

CITY OF EAST POINT
PLANNING AND ZONING COMMISSION

REGULAR MEETING

June 19, 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, Madam Chair
Shean Atkins
Dr. Herbert Bridgewater, Jr.
Myron Cook
Elijah Granberry
Thomas Harper
Francine Jones
Paul Lawler
Pam Patterson

Staff Present

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

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Transcribed by:

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Planning & Zoning Department

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Proceedings:

Madam Chair: Call to order the June 19, 2008, Planning & Zoning meeting for the City of East Point. In lieu of the prayer this body recognizes a moment of silence before each meeting. I want to ask the Rev., Dr. Bridgewater _____ as we observe a moment of silence; if everyone would rise and join in with the Pledge of Allegiance.

The Body: The Pledge of Allegiance was repeated in unison.

Adoption of Agenda

Madam Chair: I will entertain a motion for adoption of the agenda.

Commissioner Bridgewater: Madam Chair.

Madam Chair: Acknowledges Dr. Bridgewater.

Dr. Bridgewater: I make a motion that we adopt the agenda for the June 19, meeting.

Madam Chair: Do I have a second?

Commissioner Atkins: Second

Madam Chair: Thank you; any discussion? All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those oppose? There being none the agenda is adopted.

Decision: Agenda is Adopted.

Approval of May 15, 2008 Minutes

Madam Chair: I will now entertain a motion for approval of the May 15, 2008 meeting minutes.

Commissioner Jones: Madam Chair.

Madam Chair: Recognized the speaker with yes.

Commissioner Jones: I would like to make a motion to approve the May 15 minutes with one correction. On page 9 at the bottom of the page, the question was identified as Ms. Patterson and I believe I was the one with the question.

Madam Chair: Did you all get that correction

Mrs. Carter: Yes.

Madam Chair: Also the spelling of my name; would you correct that. Any other corrections or additions?

Commissioner Bridgewater: Madam Chair?

Madam Chair: Yes.

Commissioner Bridgewater: My name was omitted from the list of Commissioners present, yet throughout the minutes you will see notes and comments that I made.

Madam Chair: Any other others? All those in favor

Commissioners: Responded with aye.

Madam Chair: Those opposed? Thank you. Motion passes. June 19, 2008 minutes are approved. We will start with Old Business.

Decision: June 19, 2008 minutes are APPROVED

OLD BUSINESS

*Case # 2008P-005-04
James Cantrell, Trustee
1826 Connally Drive*

Mrs. Carter: Old business includes Case # 2008P-005-04; Applicant is James Cantrell, Trustee. Property location is 1826 Connally Drive. Applicant is seeking approval of the minor plat to subdivide 1.52 acres into two (2) lots; 29,526sf on tract 1 and 37,100sf on tract 2, respectively.

Staff recommends approval of minor plat pending the demolition of the existing house per comments from Public Works.

Madam Chair: Thank you. I will entertain a motion on this case. Commissioners?

Commissioner Bridgewater: Madam Chair.

Madam Chair: Recognizes Dr. Bridgewater.

Commissioner Bridgewater: I recommend approval of Case # 2008P-005-04 with the pending approval of the demolition per addition to the comments from Public Works.

Madam Chair: Do I have a second?

Commissioner Harper: I second that.

Madam Chair: Thank you Mr. Harper. Is there any discussion? All in favor?

Commissioners: Responded with aye.

Madam Chair: All opposed? Next case.

Decision: Case # 2008P-005-04 Approved

NEW BUSINESS

**Case No. 2008P-006-05
Georgia Soccer Park, LLC
Nathan Schroeder
Welcome All Rd & Ben Hill**

Mrs. Carter: Next is 2008P-006-05. Applicant is Georgia Soccer Park, LLC – Nathan Schroeder representing. The Property location is Welcome All Rd & Ben Hill Rd. The applicant is seeking approval of the minor plat to subdivide 112 acres in to three (3) lots; 3.3 acres for tract 1, 12.2 acres for tract 2 and 96.5 acres for tract 3.

Madam Chair: Thank you. Alright Commissioners, I will entertain a motion on this item.

Commissioner Harper: Madam Chair:

Madam Chair: Yes Mr. Harper.

Commissioner: Harper: I would like to make a motion to approve Case # 2008P-006-05.

Commissioner Bridgewater: Second.

Madam Chair: Is there any discussion?

Commissioner Atkins: I would like to make a motion also to approve to include the conditions.

Commissioner Harper: Yes, with the conditions.

Commissioner Atkins: Does the second still stand?

Commissioner Bridgewater: Yes it does.

Madam Chair: Thank you very much. Is there any discussion? All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? Ayes; is approved; next item.

Decision: Case # 2008P-006-05 Approved

*Case No. 2008V-006-05
Duke Realty Limited Partnership
Camp Creek Parkway*

Mrs. Carter: The next item is Case # 2008V-006-05, applicant is Duke Realty Limited Partnership; the property location is Camp Creek Parkway (Duke Realty Business Center). This application requires a public hearing.

Applicant is seeking a 3 Part Variance request to increase the fence height from 4 ft to 8 ft, approval of a unified development sign and site accessory structure package.

Madam Chair: And this item

Mrs. Carter: I'm sorry Madam:

Madam Chair: This item requires a public hearing?

Mrs. Carter: Yes.

Madam Chair: I will entertain a motion at this time to have a public hearing.

Commissioner Bridgewater: Madam Chair.

Madam Chair: Yes, Dr. Bridgewater.

Commissioner Bridgewater: I make a motion that we open a public hearing.

Madam Chair: Do we have a second.

Commissioner Harper: Second.

Madam Chair: Any discussion? All those in favor?

Commissioners: Responded with aye.

Madam Chair: All those oppose? The public hearing is now open. Is the applicant here to address this item this evening?

Mrs. Carter: Yes.

Madam Chair: Would you like to make a comment or anything more to address the Commissioners? Are there any other proponents for this item? Are there any opponents for this item? There being none, I'll entertain a motion to close the public hearing.

Commissioner Bridgewater: Madam Chair; seeing none I recommend that the public hearing be closed.

Commissioner Harper: I'll second that.

Madam Chair: Thank you Mr. Harper. All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? The public hearing is now closed. Staff.

Mrs. Carter: The applicant is seeking a 3 Part Variance request to increase the fence height from 4 ft to 8 ft, approval of a unified development sign and site accessory structures package.

- Part 1** Staff recommends **WITHDRAWAL** of fence height increase variance as per request of the applicant.
- Part 2** Staff recommends **APPROVAL** of an 8ft uniform monument sign package located within the Camp Creek Business Center as a unified development.
- Part 3** Staff recommends **APPROVAL, With CONDITIONS** of the variance for a unified development accessory structure (guard shack). The BP zoning district as stated in Section 10-2059 are permitted to construct a metal accessory structure as long as they are accented with masonry material (Brick, Stone, or Concrete); therefore applicant is conditioned to meet all standards of the stated code 10-2059.

Madam Chair: Alright Commissioners, I'll entertain a motion on these items.

Commissioner Harper: Madam Chair.

Madam Chair: Yes, Mr. Harper.

Commissioner Harper: I make a recommendation that with the withdrawal of Part 1 and approval of Part 2 and 3 with conditions of case # 2008P-006-05 be approved with the withdrawals.

Madam Chair: Do I have a second?

Commissioner Bridgewater: I second that Madam Chair.

Madam Chair: Any discussion; any questions of the applicant? There being none. All those in favor?

Commissioners: Responded with aye.

Madam Chair: All those opposed? There being none, the item is approved as stated. Next item.

Decision: Case # 2008V-006-05 Part 1 WITHDRAWN, Part 2 & 3 APPROVED

Case # 2008Z-007-05 & 2008V-007-05
TRC Acquisitions & Holding LLC
4222, 4226, 4258 Washington Rd

Mrs. Carter: Case # 2008Z-007-05 with a concurrent variance of 2008V-007-05. Applicant is TRC Acquisitions & Holdings, LLC. Property location is 4222, 4226, 4250 Washington Rd. This application requires a public hearing.

Applicant is seeking a rezoning from CRc to C2 with a concurrent variance to reduce parking landscape buffer from 10 ft to 5ft on Lot C.

Madam Chair: Alright Commissioners, I'll entertain a motion to open the public hearing.

Commissioner Jones: Madam Chair, I make a motion to open the public hearing.

Commissioner Granberry: Second.

Madam Chair: Thank you Mr. Granberry. All those in favor?

Commissioners: Responded with aye.

Madam Chair: Any opposed? The public hearing is now open on this case. Is there anyone here who wishes to speak on this item? As a proponent? There being no one, is there anyone who wishes to speak against this item. There being none, I'll entertain a motion to close the public hearing.

Commissioner Bridgewater: Madam Chair.

Madam Chair: Yes sir.

Commissioner Bridgewater: I make a motion that we close the public hearing.

Commissioner Harper: I second that.

Madam Chair: Thank you Mr. Harper. All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? There being none, the public hearing is closed.
Staff?

Mrs. Carter: Applicant is seeking a rezoning from CRc to C2 with a concurrent variance to reduce parking landscape buffer from 10 ft to 5ft on Lot C.

Staff recommends upon applicants request to DEFER until the July 17, 2008 Planning & Zoning Commission and I have received the letter.

Madam Chair: You will see that in your package. I will entertain a motion on this item.

Commissioner Harper: Madam Chair.

Madam Chair: Yes sir.

Commissioner Harper: I make a motion that in Case # 2008Z-007-05 be deferred until the next scheduled Planning & Zoning meeting, July 17.

Madam Chair: Do I have a second?

Commissioner Granberry: Second.

Madam Chair: Thank you Mr. Granberry. Any discussion? All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? There being none, this item is DEFERRED to the July 17th Planning & Zoning Meeting. Next item.

DECISION: Case # 2008Z-007-05 DEFERRED to the July 17, 2008 Meeting.

**Case # 2008Z-006-04
City of East Point
Citywide**

Mrs. Carter: Case # 2008Z-006-04, Applicant is City of East Point, the Property location is Citywide. This application requires a public hearing.

