

1 CITY OF EAST POINT
2 PLANNING & ZONING COMMISSION

3 April 17, 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 - Absent**

15 Commissioner Patricia **LOVETT**

16 Commissioner Thomas **CALLOWAY**

17 Commissioner Stephanie **GORDAN**

18 Commissioner Williard **MAXWELL**

19 Also Present:

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

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

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

Richard **RANDOLPH**
City Engineer

Christian **JOLLY**
Videographer

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I. CALL TO ORDER: 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 April meeting.
Today is April 17th, 2014. Staff, would you please offer Roll Call for a
quorum check.

II. ROLL CALL:

MS. CARTER: Commissioner Lovett.
COMMISSIONER LOVETT: Present.
MS. CARTER: Commissioner Borders.
COMMISSIONER BORDERS: Here.
MS. CARTER: Commissioner Calloway.
COMMISSIONER CALLOWAY: Present.
MS. CARTER: Commissioner Fann.
COMMISSIONER FANN: (No response.)
MS. CARTER: Commissioner Atkins.
COMMISSIONER ATKINS: Present.
MS. CARTER: Commissioner Tucker.
COMMISSIONER TUCKER: Here.
MS. CARTER: Commissioner Sheldon.
COMMISSIONER SHELDON: Here.
MS. CARTER: Commissioner Gordon.
COMMISSIONER GORDON: Present.
MS. CARTER: Commissioner Maxwell.
COMMISSIONER MAXWELL: Present.
MS. CARTER: Commissioner Atkins, we have a quorum.

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COMMISSIONER ATKINS: All right. Thank you. At this time, we will observe a Moment of Silence.

III. MOMENT OF SILENCE:

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

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER ATKINS: Commissioners, at this time, I'll entertain a motion to adopt the agenda.

V. ADOPTION OF AGENDA:

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We will follow the agenda as presented. Commissioners at this time, I'll entertain a motion to approve our February 20, 2014 meeting minutes.

VI. APPROVAL OF FEBRUARY 20, 2014 MEETING

MINUTES:

COMMISSIONER TUCKER: Mr. Chair.

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COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I offer a motion to approve the February 20, 2014 minutes.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER GORDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker and seconded by Commissioner Gordon that we approve our February 20, 2014 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye. All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our meeting minutes from February are approved. Commissioners, at this time, I'd like to take an opportunity for a special presentation and would like to ask if our former Commissioner, Dr. Lydia Wares, if she would please approach the podium.

(Whereupon Dr. Lydia Ware approaches the podium.)

VII. SPECIAL PRESENTATION:

COMMISSIONER ATKINS: Dr. Wares we just, as a Body, would like to take an opportunity to take you for your number of years of service. I believe you served five years as a Commissioner on the East Point Planning & Zoning Commission and we wanted to stop and pause and offer recognition for your dedication and your commitment to the City of East Point. We have for you tonight a certificate and I will read the certificate. It says, Certificate of Appreciation Awarded to Dr. Lydia Wares in recognition of your

1 committed service to and valued expertise shared with the City of
2 East Point Planning & Zoning Commission for five year. Your
3 participation as a member from 2009 until 2014 represented your
4 continued adherence to all ordinances, policies, regulations and
5 procedures adopted by the City Council with respect to zoning related
6 matters. Represent this to you this evening, Thursday, April 17th,
7 2014. It's signed by the Mayor of the City of East Point, the
8 Honorable Jannquell Peters as well as myself, as Chair of the
9 Planning and Zoning Commission, and I was very happy to sign it
10 because I enjoyed serving with you as I'm sure some of the other
11 members and many of the other members did as well. So we want
12 to give you this and we also would like to give you your name plate.
13 Do you love it?

14 COMMISSIONER WARES: I do.

15 COMMISSIONER ATKINS: Okay. Well, great. Well, we like
16 to do things that you love so we want to give you your name plate
17 and we ask that you place it somewhere proudly in your home, in
18 your office or somewhere that is special to you because you were
19 truly special to us as one of your fellow Commissioners.

20 COMMISSIONER WARES: Thank you.

21 COMMISSIONER ATKINS: Okay. Would you like to say
22 something.

23 COMMISSIONER WARES: Thank you so so much. I was
24 almost in tears and I'm happy to be here. I'm happy to have been
25 appointed by two people before. They're not here anymore, Mrs.

1 Pittman and Jackie Slaughter-Gibbons. Thank you so much for
2 appointing me. I learned so much from all of you and I also said
3 yeah to accept the agenda for today, but I knew that would be
4 wrong, so just know that everything is in divine order and that I love
5 you. There's nothing you can do about it and to end, I am now on --
6 not a Commissioner, but it's a Body, the Governor's Committee for
7 the new Charter Systems at Paul D. West and I'm still serving as a
8 committee member for the Juvenile Justice System. I've been doing
9 that for fifteen years to help our young kids, so that's who I am.
10 Finally, I'll be ordained in May. I'll take my exams in May and I'll be
11 ordained in June, so I'm going to keep praying for you all. Okay.
12 Thank you and good evening.

13 COMMISSIONER ATKINS: You're quite welcome. I'd also like
14 to take just a few moments. If there are any other Commissioners
15 who would like to say a few words about Dr. Wares's service on the
16 Commission. I know that she was very special and joining us tonight
17 also is Dr. Wares's mother and we don't see her a whole lot, but she
18 comes to all of the important meetings and those would be in
19 December because we always have a holiday gathering off the
20 meeting and they're not the same without her and so I would just
21 like to extend an invitation to you, Dr. Wares, as well as your mother
22 for this coming December when we gather again as a Commission to
23 celebrate the holiday season.

24 Commissioners, any of you would like to say anything?

25 COMMISSIONER SHELDON: I would. I just miss you and I

1 just want you to know that I have always appreciate your
2 thoroughness and your curiosity and your ability to do a thoughtful
3 analysis and ask really intelligent and informed questions and your
4 inherent goodness and kindness.

5 COMMISSIONER WARES: Thank you.

6 COMMISSIONER SHELDON: Do well.

7 COMMISSIONER ATKINS: Thank you. Commissioner Tucker.

8 COMMISSIONER TUCKER: Yes, I would just like to say I miss
9 you. Doctor Wares is a lady, a professional, a good friend and I
10 enjoyed serving with you.

11 COMMISSIONER ATKINS: Excellent. Thank you. Anyone
12 else.

13 COMMISSIONERS: (No response.)

14 COMMISSIONER ATKINS: Okay. If not, we'll move to our
15 next Agenda Item. Thank you so very much. Please feel free to
16 stay, but I can't promise you that it's going to be very exciting, so if
17 you feel that you would like to leave, we will understand.

18 COMMISSIONER WARES: My people will get with your
19 people.

20 COMMISSIONER ATKINS: Okay. Excellent.

21 (Whereupon the Body and the Audience laughs.)

22 COMMISSIONER ATKINS: Okay. Commissioners, at this
23 time, we will move to your next item on the agenda and that is a
24 variance and it's Case Number 2014 "V" as in Victor-002-02. Staff,
25 would you please sound this Agenda Item.

1 **VIII. OLD BUSINESS:**

2 MS. CARTER: This item is a Special Use Permit for a church
3 in the C1, Neighborhood Commercial Zoning District with a
4 concurrent variance. The applicant is Curt Overton. The location is
5 3197 Washington Road. This application -- although we have had a
6 Special Use Permit -- I mean, a public hearing for this use permit, we
7 will now have the public hearing for the concurrent variance.

