

1 CITY OF EAST POINT
2 PLANNING & ZONING COMMISSION

3 August 16, 2012 - 7:00 P.M.
4 Official Meeting Minutes

5 Jefferson Recreational Center
6 1431 Norman Berry Drive
7 East Point, Georgia 30344

8 Board Members:

9 Commissioner Shean **ATKINS**, Chair

10 Commissioner Linda **SHELDON**, Co-Chair

11 Commissioner Joel **TUCKER**, Provisional Chair

12 Commissioner Dr. Lydia **WARES**

13 Commissioner Gregory **FANN**

14 Commissioner Matthew **MALLORY** - Absent

15 Commissioner William **BRYANT**

16 Commissioner Davita **WASHINGTON**

17 Commissioner Karen **RENÉ**

18 Also Present:

19 Ms. Linda **DUNLAVY**
20 City Attorney

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

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

25 James **HAMMOND**
Videographer - Absent

Richard **RANDOLPH**
City Engineer

APPEARANCES

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

1	APPLICANT(S):	Page
2	Lindong Wang	7
3	Allen Freedman	10
4	City of East Point	31
5	St. Stephens Missionary Baptist Church	36
6	Circle D Enterprise/Hebrew Dixon	53
7	City of East Point	69
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

	Index	
	Description	Page
1		
2		
3	Call to Order	4
4	Roll Call	4
5	Moment of Silence	5
6	Pledge of Allegiance	5
7	Adoption of Agenda	5
8	Approval of Meeting Minutes	6
9	Old Business	7
10	New Business	36
11	Announcements	72
12	Adjournment	73
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER ATKINS: Okay. Ladies and gentlemen, I think that we are now ready. We have enough Commissioners to get our meeting started. We're gonna make do with our arrangements here tonight and I know that it might be just a little difficult -- it could be a little crowded -- but we appreciate you bearing with us as we get through this meeting.

(Whereupon the City of East Point, State of Georgia Planning & Zoning meeting for August 16, 2012 was called to order by Chairman, Shean Atkins.)

I. CALL TO ORDER:

COMMISSIONER ATKINS: My name is Shean Atkins and I'm Chair of the East Point Planning and Zoning Committee and at this time, I will call to order our August 16th, 2012 Planning & Zoning Commission meeting. Staff, would you please Roll Call for quorum.

II. ROLL CALL:

MS. HOLMES: Commissioner René.

COMMISSIONER RENÉ: Present.

MS. HOLMES: Commissioner Wares.

COMMISSIONER WARES: Present.

MS. HOLMES: Commissioner Tucker.

COMMISSIONER TUCKER: Here.

MS. HOLMES: Commissioner Fann.

COMMISSIONER FANN: Here.

MS. HOLMES: Commissioner Atkins.

COMMISSIONER ATKINS: Here.

1 MS. HOLMES: Commissioner Mallory.
2 COMMISSIONER MALLORY: (No response.)
3 MS. HOLMES: Commissioner Sheldon.
4 COMMISSIONER SHELDON: Here.
5 MS. HOLMES: Commissioner Bryant.
6 COMMISSIONER BRYANT: Here.
7 MS. HOLMES: Commissioner Washington.
8 COMMISSIONER WASHINGTON: Present.
9 MS. HOLMES: Mr. Chair, you have a quorum.
10 COMMISSIONER ATKINS: Thank you. In lieu of a pray, this
11 Body recognizes a Moment of Silence. At this time, we will have a
12 Moment of Silence.
13 **III. MOMENT OF SILENCE:**
14 (Whereupon a Moment of Silence is observed.)
15 COMMISSIONER ATKINS: Thank you. Ladies and gentlemen,
16 because we have had to move tonight, we do not have a flag and so
17 we will not have a Pledge of Allegiance tonight. We'll move to our
18 next Agenda Item which is the adoption of the agenda.
19 **IV. PLEDGE OF ALLEGIANCE:**
20 (Whereupon a flag is not present in the meeting room.)
21 COMMISSIONER ATKINS: Commissioners, at this time, I will
22 entertain a motion to adopt our August 16th, 2012 agenda.
23 **V. ADOPTION OF AGENDA:**
24 COMMISSIONER SHELDON: Mr. Chair.
25 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER RENÉ: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by Commissioner René that we adopt our August 16, 2012 agenda. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay:

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our agenda is adopted and we will move forward as printed. Commissioners, at this time, I will entertain a motion to approve our July 19, 2012 meeting minutes.

VI. APPROVAL OF JULY 19, 2012 MEETING MINUTES:

COMMISSIONER WARES: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Wares.

COMMISSIONER WARES: So moved.

COMMISSIONER ATKINS: Is there is second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Wares, seconded by Commissioner Sheldon that we approve our July 19, 2012 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER ATKINS: Hearing none, the ayes have it.
Commissioners, at this time, we'll move into Old Business.

VII. OLD BUSINESS:

COMMISSIONER ATKINS: We have three items for Old Business. Only one of these items will require a public hearing. We held our public hearing for the very first Agenda Item and we held it also for our text amendment under Old Business. So at this time, for Case Number 2012 "Z" as in zebra-007-04, which is a rezoning application. Applicant is Lindong Wang at 0 Washington Avenue, rezoning from R1A to R3. Staff, at this time, I'll here your recommendations.

MS. CARTER: Staff recommends approval of rezoning from R1A Urban Residential to R3, Multi-Family Residential.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard the recommendation from Staff. At this time, I'll entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we recommend approval for Case Number 2012Z-007-04, 0 Washington Avenue rezoning from R1A to R3.

COMMISSIONER ATKINS: Is there is second?

COMMISSIONER WARES: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon that we approve -- recommend approval of Agenda Item

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

2012 "Z" as in zebra-007-04. It's been seconded by Commissioner Wares. Commissioners, at this time, is there any discussion for this Agenda Item?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. Seeing none, the item has -- there's been a motion and a second on the floor. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

We will recommend approval for Item 2012 "Z" as in zebra-007-04.

The next Agenda Item is Case Number 2012 "Z" as in zebra-011-06.

Applicant is Allen Freedman. Location is 1662 Ware Avenue, rezoning from R1A to C1. This Agenda Item requires a public hearing. At this time, I will read our rules for public hearing. These rules will apply to all of the public hearings for tonight's agenda. We will have three more public hearings after this item and all of them will abide by the same rules.

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

COMMISSIONER ATKINS: Public hearings before the Planning & Zoning Commission shall be conducted in accordance to

1 Section 10-2219 of the East Point Planning & Zoning Code and
2 Development Regulations as follows: Persons both favoring and
3 opposing the proposed case will be provided an opportunity to
4 address the Commission. The applicant for the zoning case or the
5 applicant's designated representative, if any, will be entitled to speak
6 first followed by other speakers in favor of the proposal for a total of
7 fifteen (15) minutes. Those who oppose the proposed zoning case
8 will then be permitted to speak for a total of fifteen (15) minutes. By
9 majority vote, the Commission may increase the total time for
10 speakers provided that each side is given the same amount of time.
11 If there is more than one speaker for a side, the Chair or the
12 presiding officer limit the time allotted to each individual speaker
13 other than the zoning applicant. The zoning applicant may reserve a
14 portion of his or her allotted time for rebuttal. Speakers must adhere
15 to the rules of decorum. Prior to speaking, each speaker shall
16 identify him or herself and state his or her current address. Each
17 speaker shall speak only to merits of the proposed zoning decision
18 under consideration, shall address remarks only to the Commission
19 and shall refrain from making personal attacks on any other speaker.
20 The presiding officer may refuse a speaker the right to continue if
21 after first being cautioned, the speaker continues to violate the rules
22 of decorum. Commissioners, you've heard the rules of our public
23 hearing. At this time, I'll entertain a motion to open the public
24 hearing for Case Number 2012 "Z" as in zebra-011-06.

25 COMMISSIONER FANN: Motion to open the public hearing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann and seconded by Commissioner Tucker that we open the public hearing for this Agenda Item. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. If the applicant is here, if you would please approach the "mic". State your first and last name and your current address, sir.

(Whereupon Applicant Allen Freedman approaches the podium.)

ALLEN FREEDMAN: Allen Freedman, 1270 Christmas Lane, Atlanta, Georgia.

COMMISSIONER ATKINS: Okay. If you would like to go ahead and present your case.

ALLEN FREEDMAN: Okay. This building has been there for a long time and several years ago, the zoning was changed from a commercial listing to R1A. I was told that the three houses next to this building, going towards downtown, are already zoned C1 and have been zoned C1 so this is the only residential house in that strip. My proposal is to remodel the building to be used as an office building. My thoughts are would the City be better off having an

1 empty building that each year is gonna get in worse condition or
2 would they rather see viable tenants in there that will make the
3 street look better, make the City more income, collect more taxes
4 and, of course, each business that will go into this building -- if one
5 business or maybe two or three -- would have to have business
6 license and the City could approve or disapprove the type of business
7 that goes in there so they will be totally regulated. Also if I any
8 remodelling, there again, the City will have ruling over how the City is
9 going to be remodelled 'cause you have to get a building permit with
10 a contractor so they will be in totally controlled. So my thoughts are
11 would the City of East Point rather see an empty building or they
12 would rather see something that would be nice and clean with nice
13 tenants in it and that's it.

14 COMMISSIONER ATKINS: Okay. Thank you Mr. Freedman.
15 Are there any other proponents for this Agenda Item?

16 AUDIENCE: (No response.)

17 COMMISSIONER ATKINS: Are there any other proponents?

18 AUDIENCE: (Nods head for yes.)

19 COMMISSIONER ATKINS: Would you please approach the
20 "mic" or -- just one second, please. Staff, if you have the speaking
21 cards -- if you would like to call the speakers to the microphone.

22 MS. CARTER: Commissioner Chair, I have seven speaker
23 cards and they are as follows: Todd Hausman, Laura Borders, Renia
24 Barrentine, Sheryl Roehl and Vicki Van Der Hoek and Holy Keyes and
25 Thomas Calloway.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER ATKINS: Okay. The first one is --

MS. CARTER: Todd Housman.

COMMISSIONER ATKINS: Mr. Huseman, if you would please approach the microphone.

(Whereupon Proponent Todd Hausman approaches the podium.)

COMMISSIONER ATKINS: First and last name and your address, please.

TODD HAUSMAN: Todd Hausman.

COMMISSIONER ATKINS: And if you would move up to the microphone so that television can capture you for the viewing public.