The applicant is seeking to Repeal & Replacement of Part 10 of the East Point Code of Ordinances in its entirety and the adoption of the official zoning map.

Staff is recommending DEFERRAL until the July 17, 2008 Planning & Zoning Commission Meeting.

Madam Chair: Alright, Commissioners, we still have a public hearing on this item. I will entertain a motion for a public hearing.

Commissioner Bridgewater: Madam Chair, I make a motion to open the public hearing.

Commissioner Harper: Second.

Madam Chair: It has been moved and seconded, all those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed. There being none, the public hearing is now open. Is there anyone here who wishes to speak on this item? Is there anyone here who wishes to speak against this item? There being no one present; I will entertain a motion to close the public hearing.

Commissioner Harper: Madam Chair, I move to close the public hearing.

Commissioner Bridgewater: I second.

Madam Chair: It's been moved and seconded, all those in favor that we close the public hearing on this item.

Commissioners: Responded with aye.

Madam Chair: Those opposed? There being none, this item is **DEFERRED** to July 17th meeting. Next item.

DECISION: Case # 2008Z-006-04 DEFERRED TO July 17th Meeting.

**Case # 2008Z-008-05
City of East Point
Specific Advertised Properties.**

Mrs. Carter: Case # 2008Z-008-05. Applicant is City of East Point; Property locations are specific properties as advertised. This application requires a public hearing.

Madam Chair, I have several public speakers, the first will be Dobie Edwards, Terry Sichta, Bernie McDade, Sonia Smith, Jordan Bennett, Jennifer Bennett, Dennis Maguire, Harold Hamilton, Laura Borders, Holly Keyes, Erik Friedly, John Paul Chandonia and Teresa Nelson, if you would step to the mike once the public hearing is open.

Madam Chair: Let's establish some ground rules at this point, since we have more speakers than we normally do. I will entertain a motion. Before we open the public hearing we will extend our speaking arrangements to accommodate everyone, we will put a time limit of three minutes per person, and then we will get a staff report after that. So I will entertain a motion please.

Commissioner Jones: Madam Chair I will make a motion to modify the customary speaking time to three minutes per speaker due to the fact that we have a number of speakers.

Madam Chair: Thank you very much. Do I have a second, please?

Commissioner Bridgewater: I second.

Commissioner Atkins: Madam Chair.

Madam Chair: Yes.

Commissioner Atkins: Also, as it is customary part, for public speaking part, public participation part of the meeting, the amount of rebuttal for the proponent, so with the particular case because we have so many speakers here that rebuttal period is five minutes. I would like to add to that motion that we give a five minute rebuttal, a final complement, so that each opponent would have five minutes.

Madam Chair: Would you accept that?

Commissioner Harper: I move.

Madam Chair: Does the second still stand.

Commissioner Bridgewater: Yes.

Madam Chair: Thank you very much.

Commissioner Bridgewater: Madam Chair.

Madam Chair: Yes.

Commissioner Bridgewater: In terms of timing we would identify the persons, so they will know specifically when their time is up, please.

Madam Chair: We do have a timer, would call the people one at a time since we are in a small room. Call each person, so no one would have to stand in line, I would appreciate that. Any other discussion? All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? Thank you very much. I will now entertain a motion to open the public hearing on this item.

Commissioner Bridgewater: Madam Chair, I move that we open the public hearing.

Madam Chair: Do I have a second?

Commissioner Harper: I second.

Madam Chair: Thank you sir. All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? The public hearing is now open. The presentation from the applicant which is the City of East Point.

Mrs. Carter: Applicant is seeking to rezone properties from R-1 (Single Family Residential) and R-1A (Urban Residential) to R-2 (Two Family Residential) The proposed use of the property is residential.

Staff's Summary of Proposed Rezoning.

The East Point City Council first created and adopted R-1A (Urban Residential) zoning district in 2005. However, the adoption of the district was deemed invalid. Therefore, in October 2007, Council officially adopted the R-1A (Urban Residential) zoning district in accordance with *Zoning Procedures Law*. The district standards allow for single family detached residential units on a minimum of 7500sf lot.

The creation of the R-1A district rendered several existing duplexes and apartment buildings legal nonconforming uses. While some of these existing units are occupied, several of them are vacant and have been vacant for at least two (2) years.

To date, conversion of existing duplexes and multifamily properties has not occurred. The properties remain vacant and have become an eyesore in the community (particularly Ward A and B). Tax records indicate the properties are duplexes and/or multifamily, but the City's zoning standards only allow single family detached. Current market conditions do not support single family detached housing.

Staff does not foresee any of these units being converted or demolished in the near future. Staff's professional opinion is that certain properties should be rezoned to R-2 (Two-Family Residential – 127 properties) or R-3 (Multifamily Residential – 37 properties) advertised. Some of these advertisements will change as we hear from these property owners through certified letters.

History:

- Council created the R-1A (Urban Residential) and R-L (Residential Limited) zoning districts in 2005 affecting approximately 6500 parcels.
- Creation of districts was challenged in 2007 for failure to follow the *Zoning Procedures Law*

Proposed R-2 & R-3 Rezoning Page 2 of 2

- Council officially adopted the R-1A and RL zoning districts in accordance with all applicable State Codes in October 2007.

IMPACT

- Existing duplexes and multi-family structures rendered legal non-conforming uses
- Structures cannot be expanded
- Character of structure cannot be changed
- General maintenance only allowed
- If structure becomes vacant and remains vacant for more than one (1) year, legal non-conformity expires; confirmed by utility data

- Structures can only be occupied as a single family detached structure
- Permits for renovations as duplex or multi-family property cannot be issued
- Utilities cannot be restored as duplexes or multi family

This proposed re-zoning is NOT

- A request by a developer
- A method for generating revenue
- A way to increase density
- Affiliated with low-income housing

This proposed re-zoning IS

- Consistent with zoning prior to 2005
- Consistent with the Comprehensive Plan
- Representative of Best Planning Practices
- Supportive of community revitalization

Staff recommends APPROVAL of the proposed rezoning from R-1 (Single Family Residential) and R-1A (Urban Residential) to R-2 (Two Family Residential)

Madam Chair: Would you call our first speaker? Is there anyone who wants to speak in supportive of this application? State your name.

Speaker (not identified at this time): Can we defer our rights to this?

Mrs. Carter: You are listed as a speaker.

Madam Chair: You are listed as a speaker, are you wanting to speak in favor of it? State your name and address please.

Mr. Sichta: My name is Terry Sichta; the property in question is 1854 Williams Avenue. This is property that I purchased probably about 8 or 10 years ago as investment property. It has two separate buildings and I own one of the buildings on the property. Each of the buildings contains two apartments; there is a 3 bedroom / 2 bedrooms and 2 single bedroom apartments.

To improve that property, which was in very poor condition when we bought it, in fact began to improve it for what it was, I tried to tear it down. It was tens of thousands of dollars over the years improving that property and what was an eye sore it was a good looking property, it is managed by a local real estate firm and it's mowed, I pay for its yard work on a regular basis. It's probably one of the better looking properties in the neighborhood.

My concern is this, we were unaware of the change in zoning that occurred but it was zoned appropriately for the legal purpose of purchasing. We were not aware or did not receive a registered letter like this time. If there was a question of change, my concern in the long run, I would like to do the right thing, legal thing, but I also want to protect my investment. I bought it as a rental property, we maintained it to the credit to the neighborhood as opposed to an eye sore, when it's time to sell that property, it has been continuously occupied since that time. You know it does have one entrance to a nice parking area; there are four families that live there and are well occupied.

I'm concerned on when I do sell that, it is protected in away and then, the value, I can get money out of it is fair for the property. These were built as four separate units. They were not modified as units. They have been improved significantly inside and outside as has the land associated with the properties. We are very proud of those properties and the properties that I worked with, and so at this point, my concern, in speaking is simply that I don't know about others, but I know in our situation we are concerned if we would be able to sell that property as it was originally zoned. Would we be able to get our value and then I can continue managing that property in a way that I think it would be an asset to the neighborhood; which some of the single-family properties down the street would be cleaned up to the same level with my value as well as I hope this is helpful.

Madam Chair: Thank you very much.

Mr. Sichta: Thank you.

Madam Chair: Is there anyone else who wishes to speak in favor of this item.

Mr. Sichta: One other thing I would say is that I hope whatever the decision is beyond my own personal interests is such that it does help improve the community we are very concerned with that. I would like to see the properties improved and the value improved as well.

Madam Chair: Yes ma'am.

Ms. Scott: My name is Evelyn Scott I 'm the homeowner at 1834-1836 Neely Avenue and right behind Neely Avenue the creek runs and I noticed where they.

Madam Chair: May I ask a question? Did you sign a card?

Mrs. Carter: Madam Chair, I do not have a speaker card.

Madam Chair: When you finish speaking, would you please fill out a card. You're speaking in favor of the rezoning?

Ms. Scott: Yes, in favor because I noticed that there it's flooding in my unit. It's flooding very, very bad and I've had that unit back there; I had that building for about ten (10) years now and that I noticing that my tenants are complaining, so I'm in favor of whatever the zoning and everything, because I noticed right there at Semmes, they did fix it right there and it doesn't flood right there where the school

used to be, but it's still flooding right behind our property line, so they keep saying for years and years that they are going to do this. Are they really going to, are they really going to do this, because this, I mean, the meetings that I've been coming to over to the auditorium they said they were going to take care of, so...

Madam Chair: Perhaps someone at the table can direct you to the right person to ask the question because right now, the issue at hand is a zoning issue as opposed to a _____, so if you would still fill out a card for us and then Ms. McMillan can redirect your _____.

Ms. Scott: Thank you.

Madam Chair: I'm assuming that the rest of the speakers are going to speak in opposition to this, am I correct? That be the case, would you call them one at a time Geneasa?

Ms. Carter: Dobie Edwards.

Madam Chair: I mean Regina.

