

1 CITY OF EAST POINT

2 **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

3 June 20, 2019
4 7:00 P.M.
5 Official Meeting Minutes

6 City Council Chambers
7 2757 East Point Street
8 East Point, Georgia 30344

9 Board Members:

10 Commissioner Shean **ATKINS, Chair - Absent**

11 Commissioner Joel **TUCKER TODD**

12 Commissioner Gregory **FANN**

13 Commissioner Patricia **LOVETT**

14 Commissioner Jarrett **BELL, Provisional Chair**

15 Commissioner William **MILLER - Vice Chair**

16 Commissioner LaJeanna **MCKNIGHT**

17 Commissioner Willard **MAXWELL**

18 Commissioner Clyde **MITCHELL**

19 Also Present:

20 Ms. Kimberly **SMITH**
21 Director

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

24 Willis **HATCHER**
25 City Engineer - Absent

Linda **DUNLAVY**
City Attorney

Videographer
MICHEAL **Dimock**

Albert **TREVINO**
Associate Planner

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I. CALLED TO ORDER:

COMMISSIONER WILLIAM BRYANT: Good evening. I'm Will Miller, Co-Chair of the East Point Planning and Zoning Commission. At this time, I'd like call our regularly scheduled June meeting to order. Staff, would you sound the Roll Call to establish a quorum.

II. ROLL CALL:

MR. TREVINO: Commissioner Lovett.
COMMISSIONER LOVETT: Here.
MR. TREVINO: Commissioner Bell.
COMMISSIONER BELL: (No response.)
MR. TREVINO: Commissioner Miller.
COMMISSIONER MILLER: Here.
MR. TREVINO: Commissioner Fann.
COMMISSIONER FANN: Here.
MR. TREVINO: Commissioner Atkins.
COMMISSIONER ATKINS: (No response.)
MR. TREVINO: Commissioner Tucker.
COMMISSIONER TUCKER: Here.
MR. TREVINO: Commissioner McKnight.
COMMISSIONER MCKNIGHT: Here.
MR. TREVINO: Commissioner Maxwell.
COMMISSIONER MAXWELL: Here.
MR. TREVINO: Commissioner Mitchell.
COMMISSIONER MITCHELL: Here.
MR. TREVINO: Mr. Vice Chair, you have a quorum. Oh, I'm

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sorry. I'm sorry, hold on one second. The Roll Call as follows:
Commissioner Bell.

COMMISSIONER BELL: Here.

MR. TREVINO: COMMISSIONER McKnight.

COMMISSIONER MCKNIGHT: Here.

MR. TREVINO: Mr. Vice Chair, you have a quorum.

COMMISSIONER MILLER: Thank you. May I please -- at this
time, we would like all of you to join us in a Moment of Silence.

III. MOMENT OF SILENCE:

COMMISSIONER MILLER: Thank you very much. If you all
will all stand and face the flag and lets repeat the Pledge of
Allegiance.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER MILLER: Commissioners, at this time, I'll
entertain a motion to adopt our agenda as presented.

V. ADOPTION OF AGENDA:

COMMISSIONER TUCKER: So moved.

COMMISSIONER FANN: Second.

COMMISSIONER MILLER: It's been moved by Commissioner
Tucker and seconded by Commissioner Fann that we adopt our June
20th, 2019 meeting agenda. All in favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed say nay.

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: Hearing none, the ayes have it.

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Our agenda is adopted. Commissioners, at this time, I'll entertain a motion to approve our May 16th meeting minutes.

VI. APPROVAL OF THE MAY 16, 2019 MINUTES:

COMMISSIONER MAXWELL: I so move.

COMMISSIONER MITCHELL: Second.

COMMISSIONER MILLER: It's been moved by Commissioner Maxwell and seconded by Commissioner Mitchell that we approve our May 16th meeting minutes. All in favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: Hearing none, the ayes have it.

Our May 16, 2019 meeting minutes are approved.

Our next Agenda Item is under New Business. It's Case Number 2019 "U" as in unbuckle-002-04 slash 2019 "V as in victory, "C" as in Charlie-009-04. Staff, would you please sound this Agenda Item.

VII. NEW BUSINESS:

MR. TREVINO: Yes. In Case Number 2019 "U" as in umbrella-002-04 slash 2019 VC-009-04, the applicant Prime Tower Development seeks a Special Use Permit for an antenna tower and associated structure per Section 10-2121. The applicant is also seeking a two-part Concurrent Variance for relief from the ten-foot landscape strip requirement in Section 10-2121 Subsection 4 and relief from the tower setback distance equal to 1 and one half times

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its height adjacent to residential property in Section 10-2121, Subsection 1.

COMMISSIONER MILLER: Thank you. This Agenda Item also require a public hearing. I will now read our Rules for Public Hearing.

(Whereupon the Rules for Public Hearing are read into the record.)

Public hearings before the Planning & Zoning Commission shall be conducted in accordance with Section 10-2219 of the East Point Zoning Code and Development Regulations as follows: Persons both favoring and opposing the proposed case will be provided an opportunity to address the Commission.

The applicant for the zoning case or the applicant's designated representative, if any, will be entitled to speak first followed by other speakers in favor of the proposal for a total of fifteen (15) minutes. Those who oppose the proposed zoning case will then be permitted to speak for a total of fifteen (15) minutes. By majority vote, the Commission may increase the total time of speakers provided that each side is given the same amount of time. If there is more than one speaker for a side, the Chair or the presiding officer may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her allotted time for rebuttal.

Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall identify him or herself and state his or

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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 hearing. As a side note, knowing that we have a lot of people interested in speaking tonight, please make sure that you fill out a card and present it to Mrs. Smith.

Staff, you've sounded the case and at this time, Commissioners, I'll entertain a motion to open the public hearing.

COMMISSIONER TUCKER: So moved.

COMMISSIONER FANN: Second.

COMMISSIONER MILLER: It's been moved by Commissioner Tucker and seconded by Commissioner Fann that we open the public hearing in Case Number 2019U-002-04 slash 2019VC-009-04. All in favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed say nay.

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: Hearing none, the ayes have it. The public hearing is now opened for Case Number 2019U-002-04 slash 2019VC as in -- 009-04. Will the applicant please step to the podium, state your first name and your last name and your current address.

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(Whereupon John Adams approaches the podium.)

MR. ADAMS: Good evening Commissioners, my name is Shaun Adams with Anderson, Tate and Carr, 1960 Satellite Boulevard in Duluth and I'm on behalf of the applicant Prime Time Development, LLC.

So the subject property here is 3056 Bayer Street. It's about a 2.44 eight-acre parcel. We have the site plan there before you. As mentioned, the current zoning is C-2c. The applicant here is proposing a 180 foot monopole with a 5-foot lightning rod. It's designed to accommodate up to four core locations per the ordinance. What that means is you'll have up to four different carriers on the tower at one given time.

The initial carrier is set to be T-Mobile for leasing one of the antennas. You do have -- with the site here, I will say, is in conformance with the -- not only City's ordinance but also Federal Telecommunications Act. I believe there are a couple of variance requests that were mentioned on the front end. Staff is recommending withdraw of the property setback variance as you see with the green line there. The reason being is that we are in excess of the ordinance requirement of one and a half times the height to the adjacent -- or nearest residential. We're at 270 as our one and a half times and the nearest residential is near 300 feet so I believe the recommendation to withdraw the applicant obviously is amenable to that as well.

