

1 CITY OF EAST POINT
2 PLANNING & ZONING COMMISSION

3 August 21, 2014 - 7:00 P.M.
4 Official Meeting Minutes

5 Jefferson Station
6 1526 East Forrest Avenue
7 4th Floor Chambers 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. Keyetta **HOLMES**
23 Senior Planner

24 Richard **RANDOLPH**
25 City Engineer

James Hammond
Videographer

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Appearances

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening. I'm Shean Atkins Chair of the East Point Planning & Zoning Commission and tonight is August 20th and tonight is our regularly scheduled Planning & Zoning Commission meeting. At this time, I'd like to ask Staff to please call the Roll for quorum check.

II. ROLL CALL:

MS. HOLMES: Commissioner Lovett.

COMMISSIONER LOVETT: Here.

MS. HOLMES: Commissioner Borders.

COMMISSIONER BORDERS: Here.

MS. HOLMES: Commissioner Calloway.

COMMISSIONER CALLOWAY: Here.

MS. HOLMES: Commissioner Fann.

COMMISSIONER FANN: (No response.)

MS. HOLMES: Commissioner Atkins.

COMMISSIONER ATKINS: Present.

MS. HOLMES: Commissioner Tucker.

COMMISSIONER TUCKER: Here.

MS. HOLMES: Commissioner Sheldon.

COMMISSIONER SHELDON: Present.

MS. HOLMES: Commissioner Gordan.

COMMISSIONER GORDAN: Here.

MS. HOLMES: Commissioner Maxwell.

COMMISSIONER MAXWELL: Present.

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

COMMISSIONER ATKINS: Thank you. At this time, we will take 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, you have before you our agenda for tonight's meeting. At this time, I'll entertain a motion to adopt the agenda.

V. ADOPTION OF AGENDA:

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Lovett 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. The agenda is adopted. The next item on the agenda is approval of our July 17th, 2014 meeting minutes. Commissioners, at this time, I will entertain a motion.

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1 **VI. APPROVAL OF THE JULY 17th, 2014 MEETING**

2 **MINUTES:**

3 COMMISSIONER BORDERS: Motion to approve.

4 COMMISSIONER ATKINS: Is there a second?

5 COMMISSIONER LOVETT: Second.

6 COMMISSIONER ATKINS: It's been moved by Commissioner
7 Borders, seconded by Commissioner Lovett that we approve our July
8 17th, 2014 meeting minutes. All in favor sound aye.

9 COMMISSIONERS: Aye.

10 COMMISSIONER ATKINS: All opposed sound nay.

11 COMMISSIONERS: Hearing none, the ayes have it. Our July
12 meeting minutes are approved. Next Agenda Item is New Business,
13 Case Number 2014 "P" as in Paul-006-07. Staff, would you please
14 sound this Agenda Item.

15 **VII. NEW BUSINESS:**

16 MS. HOLMES: Case Number 2014P-006-07, applicant is
17 Fulton County Schools, location is 3353 Mount Olive Road. Request
18 is a minor plat combination.

19 COMMISSIONER ATKINS: Okay. Thank you.

20 Commissioners, you've heard the sounding of this Agenda Item. It
21 does not require a public hearing. At this time, I will hear Staff's
22 recommendation.

23 MS. HOLMES: Staff's recommendation is approval.

24 COMMISSIONER ATKINS: Okay. Commissioners, you've
25 heard Staff's recommendation for this Agenda Item. The

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recommendation is approval. At this time, I'll entertain a motion.

COMMISSIONER GORDAN: Motion to approve.

COMMISSIONER ATKINS: Is there is second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: Is there any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: It's been moved by Commissioner Gordan, seconded by Commissioner Lovett. There is no discussion. All in favor for approval sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Minor plat recommendation is approval. Thank you. Our next Agenda Item is 2014 "U" as in umbrella-005-07. This Agenda Item requires a public hearing as do the next two beyond this one. At this time, I'll read our rules for public hearing. They will apply to all of the agenda items that require a public hearing this evening.

(Whereupon the City of East Point Planning and Zoning Commission Rules for Public Hearing are read into the record.)

