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CITY OF EAST POINT
PLANNING & ZONING COMMISSION

May 21, 2015 - 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, Provisional Chair**

Commissioner Joel **TUCKER, Vice Chair**

Commissioner Laura **BORDERS - Absent**

Commissioner Gregory **FANN - Absent**

Commissioner Patricia **LOVETT - Absent**

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 - Absent

Videographer
Eric **Hammond**

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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 at this time, we are beyond the 7 o'clock hour so I'm officially calling the meeting to order. Staff, would you please sound Roll Call for quorum.

II. ROLL CALL:

MS. HOLMES: Commissioner Lovett.

COMMISSIONER LOVETT: (No response.)

MS. HOLMES: Commissioner Borders.

COMMISSIONER BORDERS: (No response.)

MS. HOLMES: Commissioner Calloway.

COMMISSIONER CALLOWAY: Present.

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: Here.

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

COMMISSIONER ATKINS: All right. Thank you. In lieu of a prayer, this Body recognizes is Moment of Silence so at this time we will take a Moment of Silence.

III. MOMENT OF SILENCE:

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

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER ATKINS: Thank you. 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 TUCKER: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONER ATKINS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The agenda is adopted. Commissioners, at this time, I will entertain a motion to approve our February 19, 2015 meeting minutes.

VI. APPROVAL OF THE FEBRUARY 19, 2015 MEETING

MINUTES:

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COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER GORDAN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Gordan that we approve our February 19, 2015 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. The February 19, 2015 meeting minutes are approved. Commissioner, at this time, we will go into our agenda, our cases of the agenda, and before we do that, I will let the audience know that we have three cases tonight. Each of the cases have be duly advertised and they all require public hearings so before we have Staff to sound the first case, I will read the procedures and the rules for public hearings.

(WHEREUPON RULES FOR THE CITY OF EAST POINT PUBLIC HEARINGS ARE READ INTO THE RECORD.)

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

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The applicant for the proposed amendment or the applicant's designated representative, if any, will be entitled to speak first followed by speakers in favor of the proposal for a total of fifteen (15) minutes. Those who oppose the proposed zoning amendment will then be permitted to speak for a total of fifteen minutes. By majority vote, the Commission may increase the total for speakers provided that each side is given the same amount of time.

If there is more than one speaker for a side, the Chair or the presiding office may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her allotted time for rebuttal. Speakers must adhere to the rule of decorum.

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

You've heard the rules of our public hearing. Staff, at this time, I'll ask you to sound the first zoning case.

VII. NEW BUSINESS:

MS. HOLMES: Case Number 2015Z-010-04, location is 1460 Ashley Way, 1464 Ashley Way, 1471 Ashley Way, 1480 Ashley Way, 1479 Ashley Way, 1497 Ashley Way, 1501 Ashley Way, 1493 Ashley

1 Way, 1481 Ashley Way, 1489 Ashley Way, 1500 Ashley Way, 1486
2 Ashley Way, 1485 Ashley Way, 1490 Ashley, 1482 Ashley Way, 1494
3 Ashley Way, 1498 Ashley, 1459 Ashley Way, 1476 Ashley Way, 1468
4 Ashley Way, 1463 Ashley Way, 1475 Ashley Way, 1472 Ashley Way,
5 1467 Ashley Way, 1463 Fulton Avenue, 0 Fulton Avenue, 0 Fulton,
6 1473 Fulton Avenue, 1501 James Trace, 1480 James Trace, 1469
7 James Trace, 1485 James Trace, 1473 James Trace, 1505 James
8 Trace, 1481 James Trace, 1484 James Trace, 1464 James Trace,
9 1504 James Trace, 0 James Trace, C-A 1, 1489 James Trace, 0 James
10 Trace, 0 James, C-A 2, 1493 James Trace, 1488 James Trace, 1509
11 James Trace, 1496 James Trace , 1465 James Trace, 1468 James
12 Trace, 1472 James Trace, 1508 James Trace, 1477 James, 1492
13 James Trace, 1500 James Trace, 1476 James Trace, 1497 James
14 Trace, 2694 North Martin Street, 2714 North Martin Street, 2718
15 North Martin Street, 2710 North Martin Street, 2706 North Martin
16 Street, 2703 North Martin Street, 2690 North Martin Street, 2698
17 North Martin Street, 2676 Martin Street, 2688 Martin Street, 2684
18 Martin Street, 1496 Norman Berry Drive, 2822 Village Trace, 2814
19 Village Trace, 0 Village Trace, 2821 Village Trace, 0 Village Trace,
20 2813 Village Trace, 2805 Village Trace, 2809 Village Trace, 0 Village
21 Trace, 0 Village, 2817 Village Trace, 2810 Village Trace, 2818 Village
22 Trace and 2806 Village Trace.

