

1 CITY OF EAST POINT
2 PLANNING & ZONING COMMISSION

3 February 20, 2014 - 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**

12 Commissioner Joel **TUCKER, Vice Chair**

13 Commissioner Laura **BORDERS**

14 Commissioner Gregory **FANN, Provisional Chair**

15 Commissioner Patricia **LOVETT**

16 Commissioner Thomas **CALLAWAY**

17 Commissioner Stephanie **GORDAN**

18 Commissioner **MAXWELL**

19 Also Present:

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

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

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

James **HAMMOND**
Videographer - Absent

Richard **RANDOLPH**
City Engineer - Absent

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Appearances

APPLICANTS	PAGE
2013V-011-12 Danita Brown	11
2014V-001-01 McDonalds Corporation	15
2014U-001-01 Phillip Duncanson East Point Church	22

Index

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

Description	Page
I. Call to Order	4
II. Roll Call	4
III. Moment of Silence	5
IV. Pledge of Allegiance	5
V. Adoption of Agenda	6
VI. Approval of January 16, 2014 minutes	6
VII. Election of Commission Board Officers	7
VIII. New Business	9
IX. Announcements	38
X. Adjournments	38

1
2
3
4
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COMMISSIONER ATKINS: We are about to get our meeting started and because we're short Staff today, Regina is going to be doing a lot and a part of that -- we'll get to the public hearing piece. There is a time restriction for public hearings so she'll be doing all of those things and we don't have a regular clock that keeps the time, so she's going to be doing that with your handheld device. So if you would just bare with us, we'll get through everything and we'll get everyone that's signed up an opportunity to speak. Okay. All right.

I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening I'm Shean Atkins, Chair of the East Point Planning & Zoning Commission and at this time, I'm going to call to order our regularly scheduled February meeting. Staff, if you would please give Roll Call for quorum check, please.

II. ROLL CALL:

MS. CARTER: Commissioner Atkins.

COMMISSIONER ATKINS: Present.

MS. CARTER: Commissioner Borders.

COMMISSIONER BORDERS: Present.

MS. CARTER: Commissioner Callaway.

COMMISSIONER CALLAWAY: Present.

MS. CARTER: Commissioner Fann.

COMMISSIONER FANN: Here.

MS. CARTER: Commissioner Gordan.

COMMISSIONER GORDAN: Present.

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MS. CARTER: Commissioner Lovett.

COMMISSIONER LOVETT: Here.

MS. CARTER: Commissioner Maxwell.

COMMISSIONER MAXWELL: Here.

MS. CARTER: Commissioner Sheldon.

COMMISSIONER SHELDON: Here.

MS. CARTER: Commissioner Tucker.

COMMISSIONER TUCKER: Here.

MS. CARTER: Mr. Chair, you have a quorum.

COMMISSIONER ATKINS: Okay. Excellent. We have a full house tonight. I would also like to take this opportunity to welcome all of the new Commissioners tonight. As you all maybe aware, we had a recent election and so we have quite a few new Commissioners on the Board tonight, so I'd like to take this opportunity to welcome our new Commissioner, Patricia Lovett, our new Commissioner, Laura Borders, our new Commissioner, Thomas Callaway and new Commissioner, Stephanie Gordan so we're happy that we're able to join us and we look forward to working with you during your term. In lieu of a pray, this Body recognizes a Moment of Silence, so at this time, we'll take a Moment of Silence.

III. MOMENT OF SILENCE:

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

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER ATKINS: Commissioners, at this time, I will

entertain a motion to adopt our February agenda.

V. ADOPTION OF AGENDA:

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Commissioner Sheldon.

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FANN: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The agenda is adopted. We will follow the agenda as printed.

Commissioners, at this time, I'll entertain a motion to approve our January 16th, 2014 meeting minutes.

VI. APPROVAL OF MEETING MINUTES:

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there is second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Sheldon that we approve our January 16th, 2014 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.

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COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: No response.

COMMISSIONER ATKINS: Hearing none, the ayes have it.

Our meeting minutes of January are approved as provided. As per our Planning & Zoning Code, this Body must elect it's officers at it's February meeting, so at this time, we will conduct elections for this Body and we will start with your Provisional Chair. There are three officers that will be elected at this particular meeting, so Commissioners, at this time, I'll entertain any recommendations for Provisional Chair.

VII. ELECTION OF COMMISSION BOARD OFFICERS:

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I would recommend Greg Fann.

COMMISSIONER ATKINS: Okay. Mr. Fann, do you accept that?

COMMISSIONER FANN: I think so.