The secondary variance with the landscape buffer, we

1 originally planned a ten-foot strip on the front side. The north side
2 and the east side of the compound had mature vegetation already
3 and it appears that some of that started to trimmed down and so
4 what we've agreed to is the ten-foot buffer on all four sides. We can
5 accommodate that and so the updated conditions that were sent out,
6 the applicant is amenable to those. The reason why we're able to
7 accommodate that the tower will stay in the spot, if you see there,
8 actually where the green dot is on this site plan, that's the tower
9 location within the compound. We can move the fencing to be able
10 to allow for the ten-foot buffer all the way around without having to
11 touch the tower, which is the vital component. The tower location
12 obviously is a necessity.

13 So beyond that, I believe, do you have the capacity plot? So
14 the tower here -- the reason for the proposed tower here is for
15 capacity. There are two existing towers nearby that this is set to
16 offload up to three sectors between the two towers or capacity.
17 They're currently operating above capacity. What that means is that
18 if you ever had a situation where you have all the bars that you need
19 on your phone so you hope that you have coverage, but yet, the
20 phone is spinning. If you're on an app or trying to download a Web
21 page or stream music, if it buffers, that's a capacity problem; and
22 what that means is that there's more data throughput than what the
23 antenna can handle and so it slows down speeds and so the purpose
24 for this tower here is to be able to offload, exhaust the capacity from
25 three sectors on other towers.

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I believe I showed that in the Work Session. I'm not sure if they have the -- do you have the -- these ones that we showed previously?

MR. TREVINO: I do not, but it's on the Powerpoint.

COMMISSIONER MILLER: Can you speak a little bit closer to the microphone?

MR. ADAMS: Sure. I can do that, too. Did you upload it already? There you go, perfect. I like to have the visual. So this right here is what the current situation is now with the three towers. You see at base of that, the yellow antennas there or the yellow sectors, those are the ones that are currently exhausted; so they're operating above 70% capacity, near a 100% capacity. When they get to that point, that's where users see poor experiences within their speed and so you have three sectors at this site: Is overcapacity currently, the tower to the north, and the tower to the south.

It's changing here; it's not changing there. There we go. So this is what it would look like when the new tower comes in. The Central Avenue tower, that's the tower that we would be proposing to install. The red that you see, that's going to be the coverage that the new tower will provide; so everywhere where you see it overlaid on to the blue and the green, that is where it's going to be offloading capacity from those exhausted sectors; so you can see it will have a significant amount of offload and what that will do is that not only will it ensure reliable coverage to all those around the new tower, but those existing towers sectors that are offloaded, they will now get to

1 operate at their optimum capacity, which means users that are
2 benefitting from those towers will also have their experience elevated
3 as well.

4 So those three towers plus the proposed tower would cover
5 the vast majority of the City; and I think -- so citywide, you would
6 see an increase in the user benefit and reliability with regard to
7 T-Mobile's network.

8 At this time, that's all that I have on my end. If there's any
9 questions from the Commissioner, I would be happy to answer.

10 COMMISSIONER MILLER: Thank you. Are there anymore
11 proponents to speak in favor of this case?

12 AUDIENCE: (No response.)

13 COMMISSIONER MILLER: Anymore proponents?

14 COMMISSIONERS: (No response.)

15 COMMISSIONER MILLER: Seeing none, are there any
16 opponents that want to speak against this case?

17 AUDIENCE: (No response.)

18 COMMISSIONER MILLER: Any opponents?

19 AUDIENCE: (No response.)

20 COMMISSIONER MILLER: Okay. Seeing none,
21 Commissioners, at this time, I'll entertain a motion to close the public
22 hearing.

23 COMMISSIONER MITCHELL: So move.

24 COMMISSIONER MAXWELL: Second the motion.

25 COMMISSIONER MILLER: It's been so moved by

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Commissioner Tucker and seconded by Commissioner Maxwell.

COMMISSIONER MITCHELL: That was Mitchell.

COMMISSIONER MILLER: Excuse me, Mitchell, sorry about that.

COMMISSIONER MITCHELL: Move to close it.

COMMISSIONER MILLER: Sorry about that. It's been seconded by -- it's been moved by Commissioner Mitchell and seconded by Commissioner Maxwell that we close the public hearing for Case Number 2019U as in umbuckle-002-04 slash 2019VC-009-04. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed say no.

COMMISSIONERS: (No response.)

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

MR. TREVINO: Yes, Mr. Vice Chair. Staff recommends approval of the Special Use Permit for an antenna tower and associated structure in the C-2c (Central Business District Conditional) zoning district in conjunction with the following conditions: Condition Number 1; to provide a visual buffer of the tower height from nearby commercial and residential properties. A ten-foot landscape buffer shall be planted and properly maintained on the north and east side of the tower pad site as shown as the green box on Exhibit A. Tree type shall include but not limited to softwood pine.

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Condition Number 2; to provide a visual buffer around the tower base, associated structures and fence, a ten-foot landscape buffer shall be planted and properly maintained on the south and west side of the tower pad site as shown in the yellow box on Exhibit A. Landscape shall mimic the type (canopy tree, understory tree and shrub) and the tree planting detail as specified in the landscaping plan that the applicant submitted.

Furthermore, due to imposing landscape buffer conditions, Staff recommends denial of the Concurrent Variance Part One for relief from the minimum ten-foot landscape strip.

Finally, Staff recommends withdrawal of the Concurrent Variance Part Two for relief of the setback distance equal to one and one-half times the height of the tower adjacent to residentially zoned property. The proposed tower is 180 feet; therefore, 270 feet setback is required. The site plan submitted by the applicant delineates more than the required distance from the closest residentially zoned property.

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

MR. TUCKER: Mr. Chair, if I could ask Staff to read your recommendations one more time, to the concurrent.

MR. TREVINO: Commissioner Tucker, you wanted to hear the Concurrent Variance recommendations?

MR. TUCKER: Right.

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COMMISSIONER FANN: There were several things that you said that you denied in terms of that. I know it's part of what he's talking about in terms of -- can you can just state to that part on the denial part of it because you have it here for us to approve it with conditions. We just want to know what those conditions are because we're going to be stating them as a recommendation and a motion.

MR. TREVINO: Sure. So the conditions were to -- that the applicant must have a ten-foot landscape buffer. So Condition 1 specifies what type of planting material that they should use and where and to also delineates the type of landscape and where.

So therefore, the Concurrent Part One, we had denied it, their request for that relief for landscape. And for the second Concurrent Variance, we recommended withdrawal because they are further -- they're -- it was not necessary. They were far away from a residentially zoned property.

COMMISSIONER MILLER: Commissioners, once again, you've heard from the applicant and you've heard Staff's recommendations. Are people clear about that?

COMMISSIONERS: Yes.

COMMISSIONER MILLER: Okay, great. At this time, I'll entertain a motion.

MR. TUCKER: Question to the City Attorney. So could I just make a motion to recommend in totality the recommendation as stated by Staff or do I need to --

ATTORNEY LINDA DUNLAVY: That would be easiest.

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Unless, of course, you know, you don't agree with any portion of the Staff's recommendation.

MR. TUCKER: I agree with every portion, yes.

ATTORNEY LINDA DUNLAVY: So the motion should be, you know, to recommend as per the Staff's recommendation, the approval of the Special Use Permit, denial of the request for relief from the landscaping conditions; withdrawal of the Concurrent Variance and imposition of the proposed conditions by Staff as it relates to the Special Use Permit. Like it's a little wordy, but I think you need to make that very clear.

