

1 CITY OF EAST POINT
2 PLANNING & ZONING COMMISSION

3 May 16, 2013 - 7:00 P.M.
4 Official Meeting Minutes

5 Jefferson Station
6 1526 East Forrest Avenue
7 4th Floor Conference Room
8 East Point, Georgia 30344

9 Board Members:

10 Commissioner Shean **ATKINS**, Chair

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

12 Commissioner Joel **TUCKER**, Provisional Chair - Absent

13 Commissioner Dr. Lydia **WARES**

14 Commissioner Gregory **FANN**

15 Commissioner Matthew **MALLORY** - Absent

16 Commissioner William **BRYANT**

17 Commissioner Davita **WASHINGTON**

18 Commissioner Karen **RENÉ**

19 Also Present:

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

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

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

James **HAMMOND**
Videographer

Richard **RANDOLPH**
City Engineer

APPEARANCES

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

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening. I'm Shean Atkins
Chair of the East Point Planning & Zoning Commission and I am
calling our meeting for May 16th, 2013 to order. Uh, Staff if you
would, please give me a Roll Call for a quorum.

II. ROLL CALL:

MS. HOLMES: Commissioner Rene.
COMMISSIONER RENÉ: Present.
MS. HOLMES: Commissioner Wares.
COMMISSIONER WARES: (No response.)
MS. HOLMES: Commissioner Tucker.
COMMISSIONER TUCKER: (No response.)
MS. HOLMES: Commissioner Fann.
COMMISSIONER FANN: Here.
MS. HOLMES: Commissioner Atkins.
COMMISSIONER ATKINS: Here.
MS. HOLMES: Commissioner Mallory.
COMMISSIONER MALLORY: (No response.)
MS. HOLMES: Commissioner Sheldon.
COMMISSIONER SHELDON: Here.
MS. HOLMES: Commissioner Bryant.
COMMISSIONER BRYANT: Here.
MS. HOLMES: Commissioner Washington.
COMMISSIONER WASHINGTON: Here.
MS. HOLMES: Mr. Chair, you have a quorum.

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COMMISSIONER ATKINS: Okay. Thank you. At this time, this Body observes a Moment of Silence, so if we would all please silence our electronic devices and take a Moment of Silence.

III. MOMENT OF SILENCE:

COMMISSIONER ATKINS: Thank you. If you would all please stand and join me in the the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER ATKINS: Commissioners, you've all been issued our agenda for this evening, so at this time, I will entertain a motion to adopt the agenda as presented.

V. ADOPTION OF AGENDA:

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER WARES: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Wares that we adopt the agenda as printed. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound no.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the eyes have it. We will abide by the agenda as presented. It is adopted. Commissioner, at this time, we will hear -- Staff, would you please sound our first Case Number under New Business, 2013 "Z" as in zebra-007-04.

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VI. NEW BUSINESS:

MS. HOLMES: Case -- the applicant is ATR Property #10, LLC, location is 1786 Neely Avenue. The applicant is seeking a rezoning from R1A, Urban Residential to R2, Two Family Residential. This application requires a public hearing.

COMMISSIONER ATKINS: All right thank you. As it has been mentioned, this particular application does require a public hearing as do the others on the agenda this evening. At this time, I will read the rules for public hearings and they will apply to all to have cases on tonight's agenda.

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

COMMISSIONER ATKINS: Public hearings before the Planning & Zoning Commission of the City of East Point Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Planning and Zoning Code and Development Regulations as follows: Persons both favoring and opposing the proposed case will be provided an opportunity to address the Commission. The applicant for the zoning case or the applicant's designated representative, if any, will be entitled to speak first followed by other speakers in favor of the proposal for a total of fifteen (15) minutes. Those who oppose the zoning case will then be permit to speak for a total of fifteen (15) minutes. By a majority vote, the Commission may increase the total time of speakers provide that each side is given the same amount of time. If there is more than one speaker for a side is, the Chair or the presiding office may

1 limit the time allotted to each individual speaker other than the
2 zoning applicant. The zoning applicant may reserve a portion of his
3 or her allotted time for rebuttal. Speakers must adhere to the rules
4 decorum. Prior to speaking, each speaker shall identify him or
5 herself and state his or her current address. Each speaker shall
6 speak only to the merits of the proposed zoning decision under
7 consideration, shall address remarks only to the Commission and
8 shall refrain from making personal attacks on any other speaker. The
9 presiding officer may refuse a speaker the right to continue, if after
10 first being caution, the speaker continues to violate the rules of
11 decorum.

12 You've heard our rules for public hearings, Commissioners, at
13 this time, I'll entertain a motion to open the public hearing for Case
14 Number 2013 "Z" as in zebra-007-04.

15 COMMISSIONER WARES: Mr. Chair.

16 COMMISSIONER ATKINS: Yes, Commissioner Wares.

17 COMMISSIONER WARES: So moved.

18 COMMISSIONER ATKINS: Is there a second?

19 COMMISSIONER SHELDON: Second.

20 COMMISSIONER ATKINS: It's been moved by Commissioner
21 Wares, seconded by Commissioner Sheldon that we open the public
22 hearing for this Agenda Item. All in favor sound aye?

23 COMMISSIONERS: Aye.

24 COMMISSIONER ATKINS: All opposed sound nay.

25 COMMISSIONERS: (No response.)

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COMMISSIONER ATKINS: Hearing none, the ayes have it.
The public hearing is now open. Is the applicant here ATR Property #10, LLC, please approach the podium and please make sure you speak into the microphone what you're presenting.

(Whereupon the Applicant Ann Rotrough approaches the podium.)

MS. ROTROUGH: My name is ANn Rotrough and my husband Tom and I are the owners of ATR Properties and we owner -- currently owner uh, eight properties in the City of East Point. We um, really like East Point and we thought it looked like a really good place to make an investment and I really this it has and I -- my -- my home address is 5095 Falcon Chase Lane, Northeast in Atlanta. Um, the property that I'm gonna be talking about this evening is 1786 Neely Avenue in East and I'm requesting an R-2 from an R1A zoning and the reason I am is because this house is a duplex. It's essentially um -- the way it's built out right now is is it's a four bedroom, two-bath house with a one bedroom um, apartment. The apartment has um, a kitchen, a living room an extra small room with a laundry facility in it uh, and a bedroom. Uh, originally when it was built, it was built as a triplex. This house has uh, six outdoor entries from when it was a triplex and at some point in time somebody turned it into a duplex, which really, in some ways, was a good idea and some ways it wasn't and then I think they try to turn it into a single family home at one point two. They added some stairs in the living room uh, the main living room upstairs -- down, so there's an

