

1 CITY OF EAST POINT

2 **PLANNING & ZONING COMMISSION**

3 January 19th 2012 - 7:00 P.M.

4 Official Meeting Minutes

5 East Point, Georgia
6 Jefferson Station
7 1526 East Forrest Avenue
8 4th Floor

9 **Board Members:**

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

11 Commissioner Shean **ATKINS**, Co-Chair

12 Commissioner Francine **JONES**, Provisional Chair

13 Commissioner Linda **SHELDON**

14 Commissioner Eric **FRIEDLY**

15 Commissioner Joel **TUCKER - Absent**

16 Commissioner Davita **WASHINGTON - Absent**

17 Commissioner Dr. Lydia **WARES**

18 Commissioner William **BRYANT**

19 Also Present:

20 Ms. Susan **GARRETT**
21 City Attorney

22 Ms. Regina **CARTER**
23 Senior Planner

24 Ms. Keyetta **HOLMES**
25 Senior Planner

James **HAMMOND**
Videographer

Richard **RANDOLPH**
City Engineer

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APPEARANCES

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I. CALL TO ORDER: Ladies and gentlemen, I'd like to call to order the January 19th, 2012 session of the City of East Point Planning and Zoning Commission. At this time, Clerk would you be kind enough to call the roll, please.

II. ROLL CALL:

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

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Clerk. At this time, we want to ask everyone would you please be sure to turn off your cellphone, please and also would you join us in a moment of silence at this time.

III. MOMENT OF SILENCE:

COMMISSIONER BRIDGEWATER, JR.: Thank you. Now would you join us in the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER BRIDGEWATER, JR.: Commissioners, at this time, we will entertain a motion for the adoption of tonight's agenda.

V. ADOPTION OF AGENDA:

COMMISSIONER JONES: Mr. Chair, I move that we adopt tonight's agenda for January 19th, 2012.

COMMISSIONER SHELDON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Jones and seconded by Commissioner Sheldon that tonight's agenda for January 19th, 2012 be adopted as stand. As there corrections, changes?

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye. Bring opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, tonight's agenda is adopted. Also Commissioners, would you entertain a motion at this time for approval of the December 15th, 2011 minutes

1 of the City of East Point Planning & Zoning Commission.

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

3 COMMISSIONER FRIEDLY: I move that we adopt the minutes
4 from the December 15th, 2011 Planning & Zoning Commission
5 meeting.

6 COMMISSIONER WILLIAM BRYANT: Second.

7 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by
8 Commissioner Friedly and seconded by Commissioner Bryant that the
9 approval of the December 15th minutes, 2011 be accepted and
10 approved. Are there any necessary changes?

11 COMMISSIONERS: (No response.)

12 COMMISSIONER BRIDGEWATER, JR.: If there are none, all in
13 favor let it be known by the word aye.

14 COMMISSIONERS: Aye.

15 COMMISSIONER BRIDGEWATER, JR.: The sign of
16 disapproval, no.

17 COMMISSIONERS: (No response.)

18 COMMISSIONER BRIDGEWATER, JR.: Hearing none, those
19 minutes are approved. Madam Clerk, would you sound for me,
20 please, the first matter before the Commission under New Business.
21 Madam Clerk.

22 **VII. NEW BUSINESS:**

23 MS. CARTER: Case Number 2011V-005-12. Applicant is
24 Kimberly Bellamy. Location is 2230 Pinehurst Drive. Applicant seeks
25 a variance to a side yard setback. This application requires a public

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hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. At this time for the benefit of Commissions as well as the public, I will read the rules for a public hearing for the City of East Point Planning & Zoning Commission and these rules will be applicable for all matters on the agenda with the exception of one and I will stipulate that particular one which it is not applicable for. The rules for public hearing for the City of East Point Planning & Zoning are as follows:

(Whereupon the Rules for Public Hearing are read.)

COMMISSIONER BRIDGEWATER, JR.: The applicant for the proposed amendment or applicant's designated or representative, if any, will be entitled to speak first followed by other speakers in favor of the proposal for a total of fifteen (15) minutes. Those who oppose the proposed zoning amendment will then be permitted to speak for a total of fifteen (15) minutes. By a majority vote, the Commission may increase the total time for speakers provided that each side is given the same amount of time. If there is 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 state his or her current address. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address remarks only to the

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Commission and shall refrain from making personal attacks on any other speaker. The presiding officer may refuse a speaker the right to continue if after first being cautioned the speaker continues to violate the rules of decorum. Here ends the rules of the City of East Point Planning & Zoning procedure for a hearing. Commissioners at this time, I'll entertain a motion to open the floor for public hearing on said stated matter before the Commission.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we open the public hearing for Case Number 2011 "V" as in Victor-005-012. Applicant Kimberly Bellamy at 2230 Pinehurst Drive.

COMMISSIONER WILLIAM BRYANT: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Bryant that the public hearing be open on said stated matter. All in favor let it did 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. At this time, Madam Clerk would you call the applicant to come forward, please

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MS. HOLMES: Ms. Bellamy.

(Whereupon Applicant Kimberly Bellamy approach the podium.)

COMMISSIONER BRIDGEWATER, JR.: As you come forward Ms. Bellamy, would you be kind enough to state your full name and address, please.

KIMBERLY BELLAMY: Good evening. Kimberly Bellamy. The property address is 2230 Pine Hurst Drive, East Point.

MS. HOLMES: State your reason for applying for the variance, ma'am.

KIMBERLY BELLAMY: I'm here to apply for a four (4) foot variance in order to build steps in order to get up to the property. Anything more? I need a four foot variance because a contractor took down the steps and we're not in code and we need a variance to be in code to build the steps.

COMMISSIONER BRIDGEWATER, JR.: All right. Thank you, ma'am.

KIMBERLY BELLAMY: Okay.

COMMISSIONER BRIDGEWATER, JR.: That's it. Thank you are there other persons that wish to speak in favor of the matter before the Commission?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

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COMMISSIONER BRIDGEWATER, JR.: Are there those that wish to speak in opposition of said stated matter?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there those that wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there those present wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Commissioners, seeing none and hearing none, I'll entertain a motion to close the public hearing on said stated matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we close the public hearing for Case Number 2011 "V" as in Victor-005-12.

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commission Atkins that the public hearing be closed 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.

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COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none the public hearing is closed. Staff, would you give us your recommendation at this time, please.

MS. HOLMES: With regards to Case Number 2011V-005-12, location 2230 Pine Hurst Drive. Applicant is seeking a variance to the side yard setback. Staff recommendation is approval.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff. Commissioners, I'll entertain a motion at this time on said stated matter.

COMMISSIONER ATKINS: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: I move that we approve application 2011 "V" as in Victor-005-012, 2230 Pine Hurst Drive to allow the variance for the side yard setback.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Wares that the -- for a recommendation of the symptoms of approval for said stated matter. Are there comments at this time?

COMMISSIONER ATKINS: Because it's a variance, it's not a recommendation. We have the ability to approve this without a bit of recommendation to Council so my motion is for approval as opposed to a recommendation.

COMMISSIONER BRIDGEWATER, JR.: Thank you, sir.

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ATTORNEY SUSAN GARRETT: Mr. Atkins, is that recommendation for approve on the basis that the relief, if granted, would be in harmony with or could be made in harmony with the general purpose and intent of the zoning ordinance?

COMMISSIONER ATKINS: That is exactly correct because from what I understand, the applicant is simply replacing what was there previously.

ATTORNEY SUSAN GARRETT: Uh-uh.

COMMISSIONER BRIDGEWATER, JR.: Attorney Garrett, that should be added to his motion as a recommendation, part of his --

ATTORNEY SUSAN GARRETT: Yes, I think he's act accepted that addition to his motion to --

COMMISSIONER BRIDGEWATER, JR.: And the second still stands, Commissioner Wares?

COMMISSIONER WARES: I second, uh-uh.

COMMISSIONER BRIDGEWATER, JR.: Are there further comments from Commissioners?

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.: Then this matter is

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approved. Madam Clerk, would you sound the next matter, please.

MS. CARTER: Case Number 2011Z-027-11. Applicant is Tariqu Ahmad. Property location is 1377, 1379 Fulton Avenue. Applicant is seeking approval of a rezoning from R1A Urban Residential to R2, Two Family Residential. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Again as a reminder the rules for the public hearing for the City of East Point Planning & Zoning have been stated and are still in effect. Commissioners, at this time we'll entertain a motion to open the floor for a public hearing on said stated matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we open the public hearing for matter -- Case Number 2011Z-027-11.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Atkins for opening the public hearing 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.

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COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now open. Would Mr. Tariq come up, please. Be kind enough to state your name and address for us at the podium.

(Whereupon Applicant Tariq Ahmad approach the podium.)

TARIQ AHMAD: My name is Tariqu Ahmad. The address on the properties are 1377, 1379 Fulton Avenue.

COMMISSIONER BRIDGEWATER, JR.: Good ahead and tell us just what you're applying for.

TARIQ AHMAD: Yeah, we're applying for the rezoning of the property which was initially a duplex and then it was converted to single family dwelling due to the lack of power on the property for over a year. So it's against the law of the City of East Point that it will be -- it's converted to single family if the power -- utilities are not on so we're asking to reconsider this property to turn back to the duplex and no construction has been made as far as any changes. The property remains the same. Each property has it's own entrance. Each property has it's own driveway and it's pretty much the same. We have not changed anything and we just need your consideration.

COMMISSIONER BRIDGEWATER, JR.: Thank you Mr. Ahmad. That's good.

TARIQ AHMAD: I have another one right after that. Do you want me to stay or --

COMMISSIONER BRIDGEWATER, JR.: You can remain but

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don't leave.

TARIQ AHMAD: Okay, I won't.

COMMISSIONER BRIDGEWATER, JR.: Thank you, sir. Are there other persons that wish to speak in favor of the matter before the Commission?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Persons wish to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there those who wish to speak in opposition?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Anyone wants to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Commissioners none and hearing none, I'll entertain a motion to close the public hearing on said stated matter.