Ms. Edwards: Good evening everyone, my name is Dobie Edwards. I live at 1881 Williams Avenue, I live in a single-family residence and I do not wish to have my home rezoned into an R-2. I have been there since 1981. A small unit and I just don't feel that I would like to have it rezoned as far as a new dwelling. That's why I'm here.

Madam Chair: Is your address on the list for the properties to be rezoned?

Ms. Edwards: Yes it is.

Madam Chair: Alright. This is important information.

Ms. Edwards: Yes, they have it listed as vacant. I've been there since 1981. People don't see me come and go. I'm not there that often, but that's where I bought a home.

Ms. Carter: Can I have her read her name.

Ms. Edwards: Dobie Edwards (she spelled her name). There was a list handed out to each of you, a young man handed out an information page.

Madam Chair: 1881?

Mrs. Edwards: Yes.

Madam Chair: It's right here on.

Ms. Edwards: Yes.

Madam Chair: Page 7, just below the middle of the page. I can vouch for the fact that you are not invisible. Thank you very much.

Mrs. Edwards. Thank you very much.

Madam Chair: Thank you and we will correct our records. Next speaker?

Mrs. Carter: Bernie McDade?

Mr. McDade: I just want to make it known, I'm Bernie McDade, 1875 Williams Avenue, neighbor of Mrs. Edwards, so I know it was originally her moved, her moving to buy this house, also listed and I corrected it with Planning & Zoning, which the comment that I'm making is which you will probably hear again is, it may need a little thorough investigation of the list to make sure it is accurate, etc. I know that staff has been working very hard on that but I think maybe whatever tonight, maybe it's a blaze to the important facts on the data to ensure you have the right information.

Secondly, I'm opposed to the whole idea of changing it; I'm hoping to see the neighborhood turnaround. We have plenty of rentals, single, duplex and all the rest. I don't think having more duplexes helps the neighborhood. In records to somebody who suggested that Williams Avenue that their properties are models or whatever, I think there folks that street that kind of shake their heads and wonder that don't think they are models as they think they are for various reasons. Typically, duplexes is what I can see, best of the houses that are typical homeowner and so that's my opposition. (Did not hear the next sentence, voice went low). So that was the biggest thing that I wanted press on and I think you will hear a lot of voices to that affect.

Commissioner Jones: Is your property a duplex?

Mr. McDade: No it was not. It has been corrected by the Planning & Zoning folks, I have talked to them specifically and they were very helpful about that. So I don't think it's on the list anymore, 1875 Williams Avenue, it's never been.

Commissioner Jones: Ok, it's never been a duplex.

Mr. McDade: It's never been a duplex of any sort. Accept it's been a dirt cross section, someone might have lived there.

Commissioner Bridgewater: Could you restate your name again.

Mr. McDade: Bernard McDade, 1875 Williams Avenue.

Commissioner Bridgewater: Bernard McDade, thank you sir.

Madam Chair: Ladies and gentlemen, I would like for us to return to our normal procedure here where we listen to the speaker but we don't ask questions in order for us to move along and not take up their time for the time they have been allotted. If we have questions, after the public hearing is ended that would be the time for those discussions and I'm a guilty party, too, so I would appreciate it if we could go along with that. Next speaker.

Mrs. Carter: Sonia Smith.

Ms. Smith: Good evening everybody, my name is Sonia Smith and I reside at 1864 Phillips Avenue. I personally have checked on some of the houses on that list that are listed as being duplexes or multi-family units that are on Center Avenue. There's also one house, I'm opposed to this by the way, there's one house on the list on Phillips that's next door to me, I know for a fact that it's a single-family residence.

I moved here about two years ago from California, there is a shortage of property there; there's no shortage of property here, so there is no need in my opinion to rezone any unit that is a single family, multi family residence or duplexes. 80% of these are single family residences.

Now my error rate was that high that posted, I wouldn't have a job. But the bottom line is also on Farris Avenue, there is a lot of traffic, your Police Department can factor that out. So consequently, there is specifically one street that does not need to

be zoned multi-family or duplexes. That would just increase the property of Farris Avenue. I'm on Phillips, that would also decrease my property value unless someone here wants to buy my property. Again on a civil level, I'm opposed to this. This is a fit community; we do not need any additional multi family or duplexes. They need to remain the way they are. Thank you.

Madam Chair: Thank you ma'am. Next speaker.

Mrs. Carter: Jennifer Bennett.

Ms. Bennett: I'm Jennifer Bennett, with Center Park Neighborhood Alliance. What I'm hearing here is that we are prepared for this meeting. We actually went around to all the properties that was on the list today the City of East Point's Planning & Zoning Commission provided. We found that 68% actually of the properties listed are either currently occupied, which would mean that permits should be issued for whatever repairs that have been made and when we go into detail about how we determined whether it was occupied, actually, you heard from one of the homeowners that she does in fact live there.

One of the important points made about a couple of the property owners have already spoken. As a proponent of this idea is that their use has been maintained the whole time as a multi family or as a duplex, shouldn't be a problem and then receiving the permits that they need and so you know I think the main problem here lies in the interpretation of the code that even if some of these properties were vacant and they were built as single family, then there is no reason why they should be rezoned to R-2.

There is a lot of other neighbors who I'm sure will cover a lot of points after me, but we are really strongly against bringing back R-2 and R-3, maybe because it opens

the door a lot wider towards....We don't want to set a precedence and a trend for this to become a trend in our neighborhood, we really want to preserve the single family character in our neighborhood and we believe that most of the properties should be issued permits and issued right and eye sores in the neighborhood shouldn't be an issue. The permits should be issued to most of these cases. Thank you.

Madam Chair: Next speaker.

Mrs. Carter Jordan Bennett.

Mr. Bennett: Good evening, my name is Jordan Bennett, I'm the president of the Center Park Neighborhood Alliance and indeed we did a quite a bit of research on these properties just like my wife just stated as well as (too much noise in background).

Some of the neighbors here actually live in single family homes as well as duplexes. So these are not necessarily on the list, but they are saying that it's not possible, but actually it's very easy. I don't believe that it's been thought through.

We went through, 52% of the homes that are listed, 52% are single-family or vacant land; it's not even a house on that land. They are single family or vacant land, they don't have anything to do with the fact that they are occupied or not. When you take it up to occupied it goes all the way up to almost 68%, that's a lot. That's a significant number.

I can't tell you that less than a year ago, last fall, Planning & Zoning issued a permit for an apartment. It was about eleven (11) months vacant. It was issued ... so it means that it's been issued in less than a year; had occupants in it I believe in

September and the following August they issued a permit; I'm not sure on the exact date.

There is a very large apartment complex in our neighborhood on the corner of Dunlap and Vesta and now they have a big permit sign and everything out in front of the apartment complex, it was completely renovated and now there are people living there. So say, now that if we don't give them that kind of permit, that kind of permit was issued. They did not expand it, but they did repairs and structural maintenance.

I was also a loan officer for three years; I can tell you that when you have a duplex and try to convert it and get tired of working on it a little bit, it does not stop the process of a ten-year loan in anyway, whatsoever. It's not hard at all to convert a duplex; especially ones in my neighborhood. The duplexes that are there were at one time a single family home. All you have to do is rip out the wall and put a window where you added your doorway, it use to be a window anyway. It's not hard at all to convert this to single family. This has an opportunity to create a precedence, a very bad precedence.

Next meeting I would wish that Council Consulting Claims would go to Planning & Zoning to request variance on three more acres to obtain a permit of a single family and somewhat a family on them they would like to quarter them into 37 townhomes they would like to rent each of their homes by the room, not by the apartment, but by the rooms; the difference was a 90-day terms. That is a rooming house in my book. We don't want boarding houses. (Mrs. Carter was trying to get the speakers attention did not hear clearly what the speaker was saying)this would be spot zoning.

Mrs. Carter: That ends your time.

Madam Chair: Thank you sir. Next speaker.

Mrs. Carter: Dennis Maguire.

Mr. Maguire: Good evening everybody. My name is Dennis Maguire; I live at 3008 Church Street. I have lived in East Point for almost nine (9) years. I have made great efforts for the neighborhood association that I helped build the East Point Police Department and City Council to re-establish a clean and drug-free neighborhood in Center Park. Center Park is a much safer and more prosperous neighborhood than it was when I moved here; due to large part of the current zoning.

The voice of the citizens living in East Point was heard by past Councilman Bobby Carnes and Joe Macon, who at the time was on Planning & Zoning, and the ball started rolling to refer R-2 and R-3 and CR properties back to their original zoning of R-1. It took a few years and a lot of diligence by East Point voters and through months of hard work by Chris Montesinos, who at the time was head of Community Services.

The City Council of East Point voted unanimously to re-establish the proper zoning of R-1 to the historic downtown neighborhoods. It has been made quite clear by City Council and the voters of the downtown neighborhoods in East Point need no new multi-family dwelling. The fact is a very large percentage of apartments and duplexes are vacant in my neighborhood. The tearing down of slums and drug apartments and conversion of many vacant duplexes back to single family homes to the way it was originally built as was my home seems much more viable economic solution than the proposed rezoning to R-2 and R-3.

Why would the City support more of what is not even renting? Why would the City support more of what is keeping these historic neighborhoods down? In order to

avoid what we may consider spot zoning, Community Services has included vacant lots and structures that were originally single family residences to establish congruency on a map of their rezoning proposal. Of course, this is an obvious attempt at spot zoning which would set a huge negative precedence for the City of East Point. I adamantly oppose this unconscionable zoning effort. Thank you.

Mrs. Carter: Harold Hamilton.

Mr. Hamilton: Good evening everyone my name is Harold Hamilton. I reside at 1864 Williams Avenue. I have been a residence at this address for about two years but a member of the East Point community for over twenty years.

Buying my house was a dream to me something that I have invested a lot of time, a lot of money into. I try my best to make all the improvements to my yard, my house that would be great for my neighborhood. I think I have a very nice place and will continue to make it nice.

To change the zoning of my house from a single family residence to a dual family residence pretty much comes to wean out my savings. My dream was alive in my house and make everything nice.

