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CITY OF EAST POINT

PLANNING & ZONING COMMISSION

June 17th, 2010 - 7:00 P.M.

Official Minutes

Regular Meeting

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

Board Members Present:

- Commissioner Dr. Herbert J. **BRIDGEWATER, Jr.**, Chair
- Commissioner Shean **ATKINS**, Co-Chair
- Commissioner Francine **JONES**, Provisional Chair
- Commissioner Pamela **PATTERSON**
- Commissioner Dr. William **BRYANT**
- Commissioner Dr. Lydia **WARES**
- Commissioner Joel **TUCKER**
- Commissioner Paul **LAWLER**

Board Members Absent:

- Commissioner Eric **FRIEDLY**

Also Present:

- Ms. Susan **GARRETT**
City Attorney
- Ms. Regina **CARTER**
Senior Planner
- Ms. Keyetta **HOLMES**
Senior Planner

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I. CALL TO ORDER:

DR. BRIDGEWATER, JR.: Ladies and gentlemen, we call to order the June 17, 2010 Planning & Zoning Commission meeting for the City of East Point. At this time, we will have the roll call, Commissioners.

II. ROLL CALL:

MS. HOLMES: Commissioner Friedly.
MR. FRIEDLY: (No response.)
MS. HOLMES: Commissioner Wares.
DR. WARES: Present.
MS. HOLMES: Commissioner Tucker.
MR. TUCKER: Present.
MS. HOLMES: Commission Jones.
MS. JONES: Present.
MS. HOLMES: Chair Bridgewater.
DR. BRIDGEWATER, JR.: Present.
MS. HOLMES: Commissioner Atkins.
MR. ATKINS: Present.
MS. HOLMES: Commissioner Patterson.
MS. PATTERSON: Present.
MS. HOLMES: Commission Lawler.
MR. LAWLER: (No response.)
MS. HOLMES: Commission Bryant.
DR. BRYANT: Present.
MS. HOLMES: Mr. Chair, you have a quorum.

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DR. BRIDGEWATER, JR.: Thank you, madam clerk. At this time, it is the formality of this Commission that we observe a moment of silence and if you would be so kind at this time to give the silence.

III. MOMENT OF SILENCE:

DR. BRIDGEWATER, JR.: Thank you. And now would you please stand and give -- well, the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE:

DR. BRIDGEWATER, JR.: We don't have the flag. So without that, it would be ineffective so we will forego the Pledge of Allegiance so at this time, I'll call for the adoption of tonight's agenda.

V. ADOPTION OF THE AGENDA:

MR. ATKINS: Mr. Chair. I move that we adopt our agenda for our, hum, June -- is it 18th?

DR. BRIDGEWATER, JR.: 17th.

MR. ATKINS: -- June 17th meeting.

DR. WARES: I second.

DR. BRIDGEWATER, JR.: Commissioner Atkins has moved to the adoption of the June 17th, hum, meeting on our agenda. It has been seconded by Commission Wares. All in favor?

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposing by the same sign.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Tonight's agenda has been adopted. Hum, now at this time, we will also need to ask for the

1 approval of the meeting, the May 20th minutes.

2 **VI. APPROVAL OF MEETING MINUTES:**

3 DR. BRIDGEWATER, JR.: Commissioners, I hope you had a
4 chance to review it and, hum, to note any necessary corrections, if
5 there be any. If having done that -- having done that, we will ask at
6 this time if you will -- for a motion for the approval of the June 20th,
7 2010 minutes for the City of East Point Planning & Zoning
8 Commission.

9 MS. JONES: Mr. Chair. I move that we approve the May
10 20th, 2010 meeting minutes with any necessary, hum, corrections.

11 MS. PATTERSON: Second.

12 DR. BRIDGEWATER, JR.: Thank you. Commissioner Jones
13 has called for the approval of the May 20th, 2010 minutes for the City
14 of East Point Planning & Zoning Commission and it has been
15 seconded by Commissioner Patterson. All in favor let it been known
16 by the word "aye."

17 COMMISSIONERS: Aye.

18 DR. BRIDGEWATER, JR.: Opposing by the sign no.

19 COMMISSIONERS: (No response.)

20 DR. BRIDGEWATER, JR.: Then hearing none, the minutes
21 from May 20th, 2010 are now approved. Tonight's agenda actually
22 calls for four (4) cases, two (2) of which are variances that will
23 require a public hearing and before we begin, I am required to read
24 to all present and the viewing public as well, the rules following --

25 MR. ATKINS: Hum, Mr. Chair, hum, for Old Business, we

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actually have one agenda item that is a final plat and it does not require a public hearing, so if we could go ahead and dispose of that particular agenda item, we would then be in order.

DR. BRIDGEWATER, JR.: That's fine. Commissioners, do you have -- anyone opposing to that?

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: No opposes. Then we'll go ahead and dispose of the one old business agenda.

VII. OLD BUSINESS:

DR. BRIDGEWATER, JR.: Thank you, Commissioner Atkins -- which is gonna be Case Number 2009P-001-02, calling for Duke Realty. It is for a Final Plat, 14 lots at Camp Creek Parkway and Centre Parkway Camp Creek Business Center. At this time, we will hear, hum, from Staff.

MS. CARTER: Yes. Hum, the applicant is seeking approval of a Final Plat for Camp Creek Business Center to subdivide 275.85 acres into fourteen (14) lots.

Hum, Staff is recommending deferral of this application for an additional 90 days of, hum, the Final Plat, pending completion of all public work items.

(Whereupon Mr. Lawler enters the room.)

DR. BRIDGEWATER, JR.: Commissioners, you've heard Staff recommendation. At this time, I, hum -- the floor is open for a motion, at this time, on the matter.

MR. ATKINS: Mr. Chair, I move that we vote to defer agenda

1 item 2009 "P" as in Paul-001-02 for, hum -- until our July meeting.
2 Hum, just in case 90 days, the applicant is not ready, then we will not
3 have voted on that and so that would be my motion.

4 MS. JONES: Second for discussion.

5 DR. BRIDGEWATER, JR.: It has been motioned by
6 Commissioner Atkins that we defer this Case Number 2009P-001-02
7 for Duke Realty Limited to our July meeting to give the 90-day time
8 for additional pending --

9 MR. ATKINS: I didn't say 90 days. Until our July meeting.

10 DR. BRIDGEWATER, JR.: Until our July meeting for
11 additional --

12 MS. JONES: That was my --

13 MR. ATKINS: Staff's recommendation was 90 days and then
14 my motion was for our July meeting. And if we need to further
15 defer, then we can do that at our July meeting.