COMMISSIONER SHELDON: Mr. Chair.

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COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we close the public hearing on Case Number 2011Z-027-11, 1377 to 1379 Fulton Avenue.

COMMISSIONER WASHINGTON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commission Washington that the public hearing been closed on said state matter. All in -- comments?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing no comments 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,s the public hearing is closed. Staff, we'll hear your recommendation at this time.

MS. CARTER: Case Number 2011Z-027-11. Staff's recommendation is approval of said proposed rezoning from R1A Urban Residential to R2, Two Family Residential.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff. Commissioners I'll entertain a motion on said stated matter. Commissioners, I'll entertain a motion.

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COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we recommend approval of Case Number 2011Z-027-11, rezoning from R1A to R2.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Wares for approval for said state matter. Comments by Commissioners?

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none, this matter is approved. Staff, would you sound the second -- the next matter, please before the Commission.

MS. CARTER: Case Number 2011Z-028-11. Applicant is Tariqu Ahmad. Property location is 2462 Sylvan Road. Applicant is seeking approval rezoning of R1 Single Family Residential to R3. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff. Again the rules of the public hearing being in effect. Commissioners,

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I'll entertain a motion to open a public hearing on said stated matter.

COMMISSIONER ATKINS: Mr. Chair, I move that we open a public hearing for application 2011 "Z" as in zebra-028-11.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Commission Atkins. Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Sheldon that the public hearing been open 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. Mr. Tariq, you way come up once again, please. For the record as it may seem duplicity but give us your name and address again. Thank you, sir.

(Whereupon Applicant Tariq Ahmad approach the podium.)

TARIQ AHMAD: Again, my name is Tariqu Ahmad. We're here for the property 2462 Sylvan Road. The property was initially, 'um -- -- again it was triplex turned into a single family. We're asking for your approval to turn it into an R3 which is a triplex.

COMMISSIONER BRIDGEWATER, JR.: All right. That's it. Thank you, sir. Are there others who wish to speak in favor of this

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matter before the Commission?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there those present who wish to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Any person wants to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there those who wish to speak in opposition of the said matter before the Commission?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Those present wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Anyone present wants to speak in opposition?

COMMISSIONER BRIDGEWATER, JR.: Commissioners seeing and hearing none, I'll entertain a motion to close the public hearing, please.

COMMISSIONER JONES: Mr. Chair, I move that we close the public hearing for Case Number 2011Z-028-11.

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

COMMISSIONER WARES: I second.

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COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Jones and seconded by Commissioner Wares that we close 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 closed. Staff, we'll hear your recommendations at this time, please.

MS. CARTER: Case Number 2011Z-028-11. Staff recommends approval of proposed rezoning from R1, Single Family to R3.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Staff, we'll entertain -- Commissioners, excuse me. I'll entertain a motion at this time on said state matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I recommend -- I'm sorry. I make a motion that we recommend approval of Case Number 2011Z-028-11 property at 2462 Sylvan Road.

COMMISSIONER WARES: Second.

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

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Commissioner Sheldon and seconded by Commission Wares a recommendation for approval. Discussion at this time?

Commissioner Atkins.

COMMISSIONER ATKINS: I just have a comment. Mr. Ahmad said that the property had been turned to a Single Family. I just wanted to clarify that. From what I can see and from what Staff has shown in this documentation just for the viewing public, it's not that the property was turned into a Single Family. Because of it's vacancy for a certain period of time, the zoning reverted to Single Family and so what we're trying to do is to turn it back to Multi-Family but the property was not turned into Single Family and we're trying to give it a Multi-Family Zoning. I just wanted to make that clarification.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Mr. Atkins. The clarification is so noted. Are there other comments Commissioners?

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes, no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the matter is approved. Staff would you be kind enough to sound the next matter, please.

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MS. CARTER: Case Number 2011Z-006-12. Applicant is Bo Avel, Garrard Construction Services. Property location is 3033 Main Street. Applicant is seeking approval of a three-part concurrent variance request to reduce a ten foot building exterior and roof offset to zero feet, reduce a fifteen foot wide landscape strip planting to buffer standards to ten feet and a reduction of the rear yard landscape strip of twenty feet when adjacent to a residential district. This application requires a public hearing. I've only received one speaker card.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. Commissioners, at this time, we'll entertain a motion to open the public hearing on said stated matter.

COMMISSIONER WARES: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Wares.

COMMISSIONER WARES: I make a motion that we open the public hearing for Case Number 2011 "V" as in Victor-006-12 at 3033 Main Street.

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

COMMISSIONER WILLIAM BRYANT: Second.

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

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now open. Mr. Bo Avel, please come up, please and give us your name and stated address, please.

(Whereupon Applicant Bo Avel approach the podium.)

APPLICANT BO AVEL: I am Bo Avel, 1960 Satellite Boulevard Duluth, Georgia. Would you like me to hold up the visuals or just state what the variances are?

COMMISSIONER BRIDGEWATER, JR.: You can do your presentation as you so deem necessary, sir.

MS. CARTER: Excuse me. Mr. Avel, if you'll speak into the speak for our --

COMMISSIONER BRIDGEWATER, JR.: Stenographer.

MS. CARTER: -- stenographer to take very good minutes.

APPLICANT BO AVEL: Yes, ma'am. We are requesting a three-part variance. One is on the building. The building requires a ten foot offset of the building mall every ten feet. We ask that to be reduced to zero. We brought some conditions. I'll go over that in a moment. The front ten -- fifteen foot landscape strip to be reduced to ten foot so we can fit the building and parking lot on there and the back corner, we request that that twenty foot buffer be reduced to allow our building to fit to five feet. Ten foot offset, as a condition, we are offering to put in pilasters on the side -- I mean, on the front

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and on the side the pilasters will extend out to encase the gutters. This has been revised since I've been here and I can pass this around if there's any questions or I can go into better detail if you need me to at this time.

COMMISSIONER BRIDGEWATER, JR.: I don't think it will hurt if you want to pass it round so all our Commissioners can take a closer look at it.

APPLICANT BO AVEL: Sure. Before I pass it around, I'll tell you what we did differently. In the parapet in the top, we put in additional texture to get rid of the flat wall all built up the center to give it more depth and we added period lighting across the pilasters in the front. It hasn't been determined. There's a minimal on the drawing. We're thinking like a wrought iron or something period to dress up it's front. Something that will tie in with the lighting in the parking lot. This is a different view, of course. It doesn't have the landscape shown here but I also brought a landscape plan that shows the landscape better here so this is just a different perspective that shows the light will be down the side of the building as well as in the front. There were requests that we bring in something showing our landscaping a little bit better. I wasn't able to get a perspective view but hopefully this will show a little bit better. And we have trees across the back here and it just shows our trees as they are in the islands and thing like that. I can answer any questions as best I can. Although I'm not the one -- I can put this here or --

COMMISSIONER BRIDGEWATER, JR.: That's a good place,

1 thank you. Does anybody want to reserve any time? You finish?
2 APPLICANT BO AVEL: Yes, sir.
3 COMMISSIONER BRIDGEWATER, JR.: You can always
4 reserve your time.
5 APPLICANT BO AVEL: Okay. Nothing further. I'll just leave
6 that there.
7 COMMISSIONER BRIDGEWATER, JR.: Yes, sir. Are there
8 other persons present that wish to speak in favor of the matter
9 before the East Point -- City of East Point Planning & Zoning
10 Commission at this time?
11 AUDIENCE: (No response.)
12 COMMISSIONER BRIDGEWATER, JR.: Are there others
13 present that wish to speak in favor?
14 AUDIENCE: (No response.)
15 COMMISSIONER BRIDGEWATER, JR.: That want to speak in
16 in favor, you may forward.
17 AUDIENCE: (No response.)
18 COMMISSIONER BRIDGEWATER, JR.: Seeing none, are there
19 those that wish to seek in opposition. If you'll sign the cards --
20 Madam, lets go with the first one that signed up first.
21 MS. CARTER: Currently, I only have one card and it is J.P.
22 Curran.
23 COMMISSIONER BRIDGEWATER, JR.: Mr. Curran --
24 J.P. CURRAN: Yes.
25 COMMISSIONER BRIDGEWATER, JR.: -- you can come

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forward. The others of you, we will provide you an opportunity to speak but if you'd be kind enough to fill out a card. You have one. Pass them up to the Clerk. James, would you hand them to the Clerk. Is there anyone else? All cards -- all right, sir. Thank you for your patience in waiting. Go ahead, sir.

J.P. CURRAN: My name is J.P. Curran. I reside at 2260 Dauphine Street. I guess I really want to address the application for approval of this variance tonight for a couple of reasons. Number one, from what I understand this is one of the first, if not the first application that will be approved under the new architectural overlay district for the downtown and I believe we're setting a precedent here that -- well, one, let me just say. The reasons for having a downtown architectural overlay district in the first place are to promote development that is consistent with the core of downtown, our character buildings, something that enhances the built environment and something that in essence is the since of place that is East Point. I mean, Main Street is the front porch to East Point so that's -- above all, that's the main reason for the architectural overlay district in the first play. The second reason in my opinion is to prevent development that is inconsistent with that goal and I believe that this proposal is inconsistent. The variances that are requested and the hardships listed I believe are not adequate. The fact that this is a half mile within a transit station, the building should be placed to the street. Parking should be reduced. Instead, this applicant -- the application that the building is placed to the rear of

1 the lot which is not consistent with the architectural over lay district
2 guidelines. So above all, the site planning of this is inconsistent and
3 should be reconsidered and done in a different way. You know, it
4 also speaks to the Auto Zone that is across -- adjacent to it. That
5 structure was built and approved prior to these architectural lay
6 districts and it is my belief that the guidelines were put in place to
7 prevent such development from occurring in the future so I would
8 ask all the Commissioners to strongly request that this not be
9 approved tonight and defer it for further decision. Thank you.