TODD HAUSMAN: Address is 1701 West Cleveland Avenue, East Point, Georgia. I am in favor of the rezoning. I own the property right next door to this property. I've consulted with tenant who lives right next door who has to see this property every day and we're in favor of improving the property and to have a small business or three small businesses there, to me, would improve the neighborhood, improve my property value. I've not been in the building personally. I have looked at it. I had my doubts when I heard that they were going to invest money in fixing it up but upon looking at it from the outside, the roof and some places where there's wood damage could be fixed very easily. The actual structure looks to be almost all center block and concrete so I would say the building itself is in very good condition. The building would not sustain a residence. It's not laid out for residential home where

1 maybe some other commercial places you could convert it into a
2 residence but I don't see how this one could be. Basically, again, I'm
3 just one hundred percent for the approval to commercial.

4 COMMISSIONER ATKINS: Thank you, Mr. Hausman. Of the
5 speakers that were called, are there any other proponents for this
6 Case Number?

7 AUDIENCE: (Nods head for yes.)

8 COMMISSIONER ATKINS: Would you please approach the
9 microphone.

10 (Where upon Proponent Thomas Calloway approaches the
11 podium.)

12 THOMAS CALLOWAY: My name is Thomas Calloway. I live
13 at 1447 Clermont Avenue. I am for -- here to speak of for the
14 rezoning and of the property at 1662 Ware Avenue. I am for the
15 rezoning from R1 to C1. I have been inside the building and as Mr.
16 Hausman pointed out that it's basically a house that is built -- or
17 excuse me -- a building that is built out of center blocks very similar
18 to in here: The floor plan layout is -- if you could think of an
19 elementary school -- central hallways with bathrooms coming off of it
20 with small rooms coming off the central hallway. It does not lend
21 itself to being a 5,000 square foot residence. I don't think anyone
22 would move into the property as a residence. I think it would stay
23 vacant until it was either torn down and a residence built there.
24 From the current economy, I don't think in all likelihood that's
25 actually going to happen so it's unsustainable as a residence. I think

1 that rezoning it -- when Mr. Freedman had that property as a C1,
2 rezoning it back to an R1 puts a burden on Mr. Freedman. He's lost
3 value in that property. You've taken away rental income -- potential
4 rental income for him and as a property owner myself, I look at that
5 and it could be a little dispiriting and once the property -- once the
6 value is removed from this property, he can no longer resell it. It
7 becomes a derelict property. It just continues to dilapidate. Copper
8 thieves have gone in and when they steal copper, maybe the next
9 time they come back, there's no copper so they move to the house
10 next door or they move down the road. When you get people that
11 decide to squaw in a place or do drug activity in a place like this, it
12 has become an eyesore and really when you look at the arguments
13 that we present here tonight, we ask that you look at the logical best
14 use for this property. Across the street is an auto mechanic. You
15 know, I'm sure a lot of residence would probably not see an auto
16 mechanic in their neighborhood but we shouldn't go and remove his
17 zoning and take away his livelihood. In this particular instance, like I
18 said, it is a building that does not lend itself to residential use. It was
19 not a residential building that was converted to a commercial use. It
20 was a purpose-built commercial building and as Mr. Hausman can
21 attest in a place or do drug activity in a place like this, it has become
22 an eyesore and really when you look at the arguments that we
23 present here tonight, we ask that you look at the logical best use for
24 this property. Across the street is an auto mechanic. You know, I'm
25 sure a lot of residence would probably not see an auto mechanic in

1 their neighborhood but we shouldn't go and remove his zoning and
2 take away his livelihood. In this particular instance, like I said, it is a
3 building that does not lend itself to residential use. It was not a
4 residential building that was converted to a commercial use. It was a
5 purpose-built commercial building and as Mr. Hausman can attest the
6 adjacent properties he said are also commercial and although I do
7 not live in the neighborhood, I do live in East Point. I live just down
8 the City. I would like to see businesses move in and move closer to
9 downtown. People have said that there is a need for small office
10 small so I would like to see downtown grow and, 'um, you know, I
11 think that -- although I do not live in the neighborhood that, you
12 know, my opinion does have some value and some weight to it as a
13 resident of East Point. Thank you.

14 COMMISSIONER ATKINS: Thank you.

15 COMMISSIONER FANN: What street did you say you stay
16 on? I didn't hear you.

17 THOMAS CALLOWAY: Clermont.

18 COMMISSIONER FANN: Clermont?

19 THOMAS CALLOWAY: Clermont Avenue, yes.

20 COMMISSIONER FANN: Okay.

21 COMMISSIONER ATKINS: Are there any other proponents?
22 Please step to the "mic". State your first and last name and your
23 address.

24 (Where upon Proponent Vicki Van Der Hoek approaches the
25 podium.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VICKI VAN DER HOEK: My name is Vicki Van Der Hoek, 1367 Womack Avenue and I'm in favor of the change to C1. First off, I'd like to preface this by saying that I know life is not fair and that's exactly what has happened in this situation. Mr. Freedman, when he received the property, it was zoned commercial. He was receiving rents. This is how he gets his incomes is receiving rents. When the property was then rezoned to residential, he's unable to rent it so he's lacking the money for rents and also now, he can't sell it because it's not a single family home. He only have 19 I small rooms and a cafeteria style kitchen and a cafeteria type living area. From looking at the property, if you would have a chance to look at the inside, there's no way that this can be converted to a residence and we would like the Commissioners to understand that before they go ahead and stay yes, this needs to be residential, look at the building and you can see it can't be a residence. Thank you.

COMMISSIONER ATKINS: Okay. Thank you. Are there any other proponents for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any other proponents?

AUDIENCE: (No response.)

COMMISSIONER FANN: Seeing none, are there opponents for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents, would you please approach the microphone.

1 (Where upon Opponent Renia Barrentine approaches the
2 podium.)

3 RENIA BARRENTINE: Hello everyone on the Commission.
4 'Um, my name is Renia Barrentine. I live at 1712 Ware Avenue and
5 I'm speaking to you on two levels, one as the president of the Frog
6 Hollow Neighborhood Association and I have a small comment
7 personally but first I would like to speak as the President of the
8 Neighborhood Association. We did have our meeting on July 17th
9 and there was a vote held as whether or not we wanted to support
10 the change from an R1A to a C1 commercial property for 1662 Ware
11 and we voted unanimously to oppose the zoning change and also
12 during that time, I have collected almost thirty (30) signatures for
13 people, of course, who can't come but also oppose it and I have their
14 names and addresses here. The reasons that we oppose it are
15 because homeowners and residence -- we believe that the rezoning
16 will have a significant impact on the character and quality of our
17 neighborhood. There is currently an adequate amount of office
18 space in the City of East Point and we believe it is neither necessary
19 for in the best enter of the City or our neighborhood to change the
20 existing zoning to add more office space. Ware Avenue already has a
21 heavy traffic flow. Allowing office space will lead to an increased
22 traffic on Ware Avenue and the surrounding streets and there, of
23 course, will make it a further safety issue for those of us who are
24 pedestrians and we have a lot of elderly people and children in our
25 neighborhood. There is also a concern about the parking at 1662

1 Ware. There's only diagonal parking spaces there because it's very
2 narrow. That's what -- they're not letting you see the full picture but
3 I happen to have pictures. It's a very narrow parking. It is diagonal.
4 The only way to exit the property is to back out of the diagonal space
5 and go out into an alley and we all know that the City does not
6 maintain alleys and what you'll find back there -- and we do have
7 pictures of that, too, is a little paved road not very well paved, right up
8 against the property of homes, R1A homes. It will go right up to
9 their -- I mean, the cars will be passing by their backyards. And
10 whether it's a small group of businesses or even larger, that kind of
11 traffic flow is a real concern especially to those residences who live
12 where this alley backs up. There's no other way to exit the property.
13 And finally, we believe that the proposed zoning change directly
14 endangers our neighborhood. The property at 1662 Ware Avenue is
15 surrounded by residential homes. Contrary to what they're telling
16 you now, the the fellow -- there is a home right there. A person
17 does live in it. A person lives in a duplex right next to that and
18 there's a home right next to that. Church Street saw a lot of
19 rezoning on it and now it's virtually commercial. That's a real fear for
20 us. If you go ahead and change this zoning, then where does it end?
21 I mean, will we just get commercial right up to we wake up with day
22 and there's a commercial property right next door to our homes?
23 When we live in the downtown area, we're very fearful about these
24 changes to commercial. So we thank you for hearing our
25 concerns with the Frog Hollow Neighborhood Association and hope

1 that you will vote to oppose this zoning change. On a personal note,
2 this is me speaking as a person who lives six houses from this
3 property. The property owner of 1662 Ware Avenue has neither
4 maintained the property nor properly screened the tenants who
5 occupy the property. We have had several problems with everybody
6 he puts in there. That's why he doesn't have anybody in there. He
7 had drug rehabilitation folks in there that attacked a child in our
8 neighborhood. Then he had some people in there that we had to call
9 DFCS on 'cause they're living there with kids with no water, no
10 electricity so these are the kinds of people he puts in there so
11 naturally, we had problems. We have been asked to approve a
12 zoning change because it's so bad now. It can only get better if we
13 change the zoning because once it's zoned commercial, magically,
14 the owner's is gonna get interested in the property and magically
15 make all these improvements. And if we don't, otherwise, he's just
16 gonna continue to threaten property go down and down and down. He
17 said so here tonight. I think we should expect more from the
18 property owner right now not for us to give him a property change
19 and then hope that he changes his behavior. He's been in this
20 property for a long time, at least five years. So when he bought the
21 property, it was an M1 Medical. It was a nursing home. Then he let
22 it sit vacant for a year. It reverted back to R1. It was never
23 commercial. It is not the neighborhood's responsible to make his
24 purchase profitable. It's -- not especially to the detriment of those of
25 us who live in the neighborhood. So thank you very much and I ask

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you to please deny this request.

COMMISSIONER ATKINS: Thank you Ms. Barrentine.

COMMISSIONER WARES: Could we see those pictures?

RENIA BARRENTINE: Yes, ma'am.

COMMISSIONER ATKINS: From the speaker cards, are they any other opponents? Would you please approach the microphone.

(Where upon Opponent Laura Borders approaches the podium.)

LAURA BORDERS: Good evening. First, Mr. Chairman, I'd like to check a point of order. Is there a time limit on this, please.

COMMISSIONER ATKINS: Fifteen (15) minutes total for opponents.

LAURA BORDERS: I understand. Thank you.

MS. HOLMES: Mr. Chair.

COMMISSIONER ATKINS: Yes.

