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**CITY OF EAST POINT**

**PLANNING & ZONING COMMISSION**

September 15th, 2011 - 7:00 P.M.

Official Meeting Minutes

East Point, Georgia  
Jefferson Station  
1526 East Forrest Avenue  
4th Floor

**Board Members Present:**

Commissioner Dr. Herbert J. **BRIDGEWATER, Jr.**, Chair

Commissioner Shean **ATKINS**, Co-Chair

Commissioner Francine **JONES**, Provisional Chair

Commissioner Linda **SHELDON**

Commissioner Dr. William **BRYANT**

Commissioner Joel **TUCKER**

Commissioner Davita **WASHINGTON**

Commissioner Dr. Lydia **WARES**

**Absent: Commissioner Friedly**

**Also Present:**

Ms. Susan **GARRETT**  
City Attorney

Ms. Regina **CARTER**  
Senior Planner

Ms. Keyetta **HOLMES**  
Senior Planner

James **HAMMOND**  
Videographer

Richard **RANDOLPH**  
City Engineer

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APPEARANCES

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Timothy Mack	34
City of East Point Joel Reed	46

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**I. CALL TO ORDER:**

COMMISSIONER BRIDGEWATER, JR.: Ladies and gentlemen,  
we call to order the September 15th, 2011 Planning & Zoning  
Commission for the City of East Point. At this time, we'll have roll call  
by the Clerk.

**II. ROLL CALL:**

MS. HOLMES: Commissioner Friedly.  
COMMISSIONER FRIEDLY: (No response.)  
MS. HOLMES: Commissioner Wares.  
COMMISSIONER WARES: Present.  
MS. HOLMES: Commissioner Tucker.  
COMMISSIONER TUCKER: Here.  
MS. HOLMES: Commissioner Jones.  
COMMISSIONER JONES: Present.  
MS. HOLMES: Commissioner Water.  
COMMISSIONER BRIDGEWATER, JR.: Present.  
MS. HOLMES: Commissioner Atkins  
COMMISSIONER ATKINS: Here.  
MS. HOLMES: Commissioner Sheldon.  
COMMISSIONER SHELDON: Here.  
MS. HOLMES: Commissioner Bryant.  
COMMISSIONER WILLIAM BRYANT: Here.  
MS. HOLMES: Commissioner Washington.  
COMMISSIONER WASHINGTON: Here.  
MS. HOLMES: Mr. Chair, you have a quorum.

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COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. At this time, it is the customary procedure of this Board to observe a moment of silence so if you will join us, those of you in the audience, with a moment of silence at this time, please.

**III. MOMENT OF SILENCE:**

COMMISSIONER BRIDGEWATER, JR.: Thank you. Would you now join us in the Pledge of Allegiance to the Flag.

**IV. PLEDGE OF ALLEGIANCE:**

COMMISSIONER BRIDGEWATER, JR.: Commissioners, at this time, we'll entertain a motion for approval of the July 21st, 2011 minutes of the City of East Point Planning & Zoning Commission.

ATTORNEY SUSAN GARRETT: Mr. Chair, I think you need to adopt the agenda next. Excuse me.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Sorry about that. I'm jumping ahead of myself. Thank you, Madam Attorney. Commissioners, I'll entertain a motion to adopt tonight's agenda, please.

**V. ADOPTION OF AGENDA:**

COMMISSIONER WILLIAM BRYANT: Mr. Chairman.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Bryant.

COMMISSIONER WILLIAM BRYANT: I make a motion that we adopt the agenda for tonight's meeting.

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Bryant and seconded by Commissioner Atkins that the

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agenda for tonight, September 15th, be adopted. Are there any corrections?

COMMISSIONERS: No response.

COMMISSIONER BRIDGEWATER, JR.: Hearing none, all in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, tonight's agenda will be adopted. At this time, we'll entertain a motion for approval for the July 21st meeting minutes, Commissions.

**VI. APPROVAL OF MEETING MINUTES:**

COMMISSIONER SHELDON: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we adopt the -- approve the July 21st, 2011 meeting minutes for Planning & Zoning Commission.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Wares that the minutes for July 21st, 2011 for the City of East Point Planning & Zoning Commission be adopted. Are there any questions?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, all in

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favor.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Then the minutes stand approve. At this time, we will also entertain a motion for approval of August 18th, 2011 minutes.

COMMISSIONER ATKINS: Mr. Chair.

COMMISSIONER BRIDGEWATER: Commissioner Atkins.

COMMISSIONER ATKINS: I move approval of our minutes for our August 18th, 2011 meeting.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Wares that the approval for August 18th, 2011 minutes be approved. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, these minutes are approved. Madam Clerk, would you be kind enough to sound the first matter for the Commission.

**VII. NEW BUSINESS:**

MS. CARTER: Under New Business, the first case is Case

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Number 2011Z-016-07. Applicant is Allen Freedman. Property location is 1662 Ware Avenue. Applicant is seeking approval of rezoning from R1A Urban Residential to C2 Central Business. The propose use of the property is for a commercial officer complex. This applicant requires a public hearing and I do have one speaker card.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. Commissioners at this time, I'll read our rules for public hearing for the procedure. At this time, the rules for public hearing procedure for the City of East Point Planning and Zoning are as follows: The applicant for the proposed amendment or applicant designated representative, if any, will be entitled to speak first followed by other speakers in favor of the proposed for a total of fifteen minutes. For those who oppose the proposed zoning amendment will then be permitted to speak for a total of fifteen minutes. By a majority vote by the Commission may increase the total time for the speaker provided that each side is given the same amount of time. If there's more than one speaker for a side, the presiding officer may limit the time allotted for each individual speaker other that be 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 current address. Each speaker shall speak only to the merit of the the proposed zoning decision under consideration and shall address remarks only by the Council and shall refrain from making personal attacks on any other

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speaker. The presiding officer may refuse to speak and may refuse a speaker the right to continue, if after first being cautioned, the speaker continues to violate the rules of decorum. Commissioners, I'll entertain a motion at this time to open the floor for the public hearing under said stated matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we open the public hearing for Case Number 2011Z-016-07.

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Atkins that the public hearing be open on said state matter. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now open. We'll hear from the applicant at this time. Is the applicant present? Won't you come forward, please, and at this time, state your name and address, please. Come to the podium, sir.

(Whereupon Applicant Allen Freedman approach the podium.)