MR. TUCKER: Okay. Well, that's what I'd like to do. I'd like to make a motion to recommend approval with Staff recommendations and Staff recommendation of denial Concurrent Variance Part One and withdrawal of Concurrent Variance Part Two.

COMMISSIONER FANN: Second.

COMMISSIONER MILLER: It's been so moved by Commissioner Tucker and seconded by Commissioner Fann that this Body approves Staff's recommendations.

ATTORNEY LINDA DUNLAVY: It should be recommends.

COMMISSIONER MILLER: -- recommends Staff recommendations?

ATTORNEY LINDA DUNLAVY: Okay. Recommends approval of the Special Use Permit as conditioned by Staff --

COMMISSIONER MILLER: Recommends approval of the Special Use Permit as conditioned by Staff.

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ATTORNEY LINDA DUNLAVY: -- and recommends denial of
the Concurrent Variance --

COMMISSIONER MILLER: -- and recommend denial of
Concurrent Variance --

ATTORNEY LINDA DUNLAVY: -- Part One --

COMMISSIONER MILLER: -- Part One --

ATTORNEY LINDA DUNLAVY: -- and withdrawal of
Concurrent --

COMMISSIONER MILLER: -- and withdrawal of Concurrent
Variance Part Two. All in favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed?

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: The ayes have it. The Special Use
Permit has been approved.

ATTORNEY LINDA DUNLAVY: No. The motion carries and
the recommendation will move forward to City Council.

COMMISSIONER MILLER: The recommendation has been
approved and the permit will be moved to the City Council.

Our next Agenda Item is 2019 "Z" as in zipper-006-04 slash
2019 "V" as in Victory, "C" as in Charlie-001-05. Staff, will you please
sound the Agenda Item.

MR. TREVINO: Yes. In Case Number 2019 "Z" as in
zebra-006-04 slash 2019 VC-011-05, the applicant Vinh K. Lam is
proposing to rezone a property from R1A Urban Residential to R-T

1 residential townhomes with the 3-Part Concurrent Variance. The
2 applicant seeks relief from Section 10-2069, Subsection (e) (d) from
3 the minimum rear yard setback; Section 10-2069, Subsection (e) (e)
4 from the minimum lot area and Section 10-2069, Subsection (e) (f)
5 from the minimum width of lot frontage or width at building line.

6 COMMISSIONER MILLER: Staff, you've sounded the case at
7 this time, Commissioners, I'll entertain a motion to open the public
8 hearing.

9 MR. TUCKER: So moved.

10 COMMISSIONER LOVETT: Second.

11 COMMISSIONER MILLER: It's been so moved by
12 Commissioner Tucker, seconded by Commissioner Lovett that we
13 open the public hearing for Case Number 2019 "Z" as in
14 zipper-006-04 slash 2019 "V" as in victory, "C" as in Charlie-001-05.
15 All in favor aye say.

16 COMMISSIONERS: Aye.

17 COMMISSIONER MILLER: All opposed say nay.

18 COMMISSIONERS: (No response.)

19 COMMISSIONER MILLER: Hearing none, the ayes have it.

20 ATTORNEY LINDA DUNLAVY: Just as a point of order, Mr.
21 Vice Chair, the last Case Number that you read out was incorrect.
22 It's 2019VC-011-05.

23 COMMISSIONER MILLER: My bad. Do I need to repeat that?

24 ATTORNEY LINDA DUNLAVY: Yes.

25 COMMISSIONER MILLER: Okay, great, thanks. All right. So

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the public hearing is now open for Case Number 2019-006-04 slash 2019VC-00 -- excuse me, 011-05. Will the applicant please step for the podium and give your first and your last name and your current address.

(Whereupon Applicant Vinh Lam approaches the podium.)

MR. LAM: Mr. Vice Chair, my name is Vinh Lam at 1611 Harvard Avenue, College Park, 30337 and I'm seeking to convert the property at 1712 West Forest Avenue from a single residential zone to a townhouse zone. The unit is -- I have four units with two stories, bedrooms on the top and living space at the bottom; and it's brick on the outside and it's sitting in an area where there's a lot of single families residents or a lot of renovations and rehab in the area; and this particular property with four units to convert into a more affordable townhouse would be able to meet the requirement of City's -- the goal City to make housing for affording for residents to move in to the City itself.

So therefore, I'm seeking to convert or to resume this for my single resident to a townhouse.

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

AUDIENCE: (No response.)

COMMISSIONER MILLER: Any other proponents?

AUDIENCE: (No response.)

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

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AUDIENCE: (No response.)

COMMISSIONER MILLER: Any opponents?

AUDIENCE: Hearing none, Commissioners, at this time, I'll entertain a motion to close the public hearing?

COMMISSIONER MITCHELL: So moved.

COMMISSIONER LOVETT: Second.

COMMISSIONER MILLER: It's been moved by Commissioner Mitchell and seconded by Commissioner Lovett that we close the public hearing for Case Number 2019-006-04 slash 2019 VC-011-05. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MR. TREVINO: Staff recommends approval of the rezoning from R1A Urban Residential to R-T, residential townhome with the following conditions: Each unit must be assigned a separate unit address. The address number shall be posted in accordance with Chapter 8, Section 10-8003; condition two, separate utility, electric, water and gas meter shall be required on each single family townhome; condition three, establishment of a homeowners association, which identifies rules and regulation for common areas for residents on the property; condition four, the Planning and

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Community Development Department shall have administrative oversight and approval of the following proposed designed standards.

A, the building exterior material shall consist of brick stone or hard coat stucco; B, the property shall include an enhanced landscaping plan requiring a variation of floor such as trees bushes, shrubs and flowers; and C, the property shall include an exterior architecture lighting plan to include but not limited to dark sky lighting; Condition Number 5, each dwelling unit must have at least two off street parking spaces and should consider low impact development and green storm water infrastructure materials for all new driveway and/or parking pad additions; and finally, Condition 6, in the event of any interior renovations, residential townhome shall comply with the City Ordinance 6.2046 residential sprinkler requirement and 6.2045 permanent dwellings, permanent escape, emergency escape ladder requirements, ordinance shall not apply to existing occupied residential structures.

Furthermore, Staff recommends approval of the 3-Part Concurrent Variance as following: Concurrent Variance Part 1, relief is granted from the minimum ten-foot rear yard setback as required in Section 10-2069 Subsection (e) and (d); Concurrent Variance Part 2, relief is granted from the three thousand square foot minimum lot area as required in Section 10-2069 Subsection (e) (e); and finally Concurrent Variance Part 3, relief is granted from the thirty foot minimum lot width of lot frontage or with a building line lot area as required in Section 10-2069 Subsection (e) (f).

1 COMMISSIONER MILLER: Commissioners, you've heard from
2 the applicant and you've heard Staff recommendation. At this time,
3 I'll entertain a motion.

4 COMMISSIONER MITCHELL: Question. How can we best -- I
5 would like to make a recommendation for approval. How can we
6 condense the motion? That's a lot.

7 ATTORNEY LINDA DUNLAVY: You don't need to read the six
8 conditions of Staff. You can make a motion to recommend approval
9 of the rezoning with conditions as stated by Staff, period.

10 COMMISSIONER MITCHELL: Okay. Okay. And then the
11 three-part Concurrent --

12 ATTORNEY LINDA DUNLAVY: -- and approval of the --
13 recommend approval of the 3-Part Concurrent Variance as stated.

14 COMMISSIONER MITCHELL: Okay.

15 ATTORNEY LINDA DUNLAVY: You can make it as one motion
16 or you can take the rezoning and the Concurrent Variance separately.