1 inside entry to the downstairs. Unfortunately, those stairs take up
2 half of the living room and the problem with the house being a single
3 family home is there is no room big enough for a person who wanted
4 to rent a five bedroom house. You would assume they have several
5 people in that house and none of the living areas are anywhere close
6 to having more than two or three people in them. Um, going
7 through my bullet summary are some of the things that I mentioned
8 last week. First of all, this house is on two lots, so the population
9 density would not uh, but more than one unit per lot. Um, also, both
10 of the neighbor properties on either side have four or more units.
11 One of them I think is an apartment house um, and there are many
12 duplexes on that end of the street, so it's not going to change the
13 Charter of the neighborhood. Um, when we learned this this house
14 was not zoned as we thought as a duplex because we checked the
15 tax records when we bought it and thought it was a duplex 'cause
16 that's what it says, when we found it it was a single family property,
17 we tried to rent it as a single family property and we had it up for
18 rent and we had it on Zillow and Craigslist and truly uh -- and all of
19 them we had a sign up and we -- we had a lot of people -- we had it
20 up initially as a duplex and we had a lot of responses to that, but we
21 had to turn those people away when we thought it was just one unit.
22 We only had one family that was really interested in it as two units,
23 but they just thought that the uh, the floor plan just doesn't work for
24 a lot of people. You can't -- there's no place to put a TV where the
25 whole family would watch TV. It's just -- it's just not being enough

1 for that, the rooms are not. Um, the other real concern we had
2 about renting it as a single place is the apartment downstairs is very
3 obviously an apartment. There's a double door division between
4 them and almost everybody that looked at it you could tell they're
5 thinking oh -- and some of them even said it out loud, we could went
6 this to so and so, so that really 'caused me alarm because I know
7 that in that house in the pass, they have had problems with the the
8 tenants in their and if my tenant starts sub renting without me
9 knowing about it and without us having control or how many and
10 who they're, I don't know who they would get in there and I'm
11 especially sensitive to our neighbors who had been terrorized by
12 those tenants in this house before in there. I mean, I've talked to
13 them and they were afraid of them. They had to call the police and
14 we feel like we have to have control over the tenants in the house
15 and we've been very lucky with the tenants that we've rented to so
16 far. We don't have anybody that pays late. Everybody -- we have
17 great people because this is a really up and coming area and I think
18 a lot of people recognize that. Um, there is -- another point is that
19 the East Point utilities must have thought that it was a duplex
20 because not only did they turn the um, utilities on uh, they gave us a
21 permit to put in a new meter and that's the only thing we have to do
22 for this to be rented as a duplex. It has a single meter for gas and
23 electric, but the wiring is already divided and the gas lines are
24 already divided um, because you can see where they were, at one
25 time, three meters of each and now there's just one and I don't

1 want -- if you're gonna rent as a duplex, I think it's much better for
2 everybody to have their own meter so you're sure that it's fair. Um,
3 also we tried really hard to do our due diligence before we bought
4 this house. Um, we looked at it as a duplex. It was sold to us as a
5 duplex. We looked up the tax records. It says it's a duplex. We paid
6 taxes on it as a duplex and we're really shocked to find out that it
7 was not a duplex or not zoned as a duplex. Um, and unfortunately
8 we're not that experienced that we would have known who to go to
9 to find out if the tax records weren't right, so, you know, you learn
10 something every day and we certainly will look next time, but this
11 time we just didn't -- we just -- there was so much evidence that it
12 was a duplex because it's a duplex and when they tax you as a
13 duplex and you have the burden of paying extra taxes for that type
14 of zoning, it's really not fair to not let us have the benefit of the way
15 it appears to be zoned, but any way we sincerely hope that you'll look
16 at it as a duplex because it's a duplex.

17 COMMISSIONER ATKINS: All right. Are there any other
18 proponents for this zoning case?

19 AUDIENCE: (No response.)

20 COMMISSIONER ATKINS: Are there any other proponents
21 for this zoning case?

22 AUDIENCE: (No response.)

23 COMMISSIONER ATKINS: At this time, are there any
24 opponents for this zoning case?

25 (Whereupon the opponent Teresa Nelson approaches the

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podium.)

COMMISSIONER ATKINS: Okay. And for the record, did you also submit a speaking card.

OPPONENT: Um-hum.

COMMISSIONER ATKINS: Okay. Great. So if you would please state your name and address.

OPPONENT TERESA NELSON: I must say Marta got here faster than normal or I would have been late and not filled out the card as usual. Um, my name is Teresa Nelson. I am a resident of Neely Avenue, 1732 to be exact. I'm also an officer of Frog Hollow Neighborhood and I speak tonight as a resident, a neighbor and on behalf of the neighborhood association. The neighborhood association has not taken a formal position opposing this. We see a variety of issues some of which the investor has raised in her comments, but I would like to address a few things. This house was originally, definitely a single family. It was butcher and chopped into a triplex probably during the 50's or 60's, which is fairly common as we know in many of these intown neighborhood post World War II. Uh, the property has recently had some minor repairs and they may -- the owners may tell you they were different than that, but they were not as with the Neely Avenue rezoning, which P&Z supported at the other end of Neely. What we are seeing frankly are rather cheap, just bare minimum repairs to the property and unfortunately, there's no control over that once you grant that zoning change, so as I'm watching cheap materials go into the building

1 when they started renovating, I recognized some of the workers and
2 stopped and chatted with them to say what was happening and they
3 explained to me that they were redoing it as rental property and that
4 um, they were there to try to restore some of the things that have
5 been done. The previous owner was attempting to make it into a
6 Single Family. I asked them if they were going to come to the
7 neighborhood association, they didn't. They didn't contact us until
8 we got the development change notice or the excuse me, the zoning
9 change notice. Uh, they certainly could have done so and come and
10 talk to us about some of the issues. They are some definite
11 problems with that property. First off, there's virtually no off street
12 parking there. Second off, it was definitely a triplex. In fact, those
13 three units still basically exist. Now, they could easily be, as they
14 were probably altered when the man tried to go Single Family and
15 then it was foreclosed on him. There are still three mailboxes out
16 front. There's nothing to prevent them once the zoning change
17 occurs. There's no way that the City is gonna stop them from renting
18 that third unit if they do some minor repairs. Uh, believe me, having
19 had -- tried to have something like that taken care of in the past, I
20 can tell you it won't work through code enforcement and building
21 inspections. It just won't work. The materials were not only cheap.
22 The sidewalk had been cut by the previous owner in order to run a
23 new line to the street, water or sewer the sidewalk has never been
24 repaired. It is a hazard to walk in front of that property. I ask the
25 workers if they were gonna clean -- fixing the sidewalk and clean up

1 the lot. He said, oh, they will probably and um, they kind of
2 snickered about it and I went it's no joke when you've got invasive
3 plans planning out into the sidewalk, which trash is all over the front
4 yard and believe me, it's still there and it has -- nothing has been
5 done about either item, so I am very concerned. These are none
6 East Point resident investors that are sinking -- has just a minimal
7 amount in order to make those places livable for tenants and that's
8 what we're gonna be stuck with. We're already stuck with happened
9 last year at the other end of Neely and it took frankly months before
10 they even started the work there and to get the yard mowed, we had
11 to turn them into code enforcement on a monthly basis last summer
12 and the summer before, so we're well aware of what it's like. We
13 just are very concerned about it, want to raise those concerns. I
14 don't know under the law that you can require conditions that they
15 do things such as restore the sidewalk, clean up the lot and uh,
16 address some of these issue that are certainly important, particularly
17 we have a lot of seniors in that area uh, we are close to the Bowden
18 Center. They walk that area for that walking club and we've got a
19 uh, sidewalk that's difficult to navigate because of the plants growing
20 out there and it seems to me that if you buy a property -- I know
21 ever I bought any of mine, one of the first things I did was go to the
22 neighbors and talk to them and then I cleaned up the lot, so at least
23 at front while I was under construction, there was something that
24 showed an improvement that said I want to be a good neighbor and
25 I owned a pair of flats so I know what it's like to be a landlord. I

