

CITY OF EAST POINT
PLANNING AND ZONING COMMISSION

REGULAR MEETING

May 15, 2008

Official Minutes

Regular Meeting

East Point Law Enforcement Center
2727 East Point Street
East Point, Georgia 30344

Board Members Present

Members Present

Linda Sheldon, Chair
Dr. Herbert Bridgewater
Myron Cook
Thomas Harper
Francine Jones
Paul Lawler
Pam Patterson

Staff Present

Valerie Ross, City Attorney
Geneasa Elias, Assistant Director, Planning & Zoning
Regina Carter, Senior Planner, Planning & Zoning
Keyetta Holmes, Senior Planner, Planning & Zoning

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Transcribed by:

Ruby J. Carney
Executive Administrative Assistant
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Proceedings:

Ms. Sheldon: This body recognizes a moment of silence in lieu of the prayer. So if everyone would join us in that moment of silence. Thank you.

Normally, we say the Pledge of Allegiance at this time, but without a flag we will move on to our agenda items.

Adoption of Agenda

Ms. Sheldon: I will entertain a motion for adoption of the agenda.

Mr. Harper: Madam Chair.

Ms. Sheldon: Acknowledges Mr. Harper.

Mr. Harper: I make a motion to adopt the agenda.

Ms. Sheldon: Do I have a second.

Mr. Cook: Second

Ms. Sheldon: Second from Francine. All those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those oppose? There being none we now adopt the agenda.

Approval of April 17, 2008 Minutes

Now I would to hear a motion to approve the April 17, 2008 meeting minutes.

Mr. Harper: Madam Chair:

Ms. Sheldon: Yes sir.

Mr. Harper: I would like to make a motion to approve the April minutes with any corrections that are necessary.

Ms. Sheldon: Do I have a second?

Ms. Patterson: I'd like to make.

Ms. Sheldon: Ms. Patterson, thank you. Are there any corrections, additions or deletions from that meeting? There being none, all those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those opposed? Motion passes. April 17, 2008 are approved. Now we we'll start with our Old Business.

OLD BUSINESS

**Case # 2007Z-016-10 and 2007V-019-10
Madison Commercial
Redwine Road & North Commerce Drive**

Mrs. Carter: Under Old Business the first Case is 2007Z-016-10 with a 5-part concurrent variance Case # 2007V-019-10. Applicant is Madison Commercial location is Redwine Rd & North Commerce Rd.

Applicant is seeking a rezoning from R1 Single family Residential, CL Commercial Limited and R3c Multi-Family with conditions to C1, which are Neighborhood Commercial and R4 Multi-Family Residential

5-part Concurrent Variance:

- Part 1** Is to reduce the minimum lot size allowable for single detached family lots from 8500sf to a lot size of 8250sf for lots shown in Parcel 9 on the site plan.

- Part 2** Of the concurrent variance is to reduce the minimum width of the townhome (single family attached) lots from 30ft to 25 ft in width shown in Parcel 5 on the site plan.

- Part 3** Reduce all minimum yard setback requirements.

- Part 4** Reduce the amount of total parking allowed in a manner authorizing 89 shared parking spaces between uses & buildings shown in Parcels 1, 2 and 3 on the site plan.

Part 5 The fifth point is to allow more than 8 units per building in a building that is less than four stories in height shown in Parcel 4 on the site plan.

Ms. Sheldon: Ladies and Gentlemen, there's one correction, I believe its Commerce Drive. This item requires a public hearing. I will entertain a motion to open a public hearing.

Mr. Harper: Madam Chair. I make a motion that we open a public hearing.

Ms. Sheldon: Thank you Mr. Harper. Do I have a second?

Response: Second

Ms. Sheldon: Thank you. All those in favor say aye.

Commissioners: Responded with aye.

Ms. Sheldon: Those oppose. Hearing none, the public hearing is now open. The general rules apply. I think we have small enough agenda tonight that we can speak in total.

Speaker: Good evening Madam Chair and members of the Board, I won't bore you with too much soliloquy This is a project about which we normally would recite. First of all I'm Larry Dingle, 2849 Paces Ferry Road we are here on behalf of the applicant in this proposed development.

