

1 CITY OF EAST POINT
2 PLANNING & ZONING COMMISSION

3 July 18, 2013 - 7:00 P.M.
4 Official Meeting Minutes

5 Jefferson Station
6 1526 East Forrest Avenue
7 4th Floor Training 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

13 Commissioner Dr. Lydia **WARES**

14 Commissioner Gregory **FANN**

15 Commissioner Matthew **MALLORY**

16 Commissioner William **BRYANT**

17 Commissioner Karen **RENE**

18 Also Present:

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

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

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

25 James **HAMMOND**
Videographer - Absent

Richard **RANDOLPH**
City Engineer

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APPEARANCES

APPLICANT(S):	Page
Jonathan Nkuchwayo	10
Jupiter Development Terry Boomer	15
Andrew Washington	25

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Index

Description	Page
I. Call to Order	4
II. Roll Call	4
III. Moment of Silence	5
IV. Pledge of Allegiance	5
V. Adoption of May 16, 2013 minutes	5
VII. Adoption of June 20, 2013 minutes	6
VIII. New Business	7
VII. Announcements	30
VIII. Adjournments	31

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening. I am Shean Atkins, Chair of the East Point Planning & Zoning Commission and at this time we will just a little few minutes after seven o'clock, but I am calling officially to order our July 18th regularly scheduled meeting of the East Point Planning & Zoning Commission. Staff, if you would please, Roll Call to make sure we have a quorum.

II. ROLL CALL:

MS. CARTER: Commissioner Rene.
COMMISSIONER RENÉ: Here.
MS. CARTER: Commissioner Wares.
COMMISSIONER WARES: Present.
MS. CARTER: Commissioner Tucker.
COMMISSIONER TUCKER: Here. Commissioner Fann.
COMMISSIONER FANN: Here.
MS. CARTER: Commissioner Atkins.
COMMISSIONER ATKINS: Present.
MS. CARTER: Commissioner Mallory.
COMMISSIONER MALLORY: (No response.)
MS. CARTER: Commissioner Sheldon.
COMMISSIONER SHELDON: Present.
MS. CARTER: Commissioner Bryant.
COMMISSIONER BRYANT: (No response.)
MS. CARTER: Commissioner Atkins, we have a quorum.
COMMISSIONER ATKINS: Okay. Excellent. At this time, we

1 will observe a Moment of Silence.

2 **III. MOMENT OF SILENCE:**

3 COMMISSIONER ATKINS: Okay. Thank you.

4 **IV. PLEDGE OF ALLEGIANCE:**

5 COMMISSIONER ATKINS: There is no flag here, so we will
6 not have a Pledge of Allegiance this evening, as we're in a new
7 location.

8 Commissioners, at this time, I will entertain a motion to adopt
9 the agenda for our July 18th meeting.

10 **V. ADOPTION OF AGENDA:**

11 COMMISSIONER WARES: Mr. Chair.

12 COMMISSIONER ATKINS: Yes, Commissioner Wares.

13 COMMISSIONER WARES: So moved.

14 COMMISSIONER ATKINS: Is there a second?

15 COMMISSIONER RENÉ: I second.

16 COMMISSIONER ATKINS: It's been moved by Commissioner
17 Wares, seconded by Commissioner Rene that we adopt our July 18th
18 meeting agenda. All in favor sound aye.

19 COMMISSIONERS: Aye.

20 COMMISSIONER ATKINS: All opposed sound nay.

21 COMMISSIONERS: (No response.)

22 COMMISSIONER ATKINS: Hearing none, the ayes have it.
23 Our agenda is adopted. Commissioners, at this time, I'll entertain a
24 motion to approve our May 16th, 2013 meeting minutes.

25 **VI. ADOPTION OF MAY 16th, 2013 MEETING**

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MINUTES:

COMMISSIONER FANN: Maybe one correction

COMMISSIONER TUCKER: Just for the record, I was present.

COMMISSIONER ATKINS: Okay. So you were present.

Okay. So we will make that correction for our May 16th meeting minutes. Are there any other corrections?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, with that correction, I'll entertain a motion to approve our May 16th, 2013 meeting minutes.

VII. ADOPTION OF JUNE 20, 2013 MEETING

MINUTES:

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

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 ways that we approve our May 16th, 2013 meeting minutes, all in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

Our meeting minutes for May 16th are approved. Commissioners, I'll

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also at this time entertain a motion to approve our June 20th, 2013 meeting minutes.

