

1 CITY OF EAST POINT

2 **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

3 April 21, 2016 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, Vice Chair**

12 Commissioner Joel **TUCKER, Provisional Chair**

13 Commissioner Laura **BORDERS - Absent**

14 Commissioner Gregory **FANN - Absent**

15 Commissioner Patricia **LOVETT**

16 Commissioner William **MILLER**

17 Commissioner LaJeanna **MCKNIGHT**

18 Commissioner Willard **MAXWELL**

19 Also Present:

20 Ms. Keyetta **HOLMES**
21 Senior Planner

22 Ms. Angels **BLATCH**
23 Associate Planner

24 Willis **HATCHER**
25 City Engineer

Ms. Linda **DUNLAVY**
Attorney

Videographer
James **Hammond**

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COMMISSIONER ATKINS: Ladies and gentlemen, it is beyond the seven o'clock hour. James is still setting up but I also wanted to make an announcement. Tonight, for whatever reason, we are having some technical difficulties. Our audio is not working so we will not have microphones. If you are going to speak from the podium, I will ask that you speak loudly. It is extremely important so that our court reporter can pickup every single word, every comma, every period, everything and I'll also ask the same of the Commissioners, if you would just speak loudly because we do not have audio tonight. Okay. James, you'll let me know when you're ready and then when you're ready, I will be ready.

I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening. I'm Shean Atkins and I'm the Chair of the East Point Planning & Zoning Commission and at this time, I would like to to call to order our regularly scheduled April, 2016 meeting. Staff, at this time, would you please sound the agenda to establish a quorum, Roll Call to establish a quorum.

II. ROLL CALL:

- MS. BLATCH: Commissioner Lovett.
- COMMISSIONER LOVETT: Present.
- MS. BLATCH: Commissioner Borders.
- COMMISSIONER BORDERS: (No response.)
- MS. BLATCH: Commissioner Miller.
- COMMISSIONER MILLER: Present.

1 MS. BLATCH: Commissioner Fann.
2 COMMISSIONER FANN: (No response.)
3 MS. BLATCH: Commissioner Atkins.
4 COMMISSIONER ATKINS: Present.
5 MS. BLATCH: Commissioner Tucker.
6 COMMISSIONER TUCKER: Here.
7 MS. BLATCH: Commissioner Sheldon.
8 COMMISSIONER SHELDON: Here.
9 MS. BLATCH: Commissioner McKnight.
10 COMMISSIONER MCKNIGHT: Present.
11 MS. BLATCH: Commissioner Maxwell.
12 COMMISSIONER MAXWELL: Here.
13 MS. BLATCH: Commissioner Chair, you have a quorum.
14 COMMISSIONER ATKINS: Thank you. At this time, we will
15 observe a Moment of Silence and I would also like to mention that
16 today we have lost an artistic icon and so four all of the lovers of all
17 things purple and for all of those other things that have happened
18 throughout this months, this week, we'd like to offer a Moment of
19 Silence.
20 **III. MOMENT OF SILENCE:**
21 COMMISSIONER ATKINS: All right. If you would please
22 stand with me and join me in the Pledge of Allegiance.
23 **IV. PLEDGE OF ALLEGIANCE:**
24 COMMISSIONER ATKINS: Commissioners, at this time, I'll
25 entertain a motion to adopt our agenda as printed.

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V. ADOPTION OF THE AGENDA:

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The agenda is adopted. Commissioners, at this time, I'll entertain a motion to approve our March 17, 2016 meeting minutes.

VI. APPROVAL OF THE MARCH 17, 2016 MEETING

MINUTES:

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MAXWELL: Second the motion.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Maxwell that we approve our March 17, 2016 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.

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Our March 17, 2016 meeting minutes are approved. We will now move into New Business. This evening all of the items on our agenda to require a public hearing and so after I have Staff to sound our first Agenda Item, I will then read the rules for public hearings. Staff.

MS. BLATCH: Case Number 2016V-001-03, applicant is Ponder & Ponder Architects. The location is 3433 Bobby Brown Parkway. He's presenting a four-part Concurrent Variance to the number of rooms, maximum height, setbacks and parking.

COMMISSIONER ATKINS: Okay. Thank you. As I mentioned, all of our agenda items this evening require public hearing. At this time, I'll read the rules for public hearing that will apply to all of our items that are to be heard tonight.

(Whereupon Rules for Public Hearings are read into the record.)

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

The 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

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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 provided that each side is given the same amount of time. If there is more than one speaker for a side, the Chair or the presiding officer may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her allotted time for rebuttal.

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

You've heard our rules for public hearing, you've also heard this Agenda Item sounded by Staff. At this time, Commissioners, I'll entertain a motion to open the public hearing.

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Tucker that we open the public hearing for Case Number 2016 "V" as in Victor-001-03. All in favor sound aye.

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COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound, no.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now open.

VII. NEW BUSINESS:

COMMISSIONER ATKINS: Is the applicant here, representative for Ponder & Ponder Architects?

AUDIENCE: Yes, I am.

COMMISSIONER ATKINS: Okay. Would you please come forward and address the podium.

(Whereupon Applicant Robert Ponder approaches the podium.)

MR. PONDER: Good evening. I'm name is Rob Ponder with Ponder & Ponder Architects, 3000 Langford Road, Norcross, Georgia. Is there a presentation or just to speak in support of?

COMMISSIONER ATKINS: You just go ahead and present your case while you're here tonight. You're requesting a four-part variance. You may want to go through those.

MR. PONDER: Okay. We are working on a hotel that is immediately in front of the Hilton Garden Inn, that's an existing hotel, very near the Homewood Suites that I came before several of ya'll about three or four years ago on. We're seeking four variances tonight. They are for the number of rooms -- the ordinance requires two hundred rooms as a minimum. We're asking for 98. We're

1 asking for the height to be increased from 40 feet to 87 feet to the
2 top of the decorative beacon from the street on the lower side.
3 We're asking for a reduction in the setback for the dumpster. We
4 have two choices on which side it gets put. The front yard, actually,
5 only has a ten-foot setback. The rear yard has a 25. We think ya'll
6 would rather us you have the dumpster on the rear. It's in the the
7 site plan that we have so we've shown it on the rear side and asked
8 for the reduction and the setback to be ten-foot, which would be the
9 same that it would be if it was on the front facing the side street and
10 the last one is a parking ratio. We've asked for reduction from one
11 per room to a point eight per room and all four of these are, I think,
12 variances that have been relatively common in the City of East Point
13 for the hotel that are serving Atlanta Airport. The size of the site is
14 just so small, we can't get to the two hundred rooms that is zoned
15 properly for a hotel but it's just not big enough to get to the two
16 hundred room count.

17 We had to do a combination of going up, squeezing in and
18 reducing the parking to get to the 98 that we were able to get to so I
19 think this is a fairly good balance for the acreage that the site is to be
20 able to get the maximum number, which I believe, the purpose of
21 the ordinance of going for two hundred rooms is to try to keep a high
22 quality hotel. The owner is proposing a hotel chain that is by Hilton.
23 It's one of the new chains that Hilton has developed to work into
24 markets where they already had other hotel so I believe the 98 room
25 is a very good balance of height and parking and setbacks and one of

1 the things I was kind of excited about doing here is ya'll have
2 changed the ordinance since we worked on some of the other hotels
3 to try to promote sidewalk frontage with the cars parked behind and
4 more out of view so this hotel does that. It pushes the building up to
5 two of the streets and has the cars that are in behind it. That led
6 us -- actually maximized the room count by not having to put parking
7 all around the building by having the building pushed up to that
8 reduced front yard setback that ya'll have changed the ordinance to
9 apply, allowed us to get to the room count that we have. The height
10 is -- it's actually a six-story building on a partial basement. The
11 basement contains an indoor pool, the laundry, some of the utility
12 spaces that are down there -- we will have windows for the exercise
13 room and the pool and all that facing onto the street, facing down
14 there. There are other eight-story, twelve story and higher hotels
15 that are in East Point so we're at the low end of what a lot of the
16 other variances that have been asked for and received in the City and
17 for the parking, we have a very strong history -- I'm still in close
18 contact with the Homewood Suites Hotel. He has never run out of
19 parking. He has the same, point eight -- I've asked him and they've
20 never had a single day -- we were asked in the Staff
21 recommendations to commit to a shuttle service as part of the
22 restrictions. The owner is happy to do that. They're gonna have to
23 have a shuttle service to get their customer over to the airport and
24 back so they had no problem agreeing to the Staff recommendation
25 that a shuttle service be provided. It will pick up right under the

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canopy and take to the airport or to other things in the immediate area.

The owner is very comfortable and the franchise is very comfortable that the point eight will satisfy the need for this type of hotel in this market.

One of the questions that had come up at the Work Session was the articulation of the Bobby Brown side of the building.

Tonight, I offered an additional drawing that was not part of the original application, actually, two additional drawings but I wanted to take the Bobby Brown side and give it the light that I think it will actually have. All we had presented before was a two-dimensional flat with no shade or shadow or color or anything like that and the Home two chain has this extremely prescribed corner. It's called the, beacon, is what they're trying to do and that will become a nationally recognized icon for that chain and that is what they want us to have on any prominent corner and the way we see this is because the public will enter by shuttle or by car on the vehicular side, which will not be facing Bobby Brown but then we've also added a porch and I have added a cover over top of this door on the side to make it feel more like a porch or an arrival point for the hotel for pedestrians but this corner is between the two entrances for the building, the pedestrian on Bobby Brown and the vehicular that's internal to the parking on the side and the side of the building will have multiple colors. It will have different fenestrations. This teal green or this green color, specific green color is a franchise color. If ya'll have

1 seen Holiday Inn Expresses, they do green lights or, you know --
2 people do different things that are signatures so I think that there's a
3 lot of light that wasn't represented in the two-dimensional drawing
4 that had no shade, shadow or color on it that was shown in the Work
5 Session so I've added that and this is a brick texture, so this is not
6 just a flat building as far as the texturing on there. We've added
7 some more lines to try to appreciate that there will be some depth to
8 the finished material that's not just a flat material that will be on
9 there but we've got a lot of lines. We have got our, you know, the
10 shadows created by the layer at the floor levels and the windows and
11 the recesses and all that so I'm excited. I think this is fairly close to
12 what is prescribed. They actually have names for the -- the other
13 picture that ya'll have. This is call the waist and this is call the -- you
14 know, they've got these different names for the different parts of the
15 building and they, on purpose, don't want a box. They do not want
16 just a static box with windows on it so they make we break the
17 parapet and have it come down at least a certain dimension and they
18 make you do a lot of different stuff and the beacon has to project
19 above the parapet line and stuff like that so I think it's a neat one.
20 It's a more contemporary design than a lot of the other buildings that
21 some of the places might be working on, but I think in this City and
22 with a sidewalk frontage and being an airport property, I think it's an
23 appropriate design so I will reserve the rest of my time available for
24 questions or anything but we ask that ya'll grant the for variances
25 that we have asked.

