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CITY OF EAST POINT
PLANNING & ZONING COMMISSION

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January 17th, 2008 - 7:30 PM
Official Minutes
Regular Meeting
East Point, Georgia - East Point City Auditorium

Board Members
Present:

Mr. Shean ATKINS, Vice Chair
Dr. Herbert J. BRIDGWATER, Jr.
Mr. Myron COOK
Mr. Thomas HARPER
Ms. Pam PATTERSON
Ms. Linda SHELDON
Mr. Elijah GRANBERRY

Also Present:

Ms. Valerie A. ROSS, Esq.
Office of City Attorney
Ms. Genesa ELIAS
Assistant Director
Ms. Regina CARTER
Senior Planner
Ms. Keyetta HOLMES
Senior Planner

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SPEAKERS:
MR. YANCEY POWERS
MR. STEVE WARNER
MR. EVAN HARDIE
MR. HENRY MASSEY
MR. MEL ATTEBERRY

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

2 MR. ATKINS: Good evening ladies and
3 gentlemen. This is the East Point Planning
4 & Zoning Commission. At this time I will
5 now call this meeting to order. In lieu of
6 a prayer, we will do a moment of silence at
7 this time. If each of you will just take a
8 moment of your time for silence.

9 (whereupon a Moment of Silence was
10 observed)

11 MR. ATKINS: Usually, we do our pledge
12 of allegiance. However, because we are in
13 temporary facilities here, we don't have a
14 flags, so we are going to skip that
15 particular item, if that is okay with the
16 body.

17 THE BODY: (No response)

18 **ADOPTION OF THE AGENDA:**

19 MR. ATKINS: At this time, I will
20 entertain a motion to adopt the agenda for
21 tonight's meeting.

22 MS. SHELDON: Mr. Chair, motion to
23 adopt the agenda for the January 17, 2008
24 Planning & Zoning Commission meeting.

25 MR. ATKINS: Okay. It's been moved

1 that we adopt the agenda.

2 Is there a second?

3 (Second)

4 MR. ATKINS: It's been moved and
5 properly seconded that we adopt the agenda
6 as printed. All in favor sound aye.

7 THE BODY: Aye.

8 MR. ATKINS: All opposed, sound the
9 same.

10 THE BODY: (No response)

11 The agenda is adopted and we will
12 follow it just as it is printed.

13 **APPROVAL OF MINUTES:**

14 Also at this time I will entertain a
15 motion to accept and approve the minutes
16 from our December 20th, 2007 meeting.

17 MR. GRANBERRY: I have a correction. I
18 was present at that meeting. There is a
19 correction. If you will please note that
20 Mr. Granberry was present at that meeting.
21 I also believe that my name is left off
22 being that as present, so please put that on
23 there, I would appreciate it.

24 Are there any other corrections?

25 THE BODY: (No response).

1 MR. ATKINS: At this time, I will
2 entertain a motion --

3 DR. BRIDGEWATER: I make a motion that
4 the minutes from December 20th, 2007, be
5 approved, with the necessary corrections.

6 MR. ATKINS: Is there a second?

7 MR. HARPER: I second.

8 MR. ATKINS: It's been moved and
9 properly seconded that we accept and approve
10 the agenda for our December 20th, 2007
11 meeting with those corrections.

12 All this favor, sound aye.

13 THE BODY: Aye.

14 MR. ATKINS: All opposed, sound the
15 same.

16 THE BODY: (No response)

17 MR. ATKINS: Hearing none, the ayes
18 have it, and we have adopted -- approved the
19 minutes with those corrections.

20 **OLD BUSINESS:**

21 Okay, the first item in our Old
22 Business is item Number 2007P-020-10. This
23 is a final plat, and at this time if staff
24 will sound its recommendation with that
25 particular application.

1 MS. CARTER: Staff recommends deferral,
2 requests pending changes and corrections to
3 the plat.

4 MR. ATKINS: Staff has recommended
5 deferral.

6 Did the applicant submit a formal
7 request for deferral?

8 MS. CARTER: Yes, it should be in the
9 file. It was an e-mail.

10 MR. ATKINS: The applicant has also
11 submitted a request that we defer this to
12 our -- Is there a time certain or --

13 MS. CARTER: Until our February
14 meeting.

15 MR. ATKINS: Until our February
16 meeting.

17 At this time, I will entertain a
18 motion.

19 MS. SHELDON: Mr. Chair, motion to
20 defer Case Number 2007P-020-10 to the
21 February meeting per applicant's request.

22 MR. ATKINS: Is there a second?

23 MR. HARPER: Second.

24 MR. ATKINS: It's been moved and
25 properly seconded that we defer

1 2007P-020-10, the final plat application to
2 our February meeting.

3 All in favor sound aye.

4 THE BODY: Aye.

5 MR. AKINS: All opposed sound the same.

6 THE BODY: (No response)

7 MR. ATKINS: Hearing none, the ayes
8 have it. The item is deferred to our
9 February meeting.

10 Okay, ladies and gentlemen, we have
11 several public hearings tonight and also
12 several deferrals. Before we get into the
13 rest of the Old Businss, I would like to
14 remind everyone here tonight, if you're here
15 to speak on behalf of any particular
16 application for public hearing, I'll go over
17 the rules now so we don't have to do it for
18 each public hearing:

19 The opponents and the proponents are
20 each allotted ten minutes to present their
21 testimony or evidence. At the end of the
22 opponent testimony or evidence, the
23 proponent will have five additional minutes
24 to rebut.