1 know what it's like to be a tenant in days gone by, but I also know
2 that the planning development has consistently supported the
3 approval of multifamily units in our neighborhood, much to the
4 detriment of the quality of life in our neighborhood. For example,
5 good planning instructs that you should have for a balance of
6 affordable housing and stability in the neighborhood, you should
7 have sixty percent owner occupied, forty percent rental unit. That
8 street from Church to Semmes, sixty-one percent rental properties,
9 only thirty-nine percent owner occupied and you see it in the value --
10 in the amount of trash we have to pick up, you see it in the fact and
11 investors find us to be lucrative because we're a good deal, so I'm
12 asking you to address some of the issue that are of concern to me, to
13 my neighbors and to our neighborhood association and to the quality
14 of life of intown residents in East Point. Thank you.

15 COMMISSIONER ATKINS: Thank you. As a part of our rules
16 for public hearing, the applicant has an opportunity for rebuttal and
17 Staff can you tell us how many minutes the applicant has for
18 rebuttal?

19 MS. HOLMES: The applicant has seven minutes and forty-five
20 second for rebuttal.

21 COMMISSIONER ATKINS: Okay. Ms. Rotrough would you
22 like to rebutt?

23 APPLICANT ANN ROTROUGH: I would.

24 COMMISSIONER ATKINS: . Would you please approach the
25 podium.

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(Whereupon the Applicant Ann Rotrough approaches the podium.)

APPLICANT ANN ROTROUGH: Well, I have to say that I'm really taken aback by those comments and there are a couple of things I'd like to mention. Number one, I can't be held responsible for how the house was worked on in the past and by other owners and I can't be held responsible for who the tenants were before, but I can tell you what I'm going to do and what I have done. I don't know how she knows what kind of changes we've made in that house, but I can tell you what changes we've made. We've ripped up old carpets and refinished the wood floors. We've painted um, but to tell the truth inside the house, the house was done fairly well, it was finished and it may not be done like you might do it on the north side of Atlanta, but it is done with quality materials and we've replaced toilets. We have made it a very nice livable house and you can look at any of our other houses and see that we maintain our houses very well. I don't know what trash she's talking about in the front yard because the last time I was there and I have to admit in the last three weeks, I haven't been there because I was out of the country for two weeks and in the past week my home was flooded and I've been dealing with two floors of my home being flooded, so if something has shown up there in the last couple of weeks -- we have not had the yard people go in yet. There's really no grass in the front and we haven't decided what we're gonna do in the back yet, but there are some bushes on the side that we planned on um,

1 cutting back and there's -- we do plan on -- there's a little railing that
2 goes in front of the house. We plan on planting some shrubs there.
3 We just -- we kind of came to a halt when we found out we didn't
4 exactly know what we were gonna do with this house and then we
5 had to go out of the country for a while. Um, and to tell the truth, I
6 would have been glad to address any of these issue if anyone from
7 Frog Hollow had contacted us and there was an opportunity to
8 contact us when we sent out the card. Um, and in regard to using
9 the house as a triplex, the house is not a triplex. It is a duplex. It
10 was one at one time, a triplex, but there are open stairs going from
11 the upstairs to the downstairs. It would take major renovation. It
12 would take major renovations to make this house a Single Family
13 home because it's just not amendable to the the number of people
14 and frankly, I would really rather not rent it to that many people. If
15 you need five or six bedrooms, which there's an extra room that
16 could be considered a bedroom, 'cause it has a closet, you could have
17 a lot of people in there, but I think what it's amendable to in the four
18 bedroom two bathhouse is maybe a mom with two kids or two
19 parents with one or two children and then a single person
20 downstairs. If we rent it, the whole thing, with five or six
21 bedrooms -- first of all, you're just not gonna get the people that you
22 want to -- there are just gonna be too many people and, you know,
23 I'm really sorry that this house has been um, a problem in the
24 neighborhood in the pass, but it's not gonna be a problem in the
25 future. We -- all of our houses are well taken care of. We drive by

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Rotrough.

APPLICANT ANN ROTROUGH: Thank you all.

COMMISSIONER ATKINS: All right. Commissioners, we have heard from the applicant, we have also heard from a citizen who opposes -- during the public hearing, we can't ask questions. We have to wait until the public hearing is closed -- and we've also heard of the applicant's rebuttal. At this time, I'm entertain a motion close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All of opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Staff, would you please sound your recommendation.

MS. HOLMES: With respect to Case Number 2013Z-007-04. Staff recommends approval of the rezoning from R1A Urban Residential to R2 Two Family Residential.

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

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motion in the form of the recommendation for Case Number 2013 "Z"
as in zebra-007-04.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I would like to make a motion to
recommend approval of this rezoning on this particular item.

COMMISSIONER FANN: I will second it for discussion.

COMMISSIONER ATKINS: Okay. It's been moved by
Commissioner Sheldon, seconded by Commissioner Fann for
discussion. Commissioner Fann.

COMMISSIONER FANN: I'd like the applicant to come back
up, please. Thank you.

COMMISSIONER ATKINS: Ms. Rotrough, could you please
approach the podium. Thank you.

(Whereupon the Applicant Ann Rotrough approaches the
podium.)

COMMISSIONER FANN: The um -- the question that I
have -- in your statement, you made a statement in reference to
paying taxes on a duplex. Who are you paying taxes to on a duplex.

APPLICANT ANN ROTROUGH: We pay the normal property
taxes to East Point --

COMMISSIONER FANN: To who?

APPLICANT ANN ROTROUGH: -- and to East -- the City of
East Point and I think we have Fulton County taxes as well.

COMMISSIONER FANN: Is it both places where you paid

1 taxes, you're paying for duplexes?

2 APPLICANT ANN ROTROUGH: I'm not certain. Is that true?

3 COMMISSIONER ATKINS: It is.

4 APPLICANT ANN ROTROUGH: Yeah, yes. I know for Fulton
5 County we are.

6 COMMISSIONER FANN: Okay.

7 COMMISSIONER ATKINS: It is for both because East Point
8 gets it's information from Fulton County, so you're paying for a
9 duplex for both the county and the City taxes.

10 COMMISSIONER FANN: So when you purchased the house,
11 can I just let her speak, Mr. Chairman.

12 COMMISSIONER ATKINS: Absolutely. I'm very familiar with
13 the case because I do the same thing because that's how my taxes
14 are also listed --

15 COMMISSIONER FANN: Okay.

16 COMMISSIONER ATKINS: -- so I'm very familiar with that.

17 COMMISSIONER FANN: Okay. Well, let me just talk to her
18 and then I --

19 COMMISSIONER ATKINS: Absolutely.

20 COMMISSIONER FANN: -- I can ask Staff then if I want to
21 verify. Thank you. Um, the question that I'm -- the question that
22 I'm asking you is that when you purchased the house, you purchased
23 the house with an understanding that it was a duplex?

