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**CITY OF EAST POINT
PLANNING & ZONING COMMISSION**

October 16, 2014 - 7:00 P.M.
Official Meeting Minutes

Jefferson Station
1526 East Forrest Avenue
4th Floor Council Chambers
East Point, Georgia 30344

Board Members:

Commissioner Shean **ATKINS, Chair**

Commissioner Linda **SHELDON**

Commissioner Joel **TUCKER, Vice Chair**

Commissioner Laura **BORDERS**

Commissioner Gregory **FANN, Provisional Chair -Absent**

Commissioner Patricia **LOVETT**

Commissioner Thomas **CALLOWAY**

Commissioner Stephanie **GORDAN**

Commissioner Willard **MAXWELL**

Also Present:

Ms. Linda **DUNLAVY**
City Attorney

Ms. Keyetta **HOLMES**
Senior Planner

Richard **RANDOLPH**
City Engineer

James Hammond
Videographer

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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, at this time, I'm going to call to order our regularly scheduled October meeting. Staff, at this time, would you please do a Roll Call for quorum check.

II. ROLL CALL:

MS. HOLMES: Commissioner Lovett.
COMMISSIONER LOVETT: (No response.)
MS. HOLMES: Commissioner Borders.
COMMISSIONER BORDERS: Here.
MS. HOLMES: Commissioner.
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: Here.
MS. HOLMES: Commissioner Gordan.
COMMISSIONER GORDAN: Here.
MS. HOLMES: Commissioner Maxwell.
COMMISSIONER MAXWELL: (No response.)

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

COMMISSIONER ATKINS: Okay. Excellent. At this time, I would like to ask everyone to please take a Moment of Silence.

III. MOMENT OF SILENCE:

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

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER ATKINS: Commissioners, at this time, I will entertain a motion to adopt the agenda as printed.

V. ADOPTION OF AGENDA:

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER CALLOWAY: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Calloway that we adopt the agenda as printed. 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 printed. Commissioners, at this time, I will also entertain a motion to approve or September 18th, 2014 meeting minutes.

VI. APPROVAL OF THE SEPTEMBER 18th, 2014

MEETING MINUTES:

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COMMISSIONER GORDAN: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER BORDERS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Gordan, seconded by Commissioner Borders that we approve our September 18th, 2014 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our meeting minutes from September are approved. We will now move into New Business. Staff, would you please sound the new item on the agenda.

VII. NEW BUSINESS:

MS. HOLMES: Case Number 2014U-010-08, 2014VC-012-09, applicant is Bishop Mickey Holland. Location is 2846 Church Street. Application seeks a Special Use Permit for a church, temple or place or worship.

COMMISSIONER ATKINS: Okay. Thank you. This particular Agenda Item requires a public hearing as do all of the items on our agenda this evening so at this time I'm going to read the rules for our public hearing. They will apply to all of the agenda items that we will vote on this evening.

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

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

The applicant for the zoning case or the applicant's designated representative, if any, will be entitled to speak first followed by other 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 provide 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 time for rebuttal.

Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall state his or her first and last name and their current address. Each speaker shall speak only to the merits of the proposed zoning decision under consideration, small address remarks only to the Commission and shall refrain from making personal attacks on any other speakers. The presiding office may refuse the speaker the right to continue, if after first being cautioned, the speaker continues to violate the rules of decorum.

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You've heard the rules for our public hearing.
Commissioners, at this time, I will entertain a motion to open the public hearing for our first zoning case.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I would like to make a motion to open Case Number 2014U-010-08 and 2014VC-012-09.

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 open the public hearing for our first Agenda Item, 2014 "U" as in umbrella-010-08 with a concurrent variance, which is Case Number 2014 "V" as in Victor, "C" as in Charles-012-09. 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: I'm here to stand in. She's in traffic.

COMMISSIONER ATKINS: Okay. Would you go ahead and approach the podium.

(Whereupon Beverly Holland, Stand-in for Applicant Mickey Holland approaches the podium.)

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MS. HOLLAND: I'm Beverly Holland. My address is 120 Stallsworth Road, McDonough, Georgia.

COMMISSIONER ATKINS: Okay. Go ahead and present your case.

MS. HOLLAND: We're here for a variance for parking at 2846 Church Street so that we might be able to park in the front of our building and -- I'm sorry, she's here. Thank you.

COMMISSIONER ATKINS: Okay. All right.
(Whereupon Applicant Detrice Dixon approaches the podium.)

MS. DIXON: Detrice Dixon, 3223 Columbia Woods Drive, Decatur, Georgia, 30032.

COMMISSIONER ATKINS: Go ahead and present your case, please.

MS. DIXON: We're here for the variance to actually get dash to utilize the existing parking in front of the building. We provided the additional spaces needed for the church and basically be a hardship. We would have to try to take the grass and actually make it into concrete spaces and we're just trying to deal with the spaces that we actually have and the surrounding areas with the parking agreements with our neighbors. That's basically what we're trying to do so we can open the doors to our place of worship.

COMMISSIONER ATKINS: If I'm correct, you're actually here for more than just a variance. You're also here for a Special Use Permit; is that correct?

MS. DIXON: Yes, for a church.

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COMMISSIONER ATKINS: Okay. You need to present both of those cases. They have been advertised.

