

CITY OF EAST POINT
PLANNING AND ZONING COMMISSION

REGULAR MEETING

July 17, 2008

Official Minutes

Regular Meeting

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

Board Members Present

Members Present

Linda Sheldon, Chair
Shean Atkins
Dr. Herbert Bridgewater, Jr.
Myron Cook
Elijah Granberry
Francine Jones
Paul Lawler
Pam Patterson

Staff Present

Valerie Ross, City Attorney
Beth McMillan, Director, Planning & Zoning
Geneasa Elias, Assistant Director, Planning & Zoning
Keyetta Holmes, Senior Planner, Planning & Zoning
Billy Lunsford, Superintendent, Public Works Department

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Transcribed by:

Ruby J. Carney
Executive Administrative Assistant
City of East Point
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. If everyone would rise and join in with the Pledge of Allegiance.

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

Madam Chair: I'm going to let everybody know that from the beginning of this meeting that I'm not feeling very well and if I need to step out, our Vice Chair will take over the meeting.

Adoption of Agenda

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

Commissioner Jones: Madam Chair. I make a motion to adopt the agenda,

Madam Chair: Thank you Ms. Jones.

Madam Chair: Do I have a second?

Commissioner Patterson: Second

Madam Chair: Thank you. All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those oppose? There being no opposition the agenda is adopted.

Decision: Agenda is Adopted.

Approval of June 19, 2008 Minutes

Madam Chair: I will now take a motion on the approval of the June 19, 2008 meeting minutes. May I have a motion?

Commissioner Lawler: Madam Chair. I make a motion that we approve the June 19 meeting minutes.

Madam Chair: Do I have a second?

Commissioner Atkins: Second.

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

Commissioners: Responded with aye.

Madam Chair: Those opposed? No one responded. The meeting minutes are adopted. We will start with Old Business.

Decision: June 19, 2008 Minutes are APPROVED

OLD BUSINESS

Case # 2008Z-006-04

Applicant: City of East Point

Location: Citywide

Ms. Holmes: Applicant is seeking to Repeal & Replace Part 10 of the East Point Code of Ordinances in its entirety and adopt the Official Zoning Map.

Public hearing was held on June 19 at the P&Z Commission meeting.

Staff recommends approval of request to Repeal & Replace Part 10 of the East Point Code of Ordinances in its entirety and adopt the Official Zoning Map.

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

Commissioner Jones: Madam Chair. I will make a motion on this item we adopt Case No. 2008Z-006-04 City of East Point Citywide Repeal and Replace East Point's Zoning Ordinance and the Official Zoning Map

Madam Chair: Do I have a second?

Commissioner Lawler: Second

Madam Chair: Thank you Mr. Lawler.

Madam Chair: Thank you Mr. Lawler. Any discussion? There being none, all in favor?

Attorney Ross: Excuse me ma'am, this is for purposes of clarifying the motion. The motion needs to be in recommendation for approval at City Council...(voice went down, did not hear).

Commissioner Jones: I will amend the motion to make a recommendation to City Council to approve.

Commissioner Lawler: The second still stands.

Madam Chair: Thank you. Now any discussion? Those in favor?

Commissioners: Responded with aye.

Madam Chair: Those oppose. Motion passes.

Decision: Case # 2008Z-006-04 approved to go to City Council for approval.

Madam Chair: Next item.

Case # 2008Z-007-05 with concurrent variance case #2008V-007-05
Applicant is *TRC Acquisitions & Holdings, LLC*
Property location is *4222, 4226, 4250 Washington Rd*

Ms. Holmes: Case # 2008Z-007-05 with concurrent variance case #2008V-007-05. Applicant is TRC Acquisitions & Holdings, LLC Property location is 4222, 4226, 4250 Washington Rd.

The applicant is seeking Rezoning from C-R c (Commercial Redevelopment with conditions) to C-2 (Central Business District) with concurrent variance to reduce landscape buffer from 20 feet to 5 feet on parcel C.

Madam Chair: Just for clarification, what was that file?

Ms. Holmes: 4250 Washington Road. Thank you.

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

Dr. Bridgewater: I will recommend approval on this item.

Ms. Holmes: I need to make staff comments.

Madam Chair: I'm sorry.