COMMISSIONER ATKINS: Okay. Are there any other nominations?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, Commissioner Tucker has nominated Commissioner Greg Fann for Provisional Chair. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS:

1 ALLEN FREEDMAN: Opposed sound nay.
2 COMMISSIONERS: (No response.)
3 COMMISSIONER ATKINS: Hearing none, Commissioner Fann
4 is your newest Provisional Chair. Our next officer is the Vice Chair.
5 Commissioners, at this time, I'll entertain nominations.
6 COMMISSIONER SHELDON: Mr. Chair.
7 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.
8 COMMISSIONER SHELDON: I nominate Mr. Tucker to serve
9 as Vice Chair.
10 COMMISSIONER ATKINS: Mr. Tucker, do you accept the
11 nomination?
12 COMMISSIONER TUCKER: I would.
13 COMMISSIONER ATKINS: Okay. Are there any other
14 nominations?
15 COMMISSIONERS: (No response.)
16 COMMISSIONER ATKINS: Okay. Seeing none,
17 Commissioners, at this time, all in favor of Commissioner Tucker
18 serving as Vice Chair sound aye.
19 COMMISSIONERS: Aye.
20 COMMISSIONER ATKINS: All opposed sound nay.
21 COMMISSIONERS: (No response.)
22 COMMISSIONER ATKINS: Hearing none, Commissioner
23 Tucker, congratulations as Vice Chair of the Commission.
24 Commissioners, at this time, I'll entertain a nomination for Chair of
25 the Commission.

1 COMMISSIONER TUCKER: Mr. Chair.
2 COMMISSIONER ATKINS: Commissioner Tucker.
3 COMMISSIONER TUCKER: I would recommend you as Chair.
4 COMMISSIONER ATKINS: Okay.
5 COMMISSIONER SHELDON: I just have to say, I really admire
6 the level of commitment demonstrated by our senior members here
7 tonight.
8 COMMISSIONER ATKINS: Thank you very much. Are there
9 any other nominations?
10 COMMISSIONERS: (No response.)
11 COMMISSIONER ATKINS: Commissioners, I have been
12 nominated and accepted the nomination for Chair of the Commission.
13 All in favor of this sound aye.
14 COMMISSIONERS: Aye.
15 COMMISSIONER ATKINS: All opposed sound nay.
16 COMMISSIONERS: (No response.)
17 COMMISSIONER ATKINS: Hearing none, the ayes have it.
18 COMMISSIONER ATKINS: Thank you very much for your
19 confidence, your vote of confidence. Our next item on the agenda is
20 New Business.
21 **VIII. NEW BUSINESS:** Tonight we have three cases on
22 our Planning & Zoning Agenda and before I go into those cases, I will
23 let everyone know that all of the cases have been advertised for
24 public hearing. At this time, I will read our rules for public hearing.
25 These rules will apply to each of those three cases on our agenda.

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

COMMISSIONER ATKINS: Public hearings before the Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Zoning Code and Development Regulations as follow: 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 persons in favor of the proposal for a total of fifteen (15) minutes.

Those who oppose 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 for 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 applicant 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 merits to have proposed zoning decision under consideration, shall address remarks only to the Commission and shall refrain from making any personal attacks on any other speaker. The presiding office may

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refuse the speaker the right to can you not, if after first being cautioned, the speaker continues to violate the rules of decorum.

You've heard our rules for public hearings, Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2013 "V" as in Victor-011-12.

COMMISSIONER SHELDON: So moved.

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

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been seconded by Commissioner Tucker. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the public hearing is now open. Is the applicant for this particular zoning case present?

(Whereupon the applicant representative Danita Brown approaches the podium.)

COMMISSIONER ATKINS: This is a variance request for 2580 Pine Needle Court. The variance is to reduce the rear yard setback from 40 feet to 20 feet. Please state your first and last name and your current address.

MS. BROWN: Good evening. My name is Danita Brown. I reside at 2343 Venetian Drive, Atlanta, Georgia 30311. I'm here representing the applicant, Daniel and Terry Morris who reside at

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2580 Pine Needle Court. We're requesting a variance to reduce the rear yard setback from 40 feet per the zoning to 20 feet.

COMMISSIONER ATKINS: Is there anything else you would like to say about the case?

MS. BROWN: Just in light of the hardships on this property, the topography, which on the front includes an addition. On the side yard setbacks, addition is also precluded from occurring. The rear yard area is 40 feet, which is generous. There's about 20 feet where half of that is leveled. There's no tree that will be impacted. There's no drainage issues to be impacted. This seems to be the most logical place for addition for the family.

COMMISSIONER ATKINS: Okay. Thank you, Ms. Brown. Are there any other proponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any opponents here to speak to the zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: 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.

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COMMISSIONER CALLAWAY: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. CARTER: Staff recommends approval of the request to reduce the rear yard setback from the required 40 feet to 20 feet.

COMMISSIONER ATKINS: Commissioners, you've heard from the applicant, you've also heard Staff's recommendation. Please remember that this is a variance and this is final vote, so at this time, I'll entertain a motion.

COMMISSIONER FANN: Motion to approve.

COMMISSIONER ATKINS: Is there is second?