17 COMMISSIONER MITCHELL: We're going to make it as one.
18 I just wanted to make sure we didn't have to put everybody through
19 that again. Okay. I would like to make a motion that we recommend
20 for approval the conditions as stated by Staff; and also would like to
21 make a motion for an addition -- excuse me, to make the motion for
22 approval of the 3-Part Concurrent Variance as mentioned by Staff.

23 COMMISSIONER LOVETT: Second.

24 COMMISSIONER FANN: I have a question. I have a
25 question. It's been said -- I'm not ready to vote.

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COMMISSIONER MILLER: Okay.

COMMISSIONER FANN: The question I have here is if you would go back to the other page, I'm trying to understand Number 5 where you're talking about to have at least two off street parking spaces. Are you saying on the property itself, they have to have two parking spaces per unit on that property?

ATTORNEY LINDA DUNLAVY: That's correct.

COMMISSIONER FANN: Okay. I just wanted to make sure that we're clear because West Forrest is not a big street. They be having cars parked up and down and so I want to make sure that they have to have two parking spaces per unit.

MS. SMITH: That's correct, sir.

COMMISSIONER FANN: Okay. And how many units are there?

MS. SMITH: Four.

COMMISSIONER FANN: Four units. So that's four -- so that two, four -- eight parking spaces there. They have to have it on the property. Okay. I'm good.

COMMISSIONER FANN: Commissioner Fann -- oh, I'm sorry. You may want to offer that as a friendly amendment to Commissioner Mitchell's motion because you're correct. It does not state in Condition Number 5 that each dwelling unit must have at least two off-street parking spaces on the property.

COMMISSIONER FANN: On the property. Yeah. I want to make sure that it's that.

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ATTORNEY LINDA DUNLAVY: So you may want to offer that as a friendly amendment and Commissioner Mitchell can determine whether he accepts it or not.

COMMISSIONER FANN: Will he accept it as a friendly amendment?

COMMISSIONER MITCHELL: I accept it as a friendly amendment.

COMMISSIONER FANN: Thank you so very much.

COMMISSIONER MILLER: Go ahead Commissioner Tucker.

MR. TUCKER: I have a question to the applicant. If you step up to the podium. I have a question for you, please. So I'm just trying to in my mind wrap around where this is exactly. So West Forrest is in Semmes Park and it's in Frog Hollow in the downtown area?

MR. LAM: Yes. I believe so, yes.

MR. TUCKER: You think so. Okay. It's closer to downtown.

MR. LAM: Yeah, that's correct.

MR. TUCKER: All right. Thank you.

COMMISSIONER MILLER: It's been moved by Commissioner Mitchell and seconded by Commissioner Fann that this Body approves Staff recommendation for Case Number 2019 "U" as in unbuckle-006-04 slash 2019 "V" as in Victor, "C" as in Charlie-011-05. Are there anymore questions or comments?

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: Hearing none, all in favor say aye.

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COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: The ayes have it. Your case is approved.

ATTORNEY LINDA DUNLAVY: The case for recommended for approval to City Council.

COMMISSIONER FANN: It is recommended.

COMMISSIONER MILLER: The case was recommended for approval to City Council. Our next Agenda Item is Case Number 2019 "Z" as in zipper-007-05. Staff, would you please sound the Agenda Item.

MS. SMITH: Case Number 2019Z-007-05 Camp Creek Land Venture, LLC; property located at Washington Road and Camp Creek Parkway. The applicant seeks to rezone the subject property from RL Residential Limited to C-2, Central Business District.

COMMISSIONER MILLER: Staff, you've sounded the case and at this time, Commissioners, I'll entertain a motion to open the public hearing.

COMMISSIONER FANN: Motion to open the public hearing.

COMMISSIONER LOVETT: Second.

COMMISSIONER MILLER: It's been moved by Commissioner Fann and seconded by Commissioner Lovett that we open the public hearing for Case Number 2019 "Z" as in zipper-007-05. All in favor say aye.

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COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: The public hearing is now open. For Case Number 2019 "Z" as in zipper-007-05 will the applicant -- has already stepped forward. Please state your name, your first and last name and your current address.

(Whereupon Applicant Lem Ward approaches the podium.)

MR. WARD: My name is Lem Ward. I practice law at 303 Peachtree Street in Atlanta. You ready.

COMMISSIONER MILLER: Okay, sir. Would you speak about your case, please.

MR. WARD: Certainly. Thank you, Commissioners for your kind attention here. This -- before I start, there's two things I usually do in a case like this. First, is I want to restate our constitutional objection to set forth in our Letter of Intent. That's a detail every good zoning lawyer is going to do at every public hearing; and with all due respect to the Staff report, the analysis is not very robust because what you're about to see here basically is it tells us that Staff is recommending denial because it's zoned something else rather than going through the analysis which we have provided in our papers and in our application, which shows us that this is the property on Camp Creek Road. It has frontage on Camp Creek Parkway and runs down. And one of the problems why this has been residential and why we don't think it could be residential again is that

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there's a lot of already developed residential property, lots that compete with lots here currently that really -- we can't -- we have so much infrastructure and the mass grading is so difficult, there's so much rock that there's going to be a lot of problems for us and it would not be feasible for us to try to do that.

The parcels in the application are here as you can see. That's how it looks now; that's how it's zoned. There's a large creek that runs through it, that's basically so you can get oriented. This is what we're going to put into the application. This is Ale Circle as it sits right now. This is Washington Road and I'm sure you all know. And finally, here's the future land-use map but we're asking to change that and that's the basis of the Staff's denial. But the Staff does say in the comprehensive land-use plan consideration maybe warranted to amend the East Point zoning as well as an amendment to the future development map developed, adopted under the City, under the 2017 City of East Point Comprehensive Land-use Plan. And we think that's right because it's just the general area of the rezoning.

The color signify the red is the future land-use plan of regional center which is close to us and that's what we want. Yellow is the future land-use plan of suburban residential. Well, this is what the problem -- and here's City's zoning map just for reference in case you need it. But why we're requesting Residential Limited to C-2 and why we're asking for a change to the future land-use from suburban residential to regional center is the reconfiguration of Ale Circle and Desert Drive is going to change the highest in best-use analysis.

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T-SPLOST approved in 2016; many of you may have voted for it; may have been asked about certain projecting to be built, but here were the projects. E181 and 182 are the two projects that have changed through use of this property and have changed the configuration -- and will change the configuration here completely. This is the game changer. This is even a little bit outdated because of the amount of rock that has been located; that traffic circle was in -- was now being moved to actually be a three-way rather than a traffic circle because there is so much rock there.

And here's another thing we don't understand. This is City's own traffic report, which we provided so we don't understand why there's not sufficient information about traffic. We provided 3% -- City's own traffic engineer provided for a 3% growth, included commercial trips; including the personal trips that we had planned. This was presented as a part of our application even though in the initial rezoning application meeting, we were not asked to provide one; we couldn't have provided one because we are basing everything on what happens here.