Ms. Holmes: The applicant is seeking *Rezoning from C-Rc (Commercial Redevelopment with conditions) to C-2 (Central Business District) with concurrent variance to reduce landscape buffer from 20 feet to 5 feet on parcel C.*

Staff recommends **APPROVAL** of the rezoning to C-2c with the following conditions:

- a. Exterior elevations of the buildings shall be constructed as follows:
 1. Front elevation: Minimum 40% brick, stone, glass combinations and 60% stucco
 2. Side elevations: Minimum 20% brick, stone, glass combinations and 80% stucco
 3. Rear elevation: 100% stucco
- b. All roof top equipment shall be concealed by parapet walls
- c. Land development requirements shall adhere to all stream buffer requirements

Concurrent Variance: Staff recommends **APPROVAL** of the concurrent variance request to reduce the landscape buffer requirement on parcel C from a 20-foot landscape strip to a 5-foot landscape strip.

Public Hearing was held on June 19 at the P&Z commission meeting.

Madam Chair: I apologize; I told you I wasn't feeling well. Now I will entertain a motion on this item.

Commissioner Bridgewater: I recommend approval from Commercial Redevelopment with stipulated conditions as outlined by staff with concurrent variance to reduce the landscape buffer from 20 feet to 5 feet on parcel C in Case #2008Z-007-05.

Madam Chair: And the other case #?

Commissioner Bridgewater: And Case # 2008V-007-05.

Madam Chair: Do I have a second?

Commissioner Atkins: Second.

Madam Chair: Thank you Mr. Atkins. Any discussion? There being none, all those in favor?

Commissioners: Responded with aye.

Madam Chair: Those oppose? The motion is approved.

DECISION: 2008Z-007-05 and Concurrent Case # 2007V-007-05 APPROVED

Madam Chair: Next item.

Case # 2008Z-008-05

Applicant is *City of East Point*

Property location is *Various listed properties*

Ms. Holmes: Case # 2008Z-008-05. Applicant is City of East Point. Property location is Various listed properties. The applicant is seeking to Rezone from R-1 (Single Family Residential) and R-1A (Urban Residential) to R-2 (Two Family Residential)

Staff recommends APPROVAL of the proposed rezoning from R-1 (Single Family Residential) and R- 1A (Urban Residential) to R-2c (Two Family Residential). Public Hearing was held on June 19th at the P&Z Commission.

Madam Chair: Thank you. I also have an item to read into the record for this item in order to protect the record. This letter from McKenna Long & Aldridge references a presentation from the Center Park Neighborhood Alliance dated 6-19-2008. The letter references Page 2, paragraph D. The letter is addressed to Nina R Hickson, Esquire, City Attorney, City of East Point regarding planning & Zoning Comments.

I believe you have a copy of the letter and I would like to enter it into the minutes. Thank you very much. I would now entertain a motion on this item.

Dear Ms. Hickson:

It has come to my attention that an informal question posed to a non-lawyer member of the MLA Team, by an employee of the City of Hapeville, regarding a hypothetical land use matter has been erroneously and repeatedly construed as legal advice regarding either the City of Hapeville or the City of East Point. The purpose of this letter is to unequivocally advise you that McKenna Long & Aldridge LLP has rendered no such legal opinion regarding Planning and Zoning matters and absolutely does not intend to do so.

This Firm was neither engaged to provide such legal advice, nor was any attorney member of our staff provided any basis upon which to render legal advice. As you know, answers to land use questions turn on the provisions found in specific ordinances and no such research was requested or done by anyone at McKenna Long & Aldridge LLP in this instance. Even when properly engaged, only licensed attorneys from McKenna Long & Aldridge LLP are able to give legal opinions.

Moreover, no non-lawyer member of our staff has even attempted to render legal advice to anyone. *See, GEORGIA RULE OF PROFESSIONAL CONDUCT* 5.3. To dispel this misunderstanding, on June 12 and 13, 2008, I personally reminded the individual with whom a social communication took place that he had been specifically informed that he was *not* receiving legal advice at the time he posed an informal, hypothetical, conversational question to a non-lawyer member of our

Team. It is therefore quite disturbing that inaccurate information purporting to assert that legal advice was rendered by any McKenna Long & Aldridge LLP employee regarding an East Point Planning & Zoning matter continues to be raised.