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APPLICANT ALLEN FREEDMAN: Allen Freedman. My residence is 1270 Christmas Lane, Atlanta, 30329. I wrote this out so I'll make it very simple. Regarding my property located at 1662 East Point and changing the zoning from R1A to C1. I want to emphasize that when I got the vacant property in May of 2006, it was zoned C1. This property has 23 individual rooms, 6 large bathrooms, a living area and a dining area, a total area of 48/64 square feet. It was built to C1 zoning standards and C1 zoning purposes. Upon ownership, I immediately returned the property over to a real estate agent to find a tenant for me. The tenant they found was a company that specialize in housing for men in transition. The City of East Point evicted these tenants for not having a business license or an occupancy permit. After the City of East Point evicted this tenant, they rezoned the property two R1A zoning, which according to the zoning statutes can be used for a single family residence, a private school, a daycare center or a church. I had a church come to me that bought the property but the City denied them an occupancy permit. As a result, I got the property back. I have come to the conclusion that trying to find a tenant that fits into the narrow R1A zoning requirements is futile. The configuration of this property even makes it impossibly sold as a single family residency and the R1 zoning makes it impossible to sell as a commercial property. So I'm here today to request a zoning change from R1A to C1, otherwise, I feel there is nothing I can do with it. I can't sell it or lease it. I am prepared to fix the building so I can rent it to upscale tennants such

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as a dentist, a doctor, a lawyer, an accountant, insurance agency or real estate office so I feel the impact to the neighborhood with this change in zoning would not have any adverse affects.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

MS. HOLMES: The applicant has 10 minutes and 37 seconds remaining.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Staff, before I -- thank you, sir. Before I ask are there other proponents in favor of this, the gentleman referred to C1 as opposed to C2. Should that correction be stipulated at this time or do we need to wait.

MS. CARTER: The applicant is written as C2.

APPLICANT ALLEN FREEDMAN: Did I make a mistake? I'll change it.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. Thank you, sir. You can go ahead and reserve your time. I want to see if there are other persons in favor of the matter as well as opponents. Thank you, sir.

APPLICANT ALLEN FREEDMAN: I'm sorry I was saying C1.

COMMISSIONER BRIDGEWATER, JR.: That's all right, sir.

COMMISSIONER BRIDGEWATER, JR.: Are there other persons that's present that wish to speak in favor of this matter before the Commission?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons present that wish to speak in favor?

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AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons present that wish to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Having sound it three times, are there persons that wish to speak in opposition? Ma'am, would you come forward, please and state your full name and address.

(Whereupon Opponent Laura Borders approach the podium.)

OPPONENT LAURA BORDERS: Hello. My name is Laura Borders. I live at 1707 Ware Avenue in East Point. First, I want to address a couple of things that Mr. Freedman dropped -- mentioned specifically. No, I'll take 'em in context. Let's do that. First of all, I'd like to talk about that this is a commercial building, a proposed commercial building in the middle of a residential neighborhood. I know that there's mixed commercial use on that block but if you look at the configuration of the property there's really no possibility for adequate parking, the amount that he's speaking about, plus the way the parking is, you have to pull out onto a residential street. The only way in or out is there a private alley that's shared by several property owners and I know it's private because I had a house on that street. So egress and ingress parking in residential area, is there a certain? As a neighborhood resident, I live a block away. The amount of commercial property that's already available makes me certain. I mean, this is our latest Main Street

1 Newsletter. These are all within blocks of the proposed  
2 development. At the CZIM, I asked Mr. Freedman if all of these  
3 other very desirable properties are not being rented, how would you  
4 rent it? He said he had a marketing plan. I didn't get any details.  
5 Now, the C1 versus C2, 'um, I would like to say there's a very definite  
6 difference. As my reading of the C1 is intend -- I'm quoting -- to  
7 provide convenient shopping. Those are services required by the  
8 neighboring residences. It list dental clinics, floral shopping, health  
9 clinics, Locksmiths shops, very reasonable things. However, C2, you  
10 can have a boarding house, a check cashing establishment, game  
11 room and coin operated games of amusement, food stores,  
12 amusement areas, animal hospitals, banks, bars, laundry, library. C2  
13 opens up an entirely new basket of possibilities. If Mr. Freedman  
14 changes his mind decides to do something else, including a boarding  
15 house or check cashing establishment, we have no legal right to deny  
16 him that once he's given C2. I don't think these are appropriate  
17 businesses for residential area nor do they really serve a community  
18 better than the C1. So I'd like that to be considered if you must  
19 grant this. I'm going to have to refer to the history of this property  
20 and I will intersperse it with his remarks. The first group was,  
21 indeed, the, 'um -- no, that was originally zoned medical 'cause it was  
22 owned by the Rollin Family. It was medical first. It was not  
23 commercial first. I think you can go back and look at the records  
24 that will support my statement. 'Um, the many transitions -- if you  
25 go back and look at the record again. He was granted the right to do

1 this different sort of -- they had to have female people. Couldn't  
2 have males. This was specific. No males. He moved men in and  
3 they only came out at night. I witnessed this and I have striking  
4 memories of it. I have memories of one of the inmates when he was  
5 walking by striking my neighbors child on the head just out of no  
6 reason. That's the kind of people -- and so when you say, no  
7 business license, well, he violated what he was given, the rights he  
8 was given with the stipulation that was woman. He put men in there  
9 and tried to hide it. He says the church was next. He missed the  
10 family, the large family that was in there. There's also history  
11 through the police department animal control, the many calls, the  
12 code enforcement issues. That was finally shut down when Code  
13 went in there and they found the the several small children and the  
14 adults there. They had no way that we assured they were a family.  
15 There were no utilities on. There was no water. There was no  
16 power and there were small children in there and the City was  
17 required to close that building and I have a picture of the notice so to  
18 say that there was an occupancy denial is stretching it, the fact that  
19 was shut down because there were no utilities and you live in a  
20 house with no utilities. The church -- the occupancy denial was  
21 because he applied for this to be a facility where they would store  
22 things in an administrative area but not offices. This group, the Spirit  
23 of Love Ministries then began to put their offices in there and put up  
24 a web site stating that their offices were at 1662 Ware Avenue and it  
25 is a violation again because he was operating a business, a

1 commercial business with no license and no occupancy so that is  
2 another way to look at Mr. Freedman's discussion of what has  
3 happened. During those times, he's also said that the property is run  
4 down. I'd like to -- first of all, this is a -- excuse me -- the current  
5 tax record, we know it's not up to date. You'll notice that  
6 Mr. Freedman paid zero dollars for this property, when you received  
7 it and that Spirit of Love Ministries, it was owner financed to the two  
8 \$550,000? He got a half million dollars for this property and that, 'um  
9 -- that rings a bell. I mean, that shuts off an alarm for me that that  
10 -- and as he said, he had to take it back. Well, it was because they  
11 got thrown out because they were violating City ordinance. So, now,  
12 if you would please -- in each case, it's been an illegal use. Ya'll have  
13 made stipulations and he has not followed them. To give him the C2  
14 where he can bring in a boarding house or whatever, I believe  
15 Mr. Freedman will do so. This is East Point housing values from  
16 October of last year to June. It's a 30% decrease. This is my home  
17 value. Okay. I live a block away. I just spent \$6,000 fixing up and  
18 maintaining my property. I really can't afford it. I really don't want  
19 to live next to this property in any -- he says he's gonna put money  
20 into it. I would like you to please exam these photographs taken this  
21 morning of the condition of this property. It shows the degree of  
22 neglect such that when the gutters came off, they just ripped them  
23 off. There are open soffits. It's deteriorating. There are obvious  
24 roof leaks. Nothing is up to code. It's a mess and it has been a  
25 continuing problem on the neighborhood. This is the current

