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CITY OF EAST POINT  
PLANNING & ZONING COMMISSION

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December 20, 2007 - 7:30 PM

Official Minutes

Regular Meeting

East Point, Georgia - East Point City Auditorium

Board Members  
Present:

- Mr. Steven BENNETT, Chair
- Mr. Shean ATKINS, Vice Chair
- Dr. Herbert J. BRIDGWATER, Jr.
- Mr. Myron COOK
- Mr. Thomas HARPER
- Ms. Francine JONES
- Ms. Pam PATTERSON
- Ms. Linda SHELDON

Also Present:

- Ms. Valerie A. ROSS, Esq.  
Office of City Attorney
- Ms. Genesa ELIAS  
Assistant Director

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Reported By:  
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**APPLICANTS:**

Izzy Gould, Frontier Realty  
2006P-018-11

Neil Page  
2007P-020-10

Madison Commercial  
2007Z-016-10

Madison Commercial  
2007V-019-10

RC Patel  
2007P-022-11

Wayne Currie  
2007V-021-11

OB Camp Creek LLC  
Sherwin-Williams  
2007V-022-11

Wilson, Brock & Irby, LLC  
2007V-023-11

Mel & Elaine Cargle  
2007V-024-11

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**SPEAKERS:**

Wayne Currie	13
Reid Golden	14
Yancey Powers	14
Larry Dingle	35
Mel Cargle	41

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P R O C E E D I N G S :

7:30 PM

THE COURT: Ladies and gentlemen we will come to order for the December 20, 2007, East Point City Planning & Zoning Commission. In lieu of an invocation, this body normally recognizes a moment of silence, and we will do so at this time, so if anyone wishes to participate, you may do so now.

(Whereupon a Moment of Silence was observed)

THE COURT: Thank you.

If everyone would, please rise with us to pledge allegiance to the flag.

(Whereupon the Pledge was taken)

THE COURT: Thank you.

ADOPTION OF THE AGENDA:

And now, Commissioners, I'll entertain a motion for the Adoption of the Agenda that you have in front of you.

MS. SHELDON: Mr. Chair, I make a motion that we adopt the agenda.

THE COURT: Okay, we have a motion.

MS. JONES: Second.

1 MR. BENNETT: And a second by  
2 Ms. Jones.

3 All in favor?

4 THE BODY: Aye.

5 MR. BENNETT: Opposed?

6 THE BODY: (No response)

7 MR. BENNETT: The motion carries, and  
8 the agenda is adopted.

9 APPROVAL OF MINUTES:

10 The next item is the approval of the  
11 November 15, 2007, minutes. Everyone should  
12 have a copy in front of you.

13 I'll entertain a motion on that.

14 DR. BRIDGEWATER: Mr. Chair? I make a  
15 motion that the November 15th minutes be  
16 adopted, with any necessary corrections, if  
17 there be any.

18 MR. HARPER: Second.

19 MR. BENNETT: It's been seconded by Mr.  
20 Harper. Any discussion or additions?

21 THE BODY: (No response)

22 MR. BENNETT: All in favor of the  
23 motion?

24 THE BODY: Aye.

25 MR. BENNETT: Opposed?

1 THE BODY: (No response)

2 MR. BENNETT: The motion carries; the  
3 minutes are adopted.

4 We will move on to the Old Business  
5 and, Geneasa, we will let you proceed.

6 OLD BUSINESS:

7 MS. ELIAS: There are four cases under  
8 Old Business tonight. The first one is  
9 Application Number 2006P-018-11. The  
10 applicant is Izzy Gould, of Frontier Realty  
11 Group. The location is North Desert Drive  
12 at Redwine Road, and it is a request for  
13 approval of the final plat for 85  
14 single-family attached family townhomes on  
15 10.130 acres. Staff is recommending  
16 withdrawal, without a penalty, and the  
17 applicant has been communicated with and is  
18 in agreement.

19 MR. BENNETT: Commissioners, I'll  
20 entertain a motion on the item.

21 MR. GRANBERRY: I would like to make a  
22 motion that we withdraw the item without  
23 penalty.

24 MR. BENNETT: There has been a motion  
25 that we allow the applicant to withdraw.

1 MR. HARPER: Second.

2 MR. BENNETT: And a second.

3 Any discussion?

4 THE BODY: (No response)

5 MR. BENNETT: All in favor of the  
6 motion?

7 THE BODY: Aye.

8 MR. BENNETT: Opposed?

9 THE BODY: (No response)

10 MR. BENNETT: The motion carries, and  
11 the application is withdrawn.

12 Geneasa?

13 MS. ELIAS: The next application is  
14 Case Number 2007P-020-10. The applicant is  
15 Neil Page. The location is Willingham Drive  
16 and Egan Way. It is a request for an  
17 amendment to the final plat.

18 Staff is recommending deferral based on  
19 the applicant's request.

20 MR. BENNETT: Commissioners, I'll  
21 entertain motion.

22 MR. HARPER: I make a motion that the  
23 item be deferred.

24 MR. BENNETT: Mr. Harper has made a  
25 motion.

1 MS. JONES: Second.

2 MR. BENNETT: Seconded by Ms. Jones.  
3 Any discussion?

4 MR. ATKINS: That will be discussed at  
5 our January meeting? Just for clarity, will  
6 that be deferred to our January meeting?

7 MR. HARPER: My motion will -- So  
8 stipulated.

9 MR. BENNETT: Everybody clear on the  
10 motion?

11 All in favor?

12 THE BODY: Aye.

13 MR. BENNETT: Opposed?

14 THE BODY: (No response)

15 MR. BENNETT: Motion carries, the item  
16 is deferred until January.

17 MS. ELIAS: The last two cases under  
18 Old Business are sounded together, and  
19 that's Case Number 2007V-016-10 and Case  
20 Number 2007V-019-10. It is a rezoning with  
21 a two-part concurrent variance.

22 The applicant is Madison Commercial,  
23 and the location is Redwine Road at North  
24 Desert Drive.

25 Staff is recommending deferral until

1 recommendations are received from ARC in the  
2 Developmental Regional Impact Process.

