

1 CITY OF EAST POINT

2 **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

3 September 17, 2015 - 7:00 P.M.
4 Official Meeting Minutes

5 Jefferson Station
6 1526 East Forrest Avenue
7 4th Floor Council Chambers
8 East Point, Georgia 30344

9 Board Members:

10 Commissioner Shean **ATKINS, Chair**

11 Commissioner Linda **SHELDON, Provisional Chair**

12 Commissioner Joel **TUCKER, Vice Chair - Absent**

13 Commissioner Laura **BORDERS - Absent**

14 Commissioner Gregory **FANN - Absent**

15 Commissioner Patricia **LOVETT**

16 Commissioner Thomas **CALLOWAY**

17 Commissioner Stephanie **GORDAN**

18 Commissioner Willard **MAXWELL**

19 Also Present:

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

22 Ms. Keyetta **HOLMES**
23 Senior Planner

24 Richard **RANDOLPH**
25 City Engineer - Absent

Ms. Angela **BLATCH**
Associate Planner

Videographer
James **Hammond**

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Appearances

<u>APPLICANTS</u>	<u>PAGE</u>
2015V-003-07 - Old Business Brent Stone/Garrard Group	15
2015U-005-08 Sickle Cell Foundation of Georgia	20
2015V-007-08 Duke Realty Limited Partnership	27
2015Z-006-08 2015VC-006-08 Duke Realty Limited Partnership	38
2015M-006-09 Citywide	62
2015M-007-09 Citywide	70
2015M-008-09 Citywide	78

	Index	
	<u>Description</u>	<u>Page</u>
1		
2	I. Call to Order	4
3	II. Roll Call	4
4	III. Moment of Silence	5
5	IV. Pledge of Allegiance	5
6	V. Adoption of Agenda	5
7	VI. Approval of August 20, 2015 Minutes	5
8	VII. Presentation - Walkable and Livable Communities Institute (WALC)	7
9		
10	VIII. Old Business	15
11	IX. New Business	19
12	X. Announcements	82
13	XI. Adjournment	83
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening, ladies and gentlemen. I'm Shean Atkins and I'm the share of the East Point Planning & Zoning Commission. At this time, I'd like to call our September 17th, 2015 meeting to order. Staff, would you please sound Roll Call to establish a quorum.

II. ROLL CALL:

MS. BLATCH: Commissioner Lovett.
COMMISSIONER LOVETT: Here.
MS. BLATCH: Commissioner Borders.
COMMISSIONER BORDERS: (No response.)
MS. BLATCH: Commissioner Calloway.
COMMISSIONER CALLOWAY: Present.
MS. BLATCH: Commissioner Fann.
COMMISSIONER FANN: (No response.)
MS. BLATCH: Commissioner Atkins.
COMMISSIONER ATKINS: Present.
MS. BLATCH: Commissioner Tucker.
COMMISSIONER TUCKER: (No response.)
MS. BLATCH: Commissioner Sheldon.
COMMISSIONER SHELDON: Here.
MS. BLATCH: Commissioner Gordan.
COMMISSIONER GORDON: Here.
MS. BLATCH: Commissioner Maxwell.
COMMISSIONER MAXWELL: Here.

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

COMMISSIONER ATKINS: Okay. Thank you. At this time, this Body observes a Moment of Silence so we will all take a Moment of Silence.

III. MOMENT OF SILENCE:

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

IV. PLEDGE OF ALLEGIANCE:

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

V. ADOPTION OF AGENDA:

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MAXWELL: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by Commissioner Maxwell 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 presented. Commissioners, at this time, I'll entertain a motion to approve our August 20th, 2015 meeting minutes.

VI. APPROVAL OF THE AUGUST 20, 2015 MEETING

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MINUTES:

COMMISSIONER MAXWELL: I so move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER GORDAN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Maxwell, seconded by Commissioner Gordan that we approve our August 20th, 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. Our meeting minutes from August 20th, 2015 are approved. At this time, we have a special presentation for our Walkable and Livable Communities Initiative and we'll have the Director of Planning and Zoning, Geneasa introduce the presenter.

VII. PRESENTATION - WALKABLE AND LIVABLE

COMMUNITIES INSTITUTE (WALC):

MS. ELIAS: Good evening, Commissioners.

COMMISSIONERS: Good evening.

MS. ELIAS: My name is Geneasa Elias, Director of Planning and Community Development for the City of East Point. Tonight, we have the pleasure of presenting the Walkable and Livable Communities Institute to you all regarding our complete street screening. The City of East Point of awarded a complete street screening made possible from the Centers for Disease Control

1 through Fulton County. Fulton County contracted with the Atlanta
2 Regional Commission to actually implement the grant program and
3 then the Atlanta Regional Commission contracted with the Walkable
4 and Livable Communities Institute to actually perform the
5 assessment. The corridor for which the assessment will be
6 conducted is the Washington Road corridor. Tonight is the first of a
7 three-day assessment that the institute will be conducting in the City.
8 Tonight, we have Mr. Robert Ping from the Walkable and Livable
9 Communities Institute. Tomorrow, he will be conducting a workshop
10 with Staff regarding the assessment of the corridor and then on
11 Saturday, we invite everyone to participate in the community
12 workshop that will take place at Jefferson Park Rec Center from ten
13 o'clock a.m. until two o'clock p.m. and that's Saturday, September 19,
14 10:00 to 2:00. Thank you so I present Mr. Robert Ping.

15 COMMISSIONER ATKINS: And okay, Mr. Ping -- thank you,
16 Ms. Elias.

17 (Whereupon Mr. Robert Ping approaches the podium.)

18 MR. PING: Thank you, Geneasa. Hello committee members
19 and thank you very much for giving up your very busy schedule time.
20 I know you have a full docket tonight. Just gonna take about ten
21 minutes to give you a quick overview of why we're here. I'm very
22 excited to be hereby the way. I hail from Portland, Oregon. I'm
23 gonna take about my organization in a moment here and, Keyetta, so
24 I just tell you when to change the slide. All right thank you. All right
25 go ahead. Thank you. I'm with the Walkable and Livable

1 Communities Institute. We are a national Non-profit 501 (c) (3)
2 organization. We're contracted to be here. We go around the
3 country to an average of fifty communities per year, helping them
4 become more walkable, bikeable and livable. We work on
5 transportation land issues and one of the big thing we go is an active
6 living workshop, similar to what we're doing here in East Point. We
7 do a number of other things as you can see from this slide and we do
8 educational tools for the National Walking Biking Movement as well.
9 So why do we want to push walking? Well, it's the first thing humans
10 want to do when they're born. It's the very last thing we want to
11 give up, right? Next slide.

12 But unfortunately, we've been internering walking out of our
13 lives. Anybody see what's wrong with this picture. This is San Diego,
14 California where it's always 75 and sunny and they put an escalator
15 from the parking lot into the fitness gym. Next slide. So we've
16 learned not to walk anymore, right, and unfortunately, this is not
17 uncommon behavior. Next slide, thank you.

18 So we really believe that there should be safe routes for all.
19 A street like this is very difficult for this woman to be able to
20 navigate. She's in front of a fire department. There's no sidewalks.
21 It's a very wide roadway, very fast-moving traffic through here. Next
22 slide.

23 COMMISSIONER SHELDON: Nice curb cut. I'm impressed.

24 MR. PING: Yeah, there's a curb cut to nowhere. So if we plan
25 for cars and traffic, which we've been doing for the last forty, fifty

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years generally in the United States, that's what we're gonna get is cars and traffic. Next.

If we plan for people in places, though, we get people in places and I'm very excited to be able to bring to East Point, some of the things that are happening around the U. S. and Internationally that are really revitalizing American Cities and showing us a new way of not only getting around but of our land uses and places that are more livable for people. Next.

I'm also excited to tell you that just last week, the Surgeon General announced a Call to Action and this is only the sixth Call to Action they've done in ten years. It's a very rare thing but the Call to Action is around walkability, recognizing that it's a critical aspect of a healthy community. It's taken us decades to realize this so now the Surgeon General is pushing this out. It's a big deal. A lot of organizations are behind it so again, the timing is really excellent for our message here on walkability and liveability. Next.

So we're doing an active living workshop in the next couple of days. We're pretty excited about it because it's a very effective tool and I'll talk quickly about how it works. Next.

We're gonna be promoting people verses automobile focus design so you can see on the left is what we've been doing nationally for decades now is designing roadways, big parking lots, buildings that are set back from the roadway and on the right, we're doing what's old is new again, in essence, more walkable, smaller scale, people scale developments minor buildings, landscaping, places that

1 feel safe, convenient for walking. Next. We're gonna be covering
2 these four basic premises: How accessible is it for walking? How
3 welcoming is it? How convenient and how safe? Those are all
4 equally important aspects for the walking experience and biking as
5 well. Next, thank you.

6 So I'll bring some good case studies that I think are relevant
7 after -- tomorrow morning, we're gonna be doing what we call,
8 Discovery, going around town, looking up and down Washington
9 Road and they're some other areas in town and that will be bringing
10 in some case studies from similar communities of things that have
11 happened that really have revitalized communities around the
12 country. Next.

13 We'll conduct a walking audit. There's nothing like
14 experiencing things on the ground as a pedestrian. Driving around
15 and looking at things is quite different than standing on a sidewalk
16 next to a road with a 18-wheeler going by you. It's a quite different
17 experience. That will also gives us a chance to really look in detail of
18 what's happening on the street. Next.

19 The most important aspect is hearing from the community so
20 a person like me comes in with an objective view but I don't know
21 best what's good for East Point. You guys do and your community
22 does. So we'll be doing some visioning and action planning and
23 determining what we think are good priorities, what the challenges
24 and opportunities are and prioritizing into three basic category, short
25 term things. We call it the Hundred-Day Challenge. What can we do

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quickly with a bucket of paint or a couple volunteers to really set things forward? And you'd be amazed and how much can happen with a single bucket of paint in it's done in the right way. We don't have to have huge federal grants to start making changes, to really catalyze improvements in an area and then we'll put those together in an Action Plan. Next.

And then we'll write up a report of observations and recommendations, everything we heard from the community during the workshop and bring that back to the community for your use. Next.

So we're focused on Washington Road, the entire corridor of Washington Road and just some of the things I've come up with just looking at Google maps and just my getting lost from the airport, coming to the hotel, wondering around a little bit, I saw a lot of stuff and some ideas popped up to me. One was gateways and roundabouts. We don't have a great gateway into East Point, right. We're in part of the region and we feel like we're part of the region, especially with the airport but if you want to draw people in to take advantage of businesses here or to be interested in moving here or use the Velodrome or other things in town, gateways are a really critical piece of that so we'll be looking at ways we can create gateways into town. Now, really show people that -- here is East Point. Roundabouts are a good technique to do that as well and I was looking at Washington Road on Google maps. It just seemed obvious to me, especially with a road with that little traffic -- six to

1 nine thousand cars a day from our perspective, is a small amount of
2 traffic. A series of roundabouts replacing signalized intersections
3 would be so beautiful and create a really nice corridor and I would
4 be willing to gamble, it would actually increase travel time for drivers
5 through the corridor as well, improve safety. There's virtually no
6 depth in roundabouts because we take away the high speed, T-bone
7 crashes and you can landscape them. It can really create not only a
8 gateway on either end but a beautiful corridor along the way. It can
9 revitalize and entice people to come in and spend money on
10 businesses and houses, et cetera, so we'll take a look at that.