COMMISSIONER WARES: So moved.

COMMISSIONER ATKINS: It's been moved by Commissioner Wares. Is there a second?

COMMISSIONER RENÉ: Second. I second.

COMMISSIONER ATKINS: It's been seconded by Commissioner Rene that we approve our June 20th, 2013 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our June 20th, 2013 meeting minutes are approved.

VIII. NEW BUSINESS: Commissioners, first item on our New Business on the agenda is Case Number 2013 "U" as in under-008-0. Staff, would you please sound that Agenda Item.

MS. CARTER: Case Number 2013U-008-06. Applicant is Jonathan Nkuchwayo. The location is 2327 Newnan Street. A Special Use Permit for Habitable Accessory Structure.

COMMISSIONER ATKINS: Okay. For all in the audience this evening, all of the items on our agenda require a public hearing. I am going to read the rules for our public hearing. They will apply for all of the items on the agenda and then at that time, I will entertain a motion to open the public hearing and we'll start with the first item

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that has been sounded.

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

COMMISSIONER ATKINS: Public hearings before the Planning & Zoning Commission for the City of East Point shall be conducted in accordance to Section 10-2219 of the East Point 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 any other speakers in favor of the proposal for a total of fifteen (15) minutes. Those who opposed the proposed zoning case will then be permitted to speak for a total of fifteen (15) minutes.

By majority vote, the Commission may increase the total time of speakers provided that each side is given the same amount of time. If there is more than one speaker for a side, the Chair or the presiding office may limit the time allotted to each individual speaker other than the zoning applicant. The zoning application may reserve a portion of his or her allotted time for rebuttal. Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall identify him or herself and state his or her current address. Each speaker shall speak only to the merit of the proposed zoning case under decision and shall address remarks only to the Commission and shall refrain from making personal attacks on any other speaker. The

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presiding office may refuse the speaker the right to continue, if after first being cautioned, the speaker continues to violate the rules of decorum.

Those are the rules for public hearings. Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2013 "U" as in under-008-06.

COMMISSIONER FANN: Motion to open the public hearing.

COMMISSIONER ATKINS: It's been moved. Is there is a second.

COMMISSIONER MALLORY: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Mallory. I must also say we have been joined by Commissioner Mallory this evening. 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. Nkuchwayo, would you please approach the podium, but let's first find you a podium. Give us just one second and we will find you a podium okay so that you can approach the podium. At this time, I'd like to call Mr. Nkuchwayo to the podium, please. Mr. Nkuchwayo, would you please approach the podium and you can face this way so the camera can pick you up and again, please state your first and last name and your current address.

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(Whereupon Applicant Jonathan Nkuchwayo approaches the podium.)

MR. NKUCHWAYO: My name is Jonathan Nkuchwayo. I live at 2327 Newnan Street. I have lived at this property since 1988 and I am here today because I'm requesting for permission to use a unit behind the house that I occupy. According to the ordinance for East Point, I am required to apply so that those who make decision may decide whether I should use it or not, so I made a (inaudible) today. However, I am happy that you are here to hear my case. I would like to have this unit for two purposes. One, so that I -- it can be livable if anybody plans to stay there. Secondly, I also plan to use it as a rent property. I do live in a main house of this property. This other part of the property is another unit which has been existing since I lived there in 1988 and all the appliances were separate. I'm talking about water system, electrical system. They are all separate from the main house that I live in, but according to the ordinance it requires that the two units will now be taken as a (inaudible) unit and that is why I am here to apply that -- I may be allowed to use that other unit.

COMMISSIONER ATKINS: Thank you, Mr. Nkuchwayo. Are there any other proponents here this evening to speak to this case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents? You're a proponent? Okay. Do we have the sign in cards? If you would, you can be seated now, Mr. Nkuchwayo. If you would please approach

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the podium, state your first and last name and your current address.

(Whereupon Proponent Barbara Thomas approaches the podium.)

MS. THOMAS: I'm Barbara Thomas and I live at 2303 Newnan Street and by proponent you mean that I'm speaking in behalf of his request?

COMMISSIONER ATKINS: In favor of.

MS. THOMAS: That's exactly what I'm doing, I'm speaking in favor of it. I've been a neighborhood of theirs -- well, I've lived on the street since '85, so I have seen quite a few changes there and there's been nothing whatsoever regarding the request that Mr. Nkuchwayo has before you, so I just want to you know that I am certainly in favor of and along with the rest of our community and we have a very tight nit neighborhood and we all stand in favor of it.