1 condition and Mr. Freedman would have you believe that after not  
2 putting any money into this property since he got it in two 2007 that  
3 he is now going to transform it into a commercial office area that will  
4 actually attract people, upscale people. Frankly, considering the  
5 number of places where I can see potential, the conditions of the the  
6 soffits, guttering, the doors and everything around it -- and believe  
7 me, I have gutted houses in this neighborhood. I cannot believe.  
8 I'm sorry. I just can't believe that he's going to make that  
9 investment. I would have to say that as a person who has lived here  
10 for 21 years and poured 10's of thousands into the restoration of an  
11 old home, a 1906 home and work very hard to keep the  
12 neighborhood up, this is the forth time Mr. Freedman has stood  
13 before us and three times he's been allowed to do what he wants  
14 and he has done what he wanted and the City had to pay the price in  
15 terms of Police, Code Enforcement and again Animal Control and I  
16 have pictures of that, too, and we're about to do that again. There's  
17 the old phrase, one, two, three strikes and you're out. I just can't  
18 find a reason to allow this to happen again and I hope that you  
19 couldn't, too.

20 COMMISSIONER BRIDGEWATER, JR.: Excuse me, Ms.  
21 Borders. Staff, is there a time limit for Ms. Borders 'cause

22 MS. HOLMES: She has six minutes remaining.

23 COMMISSIONER BRIDGEWATER, JR.: You have six minutes  
24 remaining Ms. Borders.

25 OPPONENT LAURA BORDERS: Well, I really think I've made

1 my points and if you have any questions, I'll be happy to answer  
2 them. Our neighborhoods are under sieges right now. There's less  
3 than 50% occupancy. Less than 50% of the houses on Ware Avenue  
4 are even occupied. The rest of them are empty. On one entire  
5 block, this block we're speaking of, in a couple of months, none of  
6 them will be owner occupied. I feel like the last Indian standing with  
7 Custer. I have neighbors that smoke crack in the street. In the  
8 evenings, there are packs of dogs roaming loose that we're all careful  
9 of. 'Um, over and over studies for the City have said that the  
10 neighborhoods close to down down are treasures. They have old  
11 homes and should be preserved. I can't fight this by myself. I need  
12 your help. We're trying to make a stand. We're trying to hold on.  
13 We're trying to believe in East Point but if you keep giving all the  
14 breaks and I'm taking all the hurt, you know, I just don't feel it. So I  
15 hope you consider this before you'll allow it. Thank you for your  
16 time.

17 COMMISSIONER BRIDGEWATER, JR.: Thank you, Ms.  
18 Borders.

19 MS. HOLMES: The applicant has 10 minutes and 37 seconds  
20 remaining.

21 COMMISSIONER BRIDGEWATER, JR.: Are there --

22 COMMISSIONER SHELDON: You have an additional speaker.

23 COMMISSIONER BRIDGEWATER, JR.: We got some other  
24 speakers.

25 COMMISSIONER ATKINS: Did you fill out a speaker's card?

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ATTORNEY SUSAN GARRETT: There's time left.

COMMISSIONER BRIDGEWATER, JR.: There is time left. Can we --

ATTORNEY SUSAN GARRETT: You can fill out a card.

COMMISSIONER BRIDGEWATER, JR.: -- go ahead and hear them? Just come forward.

COMMISSIONER ATKINS: Yes. If you will just please fill out a speaker's card.

(Whereupon Opponent Teresa Nelson approach the podium.)

OPPONENT TERESA NELSON: Teresa Nelson, 1732 Neely Avenue. I appreciate you allowing me to speak. I will be brief. Ms. Borders certainly has made the cognizant points about this particular rezoning but I can tell you that when I sat on Council and even after Council, when I served on our Neighborhood Association Board that we got consistent complaints about this property routinely under the same owner who's got the application before you. In addition, when he tried to change the property when I was on Council, we had quite a few protests and there must have been a couple dozen people at the City Council meeting that night. I'm sorry there's not more people here tonight but it's not because they don't care, it's because they don't know. I do not believe this gentleman notified our neighborhood association of this application and this is an application that significantly impacts beyond the standard five hundred feet (500 feet) of the property because he is commercially zoned. One, it is rounded on three sides by what, residential. The alley way that it

1 provides access to that property is in very poor shape. The City is  
2 virtually abandon it and made it clear to us that they will no longer  
3 maintain any of the alleys that run through Frog Hollow so it is not  
4 one that can be easily given. Huh, I just learned of this a couple of  
5 days ago, literally so there are many others I ask about and last night  
6 at another meet governing our association but the association and  
7 none of them knew what I was talking about. They had no clue and  
8 they were all extremely angry about it. They were extremely angry,  
9 one, because they didn't know and two because most of them could  
10 not change their plans and be here before you tonight. So I think it's  
11 very important that we understand that first off, if this gentleman has  
12 applied for a C2 and it is indeed significantly broader in what can go  
13 in that property as a C1 and, in fact, I do not believe it will be a legal  
14 application. So it seems to me at the very least his application needs  
15 to be turned down in order for him to reapply as a C1 for that  
16 particular area. I do not know how he can get by with a C2 in that  
17 general area, period. So I am urging you if you were to turn this  
18 down -- the work that this gentleman has done on this property since  
19 2006 is shody at best. We have had to call code enforcement on  
20 numerous times and I must tell you that -- changed the zoning up  
21 the street from me on Neely to a duplex. The property was  
22 subsequently foreclosed upon that duplex zoning now rides with that  
23 property. The only way we can get anything done at that property is  
24 by calling Code Enforcement to do things like routinely mow the yard.  
25 That has to stop. We take care of our homes in our neighborhood

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those of us that are still owner/occupants and that needs to be protected in Frog Hollow so I urge you to vote no on this application.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

MS. HOLMES: Are there any more speaker?

COMMISSIONER BRIDGEWATER, JR.: Are there any other persons that wish to speak either in favor or against the matter?

AUDIENCE: (No response.)

MS. HOLMES: No. I was asking for any more in opposition. I didn't have any other cards.

COMMISSIONER BRIDGEWATER, JR.: Seeing none --

MS. HOLMES: The applicant has 10 minutes and 37 seconds.

COMMISSIONER BRIDGEWATER, JR.: You may come back, yes.

(Whereupon Applicant Allen Freedman approach the podium.)

COMMISSIONER BRIDGEWATER, JR.: Ten minutes he has left? Thank you. This is your rebuttal. I would suggest you might want to speak directly into the mic.