3 MR. BENNETT: Commissioners, I'll  
4 entertain a motion.

5 MR. HARPER: I make a motion that the  
6 said two cases be deferred until our next  
7 meeting.

8 DR. BRIDGEWATER: Second.

9 MR. BENNETT: There's been a motion and  
10 a second to defer both cases to the January  
11 meeting.

12 Any discussion?

13 THE BODY: (No response)

14 MR. BENNETT: All in favor?

15 THE BODY: Aye.

16 MR. BENNETT: Opposed?

17 THE BODY: (No response)

18 MR. BENNETT: The motion carries, and  
19 the items are deferred.

20 Geneasa, before you move on to New  
21 Business, since we do have a couple items  
22 for a public hearing -- we have two items  
23 tonight that do require public hearings.  
24 When those items come up, the Commissioners  
25 will vote to open a public hearing, and we

1 will call for the applicant to come and  
2 speak on the item and then we will listen to  
3 any comments from any other proponents,  
4 people in favor of the item and will give an  
5 opportunity for anyone wishing to speak in  
6 opposition of the item, and we will allow  
7 the applicant a brief period of time for  
8 rebuttal. We normally limit a public  
9 hearing on an item to ten minutes.

10 Geneasa, if you would proceed with New  
11 Business.

12 NEW BUSINESS:

13 MS. ELIAS: The first item on the  
14 agenda for New Business is Application  
15 Number 2007P-022-11. It is request of  
16 approval of a preliminary plat in the C2  
17 zoning district.

18 The applicant is Sanji Patel, and the  
19 owner is Diplomat ONH Hotels, LLC. The  
20 applicant's intent for the request is  
21 approval of the preliminary plat,  
22 subdividing the parcel, located at 3601  
23 North Desert Drive, into three parcels:  
24 Track Number 1, which is approximately, 1.51  
25 acres, Track Number 2, which is 2.59 acres,

1 and Track Number 3, 4.57 acres.

2 Staff has reviewed the application and  
3 is recommending approval of the preliminary  
4 plat request.

5 MR. BENNETT: Commissioners, I will  
6 entertain a motion on the item.

7 DR. BRIDGEWATER: Mr. Chair? I make  
8 recommendation for approval for Case Number  
9 2007P-022-11, located 3601 North Desert  
10 Drive, approval for the plat.

11 MR. BENNETT: There is a motion for  
12 approval of the preliminary plat.

13 MS. PATTERSON: Second.

14 MR. BENNETT: And a second.

15 Any discussion?

16 MS. SHELDON: Mr. Chair?

17 MR. BENNETT: Ms. Sheldon?

18 MS. SHELDON: I would like to just  
19 clear up one question I have about the  
20 parking. My concern is that we don't have  
21 adequate handicapped parking indicated on  
22 this plat, and I would like to suggest a  
23 condition for approval that that be  
24 re-examined.

25 All handicapped parking spaces have to

1 have appropriate access. What is shown on  
2 the plat does not indicate that. So if the  
3 maker of the motion would kindly indulge me  
4 with that condition.

5 DR. BRIDGEWATER: Yes, I will accept  
6 that.

7 MS. SHELDON: Thank you.

8 MR. BENNETT: Any other discussion or  
9 comments?

10 THE BODY: (No response)

11 MR. BENNETT: All in favor of the  
12 amended motion?

13 THE BODY: Aye.

14 MR. BENNETT: Opposed?

15 THE BODY: (No response)

16 MR. BENNETT: The motion carries, and  
17 the plat is approved with the conditions as  
18 stated.

19 Geneasa?

20 MS. ELIAS: The next application  
21 requires a public hearing, and it's  
22 Application Number 2007V-021-11. It is a  
23 two-part variance request at 3601 North  
24 Desert Drive. The applicant is Wayne  
25 Currie, and the variance request is to

1 increase the building height to 137 feet and  
2 reduce to the number of parking spaces from  
3 406 to 321 parking spaces.

4 MR. BENNETT: This item is requiring a  
5 public hearing. At this time I'll entertain  
6 a motion to open a public hearing.

7 MS. SHELDON: I make motion that we  
8 open the public hearing.

9 MR. BENNETT: Second?

10 MS. JONES: Second.

11 MR. BENNETT: All in favor of the  
12 motion?

13 THE BODY: Aye.

14 MR. BENNETT: Opposed?

15 THE BODY: (No response)

16 MR. BENNETT: The motion carries. The  
17 public hearing is now opened on this item.  
18 We will entertain the applicant first. If  
19 you like to come and speak at the podium  
20 down here.

21 If you would, please, give us your name  
22 when you begin to speak.

23 MR. CURRIE: I'm Wayne Currie. We're  
24 here on behalf of Camp Creek Medical Arts,  
25 and we have a couple renderings of what

1 we're doing for everybody to look at, if  
2 they choose to do so.

3 we have our planner, from Precision  
4 Planning, here to talk about the parking,  
5 and the architect planner from WMA  
6 Architects, who have done literally hundreds  
7 of these kinds of buildings and are here as  
8 experts on why we need what we need. So  
9 I'll turn things over to them and let them  
10 explain any questions that anybody has.

11 So thank you very much for your  
12 interest and look forward to any comments.

13 MR. BENNETT: Thank you.

14 MR. GOLDEN: Hello, my name is Reid  
15 Golden, I'm with Precision Planning. I'll  
16 touch on the parking and turn it over to  
17 Yancey.

18 we're asking for a parking variance to  
19 go from 406 spaces to 321 spaces, which will  
20 give us four spaces per thousand square feet  
21 of building area.

22 we have studied all this, and we are  
23 comfortable with that. It's actually fairly  
24 standard for this kind of building, and we  
25 had to weigh that against the building

1 footprint and the challenges of our site,  
2 which are topography and shape, mostly.

3 I'll turn it over to Yancey and will  
4 answer the question later, if I need to.

5 MR POWERS: Thank you.

6 My name is Yancey Powers and I'm with  
7 WMA Architects.

8 The firm I work for has been doing this  
9 type of building for over twenty years.  
10 Currently, we've done 37 different hospitals  
11 and over 200 of these different medical  
12 office buildings.

13 Precision Planning and Camp Creek has  
14 contacted us to design a building that would  
15 be able to support an ambulatory surgery  
16 center and medical office building in this  
17 part of town. We looked at the requirements  
18 required to have an ambulatory surgery  
19 center that would be a functional office  
20 building. That required a set number of  
21 doctors. Each of those doctors requires a  
22 set number of square footage. In order to  
23 make the project be a viable project, there  
24 was a defined amount of square footage we  
25 needed for the building.