COMMISSIONER ATKINS: Okay. Thank you, Ms. Thomas.

MS. THOMAS: You're welcome.

COMMISSIONER ATKINS: Are there any other proponents to speak to this case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

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AUDIENCE: (No response.)

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

COMMISSIONER FANN: Motion to close the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Tucker that we close the public hearing for Case Number 2013 "U" as in umbrella-008-0. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. CARTER: Staff recommends approval of Special Use Permit for a habitable structure and Staff also wants to put into the record that a Special Use Permit does not expire within a three-year term.

COMMISSIONER ATKINS: Okay. Thank you. Commissioners, you've heard from the applicant as well as a proponent for this case an also Staff's recommendation. At this time, I'll entertain a motion.

1 COMMISSIONER WARES: Mr. Chair.
2 COMMISSIONER ATKINS: Yes, Commissioner Wares.
3 COMMISSIONER WARES: I want us to entertain that motion,
4 but I have a question first.
5 COMMISSIONER ATKINS: Okay. We have to get a motion
6 and a second for discussion.
7 COMMISSIONER FANN: Second for discussion.
8 COMMISSIONER ATKINS: Okay. So is that a motion to
9 approve --
10 COMMISSIONER WARES: Yes.
11 COMMISSIONER ATKINS: -- and your second is for
12 discussion, Commissioner Fann?
13 COMMISSIONER FANN: Yes.
14 COMMISSIONER ATKINS: Okay. So we have got a motion
15 on the floor to approve and it's been seconded by Commissioner
16 Fann and you have a question, Commissioner Wares.
17 COMMISSIONER WARES: Just for the record, we've
18 mentioned the case as ending in 008-06 and we have also mentioned
19 it as 008-0, so just for the record, which one is it?
20 COMMISSIONER SHELDON: It's zero.
21 COMMISSIONER WARES: Should it have the six or should it
22 not have the six.
23 MS. CARTER: It is a six.
24 COMMISSIONER WARES: It is a six.
25 COMMISSIONER ATKINS: Okay.

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COMMISSIONER WARES: Okay. So on the application, the big printed copy is correct and not on our meeting agenda. Okay. I've add six. Thank you.

COMMISSIONER ATKINS: Okay. And I sounded it both ways.

COMMISSIONER WARES: You do.

COMMISSIONER ATKINS: Yes, I did. So we've got a motion to approve and on the floor it's been properly seconded. Are there any other questions or discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We will recommend approval for this Case Number. Our next Agenda Item is 2013 "V" as in Victor-006-06. Staff, would you please sound this Agenda Item.

MS. CARTER: Applicant is Jupiter Development with Terry Boomer --

COMMISSIONER ATKINS: Okay.

MS. CARTER: -- and they were requesting a variance to decrease their rear yard setback from 30 feet to 20 feet with a concurrent variance for reduction of off-street parking from the required 20 spaces to eight spaces.

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COMMISSIONER ATKINS: Okay. Commissioners, at this time I'll entertain a motion to open the public hearing for Case Number 2013 "V" as in Victor-006-06.

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 open the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Is Mr. Boomer present? Yes, if you would please approach the podium.

(Whereupon Applicant Terry Boomer approaches the podium.)

MR. BOOMER: Well, the podium is not tall enough. My name is Terry Boomer, 122 Cedar Woods Trail, Canton, Georgia. I'm President of Civil Consulting Engineers . I represent Jupiter Development. I'm a civil engineer of record. We've got before you a 4,000 square foot convenient store plus or minus with 4 MPD's mechanical dispensing units which will also facilitate eight parking spaces. I'm not sure if those eight parking spaces are per City code or not. We all understand that the convenient store with gas pumps -- we drive up, we get our gas and we leave -- and then there will be

1 eight additional spaces up fronting the store. The lot is a narrow lot
2 and as such and I can't place the store 90 degrees towards Sylvan
3 because I don't have enough depth. When I applied the 20-foot
4 setback to the pump canopy (inaudible), build my pump canopy and
5 build my drive vile, that places the marker of the store into the rear
6 setback. The site if you've been out there and visited you can see it's
7 topographically challenged and it's got some structural -- inherent
8 some structural properties that we're gonna have to deal with at the
9 time of development should the proposed before you be approved.
10 The developer has also convenient store, gas stations in the region,
11 the Atlanta metro area and I have been working with him for 15
12 years. As far as the I can answer any technical aspects of the job
13 with regard to grading, sanitary, sewer or water and infrastructure.
14 Any technical operational question, I don't have the exact answer for,
15 but I can facilitate those questions if you have any. Thank you.