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: Is there any discussion?

COMMISSIONERS: The motion is to approve this variance by Commissioner Fann, the second by Commissioner Tucker. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.
The variance has been granted. Thank you.

MS. BROWN: Thank you for your decision.

COMMISSIONER ATKINS: Staff, would you please sound the
next Agenda Item.

MS. CARTER: Next item is 2014 "V" as in Victor-001-01,
McDonalds Corporation. Location is 834 Cleveland Avenue., applicant
is questioning an increase in the number of allowable wall signs from
one to three signs.

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

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner
Tucker, seconded by Commissioner Sheldon that we open the public
hearing for Case Number 2014 "V" as in Victor-001-01. 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 the applicant here? Please
approach the podium.

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(Whereupon McDonalds Corporation representative approaches the podium.)

MS. PETERSON: Good evening. I am Demetria Peterson, area construction manager for McDonalds. And so what we're asking for tonight is two logo signage for our main entry elevation and our rear elevation as shown on the board there. So the reason that we're asking for this additional signage for this particular parcel where we're at, we're at parcel over Walmart and there will be a shopping center sign that's out there for a lot of the other businesses. However, we will not be on that panel and because of the way our business is, we typically depend on about 64 percent of our customers to be the impulse customer, so it's very important for as customer s are leaving the Walmart, that they know that we are there so that we can grab in a customer as well.

COMMISSIONER ATKINS: State your name and your current address and before you do that, you stated your name, but also give us your address.

MS. PETERSON: 1 Glen Lake Parkway, Suite 500, Atlanta, Georgia 30328.

COMMISSIONER ATKINS: Thank you.

MS. CURREY: Teresa Currey, 260 Peachtree Street, Atlanta, Georgia.

COMMISSIONER ATKINS: Thank you.

MS. CURREY: You may know that McDonalds of your youth would be red (inaudible) roof. McDonalds has modernized or has this

1 new look that will be constructed here in front of the Walmart, which
2 is a more neutral color pallet. They lost their trademark red roof, so
3 now we rely heavily on our arch logo and the word mark and what
4 we're asking for is just those two additional arch logos on our dining
5 side elevation and on the rear, which front the drives that support
6 the shopping center. So the code does allow the signage on street
7 fronting roads and while these aren't classified as streets, they
8 certainly function as streets and they will be seeing a lot of traffic
9 going into the Walmart, all customers that we would like to capture.
10 We do have adjacent businesses that were constructed before your
11 sign ordinance, that were able to put wall signs on all of their faces
12 and there obviously our direct competitors and they have a benefit
13 that we don't with this new adoption of the sign ordinance.

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

16 AUDIENCE: (No response.)

17 COMMISSIONER ATKINS: Any other proponents?

18 AUDIENCE: (No response.)

19 COMMISSIONER ATKINS: Seeing none, are there any
20 opponents for this zoning case?

21 AUDIENCE: (No response.)

22 COMMISSIONER ATKINS: Any opponents?

23 AUDIENCE: (No response.)

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

1 COMMISSIONER FANN: Motion to close the public hearing.
2 COMMISSIONER ATKINS: Is there a second?
3 COMMISSIONER MAXWELL: Second.
4 COMMISSIONER ATKINS: It's been moved by Commissioner
5 Fann, seconded by Commissioner Maxwell that we close the public
6 hearing. All in favor sound aye.
7 COMMISSIONERS: Aye.
8 COMMISSIONER ATKINS: All opposed sound nay.
9 COMMISSIONERS: (No response.)
10 COMMISSIONER ATKINS: Hearing none, the public hearing
11 is now closed. Staff, would you please sound your recommendation.
12 MS. CARTER: Staff recommends denial of the request for
13 the number of allowable signs for a lack of a hardship.
14 COMMISSIONER ATKINS: Commissioners, you've heard from
15 the applicant, you've also heard Staff's recommendation. At this
16 time, I'll entertain a motion.
17 COMMISSIONER TUCKER: Mr. Chair.
18 COMMISSIONER ATKINS: Yes, Commissioner Tucker.
19 COMMISSIONER TUCKER: Case Number 2014V-001-01, I
20 would like to make a motion to approve.
21 COMMISSIONER ATKINS: Is there a second?
22 COMMISSIONER FANN: Second.
23 COMMISSIONER ATKINS: Okay. Great. There's been a
24 motion to approve by Commissioner Tucker and it's been properly
25 seconded by Commissioner Fann. Any discussion?

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COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I just want to say two things.

One is that the new design is so much more discrete than the old design so that it doesn't -- it has a much more appealing image and it's on the building. It's not in the air and I do believe that given the driveways, those really do function as streets. That's one reason why it's easy for me to support this.