1           The site that we are working on is a  
2           difficult site, due to the fact that there  
3           is a 70-foot drop between one end of the  
4           property and the other. It also  
5           incorporates a lot of bedrock and a lot of  
6           granite or rock outcroppings. That limits  
7           us from being able to dig the building in  
8           and provide multiple stories underneath in  
9           the ground.

10           The second thing is there are certain  
11           requirements required for an ambulatory  
12           surgery center in order to accommodate this  
13           building is requiring us to take up a little  
14           bit more ground.

15           One of those things is, you're required  
16           to have -- By law, you're required to have a  
17           patient drop-off, so the patient can be  
18           protected when they're picked up or dropped  
19           off. One of the restrictions we have with  
20           the site is the narrow side of the site. We  
21           want to maintain access all the way around,  
22           parking on all sides of the building, and  
23           have a separate patient drop-off. The  
24           reason we want to do that is for some reason  
25           if somebody is dropping off the patient and

1           there is a medical emergency, we don't want  
2           to block the aisle. So we're taking up a  
3           little more parking on the side.

4           The second problem is because of the  
5           square footage required to make this a  
6           functional building, we had to raise the  
7           building. We had to find the best ratio  
8           between the square footage and height of the  
9           building. We're asking for 100 feet,  
10          approximately, on the variance for this.  
11          Some of the reasons being, we have eight  
12          stories above ground. We are working as  
13          best we can to dig one of them into the  
14          ground, so we have a partial basement on one  
15          side.

16          We have an ambulatory surgery center in  
17          the center of the building which, typically,  
18          require 15 or 16 square feet between floors.  
19          It is the requirement of the City of East  
20          Point to allow 35 feet maximum for a medical  
21          office building. With those requirements,  
22          that means our office building would only be  
23          able to have two spaces. If we were to take  
24          the square footage required to make this a  
25          functional building, we would take up a

1 large amount of the site and lose more  
2 parking.

3 Over the past six months we have been  
4 working closely with Precision Planning and  
5 the owners to find the best ratio of a  
6 footprint and height of the building to the  
7 amount of parking. When we presented this  
8 before, we were asked to go back and take a  
9 look to see if there were other possible  
10 ways to reduce the height of the building  
11 and not eliminate parking. After we went  
12 back and checked our calculations,  
13 currently, we have about an 85 percent ratio  
14 between the rentable and the gross in the  
15 building, which is industry standard. So we  
16 are as tight and compact as we can get so we  
17 can maximize the amount of parking on the  
18 site. We feel that we provided the best  
19 possible solution in order to have the best  
20 ratio parking square footage. We think this  
21 would be nice building, a good source of  
22 jobs of medical care in that area, something  
23 the community can be proud of, a  
24 LEED-certified building, a modern and  
25 state-of-the-art building and we hope

1 something we can be proud of.

2 MR. BENNETT: Thank you.

3 MR. CURRIE: Wayne Currie, on behalf of  
4 Camp Creek Medical Arts: Two other things  
5 that we liked is there is public services in  
6 the form of buses and what have you adjacent  
7 to this and, because of the neighborhood  
8 layout, Redwine Drive certainly will benefit  
9 from the access of people from the retail  
10 side and the residential side to this  
11 building. So we thought the site was ideal.  
12 The neighbors are basically a storage depot,  
13 that is already in excess of the regular  
14 height variance permitted; a six-story hotel  
15 adjacent to us is higher than the standard  
16 height allowance; and our particular  
17 building, because it is a little bit  
18 downhill from everything else, will really  
19 only stand the equivalent of one floor above  
20 the existing Comfort Inn.

21 So aside from the fact that it appears  
22 that this is a fairly significant height  
23 variance because of the site, it won't be  
24 that much higher than anything else around  
25 there, and the parking will be a significant

1            addition to the parking that is accommodated  
2            for the hotel, which uses very little  
3            parking during the day at any time and even  
4            at night because it deals with airline  
5            customers and doesn't use very much parking  
6            at all either.

7            So this site combines as well with the  
8            existing development adjacent on the far  
9            side of Desert Drive to an automobile  
10          storage place where people go into the  
11          airport, not much of an impact on anything  
12          that we could identify.

13          So we would be happy to entertain  
14          questions, and I leave the ball thrown to  
15          whoever wants to speak. Thank you.

16          MR. BENNETT: Any other proponents that  
17          would like to come down and speak in favor  
18          of this request?

19          THE AUDIENCE: (No response)

20          MR. BENNETT: Any opponents, anyone  
21          that would like to come down and speak  
22          against this variance request?

23          THE AUDIENCE: (No response)

24          MR. BENNETT: There being none,  
25          Commissioners, I will entertain a motion to

1 close the public hearing.

2 DR. BRIDGEWATER: Mr. Chair, I make a  
3 motion that we close the public hearing.

4 MR. BENNETT: There has been a motion  
5 to close the public hearing and it's been  
6 seconded by Ms. Jones.

7 (Reporter did not see nor hear Ms.  
8 Jones insert a second)

9 All in favor?

10 THE BODY: Aye.

11 MR. BENNETT: Opposed?

12 THE BODY: (No response)

13 MR. BENNETT: The motion carries; the  
14 public hearing is closed.

15 Geneasa, if you want to finish with  
16 your staff analysis.

17 MS. ELIAS: During this part of the  
18 process, would you like for me to go through  
19 each criteria or just restate the  
20 application and then give our staff  
21 recommendation?

22 MR. BENNETT: I think everybody here  
23 has a copy of the criteria, and unless  
24 anybody specifically requests it, that won't  
25 be necessary.

1 MS. ELIAS: The Application Number  
2 2007V-021-11, it is a two-part variance  
3 request at 3601 North Desert Drive, to  
4 reduce the amount of parking from 406 spaces  
5 to 321 parking spaces, and to increase the  
6 building height from 35 feet, as required in  
7 the C2 zoning district, to 137 feet.

8 The applicant is Wayne Currie, and the  
9 owner is Diplomat ONH Hotels. The proposed  
10 use is a medical office in the C2 zoning  
11 district.

