

CITY OF EAST POINT

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

October 20, 2016 7:00 P.M.
Official Meeting Minutes

Jefferson Station
1526 East Forrest Avenue
Suite 400
East Point, Georgia 30344

Board Members:

Commissioner Shean **ATKINS, Chair - Absent**

Commissioner Linda **SHELDON, Vice Chair**

Commissioner Joel **TUCKER, Provisional Chair**

Commissioner Laura **BORDERS**

Commissioner Gregory **FANN**

Commissioner Patricia **LOVETT - Absent**

Commissioner William **MILLER**

Commissioner LaJeanna **MCKNIGHT**

Commissioner Willard **MAXWELL**

Also Present:

Ms. Keyetta **HOLMES**
Senior Planner

Ms. Angela **BLATCH**
Associate Planner

Willis **HATCHER**
City Engineer

Linda **DUNLAVY - Absent**
City Attorney

Valarie **ROSS**
City Attorney

Videographer
James **Hammond**

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Appearances

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I. CALL TO ORDER:

COMMISSIONER SHELDON: Ladies and gentlemen, my name is Linda Sheldon. I am the Vice Chair of the Planning & Zoning Commission for the City of East Point and I am calling this meeting to order on October 20th, 2016 here in Council Chambers. Could we have Roll Call, please.

II. ROLL CALL:

MS. BLATCH: Commissioner Lovett.

COMMISSIONER LOVETT: (No response.)

MS. BLATCH: Commissioner Borders.

COMMISSIONER BORDERS: (No response.)

MS. BLATCH: Commissioner Miller.

COMMISSIONER MILLER: Here.

MS. BLATCH: Commissioner Fann.

COMMISSIONER FANN: Here.

MS. BLATCH: Commissioner Atkins.

COMMISSIONER ATKINS: (No response.)

MS. BLATCH: Commissioner Tucker.

COMMISSIONER TUCKER: Here.

MS. BLATCH: Commissioner Sheldon.

COMMISSIONER SHELDON: Here.

MS. BLATCH: Commissioner McKnight.

COMMISSIONER MCKNIGHT: Here.

MS. BLATCH: Commissioner Maxwell.

COMMISSIONER MAXWELL: Here.

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

COMMISSIONER SHELDON: Thank you. If you'll now join with us for a Moment of Silence.

III. MOMENT OF SILENCE:

COMMISSIONER SHELDON: Thank you. And if you'll stand for the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER FANN: Happy Birthday, Linda.

COMMISSIONER SHELDON: Thank you, Greg. Ladies and gentlemen, I will now entertain a motion to adopt the agenda.

V. ADOPTION OF AGENDA:

COMMISSIONER MAXWELL: I so move.

COMMISSIONER SHELDON: Thank you, Commissioner Maxwell. Do I have a second?

COMMISSIONER MILLER: I second.

COMMISSIONER SHELDON: Thank you. All in favor.

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: All opposed.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: The agenda is now adopted as written. Now, I'll entertain a motion for the approval of the September 15TH, 2016 minutes.

VI. APPROVAL OF THE SEPTEMBER 15, 2016

MINUTES:

COMMISSIONER TUCKER: So moved.

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COMMISSIONER FANN: Second.

COMMISSIONER SHELDON: Thank you, thank you. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Any opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Thank you. The minutes are now adopted. Well begin our evening with Old Business. Staff -- yes, both of the issues we have on our agenda this evening require a public hearing. I will go ahead and read the rules for public hearings, which will apply to both of these cases.

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

COMMISSIONER SHELDON: 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 application will be provided an opportunity to address the Council. The applicant for the proposed application or 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 amendment 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

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provided that each side is given the same amount of time. If there is more than one speaker for a side, 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 rules of decorum. Prior to speaking, each speaker shall identify himself 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. Those are our rules for how we conduct the our public hearings and now we'll hear from Staff regarding Old Business.

VII. OLD BUSINESS:

MS. BLATCH: Case Number 2016V-008-08, the applicant is Duke Realty Limited Partnership, location is Camp Creek Business Center, Sites E2, G & O. They are seeking a 2-Part Variance to Section 10-6010 through 10-6024, the Tree Ordinance and Stream Buffer Encroachment.

COMMISSIONER SHELDON: Thank you. Commissioners, I'll now entertain a motion to open the public hearing.

COMMISSIONER TUCKER: So moved.

1 COMMISSIONER SHELDON: Thank you. Do I have a second?

2 COMMISSIONER MILLER: Second.

3 COMMISSIONER SHELDON: Thank you. All in favor?

4 COMMISSIONERS: Aye.

5 COMMISSIONER SHELDON: Opposed?

6 COMMISSIONERS: (No response.)

7 COMMISSIONER SHELDON: Hearing none, the public hearing
8 is now open. Will the applicant please step forward, state your name
9 and address and proceed.

10 (Whereupon Attorney for applicant approaches the podium.)

11 MR. ROTHMAN: Good evening, Madam Chair, members of the
12 Commission. My name is Steve Rothman, 2849 Paces Ferry Road,
13 Atlanta, Georgia and I'm here on behalf of the applicant, Duke
14 Realty.