COMMISSIONER ATKINS: And I would also like to say that in my estimation when I look at the renderings that you've presented tonight, I see the logo. I don't necessarily think of those as signs and I also firmly believe that if the logos were not there and because they are facing a thoroughfare whether it is considered a road or not, I think absent of those, it would be very difficult to distinguish that there is a McDonalds. I also go back to a very similar case that we had before this Body many years ago and some of the Commissioners -- I know Commissioner Sheldon you may remember we had similar issue with a logo that is on the roof of the building and, at that time, I thought that that was not a sign either, but it is a logo and so I still stand with that that I believe that it is more of a logo as opposed to a sign. Commissioner Callaway.

COMMISSIONER CALLAWAY: Thank you, Mr. Chair. I agree with both the other Commissioners that I think that it's absolutely imperative that when people come out, that they know what this building is. They can see the actual McDonalds when they come out

1 of the Walmart. Walmart is obviously the anchor tenant here. Many
2 people will be coming to Walmart and since you said the 64 percent
3 of the people who come out or who frequent your establishment are
4 impulse customers. I think that not having the building properly
5 advertised and making it so that people know what it is, I think that it
6 would actually cause a lost of revenue to you guys and I think overall
7 I think it's a very small thing to add and I don't think it's scarce or
8 causes any problems esthetically, so I also support approving the
9 signs there. Thank you.

10 COMMISSIONER ATKINS: Yes, Commissioner Fann.

11 COMMISSIONER FANN: I'm going to be difficult. How about
12 that. How large is that logo in terms of the size, the dimensions?

13 MS. PETERSON: Three feet.

14 COMMISSIONER FANN: Three feet. That isn't big at all.

15 COMMISSIONER ATKINS: Commissioners, any other
16 comments?

17 COMMISSIONER GORDAN: I just have a question. I agree
18 with the other Commissioners as well, but is that standard logo
19 placement?

20 MS. CURREY: Yes.

21 MS. PETERSON: On a promo-typical store, we would have
22 eight signs and on this one, we will only have four, so we kind of
23 knew that what Staff was looking for, so we only wanted to get
24 exactly what we needed to drive traffic to the store.

25 COMMISSIONER ATKINS: Okay. Excellent. Yes,

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Commissioner Tucker.

COMMISSIONER TUCKER: And I want to thank you guys for coming to East Point and partnering with us on Cleveland Avenue. It's going to be a great benefit.

COMMISSIONER ATKINS: Yes. And I'd like to second that because we've done a lot of studies. Cleveland Avenue is one of our only -- there are a few business corridors in the City and Cleveland is one of those and so with this new development of Walmart and other businesses, we're hoping that Walmart will serve as a catalyst for other economic development for the City, so I'd like to also just say that as well.

MS. PETERSON: Thank you.

MS. CURREY: Thank you.

COMMISSIONER ATKINS: Okay. Any other questions or comments from the Commissioners.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Fann and remember this is a final action that we approve this variance request. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All of posed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The variance has been granted. Thank you.

MS. PETERSON: Thank you.

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COMMISSIONER ATKINS: Staff, would you please sound the next Agenda Item.

MS. CARTER: The next item is 2014 "U" as in umbrella-001-01. Applicant is Phillip Duncanson, East Point Church. Location is 1445 East Cleveland Avenue. It's a Special Use Permit to allow the use of a church in the CR zoning district.

COMMISSIONER ATKINS: Okay. Thank you. Commissioner Callaway.

COMMISSIONER CALLAWAY: Mr. Chair, I have to recuse myself from this.

COMMISSIONER ATKINS: Okay. And a recuse, do we have to state why we recuse?

COMMISSIONER FANN: No.

COMMISSIONER ATKINS: All right. So Commissioners, at this time, I will entertain a motion to open the public hearing for Case Number 2014 "U" as in umbrella-001-01.

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there is second?

COMMISSIONER TUCKER: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

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The public hearing is now open. The applicant, Mr. Duncanson, yes, would you please go ahead for the record state your first and last name and your current address.

(Whereupon Applicant Phillip Duncanson approaches the podium.)

MR. DUNCANSON: Mr. Name is Phillip Duncanson. I reside at 2707 Center Parkway, Atlanta, Georgia 30331 and I am representing East Point Church. We are requesting a Special Use Permit for the property located at 1445 East Cleveland Avenue. It's currently zoned for a CR status, which allows churches to -- allow for the use of churches.

First, the information that you received, the building is close to 15,000 square feet, 3,000 of which we plan to use for sanctuary space. The remaining portion of the building will be used for office space and classroom space to accommodate or Sunday school classes. Our main meeting times at the building will take place on Sunday and Thursdays. Sundays will consist of Sunday school beginning at 9:30 and our worship service beginning at 11:00 a.m.

We anticipate roughly about 175 people occupying the building on Sunday and then on Thursday, we anticipate between 50 and 75 people in attendance for our midweek bible study. Just again, just some information about us, we are a community of diverse community people that love the City of East Point. Many of our members live in the City of East Point. Some have actually even moved to the City. We've been involved and active community and

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we will continue to do so. We believe that 1445 East Cleveland allows us to stay here. East Point Church don't want to leave the City and we feel that that is a suitable property for what we're seeking to accomplish.