10 COMMISSIONER BRIDGEWATER, JR.: Thank you. Call the
11 next name.

12 MS. CARTER: Tommy Bush.

13 COMMISSIONER BRIDGEWATER, JR.: Mr. Bush, would you
14 come up and state your name and address, please.

15 TOMMY BUSH: Tommy Bush. I live at 3040 East Point
16 Street. That's the property that bucks up to the back of this
17 development and I want to speak not so much about against or for
18 the development but on the conditions of the development. If I
19 could use this gentleman's plane here to show --

20 VIDEOGRAPHER: Would you speak into the "mic", please.

21 TOMMY BUSH: My properties butt up to the back of the
22 property -- let me get my bearings here -- back here and my concern
23 is my bedrooms in my house and my rental house is in the back.
24 Some dumpsters right next to your bedroom. How don't know how
25 you guys feel about that but that doesn't not go well for me. Also,

1 big lights. In the summertime if the wind gets breezy, who wants
2 the spotlight on 'em? And my third and my biggest concern is this
3 whole area floods regularly back here and the sewers in here, the
4 storm sewers get -- you go through there on a hot summer day and
5 it smells bad. They coming up out of the storm drains and stuff so
6 every time you get a flood, you got a backyard full of sewer water
7 and the drain -- I ain't sure where the drains -- I couldn't get a set
8 of plans or anything but if their draining in to this, their just adding
9 to the problem. A sewer filled with water -- I've had two or three
10 feet of water in my garage before. That's pretty much it.

11 COMMISSIONER BRIDGEWATER, JR.: Thank you sir.

12 TOMMY BUSH: Thank you for your time.

13 COMMISSIONER BRIDGEWATER, JR.: Sure. Thank you.
14 Ma'am, you if I would out a card as well.

15 TERESA NELSON: I'll fill one out.

16 COMMISSIONER BRIDGEWATER, JR.: All right. Thank you.
17 (Whereupon Teresa Nelson approach the podium.)

18 TERESA NELSON: Teresa Nelson, 1732 Neely Avenue and I
19 have spent the last couple of weeks going back and forth with Main
20 Street and obviously, there are some grave concerns about this
21 particular replacement of this build, the conditions that they -- the
22 variances that they are seeking and I wholly support the opposition
23 to the granting of these variances. First off, I'd like to point out -- I
24 want to second what Mr. Curran said. We did a lot of work to
25 address the overlay district downtown and even if the City violates it

1 with it's huge sign at the Customer Service Center, it doesn't mean
2 the private parties can do so either and we are to orientate
3 construction in the downtown area. It should have architectural
4 standard which this building does not have and it should be oriented
5 towards Main Street with parking behind it. That is the traditional
6 design for a historic district such as our downtown. In addition, park
7 does not -- they do not need forty-two (42) spaces for parking. From
8 what I can read on the drawing, that's what they're asking for. They
9 do not need that much parking. The buffer behind there is in
10 adequate to protect the residential community behind there, as the
11 gentleman before me addressed in far better detail but with regards
12 to noise and light protection from the rear, there's very little for that
13 neighborhood and by granting the variances that they're seeking,
14 what you're doing is making their lives miserable particularly at night.
15 And I also want to point out that the City was just awarded a grant of
16 over three million dollars, finally, to start doing streetscapes and
17 redoing a transportation corridor in the downtown -- well, that's what
18 I got from Main Street. So unless maintain coordinator is wrong,
19 then that's the case. So if they got this money to redo the downtown
20 and streetscapes, why on earth would we want to have a structure
21 that is incompatible with what we're going to be doing in that
22 downtown area? And I must say this design and the replacement of
23 this on the lot indicates a strip center type design. Downtown East
24 Point is not a strip center. It is a historic area that design protection
25 and it deserves it from you. Family Dollar is certainly welcome but

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they can meet the standard of the district. They don't need these variance in order to do business. Thank you.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Make sure you fill the card out for them, please. Thank you so much. Are there others present that wish to speak in opposition of said matter?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there other persons who wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Other persons present?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: How much time does Mr. Bo Avel have?

MS. HOLMES: Eleven minutes and thirty-two (11:32) seconds.

COMMISSIONER BRIDGEWATER, JR.: Mr. Avel, would you like to come back and rebut?

(Whereupon Applicant Bo Avel approach the podium.)

APPLICANT BO AVEL: Sure. 'Um, I'll do my best to address each one of the comments. Mr. Curran referring to some of the architectural, that we don't meet the architectural requirements. I think I did as best as I could and I'm willing -- I'm open to suggestions, I think as you heard from our last meeting. Also the -- from what I understood, the street orientation, the building up to the

1 street wasn't a requirement. I've heard that from everybody here. I
2 know it's a lot and there again, my goal is to leave East Point with a
3 building that they want but that wasn't required so that's why we
4 didn't do it. We will just try and do that. As far as Mr. Bush's
5 concerns dumpsters, lighting and flooding, 'um, we would have to
6 conform to a light ordinance that controls the light. Keeps it on the
7 side. Keeps it off his property and we will conform to that light
8 ordinance. 'Um, the flooding, huh, we did talk about that when I first
9 met with the community. I believe and I don't know and my
10 personal opinion, I think, that once we put in our storm structure and
11 it's gonna underground and it's gonna be significant. It will
12 probably -- and I can't say for sure, it will probably help control some
13 of the -- or may repair some of the existing issues that that
14 intersection faces. I can't say for sure but that's just a speculation. I
15 mean, we could -- I did give Mr. Bush my card and I'll be glad to
16 have him talk with my engineers. Yeah, we definitely want to help
17 but we don't want to come in and do anything that takes away from
18 the neighborhood. I know I'm setting a precedence today and like I
19 told, 'um -- in the last meeting, you'll definitely be able to tell that
20 this building is in an overlay district. But for a Family Dollar, it will be
21 one of the nicer once around and we've tried to do quite a bit to met
22 the architectural designs. For Teresa's concerns -- and I didn't catch
23 her last name.

24 COMMISSIONER BRIDGEWATER, JR.: Nelson.

25 APPLICANT BO AVEL: Nelson. Okay. Thank you. There

1 again, she address the orientation on the street and there again, it
2 wasn't a requirement from my understanding. There also were
3 concerns about architectural design. I wasn't presented with any
4 specifics so I couldn't really -- I did the best I could with what I had
5 to work with. She addressed parking. We are -- from what I
6 understand, we are parked to Code. 'Um, we could do with less
7 parking spaces. Our Family Dollar can go with as little as thirty (30)
8 but we are parking to the Code. As far as the incompatibility with the
9 funding for streetscaping and all of that, the landscaping it would
10 have come in the place -- the building architecturally -- it will
11 definitely be noticeable property. And I believe that's all -- that's all I
12 have in rebuttal.

13 COMMISSIONER BRIDGEWATER, JR.: Thank you.

14 Commissioners, I'll be happy to entertain a motion at this point.

15 ATTORNEY SUSAN GARRETT: A motion to close the public
16 hearing.

17 COMMISSIONER BRIDGEWATER, JR.: I was about to say,
18 Commissioners, I'll be happy to entertain a motion to close the public
19 hearing at this time.

20 COMMISSIONER SHELDON: Mr. Chair.

21 COMMISSIONER BRIDGEWATER, JR.: Commissioner
22 Sheldon.

23 COMMISSIONER SHELDON: I move we close the public
24 hearing for Case Number 2011V-006-12, 3033 Main Street property

25 COMMISSIONER ATKINS: I second.

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

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Then the matter is closed. Attorney Garrett, that's where I was going. I was just taking my time getting there.

ATTORNEY SUSAN GARRETT: Okay.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Staff, can we hear from you at this time, please.

MS. CARTER: Case Number 2011V-006-12. Staff's recommendation is approval of concurrent variance Part One to reduce forty (40) foot building exterior wall and roof offset by a minimum of ten (10) feet to zero (0) with the condition of (A), exterior variation through the use of pilasters plus or minus two (2) feet wide, 2.8 feet deep as well as the mixture of brick, stucco and stone material. Condition Number Two, on the right side of the building elevation insert faux blank windows to give the appearance of a window and (C), no vending on any exterior call surrounding the building. Approval of concurrent variance Part Two to reduce the landscaping strip from fifteen (15) feet to ten feet with the condition

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of a planted two foot berm containing continuous Evergreen to be constructed. Approval of concurrent variance Part Three to reduce the twenty (20) foot rear setback where adjacent to a residential district to five feet with the condition of a six foot decorative fence to be constructed with Evergreen planting along the fence line.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff.

Commissioners, at this time, we'll entertain a motion.

COMMISSIONER ATKINS: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: I move that we defer this Agenda Item to our February meeting.

COMMISSIONER SHELDON: Second for discussion.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins that we defer this to our February 2012 meeting and it's been seconded for discussion by Commissioner Sheldon. At this time, discussion.

COMMISSIONER ATKINS: Sure. I first of all would like to commend our applicant on the improvements that they've made to the aesthetics of the building since our Work Session. My motion basically is hopefully to give the applicant and the residents that abut that property -- I think that when we had our Work Session, there were no comments from the residents from CZM if I'm not mistaken and so I think Mr. Bush -- I believe that was the second speaker --

COMMISSIONER BRIDGEWATER, JR.: Uh-uh.

COMMISSIONER ATKINS: -- lives directly behind and so I am

1 particularly concerned with the issue of flooding. Also, I know that
2 the applicant spoke to the lighting piece but that's a concern to me as
3 well. And also the noise piece. I don't believe that's what's there
4 now is given -- or would give as much of those stressors to the
5 residents currently so I'd like to see if we could come to some type of
6 middle ground for the applicant as well as the residents. Obviously,
7 anyone who comes to the City of East Point they are neighborhoods
8 whether residential or corporate or business and I'd like for us to
9 work together as best as possible so that's really the premise for my
10 motion to defer to our February meeting. Hopefully, we'll be able to
11 come to some type of middle ground for both the applicant and those
12 living along the backside of the property.