COMMISSIONER ATKINS: Public hearing before the Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Zoning Code and Development Regulations as follows: Persons both favoring and opposing the proposed case will be provided an opportunity to address the Commission. The

1 applicant for the zoning case or the applicant's designated
2 representative, if any, will be entitled to speak first followed by other
3 speakers in favor of the proposal for a total of fifteen (15) minutes.
4 Those who oppose the proposed zoning case will then be permitted
5 to speak for a total of fifteen (15) minutes. By a majority vote, the
6 Commission may increase the total time for speakers provided that
7 each side is given the same amount of time. If there is more than
8 one speaker for a side, the Chair or the presiding office may limit the
9 time allotted to each individual speaker other than the zoning
10 applicant. The zoning applicant may reserve a portion of his or her
11 time for rebuttal.

12 Speakers must adhere to the rules of decorum. Prior to
13 speaking, each speaker shall identify him or herself and state his or
14 her address. Each speaker shall speak only to the merits of the
15 proposed zoning decision under consideration, shall address remarks
16 only to the Commission and shall refrain from making personal
17 attacks on any other speaker. The presiding office may refuse the
18 speaker the right to continue if, after first being cautioned, the
19 speaker continues to violate the rules of decorum.

20 You've heard our rules of decorum. Commissioners, at this
21 time, I'll entertain a motion to open the public hearing.

22 COMMISSIONER MAXWELL: I so move.

23 COMMISSIONER ATKINS: Is there a second?

24 COMMISSIONER TUCKER: Second.

25 COMMISSIONER ATKINS: It's been moved by Commissioner

1 Maxwell, seconded by Commissioner Tucker that we open the public
2 hearing for this Agenda Item. All in favor sound aye.
3 COMMISSIONERS: Aye.
4 COMMISSIONER ATKINS: All opposed sound nay.
5 COMMISSIONERS: (No response.)
6 COMMISSIONER ATKINS: Hearing none, the ayes have it.
7 The public hearing is now open. Is the applicant present this
8 evening, Christopher Bryant?
9 AUDIENCE: (No response.)
10 COMMISSIONER ATKINS: Is the applicant for this Agenda
11 Item present?
12 AUDIENCE: (No response.)
13 COMMISSIONER ATKINS: Is there anyone here who is
14 speaking in favor of this Agenda Item?
15 AUDIENCE: (No response.)
16 COMMISSIONER ATKINS: Anyone in favor?
17 AUDIENCE: (No response.)
18 COMMISSIONER ATKINS: Is there anyone opposed to this
19 Agenda Item?
20 AUDIENCE: (No response.)
21 COMMISSIONER ATKINS: Seeing none, Commissioners, at
22 this time, I'll entertain a motion to close the public hearing.
23 COMMISSIONER TUCKER: So moved.
24 COMMISSIONER ATKINS: Is there is second?
25 COMMISSIONER LOVETT: Second.

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COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Lovett 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. This public hearing is now closed. Staff, if you would, please sound this item and the recommendation.

MS. HOLMES: Case Number 2014U-005-07, applicant is Christopher Bryant, location is 0 Redwine Road. Request is for a Special Use Permit to hold a special event, large. The applicant has requested is withdrawal.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard the sounding of this Agenda Item. You have also heard the recommendation and it seems that the recommendation is for withdrawal as per the applicant's request. At this time, because it's a withdrawal, do we need to --

ATTORNEY LINDA DUNLAVY: I would, just for clarity of the record, have somebody move to allow the withdrawal without prejudice so that if the applicant wants to come back and re-file, they can do that.