25 At the end of that rebuttal, then we

1 will close the public hearing.

2 At no time should anyone take that
3 opportunity to be cruel or mean to any
4 person or any organization.

5 The Chair does have the right to shut
6 down the public hearing at that time if that
7 should be the case.

8 Our first public hearing item --
9 Actually, there is a recommendation for
10 deferral, and that item is *2007Z1016-10.

11 I think because we did advertise this,
12 Madam Attorney, I think we have to go
13 through the formality of opening the public
14 hearing and closing public hearing?

15 MS. ROSS: Yes, that is the Madison
16 Commercial? Yes, you are correct.

17 MR. ATKINS: That is correct. Okay.

18 MS. ROSS: Oh, the concurrent variance,
19 yes, you can go ahead and sound for that
20 one, yes, it's the companion case.

21 MR. ATKINS: This is a rezoning Part II
22 companion variance. At this time I will
23 entertain motion to open a public hearing.

24 MS. SHELDON: Motion to open a public
25 hearing.

1 MR. ATKINS: Is there a second?

2 MR. HARPER: (?) Second.

3 MR. ATKINS: It's been moved and
4 properly seconded that we open a public
5 hearing for this particular agenda item.
6 All in favor sound aye?

7 THE BODY: Aye.

8 MR. ATKINS: All opposed, sound the
9 same.

10 THE BODY: (No response)

11 MR. ATKINS: Hearing none, the public
12 hearing is now opened.

13 Are there any proponents to speak to
14 this item?

15 THE AUDIENCE: (No response)

16 MR. ATKINS: Are there any proponents
17 here to speak to this item?

18 THE BODY: (No response)

19 MR. ATKINS: Seeing none,
20 Commissioners, I will entertain a motion to
21 close this public hearing.

22 MS. SHELDON: Motion to close the
23 public hearing.

24 (Second)

25 MR. ATKINS: It's been moved and

1 properly seconded that we close the public
2 hearing. All in favor sound aye.

3 THE BODY: Aye.

4 MR. ATKINS: All opposed, sound the
5 same.

6 THE BODY: (No response)

7 MR. ATKINS: Hearing none, the ayes
8 have it. This particular item is closed.

9 we do have formal request from the
10 applicant for deferral; is that correct?

11 MS. CARTER: Yes, pending his DRI.

12 MR. ATKINS: Time certain, for our
13 February meeting.

14 MS. CARTER: It depends on ARC.

15 MR. ATKINS: Time certain for our
16 February meeting and then we will assess it
17 at that point.

18 Commissioners, at this point I will
19 entertain A motion.

20 MS. SHELDON: Motion to defer
21 application 2007Z-016-01 and a two-part
22 concurrent variance Number 2007V-019-01 to
23 our February meeting. Is there a second?

24 MR. HARPER: I second that.

25 MR. ATKINS: It's been moved and

1 properly seconded that we defer this
2 particular agenda item to our February
3 meeting.

4 All in favor sound aye.

5 THE BODY: Aye.

6 MR. ATKINS; All opposed sound the
7 same.

8 THE BODY: (No response)

9 MR. ATKINS: Hearing none, the ayes
10 have it. That particular item is deferred
11 to our February meeting.

12 The next agenda item 2007V-0019-01.
13 This particular item also requires a public
14 hearing.

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

17 MR. GRANBERRY: Mr. Chair, I would like
18 to make a motion that we open a public
19 hearing (unintelligible)

20 MS. SHELDON: I think you have the
21 wrong case number.

22 MR. ATKINS: I'm sorry: 2007V-021-11.
23 Mr. Granberry, does your motion still stand
24 to open a public hearing to this item?

25 MR. GRANBERRY: It does.

1 MR. ATKINS: Is there a second?

2 MR. HARPER: I second.

3 MR. ATKINS: It's been moved and
4 properly seconded that we open a public
5 hearing on this agenda item.

6 All in favor sound aye.

7 THE BODY: Aye.

8 MR. ATKINS: All opposed, sound the
9 same.

10 THE BODY: (No response)

11 MR. ATKINS: Hearing none, the public
12 hearing is now opened.

13 Are there any proponents to speak to
14 Item 2007P-021-11, which is a variance to
15 (unintelligible) and to reduce parking at
16 3601 North Desert Drive.

17 Come forward. Please speak in the mic
18 and state your name.

19 MR. POWERS: My name is Yancey Powers.
20 I'm with (unintelligible) Architects. At
21 the last month's meeting we met with y'all
22 and y'all asked us to provide you with a
23 letter from the hotel of the adjacent
24 property stating that it was under their --
25 that they agreed to allow the parking on

1 the site during the business hours of the
2 medical office building. We have submitted
3 to you a letter that states they're okay
4 with this and that they will allow parking
5 during the business times because the
6 hotel's peak times and the medical office
7 building's peak times do not interfere. It
8 also states that they have the right to have
9 (unintelligible) in the parking lot which is
10 the next parking lot over.

11 MR. ATKINS: Are there any other
12 proponents for this particular item?

13 THE BODY: (No response)

14 MR ATKINS: Are there any opponents for
15 this item?

16 THE BODY: (No response)

17 MR. ATKINS: Seeing none,
18 Commissioners, at the time I will entertain
19 a motion to close the public hearing.

20 MR. GRANBERRY: Motion to close the
21 public hearing.

22 MR. ATKINS: Is there a second?

23 MS. PATTERSON: Second.

24 MR. ATKINS: It's been moved and
25 properly seconded that we close the public

1 hearing. All in favor sound aye.