12 Based on the four criteria for a  
13 variance request, staff has found that the  
14 applicant has met all four criteria and  
15 recommends approval of the two-part variance  
16 request to reduce the parking from 406  
17 parking spaces to 321 parking spaces, and to  
18 increase the building height from 35 feet to  
19 137 feet, with the condition that the rock  
20 removed from the site be used for stream  
21 bank restoration within the City of East  
22 Point.

23 MR. BENNETT: May I hear a motion on  
24 the item.

25 DR. BRIDGEWATER: I make a motion that

1 we approve with the necessary additions to  
2 the recommendation.

3 MR. BENNETT: Motion for approval.

4 MS. SHELDON: Second for discussion.

5 MR. BENNETT: Ms. Sheldon?

6 MS. SHELDON: I have a couple  
7 questions. The first one is: what level of  
8 LEED certification are you going to be going  
9 for?

10 MR. POWERS: We have been working in  
11 coordination with DRP Construction, out of  
12 Atlanta, which is a nationwide firm. We've  
13 done a LEED surrat (ph) during this time.  
14 We have started the work on LEED -- just to  
15 become LEED certified. The question is --  
16 on economics is, if we're going to be able  
17 to be silver rated, but we are at least  
18 going for LEED certified.

19 MS. SHELDON: Excellent.

20 One more question for the parking guru:  
21 Since I do accessible parking for a living,  
22 I note that you are missing a space and that  
23 again all of the spaces, accessible spaces,  
24 do have to have access aisles, and I would  
25 ask that the maker of the motion accept my

1 friendly amendment that that be revisited.

2 MR. GOLDEN: I agree with you. That  
3 will be studied. We obviously, with this  
4 development, handicap access is very  
5 important to us.

6 MS. SHELDON: Right.

7 Also the passenger loading zone, we  
8 probably need to just study that very  
9 carefully for curb cuts and all of that.

10 DR. BRIDGEWATER: I will accept your  
11 friendly amendment and, hopefully, there  
12 will be sufficient number of handicap  
13 spaces.

14 MS. SHELDON: There will be, I'm sure.  
15 Thank you.

16 MR. BENNETT: Any other discussion?

17 MR. ATKINS: I have a few discussion  
18 items, Mr. Chair. Either of the gentleman  
19 can answer the question:

20 In the part of the application, you had  
21 talked about previously approved projects in  
22 rock studies that had been done. Did you do  
23 a rock study specific to this site? Because  
24 your variance request states that you're  
25 seeking a variance due to the large amount

1 of rock on the site. So I wanted to know if  
2 you did a rock study for this particular  
3 site.

4 MR. POWERS: We have contacted -- We  
5 have a signed contract with Piedmont  
6 Testing, the geological testing company.  
7 They were supposed to go out and conduct  
8 soil borings on the site, about two weeks  
9 ago, the day before we met last time. They  
10 called us that day and notified us that they  
11 did not feel comfortable doing the soil  
12 borings on that site due to the fact that  
13 there is so much rock outcroppings on the  
14 piece of property. The only way they feel  
15 they could get an accurate soil boring for  
16 that area is to do a test pick. I told them  
17 to hold off doing test picks because I did  
18 not want them to proceed if we did not have  
19 y'all's blessing on this type of building.

20 The problem that the testing company  
21 thinks what has happened is, most likely,  
22 when the hotel was built was, some of the  
23 area has been pushed off into the lower  
24 valley. The next piece of property is a  
25 rather larger depression. So they're

1 thinking that site debris from the hotel and  
2 possibly from the highway had been pushed  
3 into there.

4 If you go out to that site, there is  
5 about 30 to 40 feet higher going towards  
6 North Desert, which has not been disturbed  
7 which has rock outcroppings on it.

8 So they're pretty comfortable that we  
9 are going to be hitting large amounts of  
10 rock.

11 MR. ATKINS: So they're pretty  
12 comfortable. You have not done a rock  
13 study?

14 MR. POWERS: No.

15 MR. ATKINS: You talked about also in  
16 the e-mail that was sent Friday after our  
17 work session, talked about (\*) parking on  
18 the part of the property that slopes. Is  
19 that also what is exactly reflected in your  
20 site plan that was presented to us earlier?

21 MR. POWERS: Yes.

22 MR. ATKINS: So there does not need to  
23 be any adjustment?

24 MR. POWERS: No, the parking has not  
25 changed.

1           One of the points I was trying to make  
2           is, due to slope of the site, we were not  
3           able to go in and do a sea of asphalt and  
4           just pave everything. There was going to be  
5           steps required. There was going to be some  
6           landscaping for the terrain required. So  
7           that was cutting back on the number of  
8           parking spaces that we were able to  
9           accomplish.

10           MR. ATKINS: I know there was also  
11           discussion and I think it's the same owner  
12           for this particular project and the hotel  
13           talked about shared parking. So do you all  
14           have -- or because it's the same owner, I'm  
15           not sure if we will need this: Previously,  
16           we had a written agreement because of the  
17           parking variance that we did, and I feel  
18           very comfortable with something in writing  
19           that talks about that.

20           MR. POWERS: We can easily get that for  
21           you. Because they are a part of the  
22           company, it should not be an issue getting  
23           it.

24           MR. ATKINS: Okay. Those are the  
25           things that I'm feeling a little

1           uncomfortable about. You requested a  
2           variance due to alleged rock. We don't  
3           know, we're assuming, and then there's no  
4           rock study. Of course, you're asking for  
5           significant variance in terms of parking  
6           spaces, and we don't have something that  
7           says that the patrons of the medical arts  
8           building would be allowed to use the other  
9           parking. Those are the two things I'm  
10          uncomfortable with.

11           I think that's it right now. There is  
12          another point, but it escapes me.

13           Oh, yes, this is really for the  
14          Commissioners, the two variance requests  
15          here, and we usually take them separately.  
16          So I would like for the maker the motion to  
17          reconsider so that we can split those.

18           MR. BENNETT: It was submitted as one  
19          application, and it's the way we have to  
20          handle it.