24 APPLICANT ANN ROTROUGH: Yes, sir.

25 COMMISSIONER FANN: Okay. And...and that was based on

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the tax records?

APPLICANT ANN ROTROUGH: I -- first of all, it was based on looking at the house because it's -- it clearly looks like a four bedroom, two bathhouse with an apartment and then as part of my due diligence before I purchased it, I checked the tax records.

COMMISSIONER FANN: Okay. And when did you purchase the house?

APPLICANT ANN ROTROUGH: October of 2012.

COMMISSIONER FANN: And you been had the house up for rent for how long?

APPLICANT ANN ROTROUGH: I think we put it up either the beginning of December -- it was either in the beginning of December or the beginning of January.

COMMISSIONER FANN: And you never had conversation with anybody in the community -- I heard you say that you had talked to some people in the community in your statement so uh, you said you talked to some people in the community about the house, about the problems that they --

APPLICANT ANN ROTROUGH: Yes, yes. I had spoken to a couple of our neighbors and one of them didn't mention anything about it. She just came through and looked and said she wished she hadn't already signed a lease somewhere else and another neighbor we spoke with her about that and she told us that she repeatedly had to call the police and that they were drugs and all kinds of problems that neighbors should just not have to put it up. I mean, I don't

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blame her for being concerned about who we rent to, but I can tell you that this is our retirement income and it is in our best interest to get the best tenants we can and to tell the truth, we've had really good tenants to pick from. We've just been really impressed with the people that we've been able to sign leases with.

COMMISSIONER FANN: Thank you so much. You answered my question. Thank you.

APPLICANT ANN ROTROUGH: Okay. Thank you.

COMMISSIONER ATKINS: Commissioners, are there any other questions.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Fann that we recommend approval for Case Number 2013 "Z" as in zebra-007-04. 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'll recommend approval for this Case Number. Our next Case Number is 2013 "Z" as in zebra-008-04. The applicant is James Collier. Staff would you please sound this particular Agenda Item.

MS. HOLMES: Applicant is James Collier. Location is 2473 McAlpin Terrace. Applicant is seeking a rezoning from RL Residential Limited to R2, Two Family.

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COMMISSIONER ATKINS: Okay. Commissioners, at this time, I'll entertain a motion to open the public hearing for this Agenda Item.

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second.

COMMISSIONER BRYANT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Bryant that we open up the public hearing for Case Number 2013 "Z" as in zebra-008-04. 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. Mr. Collier or the applicant if you're here, would you please approach the podium.

(Whereupon the Applicant James Collier approaches the podium).

APPLICANT PHIL COLLIER: Good evening. My name is Phil Collier. I'm the son of James Collier. I reside at 4600 Orkney Lane, Atlanta, Georgia, 30331. Um, my father purchased this property October of 2012. The previous owner had vacated the property for a lengthy amount of time and approached my father about his interest in the property in which he purchased it and the intent that it was a duplex. The structure was -- it was originally constructed as a duplex

1 in the 60's as well. Unfortunately, more than a year had passed
2 since utilities service was provided at 2473 McAlpin, therefore, the
3 zoning ordinance changed from R-2 to R-L for 2473 McAlpin Terrace
4 and earlier this year once the majority of the work was done to the
5 place, my father was seeking to have the utilities turned on and
6 found this out and was denied being able to have the utilities turned
7 on, so we're going through this zoning process to have the property
8 rezoned as an R-2, which the structure was originally built as an R-2.
9 As a matter of fact, if it was zoned as an R-L would be economically
10 infeasible. There are two doors. There's -- both side are basically a
11 mirror image of one another so that's where with are right now and
12 hopefully we'll be able to get that done.

13 COMMISSIONER ATKINS: Thank you, Mr. Collier. Are there
14 any other proponents here to speak to this case?

15 AUDIENCE: (No response.)

16 COMMISSIONER ATKINS: Any other proponents?

17 AUDIENCE: (No response.)

18 COMMISSIONER ATKINS: Seeing none, are there any
19 opponents here to speak to this case?

20 AUDIENCE: (No response.)

21 COMMISSIONER ATKINS: Any opponents?

22 AUDIENCE: (No response.)

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

25 COMMISSIONER WARES: So move.

1 COMMISSIONER ATKINS: Is there a second?
2 COMMISSIONER SHELDON: Second.
3 COMMISSIONER ATKINS: It's been moved by Commissioner
4 Wares, seconded by Commissioner Sheldon that we close the public
5 hearing for Case Number 2013 "Z" as in zebra-008-04. All in favor
6 sound aye?
7 COMMISSIONERS: Aye.
8 COMMISSIONER ATKINS: All opposed sound nay.
9 COMMISSIONERS: (No response.)
10 COMMISSIONER ATKINS: Hearing none, the ayes have it.
11 The public hearing is now closed. Staff, would you please sound
12 your recommendation.
13 MS. HOLMES: With respect to 2013Z-008-04, Staff
14 recommends denial of the rezoning from R1A Urban Residential to
15 R2, Two Family Residential. The proposed rezoning is inconsistent
16 with the existing land use.
17 COMMISSIONER ATKINS: Okay. Just to be clear. My
18 agenda says from R-L to R-2. You said R1A.
19 MS. HOLMES: I'm sorry, R-L to R-2.
20 COMMISSIONER ATKINS: Okay. All right. Um,
21 Commissioners, you've heard the recommendation from Staff. At this
22 time, I'll entertain a motion in the form of a recommendation.
23 COMMISSIONER SHELDON: Mr. Chair.
24 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.
25 COMMISSIONER SHELDON: I move we recommend approval

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of the rezoning on this Case Number.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER WARES: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Wares. Is there any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. Um, Commissioners, all in favor sound aye for the approval recommendation?

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We will recommend approval for this Case Number. Thank you, Mr. Collier. Our next Agenda Item is 2013 "V" as in Victor-005-03. Staff, would you please sound this next Case Number.

MS. HOLMES: Applicant is TL Lin International. Location is 1203 East Virginia Avenue. Applicant seeks to reduce the front yard setback from ten feet, I'm sorry, increase -- a variance to increase the front yard setback from ten feet to 45 feet and reduce the sidewalk from 10 feet to five feet along East Virginia Avenue.

COMMISSIONER ATKINS: Okay. Commissioners, this Agenda Item requires a public hearing also. At this time, I'll entertain a motion to open the public hearing.

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second.

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COMMISSIONER WARES: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS:

ALLEN FREEDMAN: Opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now opened. If we have the applicant here Ty Lin Internation, please approach the podium.

(Whereupon the Applicant Ty Lin International approaches the podium.)

COMMISSIONER ATKINS: Can you please speak into the microphone.

