

CITY OF EAST POINT  
PLANNING & ZONING COMMISSION

**s/b 15** January ~~18~~, 2009 - 7:00 P.M.

Official Minutes

Regular Meeting

East Point, Georgia - Law Enforcement Center  
2727 East Point Street

Board Members Present: Linda **SHELDON**, Chair

Dr. Herbert **BRIDGEWATER**,

**JR.**

Shean **ATKINS**

Myron **COOK**

Thomas **HARPER**

Francine **JONES**

Paul **LAWLER**

Pamela **PATTERSON**

Also Present: Regina **CARTER**, Senior Planner

Valerie **ROSS**, City Attorney

Keyetta **HOLMES**

Reported By:  
Jeanene Harper  
(404) 228-8807 Office

APPEARANCES

APPLICANTS:

**DUKE REALTY LIMITED PARTNERSHIP**

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**I. CALLED TO ORDER**

MS. SHELDON: I'm going to call the meeting to order. This is the -- hum -- what is today? January 15, 2009 Planning & Zoning Commission Meeting for the City of East Point, and in lieu of an invocation, this body recognizes a moment of silence so if you will join me in that at this time.

**II. MOMENT OF SILENCE**

MS. SHELDON: Thank you very much. And now we will -- if you will join us for the Pledge of Allegiance.

**III. PLEDGE OF ALLEGIANCE**

MS. SHELDON: And now I will entertain a motion to adopt the agenda.

**IV. ADOPTION OF THE AGENDA**

MR. ATKINS: Madam Chair, I move that we adopt the agenda as printed.

MR. HARPER: I second that.

MS. SHELDON: Thank you. Any discussion?

THE BODY: (No response)

MS. SHELDON: All those in favor?

THE BODY: Aye.

MS. SHELDON: Those opposed?

THE BODY: (No response)

MS. SHELDON: Motion carries. And now if we can approve the December 18th, 2008 meeting minutes.

**V. APPROVAL OF MINUTES**

DR. BRIDGEWATER: Madam Chair.

MS. SHELDON: Yes.

DR. BRIDGEWATER: I make a motion that we approve the December 18th, 2008 minutes, please, with any necessary corrections should there be any.

MR. HARPER: I second that.

MS. SHELDON: Thank you. Are there any corrections, additions, deletions to be noted?

MR. HARPER: A deletion.

MS. SHELDON: Yes.

MR. HARPER: I was not there.

THE BODY: (Laughter)

MS. SHELDON: You were here in spirit apparently. All right, then, anything else?

THE BODY: (No response)

MS. SHELDON: All those in favor.

THE BODY: Aye.

MS. SHELDON: Those opposed?

THE BODY: (No response)

MS. SHELDON: Motion carries. Okay. Now, we can move into -- our agenda shows that there is no Old Business we can move into.

**VI. OLD BUSINESS**

**NONE**

**VII. NEW BUSINESS**

MS. CARTER: Madam Chair, there will be a presentation.

We have one case and prior to the case, there will be a presentation by Duke Realty, and then we will move directly from that presentation into the case, the one and only case that we have.

MS. SHELDON: Thank you. So, presentation from Duke. If you would introduce yourself and --

(Whereupon, the Speaker approaches the podium)

SPEAKER: Okay. I'm Sandra Reeves with Duke. Do I have to tell my address?

MS. SHELDON: Yes, go ahead.

MS. REEVES: Okay. 2232 North Shallowford, Chamblee.

MS. SHELDON: Thank you.

SPEAKER: We are here to talk about Camp Creek Business Center Subdivision. Just to give you an update on where we are, as I understand that there were some questions regarding our current

application to you guys on subdivision of some parcels.

Hum, let me tell you a little bit about what I do at Duke first off. I'm the Development Services Manager, which means I help out with due diligence on vacant land and re-zonings and subdivisions and things like that, which is why I'm usually sitting back here at most of these meetings.

Chris Brown is also going to come up in a minute and talk about taxes and stuff like that. He's the business unit head. He's the guy that approves the money that I spend on due diligence and things like that, so, hum -- but Camp Creek Business Center -- we purchased the park in early 2000's. Started developing infrastructure I think, the first buildings were in '03, '04ish. And typically when we buy land, we don't come in right off the bat and subdivide, because we don't really know how it's going to lay out.