When all the houses around me convert to duplexes, my experience is the community's integrity will decrease and decline a lot of negative things to pull them into the community. We have made great progress in East Point, it's more beautiful now than it has been in the last five or six years. I'm proud of it and I really don't want to see that change. I see the door opening now for a change to the negative direction. I strongly oppose to rezoning of these properties. Mine is a single family, always has been. I urge you not to make this change. Thank you.

Mrs. Carter: Teresa Nelson.

Ms. Nelson: Good evening, Teresa Nelson, 1732 Neely Avenue, Frog Hollow. Tonight you have before you applications to zone several properties to multi family that were not initiated by property owner or even a community, but by a City Department. The very same department that not once but twice worked with neighborhood support to increase the density from R-1 to R-1A.

Existing multi-family structures were grandfathered and the owners has continued to rent and make repairs but not add additional units. An owner could apply for rezoning, if needed. Only properties that have been vacant for a year lost their multi-family status.

The department has claimed subsequent problems have arisen. If they failed to document any problems. I do, however, have documented and have knowledge of problems with those properties.

- Neely Avenue, 1776, run-down units, drugs, sanitation code violations, car repairs, over grown lots and no off street parking for a quadruplex. The under tone a neighbor didn't care what his tenant's did as long as he got his rent.
- 1782, a tiny dark basement apartment that will not meet today's standards and no off street parking for a quadruplex.
- 1796 litter and overgrown lot.
- 1806-1834, numerous code violations, juvenile delinquents, junk cars, trash, overgrown lots with the duplexes built within the stream buffer which has consequently caused erosion and the flooding of the units.
- The no address on Neely that's vacant, two vacant lots owned by a notorious slum property owner here in East Point.
- West Forrest, 1688. The long residence and better landlord that still have problems.
- 1694 a single family home.
- 1712, 1728 and 1753, drugs, prostitution, trash, junk cars, outside storage, tenants arrested for loitering, theft, assault, robbery, larceny, car theft and once it took nine police cars to keep the peace.
- 1720 run down unit.

- 1742 a single family home who's former tenants were part of the same criminal element at 1728, of course.

The director told Frog Hollow Neighborhood that the zoning was needed to increase property tax revenue for the city; that is not a legal valid basis. In addition, single family homes have greater property value than duplexes in historic neighborhoods. If the owner resides in that duplex, the homestead exemption applies, further increasing tax revenue.

Based on a crime, neighborhoods have suffered, police, fire and code enforcement cost will rise with increased multi-family properties and there will be no greater revenue for the City.

The real consequence of the rezoning will be to eliminate the public from participation in future rezonings. If a blanket rezoning is denied, applicants will have to comply with the participation plan allowing neighborhoods to work with applicants to address problems. Please don't cut us out of the process.

Mrs. Carter: Laura Borders. Madam Chair, we have a lot of speakers, if the clapping can be held to a minimum, we can move the process through this thing.

Ms. Borders: Good evening, my name is Laura Borders; I am a resident of Frog Hollow, 1707 Ware Avenue, a resident of East Point for fifteen (15) years.

Clearly we have two sides to this story. Planning & Zoning has presented theirs, newspapers and the presentations to the neighborhood associations and we have responded. I think that one thing that we have in common is the goal of East Point to become a great place, a great community, a wonderful place to live that attracts other people. To that end, I hope we can find a reasonable solution to this.

As I move on, I would like to make one point. Part of this ordinance will eliminate public participation plan to review; I strongly oppose to that. One of the strengths we have in this community, is that we are able to speak as citizens and as property owners to Planning & Zoning and to both change the zoning and then say that we have no further participation in any variances or any changes in the zoning as it goes forward, this kind of double bind you put us in. That being said, I would like to focus on the documentation of the problem.

There is not a single documentation of a single property permit being denied or financing being turned down, it is put forth by Planning & Zoning, but it is not documented. We don't know how people were told about the R-1 and R-1A zoning. In their document "Property owners have attempted to apply for permits to renovate these vacant residential units; however, staff has had to either turn applicants away or deny the permit application because of non-conformance or zoning district standards. Applicants are informed that the property must be converted to a single family detached residential unit."

It doesn't seem to point out that they have been told about grandfathering or about the fact that they can apply for a variance for R-2 and R-3. A non-conforming structure still is eligible for a variance; it doesn't guarantee that you will get it. So in all of this documentation of the problem, we don't know what presentation was made. There are examples, I'm sure you have come across in everyday life, miscommunication; so have we really got a problem?

Second we don't know how many times this problem goes over a period of time. There's a big difference when twenty (20) people coming to you in three (3) months and twenty (20) people coming to in three (3) years; so we don't know the definitions of the problems. There are other possible solutions, reasons for the problem. One is this is a really compounding economic market, a lot of places... and a lot of people

getting turned for loans and it doesn't have to do the zoning, it has to do with their credit. People also bought a lot of rental properties down here and saying that we can snap them up because they are under value. They made an investment. This is a speculative nature, real estate investment is speculative. At this point, the City East of Point is kind of intervening to support their investments, when the Federal Government is being questioned about supporting homeowners here in being foreclosed on. My question, is the City of East Point supporting this?

Unidentified Speaker: I am the next speaker and I would like to relinquish my time to her.

Mrs. Carter/Madam Chair: And your name is?

Speaker: Holly Keyes.

Mrs. Carter: Yes.

Ms. Borders: Thank you. I would also like to touch on the methodology. I think if you would look at the reports from both of the neighborhood associations, all of the work is being done, documented, examining the property, including people's hearsay. I have a single family residential; I don't want to be R-2. This needs a lot more scrutiny before so many properties are changed.

Finally, I would like to touch on the financial issues that people noted here. Changing to a duplex will not increase the property value, the difficulty in financing, although we do not have documentation; finally there is a cycle when you change a neighborhood and we are going through a change in our neighborhood; and there is going to be a down-time as these old run-down properties are moved out and changed and we get to hang on to this through some tough economic times

because, think of this. When you move in East Point these days, all you get is bad publicity that we've been getting. So there is a lot of bad things being said about East Point, when you come to East Point the first thing you see downtown is the neighborhoods we are talking about. We are the first impression of East Point. When people see that the property owners have invested time, years of their lives, money and their sweat to try to make a nice as place as possible. We think the zoning is a big step backwards and we take a big step backwards for the City of East Point in general. We urge you to please not let this pass. Thank you.

Mrs. Carter: Erik Friedly:

Mr. Friedly: Good evening, my name is Erik Friedly, 1642 Ware Avenue, president of the Frog Hollow Neighborhood Association. I wanted to come in today, a lot of my comments that I had prepared has already been covered by some of the speakers today; so I will certainly contain my time to the general ones. We want to be clear; Frog Hollow does not oppose multifamily housing in of itself. During the previous rezoning process there was no effort by homeowners to rezone occupied the stated multifamily properties.

In addition presidents have gone, Frog Hollow has been one of the vocal opponents of close downtown mixed use developments, which is directly adjacent to Frog Hollow; which would include multi-family units. You have done this to work (talking in background, did not understand speaker) The properties with the most part ... in East Point and they have invested in the community.

It's no doubt that East Point needs to increase their revenue. Appropriate fees, including impact fees for redevelopment in downtown for a viable mixed use district, along with addressing the visual blight that the image will increase revenue. These proposed rezoning proposals will not increase revenue to the City, reducing the

amount of run-down, vacant multi-family housing will actually help to improve state-wide. The City's staff and officials we would hope to ...and their hard work... This proposal is just the opposite and certainly does not provide an innovative plan for addressing the deteriorating neighborhoods or promoting affordable housing. The properties and appropriate places and responsible ownership, I'm sure and enhance the community for this proposal would not accomplish this objective. This rezoning for much of the hard work you have accomplished.

On behalf of the Frog Hollow Neighborhood Association, we would like for you to deny these applications and to work with us to make these a healthy and viable City. Thank you.

Mrs. Carter: John Paul Chandonia.

Mr. Chandonia: Good evening, that's John Paul Chandonia, 1708 West Forrest Avenue. Me and my wife purchased our home a couple of years ago. It was being used as a duplex, a rooming house and they were renting out the shed in the backyard. It still have two front doors on my home, but to say no one is converting duplexes to single family is false. My house is worth a lot more now than it was when I bought it. Because it was run down and owned by trashy people who were kind of renting out their garden shed, so your first statement doesn't make any sense to me. We are in a budget crisis right now. I don't know how much those advertisements in South Fulton Newspaper cost and I'm not sure they cost something. I'm not sure how much the Planning & Zoning Department budget is, but for my money, I'd rather have the Police driving up and down my street, than having the Planning & Zoning Department driving up down and deciding what's a duplex and what's not.

Madam Chair: Please finish the speaker and not listen and not turn this in to a free for all.

Mr. Chandonia: Ok, Miss, excuse me Miss. What I'm getting is this, the whole point of zoning is that if the community decides what should be in their community and what should not be, and then we set up some guidelines. If someone wants to rezone their property, there is a variance procedure; they can go through that, they have a fair shot. In the past in East Point, apparently, just anything went, that's why, in our community, there is automobile repair shops, churches, duplexes, apartment complexes and everything else mixed in with the single family. A lot of us here and we are very emotionally invested in this because we put a lot into our homes and our community and we don't feel that having the City of East Point come and try to undercut our investment is what we should be doing.

Planning & Zoning needs to be working on getting our downtown rolling, working on other things then trying to undermine what the community needs. There is already grandfathering, the only people that are not allowed to grandfather is the people with property vacant for more than a year. Those people are already by definition, poor property owners and don't deserve to be supported by Planning & Zoning to the detriment of the people like myself and all these folks behind you. Thank you very much.

Madam Chair: Thank you.

Mrs. Carter: Madam that is the last speaker, however we need to take a two minute break for each person to change tapes.

Madam Chair: Thank you very much. At this point it is the applicant's opportunity for a five minute rebuttal. Would you set the timer and if someone would like to start the rebut.

Ms. Elias: This is concerning the proposed rezoning from the R-1 to R-1A properties to R-2 which is the two-family zoning district. It's not going to be point by point based on some of what the speakers said, but it will bring back some of the points that Beth had previously pointed out.