11 We'll look at overly wide driveways. Pedestrians don't like to
12 be exposed and have an overly wide driveway that cross or an overly
13 wide street. We'll look at some of those. Sidewalks, the obvious
14 things so do we have poles in the middle of the sidewalk. I believe
15 we do and we'll talk about that a bit and the proximity of the street.
16 The sidewalk right next to a curb can be a scary experience. We
17 have fast-moving traffic. We'll talk also about the land uses,
18 economic development opportunities. Washington runs through your
19 original downtown, some old beautiful buildings there. Downtowns
20 are a great place to focus energy, to draw people in and we've done
21 a lot of revitalization work around the country in Cities the size of
22 East Point, smaller and bigger and helping revitalize downtown is a
23 way to catalyze energy for the rest of the City and we might look at
24 some other things like Form-based code, inclusionary zoning , things
25 that you've probably already talked about or decided weren't possible

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but that's what the workshop brings out. All ideas are brought out on the table. We'll be meeting with agency Staff tomorrow and vetting some of these ideas through them and then on Saturday, we'll talk with the public about some of these, too. We believe multi-story mixed-use development in an urbanized area, like your downtown is really important as well. Next.

And then we'll talk about other areas because you can't think about a road in isolation, right? You know this. So we have to think about network and connectivity, people coming in and out of East Point from Atlanta and other places and some of the other things that might be part of that discussion as well from land-use and transportation standpoint. Next.

So all in all, our theory is that a complete street -- you can start with the roadway, you can spark transformation. We don't have to entice the heavy duty developer to come in with a mess of development. We can entice a developer through a beautiful street-scape and actually, this happens to be an image of street-scape in La Jolla and San Diego that we were a part of. I'm gonna tell the story during the workshop as well, revitalize this entire corridor. A very exciting project. Next.

And I think East Point has potential for this, too. Just in the short time I've been here, I've seen a lot of potential. I think you guys are doing great work already and I think we can add some to that discussion and conversation. I'm very excited to hear what folks have to say. I'm excited to be here on my travels. I was in

1 Wilmington, North Carolina yesterday and traveling to Houston and
2 Austin in a couple days and all these communities have equal parts of
3 potential and challenges, too, but a lot of the solutions that we're
4 gonna be talking about and ideas we'll bring to the table could be
5 very valuable and hopefully, you'll like some of the ideas we come up
6 with through the workshop.

7 So thanks again for your time. I know you have a busy
8 docket and I'll move on and let you get to your real work and I look
9 forward to probably meeting some of you at the workshop and others
10 that are here in the audience and we have some flyers. Thank you
11 for your time.

12 COMMISSIONER ATKINS: Thank you you, Mr. Ping. Ms.
13 Elias, before you leave -- this is really great and I'm happy that East
14 Point has been selected to receive this grant for the study. I guess,
15 my question would be what have we done in terms of outreach to
16 the community because I'm assuming that this is people-driven and
17 so what have we done to reach the people to make sure that they
18 are participating in the process?

19 MS. ELISA: The good thing is we actually had some
20 assistance from the Atlanta Regional Commission with outreach as
21 well and I failed to mention that we do have Ms. Katy Perrin Beatty
22 and Ms. Amanda Tyler with is here tonight, sitting in the audience so
23 they assisted the City without reach regarding the community's
24 workshop on Saturday but in addition to their outreach, Staff literally
25 mailed postcards to all of the business owners along the corridor and

1 any other property owners along the corridor. We mailed postcards
2 to the neighborhood association presidents, to the Council members
3 and we also announced it to all of the department Staff here in the
4 City.

5 COMMISSIONER ATKINS: Okay. Great thank you.

6 COMMISSIONER SHELDON: Thank you.

7 COMMISSIONER ATKINS: Thank you. All right. Our next
8 Agenda Item is Old Business. We have one case under Old Business.
9 This particular case already have the benefit of a public hearing so
10 we will not have a public hearing for this Agenda Item this evening.
11 This is Case Number 2015 "V" as in victory-003-07. Staff, would you
12 please sound this Agenda Item.

13 **VIII. OLD BUSINESS:**

14 MS. HOLMES: Case Number 2015 "V" as in Victor-003-07,
15 applicant is Brent Stone, Garrard Group. Application location is 3033
16 Main Street, 0 Main Street, 3047 Main Street and 1671 Williams
17 Avenue. Applicant seeks a three-part concurrent variance to corner
18 entry to reduce the parking and to building elevations.

19 COMMISSIONER ATKINS: Okay. Commissioners, you've
20 heard this Agenda Item. Staff, would you please sound your
21 recommendation.

22 MS. HOLMES: Staff recommends approval of Concurrent
23 Variance, Part One to 10-14016 (a) (1), allow ing construction of a
24 corner entry.

25 Staff also recommends approval of Concurrent Variance, Part

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Two to 10-2154, reducing the required number of parking spaces to 26 spaces with a condition that a six-foot decorative fence with Evergreen plantings be constructed along the fence line, adjacent to the residential district. The applicant can also reduce the 20-foot rear yard landscape strip to five feet.

Additionally, a ten-foot landscape strip is required along Williams Avenue with Evergreen plantings and a ten-foot landscape strip with a two-foot berm along Main Street.

Staff recommends approval of Concurrent Variance, Part Three to 2011 "V" as in Victor-006-12 to allow changes in the elevations with the following conditions: Exterior elevation material variation through a mix of brick, stucco and stone material. Eifs is prohibited. The front elevation, Main Street elevation and Williams Avenue elevation shall have a combination of glazing window fenestration in windows and conformance with Sheet A, 2.4, Option Number 4.

No vending on any exterior wall surrounding the building. The sidewalks shall be constructed in accordance with the Main Street, Streetscape T. Grant Design. A lot combination, minor plate must be completed prior to issuance of the land disturbance permit. Pilasters shall be six feet to eight feet in depth -- I'm sorry, inches, six inches to eight inches in depth. The Main Street elevation shall omit the second from the right pilaster to allow for flush signage mounting.

On the William Street elevation, place window in center bay,

1 move ornamental pair pit with signage from center bay to far right
2 bay. Signage shall not exceed 48 square feet. The retailers emblem
3 only is allowed above the entrance. The retailers name is allowed on
4 the Main Street elevation and the Williams Avenue elevation. The
5 permit for the north driveway shall be secured from GDOT prior to
6 issuance of the building permit.

7 COMMISSIONER ATKINS: Okay. Thank you.

8 Commissioners, you've heard Staff's recommendation for this Agenda
9 Item. At this time, I'll entertain a motion.

10 COMMISSIONER SHELDON: Mr. Chair.

11 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

12 COMMISSIONER SHELDON: I move that we approve with
13 conditions as stated by Staff.

14 COMMISSIONER ATKINS: Is there a second?

15 COMMISSIONER GORDAN: Second.

16 COMMISSIONER ATKINS: Any discussion?

17 COMMISSIONERS: (No response.)

18 COMMISSIONER ATKINS: It's been moved by Commissioner
19 Sheldon, seconded by Commissioner Gordan that we approve with
20 conditions as stated by Staff. All in favor sound aye.

21 COMMISSIONERS: Aye.

22 COMMISSIONER ATKINS: All opposed sound nay.

23 COMMISSIONERS: (No response.)

24 COMMISSIONER ATKINS: Hearing none, the ayes have it.

25 This Agenda Item is approved. Moving along our agenda to New

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Business. The first item on the agenda is 2015 "U" as in umbrella-005-08. All of the cases under New Business this evening require public hearing. At this time, I'll read our rules for public hearing. They will apply to each of the public hearing this evening.

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

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 both favoring and opposing with 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 oppose the proposed zoning case will then be permitted to speak for a total of fifteen (15) minutes. By majority vote, the 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 allotted time for rebuttal.

Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall identify him or herself and state his or

1 her current address. Each speaker shall speak only to the merits of
2 the proposed zoning decision under consideration, shall address
3 remarks only to the Commission and shall refrain from making
4 personal attacks on any other speaker. The presiding officer may
5 refuse a speaker the right to continue, if after first being cautioned,
6 the speaker continues to violate the rules of decorum. Those are our
7 rules for our public hearings. Staff, would you please sound the first
8 Agenda Item under New Business.

9 **IX. NEW BUSINESS:**

10 MS. BLATCH: Case Number 2015U-005-08, Sickle Foundation
11 of Georgia. The location is 2575 Harris Street. They're seeking a
12 Special Use Permit for a special event, large.

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

15 COMMISSIONER SHELDON: So moved.

16 COMMISSIONER ATKINS: Is there a second?

17 COMMISSIONER MAXWELL: Second the motion.

18 COMMISSIONER ATKINS: It's been moved by Commissioner
19 Sheldon and seconded by Commissioner Maxwell that we open the
20 public hearing for Case Number 2015 "U" as in umbrella-005-08. All
21 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 this evening?

AUDIENCE: She's not here. I'm here representative.

COMMISSIONER ATKINS: Okay. Would you please step forward to the podium.

(Whereupon Representative Dianne Brown approaches the podium.)

MS. BROWN: Good evening everyone.

THE BODY: Good evening.

MS. BROWN: My name is Dianne Brown. I represent the South Fulton Running Partners. We are the logistic managers of the Sickle Cell Foundation Road Race. I am representing Deb McGhee, sorry.

COMMISSIONER ATKINS: And for the record, Ms. Brown would you please state your address.

MS. BROWN: My address is 6257 Sawtooth Oak Court, Mableton, Georgia, 30126.

COMMISSIONER ATKINS: Okay. Thank you. You can go ahead and present your case.

MS. BROWN: As our application states, we are looking for a five year permit for the Sickle Cell Road Race. It has been previously been at Welcome All Park and we had it here for the first time last year. I know some of -- I've seen some of your faces at the race and what we're looking to do is create a longstanding partnership with the City of East Point to not only have this race but to grow it and

1 really promote health and wellness to those participants of the City of
2 East Point.

3 COMMISSIONER ATKINS: Okay. All right. Are there any
4 other proponents here this evening to speak to the zoning case?

5 AUDIENCE: (No response.)

6 COMMISSIONER ATKINS: Any other proponents?

7 AUDIENCE: (No response.)

8 COMMISSIONER ATKINS: Going once, going twice, are there
9 any opponents here to speak to the zoning case?

10 AUDIENCE: (No response.)

11 COMMISSIONER ATKINS: Any opponents?

12 AUDIENCE: (No response.)

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

15 COMMISSIONER SHELDON: So moved.

16 COMMISSIONER ATKINS: Is there a second?

17 COMMISSION CALLOWAY: Second.

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

21 COMMISSIONERS: Aye.

22 COMMISSIONER ATKINS: All opposed sound nay.

23 COMMISSIONERS: (No response.)

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

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your recommendation.

MS. BLATCH: On Case Number 2015U-005-08, Applicant, Sickle Cell Foundation of Georgia, 2575 Harris Street, Special Use Permit of Special Events 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 R1A, which is Urban Residential Zoning District.

Food service permits and business licenses for food vendor shall be provided during Plan Review meeting with the service delivery areas. Vendor without a business license shall require to secure a vendor permit from the City.

Business licenses for retail vendor shall be provided during Plan Review meeting with the service delivery areas. Vendor without a business license shall be required to secure a vendor permit from the City. The East Point Fire Department checklist shall be completed and presented during the Plan Review meeting with the service delivery areas.