8 COMMISSIONER ATKINS: That is exactly correct and so last
9 meeting, we heard the Special Use Permit, so we did hold a public
10 hearing as Regina stated and we decided to defer the variance so
11 that they will travel together and so at this time, I'll going to
12 entertain a motion to open the public hearing. Before I do that, I will
13 read the rules for our public hearings and we will have several public
14 hearings tonight and I would just like to let the audience know that
15 the rules that I read, at this moment, they will apply to all of the
16 public hearings for each of the agenda items that will require a public
17 hearing.

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

20 COMMISSIONER ATKINS: Public hearings before the
21 Planning & Zoning Commission shall be conducted in accordance to
22 Section 10-2219 of the East Point Planning & Zoning Code and
23 Development Regulations as follows: Persons both favoring and
24 opposing the proposed case will be provided an opportunity to
25 address the Commission. The applicant for the zoning case or the

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applicant's designated representative, if any, will be entitled to speak first followed by other speakers in favor of the proposal for a total of fifteen (15) minutes.

Those who opposed the proposed zoning case will then be permitted to speak for a total of fifteen (15) minutes. By majority vote, this 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 officer 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 current address. Each speaker shall speak only to the merits of proposed zoning decision under consideration, shall address remarks only to the Commission and shall refrain from making personal attacks on any other speaker. The presiding officer may refuse the speaker a right to continue, if after first being cautioned, the speaker continues to violate the rules of decorum.

Those are our rules for public hearing. Commissioners, at this time, I'll entertain a motion to open the public hearing.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I move we open the public hearing for this item.

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COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MAXWELL: Second, I second the motion.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Maxwell that we open the public hearing for Case Number 2014 "V" as in Victor-002-02. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

COMMISSIONER ATKINS: Is our applicant present tonight, Curt Overton?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay. Would you please approach the podium.

(Whereupon Applicant Curt Overton approaches the podium.)

MR. OVERTON: Greetings everyone. My name is Curt Overton. I'm representing the Moorish Science Temple of America, address 3197 Washington Road and to discuss our current variance permit.

COMMISSIONER ATKINS: Okay. Present your case.

MR. OVERTON: Okay. At our last meeting, the case that was laid out was that the main concern was that we didn't have enough parking spaces, the allotted parking spaces that were necessary for the square footage that we have. It was told to us that we needed

1 twenty-seven (27) parking spaces so what we did was we contacted
2 the property owner next to us, Dr. Robert Utley and arranged a
3 shared parking agreement between his parking lot and ourselves and
4 we had that shared parking agreement. We also faxed a copied of
5 that over to Planning and Zoning to satisfy that particular request and
6 that was basically the main thing that was requested of us, so that
7 was satisfied.

8 COMMISSIONER ATKINS: Okay. Excellent. Are there any
9 other proponents for this zoning case?

10 AUDIENCE: (No response.)

11 COMMISSIONER ATKINS: Are there any other proponents
12 for this zoning case.

13 AUDIENCE: (No response.)

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

16 AUDIENCE: (No response.)

17 COMMISSIONER ATKINS: Any opponents to this zoning case
18 who would like to speak?

19 AUDIENCE: (No response.)

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

23 COMMISSIONER SHELDON: So moved.

24 COMMISSIONER ATKINS: Is there a second?

25 COMMISSIONER CALLOWAY: Second.

1 COMMISSIONER ATKINS: It's been moved by Commissioner
2 Sheldon and seconded by Commissioner Calloway that we close the
3 public hearing. All in favor sound aye.
4 COMMISSIONERS: Aye.
5 COMMISSIONER ATKINS: All opposed sound nay.
6 COMMISSIONERS: (No response.)
7 COMMISSIONER ATKINS: Hearing none, the ayes have it.
8 The public hearing is now closed. Staff, would you please sound
9 your recommendation.
10 MS. CARTER: Staff recommends denial of this Special Use
11 Permit and the concurrent variance to allow the use of a church in a
12 C1 Neighborhood Commercial Zoning District.
13 COMMISSIONER ATKINS: Okay. Commissioners, you've
14 heard from the applicant and you've also heard Staff's
15 recommendation. At this time, I'll entertain a motion.
16 COMMISSIONER SHELDON: Mr. Chair.
17 COMMISSIONER ATKINS: Commissioner Sheldon.
18 COMMISSIONER SHELDON: I make a motion that we deny
19 the Special Use Permit request and the associated variance of Case
20 Number 2014U-003-02 and 2014B-002-02.
21 COMMISSIONER ATKINS: Okay. There's a motion on the
22 floor. Is there a second?
23 COMMISSIONER CALLOWAY: Second.
24 COMMISSIONER ATKINS: Okay. Is there any discussion?
25 COMMISSIONER SHELDON: Yes, sir.

1 COMMISSIONER ATKINS: Okay. Commissioner Sheldon.

2 COMMISSIONER SHELDON: Staff, in your analysis, you note
3 that the only way we are allowed to authorize this is if all of the
4 findings that are in our ordinance are found to be a problem, so we
5 have some that are not a problem, Number Four and Number Five,
6 but one, two and three are an issue, so we really have no option
7 here; am I correct?

8 MS. CARTER: Correct. These two cases are concurrent,
9 meaning that for the Special Use Permit, there are four standard;
10 however, Standard Number One cannot be met; therefore, there is a
11 concurrent variance. The variance does not meet all five, therefore,
12 we, as Staff, we go back to Standard Number One, which is isn't met,
13 nor is it met to get a variance.

14 COMMISSIONER SHELDON: Okay. That would just be my
15 clarification for you. If you need some technical information about
16 that, I'm sure they can provide that for you.

17 MR. OVERTON: Would now be a proper time to do so?

18 COMMISSIONER ATKINS: Well, the public hearing has now
19 ended; however, if a Commissioner should engage you in
20 conversation, then you may respond. Okay.

21 COMMISSIONER SHELDON: And I just did, so if you have
22 something to say in response to that then you can.

23 MR. OVERTON: You specifically mentioned five categories and
24 I think you said three that were not met, would you mind reading
25 those off as far as the once that were not met, please.

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COMMISSIONER SHELDON: This was for the variance analysis. The first one is that you do not have an exceptionally narrow, shallow or challenging shape of the lot that you're dealing with. The next one is that this variance would go beyond the minimum necessary to afford relief for the standard of having churches, temples and places of worship immediately adjoin residentially zoned property and then the third one has to do with the adoption of the Special Use Permit standards and we can give you the exact information for that afterwards if you would like.

MR. OVERTON: Thank very much.

COMMISSIONER ATKINS: Commissioners, any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Any other discussion?

COMMISSIONERS: (No response.) There is motion to deny on the floor. The motion has be made by Commissioner Sheldon. It has been seconded by Commissioner Calloway. 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 motion passes so the recommendation is to deny. Okay. All right. Our next Agenda Item is Case Number 2014 "U" as in umbrella-002-02. Staff, would you please sound this Agenda Item.

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IX. NEW BUSINESS:

MS. CARTER: This is a Special Use Permit for a congregate care group residence in the M.I., Medical Institutional Zoning District. The location is 3409 Washington Road and the applicant is Babbette Woodbury.

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

COMMISSIONER GORDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Gordon.

COMMISSIONER GORDON: I so move.

COMMISSIONER ATKINS: Is there is second.

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Gordon, seconded by Commissioner Borders; is that right?

COMMISSIONER BORDERS: Yes.