Ms. Sheldon: The applicant is Madison?

Mr. Dingle: Madison ... and a part of what we would like to do are to read the staff's recommendation with the exception of a couple of specific things. One of those has to do with the size of the lots as proposed for the residents of the development.

If you would like right here this project is designed to really be a project that capsulizes in the humility of the developer to integrate housing tops. The problem over here along Redwine Road, this is the boulevard we are proposing to build, connect Atlanta and shopping complex along Princeton Lakes Blvd. and Camp Creek Parkway. This is multi-family garden style apartments planned in here, these are retail components here, senior housing goes here, combination multi uses, townhome product here, single family detached here.

Built in times that Madison Midtown got certain permits to build townhomes on here, the stream buffer ordinance in the City of Atlanta created a requirement of 25 ft separation. From that time to now, that ordinance has been amended to require 75 feet, so in order for this residential single-family detached development to be able to be put into place this has forced the development into a much tighter development envelope. And so, we are hopeful that we could have your permission, I don't know if we necessarily disagree with staff is what I think we are talking about is a floating zone of 25 feet (papers being moved in near microphone, was not clear), we have the ability to achieve that objective.

The other thing that we were at least concerned about was the fact the size of the lots we requested was generally around 6500 sq ft. I think the staff would have to see the drawing. That's really driven by the fact this compressed area won't allow this development to occur in the manner that it's been proposed. I discussed with staff because I believe it's important to staff as I recall it to have a single-family detached back here going back into Atlanta. So that's one of the one of the things we asked that we take note of.

The thing that's most exciting about this development is that East Point probably won't have another opportunity to exercise the judgment on a project like this. It

came about ... this drawing will give you an idea of what Princeton Lakes and Camp Creek Marketplace can actually accomplish. Within this one 2000 linear foot area you have about 1.2/1.3 million square feet of retail. Here, if you decide to do, so from these units you can walk to the Publix, you can walk to Atlanta Theatre, you can walk to LA Fitness, you can walk to restaurants if you choose, so, what we are doing is creating an opportunity to do something that is not imaginable whenever Camp Creek Marketplace was first developed.

Our firm happens to have been fortunate enough to represent Mark Tol and master developer for Camp Creek Marketplace. Going to the TAD and when we trying to create the TAD we were actually begging Governor Barnes to approve the legislation, sign the legislature authorizing TAD election, he was very high (noise in background) on mixed uses. Now we are trying to manufacture an explanation of how it was if you approve this tax allocation to introduce to the Governor, the Marketplace it was going to introduce interrelationships disciplinary uses between the Marketplace and the Business Park. We really didn't have it; we were looking all the way to to justify the resident. With the persons at that time need the opportunity in Atlanta, the neighboring community, and the City of East Point we now have the option properties Oxford Ridge and other activities, the ability for people to begin to have a true urban space that is another retail space in the core of the City of East Point. We are getting very excited about that to have the opportunity to reach out to smaller office development here ... so we encourage your support of this property. It is uniquely situated in one of the most ... The last piece of the development of this land of this type very close to the Camp Creek Marketplace in the center of East Point.

I would like to point out this many things about this that really helped the City of East Point into the web. This roadway that we are proposing to connect, the

developers agreed to build at their own expense somewhere in the neighborhood of a million dollars. A connective way which is important to the District Council, one of the Ward Council members, all the way back into Atlanta create another way so the people will have another ingress/egress to have access to the Marketplace; so we have added that feature at his expense to accommodate that. The point of fact also is that we have brought along a picture of Princeton Lakes so that you can see a blow up of how this has been developed. All of the housing that is there has been laid out by Paul, ultimately, the sole present developer of these houses. The concept that Mr. Donnelly uses in land planning is not necessarily, but I can tell you quite frankly that it is respectable. When you go down to Princeton Lakes you can see people actually walking on the very bottom of the sidewalks, people are actually using them. We are not trying to cheat the City of East Point by not doing the same thing along this boulevard that's over here. We will have similar sets of sidewalks presentation as it exists. We are trying to make sure that we do everything we can with this community. In addition to that we are thinking about the resident responsibility for what's there ... (noise in background). We are asking for actually less roadway connector than existing ... ways, which mean that the ... agency responsibility rests with the City of East Point in the long term.... So, that represents an economic opportunity for the City of East Point. More efficient design of utilization of streetscapes. (noise in background) And with that I will not bore you any more with (noise in background).