A detailed security plan and traffic control plan shall be submitted during the Plan Review meeting with the service delivery areas. A minimum of twenty East Point Law Enforcement and or Fulton County Sheriff officers shall be required. Overtime compensation for Public Works Staff must be provided prior to the event. The application for the Special Use Permit shall be waived -- excuse me. The application for the Special Use Permit shall be waived from 2015 through 2020. This will not waive the outdoor

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event permit fee.

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

COMMISSIONER CALLOWAY: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Calloway.

COMMISSIONER CALLOWAY: Case Number 2015U-005-08, I make a motion for approval including Staff's conditions.

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Calloway, seconded by Commissioner Lovett that we approve this Agenda Item with Staff's conditions. Any discussion?

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Commissioner Sheldon.

COMMISSIONER SHELDON: You were gonna look that up to see if there was (inaudible) conflicts.

ATTORNEY LINDA DUNLAVY: I do have a concern about the final condition recommended by Staff and requested by the applicant, that the Special Use Permit be enforced for five years. Our ordinance specifically states that a use permit expires after three year. I think that it maybe outside the scope of the authority of this Commission to grant it for five years so I would recommend the three.

COMMISSIONER ATKINS: Okay. All right. Speaking about that, okay. Ms. Holmes we'll come right back once you find that. Speaking of Condition Number Seven, Ms. Blatch, I think that what

1 you stated was the Special Use Permit shall be waived from 2015.
2 However, printed is '16 so was that an error? Should it be 2016
3 through 2020 or should it be 2015 through 2020?

4 ATTORNEY LINDA DUNLAVY: It should be 2016. They've
5 already applied for 2015.

6 COMMISSIONER ATKINS: Okay.

7 ATTORNEY LINDA DUNLAVY: So waiver doesn't really do
8 much for them.

9 COMMISSIONER ATKINS: Okay. All right. So do -- to
10 perfect the record, should the motion and the second also be
11 restated to reflect that?

12 ATTORNEY LINDA DUNLAVY: Yes.

13 COMMISSIONER ATKINS: Okay, Commissioner Calloway.

14 COMMISSIONER CALLOWAY: Mr. Chair, after we hear from
15 Ms. Holmes, I'll certainly amend my motion to take everything under
16 consideration including the --

17 COMMISSIONER ATKINS: Okay. Okay.

18 COMMISSIONER ATKINS: While Staff is looking for the
19 verbiage in the ordinance, if anyone has a song or a poem they it
20 would like to share.

21 THE BODY: (Laughs)

22 COMMISSIONER SHELDON: Or interpretative dance.

23 COMMISSIONER ATKINS: Madam Attorney.

24 ATTORNEY LINDA DUNLAVY: I stand correct. It appears
25 that the three year expiration applies if there is no building permit or

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land use permit polled within the first three years after the permit has been granted so the five-year request would be appropriate.

COMMISSIONER ATKINS: Okay. All right. Is there a substitute motion to correct the date?

COMMISSIONER CALLOWAY: Yeah, Mr. Chair, I amend my motion to correct the date from -- waiving the fee beginning in 2015 to beginning of -- waving the fee in 2016.

COMMISSIONER ATKINS: Okay. There are different days. Now, you said waiving a fee. We're not waiving the fee so can you please state your substitute?

COMMISSIONER CALLOWAY: I'm sorry, I apologize. Case Number 2015U-005-08, I'd like to make a motion to approve with conditions as stated by Staff except changing the year in Condition Seven from 2015 to 2016.

COMMISSIONER ATKINS: To 2020.

COMMISSIONER CALLOWAY: I'm sorry, 2020, I apologize, 2020.

COMMISSIONER ATKINS: Can you state that again please so that I'm comfortable.

COMMISSIONER CALLOWAY: Okay, one more time. Case Number 2015U-005-08, recommend approval -- excuse me, make a motion for approval with Staff recommendations except Condition Seven, changing the year from 2015 to 2020.

COMMISSIONER ATKINS: Okay. And is there a second for this?

1 COMMISSIONER CALLOWAY: It was 2016, correct?
2 COMMISSIONER ATKINS: It's 2016.
3 ATTORNEY LINDA DUNLAVY: It's 2015 to 2016.
4 COMMISSIONER CALLOWAY: Thank you. I thought so.
5 ATTORNEY LINDA DUNLAVY: You were correct the first time
6 but the notion is that the condition should read that the application
7 for the Special Use Permit shall be waived between 2016 and 2020.
8 COMMISSIONER CALLOWAY: One more time. Case Number
9 2015U-005-08, make a recommendation -- excuse me, make a
10 motion for approval with Staff's condition except in Condition Number
11 Seven, changing the year 2015 to 2016.
12 ATTORNEY LINDA DUNLAVY: Good.
13 COMMISSIONER ATKINS: Okay. And your second still
14 stands, Ms. Lovett, okay.
15 COMMISSIONER LOVETT: Yes.
16 COMMISSIONER ATKINS: Is there any discussion other than
17 what we've already had?
18 COMMISSIONERS: (No response.)
19 COMMISSIONER ATKINS: Okay. There's a motion to
20 approve and there's a second. All in favor sound aye.
21 COMMISSIONERS: Aye.
22 COMMISSIONER ATKINS: All opposed sound nay.
23 COMMISSIONERS: (No response.)
24 COMMISSIONER ATKINS: Hearing none, the ayes have it.
25 Okay. This Agenda Item is approved. Our next Agenda Item is Case

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Number 2015 "V" as in victory-007-08. The applicant is Duke Realty Limited. Staff, would you please sound this Agenda Item.

MS. HOLMES: Case Number 2015 "V" as in Victor-007-08. Applicant is Duke Realty Limited Partnership, location is Camp Creek Business Park, Sites S, T, U and V. Applicant also seeks a 4-Part concurrent variance to the Stream Buffer, Zoning Buffer in Sections 10-6010 through 10-6024, Tree and Landscaping Ordinance.

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

AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay.

(Whereupon Applicant's Attorney Representative, Mr. Larry Dingle, approaches the podium.)

MR. DINGLE: Good afternoon, Mr. Chair, Members of the Board. I'm Larry Dingle, 2849 Paces Ferry Road and I appear on behalf of Duke Realty with respect to the variance.

COMMISSIONER ATKINS: One second, Mr. Dingle. You're exactly right. Commissioners, at this time, I'll entertain a motion to open the public hearing.

COMMISSIONER CALLOWAY: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Calloway, seconded by Commissioner Sheldon that we open the public hearing. 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 public hearing is now open. Mr. Dingle, carry on.

MR. DINGLE: Good afternoon, Mr. Chair, Larry Dingle, 2849
Paces Ferry Road, and I'm here in behalf of the Applicant, Duke
Realty, with respect to the variance request that's described by Staff.
One of the things that we wanted to really start with is to describe to
you geographically where we are. That large board there is intended
to give you an understanding of what -- of where we are -- we're
talking about. The orange line to the left is the area that is abudding
the subdivision of Savannah Walk and in between the white line and
the orange line to the left, is the area that is already zoned to the
business of our classification so we're not seeking any relief from the
zoning ordinance but what we are seeking to do is to make an
improvement in the separation between the uses we propose and the
existing condition.

So as you can see from this illustration what we want to do is
to go into the buffer to grade and plant to increase the protective
greenery, separating Savannah Walk from the proposed development
so this is a good thing but I don't know that there's anybody here
from Savannah Walk to speak against it but it would seem to me that
it would really be in everybody interest to have this enhancement
made to that buffer.

1 In addition to that, the buffer area -- if you would go to the
2 other side, the other image you have, it shows the expanded
3 buffer -- the expanded area. In addition to that, what you will see is
4 that the -- while there's an 75-foot buffer, undisturbed buffer, the
5 area that we're talking about providing for development creates a
6 much expanded area protection and separation from that
7 neighborhood and the proposed use. With regard to the request for
8 the Stream Buffer requirement -- let's put up a board that shows
9 that. We're proposing to make limited intrusion into the Stream
10 Buffer areas in order to be able to create a solid base for the
11 development of the parking area that we propose to build to support
12 this development.

13 What we're passing out to you is what's called a gabion wall
14 and that's the retaining wall that we intend or proposing to install
15 within the Stream Buffer for purposes of retention, of rather retaining
16 soils. The third aspect of what we were asking for is also to have
17 some relief as you have granted in a most previous meeting from the
18 requirements of the tree regulation and so with that, we are
19 essentially prepared to reserve the remainder of our time but we
20 won't go into the operation because I know there was some concern
21 to questions about that but I would prefer to preserve that discussion
22 when we get to the zoning application so with that being said, I'll
23 have a seat and respond and reserve the remainder of my time if
24 there is a response necessary. Thank you.

25 COMMISSIONER ATKINS: Thank you, Mr. Dingle. Are there

1 any other proponents here this evening to speak to the zoning case?
2 AUDIENCE: (No response.)
3 COMMISSIONER ATKINS: Any other proponents?
4 AUDIENCE: (No response.)
5 COMMISSIONER ATKINS: Seeing none, are there any
6 opponents here to speak to this zoning case?
7 AUDIENCE: (No response.)
8 COMMISSIONER ATKINS: Going once, going twice.
9 AUDIENCE: (No response.)
10 COMMISSIONER ATKINS: Seeing none, Commissioners, at
11 this time, I'll entertain a motion to close the public hearing.
12 COMMISSIONER SHELDON: So moved.
13 COMMISSIONER ATKINS: Is there a second?
14 COMMISSIONER LOVETT: Second.
15 COMMISSIONER ATKINS: It's been moved by Commissioner
16 Sheldon and seconded by Commissioner Lovett that we close the
17 public hearing. All in favor sound aye.
18 COMMISSIONERS: Aye.
19 COMMISSIONER ATKINS: All opposed sound nay.
20 COMMISSIONERS: (No response.)
21 COMMISSIONER ATKINS: Hearing none, the public hearing
22 is now closed. Staff, would you please sound your recommendation?
23 MS. HOLMES: Case Number 2015V-007-08, Camp Creek
24 Business Park Sites, S, T, U and V, Staff recommends approval of
25 Concurrent Variance, Part One to allow relief from all provisions

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required within Sections 10-6010 through 10-6024 with the following conditions: The applicant will adhere to all regulations in Sections 10-6001 through 10-6009. Applicant shall use trees and landscaping plant materials found in 10-6023. Any substitution thereof shall be approved by the Planning and Community Development Director.

Staff recommends approval of Concurrent Variance, Part Two to 10-6008 (d), reducing the required Zoning Buffer to zero where adjacent to residential for the purpose of grading and replanting.

Staff recommends approval of Concurrent Variance, Part Three to reduce the required 50-foot undisturbed vegetated buffer to zero of Section 10-120211 with the following condition: The site design engineer will address details in the all eleven requirements of of Chapter 2, Section 10-12002, Stream Buffer Protection and hydrology report provided to the City of East Point .

Staff recommends approval Concurrent Variance, Part Four to reduce required additional 25-foot setback to zero of Section 10-120212.

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

ATTORNEY LINDA DUNLAVY: Mr. Chair, I would ask that the motions be addressing each individual variance as you go through rather than treating the variances as a whole.

COMMISSIONER ATKINS: As a whole. Okay. We can do that. Commissioners, at this time, I'll entertain a motion. You've

1 heard Staff's recommendation. You've heard from the applicant and
2 the Staff's recommendation and their conditions for approval with the
3 recommendation as stated. We shouldn't all speak at once.