15 For those of you who have been on the Commission for
16 awhile, to summarize quickly, this application is exactly like the
17 variance applications we brought previously on other parcels. For
18 those of you who are newer, I'll try to summarize this quickly. The
19 application request variances from stream buffer requirements and
20 the tree ordinance because those regulations now are focused on the
21 tree regulations, have a formula or a model that disperse trees over
22 tree density per unit, per acre and the kinds of uses in the Duke
23 Business Park are very large footprint for distributions centers.
24 Sometimes it's multiple acres, the buildings and when you use the
25 model, the formula, it requires us to plant trees on the remaining

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portion of the lot so close together, inches apart, that the trees can't possibly live.

What we've done in the pass that this Commission has approved of is we've come up with a tree density that the older part of the park actually has, that's mature -- the people all agree that's the purpose and intent of the ordinance. The applicants that we have before you proposed that level of tree density on it. We reviewed the Staff's analysis and we agree with their analysis and so with that, I think I'll close. We'll answer any questions you have but we especially request that you approve the request. Thank you.

COMMISSIONER SHELDON: These are concurrent variances so we shall speak to both variances at once, correct, so you can go ahead and speak to the other variance as well.

MR. ROTHMAN: Okay.

COMMISSIONER SHELDON: We don't --

MR. ROTHMAN: Well, and so with regard to this stream buffer variances, again, the Staff has reviewed it. There are a number of streams in the Business Park. In fact, one parcel has streams on three sides of the parcel. And, again, because of these large floor plates for distribution centers that need to be horizontal so that you could have the forklifts within the buildings, the truck loading zones, it needs to be relatively flat. It leaves us with a very limited space where we could do the kinds of uses that are required within the Business Park. Even then, we're talking about a very minimal amount of encroachment into the buffer areas, but we have

1 submitted the drawings. Staff has reviewed those and so we would
2 ask that we would be allowed to move forward the request as we've
3 submitted it. Thank you.

4 COMMISSIONER SHELDON: Thank you. Is there anyone else
5 who wishes to speak in favor of this application?

6 AUDIENCE: (No response.)

7 COMMISSIONER SHELDON: Anymore speakers?

8 AUDIENCE: (No response.)

9 COMMISSIONER SHELDON: Is there anyone who wishes to
10 speak in opposition to this particular issue?

11 AUDIENCE: (No response.)

12 COMMISSIONER SHELDON: No opposition?

13 AUDIENCE: (No response.)

14 COMMISSIONER SHELDON: Seeing none, I will entertain a
15 motion to close the public hearing.

16 COMMISSIONER TUCKER: So moved.

17 COMMISSIONER SHELDON: Thank you.

18 COMMISSIONER MAXWELL: I second.

19 COMMISSIONER SHELDON: Thank you. All in favor of
20 closing the public hearing?

21 COMMISSIONERS: Aye.

22 COMMISSIONER SHELDON: Opposed?

23 COMMISSIONERS: (No response.)

24 COMMISSIONER SHELDON: Public hearing is now closed.

25 Staff, would you announce your recommendation.

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MS. BLATCH: In Case Number 2016V-008-08, Staff recommends approval of Concurrent Variance Part One to allow relief from all provisions required within Sections 10-6010 through 10-6024 with the following conditions: The applicant will adhere to all regulations in Section 10-6001 through 10-6009. Applicant shall use trees and landscaping plant materials found in 10-6023. Any substitutions thereof shall be approved by the Planning and Community Development Director.

Staff recommends approval of Concurrent Variance Part Two to reduce the required 50-foot unserved vegetative buffer to zero.

COMMISSIONER SHELDON: Thank you. Commissioners, you've heard Staff's recommendation. I'll entertain a motion on these issues and for discussion.

COMMISSIONER TUCKER: Motion to approve.

COMMISSIONER SHELDON: Had thank you. Do I have a second.

COMMISSIONER FANN: Second for discussion.

COMMISSIONER SHELDON: Thank you, Mr. Fann.

COMMISSIONER FANN: I have you have some questions in terms of your stream buffer.

MR. ROTHMAN: Yes.

COMMISSIONER FANN: And you said that it was going to be minimally in terms of disturbing the stream? Did you say it's streams on four sides?

MR. ROTHMAN: Yes, sir.

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COMMISSIONER FANN: Okay. And you want to put a platform in the middle of those four sides for, I guess, for the foundation of the warehouse?

MR. ROTHMAN: Yes, yes. To get -- drill in a little bit, the stream buffer variance doesn't involve putting building in the stream buffer. The rule says you can't even disturb land in the stream buffer so what we have done is analyzed what land we would have to disturb -- and it doesn't involve parking lots or building within it but disturbance so that we could have a flat and stable environment. So for example -- and we have worked with the City's engineering department -- even a grass slope that we have gonna have is very gentle, uses best management practices. Even a grass slope -- if we have to go in and disturb the earth to create a gentle slope, we need to ask for a variance for that so, in this case, we've worked with your Staff on this. We're not talking about buildings within the stream buffer. We're not talking even about pavement within the stream buffer. We're talking about disturbance so that we can then create a gentle slope and a flat plane, if you will, but it still has to meet, as Staff has conditioned it and the regulations required, has to meet the best management practices that the City requires when you're doing land work in the City and in the stream buffer.

COMMISSIONER FANN: All right, thank you.

COMMISSIONER SHELDON: Any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Seeing none, all in favor?