APPLICANT ALLEN FREEDMAN: Mrs. Borders and the woman that just spoke are probably a 100% correct. I have no dispute on anything they said. However, the first tenant is not there any more. The second -- well, after the property was rezoned to R1A, the only person I could get even to live in the property as it was a single family house was this family and they were pretty much inappropriate. They weren't clean. They didn't maintain the property so they're gone but they're not there anymore. The third attempt

1 that I made was to the church and they didn't do the right thing  
2 either so we can be mad at the building but you certainly can't be  
3 mad at me 'cause they don't know me but how can you be mad at a  
4 building? So I'm here to say that if you approve this, I will fix the  
5 building up. I will put regular businesses in there. Each little  
6 business will have to apply for business license for Certificate of  
7 Occupancy and you can turn the business down if you don't like it.  
8 But at least, this gives me a shot to fix the building. Otherwise, what  
9 I'm I suppose to do. I got a building that nobody likes on a street  
10 that's fully commercial. There's a garage across the street that  
11 repairs cars. There's a big dialysis center on the the corner. There's  
12 an architect on the other corner. This is a commercial street. There  
13 is some residential but most of the the residential are rentals just like  
14 they said. So I wanted to improve the building. I have to have the  
15 zoning so I can rent it to an appropriate tenant or possibly even sell it  
16 to a doctor or a dentist or a lawyer. That's it. Thank you.

17 COMMISSIONER BRIDGEWATER, JR.: Thank you, sir.

18 Commissioners, I'll entertain a motion at this time to close the public  
19 hearing.

20 COMMISSIONER JONES: Mr. Chair. I move that we close the  
21 public hearing for Case Number 2011Z-016-07.

22 COMMISSIONER WILLIAM BRYANT: Second.

23 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by  
24 Commissioner Jones and seconded by Commissioner Bryant that we  
25 close the public hearing on said stated matter. All in favor let it be

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none by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter of the public hearing is now closed. Staff.

MS. CARTER: Case Number 2011Z-016-07. Applicant is seeking approval of rezoning from R1A Residential to C2 Central Business District for the propose use of a commercial office. Staff recommends approval of the proposed rezoning with a condition of office use only.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff. Commissioners, at this time we'll entertain a motion. Commissioner, we'll entertain a motion.

COMMISSIONER TUCKER: A motion to deny.

COMMISSIONER SHELDON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker, motion to deny, and seconded by Commissioner Sheldon. Comments by the Commissioners? Questions?

COMMISSIONER ATKINS: I have a few questions.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: Yes. I have a few questions of the applicant, Mr. Freedman.

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COMMISSIONER BRIDGEWATER, JR.: Mr. Freedman, would you come back to the mic, please. Commissioner Atkins has some questions he'd like to address you with, please.

(Whereupon Applicant Mr. Freedman approach the podium.)

COMMISSIONER ATKINS: My first question is can you tell me again how long have you owned the property?

MR. FREEDMAN: I think I had it in my paperwork, 2006.

COMMISSIONER ATKINS: Okay. So for approximately five years?

MR. FREEDMAN: Yes.

COMMISSIONER ATKINS: Okay. And currently are you in violation of any zoning codes?

MR. FREEDMAN: The building is occupied.

COMMISSIONER ATKINS: It doesn't have to be occupied for you to be in violation of zoning codes, sir. With all of the damage that seems to be at the roof and of those things, you currently have any code violations?

MR. FREEDMAN: No.

COMMISSIONER ATKINS: Okay. My other question to you is are you familiar with the other commercial zoning categories?

MR. FREEDMAN: No.

COMMISSIONER ATKINS: So is there a specific reason why you specifically applied to rezone the property to C2 as oppose to some of the other commercial zoning categories?

MR. FREEDMAN: 'Cause I thought office space would be a

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good -- have a business to occupy the place.

COMMISSIONER ATKINS: Okay. So it sounds like according to the different zoning codes we have, the C1, the C2, the CR and the CL, some of those zoning categories also allow for office space. That's why I'm curious as to the specific reason.

MR. FREEDMAN: C1. I don't have a problem with that.

COMMISSIONER ATKINS: All right. Those are all the questions that I have. My question -- I have a question of Staff also. Is there in your recommendation, is there a reason why Staff would make a recommendation for C2(C) as opposed to perhaps CR. The other commercial establishments in the area are CR. From the public hearing, the applicant, Mr. Freedman, stated that his entire would be to have a dentist office, doctor's office, lawyer's office, accounting or insurance and it seems like those uses are allow in some of the other categories, which I don't think would be as detrimental to the neighborhood. So is there a reason why Staff would recommend the C2(C) as op posed to another commercial zoning category?

MS. HOLMES: The original application that was filed was for C2. Staff cannot change the actual request to C1 even though there are offices uses allow in C1. However, we did understand the information that was presented to us and that's why we were conditioning it to C2 with office, only office, only allowing office.

COMMISSIONER ATKINS: Okay. And I guess what I'm getting at I know that Staff, not being the applicant, cannot change the applicant's application but in terms of your recommendation, are

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you also stating that Staff could not even recommend a different zoning category based on desire of the applicant in terms of use?

MS. HOLMES: That would, again, be changing the applicant's application.

COMMISSIONER ATKINS: Okay. And I guess -- okay. So in your thought process, he would have an application for C2. Your recommendation could be for something else and in my thought process, it's not changing the application. It's Staff saying that we think that this is a better zoning category for this particular property. So I guess that was my question. But those are all the questions that I have for you and for Staff.

COMMISSIONER WARES: I have a questions as well, Mr. Freedman. Just a point of reference when you first came to the mic, you did say it was 1662. You said East Point Street and it's actually Ware Street, right, when you first started out?

MR. FREEDMAN: Did I say that?

COMMISSIONER BRIDGEWATER, JR.: It's Ware Avenue, isn't it?

COMMISSIONER WARES: It's Ware but you said East Point.

MR. FREEDMAN: Okay.

COMMISSIONER WARES: Yeah. So I just wanted to make --

MR. FREEDMAN: You can correct it. I'm sorry.

COMMISSIONER WARES: Okay. And then the other thing is I noticed that you did have -- you went to the CZIM. What kind of response did you get from the community?

1 MR. FREEDMAN: I didn't here that question.

2 COMMISSIONER WARES: From the CZIM meeting that was  
3 on August the 16th, what was the response from the community  
4 when you went to that, attended that?

5 MR. FREEDMAN: You're talking about the last meeting that  
6 was downstairs?

7 COMMISSIONER WARES: The CZIM on August -- the  
8 neighborhood meeting?

9 MR. FREEDMAN: How long ago was that?

10 COMMISSIONER WARES: Community Zoning Information  
11 Meeting. It says, Tuesday August the 16th?

12 MR. FREEDMAN: I wasn't at -- at a homeowner's meeting?

13 COMMISSIONER WARES: That's what it says in our report on  
14 Page 4.

15 MS. HOLMES: The meeting downstairs at Jefferson Station  
16 with the community.

17 MS. CARTER: With the community.

18 MR. FREEDMAN: I'm sorry. I'm trying to see what you  
19 saying.

20 COMMISSIONER WARES: Yeah. How was -- what kind of  
21 response did you get from the community?

22 MR. FREEDMAN: Pretty neutral.

23 COMMISSIONER WARES: Other than the speaker that came  
24 forward --

25 MR. FREEDMAN: Yeah, right.

1 COMMISSIONER WARES: There wasn't a lot of -- okay, and  
2 then finally, I noticed that you are an attorney in fact for the Spirit of  
3 Love Ministry so is this something you had thought about putting in  
4 the building as well, the Love Ministry?

