. And what I mean by that is it's one thing we talk about it; but it's another thing to sign a contract and put money on the table to try and go ahead and perform under the terms of the contract to redevelop the land. That simply has not happened respectfully.

With regard to the concentration of these facilities, there are three in the City of East Point. There's one on Welcome All Road; there's one across on 285; and the new facility there on North Desert

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Drive, okay. Well, there is another, a third at the end of North Commerce Drive. The fourth that people are talking about is really the new facility that's there on Welcome All Road but it's actually in the City of Atlanta. It's not in the City of East Point. Okay. And that's frankly the thing that really started discussion about the concentration because of the proximity of those two particular facilities.

Now, what does concentration really mean? I want to remind you that you have over 1.3 million square feet of retail space at the corridor, between Camp Creek Market Place and Princeton Lakes, 1.3 million square feet of retail space. You have residential space all around it. We have worked for the last twenty years in this community. That is not a sense of concentration of any one particular use; and I hope that you all will consider that; and that's what I really mean by turning this place into a storage facility. You got Duke Realty; you got Camp Creek Point; across the street, Camp Creek Market Place; Princeton Lakes; and then on the opposite side of the street, across Interstate 285, is a whole entirely different community.

And so what we've done here in these seven acres or so, tucked away next to Interstate 285, behind the Camp Creek Point and the restaurants up front is this small piece of land that has very little utility for almost anything else; and so if there are other offers out there, we would certainly have considered them, but there simply have not been; closer to community.

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Now, I just want to be honest. I'm just an old farmer from Carolina. We looked at this; and the question that I ask myself honestly is what residential community is impacted by this development? You can go probably a mile in any area, okay, with the exception of the apartments across the way off of Washington Road and you don't find any neighborhoods. It just has not happened, that impact. Those are real. That's a real description of the reality of the space.

Now, hotels, again, we've tired that. The reason we are in here is relatively because it is not -- when you talk about a high end facility, it is not a situation that we're talking residential uses and somebody is going to store an old sofa in a temperature-control storage facility. That's really not what happens. For retail space, you may pay as much as 2 or \$300 a square foot. When you're changing out your seasonal goods and services, sometimes you need a place that's cheaper to store those facilities; and sometime if you have high end materials like art work or something else -- and there are people in this community who do -- they also want to have the ability to be able to protect those valuables in a way that will not be exposed to temperature and have the ability to (inaudible).

We think this is an excellent use of this property. I'm sure if you would take an in a moment look at the facility, you'll see that it is extremely well design architecturally that will present very well to the folks who are driving past East Point and it would be something that would be an asset for which we can all be proud. Thanks.

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COMMISSIONER ATKINS: Thank you, Mr. Dingle. At this time, Commissioners, I entertain a motion to close the public hearing.

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's moved by Commissioner Tucker, seconded by Commissioner Lovett that we close the public hearing for Case Number 2019 "U" as in umbrella-001-02 with the concurrent variance 2019 "V" as in Victor, "C" as in Charles-004-02. 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 2019U-001-02, Concurrent Variance 2019VC-004-02. Staff recommends denial of the Special Use Permit for a self-storage in the C2C, Central Business District Condition Zoning District. This recommendation is based on the following: Staff recommends denial of Concurrent Variance Part One to reduce the 1,500 feet distant requirement to the boundary of any other self-storage facility, many or multi as required in Section 10-2142, Subsection (a) 5. The justification given to grant a reduction to the 1,500 feet distant requirement were not germane to

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the hardship considerations outlined in Section 10.2184.  
Subsequently, Staff recommends denial of Concurrent Variance Part Two to exceed the C-2 zoning district height regulations of 40 feet as required in Section 10-2073, Subsection (a) (e) to forty-five (45) feet for the rear elevation of the building due to the recommendation of denial of the Special Use Permit.

COMMISSIONER ATKINS: Thank you. Commissioners, we have heard from the applicant; we've heard Staff's recommendation. At this time, I'll entertain a motion and remember Commissioners, this is a Special Use Permit and a Concurrent Variance. Please make your motion in the form of a recommendation.

COMMISSIONER TUCKER: I'd like to make a motion to recommend denial.

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 recommends denial. Any comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: I have questions. So I was not here at last week's Work Session due to travel. My question is around -- I heard the first attorney Lauren reference the absence of the method that would be used to measure the distance. Can you speak to that a little bit just so that I am clear around that, please.

ATTORNEY LINDA DUNLAVY: Well, I have a couple of short

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statements to make. One is that what is before you is a request for a variance. There is not before you an appeal of the Staff's interpretation. As you know under the City of East Point code, there are two mechanisms -- well, there are a variety of mechanisms available to an applicant such as this applicant. The applicant apparently has shown not to repeal the Staff's interpretation that the measurement be a straight line measurement.

On the other hand, the applicant does take issue with Staff in the documents that have been filed in support of a variance application. I understand the applicant to take a position that because there is no quote unquote method in the specific section resolving around mini storage, that this Body or the Staff should interpret that provision of the ordinance to allow free use of the property and thereby make an interpretation that the 1,500 feet should be measured as a pedestrian walks it, as opposed to a straight line measure.

My legal position on that question is that that question is not before this Body simply because the applicant chose not to appeal the Staff's interpretation. The applicant is correct that in the ordinance section that is identified, that the 1,500 feet measurement is stated to be from the storage facility to the property line of the nearest, you know, the most proximate, other storage facility; and it does not state whether it's straight line; is whether you spin around in circles; whether you, you know, did a pedestrian walkway, you know, how that distance from the facility to the property line is



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measured.