COMMISSIONER ATKINS: Okay. Commissioners, at this time, I'll entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

1 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.
2 COMMISSIONER SHELDON: I move we accept this
3 withdrawal without prejudice on Case Number 2014U-005-07.
4 COMMISSIONER ATKINS: Is there is second?
5 COMMISSIONER MAXWELL: Second the motion.
6 COMMISSIONER ATKINS: It's been moved by Commissioner
7 Sheldon, seconded by Commissioner Maxwell that we recommend
8 the applicant to withdraw without prejudice this Agenda Item. All in
9 favor sound aye.
10 COMMISSIONERS: Aye.
11 COMMISSIONER ATKINS: All opposed sound nay.
12 COMMISSIONERS: (No response.)
13 COMMISSIONER ATKINS: Hearing none, the ayes have it.
14 The item has been withdrawn. Next Agenda Item is 2014 "V" as in
15 Victor-009-07. Staff, would you please sound this Agenda Item.
16 MS. HOLMES: Case Number 2014 "V" as in Victor-009-07.
17 The applicant is JVG Civil Engineering Incorporated, location is 2433
18 DeLowe Drive. Applicant request a variance for the reduction of the
19 Clear Zone from ten feet to five feet.
20 COMMISSIONER ATKINS: Okay. Commissioners, you've
21 heard the sounding of the item. At this time, I'll entertain a motion
22 to open the public hearing.
23 COMMISSIONER SHELDON: So moved.
24 COMMISSIONER ATKINS: Is there is second.
25 COMMISSIONER LOVETT: Second.

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COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner 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 public hearing is now open. Is the applicant present this evening.

AUDIENCE: Yes.

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

(Whereupon the Applicant Eric Emery approaches the podium.)

MR. EMERY: Eric Emery, 4509 Highway 58, Chattanooga, Tennessee.

COMMISSIONER ATKINS: Okay. Emery?

MR. EMERY: Emery, E-m-e-r-y.

COMMISSIONER ATKINS: Emery. Okay. Mr. Emery, you now have the floor to present your case.

MR. EMERY: I'm passing out the color renderings we talked about.

COMMISSIONER ATKINS: If you will wait until you get to the podium and then just let us know so that they can pick that up on the microphone for the viewing public. Thank you.

MR. EMERY: Okay. What I have passed out was the

1 renderings we had talked about at the workshop session. The first
2 one is a color version of the site plan, and the second sheet is a color
3 of a reduced version of the ovations and then the last sheet just kind
4 of clarify the colors. We're asking for a variance from the Headland,
5 DeLowe overlay district for the sidewalk and furniture zone. That
6 new overlay requires fifteen feet between the edge of pavement and
7 the right-of-way line to accomplish the feet foot furniture zone and
8 the ten foot sidewalk. This particular site on the Headland side, the
9 average width is about 9.8 feet, just under ten feet and on the
10 DeLowe side is about eight and a half feet. So we're short seven feet
11 on the DeLowe side and just about five feet on the Headland side to
12 be able to fit everything in there so the request we're asking for is
13 reduction to allow us to implement what we can in the space that we
14 have between the right-of-way and the existing edge of pavement
15 and for our workshop and transportation, they would like to have a
16 five foot minimum sidewalk and the balance would be the furniture
17 zoning/end space. So that width with vary from three and a half
18 feet, four and a half feet.

19 COMMISSIONER ATKINS: Okay. Is that all?

20 MR. EMERY: That it.

21 COMMISSIONER ATKINS: Okay. Are there any other
22 proponents here to speak to this zoning case?

23 AUDIENCE: (No response.)

24 COMMISSIONER ATKINS: Any other proponents?

25 AUDIENCE: (No response.)

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

AUDIENCE: Any opponents?

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

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MAXWELL: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Maxwell 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 visit. The public hearing is now closed. Staff, would you please sound your recommendation.

MS. HOLMES: Case Number 2014 "V" as in Victor-009-07. Staff recommends approval of the variance to reduce the ten foot clear zone to five feet with the following conditions: The sidewalk shall be five feet and the clear zone shall be five feet and all yard areas (inaudible) are required on the sidewalk facing Headland Drive, an enhanced landscaping is required in the parking lot in addition to the required landscaping for the zoning district.

COMMISSIONER ATKINS: Commissioners, you've heard from

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

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: Motion to recommend approval with stated conditions for discussion.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Tucker that we recommend approval for this with discussion. Commissioner Sheldon.

COMMISSIONER SHELDON: I just have a quick question. The elevation that has the signage on it, the primary entrance, is on which road?