1 COMMISSIONERS: Aye.
2 COMMISSIONER SHELDON: All opposed?
3 COMMISSIONERS: (No response.)
4 COMMISSIONER SHELDON: Hearing none, Commission, we'll
5 grant the variance, concurrent variances on this issue. Thank you.
6 MR. ROTHMAN: Thank you very much.
7 MS. HOLMES: Commissioner Sheldon, if I could get you all to
8 vote on those separately.
9 COMMISSIONER SHELDON: Oh, okay. That's what I asked,
10 so sorry. All right. Let's go back and I'll ask that we -- someone
11 make a motion regarding the Concurrent Variance Part One on
12 Application Number 2016V-008-08.
13 COMMISSIONER MAXWELL: I so move.
14 COMMISSIONER SHELDON: Motion for approval, sir.
15 COMMISSIONER TUCKER: Second.
16 COMMISSIONER SHELDON: Motion for approval.
17 COMMISSIONER MAXWELL: Yes.
18 COMMISSIONER SHELDON: All right.
19 COMMISSIONER MILLER: Second. Thank you thank you.
20 All in favor?
21 COMMISSIONERS: Aye.
22 COMMISSIONER SHELDON: All opposed?
23 COMMISSIONERS: (No response.)
24 COMMISSIONER SHELDON: Motion carries. Now, I will
25 entertain a motion on the Concurrent Variance Part Two for this

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same application.

COMMISSIONER TUCKER: So moved.

COMMISSIONER SHELDON: Thank you. Do I have a second?

COMMISSIONER MILLER: Second.

COMMISSIONER SHELDON: Thank you. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed?

COMMISSIONERS: Motion carries. Thank you. Next item, please.

VIII. NEW BUSINESS:

MS. HOLMES: Case Number 2016Z-010-09, Case Number 2016VC-009-09, applicant is Eco Cottages at East Point, location is 2715 Cheney Street. Applicant seeks a rezoning from R-1A (Urban Residential) to CUP, Community Unit Plan with a 3-Part Concurrent Variance to lot density, minimum contiguous acreage and minimum lot area per unit.

COMMISSIONER SHELDON: Thank you. Commissioners, I'll entertain a motion to open the public hearing on this issue.

COMMISSIONER TUCKER: So moved.

COMMISSIONER SHELDON: Do I have a second?

COMMISSIONER MILLER: Second.

COMMISSIONER SHELDON: Thank you. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed?

COMMISSIONERS: Public hearing is now open. Will the

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applicant please step forward and state your name and address.

(Whereupon Applicant Kim Bucciero approaches the podium.)

MS. BUCCIERO: Hi. I'm Kim Bucciero and I'm here for the Eco Cottages at East Point. My address is 641 North Avenue, NE, Number 1424 in Atlanta. Can everyone see the site plan okay?

COMMISSIONERS: Yes.

MS. BUCCIERO: Okay, great. Thank you. All right. Well, thank you, Commissioners in advance for your condition tonight. We are really really excited to be here presenting this this information, such an innovative project that we think is a huge, huge excitement. We've gotten a lot of community support from it and generated a lot of excitement from the local residence and we think it's gonna be, after much research and due diligence, despite some of the challenges that the property poses, we're confident that we can make it a really successful project for not only Frog Hollow but East Point as a whole.

As you may know, we're proposing the neighborhood at 2715 Cheney Street, which is a 7.69 acre parcel and it's in between Cheney and Semmes, as you can see on the site plan, and then the streets to the north and south are Linwood and Neely so I'd first like to say we sometimes refer to this development as a Tiny House Community but we want to make it very clear that we're not proposing any temporary houses or anything on wheels. Everything proposed is permanent, proposed on permanent pure foundations and there will be permit structures just like the existing houses in the

1 neighborhood, very much like them. They will just be a little bit
2 smaller, ranging from 240, at this smallest, up to a 1,008 square feet
3 at the largest. The tract is currently vacant and it was the previous
4 location of the Central Park Montessori School and that was cleared, I
5 think, around 2006 and it has been vacant ever since so we're
6 proposing to build 55 small houses on the property, clustered along
7 the main road, that will be a new road that you can see winding
8 through the property on the site plan and it would be built to public
9 standards, as recommended by the Planning Department, running
10 along the low point of the property so that the water drains toward
11 the road and into the new storm water management system that
12 would be installed.

13 Each owner would own their own house down to the
14 foundation and they would also have a common into in the property
15 so it's a little bit different than most developments and that there will
16 not be a lot immediately surrounding each property. They have the
17 the common interest and so the community building is part of the
18 development. There is a community garden that you'll see on the
19 site plan. There's also a biking and hiking trail that would connect,
20 seems to Cheney and it goes in with the trail plan that was in the
21 master plan of 2036 and, of course, the storm water pond, which is a
22 huge part of the development and it's also a feature in terms of
23 green space so we laid these houses out along the new proposed
24 road and really efficient hamlets to create some nice green space and
25 privacy and basically incorporating indigenous plans and edible

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landscaping to create a sense of privacy but also to really utilize the space well.

We've been asked in the past what price points are so, unfortunately, as I mentioned in the Work Session, we don't know what that would be just because a lot of things could change from our current site plan and we don't have the final engineering but I did just want to mention that the starting price point per square foot would be higher than the average currently in East Point so if there's any concerns that this would decrease property values, I can tell you that it will mostly increase them so I don't think that's a concern.