So we waited and probably late '05, early '06, we decided it was time to subdivide because we had a couple of buildings out there, and we start the process and here we are in '09 -- and we've actually still been working on it. Hum, we put together a pretty good bit of -- well, we put in a pretty good bit of work working with past Planning & Zoning people, Public Works, other staff people at East Point and just over the years with staff changes and things like that, it's been kind of difficult to make any headway but January of '08, we made a pretty good bit of progress.

We got our first significant submittal in, and it was reviewed

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by Public Works and, you know, East Point staff, and now we are at the point -- a year later -- we are at the point where we are very close at getting as-built's approved. And let me tell you what my understanding of the subdivision process was.

Hum, as-built's get approved, and then roads get dedicated and then everything gets subdivided. Well on Monday, I learned that we are actually doing that backwards, that you guys would prefer that we subdivide first, correct?

THE BODY: (No response)

MS. REEVES: -- and then dedicate roads. Okay. So we are on the right track, but we are still moving forward with getting as-built's approved through Public Works and things like that, and I want to -- the thing I want you to remember tonight is that we've -- well, two things.

We've been working on this for several years so I didn't want ya'll to think that we have totally neglected subdivision, and the other thing is we are actually ready to submit for the February 6th application deadline to be heard in March -- in April to subdivide the whole Park, and we have a worksheet -- I can show you the worksheet or whatever you need to see. But just know that we are working on it, and we have been working on it for several years.

And then one more thing before Chris comes up. Hum, when I go on maternity leave in a few months here, since we will have submitted the full Park for subdivision, the other Development

Services Manager in Atlanta, who is Mike Porchesca here, you'll be seeing him.

So, I'll go ahead and let Chris come up, and then ya'll can ask any questions you might about subdivision. Thank you.

THE BODY: Thank you.

(Whereupon, the Speaker approaches the podium)

SPEAKER: Good evening. Hum, Chris Brown, 5711 Clinchfield Trail in Norcross. Pleased to have everybody here tonight.

I just wanted to add a couple of things related to -- I think there are some questions related to the taxes and the TAD component of this.

We are, hum -- we are the guarantor of the bonds related to TADS. So we are actually equally as motivated -- it's a little atypical. Typically a landlord is not going to want to charge -- get taxes charged to their building. We as the guarantor of the bonds actually want those taxes to start being collected.

In fact, I actually did some research today and it appears that there's only two (2) or three (3) buildings that are not having taxes collected and those are actually finish this year, so it looks like it's appropriate. So, a majority of the buildings that have been developed out there -- I think that was one of the questions -- are being accessed with an approved evaluation.

Hum, and we are very -- hum, we have been working hard.

We want to get the roads dedicated, and we definitely want to get all of this for ease of allocating taxes to our tenants. We are -- I've been pushing here for that whole time she has been working on it to get this thing accomplished, so we are here to do whatever Staff needs us to do to get the process finished up.

I think we will be dedicating the roads on the original first cul-de-sac, so there is a -- there will be a Second Phase -- I don't know -- Sandra if you wanted to highlight that -- but there is a Second Phase of the Park that will -- that ultimately will have all the front of the Park, hum, coming in February.

MS. REEVES: Yes.

MR. BROWN: Now, the reason we wanted to come early on a couple of buildings and start a peace meeting like this is we are in the process of getting some financing on a couple of the completed buildings who have tenants in them -- one being, hum, the FAA Building, who is going to occupy a 100,000 square feet in East Point starting in -- we are about a month away from being done -- and then another building that's completely leased as well.

What that financing is going to do to us -- everybody knows the troubles everybody's having to get capitalized and financing right now, that's going to be a great benefit to Duke and ultimately to East Point in keeping Duke healthy. So that's -- we don't know when the windows of financing will close.

It's been very sporadic here in the last six (6) to twelve (12)

months. But right now, we have a lender that's willing to do some -- that, and we, hum, just request that you guys, hum, bare with us while we get these couple of buildings done, and we will come back with the whole Park in a short order. Thank you. We will answer any questions you have.

MS. SHELDON: Are there any questions?

THE BODY: (No response)

MS. SHELDON: Thank you. I think you have answered all of our questions at this point. Is there anything Staff wants to present at this point?