MR. EMERY: It will face DeLowe.

COMMISSIONER SHELDON: Okay. That faces DeLowe. Okay. That's all I needed to know. Okay. I was just looking at your accessible parking location.

MR. EMERY: I know we talked about sidewalks, but I brought a sample of the bricks. It's hard to see sometimes and that's the color, the trim.

COMMISSIONER ATKINS: Any other discussion, Commissioners?

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

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COMMISSIONER CALLOWAY: I noticed as we were looking through these renderings and we were talking, the combination of the sidewalk and the clear zone, the furniture zone there, so at some points along this walkway here, there's going to be less than ten feet; is that correct?

MR. EMERY: The entire length of our property that abuts the road is less than ten feet.

COMMISSIONER CALLOWAY: Well, the reason I ask is because the variance is to take the clear zone from ten feet to five feet but in some cases, you will not be able to meet that five feet; is that correct?

MR. EMERY: We cannot meet that in all spaces. If there's a five foot sidewalk, the clear zone would be whatever is left over and what's there -- if you look at the DeLowe side, it would be as small as three point four two feet and as wide -- and we're talking about the clear zone -- and it would be as wide as three point five one feet.

COMMISSIONER ATKINS: And I think that you might get an extra inch. If you go to the very corner of Headland and DeLowe, you'll get three point five two.

MR. EMERY: Right. And then on the Headland side, down to the west side -- you see that little -- the dimension is 9.97. So if you take five feet off that, you're left with just short of the five feet and that's the widest part is on that end.

COMMISSIONER ATKINS: Okay. Thank you. Any other discussion?

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. Seeing none, Commissioners, there's a motion to approve. Any comments from Staff?

MS. HOLMES: There are comments. It's my understanding from the LDP Review that you just had, that the clear zone would be five feet and you're saying tonight that you would not be able to accomplish the five feet in all yard areas?

MR. EMERY: Not if we put a five foot sidewalk in. We could do one or the other.

MS. HOLMES: If I could ask our transportation director to come. When we did LDP Review just this pass week, was it not your comment that they be five, that the clear zone be five feet or the sidewalk be five feet?

TRANSPORTATION DIRECTOR: Our comment is that the sidewalk be five feet.

MS. HOLMES: Okay. So the request, Commissioners, was that the clear zone be reduced from ten feet to five feet and that is the recommendation of Staff. However, the applicant said he cannot meet the five foot clear zone in all areas, so the recommendation maybe that it varies in areas where he could be accommodated.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I will withdraw my motion and start over. Motion to approve with the conditions as stated by Staff

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and to add that the sidewalk and clear zone shall vary between feet five.

MS. HOLMES: The sidewalk will be five feet. The clear zone with vary.

COMMISSIONER SHELDON: Okay.

ATTORNEY LINDA DUNLAVY: I have kind of reworded it to say that the sidewalk will be five feet with the remainder -- because we've got a variable right-of-way, that the remainder in the right-of-way is to be set aside for a variable clear zone. Does that make any sense. It's a little difficult, but I think we do want to make sure that whatever motion gets approved that it's clear that he's not going to have to provide a five foot clear zone what he doesn't have the room.

COMMISSIONER SHELDON: Okay.

ATTORNEY LINDA DUNLAVY: Do you want me to restate that, Commissioner Sheldon.

COMMISSIONER SHELDON: Sure.

COMMISSIONER ATKINS: Before we do that technicality of point of clarification, that's not what we advertised and because that's not what we advertised, then how should we follow because what we advertised was for a clear zone to be reduced from ten feet to five feet?

ATTORNEY LINDA DUNLAVY: This Commission is entitle to, you know, vary what is advertised in the kind of situation. Just because they're asking for a variance from ten to five doesn't mean

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that you cannot condition it in a different way. It doesn't affect advertising, your advertising this property because that's what they asked for.

COMMISSIONER ATKINS: Okay. Thank you. Yes, I just wanted to make sure. Okay. Commissioner Sheldon, your motion it could -- we don't have to do a recommendation because it's a variance.