Ms. Sheldon: Is there anyone else that is in favor of this project? Are there any opponents? Does anyone have questions for the applicant, any other admissions?

Ms. Jones: I have a question. You were saying that, I thought you were saying there were a couple of things that you didn't agree with staff about. All we heard actually one.

Mr. Dingle: And I apologize. Thank you very much. This is a tradition that staff is recommending for installation of a traffic light. One of the things that we wanted to ask you if you could consult with Council on this, because that traffic light ... to this developer characterizes the state statute as a system improves. So under the Georgia State Statute this part of the county is not authorized to place a condition on a single developer. And that developer ... project improvements, yes. For example, ...the electoral....acceleration/deceleration when people are going into or coming out of that project as the project It is exclusively the responsibility of the developer. The project developer has impact on the larger community. It is relevant to us the traffic liability because people who will be benefitting the use of it are those folks who will be coming up through stopping at that intersection, coming through the main drive and coming from Atlanta will be on a It's not legal and would ask you to consult with your Council before you impose this. That was the second thing.

Ok, the other thing, beyond that, this is a practical matter. You have to have warrants. Every traffic signal in Georgia has to be warranted by the Georgia DOT. So if we get into a situation where let's say that at the end of the day we start getting/seeking our Certificates of Occupancy for the development we are doing and look back and start checking off the conditions as the developer keep finding the conditions where you get to putting up the traffic lights. Well the answer is "maybe no." Even you are willing to put it off, you may not be able to put it off because the Georgia Department of Transportation doesn't warrant it. So that's the issue. Thank you very much for your time.

Ms. Sheldon: I have one question. You talk about walking? It's not a super pedestrian friendly area at this point on the back side of Camp Creek Marketplace there, are you planning to include sidewalks at least on your development that connects to the city at this point?

Mr. Dingle: Absolutely. That's one of the things I mentioned that this developer is going out of his way to (noise in background).

Developer: We're connecting to Oxford Ridge over here and Princeton Lakes across our property. From there Crosswalks to all the medical buildings, lakes, pathways ... and all the shopping. (people talking in background).

Ms. Sheldon: I'm sorry; speak into the microphone so we'll have it for the public record. I apologize. Thank you.

Mr. Donnelly: Good evening, my name is Paul Donnelly; I am the owner of Madison Commercial Properties, the applicant. To answer your question, yes we will be connecting Oxford Ridge Apartments with a sidewalk beginning there which is the beginning of our property as well, along Redwine Road connecting into Princeton Lakes, from there, there are existing walkways to all your retail centers and medical centers.

Mr. Dingle: To answer your question, as you can see it, Mr. Donnelly's property is right here, what he is suggesting is that when you have got a sidewalk system here, along here, back over here, he's going to make sure that his sidewalk system encompasses that and all the way down to here.

Ms. Patterson: I have a question for you; I would like to know if you plan to go through some phases. Which will you begin first and which has priority when you work on the project.

Mr. Donnelly: Yes. Let me grab the plans. The plan is to develop this pod, which I believe is pod 4 which is the apartments; the 2nd pod is to develop the retail and

maybe the office space which is down here fronting on here. The 3rd phase will most likely, because will be connecting through the City of Atlanta, would be the single family detached and some of the attached townhomes and the last would be the Smithrise apartment homes up here at the top of the property.

Ms. Patterson: Knowing that, what would be the best case scenario, what kind of time-line you're going to take?

Mr. Donnelly: About three-year timeline, 3-4 year build out. We've spent quite a bit time with you for the traffic study.

Ms. Sheldon: Does that answer your question.

Ms. Patterson: Yes.

Ms. Sheldon: Question?