MS. HOLMES: There's only 9 minutes and 38 seconds remaining.

COMMISSIONER ATKINS: Yes, okay. So that's what you have left.

LAURA BORDERS: Thank you Ms. Holmes.

COMMISSIONER ATKINS: That's what you have left.

LAURA BORDERS: Okay. Good evening. My name is Laura Borders. I live at 1707 Ware Avenue. I'm also about seven houses down from the property in question and I have lived -- I've watched the various groups roll through there and I have put together is

1 timeline and I would like to reinforce what Renia brought up. It was
2 never zoned commercial. It was always zoned medical to begin with
3 in 2005. When Mr. Rowland sold the property to Virginia Jackson
4 who then transferred it in 2005 to Mr. Freedman -- so he has owned
5 it since 2005, May and I have a printout of City taxes, assessor's --
6 the County Tax Assessor's. The first restriction has been mentioned
7 where there was supposed to be female patients. That was the
8 restriction Mr. Freedman was granted to put rehab people in there.
9 He put males in and violated it and it was shut down. The second
10 group was placed under an R1A zoning because he had allow the
11 building to sit vacant and lost his grandfather for medical so under
12 R1A, he moved in the so-called extended family and that's when
13 there was the witnessing and the sounds of the abusive children and
14 the dogs. The code enforcement determined the family was living
15 there with no utilities. The property was sealed with a condemnation
16 notice and in the notice I have is a code hearing for 1662 Ware
17 Avenue, April 19th, a letter requesting Chief Knowles to inspect the
18 property for fire violation which he did and the fire department
19 record show the list of violations which 'caused to him to contribute
20 to the condemnation note. So then in 2007 our then president was
21 told that this facility was used for office space. There was someone
22 living there in violation of the City ordinance and the owner was
23 informed he must remove the person and to secure his property and
24 I have a letter on that. We have in November of 2007 a letter from
25 the president of FHNA supporting the rezoning of the property from

1 medical to R1A. Then he sold the property for \$550,000, that's half a
2 million dollars -- yes, it's on record -- to the Spirit of Love Ministries
3 and he tells us that it's gonna be used for storage. They then used it
4 as they place of business, which is found on a Website citing 1662 as
5 the business offices of the Spirit of Love Ministries. This was a
6 violation of City ordinances and they had to move out. At that time,
7 Spirit of Love Ministries defaulted on the loan according to Mr.
8 Freedman and he foreclosed on the property. A year ago in 2011, he
9 unsuccessfully petitioned the City Council and P&Z for a C2 zoning
10 which was denied for many of the same reasons that have been cited
11 here and he is now back looking for a C1. So we have a track record
12 here. That is the issue. As we've shown time and again, this
13 landlord and this property cannot be trusted for his Word. He has
14 said that it's his tenants that have 'caused the problems but it's his
15 responsibility to choose those tenants and make sure they are within
16 the law. Now, he has admittedly not put a cent in this property and
17 other hearings and does not intend to according to his statements
18 here yet, somehow, the condition of the building is someone else's
19 fault through violation of the codes, the same codes that we all have
20 to maintain our houses by. So why should we believe him now?
21 What evidence do we have before us that this time it's going to be
22 different because it's cost the community and what happens in our
23 community, it's cost the City, our Fire Department, our Police
24 Department, our Code Enforcement and Fulton Animal Control. They
25 all have been called repeatedly to this property over the years and

1 City records will bear this out. We live with the consequences. We
2 pay as a neighborhood and we pay as taxpayers. Secondly, is this is
3 not a question of what should the property be used as. What are we
4 gonna put there? The question before you is should this landlord
5 with the property be given a variance -- be given privilege to go C1 in
6 this neighborhood when he has repeatedly shown that he simply
7 cannot be taken at his Word. There have been people who have
8 gone up to testify for this who have been told that they could make
9 money from being the contractor for this particular property. Well, I
10 hope that Mr. Freedman is better at his Word with them than he has
11 been with us in the community in the past because so far, it hasn't
12 happened. This is not a focus group to determine what's suppose to
13 be there so he can figure out what would be a commercially viable
14 business venture for him. This is whether this should be applied in
15 this neighborhood at this time and that's why we're asking that you
16 deny this. Vote to deny this variance to this landlord. I would like to
17 read just a small excerpt. We mentioned some of the properties that
18 are zoned commercial. This is from Eric Friedly who sat on P&Z as a
19 commercial. He is in Uganda. If you will allow me to quote, "The
20 applicant, as you know, has had many many opportunities over the
21 years to make some viable responsible use of his property. Each and
22 every time he has failed to do so and the result has repeatedly been
23 damaged to our neighborhood enforced action by the City at a
24 financial cost in Staff time et cetera to correct the situation. He quite
25 simply has shown himself to be an irresponsible property owner. He

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

does not follow through on promised plan, does not provide either minimal maintenance to this property and does not intend to contribute positively to our neighborhood. He does not deserve yet another opportunity to make fools of us all." Thank you.

COMMISSIONER ATKINS: Thank you Ms. Borders. Just for clarification, Ms. Borders mentioned a variance for this applicant. It's actually rezoning so I just wanted to keep that in mind but we appreciate your comment, Ms. Borders. Are there any other opponents from the speaker cards that have been read for this case? Please approach the microphone.

COMMISSIONER FANN: How much time we have?

MS. HOLMES: Four minutes and six seconds.

COMMISSIONER ATKINS: Any other opponents please approach the microphone.

COMMISSIONER SHELDON: Should we extend the time?

COMMISSIONER ATKINS: We may have to. State your first and last name and your address.

(Where upon Opponent Sheryl Roehl approaches the podium.)

SHERYL ROEHL: My name is Sheryl Roehl. I live at 1712 Ware Avenue. I've lived there for about 11 years now and I'd like to urge you to vote against this rezoning request. In all the years that I've lived in this City and on Ware Avenue, this property owner has not been a good neighbor to Frog Hollow and it was only this past weekend that I witnessed him in anticipation of this issue coming

1 before you that he was cutting the grass and he only cut the grass.
2 No brushes were trimmed. No repairs were done. No trash was
3 taken out. No tree limbs that have been out there -- and as others
4 have stated, he does not take care of -- this property is not being
5 well taken care of and it's my belief that code enforcement needs to
6 be addressing this issue. It is an eyesore and I don't believe that the
7 record shows in the ten years that I've -- eleven years that I've lived
8 on Ware Avenue that he has maintained his property. It's obvious
9 that he does not seem to care about our community and or respect
10 the residents of East Point who have to drive by this dilapidated
11 building and 2-foot high grass, weeds and over grown brushes,
12 otherwise, he would take care of his property. Lastly, I do not want
13 to see further encroachment of commercial property into our
14 neighborhood that would damage the character of our historic
15 neighborhood and make it less attractive for residents to come in and
16 move in. Spot zoning -- more spot zoning is not going to improve
17 our neighborhood. In fact, it's going to be a detriment to our
18 neighborhood. It's bad for Frog Hollow. It's bad for the entire City
19 of East Point so I urge you to vote against this rezoning request and
20 I thank you for your consideration.

21 COMMISSIONER ATKINS: Thank you Ms. Roehl. Staff, what
22 is the remaining time?

23 MS. HOLMES: 1 minute 59 seconds.

24 COMMISSIONER ATKINS: Okay. I know that you read seven
25 names, seven speaker cards.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AUDIENCE: I didn't speak but mine is --

COMMISSIONER ATKINS: Okay. That's fine. You can bring that up. I know that you had called seven names for the speaker card and so we have --

AUDIENCE: I have one more but I think they've covered everything.

COMMISSIONER ATKINS: Okay. We can extend the time if you'd like to speak. The Commission can vote to extend the time if you'd like to speak. Okay. All right. Those were the seven speakers that were called for that. Commissioners, at this time, if Mr. Freedman has an opportunity to rebut and so Mr. Freedman you can use the balance of your fifteen (15) minutes for your rebuttal.

MS. HOLMES: The applicant has 8 minutes and 21 seconds.

ALLEN FREEDMAN: Unfortunately I couldn't hear everything. The sound is very poor in here.

COMMISSIONER ATKINS: Okay. Would you please step up to the microphone so we can make sure that we hear you.

ALLEN FREEDMAN: How about now.

COMMISSIONER ATKINS: That's better.

ALLEN FREEDMAN: One of the things should brought up was traffic. Across the street from this building is a garage, a full service garage where cars come in and out. They park all over the place. From early in the morning to five or six at night, there's 8, 10, 12 cars consistently coming in and out of that garage. Second, this building has ten legitimate parking spaces on the side of the building.

1 No problem. If a tenant would come in and they would be a regular
2 office building, not a retail store, maybe we would have three or four
3 cars parking at any one time. That's it. And they would only be
4 there during the day. There's no night business. When they brought
5 up something about past tenants, when I got this building, I turned it
6 over to a real estate company to either sell it or lease it. They put in
7 a tenant in there that was not a good tenant. They were thereless
8 than two weeks and they were gone. This was back IN 1960 -- 2006.
9 Since then, that's when the building got changed to residential
10 because of that one tenant. Now, I hear a lot of derogatory things
11 about me that I don't do this, I don't do that. When you have an
12 empty building, why would I spend anymore money if I can't do
13 anything with it? I don't know what to do with the building. I would
14 like to fix it, put a good tenant in there approved by the City. I
15 would like to redesign the building to make it look better. There
16 again, has to be approved by the City. In the event that they have
17 some vendetta against me personally, that's something else. I have
18 no control over there but if the City approves this, they would end up
19 with a nicer building, better tenants -- let me see what else I wrote.
20 Let me see here if I can remember everything she said. Oh, one of
21 the tenants was a residential tenant and, of course, they couldn't
22 make the payments. They couldn't pay the rent. They couldn't pay
23 the utilities so they're out but there again, is this my problem? Is this
24 something that -- I put these people in here to hurt to community?
25 This is absurd. I put some people in there so the building wouldn't

1 be empty. Then I sold the building to a church hopefully that
2 something would come good from that and that turned out to be
3 very bad. They also didn't have any sufficient funds. They couldn't
4 make the payments and they ended up walking away from the
5 building. I'm just a victim here and I would like to straighten it out
6 by redoing the building, making it nice, put in good tennants and
7 there again, the tennants have to be approved by the City by virtue
8 of business licenses but any remodelling that I do, there again, would
9 have to be approved by the City so I don't see how anybody could
10 get hurt with this. There's not going to be that much traffic and
11 we're gonna have a beautiful building to drive by and look at. That's
12 all I got to say.