COMMISSIONER SHELDON: Oh, it's a variance. Okay.

COMMISSIONER ATKINS: Yes.

COMMISSIONER SHELDON: Okay. So the motion is to approve with conditions as stated by Staff with the exception of Number One, which should read that the sidewalk will be five feet and the clear zone will -- the remaining space will --

ATTORNEY LINDA DUNLAVY: The remainder will be set aside for clear zone, for a variable clear zone.

COMMISSIONER ATKINS: Thank you. Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: Okay. Any discussion on the motion that's on the floor?

COMMISSIONER LOVETT: I just had one request.

COMMISSIONER ATKINS: Yes, Commissioner Lovett.

COMMISSIONER LOVETT: And what is the minimum clear zone since it's going to be below five feet?

ATTORNEY LINDA DUNLAVY: It will be from the right-of-way line to the edge of the sidewalk.

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COMMISSIONER ATKINS: And I think -- are you looking for a number?

COMMISSIONER LOVETT: Exactly.

COMMISSIONER ATKINS: Okay. I think the applicant stated if you look on the DeLowe side, I think the smallest that that zone will be is three point five one feet. That's the smallest on the DeLowe side and it would go up as far as three point five -- no, actually, the smallest is three point four two.

MR. EMERY: Correct.

COMMISSIONER ATKINS: And it will go up as high as three point five two on the DeLowe side, Commissioner Lovett.

COMMISSIONER LOVETT: Thank you.

COMMISSIONER ATKINS: And on the Headland side, I think it gets as high as four point nine seven feet and as low as four point four three.

COMMISSIONER LOVETT: Okay. Thank you.

COMMISSIONER ATKINS: Are there any other questions or discussion?

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

COMMISSIONER CALLOWAY: And I just had a real quick question of Staff. Other than the sidewalk and clear zone as the site plan is drawn, it is in compliance with the overlay district?

MS. HOLMES: The overlay district is basically architectural standards. You wouldn't be able to see it on the site plan.

1 COMMISSIONER ATKINS: There is a motion to approve on
2 the floor. Any other discussion?
3 COMMISSIONERS: (No response.)
4 COMMISSIONER ATKINS: It's been moved by Commissioner
5 Sheldon, seconded by Commissioner Tucker that we approve. All in
6 favor sound aye.
7 COMMISSIONERS: Aye.
8 COMMISSIONER ATKINS: All opposed sound nay.
9 COMMISSIONERS: (No response.)
10 COMMISSIONER ATKINS: Hearing none, the motion carries.
11 The item is approved. Thank you. Our next Agenda Item is 2014
12 "U" as in umbrella-008-07. This item also requires a public hearing.
13 Staff, would you please sound this Agenda Item.
14 MS. HOLMES: 2014U-008-07 applicant is Pamela Robinson,
15 location is 2731 Blount Street. Applicant requests is Special Use
16 Permit to operate a child daycare center, large.
17 COMMISSIONER ATKINS: Okay. Commissioners, at this
18 time, I will entertain a motion to open up the public hearing.
19 COMMISSIONER TUCKER: Mr. Chair.
20 COMMISSIONER ATKINS: Yes, Commissioner Tucker.
21 COMMISSIONER TUCKER: I move that we open a public
22 hearing for Case Number 2014U-008-07.
23 COMMISSIONER ATKINS: Is there a second?
24 COMMISSIONER GORDAN: Second.
25 COMMISSIONER ATKINS: It's been moved by Commissioner