13 COMMISSIONER BRIDGEWATER, JR.: Thank you,
14 Commissioner Atkins. The Chair recognizes Commissioner Sheldon.

15 COMMISSIONER SHELDON: I'd also like to express my
16 appreciation for the design work that you did in the interim and very
17 quickly and suggest that the variance for parking be something that
18 you might consider as oppose to a variance for setback so that you
19 might be able to reposition the building on the street. So if there's
20 time to explore some other options, that would be my
21 recommendation. It might help. Thanks.

22 COMMISSIONER BRIDGEWATER, JR.: Are there other
23 Commissioners that wish to have discussion?

24 COMMISSIONERS: (No response.)

25 COMMISSIONER BRIDGEWATER, JR.: Staff, Attorney Garrett

1 would you all like to have discussion in this matter?
2 STAFF: (No response.)
3 COMMISSIONER BRIDGEWATER, JR.: Are there comments.
4 ATTORNEY SUSAN GARRETT: No, I was just answering a
5 Staff --
6 COMMISSIONER BRIDGEWATER, JR.: Okay. Commissioners,
7 are you ready to vote. All in favor let it be known by the word -- this
8 is voting for deferral. All in favor let it be known by the word aye.
9 COMMISSIONERS: Aye.
10 COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign
11 no.
12 COMMISSIONERS: (No response.)
13 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the
14 matter is deferred to the February 2012 meeting of the City of East
15 Point Planning & Zoning.
16 COMMISSIONER ATKINS: And I just want to clarify that the
17 motion is to defer to our February meeting.
18 COMMISSIONER BRIDGEWATER, JR.: That's what I just said.
19 COMMISSIONER ATKINS: It's set for deferral and it could be
20 indefinite so I just -- I gave it a time-certain for February.
21 COMMISSIONER BRIDGEWATER, JR.: I said to -- okay. To
22 defer 2012 -- February of 2012 meeting.
23 COMMISSIONER WILLIAM BRYANT: Also Mr. Chair.
24 COMMISSIONER BRIDGEWATER, JR.: Commissioner Bryant.
25 COMMISSIONER WILLIAM BRYANT: I noticed something that

1 happened today Mr. Bo Avel and I don't know if we discussed this or
2 not but I was in a similar store in East Point this afternoon and there
3 was a resident in the store and he had a bladder problem and he
4 asked the person, the salesperson would he use the restroom and
5 the salesperson stated to him that, "we don't have a restroom for the
6 public" and I was just -- and this person was in the store shopping
7 and I just couldn't understand that and I hope that if this get
8 approved we do have restroom facilities for people who's shopping in
9 your store.

10 APPLICANT BO AVEL: (No response.)

11 COMMISSIONER BRIDGEWATER, JR.: Thank you,
12 Commissioner Bryant. Staff, would you sound the next matter before
13 the Commission, please.

14 MS. CARTER: Case Number 2011P-006-12. Applicant is
15 Casey Hild / Lakeside Preserve. Property location is Old Fairburn
16 Road. Applicant is seeking approval of the Final Plat for Phase 3B-1
17 which contains twenty-seven (27) single family detached residential
18 units on 6.74 acres.

19 COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff. As
20 indicated at the beginning of the agenda, there would be one matter
21 that did not require a public hearing and this is the said stated matter
22 that does not require a public hearing. At this time, we will hear
23 from the applicant who is already at the podium. Would you State
24 your name and address, please. Thank you.

25 CASEY HILD: My name is Casey Hild. I live at 4723 Holly Oak

1 Place in Atlanta. I'd like to just start by asking -- I see where it's up
2 for deferral. According to your scheduled -- the 2012 Planner, I'm
3 looking for a recording date in February of these 27 lots. Will this
4 deferral push that recording date back?

5 MS. CARTER: It is deferred to P&Z for -- Staff's
6 recommendation is deferral until February so it will follow the
7 February schedule that will then go to --

8 CASEY HILD: To April.

9 MS. CARTER: April.

10 CASEY HILD: Okay. Then I have a major issue with this.

11 COMMISSIONER BRIDGEWATER, JR.: You may state it.

12 CASEY HILD: I've done everything I've been asked to do on
13 this Final Plat. It's twenty-seven (27) lots at Lakeside Preserve. For
14 those of you are not familiar with Lakeside Preserve, it's probably one
15 of the top single family subdivisions in East Point. We have already
16 recorded nine (9) Final Plats in Lakeside. This is nothing new. This
17 one is not reinventing the wheel. We are trying to add twenty-seven
18 (27) lots. We are trying to add to the City's tax digest. We are trying
19 to buy more meters of water and sewer. We are trying to keep
20 inspectors busy. We are trying to build houses. I supplied the
21 Planning and Zoning Department with twenty-five (25) plats on
22 December 13th. The City has had five (5) weeks to do their review
23 and to my knowledge, there are still some departments that have not
24 reviewed my Final Plat and I think that is why this is being deferred.
25 I've done everything I know how to do and at three (3) o'clock this

1 afternoon, I was told that the Public Works Department had not
2 completed their review. We're not -- we're simply trying to do
3 business in East Point. We're trying to sell houses. I have two
4 contracts on two of these lots and if they go away because this gets
5 deferred until April, it's not going to be pretty. You're talking about
6 six to seven hundred thousand dollars worth of housing and folks
7 who are -- who actually own this property will be back. It's been
8 incredibly frustrating. I can tell you that. I've been working with the
9 Planning and Zoning folks. I've called -- I've asked what can we do?

10 I said, are we in good shape and as of yesterday when I
11 turned everything in, we were supposedly in good shape. Today at
12 three (3) o'clock, we were not in good shape. I just can't begin to tell
13 you how frustrating it is to work with folks who don't follow through
14 on what they should be doing. I'm asking that you -- if I can work
15 with the Public Utilities Department, with the folks downstairs and
16 still get this February recording date, then everything is fine. We can
17 still do business. I probably won't lose those two contacts. But as I
18 said, I've done everything I can do to get this plat recorded. It's a
19 Final Plat recording. This is not anything that should be that difficult.

20 COMMISSIONER BRIDGEWATER, JR.: Thank you Mr. Hild.
21 Your frustrations have been duly noted. Thank you. Are there other
22 persons wish to speak in favor of the matter --

23 ATTORNEY SUSAN GARRETT: Mr. Chair, this isn't a public
24 hearing. That was just a president station by the applicant.

25 COMMISSIONER BRIDGEWATER, JR.: Yeah. Thank you, sir.

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ATTORNEY SUSAN GARRETT: Would the Commission like to hear the checklist of items that are required for Final Plat approval

COMMISSIONER ATKINS: I think that that would be very helpful for us to hear that and not only for our benefit but for also those who are in the audience and the viewing audience because Mr. Hild has had an opportunity to say that he has supplied everything and so if he had documentation or information contrary to that, I think it will be helpful for everyone and perhaps there's something that is required that he's not aware of.

COMMISSIONER BRIDGEWATER, JR.: Would this be the appropriate time to do it now?

COMMISSIONER SHELDON: Yes.

COMMISSIONER ATKINS: Yes. Absolutely. He's --

ATTORNEY SUSAN GARRETT: And I'm reading from Section 10-4009 of the Code. It's a rather long list so it's gonna take a moment. I believe -- and Staff can confirm this after I read from the code, that all of these items are also listed on a Final Plat checklist that's part of the application.

COMMISSIONER BRIDGEWATER, JR.: Would you repeat the section, please, again.

ATTORNEY SUSAN GARRETT: 10-4009 Part C is what I'm reading from.

(Whereupon Section 10-4009 Part C is read into the record.)

ATTORNEY SUSAN GARRETT: Prior to approval or recording of a Final Plat, the following must be provided by subdivider or the

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designee thereof:

One (1), cash assurance in an amount equal to one hundred twenty-five (125%) percent of the cost of infrastructure improvements not yet in compliance. Said cash bond shall be maintain until the improvements have been approved by the City.

Two (2), maintenance bond to issue sure the viability of infrastructure improvements.

Three (3), drawings, demonstrating the "as-built" conditions of the site.

Four (4), an electronic format acceptable to the Public Works Department containing data about the sanitary sewer and water systems where available.

Five (5), signed release of the project by the City Engineer.

Six (6), recorded deed to City Engineer for any dedicated space.

Seven (7), sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building line whether curved or straight. This shall include but not be limited to the radius length of arc, internal angles and tangent distance for the center line of curve streets and curved property lines that are not the boundary of curved streets. This is gonna be so long. I may short ten some of the sentences.

Number Eight (8), tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of

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residential lots and other sites.

Nine (9), all dimensions shall be accurate to the nearest one tenth (1/10) of a foot and all angles accurate to the nearest minute.

Number Ten (10), name and right-of-way width of each street or other right-of-way.

Eleven (11), house numbers.

Twelve (12), title, name and location of subdivision, north arrow, date, scale and land lot and district numbers.

Thirteen (13), location, dimension and purposes of any easements and any areas to be dedicated to public use or sites for other than residential use with notes State their purposes and limitations.

Fourteen (14), lots or sites numbered in numerical order and blocks lettered alphabetically.

Fifteen (15), accurate location, material and description of monuments and markers.

Sixteen (16), certification showing the applicant is the land owner and dedicates streets, rights-of-way and any sites for public use.

Seventeen (17), certification by the department of Public Works water system and the City Engineer that the subdivider has complied with one of the following alternates -- 'um, I'll omit reading the alternates.

Eighteen (18), certification of City Engineer of acceptance of street design and improvements.

1 Nineteen (19), engineer's or surveyor's acknowledgment.

2 Twenty (20), owner's acknowledgment.

3 Twenty-one (21), approval of the Planning & Zoning
4 Commission and that's not the complete ordinance but that brings it
5 up to the point that we're at now in the process.

6 COMMISSIONER ATKINS: And so my question at this point of
7 Staff is, I believe, that your recommendation for deferral is because
8 the applicant, Mr. Hild, has not provided all of those items in the
9 entirety; is that correct?