APPLICANT TY LIN: I'm Stacy Blakely. I'm here with Ty Lin and we're one of the engineering firms for McDonalds and what we're doing, we're gonna rebuild the store that located at 1203 East Virginia Avenue. Um, what we are proposing to do is reduce -- well, increase the actual front setback from ten feet to 44 feet and this is coming at the recommendation of City's Department of Transportation in order to facilitate those vehicles that are heading westbound, making this right turn movement into the site. We did that in order to facilitate that turn otherwise you would have traffic backing up onto Virginia Avenue and any of you, like myself, visit this

1 store frequently, you would know that even in existing condition right
2 now, you are -- I mean, at any given meal, you'll been sitting on
3 Virginia Avenue waiting to get into the store, so any improvements
4 facilitating movement and accessibility from Virginia Avenue onto this
5 site will be a great improvement and in doing that, we are also
6 increasing the amount of parking stalls that we have -- that were
7 previously proposed on this site. Moving the store back allows us to
8 have an additional three or four stalls across the front of the store
9 and again, if you guys ever visited the store at the peak hours, 90
10 percent of the stalls on this site are filled with vehicles and with that
11 we are respectfully requesting that you all grant our variance and this
12 will be the outcome of the store at the completion of the
13 construction.

14 COMMISSIONER ATKINS: Okay. Are there any other
15 proponents for this case? Are there any other proponents? If you're
16 here to speak in favor of this case, please approach the podium.

17 (Whereupon the Proponent Chef Glenn Gagne and CEO of
18 Spondivits approaches the podium.)

19 CHEF GLENN GAGNE: Yes, I'm Chef Glen Gagne, the CEO
20 and Corporate Chef of Spondivits of 1219 Virginia Avenue uh, the
21 neighbor of the McDonalds . Proponent -- number one, the operator
22 of McDonalds, Mr. Goodrum, his crew is just a great operator, a great
23 business man um, and I'd like to see him stay in East Point and have
24 what he needs to take care of East Point. The traffic is an issue not
25 only for people going west from the McDonalds, but also for people

1 to get into Spondivits, which have to go down Norman Berry and
2 then come down the alley-way between McDonalds and Boyd Tire
3 and they've really improved the drive-thru area and actually have it
4 cornered off so it will keep people out of the alley-way and people
5 can move -- the traffic can move better off Norman Berry and onto
6 Virginia Avenue. Also the improvement, the visual improvement I
7 think is much needed to the west of us. The East Point side they've
8 done a great job with the gazebo um, and the area over there. Ruby
9 Tuesdays has done a great job with their property um, and to the
10 east of us, we have uh, Hapeville, which all the way across the bridge
11 to right on the line of East Point, they've done a really nice job with
12 brick pavers uh, street lamps, but I'd like to see that continue right
13 through our corner. I was at a meeting um, I think it was six or eight
14 months ago with some people that were drawing up a plan of what
15 would East Point look like in ten years and one of the biggest things
16 they said was when people get out main arteries, what do they see
17 when they get into East Point and that area right there of 85 is kind
18 of a hodgepodge of good and bad. If you hit the Hapeville side,
19 your in great shape, but once you get west of that gazebo uh, that
20 part of East Point need some improvement, so um, within that I think
21 this would be a great improvement on that corner. Of course, and
22 being a McDonalds, it's gonna be on the main highway. It's gonna
23 be a target point for people to come to East Point and I think it would
24 be good for the whole community. We are planning on -- we've
25 already got the stone on our building. We're planning on moving our

1 galvanized roof to black galvanized um, so it will match better. We're
2 gonna do some brick pavers on our sidewalk as well and so that
3 whole corner from Norman Berry to the Waffle House will be covered
4 and looking good.

5 COMMISSIONER FANN: Can you do something with the
6 Waffle House?

7 COMMISSIONER ATKINS: Are there any other proponents
8 here for this case?

9 AUDIENCE: (No response.)

10 COMMISSIONER ATKINS: Are there any other proponents.
11 AUDIENCE: (No response.)

12 COMMISSIONER ATKINS: Seeing none, are there any
13 opponents here for this case?

14 AUDIENCE: (No response.)

15 COMMISSIONER ATKINS: Any opponents?
16 AUDIENCE: (No response.)

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

19 COMMISSIONER FANN: Motion to close the public hearing.
20 COMMISSIONER WARES: Second.

21 COMMISSIONER ATKINS: It's been moved by Commissioner
22 Fann, seconded by Commissioner Wares that we close the public
23 hearing for this Case Number. All in favor sound aye.

24 COMMISSIONERS: Aye.
25 COMMISSIONER ATKINS: All opposed sound nay.

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.
The public hearing is now closed. Staff, would you please sound
your recommendation.

MS. HOLMES: With respect to 2013V-005-03, Staff
recommends approval of the request to increase the front yard
setback from ten feet to 45 feet. Staff also recommends approval of
the question to reduce the sidewalk from ten feet to five feet along
East Virginia Avenue.

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

COMMISSIONER FANN: Motion to approve. Thank you.

COMMISSIONER ATKINS: Is there is second.

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner
Fann, seconded by Commissioner Sheldon um, that we approve this
Case Number. Any discussion.

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I just want to reiterate to Staff
the discussion that we have regarding the furniture and whether are
not there was really gonna be space on that sidewalk for furniture
and that the placement of it be uh, thought through carefully. Maybe

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it would be better to have the furniture on the Norman Berry side. Once you reduce the sidewalk, I just don't want somebody's knees hanging over the curb, so that would be my only request to that conversation we had.

MS. HOLMES: Commissioner, Sheldon would you like to condition the applicant to move the sidewalk furniture or to put up a fence in lieu of or to make a donation to the sidewalk bank in lieu of or any of those combinations thereof?

COMMISSIONER SHELDON: I would actually I would like to do that. I would -- and I don't know if that requires changing the motion or just making an additional motion, Linda.

ATTORNEY LINDA DUNLAVY: It does require changing the motion and I would certainly suggest that you condition it rather than than suggest to Staff that they have a conversation 'cause that's not really enforceable.

COMMISSIONER SHELDON: True. Well, if the maker of the motion would agree, I would like to amend the motion to include the condition that the -- that either the furniture be moved to the Norman Berry side of the property or that a donation commensurate with the cost of that furniture be made to the sidewalk bank, if you would be --

COMMISSIONER FANN: I would -- I would accept it as a friendly amendment to the motion, but I would like to have some discussion about it prior to us voting on it.

COMMISSIONER SHELDON: Go for it.

1 COMMISSIONER ATKINS: Absolutely. We're still in
2 discussion period. I guess I have also a question about this as well
3 and um, Ms. Blakely I don't know maybe you -- I don't know if I have
4 a question for you specifically right now, but the furniture zone is five
5 feet and your question is to reduce the sidewalk to five feet, so that
6 would, of course, as Ms. Sheldon was saying would take up entire
7 zone and I guess the challenge that I have is that last week because
8 we did not have a representative from TY Lin at the work session um,
9 we had information that talked to reducing that sidewalk from 15 to
10 ten, so there was an additional five feet along East Virginia, but now
11 it seems to there was a correction to reduce the sidewalk from ten to
12 five and so to reduce the sidewalk from ten to five um, what size --
13 what are the sidewalk sizes beyond McDonalds on East Virginia what
14 is the width of the sidewalk?