16 DR. BRIDGEWATER, JR.: Okay. For the July meeting and --

17 MS. GARRETT: Amend your motion.

18 DR. BRIDGEWATER, JR.: Amend your --

19 MS. JONES: Yeah. That was, hum, what I was gonna
20 interject. Hum, I thought we had talked about 90 days because,
21 hum, there was a small window of turnaround for some documents
22 to be collected and calculated so it definitely would not be ready, that
23 I was seconding that we at least wait until our July meeting.

24 DR. BRIDGEWATER, JR.: And so you want to do an
25 amendment motion and make it perhaps to our, hum, August or

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September meeting?

MS. GARRETT: That was the motion seconded -- the original --

DR. BRIDGEWATER, JR.: She seconded --

MS. JONES: Yes, I seconded.

MS. GARRETT: So, yeah, then a substitute motion could be made.

DR. BRIDGEWATER, JR.: That's what I'm saying.

MS. JONES: Okay. Hum, I motion that we defer, hum, Case Number 2009P-001-02 to our August, 2010 meeting.

MR. TUCKER: Second.

MR. ATKINS: Okay. So what we've been discussing is that for 90 days, the August one would be 60 days and so you want to go 60 days as opposed to 90 days? I thought that, hum, Commissioner Jones, there have been discussion that we would do 90 days, that that was the consensus.

MS. GARRETT: Commissioners, if I may try to help. I think that it probably is better to talk in terms of meeting months rather than in 30, 60 or 90 days because it doesn't always work out to be exactly 30, 60 or 90 days. I think the intent of Staff's recommendation was to defer it to -- for three (3) months, which would be until the --

MR. ATKINS: Right.

MS. JONES: September --

DR. BRIDGEWATER, JR.: September meeting.

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MS. GARRETT: -- September meeting, hum, and then the person making the motion can explain the intent of the substitute motion, hum, if it's to do that or to do something else.

DR. BRIDGEWATER, JR.: Which will be Ms. Jones.

MS. GARRETT: Which would be Ms. Jones, yes.

MS. JONES: Okay. The substitute motion is defer Case Number 2009P-001-02 for 90 days, which would, hum, hum, bring that to our September, 2010 meeting.

DR. BRIDGEWATER, JR.: A point of reference. I think you want to leave the 90 days out.

COMMISSIONERS: Leave the 90 days out of it.

MS. GARRETT: Leave the 90 days out.

DR. BRIDGEWATER, JR.: Just say until our September meeting.

MS. JONES: -- until the September meeting. Okay. I got you. Thank you.

MR. TUCKER: My second stands.

DR. BRIDGEWATER, JR.: The second still stands. Hum, Commissioners, Commission Tucker's second still stands. So this matter in Case Number 2009P-001-02, for Duke Reality will be deferred until our July -- I mean --

MS. JONES: September.

DR. BRIDGEWATER, JR.: -- to our September meeting. That is the motion to, hum -- for the September meeting. Commissioners, everyone clear?

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COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: All in favor, let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposed by the same sign.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Then this matter will be deferred until the September, hum, 2010 meeting. Thank you very much.

VII. NEW BUSINESS:

DR. BRIDGEWATER, JR.: Hum, now at this time, I will call for the New Business and, hum, because it does require, of these cases, that we be informing that the variances do require a public hearing and so at this time, please allow me to provide you with the rules for the public hearing, and the rules are as follows:

(Whereupon the rules for public hearing are read.)

"Public hearings before the Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Zoning Code and Development Regulations as follows:

Persons both favoring and opposing the proposed amendment will then be provided an opportunity to address the Council.

The applicant for the proposed amendment (or 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.

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Those who opposed the proposed zoning amendment will then be permitted to speak for a total of fifteen (15) minutes. By majority vote, the Council may increase the total time for the speakers provided that each side is given the same amount of time.

If there is more than one speaker for a side, 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 time for rebuttal.

Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall identify himself or herself and state his or her name and current address.

Each speaker shall speak only to the merits of the proposed zoning decision under consideration, shall address remarks only to the Council, and shall refrain from speaking personal -- 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.

At this time, Commissioners, I'll entertain a motion that we open the floor for the public hearing.

MR. ATKINS: Mr. Chair, I move that we open the public hearing for agenda item 2010 --

MS. GARRETT: Excuse me, Mr. Chair. I think we need to sound the item first before we open the floor for the public hearing

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on the item.

DR. BRIDGEWATER, JR.: Thank you. Sorry. Hum, the -- the first Case Number is Case Number 2010 "V" as in Victor-002-05 for Headland Heights United Methodist Church, located at 2147 Dodson Drive. It's a variant request to increase the maximum monument sign square footage and height. At this time, we will hear from Staff. Thank you, Attorney.

MS. CARTER: This application requires a public hearing. Hum, applicant is Headland Heights United Methodist Church. Hum, Chair Bridgewater, I do not have any speaker cards, hum, for or against, but the applicant is here and Staff has a disclaimer.

MS. HOLMES: Before we open the public hearing, I must note that I am a member of Headland Heights United Methodist Church. I additionally hold leadership position in the church. However, I have not seen the application, have not spoken with the Administrative Chair, who's Mr. Swain Waters and have not spoken with the Trustee Chair, who's Mr., hum, Larry Anthony.

DR. BRIDGEWATER, JR.: Would you please let the record reflect that, hum, our Senior Planner, Keyetta Holmes, is referring to this case number as a member of the church. Hum, she's recusing herself regarding any of the situations on this matter.

DR. WARES: Mr. Chair. There was also a motion to open the floor. Does there need to be a second? If it is, I second.

MR. ATKINS: It will be a second. I hadn't quite finished sounding the motion, so I'll finish that.

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DR. WARES: Okay.

MR. ATKINS: Mr. Chair, I moved we open, hum, the public hearing for agenda item 2010 "V" as in Victor-002-05.

DR. WARES: I second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by Commissioner Wares that we open the, hum, floor on Case Number 2010 "V" Victor-002-05 for Headland United and at this time, we will hear from our applicant. All in favor?

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: No. At this time, we will hear from the applicant. Thank you, Commissioners.

MR. WATERS: Good evening.

DR. BRIDGEWATER, JR.: Step to the podium for us and tell us who you are and your name.

MR. WATERS: Where you want me.

DR. BRIDGEWATER, JR.: Right there in front.

(Whereupon applicant Swain Waters approach the podium.)