COMMISSIONER ATKINS: Are there any other proponents to speak to this case? Any other proponents. Okay. The cards from proponents, if you would please call them.

MS. CARTER: They're not separated as to who it's for or whom is against; however, I do have three cards. Laura Gettler.

COMMISSIONER ATKINS: Ms. Gettler, are you a proponent?

MS. GETTLER: Yes.

COMMISSIONER ATKINS: Okay. You may approach the podium.

(Whereupon Proponent Laura Gettler approaches the podium.)

MS. CARTER: Aaron Knight and Lori McCurry.

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

MS. GETTLER: Laura Gettler, 2635 Elsinore Street, East Point, 30344. My husband and I serve as administrative Chairs at the former East Point Presbyterian Church. The address is 2810 Church Street. We had the privilege of working with East Point Church, who leased space in that facility. During their time there and I'm not sure how many years it was -- three, about three, I can honestly say East Point Church was one of the best groups to work with within that

1 facility. One of the things is that they were very cooperative and
2 very respectful of the facilities and what programs that we had. If
3 there was a question about can we have a key to a certain room,
4 they didn't just take over a room. They were very respectful. They
5 wanted to improve certain areas of the building and some of that was
6 a joint effort. Although, I think they put in most of the work when it
7 came to some painting, but they made improvements in the building
8 like helping to install Internet wiring, so that made the church a little
9 more up-to-date for everybody.

10 One of the things I really want to stress is that there was
11 great communication with the leaders of the church. They can come
12 to us. We could go to them. Everybody was accessible. Your phone
13 calls got answered. Your emails got read, so it's excellent
14 communication and it made for the welfare that we all were trying to
15 take care of in that particular space. We just respected one another.
16 That's really what I can say. Phillip Duncanson has already spoken
17 about their love for the community and some of the things that they
18 have done for the community and I do know after having association
19 with this church, they're very serious about their community and their
20 vision and they'll be great tenants. They is have a lot to give to the
21 City and, of course, for their work of a higher calling, so I do endorse
22 East Point Church to be able to have a worship center at 1445 East
23 Cleveland Avenue.

24 COMMISSIONER ATKINS: Okay. Thank you, Ms. Gettler. Are
25 there any other proponents for this zoning case? Would you please

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come forward.

MS. TAYLOR: I didn't bring my name card.

COMMISSIONER ATKINS: I'm sorry.

MS. TAYLOR: I did a card with my name on the card.

COMMISSIONER ATKINS: Yes. Come forth. Hi.

MS. TAYLOR: It's Christy Taylor.

(Whereupon Proponent Christy Taylor approaches the podium.)

COMMISSIONER ATKINS: State your first and last name and your current address.

MS. TAYLOR: Yes, my name is Christy Taylor and I live on Orr Drive off of Dodson and Hogan. I've been at (inaudible) in the City of Atlanta for ten years, but only just made it to East Point actually specifically because my husband and I wanted to live near our church and become a part of the community. I've really enjoyed getting to know East Point. It's a hidden gem. I lived in a historical South Atlanta two miles away and didn't know about East Point, but I've enjoyed becoming a part of this community and really hoping we can find a church home. We don't have (inaudible). We don't have any (inaudible) and it's the perfect (inaudible). I'm hoping to be able to stay here, to keep putting down our roots, become more involved with what I do, hoping my daughter makes the cut for Main Street some somebody. Love the location. It is so close to downtown. It's right next to Marta. We actually have several Georgia Tech students and some others who come down Marta, so that's perfect for us. My

1 husband uses Marta to get to work. Love the City and just hope that
2 you all help us keep and plant our roots here so that we can stay
3 here permanently. I love the building. I'm a community organized,
4 so my job is making old building like this new and revitalize it and it
5 just really excites me. It's giving me chills and I hope to get to know
6 you all.

7 COMMISSIONER ATKINS: Thank you. Are there any other
8 proponents for the zoning case?

9 AUDIENCE: (No response.)

10 COMMISSIONER ATKINS: Any other proponents? Yes,
11 please come forward. Approach the podium.

12 (Whereupon Proponent Joy Golson approaches the podium.)