15 APPLICANT TY LIN: Our plan dimensions the sidewalk to be --
16 and I probably just need to --

17 COMMISSIONER ATKINS: Can you speak into the
18 microphone, please.

19 APPLICANT TY LIN: I'm sorry, I probably just need to revisit
20 the variance -- that initial variance application because we have our
21 sidewalk dimension as ten feet wide with a five foot wide furniture
22 zone.

23 COMMISSIONER ATKINS: It was in this letter here -- here it
24 says, Avenue from 15 feet to ten feet so in work session, I'm working
25 under the ostrasies that that is what you guys are seeking. I think it

1 was a little unclear and I think that we had some discretion with that
2 because it was going from 15 to ten, but then this evening we get
3 another letter that says from ten to five and so just getting this
4 tonight, I'm just thinking, you know, it's not very wide on a very busy
5 street and then, of course, the zone for furniture is supposed to be
6 five feet and so I'm just trying to figure out -- we want to be
7 amenable, but we want to be able to work through this and for me it
8 just seems like it's almost an accident waiting to happen and if
9 there's some way that we can work through this to make it work out
10 for both McDonalds and for the citizens of East Point, yeah they both
11 were, actually, yeah. So it's confusing. It's a whole five feet. Do
12 you think that this one was an error?

13 COMMISSIONER SHELDON: We -- I'm sorry, she's got to
14 record you and --

15 APPLICANT TY LIN: I'm gonna have to go back and revisit
16 that letter, the duplicate because again for our plan, we're LAYING
17 out a ten foot wide sidewalk over a five foot wide furniture zone.

18 COMMISSIONER ATKINS: Okay. So at this point, you're not
19 quite sure what because we have got two letters?

20 APPLICANT TY LIN: I'm not. I'm--

21 COMMISSIONER ATKINS: Is it -- is your project -- hold on
22 one second.

23 MS. HOLMES: I spoke with Mr. Gleason in your office as well
24 as Ms. Winna -- not Winnabago -- Gwen, I'm sorry, and they both
25 confirmed that the request was a reduction from ten feet to five feet

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and that's why the -- the letter was regenerated for the application and I received it in my email on Tuesday, so that is what the question actually is and it also matches the application that was also submitted.

APPLICANT TY LIN: I'm gonna have to confirm with them.

COMMISSIONER ATKINS: So can I ask you a question. Is your project time-sensitive? Um, would it --

APPLICANT TY LIN: It is. Go ahead. I'm sorry.

COMMISSIONER ATKINS: Okay. I mean, I know that you saying that you need to confirm and I think that she's saying that she spoke with some folks that did say it's actually five feet. I don't know what the engineers are saying and how that affects the drawing and the turn radius and all of those things and so that's really the bases for my question.

APPLICANT TY LIN: Right. Right. That's fine. I'm gonna have to make the calls in the morning, first thing in the morning.

COMMISSIONER ATKINS: Okay. Staff, I think would like to say something else.

MS. HOLMES: In reviewing the plan that was provided to us, I show a ten feet in width from the property line showing the sidewalk area, so it's showing a five foot sidewalk area and a five foot furniture zone.

COMMISSIONER ATKINS: Right. For a total of ten feet.

MS. HOLMES: For a total of ten feet.

COMMISSIONER ATKINS: Which is different from this --

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MS. HOLMES: Well, the sidewalk would have originally been 15 feet wide.

COMMISSIONER ATKINS: Right, but I think that you're saying that this is a latest letter that you've received. It shows it's going from ten to five.

MS. HOLMES: I believe in the letter he's excluding the furniture zone from his information.

COMMISSIONER ATKINS: But we're not sure?

ATTORNEY LINDA DUNLAVY: There is a disconnect between the site plan and the letter. The site plan clearly shows a ten foot sidewalk with a five foot furniture zone, but the the letter clearly request a five foot sidewalk, so that does need to be clarified if this application is ---

COMMISSIONER ATKINS: Yes. And I think Commissioner Rene.

COMMISSIONER RENÉ: Madam Chair, I mean, Mr. Chair, I have a quick question. How much furniture, how many seatings are you guys planning to add to the sidewalk?

APPLICANT TY LIN: Um, we're doing two benches and that's directly in the front of the -- the front of the store.

COMMISSIONER ATKINS: Is that it. I think that we saw some -- did we see some bike racks or some other things?

COMMISSIONER RENÉ: So you're saying two benches, a bike rack and shrubs --

APPLICANT TY LIN: Replanting areas along East Virginia.

1 COMMISSIONER RENÉ: -- and a trash can? Are you guys --
2 do you have any concerns for the pedestrian traffic because there's
3 quite a lot of -- you know, the hotel and visitors that come there and
4 a lot of them are walking in that area and the only concern that I
5 have is that the furniture the way you have it placed will really
6 interfere with the traffic that flows in that direction and we want
7 more foot traffic really and you want to encourage that and you want
8 to make sure that it's safe. Are you concerned at all about that
9 because five feet will be mighty small.

10 APPLICANT TY LIN: Five feet is a standard ADA route and it
11 provides enough width and accessibility for people to safely travel
12 and traverse the sidewalk.

13 COMMISSIONER RENÉ: You know, and understand, but
14 we're trying to improve the out look of East Point as Mr. Spondivits
15 has said and you know if we're trying to improve, we want to elevate
16 the look, not just go with the standard. I'm not trying to be hard,
17 but I'm just saying, if we're trying to make improvements and we
18 want to increase the traffic flow, I mean, the pedestrian traffic flow
19 that is and if you go in on a Friday night or a Saturday night it's it's
20 very congested in there with those pedestrians as it is. And if you
21 would increase it only helps the look of the City. It doesn't increase
22 the safety for the people that are visiting the City. I love what
23 Mr. Goodrum is doing. I've seen some of his other stores. We
24 encourage that and we welcome more of his business. We
25 appreciate the great partnership that he's had with us, but I would

1 like for that to be increased rather than -- you now, I would rather
2 for the furniture to go away and that the sidewalk remain if so if that
3 is all possible because I just think the safety of the pedestrian is
4 more important and I do like, you know, the upkeep, the
5 beautification. I think we need more of this. I agree with the man
6 that came up front. Bill is doing a wonderful job with that. I think we
7 need to continue, but I think that if we don't do something about
8 widening the sidewalks it will be a problem. I think it will be a safe
9 issue.

10 COMMISSIONER ATKINS: Okay. Commissioner Fann.

11 COMMISSIONER FANN: A concern that I have and I'm know
12 all of us are familiar with that area most of us anyway. Spondivits
13 already has been through that, but its patrons already -- that and it --
14 doesn't seem to be a problem and I don't know what the footage is
15 and I'm asking Staff for those dimension that are there for
16 Spondivits, now do you know?