4 COMMISSIONER SHELDON: Mr. Chair.

5 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

6 COMMISSIONER SHELDON: With regard to -- let's see. I'll
7 trying to get to Variance Number One, Concurrent Variance, Part
8 One. Okay. I move that we approved, motion to approve.

9 COMMISSIONER ATKINS: Okay. Is there a second?

10 COMMISSIONER MAXWELL: Second.

11 COMMISSIONER ATKINS: Okay. The motion is to approve
12 and it's by Commissioner Sheldon and there's a second by
13 Commissioner Maxwell. Any discussion?

14 COMMISSIONERS: (No response.)

15 COMMISSIONER ATKINS: All in favor sound aye.

16 COMMISSIONERS: Aye.

17 COMMISSIONER ATKINS: All opposed sound nay.

18 COMMISSIONERS: (No response.)

19 COMMISSIONER ATKINS: Hearing none, the ayes have it.
20 Okay. Number Two, Variance Number Two.

21 COMMISSIONER SHELDON: Mr. Chair.

22 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

23 COMMISSIONER SHELDON: I make a motion that we
24 approve Concurrent Variance Part Two.

25 COMMISSIONER ATKINS: Okay. Is there a second?

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COMMISSIONER MAXWELL: I so move.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Sheldon, seconded by Commissioner Maxwell that we approve Variance Two, Number Two. All in -- any discussion?

COMMISSIONER CALLOWAY: Really quickly. The -- I also have a question for Staff. The conditions that they had, which parts of the variances were those conditions pertaining to?

MS. HOLMES: They were conditions to Concurrent Variance, Part One and they are conditions to Concurrent Variance, Part Three.

COMMISSIONER ATKINS: Okay. So we're on Number Two. Let's do Number Two and let's go back and address Number One. Okay because there are no conditions for Number Two. So there is a motion to approve by Commissioner Sheldon and there is a second by Commissioner Maxwell for Variance Number Two. Any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

COMMISSIONER CALLOWAY: Point of information. Do we have the rules for reconsidering a question handy by any chance so that we can potentially go back and reconsider the question we -- Part One?

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ATTORNEY LINDA DUNLAVY: Yes. We can go and move to reconsider the vote or the motion on Part One so long as the meeting is still active. After you adjourn, you can't move to reconsider but you can during the meeting.

COMMISSIONER CALLOWAY: And if I'm not mistaken, a part of the majority goes to reconsider, correct?

ATTORNEY LINDA DUNLAVY: Correct.

COMMISSIONER ATKINS: And also someone who voted in the affirmative has to make the motion to reconsider as well and so because it was unanimously approved, so anyone can make the motion to reconsider, right?

ATTORNEY LINDA DUNLAVY: Yes. It does not have to be the maker of a motion.

COMMISSIONER ATKINS: That's correct. Okay.

COMMISSIONER CALLOWAY: Mr. Chair, I move that we reconsider the form of question on variance, Part One.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: Okay. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Okay. So now we will reconsider Concurrent Variance, Number One.

COMMISSIONER SHELDON: Mr. Chair.

1 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.
2 COMMISSIONER SHELDON: With my apologies -- looks like it
3 got lost in my paperwork here.
4 COMMISSIONER ATKINS: We accept your apology.
5 COMMISSIONER SHELDON: Thank you. I move that we
6 approve Variance, Part One with the conditions as stated by Staff.
7 COMMISSIONER ATKINS: Okay. Is there a second?
8 COMMISSIONER CALLOWAY: Second.
9 COMMISSIONER ATKINS: It's been moved by Commissioner
10 Sheldon and seconded by Commissioner Calloway that we approve
11 Variance, Number One with conditions as sounded by Staff. Any
12 discussion?
13 COMMISSIONERS: (No response.)
14 COMMISSIONER ATKINS: All in favor sound aye.
15 COMMISSIONERS: Aye.
16 COMMISSIONER ATKINS:
17 ALLEN FREEDMAN: Opposed sound nay.
18 COMMISSIONERS: (No response.)
19 COMMISSIONER ATKINS: Hearing none, the ayes have it.
20 Now, we will move on to Number Three. Staff recommendation is to
21 approve.
22 COMMISSIONER SHELDON: Mr. Chair.
23 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.
24 COMMISSIONER SHELDON: I move that we approve
25 Concurrent Variance, Part Three with the condition as stated by Staff

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regarding the site design engineer addressing details and the eleven requirements of Chapter 2, Section 10-12002.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by Commissioner Lovett that we approve with Staff's conditions as stated. Any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Okay. And I think that there were only three parts to that.

COMMISSIONER SHELDON: There is one more.

ATTORNEY LINDA DUNLAVY: There's one more.

COMMISSIONER ATKINS: Oh, Number Four.

ATTORNEY LINDA DUNLAVY: There Part Four and there are no conditions.

COMMISSIONER ATKINS: No conditions. Okay. At this time, I'll entertain a motion for Part Four.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we approve Concurrent Variance, Part Four to reduce the required additional

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25-foot setback to zero of Section 10-12021.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's moved by Commissioner Sheldon, seconded by Commissioner Lovett that we approve Part Four. Any discussion?

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Number Four is approve as well and we'll move to our next Agenda Item, which also requires a public hearing. Staff, would you please sound the next Agenda Item.

MS. HOLMES: Case Number 2015Z-009-08, Concurrent Case Number 2015VC-006-08, applicant is Duke Realty Limited Partnership. Location is 0 Ethan Allen Drive. Applicant seeks a rezoning from R1, single family residential to B-P Business Park with a four part Concurrent Variance.

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

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

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COMMISSIONER CALLOWAY: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Will the applicant please step to the podium, state your first and last name and your current address.

(Whereupon Applicant's Attorney Representative, Mr. Larry Dingle, approaches the podium.)

MR. DINGLE: Good evening, Mr. Chair and members of the Commission. My name is Larry Dingle, 2849 Paces Ferry Road and I'm here on behalf of Duke Realty. I would like to say that for the sake of time, the same variances that we've discussed here would be a mirror image of variances we've asked for in the previous hearing but I'll go through some of that anyway.

But I want to speak -- well, specifically, before we get into the variances to the meat of the issue which is the rezoning application. I think that's gonna be the most of the concern that the neighbors will have about that particular application.

This is a piece of property back in 2006 or '07 we were retained to rezone from Business Park to residential and it's the area that Mr. Reeves is pointing out here and you will notice that while the

1 previous action was abudding Savannah Walk, this particular request
2 abuts a subdivision called Vermont Estates, okay, which is there. I
3 believe that there was a bit of a misunderstanding from the inception
4 of this discussion with the neighborhood about what this facility was
5 really going to be like, how is it going to really operate and,
6 therefore, what impact it would have on the liveability of their
7 neighborhoods so one miscommunication that I want to clear up this
8 evening is that the parking field that is associated with the physical
9 structure to be developed on this site, if this Commission supports
10 and the Council supports it, is not going to be filled with active trucks
11 and so when you see the parking field and you assume that it's filled
12 with four or five hundred trucks, then clearly there would be a
13 question that would arise about the impact of air quality associated
14 with that type of intense use.

15 We want to report to you that that's simply not the case and
16 I believe that that was some of the concern that many of the
17 members -- some of the members of the Commission had when we
18 came before the Work Session. So let me describe for you, for a
19 moment, how the facility will actually operate.

20 This is a facility that is a 135, 000 square feet and it is
21 rectangularly shaped, very long, relatively narrow. It has bays on
22 both sides. What will happen at this facility is that somebody coming
23 in in the logistics business will park a truck. It may be unloaded at
24 that facility and then the trailer itself, the truck -- the truck -- but the
25 trailer will be moved to one of those parking spaces, detached from

1 the truck and the truck may come back to another trailer and remove
2 that trailer. And so there isn't a circumstance under which one
3 should expect to have a majority or series of trucks on the site at any
4 one given time and so I took the liberty to look at one of the facilities
5 on Mason Dixon Road. It is about the same size as the facility we're
6 proposing. Not as much land area and you can go on Google and
7 look it up. You won't have a hard time finding it because it's right at
8 the end of Mason Dixon Road in Conley, Georgia and I took the time
9 today to blow that up to try to get a sense of how many trucks were
10 there. Given the massive scale of the number of trailers that were
11 there, I counted seven trucks and so just to be clear that this is very
12 much going to operate in the same fashion as Dicks Sporting Goods
13 does.

14 These facilities oftentimes use -- not just to park there but
15 also to store goods. The police department of East Point is very much
16 aware of that because of what has been going on with Dicks from
17 time to time, but that's what is occurring. The interesting thing
18 about this, if we can use those trucks to work around challenge
19 geography, where you can't do that with the building, and so the
20 complication of the logistics function, the storage function, is
21 something that we think will have a very low impact on the adjacent
22 neighborhood of Vermont Estates.

23 One of the questions that was asked of us -- because my
24 Partner, Steve Rothman, had been handling this file and he just
25 thought somebody with gray hair and belly might be a little bit better

1 this evening -- but I ask Steve, you know, what is it that the people
2 are really concerned about because even though this is not an East
3 Point area, it is important to treat people with as much dignity and
4 respect as you can, irrespective of geopolitical boundaries. So the air
5 quality question is something we took seriously and I have been
6 involved here recently at a major transaction not far away with Fort
7 McPherson where environmental concerns were a significant
8 component of that transaction so that put me into touch with people
9 whom I would not ordinarily have any familiarity with and we
10 contacted the consultant that worked with us on that particular
11 project, hoping that we could retain him to get some advice on one.

12 What we sound sadly enough is that they did not have the
13 expertise to do it. There are only a very very few, two or three
14 engineering firms who has expertise in air quality testing in the
15 Atlanta Metropolitan Region. So we did reach out to one of those,
16 Trinity Consulting and spoke with one of the principles of Trinity
17 Consulting, who told us that it would simply take about a year and in
18 excess of several hundred thousand dollars to conduct a study to
19 deal with air quality and that it was his experience that unless it was
20 a very heavy industrial function, with noxious gases and uses, that he
21 had never in his career had a request for an air quality study at this
22 time.

23 So I've had the opportunity to talk with the neighbors about
24 it, to let them know that it wasn't -- that we didn't take the request
25 or the interest lightly. Their concerned about the airport. They're

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concerned about 285. Their concerned about things that we really frankly can't change. We know that the City of Atlanta and the Metro Region has a non-attainment status when it comes to air quality but we don't believe that this project is going to have an adverse impact in a way that will add to the inability of people to be able to enjoy their comfort and liveability at their homes in Vermont Estates.

Now, having said that, what we also want to talk about are the other variances. We have the same variances with regard to the relief from the tree ordinance. We're also asking for some relief -- if you don't mind showing that from the Stream Buffer and that Stream Buffer variance is gonna disturb approximately 36 hundred square feet. That's about the footprint of a fairly nice size house and what we will do with that is develop a retain wall in the same fashion, the gabion wall, in the same fashion as we proposed to do on the opposite side of the development. I don't believe that there's much in the way of concern or opposition from the respective variances. I think the issue has to do more specifically with the underlying zoning request that we made and I just want to point out that this is a facility that the City of East Point had long planned to be a part of the Duke Realty Industrial Complex.

It's a great economic development opportunity for the City of East Point. We believe that can be accomplish without having an adverse impact on the liveability of adjacent neighbors and with that, I'll reserve the remainder of the time.

COMMISSIONER ATKINS: Thank you, Mr. Dingle. Are there

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any others here this evening to speak in favor of this zoning application?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any others?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, are there any individuals here to speak in opposition to this zoning application?