21           MR. ATKINS: But we do have, Madam  
22          Attorney, the right to separate those?

23           MS. ROSS: To make it into two separate  
24          motions?

25           MR. ATKINS: Yes.

1 MS. ROSS: In case you want to deny one  
2 and approve the other, you can do it in that  
3 type of motion, make that type of motion.  
4 So you can separate it out in the language  
5 of your motion.

6 MR. ATKINS: Okay. I would offer that,  
7 if the maker of the motion would accept  
8 that.

9 DR. BRIDGEWATER: Restate to me what  
10 you are saying --

11 MR. ATKINS: There are two variance  
12 requests. One is for a parking reduction  
13 and the other is for a height increase. I'm  
14 asking if we could separate those out and  
15 vote on those separately, in case some  
16 Commissioners feel they are more comfortable  
17 with the height increase, less comfortable  
18 with the parking or vice versa. So we're  
19 clear. We have had issues with this before.

20 DR. BRIDGEWATER: I think for clarity,  
21 I would accept that as a friendly amendment  
22 that we can divide them out and vote on them  
23 separately.

24 MR. BENNETT: Do you want to withdraw  
25 the original motion?

1 DR. BRIDGEWATER: We'll withdraw the  
2 original motion, and I'll restate a new  
3 motion that we give approval -- give consent  
4 to both of them, taking them separately, and  
5 voting on them separately.

6 MR. BENNETT: I'll entertain a motion  
7 on the variance request on the building  
8 height.

9 MR. HARPER: I make a motion that we  
10 approve the motion on the building height.

11 MR. BENNETT: We have a motion to  
12 approve.

13 DR. BRIDGEWATER: Second.

14 MR. BENNETT: Any discussion?

15 THE BODY: (No response)

16 MR. BENNETT: All in favor of the  
17 motion?

18 THE BODY: Aye.

19 MR. BENNETT: Opposed?

20 THE BODY: (No response)

21 MR. BENNETT: Motion carries. The  
22 motion on the building height is approved.

23 I will entertain a motion on the  
24 variance request to reduce the parking.

25 MR. HARPER: I make motion that we deny

1 the variance on the motion to reduce the  
2 parking.

3 MR. BENNETT: We have a motion to deny  
4 the request on the variance request to  
5 reduce the parking.

6 Is there a second?

7 THE BODY: (No response)

8 MR. BENNETT: Mr. Harper, your motion  
9 has been stayed for lack of a second.

10 MR. ATKINS: I would like to make a  
11 motion that we defer that variance request  
12 to our January meeting and allow the  
13 applicant the opportunity to, at a minimum,  
14 give us something in writing that speaks to  
15 the shared parking issue because we are  
16 talking about a significant amount of  
17 spaces.

18 DR. BRIDGEWATER: I second that motion.

19 MR. BENNETT: I have motion and a  
20 second to defer this item to the January  
21 meeting on the parking variance.

22 MR. HARPER: I'll second that.

23 MR. BENNETT: Any other discussion?

24 MR. GRANBERRY: Will all the handicap  
25 issues be back with us again or will it be

1 finished by the January meeting?

2 MR. BENNETT: Yes.

3 MR. GRANBERRY: Okay.

4 DR. BRIDGEWATER: May I ask the maker  
5 of the motion, do you not want them also to  
6 bring in the information regarding the rock  
7 study that we asked for because, since it is  
8 going to be deferred --

9 MR. ATKINS: If they can have that as  
10 well because my motion was at a minimum and,  
11 if the rock study is available also, I would  
12 like to have that as well.

13 DR. BRIDGEWATER: I would be more  
14 comfortable with them at least attempting to  
15 get both of them since we are going to defer  
16 to get the rock study as well as a revisit  
17 of the parking issue.

18 MS. SHELDON: It's my understanding  
19 from what the architect was saying, the  
20 engineering company is not comfortable in  
21 doing the cores and if that's the case,  
22 then, what we might ask for is a letter from  
23 Piedmont with their analysis of the site and  
24 with their reasons for their reluctance to  
25 do that, if you would accept that as another

1 option.

2 MR. ATKINS: I would accept that as a  
3 friendly amendment.

4 DR. BRIDGEWATER: I would be more  
5 comfortable with a letter or some  
6 documentation to show at least efforts --  
7 For our records, if we knew we had that, I  
8 would be more comfortable with that.

9 MR. POWERS: We have a representative  
10 from Diplomat here, the hotel. If you would  
11 like to talk to him, you can. Also I have a  
12 letter from the testing company recommending  
13 they do not do the shoal borings, that they  
14 do a test kit due to amount of rock, that I  
15 would be more than happy to forward to  
16 anyone at any time.

17 MR. BENNETT: Any discussion on the  
18 motion?

19 THE BODY: (No response)

20 MR. BENNETT: I call for a request on  
21 the motion. All in favor?

22 THE BODY: Aye.

23 MR. BENNETT: Opposed?

24 THE BODY: (No response)

25 MR. BENNETT: The motion carries. The

1 parking variance has been deferred to the  
2 January meeting.

3 Geneasa, you may proceed.

4 MS. ELIAS: The next two applications  
5 on the agenda also require public hearings,  
6 and I'm going to sound both of them because  
7 the representative is going to speak for  
8 both applications. The first one is  
9 2007V-022-11. The applicant is OB Camp  
10 Creek LLC for Sherwin-Williams. The address  
11 is 3521 Camp Creek Parkway, and the  
12 applicant is requesting a variance to allow  
13 two additional 8-foot monument signs at  
14 Outparcel Number 8, which is the  
15 Sherwin-Williams site facing Camp Creek  
16 Parkway and one facing Creek Point Avenue.

17 The second application, which requires  
18 a public hearing is 2007V-023-11. The  
19 applicant is Wilson, Rock and Irby, LLC.  
20 The location is 3507 Camp Creek Parkway, and  
21 the application is a variance request to  
22 construct an additional 11-foot monument  
23 sign at the location.

24 MR. BENNETT: Just to make sure I'm  
25 clear: You're not requesting deferrals on

1           these, now; is that correct? We're  
2           proceeding and going to carry on with  
3           everything, right?

4           MS. ELIAS: Staff's recommendation is  
5           the deferral for both applications, but we  
6           do have people here to speak for the public  
7           hearing.