The proposed rezoning is consistent with the 2026 Comprehensive Plan for the City of East Point. The Land Use Map, 2026 Future Land Use Map for the City of East Point today identifies the property as the Medium Density Residential up to eight (8) units per acre. The proposed rezoning does not create new duplex structures. We are only looking at the existing duplex structures to date. The proposed rezoning does not increase density. It does not increase density because it does not create new duplex structures. The properties were identified via a site visit by staff. Certified letters were sent to the owners at the addresses as provided by Fulton County's 2007 Tax Digest. So that is contained in there, contact information for staff for those property owners to contact staff if there were questions or concerns. Recipients who received those letters and did call staff to inform staff that their structure was being used as a single family structure. Staff agreed to remove those properties from the list. So contact information was provided in each of the letters that went to the property owners identified. The proposed rezoning reflect the original zoning in place prior to the first attempt to create the R-1A zoning district in 2005.

Regarding Public Participation from this proposed rezoning, it is a City-initiated rezoning and public participation was in accordance with all applicable State Codes for city-initiated rezoning.

Legal Non-Conformity. Legal Non-Conformity speaks to the use of the property. Existing duplex properties were rendered legal non-conforming uses upon rezoning to R-1A, which is a single family detached zoning district. Only general maintenance can occur with these properties. If those properties become vacant for more than

twelve (12) months, the legal non-conforming use is voided and then the structure must be viewed as a single-family detached structure.

Variations. A variance is a legal planning tool acted upon on a case by case basis. Variations are only granted if a hardship can be proven in accordance with the criteria as identified in the East Point Code of Ordinances. A variance application cannot be accepted for a use that is prohibited. Again, this proposed rezoning is consistent with the 2026 Comprehensive Plan for the City of East Point. It is consistent with the Future Land Use Map for the City of East Point, which is a single family residential up to eight units per acre.

We are not creating any new duplex structures, therefore we are not increasing density and if property owners have contacted the number that is identified in the certified letter and indicated to staff that their property is being used as a single family structure, those addresses can be deleted from the list.

Madam Chair: Thank you, now we'll give five minutes to the opposing side to do a rebuttal. A total of five minutes, if you would like to select someone or _____.

Unidentified Speaker: Just wanted to point some of the interpretation that we gathered from experts of the field of legal, planning and zoning and real estate on the subject of non-conforming use.

A non-conforming structure does not lose its non-conforming status simply because it is vacant and not maintained. Although different ordinances describe what comprises a non-conforming use to cease. The minimum requirements are governed by constitutional law. A non-conforming structure usually is loses it status where the destroyed by an act of God, fire or other circumstances that causes its destruction. It also loses its status if a property owner takes its building permit to occupy the stated

permitted use, so if the duplex exist and its restriction only allows single family homes. An application by the property owner for a single family home would cause a non-conforming characteristic of use as a duplex to cease. This is because the permitted use that it demonstrates the property of its intent. So the only permit that a property owner cannot get for a non-conforming structure is a permit to expand a non-conforming use or structure. So that would be building additional square footage further in to a set-back, etc. So it really appears the premise for the ordinance being contemplated is blocked. Would anybody else like to add to that? How much time is left?

Ms. Holmes: Three (3) minutes, 23 seconds.

Madam Chair: Excuse me how much time do we have?

Ms. Holmes: 3:10.

Ms. Carter: Three (3) minutes and ten (10) seconds.

Ms. Nelson: First off, I want to address some of the comments made by staff. According to the public participation plan, the City is not exempt; the City must comply with the requirements of the plan. The City does not notify the neighborhood associations, the neighborhood associations notify the City. In addition, they do not notify or provide any written notice to the surrounding neighbor's properties. That the properties adjacent to them would be rezoned; it is very clear to us, because almost the properties that are on this list, especially Frog Hollow, accept one is almost completely surrounded by single family. So we are declared to be spot zoning by suggesting that individual property owners could come before the City and make application, we need to understand that the properties that are not on the list is already surrounded by single family.

And one other points that the Ms. Borders made is that they have disproved their own methodology. Because what we see is quite a mess with the amount of properties that are included that are existing single family duplexes that converted back to single family. In addition is one that we were highlighting in our area in the packet that we presented to you and delivered were two vacant lots; while they are not literally increasing, they are not going out and building it, driving hammer to nail. It does in fact urge or encourage the owner to be able to develop a multi-family unit that does not exist at this time. It is not our job to protect any property owners investment in their property, be they buy an investment to rent, or those of us who hopes that dies and moved here as many of you have the neighborhoods has entered into transition. The whole issue in regards to they can't do, they can't make the changes, well that's very true, they can't make additions, but they can do substantial changes without having a zoning change; and if they do get a zoning change, they will go through the process just like everybody else. Because if I want to add an addition to my house, guess what folks, I've got to apply for a variance or I got to apply for a rezoning depending on it. We have R-1A, we have been supportive, there is a development proposed behind my own house which will have 36 houses, if I believe correctly, and they are within, the building that came before, the previous Planning & Zoning Commission were approved because they failed in their current guidelines. So we do allow quite a bit, we already have medium density. We are not opposing existing structures; I want to be very clear about that. We do oppose the slum lords, we have to deal with; we do oppose the City trying shove this zoning down our throats.

Madam Chair: What I would like to do at this point is to entertain a motion to close the public hearing.

Commissioner Bridgewater: Madam Chair, I would like to make a motion to close the public hearing, please.

Commissioners Harper & Cook: I second.

Madam Chair: That being properly moved and seconded, is there any discussion? Those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed. The public hearing is now closed. We are now ready for... Is there any additional staff presentation.

Mrs. Carter: Yes, Madam Chair. Our Zoning Attorney has a statement.

Attorney Ross: I just want to.

Commissioner Bridgewater: Before the attorney starts I think we want to make sure that the audience know that they cannot make comments so there will be no interruption, so that in viewing of the public, they can get the total of what she is about to say.

Attorney Ross: It's just a quick statement.

Commissioner Atkins: Please speak into the mike, please madam Attorney.

Attorney Ross: The legal issue is rather or not the rezoning as mentioned by the City is in compliance with the Comp Plan. It is in compliance with the Comp Plan as Geneasa stated. It is recommended up to eight units per acre. That is the legal issue

here. Does it have compliance with the Comp Plan, if it does, there is no spot zoning. Spot zoning is when there is no planned zoning and this is indeed a planned zoning as it reflects in the Comprehensive Plan for the City of East Point. That's the biggest issue. Also, when there are City initiated zonings there does not have to be public participation; it just has to be by virtue of notice in the paper, showing the time and place for the public hearing and that was done here.

Madam Chair: I will entertain a motion on this item, Commissioners.

Commissioner Atkins: I think first, Madam Chair, we need to know the recommendation from staff.

Madam Chair: I'm sorry, thank you very much.

Mrs. Carter: Applicant is seeking rezoning of properties from R-1, (Single Family Residential) and R-1A (Urban Residential) to R-2 (Two Family Residential). The proposed use of the property is residential.

Staff recommends APPROVAL of the proposed rezoning from R-1 (Single Family Residential) and R-1A (Urban Residential) to R-2 (Two Family Residential).

Madam Chair: Thanks. I will entertain a motion on this item.

Commissioner Granberry: I would like to make a motion that we deny.

Madam Chair: Alright, do I have a second?

Commissioner Lawler: Second.

Madam Chair: Do we have any discussion, Commissioners? Or questions of staff?

Commissioner Atkins: I have discussion. I will make a few points about what was discussed during the public hearing of this.

There were several references made to financing and things of that nature as the public presented its case. I just wanted to make it clear that since the public is here. I want to ensure the public that financing is never a factor that this body uses to make a decision on any of its rezoning, so I don't know what staff said to all of this, but it really wouldn't make a difference because it is not a factor that we would use the decision that we have made.

In addition to that I do want to be very clear, I know staff talked about this in their rebuttal; however, it was mentioned about several people in the community by increasing the density and creating more opportunities for two family, multi-family properties, which is not what vote would do for this rezoning. The properties that were built as duplexes, two family, multi-family structures and they rightly have their zoning designation and a blanket zoning has been done, not to a proper zoning to those property owners. This rezoning simply goes back to restore, the exact same zonings that those properties should have. If it happens to single family homes, I would have the same position and if you purchase a single family home and through no fault or effort of your own that was rezoned something else, I think that you should have the right to have a single family designation zoned for the property you purchased. So I am not in favor of the denial, I think what we should do is, I think we should defer this to our next month's meeting.

I would like for the staff to have the opportunity to not only send a letter to the property owners, but also we have other mechanisms, finding out if properties are indeed two family or multi-family properties. I think those property owners deserve

the right to have their properties appropriately zoned just as anybody who owns a single family home has the right to have that property zoned as well. I think we should take the opportunity to go through our utility records and check those against the addresses that we have.

We're in this situation today because of a blanket zoning that took place. So we are trying to correct that I would like to make sure that we do our due diligence to do that. So it is my recommendation I would be voting against the motion on the floor or I could offer a substitute motion. I don't know if Mr. Granberry will accept this at a second stand, but I will be voting against the motion to deny.

Madam Chair: Are you proposing a substitute motion at this point?

Commissioner Atkins: I would like to propose a substitute motion to defer this until our July meeting and give staff the opportunity to go through and do more due diligence. I hope Mr. Granberry will accept if not, I'm fine with his this motion and (voice went down, was not clear).

Commissioner Granberry: I think that staff should have done this already, so I'm not _____.

Madam Chair: Is there any other discussion?

Commissioner Lawler: At our last work session part of what we discussed was the conditions applied to the rezoning and that these conditions would, talked about the moving conditions that would be covered by the new zoning ordinance.

Attorney Ross: It's already covered by the existing ordinance.

Commissioner Lawler: Ok, so we did discuss...

Mrs. Carter: No we didn't, we removed those. I did not sound conditions.