16 COMMISSIONER ATKINS: All right. Thank you, Mr. Boomer.
17 Are there any other proponents here to speak to this case?

18 AUDIENCE: (No response.)

19 COMMISSIONER ATKINS: Any other proponents?

20 AUDIENCE: (No response.)

21 COMMISSIONER ATKINS: Seeing none, any opponents here
22 to speak to this case?

23 AUDIENCE: (No response.)

24 COMMISSIONER ATKINS: Going twice, any opponents here
25 to speak to this case?

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AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay. Would you please approach the podium, state your first and last name and your current address.

(Whereupon the Opponent Jim Mack approaches the podium.)

MR. MACK: My name is Jim Mack, 5305 Cascade Hills Circle, Atlanta, Georgia. I'm a little bit perplexed about the property because I have property under lease and I'm trying to figure out exactly what, you know, what is going on. I have leased the property for three years and I think my lease and their lease or whatever they have happen at the same time.

COMMISSIONER ATKINS: Our attorney is not here, but I don't think that that would be a matter that this Commission would take up. That sounds like would be a civil matter and we're really only here to address the issues as it relates to the variance, so we couldn't give you any advice. We have absolutely no idea what your lease states or any of those things, but that would be a civil matter that you would have to take up in a different form, but not at the Planning & Zoning Commission meeting.

MR. MACK: This is fine. That is fine.

COMMISSIONER ATKINS: Okay. Okay. All right. I'm sorry, but we can't address that, Mr. Mack, but I do appreciate your concern.

MR. MACK: That's absolutely fine.

COMMISSIONER ATKINS: Okay. All right. Are there any

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other opponents here to speak to this case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other opponents here to speak to this case?

AUDIENCE: Seeing none, Commissioners, at this time, I will entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing.

COMMISSIONER WARES: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER WARES: Second. It's been moved by Commissioner Fann, seconded by Commissioner Wares that we close the public hearing for Case Number 2013 "V" as in Victor-006-06. All in favor sound aye.

COMMISSIONERS: Aye

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. CARTER: Part One of the two concurrent variances, Staff recommends approval of the request to decrease the rear yard setback from 30 feet to 20 feet and the concurrent variance, Part Two Staff recommends approval of the request to reduce off-street parking from 20 spaces to eight.

COMMISSIONER ATKINS: Okay. Commissioners, you've

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heard from the applicant and you've also heard from one opponent and you also heard Staff's recommendation. This is a concurrent variance and so there are two issues here. One is to reduce the rear yard setback from 30 feet to 20 feet and the variance is to reduce the number of parking spaces from 20 spaces to eight spaces. Commissioners, would you choose to take these as two separate items to vote on those?

COMMISSIONERS: We guess one is fine since they're concurrent.

COMMISSIONER ATKINS: Okay. All right. I'll entertain a motion.

COMMISSIONER FANN: I make a motion that we approve both variance in Case Number 2013 "V" as in Victor-006-06.

COMMISSIONER ATKINS: Okay. Commissioner Mallory has made a motion to approval. Is there a second.

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Mallory, seconded by Commissioner Tucker that we approve this variance, this concurrent variance for the property located at 3040 Lakewood Avenue. Is there any discussion?

COMMISSIONER WARES: Yes.

COMMISSIONER SHELDON: Yes.

COMMISSIONER ATKINS: Okay. Commissioner Sheldon. I would just like to confirm with Staff that this is just the beginning of the process that there will be a development phrase for this project

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that will include a lot of -- all of the things include -- are included in design development for this project and I just want to confirm that this is just the beginning and --

MS. CARTER: The second --

COMMISSIONER SHELDON: Go ahead. No, that's good. Go ahead.

MS. CARTER: The second part of this project will be a concept review and then plan review, which will be the development site.

COMMISSIONER SHELDON: Okay.

MS. CARTER: Any moving of dirt, if it's gonna be in either the LVP or any other developmental issues on that site will then go before the actual concept and Plan Review and those two portions will be before all service delivery department. Anthony's actual comments will be addressed at that point.