Dr. Bridgewater: My question is for Mr. Dingle. Mr. Dingle you stated that you found disagreeable or you questioned going back to the traffic light and I'd like to ask our Attorney cause you alluded to the fact that it may not be legal in terms of to propose a traffic light there. I'd like to ask our Attorney to give us some advice as to whether or not there is some legality in terms of, cause the proposal does recommend a traffic light there and that we check into the legality and the second part of the question is in terms of the DOT or the State warranting that part.

Ms. Ross: Right, actually we did check into the legality of it today, Commissioner, and would fall under the guideline of capital systemic improvement and not a project

improvement. So with that that condition will not be in force and no longer recommended.

Mr. Bridgewater: Thank you.

Ms. Sheldon: Alright, I think there no further questions; I will entertain a motion to close the public hearing.

Mr. Harper: Madam Chair.

Ms. Sheldon: Yes, Mr. Harper.

Mr. Harper: I make a motion that we close the public hearing.

Ms. Sheldon: Can I have a second?

Unidentified Commissioner: Second.

Ms. Sheldon: All those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those opposed? There being none, the public hearing is now closed. We will hear the staff's recommendation.

Ms. Carter: Staff's finding for the rezoning.

1. ***Does the rezoning proposal permit a use that is suitable and compatible in view of the use and development of adjacent and nearby property?***

The proposed rezoning does include uses that are compatible with the adjacent and nearby properties

2. ***How will the proposed rezoning affect the use and development of adjacent and nearby land use?***

The proposed rezoning may increase traffic volume, pedestrian activity along Redwine Road.

3. ***Does the proposed rezoning adversely affect the existing use or usability of adjacent and nearby property?***

The rezoning will maintain the existing uses of the adjacent and nearby properties.

4. ***Does the property to be rezoned have a reasonable economic use and value of the parcel if rezoned?***

Yes it does.

5. ***How will the proposed rezoning affect the reasonable economic use and value of the parcel if rezoned?***

If the parcels are rezoned the estimated value of the site increases from \$3.15 million to \$6 million plus.

6. *How will the proposed rezoning affect the reasonable economic use and value of adjacent and nearby properties?*

The properties rezoned would allow commercial uses which generate revenue and jobs.

7. *Will the proposed rezoning cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police powers?*

The proposed rezoning may increase traffic demand along Redwine Road and North Commerce Drive. The applicant estimates the capacity of water and sewer at 235,000 gallons per day. The electrical utility capacity has not yet determined as of the last report that we received. According to the 2026 East Point Comprehensive Plan, approximately thirty-three percent (33%) of the City's population is under the age of nineteen (19). Therefore an increase may be anticipated for the feeder schools. The 2026 Comprehensive Plan also reflects in the year 2005 persons per household at 2.73. An additional police beat may be required if the property is rezoned for this development.

8. *Does the proposed rezoning conform to the policy and the intent of the comprehensive plan of the City of East Point?*

The proposed development area is defined as a rapid development center in the 2026 Com Plan. The 2026 Future Land Use Map designates the area as potential for high density residential. The commercial uses are not designated for the associated parcels in this development.

9. *Are there existing or changing conditions that affect the use and development of the property which give supporting grounds for either approval or disapproval or if any exists, how do they affect the parcel in question and surrounding land use?*

Yes. The following conditions must be considered when evaluating the proposed zoning. As proposed, the density for the Villages @ Redwine is 12.3 units to the acre.

Camp Creek Marketplace is located south of the proposed development site and contains 1.2 million square feet of commercial, retail and restaurant spaces. Oxford Ridge is a rental townhome community located to the east of the site which has a density of 11.99 units to the acre. Princeton Lakes is comparable to the Camp Creek Market Place and is located to the west of the site in the City of Atlanta. Princeton Lakes has a gross density of approximately 3.0 units per acre and includes commercial and office uses. There is an incomplete construction site located at North Desert and Redwine Road which may be developed as townhomes at a density of 8.4 units to the acre.

In East Point between 2005 and 2007, single-family detached residential accounted for forty-one percent (41%) of the permitted uses and single-family attached and multi-family accounted for fifty-nine percent (59%) of

the permitted uses. There are approximately 2000 single-family detached, single-family attached and multi-family residential units vacant in the City of East Point. Council Ward D contains the largest number of vacant multi-family units and has the largest number of newly permitted single-family attached and multi-family units.