This project transforms the layout of the property almost in it's entirety. As you can see, Ale Circle will be moved back to the intersection where the new Desert Drive runs through and Desert Drive extension will be moved further back up Washington Road to eliminate any queueing problems. A lot of the property will be cut off from it's original -- from the original property it was connected to that runs back and the Desert Drive extension will connect to where

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Desert Drive currently comes in. So all those properties will back up up to Desert Drive and will front on Camp Creek Parkway completely changing any possibility of residential use. If it wasn't already too expensive to develop residentially, this certainly changed everything that could have been done to develop it residentially and this is why. This is the lane geometry that we talked about when a traffic engineer, at least as it understands it talks about lean geometry; this is the way they draw their diagrams. This has been done.

This is the 2029 building analysis. As I said, it was done with a 3% growth rate and it was done under commercial assumptions. This is just so that you can get an idea. This is -- before the project is what it looks like and after the project, this is what it's going to look like. As you could see is, there's a lot of unopen right-of-way in there. Maybe the reason that that right-of-way was unopen was because the -- first of all, there was no demand and there's a lot of height variance and a lot of dimension in there that you just can't make word.

But when the City wanted to build the Desert Drive extension, we are willing to negotiate with them to swap the right-of-way that they'll need of it so they don't have to condemn it with the right-of-way which already exists, which we will incorporate it into our projects, which is a saving for what the City, that there has been some talk in negotiation with the City about provided property for a rec center. The neighbor said we might not only want a rec center. We'll provide anything that the City wants in terms of whether it's a

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rec center; whether it's a park; as long as the City has the budget for it, we will give them first call to -- and it's that site. We think that the City has discussed with us with the green border there.

So how is it best use as commercial? We work with the City engineer of record, engineering about this road project and based on how the road projects will contain these new frontages, we think this is what we can do. The development pattern of the existing already on Camp Creek Parkway. When the Desert Drive extension is completed, those lots will directly form on Camp Creek Parkway and it will be completely separated from the rest of the property as I said earlier.

Now, this is where we're -- where we're pointing this to the future. It aligns with City's economic development goals as set forth in the comprehensive land-use plan. I won't take the time to go through each one of them, but that's what this kind of development will do. We have both of our principals here. They have been in contact with several set-down restaurant concepts; they have been in contact with a lot of other commercial developers, Aldi and other smaller grocery stores; but there's not much that we can do until we actually understand how it's going to be -- how the road is going to look; how it's going to be zoned and what the lot sizes will be. When low engineers finishes the elevations and finishes this, then maybe we'll be able to provide more specific information about exactly what will come here.

But you can't really speculatively sell it until you do it; and the

1 problem that we have here is that if there were any future restriction
2 to which anybody wanted to do, there was a lot of talk in the last one
3 when the City talked about rezoning this on it's part; about putting
4 possibly a Race Trac on the corner there. Well, that's sort of off the
5 table because it would require a variance from the City, which we
6 don't have the power to grant and it requires the same thing; a
7 variance requires the same kinds of votes that any rezoning does. So
8 it's 2,640 feet of separation; the Washington Road Chevron and the
9 Camp Creek Texaco both spaced it out other uses which you might
10 not want such as pawnshops are prohibited; drive thru restaurants
11 have to have to 1,520 feet of separation.

12 The package sale of beer and wine; well, numerous existing
13 licenses are within 2,640 feet. So we think there's an awful lot of
14 reason for rezoning looking forward. But we simply don't think it's
15 sufficient to say, we recommend denial because it's zoned something
16 else. We provided an application and we're providing an explanation
17 here to you today about what the future looks like. This is one of the
18 very first T-SPLOST projects that the City of East Point has
19 recommended and is in the middle of doing; and it's not just a little
20 bit done. There's been, I guess, tens of thousands, maybe hundreds
21 of thousands of dollars spent preparing this already and we are at a
22 close spot where this is going to happen for us, economically; have a
23 lot of money in pursuit cost and a lot of pending contracts.

24 This is our time. If we can't get a zoning here, then we are --
25 we'll probably have to pass it and then once the road is built, you'll

1 have folks that will be picking out those lots on Camp Creek Parkway,
2 perhaps one at a time; perhaps in a different way and then you'll
3 have a much less chance of controlling it. We were asked to provide
4 and did provide the history of our applicant you've got millions of
5 square feet of good projects under construction and built and already
6 operating throughout the southeast and throughout the country and
7 we were asking your approval for this and I would reserve any
8 remaining time that I have for rebuttal or answering of questions.

9 Thank you so much.

10 COMMISSIONER MILLER: Thank you, sir. Are there any
11 other proponents to seek in favor of this zoning case?

12 AUDIENCE: (No response.)

13 COMMISSIONER MILLER: Any other proponents?

14 AUDIENCE: (No response.)

15 COMMISSIONER MILLER: Excuse me. Seeing none, are
16 there any opponents to speak against the zoning case?

17 MR. WARD: One of our principal wishes to speak if that's
18 okay.

19 (Whereupon Applicant Gary Martin approaches the podium.)

20 MR. MARTIN: My name is Gary Martin. I'm one of the
21 developers that has been involved in this property for a number of
22 years, trying to figure out with Staff and with the homeowners
23 associations.

24 COMMISSIONER MILLER: Excuse me, sir. I hate to interject.
25 But can you also give your address?

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MR. MARTIN:I'm sorry.

COMMISSIONER MILLER: Can you give me your address?

MR. MARTIN: I'm at 2520 Coach Bridge Court, Ovida, Florida, 32766.

COMMISSIONER MILLER: Thank you so much. I'm sorry for interrupting.

MR. MARTIN: Not a problem. I have personally worked with the different homeowners associations trying to answers their questions. We have -- basically, when we -- this has been a project that's actually gone on for about 15 years; was the first time I got involved in it. And back about a year ago, year and a half ago, I came in with the idea of trying to do something on the corner and that's when the Staff informed me that they were going to do the connector road between Washington Road and North Desert Drive and that sort of opened it up for a whole different look at what potentially could be, what I think, could be a first class project for this area.

It's got all the qualities of restaurant retail is looking. You've got the airport; you've got the convention center; you've got all those park and rides and you've got a major retail center on the other side. And what's happened is is that all the restaurants and the retail on the other side is doing extremely well to the point that a couple of the national chains that have asked us for proposal for full-service restaurants on a couple of the pads facing Camp Creek Parkway. And I think they're national and they would certainly not -- I've seen

1 where there's been some concern about retail, small tenants. Most
2 of that that has been built over the years was built as little strip
3 centers. They didn't have anchor tenants; they didn't have national
4 tenants. They just built small -- that's inconsistent with the way we
5 develop.

6 I have been involved over the years in about 7 million square
7 feet of retail with major regional malls; lifestyle centers; all kinds of
8 national tenants. So we think that by bringing this product to market
9 that we have an accident opportunity to create a retail environment
10 there that would be a very positive situation for the City. Thank you
11 very much.

12 COMMISSIONER MILLER: Thank you, sir.

13 MR. TREVINO: I'm sorry, the remaining time for -- we're out
14 of time, yes.

15 COMMISSIONER MILLER: Seeing none, are there any
16 opponents here to speak against the zoning case?

17 AUDIENCE: Yes.

18 COMMISSIONER MILLER: Can you please step forward?
19 State your name and your address, please.

20 (Whereupon Opponent Wanda Pierson approaches the
21 podium.)

22 MS. PIERSON: My name is Wanda Pierson. I am 2998 West
23 Potomac Drive, East Point, Georgia. Ready. Okay. I have a lot --

24 ATTORNEY LINDA DUNLAVY: Before you proceed, I just
25 might want to note that there were other speakers who raised their

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hands. Because there is a time limit, you may want to lineup behind each other to maximize the time.