1 COMMISSIONER LOVETT: I have a question.

2 COMMISSIONER ATKINS: You have a wait until the public

3 hearing is over and then we'll ask if you have any questions. Are

4 there any other proponents here for this zoning case?

5 AUDIENCE: (No response.)

6 COMMISSIONER ATKINS: Any other proponents?

7 AUDIENCE: (No response.)

8 COMMISSIONER ATKINS: Anyone else here to speak in

9 favor?

10 AUDIENCE: (No response.)

11 COMMISSIONER ATKINS: Any other proponents?

12 AUDIENCE: (No response.)

13 COMMISSIONER ATKINS: Seeing none. Are there any

14 opponents here to speak against this zoning case?

15 AUDIENCE: (No response.)

16 COMMISSIONER ATKINS: Any opponents?

17 AUDIENCE: (No response.)

18 COMMISSIONER ATKINS: Seeing none, Commissioners, at

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

20 COMMISSIONER SHELDON: So moved.

21 COMMISSIONER ATKINS: Is there a second?

22 COMMISSIONER MILLER: Second.

23 COMMISSIONER ATKINS: It's been moved by Commissioner

24 Sheldon, seconded by Commissioner Miller that we close the public

25 hearing. All in favor sound aye.

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COMMISSIONERS: Aye.

COMMISSIONER SHELDON: 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 2016V-001-03, Applicant, Ponder & Ponder Architects, location, 3433 Bobby Brown Parkway, Staff recommends approval of Concurrence Variance, Number One, to allow a reduction in the number of hotel rooms from a minimum of 200 to 98 as within Section 10-2074, (a) 10 with the following conditions, applicant shall ensure that fire protection devices system continue to meet or exceed fire codes. Water meters, tap fees and sewer capitol costs recovery fee must be paid prior to issuance of a land disturbance permit.

Staff recommends approval of Concurrent Variance, Part Two, exceeding the CL Zoning District height regulations of 40 feet as required within Section 10-2074 with the following condition, approval confirmation from Hartsfield Jackson Atlanta International Airport must be received prior to issuance of a building permit. Staff recommends approval of Concurrent Variance, Part Three, to reduce the minimum setback for accessory structure within Section 10-2074. Staff recommends approval of Concurrent Variance, Part Four to allow a reduction in the required number of parking spaces in accordance with Section 10-2154 with the following condition:

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Applicant will maintain a shuttle service to Hartsfield Jackson Atlanta International Airport for hotel guests.

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

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon.

COMMISSIONER SHELDON: On application number 2016 "V" as in Victor-004-03, I make a motion that we approve with the stipulated conditions from Staff.

COMMISSIONER ATKINS: Okay. Is there a second.

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Tucker that we approve the 4 part Concurrent Variance. Any discussion?

COMMISSIONER LOVETT: Couple questions.

COMMISSIONER ATKINS: Yes, Commissioner Lovett.

COMMISSIONER LOVETT: Good evening. Just a couple of questions how many employees are you anticipating to service this hotel.

MR. PONDER: Yeah. There's two different numbers I'll give. At maximum shift, we have one room service attendant for every 14 rooms so we'll have six for that plus two desk workers, plus maintenance, plus sales, manager, so you'll have probably 12 people at maximum shift and that maximum shift happens during the middle

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of the day when all the guests have left and they're cleaning the rooms and all that but you have multiple versions of those shifts. I think the total employment positions would be in the range of 30, somewhere in that range but again, 12 on site at any one time, maximum.

COMMISSIONER LOVETT: And the reason for my question is I'm kind of just a little bit concern about --

MR. PONDER: That's why I answered my question very carefully is at night, I have one or two people on property, is all I have and the last hotel guest in a hotel like this, doesn't arrive until close to midnight. The first one starts leaving at 4:00 or 5:00 in the morning so when the parking is maximized for guests, I've only at most have two employees on site. The maids and everybody start showing up in the morning after several of the guests have already left. A hotel chain, with a national chain like Hilton behind it, will operate very easily at one-to-one in a non-airport property but with the airport property, with the shuttles and all that, we operator comfortably at point eight. We could probably run this hotel at point six five or we're down to point seven and never run out of parking because we don't have meeting rooms.

If you put a meeting room that will service is hundred people into a hotel and get a local group using it, then the local cars come and the hotel guests come and it overloads the parking lot. We have a small board room big enough for ten people is all we have so this will be adequately parked at point eight. I have no question at all

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that it will be and we have precedence already in the City that it will be.

COMMISSIONER LOVETT: Which brings up my second question. Now, is there another hotel this size that's on this size lot and I'm concerned about from 200 to 98?

MR. PONDER: Yeah. We would love to have more rooms. I mean, if the site was bigger, we would love to have more rooms. The density of this is very very similar to the Hampton, to the Homewood Suite, to all the other hotels that are immediately around us. The density of rooms per acre, we're right there. We might even be slightly higher than them because we were able to push our hotel up onto street, where they had to have parking on 360 degrees around their building so we probably have more rooms per acre than they have and with a smaller lot, we just got as many as we could get. We got as many rooms as would fit on the property.

COMMISSIONER LOVETT: Essentially, you have small rooms?

MR. PONDER: We have a standard size room that's by home, too, which is also, I would way, 85 percent of the hotels in the country are 12 foot eight bays by 26 foot and that's the size of the room. We have not shrunk the room smaller. These are what I would call, standard hotel room sizes. They're not suites. Homewood Suite has a 22-foot bay. This has a 12/8 bay so this is a small bay so that we could get as many rooms on there as we could. We did not use a big bay room trying to, you know, keep the room count down. We went with the smallest one in the industry that there is.

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COMMISSIONER ATKINS: Any other questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: So I have a couple of questions. Some of these are for Staff probably. Do we know what the -- since the hotel is going to abutt both Bobby Brown Parkway and Cambridge Avenue and the gentleman talked about pedestrian access, what are those sidewalk widths along Bobby Brown and Cambridge? Do we know that?

MS. HOLMES: Commercial sidewalk widths are required to be six feet.

COMMISSIONER ATKINS: So they are six feet around those property so we don't have to address any of those?

MS. HOLMES: You would have to put sidewalk on Bobby Brown. It doesn't exist at this point.

COMMISSIONER ATKINS: Okay. So and the code requires that the minimum width for the sidewalk is six feet?

MS. HOLMES: Yes.

COMMISSIONER ATKINS: Okay. The other question I have is you also talked about the covering at the door on the Bobby Brown Parkway side and so is that gonna be for emergency exits only because I'll be a bit concerned if there is regular traffic and that area is not monitored because it is grounded for the sidewalk.

MR. PONDER: Yeah. That will be a door that the pedestrians will use. You will have to have a card to enter the building at that location. If you walk up to the hotel and have not checked in yet or

1 coming to visit somebody, you will come to that door and there will
2 be a reader that says, you know, enter your room key to enter the
3 building so if somebody is entering for the first time or a guest, they
4 will need to enter through where the porte cochere, the canopy side
5 is but we do expect people to leave that door to walk over to a
6 restaurant or to go over and patronize other businesses around and
7 we'll have doors actually on the other side, the low side, what is that
8 Bachelor -- no, it's Cambridge -- on Cambridge, there's also a door
9 with a card reader right next to the swimming pool so that you could
10 leave there. If you wanted to go for a walk in the morning, you
11 could actually leave the building in four locations. There's four
12 different ones. To enter three of them, you'll have to have a card,
13 room key to get back in except for the front door. You can enter
14 without a card on the front door on the porte cochere with the cars
15 arrive.

16 COMMISSIONER ATKINS: I under the concept but I am a
17 little concerned about that.

18 MR. PONDER: Well, we actually aren't. I mean, I understand
19 the concern and we won't to be pedestrian -- in fact, Home Two's
20 requirements are that you have a walking trail on your site unless
21 you're in an urban setting with sidewalks and because we want to
22 promote pedestrian good walking, we want it.

23 COMMISSIONER ATKINS: Right, and I'm all over that and I
24 want to promote that, too, that's why I asked about the sidewalks
25 but it doesn't negate the reserve I have.

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MR. PONDER: Well, we'll have cameras and we'll have card readers to protect our guests for safety.

COMMISSIONER ATKINS: If it's not monitored -- because sometimes even when you do have a card key, people will prop the doors open.

MR. PONDER: Oh, yeah, we will have cards.

COMMISSIONER ATKINS: And all of those things.

MR. PONDER: We will have a closed caption TV internal system with recorder. That will be standard on this kind of hotel.

COMMISSIONER ATKINS: Okay. The other question that I have -- I would like to make an amendment to the condition with it talks about the shuttle. I think Staff has recommended the word, "will." I think shall is probable lay stronger there. Madam Attorney, do you have --

ATTORNEY LINDA DUNLAVY: I don't have any strong feelings one way or the other but mandatory if you want to put, "shall."

COMMISSIONER ATKINS: As long as they won't be able to just have a shuttle service for a month, two months, six months, I mean, because I think that it would be necessary, particularly given the fact that they are asking for a variance to reduce the number of parking spaces but I just want to make sure that whatever language you have here is going to protect the City and the patrons and all those things so if you think that, "will" is okay, then I'm completely fine with, "will."

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ATTORNEY LINDA DUNLAVY: I mean, I think your concern perhaps would be better met not by changing the word, "will" to "shall" but some amendatory language making it clear that this shuttle service will be maintained of Hartsfield Jackson for hotel guests during all hours of operation or for the duration of the use, if I'm understanding your concern.

COMMISSIONER ATKINS: That is.

ATTORNEY LINDA DUNLAVY: That they'll have a shuttle service and then they'll cease using it or won't be offered during all the times they're open so that's what I would recommend to try to grab.

MR. PONDER: "Duration of the use" sounds like an appropriate -- yes, so as long as it's a hotel, it has to have a shuttle.

COMMISSIONER ATKINS: Right. So I would say -- so I would like to add, "for the duration of the use."

MR. PONDER: The applicant's -- oh, very good with that. They'll have to have one to function.

COMMISSIONER ATKINS: And so I think that someone -- if they're amendable to that let the document reflect that.

COMMISSIONER SHELDON: Friendly amendment.

COMMISSIONER ATKINS: Yes, we're gonna add "for the duration of the use" is that it is in essence as long as it's a hotel.

COMMISSIONER TUCKER: So I'd like to make a friendly amendment to amend the terminology "for the duration of the use."

ATTORNEY LINDA DUNLAVY: And while we're talking about

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language, Mr. Chair, I'm not sure that I heard Commissioner Sheldon correctly but I believe she made a mistake in the Case Number so for the purposes of the record, this is a motion on 2016V-001-03.

COMMISSIONER ATKINS: That is correct.

COMMISSIONER SHELDON: Got it.

MR. PONDER: Thank you, thank you.