MS. CARTER: No. The first and only Case, hum, is Case Number 2008P-009-12. The Applicant is Duke Realty Limited. Property location is one thousand (1000) and fifteen hundred (1500) Centre Parkway.

Hum, applicant is seeking approval of the final plat to subdivide, hum, 17.635 acres of the total 112.59 acres into two (2) lots, Lot B at (9.426) acres and Lot E1 B (8.209 acres) respectfully.

MS. SHELDON: All right. And, hum, what's the Staff recommendation on this?

MS. CARTER: Hum, due to recently received information, Staff recommends deferral of the final plat due to Public Works requirement of installation of an 8-inch meter on the 8-inch fire line for Buildings one thousand (1,000) and fifteen hundred (1,500) Centre Parkway. Any questions in reference to the deferral, I would

have to defer to Public Works.

MS. SHELDON: Okay. And we don't have anyone from -- we do have someone from Public Works. Are there any questions for our representative from Public Works?

MS. JONES: Is it your opinion that they will be able to complete it by the next meeting -- the February meeting?

MR. LUNSFORD: Let him answer that.

MS. SHELDON: Is that the plan at the point?

MS. JONES: Is that the plan?

Ms. SHELDON: You need to come to the "mic." I'm sorry.

MR. BROWN: Hum, Staff and us -- we met on Monday, and we have discussed this issue, and I didn't realize it was going to affect the Planning & Zoning components. I thought it was more related to the CO, but we will take care of that. We may or -- we have a difference of opinion with Staff on whether, hum, that that, hum, component is necessary. We are going to work through that in the next few days and we hope to be back in here February after we resolve that.

MS. SHELDON: So the request then is to defer until the next meeting and we will be updated at that point?

MR. BROWN: My hope would be that we could continue the Planning & Zoning process --

MS. SHELDON: I see.

MS. BROWN: -- gain approval from you guys and then if,

hum, and if Staff is still having problems with it, then City Council could stop it next week, if we haven't resolved it with City Council, at the City Council meeting. So I would hope -- because of the financing time, I would hope that you would at least consider that. We appreciate it.

MS. SHELDON: I see. So the request is there and Staff's recommendation is to defer. All right. Are there any other questions?

THE BODY: (No response)

MS. SHELDON: Is that clear to everyone?

MR. LAWLER: Hum, can we elaborate on the differences of opinion is?

MS. CARTER: When he states that, hum, can you clarify "Staff" meaning Public Works?

MR. BROWN: It's a Public Works versus Duke opinion. There is, hum -- there is a Code that is now in place and that will -- going forward on buildings we'll be installing 8-inch meters on the fire lines. And basically what that's going to do is to allow Public Works to monitor any flows any water usages; is that right?

MR. LUNSFORD: Exactly.

MR. BROWN: And while we agreed to going forward to comply with that, the buildings were CO'd and permitted under the Old Codes -- I don't know if you have an opinion on that or not -- that's Duke's opinion -- and, hum, it's not a typical requirement

of all jurisdictions in Georgia.

It's a nice -- it would be nice to have, but -- and it's very costly too after the fact. It's a lot cheaper for the developer to do it while we are in the ground grading it and everything as opposed to going in. It's also disruptive to the tenants because you do have to stop the flows. I'm not a technical person, believe it. You will have to stop the flows for a time while the meter's installed.

The main thing is it's a lot more costly for the developer to go in after the fact to install the meter.

So that's the difference of opinion. So what I'm going to do, quite honestly, is talk with Herbert and Crandall about what the process should be, you know, on these building that have already been permitted and CO'd.

MR. LAWLER: Hum, does Staff, either Public Works staff or Planning & Zoning staff have any comment on -- I understand difference of opinion, but, I guess, what I'm curious about is it sounds like it's procedural that we don't do this arbitrarily, that Public Works isn't saying -- isn't making an arbitrary statement that these meters need to be put it.

MR. BROWN: No, I don't think -- go ahead.

MR. LUNSFORD: They supposed to be in -- all lines have to be metered, including the fire lines.

MR. LAWLER: And, I guess, what I'm curious about is there any -- was there any discrepancy about this? Is this a surprise to

Duke?

MR. BROWN: It's Duke's opinion, that was not in the Code and that our Civil Engineer complied with all the requirements of the lines, the water lines, regularly at the time.