5 MR. FREEDMAN: No. No, no. I thought the building could  
6 be used for a church.

7 COMMISSIONER WARES: Okay.

8 MR. FREEDMAN: So we talked and they said we would like  
9 to use the building and make it into a church.

10 COMMISSIONER WARES: Okay. But that's not the church  
11 that you're affiliated with or the organization? Is it the same  
12 organization?

13 MR. FREEDMAN: I'm not affiliated with anything.

14 COMMISSIONER WARES: Okay.

15 MR. FREEDMAN: In other words, the first tenant that  
16 occupied the building, I never seen them, ever. I contacted a real  
17 estate agent. The agent put those people in.

18 COMMISSIONER WARES: Okay. Well, I guess I'm confused  
19 because in the paperwork that we have it says, Allen Freedman,  
20 attorney, in fact, for Spirit of Love Ministries. I was trying to see if  
21 that -- if you had thought about --

22 MR. FREEDMAN: No, no. That church -- I understand what  
23 you're saying now. That terminology is when there is a foreclosure --

24 COMMISSIONER WARES: Right.

25 MR. FREEDMAN: And so the attorney, in fact, for -- that's

1 legal jargon for a foreclosure.

2 COMMISSIONER WARES: Okay. I understand that but I'm

3 asking you is that a ministry -- is it a real ministry or not?

4 MR. FREEDMAN: Oh, no. It's a regular ministry.

5 COMMISSIONER WARES: Okay.

6 MR. FREEDMAN: I check their paperwork, their credentials,

7 everything. They are a regular ministry. They are a corporation with

8 the Secretary of State.

9 COMMISSIONER WARES: Okay.

10 COMMISSIONER BRIDGEWATER, JR.: Commissioner Wares,

11 you finish?

12 COMMISSIONER WARES: Yeah, those are the only questions

13 I have. Thank you. Are there other Commissioners?

14 COMMISSIONER JONES: I have a question. Yes, sir.

15 COMMISSIONER BRIDGEWATER, JR.: The Chair recognizes

16 Commissioner Jones.

17 COMMISSIONER JONES: Also in the packet that we received,

18 referring to the deed on the power of sale, the one that

19 Commissioner Wares was just talking about you signed as the

20 attorney, in fact, for the ministry. Are you the owner of this

21 property?

22 MR. FREEDMAN: I am now.

23 COMMISSIONER JONES: We don't have anything before us.

24 MR. FREEDMAN: Yes, you do. You have a deed on the power

25 of sale, don't you?

1 COMMISSIONER JONES: No. Well, that's a power of sale but  
2 it's not filed -- it's not a file copy?

3 MR. FREEDMAN: Yes, it is.

4 COMMISSIONER JONES: Well, we don't have it.

5 MR. FREEDMAN: Yes, you do. Can I show you where you  
6 can find it? You have a little receipt in there.

7 COMMISSIONER JONES: A receipt. But the receipt doesn't  
8 tell me that this property is the one that was filed.

9 MR. FREEDMAN: Okay. When you take that deed to the  
10 courthouse they don't stamp that instrument. Now, I have to get this  
11 package ready by the 5th of August. At that time, that deed had not  
12 come back in the courthouse yet so they gave me the receipt.  
13 However, I have it in my briefcase right, a stamped recorded deed if  
14 you want to see it. Would you like to see it?

15 ATTORNEY SUSAN GARRETT: Mr. Chair, if I may, while he's  
16 getting that out, I wanted to share a provision from our Code with  
17 the Commission --

18 COMMISSIONER BRIDGEWATER, JR.: Attorney Garrett, the  
19 Chair recognizes you. Go ahead.

20 ATTORNEY SUSAN GARRETT: -- that Section 2212 -- 1022  
21 (12) of the Ordinance provides in part that in amending the zoning  
22 maps, the City Council may approve a Use Permit and or a zoning  
23 district applied for by the applicant or a more restrictive zoning  
24 district based on the ranking of the East Point zoning district  
25 intensities so it would follow that your recommendation can be for

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the classification that the application is for a less intense or another way of saying that is more restrictive classification if you deem that appropriate.

COMMISSIONER BRIDGEWATER, JR.: Mr. Freedman, would you run that by the Clerk? I was trying to ask you to do that before you show it to the Commissioner.

MR. FREEDMAN: Oh, sure, sure.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Jones, run it by the Clerk for me.

MR. FREEDMAN: This stamp is what you get back when they mail it to you but on that receipt in there, it gives the same book and page number.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Jones, you finish?

COMMISSIONER JONES: (Nods head for yes.)

COMMISSIONER BRIDGEWATER, JR.: You good?

COMMISSIONER JONES: Yes.

COMMISSIONER BRIDGEWATER, JR.: You sure?

COMMISSIONER JONES: Yes.

COMMISSIONER BRIDGEWATER, JR.: Okay. Chair recognize Commissioner Tucker.

COMMISSIONER TUCKER: Thank you, sir. Mr. Freedman, also I'm looking at this deed. There is a paragraph that states there is some federal tax liens against the Spirit of Love Ministries that are attached to this property. And there was an Exhibit A that set out

1 the amounts that were due to the IRS. Do you know by chance what  
2 those amounts were?

3 MR. FREEDMAN: It's not important because they weren't  
4 against me or the building. They were against the Spirit of Love.  
5 Now, when they was in foreclosure, they still maintained that lien.  
6 It's not attached to the building or me that's why it's put into the  
7 foreclosure papers so it's set aside.

8 COMMISSIONER TUCKER: Okay. I'm not sure about that but  
9 I'll take your word.

10 MR. FREEDMAN: Well, you know, I mean, I didn't do it.  
11 When a federal tax lien -- it's just as a formality and exposed with the  
12 people not the building.

13 COMMISSIONER BRIDGEWATER, JR.: Thank you, Mr.  
14 Freedman. Commissioner Jones, the Chair has the -- the Staff has  
15 indicated that the copy that you provided was an acceptable sealed  
16 copy by the way. Thank you, sir. Mr. Freedman, this is your receipt.  
17 You might want to take it with you. Thank you, sir. Commissioners,  
18 are there other questions?

19 COMMISSIONERS: (No response.)

20 COMMISSIONER BRIDGEWATER, JR.: Commissioners, are  
21 there others of you which have discussion?

22 COMMISSIONERS: (No response.)

23 COMMISSIONER BRIDGEWATER, JR.: Seeing none, are you  
24 ready for the question?

25 COMMISSIONERS: (No response.)

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COMMISSIONER BRIDGEWATER, JR.: All in favor, the --  
Commissioner Tucker has made a motion to deny. It was seconded  
by Commissioner Sheldon. All in favor let it be none by the word  
aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign  
no.