2 THE BODY: Aye.

3 MR. ATKINS: All opposed sound the
4 same.

5 THE BODY: (No response)

6 MR. ATKINS: Hearing none, the public
7 hearing is now closed.

8 MR ATKINS: Staff, your recommendation
9 (unintelligible) please.

10 MS. CARTER: On Case Number
11 2007V-021-11, please note for the record
12 that it was a two-part request, that the
13 first part for a variance to increase the
14 building height was approved by the Planning
15 & Zoning Commission.

16 Tonight's vote will be on the reduced
17 parking. Staff recommends approval of the
18 reduction in parking from 406 parking spaces
19 to 321 parking spaces.

20 MR. ATKINS: At this time,
21 Commissioners, I will entertain a motion.

22 MS. SHELDON: Mr. Chair, motion to
23 approve the variance request to reduce the
24 parking for Case Number 2007V-021-11, as the
25 applicant has met all four criteria.

1 MR. ATKINS: Is there a second?

2 MR. HARPER: I second that.

3 MR. ATKINS: Any discussion?

4 THE BODY: (No response)

5 MR. ATKINS: Hearing none, it's been
6 moved and properly seconded that we approve
7 the Agenda Item 2007V-021-11.

8 All in favor sound aye.

9 THE BODY: Aye.

10 MR ATKINS: All opposed sound the same.

11 THE BODY: (No response)

12 MR. ATKINS: Hearing none, the ayes
13 have it. This item is approved.

14 Our next agenda item is 2007V-022-11.
15 This particular item is a variance for an
16 additional monument site at 3521 Camp Creek.
17 This requires a public hearing.

18 Commissioners, at this time I will
19 entertain a motion to open a public hearing.

20 DR. BRIDGEWATER: I make a motion we
21 open a public hearing.

22 MR. ATKINS: Is there a second?

23 MR. HARPER: I second.

24 MR. ATKINS: It's been moved and
25 properly seconded that we open a public

1 hearing.

2 All in favor, sound aye.

3 THE BODY: Aye.

4 MR. ATKINS: All opposed, sound the
5 same.

6 THE BODY: (No response)

7 MR. ATKINS: Hearing none, the public
8 hearing now opened.

9 Are there any proponents for this
10 particular agenda item?

11 THE AUDIENCE: (No response)

12 MR. ATKINS: Seeing none, are there any
13 opponents for this particular agenda item?

14 THE AUDIENCE: (No response)

15 MR. ATKINS: Seeing none,
16 Commissioners, I'll entertain a motion
17 to close the public hearing.

18 MR. GRANBERRY: I make a motion that we
19 close the public hearing.

20 (Second)

21 MR. ATKINS: It's been moved and
22 properly seconded that we close the public
23 hearing on this particular item.

24 All in favor, sound aye.

25 THE BODY: Aye.

1 MR. ATKINS: All opposed sound the
2 same.

3 THE BODY: (No response)

4 MR. ATKINS: Hearing none, the ayes
5 have it. This public hearing is closed, and
6 this is also a request for deferral by the
7 applicant; is that --

8 MS. CARTER: This is a deferral
9 requested by staff until the February 2008
10 meeting, awaiting an agreement with the
11 applicant for the entire development.

12 MR. ATKINS: At this point, I will
13 entertain a motion.

14 MS. SHELDON: Mr. Chair, motion to
15 defer Case Number 2007V-022-11 for the
16 February meeting.

17 MR. ATKINS: Is there a second?

18 MR. HARPER: Second.

19 MR. ATKINS: It's been moved and
20 properly seconded that we defer this item,
21 2007V-022-11, to our February meeting. All
22 in favor sound aye.

23 THE BODY: Aye.

24 MR. ATKINS: All opposed, sound the
25 same.

1 THE BODY: (No response)

2 MR. ATKINS: Hearing none, the ayes
3 have it. This item has been deferred to our
4 February meeting.

5 Commissioners, Item 2007V-023-11, also
6 a variance for an additional sign at
7 (unintelligible) Camp Creek Parkway: This
8 item also requires a public hearing. At
9 this time, I'll entertaining a motion to
10 open a public hearing.

11 MR. GRANBERRY: Mr. Chair, I make a
12 motion that we open a public hearing.

13 MR. ATKINS: Is there a second?

14 MR. HARPER: Second.

15 MR. ATKINS: It's been moved and
16 properly seconded that we open a public
17 hearing for this item.

18 All in favor sound aye.

19 THE BODY: Aye.

20 MR. ATKINS: All opposed sound the
21 same.

22 THE BODY: (No response)

23 MR. ATKINS: Hearing none, the ayes
24 have it.

25 Are there any proponents here for this

1 particular item?

2 THE AUDIENCE: (No response)

3 MR. ATKINS: Hearing none, are there
4 any opponents here for this particular
5 agenda item?

6 THE AUDIENCE: (No response)

7 MR. ATKINS: Commissioners, I will
8 entertain a motion to close the public
9 hearing.

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

12 MR. GRANBERRY: Second.

13 MR. ATKINS: It's been moved an
14 properly seconded that we close the public
15 hearing for 2007V-023-11.

16 All in favor sound aye.

17 THE BODY: Aye.

18 MR. ATKINS: All opposed sound the
19 same.

20 THE BODY: (No response)

21 MR. ATKINS: Hearing none, the public
22 hearing is now closed.

23 This item also -- Staff recommendation
24 is for deferral. I am assuming that it's
25 staff's recommendation and the applicant did

1 not request?