COMMISSIONER ATKINS: Seconded by Commission Borders that we open the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Is the applicant present? Is Ms. Woodbury present? Would you please approach the podium.

(Whereupon the Applicant Babbette L. Woodbury approaches

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the podium.)

COMMISSIONER ATKINS: Ms. Woodbury would you please state your first and last name and your current address.

MS. WOODBURY: My name is Babbette Woodbury at 4415 Thurgood Estates Drive, Ellenwood, Georgia.

COMMISSIONER ATKINS: Okay. You can present your case.

MS. WOODBURY: I was here last week for the Planning and Zoning meeting and the only question I have is would it be feasible for us, if in fact, we could change our request from a congregate care, which that was not my initial intent but for a personal care home, for our Special Use Permit to be personal care home instead of congregate care?

COMMISSIONER ATKINS: Okay. So you would like to alter your application from congregate care to personal care home?

MS. WOODBURY: Personal care home, yes.

COMMISSIONER ATKINS: And so I have a question because the Commission, I think within our authority, would we need to have or to alter her application or could we offer a motion that speaks to the personal care home rather than the congregate care?

ATTORNEY LINDA DUNLAVY: You could make a motion to consider this as an application for the personal care home. The problem is that it has not been advertised for a personal care home. It's been advertised for congregate care and the standards are different for personal care home than they are for congregate care, so I think you would compound the applicant's problems by moving

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this forward as a personal care home application. It would probably be best to recommend deferral so that she could then amend her application, start over next cycle.

COMMISSIONER ATKINS: Okay.

COMMISSIONER SHELDON: Question.

COMMISSIONER ATKINS: All right. Okay.

COMMISSIONER SHELDON: Would it be possible -- do we have the authority to request that any additional fees be waived and are there any additional fees?

ATTORNEY LINDA DUNLAVY: There is nothing in the ordinance that states anything in regards to fees. However, my understanding, and correct me if I'm wrong, Regina, because I did ask Genesa this question. If you, in fact, decide that you are going to recommend that this application be deferred so that she can start anew -- whenever we defer applications from this Body, no new fees are required. Now, if she were to withdraw this application and start anew, she would have to pay new fees. Is that correct, Regina?

MS. CARTER: Correct.

COMMISSIONER SHELDON: So the most expedient is to request a deferral for the next meeting?

ATTORNEY LINDA DUNLAVY: Right, to recommend a deferral and, in fact, the applicant, I think, when you condense her request down, it's requesting that it be deferred.

COMMISSIONER ATKINS: Is that all you would like to present tonight?

1 MS. WOODBURY: Yes.

2 COMMISSIONER ATKINS: Okay. All right. Are there any
3 other proponents for this zoning case?

4 AUDIENCE: (No response.)

5 COMMISSIONER ATKINS: Any other proponents?

6 AUDIENCE: (No response.)

7 COMMISSIONER ATKINS: Are there any opponents here
8 tonight to speak to this zoning case?

9 AUDIENCE: (No response.)

10 COMMISSIONER ATKINS: Any opponents?

11 AUDIENCE: (No response.)

12 COMMISSIONER ATKINS: Seeing none, Commissioners, at
13 this time, I'll entertain a motion to close the public hearing.
14 Commissioner Borders, would you like to move?

15 ATTORNEY LINDA DUNLAVY: Mr. Maxwell just did.

16 COMMISSIONER ATKINS: Oh, okay. Commissioner Maxwell.

17 COMMISSIONER BORDERS: Second.

18 COMMISSIONER ATKINS: And you second. Okay. It's been
19 moved by Commissioner Maxwell and seconded by Commissioner
20 Borders that we close the public hearing for Case Number 2014 "U"
21 as in umbrella-002-02. All in 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 denial of the Special Use Permit to allow the use of a congregate group residence in the M. I. Medical Institutional Zoning District, which is not consistent with the 2036 Comprehensive Plan, Neighborhood Center Future Development Patterns for use in scale.

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

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

COMMISSIONER CALLOWAY: I would like to make a motion that we defer a decision on Case Number 2014U-002-02 until our next meeting a month from now

COMMISSIONER ATKINS: Okay. Our regularly scheduled meeting. Okay. Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Calloway. Any discussion?

COMMISSIONER BORDERS: I have a question. Does this deferral and this change from congregate through to special -- whatever it goes to require re-advertising and re-notifying all the parties involved, so we will have to go through that process?

MS. CARTER: Correct. We will have to re-advertise.

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COMMISSIONER BORDERS: Readvertise and do the CZIM
and --

MS. CARTER: Not the CZIM -- well, yes, I'm sorry, yes, CZIM
because it is a change in use so CZIM would have to be redone and
the advertisement.

COMMISSIONER BORDERS: Okay. Thank you. Appreciate
that.

COMMISSIONER ATKINS: Any other discussion?

COMMISSIONER CALLOWAY: Yes.

COMMISSIONER ATKINS: Commissioner Calloway.

COMMISSIONER CALLOWAY: I would like to thank Ms.
Woodbury for coming down here tonight and spending time with us.
Originally when we went over there, I'm glad to see that you came
and asked to change that to that personal care facility. Also, as you
go through this process again, I think it's a wonderful opportunity to
engage the neighborhood that it's going to be in. I think that they
will be very supportive of this and I would like to see them come out
and be proponents of this the next time and also the property that is
adjoining the actual facility, those property owners, is a good time to
address them because I know that they have expressed some
concerns about the congregate care home and seeing that your
changing it to a personal care facility, I just have one question for the
record. I know we went over this. In your proposal, you had
mention, clients. Could you defined who your clients are and who
your clients and they're planning to be?

1 COMMISSIONER ATKINS: Would we want to hear that today
2 because she's asking for deferral and the application is for a
3 congregate care and not personal care, so her responses tonight
4 would be, I think, probably inappropriate because it's not for this
5 application.

6 ATTORNEY LINDA DUNLAVY: I'm sure if the applicant wants
7 to answer it, she can, but the Chair raising a good point because she
8 is reapplying and that would be a question could ask at the Work
9 Session when it comes up next.

10 COMMISSIONER CALLOWAY: Okay. I'll withdraw the
11 question.

12 COMMISSIONER ATKINS: Any other discussion or questions,
13 Commissioners?

14 COMMISSIONERS: (No response.)

15 COMMISSIONER ATKINS: Commissioners, there's a motion
16 on the floor to defer until our next regularly scheduled meeting in
17 May by Commissioner Calloway and there's a second by
18 Commissioner Borders, right?

19 COMMISSIONER CALLOWAY: Yes.

20 COMMISSIONER ATKINS: Second by Commissioner Borders.
21 All in 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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We will defer this to our regularly scheduled May meeting.

MS. WOODBURY: Thank you.

COMMISSIONER ATKINS: You're welcome. Okay. The next Agenda Item is Case Number 2014 "Z" as in zebra-001-01. Staff, would you please sound this Agenda Item.

MS. CARTER: This item is a rezoning from R1A Urban Residential to R3, Multifamily Development. Location is considered as 0 Washington Avenue. It is the Washington Carver older Washington Apartment and the applicant is Mark Knight and Sharon Tsepas.

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

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I move to open up the public hearing on Case Number 2014Z-001-01.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MAXWELL: I we could.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

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The public hearing is now open. Are the applicants present? Would you please approach the podium.

(Whereupon Applicants Mark Knight and Sharon Tsepas approach the podium.)

MR. KNIGHT: Good evening.