Commissioner Lawler: Okay, so the conditions are not there, but everything that is covered here is covered by the current zoning ordinance.

Mrs. Carter: Right.

Commissioner Lawler: We don't need or have to produce the zoning ordinance to handle the conditions in staff's recommendation.

Mrs. McMillan: No.

Commissioner Lawler: I will withdraw my second, if that's possible. Because I do agree with Mr. Atkins, I think it should be looked at a little bit further to where we have the opportunity to make that deferral. If Mr. Granberry, I think he said that it was poor but I withdraw my second in support of a deferral.

Madam Chair: Is there any other discussion? Are you withdrawing your second?

Commissioner Granberry: I do support a deferral with Mr. Atkins or staff to do an depth investigation into ... (voice went down)

Madam Chair: Is there a second to Mr. Granberry's motion at this point since it has been withdrawn. There being none, the motion dies for lack of a second. Is there another motion or any other discussion?

Commissioner Atkins: Madam Chair, I do recommend that we defer this particular agenda item # 2008Z-008-05 to our January meeting.

Madam Chair: July?

Commissioner Atkins: To our July meeting to allow our staff to have more opportunity to do their due diligence to correct or identify or satisfy the those who are indeed two family or multi family properties.

Commissioner Granberry: Madam Chair.

Madam Chair: Yes.

Commissioner Granberry: I would be happy to second the motion, if staff will be encouraged to do more verification and their due diligence on this matter.

Madam Chair: Is there any discussion? There being none, all those in favor of the motion?

Commissioners: Responded with aye.

Madam Chair: Those opposed? Motion carries.

Madam Chair: Make record. This item is DEFERRED. All right. Next item. Thank you everyone.

DECISION: Case # 2008Z-008-05 DEFERRED until the July 17th meeting.

Case #2008Z-009-05
Applicant: City of East Point
Location: Specific Cluster Properties

Mrs. Carter: Case #2008Z-009-05. Applicant is City of East Point, property location as specified as advertised properties, as advertised. This application requires public hearing. Applicant is seeking properties be rezoned from R-1A, urban residential, to R-3 multifamily residential. The proposed use of the property is residential.

Madam Chair: All right. I will entertain a motion to open a public hearing.

Commissioner Harper: Madam Chair.

Madam Chair: Yes sir.

Commissioner Harper: May I make a motion to open up a public hearing.

Madam Chair: Thank you Mr. Harper. Do I have a second?

Commissioner Cook: Second.

Madam Chair: Thank you Mr. Cook. All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those oppose? There being none, the public hearing is now open. All the same rules will apply for this particular item as the last item. Let's give everyone a few minutes, if there are folks who are wanting to leave or have a conversation. We'll give you a chance to do that before we began the public hearing. Thank you for coming. All right we will start with the applicant.

Mrs. Carter: The City of East Point Council first created and adopted R-1A (Urban Residential) zoning district in 2005. However, the adoption of the district was deemed invalid. Therefore in October 2007, Council officially adopted R-1A zoning district in accordance with *Zoning Procedures Law*. The district's standards allow for single family detached residential units on a minimum of 7500 square feet lots.

The creation of R-1A district rendered several existing duplexes and apartment buildings legal non-conforming uses while some of these existing units are occupied several of them are vacant and have been vacant for at least two (2) years.

To date conversion of these existing duplexes and multi-family properties have not occurred. The properties remained vacant and have become an eyesore in the community particularly Ward A and Ward B. Tax records indicate properties or duplexes and/or multi-family. But the City's zoning standards only allow for single family detached units. Current market conditions do not support single-family detached housing.

Staff does not foresee any of these units being converted or demolished in the near future. Staff's professional opinion is that certain properties should be rezoned and in this case, R-3 multi-family – 37 properties.

The impact existing multi-family structures rendered legal non-conforming uses. The structures can not be expanded. The character of the structure can not be changed. General maintenance is only allowed. If the structure becomes vacant and remains vacant for more than one year, legal non-conforming conformity expires. This is confirmed by utility data. Structures can only be occupied as a single family detached structure. Permits for renovation as a duplex or multi-family property can not be issued. Utilities can not be restored. This property rezoning is not a request

for via developer, a method for generating revenue; a way to increase density affiliated with low income housing. This proposed rezoning is consistent with the zoning prior to 2005 consistent with the Comprehensive Plan 2026, representative of best planning practices supportive of community revitalization.

Staff recommends approval of proposed rezoning from R-1A, Urban Residential to R-3, Multi-Family residential.

Madam Chair: Thank you. Is there anyone else who wishes to speak in favor of this item?

Mrs. Carter: Madam Chair I have six speakers listed and they are: Bernie McDade, Laura Borders, Holly Keyes, Erik Friedly, John Paul and Teresa Nelson.

Madam Chair: Will you call the first speaker, please.

Mrs. Carter: First speaker is Bernard McDade, he left. Any of the names that I called, is everybody. Do you know if Laura Borders, Holly Keyes, Teresa Nelson, ok.

Unknown Speaker: Nelson is here.

Mrs. Carter: OK, then next will be Laura Borders.

Attorney Ross: Excuse me, but I'm sorry but do you know if the public hearing remain (voice went down, was not clear)?

Madam Chair: Yes we did.

Laura Borders: Good evening, basically, everything that has been said before (coughing in background, was not clear). Following the attorney's statement.

Madam Chair: Would you please give your name and address? Laura Borders:
Laura Borders, 1707 Ware Ave, Frog Hollow.

Either you are going to choose the 2026 Comprehensive Plan; I'm not prepared to talk at this time about the Comprehensive Plan. I'm so interested and intrigued that suddenly this has become after the 2007 zoning went through, passed by this group, the Planning & Zoning with our current _____, suddenly now essentially what you are saying illegal. We have to do this in order to be conforming and legality. I am not quite following all that. What happened in the 2007 ruling and why isn't this in any of the documentation that we were given in the original proposed rezoning?

Also, when we talked about rezoning to cover the conditions here, I'm not sure what you all were discussing. It seems to be there is some other background here that we are not aware of. I think what really jumps out to me is that initially there was a motion here to deny this and then it became well let's see, let's give them more time to go back and get their act together. Well, before we spent the money for the time, before we spent the money for the ad, we spent the time and the money and you spent the time why wasn't the act together then? I'm a little disappointed that no one can take a stand here. Why do we have to drag this out and cause more time and money being spent, when in the news everyday all we here about is that we are operating in the deficit. This happens over and over again with zoning, so what happens is this; it's hoped that we will go away and shut up, and we are not going away and we are not shutting up. Thank you.

Madam Chair: Next speaker.

Mrs. Carter: Holly Keyes.

Ms. Keyes: My name is Holly Keyes, 1745 Ware Avenue. I took the meeting minutes of the last Frog Hollow meeting and the basis given by the planning director, the mass rezoning of historic neighborhoods now zoned R-1A is to increase property tax revenue for the City to enable existing owners of multi family structures to obtain financing to upgrade their properties. Twice tonight I have heard them say that this is not a method for generating revenue. Now I have the meeting minutes, it was stated, but you changed it now, but I was there. We have the approved meeting minutes. We were promised a PowerPoint presentation, after this it was requested, it was followed up and we still don't have it. Has it has been changed since? Because I believe some of it is being reflected and it may have changed now, we don't know. I'm really against this. I think like Laura, I don't think the homework was done, I think they didn't think we were gonna step forward and speak up. These are our neighborhoods, we do care and we are not going to go away.

Madam Chair: Thank you. Next speaker.

Mrs. Carter: Erik Friedly.

Mr. Friedly: I don't want to spend a lot of time reiterating what's already been said. (voice was low at this point, and was not clear as to what he was saying). One commissioner making his voice known, the City brought this issue to the table. They set the time table, so they should have their act together, they didn't. Now we have to come back next month, so you caved in to say we will give them more time; no disrespect, they didn't have a timetable, they set the timetable; they need to get their act together. Why give them a pass, clearly, there is opposition. If one person speaking in favor, everyone else is opposed to it, we have given you all the detail

that they provided. It makes no sense, they made a poor case, we made a strong case and you just caved.

Madam Chair: Next speaker.

Mrs. Carter: Bernard McDade

Mr. McDade: Bernard McDade, 1875 Williams. Again, I want to express my opposition of changing the zoning; especially, with the multi family residences. One of the issues I have is rental properties and generally and sometimes the lack of participation or responsibility of the landlord about their tenants is that as you heard Teresa on, there are various problems in some of these rental properties.

We had somebody talking tonight in reference to their properties. Someone trying to get their involvement in the properties, when they realized that it was gonna be to get their involvement on how their tenants are doing, immediately threw the card away and don't want to even talk about it; just wanted to take the money and run. That's not the kind of neighborhood; I think we are trying to shoot for, duplexes and multi-family complex.

When you talked about this being an investment, et cetera, et cetera, we are also looking in communities and neighborhoods. Unfortunately, we get landlords; don't want to participate, other than take their money. They think they are doing a great job on their properties; they are not always the greatest looking properties. They are illusioned, they actually talked around most of these places and say, uuh, I have a problem, they don't want to hear it. When you actually confront them, they say listen, I would like to at least be able to reach out, talk to you and discuss it and try to resolve some things. Then finally call their tenant might be able to resolve the problem and get it going, just like you would normally talk to... Because tenants don't

have an investment in the neighborhood or whatever, they do this. Talk to the hand type deal. That's right I don't want to see this go through.

There is another development coming in, allowing that opportunity they put a great little show for our community involved and they cover specific little interesting questions. How are these investors doing this? Do they boast how good they change communities? We find out, every four (4) years, they have been doing this a long time. Oh, they put a nice labels that doctors are going to be moving into this family. But there is nothing there that is not going to be, then when you talk to them about parks, et cetera, et cetera, it's all about buying properties real cheap, fixing them up and moving on and taking the money and not being responsible to the neighborhood, that's what we're looking at here. That's why zoning has come to where they are. Thank you very much.

Mrs. Carter: Next speaker, Teresa Nelson.