Staff offers the following analysis for the 5-part concurrent variance which needs to meet all four criteria to be stated.

- Part 1** Reduce the minimum lot size allowable for single detached lots from 8500sf to a lot size of 8200sf for lots shown in Parcel 9 on the site plan.
- Part 2** Reduce the minimum width of the townhome (single family attached) lots from 30ft to 25 ft in width shown in Parcel 5.
- Part 3** Reduce all minimum yard setback requirements.
- Part 4** Reduce the amount of total parking allowed in a manner of authorizing 89 shared parking spaces between uses & buildings shown in Parcels 1, 2 and 3 on the site plan.
- Part 5** To allow more than 8 units per building in a building that is less than four stories in height shown in Parcel 4.

The first criteria:

- a. **Are there extraordinary and exceptional conditions pertaining to the particular use or development proposed or to the piece of property in question because of its size shape/topography or other condition?**

Staff's analysis:

The site contains steep slopes, the 100-year flood plain, wetlands and a stream along the north side of the property. This may warrant a concurrent variance for Parts 1 and 2.

Concurrent variance Part 3 is not warranted because the RT zoning district standards (RT zoning standards apply for townhomes constructed in the R-4 zoning district) allows for a zero lot lines. The minimum side yard setback for single family detached dwellings in the R-4 zoning district is already 6-feet.

Concurrent variance Part 4 is warranted due to the location of the creek.

According to the applicant statement, the site elevation drops from 980 feet to 860 feet on Parcel 4 as shown on the site plan dated 3/31/2008; therefore, concurrent variance Part 5 is warranted.

Criteria 2:

- b. **Does the application of the ordinance to the use or development proposed, or to the particular piece of property, create a great practical difficulties or an unnecessary hardship?**

Part 10, Chapter 2, Section 10-2048 allows 8-units per building for multifamily complexes between one (1) and three (3) stories. Application of the ordinance limits current design standards of multifamily housing on parcel 4. Therefore, concurrent variance Part 5 is warranted.

Part 10, Chapter 13 of the East Point Ordinance Code identifies all requirements pertaining to the stream buffer protection. Due to the location of Smith Creek and the required 75-foot stream buffer, concurrent variance Part 4 is warranted.

Part 10, Chapter 13 also identifies all requirements to the location of Smith Creek also requires a 75-foot stream buffer, concurrent variances Part 1 and 2 are also warranted.

Part 10, Chapter 2, Sections 10-2048 and 10-2050 allows for zero lot lines and/or 6-foot minimum side yard. A reduction of the front yard setback requirement may be justified for the single family detached units. However, concurrent variance Part 3 is not warranted for all parts of the development.

The third criteria:

- c. Are there extraordinary or exceptional conditions particular to the use or development proposed or to the particular piece of property involved?**

The site, also again, contains steep slopes, the 100-year flood plain, wetlands and a stream along the north side of the property. However, concurrent

variance Part 3 is not warranted because of the stream buffer in the flood plain. Parts 1 and 2 are warranted.

Part 3 is not warranted because of the RT zoning district standards.

The minimum side yard setbacks for single family detached dwellings in the R-4 zonings are already 6-feet. Therefore, Concurrent variance Part 4 is warranted. According to the applicant statement, on the elevations Part 5 is warranted.

The fourth criteria:

- d. If relief is granted, would it cause substantial detriment to other property owners or tenants, or to the public good, would it impair the purpose and intent of the ordinance, provided, however, that no variance may be granted for the use of the land or building or structure that is prohibited by the provisions of this ordinance? Further, non-conforming uses of nearby property cannot be considered as grounds for justifying a variance. Financial loss to the appellant is not sufficient grounds by itself to justify a variance and particular conditions or circumstances which are the result of actions of the owner of the property covered by the application cannot be considered as grounds to justify a variance.**

Staff's analysis:

If relief is granted to allow concurrent variances Parts 1, 2, 4, and 5 there may not be substantial detriment to other property owners, tenants, the public good or impairing the application of associated ordinances.

If relief is granted to allow variance Part 3, the intent and purpose of the zoning district standards would be impaired.