The cottages will be well constructed to really maximize space and energy efficiency and utilize really low maintenance materials so in order to accomplish this project that we are really excited to bring to you, we need to rezone the property from R-1A Urban Residential to the CUP (Community Unit Plan) together with the 3-Part Concurrent Variance and this proposal really fits perfectly in with the East Point 2036 Comprehensive Plan and I'm sure you all are very familiar with it but according to the future development map, this subject property is classified as Traditional Urban Neighborhood and the plan defines that as residential neighborhood with cottage or bungalow-style homes, mature trees and sidewalks located close to downtown and it also states, and I quote, that there's a diversity of housing types and styles represented in this neighborhood from early 20th Century bungalows and cottage to multi-family triplex and duplex unit so we'll establish tree canopy,

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pocket parks and a walkable, bikeable environment and I only bring this up just to really illustrate that this is a perfect description of what we're trying to do with the Eco Cottages.

A couple of the goals of your 2036 Plan include preserving Green Space, increasing and improving parks, improving existing pedestrian facilities and developing sidewalks, crosswalks and bike lanes and that's something that's really a big part of what we're trying to do. When we first started looking at this proposal, the fact that Marta was so close was a huge draw. We really needed transport. That's really important to the people who want to live here and then our plan already just naturally included a lot of things that your long-term plan envision so we're really excited that it meshed really well with the future plan with the new sidewalks and the walking and bike path as well as all the Green Space that we're planning to maintain.

I would like to mention that some residents, through our interactions with them, they've expressed the hope that the property in the past may have been turned into a public park and while we're not proposing that obviously, and I don't think anyone is coming to the table offering to buy the property to make it a park currently. We are really excited to be able to incorporate features into this development that accomplish some of the same objectives which a public park does and that would be, again, the walking and biking trail, which would have public access and all the Green Space, which provides a place for wildlife to live and to maintain their habitats.

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Additionally, I'd like to point out that the current plan, according to our civil engineer, it has three out of 7.69 acres of Green Space so almost forty percent of the project is Green Space, which is a huge, huge accomplishment for us. You'd think we really designed it to really maximize that Green Space. I would also like to mention a previous development plan for the property done by a person who, many years ago, looked at developing this, we found their site plan in the due diligence process and they were looking at building under, I think under the existing zoning without doing any sort of rezoning, just doing regular single family homes and in order to do that, they were basically going to clear the whole property, subdivide, you know, the parcels and, yeah, it's just a really sad thing. We're excited.

By utilizing the CUP rezoning, we can avoid a development like that and really, you know, make the best of this property and work within, you know, maintaining all the mature hardwoods on the south side of the property and really maximizing the use of space so that means that the CUP District, per your ordinance, Section 10-26 and it outlines six things that the CUP supposed to accomplish and, again, this is in the letter of intent but I just wanted to read them out so you can kind of think about it in the content of this development because we really meet these objectives also perfectly so A) encourage the development of large tracts of land as planned communities; B) flexible and creative concepts in site planning. We think this is a pretty creative concept; preserve the natural amenities

1 of land by encouraging scenic and functional open areas -- got all the
2 Green Space here -- provide an efficient use of land; provide a stable
3 residential environment compatible with surrounding residential areas
4 and we've laid it out in a way that we think it's really gonna fit into
5 the community and not be an island and then lastly, protect
6 neighboring properties by requiring larger peripheral lots adjacent to
7 the larger lot developments and again, that's why we're proposing to
8 cluster the homes along the new road and maintain the Green Space
9 where it's shown so in doing that, we're asking for three variances
10 because the CUP has fifteen major standards that we have to comply
11 with in addition to the standard building code and we meet most of
12 these with the exception of the three and I think I'll go through each
13 of them with a little bit of detail. I know you have the letter of
14 intent, which goes through it in more detail than I'm gonna say, but
15 just to kind of get some of the facts out.

16 The first one, reducing the minimum contiguous acres from
17 ten to 7.69. We have Staff who recommended approval for that. I
18 won't go into that one too much detail. It's pretty straight forward --
19 increasing the maximum lot density from five units per acre to 7.15
20 and I'd like to add that in CUP, if yourself doing multifamily
21 development, you can actually have a density of nine units per acre
22 so is even though these are single family homes, the sizes of them
23 are much smaller than your typical single family so we think it's really
24 in line. It's less than the multifamily so there's not go in a be the
25 additional traffic or use that you would have if these are bigger

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houses and then, third, relief from the minimum lot area from 6,000 square feet to an average of 6,000 square feet and, again, we're not positive that this is actually required. It maybe a moot point just because we're not subdividing this property into lots. It's one lot with all those houses on it but we're applying for it just in case and to demonstrate the reason why is all the houses are clustered along the road so they may not have 6,000 square feet immediately around them, but there is 6,000 square feet per unit on average across the property. As

Part of the variance granting, I know you all have to vote on it based on our meeting the five criteria of variance and so, again, that's outlined in much detail in the letter of intent but I'm gonna go through the hardship really quickly with you on these two trickier variance considerations. So basically, the requirement is that -- and I'll quote, quote the ordinance requirement so by reasonable of exceptional narrowness, shallowness, shape or specific lot for better reason of exceptional topographic conditions, which were not created by the owner or applicant -- so I want to talk to you about topography a little bit of this site. I'm not sure if you're familiar with it but when you walk up to it either from Cheney or Semmes, you can basically look down into the property. The elevation is much higher around the edges of the property than it is in the center and there's a shallowness in the center and basically, it sucks all the water you into it. There's a huge storm water issue where water is running you off from all directions basically and being sucked into this property and