AUDIENCE: Yes.

COMMISSIONER ATKINS: Okay. Please come forward.

(Whereupon Opponent Joseph Hambrite approaches the podium.)

COMMISSIONER ATKINS: Step to the podium, state your first and last name and your current address and have you completed a speaker's card?

MR. HAMBRITE: Well, good evening.

COMMISSIONER ATKINS: Good evening.

MR. HAMBRITE: My name is Joseph Hambrite. I reside at 4650 Spring Valley Circle, College Park, a resident of Vermont Estate speaking on behalf of the resident in Vermont Estates.

First of all, I want to thank the committee here for allowing us to have an opportunity to address this issue. One of the concerns that I have and we've discussed in the community especially on the hills of something about liveable communities and Sickle Cell walks to help what, make healthy living and one of the things that we're concerned with obviously is our health and our well-being and our,

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you know, quality of life as it is.

Now, we've been faced with a number of issues that are relevant to traffic, noise, truck traffic, those kinds of things. We recognize that at some point, this property will be developed. We also acknowledge that Duke, back in -- Larry Dingle indicated that had had the property rezoned residential. Of course, we would prefer that it be zoned residential because we would like to see homes there as opposed to warehouses with trucks as a matter of quality of life. But let me just state some somethings that I want to stay and Larry and I are very good friends. We're fraternity brothers so this is not against him but we recognize that he represents a company who has an interest and their interest is financial. Our interest is quality of life. I do recognize, that as he indicated, that currently the proposal is to only see perhaps seven or eight trucks there, but you have all this parking space. If it's approved, it's nothing to say that Duke won't decide to have the trucks there. It's nothing in the current zoning request that would not allow them to do that so I recognize and I acknowledge that that's a first point. Let me just read some points that the residents are requesting.

First of all, they would like to see the property, instead of Business Park be an office park. We recognize that there are a number of warehouses and truck warehouses in the area. We think that East Point and it's surrounding governmental agencies to look forward downstream as to what will it look like in the future? Not just temporarily addressing this one particular issue. And how you

1 attract a quality of life for the residents and the community and the
2 City in the future? Now, we recognize, it's been stated that this
3 would be a tremendous financial asset for East Point and we
4 understand that point but we do feel that as a good neighborhood
5 and good citizens that we feel that Duke would perhaps do what we
6 feel Chic-fil-A has done and perhaps even Porsche has done. They
7 put their corporate office there so we would rather see an office park
8 where you bring a different type of clientele in and have a better
9 environment and not have to deal with the thefts and so forth that's
10 surrounding Duke warehouse currently.

11 But let me just read these things that the community came
12 up with and I think you all got a copy of this from a Clarence
13 Williamson that we submitted but just for the sake of the audience,
14 we recommend that, again, that it be rezoned office park as opposed
15 to Business Park. We also recommend that strong consideration be
16 given to land-use planning based on it's attributes of the proximity of
17 Hartsfield Jackson International Airport. This have a metropolis
18 concept and many other marketing qualities that's available here,
19 that you consider that the best use of this property would be office
20 park considering those factors.

21 There should be facility that has an emphasis on attracting
22 district, regional or national headquarters particularly in the area of
23 logistics, transportation or supply. Now, office park configuration as
24 it relates to the zoning -- excuse me, the variance and the variance
25 request would not be required to the extent for an office park versus

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a Business Park. We also would request that Duke work with the City of East Point, Fulton County, State of Georgia Economic Development, South Fulton Metro Chamber of Commerce to try corporate development, not only for the specific land space but also for downstream future consideration.

We think that this type of plan will help serve as underpinning for long-term sustainable growth in the community. Now, we understand that Duke is support of the airport with CID and we recommend that the CID encourage property owner and tenants to become more community oriented using the models, again, of Chick-fil-A and Porsche. We also recommend that Duke really work with East Point and Fulton County to supplement security, work with area subdivisions for uniform entrance signage, additional signage reduced varying truck traffic that we often see on Ben Hill Road and Welcome All Road.

It is recommended that Duke really work with the City of East Point, the EPA, the FAA, Hartsfield Jackson International Airport to establish benchmark and establish monitoring system for noise and CO2 levels. It would also serve as an opportunity of attaining funding from potential remediation and environmental aspects.

Now, one of the things that the community was very concerned about on the onset of finding out about this particular request or zoning request was the placement of notification we happen to find out about it by happenstance. The signage -- and I understand it may have something to do with what the requirements

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are but in terms of being a good neighbor, we had some serious concerns about what it appear in our estimation as an attempt to perhaps minimize a lot of public knowledge. The first sign that we were aware of is at the corner of Ridge Road, which is a dirt road, that was offset in a wooded area. The only reason we knew in Vermont Estates that it had anything to do with us was that it referenced Ethan Allen Drive. Ethan Allen is in Vermont Estates. If you go to Ethan Allen Drive, there's no signage there to indicate that any type of zoning is going to be required or revised in that area.

The other one was that we took the time to go through the area that would be -- and our estimation impacted Savannah Walk. None of the residents that we spoke to, even were aware that it was right behind their homes so we made a map basically showing them where this is being proposed in terms of their variance request to reduce the buffer zones and none of those people had any idea this was going on. We kind of felt that there's a dead end here in Savannah Walk that would have been an appropriate place to have some signage so those residents would be aware of what is being proposed. There was none. The only other sign that we were able to determine was on North Commerce Drive, which no residents would be routinely traveling on North Commerce Drive. So we're aware that at some point, some development is going to occur but we just respectfully request that there be more consideration into the long-term impact of development in the region in an area and work with the communities so that we can all have that sustainable living

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environment and I reserve the rest of my time, if any, for additional follow up.

COMMISSIONER ATKINS: Thank you, Mr. Hambrite. Are there any other opponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other opponents?

AUDIENCE: Yes.

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

(Whereupon Opponent, Patrick Kirlew approaches the podium.)

MR. KIRLEW: Good evening everyone. My name is Patrick Kirlew. I live at 4575 Spring Valley Parkway in Vermont Estates.

COMMISSIONER ATKINS: State your last name again, please.

MR. KIRLEW: Kirlew, K-i-r-l-e-w.

COMMISSIONER ATKINS: Thank you. It's not much left to say after Mr. Hambrite. He stole a few of my good points, but I'm just gonna go back and just make a few points. Like most of these residents, I'm a father, husband. We have children that live in these areas. Saying that you will not have more than seven trucks, one truck is one truck too many. I have children. I have two children that live there. Why should they be impacted by this? Also, we've had plenty of issues in the surrounding areas and we've been working with Fulton County Police where we have plenty of trucks

1 that are wondering through the neighborhoods already and we have
2 plenty of signs up saying, no trucks over a certain weight should be
3 in the area. For months on top of months, through a community
4 group, we've been working with Fulton County to try and reduce this.
5 It's been an issue. Now, if we put the structure like this, right behind
6 our home, how many more trucks are we gonna have wondering
7 through our neighborhoods clogging up our streets, tearing up the
8 street and if you see the streets, the streets are just full of potholes.
9 All right, I'm gonna go back over a few other things I just quickly
10 wrote down. I do understand that this is economics. I took
11 economics in college, 101, 201, 301 and we understand that. It's a
12 great windfall for you but should we put profits over people? I'm not
13 gonna say much else more than that but just think about that. It's a
14 community of great people. Putting a structure like this right behind
15 people's home, is just a no go and also we received an email today
16 saying that it wouldn't be cost effective for Duke Realty to do a noise
17 study. How can it not be cost effective for a large company not to do
18 a noise study? Thank you, ladies and gentlemen.

19 COMMISSIONER ATKINS: Thank you, Mr. Kirlew. Are there
20 any other opponents to this zoning case?

21 AUDIENCE: (No response.)

22 COMMISSIONER ATKINS: Any other opponents?

23 AUDIENCE: Yes.

24 COMMISSIONER ATKINS: Okay. Would you please approach
25 the podium and state your first and last name and your current

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address.

(Whereupon Opponent Melvina Kirlew approaches the podium.)

MS. KIRLEW: Good evening.

COMMISSIONERS: Good evening.

MS. KIRLEW: My name is Melvina Kirlew. I live at 4575 Spring Valley Parkway, College Park, Georgia, 30349. That was my husband who was up here just a second ago. I'll be brief. We just recently moved here about three years ago and we moved to the area because Vermont Estates -- because it was nice. It was an older neighborhood, lots of trees, the kind of place where you would want to raise a family and that's why we moved here. And as you can see from -- I'm gonna use his nice thing on the wall -- if you look, you see Dicks. You see where Duke has really done a lot in the area but you also see a lot of trees. There's a lot of green space and Vermont Estates is in there and right behind it are all those trees and where they proposed to put their building, all those trees would disappear and I know from researching before I moved here, this was called -- the City of Atlanta is like the City in the forest and and they have all these rules about you can't cut down trees and if you do, you should replace them. I believe that is all it works and what their proposing -- you see how far Duke Realty would come out. That orange line, that is a lot of space and you see the little residential area -- it's like it's being squeezed out by commercial interest and like we understand, you know, it is good economic

1 development and no one is saying, you shouldn't improve in building
2 areas but you do have a remember that this is where people live and
3 it's important because no one -- you can't have a City or a town that's
4 just full of commercial buildings. You need residents there and as
5 the meeting started off tonight about the East Point walkability and
6 liveability communities workshop, talking about making it livable and
7 walkable and a great place to live, no one wants to live warehouses
8 and distribution centers and basically that's all I wanted to say.
9 Thank you.

10 COMMISSIONER ATKINS: Thank you, Ms. Kirlew. Are there
11 any other opponents to speak to this zoning case?

12 AUDIENCE: (No response.)

13 COMMISSIONER ATKINS: Any other opponents?

14 AUDIENCE: (No response.)

15 COMMISSIONER ATKINS: Seeing none, I think that we also
16 have -- the applicant has the right to rebut and I think that -- Staff,
17 can you tell us how much time the applicant has for rebuttal?

18 MS. HOLMES: Seven minutes.

19 COMMISSIONER ATKINS: Okay. Mr. Dingle, you have seven
20 minutes and you may rebut any of the comments made by Mr.
21 Hambrite or Mr. and Mrs. Kirlew.

22 (Whereupon Mr. Dingle approaches the podium.)