Ms. Clayton and her client take the position that it should be measured, for some reason, as a pedestrian walks it. That question is not before this Body. I have not provided this Body with a formal written opinion in regards to how that should be measured; whether it should be straight line; whether it should be, you know, pedestrian walkway. So I'm not really in a position this evening to say to you that my final legal opinion is it should be measured as the crow flies or as a pedestrian walks it; and part of reason I don't have that opinion for this Body is I do take the position that that question is not properly before you.

COMMISSIONER ATKINS: Okay. So you also mentioned the appeal. So what would be the process for that?

ATTORNEY LINDA DUNLAVY: We've heard these kind of appeals before. If you look in the code, if you remember, there are primary variances and there are secondary variances. The secondary variance is the appeal. So the applicant was very much aware of the interpretation of the Planning Director with respect to how the 1,500 feet should be measured as of January. I think it was 30th when that decision was rendered by Ms. Smith.

Had they decided that they disagree with that decision, they would have filed the secondary variance application to this Body and said, this is why we think Ms. Smith as the Planning Director is incorrect; and then it would be properly before you as a matter of procedure. They did not do that. Apparently, they have chosen to

1 come and, nonetheless, ask for a variance; and a different set of  
2 criteria applies to a primary variance and those criteria set forth in  
3 the Staff report; the ones that you're all very familiar with, you know,  
4 hardship, exceptional, topographic; new condition; detriment to the  
5 public. The standard primary variance criteria is what applies tonight  
6 to what is before you.

7 COMMISSIONER ATKINS: Okay. Thank you. Any other  
8 comments, questions or concerns?

9 COMMISSIONER MCKNIGHT: Yes.

10 COMMISSIONER ATKINS: Commissioner McKnight.

11 COMMISSIONER MCKNIGHT: Yes. I do have a couple of  
12 questions actually. This is -- the first one is actually for the residents  
13 who were opposing the facility. I guess it's -- I want to be able to  
14 answer their question; so it's directed actually to the applicant.

15 There was concern about wanting, you know, the hotels, the  
16 other uses in this area; and I understand that you guys have  
17 represented the property owner of the land for a number of years; so  
18 you know the type of request that's come through.

19 So for some of the ideas that they have presented -- and the  
20 reason why hotels and entertainment centers or anything like that  
21 haven't actually gone through or past or, you know, actually contract  
22 has come before you guys. What are the reasons or some of the, I  
23 guess, the issues for someone who wanted to purchase this type of  
24 land? What has come up for them?

25 MR. DINGLE: One of the issues that the last hotel offer had

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was the position to have site and the ease of access of getting to that site.

COMMISSIONER MCKNIGHT: Okay.

MR. DINGLE: And then he's going to be completing with two hotels in front of them; but that's again, one of the reasons why we are suggesting that there's a uniqueness with the challenge in terms of associating or just in terms of developing the site because it's not uniquely in front of the positions that would get you ease of access.

COMMISSIONER MCKNIGHT: Okay. So the position and ease of access are some of the reasons?

MR. DINGLE: Certainly.

COMMISSIONER MCKNIGHT: Okay. I also wanted to see a copy of the rendering. I haven't seen that.

MR. DINGLE: And let us say that this is not just a copy of a rendering. Well condition a Special Use Permit to this rendering.

COMMISSIONER MCKNIGHT: Okay. And the last thing in terms -- I want to make sure I'm clear and everyone is clear on the hardship that you guys actually are presenting to us is not based off of what you just described in terms of the distance. So what is the hardship?

MS. CLAYTON: No, it isn't. And I laid it out in my presentation earlier; but I also laid it out in my letter. And so there is a discrepancy between Staff's recommendation. I think that's what you're looking at there where it says that it wasn't germane; so the hardship analysis, there are twofold paragraphs in the letter,

1 specifically to this property, about the topography, the streams, the  
2 shape of the property and it proximates at Camp Creek that has been  
3 vacant and undeveloped for forty years and that is very challenging  
4 topographically (inaudible), the stream places significant limitations  
5 on the property of the western most boundary and that necessitates  
6 the fore-mentioned stream buffer that was already conditioned back in  
7 2013. The triangle again makes it (inaudible) nearly impossible for  
8 shoppers and other people driving up and down Camp Creek looking  
9 for a place to go bowling or go shopping.

10 And so that has been severe limitation and also the amount of  
11 bridgework that would be required to cross the stream of certain  
12 points would also be massively difficult. We're talking about a  
13 couple million dollars to do that bridgework. And I also did want to  
14 point out, if you don't mind --

15 COMMISSIONER ATKINS: Would that be a response to the  
16 question from Commissioner McKnight because the public hearing is  
17 closed; so that wouldn't be fair to all parties; so this is not an  
18 opportunity for you to continue to rebut, but you can speak in  
19 response to any question of the Commission. Okay. Any other  
20 comments, questions or concerns?

21 COMMISSIONER FANN: I have none. I've been very quiet. I  
22 have none.

23 COMMISSIONER ATKINS: Okay. Thank you. Hearing no  
24 other comments, questions or concerns there's been a motion by  
25 Commissioner Tucker, seconded by Commissioner Maxwell that this

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Body recommends denial of Case Number 2019 "U" as in umbrella-001-02 with a Concurrent Variance 2019 "V" as in Victor, "C" as in Charles-004-02. All in favor of the motion to deny 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 will be announcements. Staff, do you have any announcements for this evening?

**VIII. ANNOUNCEMENTS:**

STAFF: (No response.)

COMMISSIONER ATKINS: Okay. Commissioners, do you have any announcement?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, at this time, I'll entertain a motion to adjourn.

**IX. ADJOURNMENT:**

COMMISSIONER FANN: Motion to adjourn.

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Tucker that we adjourn. 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 March 21, 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 39 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 March 21, 2019 at seven o'clock P.M., were taken down by me and transcribed by me on this 4th day of April, 2019.