13 MS. GOLSON: Okay.

14 MS. CARTER: I have your card.

15 MS. GOLSON: My name is Joy Golson. I'm at 1484 James
16 Trace, which is in Sterling Village here in East Point, which is the
17 neighborhood that backs up against the property and for two years
18 before then, I lived in Colonial Village so I've been in East Point for a
19 little bit and moved to Sterling Village when my husband and I got
20 married and was excited that about neighborhood particularly
21 because as a single person, I checked those crime websites and
22 things like that to see where things are happening and I've seen
23 actually some disturbing things that have happened right there in
24 that area on Cleveland Avenue and as my husband was considering
25 where he want to do move, we don't put a whole lot of stock in the

1 fact that that's a gated community and we don't live in fear, but we
2 are just trying to be wise about where we put roots down and we
3 were exciting about the neighbors in that particular area. There's
4 schools, a daycare, hospital just down the street, so there is a lot of
5 walking traffic and there can be dangerous things that happen there
6 and safety isn't something that we think is totally in our hands
7 anyway, so we don't trust that neighborhood to provide us with
8 safety, but we're excited to be surrounding with some people that
9 seem to have a positive influence in the community and I'm unbiased
10 because I am part of East Point Church and I know these people and
11 have been introduced to East Point through these people. They
12 introduced me immediately upon my move here to several good
13 mechanics in East Point and all the restaurants that I've visited in
14 East Point I've visited on recommendations, but I am very biased
15 because they're my friends and I love them dearly and they've had a
16 huge positive influence in my life and I really think that they would
17 have a positive influence and positive benefit on Cleveland Avenue
18 which is kind of a different sort of neighborhood there and I think
19 that just short of having the hospital and schools and daycare and
20 just short of having actual police force right there or something like
21 that, I can't think of a better neighbor that I would rather have than
22 East Point Church right up against my neighborhood like that, so
23 that's all I wanted to add.

24 COMMISSIONER ATKINS: Thank you. Are there any other
25 proponents for the zoning case?

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AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any of proponents?

COMMISSIONER ATKINS: Seeing none, are there any opponents for the zoning case? Yes, you signed a card? Okay. Come forward.

(Whereupon Opponent Arron Knight approaches the podium.)

MR. KNIGHT: My name is Aaron Knight and I live at 1916 Westwood Avenue, East Point, 30344. My family has lived in East Point since 1944. I am a business owner here in East Point and I'm looking to grow my business, but unfortunately in East Point, we have problems and we don't have quite the education level that is suitable for our children and we don't have as much say on our future as our children do and so when we choose here to move into East Point, we looked at what we had available to educate our son and there weren't anything really other than going to Woodward and spending a small fortune and then we finally discovered Montessori, which is the building next door to the one in question of the church and it could provide us with a method of being able to increase our enrollment into the elementary program and providing more children with an opportunity for a stellar education.

We will have a large issue with parking and traffic when it come on Thursdays right during the time during the week that it's going to be present during our times of pulling kids in and out of the school. We already have enough traffic as it is and we are picking up, so if we add additional parking in that area, we're going to really

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run a problem of cars backing out onto Cleveland Avenue, which is something I think we all don't want.

I'm looking for a place where we can continue to grow this school, which is has done tremendous things. My son is six and he reads, writes in cursive. He adds, subtract, multiply, divide. Whatever you throw at him, he seems to be able to do and I create the school with him being able to do that and this is a place that we need to continue to grow and nurture for the betterment of the entire City and what it can do with moving forward and there are a lot of other building that would be better suited for a church, especially where that one is located. There's not going to be another space for us as a school to grow our campus to make it where we could have more children to have an opportunity. It would kind close us in. There is going to be a church coming up for sell right down down East Point. It's a hundred year old church and I was married there so was the rest of my family, so I do know that there are other places that would be far better suited than that one because of the needs of the school and the educational system here in East Point. Thank you for your time.

COMMISSIONER ATKINS: Thank you. Are there any other opponents for this zoning case? Any other opponents? Please approach the podium.

(Whereupon Opponent Lori McCurry approaches the podium.)

MS. McCURRY: My name is Lori McCurry. I reside at 125 Trickum Creek Road in Tyrone. I own Discovery Montessori Academy

1 at 1453 East Cleveland Avenue. I have worked in East Point for 17
2 years. I open the school in 2006 when I had two children in order to
3 provide quality childcare and schooling in the East Point area after a
4 very long search for childcare for my children and now I have four
5 children and we started the school in 2006 with six children. We now
6 have 86 children. We out grew our space about two years ago and
7 we have been looking for property since then. The property in
8 question was not available at that time. From the time it became
9 available, I have been in discussion with the foreclosing bank and I
10 have met with them. We were waiting for a -- there was an EPA
11 violation on the property. There is an EPA violation, which prevented
12 me from purchasing it. Our school has grown and provided basic
13 education for this community since 2006. Our elementary program is
14 expanding. We started elementary two years ago. We need more
15 space desperately. I purchased the property on Harris behind the
16 school two years ago in order to building and unfortunately, we ran
17 into some snags with the City trying to build the building, so I started
18 looking for existing building again. When I bought that property, I
19 tore down the two awful houses that were on that property in order
20 to building. I'm hoping that we will be able to grow. Even the
21 location of our school and that I own the properties around this
22 property, we have looked at the properties that are all within half a
23 mile from the school to keep our community together. There aren't a
24 lot of options that fit zoning requirements as well as the to have the
25 natural space that we need so I'm hoping that this property will not --

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that the church will not be able to open -- have a church there because that was one of our families that was here. We have ten families here tonight and three employees. I'm sure there's going to be some issues with parking and traffic and noise, which a lot of that would on the weekend obviously. It wouldn't affect us, but we would love to expand our community and continue our community outreach with our elementary children.