COMMISSIONER ATKINS: Good evening. State your first and last name and your current address both of you and then you can present your case.

MR. KNIGHT: Mark Knight, 860 Peachtree Street, Atlanta, Georgia, 30308.

MS. TSEPAS: Sharon Tsepas, 878 Peachtree Street, Atlanta, Georgia, 30309.

COMMISSIONER ATKINS: Okay. Very good.

MR. KNIGHT: We're here to ask for the rezoning for the property from R1A to R3 for the purpose of renovating these apartment complexes into a multifamily complex.

COMMISSIONER ATKINS: Okay. Anything else.

MS. TSEPAS: I'd like to say a few words. I had a chance to briefly look over the Staff recommendation and as a planner, I concur with the favorable recommendation.

As the architect, I want to just talk about a few of the Staff's recommended conditions on the property. If you guys grab those. So, I mean, I think the intent of all of these conditions is very good. I just want to go through a few of them because they get very specific and I have a few concerns about a couple of them. So

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Condition A, alternate building facade materials with face stone and brick. Well, the buildings are all brick currently, so I don't know that it makes a lot of sense to go and put like a fake stone on top of what is already a brick building. I mean, I like brick. I don't think that there's a problem. I think the intent of this is to break up the buildings so everything doesn't look the same and that's definitely what we would want to do, but probably I have a little bit different approach in how to do that. I think though -- I mean, color is one way definitely and alternating the other types of materials on the awnings and other features such as -- I'd like to soften the buildings using green screen, which is a planted screen and I'd like to incorporate that into different areas of the building to try to break that up and through awnings and canopies and covers, that would have different colors, but not so much applying sort of a fake facade on top of the bricks, so that's just A -- B, construct decorative shadow planter boxes at rear window units.

Again, very specific. Love the idea of having something green. Maybe that's done with a green screen element. Does it necessarily have to be exactly a planter box? Don't know. We might want planters definitely in the project. We would want them in areas where they would be maintained and not turned into something that is of light and not taken care of. So typically, you want to have planters as part of the common element because not all residence treat them the same way. So that maybe -- I want to have green on the building and around in plantings, but I'm not sure right now if I

1 can commit to saying, they would exactly be shadow planter boxes.
2 Playground facility, definitely want to do that.

3 Construct continuous porches along the lengths of the
4 buildings to be used as gathering area for the residents. Love the
5 idea of different gathering areas for the residents. I think an arbor
6 structure with green. That's kind of the vision is having arbor
7 structure. However, I don't -- from a safety standpoint, many of
8 these unit -- most of them already have porches. Many of them have
9 recessed porches. To then go beyond a recess porch with another
10 hanging canopy then starts to take away from the openness that I
11 would like to see there. I want to open the development up more
12 and have more visibility and I get worried about -- like saying, oh
13 definitely, we're going to put a continuous canopy across the whole
14 front of the building. I'm not sure that that would work in every
15 case.

16 You have different building types. Some are actually -- the
17 buildings are not all a single plane in the facade. Some of them sit
18 back and you have varying conditions. We want to have canopies.
19 We want to have patio areas for the unit for each unit, but they're all
20 different. So I'd love that to maybe say construct covered areas,
21 arbor areas around the building or within the facility to be used for
22 gathering areas.

23 Gazebo, not a problem as long as gazebo doesn't exactly have
24 to be a certain shape, but one associates with a gazebo because it
25 may have a different look to it depending on the design because I

1 want everything to match and so I don't know about the word,
2 gazebo, covered structure, I think I'd like better and that's it. So I
3 just wanted to speak a little bit to the specificity. I really want to
4 make this a great project. For me, it's like -- I mean, I worked on
5 the plan itself, the master plan and for me, it's like my baby, so I
6 want it to be great. I just don't want to commit to things that may
7 actually make it not as good as it could be so that's all.

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

10 AUDIENCE: (No response.)

11 COMMISSIONER ATKINS: Any other proponents for the
12 zoning case?

13 AUDIENCE: You mean for or against?

14 COMMISSIONER ATKINS: For, yes. Would you please
15 approach the podium. Have you signed the speaker's card?

16 AUDIENCE: No.

17 COMMISSIONER ATKINS: Okay. Well, come up forward.
18 (Whereupon Waymon Harley approaches the podium.)

19 COMMISSIONER ATKINS: The speaker cards are here. Fill
20 out the speak's card, but if you would please state your first and last
21 name and a current address.

22 MR. HARLEY: I'm Waymon Harley, Chairman of the South
23 Fulton Community Organizers. My address is 270 Redding Ridge,
24 Atlanta, Georgia, 30349. Being the chairman and being involved in
25 the community throughout South Fulton, this is one of the main area

1 I'd be readily strong to support because it's Grassroot area that we
2 feel that it could use a lot of attention and support in the community
3 businesses. We just want to thank this development and those that
4 anticipate in taking this opportunity and efforts to come to our
5 community of this area. We all met in the last two or three weeks
6 even with the East Washington Neighborhood Associations, Charles
7 Barlow and his committee members and they see fit in trying to help
8 us to achieve this goal, as a beginning for this community and hoping
9 to continue to bring other ideas and suggestions to help this whole
10 area of that side of that community so I would like to take this
11 moment and say thank you, hoping that we can continue to work in
12 your community and do more for the people of the community.

13 COMMISSIONER ATKINS: All right. Thank you. Are there
14 any other proponents here? Mr. Harley, make sure you fill out the
15 speaker's card and then if you would please hand that to Staff.

16 Okay. Thank you. Any other proponents here for this zoning case?

17 (Whereupon Mr. Joseph Johnson approaches the podium.)

18 MR. JOHNSON: Can I have one of those cards.

19 COMMISSIONER ATKINS: Yes.

20 MR. JOHNSON: Thank you. I'm Joseph Johnson, 2865 Duke
21 of Gloucester, East Point, Georgia, 30344. I want to make sure that
22 as members of the Planning & Zoning Commission, that the
23 recommendations that have been presented by the Planning and
24 Zoning planning was designed to assure that the quality that is
25 reflected of this development is congruent with the 2036

1 Comprehensive Plan for the City of East Point and one of the issues
2 that relate directly is making sure that we are consistent and the
3 level of consistency is we have professional people who have put the
4 time and expressed an interest of how this should reflect upon East
5 Point for the next thirty (30) or forty (40) years for this development
6 in the this particular community and what I hope is that the
7 Commissioners will take serious consideration approving the
8 recommendations as presented by the planning department. Thank
9 you and I will complete this card and give it to Staff.

10 COMMISSIONER ATKINS: For the record, Mr. Johnson, I just
11 want to make sure this was the opportunity for proponents so are
12 you speaking in favor of their zoning application or are you an
13 opponent, just so that we have that for the record.

14 MR. JOHNSON: I'm speaking for the recommendations as it
15 relates to the Planning Department as presented exclusively.

16 COMMISSIONER ATKINS: Okay.

17 MR. JOHNSON: If you're not going to agree with what the
18 Planning Department has presented for presentation, then I'm
19 opposed to it.

20 COMMISSIONER ATKINS: Okay. So all right. Are there any
21 other proponents to speak in favor of this zoning case? Any of
22 proponents?