2 MS. CARTER: Staff's request for
3 deferral, again, awaiting a complete
4 development agreement for signs.

5 MR. ATKINS: Commissioners, at this
6 time, I will entertain a motion.

7 DR. BRIDGEWATER: Chair, I would like
8 to make a motion for -- that we accept the
9 staff recommendation for (unintelligible) in
10 Case Number 2007V-023-11.

11 MR. ATKINS: Is there a second?

12 MR. HARPER: Second.

13 MR. ATKINS: It's been moved and
14 properly seconded.

15 All in favor sound aye.

16 THE BODY: Aye.

17 MR. ATKINS: All opposed sound the
18 same.

19 THE BODY: (No response)

20 MR. ATKINS: Hearing none, we will
21 defer this application also to our February
22 meeting.

23 NEW BUSINESS:

24 MR. ATKINS: Turn the page to our New
25 Business. First item on the agenda is

1 2007V-025-11. This is a variance request to
2 increase the fixed height requirement at
3 2848 Veterans Avenue. This requires a
4 public hearing.

5 Commissioners, at this time I will
6 entertain motion to open a public hearing.

7 DR. BRIDGEWATER: Chair, I make a
8 motion that we open a public hearing.

9 MR. ATKINS: Is there a second?

10 MS. SHELDON: Second.

11 MR. ATKINS: It's been moved and
12 properly second that we open a public
13 hearing for this particular item.

14 All in favor sound aye.

15 THE BODY: Aye.

16 MR. ATKINS: All opposed sound the
17 same.

18 THE BODY: (No response)

19 MR. ATKINS: Hearing none, the ayes
20 have it. The public hearing is now opened.

21 Are there any proponents to speak to
22 2007V-025-11?

23 Please speak to the microphone and
24 state your name.

25 MR. WARNER: My name is Steve Warner.

1 I'm the owner East Point Mobile Home Park
2 and the owner of a store. The issue here is
3 there is a small convenience store with a
4 mobile home lot with a mobile home and
5 family (unintelligible) located -- what I'm
6 trying to do is have a variance granted so
7 the height of the variance can be higher
8 than normally would be allowed at that
9 location.

10 The height that is allowed by code is 4
11 feet on the side like that, but 4 feet does
12 not provide the adequate protection from
13 sound, traffic, trash and other incidences
14 that have occurred that occurred because of
15 no protection between the store and the
16 mobile home lot.

17 So I have one of the tenants here that
18 lives directly behind the mobile home
19 (unintelligible) that is in question could
20 not be here. He has the work in the
21 evening.

22 what I'm essentially asking is that the
23 height be allowed because of these unusual
24 circumstances, that being, that the store, a
25 commercial enterprise, is operating in an

1 exclusively in a residential area, and the
2 tenant is provided no protection from the
3 heavy foot traffic from the store.

4 MR. ATKINS: Okay.

5 MR. ATKINS: Any other opponents for
6 this particular agenda item?

7 THE AUDIENCE: (No response)

8 MR. ATKINS: Are there any opponents
9 for this item?

10 THE BODY: (No response)

11 MR. ATKINS: Hearing none,
12 Commissioners, at this time I will entertain
13 a motion to close the public hearing.

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

16 MR. HARPER: Second.

17 MR. ATKINS: It's been moved properly
18 seconded that we close the public
19 hearing for this particular agenda item.
20 Staff, will you sound your recommendation.

21 Oh, to close the public hearing: All
22 in favor sound aye.

23 THE BODY: Aye.

24 MR. ATKINS: All opposed sound the
25 same.

1 THE BODY: (No response)

2 MR. ATKINS: Hearing none, the ayes
3 have it. The public hearing is now closed.

4 Now, staff, will you sound your
5 recommendation.

6 MS. CARTER: Staff recommends denial of
7 the variance request, due to conditions of
8 hardship were not met in the variance
9 criteria.

10 MR. ATKINS: Commissioners, at this
11 time, I will entertain a motion.

12 MR. HARPER: I make a motion to deny
13 the variance request on Case Number
14 2007V-025-11.

15 MR. GRANBERRY: Second.

16 MR. ATKINS: It's been moved and
17 properly and seconded. Is there any
18 discussion?

19 DR. BRIDGEWATER: Is it possible for
20 the record and for the viewing public that
21 we state the reasons here, because we as
22 Commissioners may know it and it would be
23 good for them to understand (unintelligible)
24 as well.

25 MS. CARTER: There are four criterias

1 (sic) for a variance analysis. The first
2 is, extraordinary or exceptional conditions
3 pertaining to the particular use or
4 development proposed or to the piece of
5 property in request because of it's size,
6 shape, topography or other conditions.

7 That is Criteria A.

8 Criteria B: Does the application of
9 the ordinance to the use or development
10 proposed for the particular piece of
11 property create practicable difficulties or
12 unnecessary hardship.

13 That is Criteria B.

14 Criteria C: Are there extraordinary
15 and exceptional conditions particularly to
16 the use or development proposed or to the
17 particular piece of property involved and,
18 D, if relief is granted would it cause
19 substantial detriment to other property
20 owners or tenants or to the public good.
21 would it impair the purpose and the intent
22 of the ordinance provided.

23 And that is Criteria D.

24 And that's all four criterias (sic).
25 There were no hardships found or given by

1 the applicant.