Based upon the findings of the rezoning request and analysis of the concurrent variances staff recommends **APPROVAL of Rezoning C-1 and R-4 with the following conditions:**

1. Provide an alternate access to the development other than Redwine Road
2. Must provide access for owner of property addressed as Redwine Road Rear Parcel ID #14-0255-LL-023-6
3. Centralize the location of the amenities package or provide separate amenities for the detached and townhome residential in Parcel 5 and 9, for example:
 - a. Tennis court
 - b. Putting green
 - c. Playground
4. The number of commercial, office, and residential units shall be constructed as identified on the 3/31/08 site plan.

5. Provide staggered front yard setbacks between 20 and 35-feet for single family detached units in Parcel 9
6. Construct all open space/green space areas as shown on site plan dated 03/31/2008
7. Construct all sidewalks and roads in accordance with the East Point Code of Ordinances
8. Adhere to the 75-foot stream buffer requirement also in the Code of Ordinances
9. As per East Point Fire Code maximum street grade shall not exceed 10%

For the 5-Part Concurrent Variance Staff Recommends:

APPROVAL Part 1 - to reduce the minimum lot size allowable for single detached family lots from 8500sf to a lot size of 8200sf (I'm sorry 8250) for lots shown in Parcel 9 on the site plan dated 3/31/2008.

APPROVAL Part 2- to reduce the minimum width of the townhome (single family attached) lots from 30ft to 25 ft width shown in Parcel 5 on the site plan dated 3/31/2008.

DENIAL Part 3-to reduce all minimum yard setback requirements did not meet any of the variance criteria.

APPROVAL Part 4 – to reduce the amount of total parking allowed in a manner authorizing 89 shared parking spaces between uses & buildings shown in Parcels 1, 2 and 3 on the 3/31/2008 site plan, and lastly

APPROVAL Part 5 -to allow more than 8 units per building in a building that is less than four stories in height shown in Parcel 4 on the 3/31/2008 site plan.

In Summary – Approval of concurrent variances Parts 1, 2, 4 and 5 and Denial of concurrent variance Part 3.

Ms. Sheldon: Thank you. Commissioners if you will note in your package we have received the ER 5 report so with the issue that have been pending since November 2007 is now solved. At this point I will entertain a motion on this item.

Ms. Jones: Madam Chair.

Ms. Sheldon: Yes ma'am.

Ms. Jones: I would like to make a motion to recommend approval of the rezoning to the City Council that would be a rezoning as outlined as C1 and R4 with the recommendations that staff has indicated in 1-9 of the summaries. This motion is concurrent; I also make this recommendation to City Council that the concurrent variances Part 5 for approved as outlined as follows:

Part 1 – Approval to reduce the minimum setbacks to allow the single family lots of 8500sf and 8250sf for lots shown in Parcel 9 of the site plan dated 3/31/2008.

Part 2 – Approval to reduce the minimum width of the townhomes, single-family attached lots from 30 ft to 25 ft in width shown in Parcel 5 on site plan dated 3/31/2008.

Part 3 – Denial. Part 3 – I recommend to City Council denial of Part 3 to reduce the minimum yard setback requirements, because they did not meet any of the variance criteria.

Part 4 – I recommend **Approval** to City Council to reduce the amount of the total parking allowed in a manner authorizing 89 shared parking spaces between uses and buildings in Parcels 1, 2 and 3 on site plan dated 3/31/2008. As to

Part 5 – I make a motion to recommend City Council **Approval** of Part 5 to allow more than 8 units per building for buildings that are less than four stories in height shown in Parcel 4 of the site plan dated 3/31/02008.

Ms. Sheldon: Is there a second?

Dr. Bridgewater: Second with corrections.

Ms. Sheldon: Thank you Dr. Bridgewater. Discussion? Questions?

Dr. Bridgewater: Yes, Madam Chair, thank you. I think Commissioner Atkins pointed in one our work session the correction in terms of Princeton Lakes is comparable to market space where I think the indication was west of the in fact it is south of the City of Atlanta. It should be South.

Ms. Sheldon: Any other comments/questions? Discussion? There being none. All those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those opposed? There being none this concurrent rezoning and series of five variances will be to City Council from here. Thank you very much. Next item.