COMMISSIONER ATKINS: Okay. Thank you. Are there any other opponents here to speak against the zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other opponents to speak against the zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: As per our rules for public hearings, at this time, the applicant has an opportunity to use the remainder of its time to rebut and Regina, can you tell us how much time that is?

MS. CARTER: They have 6 minutes and 38 seconds.

COMMISSIONER ATKINS: Okay. The applicant has 6 minutes and 38 seconds if they would like to use that time to rebut any of the remarks or comments made by any of the opponents. Would you like to use that time, Mr. Duncanson?

MR. DUNCANSON: Sure. I would just like to let the Commission know that we -- hearing the Discovery School and about what they're doing there, we don't -- as I mentioned before, we're

1 good neighbors, we're go partners. We don't want to at all adversely
2 affect the community. As it relates to the parking issue, I don't see
3 any concern there. They meet during the week. The activities that
4 we have going on during the week are very limited. As I mention
5 before, they will take place on a Thursday evening at 7:00, 7:30. At
6 that time, again, we're talking about 50 to 75 people. I don't foresee
7 that being a huge traffic issue. Sundays, again, there's no conflict
8 there on the weekend, but overall, I think we would be great
9 neighbors as you heard some of the testimonies of the people here
10 tonight. We have no ill-will towards the Discovery School.

11 COMMISSIONER ATKINS: Okay. Thank you.

12 Commissioners, we have heard from the applicant we have also
13 heard from opponents. At that time, I'll entertain a motion to close
14 the public hearing.

15 COMMISSIONER MAXWELL: So moved.

16 COMMISSIONER ATKINS: Is there a second?

17 COMMISSIONER SHELDON: Second.

18 COMMISSIONER ATKINS: It's been moved by Commissioner
19 Maxwell, seconded by Commissioner Sheldon that we close the public
20 hearing for Case Number 2014 "U" as in umbrella-001-01. All in
21 favor sound aye.

22 COMMISSIONERS: Aye

23 COMMISSIONER ATKINS: All opposed sound nay.

24 COMMISSIONERS: (No response.)

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

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The public hearing is now closed. Staff, would you please sound your recommendation.

MS. CARTER: Staff recommends approval of the Special Use Permit to allow the church in this CR zoning district.

COMMISSIONER ATKINS: Commissioners, you've heard, as I said before, from the applicants, from proponents and opponents and you've also heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER FANN: Motion for approval.

COMMISSIONER ATKINS: The motion needs to be in the form of a recommendation.

COMMISSIONER FANN: It's a recommendation.

COMMISSIONER ATKINS: Okay. For approval, is there a second?

COMMISSIONER SHELDON: Second for discussion.

COMMISSIONER ATKINS: Okay. Seconded for discussion. Go ahead, Commissioner Sheldon.

COMMISSIONER SHELDON: I'm reading here that we may have some parking issues, that that's not enough space for the required 163 parking spaces, so we're anticipating needing a variance for that; is that correct?

MS. CARTER: That is correct.

COMMISSIONER SHELDON: Okay. That is kind of a concern to me. How many spaces are there currently on the property that will have to be completely redeveloped?

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MR. DUNCANSON: Yes, we will need to apply for a variance on the property. Currently, there is not enough parking on the space. In reviewing the property with a general contractor, we've done some initial layouts of what we can put on the property. I feel like we will be able to make the adequate amount of space.

COMMISSIONER SHELDON: And what would that be? How many spaces did you come up with with your speculative drawing?

MR. DUNCANSON: Based on experience, we anticipated over a hundred spots and at that point, we're talking about it could be more or less, but in our initial walk thru.

COMMISSIONER SHELDON: And my other question would be where do you anticipate overflow cars, building on Sunday mornings?

MR. DUNCANSON: With anything, growth is always great. The Discovery School has grown and we understand that there's a possibility of growth. We would, again, be good neighbors and partners. We would look in areas that we could actually either lease parking lot space, somewhere we could park cars over in that area and then also bus people back over to our lot. I'd say that's probably initially where we start, but I think just some of our vision at the church in terms of -- we don't plan on growing huge, but -- and do have desires for just church planning in other areas. I don't know if I answered your question.

COMMISSIONER SHELDON: Okay. And one more question for Staff. They will be going through development process as well with this; is that correct? So all of these issues will be reviewed and

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resolved as they move through the development process?

MS. CARTER: Correct. They will go through plan review and at that time, they will be going back to the Commission for the variance.