MS. PIERSON: I'll cut you this short for now. I just wanted to say that I've been here for 33 years; and I've seen a lot of builders -- I have been here for 33 years and I have seen a lot of stuff in East Point. I was telling Councilman Butler that when I first came to East Point, Camp Creek Parkway was fabulous. It was the place to live, believe it or not. Those apartments were considered luxury. We constantly see builders who come into East Point and tell us what might be good for our City and after five years and they make a profit, they're gone and we're left with what you see now.

And I think that same thing is happening. They usually don't live in the City. They might be from out of state or they might live on some other part of town; but I don't think they're truly interested in what is best for the City of East Point. And we keep making the same mistake over and over again. The Camp Creek Market Place was supposed to be our crown jewel. We lost a bookstore; we lost a high end restaurant and it keeps on going down. Why do we keep on letting these people come in whether it's apartments or things that are supposed to be good? And I don't know what high-end restaurants there on Camp Creek right now or what we're talking about.

But we have some major problems on Camp Creek Parkway, to add to that, when we have not dealt with existing problems is just insane; it's insanity; that's all I can say and I'll see you all, I guess, at

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the council meeting. Thank you.

COMMISSIONER MILLER: Thank you very much. Please state your name and address; I'm sorry, thank you. Please state your name and address.

(Whereupon Opponent Delores Moore Harmon approaches the podium.)

MS. MOORE HARMON: My name is Delores Moore Harmon. I live at 2906 Revere Court; and I am probably one to have only ones here who has a property line on Camp Creek Parkway. I think there are probably from the airport to Fulton Industrial, Thornton Road, maybe ten houses; and I own one of those houses where my property is at Camp Creek. I am to the right; from this picture, I am to the right of Washington Road. They want to make the changes on the left. I currently have problems since they started opening up Camp Creek and since the Marketplace came, I love the Marketplace. I don't really necessarily have a problem with that; but I can't get out of my subdivision. I used to take seconds. Now, the last time I tried to come out was thirteen minutes; and I am just two blocks up on Washington Road.

Now, what they're presenting here is still not widening Washington Road. I still have to sit there at the light and wait and wait. God help me from 4 o'clock to 5:30, 6 o'clock daily during Monday through Friday just getting out. I am not in favor of this at all whatsoever; and most of you there know me and you know I am not in favor of it. Right now, we can't get out of our neighborhood.

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There's a problem. We need sidewalks. I have been begging for years. I first purchased my first house on Revere Court in 1977; 47, 48 years ago. And I, too, have watched this section change, the whole flavor of it is changing; but again, I love the idea of the Camp Creek Market Place; that is not a problem. But I know that the traffic has changed tremendously.

But now, what this is not cover, is my house is sitting on an acre lot; and this does not cover to the right. I can't get out of there now. So please help me get out by not letting these people come up here from Florida and put something in this little spot and I still can't get out of my yard. Thank you.

COMMISSIONER MILLER: Thank you, Ms. Harmon.

(Whereupon Opponent Vicki Hueber approaches the podium.)

MS. HUEBER: High. Good evening Commissioners and Staff and thank you for being here this evening. I'm Vicki Hueber. I live at 3437 Prince George Street. That's Williamsburg of course; and full disclosure, I am on the Board of WADA; that's the Williamsburg Neighborhood Homeowners Association and we do have four out of five of our Board members here tonight. Somehow I got to be the lucky one but anyway, we have given a considerable amount of thought to this project and we do agree with the Staff analysis that they should deny this rezoning proposal because it is not in conformity with, as they said, the policies intent of the land-use plan as adopted by the City of East Point 2017 Comprehensive Plan Land-use Update.

1 I think East Point, the Comprehensive Plans are a look to the
2 future and what East Point wants in the future. If we want
3 something different, you need to update that plan again before
4 changing the zoning in a pretty radical way. We're also here
5 tonight -- we support the Washington Road Neighborhood
6 Association and I also heard from Grant Estates Neighborhood
7 Association. The lady on the Board said she couldn't make it tonight
8 but she did want to voice her opposition. They have a lot of
9 concerns about traffic as do we. The intersection of Washington
10 Road and Camp Creek is extremely busy now. I'm sure ya'll know
11 that. To put more driveways on to that is maybe not such a good
12 idea.

13 And, of course, we have the food bank opening at the end of
14 this year. We really don't know the ramifications of that traffic; and
15 the airport City development is coming just a little down the road. So
16 it's a lot and we need to make sure we get it right. Let's see. And
17 then our -- another major concern is that they're requesting rezoning
18 to C-2 as opposed to C1. C-2 is the Central Business commercial
19 district which includes more things. As Mr. Ward mentioned -- we
20 mentioned a few but we -- also, it does include night clubs and
21 arcades an liquor stores and I don't know, maybe he can answer this
22 but I did do a quick search on Google last name for liquor stores near
23 me and they were all beyond the 2,600 feet limit that I saw; and I
24 drove from Camp Creek World of Beverage to the land. That's a mile
25 and I think the only other one is down the street. It appeared to be

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about 4,000 but maybe there are some more I don't know about.

Certainly, a good way to make money in real estate is if you amass residential property and you're able to get it rezoned to commercial and that's not a bad plan. A lot of people made a lot of money down that. But in this case, perhaps there is an argument to be made that the lots affront on Camp Creek would be better served to commercial purpose, possibly. But then we have Ale Circle, which is a little two lane residential road; and I think it worries us all to sigh commercial development coming to that, not only for the time being but for what it might lay out in the future because we're right next to it.

And the applicant says they're not residential developers, that they do commercial work but they chose to invest in residential zoned property so that was their decision.

In closing, we're not against development but it needs to be the right development and it needs to be in the right place. So thank you for your time. Appreciate it.

COMMISSIONER MILLER: Thank you, Ms. Hueber.

(Whereupon Opponent Fitzgerald Smith, Jr. approaches the podium.)

MR. SMITH: Good evening. My name is Fitzgerald Smith, Jr. I live at 3090 Candlewood Drive, Apartment C in Ward D. I'm also the President of the Washington Road Neighborhood Association. I want to start off by thanking the Staff for following the Comprehensive Plan and putting a denial on this. Second, I want to thank Mr.

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Martin. Mr. Martin has been working with Washington Road Neighborhood Association with several meetings. He even brought what we thought was a traffic study, but come to find out, it's just a draft that the City itself -- because now we've been having meetings with the City manager, the traffic engineer and Public Works director has been at our meetings, our neighborhood association meetings talking to us trying to solve the traffic issue.

The biggest thing here with this -- even with the T-SPLOST, we understand that road is going to have to come through. But we would like to wait, make sure that even -- let's say this: Even in this last meeting we had, we had the CID director and we proposed to him about a designated right turn lane to take to GDOT on Camp Creek Parkway where you come from Washington Road, make a right turn; it's a designated lane right there that you continue on to north Desert Drive. He said at our meeting that's possible and he wants to take that back to GDOT.

So there are other things that are going on and we would like to, with this denial, see if we can move forward on the traffic first. I've been around 60 something years. I've seen somebody put a road in and then they build all these beautiful buildings, restaurants and then around and talk about traffic; just look up 85, Highway Interstate 85. Now they want to do the traffic. Let's do something different here in East Point. Let's do it the right way. Thank you.

COMMISSIONER MILLER: Thank you, Mr. Smith.