17 MS. HOLMES: The dimensions of the benches?

18 COMMISSIONER FANN: Yeah, that's in front of Spondivits?

19 MS. HOLMES: No, I don't but they would have to be in
20 accordance with the benches that are -- I don't know when those
21 benching were put in in accordance with -- was adopted

22 COMMISSIONER FANN: Well, they would be grandfathered
23 in.

24 MS. HOLMES: Right.

25 COMMISSIONER FANN: They been there for years and years

1 an years, but I mean but the reality it doesn't seem to be a problem
2 with people walking up through there now and I go to Spondivits and
3 I park over at the other parking lot 'cause I can't get into Spondivits
4 and I don't go to Ruby Tuesdays 'cause bugie, but the reality of it is
5 is that people already come across there and I know there's a safety
6 issue. We don't want people walking in the street, but we also want
7 to make sure that we accommodate people who are trying to go in
8 these businesses uh, there uh, both McDonalds and Spondivits, but
9 when Commissioner Sheldon talked about going around on Norman
10 Berry as an option in terms of benches, I don't know what the width
11 is even around Norman Berry if that would even be the same thing to
12 accommodate what you would have on Virginia Avenue. I want to
13 make -- I want us to come up with something that's amenable and
14 agreeable and it is consistent with what's being done in that area,
15 you know, now so that's why I said I would accept it as a friendly
16 amendment as a condition, but I think that we need to determine
17 what we want, if we want that condition to be placed on Virginia
18 Avenue or we want it to be placed on Norman Berry. I think that
19 where we need to be now or if you don't want bench period then we
20 need to then determine that, but for me one, I will certainly be in
21 support of benches in either Virginia Avenue or on Norman Berry and
22 that's all I'm going to say tonight on that subject. Thank you.

23 COMMISSIONER ATKINS: I think Staff would also like to say
24 something also.

25 ATTORNEY LINDA DUNLAVY: With respect to the sidewalk

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width on Norman Berry if you take a look at the plan, it's actually less than five feet on Norman Berry, just as a point of information.

MS. HOLMES: That would be in accordance to the variance that this Body approved in December of 2011.

COMMISSIONER ATKINS: Okay.

MS. HOLMES: Um, in addition to that, speaking to Commissioner Rene's point and Commissioner Fann's point, the requirement is they have a five foot sidewalk. That is the requirement and then in addition to that development regulations for CL require that they have a five foot furniture zone, which is how you accomplish the ten feet and the other requirement is that that width of the sidewalk be ten feet, which is how we got to the 15 feet and I believe also that a reduction was requested in that previous variance in 2011, which is how we got to the reduction amount that we are at now. If Commissioner Rene does not want the benches, I believe that you can condition it to the lamp post to be consistent with the lamp post that are along um, other streets here in the City or no furniture other all and condition it to a contribution to the sidewalk bank or to put in more shrubbery and flowers are put in or any type of signage or fencing or whatever that the Commission would like to see.

COMMISSIONER SHELDON: I have a question.

COMMISSIONER ATKINS: Okay. Commissioner Sheldon.

COMMISSIONER SHELDON: Is it your experience that people wait or eat at a bench or that the -- I know the bench is part of -- the

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bench is part of our standard and that's why it's become a problem is that their trying to meet our standards and yet it may not be an applicable amenity for this particular piece of property. Is it anyone's experience that people sit -- I know you sit at Spondivits waiting to get in. Is it needed at the McDonalds to have a bench?

APPLICANT TY LIN: Typically McDonalds is 70 percent drive-thru and the other 30 is dine in, so typically, no. I mean, and if there is outdoor dining, we do it -- we facilitate that through a patio.

COMMISSIONER SHELDON: Okay. Well, then I guess we have to wait until Mr. Fann comes back. I would suggest that we eliminate the benches, keep the lamp post. I'm not sure we need a bike rack. That's not a bicycle-friendly spot to me, but if we were then to trade that out for additional landscaping, it seems to me like that would be a way to solve all the problems.

COMMISSIONER ATKINS: Are there currently plans apart of the site plan that's submitted that you already have lamp post in there or no?

APPLICANT TY LIN: There are. It should be on her.

COMMISSIONER ATKINS: They are. Okay. So we actually -- so we're not actually asking for additional lamp post, it's just the lamp post that are there so we still in essence have a credit in furniture and so I just want to be clear if Ms. Holmes can go back over those with things that you talked about because I think that Ms. Blakely was also not quite sure, so are we talking about a total width of 5 feet? We're talking about a total width of 10 feet.

1 MS. HOLMES: We're talking about the total width of 10 feet,
2 five foot for the required sidewalk, 5 feet for the furniture zone.

3 COMMISSIONER ATKINS: Okay. So the sidewalk would be
4 10 feet? Okay.

5 MS. HOLMES: Total.

6 COMMISSIONER ATKINS: Total. Okay. And so I think that
7 we have an excess because the lamp posts are already there. Now,
8 for those lamp posts are they the decorative lamp posts? Is that
9 thing that's apart of --

10 COMMISSIONER SHELDON: It's the standard that's been
11 called --

12 COMMISSIONER ATKINS: It's the standard that been
13 called -- okay. So then I don't know if we have a condition that's a
14 part of the official motion, so then I guess the only condition -- I
15 would like a condition that in lieu of the two benches, the one bike
16 rack I think we need to keep the trash recepticals. In lieu of the two
17 benches and the one bike rack, I would condition that whatever
18 funds were gonna be expended for those items as per the standards
19 called out in the zoning code, that those go into the sidewalk bank.

20 ATTORNEY LINDA DUNLAVY: Was that yet another friendly
21 amendment to Commissioner Fann's motion or --

22 COMMISSIONER FANN: I will accept it, I will accept it, I will
23 accept it.

24 COMMISSIONER ATKINS: And I guess, I don't -- and also
25 what I was trying to get to is I don't know if we had come up with a

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condition, so I just wanted to be clear so we don't have to really do anything about the lamp posts because they're already called out in the site plan.

ATTORNEY LINDA DUNLAVY: Um-hum.

COMMISSIONER ATKINS: And so what we have, I think, is an excess, which is the furniture and so my condition is that the funds that were going to be expended for the furniture would then -- for the two benches and the bike rack would then be placed into a sidewalk bank, but you would continue to move forward with the landscaping, the decorative wall and I think the letter also calls for an entrance sign. Let's see, a gateway. It's the gateway.

APPLICANT TY LIN: And we're calling this entrance at the corner of Norman Berry and Virginia Avenue. This is our gateway into the site.

COMMISSIONER ATKINS: Okay. So to keep those -- so then, that's my condition. Are we clear about that condition?

COMMISSIONER FANN: I've accepted it, I've accepted, I've accepted it.

COMMISSIONER ATKINS: All right.

COMMISSIONER SHELDON: And the second stands.

COMMISSIONER ATKINS: Okay. Commissioner Wares has --

COMMISSIONER WARES: Just one other question. You mentioned that when people did have to eat outside, the 30 percent that dined in, some times you would have a patio. Is there a patio on this site at all?

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APPLICANT TY LIN: No, ma'am.

COMMISSIONER WARES: Okay. So they would just be eating in basically --

APPLICANT TY LIN: Yes.

COMMISSIONER WARES: -- or standing outside munching. It's okay. Thank you.