13 COMMISSIONER ATKINS: Thank you Mr. Freedman.

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

16 COMMISSIONER FANN: Motion to close the public hearing.

17 COMMISSIONER ATKINS: Is there a second.

18 COMMISSIONER WARES: Second.

19 COMMISSIONER ATKINS: It's been moved by Commissioner
20 Fann, seconded by Commissioner Wares to close the public hearing.

21 All in favor sound aye.

22 COMMISSIONERS: Aye.

23 COMMISSIONER ATKINS: All opposed sound nay.

24 COMMISSIONERS: (No response.)

25 COMMISSIONER ATKINS: Hearing none, the ayes have it.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The public hearing for this Agenda Item is now closed. Staff, would you please sound your recommendation.

MS. CARTER: Staff recommends denial without a change to the Comprehensive Plan Map of the proposed rezoning from R1A, you are residential to C1, Neighborhood Commercial does not comply with the 2036 Comp Plan.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I'll offer a motion to accept the Staff's recommendations of this item.

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: It's been moved and properly seconded. Is there any discussion?

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes.

COMMISSIONER SHELDON: Just wanted to make sure we word that as a recommendation to Council.

COMMISSIONER ATKINS: That's exactly correct. This is a rezoning and so this will be a recommendation and so the motion is for the recommendation to denial and your second still stands, Mr. Fann?

COMMISSIONER FANN: Yes, sir.

COMMISSIONER ATKINS: Okay. Absolutely. I just have one

1 comment that I'd like to make to you Mr. Freedman with all due
2 respect. Your question about why would you make improvements to
3 the property if anyone is in there? I would imagine that you would
4 make those improvements because you're the property owner and by
5 your admission that you have no incentive to make any
6 improvements to the property, I don't find you to be a victim at all.
7 Okay.

8 MR. FREEDMAN: (No response.)

9 COMMISSIONER ATKINS: Is there any other discussion?

10 COMMISSIONERS: (No response.).

11 COMMISSIONER ATKINS: Okay. There's been a motion to
12 recommend denial and there's been a second. All in favor sound aye.

13 COMMISSIONERS: Aye.

14 COMMISSIONER ATKINS:

15 ALLEN FREEDMAN: Opposed sound nay.

16 COMMISSIONERS: (No response.)

17 COMMISSIONER ATKINS: Hearing none, the ayes have it.
18 We will recommend denial for this Agenda Item.

19 COMMISSIONER SHELDON: Mr. Chair.

20 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

21 COMMISSIONER SHELDON: A point of courtesy I want to
22 make sure that Ms. Wang understands that we already heard her
23 case and recommended that it go forward for approval -- to make
24 sure that you understand that we did -- we've already done that.

25 LINDONG WANG: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER ATKINS: We didn't have a public hearing for your case because we did that at the last month's meeting and at the time, I think you were in China.

LINDONG WANG: Okay.

COMMISSIONER ATKINS: Okay. All right.

LINDONG WANG: Thank you.

COMMISSIONER ATKINS: You're welcome. Our next Agenda Item is 2012 "Z" as in zebra-015-07. City of East Point text amendment. We have also had a public hearing for this Agenda Item and so Commissioners, at this time, we will hear --

MS. HOLMES: I'm sorry, Mr. Chair. I don't mean to interrupt you but it we have people leaving --

COMMISSIONER ATKINS: Yeah.

MS. HOLMES: I don't want anyone to miss what you're saying.

COMMISSIONER ATKINS: Sure. Thank you. Okay ladies and gentlemen, you're gonna continue to move on our agenda. Our next Agenda Item is 2012 "Z" as in zebra-015-07. This is a proposed text amendment by the City Staff. Our public hearing for this Agenda Item was held at our last month's meeting so there is no public hearing for this Agenda Item. At this time, we will hear Staff's recommendation.

MS. CARTER: Staff recommends approval of the proposed ordinance to amend Part 10, Planning and Development, Chapter 2 General Provisions, Section 10-2044.D.3.A, fences and walls for the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

City of East Point, Georgia.

COMMISSIONER ATKINS: Commissioners, you've heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we recommend -- this is -- approval of Case Number 2012Z-015-07, City Wide Amendment, Part 10, Chapter 2, General Provisions, 10-2044.D.3.A.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BRYANT: Second.

COMMISSIONER ATKINS: It's been moved and properly seconded. Is there any discussion, Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: I have a question. The very lay test version of this proposed amendment -- Ms. Holmes is -- question. The very latest proposal E, it talks about the minimum square inches of those signs notifying the public that it's an electrified fence. Does anybody by chance know what is the minimum size of those standard signs because the 36 square inches would only be about 6 by 6, which would be very small and so my concern is that because that sign would be very small, it is almost a moot point. I guess for us to have it, it would be difficult to read and how much information are we able to get on that. So does anyone know what perhaps those standard signs -- I believe they might be sort of square in shape or diagonal for that. Does anyone know?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER SHELDON: It's probably 144.

ATTORNEY LINDA DUNLAVY: It appear that they make those sign as small as 18 inches by 24 inches. That appears to be the standard type. The 18 by 24 seems to be pretty standard for that sign.

COMMISSIONER ATKINS: Okay. If we went with the square, 18 by 18, I wasn't a mathematician, how many square inches is that?

COMMISSIONER SHELDON: I have --

COMMISSIONER FANN: 324 square inches.

COMMISSIONER SHELDON: Thank you.

COMMISSIONER ATKINS: 324 square inches. Okay.

COMMISSIONER SHELDON: Even if we did just 12 by 12 and made it 144 as a minimum dash

COMMISSIONER ATKINS: Yeah. So I can live with at least a 12 by 12 and doing a 12 by 12, obviously it's a larger sign and so we might be able to also increase the frequency --

COMMISSIONER SHELDON: Right now, we have it at 15.

COMMISSIONER ATKINS: It's at 15.

COMMISSIONER SHELDON: Uh-uh.

COMMISSIONER ATKINS: That's correct. Because these tables are 6 feet tables, I believe, so we're talking about a sign almost for every three of these or less so if we made them a little larger, I would feel comfortable. I would feel okay with maybe about 20 just so that you don't have to have so many signs. So I'd like to

1 offer that amendment to this proposed text amendment. Okay. This
2 is -- what we've discussed, we talked about this is Section E of this
3 proposed text amendment. There's a recommendation for Staff that
4 the signage notifying the public that that would be an electrified
5 fence, being minimum of 36 square inches and my estimation 36
6 square inches is very small. That's no more than a 6 by 6 inch and
7 we don't obviously want people to be in danger or hurt so I would
8 like to go with a minimum of 144 square inches. If we do that, Staff
9 is also recommended at the 36 square inches that those signs be
10 spaced every 15 feet and I think if we make the signs a little larger,
11 you can spread that out so that you don't have to have so many
12 signs. I just think about sign pollution and then you'd have a fence
13 with so many signs. So my recommendation would be a minimum of
14 144 square inches and 20 feet along the fence.

15 COMMISSIONER SHELDON: I would accept that amendment
16 as the maker of the motion.

17 COMMISSIONER ATKINS: Okay. And the other -- that's the
18 only thing I would like to recommend for this text amendment. Is
19 there any other discussion or are there any other recommendations
20 Commissioners?

21 COMMISSIONER TUCKER: I'd just like to discussion Section C
22 which is the fence pursuant to the standard for fencing. If we should
23 be more specific about that. This is for discussion.

24 MS. HOLMES: No, sir. Please remember that the fences and
25 wall information is inhouse in the information that details fences and

1 walls throughout the entire City. It's specified on record.

2 COMMISSIONER TUCKER: All right. Thank you.

3 COMMISSIONER ATKINS: Okay. Tell me where you were
4 again Commissioner Tucker.

5 COMMISSIONER TUCKER: C.

6 COMMISSIONER ATKINS: Okay.

7 COMMISSIONER SHELDON: And just as a point of
8 information, I think our concern about not reducing the distance
9 between the outer none electrified fence and the inter electrified
10 fence was our concern about debris, about should anyone need to
11 get into that space, it would be impossible to do so we were wanting
12 to maintain that three feet as suggested by Staff.

13 COMMISSIONER ATKINS: Okay. Any other discussion?

14 COMMISSIONERS: (No response.)

15 COMMISSIONER ATKINS: Any other recommendations?

16 COMMISSIONERS: (No response.).

17 COMMISSIONER ATKINS: Okay. Commissioners, there's
18 been a motion and substitute motion and a second on the floor in
19 favor -- all in favor sound aye.

20 COMMISSIONERS: Aye.

21 COMMISSIONER ATKINS: All opposed sound nay.

22 COMMISSIONERS: (No response.)

23 COMMISSIONER ATKINS: Hearing none, the eyes have it.
24 We will recommend approval to City Council for this text amendment.
25 Our next Agenda Item is Case Number 2012 "U" as in

1 umbrella-004-07. This is under New Business.

2 **VIII. NEW BUSINESS:**

3 COMMISSIONER ATKINS: This applicant is St. Stephens
4 Missionary Baptist Church. Property address is 2670 Hogan Road.
5 They are seeking a Special Use Permit to operate a school K through
6 8. Commissioners, this particular Agenda Item requires a public
7 hearing. At this time, I'll entertain a motion to open the public
8 hearing.

9 COMMISSIONER FANN: So moved Mr. Chair.

10 COMMISSIONER ATKINS: Is there a second?

11 COMMISSIONER TUCKER: Second.

12 COMMISSIONER ATKINS: It's been moved by Commissioner
13 Fann and seconded by Commissioner Tucker that we open the public
14 hearing. All in favor sound aye.

15 COMMISSIONERS: Aye.

16 COMMISSIONER ATKINS: All opposed sound nay.

17 COMMISSIONERS: (No response.)

18 COMMISSIONER ATKINS: Hearing none, the eyes have it.
19 The public hearing is now open. If the applicant is here, would you
20 please approach the microphone.

21 (Where upon Applicant Wilhelmina Shanks approaches the
22 podium.)

23 WILHELMINA SHANKS: Planning & Zoning Commissioners,
24 thank you for allowing us to speak today. St. Stephens Missionary
25 Baptist Church has been in my life for the last -- every since I was six

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

years old and I'll leave it at that and at this point, we are seeking to open a school grades --

COMMISSIONER ATKINS: Would you do me a favor and State your name and your address.