COMMISSIONER SHELDON: Okay. Mr. Chair, I also have a question. Do we need to approve each one of these individually or since they are concurrent and the motion is to approve them all? What would be the best option here for us.

ATTORNEY LINDA DUNLAVY: Legally, you can take them in total or you can do it separately. I just suggest that stick with the motion that you've made to approve with the conditions as stipulated by Staff and the friendly amendment. If you have problems in so far as a certain Commissioner may not want to approve one of these four variances, then you can go through the motion and the amendment motion to break it down.

COMMISSIONER SHELDON: And I accepted the friendly amendment.

COMMISSIONER ATKINS: And Linda has accepted the friendly amendment. Okay. Any other questions, concerns.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. There is a motion on the floor to approve the 4 part Concurrent Variance. The motion is a friendly amendment to add language to one of the conditions

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regarding the shuttle and so it's been moved by Commissioner Sheldon, seconded by Commissioner Tucker. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

Thank you.

MR. PONDER: Thank you very much. No, I was just trying to make sure you had accepted the friendly because it hadn't happened and I don't want that to come back later and be able to do something and I will see ya'll again next month. We had actually applied for a fifth one that got slipped -- we'll be back and we'll see you next month.

COMMISSIONER TUCKER: Thank you.

COMMISSIONER ATKINS: The next Agenda Item is 2016 "V" as in Victor-003-03. Staff, would you please sound this Agenda Item.

MS. BLATCH: Case Number 2016V-003-03, the applicant is Electric Guard Dog, LLC. The location is 2251 Sylvan Road. Their seeking a variance to reduce the five foot vegetative screen to 0 when adjacent to a public right-of-way.

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

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

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COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Miller that we open the public hearing for Case Number 2016 "V" as in Victor-003-03. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

AUDIENCE: Yes.

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

(Whereupon Applicant Cindy Williams approaches the podium.)

MS. WILLIAMS: Cindy Williams, 121 Executive Center, Suite 230, Columbia, South Carolina.

COMMISSIONER ATKINS: Okay.

(Whereupon Applicant Debra Stanley approaches the podium.)

MS. STANLEY: Debra Stanley and I'm with BPS Parts and I'm at 2251 Sylvan Road, East Point.

COMMISSIONER ATKINS: Thank you.

MS. WILLIAMS: Good evening. We're here tonight for the variance -- the code states that there must be a five foot vegetative

1 barrier when it's along a public right-of-way, if the property abutts
2 the public right-of-way. We are asking for that to be reduced to zero
3 for the reasons -- there are several hardship reasons. I'll give some
4 and then Debra will give some. One hardship is that this is a huge lot
5 that is bound on all four sides. It takes up the whole City block so it's
6 bound on all four sides by a public right-of-way when a typical lot
7 usually, at most, has two but usually only has a road frontage so that
8 is a tremendous amount. The other is the fact of there is no space.
9 In the workshop, you questioned the City right-of-way so I went back
10 to my intern engineer and had him pull up your plans. I'll be happy
11 to pass -- I've got several copies of it. I don't know if I have enough
12 to go around, but I'll pass out however many I have.

13 COMMISSIONER ATKINS: Can you make sure that Staff gets
14 one.

15 MS. WILLIAMS: He pulled it up and it states that the fence,
16 not the electric fence that we're asking for but the chain linked
17 fence -- of course, you remember we go about four to twelve inches
18 behind the chain linked fence. It is sitting on the edge of the
19 right-of-way line so all of the grass that you see, if you drive around,
20 all of the area that you would see in front of the chain linked fence is
21 actually City right-of-way so there is no space for us to put 5-Feet of
22 landscaping and Debra is gonna give you some other hardships.

23 MS. STANLEY: The issue that we have if we are even going to
24 do that is the cost. It's like 3,400 and 85 feet and what some of the
25 costs that we've already looked at, it would be anywhere from 25 to

1 \$50,000, plus the upkeep every year because you'd have to put in
2 irrigation and or have service where you had monthly service on any
3 type of vegetation that you put there other than the grass that's
4 already there and I brought pictures of our facilities. Each side of
5 each street, on four different streets, this shows before and after of
6 our property since we've awned it and we keep our property -- our
7 two properties there are adjacent to each other and that's a million
8 square feet. We keep our properties nicer than 95 percent of the
9 properties in the City of East Point. We are wanting everything to
10 look well and this is not going to create any kind of safety hazard or
11 anything like that not having that. It's actually just for beautification
12 and when you add the fence to our fence, it's very little change so
13 we still this it will still have the nice clean look that we have now so
14 I'll pass these around and it's each side and there was one issue it
15 said that it would keep the other properties -- keep them from having
16 their aesthetic looks but I also have some copies of about private
17 properties around ours and none of them keep their properties up so
18 we are doing a really good job about keeping our properties up and
19 looking nice for the City of East Point and we also have tenants. We
20 have had so many break-ins and we have a monitoring service and
21 we have on-staff security but we've had so many break-in cutting
22 through the fences that Hertz Entertainment, they've got it in they're
23 new letter of intent for the renewal. They're lease expires September
24 the 1st and they want electric fence as part of their agreement
25 because nothing has been working. By the time the police get there,

1 the people are either gone or if they catch them, they go to jail and
2 then they're out the next day so it's been a continual thing since
3 we've owned the property there.

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

6 AUDIENCE: (No response.)

7 COMMISSIONER ATKINS: Any other proponents?

8 AUDIENCE: (No response.)

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

11 AUDIENCE: (No response.)

12 COMMISSIONER ATKINS: Any opponents?

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

15 COMMISSIONER TUCKER: So moved.

16 COMMISSIONER ATKINS: Is there a second?

17 COMMISSIONER MAXWELL: I second.

18 COMMISSIONER ATKINS: It's been moved by Commissioner
19 Tucker, seconded by Commissioner Maxwell that we close the public
20 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 sound your

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recommendation?

MS. BLATCH: In Case Number 2016V-003-03, the applicant, Electric Guard Dog, LLC, location 2251 Sylvan Road, Staff recommends approval of the variance to reduce the five foot vegetative screen required with adjacent to the public right-of-way to zero feet with the following conditions: The applicant must ensure the fence will meet all of the requirements as it relates to the City ordinance. The electrified fence shall be set back one foot from the required non-electrified fence along Sylvan Road, Oakleigh Drive and Harvester Street. A five foot vegetative buffer is required along Milledge Street.

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

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, we've got to dispose of this case. Don't all speak at once. If you want any discussion on this Agenda Item, there needs to be a motion and a second.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Sheldon. Motion to approve.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: There is a motion by

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Commissioner Sheldon for approval. There's a second by
Commissioner Tucker. Any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: So I do. I have some questions.
So even with the right-of-way along Harvester, Oakleigh, Milledge,
Sylvan, if I understand it correctly, Madam Attorney, that even in the
City right-of-way, although it's right-of-way, the property owner is
still required to maintain the right-of-way just as we would at our
own homes; is that correct?

ATTORNEY LINDA DUNLAVY: I think that's generally true.
However, if they are going to do any work in the City right-of-way,
they have to get permission from the City to do that so, I think,
Keyetta could probably address that before. I don't know what the
practice is in the City of East Point but in other jurisdictions, for
example, if you had a tree in the City right-of-way, you want to
remove it, you have to ask for a right-of-way tree removal permit so
whether we're not gonna have to get permission from the City of
East Point to plant in the right-of-way to sustain those plants in the
right-of-way, I'm not really sure about. Obviously, if this Body
imposes a condition on the variance such as with the Milledge Street
side, that they are yo put the vegetative buffer in that right-of-way,
then that would be the City essentially giving them permission to do
that.

COMMISSIONER ATKINS: Correct. Which is something that
I did find so I don't know the rational of thought behind Milledge,

1 why Milledge? Why not Milledge, Sylvan, Oakleigh and based on the
2 discussion that we had at last week's Work Session, as I mention, I
3 drive that route pretty much everyday just because I live very close
4 by and so I actually did take photos and what I found is that the
5 space in the right-of-way that's available on Sylvan and Milledge are
6 greater in many instances than the space on Milledge so I don't
7 understand why Staff's recommendation would be for the vegetative
8 buffer to be on Milledge and on those sides. The other piece that I
9 have a concern about is I understand the need for additional
10 precautions for security and all of those things. There's also another
11 component to this and that is the aesthetics for the entire area even
12 though it is industrial. Just as we require when Plymart was your
13 neighbor across the way, which is now Impact Church, we required
14 Plymart to do a vegetative buffer along the front to hide all of the
15 materials that were there behind the fence and so a result, you see
16 all of those Evergreen trees along Sylvan. That's because there was a
17 condition put in place by this Body and so what I'm concerned about
18 is for a gateway into our City that we have now a fence that is how
19 tall, six feet, seven feet, eight feet?

20 MS. WILLIAMS: Ours is already eight.

21 COMMISSIONER ATKINS: So we have got an eight-foot
22 fence and now we want to do an electrified fence and so then it
23 starts to look like a penal institution and so how do we then shield
24 some of that and just make it aesthetically pleasing? And so, I don't
25 know the rationale behind why a vegetative buffer on Milledge and

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not the other streets so Staff if you want to speak to that. Is there a reason why you have that in the condition and not a vegetative buffer around the other parts of the building?

MS. HOLMES: There are existing trees or shrubs of some type of greenery existing along Sylvan Road, on Harvester and on Oakleigh. The area where planting could possibly be put in is not even five feet so the compromise was we don't see five feet there. We didn't have the -- but visible there wasn't five feet existing on Oakleigh and Harvester so that's why we had the condition of setting the fence back more than four inches to an actually foot and on Milledge, there is a possibility to put in the vegetative screen at five foot so that's why we said it would exist on Milledge and not on the other three streets.

COMMISSIONER ATKINS: So you're correct. There are trees along the Sylvan Road side which I see here but they're so scattered. I mean, I doesn't create a buffer at all so, I mean --

MS. HOLMES: We will assume that they will gonna grow up.

COMMISSIONER ATKINS: Well, yes. I mean -- I think that -- when I think of a vegetative buffer for these purposes because I think the intent is that we'd like to provide some type of aesthetic shield that we would talk more about Evergreen or shrubs that are fuller at the base versus what this is here and, you know, these trees -- but I just -- in the car, I just drove down Sylvan. I went down Oakleigh. I went around Harvester. I came down Milledge and I think that there's plenty of room by the fact that these trees

1 are here, there's space to plant a vegetative buffer along all sides of
2 this property and, unfortunately, I can't consider costs. I don't think
3 we can consider costs as a factor when we're talking about a variance
4 request and so I'm just very challenge when I hear the proponents or
5 the applicant see that there is no room. There is plenty of room. By
6 virtue of these photos, there's plenty of room. So if you say -- well, I
7 mean, these trees are planted in the City right-of-way.