At your suggestion, a copy of this letter is being provided to the members of the East Point City Council, as well as to the Members of the East Point Planning and Zoning Commission. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at the telephone number and address above.

Very truly yours,

Rosalind Rubens Newell

/rrn

xc: Mayor and Members of Council, City of East Point
Members, East Point Planning & Zoning Commission
Crandall O. Jones, Interim City Manager, City of East Point
Beth McMillan, Director, Department of Planning & Zoning, City of East Point
Valerie Ross, Esq.

Attorney Ross: Just for purposes of clarification, I just want to restate that whoever makes a motion or whatever your recommendation is, just make sure it's in the form of a recommendation and not in the form of approval or denial.

Madam Chair: Thank you. I have a motion on the floor.

Commissioner Atkins: I would be happy to make the motion, even though we had the public hearing for this at our June meeting, it might just do us good to just hear staff comments on this particular item before we make a motion.

Madam Chair: I'm going to ask that we not do that, I will believe that we have already had staff's comments and I believe that under the circumstances we are ready to vote on this item.

Commissioner Atkins: I withdraw my request. I find the staff...

Madam Chair: Any objections? I have a motion?

Commissioner Atkins: For item 2008Z-008-05 I recommend that we ask City Council for approval of this item, rezoning properties from R-1 and R1-A to R-2.

Madam Chair: Do I have a second?

Commissioner Jones: Second.

Madam Chair: Thank you Ms. Jones; any discussion?

Commissioner Jones: I just wanted to add that it's my understanding that we have been physically reduced as to the number of properties that are actually, from the original list to the current list that we are approving.

Madam Chair: We will not have that in this meeting at all. You will be asked to leave if you continue it. I will tell you that right now! Any other comments?

Commissioner Lawler: Madam Chair for a matter of public record in the discussion with staff how many properties have been removed from the list and perhaps discuss the impact to the entire list actually, not just where the neighborhood community is concerned.

Madam Chair: Is that your question?

Ms. Elias: For the record regarding the proposed rezoning to R-2 based on comments that were received, staff did go back and reviewed the list that was published in the South Fulton Neighbor Paper for the June 19th public hearing. After looking at those comments, staff did go back, based on phone calls that we received from property owners indicating that their properties were in fact being used as and were single family detached structures. Staff removed those properties from the list. There were some properties on the list that technically didn't have addresses, they were probably known as "0" something; typically those addresses were for vacant properties where there is no structure. So staff did remove the vacant land from those lists. There were also a few structures that were on that R-2 list that were actually multi family structures; those properties were removed from the R-2 list and placed on the R-3 list. And the new listing of the properties that are going to be impacted by the proposed rezoning will appear in the South Fulton Neighbor for the public hearing that will be held at the City Council meeting next month.

Madam Chair: Any other questions Commissioners? There being none. All those in favor?

Commissioners: Responded with Aye.

Madam Chair: Those opposed? Motion passed.

Decision: Case # 2008Z-008-05 recommendation will go to City Council for Approval.

Madam Chair: Next item, please.

Case # 2008Z-009-05
Applicant is City of East Point
Property location is Various listed properties

Ms. Holmes: Case # 2008Z-009-05. Applicant is City of East Point. Property location is Various listed properties

Staff recommends APPROVAL of the proposed rezoning rezoned from R-1 (Single Family Residential) and R- 1A (Urban Residential) to R-3 (Multi- Family Residential).
Public Hearing was held at the June 19th Planning & Zoning Commission meeting.

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

Commissioner Jones: Madam Chair, I make a motion recommending approval of Case # 2008Z-009-05, This is advertised property rezoning of R1-A to R-3.

Madam Chair: Do I have a second?

Commissioner Atkins: Second.

Madam Chair: Thank you Mr. Atkins. discussion? Questions of staff? There being none, all those in favor.

Commissioners: Responded with Aye.

Madam Chair: Those opposed? There being none, motion passes.

Decision: Case # 2008Z-009-05 was approved for Rezoning from R-1A to R-3.

Madam Chair: We will move on to new business.

NEW BUSINESS

Case # 2008V-008-06
Applicant is Pet Paradise Atlanta Airport, LLC
Property location is 3607 North Desert Drive

Ms. Holmes: Case # 2008V-008-06. Applicant is Pet Paradise Atlanta Airport, LLC. Property location is 3607 North Desert Drive

The applicant is seeking a variance to increase fence height from 4-feet to 6.7-feet. This application requires a public hearing.