23 Application seeks a rezoning from CR, Commercial
24 Redevelopment to RT, Residential Townhouse.

25 COMMISSIONER ATKINS: Thank you. Did we inadvertently

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miss two of the addresses?

ATTORNEY LINDA DUNLAVY: I don't think so. I was following along but perhaps if you have concerns you should identify those two addresses.

COMMISSIONER ATKINS: Okay. I was just following along also and maybe you didn't see it. I didn't hear, 1508 James Trace and 1497 James Trace but I think you got all of the others so just in case, okay.

Commissioners, you've heard this zoning case. At this time, I will entertain a motion to open the public hearing.

COMMISSIONER MAXWELL: I so move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. The applicant is Staff so Staff, if you would, please present your case.

MS. HOLMES: The application seeks to rezone properties that are currently zoned CR, Commercial Redevelopment to Residential Townhome. The properties are either current existing as Sterling

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Village, which is zoned CR but is an exiting Residential Townhome and the other properties are existing CR legally nonconforming residential duplexes. It is beneficial to the City of East Point that these properties be rezoned to RT so that all the properties along the corridor are complimentary.

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: And I would make a correction. I said that Staff is the applicant. Actually, the City is the applicant and not Staff so I wanted to correct that. Are there any other proponents for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Yes, ma'am. If you would come, step up to the podium, state your first and last name and your current address, Ms. Tennyson.

(Whereupon Proponent Sandra Tennyson approached the podium.)

MS. TENNYSON: Good evening, Sandra Tennyson, resident of 2710 North Martin Street, the townhomes that are directly across the street, the Villages of Jefferson Park. We have been trying to get a private fence put up, a 6-foot fence but because the area that it's zone in, we have been having a hard time so we are very

1 appreciative and we feel as though since it is a residential area, that
2 we need to get a fence and we are right next door to the very
3 eye-soar of run down homes and homes that are just vacant so the
4 fence would give us a better appearance. I mean, after all East
5 Point's slogan is "Keep East Point Beautiful" and that's what we're
6 trying to do, but it's... and plus it's not only... it's degrading our
7 property value also so we would very much like to have the City in
8 favor of this rezoning to residential.

9 COMMISSIONER ATKINS: Okay. Thank you. Ms. Tennyson
10 would you also fill out a speaker's card so that we will have it for the
11 record. Okay. Are there any other proponents for this zoning case?

12 AUDIENCE: (No response.)

13 COMMISSIONER ATKINS: Any other proponents for this
14 zoning case?

15 AUDIENCE: (No response.)

16 COMMISSIONER ATKINS: Are there any opponents for this
17 zoning case?

18 AUDIENCE: (No response.)

19 COMMISSIONER ATKINS: Any opponents?

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

22 COMMISSIONER MAXWELL: I so move.

23 COMMISSIONER ATKINS: Is there a second?

24 COMMISSIONER GORDAN: Second.

25 COMMISSIONER ATKINS: It's been moved by Commissioner

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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 2015Z-010-04, application seeks a rezoning from CR, Commercial Redevelopment to RT, Residential Townhomes. Staff recommendation is approval.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard from the applicant, which is the City, 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 2015Z-010-04, I would recommend approval. I was very excited to see this on the agenda and I think it's a great opportunity to get that area moving.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Sheldon that we recommend approval. Any other discussion, questions, comments?

AUDIENCE: (No response.)