1 so there has been flooding even though it's not a floodplain and
2 obviously, we intend to deal with that. We have actually -- our civil
3 engineer has reached out to the Army Corp of Engineers as
4 Commissioner Borders has recommended at the Work Session and so
5 we're hoping to get their insight to make sure that we design the
6 storm water system adequately to handle all the issues here so
7 considering this extreme gray change, which is as great as 52 feet
8 from the lowest to the highest point on the property, we do have a
9 hardship here and so for that reason, we're asking for the density to
10 be increased and for the square foot minimum to be an average,
11 which will allow us basically to, again, cluster the houses in an area
12 that allows us to maintain that natural topography that's there and
13 then also deal with the storm water and actually make it functional
14 and not flooding.

15 Lastly, I would like to bring your attention to the letter from
16 the president of the Sumner Park Neighborhood Association. They
17 actually have their neighborhood meeting this evening as well, so a
18 lot of the residents who are supportive of the project were not able
19 to come so Mr. Wayne Green was nice enough to send us a letter
20 kind of outlining their support and the items that they wanted
21 incorporated if you recommend approval for this and they had four
22 conditions that they wanted and we are really happy to comply with
23 all of those so I will, I guess, leave the less remaining time for
24 anyone who may want to speak and support. Thank you.

25 COMMISSIONER SHELDON: Thank you. Is there anyone else

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who would like to speak in favor of this project?

AUDIENCE: (No response.)

COMMISSIONER SHELDON: Any other speakers in favor?

AUDIENCE: (No response.)

COMMISSIONER SHELDON: Seeing none, is there anyone who would like to speak in opposition to this project?

AUDIENCE: Yes.

COMMISSIONER SHELDON: If you'll step forward, state your name and address.

(Whereupon Jeffery Thomas approaches the podium.)

MR. THOMAS: My name is Jeffery Thomas. I live at 2925 Kimmeridge Drive right off of Washington Road. In this young lady deliverance, she mentioned, "naturalness" and "Green Space". She mentioned, "excited and liability" well, verses liability. Will East Point be left with this liability, the citizens from that particular property? Anybody lived in East Point any length of time, ten years, twenty years -- I've been here thirty years -- that area has always flooded. The the street stayed washed out for a year and a half one time and it was a whole lot of information going about it about cost of repairing it but for a year and a half, I went around that and most of the people come to East Point come here as developers, as seeking that gold, all that Green Space they talk about. Everybody want it but this is my problem with this proposal or proposal to build. It's four things.

One, she mentioned that it wasn't a floodplain. Well, it may

1 not be a floodplain, but it is a bowl. A bowl holds water. Right now,
2 that water is being retained in the ground and being drained through
3 the ground. It filters through the -- what's being filtered through the
4 ground. It's always being collected in the storm water and it goes
5 out you to the street under the ground because that the way they
6 repaired it. We see the -- we know the water you that that particular
7 road is washed out twice and the road is -- it was washed out for
8 more than a year or better.

9 The second thing was watery tension. Who would be left
10 without liability? Would this developing company accept the liability
11 ten years down the road for this? Will there be some kind of a
12 contingency plan to say that this developer is responsible for any
13 extra damage caused by this particular development being that
14 they're gonna have to use some kind of impervious surface to drive
15 on. They can't say everything is Green Space so now you have to
16 collect that court.

17 The third thing is the liability. All of us who live in the City of
18 East Point know how tight things have been and how tight things are
19 so I wouldn't want to be left with that responsibility. I haven't ran
20 yet from East Point, third years and I'm still here. The community of
21 single houses or single family houses, I think we have something
22 similar to that on Conley, if I'm not mistaken, right there by Joyner's
23 Automotive. It's plenty of space up there but it's not in a bowl. I'm
24 not to thrilled about it and I'm excited that someone wants to come
25 to East Point to build something but right now, I just think too many

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people want to come here seeking gold instead of coming here to build this City up and bring beauty to it as it already holds. That's just my thought of it. Thank you.

COMMISSIONER SHELDON: Thank you.

(Whereupon Teresa Nelson approaches the podium.)

MS. NELSON: Good evening, Teresa Nelson, 1732 Neely Avenue. I'm gonna hold over some pictures. I found these this afternoon so I don't have copies. Okay. Builders like Green Space. It's cheaper to build on them, clear cut the trees, build there. Unfortunately, with this particular site, no matter how few trees they say they're gonna not cut down, the reality is that this site maybe more costly than going to a blighted area within the City and doing demolition and building on a surface that does not flood like this one does. The Cheney Street property is a key-city Green Infrastructure. It acts like a sponge holding up the majority of water from major rainstorms that we have in the City. The dramatic increase in impervious surface, as the gentleman before me spoke of, will threaten downhill properties. There's no way to avoid it. This property is known as a hollow, regularly flooded and produce bumper crops of frogs. The City built a school there because the land was cheap and it had sat on the market on some time before they bought it. After Fulton County took over the system, they decided that the water problem and the resulting rebuilding problems were too great to be economically viable.