23 AUDIENCE: (No response.)

24 COMMISSIONER ATKINS: Are there any opponents here
25 tonight to speak against this zoning case? Any opponents?

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AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, Commissioners, at this time, I'll entertain a motion to close 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 close the public hearing for this zoning case. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. CARTER: Staff recommends approval with conditions to have proposed rezoning from R1A, Urban Residential to R3, Multi-Family Residential. The conditions are as follows: A) alternate building facade materials with face stone and brick; B) construct decorative shadow planter boxes at rear window units; C) construct playground facility; D) construct continuous porches along the length of the building to be used as gathering areas for residents; E) construct the gazebo to serve as community gathering area for residents; F) project shall meet all applicable East Point Codes, Ordinances, Policies, Regulations and Standards.

COMMISSIONER ATKINS: Commissioners, you've heard from

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the applicant, you've also heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Commissioner Sheldon. I make a motion to approve with the conditions for discussion.

COMMISSIONER ATKINS: Is there is second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Tucker. Any discussion?

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Okay. Commissioner Sheldon.

COMMISSIONER SHELDON: I have some questions for Staff with regard to the architect's comments. On "A" is this alternating of the building facade per building or within each building so that they could have building to be different colors, different materials from building to building or on just one building?

MS. CARTER: On different buildings. The conditions originated from the actual site concept of the lowest concept building of it being just monotone and Staff came up with instead of it being monotone in the whole development to alternate the buildings with a different -- so that you have alternating buildings.

COMMISSIONER SHELDON: All right. Was that clear to you?

MS. TSEPAS: Very clear. We definitely want to alternate. Would it be out of the question for everything to be the same, but I think my concern is saying, it's got to be this material. I think that's

1 taking it too far. I want to alternate, but I don't want to put myself
2 in a position where I'm making it look worse by saying, oh, I'm going
3 to put some fake stone on it. That's just not something I'm
4 comfortable with.

5 COMMISSIONER SHELDON: My next question then would be
6 is this condition that your coming up with, that's from some of our
7 text, is it not?

8 MS. CARTER: Correct and to tell you exactly where it's from,
9 I would have to go back through.

10 COMMISSIONER SHELDON: But it is in the ordinance itself?

11 MS. CARTER: Yes. Usually we --

12 MS. TSEPAS: No, it's not in the overlay ordinance for that
13 area though. Those buildings are within the Cleveland Avenue
14 overlay district ordinance, which I wrote, so I know that it doesn't get
15 that specific where it says, you have to make a brick building, you
16 have to have a stone building. It just isn't there.

17 COMMISSIONER SHELDON: Well, I'll refer to Staff regarding
18 that.

19 MS. TSEPAS: Okay. That is right.

20 COMMISSIONER SHELDON: Mrs. Carter.

21 MS. CARTER: In the overlay district, there are specifics and I
22 think what Genesa meant on this one was face stone or brick so that
23 it was alternating and "and" means all of them as opposed to or, so I
24 don't think it was meant to be, "and."

25 COMMISSIONER SHELDON: Oh, okay. So to alternate the

1 building facade, materials could be executed simply with color so that
2 they're all brick buildings and they alternate them with different tones
3 and colors that are sort of an architect's vision, that would answer
4 the intent of this correction. Then how do we reword that to make
5 that clear, that message?

6 MS. TSEPAS: That would be great.

7 COMMISSIONER SHELDON: So that if we were to say,
8 alternate buildings facade materials of face stone and/or brick per
9 building or by building, would that -- can you all help me out.

10 COMMISSIONER ATKINS: Yes, I'm drafting something now,
11 currently.

12 COMMISSIONER SHELDON: It's a complex rewording.

13 COMMISSIONER ATKINS: And I think that the intent of Staff
14 is to say that there's a variation and so I'm assuming that you're
15 trying to approach at least fifty percent of the buildings so that if
16 you're saying, alternate -- are you saying, every other, so then we're
17 talking fifty percent; is that what you're saying?

18 MS. CARTER: Correct, every other.

19 COMMISSIONER ATKINS: Every other. Okay.

20 MS. CARTER: Alternating.

21 COMMISSIONER ATKINS: Okay. So when she says, every
22 other -- and so Ms. Tsepas, what I was thinking -- because I think
23 that the way the conditions are read here, I personally feel that it is a
24 bit of tying your hand to something and so I would like to give you
25 the flexibility to exercise your desire for creativity for the buildings,

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but I also want to be able to do that in line with the guidelines for the Cleveland Avenue Architecture Overlay and so the wording that I have be sitting here drafting is to enhance at the minimum fifty (50) percent of the building facades with color and or materials as approved by the Cleveland Avenue Architecture Overlay.

COMMISSIONER SHELDON: Perfect. Read it again, please.

COMMISSIONER ATKINS: Okay. Enhance at least at a minimum fifty (50) percent of the building facade with color and or materials as approved by the Cleveland Avenue Architecture Overlay, so I think that that gives you enough creative freedom to be able to implement the design ideas that you have, but also I think that it will require that you conform to the overlay that is in place and I think that that is where we're trying to get to with this. Okay.

COMMISSIONER SHELDON: Okay. That's done.

COMMISSIONER ATKINS: So that would be "A" and I'm going to keep -- because I'm sure we're going to have to read these again.

COMMISSIONER SHELDON: You want me to lead the discussion?

COMMISSIONER ATKINS: Yes, go ahead.

COMMISSIONER SHELDON: The next one, the intent for decorative planter boxes. Is that decorative planter box spread out in the overlay in terms of the verbiage there?

MS. CARTER: That, I'm not sure.

COMMISSIONER SHELDON: Okay.

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MS. CARTER: However, we will be open to --

COMMISSIONER SHELDON: What if we instead say and reword and Shean you can start drafting --

COMMISSIONER ATKINS: I'll start drafting.

COMMISSIONER SHELDON: -- that construct -- every chime in.

COMMISSIONER CALLOWAY: I was going to ask obvious we want to take into accountability as we said and, of course, with Staff is recommending here and this is the first time that I have seen these tonight. Would it be prudent to possibility defer this to our next meeting given her an opportunity to come up with either some drawings or some sort of solutions that would adhere to the spirit, it adhere to the architectural overlay and what's defined within the architectural overlay and so that we can get on the same page because my understanding was --

MR. KNIGHT: I think we're very very close. I think we all agree in philosophy of all the points here. I think it's just a matter of simple wording just to give the architect a little more flexibility in your design aspects and quite frankly because of where we are in this process to defer another month would be not detrimental to us, but it would hurt us.

COMMISSIONER ATKINS: Okay.

COMMISSIONER CALLOWAY: That why I was asking.

COMMISSIONER ATKINS: Okay. Yes and so I agree and this happens quite often on the floor.

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MR. KNIGHT: And in principle, we're all in agreement.

COMMISSIONER SHELDON: Absolutely. That's why I wanted -- before we pass it, I want the verbiage to be on record that leaves you the space you need to do whatever it is your trying to do. That's why we're going to slave through it for a few minutes. We only have a couple more of these, so does anybody have a suggestion on this next one?

COMMISSIONER TUCKER: The applicant said that she would be agreeable to construct planters as a common thing. You said that a few minutes ago, so is that something we can do?

COMMISSIONER SHELDON: And do we need to say anything about rear window units at all? Is that necessary? So if we construct and if we just simply said, construct planters as elements of the landscape design?

MS. TSEPAS: And you can add green screen elements throughout the project --

COMMISSIONER SHELDON: Planters and green screen, construct planters and green screen elements throughout the landscape design. How is that?

COMMISSIONER ATKINS: Is that on the facade?

MS. TSEPAS: It very well may be in the rendering. There maybe parts of the building where the green screen is literally attached.