COMMISSIONER SHELDON: Okay. All right. Good. Thank you.

COMMISSIONER ATKINS: Commissioners, any other comments. Commissioner Borders.

COMMISSIONER BORDERS: I have a question for Staff. It notes that a CZIM meeting took place on January 14, ten citizens, several church Staff members. Is there any information on the outcome of that meeting?

MS. CARTER: Mr. Duncanson presented to the people who were there. There weren't very many question, but outside of that it was informational given, information receive and nothing else beyond that.

COMMISSIONER ATKINS: Commissioner Sheldon.

COMMISSIONER SHELDON: And that's the purpose of that meeting. It's just an information meeting, not a sharing meeting shall we say.

MS. CARTER: Correct. It is citizen information meeting. He presented the information to those who were interested and he came and some had a few questions and their questions were answered and the meeting was adjourned.

COMMISSIONER ATKINS: Any of questions from the

1 Commission? Commissioner Tucker.

2 COMMISSIONER TUCKER: You know, I know that property

3 pretty well and it's going to be a stretch to get 163 parking spots

4 there. I just can't see how that's going to happen, but just -- also

5 curious when you were talking about foreclosure, there's a deed in

6 here dated February 2013, who is in possession of the deed on the

7 property currently?

8 MR. DUNCANSON: United Bank.

9 COMMISSIONER TUCKER: United Bank. Okay.

10 COMMISSIONER ATKINS: Any of questions?

11 COMMISSIONER SHELDON: So you would be leasing it from

12 the bank?

13 MR. DUNCANSON: No. We actually will be purchasing it.

14 COMMISSIONER SHELDON: You're going to purchase it.

15 Okay.

16 COMMISSIONER ATKINS: Any other questions.

17 COMMISSIONER BORDERS: Is that the 525 amount,

18 \$525,000, I believe, was the the amount down for price.

19 MR. DUNCANSON: Do I have to disclose?

20 COMMISSIONER ATKINS: No, you do not. It's a real estate

21 transaction, so he doesn't have to show his hand if there are

22 negotiations for sale price.

23 COMMISSIONER BORDERS: I was referring to the documents

24 here.

25 COMMISSIONER ATKINS: Yes, so I think that might be the

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tax assessment amount that's printed here, the 525, yes. Any other questions from the Commission?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. Commissioners, you've heard from the applicant, you've heard from proponents and opponents, you've also heard Staff's recommendation. Currently, there is a motion to recommend approval by Commissioner Fann and there's been a second by Commissioner Sheldon. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: Nay.

COMMISSIONER ATKINS: Okay. Maybe Roll Call.

MS. CARTER: Roll Call.

COMMISSIONER ATKINS: Okay.

MS. CARTER: Commissioner Borders.

COMMISSIONER BORDERS: Nay.

MS. CARTER: Commissioner Callaway.

COMMISSIONER CALLAWAY: (Obstained.)

MS. CARTER: Commissioner Fann.

COMMISSIONER FANN: Yes.

MS. CARTER: Commissioner Gordan.

COMMISSIONER GORDAN: Yes.

MS. CARTER: Commissioner Lovett.

COMMISSIONER LOVETT: No.

1 MS. CARTER: Commissioner Maxwell.
2 COMMISSIONER MAXWELL: Yes.
3 MS. CARTER: Commissioner Sheldon.
4 COMMISSIONER SHELDON: Yes.
5 MS. CARTER: Commissioner Tucker.
6 COMMISSIONER TUCKER: Yes.
7 COMMISSIONER ATKINS: Okay. So from Roll Call votes, the
8 recommendation is to approve and so we'll send a recommendation
9 to City Council. Okay. Thank you.
10 MR. DUNCANSON: Thank you for your time.
11 COMMISSIONER ATKINS: Absolutely. Thank you. Okay.
12 Commissioner, next are there any announcements from Staff?
13 **IX. ANNOUNCEMENTS:**
14 MS. CARTER: No.
15 COMMISSIONER ATKINS: Okay. And any Commissioners
16 have any announcements?
17 COMMISSIONERS: (No response.)
18 COMMISSIONER ATKINS: Okay. So if there are no other
19 announcement, then at this time, I'll entertain a motion to adjourn.
20 **X. ADJOURNMENT:**
21 COMMISSIONER FANN: Motion to adjourn.
22 COMMISSIONER ATKINS: Is there a second?
23 COMMISSIONERS: Second.
24 COMMISSIONER ATKINS: It's been moved by Commissioner
25 Fann, seconded by everybody that we adjourn the meeting. All in

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favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The meeting is now adjourn. Thank you all so much.

(Whereupon this concludes the meeting for the City of East Point Planning and Zoning Commissioner.)

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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 40 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 February 20, 2014 at seven o'clock P.M. were taken down by me and transcribed by me on this 6th day of March, 2014.

Jeanene Harper
Stenographic Stenographer