2 DR. BRIDGEWATER: Thank you.

3 MR. ATKINS: We've heard the
4 recommendations from the staff.

5 Dr. Bridgewater, are you saying this
6 body is accepting and would like to use the
7 staff's recommendation also as your basis
8 for denial?

9 DR. BRIDGEWATER: Yes.

10 MR. ATKINS: The maker of the motion,
11 Mr. Granberry, did you have that motion?

12 MR. HARPER: I did.

13 MR. ATKINS: Would you accept those?

14 MR. HARPER: Yes, I do.

15 MR. ATKINS: Who seconded that?
16 Mr. Granberry, your second still stand?

17 MR. GRANBERRY: Yes.

18 MR. ATKINS: All in favor, sound aye.

19 THE BODY: Aye.

20 MR. ATKINS: All opposed sound the
21 same.

22 THE BODY: (No response)

23 MR. ATKINS: Hearing none, the ayes
24 have it. The Commission has voted to deny
25 Application 2007 -- (unintelligible), which

1 is the variance request.

2 We move onto our next agenda
3 2007Z-018-11. The applicant is the City of
4 East Point. This particular item is a
5 zoning request amendment to Part 10, Chapter
6 2, section 10-2054, C2 district. It also
7 requires a public hearing.

8 Commissioners, at this time I will
9 entertain a motion to open public hearing.

10 DR. BRIDGEWATER: Mr. Chair, I make a
11 motion that we open a public hearing.

12 MR. ATKINS: Is there second?

13 MR. HARPER: I second the motion.

14 MR. ATKINS: It's been moved and
15 properly seconded that we open a public
16 hearing for this item.

17 All in favor sound aye.

18 THE BODY: Aye.

19 MR. ATKINS: All opposed sound the
20 same.

21 THE BODY: (No response)

22 MR. ATKINS: Hearing none, the ayes
23 have it.

24 Are there any proponents for this
25 particular agenda item?

1 THE AUDIENCE: (No response)

2 MR. ATKINS: Are there any opponents
3 for this particular agenda item?

4 THE AUDIENCE: (No response)

5 MR. ATKINS: Hearing none,
6 Commissioners, at this time I will entertain
7 motion to close the public hearing.

8 MR. GRANBERRY: I make motion to close
9 the public hearing.

10 MR. HARPER: I second that.

11 MR. ATKINS: It's been moved properly
12 seconded that we close the public hearing.

13 All in favor sound aye.

14 THE BODY: Aye.

15 MR. ATKINS: All opposed sound the
16 same.

17 THE BODY: (No response)

18 MR. ATKINS: Hearing none, the ayes
19 have it. The public hearing now closed.

20 Staff will give their recommendation,
21 please.

22 MS. CARTER: Staff recommendations
23 approval of the expanded definition for
24 animal care facility to include kennels in
25 the C2 zoning district.

1 MR. ATKINS: Commissioners, at this
2 time, I will entertain a motion.

3 MR. HARPER: Mr. Chair, I make a motion
4 that we approve Case Number 2007Z-018-11.

5 MR. ATKINS: Is there a second?

6 MR. GRANBERRY: Second.

7 THE COURT: It's moved properly
8 seconded that we approve this item.

9 All in favor sound aye.

10 THE BODY: Aye.

11 MR. ATKINS: All opposed sound the
12 same.

13 THE BODY: (No response)

14 MR. ATKINS: Hearing none, the ayes
15 have it.

16 The next agenda 2007V-019-12. This is
17 a variance to amend I-1 CUP (ph) for welcome
18 All Road, rezone the concurrent variance, I
19 believe, which is listed below. This item
20 also requires a public hearing. So at this
21 time I will entertain a motion to open the
22 public hearing.

23 MR. GRANBERRY: Mr. Chair, I make a
24 motion that we open the public hearing and
25 (unintelligible) concurrent variance

1 (unintelligible).

2 MR. ATKINS: Is there a second?

3 MR. HARPER: I second.

4 MR. ATKINS: All in favor sound aye.

5 THE BODY: Aye.

6 MR. ATKINS: All opposed sound the
7 same.

8 THE BODY: (No response)

9 MR. ATKINS: Hearing none, the ayes
10 have it.

11 Are there any opponents for this
12 particular agenda item? Would you come
13 forward please. Speak into the mic and
14 state your name.

15 MR. HARDIE: My name is Evan Hardie. I
16 am a partner with Solution Property Group as
17 well as the Chairman of the Board of the
18 Foundation of Georgia Soccer
19 (unintelligible), so I'm wearing two hats
20 here today.

21 For those of y'all that aren't familiar
22 in (unintelligible) a nine-year process in
23 1998. Essentially, the short version here
24 is, in 2005 we came in rezoned a portion of
25 the property which is here to a residential

1 use. I think, it officially we changed it
2 to a CUP, is the proper terminology for
3 resident use.

4 As the area has continued to grow, it
5 has become obvious to us that there is a
6 higher and better use for that property and
7 as a subdivision which is a combination of
8 self-storage and office condominiums.

9 We will create an office park -- we
10 will create a office park here plus two
11 self-storage buildings. It is actually --
12 On one side, it's also a part
13 (unintelligible) which we think is a
14 terrific amenity to the City of East Point,
15 both from the opportunities and the green
16 space it deserves plus, ultimately, there
17 will be significant economic benefit to
18 that.

19 But tonight we're here to talk about
20 the office park and the self-storage
21 buildings. Staff has recommended approval
22 with some conditions. There are a couple
23 things that have come up I would like to
24 address in addition to these conditions
25 first: As part of this process we are -- I

1 guess the proper word would be required to
2 have public meetings.