MS. DIXON: And we are also here for the use for a place of worship in the existing building of 2846 Church Street, East Point, Georgia and I'm not sure what else I am suppose to present. It's just that we need your approval to open our doors of worship.

COMMISSIONER ATKINS: Okay. All right. Thank you. Are there any proponents here for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

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 will entertain a motion to close the public hearing.

COMMISSIONER BORDERS: Motion to close.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Borders, seconded by Commissioner Sheldon that we close the public

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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. At this time, we will hear Staff's recommendation.

MS. HOLMES: Case Number 2014U-010-08, Case Number 2014VC-012-09, applicant is Bishop Mickey Holland. Location is 2846 Church Street. Applicant seeks a Special Use Permit for a church, temple or place of worship and a concurrent variance to allow parking in the minimum front yard.

I will sound both recommendations and ask you to vote on them separately. The first recommendation is Staff recommends approval of the Special Use Permit to operate a church, temple or place of worship in the CR Commercial Redevelopment Zoning District. Staff also recommends approval of the concurrent variance to 10-21182, allowing parking in the minimum front yard.

COMMISSIONER ATKINS: Okay. Thank you.

Commissioners, you have heard from the applicant, you have also heard Staff's recommendation. Those are concurrent zoning items remember that one is Special Use Permit and we're making a recommendation so whatever motion you would have, it should be in the form of a recommendation. The second is a variance and we have final decision on that so that should just be a variance. It's a

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concurrent variance so then we will also make a recommendation on that as well.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we recommend approval of the Special Use Permit to operate church, temple or place of worship in the CR Zoning District for Application 2014U-010-08.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER CALLOWAY: Second.

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

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Are there any questions of the applicant?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Seeing none, there is a motion to approve and there's a second to recommend approval and there's a second on the floor. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Do I have a motion for the variance portion?

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

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COMMISSIONER SHELDON: I move that we recommend approval of the concurrent variance to 10-21182, allowing parking in the minimum front yard for Application Number 2014-VC-012-09.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER CALLOWAY: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by Commissioner Calloway that we recommend approval of the concurrent variance. Any discussion?

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Okay. Commissioner Sheldon.

COMMISSIONER SHELDON: The only thing that I would want to perhaps add and several of us thought it might be a good idea to add on the parking agreements from the adjacent properties, the hours when those parking spaces would be available. There might be events or activities at the church that would be not just Sunday mornings so it might be something we want to pursue. I'm not sure how deal with that other than to make that a condition.

COMMISSIONER ATKINS: So this is a question of our attorney so basically in the agreement -- the agreement simply says that parking is available for the church after business hours and on Sundays during church services. However, there are no parameters around that so we're just trying to get some clarity what exactly would they classify as after-business hours and what hours on Sunday during services and so would we make that a condition?

ATTORNEY LINDA DUNLAVY: If you want to make that a

1 condition, you can so you need to make a substitute motion or
2 amend your motion to do that. I mean, I think it's important to point
3 out that the variance that's in front of you tonight is just to allow
4 front yard parking. It really doesn't have anything to do with the
5 number of parking spaces and so you could condition approval of the
6 front yard parking upon them presenting parking agreements with
7 specific hours for the number of spaces if you wish to withdraw your
8 motion or accept a friendly amendment to your motion. That would
9 be the way to do it, but I do want to point out that the variance is
10 just to allow parking in the front yard. It has got nothing to do with
11 the number of spaces.

12 COMMISSIONER ATKINS: Any other questions,
13 Commissioners?

14 COMMISSIONER BORDERS: I do have a question.

15 COMMISSIONER ATKINS: Commissioner Borders.

16 COMMISSIONER BORDERS: This came to us since our Work
17 Session and in looking at the property, there's fourteen (14) spaces
18 currently parked out. It isn't a front yard per se. There's just an
19 extended strip of asphalt. I'm not quite sure how twenty-one (21)
20 spaces, which is the number that they say are on the property works
21 with this that was given to us as the plat and the asphalt area being
22 already asphalted is defined as a front yard.

23 ATTORNEY LINDA DUNLAVY: My understanding,
24 Commissioners, that the front yard would be that which faces Church
25 Street.

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MS. HOLMES: Even though it is not grass, in this instance, we normally would see grass. However, it is the front yard of this building so it would be violating that requirement for the Special Use Permit.

COMMISSIONER BORDERS: So you then allow like a double row of parking on the existing asphalt?

MS. HOLMES: No. This is not additional parking. The parking that is existing is in the front yard because whoever was there before asphalted over everything, so this is their front yard and you cannot have parking for a church in the front yard.

COMMISSIONER BORDERS: Okay. I guess my confusion is there are fourteen (14) spaces here marked out and they are saying twenty-one (21) parking spaces, so I'm not sure where they are getting twenty-one (21) spaces.

ATTORNEY LINDA DUNLAVY: If you take a look, there is some parking along the side yard. I haven't actually counted it because the site plan came in a little late.

COMMISSIONER ATKINS: And then the other question that I would have is that I think the variance as was stated by our attorney this evening is not for the number of spaces, but it's to allow the church to park in the front.

COMMISSIONER BORDERS: Thank you.

COMMISSIONER ATKINS: Okay. All right. Any other questions?

COMMISSIONER SHELDON: I still have a question.

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COMMISSIONER ATKINS: Okay.