8 MS. WILLIAMS: The City planted them.

9 COMMISSIONER ATKINS: I'm not finish, thank you. We're
10 gonna be respectful. These trees are in the City right-of-way and
11 what the City is conditioning here are planting of trees along Milledge
12 in the City right-of-way so my question is why stop at Milledge? So if
13 they're say you can plant trees on Milledge in the City right-of-way, is
14 there something special about Sylvan or Oakleigh or Harvester that
15 you cannot plant trees in?

16 MS. WILLIAMS: We asked for relief for all four sides.

17 COMMISSIONER ATKINS: I got that, I got that.

18 MS. WILLIAMS: Sylvan -- the Sylvan Street according to --
19 Debra said that that is -- as that is the City right-of-way. The City
20 planted those -- the City -- and they didn't replant and she's not
21 really willing to plant something in the City right-of-way that she's got
22 to upkeep and if the City coming in and says, we need that
23 right-of-way, then she's lost her \$50,000 investment.

24 MS. STANLEY: Plus we just don't have the investment to put
25 into it. Our taxes have gone from over 200 percent since we

1 improved the building there and again, if you go that area, you know
2 going down Oakleigh Street other than the church, our building is
3 many many many time nicer the way that it is than any of those
4 properties like the pictures in there. This still would not make it look
5 anything near what's allowed everywhere in that whole area. I
6 mean, if you look at some of those pictures, there is some horrible
7 stuff allowed that we have to put up with. I mean, we do and we
8 have clients come in. We have Ford and Toyota and other
9 automakers that come in. The movie industry -- as a matter of fact,
10 most of our tenants are from the movie industry and they have -- we
11 have had one that they had they're truck stolen with their sets on it
12 and they continue to stay because they had a lease but these leases
13 are all coming up this year and if we don't get the leases redone, we
14 won't be there, you know. It is a cost just like the roads on Oakleigh,
15 there's a budget to everything. Roads on Oakleigh are horrible. I
16 mean, and you can't get anything done with them -- so if you wanted
17 to look at beauty, ours is about the best you've got already and it's
18 not gonna get any worse by adding the fences which we need to
19 keep our tenants and to keep our business there as well because
20 crime is high here.

21 COMMISSIONER ATKINS: Ms. Stanley, I understand your
22 concern about the other properties but I'd like to focus our
23 conversation on the subject property. The subject property is the
24 property for which you're requesting a variance and let me also share
25 this with you, unfortunately, you don't have the benefit of coming to

1 our Work Sessions but many of the Commissioners sitting here
2 complain about the upkeep of the properties along Oakleigh so you're
3 singing to the choir. We agree with you but what I will say is that
4 just because they're not kept the way we'd like to see them and
5 we've talked to the City about them and, unfortunately, the code
6 enforcement do not come under Planning & Zoning or Community
7 Development. It's under police. I've talked to the City Council
8 member about it who actually want on a ride along with me and the
9 first time that I saw action was based on that ride along but we're
10 not pleased with that and so we're not saying that we're gonna just
11 sit and allow them to say the same but I don't even want to focus on
12 that. I'd like to focus on the subject property and so I'd like to keep
13 our conversation on that property but you're exactly right, there a lot
14 to be desired and what I don't want to see is I don't want to see
15 elements that continue to give the area aesthetically a not so
16 pleasing appearance.

17 MS. STANELY: Did you see what the building look like before
18 we moved -- before we bought it and it was there for ten years
19 vacant, how bad it looked? If we can't have some way to keep
20 tenants there, then the property is going to be vacant like Atlas right
21 up the street and you're not gonna have any taxes coming in. We
22 provide lots of business to all of the vendors that we can deal with in
23 the City of East Point. We support any kind of organization that
24 comes to us and we go to some of them ourselves, the police
25 department. What can we do to help adopt families for Christmas?

1 We do that every year. We've been to the fire department. The City
2 our our neighborhood planning, we contributed money there. We do
3 everything that a good citizen and a company would do to make it
4 better for the City of East Point and for us because we're there.

5 COMMISSIONER ATKINS: And I don't want to you think that
6 we don't appreciate that.

7 MS. STANLEY: But it's not -- it's seeming like you don't,
8 though, because this is an expense -- this is an expense we can't
9 afford because we're gonna have to pay for all these automative
10 gates which is not part of the electric fence. You have to have
11 automative gates and then other monitoring then I'm gonna have
12 that put in and then that's gonna be \$50,000 a year. You just can't
13 maintain everything but we're gonna make sure our building looks
14 nice. It's always look nice and the City didn't require it. We require
15 it.

16 COMMISSIONER ATKINS: We appreciate that. I'm just
17 challenged when you say that there's no space to do --

18 MS. STANLEY: I didn't -- I didn't say that. My -- my there is
19 no space based on the findings.

20 MS. WILLIAMS: Based on the City right-of-way, there is no
21 space.

22 COMMISSIONER ATKINS: So then we wouldn't have space
23 on Milledge and that the part that --

24 MS. STANLEY: All of it belongs to the City.

25 COMMISSIONER ATKINS: There's space.

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MS. WILLIAMS: Okay. Space -- well, my engineer got it from your Website that the fences are on the City right-of-way line.

COMMISSIONER ATKINS: I understand, I understand in the City right-of-way but when you go to pay your taxes, you're paying taxes on that also. It's the City's right-of-way. We understand that but it's your property.

MS. STANLEY: Now, we'll be willing to maybe look at some kind of joint thing for the City if there is something the City can do to help there because we do pay a lot of taxes.

COMMISSIONER ATKINS: That would be a discussion that we would have -- I mean, this is about your variance.

MS. STANLEY: Yeah, but I think the variance would -- but it's nothing safety. It's still gonna look good. We're maintaining everything without anybody ever requiring -- we're gonna do what needs to be done and that is just an expense that we just can't do and if we can't do that, then we can't do the fence then we're gonna lose the tenants.

MS. WILLIAMS: So that's the hardship, four sides, the lost of the tenants requiring it in their lease. Hertz requires it in their lease.

MS. STANLEY: That's already in Hertz Entertainment's lease.

COMMISSIONER ATKINS: Cost is not the hardship.

MS. STANLEY: I understand.

MS. WILLIAMS: That's not the cost. I'm giving you the other options, other hardship options that are not cost-related. Those are the other options.

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COMMISSIONER ATKINS: Commissioners, any other questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: There's a motion and a second on the floor to approve with conditions. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

MS. STANLEY: Thank you. When will this go to City Council?

COMMISSIONER ATKINS: It doesn't go to City Council because this is a variance. Next Agenda Item is Case Number 2016 "V" as in Victor-004-03. Staff, would you please sound this Agenda Item.

MS. HOLMES: Case Number 2016V-004-03. Applicant is Mallalieu Pointe Limited Partnership, 0 Church Street, location is 0 Church Street, 2627 Church Street, 2637 Church Street and 1633 West Forrest Avenue. Applicant seeks a two-part Concurrent Variance to allow Multi-Family on the ground floor and reduce the ten foot minimum offsets for four feet.

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

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

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COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Miller 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. Is the applicant present this evening. Would you please approach the podium. State your first and last name and your current address.

(Whereupon Applicant Dennis Blackburn approaches the podium.)

MR. BLACKBURN: Good evening. My name is Dennis Blackburn. I'm with the WODA Group, address is 128 Habersham Street in Savannah, Georgia. I'm here on behalf of the applicant which is Mallalieu Pointe Limited Partnership. That is a partnership between the WODA Group and also Parallel Housing and I'm accompanied here tonight by Greg Beyaert who is with Parallel Housing, Inc. Also with me tonight to present this case to you is Cara Cole with the architectural firm from Decatur, Martin Riley Associates in Decatur. About a year ago, we attended the Economic Developments here in East Point and we were presented with the opportunity of developing or looking into the developments of this particular site along Church Street. We put in an application to the Georgia Department of Community Affairs for affordable housing tax credits and we were awarded these credits in November of 2015. The

1 plan at that time was to have a property that went perpendicular to
2 Church Street. Everything on the front of Church Street would --
3 everything on the ground floor, first floor would have been of
4 commercial nature. We would have had a podium towards the back
5 due to the slop of the property and we would have built a four story
6 building on top of that podium. Since November of 2015, we've had
7 the opportunity of actually having an option to purchase the property
8 next to this site, which actually is the corner lot on Church and West
9 Forrest and we are coming today to ask you for a variance. The first
10 variance is to allow for sum multifamily units to be actually built on
11 the first floor facing the courtyard and also along so the back end of
12 West Forrest closer to the church, further away from Church Street
13 itself. So that would mean that we would have a lot of -- everything
14 in fact on the front, on Church Street would be of commercial nature
15 and also around that corner. That is the first variance. The second
16 variance is actually due to the offsets that have been in the
17 ordinance, we are requesting that the offsets would not be of ten
18 feet every -- I think it's ten feet every 40 feet. We're asking there
19 would be -- we would have four feet offsets at a much shorter end to
20 break up the image of the actual property so that it would not feel of
21 a big long commercial property. If it's okay with you, I'd like to
22 maybe ask Cara Cole to sort of maybe show you the actually site
23 again. Is that okay -- is that okay Chairman?

24 COMMISSIONER ATKINS: Absolutely. Just state your first
25 and last name and your address.

1 MS. COLE: Cara Cole with Martin Riley Architects, address is
2 215 Church Street, Decatur, Georgia and let me hold me up site plan
3 drawing for you at this time. As he said, all of these spaces here
4 along the front of Church Street and wrapping the corner of West
5 Forrest for that main -- the whole corner would be commercial
6 spaces. These on this corner, we had plan to use as the community
7 center spaces for the apartment, the more active public spaces such
8 as the leasing office, exercise center, etc., and then we have this
9 open space here to be the main entry where we would be putting in
10 some of our features such as the bicycle -- hopefully maybe rental
11 but definitely storage for residents to promote that sort of
12 transportation, so close to Marta and maybe drawing some of the
13 Millennial crowd that we're hoping to get and then as you wrap
14 Forrest heading back towards this residential area here, we have four
15 units on the main level that would be on the street side, which would
16 have entries on the street and with the rhythm that would be more
17 urban, you know, having sort of a porch entry here and then around
18 back, we have our tenant's gazebo and grilling area for courtyard
19 space for gathering. On all the second and third floors, it's all
20 residential and then as you get to the forth floor, it's residential for
21 most of it leaving accept for this rooftop terrace, which would also be
22 a communal space for the tenants and hopefully would take
23 advantage of what I understand would be a great view of downtown
24 Atlanta and that space as well as the courtyard and entry area and all
25 of that would be maintained, of course, by MODA Group or whatever

1 they name to manage and the only access other than residence to
2 this space would be for the commercial tenants so that they would
3 have rear access for them to deal with loading and whatnot. But
4 we're hoping that these will be very limited spaces for them to
5 occupy and this green space here is going to be a bioswales
6 detention area. There will be no curbs on these three side because
7 the site does slope currently from the high side here to the low side
8 back here and so we're trying to -- we're having the roof sloped to
9 the back to limit any water, you know, that might go on the street
10 and everything with sheet flow back into this space and then they
11 have the underground storm water piping to go back to additional
12 bioswale. Another option that they're exploring and we'll discuss
13 everything next week is possibly making all of this and this
14 permeable pavers with, you know, underground filtering to then go
15 to a small aboveground dry detention area that shouldn't hold
16 stagnate water. We're trying definitely everything we cannot to do
17 that and then we may plant this in a way that does sort of a rain
18 garden kind of idea just to make sure that it's all protracted while still
19 doing it's job. And along here is the area that we had designated for
20 the access for these commercial spaces with everything else being
21 dedicated for the tenants, with entries here, here and here in
22 addition.