COMMISSIONERS: (No response.) Hearing none, the matter  
is denied, sir.

ATTORNEY SUSAN GARRETT: It's a recommendation --

COMMISSIONER BRIDGEWATER, JR.: The Commissioner has  
recommended -- it's only a denial and it will be passed onto the East  
Point City Council as a recommendation for denial and they'll make  
the final decision.

MR. FREEDMAN: Thank you.

COMMISSIONER BRIDGEWATER, JR.: You're welcome, sir.  
Staff, would you sound the next item for the Commission, please.

MS. CARTER: Case Number 2011Z-022-08. Case Number  
2011U-015-08. Applicant is Timothy Mack. Property location is 2498  
Lester Street. Applicant is seeking approval of a rezoning from R1  
Urban Residential to R2 Two Family Residential with a Special Use  
Permit for a habitable accessory structure. This application requires  
a public hearing. I do not have any speaker cards.

COMMISSIONER BRIDGEWATER, JR.: Thank you Madam  
Clerk. Commissioners, the rules of the public hearing are still effect.

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To those of you in the audience the rules of the public hearing is still in effect. At this time, Commissioners, I'll entertain a motion to open the floor for the public hearing on said stated matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we open the public hearing for items number 2011Z-022-08 and 2011U-015-08.

COMMISSIONER JONES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Jones that we open the public hearing on said stated matter. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now open. The applicant, would you come forward, please and state your name and address at this time, sir. Since you're tall, you might want to raise that mic up.

(Whereupon the Applicant Timothy Mack approach the podium.)

TIMOTHY MACK: Yes, sir. Hello. My name is Timothy Mack

1 and I live at 1197 Hubbard Street in Atlanta, Georgia and I purchased  
2 the property at 2498 Lester Street. Upon purchasing the property, I  
3 was gonna repair it. I was gonna move in it and move my daughter  
4 and grand kids in the back structure that's in the back. I bought it  
5 and I didn't know I had to get it rezoned 'cause it's a duplex in front  
6 and it's a single family in the back. It's two bedrooms in the back so  
7 I didn't know I was suppose to get it rezoned. So I just went to get  
8 the utilities on and they told me that it shows as a triplex there and  
9 that if the utilities hadn't been on for a year, it could not be  
10 grandfathered in. One of the utilities had been on but the other two  
11 had not be on within a year so I had to go through the zoning  
12 process. So I want to move in but I can't even get a temporary  
13 permit to turn the lights on. I can't even move in it and I can't do  
14 any work to it until it get rezoned to what exist.

15 COMMISSIONER BRIDGEWATER, JR.: Thank you. Are there  
16 other person who wish to speak in favor of the matter before the  
17 Commission?

18 AUDIENCE: (No response.)

19 COMMISSIONER BRIDGEWATER, JR.: Are there persons who  
20 wish to speak in favor?

21 AUDIENCE: (No response.)

22 COMMISSIONER BRIDGEWATER, JR.: Are there person who  
23 wish to speak in opposition.

24 AUDIENCE: (No response.)

25 COMMISSIONER BRIDGEWATER, JR.: Are there those --

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would you come forward, ma'am. Did you fill out a speaker's card? You're doing it now. Sir, you can still stay there because whatever time you have left, you can reserve it as a rebuttal.

OPPONENT TERESA NELSON: Thank you. The first -- Teresa Nelson. 1732 Neely Avenue. The first thing I want to make certain is this the Lester Avenue in Frog Hollow?

COMMISSIONERS: (No response.)

OPPONENT TERESA NELSON: Again, we haven't gotten notice. We did not get notice of the last zoning. We did not get notice of this one and I need to pull up the little throwaway paper and read all the East Point notices each week. So I'm real confused. Is this Lester in Frog Hollow? Well, yes, I definitely want to speak. After the last rezoning that was approved on Neely Avenue, I did an individual survey partly because I wanted to do a column on my next column for the AJC. I wanted to cover the problems that we've been having within stable neighborhoods being destabilized because of zoning decisions by our planning department and that column did run in the AJC several months ago. The issue that we have in our neighborhood is the severe -- the strong number of rental and none-owner occupant housing. It's not just the economy that hit us. We were already going there before the economy tanked. The issue is that in good planning procedures in the classes that I've taken they request or suggest strongly encourage that neighborhoods for stability and for affordable housing reasons have a 60% owner occupy base and a 40% none owner occupied or rental properties.

1 So I did a quick survey around our area and this is one of the --  
2 Neely was one of the streets that had a higher owner occupancy rate  
3 than does this Lester Street, West Forrest and a couple others. It was  
4 61% renter. It's 39% owner occupied. And has that number tilted  
5 over the years? We've had dramatic increases in code enforcement  
6 violation in police calls and in other related issues. The quality of life  
7 for the people who live there, rich and poor has gone down because  
8 of the fact that we have absentee owners who oftentimes don't even  
9 live in Georgia let alone live in East Point that are not maintaining  
10 their properties and the burden falls on the neighborhood association  
11 and volunteers to do things like basic things like pick up trash. I took  
12 a vacation day in December to deal with the rental property two  
13 doors up because the family had allow their niece to be severely  
14 beaten by her then husband. I witnessed it. Two other  
15 neighborhoods witnessed it. We stopped it and though five of us  
16 was subpoenaed, four police officers and me, I was the only one that  
17 bothered to show up at the Clayton County hearing to revoke the  
18 man's probation. That's the kind of stuff that can happen anywhere.  
19 I absolutely agree and it does but it doesn't normally happen out in  
20 the middle of the street. It maybe bad enough behind closed door  
21 but by God, when it it's out in the middle of the street and the  
22 woman is being dragged down the street, yeah, we got a problem  
23 and Laura is right. Drug sales have been seen now in our streets so  
24 and I know this gentleman may have all the best intentions in the  
25 world. But there was a reason that that neighborhood we fought so

1 hard to down zone. It was because of the problems and to help  
2 stabilize our neighborhood. So whatever zoning you do with this  
3 property will ride with this property like the last one where the guy  
4 just took off and never did anything to the property so whoever buys  
5 this property now is buying a duplex and, oh, by the way, we did  
6 have a construction expert go in to verify that it never been a duplex.  
7 So I'm encouraging you to vote no and it's not that I have anything  
8 against this gentleman or what he wants to do with this property it's  
9 just that our neighborhood no longer can take more multifamily. We  
10 cannot do it. We don't have the ability to do it and the City does not  
11 have the ability to pay the cost that all of us are now paying. Thank  
12 you.

13 COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam.  
14 Are they other speakers?

15 AUDIENCE: (No response.)

16 COMMISSIONER BRIDGEWATER, JR.: Seeing none and  
17 hearing none, Commissioners, I'll entertain --

18 COMMISSIONER SHELDON: It's rebuttal time. He does have  
19 rebuttal time.

20 COMMISSIONER BRIDGEWATER, JR.: Yes, I'm sorry. Thank  
21 you. You do have an opportunity to rebuttal. You have some time  
22 left. Thank you, Commissioner Sheldon.