3 The two groups that we were asked to
4 meet with by staff were the Lakeside
5 Homeowners Association and the Homeowners
6 association represented by Dr. Carter. We
7 contacted the Kerr (ph) homes. They sent
8 letters out to their residents. They got no
9 response that anybody wanted to come to a
10 meeting to talk about it. I don't know what
11 else we're supposed to do beyond that, but
12 the fact of the matter is nobody is worried
13 is worried about it.

14 In addition, we contacted Dr. Carter.
15 I understand that his homeowner group was
16 trying to (unintelligible) in the City of
17 Atlanta. So he said, that's East Point and
18 I'm not going to worry about it.

19 So tonight we have here both myself and
20 Mr. Nathan Schroeder (ph). We will be the
21 developer, if you will, in the office park.
22 Henry Mathew (ph) and Jim Knight (ph) will
23 be the developer of the self-storage
24 facility. Robert is part of our staff on
25 the office park, and Tim Wood is our

1 engineer. So we can hopefully answer any
2 questions that you need to get answered.

3 As relates to the conditions that the
4 staff had recommended, there are two changes
5 that we would like to bring up tonight. The
6 first one is: Since our meeting just
7 recently in the working session, our civil
8 engineer has continued to work on the plans
9 and property.

10 Something has come up as we got some
11 significant (unintelligible) at the light at
12 welcome All and Ben Hill (unintelligible)
13 actually coming up welcome All and you hit
14 Ben Hill welcome All if you went straight,
15 you would actually go down. Well, what's
16 come up is there's going to be a requirement
17 for a significant retaining wall as we
18 create our driveway in, and there may be as
19 much as 20,000 feet of basement space
20 created in a couple of these buildings. So
21 the square footage limits us to 142,000
22 feet. That number may be more like 162,000
23 feet, and we request in the context of this
24 group that y'all let us finalize that with
25 (unintelligible), final grading plan. We

1 don't have that exact square footage at this
2 point, but we believe the number is plus or
3 minus 20,000 square feet.

4 The other change or request of change
5 to the conditions would be that we also be
6 allowed to use stucco as the portion of the
7 exterior finishes. As you know from our
8 meeting the other night, we discussed the
9 self-storage facility in particular would be
10 very similar to the one that's being built
11 at Redwine Road and 285. If you actually
12 look, they have all brick but on the top
13 part they do have stucco as one of the
14 exterior materials that they use. Likewise,
15 you can see on the office condominium
16 buildings that there may be a few places
17 they might use stucco as an accent rather
18 than absolutely primarily brick. We're
19 hoping any wordings that somebody might want
20 to put in there that it would be primarily
21 brick and all that, to the extent that we
22 might use stucco, we would not want to get
23 shut out (unintelligible). Henry, you want
24 to say --

25 MR. MASSEY: My name is Henry Massey.

1 I'm with Massey (unintelligible) Knight
2 Group, and my partner is Jim Knight is here
3 as well to answer any questions. As He
4 already stated, we are the developers for
5 the self-storage facility. It will be a
6 four-story climate controlled facility
7 identical in design to the one at North
8 Desert and Redwine Road. Based on the
9 success of that project and the pin-up
10 demand in the area, we're very excited about
11 our self-storage. Again, the facility will
12 be similar in design and architecture and
13 elevation to the office condos.

14 As (unintelligible) stated, we do need
15 a mixture of both glass, brick, stone and
16 stucco, which was the only thing that we
17 added (unintelligible). One last thing I
18 would like to add: At the Planning & Zoning
19 meeting last week, the public utilities
20 brought up two items: One is the alignment
21 of a driveway with the right of way, and we
22 are resurveying that to confirm that it will
23 line up with the curb cut directly across
24 the street from us so that we line that up
25 properly and we are also resurveying the top

1 of the bank of the creek to make sure we
2 have all the buffers shown properly on our
3 plans that we will ultimately submit. I
4 think that's it.

5 Any questions?

6 THE BODY: (No response)

7 MR. ATKINS: Are there any other
8 proponents for this particular agenda item?

9 MR. ATTEBERRY: (Unintelligible) I'm
10 representing the City engineer here. Those
11 were the conditions that I talked about at
12 our last meeting and those that would be
13 acceptable to the City.

14 MR. ATKINS: That was stated by
15 Mr. Hardie, who probably went over his ten
16 minutes of time.

17 MR. ATKINS: Are there any opponents
18 for this particular agenda item?

19 THE BODY: (No response)

20 MR. ATKINS: At this time, I entertain
21 a motion to close the public hearing.

22 DR. BRIDGEWATER: Mr. Chair, I make
23 motion that we close the public hearing.

24 MR. ATKINS: Is there a second?

25 MR. HARPER: I second that.

1 MR. ATKINS: It's been moved and
2 properly seconded that we close the public
3 hearing for this particular agenda item.
4 All in favor sound aye.

5 THE BODY: Aye.

6 MR. ATKINS: All opposed sound the
7 same.

8 THE BODY: (No response)

9 MR. ATKINS: Hearing none, the ayes
10 have it.

11 The public hearing now closed.

12 Staff will give their recommendation.

13 MS. CARTER: Staff recommends approval
14 with the following conditions for rezoned
15 (sp): Maximum square footage for office
16 condos and self-storage facilities shall not
17 exceed 164,000 square feet and 176,000
18 square feet respectively.