MR. WATERS: Huh, my name is Swain Waters. I am the, hum, Chair of Administrative Council, Headland Heights United Methodist Church and here tonight to represent the church. All right. Hum, our application is to, hum, install a, hum, new monument sign that, hum, actually has been donated, hum, in memory of deceased

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members of a family of the church and longtime residents of East Point.

Hum, the family pretty much had the sign designed, constructed and it was, you know, ready to install before the church was engaged in the process and at that time, we sought the pursuit, you know, the proper channels to do it and then found out that we did need a variance because the sign exceeded the, hum, size limitations, hum, because we're zoned in a residential area. Hum, we'd like to note that the existing sign -- the monument sign -- which has been in place since the 1960s is actually, hum, twenty-one (21) square feet larger than the one that we are proposing to put in, hum, the difference being that this one is just longer, hum, you know, in terms of its base or wider, in terms of its base and then this one is, hum, is taller.

We did canvass the neighbor and, hum, found no objections. Of course, you know, nowadays in times, you don't get necessarily get a lot of people to answer the doors, hum, but out of the houses that we did knock on to seek support, we did, hum, get two (2) of our most immediate neighbors, hum, who had no objections to us replacing this old sign with the, hum, with the new sign.

We also like to note that, you know, we, hum, are not near anyone else so the sign won't impede, hum, any, you know, visibility in terms of, you know, anybody's ingress or egress from the church or driveways, parking lots, nor would it impair vision or distract from the curve view, hum, as, you know, as you go up and down Dodson

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Drive and then our closest neighbor' s property is actually about a hundred (100) feet away.

Hum, to the, hum, North of us is 166, so we don't have any, you know, any neighbors there and then across the street from us, across the street from where the front yard, where the sign would be placed is, hum, property and the old WTGH Radio Station so we don't have a neighbor on that side over there either. So while we recognize, hum, that it is, you know, larger than the, hum, ordinance, hum, allows based upon, you know, where we are situated, we respectively submit our request, huh, for this variance so that we can, hum, make this improvement and upgrade the signage, hum, so that, you know, people coming down the street can see where the church is and also to honor, hum, the wishes of the family that donated the sign. I reserve my time for questions and answers.

MS. HOLMES: Time remain is 11 minutes and 28 seconds.

DR. BRIDGEWATER, JR.: Thank you. Are there others that wish to speak in favor of this? Are there others that wish to speak in favor?

(Whereupon no one wish to speak in favor of this matter.)

DR. BRIDGEWATER, JR.: Are there opponents that wish to speak against the matter? Are there opponents that wish to speak against this matter?

(Whereupon no one wish to speak against this matter.)

DR. BRIDGEWATER, JR.: Seeing none and hearing none, hum, I think, Commissioners -- Commission, do you have any

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questions that you'd like to ask of the gentleman at this time? If not, we can close the public hearing.

MR. ATKINS: We'd got to close the public hearing and there would have to be a motion for us to ask questions of the applicant. There are no speaker cards and so I don't think there are any opponents to this, so if there's no other speakers, then I think that a motion is in order to close the public hearing.

DR. BRIDGEWATER, JR.: We will make that motion.

MR. ATKINS: I motion to close the public hearing for agenda item 2010 "V" as in Victor-002-05.

DR. WARES: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner and seconded by Commissioner Wares that we close the public hearing on this matter. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposing by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, this matter is closed. At this time, Staff, we will hear from you and then we will hear from the Commissioners.

MS. CARTER: Applicant is Headland Heights United Methodist Church. Property location is 2147 Dodson Drive. Applicant is seeking approval of an increase in the maximum monument, hum, square footage and height requirements in the R1 Zoning District.

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Staff, hum, is recommending denial of variance request due to the lack of a hardship in accordance with the East Point Zoning Code and Development Regulations.

DR. BRIDGEWATER, JR.: Thank you, Staff. At this time, I'll entertain a motion.

DR. WARES: Quick question. Would you just say a little bit more.

DR. BRIDGEWATER, JR.: I need a motion then you can ask your question.

DR. WARES: Okay.

DR. BRIDGEWATER, JR.: If I can get a motion first?

MS. JONES: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Jones.

MS. JONES: Hum, I motion that Case Number 2010V-002-05 hum -- I recommend denial to the City Council for that motion for lack of, hum, hardship.

DR. BRIDGEWATER, JR.: Okay.

MS. PATTERSON: Second.

DR. BRIDGEWATER, JR.: Hum, motion made by Commissioner Jones and seconded by Commissioner Patterson. Hum, all in favor of the motion let it be known.

MR. ATKINS: I think that Commissioner Wares had questions and so this would be the appropriate time for your questions.

DR. WARES: I apologize about, hum --

DR. BRIDGEWATER, JR.: I can't hear you.

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DR. WARES: Hum, I apologize. I just want to hear a little bit more about the -- because I was out of town, I just wanted to hear a little bit more --

MS. GARRETT: Commissioners. Excuse me. Before we dispense or before we proceed on the motion to clarify -- with the -- the variance -- it's not a recommendation that goes forward to Council. Basically, this Body makes the decision and then it may go to the consentient of the Council, but no, that's it. You are the decision-maker on this. So you may need to rephrase your motion in the terms of approval or denial.

MS. JONES: Hum, in regards to Case Number 2010V-002-05, I motion that we deny the, hum -- deny this case due to lack of hardship.

MR. LAWLER: Oh, I'm sorry. The second still stands.

MS. PATTERSON: Second.

DR. BRIDGEWATER, JR.: All right. It has been motioned by Commissioner Jones and seconded by Commissioner Lawler. Hum -- at this point, all in favor, Commissioners --

MS. GARRETT: It has been a request for discussion on the motion.

DR. WARES: Yeah, hum, for lack of denial, I just needed some clarity on that -- the lack of hardship, if you can just explain it to me again.

DR. BRIDGEWATER, JR.: What she's asking for, hum, Attorney Garrett, is that for someone on Staff if they could explain

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the reason for denial, which is a lack of hardship --

DR. WARES: Yes.

DR. BRIDGEWATER, JR.: -- so that the persons here as well as the viewing audience would understand what is meant by the lack of denial, what the conditions were that they failed to meet.

MS. GARRETT: Well, let me refer to the Code Section, Code Provision regarding variances and then if, hum, Staff would like to provide some explanation for the Staff's recommendation, hum, for the Council -- for the Commission recommendation.