COMMISSIONER SHELDON: Do we want to make a friendly amendment that we recommend approval of the concurrent variance with the condition that hours are specified in the parking agreements?

COMMISSIONER CALLOWAY: I would like to make that, Mr. Chair, if I may. I would like to make that friendly amendment that we do ask that the hours be specified within the parking agreements also that the number of parking spaces, within the parking agreements, combined with those within the front-yard setback, meet the minimum requirements as required by our ordinance here in the City of East Point.

COMMISSIONER ATKINS: Okay.

COMMISSIONER SHELDON: I accept.

MS. HOLMES: Repeat the second condition.

COMMISSIONER CALLOWAY: That the number of parking spaces within the parking agreement supplied by New Beginnings Christ Church along with the number of parking spaces on the plat that was supplied by them. The aggregate number of those spaces, in fact, meets or exceeds the number of spaces required by the ordinances of East Point.

MS. HOLMES: So you are simply saying the number of parking spaces on the current site along with the parking spaces in the agreement equals sixty-five?

COMMISSIONER CALLOWAY: That's correct.

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MS. HOLMES: Thank you.

COMMISSIONER ATKINS: Okay. So there is a friendly amendment on the table. Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: Okay. There's a friendly amendment and so just to summarize the friendly amendment is that the friendly amendment is a motion to approve the Special Use Permit and concurrent variance and to get an agreement for parking that specifies hours. In addition to that and also that the number of spaces that are provided on site and with the other businesses on either side that are part of the agreement would meet the minimum parking spaces required by ordinance. Okay. All right. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: The ayes have it so we will recommend approval.

Staff, would you please sound the next Agenda Item.

MS. HOLMES: Case Number 2014U-013-08 concurrent, Case Number 2014VC-010-08. Applicant is Ruth Chester Pryor. Location is 2217 Delowe Drive. Applicant is seeking a Special Use Permit for child daycare center, Medium.

COMMISSIONER ATKINS: Okay. Is the applicant present this evening.

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AUDIENCE: Yes.

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

(Whereupon Attorney, Leyora Chester Jennings, representing Applicant Ruth Chester Pryor, approaches the podium.)

MS. CHESTER JENNINGS: I'm the attorney representing and the daughter of Ruth Chester. She lives at the location of 2217 Delowe Drive, East Point, Georgia, 30344. Do you need my address as well just for the record?

COMMISSIONER ATKINS: Yes.

MS. CHESTER JENNINGS: My address is 120 Cainwood Court East, College Park, Georgia, 30349 and stated, my mom is seeking -- essentially, she has a childcare she runs in the basement of her home. She lives in this home in this residence. At the current state, she can only keep and attend to approximately six children. She is seeking a Special Use Permit as well as a concurrent variance for the purpose of expanding this facility and in terms of having and being able to keep additional children. She does has essentially an assistant. She has always had and, of course, to pay that assistant a quality and good compensation and to provide quality care, she needs this expansion to be able to increase her number of children currently from the number that she currently maintains. So specifically, we're asking for the concurrent variance as to a reduction in the standard two, where the there is a facility close to this location and we are asking that it be reduce and located at a minimum of five

1 hundred feet (500) and we're asking that it be reduced to zero
2 because they are very close, but this facility is a large facility
3 somewhat across the street from her. Sheltering Arms is the name
4 of that location. We're also -- and if I need to, I will explain the
5 difference between the two because there is difference, but we're
6 also seeking for the purposes of this a Special Use Permit where she
7 is asking for a childcare center, Medium in what's located a single
8 family residential home.

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

11 AUDIENCE: (No response.)

12 COMMISSIONER ATKINS: Any other proponents.

13 COMMISSIONER ATKINS: (No response.)

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

16 AUDIENCE: (No response.)

17 COMMISSIONER ATKINS: Any opponents?

18 AUDIENCE: (No response.)

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

21 COMMISSIONER CALLOWAY: So move.

22 COMMISSIONER ATKINS: Is there a second?

23 COMMISSIONER SHELDON: Second.

24 COMMISSIONER ATKINS: It's been moved by Commissioner
25 Calloway, seconded by Commissioner Sheldon that we close the

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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 closed. Staff, would you please sound your recommendation.

MS. HOLMES: Case Number 2014U-013-08, concurrent 2014VC-010-08, applicant is Ruth Chester Pryor. Location is 2217 Delowe Drive. The applicant seeks a Special Use Permit to operate a child daycare center, Medium. Staff recommends -- I will read the two recommendations separately and ask you to vote on them separately.

Staff recommends approval of a Special Use Permit to allow a Medium child daycare center with the following conditions: The child daycare center shall will limited to twelve (12) children; a six foot wooden opaque fence shall be erected in the side yard between 2217 Delowe Drive and 2225 Delowe Drive. The children's play area shall be relocated to the require of the property. The play area shall be enclosed by a vinyl clad chain link fence not exceeding four feet in height. The driveway design shall permit vehicles to exit the property in a forward motion. A Certificate of Occupancy is required. A current certified copy of the operator's State of Georgia daycare registration shall be required with a business license application and renewals. The solid waste rate shall be changed to a commercial rate. The daycare center shall meet the International Life Safety

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Code, 2012 Edition, Chapter 17 and all other state and federal requirements.