Today, it still floods and heavy rainstorms, even post work

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that we deal with. In sixteen years, I've seen this site flooded numerous time even in just ten year storms, let alone, one hundred or more and we've had those in that timeframe and we're gonna have more with climate warming so what you have are pictures of the flooding and how it gathers there and how, when the water leaves there in the heaviest of rainstorms, how it floods the bowl area in Sumner Park, that's the picnic table by the way where the water level is.

This particular detention pond, according to the engineering study that I came up with this afternoon, made this statement: The Utoy Creek Basin has experienced a number of flooding and erosion problems, which has also been reflected in model results. These problems were shown to be clustered primarily in the upper region of Jim's Creek and Farley Creek. Most of the model flooding impacted roadways, although several occupied structures were also simulated to be threatened. The proposed detention pond, based upon this engineering group study in consulting with the State EPD and with the Army Corp of Engineers would require a minimum of 1.45 acres up to 1.8 acres in the basin for 10 to 100-year rainstorms.

The site is currently also under an EPD Consent Order. Previous directly of EPD made it very clear that the priority for that site would be to have it remain -- has a part and Green Space for the protection of properties. This property is part of the City Parks Master plan and it was offered to the City but a previous -- I won't mention who -- decided that it was not appropriate to accept the gift

1 of the land. There is no way any other developer -- though they'll
2 tell you somebody else wants the property and we'll build something
3 far worse -- the property is not meant to be built on, period. There is
4 no way you can build on that site and not create problems. The
5 Master Park's Plan creates two benefit, one, it allows it to remain the
6 retention for that core area of the City. It also provide an excellent
7 park to service those who we want to come and live in the downtown
8 area, as well as to provide places for seniors from the Bowden
9 Center -- typically very over crowded -- to walk so if you want to
10 build a project, I have no problems with the concept. I have no
11 problems with them building in Frog Hollow but as I stated, look for a
12 blighted area and rebuild blighted area. That's what would really
13 help to turn around much of the City. That would better enhance the
14 community. That's what Planning and Economic Development, in my
15 mind, should be doing and what I promoted when I was on Council,
16 is working to find the sites that need redeveloping or protecting the
17 critical infrastructure such as this.

18 It's time that East Point keeps it's promise to the citizens to
19 do what they told us they would do and it's time that we remember,
20 we must protect residence in the surrounding area. I'm sorry, 55
21 homes with road and parking area are not gonna do it in that site so
22 let's help them find a better location that meets their qualifications
23 here in East Point. Thank you.

24 COMMISSIONER SHELDON: Anyone else?

25 (Whereupon Joe Eatman approaches the podium.)

1 MR. EATMAN: Hi. My name is Joe Eatman. I live at 1899
2 Montrose Drive. I've lived there for 23 years. In my 23 years, I've
3 seen the (inaudible), the south of this development blow out several
4 times and state out for several years. My opposition to this project --
5 first of all, I don't have a problem with tiny homes. First of all, most
6 of us live in houses that are too big for us but I do have a problem
7 with a tiny house in this location and reason being -- although it's not
8 designate as a floodplain, it's in a flood-hazard area. When you put
9 all of that impervious surface down in that natural draining swell that
10 carries all the water from downtown East Point, you're gonna have
11 flooding not only there but south of there, which we already have
12 now in the Velodrome and in Sumner Park when there is less than a
13 one-inch rainfall event.

14 I know they are saying that the minimum you lot size would
15 be around 6,000 square feet but based on what I've seen with where
16 they're proposing the 55 houses, it's only about three acres, which
17 would make the density roughly 20 to 22 houses per acre and less
18 than 2500 square feet and 2500 square feet per lot.

19 I'm an environmental scientist by trade. I look at land all
20 over the southeast for different developers and builders. I've never
21 had a situation where a developer intentionally put houses or
22 development in a broad drainage swell like that it's just a no no.
23 You're asking for problems. As it stands now, I know of about two
24 development or two places around East Point that are suffering from
25 drainage issues so if we don't have it now, it's definitely gonna come

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later down the road so again, my opposition to this project is because of the imminent danger that it provides for property down slope and up slope. Thank you.

COMMISSIONER SHELDON: Thank you. Anyone else wish to speak to this project?

AUDIENCE: (No response.)

COMMISSIONER SHELDON: Seeing no one further, no one else, would you like to speak again and --

MS. HOLMES: The applicant has one minute and fifty-seconds remaining.

COMMISSIONER SHELDON: Thank you.

MS. BUCCIERO: Thank you. I just implore you all to vote on this based on the ordinance. We are well aware of the water issue. We've had multiple engineers look at it. It was terrifying when we first went to the site and saw some of the water flowing in and out of the storm water. The existing system is not functional. It is not doing it's job and we understand that and recognize that and as part of this development, we intend to fix it and improve so we're really excited to be able to offer that to the community as an asset because we're talking on a big problem and we recognize that and we're offering, as an asset back, to be able to fix this problem for surrounding residents because I understand it's been tried to be fixed multiple times before so I'm not of totally, you know -- I'm not an engineer, but we had the engineer look at it and, again, we've done some of the hydrology already and we'll finish that hydrology once

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we get to that point to ensure that the storm water system can hold it so I just ask that you vote on the merits of it and not discriminate against the owner of the property and prevent him from ever developing his property ever just because there is a flood issue that need to be address so thank you so much.