MR. LAWLER: Okay. And at the time, City of East Point --

MR. BROWN: Did not have that in the Code.

MR. LAWLER: -- has the opposite taken?

MR. BROWN: I don't know if Billy says -- I don't know whether you agree with whether that was in the Code then or not.

MR. LUNSFORD: I don't if it was in the Code. I've been working in the Water System for over 38 years and everywhere that I've been in the State of Georgia, you have to have a fire line meter --

MR. LAWLER: Okay.

MR. LUNSFORD: -- at the size of the water main itself.

MR. HARPER: I have a question. When was the CO and permits issued?

MR. BROWN: There's two buildings -- there's two lots that we are asking for.

MR. HARPER: Yeah. I'm saying, when were the permits and CO's issued for these two lots?

MR. BROWN: I don't have specific dates for you, but for Building 1000, hum, that building was completed in early 2007. So go back six (6) to nine (9) months from that -- sometime during

2006. We completed Building 1500 in early 2008. Hum, took us twelve (12) months and so that was probably permitted. We CO'd in early 2008. So probably about nine months ago.

We have been permitted about eighteen (18) months prior to that -- sixteen (16) to eighteen (18) months prior to that --

MR. HARPER: Okay.

MR. BROWN: -- so late '06.

MR. HARPER: Okay. The codes that are being enforced today -- if it's 2006 International Codes -- those codes -- if it is required now, those codes -- the same codes that is enforced now was enforce at the time you got your CO and your permits; I'm I right?

MR. BROWN: We don't agree with that. We believe that --

MR. HARPER: The codes haven't been changed recently.

MR. BROWN: I don't know all the facts. I don't have all the details of when, where. That's why we want to get to the bottom of it with Staff.

MR. HARPER: And the reason I'm saying that is you are saying that when the CO's and stuff was issued, it was not required and now they are requiring you to do something that has come into effect after you had got your CO and permit, which should be grand-fathered? And I'm saying that --

MR. BROWN: That is our opinion, yes.

MR. HARPER: -- yes. And I'm saying that the codes -- if this

project have not been going for more than a couple of years, then we are under the same Codes now that we are under then, and if it's required under the present code, then I hope you see my point.

MR. BROWN: I understand your point. I think the timeframe of it was -- I have not done all of the research. Our civil engineer, who is required by Duke to understand your codes -- it's his opinion and he would say that the codes, at the time when we got these permitted and CO'd, didn't have this particular requirement. But that's why we want to get to the bottom of this.

MR. HARPER: Okay.

MR. BROWN: We want to be fair. We've been in East Point for ten (10) years now and we are going to be here for another twenty (20) years, so we just want to make sure we are -- I mean -- the issue is we have fifteen (15) other buildings out there that -- it would be a substantial amount of money to go back and put up meters on all these lines.

Hum, so we want to make sure that we understand what precedence we are setting before we do this particular building so that's the --

MS. SHELDON: Dr. Bridgewater.

DR. BRIDGEWATER: Madam Chair, I think that in respects to Duke Realty, as well as to the City, given the fact that they are many, hum, underlining issues that have not be worked out between the City and Duke, in all fairness, I would not be comfortable in

doing anything other than deferring this until our February, meeting. So at this time, I'd like to make motion that we defer this matter to our February meeting.

MS. SHELDON: We have a motion. Is there a second?

MR. HARPER: I second.

MS. SHELDON: Is there a discussion on the deferral?

MR. ATKINS: I'm fine. I had some, but I can wait until February. Hum, I just know the gentleman -- Mr. Brown said that it would be precedence setting, but I'm not really sure if that would be the case if the codes were already in effect.

So I think that I'm more comfortable waiting until we get the person from Duke who perhaps would know the answer to some of our questions. I think you had stated that you did not have those answers to some of our questions. So I think that I'm fine with waiting.

MS. SHELDON: Any other questions or comments?

MR. LAWLER: Hum, should the CO's and permits have been, hum, administered without these meters?

MS. SHELDON: I think that's a question for Billy.

MR. LUNSFORD: It shouldn't have, but I wasn't here when that happened.

MR. LAWLER: Okay.

MR. LUNSFORD: But my job is now to make sure that that meter is in place before those be signed.

MR. LAWLER: Right.