Requirements must be met prior to the issuance of is Certificate of Occupancy and business license. Staff also recommends approval of the concurrent variance to 10-21233, allowing child daycare centers closer than a minimum of five hundred (500) feet.

COMMISSIONER ATKINS: Commissioners, you have heard from the applicant, you have also heard from the applicant representative as well as Staff's recommendation. At this time, I'll entertain a motion for the Special Use Permit and the concurrent variance. Remember your motion should be stated in the form of a recommendation.

COMMISSIONER TUCKER: You want to put those together?

COMMISSIONER ATKINS: Well take them separately.

COMMISSIONER TUCKER: Okay. I would like to make a motion for recommendation of approval of the Special Use Permit to allow a Medium child daycare center with the conditions as stated by Staff on Case Number 2014U-013-08.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Sheldon to recommend approval for Case Number 2014 "U" as in umbrella-013-08, 2217 Delowe Drive, Special Use Permit, daycare, Medium. Any questions?

1 COMMISSIONERS: (No response.)
2 COMMISSIONER ATKINS: Comments?
3 COMMISSIONERS: (No response.)
4 COMMISSIONER ATKINS: All in favor sound aye.
5 COMMISSIONERS: Aye.
6 COMMISSIONER ATKINS: All opposed sound nay.
7 COMMISSIONERS: (No response.)
8 COMMISSIONER ATKINS: Hearing none, the ayes have it.
9 We will recommend approval for the Special Use Permit. The
10 concurrent variance, I will entertain a motion for the concurrent
11 variance.
12 COMMISSIONER TUCKER: Mr. Chair.
13 COMMISSIONER ATKINS: Commissioner Tucker.
14 COMMISSIONER TUCKER: I would like to make a motion to
15 recommend approval of the concurrent variance, Case Number
16 2014VC-010-08.
17 COMMISSIONER ATKINS: Is there a second.
18 COMMISSIONER MAXWELL: I second the motion.
19 COMMISSIONER ATKINS: Okay. It's been moved by
20 Commissioner Tucker, seconded by Commissioner Maxwell that we
21 approve the concurrent variance for 2217 Delowe Drive. Any
22 discussion?
23 COMMISSIONERS: (No response.)
24 COMMISSIONER ATKINS: Any questions?
25 COMMISSIONERS: (No response.)

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COMMISSIONER ATKINS: All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes visit. We will also recommend approval for the concurrent variance. Thank you. Staff, would you please sound the next Agenda Item.

MS. HOLMES: Case Number 2014U-011-09, applicant is the Sickle Cell Foundation. Location is 2757 East Point Street. Applicant seeks a Special Use Permit for a Special Event, Large.

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

COMMISSIONER BORDERS: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

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

(Whereupon Applicant Debra McGhee-McCrary approaches the podium.)

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COMMISSIONER ATKINS: Please state your first and last name and your current address.

MS. McCRARY: Good afternoon. My name is Debra McGhee-McCrary. I'm the CEO of the Sickle Cell Foundation of Georgia. The address is 2391 Benjamin E. Mayes Drive, Southwest, Atlanta, Georgia, 30311.

COMMISSIONER ATKINS: Please state your case.

MS. McCRARY: I would like to appeal to the City and to this Commission to approve a Special Use Permit. We would like to hold our 36th Annual Road Race in East Point in April of 2015, that's April 11, 2015. We have requested a Special Use Permit, Large for this particular event. It will be a family day. We have been holding this event now for thirty-five (35) years at a particular location and we are looking to grow the event and move it to East Point.

COMMISSIONER ATKINS: Are there any other proponents for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, Commissioners, at

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this time, I will entertain a motion to close the public hearing.

COMMISSIONER MAXWELL: I so moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER GORDAN: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

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

MS. HOLMES: Case Number 2014U-011-09. Applicant is the Sickle Cell Foundation. Location is 2757 East Point Street. The description is a Special Use Permit for a Special Event, Large. Staff recommends approval pending applicant's ability to meet the following conditions of the Special Use Permit for a Special Event, Large in the CR commercial Redevelopment Zoning District: Food service permits and business licenses for food vendors shall be provided during plan review meeting with the service delivery areas. Vendors without a business license shall be required to secure a vendor permit for the City. Business licenses for retail vendors shall be provided during plan review meeting with the service delivery areas. Vendors without a business license shall be required to secure

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a vendor permit from the City.

The East Point Fire Department checklist shall be completed and presented during the plan review meeting with a service delivery areas. A detail security plan and traffic control plan shall be submitted during the plan review meeting with a service delivery areas.

COMMISSIONER ATKINS: Commissioners, you have heard from the applicant and you have also heard Staff's recommendation. At this time, I will entertain a motion and remember this is a Special Use Permit. The motion should be in the form of a recommendation.

COMMISSIONER BORDERS: Mr. Chair, in the case of 2014U-011-09. I recommend the approval of the Special Use Permit, Special Event, Large.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER CALLOWAY: Second.