23 COMMISSIONER ATKINS: Any other proponents for this
24 zoning case?

25 AUDIENCE: (No response.)

1 COMMISSIONER ATKINS: Any other proponents?
2 AUDIENCE: (No response.)
3 COMMISSIONER ATKINS: Any other proponent.
4 AUDIENCE: (No response.)
5 COMMISSIONER ATKINS: Any there any opponents here to
6 speak against this zoning case?
7 AUDIENCE: (No response.)
8 COMMISSIONER ATKINS: Any opponents?
9 AUDIENCE: (No response.)
10 COMMISSIONER ATKINS: Okay. If you can't see me, I can't
11 see you. Okay.
12 MR. BLACKBURN: Chairman, will I have the opportunity to
13 speak again afterwards?
14 COMMISSIONER ATKINS: You have time for rebuttal, yes.
15 Would you please approach the podium? State your first and
16 last name and your current address.
17 (Whereupon Opponent Paula Smalarz approaches the
18 podium.)
19 MS. SMALARZ: Hi. My name is Paula Smalarz and I live at
20 1687 Neely Avenue. Sorry, I'm out of breath. I just got back from
21 Pooler, Georgia looking at their other housing project in Georgia so it
22 was a long drive with a lot of problems. Anyway, so I thought I'd go
23 down there and see what they had done in Pooler and I talked to the
24 police lady, who -- I stopped by the police station because I couldn't
25 find this place and she was nice enough to lead me to it because it's

1 away from the booming town of Pooler. A lot of dirt being moved
2 there and then there was anyone actually around accept for
3 maintenance crews at their project so I went to the neighborhood
4 right next door -- excuse me, and got to talk to a lady and her
5 daughter who were out walking and a couple who lived right down
6 the street from there. This couple has lived there for five years and
7 they said they loved it. They save money, two jobs, both of them, to
8 get out of a crime-ridden area in Savannah and they moved to Pooler
9 and they loved it until three years ago when the MODA Project
10 opened up. Now, the man says his car has been broken into three
11 times this year and he now leaves his car unlocked. The lady goes
12 for walks before 2:30 when the kids get out of school because the
13 last time they did their walk in the afternoon when they usually do it,
14 there were about 30 people in the street fighting, including adults
15 until some man came and stopped them. Excuse me. The couple
16 that I spoke to for about ten minutes assured me that many things
17 that they had been told did not happen. They were shown sketches
18 of how the buildings were going to look, plenty of windows, a screen
19 of trees so that you couldn't see it. None of that has ever happened.
20 They said the police are there several times every weekend. Some of
21 their neighbors have moved out. I don't know how in very stressful
22 situations so they're properties probably went for less than they were
23 probably worth. This couple was very resentful that they had worked
24 so hard to move there into a crime free neighborhood from a
25 crime-ridden neighborhood they had left in Savannah and the crime

1 had now followed them so sorry, it was a long drive and I'm sort of --
2 but that's what I found out. The people who live there are not very
3 happy. Also every time I talk about a housing project, they said it is
4 not a housing project. The least negative person I spoke to was the
5 police officer and she said she doesn't care what people say. It's a
6 housing project so that's what I learned.

7 COMMISSIONER ATKINS: Thank you Ms. Smalarz.

8 MS. SMALARZ: Thank you.

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

11 AUDIENCE: (No response.)

12 COMMISSIONER ATKINS: Any other opponents?

13 AUDIENCE: Yes.

14 (Whereupon Opponent Carissa Yoder approaches the
15 podium.)

16 MS. YODER: Hello. My name is Carissa Yoder. I live in
17 Sumner Park Neighborhood, which is near this proposed housing
18 unit. I don't necessarily have all the facts but I just know there's
19 been several concerns. Our neighborhood Facebook page and it
20 being affordable housing, low income, different things have been said
21 but if it's like affordable housing or subsidized housing, I'm definitely
22 concerned with putting it right there. I do think that would bring --
23 more likely to bring more crime and litter. I mean, not necessarily
24 but it's more correlated and it's right in the entrance to our City. I'm
25 concerned with that area. It's a tight area, three streets. It's like a

1 little triangle and so this is like 60 plus units and then building up
2 closer to the street, just doesn't make sense to me and then retail. I
3 mean, that definitely seems like that should all be retail on the first
4 level. That's a prime location. Overall, I'm just concerned with the
5 development. Thank you.

6 COMMISSIONER ATKINS: Any other opponents for this
7 zoning case. Any other opponents?

8 AUDIENCE: I was just gonna say I agree.

9 COMMISSIONER ATKINS: Okay. You would have to do that
10 at the podium.

11 AUDIENCE: Okay.

12 COMMISSIONER ATKINS: Do we have speaking cards for
13 everything one.

14 MS. HOLMES: I don't have one for him.

15 COMMISSIONER ATKINS: Okay. You can speak. That's not
16 a problem. You can just fill out a speaker's card, that's all.

17 (Whereupon Opponent Derrick Hanon approaches the
18 podium.)

19 MR. HANON: I'm Derrick Hanon. I live at 1596 West
20 Cleveland. We're two blocks away. I'm just concerned about how
21 this is gonna be done, the percentages of the assisted living. We
22 already have a lot of problems with trash. We already have a lot of
23 problems with crime but there's busted out windows all the way
24 down Main Street. We're doing our best to try to pull that in but, you
25 know, I just had a lot of concerns about it so that's all I wanted to

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say.

COMMISSIONER ATKINS: All right. Please fill out a speaker's card. Any other opponents?

AUDIENCE: Yes. Hi. I'm here on behalf of the neighborhood.

COMMISSIONER ATKINS: The podium, the podium, please.

(Whereupon Opponent Teresa Nelson approaches the podium.)

MS. NELSON: I'm not certain whose time I'll be taking up but unfortunately, the Frog Hollow did not take a vote on this particular project. The developer came to us two night again. We set up a special meeting in order to meet with them because we had not had the opportunity to meet with them beforehand. We had not had notice of this project coming to our neighborhood and I do not blame the developer for that. It's a long story we won't go into. Anyway, one of the things I want to do is kind of point out the issues of concern at Frog Hollow and so we don't have a position but we have -- there are things about this project that we support, that people supported and things that they opposed and I encouraged people who had very strong feelings in either direction to come tonight and address you and unfortunately, they close not to and that tells me a lot because if they felt very very strongly in opposition to this project, believe me, they would be here tonight and speaking loudly so the concerns that were raised, of course, were obviously the biggest one is the affordable housing and it's impact on the value of the properties within the neighborhood. Frog Hollow has a lot of

1 run down area, we know and the City has an incredible wealth of
2 affordable housing. It's condition is questionable but we have a lot of
3 affordable housing. The developer was kind enough to give us the
4 rates of the rental that will be at this location and frankly, they are
5 pretty much market rate with East Point. I do not see them as being
6 accessibly low. Now, he assured us -- and I don't know how they can
7 commit to this but even under the terms of the grant that they have
8 received, the tax credits rather, they can raise the rent as the market
9 rate goes up so that gives them the ability to increase the amount of
10 income they can generate but it also means that those who can come
11 to that area are gonna have to have a hire income obviously. Now,
12 one of the things that was contrary to that was those that feel
13 strongly -- like I do personally, that we need more commercial in that
14 corridor and, of course, by their leaving the commercial on the
15 Church Street side, that is critical to our neighborhood and the
16 designs that all of us are aware of from our development plans CDP,
17 etc., for downtown. The idea was to live, work, play concept so
18 you've got the ability with the commercial down below, residential
19 above. There was no objection whatsoever at the meeting raised to
20 the zoning variance regarding residential on the back, on the
21 courtyard and on the West Forrest side. That's all residential now so
22 in essence, it stays residential, which was important to a lot of people
23 in the community. One of the -- the runoff is apparently going to be
24 addressed. That was another concern that was raised. We would
25 like to see larger specimen trees on the Cheney side of the property

1 where the water retention area will be. We must have -- everybody
2 there or when we raise some of these issues, dark sky lighting should
3 definitely be at that property. It should still be in the ordinance. I
4 never know anymore. Since I left Council stuff, my pass has
5 somehow gone away with the wind. The wider sidewalks are an
6 issue because we want to make certain that the sidewalks particularly
7 on Church and West Forrest will be wide enough for those who are
8 less than fully able and those in wheelchairs. What people did get
9 excited about with this project was the facts that they are -- and they
10 can address it better in their rebuttal, I'm sure they will, is that --
11 particularly, the engineering firm was advocating to go for a lead
12 certification and that meant a lot to the people at the meeting so we
13 would encourage them to definitely stay with the lead. I don't know
14 what -- because of these types of variances, you're very limited in
15 what conditions you can place on them and I doubt that lead
16 certification is one of them but certainly it is important to us. The
17 City in the past -- because this was an issue I thought at the time,
18 did not allow for permeable surfaces for parking areas. We need to
19 make sure that that's going to be all right because I wouldn't want
20 them to fight the City to an essence, do something that personally I
21 would like to do with my own driveway so and it helping with runoff
22 quite a bit. Please do not require because we have heard some
23 indication that some of the -- some -- there were some detail such as
24 big balconies, which frankly are fairly cheesy-looking. We would
25 rather they not be on this property. That's the last thing we want is

1 anything that clearly looking fake. You know, we put this there
2 because we were required to do so but it's based upon individual's
3 frankly, who probably aren't architects who came up with the concept
4 and that means everywhere. I see them in midtown and I think
5 they're horrible. I think the big thing is that we need to understand
6 that the rates that they have told us are the rates within that reason.
7 We need to keep that in mind because I keep hearing about
8 affordable housing and obviously, it is affordable housing or they
9 wouldn't be eligible for those tax credits but the reality is there are
10 those that feel it will harm their property values. You know,
11 considering we've dealt with Fowler there -- sorry. I shouldn't be
12 attacking an individual.