COMMISSIONER SHELDON: Yes.

COMMISSIONER ATKINS: So Linda, what about install green

1 screen elements on buildings facade and throughout the landscaping
2 plan?

3 COMMISSIONER SHELDON: Add planters, too.

4 COMMISSIONER ATKINS: Okay. Go to the next one and I'll
5 work with that one and come back to this one.

6 COMMISSIONER SHELDON: "C" is good. We're already clear
7 on that.

8 MR. KNIGHT: I think on "D" it's more continuous because
9 these buildings are long. They're four to five units in each building
10 and because of the offsets -- in front of all the entry ways, there are
11 concrete patio area. Maybe if the width -- I don't want to -- it's just a
12 continuous part.

13 COMMISSIONER SHELDON: Right, and it doesn't apply for
14 other buildings because some parts setback so, what's the intent for
15 this Regina?

16 MS. CARTER: Which one?

17 COMMISSIONER SHELDON: If you guys want to -- if anybody
18 else want to contribute. I don't mean to dominate here.

19 MS. TSEPAS: It's mainly like the common area, gathering
20 places. They may or may not be attached to the building. I mean,
21 they have -- as an example between a group, there would be an
22 arbor space there that's a gathering space. We definitely intend for
23 each unit to have their own -- some kind of outward patio or cover
24 area and like I said, some of them are recessed. I fear about adding
25 more depth to that because I want openness and for safety.

1 Definitely a huge tree canopy like, you know, over most of the
2 buildings and it's quite shady around there as it is.

3 COMMISSIONER CALLOWAY: Could we put something in
4 there saying that each unit needs to have a space for personal
5 outdoor recreational use or something along those lines? I think that
6 they don't necessarily have to be covered or is it so that they have
7 like a space to grow or be outside?

8 MR. KNIGHT: Well, I think it would be common grilling space
9 and I don't know if we want people to grill next to the building.

10 COMMISSIONER ATKINS: So I have a question.

11 COMMISSIONER CALLOWAY: Know, well, I guess, kind of my
12 question was was it for each unit has a personal space for them to be
13 outside or was it the idea that they have a porch so that people from
14 different units can get together at that unit.

15 MS. CARTER: The original intent -- if your look at your
16 concept on your sheet, the original intent was such that at first you
17 go in from a covered area from one side to the other into just a small
18 covered area, so this was just based off of the actual conception
19 somewhat of a concept such that just to give it a different look as
20 opposed to an institutional look.

21 COMMISSIONER CALLOWAY: So this is for aesthetics?

22 MS. CARTER: Yes.

23 MR. KNIGHT: In the rendering, I think that was part of what
24 we were trying to do is to -- because before they had the wrong kind
25 of heavy looking over hangs over the front porch areas. We're trying

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to break it up a little bit, but still maintain a covered area over each entry way.

MS. TSEPAS: Definitely and each so there are four different building types out there. They're all different. Like I said, some porches are recessed, some are slabs that are covered. Some are slabs that are not covered. There's a mix out there. I think the goal would be to provide cover for sure, but mainly -- and like I said, there's a big tree canopy primary to provide some type of outdoor living space for each unit and community space for gathering that may not happen at the same place.

COMMISSIONER TUCKER: Well, that's "D" and "E". We can continue this in "B" -- satisfy, just construct porches.

MS. TSEPAS: Construct porches.

COMMISSIONER ATKINS: And that would be a part of the question that I have. Currently, are there porches at every single unit and Ms. Tsepas when I say, porches, I mean, some of them it looks like --

MS. TSEPAS: Yes and no. There are some buildings that have upstairs units that are separate, right, so those unit don't have balconies.

COMMISSIONER ATKINS: Okay. So let me rephrase my question. For all of the ground-level units, are there porches in all of the ground-level units?

MS. TSEPAS: I think there's some type of outdoor space for each unit.

1 MR. KNIGHT: To my knowledge, there is some. I don't know
2 exactly how large for each, but there is some type of poured
3 concrete pad.

4 COMMISSIONER ATKINS: Right. What is a part of my --

5 MS. TSEPAS: Or a recessed porch.

6 COMMISSIONER ATKINS: Right. What is a part of my point
7 also because personally, I think that if we're talking about variation
8 and looking for something that is not perhaps the same, everywhere,
9 if there is already a porch existing, then I am opposed to constructing
10 a continuous porch because you're going to have people who want
11 larger porches. Some people want smaller porches. Some people
12 want covered porches. Some people don't want covered porches. If
13 that already exists today --

14 MR. KNIGHT: And some people just want privacy and not
15 shared.

16 COMMISSIONER ATKINS: Yes, exactly. And so if they
17 already exist today, personally, I don't see a need for "D" if
18 porches --

19 MS. TSEPAS: We don't intend to remove them. I will say that.

20 COMMISSIONER ATKINS: Yes, yes. And so that's really the
21 answer to my question. If porches are already there, this condition
22 says, construct continuous porches and as a condition, that means
23 that you must comply with it and if porches are there, then it's
24 redundant it's a porch and then another porch and if porches are
25 already there and we're looking for variety in terms of aesthetics and

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facades and all of those things, and people are going to want different things, big porches, small porches, covered porches, uncovered porches and so I would say strike "D."

COMMISSIONER SHELDON: I have an idea. What if the condition is simply that the end design development, the overlay is adhered to rather than enumerating these conditions the way they are because they become aesthetic and design development issues that get worked out during that process, would that not be an easier way to handle this?

MS. CARTER: Correct, I agree.

COMMISSIONER SHELDON: So I would then need to change my motion, withdraw my motion.

COMMISSIONER ATKINS: You can offer a substitute.

COMMISSIONER SHELDON: All right. Well, does somebody else have to do that?

ATTORNEY LINDA DUNLAVY: You're the maker of the motion?

COMMISSIONER SHELDON: Yes.

ATTORNEY LINDA DUNLAVY: Yes, somebody else has to make a substitute motion.

COMMISSIONER SHELDON: Or I can withdraw my motion and then make a new motion. I am willing to withdraw my motion and reword it to say, to recommend approval with the condition that all design development designs comply with the existing overlay.

COMMISSIONER ATKINS: And the second, Joe, did you

1 second our original motion because the second has to withdrawn,
2 too, because there was motion. There was not a motion on the floor
3 and so --

4 COMMISSIONER SHELDON: I think Joel did.

5 COMMISSIONER ATKINS: Okay. Do you withdraw this?

6 COMMISSIONER TUCKER: I will.

7 COMMISSIONER ATKINS: Okay. And Joel withdraws the
8 second. Okay. And so there's a new motion on the floor and the
9 motion is for approval and with the condition that all designed --

10 COMMISSIONER SHELDON: All designed development
11 decisions are in compliance with the existing overlay.

12 COMMISSIONER ATKINS: Okay. Is there a second.

13 COMMISSIONER GORDON: Second.

14 COMMISSIONER ATKINS: Okay. Any discussion?

15 COMMISSIONER LOVETT: I have a question.

16 COMMISSIONER ATKINS: Yes, Commissioner Lovett.

17 COMMISSIONER LOVETT: On this property, is there a
18 common area for the residents? Is there like a what do you call the
19 facility where you can rent or put -- I don't to a fancy one, but is
20 there a common area because there are no porches, there are no
21 front, no back -- and in some of this I'm looking at it's almost no
22 sides to it, so is there an opportunity to families or people to just rent
23 a common space? That's the first question. The second question is
24 there an onsite resident manager?