19 All elevations for a self-storage
20 facility that can be viewed from the public
21 right of way shall be constructed of
22 materials compatible with the office
23 condominiums, brick-stone-glass combination.

24 (Unintelligible) be masked with
25 (unintelligible). All roof-top equipment

1 shall be concealed by a parapet wall.
2 office condos shall be constructed of
3 brick-stone-glass combination.

4 For the concurrent variance, staff
5 recommends approval to increase the height
6 of the storage facility from 40 feet to 48
7 feet.

8 MR. ATKINS: Commissioners, at this
9 time, I would like to entertain a motion.

10 MS. SHELDON: Mr. Chair, I make a
11 motion that we approve Application Number
12 2007Z-019-12 with the concurrent Variance
13 Number 2007V-026-12.

14 MR. ATKINS: Is there a second?

15 MR. HARPER: I second that.

16 MR. ATKINS: Any discussion?

17 MS. SHELDON: I have two questions for
18 staff. Number one: Is it acceptable for us
19 to add the stucco accent to the elevation
20 materials enumerated in Condition Number 2
21 and Condition Number 5?

22 MS. GELIAS: It would be okay to add
23 the stucco accents as an accent material.
24 The majority percentage of the elevation
25 could be brick, stone or glass.

1 MS. SHELDON: So we need to amend my
2 motion the include that. One more question
3 (unintelligible): Do you need a letter to
4 staff documenting the applicant's attempts
5 to contact the neighbors with the results of
6 that or do you have that already?

7 MS. ELIAS: As a part of the public
8 participation program, they will have to
9 provide in writing and show where they made
10 their attempts to contact those neighborhood
11 associations as well as the results of them
12 contacting those neighborhood associations.

13 MS. SHELDON: Would that come as a
14 later document or should it be
15 (unintelligible) packaged?

16 MS. ELIAS: It would actually be in the
17 packet that goes to the City Council.
18 Because of this being a rezoning with a
19 concurrent variance, that document would be
20 provided and, from what I understand --

21 MS. CARTER: He has provided us with an
22 e-mail about Dr. Carter and the portion that
23 Dr. Carter is (unintelligible) handing to
24 the City of Atlanta.

25 MS. SHELDON: Is it proper for me to

1 amend my original motion at this point or is
2 that --

3 MR. ATKINS: It is proper. You can
4 amend your motion, and before you do that I
5 know that staff was talking about stucco
6 accents, but would it be even better to talk
7 about percentages. Accents can be sort of
8 vague.

9 MS. ELIAS: I'm not good with doing
10 that. However, I know there's some
11 expertise on the Commission. So if you all
12 have a recommendation for percentages of the
13 accent material, that can be a part of your
14 recommendation.

15 MS. SHELDON: I'm wondering if the
16 applicant has a request with regard to
17 percentages.

18 MR. ATKINS: At this time, applicant
19 can respond to that question.

20 MR. MASSEY: I will ask that between
21 now and the City Council hearing that we are
22 able to work with staff on the proper
23 conditions that's acceptable to both
24 parties.

25 MS. SHELDON: I'm comfortable with

1 that, if staff is comfortable with that.

2 MR. ATKINS: For that particular
3 condition or for all the conditions?

4 MR. MASSEY: For that particular
5 condition.

6 MR. ATKINS: Commissioners, you heard
7 that. So Ms. Sheldon has amended her
8 motion, and who seconded it?

9 Mr. Harper, does your second still
10 stand?

11 MR. HARPER: It does.

12 MR. ATKINS: It has been moved and
13 properly seconded that we approve the
14 concurrent zoning and variance request
15 2007Z-019-12, the 2007 (unintelligible) with
16 the conditions as stated.

17 All in favor sound aye.

18 THE BODY: Aye.

19 MR. ATKINS: All opposed sound the
20 same.

21 THE BODY: (No response)

22 MR. ATKINS: Hearing none, the ayes
23 have it.

24 Two more items here. Our next item
25 also requires a public hearing:

1 2007V-020-12. City of East Point is the
2 applicant (unintelligible) amendment Part
3 10, Chanter 7 in its entirety.

4 At this time I will entertain a motion
5 to open a public hearing.

6 MR. GRANBERRY: (?) Mr. Chair, I make a
7 motion to open a public hearing.

8 MR. ATKINS: Is there a second?

9 (?)I second that.