1 COMMISSIONER ATKINS: Hearing none, all in favor sound
2 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 We will recommend approval for Case Number 2015 "Z" as in
8 zebra-010-04.
9 The next case on the agenda, Staff, would you please sound
10 the next case?
11 MS. HOLMES: Case Number 2015V-001-04, applicant is Duke
12 Realty, location is 4909 North Commerce Drive. Applicant seeks a
13 variance to Part 10, Chapter 6, tree protection and landscaping.
14 COMMISSIONER ATKINS: Okay. Commissioners, at this
15 time, I'll entertain a motion to open the public hearing.
16 COMMISSIONER SHELDON: So moved.
17 COMMISSIONER ATKINS: Is there a second?
18 COMMISSIONER TUCKER: Second.
19 COMMISSIONER ATKINS: It's been moved by Commissioner
20 Sheldon and seconded by Commissioner Tucker that we open the
21 public hearing. All in favor sound aye.
22 COMMISSIONERS: Aye.
23 COMMISSIONER ATKINS: All opposed sound nay.
24 COMMISSIONERS: (No response.)
25 COMMISSIONER ATKINS: Hearing none, the ayes have it.

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

AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay. Would you please step to the podium and state your first and last name and your current address.

(Whereupon Applicant Steve Rothman approaches the podium.)

MR. ROTHMAN: My name is Steve Rothman, 2849 Paces Ferry Road. I'm an attorney and here on behalf of Duke Realty, who's the applicant.

This is an application for a variance from the tree ordinance. This is a piece of land that's zoned Business Park and as many of you know with Business Park in the Camp Creek Business Park area, those buildings and the tenants that are intended for that area are very large buildings. Sometimes they're twenty-five or thirty acres. Dick's Sporting Goods is there. The uses that are under bid now are for very large footprints of the buildings.

There is a tree ordinance... I'm getting old. I guess, I call it the new tree ordinance, but it was adopted in 2009, which was after the economic crash and this is the first building that Duke is attempting to build that comes in after the crash and under the new tree ordinance.

The new tree ordinance requires thirty tree density units per acre, which on smaller sites where you're building a Quik Trip or homes, that's easier to fit in but where you have very large buildings

1 with large loading needs and large parking needs, it becomes... it
2 vary almost impossible to meet the standard of the tree ordinance.
3 What we've done is come in and we've shown a plan and I have it
4 here that shows if we comply and there's still... must be paid, then
5 the plan that shows what happens... and that plan, which I think a lot
6 of you have shown but if you have not, I'm happen to unroll it now.
7 It really shows trees that the plan is so densely, they can't even
8 survive. They don't have room to grow and so we're in now asking
9 for a variance from that so that we can plant at nine point six (9.6)
10 tree density units per acre.

11 Now, that probably means very little to you other than it's a
12 nine point six (9.6). The question is: What does that mean? Well, to
13 give you some context, the Staff recommended...in the existing
14 Business Park, there's an older portion of the park towards the north
15 that has more mature trees because it's been there the longest but
16 they ask: What is the tree density under the tree density units that
17 we now use since 2009? What is that number? We'd like to know
18 what that is and that is the more vegetated part of the park and that
19 number is about seven tree density units per acre.

20 What we're asking for here on this plan is to allow ninety
21 point six (9.6) tree density units per acre so it's in excess of... the
22 nicest part of the park is consistent with not only the Business Park
23 that Duke currently has but it's also consistent with, you know, Class
24 A, top level business parks.

25 I do want to stress in this that none of the zoning buffers are

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proposed to be changed and we've submitted a cite plan that shows that this property doesn't abut any residential zoned property. The areas that are closest towards the west, to residential zoned properties, not only are they being, you know, meeting the standard, they exceed the standard because that area is a tree-save area. Those trees will not be taken down at all or touched, same thing with the parking will the trees. We've got a plan in that complies with the requirements for parking lot trees and so those are not subject to the variance and we're not asking for waivers from that.

The tree plan that we've shown has a lot of trees in front so from the public's space, along the street, it's very heavily treed and also landscaped and so really the area of the lot that doesn't have as many trees is where the building is and where the loading docks are, which we just simply can't put trees there.

So we would respectfully ask that you support the request and I'm here to answer questions. More importantly, Sandra Reeves with Duke, who has more specific knowledge is also here if you have specific questions. Thank you.

COMMISSIONER ATKINS: Thank you, Mr. Rothman. Are there any other proponents here to speak to the zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

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

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AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

AUDIENCE: (No response.)

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

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 have it the public hearing is now closed. Staff, would you please sound your recommendation.

MS. HOLMES: Case Number 2015V-001-04, application is a variance to Part 10, Chapter 6, Tree Ordinance and Landscape Tree Preservation and Landscaping, excuse me. Staff recommends approval of the variance to reduce the tree density units per acre to ninety point six three (9.63) with the following conditions: The applicant will adhere to all regulations in Sections 10-6001 through 10-6009. Applicant shall use tree and landscaping plant materials found in 10-6023. Any substitutions thereof shall be approved by the

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Planning & Zoning Director.