13 COMMISSIONER ATKINS: No remarks, please.

14 MS. NELSON: We have dealt with serious issues on the West
15 Forrest side with some very run down properties, so this is a definite
16 improvement. We also want to point out and encourage you to do so
17 is that the green space is basically there that they're proposing. It is
18 going to be part of the water retention and that's so often what we
19 hear when developer and builders come before us is that they're
20 going to have all this green space and then you look at it and green
21 space is actually water retention area so we are encouraging both
22 both you and I know I've been doing it and want to continue doing it
23 is to increase green space in that area if yourself going to attract
24 millennials and people to live downtown, they've got to have a place
25 to walk and they've got to have a place to take their dogs out and

1 that gonna be -- seriously, I work in Midtown. It's going to be a
2 major crisis in Midtown. It's already becoming one because of the
3 overgrowth and no green space so I think it's very important that we
4 look at expanding green space within that area. Certainly, we have
5 one nearby, old Montessori property that we can utilize but we
6 shouldn't fool ourselves. Developers are not gonna come here and
7 by enlarge and build green space for the residents and trails for the
8 residents unless they have some strong encouragement so again, the
9 neighborhood did not take a position on this but I want make certain
10 that you were aware of the things we really liked about the project
11 and also the things that we were concerned about. Thank you.

12 COMMISSIONER ATKINS: Thank you, Ms. Nelson.

13 ATTORNEY LINDA DUNLAVY: Could you state your name.

14 MS. NELSON: I'm so sorry. I realized -- I was already well
15 into before I realized I didn't even give my name, Teresa Nelson,
16 1732 Neely Avenue, East Point. Thank you.

17 COMMISSIONER ATKINS: Thank you. Are there any other
18 opponents for this zoning case?

19 AUDIENCE: (No response.)

20 COMMISSIONER ATKINS: Any other opponents?

21 AUDIENCE: (No response.)

22 COMMISSIONER ATKINS: Seeing none, the applicant has
23 how much time for rebuttal?

24 MS. HOLMES: Eight minutes and five seconds.

25 COMMISSIONER ATKINS: Okay. Mr. Blackman, you have

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eight minutes and five seconds.

MR. BLACKMAN: Well, first of all, I'd like to thank everybody for coming out tonight and bringing some interesting questions up. I'd like to just answer as many questions as I possibly can, not in necessary the right order. I think it was talked about the design that was right up against the street. I mean, that's obviously that's following the urban street plan that the City is encouraging to have is to have a street scape to try and recreate a downtown corridor rather than having things as a setback so that's just a comment I'd like to put there. That's the street design. This is located -- the site is located in a downtown -- whether it is a downtown corridor revitalization plan and that's one of the maybe reasons why we were able to get the actual tax credit awards that were given to us. These tax credit awards are called low income housing tax credits but they are designated for people that earn up to 60 percent of the area medium income, which usually means they will be earning between some 30 to 60 percent of the area medium income. This is not a Section 8 Public Housing Development. This is not public housing. We do not have any PBRA vouchers which are public based vouchers. We don't have any on this particular property so it's not public housing. It is affordable housing as people -- we like to call it -- because it's -- we're looking at 67 units. It's lots of one bedroom, lots of two bedrooms and six three bedrooms in total. We call to call like a workforce housing type of development where we can see a lot of millennials there and a lot of -- probably a lot of seniors, too,

1 because they need a nice safe place to live. That's the design. I
2 would like to mention one thing, we can put the rates up if the area
3 medium income goes up. It's not just a market rates. The area
4 medium income has to go up. That allows the rents to go up so
5 hopefully, we can help contribute to putting an area medium income
6 but a lot of other things have to take place outside of our control. I
7 think it was -- the church and West Forrest sidewalks -- they're six
8 feet and we'll continue to have them at six feet. We're not changing
9 any of the side of the actual size of the sidewalks. We're not asking
10 for any rezoning. This is zoned which allowed residential use of this
11 particular property. We're asking for a variance on the commercial
12 side and how much commercial -- and simply because commercial at
13 the back towards a courtyard towards the back is just not going to be
14 feasible. The trip down to Pooler this afternoon, I would proposed
15 that I would talk to the lady after this meeting on Pooler because
16 we've -- I mean, I live in Savannah and we get -- we haven't heard
17 any of the issue that she is talking about. Pooler is a townhome
18 property with 50 unites. It's constantly a hundred percent occupied in
19 City of Pooler. It's very happy with what we do. The property itself
20 has one won earth craft community awards. It was the earth craft
21 community award for the year so I proposed I would take up the
22 discussion with this lady outside or of this session. Chairman, may I
23 talk about some of the conditions that have been put onto the --
24 COMMISSIONER ATKINS: We'll get into when the public
25 hearing is closed and if there are questions.

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MR. BLACKMAN: Okay. Very good, okay. May I ask if I have a moment left.

MS. HOLMES: You have four minutes and 25 seconds.

MR. BLACKMAN: Is there any other questions?

COMMISSIONER ATKINS: Okay. They wouldn't address you.

MR. BLACKMAN: Okay. Sorry.

COMMISSIONER MAXWELL: Can we ask the question now?

COMMISSIONER ATKINS: No. We have to wait for there to be a motion and a second. Okay. Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER MAXWELL: I so move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Maxwell, 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. HOLMES: Case Number 2016V-004-03, applicant is Mallalieu Pointe, Limited Partnership, location is 0 Church Street, 2627 Church Street, 2637 Church Street and 1633 West Forrest

1 Avenue. Applicant seeks is two part Concurrent Variance to allow
2 Multi-Family on the ground floor and reduce the ten foot minumun
3 offset to four feet. Staff recommends approval of Concurrent
4 Variance part one to allow multifamily on the ground floor with the
5 following conditions: One preliminary plat is required before the
6 building permit or land disturbance permit will be issued. Sidewalk
7 shall be six feet in width along Church Street and West Forrest
8 Avenue and four feet in width for the interior pass within the
9 property site. Applicant shall provide proof of marketing for
10 commercial spaces at 50 percent of building construction completion.
11 Applicant shall provide monthly update to the City of East Point
12 Economic Development Department until commercial tenant spaces
13 are leased and occupied. All policy, standards regulation and codes
14 must be adhered to in accordance with the East Point Code of
15 Ordinances. Conditions for the building facade material for exterior
16 facade, ground floor residential is prohibited on the side facing
17 Church Street. Facades of all four stories as well as building
18 foundations shall be faced in a combination of brick, stone or hard
19 coat stucco. No more than 33 percent of each building facade you
20 shall be hard coat stucco. Vinyl siding and exterior insulations finish
21 system materials are prohibited on all facades. Exterior facades
22 facing the rear parking area shall have window frames for residential
23 units that shall be recessed a minimum of three quarter inches and
24 articulated in architectural manner to distinguish the windows from
25 the exterior building facade. Paired windows that are grouped

1 together shall have center molding that are at least two inches wider
2 than the side trim. Flat snap in muntions and muntions that are
3 sandwiched between layers of glass or prohibited. Ground floor
4 residential unit shall provide porches that have a minimum of four
5 feet in depth and six feet in width. Juliette balconies are required for
6 all residential units facing Church Street and West Forrest Avenue.
7 The balcony shall be constructed of black ornamental metal. Ground
8 floor commercial along Church Street shall have views into any
9 interior or display windows and shall not have painted glass reflective
10 glass or other similar treated windows. Eating and drinking
11 establishment shall provide outside sitting areas. All out door seating
12 areas shall be enclosed with a three foot black ornamental metal
13 fence and allow entry from the street. No more than one personal
14 service establishment, hair salon, barber shop, beauty supply, nail
15 salon or other similar uses allowed and required commercial spaces.
16 Demolition shall be in accordance with the guidelines specified by the
17 Department of Planning and Community Development prior to
18 demolition of existing structure. Notification will be required before
19 a removing onsite water and sewer taps. Water tap and sewer capital
20 recover cost fees must be paid prior to issuance of a land disturbance
21 permit. On site management of the development shall be provided by
22 MODA Management or any or another license professional property
23 management company. Strict covenant between the tenant and
24 landlord are required. A copy shall be filed with the Department of
25 Planning and Community Development. Burglary bars, steel gates

1 and steel roll down doors are shutters are prohibited on the exterior
2 structure and invisible from any public street. Signage, monument
3 signage is prohibited. One wall sign for the development is allow at
4 the intersection of Church Street and West Forrest Avenue and shall
5 not exceed 25 percent of the wall area. Signage shall be lite from
6 behind, pale lighting. One projecting sign is allowed on the Church
7 Street elevation not to exceed 25 percent of the height of the
8 building. Signage shall be internally illuminated. Each commercial
9 establishment is allowed one wall sign at the entrance of each
10 establishment not to exceed 48 square feet. In lieu of letters an any
11 similar wall signage, the development makings awnings for signage.
12 Awnings may not exceed 48 square feet and shall be made of cloth
13 or canvass and meet the code requirements of the downtown
14 architectural overlay and compliment the color pallet of the building.
15 Internally lite awnings are prohibited. Any illumination that is
16 provided in conjunction with the awning shall be directed downwards,
17 not upwards toward the underside of the awning. Signage shall not
18 be permit on the rear and side building facades. Three tenant
19 directional are allowed at the Church Street entrance exit, West
20 Forrest entrance exit and the parking area not to exceed five feet in
21 height. Detention pond, green space detention area shown on
22 conceptual site plan dated March 2nd, 2016 shall be designed to
23 include water featured or amenities referenced in Chapter Four,
24 Article D, Section 10-4037 (c). Amenities, development shall provide
25 a clubhouse with exercise facilities, a gazebo and a rooftop terrace.

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Staff also recommends approval of Concurrent Variance Part Two to reduce the required building offset from ten feet to four feet with the following conditions: The building onset shall be reduced to four feet per every 24 feet along the building facade.

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

COMMISSIONER SHELDON: Motion to approve for discussion.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Sheldon, seconded by Commissioner Miller that we approve for discussion. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: Is all opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: I'm sorry. It's a motion and a second. Any discussion? Good ahead Commission Lovett, speak up a little, please.

COMMISSIONER LOVETT: I do have several questions, many questions.

COMMISSIONER ATKINS: Okay. Yes, if you would like to ask them of the applicant. Okay. If you can go ahead and approach the podium and remember to speak loudly.

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MR. BLACKMAN: Yep, yes, yes.

COMMISSIONER LOVETT: I will just ask one at a time.
Parking, let's talk about parking for the tenant or residents and for
guests.

MR. BLACKMAN: Right. Parking, we are fully in line with the
ordinance that is in place. I mean, that's the answer. I mean, we've
got 119 places or something like that.

COMMISSIONER LOVETT: Is it gated, protected or just a
parking deck or what is it?

MR. BLACKMAN: It's open surface parking.

COMMISSIONER LOVETT: Now, your tax credits I don't really
know how to ask you this question but may I just kind of jump in and
fill in some holes here and I'm gonna leave and that is are tax credits
contingent upon HUDs approval or how long do they -- what causes
you not to get tax credits? If you started and you're using tax
credits, what negates the continuation of the project?