10 MS. CARTER: Correct. I can only go over a few. I'll have to
11 defer to the City Engineer to go through the list but as of today, 'um
12 -- as of three (3) o'clock this afternoon, the chlorination test has not
13 be completed. We do not have a maintenance bond at a hundred
14 twenty-five percent (125%). Mr. Hild brought a maintenance bond --
15 performance bond of a hundred percent (100%), however, not an a
16 hundred and twenty-five (125%). 'Um, I spoke with Roy Barnes this
17 afternoon. At this point, one test was done this morning at 11:00 but
18 the chlorination, they still do not have a chlorination test. Now, for
19 the person who has to sign off as the engineer, I'll have to defer to,
20 'um, Richard Randolph for the remaining items that are not complete
21 and that they have a list of what is not complete. We have to defer to
22 Public Works.

23 COMMISSIONER ATKINS: Got you. So as it relates to Planning
24 and Zoning, there are two items, the maintenance bound of a
25 hundred and twenty-five (125%) percent and the chlorination --

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MS. CARTER: Test.

COMMISSIONER ATKINS: -- test. Okay. So there are two
Items from Planning and Zoning and then, Mr. Randolph,
there's some items from Public Works that are not in?

(Whereupon Richard Randolph approach the podium.)

MR. RANDOLPH: After meeting with Anthony Brown and
myself and some of the Staff, this is a list that we provided to Mr.
Hild that he needed to do or complete in order to consider this plan
in a completion process. He needs "as-built" plans as per "as-built"
checklist. There's a checklist that's similar to what Attorney Garrett
was reading and I know it's about forty (40) items. I have the
checklist here with me. I was gonna let the Commissioners look at
that checklist. Also the flood plan indemnification for plats, that's not
on the plans. The sewer easement agreement is not on the plans. A
copy of deeds for any dedicated space is also missing. Roadway
cores are missing in terms of bores. You got to do your borings.
Erosion Control Field Inspection Sign Off needs to be called in and
scheduled. Maintenance Bond per attached, Maintenance Bond
Calculation Form needs to be completed and also Performance Bond
attached -- Performance Bond Calculation Form also needs to be
completed. These items were sent to Mr. Hild as an email and, 'um,
pretty much, 'um -- these were just an addition to the plan
themselves.

COMMISSIONER BRIDGEWATER, JR.: Good. Commissioner
Atkins, can I just ask him to State his name and title for the viewing

1 public, please.

2 RICHARD RANDOLPH: Thank you, 'um, again, my name is
3 Richard Randolph. I'm the City Engineer for the department of water
4 and sewer.

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

6 RICHARD RANDOLPH: All right. Thank you.

7 COMMISSIONER BRIDGEWATER, JR.: Go ahead, Mr. Atkins.

8 COMMISSIONER ATKINS: Mr. Randolph, I just have a
9 question just for clarity purposes and so you said that these items
10 were sent to Mr. Hild; that's correct --

11 RICHARD RANDOLPH: Yes, sir.

12 COMMISSIONER ATKINS: -- via email; correct?

13 RICHARD RANDOLPH: That's correct.

14 COMMISSIONER ATKINS: And had you guys communicated
15 with Mr. Hild via email previously or throughout this entire process?

16 RICHARD RANDOLPH: Yes, we have.

17 COMMISSIONER ATKINS: And you've gotten responses from
18 him and so you're pretty certain that the email address that you have
19 is the accurate email address for Mr. Hild; correct?

20 RICHARD RANDOLPH: Yes, correct.

21 COMMISSIONER ATKINS: Okay. Thank you.

22 RICHARD RANDOLPH: Thank you.

23 COMMISSIONER WARES: I have a question. Of your last
24 email that you sent, this one that's most important, when was that
25 email sent with these conditions?

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RICHARD RANDOLPH: I believe the email was sent today. Yeah, it was sent today. But now, this is only -- this was only sent only because these items were requested earlier as part of the process so this was sent again to Mr. Hild to let him know that he still had not met the requirements.

COMMISSIONER BRIDGEWATER, JR.: The Chair will yield to Commissioner Washington.

COMMISSIONER WASHINGTON: When was the origin requirements sent?

CITY ENGINEER RICHARD RANDOLPH: On the -- actually as far as this project is concern, I would have to defer to perhaps the recommendation from Attorney Garrett because some of this information predated my becoming a part of East Point so I wouldn't want to really, you know, mislead Mr. Hild in some of my comments.

ATTORNEY SUSAN GARRETT: Ms. Washington, would you repeat your question. I'm not sure I caught it.

COMMISSIONER WASHINGTON: He said this -- an email was sent prior to this one so I wanted to know when was the origin email sent to let him know that these documents were not received.

ATTORNEY SUSAN GARRETT: Okay. The Planning and Zoning Staff can speak to what is in the application material and what's discussed when the application is initiated. Mr. Randolph will have to confirm this but I'm not trying to testify but I recall that there was a December 13th email that you sent saying we need ethe "as-built" plans.

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RICHARD RANDOLPH: Okay.

ATTORNEY SUSAN GARRETT: Is -- that sounds correct?

RICHARD RANDOLPH: That's correct. That sound correct.

ATTORNEY SUSAN GARRETT: My understanding is that we received the "as-built" plans maybe a week ago?

COMMISSIONER ATKINS: But in addition to that, the checklist is given at the time of the application --

MS. HOLMES: That's correct. It's a standard part of the application process and it is a part of our ordinance and it is required for every Final Plat that's filed here in the City.

COMMISSIONER SHELDON: Thank you.

COMMISSIONER BRIDGEWATER, JR.: My question would be, Mr. Randolph, how could we be so far off in terms of Mr. Hild saying that just late as today he got a message that everything was okay. He had everything up to date but yet we're saying that it's was not. I mean, how are the two of you so far apart?

RICHARD RANDOLPH: And I'll -- I'm not sure who Mr. Hild has been per se talking with within the department the terms of him mentioning that -- what he thought was complete. I'm not sure. I've never talked with anyone within our department that said that the plans were complete so I'm not sure. Maybe he can tell you who he's been talking with but he's not had that conversation with me and according to Mr. Brown, in terms of what the requests were, I can't determine.

COMMISSIONER BRIDGEWATER, JR.: I appreciate it. I was

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just trying to respond to his noted frustrations that as late as today, he thought everything was good and in fact they're not.

CITY ENGINEER RICHARD RANDOLPH: Right.

COMMISSIONER BRIDGEWATER, JR.: So I was just trying to see where the miscommunication was.

RICHARD RANDOLPH: Okay.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

Commissioners, I think --

MS. CARTER: Commissioner Bridgewater, I can answer part of that. I spoke to Mr. Hild when he brought the maintenance bond. Geneasa realized the maintenance bond on Monday was not the correct amount. It was at a hundred (100%) percent. I called him. He was still in the parking lot of this building and I explained to him that was one item. Then his testing was not done until this morning. Mr. Hild called me and said his testing was done this morning. I spoke to Public Works and to Water Sewer to find out where they were in their testing. At that point, that's when I would only answer the two questions because at that point, according to Public Works, Alex Mohajer and Roy Barnes, today at 3:00, when I met with both of them, those two items were not complete. So at that point, we cannot move forward in that checklist. Now, in addition to that, once those two directors got involved to make sure before we move forwarded to say anything else, that's when some other items were discussed with me as a planner as not an engineer, that there are other items. Those were the only two items that I could spoke to

1 with Mr. Hild. Then I walked up to Public Works and then that's
2 when I know that there was communication Anthony Brown, who is
3 the Transportation PE. He is the engineer also that has to review the
4 Public Works side. Richard is the engineer that reviews the water
5 and sewer side so the two directors of Water and Sewer and Public
6 Works at that point said no. We can't move further because of, one,
7 the chlorination test; two, before we send to Council to dedicate
8 streets that are not under a bond, they decided no, we cannot move
9 forward. Those items are required and they are in the application
10 process in a checklist. They were not done. They were done to the
11 best of his ability at that time. To think a hundred percent was okay
12 but it's not. Therefore, the PE who has to sign off on a Final Plat said,
13 no. He can not move forward before he puts his signature on there
14 along with your signature tonight to move forward to Council.

15 COMMISSIONER BRIDGEWATER, JR.: Thank you for your
16 Indepth clarification. Commissioners, are there others of you
17 that wish to make any comments?

18 COMMISSIONER WARES: Mr. Chair.

19 COMMISSIONER BRIDGEWATER, JR.: Commission Wares. I
20 Will -- let me recognize Commissioner Friedly. I saw your light
21 on. Good ahead.

22 COMMISSIONER WARES: Okay.

23 COMMISSIONER FRIEDLY: I just wanted to clarify the
24 Checklist that's provided when the application was initially
25 begun. Does it include a timeline and dates certain for the applicant

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so that they're fully aware of when these dead license have to be met in order to meet the Planning and Zoning scheduled?

MS. HOLMES: Each application is given a Commission Planner And it is -- the onus is on the applicant to make sure they meet all those guidelines, guideline dates and it is on the applicant to make sure that by your Commission day all items that are required by all departments are in their hands, delivered, stamped, signed and sealed.

COMMISSIONER FRIEDLY: Okay. And so the deadline is not sort of a stepwise meeting of certain goals. It's basically, everything must be done by this date?

MS. HOLMES: On the application filing deadline, which is the first Friday of the month, you began your process in going through the Commission process and Council process so that's why it stays specific in that manner.

COMMISSIONER FRIEDLY: Thank you.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Wares.

COMMISSIONER WARES: Yes, I have just one final question so I'm not confused. At the bottom of the application proposed action and everything we're going through, it says that this was first done May 15th 2008. Is that a misnomer and it was scheduled for the Council meeting on June 16th and I'm only asking that because it says, Request Approval for a Final Plat at Lakeside at the top but then it has a date, you know.

MS. CARTER: Lakeside Preserve has over five (5) phases.