1 Tucker, seconded by Commissioner Gordan that we open a public
2 hearing. All in favor sound aye.
3 COMMISSIONERS: Aye.
4 COMMISSIONER ATKINS: All opposed sound nay.
5 COMMISSIONERS: (No response.)
6 COMMISSIONER ATKINS: Hearing none, the ayes visit. The
7 public hearing is now open. Is Ms. Robinson present this evening?
8 AUDIENCE: Yes, sir, here I am.
9 COMMISSIONER ATKINS: Would you please approach the
10 podium. State your first and last name and your address.
11 (Whereupon Applicant Pamela Robinson approaches the
12 podium.)
13 MS. ROBINSON: My name is Pamela Robinson and my
14 address is 2666 Jewel Street, East Point, Georgia.
15 COMMISSIONER ATKINS: You can go ahead and present
16 your case.
17 MS. ROBINSON: Good evening everybody.
18 COMMISSIONER ATKINS: Good evening.
19 MS. ROBINSON: I wanted to open up a -- I have a family
20 childcare on Jewel Street right now. I am nationally certified, BB
21 Certified and I'm one of the quality rated centers in the State of
22 Georgia and I wanted to open up the center on 2731 because I
23 wanted more children. I wanted to make sure that I stay in
24 compliance with the City of East Point and the State of Georgia.
25 Last week, I didn't have my stuff altogether, but what I'm

1 asking the Commission for is that -- I have 29 total people in the
2 building. That's four adults and twenty-five children. What I did was
3 I researched to make sure that the building was suited for that and I
4 do apologize for not bringing everybody a copy. So what I did was I
5 did the diagram and I did the measurement and then I had a
6 professional person do the measurements, so this is what they told
7 me, that overall, you can have twenty-nine -- including adults in the
8 building.

9 What I did also was I went on the Website for Bright from the
10 Start and I brought you guys a copy of the ratio that I can have, one
11 teacher and I do apologize again for not copying off, but I did get --

12 COMMISSIONER ATKINS: Go ahead. Is there anything else
13 you would like to add.

14 MS. ROBINSON: No, I just wanted to say thank you for your
15 consideration.

16 COMMISSIONER ATKINS: All right. Are there any other
17 proponents here for this zoning case?

18 AUDIENCE: (No response.)

19 COMMISSIONER ATKINS: Any other proponents?

20 AUDIENCE: (No response.)

21 COMMISSIONER ATKINS: Are there any opponents here for
22 this zoning case?

23 AUDIENCE: (No response.)

24 COMMISSIONER ATKINS: Any opponents?

25 AUDIENCE: (No response.)

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

COMMISSIONER GORDAN: Motion to close.

COMMISSIONER ATKINS: Is there is second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Gordan, seconded by Commissioner Lovett 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 this Agenda Item and your recommendation.

MS. HOLMES: Case Number 2014U-008-07, Staff recommends approval of the Special Use Permit for a child daycare center, large, with the following conditions: A copy of the state license from Bright from the Start is required before Certificate of Occupancy and business license will be issued. Relocate the play area from the front yard to the side yard or rear yard, erect a six foot wooden fence on the side property line between 2731 Blount Street and 2737 Blount Street, redesign the driveway to allow vehicles to exit the property in a forward motion. Required off-street parking spaces shall not be located in the front yard.

COMMISSIONER ATKINS: Commissioners, you've heard from

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the applicant and 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: On Case Number 2014U-008-07, I propose a motion to deny.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: Any discussion.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Seeing none, the motion is to recommend denial for Case Number 2014 "U" as in umbrella-008-07. There's no discussion. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONER MAXWELL: Nay.

COMMISSIONER ATKINS: Okay. Roll Call, please.

MS. HOLMES: Commissioner Lovett.

COMMISSIONER LOVETT: No, not to approve.

ATTORNEY LINDA DUNLAVY: The motion is to deny, so you say, aye.

COMMISSIONER LOVETT: Aye.

MS. HOLMES: Commissioner Borders.

COMMISSIONER BORDERS: Aye.

MS. HOLMES: Commissioner Calloway.