MR. ATKINS: I just wanted to point that out, Mrs. Garrett, that their's is just a recommendation and that Commissioner Jones's motion is really just based on what she'd like to see the Commission vote on and our vote does not necessarily have to reflect the recommendation of Staff.

MS. GARRETT: Absolutely.

MS. JONES: And I would be happy to articulate the reasons as I understand them.

MS. GARRETT: If there are reasons that are part of your reasoning for making the motion, it would be appropriate to include that in your motion --

DR. BRIDGEWATER, JR.: I was hoping that you'd do that.

MS. GARRETT: -- if you care to amend your motion or restate it.

DR. BRIDGEWATER, JR.: So at this time, Commissioners, we'll -- if there are no objections, may we allow Commissioner Jones

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to at least attach to her motion the reasons for her recommending of denial? Commissioner Jones.

MS. JONES: Well, my understanding is that in order for this, hum, variance to be approved, it has to face a three-prong, hum, test. Hum, test one (1) would be relief, if granted, would be in harmony with -- or could be in harmony with the general purpose or intent of the zoning ordinance.

Number two (2) would be the applicant of a particular provision of the zoning ordinance for this piece of property due to extraordinary exceptionally conditions pertaining to that property because of the size, shape, topography would create a unnecessary hardship for the owner while causing no detriment to the public, and number three (3), the conditions resulting from existing forward structure, huh, bring about a hardship whereas the sign meeting minimum letter size, square footage and height requirement cannot be read by the adjoining public road to the piece of property in question because of the size, shape, topography or other conditions and, hum, my reasoning in support of the denial is, that, hum, this particular applicant did not meet either -- neither of the three-prongs of the variance, hum, requirement.

So, hum, they did not present us with a hardship. Hum, certainly, I think our speaker already alluded to that there was no shrubberies or anything to block it off and even though the neighborhood is not, hum -- is in support of it, it would cause us to create a precedence that in other cases where we've had signages of

1 this size and the size is considerably outside of the parameter of what
2 the Code Section has laid out, that it would just, hum -- and in
3 addition to that, you know, of course we didn't get any feedback
4 from them about their hardship so we have nothing to base it on.

5 DR. BRIDGEWATER, JR.: Thank you, Commissioners. Are
6 there other comments? Hum, were you going to say something?

7 MS. CARTER: Hum --

8 MS. GARRETT: Dr. Wares made a request earlier which we
9 haven't responded to yet. So I was wondering if Dr. Wares was still
10 wanted to hear from Staff.

11 DR. BRIDGEWATER, JR.: I'll let Commissioner Wares
12 continue but I was wondering were you trying to get my attention?

13 MS. CARTER: No. Hum, just that if Staff would answer
14 Dr. Wares's questions.

15 DR. BRIDGEWATER, JR.: Commissioner Wares.

16 DR. WARES: Hum, I still have some challenges with it, but I
17 think you've answered.

18 DR. BRIDGEWATER, JR.: Go ahead and state it now.

19 DR. WARES: You're basically going by the Code and your
20 answer was really based on the Code and since I wasn't present, I
21 was out of town, I wanted to know was there any other reasons that
22 we had other than the Code itself, and I think what I heard you say
23 was that the church itself and this committee did not give us
24 anything to show that why we should offer them the variance. Is
25 that what you said, basically?

1 MS. JONES: Exactly, we looked for it and we wanted it but --
2 DR. WARES: They didn't provide any information other than
3 what we heard here today?
4 MS. JONES: Right.
5 DR. WARES: Okay. Thank you.
6 MR. ATKINS: And did you want to ask any questions of the
7 applicant or just the --
8 DR. WARES: Hum, just, you know, if there were things that
9 were supposed to be presented and they weren't so --
10 MR. DINGLE: Yes. I've just been retained by the applicant.
11 (Whereupon Attorney Dingle approach the podium.)
12 MR. DINGLE: Hum, the one (1) thing that I ask you to think
13 about is when you look at the standards, size, shape and topography,
14 the one condition, the very first one you read, really has to do with
15 the condition of hardship as it related to size and first of all, you're
16 talked about in harmony.
17 A part of the what I think the applicant wanted to express is
18 that he's not trying to get anything extra, that that's when you really
19 run into a problem. If this was going to be a bigger sign, a bigger,
20 hum, moment sign, that would be a problem. What he's trying to do
21 is change the shape of the sign, create a new sign and the new sign
22 is actually gonna be smaller than the existing sign. That makes it in
23 harmony with the, hum, general condition. It also has related to its
24 size. So it would be my view that there is a different analysis. It
25 would produce a different result, which would require that you

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approve the sign because it is consistent.

It is not in violation of the ordinance to be able to grant the variance because it relates specifically to those standards. It's not in harm -- it's not creating a -- the hardship itself is an extremely interesting standard under the law, that basically what you're trying to do with the Zoning Ordinance is to make sure that zoning ordinances -- your cleared zoning ordinances are very structured. The various process is designed to create an exception to the harshness of the zoning ordinance so it doesn't create unrealistic and harsh consequences to property owners.

Here the property owner a church, okay, which by the way if this guy was gonna try to exercise his rights under RLUIPA, the Religious Protective Act, would probably have a good case, that the application and analysis of this standard to the code, pretty much meets it. He's not trying to get -- it's true that the sign is gonna be a little bit taller, okay, but he cannot -- the hardship is that he cannot keep the same amount of commercial space, the same size, the same size and the same shape and that really constitutes the hardship and I would employ you to reconsider or to consider granting a variance.

MR. LAWLER: We can spend quite a bit of time actually addressing Part A of the hardship, hum, tests, and the zoning ordinance is 16 square feet. The new sign is considerably larger than 16 square feet. Part A, we're looking to, hum, provide relief if the signage can, hum, be made in harmony with the general purposes of the zoning ordinance, not of the existing structure.

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MR. DINGLE: Well, actually, I would ask you to think about the U.S. Constitution and in that U. S. Constitution, everybody gets the right to something called grandfathering, nonconforming usage. So this sign was already illegal on the basis of the fact that as it currently exists, it is not in compliance with the existing sign regulation so that makes it a nonconforming use.

MR. LAWLER: The existing sign?

MR. DINGLE: The existing sign.

MR. LAWLER: We're not talking about the existing sign.

MR. DINGLE: You simply must under these circumstances, you must consider the existing sign because what he's dealing with is an existing structure just as you would with a piece of existing property, for which you seek a variance.