1 COMMISSIONER WARES: Okay.

2 MS. CARTER: So they start as a preliminary plat for the entire
3 complex.

4 COMMISSIONER WARES: Okay.

5 MS. CARTER: And then it is Final Platted in phases.

6 COMMISSIONER WARES: Okay.

7 COMMISSIONER FRIEDLY: I'm sorry. If I can just interject.
8 I think her question is that our paperwork shows the P&Z
9 meeting date of 2008 --

10 COMMISSIONER WARES: Uh-uh.

11 COMMISSIONER FRIEDLY: -- and Council meeting date of
12 2008 so I think that's what we're asking about.

13 COMMISSIONER WARES: That was actually on the Staff
14 analysis sheet.

15 MS. CARTER: And it is not. The analysis should be this date
16 And on the date that goes toward Council which should be --

17 COMMISSIONER WARES: So that's a misnomer at the
18 bottom?

19 MS. CARTER: Yes. It should be January 19th, 2012 and then
20 Council's date -- and I don't have a planner in front of me to
21 tell you what date it is.

22 COMMISSIONER FRIEDLY: But all the other information on
23 her is current and accurate?

24 MS. CARTER: Correct, yes.

25 COMMISSIONER FRIEDLY: It's just the dates are incorrect?

1 MS. CARTER: The day of the actual P&Z meeting.
2 COMMISSIONER FRIEDLY: Okay.
3 COMMISSIONER SHELDON: The footer.
4 MS. CARTER: The footer. Thank you.
5 COMMISSIONER WARES: Thank you.
6 COMMISSIONER BRIDGEWATER, JR.: You finish Richard?
7 RICHARD RANDOLPH: Yes.
8 COMMISSIONER BRIDGEWATER, JR.: Thank you, sir.
9 RICHARD RANDOLPH: Thank you.
10 COMMISSIONER BRIDGEWATER, JR.: Ms. Carter, we have
11 Minutes left that Mr. Hild can come back at this point and re --
12 MS. HOLMES: It's not a public hearing.
13 ATTORNEY SUSAN GARRETT: Mr. Chair, it's not a public
14 hearing. The Commission, may if it wishes, direct questions but it's
15 not required to. It's up to the Commission what it wants to do.
16 COMMISSIONER BRIDGEWATER, JR.: Well, I realize it's not a
17 public hearing since they were statements made regarding him
18 specifically and this back and forth of him not getting information and
19 getting information, my question to you would be would it be
20 appropriate to allow him to return because he raising his hand as if
21 he wanted to say something and that's why I was asking.
22 ATTORNEY SUSAN GARRETT: If a member to have
23 Commission wishing to direct a question to him then you may allow
24 him to answer.
25 COMMISSIONER BRIDGEWATER, JR.: Okay. Get it.

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Commissioners.

COMMISSIONER FRIEDLY: I would therefore like to allow Mr. Hild to respond if he even cares to do so.

CASEY HILD: Thank you very much. As I stated earlier and I'll be very brief.

COMMISSIONER BRIDGEWATER, JR.: Hold on. I missed -- I saw him waiving his hand to get my attention. That's the point I was trying to get him up but you're saying to me, Attorney Garrett, then the question should come first rather than him just start talking, correct? He needs to address a point if a Commissioner had a question.

ATTORNEY SUSAN GARRETT: That would be the Chair's call but in my opinion but Mr. Friedly basically posed a question.

COMMISSIONER BRIDGEWATER, JR.: I think that going along from a legal standpoint of what you said --

ATTORNEY SUSAN GARRETT: We can understand his question as -- I'm wondering if the applicant would like to --

COMMISSIONER BRIDGEWATER, JR.: Excuse me, please. Would you be kind enough to address a question to Mr. Hild?

COMMISSIONER FRIEDLY: I'll rephrase it in the form of a question.

COMMISSIONER BRIDGEWATER, JR.: Thank you, sir.

COMMISSIONER FRIEDLY: Mr. Hild, do you have a response? How would you respond to what Staff has said about this process today?

1 CASEY HILD: Yes, I have a response. As I stated earlier when
2 I submitted my plats -- and I have a copy of the 2012 Planner. I
3 understand what it means that we have five weeks until the next
4 meeting, so on and so. During that five weeks, the process as I
5 understand it in East Point is my plats that I deliver go out to all the
6 various departments. They get looked over. They get reviewed. I get
7 a checklist. I have several checklists that was given to me by
8 Planning and Zoning. I answered every question on those checklists.
9 The answer you got from Mr. Randolph today that at 3 o'clock this
10 afternoon, they sent their email out with a checklist to me is totally
11 unacceptable. They had five weeks and I'm being punished for that.
12 That being said, what I would like you to do, if you would consider --
13 if you would approve this with the understanding that we will get it
14 taken care of in the next thirty days because there's nothing on
15 Richard's list, there's nothing on Ms. Carter's list that can't be done
16 within a week even the information that I supposedly now have and I
17 can tell you that I didn't get that email at 3 o'clock this afternoon. So
18 I will do everything I can do and make this plat happen. I'll play by
19 the rules. Tell me what they are. But I would ask you to seriously
20 consider approving this with the understanding that within the next
21 two weeks we get everything wrapped up and done and it meets
22 everyone's approval.

23 COMMISSIONER BRIDGEWATER, JR.: Commissioners, are
24 there others of you?

25 COMMISSIONER ATKINS: Mr. Hild, I'll just respond and this is

1 not a question. I'll just respond to your statement. I don't think that
2 -- as per my understanding, I don't think that Mr. Randolph will
3 refute the fact that an email was sent to you today at 3 o'clock. I
4 think that that was a follow up email. I think that there were emails
5 that were prior to that email and that email was simply to say that
6 these things are still outstanding and it's not a question, sir -- that
7 these things are still outstanding. So I don't think that that was an
8 origin email to say to you, Mr. Hild, you don't have these things,
9 okay. I think that as Attorney Garrett and Ms. Carter has stated,
10 various emails had gone out prior to that one to say that they did not
11 have a number of things and because of that, in addition to the
12 maintenance bond and a few other things, I think that the apply
13 package is not yet complete.

14 CASEY HILD: May I respond?

15 COMMISSIONER ATKINS: It wasn't a question.

16 COMMISSIONER JONES: Mr. Hild, I have a question.

17 COMMISSIONER BRIDGEWATER, JR.: The Chair recognizes
18 Commissioner Jones.

19 COMMISSIONER JONES: Have you participated in other Final
20 Plattings before on this property in East Point.

21 CASEY HILD: Yes.

22 COMMISSIONER JONES: So would it be fair to say that you
23 are familiar with the platting and with the process of doing a Final
24 Plat?

25 CASEY HILD: Yes.

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COMMISSIONER JONES: And in your experience with your other Final Plats, did you run across similar or same situations?

CASEY HILD: Similar, yes.

COMMISSIONER JONES: And were they resolved?

CASEY HILD: They were resolved.

COMMISSIONER JONES: Thank you.

COMMISSIONER BRIDGEWATER, JR.: The Chair recognizes Commissioner Sheldon.

COMMISSIONER SHELDON: I just had a question of Staff whether -- first of all, the ordinance requires these things so I don't know how we can approve a Final Plat without those things. I mean, it's in the law as it's written. My question would be if it will were possible that we have a special call meeting for the signature of the Final Plat -- if that's a possibility in order to assist the applicant in meeting his own deadlines -- I don't know if that's something that can be arranged. So that, for example, if he says it's nothing that he can't done in a week -- if enough -- if we can get a quorum together and enough of us are available to approve the Final Plat for sending it onto Council -- is that something that we could do?

COMMISSIONER ATKINS: And Commissioner Sheldon, while they're looking at that, I am amenable to that but I would like for us to give it a time-certain because in your presentation just now, Mr. Hild, at first you said a week and then you said a couple of weeks and so that scares me just a little bit. I think that weed like to work with you but as Commissioner Francine Jones just asked if you were

1 familiar with this process and by your own admission you said, yes.
2 So this process is not new to you.

3 CASEY HILD: Right.

4 COMMISSIONER ATKINS: Okay. And we appreciate the
5 business that you're bringing to East Point. However, as you know,
6 we have rules and regulations, guidelines, ordinances so forth and so
7 on. So I'm amenable to that if we can come up with a date. However,
8 you said first a week and then two weeks so for me to feel
9 very comfortable with it, we time a time-certain for that.

10 CASEY HILD: Okay.

11 ATTORNEY SUSAN GARRETT: We're trying to figure out the
12 calendar here because what've we got -- the parameters -- we've got
13 to work with that -- in order to get it to the Council meeting date on
14 February 21st, it would have to -- 21st is what it says here. It would
15 have to get in -- the City Ordinance requires that it go to Work
16 Session first for the Council and that would -- the Council Work
17 Session is February 13th so it has to have passed -- gotten approval
18 from this Commission prior to February 13th and preferably -- at
19 least a couple of days prior to February 13th 'cause we've got to get
20 it into the package for the City Council so, you know, as a practical
21 matter, I would suggest that the latest we could go would be
22 sometime the first week in February and that's still gonna require
23 being extra nice to the City Clerk to get it into the Work Session
24 package but we might be able to do that. Let's see. Your Planning
25 and Zoning Work Session date is February 9th --

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COMMISSIONER SHELDON: Correct.

ATTORNEY SUSAN GARRETT: -- so possibly a special call could be right after that.

COMMISSIONER SHELDON: And we will also have new Commissioners so that does pose some other complicating issues because we have at least three new Commissioners as I understand it so we'll have to spend some time on that. I would propose that we do that assuming that you can get everything met by that night because we -- our meeting, as she said is February 9th, our Work Session and we could adjourn our session and call a special call meeting to address this issue and that's if all the engineers are comfortable with that, Staff and the attorneys are comfortable with that, that would be my proposal.

COMMISSIONER WASHINGTON: I do have one comment. If we're gonna call it on that day, I would prefer that it would be submitted to Planning and Zoning at least a day before. I don't want it to be at 3 o'clock, yes, he has it -- we call a special -- and so at least a day before or two days before that actual date.