8           MR. BENNETT: If I open the public  
9           hearing, we're carrying on.

10          Commissioners, I'll entertain a motion.  
11          We do have a variance request for 3521 Camp  
12          Creek. I will entertain a motion to open a  
13          public hearing and the item.

14          MR. GRANBERRY: I make a motion that we  
15          open the public hearing.

16          MR. ATKINS: Second.

17          MR. BENNETT: All in favor?

18          THE BODY: Aye.

19          MR. BENNETT: Opposed?

20          THE BODY: (No response)

21          MR. BENNETT: The public hearing is now  
22          opened. We will hear from the applicant and  
23          any proponents.

24          MR. DINGLE: Good evening, Mr. Chair  
25          and members of the Commission. I'm Larry

1 Dingle, 2849 Paces Ferry Road. I'm here on  
2 both of -- on behalf of Sherwin-Williams and  
3 Branch Properties, which is the master  
4 developer for this site.

5 We're requesting deferral on both of  
6 these cases. As you may recall, I appeared  
7 before the work session for the Planning  
8 Commission asking that we be given the  
9 opportunity to figure out ways along Camp  
10 Creek Parkway to minimize the visual impact  
11 of signage along Camp Creek Parkway.

12 The purpose of this request for  
13 deferral is to give us the opportunity to  
14 come up with a common design for the signage  
15 along Camp Creek Parkway that we're  
16 requesting, which would give both  
17 Sherwin-Williams and our client, both  
18 clients, the opportunity to reduce the  
19 amount of signage that would be requested  
20 for individual lots, individual parcels  
21 along Camp Creek Parkway. We're simply  
22 looking for a way to consolidate the signs.

23 Right now, we have on one property,  
24 Regions Bank, Starbucks and T-Mobile. Those  
25 would represent three independent requests

1 for signs. We want to have one sign showing  
2 all of those commercial facilities on that  
3 one sign. The same thing would hold true  
4 for Sherwin-Williams. We want to reduce the  
5 number of request for signs so as to  
6 eliminate inconsistency and unconformity  
7 with the request of staff of the City the  
8 amount of signage that would be requested  
9 along Camp Creek Parkway. So we are  
10 respectfully asking an opportunity to get  
11 together with the two parties to make sure  
12 that the integrity of the architecture is  
13 the same so that we can create as pleasant  
14 an environmental view along Camp Creek as we  
15 can, and we respectfully request that you  
16 defer this matter until -- so I would like  
17 to defer this matter until your January  
18 schedule. Thank you.

19 MR. BENNETT: Any other proponents,  
20 people that would like to come forward speak  
21 on behalf of this item?

22 THE AUDIENCE: (No response)

23 MR. BENNETT: Any opponents, people who  
24 would like to come spoke against this item?

25 THE AUDIENCE: (No response)

1 MR. BENNETT: There being none, I'll  
2 entertain a motion to close this public  
3 hearing.

4 MS. SHELDON: Motion to close public  
5 hearing.

6 MR. ATKINS: Second.

7 MR. BENNETT: Any other discussion?

8 THE BODY: (No response)

9 MR. BENNETT: All in favor?

10 THE BODY: Aye.

11 MR. BENNETT: Opposed?

12 THE BODY: (No response)

13 MR. BENNETT: The motion carries. The  
14 public hearing is closed.

15 Geneasa, you can proceed with the staff  
16 report on this.

17 MS. ELIAS: Again, the Applications are  
18 Case Number 2007V-022-11, which is a  
19 variance request to construct two additional  
20 8-foot monument signs at 3521 Camp Creek  
21 Parkway, in the Camp Creek Point  
22 development. The current zoning is central  
23 business district with conditions. The  
24 proposed use is commercial.

25 Staff is recommending deferral per

1 applicant's request.

2 For application Number 2007V-023-11, it  
3 is a variance request to construct an  
4 additional 11-foot --

5 MR. BENNETT: Geneasa, will you let us  
6 handle that one, and then we'll proceed.

7 Commissioners, I'll entertain a motion  
8 on the variance request at 3701 Camp Creek.

9 MS. SHELDON: I make a motion that we  
10 defer Case 2007V-022-11 for our January  
11 meeting.

12 MR. ATKINS: Second.

13 MR. BENNETT: Motion and a second to  
14 defer. Any discussion?

15 THE BODY: (No response)

16 MR. BENNETT: All in favor?

17 THE BODY: Aye.

18 MR. BENNETT: Opposed?

19 THE BODY: (No response)

20 MR. BENNETT: The motion carries. The  
21 item is deferred.

22 Proceed.

23 MS. ELIAS: The next Application is  
24 2007V-023-11. It is a variance request to  
25 construct an additional 11-foot monument

1 sign at 3507 Camp Creek Parkway, within the  
2 Camp Creek Point development. The proposed  
3 use is commercial, and the current zoning  
4 district is Central Business District, with  
5 conditions. Staff is recommending deferral  
6 per applicant's request.

7 MR. BENNETT: Commissioners, I will  
8 entertain a motion on the item.

9 DR. BRIDGEWATER: Mr. Chair: I make a  
10 motion on Case Number 2007V-023-11, that we  
11 defer the case, per the applicant's request  
12 for an 11-foot sign.

13 MR. BENNETT: Will that be until  
14 January?

15 DR. BRIDGEWATER: Until the January  
16 meeting.

17 MS. PATTERSON: Second.

18 MR. BENNETT: Motion to defer to the  
19 January meeting and a second.

20 Any other discussion?

21 THE BODY: (No response)

22 MR. BENNETT: All in favor?

23 THE BODY: Aye.

24 MR. BENNETT: Opposed?

25 THE BODY: (No response)

1 MR. BENNETT: The motion carries. The  
2 item deferred until January.

3 MS. ELIAS: The last case on the agenda  
4 also requires a public hearing. It is Case  
5 Number 2007V-024-11. The applicant is the  
6 same as the owners of the property, at 1347  
7 Jefferson Avenue, which is Mel and Elaine  
8 LaForest Cargle. It is a single-family  
9 detached unit. Existing use is residential.  
10 The applicants are requesting a variance to  
11 increase the building footprint of the  
12 Infield Ordinance, which requires 50 percent  
13 to 58 percent.