23 MR. DINGLE: Thank you very much, Mr. Chair and members
24 of the Commission. I want to clarify a couple things. First after all,
25 as I said to Mr. Hambrite early today when we spoke, I never want a

1 zoning application that our law firm is involved with to fail on the
2 bases of lying, cheating and steal. That's the low hanging firm. We
3 go out of our way to make sure that that doesn't happen and that's
4 why we tried to be extraordinarily respectful of the interest of not
5 only Savannah Walk, which is in the City of Atlanta -- I mean, City of
6 East Point and Vermont Estates, which is out. The sign that he's
7 speaking of is on Duke property or near the Duke property and it was
8 not required. The sign on Ben Hill Road was not required. The only
9 one that was required is the one that would have been on Commerce
10 so it's not because we're trying to be slip-shot, sleazy or to get
11 around something. We did more than what was required. The
12 people from Savannah Walk are not here not because they don't
13 have an interest but it's not because we didn't send out written
14 notice to those residents, not just posting but sending notices to their
15 home as your ordinance requires so I don't want to have you believe
16 that we've done something in error or acted or behaved in a way that
17 has be disrespectful to any community or any person within the
18 community. That's important to understand. The second thing I
19 went to point out is that over five hundred thousand square feet, a
20 significant portion, a significant portion of the Duke Business Park is
21 Class A office. Okay. If first developer to build Class A office on the
22 south side of the town and in the City of East Point was Duke Realty.
23 Okay. It is not just the distribution facility that makes up what Duke
24 Realty comprises in the City of East Point. In addition to that, many
25 of the distribution functions are regional offices of those distributions

1 functions. That's another important fact to understand. I'm gonna
2 walk away from here for a moment and show you one thing. Ladies
3 and gentlemen, that is North Commerce Drive that was built as a cost
4 of five million dollars by Duke Realty. To take the truck traffic to try
5 to remove as much of that truck traffic off of the intersection of
6 North Commerce Drive and Camp Creek Parkway it's possible this
7 actually working because the one thing a trucker doesn't want to do
8 is spend additional money on gasoline caught in traffic or spend
9 additional time caught in traffic so contrary to the representations
10 that have been made with regard to our being somehow know that a
11 position with the development to impact neighborhoods, I just want
12 to assure the people here and this Commission that the truck traffic
13 will be exclusively along North Commerce Drive either going to, as it
14 predominately does now, Washington Road or North Commerce Drive
15 if somebody wants to do that up to Camp Creek. There's no
16 possibility of this truck traffic having impact, any impact on the
17 facilities, the residential facilities and Vermont Estates.

18 The mention about our refusal to do a noise study, that's
19 simply not accurate. What I said to you is we were asked -- from
20 what I understand, we were asked to consider a study to determine
21 the impact on air quality and that's what we did and I did
22 communicate to Mr. Hambrite and to the author of this
23 communication, Mr. Williamson, that we were not in a position to do
24 that, either because of time of expense. I think this is a good project
25 where you have the capacity for harmonious existence, a coexistence

1 between the industrial development or the Business Park
2 development and the neighborhood development. I don't want to
3 make this personal, but I'll tell you frankly, my home is close to this
4 development as -- to industrial developments as is where the folks
5 from here out of state stay. It wasn't that I built the home there. I
6 knew it was there but there is a possibility for these uses to
7 reasonably coexist and I would beg that you support the Staff's
8 recommendation and our plea that you approve the variances and
9 this rezoning request. Thank you.

10 COMMISSIONER ATKINS: Thank you, Mr. Dingle. Okay.
11 Commissioners, at this time, I'll entertain a motion to close the public
12 hearing.

13 COMMISSIONER SHELDON: So moved.

14 COMMISSIONER ATKINS: Okay. Is there a second?

15 COMMISSIONER CALLOWAY: Second.

16 COMMISSIONER ATKINS: It's been moved by Commissioner
17 Sheldon, seconded by Commissioner Calloway that we close the
18 public hearing. At this time, we'll have Staff to sound it's
19 recommendation. Oh, I'm sorry, there was a motion and a second
20 but no vote. Okay. It's been a motion to close the public hearing by
21 Commissioner Sheldon, a second to close the public hearing by
22 Commissioner Calloway. All in favor sound aye.

23 COMMISSIONERS: Aye.

24 COMMISSIONER ATKINS: All opposed sound nay.

25 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.

MS. HOLMES: Case Number 2015Z-009-08, concurrent application 2015VC-006-08, Staff recommends approval of the rezoning from R1, single family residential to B-P Business Park with the following conditions: The site shall not have access for Ridge Road or Ethan Allen Drive.

Staff recommends approval of Concurrent Variance, Part One to allow relief from all provisions required within Section 10-6010 through 10-6024 with the following conditions: The applicant will adhere to all regulations in Section 10-6001 through 10-6009. Applicant shall use tree and landscaping plant materials found in 10-6023. Any substitution thereof shall be approved by the Planning and Community Development Director.

Staff recommends approval of Concurrent Variance, Part Two to 10-6008 (d), reducing the required Zoning Buffer to zero, where adjacent to residential for the purpose of grading and replanting.

Staff recommends approval of Concurrent Variance, Part Three to reduce the required 50-foot undisturbed buffer to zero of Section 10-12011 with the following condition: The site design engineer will address details and meet all eleven requirements of Chapter 2, Section 10-12002, Stream Buffer protection in hydrology report provided to the City of East Point.

Staff recommends approval of Concurrent Variance, Part Four

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to reduce the required additional 25-foot setback to zero feet of Section 10-120212.

COMMISSIONER ATKINS: Thank you, Mrs. Holmes. Commissioners, you've heard from the applicant. You've also heard from opponents for this zoning case and you've heard Staff's recommendation. At this time, I'll entertain a motion and I think that we'll also separate these. Madam Attorney, they're 4 parts.

ATTORNEY LINDA DUNLAVY: It would be helpful to have a separate vote on the rezoning and if you want to treat the Concurrent Variances, if you can get a motion to approve the Concurrent Variances as stated by Staff in whole with a second, then I don't mind if you refrain from braking them down into one, two, three, four, if you're following me. Take a separate vote on the rezoning and a separate vote on the Concurrent Variance.

COMMISSIONER ATKINS: That's what we shall do. So Commissioners, we'll take Part One, rezoning first. I'll entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: Motion to recommend approval with Staff's recommendation, with Staff's condition.

COMMISSIONER ATKINS: Okay. And that is for Part One. Is there a second?

COMMISSIONER MAXWELL: Second the motion.

COMMISSIONER ATKINS: Okay. Any discussion?

1 COMMISSIONERS: (No response.)
2 COMMISSIONER ATKINS: Recommend approval for Part One
3 with Staff's conditions.
4 ATTORNEY LINDA DUNLAVY: Question. When you refer to
5 Part One, Mr. Chair, are you talking about the variances or the
6 rezoning --
7 COMMISSIONER ATKINS: The rezoning.
8 ATTORNEY LINDA DUNLAVY: Okay.
9 COMMISSIONER ATKINS: The rezoning, yes, recommend
10 rezoning approval by Commissioner Sheldon and seconded by
11 Commissioner Maxwell. All in favor sound aye.
12 COMMISSIONERS: Aye.
13 COMMISSIONER SHELDON: All opposed sound nay.
14 COMMISSIONER GORDAN: Nay.
15 COMMISSIONER ATKINS: Okay. We have one nay. The
16 motion carries. Okay. And we can take the other parts, the
17 variances, the Concurrent Variances as a whole. At this time, I'll
18 entertain a motion.
19 COMMISSIONER SHELDON: Yes.
20 COMMISSIONER ATKINS: Commissioner Sheldon.
21 COMMISSIONER ATKINS: Motion to approve for discussion.
22 COMMISSIONER ATKINS: Okay. Is there a second.
23 COMMISSIONER LOVETT: Second.
24 COMMISSIONER ATKINS: Okay. The motion is to approve
25 by Commissioner Sheldon, seconded by Commissioner Lovett for

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discussion. Any discussion?

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Okay. I believe we met in Work Session. We did meet in Work Session with our engineers who have studied this request and made some recommendations and made some restrictions and asked for the hydrology report, which we have receive and I believe those concerns have all be addressed in the conditions recommended by Staff. Is that correct?

MS. HOLMES: Yes, ma'am. The conditions was set forth by the Public Works Department.

COMMISSIONER SHELDON: All right. My understand of this project is much better tonight than it was in Work Session. My only concern is that while that's what your saying this facility is and, of course, I trust and believe you. I don't know what guarantee we have, given all of the parking that's there but that is the -- actually the way it was operate and I don't know what else to say about it. I do think that the configuration of the building lends itself to exactly what you're saying as opposed to a lot of truck traffic moving through. It's not a site where you could actually have trucks moving through there that way and I do also see that your buffers between these neighborhoods have been improved, if not left as they are with regard to the trees and the vegetation that's there and it will remain undisturbed. I also understand that when you were taking some of these buffers down to zero, it's for the purpose of grading and then replanting and that grading also produces a sideline that improves

1 the situation for the surrounding area so I appreciate that as well and
2 at this stage of the game, I'm inclined to to approve these variances.

3 COMMISSIONER ATKINS: Thank you, Commissioner
4 Sheldon. I too would just like to say that while I was not present at
5 the Work Session last week, I understand that there were a few
6 questions and concerns about the operations and so, Mr. Dingle, I
7 appreciate you share with us how the facility is -- the attention of the
8 facility and how it is to operate. I feel much better knowing that all
9 of those parking spaces are intended to be used for the storage of
10 trailers versus having a lot of trucks on the site idling. I feel much
11 better about that. The other thing that I will say, I know that from
12 the opponents prospective and I think that you addressed it just a
13 little bit. I think that there was a request for an air quality study. I
14 believe I know why the consultant said it but I'm not quite sure. I
15 think because you need a lot of time to get a great sample, but I'm
16 not really sure so if it is something different that the consultant said,
17 if you please share that with us because I'd be happy to know that. I
18 think that it all depends, just from being here on this Commission for
19 fourteen plus years and just my background and other professional
20 experience that, you know, it could depend on wind and all of those
21 things and rain and all of that so I don't really know but that's what
22 I'm assuming so if it's something different, yes, sir, if you would.

23 MR. DINGLE: Again, these studies are extraordinarily
24 complicated and that's one of the reasons why they're very
25 experience. Again, as a none attainment area driven largely by

1 automobile traffic is one of the things that creates the problem so
2 when we start having the discussions about it, the first thing I did,
3 actually, was not to call the consultant. I actually called the Deputy
4 General Manager of the airport. Logical place to start, right, if there's
5 been some studies and if you're talking about an impactful operation,
6 that would be where I go. He was not able to give me any guidance,
7 which is why we began to look at other sources but the testing
8 equipment has to be cleaned and checked daily. Short samples have
9 no scientific credibility whatsoever. It has to be done over a very
10 long period of time, wind direction, rain, weather conditions, all
11 impact the quality of the data that is gathered to determine the air
12 quality so that's why the science require such a long period of time
13 and such an extensive monitoring time to be able to come up with an
14 answer.

15 But again, I think that the summation from my perspective,
16 from the consultant was that these types of uses in his experience
17 had never generated a request for an air quality study especially
18 even if this region but if we were to -- wanted to undertake it, the
19 expense would be cost prohibited. The time would also be cost
20 prohibited.

21 COMMISSIONER ATKINS: Okay. Thank you. The last thing
22 that I'd like to say and then, I guess, we can call the question is that
23 I would like to thank you the residents from Vermont Estates for
24 joining us this evening and I would also like to personally say that the
25 neighborhood in which I live here in East Point, a portion of our

1 neighborhood also abuts a very industrial area with a lot of truck
2 traffic, a lot of truck traffic. Their not supposed to be in our
3 neighborhood and unfortunately, from time to time, there is one or
4 two and it wakes me up at night and I call the authorities because at
5 that point, it's an enforcement issue. My colleague to my left is is a
6 neighborhood and there are times when there's at least one instance
7 when I've been awoken at like 2:00 or 3:00 and so the next
8 morning -- I didn't want to call her to say, did you hear that truck in
9 the neighborhood, but I know that it happens. It's not pleasant but I
10 can assure you that for me, I have to call the authorities. They are
11 part of the East Point community just as we are and so it's about us
12 being able to cohabitate in a friendly and respectable manner and so
13 that's what we attempt to do so I want you to know that I hear you
14 loud and clear and I want to thank you for coming out to be a part of
15 the meeting this evening. So we've got a motion on the floor by
16 Commissioner Sheldon and a second by Commissioner Maxwell to
17 approve the next three parts, Parts Two, Three and Four of this
18 application. If there's no more discussion, all in favor sound aye.