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

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Discussions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, Commissioners, all in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

1 COMMISSIONER ATKINS: Hearing none, the ayes have it.
2 We will recommend approval.
3 MS. McCRARY: Thank you.
4 COMMISSIONER ATKINS: Staff, would you please sound the
5 next Agenda Item.
6 MS. HOLMES: Case Number 2014U-02-09, concurrent Case
7 Number 2014VC-013-09. Applicant is DDMC, LLC. Location is 1662
8 Ware Avenue. Applicant seeks a Special Use Permit to operate a
9 senior housing facility.
10 COMMISSIONER ATKINS: Commissioners, you have heard
11 Staff's sound this Agenda Item. At this time, I will entertain a motion
12 to open the public hearing.
13 COMMISSIONER TUCKER: So moved.
14 COMMISSIONER ATKINS: Is there a second.
15 COMMISSIONER SHELDON: Second.
16 COMMISSIONER ATKINS: It's been moved by Commissioner
17 Tucker, seconded by Commissioner Sheldon that we open 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 open and the applicant is already at the
24 podium. Please state your first and last name and your current
25 address.

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MS. McCRARY: Yes, the name is Debra McCrary and my address is 2312 Ben Hill Road, SW, Atlanta, Georgia, 30311.

COMMISSIONER ATKINS: Okay. Please state your case.

MS. McCRARY: Okay. I am a partner with DDMC. My husband and I own the business. We would like to open a senior housing at 1662 Ware Avenue. We have applied for a Special Use Permit, which is a permitted use at the property and we would seek your approval and the community's approval.

COMMISSIONER ATKINS: Are there any other proponents here to speak in favor of this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any proponents here to speak in favor of this zoning case?

AUDIENCE: (No response.)

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

AUDIENCE: Yes.

COMMISSIONER ATKINS: Please approach the podium. State your first and last name and your current address.

(Whereupon Opponent Teresa Nelson approaches the podium.)

MS. NELSON: Good evening, Teresa Nelson, 1732 Neely Avenue, East Point. I rise tonight to talk to you about this particular applicant. I would like to point out that the subject structure has been abandoned for years and needs extensive repairs. The

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applicant's budget, when I spoke to her, is \$150,000 for the improvement and that includes several units on the interior. That is inadequate funding for the project. Staff recommends six occupant units only. Applicant initially requested up to twenty-four (24) units and explained to me last night that she was hoping up to sixteen (16), but that Staff had told her twelve (12).

How can the limit of six ever be policed if it's not separate utilities for each unit? There's no way. Units are ten by ten (10x10) or a hundred square feet. According to our codes, senior housing requires six hundred (600) square feet minimum. Bathrooms will be shared and there are six bathrooms for the entire structure all residence and there is only one kitchen planned. Some meals maybe catered, but that can't be required by this Body or the City, so between six and sixteen people will share one kitchen and six bathrooms.

Applicant said the project is for seniors who are downsizing. Seniors don't downsize to share bathrooms and a single kitchen for several of them. Only eighty percent are required to be older than 55. Being older than 55, I don't consider myself senior quite yet. Twenty percent maybe younger than 55.

Applicant says the parking is not needed, as most residents would not have cars. If more than three or four do have cars, it will become difficult to park off the street because of the way the parking is in that narrow access. The ability to turn around to go out the single access onto Ware Avenue is something that cannot be done

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easily, particularly if you're going to have senior citizens there to allow more parking than the amount of parking, for example, of what the Staff is recommending. The only other parking would be off the street. Ware Avenue has parking on one side. It also is common for emergency vehicle to use, both Ware and Neely, to access other areas of East Point in Ward C and other parts of Ward A to provide service to those who are in need, so it would be extremely difficult for emergency vehicles to access it with a lot more cars on the street.

There will be no regularly onsite Staff because also senior are expected to be ambulatory and not need of medical assistance of anyway, medicine or cooking. That's a little bit of a problem if you're going to call you're senior housing especially when you've got everybody in small rooms and sharing facilities, but there will be a regular onsite Staff person as far as a resident manager. No requirements for any specific medical skills are required or any other specific skill would be required. So there's also no specific emergency, medical or other assistance planned so if it happens, they are going to call 911 like everybody else but they are not going to have a plan for those that do not require a more drastic 911 assistance.

However, well intended the applicant maybe, this is not a good project for either the potential residence at this facility or the community -- inadequate funding, no architectural or landscaping plan, no full time Staff, no private bathrooms and only one kitchen for all the residence who will not just be senior citizens. So this really

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isn't senior housing. It's another rooming house in Frog Hollow.
Thank you.

COMMISSIONER ATKINS: Are there any other opponents here to speak against this zoning matter. Please approach the podium and state your first and last name.

(Whereupon Opponent Sarah Ashlee Mooneyhan approaches the podium.)

MS. MOONEYHAN: Sarah Ashlee Mooneyhan and I live at 1677 Neely Avenue, East Point, 30344. My property actually backs right up to the back of this property. Since I've lived there, it's been dilapidated and abandoned. Several times we have seen that the door has been kicked in. It houses many rodents and pests of all kinds. It's overgrown so the last speaker spoke most eloquently about all the concerns that I have as well as a couple of the other neighbors that are here that have chosen not to speak so I would just ask you to refer to everything that the previous speaker just spoke of. She said it very well. Thank you.

COMMISSIONER ATKINS: Thank you. Any other opponents here to speak against this zoning matter? Please approach the podium. State your first and last name and your address.

(Whereupon Opponent Sheryl Roehl approaches the podium.)