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

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon. I would like to move that we approve this variance with the conditions suggested and recommended by Staff.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER GORDAN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by Commissioner Gordan that we approve this variance with the condition as stated by Staff. Any discussion?

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Okay, Commissioner Sheldon.

COMMISSIONER SHELDON: I just want to point out for the public that this proposed warehouse facility is 617,760 square feet, which is a huge building and it's perfectly logical to make the request.

COMMISSIONER ATKINS: Any other comments, questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, there's a motion to approve the variance with conditions as stated by Staff. All in favor sound aye.

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COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The variance is approved. Thank you.

MR. ROTHMAN: Thank you.

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

MS. HOLMES: Case Number 2015M-004-05, applicant is a Text Amendment to amend Part 10, Chapter 2, Article D, Section 2116 by the leading Bed and Breakfast and amending Part 10, Chapter 2, Article C, Section 2075 by adding Bed and Breakfast Inn as a permitted use.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard this Case Number. At this time, I'll entertain a motion to open the public hearing.

COMMISSIONER MAXWELL: I so move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Maxwell, 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.)

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COMMISSIONER ATKINS: Hearing none, the ayes have it.
The public hearing is is now open. The applicant for this zoning case
is the City. Staff, would you please present your case.

MS. HOLMES: In 2009, the City of East Point adopted a
Comprehensive Rewrite of the zoning code. The volume, once
adopted became known as the East Point Zoning Code and
Development Regulations.

During the two year period of drafting and adoption, the City
Council, at the time, know that there were a number of crash pads
and boarding homes operating without any site in the City.
Additionally, the City previously allowed two primary residential
structures to exist on one single family lot and many property owners
converted structures to operate as multi-Family and in varying
commercial mixes and residential and commercial districts. This none
complaint practice generated numerous complaints from citizens and
officials and resulted in the issuance of citations by Code
Enforcement.

Code Enforcement sited problems with crash pads, group
homes, boarding and rooming houses and issues with identifying
property owners. At this time, Staff, created a Bed and Breakfast
Special Use Permit so that citizens of East Point could comment on an
application if a Bed and Breakfast Inn was presented to them. Since
that time, there's be a request to change that to a permitted use in
the commercial district and siting that there are other hotel-like uses
in those commercial districts.

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This application does seek an approval of recommendation from the Planning & Zoning Commission.

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, are there any opponents here to speak to the zone case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents?

AUDIENCE: (No response.)

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

COMMISSIONER GORDAN: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. HOLMES: Yes, sir. Case Number 2015M-004-05,
application is a Text Amendment. Staff recommends approval of the
Text Amendment to change or amend Part 10, Chapter 2, Article D,
Section 2116 by deleting Bed and Breakfast and amending Part 10,
Chapter 2, Article C, Section 2075 by adding Bed and Breakfast as a
permanent use with the following conditions: Bed and Breakfast Inn,
a minimum of two guest rooms and a maximum of five guest rooms
are permitted. The Bed and Breakfast shall be owner occupied,
permitted curve-cut access shall be from a local street. The
minimum landscape and buffer area shall be required as specified in
Chapter 6, for C1, for buffers where adjacent to residential. Property
requirement shall be the same as hotel, motel as specified in Article
E, parking.

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

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

COMMISSIONER CALLOWAY: On Case Number
2015M-004-05, I'll like to make a motion to recommend denial.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner

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Calloway and seconded by Commissioner Sheldon that we recommend denial for this zoning case. Any discussion?

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

COMMISSIONER CALLOWAY: I looked over there and the way that this new Text Amendment is written, what it would do is it would take away the Special Use Permit and as we heard Staff in their Staff findings that the reason that a Special Use Permit was put in there was because there were many crash pads, I think, and people were using single family residential as multifamily.

I think by taking away that Special Use Permit, that we would allow some of those issues to reoccur. Also currently, the way it is written, Bed and Breakfast is allow in C1, C2 and CL, although, we would be opening it up by not allowing or by saying that you don't have a have a Special Use Permit.