COMMISSIONER SHELDON: All right. I just want to make sure the public understood that. Thank you.

COMMISSIONER ATKINS: And at that time, we'll also address ingress egress, is that correct 'cause it's a very tight location and that something that I'm concerned about, but I'm I clear to understand that at that time, ingress egress would be reviewed and looked at also.

MS. CARTER: Okay, I'm sorry, I used Anthony's name. The actual Transportation Engineer, Anthony Brown will address his comment, which is in the analysis of the ingress, egress at that point.

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COMMISSIONER ATKINS: Okay. Commissioner Wares.

COMMISSIONER WARES: My only question to the developer is for Jupiter Development -- you said that they had other location in the City of East Point?

MR. BOOMER: In the Metropolitan. I don't know where.

COMMISSIONER WARES: Okay. I thought I heard you say, East Point. Okay. You don't know where the locations are. Okay. Thank you.

COMMISSIONER ATKINS: I see a hand in the back and what I must say is that the public hearing for this Agenda Item has opened and closed and so at this time, we're not taking any comments or questions from the public. Should a Commissioner like to ask you a question, they would have the right to do that, but the public hearing is closed so you would have to be recognized by a Commissioner, sir.

COMMISSIONER FANN: I will recognize you at this time, sir.

COMMISSIONER ATKINS: So Mr. Robinson --

MR. ROBINSON: My name is (Inaudible) Robinson. My property is next door to this property, so if I understand correctly you are approving the variance this evening, is that correct? You are approving this variance or application for variance without the egress ingress studies being done or whatever they're going to do because it is really tight there and I'm next door and he can reach out and touch my building, so I'm really concerned about that.

MS. CARTER: In the application for a variance that the actual developer presents his application, that application is reviewed

1 by all the service delivery departments. It was reviewed by our
2 transportation engineer. His comments -- he made comments to the
3 ingress and the egress as far as his recommendation on the
4 application. His comment was to make a right in, right out on that
5 property. I'm not sure when you're saying, that you're next to the
6 property and I'm I getting the right -- giving you the right answer as
7 far as what you're looking for because that part goes before the
8 engineer. It goes before Public Works, it goes before water and
9 sewer and then they, in turn when he's readily to actually build on a
10 site, right the tanks in or whatever else is needed to open, they will
11 then sit to the table and look at his actual plans but for a zoning
12 issue, we're not at the level as far as the actual -- we do do a review,
13 but not to the depth of an engineer and all the other staffers that
14 have to look at the plan in depth. Does that answer --

15 MR. ROBINSON: Not really, but that helps. That helps.

16 COMMISSIONER SHELDON: In other words, it'll come up
17 again.

18 MR. ROBINSON: Okay. Great.

19 COMMISSIONER SHELDON: This is just the initial -- allows it
20 to --

21 MS. CARTER: This is a zoning phrase.

22 COMMISSIONER SHELDON: -- to proceed down the road.

23 MR. ROBINSON: Okay. Thanks.

24 COMMISSIONER ATKINS: Commissioners, are there any
25 other questions or comments.

1 COMMISSIONER RENÉ: I do have one question. You said
2 you have some concerns, but you never the concern that you had. I
3 mean, what is your concern, sir.

4 MR. ROBINSON: Because like I said, these properties are so
5 close together if I sit on my porch, I can reach over there and touch
6 that building now and I just got a concern that there's gonna be
7 traffic all over the place, blocking my driveway, people parking over
8 in my parking lot and just -- that kind of confusion if you will. That's
9 what I'm concerned about.

10 COMMISSIONER RENÉ: Sir, do you own a house or a
11 business?

12 MR. ROBINSON: It's a Commission establishment.

13 COMMISSIONER RENÉ: Okay. A business. Okay.

14 COMMISSIONER ATKINS: If you are, Commissioner Rene, if
15 you're facing this particular subject property, Mr. Robinson's will be
16 immediately to the left and then it's bound by Sylvan Road
17 immediately to the right.

18 COMMISSIONER RENÉ: Thank you, sir.

19 COMMISSIONER ATKINS: Any other questions?

20 AUDIENCE: (No response.)

21 COMMISSIONERS: (No response.)

22 COMMISSIONER ATKINS: Okay. Commissioners, there's a
23 motion to approve the variance and it's been moved and properly
24 seconded. All in favor sound aye.

25 COMMISSIONERS: Aye.

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COMMISSIONER ATKINS: All opposed.