**Case No. 2008P-004-03
McCar Homes**

Mrs. Carter: Next is 2008 P-004-03. Applicant is McCar Homes, location Lakeside Preserves Phase 4A, 3600 Old Fairburn Road. Applicant is seeking approval of Final Plat for Phase 4, which contains 31 single family detached residential units on 4.839 acres and 1.81 acres of open space.

Ms. Sheldon: I have one question of staff where all of the Public Works documents that were required, submitted?

Mrs. Carter: Yes.

Ms. Sheldon: Or approved?

Mrs. Carter: They were and they have conditions. They were approved with conditions. The condition is: The final plat has department holds of D for the following reasons: Lots #329-348, 413-418, 459-463 have DH holds, D and A. Builders required to relocate cleanouts within the City right-of-way and then Lots #330-344 and Lots 414-416 have DH holds D and A for storm drains on lots requiring a DH hold on the site plan.

Ms. Sheldon: Alright. Commissioners, I will entertain a motion on the approval of the Final Plat for Case # 2008P-004-03.

Mr. Harper: Madam Chair.

Ms. Sheldon: Yes, Mr. Harper.

Mr. Harper: I make a motion to approve Case # 2008P-004-03.

Ms. Sheldon: With the stated conditions?

Mr. Harper: With the conditions that the corrections as mentioned by staff made by Public Works.

Ms. Sheldon: Thank you. Do I have a second?

Dr. Bridgewater: Second.

Ms. Sheldon: Any discussion/questions? There being none. All those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those opposed? There being none this case is **Approved** for Final Plat with the stated conditions. New Business?

NEW BUSINESS

***Case No. 2008V-004-04
Norma Johnson
3339 Harrison Road***

Mrs. Carter: The next is Case # 2008V-004-04, Applicant is Norma Johnson, property location is 3339 Harrison Road. Applicant is seeking a variance to reduce the side yard setback from 5 feet to 0 to allow for off street parking in the R-1A zoning district. This application requires a public hearing.

Ms. Sheldon: Alright, ladies and gentlemen, I will entertain a motion to open the public hearing.

Mr. Lawler: Pardon me Madam Chair:

Ms. Sheldon: Yes.

Mr. Lawler: I will recuse myself from this case number. I have some property and have personal interest in the public participation process.

Ms. Sheldon: Thank you sir. This requires you to leave the table.....

Dr. Bridgewater: Madam Chair: I make a motion that we open a public hearing.

Ms. Sheldon: Thank you Dr. Bridgewater. Do I have a second?

Mr. Harper: Second.

Ms. Sheldon: Thank you Mr. Harper. All those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those opposed? The public hearing is now open. Is the applicant here for presentation? Is there anyone here who wishes to speak in favor of this application? There being none, is there anyone here wishes speak in opposition of this application? There being none, I will entertain a motion to close the public hearing.

Dr. Bridgewater: Madam Chair. I make a recommendation that we close the public hearing.

Ms. Sheldon: Thank you Dr. Bridgewater. Do I have a second?

Mr. Harper: Second.

Ms. Sheldon: Thank you. All those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those opposed? The public hearing is now closed. I will hear the staff's recommendation at this point.

Mrs. Carter: The applicant seeks a variance to reduce the side yard setback from 5 feet to 0 to allow for off street parking in the R-1A zoning district. **Staff recommends APPROVAL with conditions of variance request due to the existing configuration of the lot, curb cut and the need to improve the functional off**

street parking use of this older residential structure. It is conditioned that the new driveway meets provisions of Ordinance 8-1091 through 8-1099.

Ms. Sheldon: Alright Commissioners, I will entertain a motion on this item.

Dr. Bridgewater: I recommend approval with the staff's stipulated conditions as outlined.

Ms. Sheldon: Thank you Dr. Bridgewater. Can I have a second?

Mr. Harper: I second.

Ms. Sheldon: Thank you Mr. Harper. Any discussion or question? There being none. All those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those opposed? The motion is approved with the stated conditions.