Madam Chair: We will now open Public Hearings for the next two agenda items and I want to go ahead and give you the ground rules. The applicant will have five (5) minutes to present their case. Speakers will then have three (3) minutes each to speak either support or against the item, then the applicant will have a five (5) minute rebuttal period. Do you want the speakers to speak on the first item?

Ms. Holmes: None.

Madam Chair: Ok, great, then I will entertain a motion to open the public hearing.

Commissioner Bridgewater: Madam Chair.

Madam Chair: Yes, Mr. Bridgewater.

Commissioner Bridgewater: I make a recommendation to open the public hearing on this matter.

Madam Chair: Do I have a second?

Commissioner Jones: Second.

Madam Chair: Thank you. All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those oppose? The public hearing is now open. I also have some other ground rules, all speakers are hereby advised that while you are expressing disagreement or disapproval of a position, that you are at no time allowed to use your testimony to make personal attack either on an individual or organization and the chair reserves the right to end your testimony if you engage in such demeanor. Alright, is the applicant here for this case?

Applicant: Good evening my name is Mark Zion, I represent the Pet Paradise. The purpose of the variance request is to increase the height of the fence from 4 ft to 6 feet 8 inches, simply for the animals, we don't want the animals getting out to the public. That's really it.

Madam Chair: Thank you sir. Is there anyone who wishes to speak in favor of this item? Is there anyone present who wishes to speak in opposition to it? There being no one, I'll entertain a motion to close the public hearing.

Commissioner Atkins: Madam Chair, I move that we close the public hearing on this particular item.

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

Commissioner Bridgewater: I second.

Madam Chair: All those in favor?

Commissioners: Responded with aye.

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

Ms. Holmes: Applicant is seeking a variance to increase the fence height from 4 ft to 6 ft 8 inches. Staff recommends APPROVAL of the variance request.

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

Commissioner Bridgewater: Madam Chair.

Madam Chair: Yes Sir.

Commissioner Bridgewater: I would like to make a motion to accept the staff's request for approval on Case # 2008V-008-06, Pet Paradise of Atlanta Airport, LLC, located 3601 North Desert Drive for the variance request to increase the fence height from 4 ft to 7 ft.

Madam Chair: Do I have a second?

Commissioner Harper: Second.

Commissioner Atkins: For discussion.

Madam Chair: Yes.

Commissioner Atkins: I would like to have at least one condition on that particular fence, that we condition this particular approval on using a black vinyl fence for the purpose of keeping those animals from trying to escape and if Mr. Bridgewater would accept an amendment his motion was for a 7 ft height and I would like to amend that to 6 ft 8 inches.

Ms. Holmes: 6 ft 8 inches.

Madam Chair: Mr. Bridgewater, will you accept that?

Commissioner Bridgewater: Yes.

Madam Chair: Any other discussion or questions of staff?

Commissioner Bridgewater: Does that also include the condition of the black?

Madam Chair: Yes. Alright, is that clear?

Ms. Holmes: Yes

Madam Chair: All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? Motion carries.

Decision: Case # 2008V-008-06 Variance is Approved with conditions to use a black vinyl fence height of 6 ft 8 inches for the purpose of keeping animals from trying to escape.

Case # 2008Z-012-06

Applicant is Columbia Creek, LLC

Property location is 4222, 4224, 4226 Washington Rd

Ms. Holmes: Case # 2008Z-012-06. Applicant is Columbia Creek, LLC. Property location is 4222, 4224, 4226 Washington Rd. The applicant is seeking to Rezoning from C2 (Central Business District) to BP (Business Park). Property location is Parcel 14-0256-LL-02-01 located on Camp Creek Parkway.

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

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

Madam Chair: Do I have a second.

Commissioner Atkins: Second.

Madam Chair: Thank you Mr. Atkins. Those in favor?

Commissioners: Responded with aye.

Madam Chair: Those oppose? The motion carries and the public hearing is now open. Is there anyone here who wishes, is the applicant here or anyone here wishes to speak in favor, please step forward.

Speaker:with Columbia Creek and I'm here to answer any questions that the board might have.

Madam Chair: Is there anyone else who wishes to speak in favor of this item. Are there any opponents? There being none, I will entertain a motion to close the public hearing.