COMMISSIONER FANN: No.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONER FANN: No.

COMMISSIONER ATKINS: Okay. We have one nay. The motion is approved, the variance is approved. Our next Agenda Item is 2013 "Z" as in zebra-005-04. Staff would you please sound this Agenda Item.

MS. CARTER: This particular item is a -- the location is 1820 Dunlap Avenue, applicant is requesting rezoning from R1A Urban Residential to R3, multifamily residential.

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

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I would move that we open a hearing on Case Number 2013Z-005-04, applicant Andrew Washington.

COMMISSIONER WARES: I second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

1 COMMISSIONER RENÉ: Nay. I'm sorry.
2 COMMISSIONER ATKINS: Commissioner Rene, we do need
3 to have a public hearing. Is it okay with you?
4 COMMISSIONER RENÉ: It was a delayed response.
5 COMMISSIONER ATKINS: So Commissioners, there's been a
6 motion and a second on the floor to open the public hearing for this
7 Agenda Item. All in favor sound aye.
8 COMMISSIONERS: Aye.
9 COMMISSIONER ATKINS: All opposed sound nay.
10 COMMISSIONERS: (No response.)
11 COMMISSIONER ATKINS: Hearing none, the ayes have it.
12 The public hearing is now open. Mr. Washington, would you please
13 approach the podium. State your first and last name and your
14 current address.
15 (Whereupon Applicant Andrew Washington approaches the
16 podium.)
17 MR. WASHINGTON: Okay. My name is Andrew Washington,
18 the architect of Washington Design Group and what I'm -- the reason
19 I'm here before you today is we have a goal of -- the company that I
20 work for -- that develops dilapidated apartments and our goal is to
21 increase immediate property value around these dilapidated
22 apartments. East Point has a number of them, Marietta has a
23 number of them, other cities -- and Riverdale have a number of them
24 and what we'd like to do is go in and get these dilapidated
25 apartments -- totally redo them inside and out so that they're more

1 like a silk purse than a souse's ear, do new landscaping, new parking
2 lot and to increase the value of the areas around it and increase the
3 value of the apartments themselves. This was (inaudible) apartment
4 before and for some reason it became dilapidated. We're gonna turn
5 that around like we did East Point Street, 3100 East Point Street and
6 we'd like to be able to get your blessing while we're trying to go in
7 here and approve these properties and this is just a second of many
8 that we plan on doing in East Point.

9 COMMISSIONER ATKINS: Thank you. Are there any other
10 proponents here to speak to this case?

11 AUDIENCE: (No response.)

12 COMMISSIONER ATKINS: Any other proponents?

13 AUDIENCE: (No response.)

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

16 AUDIENCE: (No response.)

17 COMMISSIONER ATKINS: Any opponents?

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

20 COMMISSIONER FANN: Motion to close the public hearing.

21 COMMISSIONER MALLORY: Second.

22 COMMISSIONER ATKINS: It's been moved by Commissioner
23 Fann, seconded by Commissioner Mallory that we close the public
24 hearing. All in favor sound aye.

25 COMMISSIONERS: Aye.

1 COMMISSIONER ATKINS:
2 ALLEN FREEDMAN: Opposed sound nay.
3 COMMISSIONERS: (No response.)
4 COMMISSIONER ATKINS: Hearing none, the ayes have it.
5 The public hearing is now closed. Staff, at this time, we'll hear your
6 recommendation.
7 MS. CARTER: Staff makes the recommendation of approval
8 for the rezoning from R1A Urban Residential to R3 multifamily
9 residential.
10 COMMISSIONER ATKINS: Okay. Commissioners, you've
11 heard from the applicant and you've also heard Staff's
12 recommendation. Remember that the motion needs to be in the
13 form of a recommendation to Council. At this time, I'll entertain a
14 motion.
15 COMMISSIONER SHELDON: Mr. Chair.
16 COMMISSIONER ATKINS: Yes, Commissioner Sheldon. I
17 move that we recommend approval of Case Number 2013Z-005-04.
18 COMMISSIONER ATKINS: Is there a second.
19 COMMISSIONER TUCKER: Second.
20 COMMISSIONER ATKINS: It's been moved by Commissioner
21 Sheldon, seconded by Commissioner Tucker that we recommend
22 approval. Any discussion or any questions?
23 COMMISSIONER WARES: I have one question.
24 COMMISSIONER ATKINS: Yes, Commissioner Wares.
25 COMMISSIONER WARES: What I'd like to know, sir, thank

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you for coming, I want to know would the other property at 3100 East Point Street and that is also electric. I was just wondering why you choose that utility. Just for my own interest over gas when we know what those prices can be, that could be with people renting properties, that you considered any other type of energy.