MR. BLACKMAN: We are awarded tax credit and we have
been given the tax credits already. We will -- these tax credits are
for the next 15 years and we will -- we have signed with the
Department of Community Affairs that we will continue to manage
this property as a rental property 50 years after that so for the next
30 years, this Mallalieu Pointe Limited Partnership will own the
property. We will own the -- we will sell the (inaudible) to equity
investors who will actually acquire these tax credits. We have the
tax credits for the whole 15-year compliance period. What we have to

1 do and we have to remain in compliance the whole time.

2 COMMISSIONER LOVETT: Okay. So you have been awarded
3 the tax credit so what I'm really looking for is failure to complete a
4 project that has been started.

5 MR. BLACKMAN: We have done 200 developments and it's
6 never happened. In fact, in the whole industry, it's very very rare
7 that a project is not completed.

8 COMMISSIONER LOVETT: And I'll just tell you why for me
9 asking that is because I want to make sure that it is not contingent
10 upon a new president.

11 MR. BLACKMAN: No, no.

12 COMMISSIONER ATKINS: The tax credits were awarded
13 through the Georgia Department of Community Affairs.

14 MR. BLACKMAN: Right. And these credits have already been
15 awarded to Georgia through the IRS.

16 COMMISSIONER LOVETT: So this federal dollars have been
17 given to Georgia?

18 COMMISSIONER ATKINS: It's already been awarded. It's a
19 definitive process.

20 MR. BLACKMAN: And we will -- thanks to these credits, we
21 will actually generate a total development of about 12 and a half
22 million dollars for these 67 units so it's be a pretty good -- it will be a
23 quality property that will be put up.

24 COMMISSIONER LOVETT: I just want to go back to the
25 parking one more time.

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MR. BLACKMAN: Sure.

COMMISSIONER LOVETT: So you have these open spaces and you have how many numbers of residents?

MR. BLACKMAN: 67 units.

COMMISSIONER LOVETT: But it's not protected. Is there any thing that gonna keep people that don't live there from getting in the property?

MR. BLACKMAN: Yes, our property manage will have sign up saying this is private property and we will tow vehicles that are parking there in the private property. We will have parking spaces dedicated for the actual commercial properties, of course. They will want their business to be able to visit the property as well.

COMMISSIONER LOVETT: All right. Thank you.

COMMISSIONER ATKINS: Any other questions.

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Commissioner Sheldon.

COMMISSIONER SHELDON: And I know you had some questions about these conditions. You talked about a bioswale for the detention space, open space. We show in this condition that the detention area shall be designated to include water you features or amenities. Can you explain that to us please? It's on the very last page under detention pond because they're talking about a bioswale and there would be a water feature.

MS. HOLMES: In Chapter Four, it lists the types of detention, retention facilities that are allow by ordinance. However, going

1 through the process, the floor plan manager, storm water coordinator
2 has the option to change out any of those features based upon those
3 that would be (inaudible) you to the ordinance.

4 COMMISSIONER SHELDON: All right. So that will happen
5 during the whole planning process with the City when that goes
6 through review.

7 MS. HOLMES: That's correct.

8 COMMISSIONER SHELDON: So that's the reason that are you
9 referring to the specific drawings so that -- so that answers that
10 question.

11 MR. BLACKMAN: Can I just add to that. That was one of the
12 point we had. It does -- if you look at the section it's referred to, it
13 talks a lot about a basin as to how you handle a water basin. We did
14 not plan of having any water like that and we would much rather
15 have it -- have the actual storm water feature be more of a rain
16 garden aspect with some nice bolder stones and some planting that
17 would be there and also I think one of the people spoke tonight -- I
18 think Ms. Nelson talked about having true green space that you could
19 actually have true green space and we all saw that stagnant water is
20 not good.

21 COMMISSIONER SHELDON: Right. I think that that was why
22 I was bringing that up.

23 MR. BLACKMAN: Yeah, so we were a little concern -- we were
24 concerned cause this is a condition of a variance and it was to put in
25 a water you feature and we're a little concerned.

1 COMMISSIONER SHELDON: Well, but it's referring specifically
2 to a drawing, a dated drawing so that if that drawing remain, your
3 final drawing -- and that's where this would apply and all of that is
4 still to be negotiated with planning office and the water and sewer
5 and, you know, that's why I asked the question. This is simply to
6 protect the City regarding that specific drawing, which is just -- that's
7 what brought me away.

8 MR. BLACKMAN: Which is this drawing?

9 COMMISSIONER SHELDON: Yes.

10 MR. BLACKMAN: Yeah, right, correct, yeah.

11 COMMISSIONER SHELDON: So that was my concern as well
12 so and I think that's all I have.

13 COMMISSIONER ATKINS: Are there any other questions?

14 COMMISSIONER MAXWELL: I had one.

15 COMMISSIONER ATKINS: Yes, Mr. Maxwell.

16 COMMISSIONER MAXWELL: Talk about pets and are pet
17 allowed? Will your tenants be allow pets?

18 MR. BLACKMAN: Pets, yes. Our tenant would be allow pets
19 but I think if if I recall correctly. Greg, do you recall the size to the
20 pets.

21 COMMISSIONER SHELDON: No horses.

22 MR. BLACKMAN: No horses, no pit bull or anything like that.
23 We really tried to sort of make it if Aunt Millie comes in and she's
24 coming with her cat, that she could bring her cat.

25 COMMISSIONER MAXWELL: Well the rest of the tenant be

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allow to have put.

MR. BLACKMAN: Yes, yes, yes, but they would be -- it would be in a sense. It would not be pit bulls or any dangerous type dogs or anything. It would be very much controlled.

COMMISSIONER ATKINS: Any other questions?

COMMISSIONER MILLER: I have a question.

COMMISSIONER ATKINS: Yes, Commissioner Miller.

COMMISSIONER MILLER: While listening to the public comments, the track for this project, if it coming down to basically two issues. It comes down to feeling security and the maintenance of the property. I understand that goes going to be a property manager on the property to keep up with the day-to-day and that kind of issue. Has there been any talk or any plans to add additional security provided or what is that going to be provided by the City of East Point?

MR. BLACKMAN: No, that actually came up in one of the discussions we had with the neighborhood communities. I mean, we're not coming in and saying, this is a dangerous place and we're gonna have all the difference sort of things. We mostly likely put that in towards the end of the property and towards the end of the construction period how much security we're gonna have. We're gonna have a security gate at all the entrances to the actually building where the tenants themselves would have a fog key that would go through, swipe the key to have access to the actual building itself. I would think that's just a normal sort of type of

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security you would have in this type of building. There would also be an intercom system for people that have guests that go in there. We would most likely on a building like this have cameras, security cameras put at the strategic places but we don't plan to fence it up, to fence the property up. It should have a street scape and be appealing to the community and not be fenced off.

COMMISSIONER ATKINS: Any other questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: I have a couple. One, if we go to conditions, Staff's conditions, it looks like when I look at your site plan, here under the first -- Part One of the Concurrent Variance Number Two, when it speak to sidewalks, Staff's recommendation, in terms of condition is that the sidewalk shall be six feet in width. It looks like based on this site plan, that your sidewalk is wider than six feet, which I'm completely okay with and so I think we need to change the language in this to say, shall be a minimum of six feet and then the other piece, Number Three, when it speaks to -- and we had discussions around this in the Work Session, when it speaks to the commercial spaces, leasing the commercial spaces up, I'd like to sort of qualify that a little bit to say that, Applicant shall provide proof of marketing, hyphen, to include collateral and outreach efforts, hyphen, for commercial spaces at 50 percent. So when we just simply say that applicant shall provide proof of marketing, what is that and so I think that we just need clarification around that and that's all so I can't remember who was the maker of the motion.

1 MR. BLACKMAN: Am I allow to bring some.

2 COMMISSIONER ATKINS: You can ask a question.

3 MR. BLACKMAN: Okay. Can I ask a quick question?

4 COMMISSIONER ATKINS: Because I'm asking you to ask a
5 question, but the public hearing has closed so if you have a question.

6 MR. BLACKMAN: So could we replace hard coat stucco by
7 cementious board and plank?

8 COMMISSIONER ATKINS: I'll answer that for you, we
9 cannot.

10 MR. BLACKMAN: We have to do stucco?

11 COMMISSIONER ATKINS: So I'm okay with that so I guess
12 you could add a whole bunch of things but unless a Commissioner
13 wants to change that, I personally didn't have an issue with that
14 condition but if there's a Commissioner who would like to change
15 that, then they can offer an amendment.

16 MR. BLACKMAN: Okay. The stucco is no longer approved by
17 Georgia Department of Community Affairs. Do you want to say more
18 about this stucco? It's just not.

19 MS. COLE: Stucco is a maintenance nightmare. Water gets
20 back there. It stains, it breaks, it comes off and if you look up stucco
21 and water images and kind of detailing happening, you know, around
22 the windows and especially if you add any such things as Juliette
23 balconies, it offer tons of bolts and attachments that, you know, look,
24 I guess, some people think look nice but to me, look like an
25 afterthought and like they're tacked on and also still give the tenants

1 the access to flip cigarette butts out and put dirty towels and whatnot
2 to dry. This is a picture of that same one I just showed you when
3 they opened it up, all the damage that happens inside and GCA puts
4 forth a lot of requirement and they really like when we use the hardy
5 panel and I can show you this is actually a project in Savannah that
6 was low income multifamily. It look like stucco areas and this
7 particular one has the intervals reveals but then we also have one
8 right here in East Point and on Norman Berry and this is a bat and
9 board look that you can also do. You can also change the look and
10 of course all of elevation have to go with this plan anyway for
11 approval so I would just request that you consider that you may be
12 causing trouble in additional to panel so the manufacturer has a 30
13 year warranty so it's gonna look for that long and it's so much easier
14 to maintain and replace if something does happen you just take off
15 that panel and put in a new one instead of the three-part process
16 that is with stucco which is why so many people are getting away
17 from stucco.

18 COMMISSIONER ATKINS: I'm okay with that so thank you
19 for that presentation. So I think that we can add some language
20 here regarding that. That's in condition number two under building
21 facade materials and exterior facades. Can you say that once more,
22 please, stucco, cementitious.

23 MS. COLE: It's kind of back and forth and one thing on that
24 page was maintenance. The amount of brick with all the windows
25 that we have, especially with all the store front windows and the

1 covered entry, that means that you have to have lentils, steel lentils
2 at each of those locations and to every single window above and that
3 jacks the price up for the brick significantly when you can cut cost
4 and still have a very interesting brick presence, brick and stone. We
5 will like to focus with the brick on the front of the building or if we
6 need to wrap it around we certainly don't want to be pretentious on
7 this. We just want to make sure that we are in compliance with the
8 ordinance and the ordinance actually says it has to be 70 percent
9 brick or stone and that does put the majority of the percent.