MS. ROEHL: Hi. I'm Sheryl Roehl. I live at 1712 Ware Avenue. I've lived there for fourteen years. I have two elderly parents who live with me on Ware Avenue for thirteen years. They are not able to live with me unsupervised. Seniors have special

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needs. I know this firsthand. I don't believe that this is really senior housing. If it were senior housing, it would be regulated by the State and there needs to be oversight. This needs to be emergency plans. There needs to be some kind of oversight to ensure the safety of seniors. This isn't senior housing. This is a boarding house. We don't need another boarding house in Frog Hollow. We already have one. We actually have one within throwing distance practically of that facility.

That pretty much sums up -- this is not going to do anything to improve the quality of life for Frog Hollow and I don't believe it will improve the quality of life for any potential residents who might live in that facility as Teresa has so well stated. It is a very dilapidated facility. I don't believe, you know -- I heard \$50,000 is going to do it to improve it and certainly having the kind of square footage that they're talking about, that's not humane and I certainly as a daughter of, you know, two seniors who are well into their 80s, I really would not like to see my parents live in that facility. Thank you very much.

COMMISSIONER ATKINS: Thank you. Any other opponents here to speak against this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other opponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Okay. At this time, we will offer the applicant a few minutes -- how many minutes does she have remaining for rebuttal?

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MS. HOLMES: Applicant has fourteen minutes and 30 seconds.

COMMISSIONER ATKINS: You have fourteen minutes and 30 seconds for rebuttal.

MS. McCRARY: Okay. Thank you and I won't need fourteen minutes. I would like to say that first off, those who opposed the property and my plan use, Number One, we planned very much to offer senior housing and senior housing, according to this ordinance in East Point and otherwise, is defined as serving people 55 and over. This is not proposed as a nursing house. It's not proposed as a boarding home. It's not proposed as an assisted living, so all of the things that are required for those types of facilities, do not apply for this particular property.

We are not only talking about people who are not ambulatory and who cannot live and take care of themselves. People 55 and older are considered senior citizens. They can get membership to AARP. I am considered a senior citizens. I am sixty-one years old and therefore I would qualify to reside in this particular facility. I do not require additional care. There are a lot of people my age who do want to downsize, who do not wish to cut yards anymore and who do prefer to live in a group setting. That is what we are offering.

We already served this population in Atlanta. We have done so successfully. We believe that this could be a question good bit for East Point as well. With regard to the level of funding, we do not have deep pockets. We will, however, make sure that the property

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meets code and I believe the second speaker mentioned \$50,000. When I was asked last night by Ms. Nelson, I indicated that we had allocated a \$150,000 for the repairs that are needed. We have gotten contractors to give us those figures and we have bumped the numbers up, so I'm not sure that it will be fully adequate, but we know that this is what we have budgeted and we have prepared to make a significant investment in the property.

With regard to landscaping, as I also indicated to the neighbors, they asked about planting trees. There is no room for a tree at this particular property. It has a very small postage stamp front yard and that's that, but I did indicate that all of our properties are always very neat, well manicured, well taken care of and typically has seasonal plantings. I'm trying to remember the other points -- but I believe overall that we do serve the public well.

We have planned, I thought, a very good system here. There is a plan for Staffing at the property, which I also explained to the neighbors and one of those personnel as with all of our properties, lives at the property. That's the maintenance person. That's not a senior, but it is a maintenance person who is there to take care of things. I did indicate that we would be looking at catering and that would depend, of course, on the residents and what they are willing to pay for. Some residents prefer to cook their own meals. Some prefer to eat out. That would be their option. This is not, again, a nursing home.

What we try to do is provide the services, supportive services

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that they may want, at the same time, to keep the prices affordable so we don't impose our will on the people that we serve, but I think with that said, I don't know if we go back and forth if I should preserve some time, but I think that's all I had to say.

COMMISSIONER ATKINS: All right. Thank you.

Commissioners, we have heard from the applicant, we have heard also from opponents and we have heard the applicant's rebuttal. At this time, I will entertain a motion to close the public hearing.

COMMISSIONER CALLOWAY: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. HOLMES: Case Number 2014U-012-09, Concurrent Application 2014VC-013-09, applicant is DDMC, LLC, location is 1662 Ware Avenue. Applicant is seeking a Special Use Permit to operate a senior housing facility. I will sound both of the recommendations and ask that you vote on them separately.

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First recommendation is Staff recommends approval of the Special Use Permit to allow senior housing in the R1A Urban Residential Zoning District with the following conditions: At least eighty percent of the occupied dwelling unit shall be occupied by at least one person who is 55 years of age or older; the facility shall be limited to six independent dwelling units. A six-foot privacy fence shall be erected in the side yard between 1656 Ware Avenue and 1662 Ware Avenue. Parking minimum shall be eight point four parking spaces to include two Handicap accessible spaces. Parking must be in accordance to Chapter Two, Article E, off-street parking and loading of the East Point Zoning Code and Development Regulations.

The sprinkler system, fire alarm system and hood system shall be operational prior to the issuance of Certificate of Occupancy. Staff also recommends approval of the concurrent variance to 10-2147.15, allowing the units to be rental and not owner occupied.

COMMISSIONER ATKINS: Commissioners, you've heard from the applicant and you have also heard from opponents. You have heard Staff's recommendation. At this time, I will entertain a motion.

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

COMMISSIONER CALLOWAY: I make a motion that we recommend denial of Application 2014 "U" as in uncl-012-09.

COMMISSIONER ATKINS: Okay. Is there a second.

COMMISSIONER SHELDON: Second.