23 MS. HOLMES: The applicant has 13:54, 13 minutes and 54  
24 seconds.

25 COMMISSIONER BRIDGEWATER, JR.: You have 13:54 to

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respond.

TIMOTHY MACK: She did say that she had some inspector to know whether it was really a duplex or not at some other address that she seen problems at. Well, the inspector here for East Point went and checked it and also, you know, noted that the utility boxes and different kitchens and everything. It's better been inspected by East Point knowing that it has -- it is a duplex in front and a single family in the back and if you want to -- you know, whatever you want me to do, I can do, you know. If you want me to make it to a single family, I can and just leave the other one as -- you know, I mean, if I can't get the lights on, what else do you do? Put it back on the market and try to sell it. I mean, it's not gonna be repaired and nothing else. I can't live in it. I -- me, myself, I'm gonna be the one to occupy it. I have to occupy it. I went and got my 401K and what they call a -- where I have to be the owner occupant of the property and so that's -- you know, whatever you want me to do. I can't tear the property -- ain't got no money to tear the property down. I mean, all I want to do is get the lights on. But thank you.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER ATKINS: Mr. Chair, I move that we close the public hearing for Agenda Items 2011 "Z" as in zebra-002-08.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by

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Commissioner Atkins and seconded by Commissioner Wares that we close the public hearing on said state matter before the Commission. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none. This matter is closed. Staff, would you kindly comment at this time?

MS. CARTER: For Case Number 2011Z-022-08, 2011U-015-08, applicant is seeking approval of rezoning from R1A Urban Residential to R2, Two Family Residential with a Special Use Permit for a habitable accessory structure. Staff recommends approval of said rezoning and Special Use Permit.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, have heard from Staff, we'll here from -- I'll entertain a motion at this time.

COMMISSIONER WARES: Mr. Chair, I have a question.

COMMISSIONER BRIDGEWATER, JR.: Okay. Once I get my motion and then you can state --

COMMISSIONER WARES: I apologize.

COMMISSIONER BRIDGEWATER, JR.: No problem. You can comment at that time.

COMMISSIONER ATKINS: Mr. Chair. I move that we recommend approval of zoning applications 2011 "Z" as in

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zebra-022-08 as well as Special Use Application 2011 "U" as in umbrella-015-08. The application for 2498 Lester Street, rezoning from R1A to R2 for the Special Use Permit for a a habitable accessory structure.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Commissioner. Is there a?

COMMISSIONER WARES: I second. Bring been motioned by Commissioner Atkins and seconded by Commissioner Wares for discussion, Commissioner Wares, at this time.

COMMISSIONER WARES: I just have a quick question. There seem to be some discussion about the public hearing and the way it was listed in the paper. It was, in fact, listed incorrectly so do we have any ramifications behind that because what was listed in the paper is not exactly the case that's listed on our meeting agenda?

COMMISSIONER BRIDGEWATER, JR.: Madam Attorney, you would like to respond to that or Staff?

COMMISSIONER WARES: It was on the Wednesday, August 24th, South Fulton Neighbor. It's a yellow sheet.

COMMISSIONER ATKINS: Mine reads -- my copy reads, 2498 Lester Avenue, Applicant Timothy Mack request rezoning from R1A to R2 --

COMMISSIONER WARES: Uh-uh.

COMMISSIONER ATKINS: -- with a Special Use Permit for habitable accessory structure. Is that how yours reads?

COMMISSIONER WARES: But the Case Number itself is

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incorrect. That's what I was asking if the Case Number --

MS. HOLMES: Case Numbers are internal tracking for the Department of Planning and Zoning. It's not a part of the actual --

COMMISSIONER WARES: So it's okay? Thank you.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, are there further discussion? Commissioner Washington. Go ahead.

COMMISSIONER WASHINGTON: No, I was just -- when she asking about it --

VIDEOGRAPHER: Microphone.

COMMISSIONER BRIDGEWATER, JR.: Turn your microphone on, Commissioner.

COMMISSIONER WASHINGTON: I'm sorry. What she had brought up, the only thing I'm just noticing is that Lester Street versus Lester Avenue. But is there a difference here?

COMMISSIONER BRIDGEWATER, JR.: I think it's listed as Lester Avenue; isn't it?

COMMISSIONER WASHINGTON: It's listed as Lester Avenue on the announcement but the applicant says Lester Street.

MS. CARTER: And it should be Lester Street. Fulton County Digest lists it as Lester Street, not Avenue.

COMMISSIONER WASHINGTON: So my concern is so on the announcement it -- in the newspaper it wouldn't --

ATTORNEY SUSAN GARRETT: I think it would require some research to determine whether that would be sufficient to invalidate the Notice. The Zone of Procedures Law requires that you identify

1 the property and identify what classification the zoning is and what  
2 classification is being sought. There's probably a question about  
3 whether the substitution of avenue for street would create any  
4 misunderstanding. But I think it it wouldn't make a difference --  
5 certainly if there were a Lester Avenue -- if there were two  
6 different --

7 COMMISSIONER WASHINGTON: Right. That's what I --

8 ATTORNEY SUSAN GARRETT: -- streets that would be -- I  
9 think would be very likely the problem with the notice whether it's  
10 necessarily insufficient to invalidate this notice. I'm not sure since it's  
11 not -- and really ambiguous but it is a potential.

12 COMMISSIONER BRIDGEWATER, JR.: Attorney Garrett has  
13 suggested that we postpone the vote on this matter because of the  
14 differentiation between Lester Street and Lester Avenue.

15 ATTORNEY SUSAN GARRETT: I can't guarantee you that  
16 there's nothing wrong with the notice but I, you know -- it's, you  
17 know, it's a difficult --

18 COMMISSIONER BRIDGEWATER, JR.: Commissioners, how  
19 do you feel? I think it's up to us, really?

20 COMMISSIONER SHELDON: My --

21 COMMISSIONER BRIDGEWATER, JR.: Commissioner  
22 Sheldon.

23 COMMISSIONER SHELDON: My recommendation is that we  
24 make our recommendation and in the interim before it goes to City  
25 Council that it should be clarified so that should this not be an issue,

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we don't hold the applicant up with further delays on developing his property. It would seem that that would be our planning and zoning focus by taking responsible for clarifying.

ATTORNEY SUSAN GARRETT: It will, in fact -- it will be re-advertised before it goes to Council so that correction can be made.

COMMISSIONER SHELDON: I'm comfortable with that.

COMMISSIONER BRIDGEWATER, JR.: I'm comfortable with that.

COMMISSIONER WASHINGTON: I'm comfortable with that. My thing was because the woman that was from the association said she just wasn't noticed so I just wanted to make that aware.

COMMISSIONER SHELDON: Well, again, that's an internal process procedure and we do know that the science were posted. So I think that the -- in turns of what we know to be true, I think I'm comfortable with that part of it.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Commissioners. Commissioner Bryant, go ahead.

COMMISSIONER WILLIAM BRYANT: I concur with that.