Ms. Nelson: I would say good evening, but it is not a good evening, not for us, not for those of us who live in Frog Hollow. Teresa Nelson, 1732 Neely Avenue. First I want to point out in the 2007 Rezoning to R-1A was led by the very attorney who just made a statements that we needed to make this change tonight. If that attorney came to Council and told us we had to make those changes because in 2005 property owners had not been properly notified. And yet, we're here tonight being told the very same thing. So I want to know why we as tax payers, are paying for outside legal counsel on top of a legal staff at a time that we can ill-afford to be wasting those precious dollars; because apparently that's what we are doing; so which one was right, 2005, 2007 or now 2008; because we don't know, those folks out here.

The Comprehensive Plan, the recent Comprehensive Plan was adopted, I was the only Councilmember who read through it very carefully, who met over more than one time with consultants and staff to address the numerous errors and problems with the plan. In addition, I must tell you that there is no where in the plan that it proposes to increase the density of historic in-town neighborhoods. You may rest assured, if those of you who know me, and I think everyone of you up here does, that I would never, ever have supported that and I would make certain that the community and the rest of council knew what was on that plan, if that were the case.

The Public Participation Plan, you're looking at the author. The author of the plan made certain that it would include the City. Why? Because as we know those of us who have lived here a long time, the City as initiated zonings in the past where they failed to notify the affected residence. Not just the neighbors, the actual people who were being rezoned. That is exactly what happened several years ago. So apparently staff has decided either that they change the ordinance or they decided that they are above the law and do not have to comply. But if I were a single applicant and I failed to notify the neighborhood association affected and the residence around that subject property within a certain radius, you would throw me out and tell me to start over, but when the City does it, it's ok? I don't think so, they are not above the law, no one, no man, no woman is above or under the law and the City of East Point has traditionally thought that it was above the law and that is what they are doing. In addition, what they have said tonight is that they are seeking to rezone properties that are now being used as quadruplexes that are butchered houses. There are two on Neely that fit that have no off-street parking whatsoever. So we are going to blanket rezone tonight is what you are proposing. We are going to blanket rezone without even seeking adequate parking. I thank you but I'm asking you to deny.

Madam Chair: Thank you. Any other speakers.

Mrs. Carter. Yes, John Paul

Mr. Chandonia: John Paul Chandonia, 1708 West Forrest Avenue. First of all staff made reference to apartment buildings that have been empty and run down for more than two years. City Council passed the International Property Maintenance Code, which is to address properties like that. We don't need rezoning so that we can help out these nice people who own this abandon crap in our neighborhood, that's a ridiculous proposition. The second point that has been made a couple of times is that the City brought this, Planning & Zoning brought this they had plenty of time to do something better than just drive by every street in our neighborhood and jot down what they thought they saw out their windows and then spend a ton of money and drag us all out.

Tonight, we would rather be at home, we would rather have done this never. We already have spent years, you know, I've only been here a couple of years. We have already spent years getting this stuff rezoned to R-1A, which is what it needs to be. This is undermining the will of people for what reason, no reason. You said that money is not the reason; they say money is the reason, the real reason is unknown at this point. It is a waste of time, I wish everybody would follow Commissioner Granberry's lead and vote to deny this. You got a second chance here and I live next door to an apartment building and it's well maintained, that's fine. Down the street from me there's something called the Gardens of East Point Apartments. The Gardens of East Point Apartments sits on three (3) single family lots that consists of three (3) apartment buildings and a duplex; it's twenty-two (22) units, eight, eight, five, two, I believe that 's 23 units sitting on three single family lots, I'm betting, that's maybe an acre and half. Does that conform with medium density eight units per acre, maybe you could take the whole neighborhood but if you take that specific area

you're rezoning it to be extra dense. Those were my main points. So I urge you on this particular rezoning to deny it.

Madam Chair: Thank you.

Mrs. Carter: Madam Chair that is the last speaker.

Madam Chair: Alright. Would the staff like a five-minute rebuttal?

Ms. Elias: The proposed rezoning of the R-1A properties to R-3 multi-family residential is consistent with the 2026 Comprehensive Plan and the Future Land Use Map for the City of East Point which identifies areas as medium density residential up to eight (8) units per acre. The creation of the R-1A zoning district in 2007 was in accordance with *Zoning Procedures Law*. The 2007 rezoning with a docket to ensure that Council actions in 2005 were legally binding. Staff in 2007 followed all applicable State Codes regarding the rezonings. After the R-1A rezoning in 2007 staff found that existing multi family structures were rendered legal non-conforming uses. The Planning staff strives for due diligence in each case brought before the Commission and the City Council. Each property owner was mailed a certified letter was contact information in case there were questions or concerns about the proposed rezoning. To date there has only been one property owner identified on the proposed R-3 rezoning list that has stated their use is a single family use. That property has been removed from the list. Although staff recognizes there are residential structures that are older than fifty years of age. The City of East Point has not adopted an historic district. And finally, all public, verbal, written implication that staff is operating in an illegal manner is inflammatory of defamation of character and unjustifiable.

Attorney Ross: I just to add to that that the reason that I spoke to City Council in 2007 was because an attorney called me, an outside attorney, who represents a

property owner in the City of East Point and basically stated that through his research he was able to find that the City Council did not legally comply with the *Zoning Procedures Law* back in 2005 when they attempted to create the R-1A and RL zoning districts. Through my research and talking to the Clerk I found that was in fact the case. So we had to comply with the *Zoning Procedures Law* in order to have valid zoning districts that the City for two years had assumed were in place and were not. That was the basis of going through the process again in making it legal and that's what happened in 2007.

Madam Chair: Is that all for the other side?

Speaker: Mary _____, _____ Street. Just a few things that from listening to everybody I want to add to all of your comments and what not. Obviously the last item that well, one of the comments that was made that it doesn't create more density, but in fact if properties that are currently on that map if rezoned can add more units to that property which would create more density. Also there are again, as you mentioned there are a lot of properties on there that are not currently R-2 or R-3? And in fact some of them are vacant lots. Another thing that was mentioned they sent out the forms to the owners for them to respond, if these properties are already vacant and run down, as they are now, and if the address is right, what is to say they are going to take the effort to call and say no my ...is R-2. In fact they can actually sit back and sit right next door to each other, well it's now R-2 and I can re-sell it and get more money. So the developer has a whole block of them, so I don't know if there is anything to say for them to come forward to bring that up to them. So, I'm afraid I'm just a little hesitant that a lot of them have already left in the block that gets passed.

I would really like to actually see before the next meeting if you guys could afford a list just so we can double check again. I know that is a lot, a lot of work, down the

street, they're looking to see who was or was not an R-2 or R-3. I would like to get a list just to make sure again double checking that we don't have properties on there that should be on there, just because the owner doesn't respond.

Also with that plan that was originally presented, they did a drive by and there are entire streets designated to this multi family and entire blocks designated to this. I couldn't section those out and honestly think that everyone of those on there are R-2 and R-3. We're talking about historically single family neighborhood. When we section out that much of a street we think we double check or stop and think, wait a second this is an entire street, I need to make sure this is correct before I go forward with this. Also the point that was brought over by the neighbors being notified, we didn't have to contact them. I don't know legal, back and forth and we really liked to other than one of us just popping open the paper and checking the lot.

Also about the financing, we can straighten that out; we were told that people are having a hard time getting financing. We've talked to a couple of people and in fact myself I applied for some duplexes in R-1A and was grandfathered in I was offered financing and with my real estate attorney to close. So we weren't sure about sure if that was presented at our meeting. Also we were told that the current owners, even grandfathered, could not make repairs on their structures. I think they said could do only the shutters and paint, which and carpet. So it took back, now wait a second now if there is a problem if they currently have a property and keep it occupied they should be able to keep it maintain that property and keep it up to date. The they it was conveyed to us was literally, shutters, paint, carpet, if they want to do any structural repairs, mechanical, they couldn't do it under the current law and I'm thinking of the interpretation has changed on that now, they can do it, they can paint within their properties and before that we don't want the whole street, the whole block be rezoned we want people to be able to maintain their properties just not like a blanket street law.

Commissioner Atkins: How much time?

Mrs. Carter: 48 seconds, 45, 40.

Mr. Bennett: My name is Joey Bennett strive for due diligence. 52% of the properties on this list were single family or vacant lots, we had to search if you look on your list you can see some of them are on Dunlap Avenue, that's it. East Farris, that's it. What kind of due diligence, if you don't even have an address. We had to look up parcel ID's, that's how we found some of these....So I do wish they would have done their due diligence, so I ask your denial. I believe that many of these homes have been missed, I ask again for your denial.

Madam Chair: Thank you. At this time Commissioners, I will entertain a motion to close the public hearing.

Commissioner Bridgewater: So moved.

Madam Chair: May I have a second.

Commissioner Harper: Second.

Madam Chair: Thank you Mr. Harper. Any discussion? All in favor.

Commissioners: Responded with aye.

Madam Chair: Those opposed. There being none, the public hearing is now closed. Staff report please.

Mrs. Carter: Our Zoning Attorney would like to say something.

Attorney Ross: Just for purposes of this information that has been submitted to the Commissioners, because it's in the record I want to make sure that I clarify something or at least give my legal opinion about it to the commissioners as it relates to this non-conforming section of this presentation that was submitted to the Commissioners from a paralegal that worked in the City Attorney's office. I just want to make sure that the Commissioners understand that while they are leaning and relying on State law. State law does allow for cities and counties to be more stringent than general State law. State laws provide (continued noise in background). Cities and counties can, of course, have much more stringent as it relates to the amount of so many structures in non-conforming uses that (noise) the code which is very clear as to how can please your legal non-conforming structure as articulated in Section 2010 of the Code. But I also want to make sure that it's clear that non-conforming uses, the loss of legal non-conforming uses on structures and the like and a rezoning case is two different issues and have been hearing a lot of combinations of the two, but what's before this Commission is solely a rezoning application initiated by the City of East Point, which is compliant with the *Zoning Procedures Law* because it only requires notice, the public hearing, the time and purpose for the hearing. That was done and it has nothing has nothing to do with the non-conforming issue per se, because it is only the rezoning issue that's before this Commission tonight.