25 MR. KNIGHT: The answer to that second question is, yes,

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there will be.

COMMISSIONER LOVETT: Okay.

MS. TSEPAS: I think I can speak to the question. There are several large open green spaces that would be great for filling some of the things that were on this list that we intend to do, playground, gazebo, gathering spaces. That has to be a part of the community.

COMMISSIONER LOVETT: I'm sorry, now, when you say, that has to be a part of the community, what are you talking about?

MS. TSEPAS: It means we intend on having that as a part of the development.

COMMISSIONER LOVETT: So it's not going to be part of the initial build-out?

MS. TSEPAS: Yes, yes, absolutely. There's a whole site plan that needs to be further developed with all of these public community amenities in it and I think as far as the question about a clubhouse. I believe that one of those questions when you said, the property manager would have -- the property manager would have an office onsite and to the extent that there, you know, could be some type of meeting room within that part of the building, you know. I think that that's something that could be considered as well.

ATTORNEY LINDA DUNLAVY: Let me just point out that in an R3 zoning district, they are required to have at least two amenities that's part of the package and so that could include a clubhouse. It could include a pool and a cabana, majority brick building materials, enhanced landscaping, clubhouse with meeting rooms and/or

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exercise facilities, recreational opportunities, benches, bike racks and gazebos, ponds, enhanced detention facility and trails, but as it's written, that would be up to the choice of the applicant unless this Body decided that some sort of condition as to a specific amenity package would be required. Are there any other questions?

COMMISSIONER CALLOWAY; I have a question, I guess. Going through it, I noticed that all majority brick construction are already there, but did you -- I know you kind of touched on those. Do you know specifically what amenity package you guys have planned. Maybe you can run through that really quickly.

MS. TSEPAS: Yes, let me get the list. We'll definitely a gazebo-type covered structure and playground area and whether or not those are part of the same area, I can't say that right now. The enhanced landscaping for sure. The other thing about the overlay district is that it requires us to install the street furniture, so we're going to have bike racks, the lighting, the bike racks so the enhanced sidewalk experience is going to be there as a part of the requirement of the overlay district so that's one. For the other things, probably not a swimming pool. I don't think that one and I think we probably will have discussion about the idea of exercise room or community indoor, you know, space like that with a meeting room, clubhouse per se. I think that's part of a discussion that we have been having. What else is on the list? So most of those things, I think. The only two things that might be a question -- well, definitely not a swimming pool and definitely not a swimming pool but perhaps some sort of

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community meeting space indoors.

COMMISSIONER ATKINS: Any other questions.

Commissioner Tucker.

COMMISSIONER TUCKER: Well, actually, I just wanted to think the architect and the developers for coming in. I live in Ward B, not far from where that will be and we're really happy to see someone coming in and working with us and hammering out some of these things.

MR. KNIGHT: And we really do want to turn this area into something that everyone can be proud of.

COMMISSIONER SHELDON: Well, and the other thing I would just say is that there is ample opportunity for negotiating all of these things with the Planning and Zoning Office as you began to develop them, but that our scrutiny has to do with our taking ownership of how the ordinances are, adhere to and taking ownership for what goes on in our City, so that's where we're coming from.

MS. TSEPAS: And I know because like I said, I have a stake in that. I certainly do and I've been here in East Point working for the City and for others for many years, so I obviously have a big stake in the outcome.

COMMISSIONER ATKINS: Any other questions, discussions, comments?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, there's a motion on the floor and the motion is in the form of a recommendation

1 because it is a rezoning to approve with the condition as stated by
2 Commissioner Sheldon. It has been seconded by Commissioner
3 Gordon. All in favor sound aye.

4 COMMISSIONERS: Aye.

5 COMMISSIONER ATKINS: All opposed sound nay.

6 COMMISSIONER BORDERS: Nay.

7 COMMISSIONER ATKINS: Okay. Is that one?

8 COMMISSIONER BORDERS: One.

9 COMMISSIONER ATKINS: Okay. We have one nay. This
10 motion carries. Thank you.

11 MR. KNIGHT: Thank you all very much.

12 COMMISSIONER ATKINS: Absolute L. Our next Agenda
13 Item is 2014 "Z" as in zebra-004-02. Staff, would you please sound
14 this Agenda Item.

15 MS. CARTER: This is a request to rezone from C.R.
16 Commercial Redevelopment to E. I., Educational Institutional. That
17 location is 1706 Washington Road. The applicant is Mark Hollums.
18 The church -- the owners would be Peachtree City Christian Church.

19 COMMISSIONER ATKINS: Okay. This item also requires a
20 public hearing. Commissioners, at this time, I'll entertain a motion to
21 open the public hearing.

22 COMMISSIONER SHELDON: So moved.

23 COMMISSIONER ATKINS: Is there a second?

24 COMMISSIONER CALLOWAY: Second.

25 COMMISSIONER ATKINS: It's been moved by Commissioner

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Sheldon, seconded by Commissioner Calloway that we open the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now open. Is the applicant present this evening?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay. Would you please approach the podium.

(Whereupon Applicant Mark Hollums approaches the podium.)

MR. HOLLUMS: Mark Hollums, 102 Robinson Bend Trail, Peachtree City, Georgia, representing East Point Christian Church also known as Peachtree City Christian Church. It's the East Point Campus of it. We would like to request -- first of all, good evening to you folks and I'd like to thank you for having an opportunity to come present this case to you. Would like to request that the property be rezoned from Commercial Redevelopment to Educational Institution. There's been a church on this site, this particular congregation church since 1910. It's a 104 years. We've had a school on that sight, originally is Pathway Christian School since 1969. There's been a school in operation on this site 45 years with the exception of one year. We currently have a charter school on this site. It's Fulton Leadership Academy, currently a single gender institution, a state

1 institution, Grades 6th, 7th and 8th, I believe. It's about 220
2 students. Next year they're adding another grade. That are
3 authorized by the State of Georgia Department of Education to have
4 80 students per grade, so they'll be up to 320 students. We know
5 they'll be at that because they've already maxed out the number of
6 applications they can take and they're currently on lottery situations.
7 It's been very popular with the local residency.

8 The church is just in the process of finalizing a \$1.4 million
9 dollar renovation mostly for the school, but also for its own uses.
10 This speaks very strongly to the church's commitment to the
11 community and being a vibrant part of this community. We have no
12 intent to ever redevelopment this property as commercial. I'm not
13 sure why the property was rezoned, commercially development since
14 it was a grandfathered use. I'm not sure if the City made the church
15 (inaudible) at that time, just didn't take the time to come up and
16 question it. If you'll look at some of the existing land-use map, it still
17 shows -- I think this is an area -- the Pathway Christian School parcel
18 is still shown as a public institutional use on the color code. Looking
19 at the Comprehensive Plan, the 2036 future development plan, this
20 area is in the Town Center Development of Downtown Sub Area one.
21 It's adjacent to a redevelopment neighborhood. Both of those uses
22 state that historic properties are to be preserved, protected.
23 Institutions such as churches and schools are both desired uses and
24 we feel this will be continually used of this site.

25 Historically, the church has been an active and beneficial part

1 of this community. We've hosted CZIM meeting at our facility. There
2 was a community meeting there this previous Thursday night. We
3 have also been very active in fulfilling endeavors of this community.
4 The school also provides an excellent service to the community and
5 we whole-heartedly encourage you to come visit them. I think you
6 will be pleasantly surprised if you have not had an opportunity to see
7 how these future leaders of your community are being shaped and
8 that's what we're so excited about is the church, they are taking an
9 extreme act of interest in had these young men's and I think you
10 would be very excited to have them here.