COMMISSIONER ATKINS: And would that be enough time for Staff, a day or --

COMMISSIONER SHELDON: Two days? Do you need two days?

ATTORNEY SUSAN GARRETT: We need to give notice of the special call meeting, correct? So when do we have to give the notice on that?

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COMMISSIONER ATKINS: Is it fourteen (14) days? It's fourteen days?

MS. CARTER: I would have to advertise it tomorrow.

ATTORNEY SUSAN GARRETT: This isn't a zoning so maybe we don't have to give fourteen (14) days notice but we can figure that out I suppose that we have enough time.

COMMISSIONER SHELDON: But your drop dead deadline Then would be if we're meeting on the 9th would be February 7th at 5 o'clock in the afternoon.

MS. CARTER: That would be fine for you all to take an action.

I don't understand the risk. I'd have to defer to Public Works and water and sewer to see what is on their list and what time -- what we're looking at as far as timing for certain testing. Decor, I don't know for the street. I don't know how many days or what it takes but for you to take an action he's drop dead time and date would be on the 7th.

COMMISSIONER SHELDON: Okay.

ATTORNEY SUSAN GARRETT: That would be to have sign Off from Public Works and water and sewer not to be submitting things.

COMMISSIONER SHELDON: No.

COMMISSIONER ATKINS: Right. What is the latest that the City Engineer can get it? Richard, what would be that date? Would the 7th be enough time for Mr. Hild to get all of those required outstanding items into you and for your team to turn that

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around for us to take some action on the 9th of February?

COMMISSIONER SHELDON: Or do you need it sooner?

RICHARD RANDOLPH: I would say if Mr. Hild's team, his Engineers, surveyors can meet that date, I think we could do a two-day review and have it ready for you. I think that's possible.

COMMISSIONER SHELDON: Okay.

COMMISSIONER ATKINS: So that's the 7th of February.

RICHARD RANDOLPH: That's correct.

COMMISSIONER ATKINS: So Mr. Hild is in luck tonight because he went from one week to two weeks and now he's got two and a half weeks.

ATTORNEY SUSAN GARRETT: It might be wise for him to try to be ahead of that deadline just to ensure that there's not any problems. Richard has a commitment that he needs to get to.

COMMISSIONER ATKINS: So we're saying the 7th of February. Now, Mr. Hild before you leave here tonight, can you meet that deadline?

CASEY HILD: I will meet that deadline.

COMMISSIONER ATKINS: Okay. All right.

COMMISSIONER WILLIAM BRYANT: So you feel confident Mr. Hild?

CASEY HILD: I will meet that deadline, yes, sir.

COMMISSIONER SHELDON: Do we need a motion?

ATTORNEY SUSAN GARRETT: You need a motion and a vote on the special call meeting.

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COMMISSIONER FRIEDLY: I just have one question. Perhaps we could make it opening of business on the 7th to give Richard's staff a full day. Is that fair? So say, "OOB" instead of "COB".

COMMISSIONERS: Yes.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, having engaged in full discussion, now are you read for a motion? I'll entertain a motion at this time.

COMMISSIONER ATKINS: Mr. Chair, I move that we defer Agenda Item 2011 "P" as in Paul-006-12, which is Lakeside Preserve. Applicant is Casey Hild. Final Plat for Old Fairburn Road to take action on this particular Agenda Item of our February 9th Planning and Zoning Work Session giving the instruction, City Applicant, that he must have all required submissions into the City no later than open of business on Tuesday, February 7th. So that the City will have ample time to turn those documents around and give them proper review.

COMMISSIONER WARES: I second.

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

COMMISSIONER SHELDON: Excuse me. I have an amendment, I believe, that we would need to refer to this as a special call meeting. It will be a set aside time at our set up, you know, Work Session but that we will make it a special call meeting to address this matter.

ATTORNEY SUSAN GARRETT: That's correct. It needs to be a

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special call meeting to address this particular --

COMMISSIONER SHELDON: Exactly.

COMMISSIONER ATKINS: I accept that friendly amendment.

COMMISSIONER WARES: And my second stands.

COMMISSIONER BRIDGEWATER, JR.: It has been motioned and properly seconded with the amendment being offered by Commissioner Sheldon. Are you ready for the question? 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 will be deferred to the February 9th meeting with the stipulations to Mr. Hild in terms of the necessary conditions or requirements. Thank you for patience.

CASEY HILD: Thank you very much.

COMMISSIONER BRIDGEWATER, JR.: Staff, would you sound the next matter, please.

MS. CARTER: Okay. Case Number 2011AN-001-12, Case Number 2011Z-029-12, Case Number 2011VC-007-12. Applicant is Duke Realty Limited. Property location is North Commerce Road Extension. Applicant is seeking a rezoning and annexation in a two-part concurrent variance to reduce the sight of sidewalk requirements.

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COMMISSIONER BRIDGEWATER, JR.: Thank you. And I think this matter does require a public hearing as well and the rules of the public hearing have already been stipulated. Commissioners at this time, I'll entertain a motion to open the floor for public hearing on said state matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we open the public hearing for Case Numbers 2011AN-001-12, 2011Z-029-12 and 2011VC-007-12, Duke Realty, North Commerce Extension.

COMMISSIONER BRIDGEWATER, JR.: That you can. Is there a second.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Wares that we open the public hearing 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 open and the applicant is at the podium. Would you please state your name and address.

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(Whereupon Applicant Steve Rothman approach the podium.)

STEVE ROTHMAN: Certainly. My name is Steve Rothman, 2849 Paces Ferry Road, Atlanta, Georgia 30339 and I'm here on behalf of Duke Realty. Just to give you some context this is on the South end of the Camp Creek Business Center that Duke runs on Camp Creek Parkway. It's about currently a five hundred (500) acre business park. This request involves eight (8) acres at the very southern tip that Duke Realty would like to annex into the City, rezone in order to have a connection, a road way connection to Washington Road and also to provide for some additional lots there. We have reviewed -- and let me back up. We believe that the rezoning is compatible with surrounding uses. It's an appropriate use and it's a great opportunity to build out the park sort of tie it in to the existing street network that's around the park. We have reviewed the Staff's analysis on the rezoning. The two conditions that they have are acceptable. There is one request we've had that we've run by Staff and that is on the rezoning, Condition A2 is a condition that essentially says a left turn have to occur at every driveway, at every entrance driveway and what we're asking is that be modified to a left turn maybe required according to Staff. And the reason we're asking for that is that there are some driveways that are going into a very small parking lot, going into a little service area and they won't really require a dedicated left turn lane and some driveways obviously need it if there's a hundred (100) parking spaces in that lot then it would need it. But there are some small once and so we'd that discretion

1 be delegate to Staff to exercise some judgement on that as opposed
2 to having to put a left turn lane at every driveway. We've also
3 requested two variances. I wasn't at the Work Session but a got a
4 report about what way the wind was blowing on that and so regard
5 to the variance for sidewalks on two sides of the street, what we
6 would -- we will withdraw that request and what we would ask for,
7 though, is that the variance allowing the five foot sidewalk in lieu of
8 the six foot sidewalk would be approved and we believe it's justified
9 because that would be in harmony with the intent purpose of the
10 zoning ordinance because the intent and purpose of the zoning
11 ordinance is to have development that's harmonious with
12 surrounding uses and the existing sidewalks there are five (5) feet.
13 And so it's in line with surrounding uses of existing infrastructure and
14 so we think that we meet that criteria and we would ask for a
15 five-foot sidewalk on that. I think with that I reserve the rest of my
16 time. If I need it, I'm here to -- and Sandra Reeves with Duke Realty
17 is here to answer any questions you might have. Thank you.

18 COMMISSIONER BRIDGEWATER, JR.: Thank you Mr.
19 Rothman. Are there persons who wish to make a statement in favor
20 of said matter before the Commission?

21 AUDIENCE: (No response.)

22 COMMISSIONER BRIDGEWATER, JR.: Are there other
23 persons present?

24 AUDIENCE: (No response.)

25 COMMISSIONER BRIDGEWATER, JR.: Are there other

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persons present wish to make a favorable statement?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there those in opposition present?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Commissioners seeing none, hearing none, I'll entertain a motion to close the public here.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we close the public hearing for items number 2011AN-001-12, 2011Z-029-12 and 2011VC-007-12 Duke Realty North Commerce Drive.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Wares that we close the public hearing 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.)

1 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the
2 public hearing is close. Staff, we'd like to here from you at this time.
3 MS. CARTER: Excuse me.
4 COMMISSIONER BRIDGEWATER, JR.: Can't hear you.
5 ATTORNEY SUSAN GARRETT: It's taking a moment because
6 we're having to consider adjusting the recommendations because of
7 the adjustments that have been be made in the applications.
8 COMMISSIONER BRIDGEWATER, JR.: Regina, pull your "mic"
9 down.
10 COMMISSIONER BRIDGEWATER, JR.: There you go.
11 MS. CARTER: Okay. Let's see. Case Number 2011
12 AN-001-12, Annexation, the Staff recommends approval of
13 Annexation depending upon the approval by Council. Do we want to
14 take them one by one?
15 COMMISSIONER ATKINS: We can taken them one at a time.
16 MS. CARTER: Okay. That's it. That one.
17 COMMISSIONER SHELDON: My question would be is
18 everything contingent upon that in this project or this package
19 contingent upon that annexation?
20 ATTORNEY SUSAN GARRETT: Because the property is being
21 annexed it's not East Point so we can't rezone it or grant variances
22 until we annex it. That's why everything is depended upon the grant
23 of the --
24 COMMISSIONER SHELDON: Annexation. So our action would
25 be to make a recommendation to Council. Thank you.