WILHELMINA SHANKS: Yes, I'm sorry. My name is Wilhelmina Shanks and I am a member of St. Stephens Missionary Baptist Church. As an educator, I have been asked to participate in this wonderful adventure of opening an academic facility for our community. We're proposing to open a school, an academy, a private elite academy, tuition funded from grades K through 8. In doing so, we are a christian academy using a christian curriculum called ACE, Accelerated Christian Education. We are asking for a Special Use Permit so that we may accommodate this academy. We are opening can -- we are proposing to open with at least fifty students and maximizing our potential at approximately 150 students. In doing so as I stated earlier, we do have -- we are support by the community as well as by the tuition that the students will pay. We have the space to do it. We have the proper restroom facility to do it and we are seeking accreditation in January of 2012.

COMMISSIONER ATKINS: Okay. Thank you, Ms. Shanks. Are there any other proponents for this case?

AUDIENCE: (Nods head for yes.)

COMMISSIONER ATKINS: Yes, please approach the microphone. You submitted a speaker card?

AUDIENCE: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER ATKINS: Okay. Please approach the microphone. State your first and last name and your address. (Where upon Proponent Bonnie Askew approaches the podium.)

BONNIE ASKEW: My name is Bonnie Askew and I live at 3008 Pine Valley Lane, East Point, Georgia and I'm also president of the Cherry Blossom Neighborhood Association. The Cherry Blossom Neighborhood Association and I are neighborhoods of St. Stephens Missionary Baptist Church and so I'm here to ask you to approve the the permit for St. Stephen Christian Academy. I attended a very informative meeting that was held at St. Stephens Missionary Baptist Church wherein they provided an overview of the school and it's curriculum as well as a tour of the facility. They also addressed any questions and addressed any concerns that we had. The church is already demonstrated that it has the ability to control any potential traffic congestion with the fact that they've already had summer school and after school programs that involved many children and no congestion problems ever occurred. We in the community are very impressed with the excellent caliber of school that will be located there and I am in total support for this excellent christian based school in our neighborhood and so I'm here to ask you, Commissioners, to grant the permit for this wonderful school, St. Stephens Christian Academy. Thank you.

COMMISSIONER ATKINS: Thank you Ms. Askew. Are there any other proponents for this zoning case. Please approach the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

microphone. You've turned in your speaker card, is that correct?

AUDIENCE: I did.

COMMISSIONER ATKINS: Okay. Please State your first and last name and your address.

(Where upon Proponent Barbara Williams approaches the podium.)

BARBARA WILLIAMS: My name is Barbara Williams. My address 2922 Dodson Drive, right on the corner of Hogan and Dodson. I also attend St. Stephens Missionary Baptist Church and I'm in approval of the after school program and the reason being is because I also work with youth who have been incarcerated and a lot of them don't have a lot of background to help them to establish a goal in life and I feel with us having a christian academy, that's somebody maybe reached so that we can empty some of the prisons and some of the youth and get them educate not in just education but also in spiritual and I have been at St. Stephens for fifteen years and I've enjoyed the services and I've enjoyed seeing some of the children raised up from small kids unto adult now so I am in approval. I did see the after school program. I have kids also that attended and hope that they can attend this school year. Thank you.

COMMISSIONER ATKINS: Thank you Ms. Williams. Are there any other proponents that have submitted a speaker card that would like to speak?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, are there any opponents that have submitted speaker cards and would like to speak?

AUDIENCE: (Nods head for yes.)

COMMISSIONER ATKINS: Just State your first and last name and your property address.

(Where upon Opponent Doc Edwards approaches the podium.)

DOC EDWARDS: I'm Doc Edwards, 2631 Hogan Road. I am the president of the Oak Knoll Neighborhood Association within which St. Stephens Missionary Baptist Church lies. My geography runs from Dodson Drive on the west along Hogan Road to Ben Hill Plantation intersection on the east and those little streets that go off of that. I am not here to -- I have nothing against -- I'm not speaking against the character or the quality of the education or the curriculum but I do speak for many of our neighbors. I've been living at this address for over thirty years. We've seen this church go physically from a little neighborhood church to a major expansion, a wonderful nice building and parking lots and so forth and they've also acquired a number of other properties in the area and my members of the neighborhood association are mostly older, mostly retired or very near it, our children grown and gone, long time residents and I believe there are probably no more than four families in our geography that have school-aged children and we are -- all of the

1 people they speak for are really concerned about our quiet residential
2 neighborhood becoming busier and busier and busier. Hogan Road is
3 a very through street. We have trucks. We have fire equipment,
4 ambulances, police all on the way to some where. We also have the
5 Oak Knoll Elementary School right -- not 350 feet from the church
6 property and -- I'll find my place after a minute. We are just concern
7 over increased over increased activity. We understand that the
8 School Board is going to condemn five elementary schools, three of
9 which will be consolidated into the Oak Knoll Elementary School
10 property which appears to be the most suitable campus to do that
11 with. We already have problems with congestion every morning and
12 every afternoon at school opening and school closing. Since Hogan
13 Road was -- they shrank it from three inadequate lanes to two fairly
14 adequate lanes and now people turning left and people righting to go
15 into the school property both morning and night cost a great deal of
16 congestion and frankly don't know how some emergency equipment
17 would get through in an emergency. The church -- we are concerned
18 about not only the increased activity in the neighborhood but we're
19 concerned about what we've kind of called "creeping commercialism."
20 We see thing like Washington Road, which is, yes, a definitely a
21 commercial area but La Dozier's Childcare, they have a little -- bought
22 a little house, made a childcare center, bought the house next door
23 and made it a little childcare center out of that and bought the house
24 next to that and you can extrapolate that into what's going on down
25 at Old National and Flat Shoals where that church has taken over the

1 whole territory and we rather like our very quiet residential
2 retirement aged neighborhood and as I said, the church is not only
3 built considerably but they've also acquire some other property in the
4 neighborhood, one adjacent to the property and one down the street
5 and a few more. The proposed school is less than 350 feet -- St.
6 Stephens is this big thing here -- from the Oak Knoll school. It's also
7 less than half a mile by road down Dodson Drive to the ball field from
8 Woodland Middle School. It is also less than half a mile by road to
9 the World of Faith Love Center where they already have or they say
10 they have a school. This bulletin board is Greenbriar, Headland and
11 Greenbriar Parkway and again less than half a mile from Point
12 University at Dodson and Ben Hill Road. So it seems the
13 neighborhood is getting more and more congested. We got all
14 enfield housing that we can pack in there unless we do a bunch of
15 landfill or whatever and as I say, I speak for those in the
16 neighborhood. I speak for five out of nine households on Knoll Wood
17 Drive and Knoll Wood Trail, three out of the six households on
18 Catherine Court, 20 out of the 31 households on Hogan Road and I
19 have not spoken to anybody seriously on Orr Drive which is part of
20 our geography so in the interest of preserving the character of our
21 neighborhood that we love, I'm asking that you vote against this
22 permit. Thank you very kindly.

23 COMMISSIONER ATKINS: Thank you Mr. Edwards.

24 DOC EDWARDS: Anybody that need to see this?

25 COMMISSIONER ATKINS: Are there any other opponents for

1 this Case Number?

2 AUDIENCE: (No response.)

3 COMMISSIONER ATKINS: Any other opponents?

4 AUDIENCE: About two years ago --

5 COMMISSIONER ATKINS: You must come back to the

6 microphone. Mr. Edwards, you must come back to the microphone.

7 DOC EDWARDS: Two years ago, we did seek to deny

8 permitting for a daycare center which was right next to the entrance

9 through the school. You may or may not remember that. Thank

10 you.

11 COMMISSIONER ATKINS: Are there any other opponents for

12 this Case Number?

13 AUDIENCE: (No response.)

14 COMMISSIONER ATKINS: Are there any other opponents?

15 COMMISSIONER ATKINS: Okay. Seeing none, at this time,

16 the applicant has the opportunity to rebut. Staff, which is the

17 balance of their time?

18 MS. HOLMES: 10 minutes 49 seconds.

19 COMMISSIONER ATKINS: You have 10 minutes and 49

20 seconds to rebut so at this time, the applicant may approach the

21 "mic" again to rebut.

22 (Where upon Applicant Wilhelmina Shanks approaches the

23 podium.)

24 WILHELMINA SHANKS: Thank you.

25 COMMISSIONER ATKINS: Please speak into the microphone

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

phone Ms. Shanks.

WILHELMINA SHANKS: Can you here me now.

COMMISSIONER ATKINS: Yes.

WILHELMINA SHANKS: Okay. While we appreciate the concerns of the community and we certainly respect them, I would like to comment that our curriculum is Bible based and because it is, that for one thing constitutes discipline within the school. Secondly, in terms of the quiet neighborhood, we respect that as well. We appreciate the neighborhood. We love the neighborhood and our church is certainly an intricate part of the neighborhood. We have done research to assure that we do not jeopardize the quietness and the peace of the community and in doing so, we find that Oak Knoll Elementary comes to school. They get there at 7:30 and they dismiss at 2:20. Woodland has the same scheduled being the middle school for the community. They began school at 7:30 and they too dismiss at 2:20. As for St. Stephens Christian Academy, we will begin school at 6:30 because we serve breakfast to our students so from 6:30 to 7:30, the children will have breakfast and then classes begin at 8 o'clock because that gives us a chance to get them back to the appropriate classrooms so the classes begin at 8 but we don't dismiss until 3:30, which would be a whole hour and ten minutes from when the other two schools will dismiss. So we can certainly appreciate the community's concern for possible congestion but this past summer, we had 90 students in our camp -- in our summer camp, 90 student and those parents were picking up those students every single day

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and it was very quiet. It was very disciplined and it was very organized and certainly, we plan to have the same thing with our academy. Commissioners, we want to make a difference. We want to make a positive difference in the neighborhood. We don't want to distract, destruct or do anything that would not be feasible and that would not be amendable for the community. So we ask you and we beg you for your support and having St. Stephens Christian Academy at our church' location.

COMMISSIONER ATKINS: Thank you Ms. Shanks.

WILHELMINA SHANKS: Thank you.

COMMISSIONER ATKINS: Okay. Commissioners, we've heard from the applicant. We've heard other proponents and opponents for this. At this time, I'll entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing.

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann and seconded by Commissioner Tucker that we close the public hearing for this Case Number. Commissioners, all in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now closed. At this time, we will hear Staff's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

recommendation.

MS. CARTER: Staff recommends approval of a Special Use Permit to allow a school as an accessory to St. Stephens Missionary Baptist Church.

COMMISSIONER ATKINS: Commissioners, you've heard Staff's recommendation and at this time, I'll entertain a motion.