1 COMMISSIONER CALLOWAY: Nay.
2 MS. HOLMES: Commissioner Fann.
3 COMMISSIONER FANN: (No response.)
4 MS. HOLMES: Sorry. Commissioner Atkins, no.
5 Commissioner Tucker.
6 COMMISSIONER TUCKER: Aye.
7 MS. HOLMES: Commissioner Sheldon.
8 COMMISSIONER SHELDON: Nay.
9 MS. HOLMES: Commissioner Gordan.
10 COMMISSIONER GORDAN: Nay.
11 MS. HOLMES: Commissioner Maxwell.
12 COMMISSIONER MAXWELL: Nay.
13 MS. HOLMES: Motion passes.
14 COMMISSIONER ATKINS: Okay. So the motion has --
15 MS. HOLMES: I'm sorry. Motion fails.
16 COMMISSIONER ATKINS: So we need another motion on
17 the floor.
18 COMMISSIONER GORDAN: Mr. Chair.
19 COMMISSIONER ATKINS: Yes, Commissioner Gordan.
20 COMMISSIONER GORDAN: I move to approve with the
21 condition as state per Staff.
22 COMMISSIONER ATKINS: Is there a second.
23 COMMISSIONER SHELDON: Second.
24 COMMISSIONER ATKINS: Any discussion?
25 COMMISSIONER SHELDON: Yes, sir.

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COMMISSIONER ATKINS: Commissioner Sheldon.

COMMISSIONER SHELDON: I would just like to encourage the applicant to get some good help with your redesign because when you go into concept design, that's where all of these challenges will be addressed with regard to bathrooms and locations of parking and that is the place where you may not be able to move ahead if you're not prepared for that. All right.

COMMISSIONER ATKINS: Any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Seeing none, there's a motion to approve, to recommend approval on the floor. It's been moved by Commissioner Gordan, seconded by Commissioner Sheldon. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONER TUCKER: Nay.

COMMISSIONER ATKINS: Roll Call, please.

MS. HOLMES: Commissioner Lovett.

COMMISSIONER LOVETT: Aye.

MS. HOLMES: Commissioner Borders.

COMMISSIONER BORDERS: Nay.

MS. HOLMES: Commissioner Calloway.

COMMISSIONER CALLOWAY: Aye.

1 MS. HOLMES: Commissioner Tucker.
2 COMMISSIONER TUCKER: Nay.
3 MS. HOLMES: Commissioner Sheldon.
4 COMMISSIONER SHELDON: Aye.
5 MS. HOLMES: Commissioner Gordan.
6 COMMISSIONER GORDAN: Aye.
7 MS. HOLMES: Commissioner Maxwell.
8 COMMISSIONER MAXWELL: Aye.
9 MS. HOLMES: Motion passes.
10 COMMISSIONER ATKINS: Thank you. Okay. So the
11 recommendation has be approved. The recommendation is for
12 approval. Okay. All right. Staff, are there any announcements.
13 MS. HOLMES: (No response.)
14 COMMISSIONER ATKINS: That brings us to the conclusion of
15 our New Business. Staff, are there any announcements that you
16 have?
17 **VIII. ANNOUNCEMENTS:**
18 MS. HOLMES: No announcements.
19 COMMISSIONER ATKINS: Okay. The only announcement
20 that I would have tonight is that, as you can see, our fellow
21 Commissioner, Commissioner Fann is not with us tonight. This
22 Commission would like to extend our condolences to Commissioner
23 Greg Fann for the loss of his mother. We want Commissioner Fann
24 and his family to know that our thoughts and prayers are with him
25 and his family during this very difficult time.

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Commissioners, you have any other announcements.
COMMISSIONER SHELDON: Yes, sir.
COMMISSIONER ATKINS: Commissioner Sheldon.
COMMISSIONER SHELDON: Just want you to put on your calendars September 13th is the Jefferson Park yard sale and later that day there is also a Blood Drive and the Blood Mobile will be located someone in the neighborhood more than likely around the Jefferson Avenue Baptist Church so come on out.

COMMISSIONER ATKINS: Any other announcements?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, Commissioners, at this time, I'll entertain a motion to adjourn.

IX. ADJOURNMENT:

COMMISSIONER GORDAN: Motion to adjourn.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Gordan, seconded by Commissioner Sheldon that we adjourn. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the motion carries.
This meeting is now adjourned.

(Whereupon this concludes the City of East Point Planning

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and Zoning Commission meeting for August 21, 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 31 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 August 21, 2014 at seven o'clock P.M. were taken down by me and transcribed by me on this 4th day of September, 2014.

Jeanene Harper
Stenographic Stenographer