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COMMISSIONER ATKINS: It's been moved by Commissioner Calloway and seconded by Commissioner Sheldon that we recommend denial of the Special Use Permit, Case Number 2014 "U" as in umbrella-012-09, address at 1662 Ware Avenue. Any discussions, questions, comments, Commissioners?

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

COMMISSIONER CALLOWAY: I would just like to say that although I believe that we do need senior housing here in East Point, that this particular location doesn't necessarily allow for it in the way that the applicant wanted to design it per our ordinances and per our definitions of what is dwelling was. Although, I do want to see senior move to our City and I do want them to have places to live, this location and this building, unfortunately is just not suitable. Thank you.

COMMISSIONER ATKINS: Any other questions, comments, Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. The only comment that I would have is that I agree. I mean, I wouldn't say that I would like for seniors to move. I think we already have enough. I think that I would like to see a very balanced City and so I love that we have got just a very diverse population here in the City of East Point. The only challenge that I with the project is that working in the housing industry myself, where we do serve a good number of senior

1 residents, seniors do like to downsize, but I know for a fact that they
2 also -- many of them like to have their own. So I think that a when
3 we start talking about facilities that are shared, particularly kitchens,
4 who's cooking when, who's cleaning, who's doing this, everyone
5 doesn't have the same level of respect for common areas and all of
6 those things and those things can cause a local of challenges and
7 issues and then, of course, the sharing of restrooms as well, I think
8 would pose a tremendous problem so because of that, I think that it
9 creates a bit of a chaotic situation and I know that a lot of seniors,
10 they've got to do medications and manage those and they need
11 refrigeration. Some of them need a lot of those things and so to
12 have units without the ability to have refrigeration and water and all
13 of those things and facility, restroom facilities, I think would cause
14 tremendous problems in the property. Are there any other
15 comments?

16 COMMISSIONERS: (No response.)

17 COMMISSIONER ATKINS: Commissioners, there's a motion
18 on the floor to recommend denials by Commissioner Calloway.
19 There's a second by Commissioner Sheldon and all in favor sound
20 aye.

21 COMMISSIONERS: Aye.

22 COMMISSIONER ATKINS: All opposed sound nay.

23 COMMISSIONERS: (No response.)

24 COMMISSIONER ATKINS: Hearing none, the ayes have it so
25 the recommendation is to deny. Because the recommendation is to

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deny, do we also need to take up the concurrent variance? We would not be required to take up the concurrent variance so we will move on to our next Agenda Item. Thank you. Staff, would you please sound the next Agenda Item?

MS. HOLMES: Case Number 2014M-005-09. Applicant is the City. The application seeks a revision to the text amendment for Special Event, Small.

COMMISSIONER ATKINS: This item also requires a public hearing. The City is the applicant and so at this time, Commissioners, I'll entertain a motion to open 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 open the 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.

MS. HOLMES: This amendment before the Commission tonight is to clarify some information in regard to the Special Event, Small. In April of 2013, the City of East Point amended our requirements for special events here in the City, making it a

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comprehensive application process for here in the City. Since that time, there have been questions with regard to what events are considered special. Are indoor or out door events at my home considered a special event and so this text amendment before you will clarify those items.

COMMISSIONER ATKINS: Okay. Are there any other proponents here to speak in favor of this text amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any opponents here to speak against this text amendment?

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 BORDERS: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER GORDAN: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

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COMMISSIONERS: (No response.)

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

MS. HOLMES: Case Number 2014M-005-09. Applicant is the
City. The application seeks and amendment to the text for Special
Event, Small. Staff recommends approval of the text amendment.

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

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I would like to make a motion to
defer this to our next Work Session. I don't feel that there has been
adequate time. There have been changes that I would like to go
over personally and if it would suit the other Commissioners, I would
like to defer that to our next Work Session.

COMMISSIONER ATKINS: Next Work Session or is that our
next regularly scheduled meeting?

COMMISSIONER SHELDON: The decision is made during the
meeting.

COMMISSIONER ATKINS: Yes.

COMMISSIONER TUCKER: Okay. Meeting.

COMMISSIONER ATKINS: Okay. So our next regularly
scheduled meeting, our November meeting. Is there a second.

1 COMMISSIONER SHELDON: Second.

2 COMMISSIONER ATKINS: Any discussion?

3 COMMISSIONER BORDERS: Question for clarify, please.

4 COMMISSIONER ATKINS: Yes.

5 COMMISSIONER BORDERS: Are we referring to the 10-13

6 Revision 3, just to make sure we're all on the same page, literally?

7 COMMISSIONER ATKINS: Let me pull my agenda out,

8 Commissioner Borders. I had put it away.

9 ATTORNEY LINDA DUNLAVY: That is the most recent

10 revision.

11 COMMISSIONER SHELDON: So the one that we just got.

12 Okay.

13 ATTORNEY LINDA DUNLAVY: Yes.

14 COMMISSIONER ATKINS: Yes, so that is what we're

15 referring to. Thank you.

16 COMMISSIONER CALLOWAY: Mr. Chair.

17 COMMISSIONER ATKINS: Yes, Commissioner Calloway.

18 COMMISSIONER CALLOWAY: If I may ask Staff because I do

19 know this is scheduled to go before City Council next Monday. What

20 impact would a deferral by us have upon that time scheduled.