COMMISSIONER SHELDON: Thank you. Commissioners, I'll entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing.

COMMISSIONER MILLER: Second.

COMMISSIONER SHELDON: Thank you. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Hearing none, the public hearing is closed. Staff.

MS. HOLMES: Case Number 2016Z-010-09, 2016BC-009-09, applicant is Eco Cottages at East Point, location is 2715 Cheney Street. Staff recommends approval of rezoning the property from R-1A, Urban Residential to CUP (Community Unit Plan) with the following conditions: Preliminary plat shall be filed prior to issuance of the land disturbance permit; name of new unnamed street must be submitted with LDP Application.

T-H-O-W or Tiny Houses on Wheels are prohibited.

Houses shall be built on pure foundations. Foundations shall be sturdy with the same material a the structure.

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Amended site plan must be submitted per Staff conditions; amenities must be labeled on site plan.

Homes shall be built according to all current and applicable Georgia State Minimum Code Standards.

Porch are required at the entrance of the structure. It must be a minimum three feet by three feet.

Forty single family dwellings will be permitted and consist of thirteen percent of the allowable units at 240 to 439 square feet.

Sixty-one percent of the allowable at 440 to 840 square feet and 26% of the allowed units at 1,008 square feet.

Each residential unit shall have 1.5 parking spaces per unit. Parking surfaces shall include but you are not limited to porous concrete, permeable (inaudible) concrete pavers, permeable concrete paver systems, concrete grid pavers and plastic turf reinforcing grid as approved by Public Works.

Parking area shall be landscaped with shrubs and trees with a parking island in accordance with approved species in Part 10, Chapter 6, Tree Protection and Landscaping.

All residences shall be connected by a sidewalk or pedestrian walkway to the common area. Sidewalks are required on both sides of the new unnamed public street. Sidewalks are required along Cheney Street and Semmes Street within the property boundaries. Sidewalks along Semmes Street shall be built in accordance with Semmes Street Right-of-way Improvement Project, Number CSHPP-0007-005-40.

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Homes shall be oriented to face a planted landscape courtyard. Homes fronting the public street shall have the primary entrance and main windows facing the street. House size must stagger in each cluster varying building placement to increase a variation in facades and more articulated building edges. Exterior siding facade shall consist of wood, hardiplank, brick or stone.

New unnamed public street shall be built to Fulton County in AASHTO Standards. All utilities must be underground.

Signage shall be in accordance with Part 10, Chapter 7, Signage, Section 7017 (b).

The developer shall submit a traffic study to the Department of Public Works upon submittal of land disturbance plans.

Staff recommends denial of Concurrent Variance, Part One to increase the maximum lot density of five single family units per gross acre as required within Section 10-2068 Developments Standards to 7.19 units because no hardship was demonstrated.

Part Two, Staff recommends approval of Concurrent Variance Part Two to reduce the minimum ten contiguous acres as required by Section 10-2068, Development Standards to 7.69 acres.

Staff recommends denial of Concurrent Variance Part Three to relieve from the minimum lot area per unit from 6,000 square feet as required within Section 10-2068 Development Standards to an average of 6,000 square feet because no hardship was demonstrated.

I would ask that P&Z Commission please vote on each of

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those items separately.

COMMISSIONER SHELDON: Thank you. Commissioners, I'll entertain a motion on the first part of this, which is the Zoning Application 2016Z-010-09.

COMMISSIONER TUCKER: Madam Chair.

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER TUCKER: I would make a motion to recommend approval of the rezoning.

COMMISSIONER SHELDON: Do I have a second?

COMMISSIONER FANN: Second for discussion.

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER FANN: I have a bunch of questions. I have questions in terms of rezoning of Staff. You all know I would come with questions. So the rezoning that they want to get today is to change it so that they can allow for these houses to be built in that area, correct?

MS. HOLMES: Yes, sir.

COMMISSIONER FANN: Okay. And so who we're doing tonight is to allow them to rezone this property for that purpose?

MS. HOLMES: That is the question of the applicant, yes.

COMMISSIONER FANN: Okay. So if we allow for the rezoning of this property, does that set precedent for us to allow for rezoning of other properties that is, like I said earlier, that would be blighted property that we could rezone it from an R1 to R-1A to this particular type of zoning?

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MS. HOLMES: An applicant can request that any property, within the City, be rezoned to another zoning category, yes.

COMMISSIONER FANN: Okay. All right. So on the rezoning of this particular property, and I've heard from people who were "for" and I've heard from people who are "against" and I know that having been living here for all the years I've been living here and seen the condition of that particular property and having experienced the issues that are imposed by that piece of property, I don't feel that it's appropriate for us to rezone this particular property for this particular purpose for this kind and type of development.

That is my position. I'll talk about some other things when we get to some of these other zonings but I'm certainly not for the rezoning of this particular property.