And so what I'm asking you to sort of think through here -- and hopefully, I can convince you to think about it the way I'd like for you to, which is that essentially because it is an existing structure and an existing sign, just like it would be a nonconforming -- it's a nonconforming structure, okay, because right now if the church didn't exist and you built this church anew, they couldn't put that sign out there.

MR. LAWLER: Well, where is the hardship?

MR. DINGLE: The hardship is -- what he's trying to do is come in and build a smaller sign with less commercial space. Under most regulations, what you do when you're building a smaller, less intrusive sign, you don't even require a variance because you're not

1 changing -- you're not getting anything extra. When you have a
2 nonconforming use, you can reduce the extent to which there is a
3 nonconforming. I would assume your ordinance has a provision if it
4 allows a reduction in nonconformity. Okay. He's giving you less
5 area. He's becoming more legal rather than less legal and that's the
6 hardship. Believe me, that is a hardship. He's trying to become
7 more in compliance with the law because his existing sign is made
8 smaller.

9 DR. BRIDGEWATER, JR.: Thank you, Mr. Dingle Hum,
10 Commissioners, questions?

11 DR. WARES: Thank you.

12 DR. BRIDGEWATER, JR.: Commissioner Tucker, Dr. Wares,
13 you okay? Ms. Garrett, you want to say something?

14 MS. GARRETT: Only if there's a question for me.

15 MR. LAWLER: Well, I do have a question. It's around this
16 idea of nonconforming. Do we have to take into account the existing
17 signage when looking in terms of Part A of the variance -- excuse
18 me, of the ordinance?

19 MS. GARRETT: What -- I can tell you what our ordinance
20 says with regard to nonconforming structures, which I believe is
21 where you would find the answer to your question. When a structure
22 exist -- this is Section 10-2017 D of the ordinance.

23 When a structure exist on the effective date of adoption of
24 this ordinance boards amendments, that could not be built under the
25 terms of this ordinance because of restrictions on building area, lot

1 coverage, height, yards or other characteristics of the structure or its
2 location on the lot, such structure may remain as long as it complies
3 with all other zoning regulations subject to the following conditions:
4 Number One (1), no structure may be enlarged or altered in a way
5 which increases its nonconformity. Number Two (2), any structure
6 which is moved for any reason and for any distance whatever, shall
7 conform to the regulation for the district in which it is located.
8 Number Three (3), destruction by any means of more than 60
9 percent of the gross square footage of a structure shall require that
10 the structure be reconstructed in conformity with the provisions of
11 this ordinance.

12 MR. LAWLER: Okay. I mean, I think it's fairly clear the
13 existing sign would have to be destroyed or the intent would be that
14 the existing sign would be destroyed. Unfortunately, the new sign
15 has been constructed prior to this process and we were sensitive to
16 that. I don't see how a new sign, hum -- well, I don't see how the
17 existing new sign, the one's that's not currently on the property, the
18 one that you're seeking a variance for, hum, how we get around that,
19 at least that third part, if not the second part, which, hum, Ms.
20 Garrett just spoke of. So, sure go ahead.

21 MR. WATERS: Well, the additional hardship would be the
22 economics. I mean, it may not come into play but -- I mean it
23 doesn't come into play from a zoning standpoint but --

24 MR. LAWLER: Unfortunately, the economic part doesn't
25 count. I mean, we're sensitive to that.

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MR. WATERS: Yeah, you know. The -- it's the only thing. Our immediate thing was that the existing sign, you know, is larger. We're looking to replace it. Hum, the new sign is smaller in total square footage, while although it does exceed, hum, you know, the zoning -- the ordinance and everything, hum, you know.

We just feel that -- if you look at it, this is a very isolated case in terms of our, you know, our situation. We're open to, you know, any additional conditions or whatever that, you know, might be placed along with this variance and with this approval, you know, because we sit, essentially, you know, at the border with nobody else around us, hum, nobody else around us at all and that's why, hum, you know, the neighbors were in favor.

MR. LAWLER: Is the public hearing closed?

MR. ATKINS: The public hearing -- yeah, we did close the public hearing.

MR. LAWLER: Okay. So --

MR. ATKINS: The Commissioner would have to ask a question of the applicant.

MR. LAWLER: Right. You know, Mr. Dingle, I appreciate you stepping in, hum, because I think it has help this discussion and it's important. However, what I don't want to have happen is, if you are not authorized to speak -- I'm not saying that you're not -- but if you are not authorized to speak, under the conditions that we have here in the meeting, I just want to make sure that we are not going --

MR. ATKINS: There would have to be a question from the

1 Commission of the applicant or the applicant in turn but the public
2 hearing is, in fact, closed.

3 MS. PATTERSON: But I do have a question. Hum, could you
4 please give me the exact square footage of what you say your is,
5 please and then I would like for Staff to give me their measurements
6 also because you're saying it's smaller and some of the figures I'm
7 looking at is not showing -- is not saying that.

8 MR. WATERS: The -- the new sign is 63 square foot. The old
9 sign is, hum, 84.

10 MS. PATTERSON: Sixty (60) square feet by nine (9) feet?

11 MR. LAWLER: It's a total of 63 square feet.

12 MS. PATTERSON: It's nine (9) feet tall?

13 MR. WATERS: At its highest point.

14 MS. PATTERSON: And the old sign?

15 MR. WATERS: It's seven (7) feet at it's highest point.

16 DR. BRIDGEWATER, JR.: It's 84 square footage?

17 MR. WATERS: Right.

18 DR. BRIDGEWATER, JR.: That's the total of it, is what you're
19 saying?

20 MR. WATERS: The old.

21 DR. BRIDGEWATER, JR.: The old sign is 84 --

22 MR. WATERS: Right.

23 DR. BRIDGEWATER, JR.: And you're saying the new sign is
24 63 square?

25 MR. WATERS: Correct.

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MR. ATKINS: I think the question that Ms. Patterson asked was for the applicant to give the applicant's dimensions of the new versus the old and then also ask for Staff's dimensions and I don't know if Staff went out and measured the actual old sign. Okay. They don't have a dimension for the old sign and, hum, according to your calculations of the new sign, do you have that as well?

MS. CARTER: Yes. According to their diagram of their -- which should be in your package -- of their new sign, the dimension are 63 square feet. Now, as far as the old sign is concerned, that old sign is grandfathered -- it's a nonconforming forming use under the ordinance that we have to go by under the current date of the application.

MR. ATKINS: Right, I understand. And, I think, perhaps the confusion that you had about the 63 and 84 is that at the highest point, the new sign is nine (9) feet tall and that the old sign is just longer. So if you would just think of orientation, its landscape, whereas, the new sign is more portrait in terms of its orientation. Hum --

DR. BRIDGEWATER, JR.: And smaller.