MR. WASHINGTON: Well, the owner choose electric because they felt like the benefit of electricity and the efficiency of it and the cost of actually going in and rehabbing units using electric was before for their pocketbook, you know, six and one-half or another I like gas myself, but if electric works, it works in terms of getting this done quickly, efficiently and get people moved into it.

COMMISSIONER WARES: Okay. So no setting have really been done to see what the retention rate has been for the people AT 3100 East Point Street in relation to using more energy source over the other?

MR. WASHINGTON: Not at this point because it's so new. East Point Street, we just finished those in November or December.

COMMISSIONER WARES: Okay.

MR. WASHINGTON: In the spring, they moved in, I believe, so not really --

COMMISSIONER WARES: So it's really --

MR. WASHINGTON: It's going to determine how it's gonna work out because we may adjust our (inaudible) as we move onto the projects and we may go to gas or something.

COMMISSIONER WARES: Okay.

1 MR. WASHINGTON: Right now, we're doing Central Street, so
2 that may end up being something different than what we had
3 originally planned.

4 COMMISSIONER WARES: Okay.

5 MR. WASHINGTON: But right now we will like to --

6 COMMISSIONER WARES: Thank you.

7 COMMISSIONER ATKINS: Well, if I might add I love being
8 heated by gas, but for the City of East Point and we sell our own
9 electricity and I'd like to --

10 COMMISSIONER WARES: Yeah.

11 COMMISSIONER TUCKER: Mr. Chair, I'd like to say thing. It's
12 just a comment more than anything 'cause I did ride by the East
13 Point Street property and I just want to applaud you for the excellent
14 job that you guys have done and I'm excited to have you here and
15 ride around and find some more and make them look that good.

16 MR. WASHINGTON: You haven't seen anything yet. We're
17 about to do the Terraces and just being over there -- I've had people
18 approaching me and saying you better do go by me because that has
19 brought so much trouble and we're gonna chase all that out and
20 bring a whole new attitude.

21 COMMISSIONER TUCKER: You guys did a great job. Thank
22 you for coming to East Point and we welcome you.

23 MR. WASHINGTON: We appreciate it. Thank you so much.

24 COMMISSIONER ATKINS: Any other questions, comments or
25 discussion?

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. Commissioners, there's a motion to recommend approval for Case Number 2013 "Z" as in zebra-005-04. It's been moved and properly seconded. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing the ayes have it. We recommend approval for this Agenda Item. Uh the next -- thank you, sir. The next item on our agenda are announcements. Staff, do you have any announcement that are good for the public?

IX. ANNOUNCEMENTS:

MS. CARTER: No.

COMMISSIONER ATKINS: Okay. Commissioners, any announcements?

COMMISSIONER RENÉ: Yes.

COMMISSIONER ATKINS: Okay. Commissioner Rene.

COMMISSIONER RENÉ: There's one announcement. East Point is housing their Energy Summit on July the 27th starting at ten o'clock, I believe.

COMMISSIONER ATKINS: Ten o'clock, so it's East Point Energy Summit.

COMMISSIONER RENÉ: Right.

COMMISSIONER ATKINS: And do you know where it will be

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held?

COMMISSIONER RENÉ: Jefferson Park Recreation.

COMMISSIONER ATKINS: Jefferson Park Recreation Center.

Okay the East Point Energy Summit, July 27th, 10:00 a.m., Jefferson Park Recreation Center. Commissioners, are there any other announcements.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. If there are none, I'll entertain a motion to adjourn.

COMMISSIONER FANN: Motion to adjourn.

X. ADJOURNMENT:

COMMISSIONER WARES: Second.

COMMISSIONER ATKINS: Is there a second. It's been moved by Commissioner Fann, seconded by Commissioner Wares that we adjourn our regularly scheduled July meeting. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. This meeting is now adjourned. Thank you.

(Whereupon this concludes the City of East Point Planning and Zoning Commission meeting held on July 18th, 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 32 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 July 18, 2013 at seven o'clock P.M. were taken down by me and transcribed by me on this 1st day of August, 2013.

Jeanene Harper
Stenographic Stenographer