10 MR. BLACKMAN: What we would like to do and replace the
11 hard coat stucco with some cementitious boarder and then with no
12 more than 33 percent at each building so we'll have no more than 50
13 percent.

14 MS. COLE: I think that it will look great that way and one
15 thing that the neighbors brought up in the meeting we had with them
16 was were we gonna have porches on the back side of the building.
17 They weren't super excited about that because that's the same
18 reason the balconies -- that sort of thing. But the other part of that
19 was that it is residential and they want don't want something
20 necessary commercial and just because it's not brick doesn't -- and
21 again, we have to show you that and that comes with the variance
22 that we have to do this. It's in write so we just want to be careful
23 we're not backing ourselves into a corner on this and then we get to
24 the point to where later down the road -- because we now have to
25 have a number of.

1 COMMISSIONER ATKINS: So I understand your concern.

2 COMMISSIONER SHELDON: So what it to be 50 percent?

3 MR. BLACKMAN: Yes, 50 percent.

4 COMMISSIONER ATKINS: And I understand your concern
5 but it wouldn't be as easy. They just couldn't say, no, we don't like it
6 so that's why we have to at least like some conditions because then it
7 becomes very subjective so we go through this process and we come
8 up with some conditions and so as long as you meet these conditions
9 then you're okay.

10 MS. COLE: Well, I know in a couple of different areas we have
11 options of different pieces that you can have for windows and they
12 look very nice and the list of certain things, you know, and thing like
13 that are all along with that perhaps maybe or what every number it is
14 rather than necessarily naming one because you can get to the
15 pricing point and be too high and you're obligated to that.

16 COMMISSIONER ATKINS: Okay. So we have got some work
17 on the conditions and --

18 COMMISSIONER SHELDON: I think we just did that one,
19 change that to be remove hard coat stucco and switch it over to
20 cementitious precious fiber panels planks and no more than 50
21 percent of each panel shall be cementitious fiber panels.

22 COMMISSIONER ATKINS: Okay.

23 COMMISSIONER SHELDON: Is everybody comfortable?

24 COMMISSIONER ATKINS: With that condition for the
25 facades?

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COMMISSIONERS: Yes.

COMMISSIONER ATKINS: Okay. And I want to go back to number two under the first part, a minimal of -- I think that your sidewalks on Church Street are larger or are wider than and so if that is the case, then we're asking you to do outdoor seating then I want you to have enough space but with this, it said they shall be six feet so then you -- if you go above or more than six feet, then you're out of compliance so I wanted that consideration and then the other piece about a marketing to include collateral and outreach efforts so on a friendly amendment.

COMMISSIONER SHELDON: Absolutely.

MR. BLACKMAN: And while we're at it, how about (inaudible)

COMMISSIONER ATKINS: We love those. We love those. We love those. Okay. Okay.

MR. BLACKMAN: We would really like to put rooftop terrace. We find that all the residences will be able to accent from it. Only the resident located in those units Whereas if you have a true gathering at the top it would really look good. It's community spirit and it's and they break and they fall down.

MS. COLE: Also doors are a little bit harder to maintain with the sliding doors and then being so close to the road and we just want to make sure that we're not giving you something you don't want.

COMMISSIONER SHELDON: I'm very happy.

COMMISSIONER ATKINS: Okay. So Commissioners, you

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want to strike that.

COMMISSIONER SHELDON: I'd like to strike No. 6 is that right with everyone.

COMMISSIONER TUCKER: Yes.

COMMISSIONER ATKINS: Okay. And Commissioner Lovett, you had a question?

COMMISSIONER LOVETT: I do. I just want to make sure I understand you will or will not have porches in the back?

MS. COLE: That's up to -- I mean, I guess that's really up to you.

MR. BLACKMAN: It's something that we know we should be working together and you've given us a lot tonight. We prefer not to have porches at the back. We rather create a gazebo and everybody can use that porch.

COMMISSIONER ATKINS: I understand that. I just don't want to give us so much. I mean, I just think that they're people who have units and if they're on the backside, then, you know, they may just want to enjoy the beautiful weather so, yes, all in favor of the community spaces, the the rooftop and all of that, but I think that there are some people who like to spend time in their units and maybe just want to be out on their -- I mean, I have the concern about it becoming a place for storage. That's why I didn't want them on the front side, on Church or -- okay. Any other questions, concerns? Did we get all of the adjustments and edits to the conditions?

1 COMMISSIONERS: (No response.)
2 COMMISSIONER ATKINS: We got all of those things, Ms.
3 Holmes?
4 MS. HOLMES: Yes.
5 COMMISSIONER ATKINS: Okay.
6 ATTORNEY LINDA DUNLAVY: You just said something that
7 condition number five (inaudible) ground shall apply porches and you
8 just made the statement do you want to see those along Church
9 Street?
10 COMMISSIONER ATKINS: Yeah. They won't have any on
11 Church Street. It's all commercial.
12 ATTORNEY LINDA DUNLAVY: Never mind.
13 COMMISSIONER ATKINS: Okay. No problem, no, thank you.
14 Okay.
15 COMMISSIONER LOVETT: Are you all putting the rooftop
16 (inaudible)
17 MR. BLACKMAN: Yes. I'm just very (inaudible) with that
18 because I know how people don't cooperate and New Year's Eve is
19 coming, you have guns going off and the people on the first floor --
20 COMMISSIONER ATKINS: All right.
21 COMMISSIONER SHELDON: I know lots of people ewho have
22 them and love it. Okay. Are there any other questions, any other
23 comments?
24 COMMISSIONERS: (No response.)
25 COMMISSIONER TUCKER: Yes.

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COMMISSIONER ATKINS: Yes, Commissioner Tucker.

COMMISSIONER TUCKER: I'd like to say it's the right project for the area but that's not what we're here today to vote on. You're here today for a variance and I just want that.

COMMISSIONER ATKINS: Okay. Thank you Commissioner Tucker. Any other questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. I don't know if I can recap this motion.

ATTORNEY LINDA DUNLAVY: So with respect, using the Staff's recommendation, what I have was that modification for Staff's recommendation that sidewalks shall be a minimum of six feet from Church Street and West Forrest Avenue and a minimum of four feet for interior path. That's one modification. The second modification is the applicant shall provide proof of marketing through collateral and outreach effort for commercial spaces at 50 percent. Another modification is that the size of four story for the building foundation shall be faced with a combination of brick, stone or cementitious fiber panel no more than 50 percent in each building facade shall be a cementitious fiber panel. The next modification that I have is to delete the Staff's recommendation relevant to (inaudible) and that is the only modification I have (inaudible)

COMMISSIONER ATKINS: Yes, you have. Okay. Commissioners, you've heard the motion. The motion is for approval with the conditions as state and the modifications as announced by

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Attorney Dunlavy. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

Thank you. All right. The next Agenda Item, Staff would you please sound the next Agenda Item.

MS. HOLMES: Case Number 2016M-002-04, application is a Text Amendment to increase the notification radius from 500 feet to a thousand feet for properties seeking a rezoning special use permit or variance to or from properties zoned B-P, I-1 or I-2.

COMMISSIONER ATKINS: This item also requires a public hearing. Commissioners, at this time, I'll entertain a motion to open the public hearing for 2016 "M" as in Mary-002-04.

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Sheldon that we 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. The applicant is Staff. Staff, would

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you please state your first and last name and your address.

MS. HOLMES: The City seeks and application to amend the public notification from radius from 500 feet to a thousand feet applications that are seeking rezoned special use permit or variance for properties zoned B-P, I-1 or I-2. This is in response to an application near the South Meadows Industrial Park where an applicant seeks a rezoning for a property that they owned and rezoned in 2009. They believed that Multi-Family was wanting to locate in that area. The applicant found that and found that that was not going to happen and it was probably the late 80s or early 90s process was done as it is now at 500 feet. However, in that area, there are very large parcels and the residents who live more than 500 feet away from the property didn't receive notification at the door however, all the neighborhood associations in Ward B did receive notifications as required by ordinance through their neighborhood association president. However, that's be a request to increase that, to increase the number of persons who get notifications beyond the persons who are required by ordinance.

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

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

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

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(Whereupon Proponent Teresa Nelson approaches the podium.)

MS. NELSON: Teresa Nelson, 1732 Neely Avenue. I was not aware of this but I just want to (inaudible) under our government and (inaudible) and then we expand it on (inaudible) and since I left Council, I have (inaudible) so I do very strong (inaudible) correction (inaudible). Once again, (inaudible) so the City (inaudible) residential (inaudible)

COMMISSIONER ATKINS: Thank you, Ms. Nelson. Any other proponents for this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Other proponent for this zoning case.

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, are there any opponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents to this zoning case?

AUDIENCE: (No response.)

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

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second.

COMMISSIONER LOVETT: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. HOLMES: Case Number 2016M-002-04, application is a Text Amendment to the public notification process. Staff recommends approval of the Text Amendment to increase notification radius from 500 feet to a thousand feet for properties seeking rezoning special use permit or variance to or from properties zoned B-P, I-1 or I-2.

COMMISSIONER ATKINS: Okay. Commissioners, at this time, you've heard from the applicant, which is the City, you've heard Staff's recommendation. This time I entertain a motion.

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 TUCKER: Second. It's moved by Commissioner Sheldon, seconded by Commissioner Tucker that we recommend approval. Any comments?

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: I just a comment. I understand the intent. I'm not in favor of it because I think that we increase it to a thousand and then someone who lives outs of that thousand feet will come back and complain and then we'll be right back here talking about extending it to fifteen hundred. I appreciate the comments from Ms. Nelson, however, I don't think that it's a matter of transparency. I think it's more a matter of civic engagement. People have to be involved and they need to get involved and so I don't really think it's about transparency but I do appreciate you seeking to it. I know that you are a huge proponent of notification and regarding zoning matters and so those are my two cents. Any other questions, concerns?

COMMISSIONER SHELDON: I'll just add that this particular case because of the size of those properties, I can understand why neighboring residents were felt that they didn't get adequate notification just because it's so huge and that's the reason that I'm in support of it at this point.

COMMISSIONER ATKINS: Thank you, Commissioner Sheldon. Any other concerns, comments, okay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: There's a motion to approve on the floor. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: Just one second. There's a

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motion stated in the form of a recommendation. Okay. Perfect.
Okay. All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.
The motion carries. Any announcements?

VIII. ANNOUNCEMENTS:

COMMISSIONER ATKINS: No announcements.

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

IX. ADJOURNMENT:

COMMISSIONER SHELDON: So moved.

COMMISSIONER ATKINS: Okay. It's been moved and is
there a second.

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: I heard a second. All in favor
sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.
This meeting is over.

(Whereupon this concludes the regularly scheduled meeting
for the City of East Point Department of Planning and Community
Development.)

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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 80 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 April 21, 2016 at seven o'clock P.M., were taken down by me and transcribed by me on this 6th day of May, 2016.