(Whereupon Opponent is Shaket Munshee (spelling

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verbatim) approaches the podium.)

MR. MUNSHÉE (spelling verbatim): Good evening every one. My name is Shaket Munshee (spelling verbatim) and my apologies in advance. This is my first time attending a similar process of rezoning; so my apologies if I'm not following the protocol. I live on Ale Circle so this door open is definitely going to directly impact me and my family and also all the other residents that are living on that street. Believe it or not, right now, we can hear the traffic that is going on Camp Creek, you know. We can hear the noise of the traffic so you can imagine that all this green zone that -- so the green zone right now is acting as a solid barrier, presents the sound coming. But imagine if all this green zone is gone, how much of a traffic, how much of a sound pollution that we are going to be infiltrating in our lives, you know.

The quality of life is going to be drastically impacted; not only that, as you may have heard, there were -- last year, there were about 80,000 new residents, I guess new people that moved to Atlanta. Definitely, every day, the population is going to grow. The traffic already on Camp Creek is crazy and if you're adding all this commercial development, it's going to make things a lot worse. Not only that, right now, in order for a person to go from Desert Drive to let's say Greenbriar Mall, the only alternate they have is going to 285 or going to Washington Road. This will become like a shark guard going through the streets, you know, and make this streets even busier.

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So I would strongly opposed. I'm not against development but we need to make sure that it is for the benefits of the residents of the citizens of the City. Thank you.

COMMISSIONER MILLER: Thank you, sir. Do we have any other opponents for the zoning case?

AUDIENCE: (No response.)

COMMISSIONER MITCHELL: Seeing none, Vice Chair, I make a motion that we close the public hearing.

COMMISSIONER FANN: I second.

COMMISSIONER MILLER: It has been moved by Commissioner Fann -- excuse me, Commissioner Mitchell and seconded by Commissioner Fann that we close the public hearing for Case Number 2019 "Z" as in zipper-007-05. All in favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER MITCHELL: I would like to make a motion that we accept Staff recommendation to deny.

COMMISSIONER FANN: Second.

MS. SMITH: We didn't state the Staff recommendation.

COMMISSIONER MILLER: We need to --

MS. SMITH: We didn't state it as of yet.

COMMISSIONER MILLER: Right, exactly. So Commissioners, you've heard from the applicant and at the current time, can we have the Staff recommendation on this case?

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COMMISSIONER FANN: I still second.

MS. SMITH: Due to the nature of the proposal being too speculative in nature, Staff was unable to access the cumulative impact of the rezoning. In addition to the absence of information this proposal presents, the rezoning lacks the vision / intent and use / scale of the suburban residential character area adopted by the City of East Point's 2017 Comprehensive Land-use Plan Update. With the aforementioned in mind, Staff recommends denial of the rezoning properties from R-L Residential Limited to C-2 Central Business District.

COMMISSIONER MITCHELL: My motion still stands.

COMMISSIONER MILLER: Commissioners, you've heard from the applicant and you've heard Staff's recommendation. Mr. Mitchell --

COMMISSIONER MITCHELL: Still stand.

COMMISSIONER MILLER: Okay. And Mr. Fann?

ATTORNEY LINDA DUNLAVY: Excuse me, Mr. Mitchell, could you restate your motion in the form of a recommendation, please.

COMMISSIONER MITCHELL: In what?

ATTORNEY LINDA DUNLAVY: Your motion, I believe, was to approve the Staff's recommendation; the motion to be stated in the form of making a recommendation to City Council.

COMMISSIONER MITCHELL: Okay. My motion to City Council is for denial -- recommendation.

COMMISSIONER FANN: I second the same.

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COMMISSIONER MILLER: It's been moved by Commissioner Mitchell and seconded by Commissioner Fann that this Body approve Staff recommendation for Case Number 2019 "Z" as in zebra-007-05. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed?

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: The ayes have it. The Commission has recommended denial of this application to City Council.

Our next Agenda Item is Case Number 2019 "V" as in Victor -- excuse me; excuse me a second -- "V" as in Victor-012-05.

MS. SMITH: Case Number 2019V-012-05, applicant Kema Tillman located at 2488 Hogan Road. The applicant seeks a variance for relief from the residential infield development standard requirement for exterior materials choice as noted in Section Chapter 4, Section 10-4091, Subsection 5 (f) (ii).

COMMISSIONER MILLER: Staff, you've sounded the case. Commissioners, I'll entertain a motion to open the public hearing.

MR. TUCKER: So moved.

COMMISSIONER MAXWELL: Second the motion.

COMMISSIONER MILLER: Is there a second?

COMMISSIONER LOVETT: Second the motion.

COMMISSIONER MILLER: It's been moved by Commissioner Tucker and seconded by Commissioner Lovett that we open the

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public hearing for Case Number 2019 "V" as in Victor-012-05. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: Hearing none, the ayes have it.

The public hearing is now open for Case Number 2019 "V" as in Victor-012-05. Will the applicant please step forward. State your first and last name and give your current address.

(Whereupon Applicant Kema Tillman approached the podium.)

MR. TILLMAN: Kema Tillman, 2927 Stanway Avenue, Douglasville, Georgia.

COMMISSIONER MILLER: Thank you, sir. Please introduce and speak about your case.

MR. TILLMAN: I am seeking relief from the infield requirements that this property be brick, particularly since is I submit this project. Prior to start, it was approved by the City. I was building exactly according to the plan that is were approved and the project is 65 percent complete and failure to approve this would cause a financial hardship where I would not be able to complete the project.

COMMISSIONER MILLER: Thank you, sir. Are there think other opponents -- excuse me, proponents to speak about this case?

AUDIENCE: (No response.)

1 COMMISSIONER MILLER: Any other proponents?
2 AUDIENCE: (No response.)
3 COMMISSIONER MILLER: Seeing none, are there any
4 opponents here to speak against the zoning case?
5 AUDIENCE: (No response.)
6 COMMISSIONER MILLER: Any opponents?
7 AUDIENCE: (No response.)
8 COMMISSIONER MILLER: Okay. Seeing none,
9 Commissioners, at this time, I'll entertain a motion to close the public
10 hearing.
11 COMMISSIONER MAXWELL: I so move.
12 COMMISSIONER MILLER: Is there a second?
13 COMMISSIONER FANN: Second.
14 COMMISSIONER MILLER: It's been so moved by
15 Commissioner Maxwell, seconded by Commissioner Fann that we
16 close the public hearing for Case Number 2019 "V" as in
17 Victor-012-05. All in favor sound aye.
18 COMMISSIONERS: Aye.
19 COMMISSIONER MILLER: All opposed sound nay.
20 COMMISSIONERS: (No response.)
21 COMMISSIONER MILLER: Hearing none, the ayes have it.
22 The public hearing is now closed. Staff, would you please sound yore
23 recommendation.
24 MS. SMITH: Staff has recommended denial to have request
25 for relief for the exterior requirement outlined in Chapter 4, Article J,

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Section 10-4091, Subsection 5 (f) (ii). The applicant's basis of hardship were not germane to the hardship considerations outlined in Sections 10-2184.

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

COMMISSIONER FANN: I want to ask a question of Staff before I make a motion.

ATTORNEY LINDA DUNLAVY: You need to make your motion first an then you can open up for discussion.

MR. TUCKER: Mr. Chair, I will make a motion to recommend denial for discussion.