10 MR. ATKINS: It's been moved and
11 properly seconded that we open a public
12 hearing for this item.

13 All if favor sound aye.

14 THE BODY: Aye.

15 MR. ATKINS: All opposed sound the
16 same.

17 THE BODY: (No response)

18 MR. ATKINS: Hearing none, the ayes
19 have it. The public hearing now opened.

20 Are there any proponents for this
21 particular item?

22 THE AUDIENCE: (No response)

23 MR. ATKINS: Seeing none, are there any
24 opponents for this particular item?

25 THE AUDIENCE: (No response)

1 MR. ATKINS: At this time, I will
2 entertain motion to close the public
3 hearing.

4 DR. BRIDGEWATER: Mr. Chair, I make
5 motion we close the public hearing.

6 MR. ATKINS: Is there a second?

7 MR. COOK: Second.

8 MR. ATKINS: It's been moved and
9 properly seconded that we close the public
10 hearing for this particular item.

11 All in favor sound aye.

12 THE BODY: Aye.

13 MR. ATKINS: All opposed sound the
14 same.

15 THE BODY: (No response)

16 MR. ATKINS: Hearing none, staff will
17 give me its recommendation.

18 MS. CARTER: Staff recommends approval
19 of the repeal and establishment of the new
20 sign ordinance.

21 MR. ATKINS: Commissioners, at this
22 time I will entertain a motion.

23 MR. HARPER: I make motion that we
24 approve Case Number (unintelligible).

25 MR. ATKINS: Is there a second?

1 DR. BRIDGEWATER: I second.

2 MR. ATKINS: It's been moved and
3 properly seconded that this body approve
4 Application Number 2007Z-020-12.

5 All in favor sound the same.

6 THE BODY: Aye.

7 MR. ATKINS: All opposed sound the
8 same.

9 THE BODY: (No response)

10 MR. ATKINS: Hearing none, the ayes
11 have it.

12 The last item also requires a public
13 hearing 2007Z-021-12. The applicant is also
14 the City of East Point. At this time,
15 Commissioners, I'll entertain a motion to
16 open a public hearing.

17 MS. SHELDON: Motion to open public
18 hearing.

19 (Reporter did not see nor hear second)

20 MR. ATKINS: It's been moved and
21 properly seconded that we open a public
22 hearing. All in favor sound aye.

23 THE BODY: Aye.

24 MR. ATKINS: All opposed sound the
25 same.

1 THE BODY: (No response)

2 MR. ATKINS: Hearing none, the ayes
3 have it. The public hearing is now opened.
4 Are there any proponents for this
5 particular item?

6 THE AUDIENCE: (No response)

7 MR. ATKINS: Seeing none, are there any
8 opponents for this particular item?

9 THE AUDIENCE: (No response)

10 MR. ATKINS: Seeing none,
11 Commissioners, at this time I entertain
12 motion to close the public hearing.

13 MR. GRANBERRY: I make a motion to
14 close the public hearing.

15 MR. ATKINS: Is there a second?

16 MR. HARPER: Second.

17 MR. ATKINS: It's been moved and
18 properly seconded that we close the public
19 hearing for this particular item.

20 All in favor sound aye.

21 THE BODY: Aye.

22 MR. ATKINS: All opposed sound the
23 same.

24 THE BODY: (No response)

25 MR. ATKINS: Hearing none, the ayes

1 have it.

2 At this time we will have staff's
3 recommendation.

4 MS. CARTER: Staff recommends
5 withdrawal of the appeal and establishment
6 of the new business license ordinance.

7 MR. ATKINS: At this time I will
8 entertain a motion.

9 DR. BRIDGEWATER: Mr. Chair, in the
10 Case Number 2007Z-021-12, I make a motion
11 for the withdrawal of this application based
12 on staff's recommendation.

13 MR. ATKINS: Is there a second?

14 MS. SHELDON: Second.

15 MR. ATKINS: It's been moved and
16 properly seconded that we accept staff's
17 recommendation for withdrawal for Item
18 2007Z-021-12.

19 All in favor sound aye.

20 THE BODY: Aye.

21 MR. ATKINS: All opposed sound the
22 same.

23 THE BODY: (No response)

24 MR. ATKINS: Hearing none, the ayes
25 have it.

1 Commissioners, that brings us to the
2 end of all of our applications for this
3 month's meeting.

4 At this time I will ask are there
5 announcements from staff.

6 MS. ELIAS: I do have one: Just to
7 encourage you all to encourage your
8 neighbors to please come to the public
9 meeting that will be held January 31st,
10 2008, at 6:30 PM at the Baker Group
11 Building, located on West Cleveland Avenue.
12 The purpose of the meeting is read public
13 comment (sic) on proposed conceptual plans
14 for the Main Street (unintelligible) Project
15 (unintelligible). So please invite your
16 neighbors.

17 MR. ATKINS: It will be televised. We
18 repeat this for the listening and viewing
19 audience. There will be public meeting on
20 January 31st, 2008, in the basement to the
21 Baker Group office, which is located at 1608
22 West Cleveland Avenue, and this is to
23 discuss Main Street streetscape plans; is
24 that correct, streetscape plans?

25 MS. ELIAS: Yes.

1 MR. ATKINS: All East Point residents,
2 please come out to hear the presentation
3 (unintelligible) to voice your concerns.

4 Any other announcements from staff?

5 MS. ELIAS: No.

6 MR. ATKINS: Commissioners, any
7 announcements?

8 THE BODY: (No response)

9 MR. ATKINS: My only announcement is
10 that, as you all know as per our by-laws,
11 February is the month where we elect
12 officers, and I am sitting here tonight as
13 vice chair of this Commission, but I shan't
14 be the chair of this Commission
15 (unintelligible) to nominate and elect a
16 chair for the East Point Planning & Zoning
17 Commission.

18 I will be more than happy to continue
19 to serve as vice chair, but I will give you
20 30-day notice that I shan't be the chair of
21 the Commission, and that's my only
22 announcement.

23 At this time, I entertain motion to
24 adjourn.

25 MR. GRANBERRY: Mr. Chair, I would like

1 to wish (unintelligible) East Point a happy
2 new year.

3 (Reporter did not see nor hear move)

4 MR. ATKINS: It's been moved and
5 properly seconded that we adjourn this
6 meeting.

7 All in favor sound aye.

8 THE BODY: Aye.

9 MR. ATKINS: All opposed sound the
10 same.

11 THE BODY: (No response)

12 (Concluded at 8:11 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 52 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 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 hearing. I will charge my usual and customary rates to all parties in the case.

This, 6th day of February 2008.

Arne' B. Davis, CCR
B-1475