19 COMMISSIONERS: Aye.

20 COMMISSIONER CALLOWAY: Mr. Chair, I believe, it's a 4 part
21 variance.

22 COMMISSIONER ATKINS: It is. I said, parts two, three and
23 four. I said, the next three.

24 ATTORNEY LINDA DUNLAVY: I think the motion on the table
25 is the rezone, which I guess you're referring to as part one only.

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COMMISSIONER ATKINS: We did the rezoning.

ATTORNEY LINDA DUNLAVY: Right. And then you have Parts Two, Three, Four and Five. Yeah, because you've got a four-part variance.

COMMISSIONER ATKINS: Yes, two, three, four and five, yes. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Okay. The next Agenda Item is Text Amendment Case Number 2015 "M" as in Mary-006-09. The applicant is the City of East Point. It always requires a public hearing. Staff, would you please sound this Agenda Item.

MS. BLATCH: Case Number 2015M-006-09. This is a Text Amendment, Part 10, Chapter 2, Article B by amending fences and walls, Section 10-2044 (D) (1) adjoining right-of-way.

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

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER CALLOWAY: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by Commissioner Calloway we open the public hearing. 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 public hearing is now open. Staff, as the applicant, would you please present your case.

MS. HOLMES: The application before you request an amendment to Section 10-2044 (D) (1) with regard to fencing specifically vinyl plaid, chain-linked fencing. This legislation before you clarifies where the City intends for that fencing to appear on your property. Specifically, it would prohibit vinyl plaid chain-linked fencing in the front yard as well as in the side yard when adjacent to -- when on a corner lot, I'm sorry.

COMMISSIONER ATKINS: Okay. Is there anyone here to speak also in favor of this zoning item?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Is there anyone here to speak against this zoning item?

AUDIENCE: (No response.)

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

COMMISSIONER CALLOWAY: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER GORDAN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner

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Calloway, 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. BLATCH: In Case Number 2015M-006-09, Text Amendment to Part 10, Chapter 2, Article B by amending fences and walls, Section 10-2044 (D) (1), adjoining right-of-way. Staff recommends approval of the Text Amendment to amend Chapter Ten -- to amend, I'm sorry, Part 10, Chapter Two, Article B by amending 10-2044 (D) (10), adjoining right-of-way.

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

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: Motion to recommend approval for discussion.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Lovett for discussion.

1 Commissioner Sheldon. I just have one question. The way this is
2 worded, it says wire and plastic fencing materials. There are a lot of
3 plastic that look like wood, plank fences that are out there that are
4 being used like -- you know what I'm talking about. It looks exactly
5 like a picket fence that's made of plastic instead of wood. Would that
6 be -- would this verbiage conclude that?

7 MS. HOLMES: Yes, ma'am.

8 COMMISSIONER SHELDON: And that's intentional?

9 MS. HOLMES: Yes, ma'am.

10 COMMISSIONER SHELDON: Okay. All right.

11 COMMISSIONER ATKINS: Well, I have a follow-up question.

12 COMMISSIONER LOVETT: And I do as well.

13 COMMISSIONER ATKINS: Okay. If it is intentional, I mean, I
14 think that in many instances, some of those products are
15 manufactured to perform better than wood and some of the other
16 things so if it is intentional, can you give us some context or a reason
17 as to why?

18 MS. HOLMES: Aesthetics.

19 COMMISSIONER ATKINS: I think some of them look better
20 than wood because I think that right now --

21 MS. HOLMES: Yes, but we do have different opinions on that.
22 We've had had complaints in the affirmative and in the negative. We
23 would not be able to appeal to everyone so that's why it is only
24 prohibited in certain yard areas.

25 COMMISSIONER ATKINS: Okay. And because of that, I

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think that what you're saying is that it would be relegated to -- those types of material that we're speaking of, would be relegated to rear yards and those that are not adjoining or facing the street.

MS. HOLMES: Street or on a prime lot would be adjoin a street, correct.

COMMISSIONER ATKINS: Okay. Then I would have a problem with that because before I was able to complete my thought, Ms. Holmes, what I was gonna say is that my privacy fence in my rear yard is wood but over time, I mean, those pieces of wood, they start to curve and I have to have the contractor to come out, the handy man to nail them back up and that's a whole bunch that's going on with that. I think that if it were some of the materials that are manufactured to look like wood and perform better than wood, I think it -- aesthetically, it would be more appealing than the wood that I have for my privacy fence so I would personally have a problem with that. Any other discussion?

COMMISSIONER LOVETT: I have a question.

COMMISSIONER ATKINS: Okay. Commissioner Lovett.

COMMISSIONER LOVETT: And this is for Ms. Dunlavy. Last week, didn't we discuss the wording was basically, "allowing"?

ATTORNEY LINDA DUNLAVY: Yes. Since the Work Session, I have met with Staff concerning the wording of the the Text Amendment. Originally, the Text Amendment proposed only to prohibit these types of fencing materials in the front yard of residentially zoned properties and I view that as actually, you know,

1 narrowing -- allowing more of these types offences in more locations
2 than the current ordinance. However, Staff, with the language that
3 they put forward tonight indicates that these types of materials would
4 be prohibited not only in the front yard but also in the side yards on
5 corner lots. My interpretation of the current ordinance is that these
6 materials would also be prohibited in rear yard, if those rear yard
7 adjoined a public right-of-way. Those would be very very limited
8 circumstances so my objection or my concerns about what was
9 presented at the Work Session last week have been alleviate by this
10 change in language and I would just point out to Commissioner
11 Atkins that concern with respect to the wire and plastic fencing
12 materials wording, that wording is in current ordinance. That
13 wording is not be proposed for change. The only thing that's being
14 proposed for change is where the location of these prohibited fence
15 materials would be.

16 COMMISSIONER ATKINS: Thank you for clarifying that so I
17 would now like to go back and look comprehensively at the
18 ordinance, if that is the will of this Commission.

19 COMMISSIONER CALLOWAY: Mr. Chair.

20 COMMISSIONER ATKINS: Any other discussion?

21 COMMISSIONER CALLOWAY: Yes.

22 COMMISSIONER ATKINS: Okay. Commissioner Calloway.

23 COMMISSIONER CALLOWAY: I just had a really quick
24 question and it goes back to the wording here. Since this says, wire
25 and plastic fencing materials instead of wire or plastic fencing

1 materials, wouldn't that mean that they have to be composed of wire
2 and plastic and therefore the composites would actually not be
3 prohibited because they're not composed of wire and plastic. They're
4 composed of a plastic material?

5 ATTORNEY LINDA DUNLAVY: I'm not sure I would agree
6 with that interpretation. I certainly understand where you're looking.
7 I mean, I think they're saying that wire and plastic fencing materials
8 are prohibited, not necessarily that only wire and plastic fencing
9 materials in combination are prohibited.

10 COMMISSIONER ATKINS: That's a good try, Commissioner
11 Calloway.

12 COMMISSIONER SHELDON: Mr. Chair.

13 COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

14 COMMISSIONER SHELDON: If there's no further discussion, I
15 would like to withdraw my motion.

16 COMMISSIONER ATKINS: Okay. And I believe that
17 Commissioner Lovett was the second on that.

18 COMMISSIONER LOVETT: Yes.

19 COMMISSIONER ATKINS: Okay. So without a motion, then
20 we can't have a second, correct?

21 ATTORNEY LINDA DUNLAVY: You can put a different motion
22 on the floor. You can have an amended motion. You can have a
23 substitute motion upon which you would vote first anyway under
24 Robert's Rules.

25 COMMISSIONER ATKINS: Right. So Commissioner Sheldon,

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would you like to offer a substitute motion?

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Okay. Thank you.

COMMISSIONER SHELDON: I would like to offer a substitute motion that the verbiage that is being changed on Page Two in Section Two read, wire fencing materials, including vinyl plaid, chain-linked fencing with plastic or wood inserts, removing the plastic and plastic words from that. Is that clear?

MS. HOLMES: No, ma'am, can you repeat that.

COMMISSIONER SHELDON: Yes. The verbiage should read, wire fencing materials, including vinyl plaid chain-linked fencing with plastic or wooden inserts or prohibited et cetera.

ATTORNEY LINDA DUNLAVY: With no change in the ensuing language?

COMMISSIONER SHELDON: Right. The rest is fine. It's just removing those two words and plastic.

COMMISSIONER ATKINS: Okay. Is there a second to Commissioner Sheldon substitute motion?

COMMISSIONER ATKINS: Okay. The substitute dies for lack of a second and so we need a motion, Commissioners. Go ahead, push it. Commissioners, we're currently on Case Number 2015 "M" as in Mary-006-09.

COMMISSIONER CALLOWAY: I currently would like to make a motion that we defer this to our next regularly scheduled meeting.

COMMISSIONER ATKINS: Okay. Is there a second?

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COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: Okay. The substitute motion is that we defer this Agenda Item to our next regularly scheduled Work Session meeting that was made by Commissioner Calloway, seconded by Commissioner Lovett. Any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it and we'll defer this. Next Agenda Item is Case Number 2015 "M" as in Mary-007-09. Staff, would you please sound this Agenda Item.

MS. BLATCH: Yes, Case Number 2015M-007-09, the applicant is Citywide. This is a Text Amendment to Part 10, Chapter 2, Article 8, Definitions by adding definitions and Chapter 2, Article D, Administrative and Use-permits is being amended by adding Section 10-2093.3, Food Trucks.

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

COMMISSIONER GORDAN: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner

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Gordan, 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. Staff, would you please present your case.

MS. HOLMES: Certainly. This application before you adds definitions for food trucks as well as legislation that will allow persons who operate or would seek to operate food trucks in the City of East Point, the opportunity to apply for and receive an administrative permit. There has been some inquiry in the past with regard to food trucks and most recently, we received an inquiry from a residential who is considering beginning that operation. We would like to extend that to the larger community and it is available to them. They may decide to operate food trucks here in the City of East Point offering residents an alternative or several alternatives to food offerings.

COMMISSIONER ATKINS: Okay. Are there any other individuals here to speak in favor of this Text Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Is there anyone here to speak against this Text Amendment?

AUDIENCE: (No response.)

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

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS.. BLATCH: In Case Number 2015M-007-09, Staff recommends approval of the Text Amendment to amend Part 10, Chapter 2, Article A, Definitions by adding definitions and Chapter 2, Article B, Administrative and Use Permits is being amended by adding Section 10-2093.3, Food Trucks.

COMMISSIONER ATKINS: Okay. Commissioners, you've heard from Staff as it is the applicant. At this time, I'll entertain motion.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we

1 recommend approval with appreciation for the change in text that we
2 discussed in Work Session.

3 COMMISSIONER ATKINS: Okay. Is there a second?

4 COMMISSIONER GORDAN: Second.

5 COMMISSIONER ATKINS: It's been moved by Commissioner
6 Sheldon and seconded by Commissioner Gordan that we approve. All
7 in favor sound aye.

8 COMMISSIONERS: Aye.

9 COMMISSIONER CALLOWAY: Discussion.

10 COMMISSIONER ATKINS: Discussion, I'm sorry,
11 Commissioner Calloway and Ms. Lovett.

12 COMMISSIONER CALLOWAY: I just had a couple really quick
13 things. Number one, was I noticed that the -- and I don't know if
14 this is old and maybe you guys discussed this at Work Session. I
15 apologize if this is redundant. Hours of operation currently are
16 limited from 11:00 to 2:00 p.m. only?