Mrs. Carter: Applicant is seeking a rezoning from R-1A (Urban Residential) to R-3 Multifamily Residential). Staff recommends Approval of the proposed rezoning from R-1A (Urban Residential) to R-3 (Multifamily Residential).

Madam Chair: That's it.

Mrs. Carter: That's it.

Madam Chair: At this time, I will entertain a motion on this item.

Commissioner Lawler: Madam Chair.

Madam Chair: Yes.

Commissioner Lawler: I move that we defer Case # 2008Z-009-05 if staff agrees to clarify the addresses and the rezoning.

Commissioner Atkins: Madam Chair.

Madam Chair: Yes, Mr. Atkins.

Commissioner Atkins: I would just like to respond to a few of the comments made during this particular public hearing. I want to be very clear that I can only speak for myself, but I'm very confident to speak for the Commissioners as well in this particular case. I don't need to cave to a staff or to public hearing, but when I'm here I try to vote my conscience and I think that's we saw in the last vote. We wanted to make sure that we are fair to all the citizens of the city, whether you are a single property or your own a multi family property or you own a two family property and think that's what we saw here. The vote could have been very different and you are exactly right and I'm not sure how many people would have walked out of here happy with that vote. So I just wanted to make sure that it's clear. I don't need to cater to staff, I don't need to cater to the public. I think we are all here in the best interest of all of the citizens of the City. This Commission is a separate entity from staff. Staff prepares our agendas; they give us documentation to facilitate what we do here today. And so I don't need to also vote according to their recommendation, that's not what this body does. So let me be very clear about that. There are lots of

things that came up in the first public hearing that I did not respond to because I felt quite confident that we did need to go back and do some to do a little more research so that we be fair everyone. I will respond to some things in this particular case.

There was a lot of talk about all the crime, the prostitution, and the drugs. We don't do a rezoning to address crime in the City, that is definitely Police Services. So there will be vote for rezoning based on the amount of crime at any particular residence. Those things are not exclusive to two family or multi family properties; they can very well happen in single family properties, because they do all day long, go check the police records, they do.

The other thing that I would like to talk about is Ms. Nelson mentioned that she would vote to support any kind of ordinance that it negatively effect historic in-town community in the City of East Point and I felt very confident that she wouldn't do that because we don't have any, so she could not vote for that. This City does not have a historic definition for a neighborhood, where the municipal or state law or federal level. In order to do that there must be a commission set up, there must be inventory of the property, there must be standards set up, we don't have that in the City. So there was a lot of references made to historic in-town neighborhoods and we simply do not have a designation for any of our neighborhoods in the City of East Point that are historic. But I think is very important to mention that in this particular incidence. There are a few other things here but basically I had seconded Mr. Lawler's motion and I open this up to the Commissioners, I felt they were very important to say, because I don't want anyone to walk out thinking that we caved in to the City, their an applicant like any other citizen would be and we do not want to make sure that we no only do our due diligence, but they have done theirs as well as provide us with as much information as possible for us to make our decisions.

Madam Chair: Any other discussion?

Commissioner Jones: I would just like to make a few comments. I agree with Mr. Atkins, we are separate from the staff. They are in place so that they can work on a day-to-day as to what happens in the community and it's is very important to us to consider and vote for it. I've been a long time residence of East Point, also. I'm sure I'm not the only one. We all live in East Point. We all want the best. Ward A, particular, we know, have some unique parameters about itself. There can never be in Ward A something that can goes across the board; you really do have to look at on almost on an individual case. When R-1A was instituted, it was blanket, I mean it just took the whole community as a whole and changed it completely. Well, it's not possible to do that in this particular Ward because of its diversity.

I believe the City Attorney that we have has done an excellent job in pointing out some of the problems that the City ordinance and the former Commission has been. They had made some changes and you need to correct that, you need to correct it by not just agreeing with everybody, but actually taking a look at what's out there and doing what's best for the community. If it takes more time, it takes more time. Do not just cave in as Shean said, because it's the easy thing to do. If the City needs to get it right, we're gonna get it right because we are the board that oversees that. I'm not going to let them walk with it, but I at the same time I agree that the way they are handling it, looking at the ordinances that are out there now has been very, very diligent and I support what they say and I want to give them the opportunity to make sure that we are getting the correct information.

Madam Chair: Is there any other discussion or questions?

Commissioner Cook: Madam Chair.

Madam Chair: Yes, Mr. Cook.

Commissioner Cook: Do I have a chance to rebuttal, I think I'm going to stay with the chase on this. As I see it from a kindergarten's point of view. Went in the City's attempt to change positions....codes, a call went in.....I think we all agree to dismiss, we have to come up with a category that accurately describes that. That's on one hand. On the other hand, as homeowners, the fear is how do you do that? And at the same time give us some assurance that the scale won't change its...give some assurance that the code change will not result in more of multi dwelling being built...As we market it doesn't really ...blank case here at this time. Thank you. I would suggest, if I can, to staff, that one element really needs to market for what it is. I've heard a lot of misinterpretation in the room, but it gets down to on one hand we really got to come up with a code application that really describe what we have, but at the same time how you afford some insurance to the property owners that this wont change negatively they never had.

Madam Chair: Others? Dr. Bridgewater.

Commissioner Bridgewater: Thank you Madam Chair. I'd like to just say that, first of all, thank you for all of your _____ (noise in background) we all are property owners, we all live in East Point _____ and I just think it is commendable for times of heart-felt concerns of the community and we appreciate that. I won't look at my voting to look (continued noise in background) this close as it's caving in. I look at them trying to get more information. For knowledge is power. Mistakes can be made, that's why they made erasers to try to correct the mistakes. We have a very diligent hard-working staff of _____ I want to make sure that everything on the list was correct, go back and make sure everything was right on both parts, and hopefully find a balance where we can at least accommodate some of your concerns that work everything out, and that's the reason why I did it. I agree with Commissioner Atkins and others, I don't think we want to let this cave in all of us who are Commissioners,

we are volunteers, we are citizens and we work on behalf of each of you. Please know that we are trying to do our best on the part as citizens because if you and we do take to heart all of your petitions, all of your concerns and I do, I do take my job very seriously. This clarifies.

Commissioner Harper: We actually are employees of the City and we do get a stipend.

Madam Chair: Yes. We are asked...I would like to make a note indulge me as the Chair, to say a couple of things. One is that I really appreciate the level of effort and work and certainly understand the emotional attachment that every citizen has to both their property, their community and their position on things, so I very, very hope that everyone coming out and appreciate your being very respectful of the body and the process that is captured here. I really appreciate that. I want you to know that even though when you sit in the public sit and you want to have someone to be angry with and someone to blame, I appreciate that position as well and I want to again say that this is an incredible good professional staff you have here. If there are things missing and information that we need, then definitely need to and I support the effort of making a second attempt. This a better document and I think that is absolutely necessary so don't get to have a vote, I'm glad that....deferring this at this point. So with that being said _____. Any other comments.

Commissioner Lawler: Very briefly, I want to thank specific residents that are out here tonight for bringing additional information to mind.

Mrs. Carter: Commissioner Lawler: If you would indulge us a few seconds to change the tape.

Commissioner Lawler: Sure, go right ahead.

Mrs. Carter: Yes.

Commissioner Lawler: I want to say that there were some specific residents who brought additional information to my attention and I don't, I hope this don't misconstrue our deferral as a cave, but as an opportunity for us to take that information and ... (noise in background). I know, firstly, I've been thinking about his long and hard since this came to my attention. It's been a number of weeks now, at the same time staff has worked very hard in I think what you witnessed tonight with the first deferral was really more or less a technicality and point of order from the young commissioner, like myself, I'm just starting, in January, and I've been on both sides of this table; so I understand what you are going through but at the same time we have a responsibility here, as well as we work with very qualified and professional staff. So just know that we have, I believe everyone's best interest at heart in what we are trying to accomplish here with this deferral is to meet those issues the best we can. Thank you for your information and all that you have done and staff thank you as well, I don't mean to piggyback everybody else's comments and thank you for supporting and we appreciate what you do.

Madam Chair: Mr. Atkins.

Commissioner Atkins: Yes, my final comment is two points. I think it is very important also to know that this commission makes its decision and we do try to make the best decision that we can apart and separate from the recommendation from the staff. Just to drive that point home a little more I believe that if we were to cave in to staff then we would vote to approve both of these applications, which is not is not what we have done there today; that as for the vote earlier the motion that is on the floor now.

The other thing is that some of the Commissioners talked about the amount of work that some of the citizens have done and I believe a young lady in the neighborhood verifying some of the addresses and wanting staff to give them the information so that they can do that; I think it might work better on the political, I think it that the work in the neighborhoods have done is very important and I want you all to know that if you have done that work and you know that some of those addresses are indeed not what staff have sent out, if you could share that information with staff, I think it would begin the process if staff could view the information then it still not going to come back to us in the official form that it should. I think it's not us against them as Commissioner Jones has said. We all live here, some of us in the same neighborhoods that you are talking about and we have been discussing today, and we want the best for our neighborhoods as well and they work for the City of East Point and obviously they have the best interest of the City, also. So if you have got information that you have used and you've gathered to verify addresses, I think it would help in terms of what we are looking for if you could give that information to staff and whatever things that you said that you used to verify that that would help us to make our decision.

Unidentified Speaker: We have done the work for them.

Commissioner Atkins: Great. Thank you. So we're ahead, thank you.

Madam Chair: Are there any other comments or questions? All those in favor of the motion?

Commissioners: Responded with aye.

Madam Chair: Those opposed?

Commissioner Granberry: Nay.

Madam Chair: Make a note that Mr. Granberry voted nay.

DECISION: Case # 2008Z-009-05 DEFERRED.

Madam Chair: Are there any issues or announcements? Agenda items? Alright, then I'll entertain a motion to adjourn.

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

Commissioner Cook: Second.

Madam Chair: All in favor.

Commissioners: Responded with aye. Opposed?

Motion was not carried out.