COMMISSIONER FANN: Motion for approval.

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Tucker that we recommend approval for this Special Use Permit. Is there any discussion?

COMMISSIONER BRYANT: Yes.

COMMISSIONER ATKINS: Okay. Commissioner Bryant.

COMMISSIONER BRYANT: I'm still not fully satisfied with the congestion. I heard the young lady speak about the education but I'm an educator, 35 years, State of Georgia, proud of it and I do know -- I live in the community. I know the congestion. I've seen the congestion when you have church. I'm a member of a church, too. Not a member of your church but I'm a church going person also and I do understand what Doc has stated about the congestion in a nice neighborhood that you have over in that area. I live in the Meadow Lark Subdivision. As I stated to you on last week, I didn't get anything about nothing about the school that's proposed you have at your church. I don't have any problem with having a school at a church but I do have a problem with that congestion in that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

area. I'm just wondering how you plan on doing it. You said you're gonna have how many, 150 people.

WILHELMINA SHANKS: That would be -- the 150 people --

COMMISSIONER ATKINS: Ms. Shanks, can you approach the microphone, please.

WILHELMINA SHANKS: Dr. Bryant, the 150 people is what the school will grow to it that's certainly not how we will open because we are new. We would have to recruit enrollment so we're looking at that being down the line and that could be a year. That could be two years but ultimately, that is our goal.

COMMISSIONER BRYANT: Okay. And you said the school would start at 6:30?

WILHELMINA SHANKS: Yes. The students will begin to arrive at 6:30 and they will have breakfast from 6:30 until 7:30 and then from 7:30 until 8, the children will be organized for convening in class. So, yes, it would be 6:30.

COMMISSIONER BRYANT: And the proposed time that they would leave in the afternoon will be what time?

WILHELMINA SHANKS: Will be 3:30.

COMMISSIONER BRYANT: 3:30.

WILHELMINA SHANKS: Yes, and then we would have an after school program that will open at 4 P.M. and that after school program will be from 4 to 6.

COMMISSIONER BRYANT: 4 to 6.

WILHELMINA SHANKS: To 6:30, I'm sorry. 4 To 6:30.

1 COMMISSIONER BRYANT: Okay. Okay.

2 WILHELMINA SHANKS: Okay. Thanks.

3 COMMISSIONER ATKINS: Commissioners, are there any
4 other questions or is there any other discussion?

5 COMMISSIONER WARES: Mr. Chair, just another question.
6 Being as educator as well, does this mean -- when will the school
7 year actually start? Once this is approved and everything is in
8 motion, when do you see the first school year starting?

9 WILHELMINA SHANKS: We see -- we are anticipating and
10 praying that we will be able to start this year in September.

11 COMMISSIONER WARES: Okay. And how many students do
12 you have at the moment, I mean, I know that's an other but --

13 WILHELMINA SHANKS: At the moment that have expressed
14 interest for enrollment --

15 COMMISSIONER WARES: Well, enrolled, actually?

16 WILHELMINA SHANKS: We have 18.

17 COMMISSIONER WARES: 18.

18 WILHELMINA SHANKS: Yes.

19 COMMISSIONER RENÉ: I have one question.

20 COMMISSIONER ATKINS: Pull the microphone to you
21 Commissioner Rene.

22 COMMISSIONER RENÉ: I have one question. You said that
23 you were gonna do everything you could to help to aid the
24 community.

25 WILHELMINA SHANKS: Yes.

1 COMMISSIONER RENÉ: Will the community service be
2 involved with this particular school?
3 WILHELMINA SHANKS: Community service for -- you mean
4 parent volunteers and community volunteers?
5 COMMISSIONER RENÉ: Not just for the school system itself,
6 not just for the ACE Academy --
7 WILHELMINA SHANKS: Right.
8 COMMISSIONER RENÉ: -- but for the community, the
9 surrounding neighborhoods. Would you guys be conducting
10 community service?
11 WILHELMINA SHANKS: Oh, yes. We do that now. We do
12 that now, yes.
13 COMMISSIONER RENÉ: What kind of community service?
14 Can you kindly explain that a little bit? Just give me some kind of
15 idea of community service that you may provide for the community?
16 WILHELMINA SHANKS: Yes, and I would like to turn that
17 over to our pastor.
18 COMMISSIONER RENÉ: Yes.
19 (Where upon Rev. Earl L. Calloway approaches the podium.)
20 REV. EARL L. CALLOWAY: Good afternoon.
21 COMMISSIONERS: Good afternoon.
22 REV. EARL L. CALLOWAY: Thank you for your opportunity to
23 speak.
24 COMMISSIONER FANN: All right preacher.
25 REV. EARL L. CALLOWAY: Yeah, I know. I better hold the

1 microphone. Forgive me. Forgive me. Concerning the young lady's
2 question. We are actively concerned with the community now with
3 the polling. We -- I say about two years ago, had a blood bank,
4 blood drive. We go out -- I think it's twice a month not necessarily in
5 the community but we feed the hungry and clothe the naked in the
6 community. We've had at a drives that come in. We had a stroke
7 walk, which we have every year. Also a cancer walk for the
8 community in which we walk through the community with the cancer
9 and we had a stroke walk also. Let me say also Saturday school also
10 which is free and we've seen children come in with low grades, low
11 aptitude come in and our volunteers have raised their scores up
12 considerably so we're part anywheres with the community. The Lord
13 gave me a vision about six years ago for this and what we're asking
14 for tonight is a provision from you. Provision meaning support and
15 your blessings to go forward to make a change. We're a part of the
16 community 23, 24 years in the community but we also believe to that
17 where they're no children, a community dies. So there must be some
18 laughter. There must be a few kids throwing a ball every now and
19 then. I think it's very selfish not to have any kids in the community
20 not making some sort of difference because, again, the community
21 dies if it doesn't have kids, if it doesn't have laughter so we're
22 proposing that. So we thank you you for your time. Again, we want
23 to make a difference in the community. We're very disturbed about
24 what's going on the pants being down, the negativism among our
25 children. We want to make a difference and we believe that when

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

we make a difference, it will affect the quietness because we will have kids who will be discipline, who will be mannerable, who will make a difference, will grow up and then come back to the community and then be a part of the community. So I just want to thank you for that.

COMMISSIONER ATKINS: Thank you, Pastor.

COMMISSIONER FANN: Let me just say one other thing. You didn't add this but you have plenty community meetings. Plenty community meetings.

REV. EARL L. CALLOWAY: Thank you. Thank you and I appreciate.

COMMISSIONER FANN: You open up for a lot of community meeting.

REV. EARL L. CALLOWAY: Thank you. I appreciate that. Well, I for got all about that. I wasn't even planning on talking tonight for a change. I got all these able young ladies here but we are open at any time as Brother Fann said, open to anyone with community meetings, anything that's going on in the community. Any concerns, our doors are open and as you can see most of the neighborhood committees meet with us and our doors are open at all times. Thank you.

COMMISSIONER ATKINS: Anything Pastor Calloway.

REV. EARL L. CALLOWAY: Anything else Greg I missed?

COMMISSIONER FANN: (Nods head for no.)

REV. EARL L. CALLOWAY: Thank you, sir. For /REU about

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the "mic".

COMMISSIONER ATKINS: Commissioners are there any other questions, any other comments or discussion?

COMMISSIONER SHELDON: Just one more thing for the record. I want to make sure that you all are aware that you will have to comply with the ADA 'cause that's my --

WILHELMINA SHANKS: Yes, for the restrooms.

COMMISSIONER SHELDON: Yes, for the restrooms. And I know that we discussed that last week. I just wanted to make sure. Thank you.

COMMISSIONER ATKINS: Okay any other discussion, any other questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, there's a motion on the floor to recommend approval for Case Number 2012 "U" as in umbrella-004-07. It's been moved and properly seconded. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our next Case Number is 2012 "V" as in Victor-007-07 and I'll wait until -- you're welcome. Okay. We're gonna go ahead and move through our agenda. Commissioners, the next Case Number is 2012 "V" as in Victor-007-07. The applicant is Circle D Enterprise/Hebrew

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Dixon. Property address is 1600 Connally Avenue. This applicant is seeking a variance to reduce off street parking. At this time, Commissioners, I'll entertain a motion to open the public hearing.

COMMISSIONER WARES: So moved.

COMMISSIONER ATKINS: Is there a second.

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Wares seconded by Commissioner Sheldon that we open the public hearing for this Case Number. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.).

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now open. If the applicant would please approach the microphone. State your first and last name and your address.

(Where upon Applicant Hebrew Dixon approaches the podium.)

HEBREW DIXON: Yes. My name is Hebrew Dixon. I am at 406 Bridlegate Way and I live in Snellville, Georgia. I am here to share three things with you. We want to talk about the team. I want to share with you about the existing building and share with you about the project and lastly the request. I also want to say I am very humble of being allow to come and represent today to share this vision with you for the community. As you see there, there is Nelms

1 House an existing property currently owned by the East Point
2 Housing Authority. It's been dark as we call it for about nine years
3 and we have envisioned that project to come online if you will for the
4 same type of residential usual as it has been used for for over twenty
5 plus years. It is slated to be a senior, active senior house. We are
6 looking at one and probably two bedroom units within that property
7 and we're excited about the property itself because we believe and
8 understand it has been articulated by the community it is the beacon
9 of East Point and we are blessed to be able to bring resources there
10 to change that to a place of hope and a place of excitement and a
11 place of energy. The team that we have assembled to put this piece
12 together is a team that has been in tax credited markets for many
13 many years. Over twenty, twenty-five years so they're financially
14 able and strong and have the capacity to not only purchase the
15 property but more importantly bring the resource to -- to bring the
16 property to life. The team consist of myself, Circle D Enterprises,
17 Capitol Partners -- excuse Century Pacific Partners out of Los Angeles
18 and most importantly, Karen Duckett and Duckett Design Group and
19 her team is represented here by Mr. Joseph Thompson. We have met
20 and talked about the vision of this property and believe that again it
21 can be regenerated to the beacon of hope that we are really excited
22 about. The challenge is is that the East Point Housing Authority has
23 been operating for the property for many many years under a
24 parking variance. It's basically point five (.5) and to put it plainly,
25 that's what they have and that's what they've used. Because it has