1 COMMISSIONER BRIDGEWATER, JR.: Commissioners at this
2 time, we'll entertain dash
3 COMMISSIONER SHELDON: Mr. Chair.
4 COMMISSIONER BRIDGEWATER, JR.: Commissioners
5 Sheldon, Staff is still have a debacle over there.
6 COMMISSIONER SHELDON: Are you read for my motion.
7 ATTORNEY SUSAN GARRETT: We're just trying to get it
8 right. I believe that we should take up all three items at the time
9 same --
10 COMMISSIONER SHELDON: I see.
11 ATTORNEY SUSAN GARRETT: -- because they were
12 concurrent variances so it's not a concurrent variance unless you
13 consider it along with the rezoning. You could take up the
14 annexation separately then take up the zoning along with the
15 concurrent variance.
16 COMMISSIONER SHELDON: That seems logical to me 'cause
17 one --
18 COMMISSIONER BRIDGEWATER, JR.: Is predicated upon the
19 other one.
20 COMMISSIONER SHELDON: Yes. So that if we do the
21 annexation first and then do the zoning and variance request
22 together as concurrent then does that make sense?
23 MS. CARTER: Would you like for me to sound them all
24 together because then once you make the vote or the
25 recommendation then they will go simultaneously.

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ATTORNEY SUSAN GARRETT: Lets do all the the recommendations and then you can make motions if you wish to.

COMMISSIONER SHELDON: That's good.

MS. CARTER: Okay. So Staff recommends approval of the annexation depended upon the approval by Council. The rezoning Case Number 2011Z-029-12 Staff recommends approval with the following condition: Approval is pending upon annexation. A center line dedicate turn lane along the entire length of the road extension with a left turn maybe required for all driveway entrances along the total length of the road extension as determined by transportation engineer. Current variance Part One Staff is in approval -- in agreement with the applicant to withdraw the concurrent variance to Section 10-4032 dot E dot I. For concurrent variance Part Two Staff recommends approval of reducing sidewalk width to five feet.

ATTORNEY SUSAN GARRETT: If I may just add one little thing of the transportation engineer that would be the city's transportation engineer.

MS. CARTER: Yes.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff. Commissioners I'll entertain a motion at this time. I think we're gonna do them separately.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we

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recommend to Council the approval of annexation request Case Number 2011AN-001-12, North Commerce Drive Extension, Duke Realty.

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Atkins an said stated matter be recommended to Council. Discussion.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing 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.: Then this matter will be forwarded and recommended to Council. Commissioners, I will entertain a motion continuing.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we recommend approval of the rezoning Case Number 2011Z-029-12 with the stated conditions and the rewording as recommended by Staff and the concurrent variance 2011VC-007-12 with the approval of the request to withdraw Part One and the approval of Part Two to

1 reduce the sidewalk minimum to five (5) feet.
2 COMMISSIONER BRIDGEWATER, JR.: Excellent.
3 COMMISSIONER ATKINS: Second.
4 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by
5 Commissioner Sheldon and seconded by Commissioner Atkins. All --
6 discussion?
7 COMMISSIONERS: (No response.)
8 COMMISSIONER BRIDGEWATER, JR.: Seeing none all in
9 favor let it be known by the word aye.
10 COMMISSIONERS: Aye.
11 COMMISSIONER BRIDGEWATER, JR.: Anybody opposes no?
12 COMMISSIONERS: (No response.)
13 COMMISSIONER BRIDGEWATER, JR.: Then the matter is
14 forwarded with recommendations as stipulated. Allow me to say as
15 an adjunct, Commissioner Sheldon, you did an outstanding job of
16 taking notes and making sure that you got everything.
17 COMMISSIONER SHELDON: I got it going on.
18 COMMISSIONER BRIDGEWATER, JR.: You are an invaluable
19 member of the Commission. Staff, I think that completes tonight's
20 agenda with exception of this time -- and let me just say thank you
21 guys for a long -- it was a long meeting and thank you for waiting.
22 Your patience were really great.
23 AUDIENCE: Thank you.
24 COMMISSIONER BRIDGEWATER, JR.: You're welcome. Staff,
25 do you have announcements at this time from Staff?

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VIII. ANNOUNCEMENTS:

MS. CARTER: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Staff announcements?

Do you have any?

MS. HOLMES: I actually have a point of clarification. There is a streetscape project from West Cleveland to Vesta along Main Street. There is a 3.9 million dollars transportation grant that requires a 1 million dollar match in the City of East Point funds along East Point street. Thank you.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Garrett, your shaking your head. No announcements?

ATTORNEY SUSAN GARRETT: (Nods head for no.)

COMMISSIONER BRIDGEWATER, JR.: Staff, announcements?

COMMISSIONER WILLIAM BRYANT: I'd just like to thank Herbert Bridgewater. If you've never seen Dr. Bridgewater in action -- if you have never -- I'd like to thank Dr. Herbert Bridgewater on the excellent performance that he participated in on Monday at the ecumenical services of Dr. King. If you have never seen Dr. Bridgewater in action, that man moves fast. Gets people in fast and I'd just like to thank him and I just admired how he was getting the people in and out of that church.

COMMISSIONER SHELDON: And he looks good on TV, too.

COMMISSIONER WILLIAM BRYANT: It's something to watch how he moves. I didn't know he was that fast.

COMMISSIONER BRIDGEWATER, JR.: Thank you so much.

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COMMISSIONER WILLIAM BRYANT: Thank you so much
Dr. Bridgewater.

COMMISSIONER BRIDGEWATER, JR.: You're welcome. For
those of you don't what what he's talking about. He's referring to
that ecumenical service of -- actually we call it the Commemorative
Service of the Martin Luther King Jr. celebration which is held
annually at Ebenezer Baptist Church and this would have marked
Dr. Martin Luther King's Jr. 83rd Birthday. I've not been working with
the program all 83rd years but it was in deed a great celebration.
Thank you for your comments. Commissioner Sheldon.

COMMISSIONER SHELDON: I have nothing. Commissioner
Atkins.

COMMISSIONER ATKINS: Mr. Chair, I have a few
presentations to make and so if you indulge me for a moment. As
many of you know, a few of our Commissioners would be rolling off
the Commission and so on behalf of Staff as well as the other
members of the Commission, we'd like to do a few special
presentations to those of you who have given so much of you're in
service to the Planning and Zoning Commission and to the citizens of
East Point. And I will start all with a Certificate of Appreciation to our
very own Chair, Dr. Herbert Bridgewater, Jr. and the certificate
reads: Certificate of Appreciation. This certificate is awarded to
Dr. Herbert J. Bridgewater, Jr. in recognition of your committed
service to and valued expertise shared with the City of East Point
Planning & Zoning Commission for six (6) years. Your participation

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as a member from 2006 until 2011 represented continued adherence to all ordinances, policies, regulations and procedures adopted by City Council with respect to zoning related matters. Presented January 19th, 2012. This was sign by our very own Mayor, the Honorable Earnestine Pittman and our Interim City Manager, Ms. Nina Hickson. So Dr. Bridgewater thank you so very much for your years of service.

(Whereupon the Staff and Audience claps.)

COMMISSIONER BRIDGEWATER, JR.: Thank you, Commissioners.

COMMISSIONER ATKINS: Our next Certificate of Appreciation goes to Mr. Eric Friedly. This certificate is awarded to Mr. Eric Friedly in recognition of your committed service and the valued expertise shared with the City of East Point Planning & Zoning Commission for two years. Your participation as a member from 2010 until 2011 represents continues adherence to all ordinances, policies, regulations and procedures adopted by the City Council with represent to zoning relate matters. Presented January 19th, 2012, sign again by our Honorable Mayor Earnestine Pittman and our Interim City Manager Nina Hickson. Eric, thank you so very much.

(Whereupon the Staff and audience claps.)

COMMISSIONER ATKINS: I must also say that Mr. Friedly will be leaving our City for hopefully on a temporary basis and that he will come back but he has a job assignment that takes him to another continent and so we wish you well in that new opportunity and we

1 hope that you do return to continue to give service to the City of East
2 Point. Last but not least we have a Certificate of Appreciation. This
3 certificate is awarded to Ms. Francine Jones in recognition of her
4 committed service to and valued expertise shared with the City of
5 East Point Planning & Zoning Commission for eight (8) years. Your
6 participation, Commissioner Jones as a member from 2004 until 2011
7 represented continued adherence to all ordinances, policies,
8 regulations and procedures adopted by the City Council with respect
9 to zoning related matters. This is present today, January 19th, 2012,
10 sign by our Honorable Mayor Earnestine Pittman and our Interim City
11 Manager, Ms. Nina Hickson so thank you so much for your service.

12 (Whereupon the Staff and audience claps.)

13 COMMISSIONER ATKINS: So I'd just like to say whether the
14 service was two years, eight years or ten years, we do definitely
15 appreciate all of your dedication and your commitment to the City of
16 East Point and to the service to the Commission and we just like to
17 say thank you on behalf of Staff, the Commission and the citizens of
18 this City.

19 COMMISSIONER BRIDGEWATER, JR.: Any further
20 announcements?

21 COMMISSIONERS: (No response.)

22 COMMISSIONER BRIDGEWATER, JR.: Seeing none and
23 hearing none, I'll entertain a motion -- I'm sorry.

24 COMMISSIONER FRIEDLY: I just wanted to say thank you for
25 the certificate and thank you to Mayor Pittman for allowing me the

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chance to serve on the Commission. As Commissioner Atkins stated I want people to understand I'm only leaving because I am being assigned over seas so otherwise I would have continued my service and I wish the Commission much luck in guiding the City in the future. So thank you.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

Commissioners, I'll entertain a motion for adjournment as I hate goodbyes.

IX. ADJOURNMENT:

COMMISSIONER WARES: So moved.

COMMISSIONER BRIDGEWATER, JR.: Motion.

COMMISSIONER WARES: So moved.

COMMISSIONER SHELDON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Wares and seconded by Commissioner Sheldon that the January 19th session of the City of East Point Planning & Zoning be adjourned. 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.: The meeting is adjourned. God bless you and have a good year.

(Whereupon this concludes the City of East Point Planning & Zoning Commission meeting for January 19th, 2012.)

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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 77 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 January 19th, 2012, at 7 o'clock P.M. were taken down by me and transcribed by me this 2nd day of February, 2012.

Jeanene Harper
Stenographic Stenographer