**Case # 2008P-0005-04
James Cantrell/Connally Park Trust
1826 Connally Drive**

Mrs. Carter: The next case is 2008P-0005-04. Applicant is James Cantrell/Connally Park Trust. Location is 1826 Connally Drive. Applicant is seeking approval of Minor Plat in the R-1A (Urban Residential) zoning district.

Ms. Sheldon: Commissioners I will entertain a motion on this item.

Mrs. Carter: Discussion:

Ms. Sheldon: Well we need a motion first, don't we are do we need staff's recommendation. Let's get staff's recommendation first; then I'll entertain a motion.

Mrs. Carter: Applicant is requesting approval of Minor Plat Subdivide 1.52 acres into two lots. The first being 29,526.8sf for tract one and 37,100sf for tract two. **The Staff recommends DEFERRAL of minor plat until existing house is demolished as per Public Works before subdivision can be subdivided.**

Ms. Sheldon: I will entertain a motion on this Commissioners.

Mr. Harper: Madam Chair.

Ms. Sheldon: Yes

Mr. Harper. I make a motion that case # 2008P-005-04 be deferred still with the recommendation conditions as stated.

Ms. Sheldon: I have a question. Do we not defer until the next meeting from meeting to meeting.

Mrs. Carter: 30 days, no more than 30 days.

Ms. Sheldon: Would you amend your motion.

Mr. Harper: I amend my recommendation to deter until the next meeting.

Ms. Sheldon: The June 2008 meeting.

Mr. Harper: Yes.

Dr. Bridgewater: Second.

Ms. Sheldon: Thank you Dr. Bridgewater. Any discussion or question? All those in favor?

Commissioners: Responded with aye.

Ms. Sheldon: Those opposed? Motion passes to **Defer**. This brings us to the end our agenda. Are there any announcements? Yes ma'am.

ANNOUNCEMENTS

Ms. Elias: I just wanted to make an announcement to the Commissioners all Neighborhood Association Presidents and then anyone interested in the public the Department of Planning & Zoning will be hosting one of the first public meetings regarding the Proposed 2008 Re-zoning Ordinance (excuse me) Zoning Ordinance for the City of East Point, it will be a comprehensive rewrite of the City's Zoning Ordinance. The first public meeting will be held on May 20 at 6:30 pm here in the Law Enforcement Center. Invitations were sent to the Neighborhood Association Presidents to participate, however, it is a public meeting. So it's open to anyone who would like to attend. Thank you.

Ms. Sheldon: I would like to commend you. I know this has been what a three-year project and it is an excellent job of putting it together. From previous administration you have done a job well done. Thank you. Are there any other announcements?

Dr. Bridgewater: During the rewrite of that Zoning Ordinance on (noise in background) the plans. Do you have a video presentation so that you can see what

the changes are and how it's done? So persons may not be as technical, can very easily follow.

Ms. Elias: Yes, staff does plan to have a PowerPoint presentation that highlights some of the major changes in the Zoning Ordinance. But one thing I do want to add is that anyone who has access to a computer at home, work or via the library you are able to download a copy of the draft ordinance from East Point's website, which is eastpointcity.org and once you're on the City's main website you can go to the Department of Planning & Zoning and then click on 2008 Proposed Zoning Ordinance and all parts of that draft will be on that site available for persons can read it or download it.

Dr. Bridgewater: And that special note that you just stated in terms of being able to download that was not part of your original invitation so it might be good if we can do a follow-up letter to the East Point Neighborhood communities and let them know that they can go online and download that information. So, sometimes people like to look at it before coming to the meeting so if they have questions they will be clearer in their mines.

Ms. Elias: Actually, we did include that it in the post card to the Presidents.

Dr. Bridgewater: Very good.

Ms. Sheldon: It is a lengthy document so will not be providing copies for everyone. Don't expect that. But please take on that..... (too much noise, moving papers, in the background). Are there any other announcements/questions. There being none. I will entertain a motion to adjourn.

Dr. Bridgewater: Madam Chair, I make a motion that we adjourn.

Ms. Sheldon: Thank you Dr. Bridgewater. I'll have a second.

Commissioners: All responded with Second.

Ms. Sheldon: All those in favor? Those opposed? There being none, the meeting is adjourned.