17 MS. HOLMES: No, sir. The amended information in front of
18 you hours offers it for two hours for lunch as well as two hours for
19 dinner time as well.

20 ATTORNEY LINDA DUNLAVY: The amendment since the
21 Work Session -- and perhaps maybe I should go through those just
22 so that you know what they are.

23 COMMISSIONERS: Yeah.

24 ATTORNEY LINDA DUNLAVY: And it appears that perhaps
25 maybe we're looking at different versions. I think the first change

1 was in the required districts. The original draft said it would only be
2 allow in CR and it's been expanded to C1, C2, CL and CR. The
3 second change, since the Work Session is in the Operational Rules.
4 Number one, the original draft proposed that there would only be
5 three permits of fourteen days in length per year and that language
6 has been changed to allow for no more -- that no permit shall be
7 effective for more than ninety consecutive days. The third change is
8 the hours of operation, Commissioner Calloway, to which you eluded.
9 An addition has been made to allow for the hours of operation for
10 4:00 p.m. to 7:00 p.m. in addition to the original 11:00 a.m. to 2:00
11 p.m. and then the final, I think -- Ms. Holmes please correct me if I'm
12 wrong, but the final change, I believe, is in Item No. 16. The
13 modification was made to the distancing prohibition from 1,500 feet
14 down to 300 feet. I think that's all the changes; is that correct?

15 MS. HOLMES: That's correct.

16 ATTORNEY LINDA DUNLAVY: Okay.

17 COMMISSIONER ATKINS: Okay.

18 COMMISSIONER CALLOWAY: And then I just had one
19 additional thing. It was on Number 12 and maybe I just need some
20 clarification and I apologize. Food trucks may only be open to and
21 may only serve customers from the side of the truck, facing the
22 sidewalks. Food trucks are prohibits from operating with their trucks
23 open to the roadway. Can I get some clarification on that because it
24 would seem that the sidewalk is next to the roadway and if you're
25 serve --

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MS. HOLMES: Persons -- I'm sorry, I didn't mean to cut you off. Go ahead.

COMMISSIONER CALLOWAY: If you're serving to the sidewalk, you would be serving towards the roadway so maybe I'm just not reading that right or not understanding. Can I just get some clarification?

MS. HOLMES: The truck would need to pull up to the sidewalk so patron would you served from the sidewalk of the property. If they were facing the roadway, then patron would be lined up in the road.

COMMISSIONER CALLOWAY: So my understanding is that they would be allowed to be on the road next to a sidewalk and then serving. Okay. So that would not apply, I guess, then when they're on private property?

MS. HOLMES: That's correct. Okay. All right. Thank you for that clarification.

COMMISSIONER ATKINS: Okay. Any other questions or discussion?

COMMISSIONER LOVETT: I do have one question.

COMMISSIONER ATKINS: Yes, Commissioner Lovett.

COMMISSIONER LOVETT: It's pretty simple but I just wanted to know why is there a break between 2:00 and 4:00?

COMMISSIONER ATKINS: Why is there a break in the hours of operation between 2:00 and 4:00?

MS. HOLMES: It's lunch hour and dinner hour.

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COMMISSIONER LOVETT: So they can't continue between those two hours?

MS. HOLMES: Well, generally -- well, we didn't give it a duration for the entire day. They usually break down, clean up and they're moving to another location so it's an offering at lunchtime and it's an offering at dinner time if they decide they want to move to a different location.

COMMISSIONER LOVETT: But if they choose to stay where they are, do they have to close?

MS. HOLMES: They can either -- that's operational. If they're in a two hour parking space, they would have to leave so if they were downtown, there's only a two hour parking window so they would have to leave and then return.

COMMISSIONER LOVETT: Thank you.

COMMISSIONER ATKINS: Okay. I just want to go with that. Is there any harm to the City if we amend those hours. I think that this hours right now are 11:00 to 2:00 and then 4:00 to 7:00? Why can't we just keep it simple, 11:00 to 7:00.

COMMISSIONER CALLOWAY: Or 11:00 to 8:00.

MS. HOLMES: That's fine. We would just have to coordinate with code enforcement to ensure that those hours are maintained with the parking lot spaces that have a minimum time.

COMMISSIONER ATKINS: Right. I mean, I think that we're limiting their business and everyone doesn't go to lunch at the same time, have dinner at the same time so my recommendation is that we

1 amend the hours that portion of the Text Amendment for hours of
2 operation to be from 11:00 to 7:00. And then also I think it makes it
3 easier for Staff because then if they know -- they only have to check
4 for 11:00 to 7:00. They don't have to check for 11:00 and 2:00 and
5 they don't have to check for 4:00 and 7:00. They just have to check
6 for 11:00 and 7:00. They can operate between 11:00 and 7:00 so
7 that would be my amendment to the Text Amendment and I am
8 asking you if you would substitute your motion.

9 COMMISSIONER SHELDON: Absolutely. I accept the friendly
10 amendment.

11 COMMISSIONER ATKINS: Okay. Yes, and Commissioner
12 Gordan, you did the second? Your second still stand?

13 COMMISSIONER GORDAN: Yes.

14 COMMISSIONER ATKINS: Okay. Commissioner Calloway.

15 COMMISSIONER CALLOWAY: I'd like to make a substitute
16 motion or a friendly amendment that we actually go to eight o'clock.
17 I think that ending at -- I think ending at 7:00 -- I mean, a lot of
18 people just don't get home from work -- I mean, but that was an
19 issue when we were talking about the Farmer's Market the other day.
20 A lot of people were like, I don't even get home until almost seven
21 o'clock so I would like to make a substitute motion changing number
22 three from 11:00 to 8:00.

23 COMMISSIONER ATKINS: So that again, please.

24 COMMISSIONER CALLOWAY: I'd like to make a substitute
25 motion changing Item Number Three under Vending Operational

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Rules from 11:00 to 8:00.

COMMISSIONER ATKINS: From 11:00 a.m. to 8:00 p.m.
okay. Is there a second to that substitute motion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. That motion dies for a lack
of a second. Okay. All right. So we go back to the motion, the
amended motion for hours of operation to be from 11:00 a.m. to
7:00 p.m. and so with that is that any of discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Seeing none, Commissioners, 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 next Agenda Item 2015 "M" as in Mary-008-09. Staff, would you
please sound this Agenda Item.

MS. BLATCH: 2015M-008-09. The applicant is Citywide. It's
a Text Amendment to Part 10, Chapter 7, Section 10-7002,
Definitions and Section 10-7011 (5), Signs Which Require No Permit.

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

COMMISSIONER GORDAN: So moved.

COMMISSIONER ATKINS: Is there a second?

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COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Gordan and 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. Staff, would you please sound this -- well, would please present your case as the applicant.

MS. HOLMES: To conform to a recent United States Supreme Court Ruling, the definition of temporary political signs is being deleted from Chapter 7, Signs of the East Point Zoning Code and Development Regulations. The inclusion of the definition was in violation with the First Amendment of the U.S. Constitution because it treated political signs differently than other signs which do not require a permit. Further, the amendment proposes to increase the maximum size of temporary signs from 11x17 to 36x44.

Additionally, the paper before you also amends the definition for temporary noncommercial signs and changes the definition to temporary event signs.

COMMISSIONER ATKINS: Okay. Thank you. Are there any other proponents to speak to this Text Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

1 AUDIENCE: (No response.)

2 COMMISSIONER ATKINS: Seeing none, are there any

3 opponents to seek to this Text Amendment?

4 AUDIENCE: (No response.)

5 COMMISSIONER ATKINS: Any opponents to speak to this

6 Text Amendment?

7 COMMISSIONER ATKINS: Seeing none, Commissioners, at

8 this time, I'll entertain a motion to close the public hearing.

9 COMMISSIONER MAXWELL: So moved.

10 COMMISSIONER ATKINS: Is there a second?

11 COMMISSIONER LOVETT: Second.

12 COMMISSIONER ATKINS: It's been moved by Commissioner

13 Maxwell and seconded by Commissioner Lovett that we close the

14 public hearing. All in favor sound aye.

15 COMMISSIONERS: Aye.

16 COMMISSIONER ATKINS: All opposed sound nay.

17 COMMISSIONERS: (No response.)

18 COMMISSIONER ATKINS: Hearing none, the public hearing

19 is now closed. Staff, would you please sound your recommendation.

20 MS. BLATCH: Case Number 2015M-008-09, Staff recommends

21 approval of the Text Amendment to amend Part 10, Chapter 7,

22 Section 10-7002, Definitions and Section 10-7011 (5), Signs Which

23 Require No Permit.

24 COMMISSIONER ATKINS: Okay. Commissioners, at this

25 time, I'll entertain a motion. You've heard Staff's recommendation.

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COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we recommend approval.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon and seconded by Commissioner Lovett that we recommend approval. Any discussion?

COMMISSIONER CALLOWAY: Just something very briefly. I know we're in a hurry to get out of her.

COMMISSIONER ATKINS: Oh, no, not at all, Commissioner Calloway. I mean, we are going the business of the people and we will take as long as it requires.

COMMISSIONER CALLOWAY: I would just like to point out that 36X44 -- generally, when signs are printed or you look at them, generally, they're -- they're standard size is 36x48 so I would like to, if we could, change 44 inches to 48 inches.

ATTORNEY LINDA DUNLAVY: The 36x44 was put into the definition of temporary event signs because it's consistent with the remainder of what is in the sign ordinance for other signs.

COMMISSIONER CALLOWAY: All right. Thank you for that clarification. I withdraw.

COMMISSIONER ATKINS: Okay. All right. There's a motion on the floor to approve. Any other discussion?

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Motion on the floor to recommend approval. 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 recommend approval. Next on our agenda are announcements. Staff, would you have any announcements this evening.

X. ANNOUNCEMENT:

MS. HOLMES: We invite all residents that are immediately adjacent to and live on the Washington Road corridor to join us on Saturday, September the 19th at the Jefferson Park Recreation Center from 10:00 to 2:00 to discuss walkability and liveability in the City of East along the Washington Road Corridor.

COMMISSIONER ATKINS: Okay. I'd like to amend your announcement, Ms. Holmes. I would like to especially invite those residents adjacent to Washington Road but in general would like to invite all East Point residents as it is a major commercial thoroughfare in our City so thank you so much. Can you give us the time? It's at Jefferson Park Recreation Center on Saturday, September --

MS. HOLMES: 19th.

COMMISSIONER ATKINS: 19th, and what time?

MS. HOLMES: From 10:00 a.m. until 2:00 p.m.

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COMMISSIONER ATKINS: 10:00 a.m. to 2:00 p.m. I appreciate that so much. Any other announcement from Staff?

MS. HOLMES: No, sir, that's it.

COMMISSIONER ATKINS: Okay. Thank you. Any announcements from Commissioners?

COMMISSIONERS: (No response.)

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

XI. ADJOURNMENT:

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, this meeting is now adjourned. Thank you.

(Whereupon this concludes the Department of Planning and Community Development meeting for September 17, 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 84 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 the City of East Point, Department of Planning and Community Development.

I was contacted by the offices of East Point, Department of Planning & Community Development to provide stenography services to take down the meeting minutes.

The foregoing meeting for the City of East Point, Department of Planning and Community Development , on September 17, 2015 at seven o'clock P.M., were taken down by me and transcribed by me on this 1st day of October, 2015.

Jeanene Harper
Stenographic Stenographer