COMMISSIONER BRIDGEWATER, JR.: That you can, sir.

MS. CARTER: Dr. Bridgewater, it goes before Council on October the 17th. It is re-advertised tomorrow. It still would be more than fifteen days that prior to going to Council, who is the final word as opposed to a recommendation.

COMMISSIONER BRIDGEWATER, JR.: That's fine. I'm

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satisfied with that. Commissioners, without any further discussion --

ATTORNEY SUSAN GARRETT: Mr. Chairman, if I can just make one comment before the vote that there with two parts to this application. You know to be clear of what your vote is on each part of the application and the motion, I believe, is to approve both parts of the application --

COMMISSIONER BRIDGEWATER, JR.: Right.

ATTORNEY SUSAN GARRETT: -- but there's no legal reason that you can't approve one and not approve the other if that were your choice.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, I think we all are clear on that. Commissioner Tucker.

COMMISSIONER TUCKER: And I have a question, too. I want to be sure that I understand that this Special Use is saying that the home behind the duplex can only be used by this owner, that if he sells the property --

ATTORNEY SUSAN GARRETT: The Special Use Permit requires that the principle structure be owned and occupied.

COMMISSIONER BRIDGEWATER, JR.: Discussion. Everybody finished?

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign

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no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter will be forwarded and recommended to Council for approval and it will be republished in tomorrow's paper with the correct --

COMMISSIONER ATKINS: We don't know that. She said if it's advertised tomorrow. We don't know if it's tomorrow. It will be re-advertise as a public hearing for Council. The sufficient number of days --

COMMISSIONER BRIDGEWATER, JR.: Go by what Commissioner Atkins has said. Thank you. Madam Clerk, would you sound the next matter, please.

MS. CARTER: Case Number 2011M-002-09. Applicant is East Point Department of Planning and Zoning. Property location is Citywide. The applicant is seeking a recommendation for approval for a resolution transmitting the East Point City Mission 2036 Comprehensive Plan and Public Participation Plan to the Georgia Department of Community Affairs for the year and approval. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. Again Commissioners, the rules of the public hearing is still in effect. At this time, we'll entertain a motion to open the floor for the public hearing on said state matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner

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Sheldon.

COMMISSIONER SHELDON: I move we open the public hearing for Item Number 2011M-002-09, City of East Point Comprehensive Plan Community Assessment & Public Participation.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Wares that we open the public hearing on said stated matter. All in favor let it be none by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.) Bring hearing none, the public hearing is now open. At this time we'll hear from the distinguished gentleman.

(Whereupon Joel Reed approach the podium.)

JOEL REED: I'm Joel Reed with Pond & Company, 834 Inman Village Parkway, Atlanta, Georgia. Thank you Chair. Commissioners, these items before you, we met on at the work session. I'm here to answer any additional questions you may have. We were able to go to the Council work session the other evening. We had a great presentation with them. They had some questions. They were excited to see the data. Had some really good questions for clarification and we'll be before them on the 19th. If you still desire to make a recommendation to transmit to them and then ultimately,

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it will be transmitted to DCA and Regional Planning Commission for their review and approval so that we can go to the next stage which will be the agenda. Thank you.

COMMISSIONER SHELDON: I have a question. Did the Powerpoint presentation work for you?

JOEL REED: We did have a Powerpoint presentation with one slide that didn't show correctly but we had a Powerpoint presentation.

COMMISSIONER SHELDON: Well, good.

JOEL REED: Thank you.

COMMISSIONER SHELDON: Thank you.

COMMISSIONER WARES: I had a question.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Wares.

COMMISSIONER WARES: On population sheet it's in the -- I guess it's part of the Comprehensive Plan and you talk about educational attainment, I'm kind of confused between Fulton and East Point because East Point is a part of Fulton County --

JOEL REED: Uh-huh.

COMMISSIONER WARES: -- so how did you do that?

JOEL REED: That's Fulton County including the municipalities as well as unincorporated Fulton. County

COMMISSIONER WARES: Okay. So when you single it out, you just pulled East Point out individually?

JOEL REED: Yes.

COMMISSIONER WARES: As compared to the whole Fulton

1 County?

2 JOEL REED: Exactly.

3 COMMISSIONER WARES: Okay. Thank you.

4 COMMISSIONER BRIDGEWATER, JR.: Commissioners are  
5 there -- thank you, sir.

6 JOEL REED: Thank you.

7 COMMISSIONER BRIDGEWATER, JR.: Are there persons that  
8 wish to speak further and propose in favor of this matter?

9 COMMISSIONERS: (No response.)

10 COMMISSIONER BRIDGEWATER, JR.: Are they those that  
11 wish to speak in opposition of this matter?

12 COMMISSIONERS: (No response.)

13 COMMISSIONER BRIDGEWATER, JR.: Are they those that  
14 wish to speak in opposition.

15 COMMISSIONERS: (No response.)

16 COMMISSIONER BRIDGEWATER, JR.: Seeing and hearing  
17 none, Commissioners, I'll entertain a motion to close the public  
18 hearing.

19 COMMISSIONER SHELDON: Mr. Chair.

20 COMMISSIONER BRIDGEWATER, JR.: Commissioner  
21 Sheldon.

22 COMMISSIONER SHELDON: I move we close the public  
23 hearing for Item Number 2011M-002-09.

24 COMMISSIONER ATKINS: Second.

25 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by

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Commissioner Sheldon and seconded by Commissioner Atkins that we close the public hearing on the said state matter before the Commission. All in favor.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now closed. Staff, we'll hear from you at this time.

MS. CARTER: 2011M-002-09. Applicant is seeking a recommendation for approval of the resolution transmitting the East Point City Mission 2036 Comprehensive Plan & Public Participation Plan to the Georgia Department of Community Affairs for review and approval. Staff recommends approval of said resolution.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff. Commissioners, I'll entertain a motion at this motion -- excuse me.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we recommend approval of the resolution transmitting the City of East Point's Mission 2036 Comprehensive Plan Update to include the Community Assessment & Public Participation Plan to the Georgia Department of Community Affairs for review and approval, Item 2011M-002-09.

COMMISSIONER ATKINS: Second.

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COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded -- it's been motioned by Commissioner Sheldon and seconded by Commissioner Atkins for approval of said state matter. Discussion.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, all in favor let it's be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter is approve and it will also be forwarded to Council. Staff, at this time, are there announcements from Staff.

**VIII. ANNOUNCEMENTS:**

MS. CARTER: None.

COMMISSIONER BRIDGEWATER, JR.: Attorney Garrett, announcements?

ATTORNEY SUSAN GARRETT: No, sir.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Commissioners, any announcement?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none, Commissioners, I'll entertain a motion for adjournment.

**IX. ADJOURNMENT:**

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COMMISSIONER TUCKER: Motion to adjourn.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker and seconded by Commissioner Wares motion to adjourn. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: We announce we're adjourned.

(Whereupon this concludes the City of East Point Planning & Zoning Commission meeting for September 15th, 2011.)