COMMISSIONER FANN: You have a receptical to --

COMMISSIONER ATKINS: Okay. Commissioners, there has been a motion and a second and the motion is to approve with the condition that the applicant would contribute to the sidewalk bank the amount equivalent to the cost of the two benches and the one bike rack as called out by the standard in the East Point Planning and Zoning Code. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Thank you. Okay. Our next Case Number is 2013 "U" as in umbrella-005-03. This item also requires a public hearing. Staff -- Commissioners, at this time, I will entertain a motion to open the public hearing.

COMMISSIONER SHELDON: So moved.

COMMISSIONER WARES: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Wares that we open the public

1 hearing. All in favor sound aye.
2 COMMISSIONERS: Aye.
3 COMMISSIONER ATKINS: All opposed sound nay.
4 COMMISSIONER ATKINS: Hearing none, the ayes have it.
5 The public hearing is now open. Is the applicant present to speak to
6 this case.
7 AUDIENCE: (No response.)
8 COMMISSIONER ATKINS: Is the applicant, Mr. Graham,
9 present to speak to this case?
10 AUDIENCE: (No response.)
11 COMMISSIONER ATKINS: Are there any other proponents
12 here to speak to this case?
13 AUDIENCE: (No response.)
14 COMMISSIONER ATKINS: Any other proponents?
15 AUDIENCE: (No response.)
16 COMMISSIONER ATKINS: Seeing none, are there any
17 opponents?
18 AUDIENCE: (No response.)
19 COMMISSIONER ATKINS: Any opponents, would you please
20 approach the podium state your first and last name and your
21 address.
22 (Whereupon Opponent approaches the podium.)
23 OPPONENT: Good evening.
24 COMMISSIONER ATKINS: Good evening.
25 OPPONENT: My name is Chong Shin and we have property

1 2941 Main Street across the street from this 2947 Legion Way. My
2 question is my parking lot and they have -- they asking for special
3 permit for church and what I understand is that that place has -- is
4 already for business. If they open the church, there are already five
5 business. If church members -- I don't know how many church
6 members it's going to be especially across the street from my
7 business it's gonna affect the uh, parking lot, so I was wondering
8 how you permitted parking lot and if you give a special permit to this
9 church. That's my concern.

10 COMMISSIONER ATKINS: Okay. All right. Are there any
11 other opponents for this case.

12 AUDIENCE: (No response.)

13 COMMISSIONER ATKINS: And I think that maybe that was a
14 question, but it's not appropriate for us to answer questions at this
15 time.

16 OPPONENT: Um-hum.

17 COMMISSIONER ATKINS: It's an opportunity for you to
18 express --

19 OPPONENT: Right.

20 COMMISSIONER ATKINS: -- how you feel about this case and
21 so --

22 OPPONENT: Right.

23 COMMISSIONER ATKINS: -- we can maybe get into some of
24 those things once we close the public hearing.

25 OPPONENT: Okay.

1 COMMISSIONER ATKINS: Are there any other opponents for
2 this case.
3 AUDIENCE: (No response.)
4 COMMISSIONER ATKINS: Any other opponents?
5 AUDIENCE: (No response.)
6 COMMISSIONER ATKINS: Seeing none, Commissioners, at
7 this time, I will entertain a motion to close the public hearing.
8 COMMISSIONER WARES: So moved.
9 COMMISSIONER ATKINS: Is there a second?
10 COMMISSIONER FANN: Second.
11 COMMISSIONER ATKINS: It's been moved by Commissioner
12 Wares, seconded by Commissioner Fann that we close the public
13 hearing. All in favor sound aye.
14 COMMISSIONERS: Aye.
15 COMMISSIONER ATKINS: All opposed sound nay.
16 COMMISSIONERS: (No response.)
17 COMMISSIONER ATKINS: Hearing none, the public hearing
18 is now closed. Staff, at this time, would you please sound your
19 recommendation.
20 MS. HOLMES: With respect to 2013U-005-03, Staff
21 recommends denial of the Special Use Permit to allow the use of a
22 church, temple or place of worship because the location does not
23 meet the minimum parking requirements.
24 COMMISSIONER ATKINS: Okay. Commissioners, you've
25 heard from an opponent to this case and you've also heard Staff's

1 recommendation. At this time, I'll entertain a motion in the form of a
2 recommendation.

3 COMMISSIONER SHELDON: Mr. Chair.

4 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

5 COMMISSIONER SHELDON: I move that recommend denial
6 of Case Number 2013U-005-03.

7 COMMISSIONER WARES: I second.

8 COMMISSIONER ATKINS: It's been moved and properly
9 seconded by that recommend denial for this Case Number. Any
10 discussion?

11 COMMISSIONERS: (No response.)

12 COMMISSIONER ATKINS: Hearing none, Commissioners, all
13 in favor sound aye.

14 COMMISSIONERS: Aye.

15 COMMISSIONER ATKINS:

16 ALLEN FREEDMAN: Opposed sound nay.

17 COMMISSIONER FANN: Nay.

18 COMMISSIONER ATKINS: Okay. We have one nay. The
19 motion carries and say we will recommend denial for this case.
20 Thank you.

21 MS. HOLMES: Mr. Chair.

22 COMMISSIONER ATKINS: Yes.

23 MS. HOLMES: She did not present her speaker card.

24 COMMISSIONER ATKINS: Okay.

25 MS. HOLMES: I don't have one from the --

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COMMISSIONER ATKINS: Can you please fill out a speaker card.

COMMISSIONER SHELDON: They're in the hallway.

COMMISSIONER ATKINS: Oh, she has it. Please fill the the speaker card out. Okay. At this time, we got to announcements. Staff, do you have any announcements?

VII. ANNOUNCEMENTS:

MS. HOLMES: No, sir.

COMMISSIONER ATKINS: Okay. Commissioners, are there any announcements?

COMMISSIONER SHELDON: Just one.

COMMISSIONER ATKINS: Okay.

COMMISSIONER SHELDON: Regrettably, we are losing Ms. Washington from the Commission and I just would like to thank you her for her service and tell her how much we're gonna miss her.

COMMISSIONER ATKINS: All right.

COMMISSIONER WARES: I second that.

COMMISSIONER ATKINS: And we definitely will miss you Ms. Washington.

COMMISSIONER WASHINGTON: Miss you the same.

COMMISSIONER ATKINS: We have enjoyed working with you and thank you for your service and contribution to the City of East Point and whatever you're back in our City, we'd love to have you come visit with us. All right. Any other announcements.

COMMISSIONERS: (No response.)

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COMMISSIONER ATKINS: At this time, I'll entertain a motion to adjourn.

VIII. ADJOURNMENT:

COMMISSIONER WARES: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER WASHINGTON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Wares, seconded by Commissioner Washington that we adjourn our regularly scheduled May meeting. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS:

ALLEN FREEDMAN: Opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The meeting is now adjourned.

(Whereupon this concludes the City of East Point Planning and Zoning meeting for May 16th, 2013.)

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Attest:

I hereby attest that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 52 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 May 16, 2013 at seven o'clock P.M. were taken down by me and transcribed by me on this 30th day of May, 2013.

Jeanene Harper
Stenographic Stenographer