1 been dark for over nine years and in this case over one year is by
2 ordinance, you have to have a variance that supports the activity of
3 the parking. The beauty of this property that it's close to Marta and
4 it's close to the train and the bus of Marta and it's also close to
5 downtown activities as well so the parking point five (.5) variance
6 would be wonderful to reestablish that property and bring it whole.
7 Would you bring the next board out, please. There we go. There
8 you have the proposed lay out of the property. As you can see by
9 that, it's really no new parking space because they actually had fifty
10 parking spaces that would map to the code requirement because
11 they of course use that code requirement to use the building but you
12 can see there's parking in the front, on the front and the sides and in
13 the back and again, that brings us to a total of about fifty-one spaces
14 actually and so we're excited about that property being used. It is a
15 land lot property but we're blessed to be able to say that it has been
16 enough parking as it is with a point five (.5) variance being granted
17 to be able to be a catalyst for investment and economic development
18 and activity for seniors. We plan to be more than market. Of course,
19 affordable housing has it's cloud over it but if you had visited some of
20 the projects that I've worked on personally in the Atlanta Housing
21 Authority particularly the Cheshire Bridge project and the Peachtree
22 project where we took those projects and with the investment down
23 from Washington, invested into the lobbies of the project and the
24 common spaces of the project. Those projects came from a very
25 sterile environment to one of glass, marble and stainless stain but

1 they're still called affordable. So we're exciting to look at that as a
2 way to bring that kind of activity here. We're also excited about the
3 ability to map to the current strategies that the Planning Department
4 has shared with us. The overlay zone and the current projects that
5 just recently come online, the Gateway Project and the one that's
6 close to that are very similar to the types of things that we envision
7 but we wanted to make sure we empowered Karen Duckett's Team
8 and the community to have input into that and we just want to make
9 sure we had the appropriate resources and we do to be able to bring
10 again this vision into life. This is a rendering of what it possibly could
11 be. I say possibly because we're still in design development.
12 Obviously, we have to continue the acquisition of the property as well
13 as this particular one here. But as you can see, at a glance even in
14 the early early stages, it does represent a change. We are excited
15 about increasing the square footage of the units themselves 'cause
16 they need to be larger to be more exciting for those that rent there
17 so we have balconies that are enclosed. We have wonderful glass
18 opportunities because I've actually climbed up on the roof of the
19 building and it's a wonderful wonderful way to look out over the City.
20 We we haven't looked into the issues of materials as much as we just
21 want to make sure we have an idea of form and the materials will
22 follow based on the work of the design but again, this is early early
23 schematics but we wanted to give you an idea that a) we were very
24 serious about this opportunity to invest in this wonderful East Point
25 community that we have had some thought to how to make that

1 building come alive, how to get it more square feet into the spaces
2 and how to use the common areas more effectively and how to
3 incorporate the use of stainless steel and stone and glass where
4 applicable and affordable to be able to get a very comfortable setting
5 for the seniors of the community and we say active senior because
6 that's what we are excited about and we believe that this will be a
7 catalyst to other things that the City could and has embraced thus far
8 so we just wanted to kind of share that with you this afternoon, this
9 evening. The request is simple. We have done research and know
10 that there are some of the projects in the market that have a similar
11 relationship to unit to per to parking. We understand that also across
12 the country, there's a similar relationship between unit and square
13 foot per parking for each unit and we just ask your blessing and
14 coordination with us and approval to be able to reestablish what was
15 already there for twenty plus years, to be able to be able to empower
16 us to assembling this and resources to began to be a part of this
17 community and to be a part of the change of this area of East Point.
18 And I'll end my comments at this point.

19 COMMISSIONER ATKINS: Thank you Mr. Dixon. Are there
20 any other proponents for this case?

21 AUDIENCE: (No response.)

22 COMMISSIONER ATKINS: Any other proponents?

23 AUDIENCE: (No response.)

24 COMMISSIONER ATKINS: Seeing none, are there any
25 opponents for this case?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

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

COMMISSIONER SHELDON: Motion to close the public hearing.

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by Commissioner Fann that we close the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now closed. At this time, we'll hear Staff's recommendation.

MS. CARTER: Staff recommends approval of the variance request of a reduction to off street parking from one point two five (1.25) spaces per dwelling unit to point five (.5) per dwelling unit.

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

COMMISSIONER WARES: Mr. Chair, I have a question but I need to have a motion.

1 COMMISSIONER ATKINS: Yes, we must have a motion and a
2 second for discussion.
3 COMMISSIONER WARES: So moved.
4 COMMISSIONER FANN: Second.
5 COMMISSIONER ATKINS: Okay. It's been moved by
6 Commissioner Wares and seconded by Commissioner Fann and is
7 your motion for approval?
8 COMMISSIONER WARES: Yes.
9 COMMISSIONER ATKINS: You just said so moved. Okay.
10 And your second still stands?
11 COMMISSIONER FANN: My second was for discussion so
12 somebody else have to do the approval. I'm not gonna second for
13 approval.
14 COMMISSIONER ATKINS: Okay.
15 COMMISSIONER SHELDON: I'll second it.
16 COMMISSIONER ATKINS: Okay. It's been seconded by
17 Commissioner Sheldon for approval. Commissioners, is there any
18 discussion?
19 COMMISSIONER WARES: Yes. Since you talked about
20 revitalizing the building, what I wanted to find out I've been in the
21 City a long time, if I remember correctly, and correct me if I'm
22 wrong, the building was close because it had asbestos issue; is that
23 correct.
24 HEBREW DIXON: It is my understanding it is asbestos and
25 mole and we have an understanding that it does exist.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER WARES: Okay. And there is a way to correct that?

HEBREW DIXON: Oh, yes ma'am, absolutely.

COMMISSIONER WARES: Okay.

HEBREW DIXON: Well, yes. I'm a contractor about to go get in the weeds but yes, ma'am, there's definitely ways to handle that and I've done it in the past on other project. Actually, the Housing Authority had similar issue that we resolved.

COMMISSIONER WARES: Okay.

COMMISSIONER ATKINS: Go ahead.

COMMISSIONER FANN: My question is I'm very familiar with that building. It's down the street from me. I'm very familiar with there's no parking for our tenants and parking has always been a problem there at that building. What is going to happen? Are you guys going to purchase the house that used to be the -- beside Nelms?

HEBREW DIXON: Yes, sir, I apologize. That actually is a part of the development. The house to me now it looks look on old Fulton County Center. That actually is a part of the development proposal.

COMMISSIONER FANN: Where is that in your proposal and what you're gonna do?

HEBREW DIXON: Currently, the existing annex building is the house that we're speaking to and there are five parking space a part of it. It's our vision that this will be residents that will be established here and there will be a part of the administration space

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

so it acts as one facility. So parking is there in front of it and it's a part of the parking compliment they mentioned.

COMMISSIONER FANN: I really don't -- I dont want to see that. It's a building right beside -- it's a building right beside that building itself. That is a separate part. You understand what I'm saying? I'm not talking about this building here.

HEBREW DIXON: Oh, okay, yes, sir.

COMMISSIONER FANN: This right here is a part of the building.

HEBREW DIXON: Yeah, absolutely. You're absolutely --

COMMISSIONER FANN: They own that piece of property. This right here is part of the -- they own that piece of property right beside -- and I'm asking if you purchasing that piece of property?

HEBREW DIXON: Yes, I understand. Thank you for the clarification. No, sir, we are currently not planning to purchase that. There's actually two homes there. It's only by a familiar trust in Conyers from what I understand but we haven't looked into buying that property as of yet but we --

COMMISSIONER FANN: Well, the reason I'm saying that is because if you're talking about -- see parking is a problem. It's gonna be a problem. You can reduce it and rule to what it was but it was a problem then even with reducing it. It was a problem.

HEBREW DIXON: Yes, sir.

COMMISSIONER FANN: You know, I mean, with reduction you're asking to go back to what it was. What existed was a

1 problem. It was always a problem with parking. Even though you
2 reduce it, it was a problem with parking. So I'm just looking at if you
3 reduce it, it will end up back again with another parking problem.
4 But people don't have where to park. So with families coming in and
5 some family coming to visit and you can't park on Connelly at all. You
6 can't park on Connelly at all so that's why I was asking about that
7 other property in terms of looking at -- could it possibly be another
8 place for dealing with some of the issues of parking 'cause you're
9 gonna need for additional parking once you build out. It's just a fact.

10 HEBREW DIXON: Yeah, appreciate that.

11 COMMISSIONER FANN: We can approve tonight the
12 variance to do that to reduce the parking size, whatever, people are
13 gonna be complaining once they got out and left without parking.

14 HEBREW DIXON: And I appreciate those comments and
15 actually, in fact, we were blessed to be able to approve tonight. We
16 would welcome the opportunity to work with the City because from
17 my advantage point, the property has not been cared for for many
18 many years so I don't know what opportunities they have for making
19 a step up to the plate and do that or I take over the property in some
20 way that has been done in the past so we will be open to that.

21 COMMISSIONER FANN: It's a bad piece of property for
22 parking. It is a bad -- it's just a bad piece of property.

23 HEBREW DIXON: I would agree.

24 COMMISSIONER FANN: It is -- I mean so, you know, I just
25 wanted to make that comment because I was hoping that you guys

1 were gonna purchase that other piece of property and just look at
2 maybe like demolishing it and getting some parking in the future but
3 that's not in the plan.

4 HEBREW DIXON: Again, we would definitely work with City's
5 help in helping how to figure out how to acquire a property the
6 cheapest way and make that happen.

7 COMMISSIONER FANN: I'm done.

8 COMMISSIONER SHELDON: I have a couple things, too.

9 COMMISSIONER ATKINS: Commissioner Sheldon.

10 COMMISSIONER SHELDON: Two questions.

11 HEBREW DIXON: Yes, ma'am.

12 COMMISSIONER SHELDON: Do you have in mind a
13 management company for this property once you are ready to open
14 it?

15 HEBREW DIXON: We have actually looked at that several
16 management --

17 MS. HOLMES: I'm sorry. Could you pull the microphone close
18 to your mouth?

19 HEBREW DIXON: I sure can. Thank you for that. We have
20 looked at operations where we would require local resources to help
21 with that and we also have based on our relationships in other parts
22 matched the resources that have done property management before.

23 COMMISSIONER SHELDON: Uh-uh.

24 HEBREW DIXON: But we have relationships here and we will
25 just map to what makes the most since based on when we get close

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to that at the middle or end of the project.

COMMISSIONER SHELDON: Okay. Now, my second question has to do with the first floor of the property. It looks like you are using that as primary retail space?

HEBREW DIXON: No, ma'am, no retail.

COMMISSIONER SHELDON: Okay. Common space, then.