MR. ATKINS: Well, it's smaller in terms of square feet, yes, that is correct. But even in that, it is still outside of what is aloud under the ordinance and so I appreciate, hum, Mr. Dingle's presentation of your case, but my particular position is that to, hum, replace a grandfathered sign with another nonconforming sign, I find that challenging but I do appreciate the fact that you guys would like

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to improve upon this but, I guess, that would be an explanation upon voting and we have not done that yet. So I guess if there're no more questions, Mr. Chair, you could call for the vote.

DR. BRIDGEWATER, JR.: Staff.

MS. CARTER: Do you want me to finish? Hum, the variance, the actual request, hum, of the application is the applicant is seeking approval of an increase in maximum monument square footage and the height requirement in the R1 zoning. The height requirement according to 10- hum, 7016 and 7017, hum, states that the signs cannot be larger than sixteen (16) square feet and not taller than eighteen (18) square feet.

This particular sign is nine (9) feet. With conformity, the first line says no structure maybe enlarged or altered in a way which increases its nonconformity. His actual -- the church is requested for the height of the sign, as also the variance. We are going higher than the actual sign ordinance, which says a maximum of eight (8) feet. The new sign is nine (9) feet so your enlarging your nonconformity of seven (7) feet to nine (9).

DR. WARES: So last question. If this were denied, hypothetically and they came back and took off one foot off the top, could they apply again and still get their variance back?

MR. ATKINS: Is it a one-year when they have to wait --

DR. WARES: That's what I'm asking.

MR. ATKINS: Six (6) months or one (1) year?

MS. CARTER: Six (6) months.

1 MR. ATKINS: So if we vote to deny this Commissioner Wares,
2 the church would have to wait six (6) months before they came back
3 to, hum, make application for this. However, please keep in mind
4 that what this Body can do is, the applicant has made a request for a
5 variance of this new sign, which is nine (9) feet tall at its highest
6 point. This Body could say that we would approve a sign that is at
7 eight (8) feet or at eight and a half (8 1/2) feet or whatever, but it's
8 an application that we are voting on so we have the authority to
9 make that in terms of our motion. But I think the motion is to deny
10 the application as it is presented and the highest point is nine (9) feet
11 so that's what we would be voting on.

12 DR. BRIDGEWATER, JR.: Unless the maker of the motion
13 chose to withdraw that and make a new motion, given to those
14 stipulations that you just pointed out if that be the case.

15 MR. ATKINS: Right. And I think that that just mutters the
16 water because as per the applicant, the sign is already built.

17 MR. LAWLER: We also have sixteen (16) square feet to deal
18 with in addition to the height problem.

19 MR. ATKINS: Right. So we're dealing with height and we're
20 also dealing with square footage so, hum, I just think that we
21 probably go ahead and call the question.

22 DR. BRIDGEWATER, JR.: As to whether -- I mean, it would
23 be up to the church as to whether they wanted to use the sign that's
24 donated. They have to choice to meet the conditions of the variance
25 by shaving off the sides and tops or whatever. That would be up to

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them. That would not be up to us.

MS. GARRETT: Commission, I think the Commission also has another option, which would be to make another motion to allow the applicant, if it wishes to, to withdraw this application so that they could come back with a modified application sooner than six (6) months. But that would have to be upon motion and approval by the Commission to allow withdrawal without prejudice.

MR. ATKINS: Okay.

DR. BRIDGEWATER, JR.: All right.

MS. JONES: With that being said, I withdraw my motion and if one (1) of the Commissioners would like to substitute, I withdraw my motion.

DR. BRIDGEWATER, JR.: Commissioner Jones has offered to withdraw her motion, hum, so there's now not a motion on the floor and I don't think the applicant -- do he have any time left?

MR. ATKINS: Well, I mean, there has to be a second for the motion, otherwise, it's going to die. However, if the applicant is not interested in altering their sign and then -- we don't have a motion -- then it's gonna go right back to the old motion to deny. So while we have a motion and a second and we're still in the discussion phase, it just might behoove us just to ask the applicant if the applicant is interested.

If the applicant is interested in that, then I think that we should go down that road but if there's not a second -- are you interested in withdrawing your application?

1 MR. WATERS: Yes.

2 DR. BRIDGEWATER, JR.: Does he want to do that?

3 MS. PATTERSON: Do you understand exactly --

4 MR. WATERS: Yes. I understand.

5 DR. BRIDGEWATER, JR.: Motion withdrawn by Commissioner

6 Jones. Commissioner Wares has seconded --

7 DR. WARES: I second it.

8 DR. BRIDGEWATER, JR.: -- and so at this point then why

9 don't we ask the change from the applicant if there is a desire -- -

10 MR. WATERS: Yes, it is.

11 DR. BRIDGEWATER, JR.: -- or re-adjustment.

12 MR. ATKINS: To withdraw.

13 MR. WATERS: It is. It is. We agree. We would like to, hum,

14 withdraw our application without prejudice so that we can address

15 the issues that have been brought up and come back at a later date.

16 DR. BRIDGEWATER, JR.: Thank you so very much.

17 MS. GARRETT: The Staff is making sure -- wants to make

18 sure that the applicant know's that there will be a new fee associated

19 with the application.

20 MR. WATERS: Oh, we knew that. We knew that.

21 MR. ATKINS: For all of this discussion you got, there is a new

22 fee.

23 MR. WATERS: We knew that.

24 DR. BRIDGEWATER, JR.: First of all, if we are going t take a

25 new motion, let's go ahead and do so. Commissioner Wares.

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DR. WARES: Mr. Chair, I make a motion that we allow the applicant to withdraw the current variance applicant and submit a new one.

MS. GARRETT: Do we need to vote on Commissioner Jones's motion to withdraw?

MR. ATKINS: We still have to vote.

MS. GARRETT: -- withdraw. It's a motion to allow to withdraw the previous motion.

DR. BRIDGEWATER, JR.: And it was seconded by Commissioner Wares and all in favor of the motion to be withdrawn, Commissioners, let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing --

MR. ATKINS: Just for clarity, that was to withdraw her motion but not to withdraw the applicant's request so to perfect the record --

MS. GARRETT: Now the floor is open for a new motion.