I've experienced the flooding there. I've seen the flooding there. I know what happens there. I know the development and when we built the law center, upstream and how the water you flowed downstream and how people property was flooded on West Cleveland there, going back there and then coming back from the other area, come from Semmes Park, how it floods back there, I've seen that water. I've seen it stand out there. I mean, I walked out you there in the water and I know that's a lot of water. It's a lot of water and I certainly don't want us to take on that responsibility because it will become our responsibility if we rezone this property for that purpose because just as we had to pay thousands and thousands of dollars to repair Semmes Street and be inconvenient for

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years and years and years, or not to use Semmes Street, those streets will become public streets so if, in fact, we do take on those streets, if they do flood, then we'll end up having to repair those streets as well as Semmes Street and other streets in that area and as a taxpayer, I certainly don't want to bare that cost so I am not going to support the rezoning of this piece of property.

COMMISSIONER SHELDON: Thank you.

COMMISSIONER BORDERS: Madam Chair, I would like to also address the issue.

COMMISSIONER SHELDON: Thank you. These photographs are very familiar to me because I was there when this flooded to this extent, having lived two blocks away from this property for over twenty-five years and witnessed firsthand all of the situations that have been described here, I also find it deeply and problematic to build anything on this property. You cannot blame the land for what it is. There is another issue here -- well, first of all, in terms of approving the rezoning, no, I'm not in favor of the rezoning and we have one issue here which is -- well, Staff's recommendation is for 40 single family dwellings. You have 55 and, I believe, probably 55 is what you need to make or put down there in order to make this financially viable so we have a problem there.

The other thing is that this will be continued to be unstable because there is the Farley Creek, which runs under the property. It's on the maps. It's not part of the Utoy Creek Watershed. When we've had these zoning situations before, we did extensive

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conversations with the Army Corp of Engineers and Riverkeepers and their best recommendation was to daylight the creek 'cause as long as you attempt to build on it, which was the problem with the Montessori School, you're gonna have problems.

Previous to that when it was Frog Hollow School, it was a creek and that's why we had frogs so there are a number of issues, everything from the parking spaces to the density that you're looking for per unit -- this is very problematic and I would not recommend any of this development.

COMMISSIONER SHELDON: Anyone else wish discussion this matter?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Any other Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Seeing none, we have a motion on the table for approval. All in favor?

COMMISSIONER TUCKER: Aye.

COMMISSIONER MILLER: Aye.

COMMISSIONER SHELDON: Opposed?

COMMISSIONERS: No.

COMMISSIONER SHELDON: Could we have Roll Call, please.

MS. BLATCH: Commissioner Borders.

COMMISSIONER BORDERS: No.

MS. BLATCH: Commissioner Miller.

COMMISSIONER MILLER: Yes.

1 MS. BLATCH: Commission Fann.
2 COMMISSIONER FANN: No.
3 MS. BLATCH: Commissioner Tucker.
4 COMMISSIONER TUCKER: Yes.
5 MS. BLATCH: Commissioner Sheldon.
6 COMMISSIONER SHELDON: I don't vote.
7 MS. BLATCH: Commissioner McKnight?
8 COMMISSIONER MCKNIGHT: No.
9 MS. BLATCH: Commissioner Maxwell.
10 COMMISSIONER MAXWELL: No.
11 COMMISSIONER SHELDON: So the motion fails making the
12 variances moot, I'm I correct?
13 MS. ROSS: Right.
14 COMMISSIONER SHELDON: All right. Thank you. All right,
15 then.
16 COMMISSIONER MCKNIGHT: Is it possible for us to do the
17 approval with conditions? I'll like a motion for approval with
18 conditions.
19 COMMISSIONER SHELDON: At this point, we have already --
20 the Staff imposed all the conditions and at this point, we've already
21 taken the vote. All right. At this point, we have now come to the
22 end of our program. We do have an announcement to make.
23 Beginning November 17th, all P&Z Commission meetings will be he
24 would at the City Annex locate at 3121 Norman Berry Drive, which is
25 the former Fulton County building so everyone wishing to attend

1 Commission meeting, please note that that's where the Commission
2 meetings will be he would. The Work Sessions will still will he would
3 in there in Suite 100 so if you're entered in attending a Work Session,
4 which is always the previous week, we'll still be in this building. Any
5 other announcements?

6 **IX. ANNOUNCEMENTS:**

7 MS. HOLMES: Yes, Commissioner, Sheldon. We would like to
8 welcome Ms. Valarie Ross as our City Attorney and thank Ms. Linda
9 Dunlavy for her service.

10 COMMISSIONER SHELDON: That's excellent news. Thank
11 you very much. Welcome, it's nice to have you back.

12 MS. ROSS: It's good to be here.

13 COMMISSIONER SHELDON: Great.

14 COMMISSIONER FANN: I got an announcement.

15 COMMISSIONER SHELDON: Okay.

16 COMMISSIONER FANN: Happy Birthday to you.

17 (Whereupon Commissioners sing Happy Birthday to
18 Commissioner Linda Sheldon.)

19 COMMISSIONER SHELDON: Boy do I know that.

20 COMMISSIONER FANN: Motion to adjourn.

21 COMMISSIONER SHELDON: Motion to adjourn.

22 **X. ADJOURNMENT:**

23 COMMISSIONER SHELDON: All in favor?

24 COMMISSIONERS: Aye.

25 COMMISSIONER SHELDON: Opposed.

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COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Meeting's adjourned.

(Whereupon this concludes the regularly scheduled City of East Point Planning and Community Development meeting for October 20th, 2016.)

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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 40 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 October 20, 2016 at seven o'clock P.M., were taken down by me and transcribed by me on this 3rd day of November, 2016.