HEBREW DIXON: Yes, ma'am, common.

COMMISSIONER SHELDON: And I would ask that we make sure that we are in conformance with the Fair Housing Act with regard to having access to an apartment -- the appropriate percentage of apartments that have to be accessible --

HEBREW DIXON: Oh, yes, ma'am.

COMMISSIONER SHELDON: -- made accessible with accessible parking and, you know, and that would mean likely at least something on that first floor. So I would ask that we make sure that we --

HEBREW DIXON: Well, just to get a little -- and thank you for that comment. Actually in our early design activities and we incorporated ADA restrooms on every floor. The elevator lobby on every floor is a wide lobby. The apartment complex that's across from the elevator, we plan to incorporate a ADA bathroom by building out into that space and making a lounge on each floor as opposed to open space. So we plan to have 80 accessible rooms throughout the the property.

COMMISSIONER SHELDON: All right. But there is a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

requirement for percentage and distribution so I would just ask that you make sure you attend to that.

HEBREW DIXON: Thank you for that. Thank you, ma'am. I appreciate that comment.

COMMISSIONER ATKINS: I'm gonna piggy back on Commissioner Sheldon that she mentioned a little bit about management of the property and that you also made reference to Cheshire Bridge and Peachtree Road and so as a director at the Atlanta Housing Authority, I'm very familiar with those properties and Integral manages both of those properties and so I think that property management is key and so I'm hoping that you guys are looking at a resource to manage the property that will keep it in such a way that they maintain a market rate atmosphere about those units even with the tax credits. I know that that can happen. That's what we do at the Atlanta Housing Authority and I also think that what's key is residence services so I'm hoping that you're gonna provide some resident services for the residence that are going to be a part of that building, to keep the residents active and taking provided in their living environment.

HEBREW DIXON: Absolutely. And just again to share with you on the more weed side of our development strategy, Century Pacific has a history of working with communities as it relates to jobs an programs so we plan to do all we can to work with existing program providers and create new, and if necessary, to make sure that the seniors that are there have an active life and I did spend a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

lot of time with Cheshire Bridge and Peachtree and had a chance to watch how that actually works and we have actually had a conversation Integral in that regard as well.

COMMISSIONER ATKINS: All right. Commissioners, anymore -- Commissioner Tucker.

COMMISSIONER TUCKER: You know, I certainly appreciate you guys coming in and wanting to create some of the building but I would have to agree with Commissioner Fann as well because that's a pretty substantial reduction in parking from 125 to 50 and it does say that there is going to be some first floor retail in the announcements that I have here. What is the rationale for meeting such a tremendous reduction in parking?

HEBREW DIXON: I understand. And let me give an update based on our current design activities that's been going since we submitted that application. We have removed all retail. I can't be supported by parking and so our current plans which would be approved by -- it was in there because there was a thought we could provide retail for the residents. If they want to get something, they would have to have a retail space, ice cream or what have you as opposed to having to go out to a store. That was the thought. Not retail for outside purpose size.

COMMISSIONER TUCKER: I understand.

HEBREW DIXON: So that's correct. That's correct so we have to say that but it's actually for services more than pure retail.

COMMISSIONER TUCKER: What is the main reason for the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

extreme reduction in parking. Is it in the design?

HEBREW DIXON: Actually, it really is matched to the existing senior housing development strategize. In most communities senior housing development strategies, that is the relationship because they don't drive as much. They do have visitor but don't drive as much and that's really how the number works and how it's done in most places. But we understand the need for parking and we've work with the City and anybody else that will help us to see how to make that better. We understand 'cause I researched the property across the street as well. So there's some other opportunities to look at acquisition. It's just how do we make the reality real and then perhaps that can be explored further. But thank you for the comments. Very very good comments. I would like to introduce Mr. Harold Patrick who is the National Director for Acquisitions for Century Pacific who's here listening and represents the resource that we speak of and so he'll take those things into heart.

COMMISSIONER BRYANT: Mr. Chair.

COMMISSIONER ATKINS: Yes.

COMMISSIONER BRYANT: I thought about another thing, too. One of the things that as far as the parking is concerned, you would have a number of citizens there who don't drive --

HEBREW DIXON: Absolutely.

COMMISSIONER BRYANT: -- because they are either getting up into the age like I am and they just don't drive so that's a consideration.

1 HEBREW DIXON: Yes, sir. Thank you for that comment.

2 COMMISSIONER FANN: Let me just answer to him. That
3 maybe true but then it ain't true but there's some seniors who had
4 cars, had visitors. I mean, so everybody that's a senior does not not
5 drive. And even though there's a Marta bus there stop in front of
6 that building, you know, that don't mean that they are gonna to use
7 it. Some will. I mean you got -- they have to get to the grocery
8 store. I mean they have to go here. They have to go there. They
9 have some other things that they need to do. And they did in that
10 building when that building was occupied 'cause I spent many
11 years -- many days in that building 'cause I use to do bible study a
12 long time in that building. So and you're talking about just revisiting
13 what was already there and just making it more modern and more
14 better and convenient to now times and we do want to see the
15 building occupied. Certainly I do. It's in my neighborhood. But I'm
16 looking at the long term parking itself it going to be a problem
17 whether it's not -- whether you do it to reduce it and I'm not gonna
18 vote against the reduction. I will vote for it but I'm just making you
19 aware that it is going to be a problem in the future 'cause people are
20 going to be parking on Sunday or try to park on the street and the
21 City is gonna ticket them.

22 HEBREW DIXON: Understood. We welcome those comments
23 and we welcome the challenge to try and solve it.

24 COMMISSIONER ATKINS: Okay. Thank you. Are there any
25 other questions, Commissioners?

1 COMMISSIONER RENÉ: I just have one.
2 COMMISSIONER ATKINS: Okay. Are you gonna seek the
3 green certification or you just gonna have green initiative in
4 development.
5 HEBREW DIXON: We're exploring all opportunities to look at
6 the green and the recycling material as we look at it. Also solar and
7 I've done solar work here in the Metro Atlanta area. I've looked at
8 solar that Integral has done downtown so we're just open to all of
9 those ideas to make it a viable green wonderful place to live. We'll
10 challenge our design team to really drill down on those details.
11 COMMISSIONER ATKINS: Thank you Mr. Dixon.
12 HEBREW DIXON: Thank you so much.
13 COMMISSIONER ATKINS: Okay. Commissioners, there's a
14 motion to approve the variance for 1600 Connally Avenue. It's been
15 properly seconded. All in favor sound aye.
16 COMMISSIONERS: Aye
17 COMMISSIONER ATKINS: All opposed sound nay.
18 COMMISSIONERS: (No response.)
19 COMMISSIONER ATKINS: Hearing none, the ayes have it.
20 The item is approved.
21 HEBREW DIXON: Thank you. Thank you. Our next Agenda
22 Item is 2012 "Z" as in zebra-016-08. This is a text amendment
23 proposal by Staff and it also requires a public hearing.
24 Commissioners, I do want to say lets keep in mind we have about
25 twenty minutes and the building closes at 9 o'clock so I want to make

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

sure that we sort of expeditiously move forward with this last Agenda Item. It will require a public hearing and having said that I'll entertain a motion to open the public hearing.

COMMISSIONER SHELDON: Motion to open the public hearing.

COMMISSIONER WARES: Second.

COMMISSIONER ATKINS: It's been moved and properly seconded that we open the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Are there any proponents or would the City like to speak to this proposed text amendment?

MS. CARTER: (Nods head for no.)

COMMISSIONER ATKINS: No? You have nothing to said.

MS. CARTER: (Nods head for no.)

COMMISSIONER ATKINS: Okay. Are there any proponents to speak to this text amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any opponents for this text amendment?

AUDIENCE: (No response.)

1 COMMISSIONER ATKINS: Seeing none, Commissioners, I'll
2 entertain a motion to close the public hearing.
3 COMMISSIONER SHELDON: So moved.
4 COMMISSIONER ATKINS: Okay. Is there a second.
5 COMMISSIONER WARES: Second.
6 COMMISSIONER ATKINS: It is been moved and seconded
7 that we close the public hearing. All in favor sound aye.
8 COMMISSIONERS: Aye.
9 COMMISSIONER ATKINS: All opposed sound nay.
10 COMMISSIONERS: (No response.)
11 COMMISSIONER ATKINS: Hearing none, the public hearing
12 is now closed. Staff, would you please sound this Agenda Item.
13 MS. CARTER: Case Number 2012Z-016-08. Applicant is City
14 of East Point. Property location is City wide. Applicant is seeking an
15 ordinance to amend Part 10, Planning and Zoning Development,
16 Chapter 1, Section 10-1011 Planning & Zoning Commission Powers
17 and Duties and Chapter, Article I, Section 10-2184 Variance
18 Consideration for the City of East Point, Georgia to provide an
19 effective day to repeal conflicting ordinances and for other purposes.
20 COMMISSIONER ATKINS: Commissioners, you've heard the
21 recommendation from Staff. At this time I'll entertain a motion.
22 COMMISSIONER SHELDON: Mr. Chair.
23 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.
24 COMMISSIONER SHELDON: I move that we recommend
25 approve of 2012Z-016-08 to amend 10-2184 and 10-1011 in our

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Ordinance.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER WARES: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Sheldon and seconded by Commissioner Wares. Any discussion, Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Are there any questions of Staff?

STAFF: (Nods head for no.)

COMMISSIONER ATKINS: Okay. Hearing none, it's been moved and properly seconded. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.). hearing none, the ayes have it. We will recommend approval of Case Number 2012 "Z" as in zebra-016-08. That concludes our New Business. Are there any announcement, Staff?

IX. ANNOUNCEMENTS:

MS. CARTER: None.

COMMISSIONER ATKINS: There are no announcement from Staff.

COMMISSIONER SHELDON: Actually there is -- don't forget the Farmer Market is this Saturday.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER ATKINS: Okay. So there's an announcement for the East Point Farmer Market in The Commons, I believe --

COMMISSIONER SHELDON: Yes.

COMMISSIONER ATKINS: -- this Saturday. Any other another announcement, Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Now at this time, I'll entertain your motion for adjournment.

X. ADJOURNMENT:

COMMISSIONER FANN: Motion for adjournment.

COMMISSIONER WARES: Second.

COMMISSIONER ATKINS: It's been moved and properly seconded that we adjourn. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: The meeting is now adjourned.

Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 74 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 August 16, 2012, at 7 o'clock P.M. were taken down by me and transcribed by me this 30th day of August, 2012.

Jeanene Harper
Stenographic Stenographer