14 MR. BENNETT: Commissioners, at this  
15 time I will entertain a motion to open a  
16 public hearing.

17 DR. BRIDGEWATER: Motion to open a  
18 public hearing.

19 MR. ATKINS: Second.

20 MR. BENNETT: Second by Mr. Atkins.  
21 All in favor to open a public hearing?

22 THE BODY: Aye.

23 MR. BENNETT: The motion carries and  
24 the public hearing now open. I will hear  
25 from the applicant and any other proponents.

1 MR. CARGLE: Mel Cargle, my wife,  
2 Elaine. I would like to correct something:  
3 This is actually not a single-family  
4 residence. We have three households, two  
5 apartments along with that. We are asking  
6 for this because we have a driveway which is  
7 one-car wide. We believe this will help  
8 eliminate parking congestion on the streets.

9 My wife and I have been residents of  
10 East Point for 22 years. When the  
11 opportunity arose, we bought a business  
12 here. We have prospered. We are very happy  
13 here, and we are high on the community of  
14 East Point. We are going to retire here.  
15 This is our house. Its 163 square feet.  
16 It's what we're asking for. Like I said, we  
17 believe this will help the parking  
18 congestion on the street.

19 We have an elderly lady in the bottom  
20 apartment, my mother-in-law. Occasionally,  
21 we have to have medical vehicles down there.  
22 That has happened before. I just want to  
23 say that we are paying taxes for three  
24 residences here and, in my view, 163 square  
25 feet is not too much to ask for. We

1 appreciate the diligence of the staff. We  
2 appreciate the consideration of  
3 Commissioners.

4 At this time of year, we hope for  
5 miracles. Thank you very much.

6 MR. BENNETT: Thank you.

7 Any other proponents, people that would  
8 like to come speak in favor of the item?

9 THE AUDIENCE: (No response)

10 MR. BENNETT: Any opponents? Anyone  
11 that would like to come and speak in  
12 opposition?

13 THE AUDIENCE: (No response)

14 MR. BENNETT: There being none, I will  
15 entertain a motion to close the public  
16 hearing.

17 MR. GRANBERRY: I would like to make a  
18 motion that we close the public hearing.

19 MS. SHELDON: Second.

20 MR. BENNETT: All in favor of the  
21 motion?

22 THE BODY: Aye.

23 MR. BENNETT: Opposed?

24 THE BODY: (No response)

25 MR. BENNETT: The motion carries. The

1 public hearing is closed.

2 Geneasa, if you would proceed.

3 MS. ELIAS: The Applicant Number  
4 2007V-024-11. It is a variance request to  
5 the Infield Ordinance to increase the  
6 building footprint from the allowable 50  
7 percent to 58 percent.

8 The location is 1347 Jefferson Avenue,  
9 and the applicant and owners are Mel and  
10 Elaine LaForest Cargle.

11 Staff has reviewed the application,  
12 based on the criteria prescribed, and for  
13 clarification, the increase in the building  
14 footprint is to a single-family detached  
15 home on the property. This particular site  
16 is a site in which there is a detached home  
17 facing Jefferson Avenue. In the rear of the  
18 property -- There is a duplex unit at the  
19 rear of the property.

20 In August of 2007 the Planning & Zoning  
21 Commission granted a variance to a side yard  
22 setback to allow a room addition and a  
23 garage for this particular location. The  
24 applicant is now requesting to increase the  
25 building footprint of that single-family

1 detached unit from 50 percent to the 58  
2 percent. Based on the criteria presented,  
3 staff has found no hardship and, therefore,  
4 recommends denial of the variance request.

5 MR. BENNETT: Thank you.

6 Commissioners, I'll entertain motion on  
7 this request.

8 MR. HARPER: I make a motion to deny.

9 MR. BENNETT: Mr. Harper has made a  
10 motion to deny.

11 MS. JONES: Second.

12 MR. BENNETT: Seconded by Ms. Jones.  
13 Any discussion?

14 MR. BENNETT: Put your mic on. I may  
15 need a couple of you to turn your mics off.  
16 It will only catch so many.

17 MS. JONES: I think we just may need to  
18 articulate the reasons for our confusion for  
19 the record.

20 MR. BENNETT: You may go ahead.

21 MS. JONES: (Reading) According to  
22 Criteria A: Are there extraordinary or  
23 exceptional conditions pertaining to the  
24 particular use of or development proposed or  
25 to the piece of property in question because

1 of the size, shape, topography or the  
2 condition?

3 We agreed that there is not an  
4 extraordinary or exceptional condition  
5 pertaining to the use of the particular  
6 property use or development proposed or to  
7 the piece of property in question because of  
8 the size, shape, or other conditions for the  
9 amount of personal home additions chosen.

10 Number B: Does the applicant's  
11 application of the ordinance to use of  
12 develop proposed or particular piece of  
13 property create great particular  
14 difficulties or unnecessary hardship?

15 As stated on August 16, 2007, the  
16 Commission approved the variance for Case  
17 2007V-013-07 to allow a 3-foot side yard  
18 setback.

19 Additionally, it was represented that,  
20 at that time, the variance would allow  
21 turnaround, and the Infield Ordinance, as  
22 currently written, gives citizens a generous  
23 increase, 50 percent more home than their  
24 neighbors'.

25 As to Criteria C, if granted, would it

1           cause substantial detriment to other  
2           property owners or tenants or to the public  
3           good? Would it impair the purpose and  
4           intent of the ordinance provided? However,  
5           that no variance may be granted for the use  
6           of land or building or structure that is  
7           prohibited by provisions of the ordinance.

8           Further, nonconforming uses of nearby  
9           property cannot be considered as grounds for  
10          justifying a variance. Financial loss to  
11          the applicant is not sufficient grounds by  
12          itself to justify a variance, and particular  
13          conditions or circumstances which are the  
14          results of actions of the owner of the  
15          property covered by the application cannot  
16          be considered as grounds to justify a  
17          variance.

18          If the variance is granted, there would  
19          not be negative impact on adjacent  
20          properties. However, the increase in square  
21          footage and reducing of side yard setback  
22          would be representative of current infield  
23          homes being constructed in the City. There  
24          are several exiting (ph) lots in the City  
25          that have been rendered nonconforming due to

1 creation of the R-1 zoning regulation.

2 Those are the three criteria that the  
3 applicant would have had to meet in order  
4 for this variance to be passed.