DR. WARES: I now make a motion, hum, Mr. Chair that the applicant, hum, 2010V-002-05, Headland Heights United Methodist Church be allowed to submit a new variance, hum, without prejudice as long as they can meet the requirements of what is --

COMMISSIONERS: Be allowed to withdraw --

DR. WARES: -- allow to withdraw the current variance --

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MS. PATTERSON: Application.

DR. WARES: -- application and submit a new one.

MR. TUCKER: And I second that.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Wares that we allow the applicant Headland United Methodist Church to withdraw, hum, their applicant here without prejudice and to submit a new one, realizing that the filing fee and all of that will be applicable and it was seconded by Commissioner tucker.

MR. ATKINS: That's not the motion. The motion is -- because you're going too far. The motion is to allow the applicant to withdraw the application and it has been moved and properly seconded and we should vote on that. Forget fees and all of those other things. The motions is for the applicant to withdraw.

DR. BRIDGEWATER, JR.: All right. I stand correct. The motion -- and seconded by Commissioner Tucker. All in favor, let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposed by the same sign.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Fine. And then I now want to make sure he --

MS. GARRETT: I think he gets it.

DR. BRIDGEWATER, JR.: Next matter. That was a long one. Thank you Staff and thank you, Attorney for your input.

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MS. CARTER: The next case is 2010 "P" as in Paul-001-05 Applicant is Grant Sheppard & Associates. Property location is 2665 Acadia Street. Applicant is seeking approval for a Minor Plat, Re-Plat Combination in the C1 Neighborhood Commercial Zoning District to combine two (2) separate lots into one (1).

DR. BRIDGEWATER, JR.: Commissioners, you've heard from Staff. At this time, we'll hear a motion on the matter, please.

MR. TUCKER: Would it be appropriate to Chair for motion to approve?

DR. BRIDGEWATER, JR.: Yeah.

MR. TUCKER: Yeah? Okay. I would say motion to approve 2010P-001-05.

DR. BRIDGEWATER, JR.: Just mention your case number and everything.

MR. TUCKER: Case Number is 2010P-001-05 and I move to approve.

MS. PATTERSON: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Tucker that the applicant for Grant Sheppard & Associates in Case Number 2010P-001-05 and is seconded by Commissioner Patterson. All in favor let it be know by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposed by the sign no?

COMMISSIONERS: (No response.)

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DR. BRIDGEWATER, JR.: Hearing none, that matter is approved. Staff sound the next matter, please.

MS. CARTER: Last case is 2010 "V" as in Victor-003-05. Applicant is Wilson, Brock & Irby. Property location is North Commerce at Camp Creek Parkway. Hum, applicant is seeking approval of a Stream Buffer variance to reduce the set-back from 50 feet to zero (0). This application requires a public hearing and I have not received any, hum, speaker cards but the applicant is present.

DR. BRIDGEWATER, JR.: Okay. Commissioners, as she said, hum, this matter requires a public hearing. I'll entertain a motion to open the floor for a public hearing on this matter, please.

MR. ATKINS: Mr. Chair, I move that we open the public hearing for Agenda Item 2010 "V" as in Victor-003-05.

DR. WARES: I second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by Commissioner Wares that we open the floor on the matter involving the applicant for North Commerce at Camp Creek Parkway in the matter 2010 "V" as in Victor-003-05. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposing by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the floor is now open for a public hearing. We will hear from the applicant.

(Whereupon Attorney Larry Dingle approach the podium.)

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MR. DINGLE: Good evening Mr. Chair and members of the Board. I'm Larry Dingle, 2849 Paces Ferry Road, here on behalf of the applicant, Racetrac. This is a piece of property that is located on the southwest corner of the intersection of Camp Creek Parkway and North Commerce Drive. This is a Stream Buffer variance as you said. It has been approved. The application has had to have a multitude of different reviews. The United States Army Corp of Engineers has approved the Stream Buffer Variance. The Georgia Department of Environmental Protection Division has -- the Georgia Environmental Protection Division approved it. It has been recommended by the City of East Point Department of Watershed and Water Resources and we would recommend that you also approve it.

This is for the development of a Racetrac Service Station at that location and we'll answer any questions that you have.

MS. HOLMES: The applicant has fourteen (14) minutes and eleven (11) seconds.

DR. BRIDGEWATER, JR.: Thank you. Are there any other proponents for this matter who wish to speak? I think you said there was no opponents but in case someone has come in afterwards --

(Whereupon no other proponents wish to speak.)

MR. ATKINS: Mr. Chair. There's no speaker cards for this and so I move to close the public hearing for agenda item 2010 "V" as in Victor-003-05.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by Commissioner Lawler that we

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close the public hearing this on this matter. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposing by the same sign.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: We will hear from Staff.

MS. CARTER: Applicant is Wilson, Brock & Irby. Property location is North Commerce and Camp Creek Parkway. Applicant is seeking approval of a Stream Buffer Variance to reduce the set-back from 50 feet to 0 and Staff is recommending approval of the variance from, hum, 50 feet to zero (0) per permits approved and issued from Environment Protection Division and the U. S. Corp of Engineers with a conditions that all applicable East Point Code of Ordinances are met.

DR. BRIDGEWATER, JR.: Thank you. Staff, at this time I will entertain a motion.

MR. ATKINS: Now, I just want to make sure that the record reflects business. Okay.

DR. BRIDGEWATER, JR.: Thank you. Commissioners --

MR. TUCKER: I make a motion to approve.

MR. ATKINS: State the application number, please.

MR. TUCKER: Application number is 2010V-003-05.

MR. ATKINS: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Tucker and seconded by Commissioner Atkins that --

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MR. LAWLER: Discussion.

DR. BRIDGEWATER, JR.: -- that we approve the matter on North Commerce and Camp Creek. Discussion, Commissioners? Commissioner Lawler, I heard you.

VIII. COMMISSION DISCUSSION ON EXISTING MULTI-FAMILY PROPERTIES:

MR. LAWLER: Yes. Hum, the question I have, hum, last week, we didn't have updated information in front of us. Hum, there were conditions applied by Staff that all applicable East Point ordinances be applied to this case.

Hum, is has Public Works had a chance to weigh in beyond, hum, notice of the Army Corp of Engineers, hum, in Watershed Divisions notes?

MS. CARTER: No. If you turn to your analysis, on the second page of the analysis, hum, hum, the actual analysis is done by Public Works and Public Works only and their, hum, analysis as such, which usually follows, hum, Section Code Number 10-12022, which is the actual Stream Buffer Variance procedures. Their analysis states: "Please note all above standards and factors have been met through the combination of applications to the state Environmental Protection Division of Protection Branch in the Army Corp of Engineers which are hereby attached." And they did it in accordance with the prior applications to the State and to the Corp for the actual, hum, Stream Buffer and the, hum, Wetlands so Herbert Humphrey's deferred to their actual permits.