COMMISSIONER FANN: Second that for discussion. The question I have, I mean, it's a public (inaudible), a statement just made by the applicant that his property or his plan had already been pre-approved under -- and that's what he was building, the property under, the infield under. But now, is that not accurate or his statement or what?

MS. SMITH: Yes, sir, that is accurate. Staff made an error in approval of the applicant submitted to our office. It was approved in error.

COMMISSIONER FANN: But we penalize the person because Staff make a recommendation? I'm just -- I'll trying to be sensitive here. If Staff made a recommendation and now your saying it's not a hardship, well, look like to me we're creating a hardship if Staff said

1 he can do it and he start doing it and now you're saying that the
2 code don't allow for it. I know -- you know, I'm not saying this
3 directly to you but I'm just saying is we can't be a City where we
4 make a mistake and we don't eat our mistake. We made the
5 mistake; we got to eat it. I'm not going to vote for denial. I'm going
6 to vote for approval. That's going to be my vote. I can't be
7 insensitive like that.

8 (Whereupon the audience applauds.)

9 COMMISSIONER MILLER: Commissioner, please speak.

10 COMMISSIONER BELL: Okay. So looking at the packet,
11 there's two infield forms; one dated January 30th of 2018 and one
12 date April 2nd of 2019. So for my understanding, the first form was
13 not correct because the properties listed on this form doesn't pertain
14 to the definition of what a survey area is. This question is for Staff.

15 MS. SMITH: Yes, sir. This applicant was taken in on several
16 occasions. It was first submit to do our office in 2017 and then it
17 was resubmitted in 2018. The first submittal, the infield application
18 study was actually done incorrectly on the applicant's part and that
19 was caught by Staff.

20 There were errors on both side and just to state for the
21 record, Staff is at liberty to standby the code whether we make a
22 mistake or not. We were -- we do have to stand by the code and
23 that is why this applicant is before you today because you all have
24 jurisdiction to make approvals and recommendations outside of the
25 criteria that we must adhere to as a Staff.

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COMMISSIONER BELL: So can you applicant speak to why these certain properties were chosen?

MR. TILLMAN: When I completed the initial infield, I used -- in my ignorance, I used a couple -- I used three properties that were not within the infield requirement, which resulted in a 51 percent -- a 51 percent brick versus hardie plank. Once I started the project and I was 65 percent complete, a stop work order was placed and said, oh, we found on error where you did the infield requirement incorrectly. You need to do anything infield requirement. I did a second infield requirement which resulted in the same scenario as the first, which was 51 percent brick versus hardie plank; and at that time, they said, well, now you got to do brick.

What I explained was this project was reviewed by you all three times and approved. Based upon your approval, I got a bank loan for what had been approved. So the bank approved that project exactly as it was submitted, so there is no additional moneys to do something different 65 percent into the project.

COMMISSIONER BELL: Okay. So when you filled out the form the first time, did you work with Staff to verify that it was done properly and if so, who did you talk to?

MR. TILLMAN: Well, working with them to verify it was done properly was not a requirement. It was completed and submitted, and at that point, the entire project went through a review process. They had questions so they sent me through the review process three times; so in all three times, it was not -- that was never

1 brought up. So it was subsequently stamped and approved which
2 allow me to move forward with the project. So I didn't have to speak
3 to anyone directly. It went through an internal review process to
4 which I was not a part of.

5 COMMISSIONER BELL: So when you filled out you this form
6 here, it sounds like you weren't too sure exactly what properties to
7 pick; is that right?

8 MR. TILLMAN: In retrospect, I wasn't sure; but when I filled it
9 out, I thought I was doing it correctly.

10 COMMISSIONER BELL: Okay. Because I looked at that form
11 and when I looked at the verbiage that is on the sheet, I picked out
12 the properties and I counted at least eight properties that aren't
13 adjacent to each other. So my first thought is that being not sure, it
14 would be better to verify with Staff before starting this particular
15 project.

16 MR. TILLMAN: Well, in hindsight, I would agree with you.
17 However, the part of the review process is for them to look at the
18 entire package to determine whether they felt it was correctly
19 submitted or not. They reviewed it three times and according to
20 their Staff, they thought it was sufficiently done and they approved it.
21 It was not malicious on my behalf. I did it according to the way I
22 thought it should be done. They reviewed it three time; apparently,
23 they agreed at that time.

24 COMMISSIONER BELL: So my thought here is it's important
25 to make sure that you do your due diligence as you fill out these

1 forms --

2 MR. TILLMAN: Yes, sir.

3 COMMISSIONER BELL: -- because things like this can

4 happen.

5 MR. TILLMAN: Yes, sir.

6 COMMISSIONER BELL: Okay. I have no other questions.

7 MR. TUCKER: Mr. Chair. I would like -- I was not at Work

8 Session so I wasn't quite aware of all this. So I would like to

9 withdraw my motion to deny.

10 COMMISSIONER MILLER: A motion withdrawn.

11 MR. TUCKER: And then instead, I'd like to make a motion to

12 approve -- make recommendation to approve.

13 COMMISSIONER FANN: I second that recommendation.

14 ATTORNEY LINDA DUNLAVY: It's a variance.

15 MS. SMITH: It's an actual decision.

16 ATTORNEY LINDA DUNLAVY: So this time it's a motion to

17 approve or deny or whatever.

18 COMMISSIONER FANN: I'm going to go with his approval. I

19 second his approval.

20 MR. TUCKER: To approve.

21 COMMISSIONER FANN: Thank you.

22 COMMISSIONER MILLER: All in favor of accepting the

23 variance --

24 ATTORNEY LINDA DUNLAVY: Approving.

25 COMMISSIONER MILLER: -- approving the variance? All in

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favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed.

COMMISSIONER BELL: No.

COMMISSIONER MILLER: The ayes have it. Your variance has been approved.

MR. TILLMAN: Thank you, thank you.

(Whereupon the audience applauds.)

VIII. ANNOUNCEMENTS:

COMMISSIONER FANN: I can make a motion that adjourn.

MR. TUCKER: I would like to make a comment before we do. This is our very first night here, gorgeous building; great job for the City. Specifically, Albert Trevino I want to give you a shout out because you were shooting all around. This technology, it's a lot and you got it running and we just really appreciate you.

MR. TUCKER: We see you; we see you.

COMMISSIONER MITCHELL: Mr. Vice Chair, I would like to just point out I came in during the Pledge so let the roll reflect that I was here.

COMMISSIONER FANN: One other thing since everybody want to say something, I'm going to say, let's keep Shean in prayer. Okay. Let's keep him in prayer.

MR. TUCKER: Yes.

COMMISSIONER FANN: That's why he's not here. Let's pray for our Chair. Let's keep him in prayer. Thank you.

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COMMISSIONER MILLER: Commissioners, anymore
announcements?

COMMISSIONERS: (No response.)

COMMISSIONER MILLER: Okay. Having none -- having no
more announcements, I'll entertain a motion to adjourn.

IX. ADJOURNMENT:

COMMISSIONER FANN: I make that motion.

COMMISSIONER MILLER: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER MILLER: It's been so moved by
Commissioner Fann and seconded by Commissioner Lovett that we
adjourn. All in favor say aye.

COMMISSIONERS: Aye.

COMMISSIONER MILLER: All opposed say nay.

COMMISSIONERS: (No response.)

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

(Whereupon this concludes the City of East Point Planning
and Development regularly scheduled meeting for June 20, 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 54 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 June 20, 2019 at seven o'clock P.M., were taken down by me and transcribed by me on this 5th day of July, 2019.