My concern is that we would be allowing carte blanche in the CR. Basically, if you were a CR, then you would be able to open up a Bed and Breakfast pretty much anywhere within that district without having to give a Special Use Permit and therefore, the citizens would not be able to voice their concerns if they do have some and if I'm not mistaken, the CR is along our Main Street Corridor and would affect the neighbors of Frog Hollow if I believe that's correct, which is mainly a residential area.

COMMISSIONER ATKINS: Okay. Any other discussion?

COMMISSIONER SHELDON: Yes.

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COMMISSIONER ATKINS: Commissioner Sheldon.

COMMISSIONER SHELDON: In our Work Session, I believe, a couple of our concerns were raised. One is that with the Special Use Permit as it exists now, most Bed and Breakfast will be located in an R...some kind of an R zone, a residential zone. That being eliminated as a possibility also then confines all of these types of facilities to be only in CR and it was our feeling that this just needed some more work but the individual who was requesting some work on this...I think, we just have some unintended consequences that are written into this, but the way it's done and that is our reason for... from our decision for recommending denial at this point.

COMMISSIONER ATKINS: Any other discussion from the Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: The only piece that I would like to add is that I have some serious challenges with removing the process by which a Bed and Breakfast is approved. I think it's critically important particularly that citizens have the ability to speak either for or against some type of business operation that's coming into a residential community so to allow to be a permitted use without a Special Use Permit requirement, I have some serious challenges around that.

I also think that that would lead to other issues down the road. I think that should this pass, as it is written, then we would have a number of citizens who would say, I had no idea this was

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coming. I purchased this home. I've lived here... we have never had a Bed and Breakfast. There's traffic in and out. It is increasing the amount of traffic, the amount of noise, whatever the case may be without the ability for citizens to have a forum to voice their concerns or to express whether they are in favor of it so I have some serious concerns with that provision as it is written.

Any other discussion?

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

COMMISSIONER CALLOWAY: And also I would just like to add... as I was looking over this, it's something else I thought. You know, with the popularity of a B&B and somewhere-type sites, you know, it's become a multi-billion dollar business. If we are going to dive into looking at rewriting our Bed and Breakfast ordinance, I think that we need to spend the little time taking the new economy and there's new services that people are looking to add into that mix and possibly addressing that in a new ordinance if we were to rewrite an ordinance.

COMMISSIONER ATKINS: Any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, there's a motion and a second to recommend denial. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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COMMISSIONER ATKINS: Hearing none, the ayes have it. The recommendation is to deny. We've now come to the end of our agenda as it relates to zoning cases. At this time, we'll go into announcements and I'll do the first.

VIII. ANNOUNCEMENTS:

COMMISSIONER ATKINS: I would just like to say that this evening, while we are without Commissioner Laura Borders, I want Laura to know that she is definitely here in energy and spirit. The Commission misses her. We hope that she is getting plenty of rest and we hope to see her next month if all goes well. Any announcements from Staff?

MS. HOLMES: No, sir.

COMMISSIONER ATKINS: Okay. Commissioner Sheldon.

COMMISSIONER SHELDON: Yes, I just have one quick thing to say. An acquaintance of mine name Frank Barham was in the midst of... he was almost finish with a very huge project, wheelchairing his way between Atlanta to Savannah in celebration for the 25th Anniversary of the Americans with Disabilities Acts. He was a performer. He had a fantastic band. He raised over \$10,000 to provide atop of the aligned wheelchairs for people who could not afford them and had great success doing that and he was killed today as well as one of his escorts in the escort van when he was less than 60 miles outside of Savannah and I just want to just say that he was an extraordinary person and it makes me very sad so I'd like to share that.

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COMMISSIONER ATKINS: Thank you Commissioner Sheldon.
I know that that has been all over the new and I think that Mr.
Barham was very well loved, respected and liked. I think I heard it
on NPR today and also it affected several members on my Staff
because they knew him as well and as well as the young lady who
was driving the escort van so our condolences to both of the families.

Any other announcements?

COMMISSIONERS: (No response.)

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

IX. ADJOURNMENT:

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner
Sheldon, seconded by Commissioner Tucker that we adjourn our May
21st, 2015 meeting of the East Point Planning & Zoning Commission.
All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: This meeting is adjourned have a
good night.

(Whereupon this concludes the Planning and Zoning
Commission meeting for the City of East Point held on May 21, 2015.)

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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 28 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 May 21, 2015 at seven o'clock P.M., were taken down by me and transcribed by me on this 4th day of June, 2015.

Jeanene Harper
Stenographic Stenographer