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MR. LAWLER: Yeah. Got you.

MS. JONES: And as a friendly amendment, hum, I would like to make sure that it's understood that this approval is with the condition that all applications are applicable of East Point Code of Ordinances are met.

DR. BRIDGEWATER, JR.: Commissioner Atkins, do you accept the friendly amendment?

MR. ATKINS: Yes. Actually --

MS. GARRETT: It was Commissioner Tucker's motion.

MR. ATKINS: Actually Commissioner Tucker motioned and I seconded it.

DR. BRIDGEWATER, JR.: All in favor, let it be know by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposing by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, it is now approved.

MR. DINGLE: Thank you very much.

DR. BRIDGEWATER, JR.: It was motioned by Commissioner Atkins that we agreed upon to have discussion and going forward by Commissioner Lawler. Commissioner Lawler, since it was your matter and, hum, I am recognizance of the fact that this is your final night appearing on the City of East Point Planning & Zoning, and I want to give you a chance to, hum, give your discussion and your farewell remarks as well.

1 MR. LAWLER: Well, thank you. Hum, in regards to, hum,
2 discussing, hum, the matter of the zoning issues that we've seen in
3 the past, hum, what I'd like to suggest is that this Commission, hum,
4 make it a part of the next Work Session to, hum, discuss a way
5 forward when it comes to, hum, rezoned properties, hum,
6 specifically, hum, R2 properties that have been rezoned to R1A in the
7 past, to discuss a way forward, hum, so that we can, hum, come to
8 some, hum -- what's the word I'm looking for -- better consistent
9 decision-making, hum, and maybe a better, more consistent, hum,
10 set of rules for how we -- as community leaders for the City of East
11 Point, hum, handle those matters. Because what I think what we've
12 seen from the community, from private property owners, is that the
13 inconsistent have been difficult for all interested parties and we need
14 to find a better way forward. That's pretty much what it comes down
15 to.

16 However, I don't know that tonight is the right form to -- it's
17 the right form to set -- to start that discussion but I think this
18 Commission needs to take it back to Work Session and come up with
19 some options in conjunction with Staff and Legal to, hum, you know
20 push this item because I think it would help in the long term.

21 Hum, and I'd like to see, you know, the interested parties
22 wishes be meet in the best way possible.

23 DR. BRIDGEWATER, JR.: Commissioner Lawler, did you have
24 in mind some suggestions that you'd like to leave with us as well?

25 MR. LAWLER: Yes. I think at the very least -- the minimum

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moratorium on the rezoning cases that come up in these particular situations -- these, hum, rezoning R1A to R2 properties, hum, specifically these multi-family properties. I'd like to see moratorium if possible, at least in the near future.

Hum, until, hum a decision can be made and a consistent set of guidelines can, hum, be come up with, that takes into account the City Staff, Elected Appointed Officials, Community Members and Private Property Owners have had an opportunity to weigh in on that.

MR. ATKINS: So Commissioner Lawler, are you making a motion that we add this to our Work Session agenda as opposed to our Commission meeting?

MR. ATKINS: Hum, I'd be happy to make a motion to the Work Session agenda.

MR. ATKINS: I'd be happy to say --

DR. BRIDGEWATER, JR.: I will entertain the motion --

MR. LAWLER: So I move that we, this Commission, takes on the discussion, hum, for existing multi-family properties in the City of East Point in regards to rezoning, hum, at their next Work Session which would be July.

MR. ATKINS: I second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Lawler and seconded by Commissioner Atkins that at our next Work Session, this Body will take a look at a more effective way of handling the R2 properties that were formally R1A at that time. All in favor let it be known by the word "aye."

1 COMMISSIONERS: Aye.
2 DR. BRIDGEWATER, JR.: Opposed by the same sign.
3 COMMISSIONERS: (No response.)
4 MS. GARRETT: Mr. Chair, the videographer have asked us --
5 has asked me to let you know they need to change the tape.
6 MR. LAWLER: Do I have to repeat all that?
7 MS. GARRETT: No we got that.
8 (Whereupon Planning & Zoning Commission meeting is off the
9 record as requested by Attorney Garrett.)
10 DR. BRIDGEWATER, JR.: Back on the record. Commissioner,
11 Lawyer, would you now, at this point, we would like to thank you for
12 your -- I think your eight (8) months of service.
13 MR. LAWLER: I think it's more than that.
14 DR. BRIDGEWATER, JR.: -- for your service --
15 MR. LAWLER: A couple of years.
16 DR. BRIDGEWATER, JR.: -- as the Commissioner on the
17 Planning & Zoning, but more so as an effective community advocate
18 in your community and you might at this time, hum, give your
19 farewell and let us know where you're going and we wish you well in
20 your next adventure.
21 MR. LAWLER: Well, I'm headed to the north side of Metro
22 Atlanta, hum, City of Alpharetta and the commute -- to reduce my
23 commute time. But, hum, I'll make it short and sweet. It's been a
24 very special experience for me for the past couple of years, working
25 with you all, working with Staff, Legal and I appreciate all the hard

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work that everybody does and, hum, you've taught me much more than I can ever teach you.

DR. BRIDGEWATER, JR.: That was a very good one and we wish you well.

MR. LAWLER: Thank you.

DR. BRIDGEWATER, JR.: At this time Staff, are there any announcements.

IX. ANNOUNCEMENTS:

MS. HOLMES: No.

MS. CARTER: That would be it. I'm sorry.

DR. BRIDGEWATER, JR.: Commissioners.

X. ADJOURNMENT:

MR. ATKINS: At this time, I move we adjourn our June 17th meeting, 2010.

DR. BRIDGEWATER, JR.: Commissioner Atkins announce that we adjourn.

MS. PATTERSON: I second.

DR. WARES: I second.

DR. BRIDGEWATER, JR: Seconded by Commissioner Patterson. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Commissioners, we are now adjourned.

(Whereupon, this concludes the City of East Point Planning & Zoning meeting for June 17, 2010.)

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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 47 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 stenography services to take down the meeting minutes.

The foregoing meeting for the City of East Point Planning & Zoning Commission on June 17, 2010, at 7 o'clock P.M. were taken down by me and transcribed by me this 1st day of July, 2010.

Jeanene Harper
Court Reporter