21 MS. HOLMES: The text amendment has been advertised to

22 be heard before Council so Council would not be able to hear it, but

23 an advertisement has been made so it would provide a bit of a

24 conundrum.

25 COMMISSIONER ATKINS: Would it necessarily be a

1 conundrum? I mean, the process would be that it comes to this Body
2 and then it moves on to Council. If this Body has a motion and a
3 proper second and it votes it up, then it would be a deferral and
4 although it's been advertised, then it would hold the public hearing
5 and then just as we do, there are times when we have public
6 hearings but we don't take action and we defer because it has
7 already been advertised, correct, Madam Attorney?

8 ATTORNEY LINDA DUNLAVY: I mean, quite frankly, it does,
9 as Ms. Holmes stated create a little bit of a conundrum because you
10 are making a recommendation to City Council that it be deferred to
11 your next Work Session. Now, City Council has it on public hearing
12 for -- what's the date?

13 MS. HOLMES: October 20 something --

14 ATTORNEY LINDA DUNLAVY: Right, which occurs between
15 this meeting and our next Work Session, our next regularly scheduled
16 meeting, so Council could take your recommendation for deferral and
17 so we don't want to defer it. We want to vote it up or down because
18 you are making a recommendation to City Council just like you do on
19 a Special Use Permit and City Council has it within their power to take
20 your recommendation or not take your recommendation.

21 COMMISSIONER SHELDON: Which they would do anyway.
22 Mr. Chair, my objection is that we just got the latest reversion from
23 their Work Session that happened this week and if they really are
24 interested in what we think about this text amendment, I would
25 strongly recommend that they wait for our recommendation before

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they take action. If they are not interested in our recommendation, then by all means, they can proceed. We have not be given adequate time with the latest revision and frankly, we're not particularly -- from our Work Session, my impression was that none of us was particularly happy with the way the new wording has been written, so I stick by my guns on this one.

COMMISSIONER ATKINS: Any other comments?

COMMISSIONER CALLOWAY: Yes, like I said, I did want to know all the facts, but I definitely agree with my colleagues on this Commission, Commissioner Sheldon and Commissioner Tucker that having a bit more time to review this, I think is important if we are to actually make a recommendation, that we make it after we have deliberated the proper amount.

COMMISSIONER ATKINS: Okay. Any other discussion, Commissioners?

COMMISSIONER BORDERS: I would just simply like to say I did have a chance to go through this and I found some inconsistencies that I think need to be addressed before it codified.

COMMISSIONER ATKINS: So I think that what I hear from the Commissioners is that this Body, appointed by the members of the Council and the Mayor of this City, would like to do it's due diligence to go through the text amendment and as such would like to defer this so that we will have an opportunity to look through this thoroughly in our Work Session and come back with a very sound recommendation to the Council. Just for the benefit of the view

1 audience, we did have a version. However, that version has changed
2 since our Work Session and we got it just very recently and so this
3 Body has not really had an opportunity to go through the very latest
4 version.

5 ATTORNEY LINDA DUNLAVY: Mr. Chair, might I suggest that
6 rather than just making a motion that this be deferred to next
7 meeting of the Planning & Zoning Commission, that when this moves
8 forward to City Council, which it will do because it has been
9 advertised, that your comments with respect to way you are
10 recommending deferral be attached to whatever goes forward to
11 Council so that they fully understand why you are recommending
12 deferral.

13 COMMISSIONER ATKINS: And I do agree with that
14 recommendation so basically instead of just sending a blanket
15 deferral to Council, it's with our reasons why and basically we would
16 like to do our due diligence to go through the document.

17 COMMISSIONER SHELDON: And that we have already found
18 inconsistencies in the second draft, per Commissioner Borders.

19 COMMISSIONER ATKINS: Yes, per Commissioner Borders.

20 COMMISSIONER TUCKER: I haven't even received the
21 second draft.

22 COMMISSIONER ATKINS: Okay.

23 COMMISSIONER CALLOWAY: So do we need to make an
24 amendment to the motion?

25 ATTORNEY LINDA DUNLAVY: Yes, I would recommend that

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you do, same kind of thing, the friendly amendment.

COMMISSIONER CALLOWAY: I would like to propose a friendly amendment that our reasons for deferral be included in our recommendation to City Council.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Calloway, seconded by Commissioner Lovett that we defer --

COMMISSIONER SHELDON: And the maker of the original motion accepts.

COMMISSIONER ATKINS: -- and the making of the original motion accepts that we defer this Agenda Item to our next regularly scheduled meeting and that moving for our recommendation to Council also includes our reasons for deferral. 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 are recommending deferral of this Agenda Item to our November meeting. Our next Agenda Item are announcements. Staff, do you have any announcements?

VIII. ANNOUNCEMENTS:

MS. HOLMES: No.

COMMISSIONER ATKINS: Commissioners, do you have any

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announcements?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Seeing none, at this time, I will entertain a motion to adjourn.

IX. ADJOURNMENT:

COMMISSIONER MAXWELL: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved and properly seconded that we adjourn. 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.

(Whereupon this concludes the City of East Point Planning and Zoning Commission meeting for October 16, 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 48 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 October 16, 2014 at seven o'clock P.M. were taken down by me and transcribed by me on this 30th day of October, 2014.

Jeanene Harper
Stenographic Stenographer