5 MS. SHELDON: Mr. Chairman, for the  
6 sake of the transcriber, that is the  
7 verbatim analysis that was in our packet, if  
8 that will help you in transcribing.

9 MS. ROSS: There is one criteria that  
10 was inadvertently omitted and, for the  
11 record, I want to just state it, and if the  
12 Commissioners find that the applicant failed  
13 to meet that one, then they can also include  
14 this in the motion.

15 It's the extraordinary and exceptional  
16 conditions are particular to the use and  
17 development proposed or to the particular  
18 piece of property involved. That is,  
19 technically, the third criteria as  
20 articulated in the Code section.

21 MR. BENNETT: Thank you.

22 Any further discussion? We have a  
23 motion?

24 MR. ATKINS: For clarity for Ms. Ross:  
25 I would like for us to accept that as well

1 as one of our reasons.

2 MS. ROSS: Yes.

3 MR. BENNETT: Any further discussion?

4 THE BODY: (No response)

5 MR. BENNETT: We have a motion to deny  
6 on the floor.

7 Any other discussion?

8 MR. BENNETT: All in favor of the  
9 motion?

10 THE BODY: Aye.

11 MR. BENNETT: Opposed?

12 THE BODY: (No response)

13 MR. BENNETT: The motion carries. The  
14 request is denied.

15 Commissioners, that brings us to the  
16 end of the agenda. Without further adieu?

17 MR. GRANBERRY: I would like to make a  
18 motion that we adjourn, and Merry Christmas.

19 All in favor?

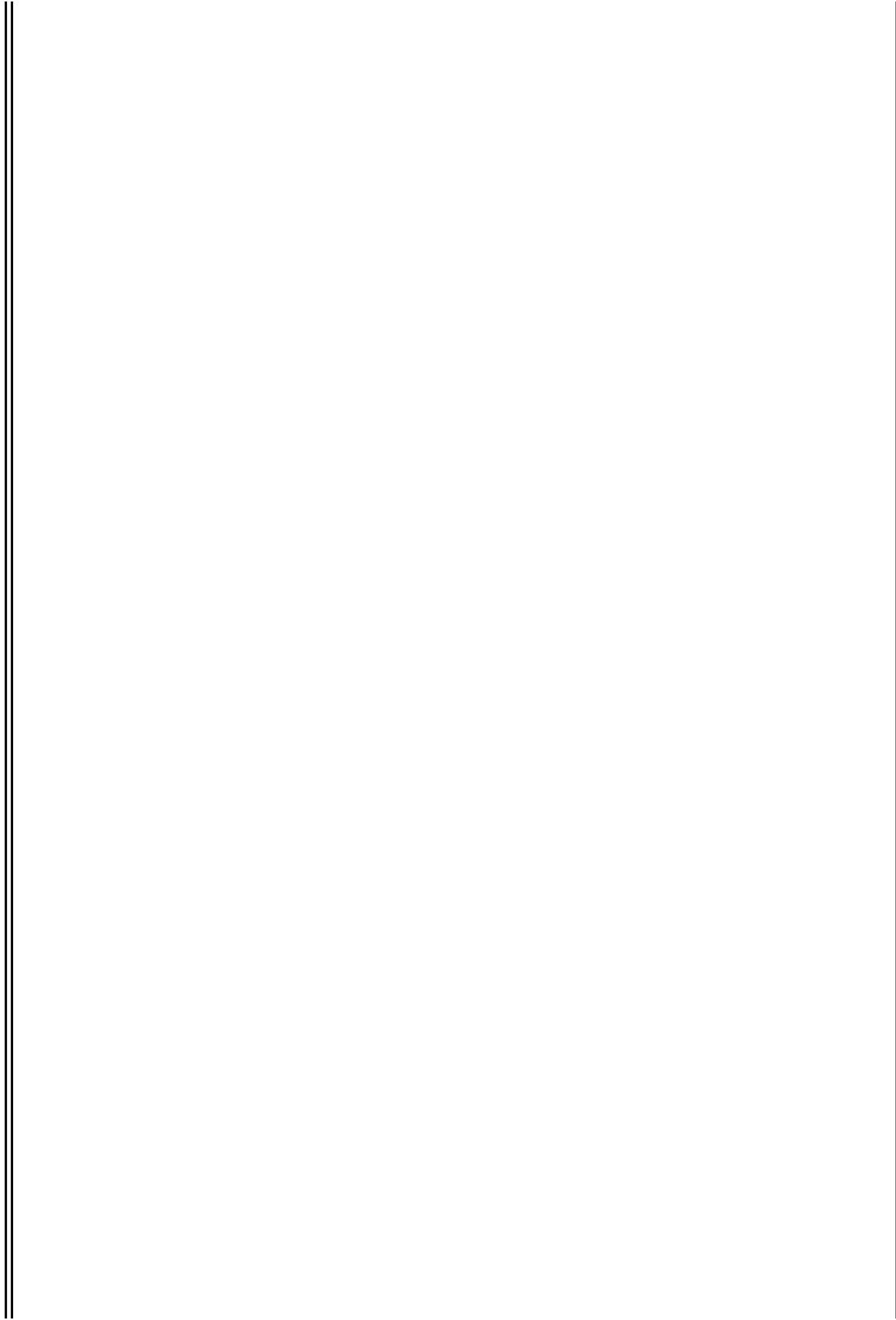
20 THE BODY: Aye.

21 MR. BENNETT: Opposed?

22 THE BODY: (No response)

23 MR. BENNETT: The motion carries, and  
24 the meeting adjourned.

25 (Adjourned at 8:19 PM)



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C E R T I F I C A T E

G E O R G I A :  
FULTON COUNTY:

I hereby certify 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 51 represent a true and correct transcript of the evidence given. I further certify that I am not in any way financially interested in the result of said case.

Pursuant to the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as an independent contractor for East Point Planning & Zoning Commission.

I was contacted by the offices of East

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Point Planning & Zoning Commission to provide court reporting services to take down witness testimony. I will not be taking this testimony under any contract that is prohibited by O.C.G.A-15-14-7 (a) or (b).

I have no written contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition. I will charge my usual and customary rates to all parties in the case.

This, 5th day of January 2008.

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Arne' B. Davis, CCR  
B-1475