11 Like I said, it's a single gender school. They specialize in
12 Mathematics, Science and Technology. They also are very active in
13 the community. They have their community walk coming up very
14 soon and they also encourage their children -- in fact, I believe, they
15 require them to devote a certain number of hours to community
16 service project so if you have any question, I'll be more than happy
17 to answer them for you.

18 COMMISSIONER ATKINS: Thank you, Mr. Hollums . Are
19 there any other proponents here to speak to this zoning case.

20 AUDIENCE: Yes.

21 COMMISSIONER ATKINS: Please approach the podium.
22 (Whereupon Pastor Rand Burton approaches the podium.)

23 PASTOR BURTON: Hello, I'm Pastor Rand Burton, 2268
24 Connelly Court, East Point, Georgia, 30344. I concur with all of
25 Mr. Hollums' statements. I am the pastor at that current church now.

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I've been there about a year. That church has been there in operation for about 104 years and it has a wonderful history, I think, that is a blessing to this community. With Fulton Leadership coming on board with us, I'm excited because really it brings in some quality education into our area and we have been operating really from that facility since 1969 in education. But really, if you look at it even from a spiritual perspective, for 104 years, there's been an education spiritually that's been going forth from that place and so I'm very excited about the opportunity that we have. I'm excited about the partnership that we have with Fulton Leadership. They are a wonderful school. I agree, if you hadn't had an opportunity to meet with they're staff or even they're kids, it is a definite wonderful place to be and it's good to see the development that they're developing out of their students there particularly being an all boys school and a charter school and like Mark said, it is desirable when you get into a lottery situation.

So I am excited for this opportunity and I'm hopeful that what it says on this paper here, approved. I like those words. I'm hopeful that you guys will move forward and just help us out, help out this community in general and I thank this partnership that we have, not only with the church, but also Fulton Leadership Academy. It's going to prove to be one that's beneficial not only for the church but for our community as well. Thank you.

COMMISSIONER ATKINS: Thank you. Are there any other proponents here to seek to this zoning case?

1 AUDIENCE: (No response.)
2 COMMISSIONER ATKINS: Any other proponents?
3 AUDIENCE: (No response.)
4 COMMISSIONER ATKINS: Any other proponents?
5 AUDIENCE: (No response.)
6 COMMISSIONER ATKINS: Are there any opponents here to
7 speak to the zone case?
8 AUDIENCE: (No response.)
9 COMMISSIONER ATKINS: Any opponents?
10 AUDIENCE: (No response.)
11 COMMISSIONER ATKINS: Seeing none, Commissioners, at
12 this time I'll entertain a motion to close the public hearing.
13 COMMISSIONER TUCKER: So moved.
14 COMMISSIONER ATKINS: Is there a second.
15 COMMISSIONER CALLOWAY: Second.
16 COMMISSIONER ATKINS: It's been moved by Commissioner
17 Tucker, seconded by Commissioner Calloway that we close the public
18 hearing. All in favor sound aye.
19 COMMISSIONERS: Aye.
20 COMMISSIONER ATKINS: All opposed sound nay.
21 COMMISSIONERS: (No response.)
22 COMMISSIONER ATKINS: Hearing none, the ayes have it.
23 The public hearing is now closed. Staff, would you please sound
24 your recommendation.
25 MS. CARTER: Staff recommends approval to rezone the

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parcel from C.R., Commercial Redevelopment to E. I., Educational Institution.

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

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: Case Number 2014Z-004-02. I would recommend approval.

COMMISSIONER ATKINS: Okay. Is there a second.

COMMISSIONER CALLOWAY: I second the motion.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Calloway. Any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. So there's a recommendation on the floor, a motion to recommend approval and there's a second. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it and we recommend approval. The next Agenda Item is Case Number 2014 "Z" as in zebra-005-02. Staff, would you please sound this Agenda Item.

MS. CARTER: This item is for rezoning from R1A, Urban

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Residential to R2, Two Family Residential. The location is 2779 Miles Circle. The applicant is Mr. Kelly Eayrs.

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

COMMISSIONER GORDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MAXWELL: Second the motion.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Is the applicant present?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Please approach the podium.

(Whereupon the Applicant Kelly Eayrs approaches the podium.)

MR. EAYRS: Good evening. My name is Kelly Eayrs. I live at 640 Brownville Court, Jonesboro, Georgia, 30238. I'm looking to rezone my property at 2779 Miles Circle from an R1A to an R-2. Originally, it was designed as a duplex that got reverted awhile back. They did the blanketing thing. The took the whole area and rezoned it to R1A and pretty much it's set up with two meters, two

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everything. The whole design -- I'm not changing the original structure or anything so that's pretty much straight forward.

COMMISSIONER ATKINS: All right. Thank you, Mr. Eayrs. Are there any other proponents here for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any opponents here for this 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 TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Borders 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

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your recommendation, please.

MS. CARTER: Staff recommends approval of this request to rezone from R1A, Urban Residential to R2, Two Family Residential.

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

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Commissioner Tucker.

COMMISSIONER TUCKER: On Case Number 2014Z-005-02 I would recommend approval.

COMMISSIONER ATKINS: Is there a second.

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Tucker, seconded by Commissioner Sheldon that we recommend approval. Is there any discussion, comments, questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Seeing none, all in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We will recommend approval. Thank you, Mr. Eayrs. Our next Agenda Item is Case Number 2014 "P" as in Paul-002-03. Staff, would you please sound this Agenda Item.

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MS. CARTER: This is a request for approval of a final plat on North Commerce Drive Road Extension. The applicant is Duke Realty Limited Partners. I have received a request that you'll see in your packet, that they defer until next month.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard the recommendation from Staff for this Agenda Item. At this time, I'll entertain a motion.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Commissioner Tucker.

COMMISSIONER TUCKER: On Case Number 2014P-002-03, I recommend deferral to May's agenda.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Borders that we defer this Agenda Item to our regularly scheduled May meeting. Are there any questions, comments?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

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We will defer this Agenda Item to our May meeting. Staff, are there any announcements this evening?

X. ANNOUNCEMENTS:

MS. CARTER: Yes. I have one announcement. The Carl Vincent Institute at University of Georgia will have all five of our new Planning and Zoning Commissioners attending the May 20th class.

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

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: Actually, I have a request that at our next Work Session we do a quick, maybe fifteen-minute discussion or tutorial on R.L.U.I.P.A.

ATTORNEY LINDA DUNLAVY: It's the Religious Land Use Institutionalized Person Act. It affects zoning in so far as you are making decisions with respect to places of worship.

COMMISSIONER SHELDON: And it's a federal law and it's confusing so I thought it would be good for us to learn specifics.

ATTORNEY LINDA DUNLAVY: So you're suggesting that for the next Work Session in May?

COMMISSIONER SHELDON: Yes. Anybody object?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Any other announcements?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, see there are no

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other announcements at this time, I'll entertain a motion to adjourn.

XI. ADJOURNMENT:

COMMISSIONER BORDERS: Motion to adjourn.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

This meeting is now adjourned. Thank you.

(Whereupon this concludes the City of East Point Planning and Zoning Commissioner meeting for April 17, 2014.)

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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 60 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 April 17, 2014 at seven o'clock P.M. were taken down by me and transcribed by me on this 1st day of May, 2014.

Jeanene Harper
Stenographic Stenographer