MS. SHELDON: And if you will permit a question from the Chair.

MR. LUNSFORD: Sure.

MS. SHELDON: The consequences of our -- if we were to recommend approval and leave it to City Council, hum, the consequence of that would be to, hum, shorten the timeframe for working this out, if it could be worked out. Hum, so there could be a motion for approval with conditions? Am I correct with that, Valerie?

MS. ROSS: Well, I think that my concern is that I'm leading up to the speed with everyone else tonight, hum, is that I believe the procedure for this -- for the plat -- is to have the approval of the City Engineer before it goes to the City Council and it sounds like there is no approval from the City Engineer at this point based on this meter.

So I'm a little leery about you putting it in the language of a condition, because it just sounds like on the outside -- on the outset, this needs to be handled by the City Engineer first.

MS. SHELDON: I see.

MS. ROSS: As a requirement, not a condition.

MS. SHELDON: I see. That answers my question. Any other questions or concerns?

THE BODY: (No response)

MS. SHELDON: All right. All those in favor of the motion?

THE BODY: Aye.

MS. SHELDON: Those opposed?

THE BODY: (No response)

MS. SHELDON: Motion carries. This issue will be deferred to our February meeting. Thank you very much for coming.

MR. BROWN: Thank you guys.

MS. SHELDON: All right. That ends our agenda for the evening. Are there any other announcements?

### **VIII. ANNOUNCEMENTS**

THE BODY: (No response)

MS. SHELDON: Do we have a schedule that we need to announce for the other public meetings or is that -- has that been --

MS. CARTER: Our Zoning Ordinance Workshop with Council will be January 26th.

MR. ATKINS: Is that a Tuesday?

MS. CARTER: It's a Monday.

MS. SHELDON: And are these meetings -- are these meetings posted now on the website?

MS. CARTER: On the website, yes, for our, hum, Planning & Zoning Commission Calendar for the year of 2009. It's on, hum, the East Point website under Planning & Zoning.

MS. SHELDON: Great. Good. And, hum, my final question then would be are we going to be moving to Jefferson Station next month or do we know yet?

MS. CARTER: We will be here next month.

MS. SHELDON: All right.

MS. CARTER: It is on a month-to-month basis right now until Jefferson Station is complete.

MS. SHELDON: All right. So until further notice, we will continue to meet here. Are there any other questions.

MR. ATKINS: I have a question just for clarification. The January 26th meeting is a Ordinance Work Session for the public or it's just --

MS. HOLMES: It is with Council, but it is open to the public.

MR. ATKINS: Okay. I just wanted to make sure because this is going to be televised for all East Point citizens who would like to give their input or know, I guess, any recommended changes for the entire Zoning Ordinance that they should plan to attend that meeting. Can you let them know the time and the location?

Ms. HOLMES: It is scheduled for 6:30, and it will be in Jefferson Station Building on the 4th Floor.

MS. SHELDON: On the 4th Floor. This is also the combination of how many years of work?

MR. ATKINS: Lots.

MS. SHELDON: And it's, hum -- once we finally have this passed, we will have a very solid ordinance that I think we can all appreciate.

MR. ATKINS: Support, yeah, support.

MS. SHELDON: Support. All right, great. Any other questions or comments?

THE BODY: (No response)

MS. SHELDON: Then I will entertain a motion to adjourn.

**IX. ADJOURN**

DR. BRIDGEWATER: Madam Chair, I make a motion that we adjourn.

MR. HARPER: I second that.

MS. SHELDON: Thank you very much. All those in favor?

THE BODY: Aye.

MS. SHELDON: Those opposed?

THE BODY: (No response)

MS. SHELDON: The meeting is adjourned.

CERTIFICATE

GEORGIA:

FULTON COUNTY:

I hereby certify 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 22 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 East Point Planning & Zoning Commission.

I was contacted by the offices of East Point Planning & Zoning Commission to provide court reporting services to take down the meeting minutes.

The foregoing proceedings for the East Point Planning & Zoning Meeting on January 15, 2009, 7:00 P.M. were reported by me and transcribed by me.

This, the 5th day of February 2009.

Reported By:  
Jeanene Harper  
(404) 228-8807 Office

Jeanene Harper  
Court Reporter

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Jeanene Harper  
(404) 228-8807 Office