Commissioner Bridgewater: Madam Chair I make a recommendation to close the public hearing.

Commissioner Atkins. Second.

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

Commissioners: Responded with aye.

Madam Chair: Those opposed? The public hearing is now closed. I will hear the staff report.

Ms. Holmes: Applicant is seeking to Rezoning from C2 (Central Business District) to BP (Business Park) on Parcel 14-0256-LL-02-01 on Camp Creek Parkway, the rezoning of .23 acres from C2 (Central Business District) to BP (Business Park).

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

Commissioner Jones: I make a motion to recommend approval of Case # 2008Z-012-06 with conditions.

Commissioner Bridgewater: On this matter it is stipulated waiting on the DOT.

Commissioner Jones: With stipulations of the DOT approval.

Commissioner Atkins: Second.

Madam Chair: Thank you Mr. Atkins. Could you clarify those conditions for the record?

Ms. Holmes: A signed application for a State Highway requires that the DOT permit that billboard on a State Highway and it is part of the Sign Permit Package.

Madam Chair: Thank you very much. Any discussion or questions of staff? There being none, all those in favor of this item.

Commissioners: Responded with aye.

Madam Chair: Those opposed? Motion carries.

DECISION: Case # 2008Z-012-06 is approved with the conditions that the DOT permit the application.

Madam Chair: Next item.

Case # 2008Z-011-06

Applicant is Terald Melton

Property location is various properties on Phillips Avenue

Ms. Holmes: Case # 2008Z-011-06. Applicant is Terald Melton. Property location is various properties on Phillips Avenue. The applicant is seeking a Rezoning from R-1A (urban Residential) to R-3 (Multifamily Residential) with Attached Dwelling Development standards. This application requires a public hearing; however, according to the East Point Code of Ordinances Section 10-2079(d) Attached dwelling development the applicant must present their project to the commission. The applicant will be allotted 10 minutes for their presentation prior to a public hearing.

Commissioner Patterson: Madam Chair.

Commissioner Bridgewater: Madam Chair.

Commissioner Patterson: You said 5 minutes for the applicant?

Madam Chair: One is for the public hearing.

Commissioner Patterson: Oh.

Ms. Holmes: The attached dwelling development standards requires that the applicant present their project to the P&Z Commission prior to public hearing.

Applicant: Phillips Avenue townhouse.

Madam Chair: Will you give your name?

Applicant: Eve Brothers.

Commissioner: Your address?

Ms. Brothers: (did not hear response)

Madam Chair: Speak in that microphone.

Ms. Brothers: Ok.

Madam Chair: For the record.

Ms. Brothers: This is a new residential convenience that's proposed here in East Point, GA. It's an application to rezone a 3.0 acre tract of land approximately 13 miles from RA-1 (Urban Residential) to R3 (Multi family residential) with attached lined development overlay.

The applicant is Terald Milton with Phillips Avenue, LLC and I'm Eve Brothers, a consultant with Zoning Matters, and this is the location that we are considering. It's Phillips Avenue at Pearl Street. On Phillips Avenue it has been 13 lots, 6 are vacant lots, 7 are properties with structures, 5 have multi-family structures and 2 are vacant single-family structures.

This is a survey of the property that we are considering. Three point zero five (3.05) acre tract, 13 lots. I took these pictures in May. As you can see Phillips Avenue is vacant, has a portion that's vacant, undeveloped in this investor. This is being viewed from the north, this is one of the most damaged structure that's currently on the property. This is the northeast view, this is Phillips Avenue, we are looking at these. This is a portion of the south view; there it is again and this is looking west; a little closer up and then if you can see its being used as a dumping ground.

This map, here, will show the proximity to multi-family residential, if you look toward the bottom of the screen, you'll see the multi-family residential that's there. Phillips Avenue is the top street up there. Again, this will show you the close proximity of the multi-family. At the top, you will see the multi-family and over to the right hand side. Multi-family actually borders the northern boundary of the property that we are considering; Again, Multi-family residential, due south, which is approximately, less than 300 feet just south of our property. Our property is located at the top of the left hand corner, where you see those three structures and that street.

This is the proposed redevelopment plan that we have; it's a gated community of 37, two and three bedrooms, residential townhomes. Two car garages will complement a number of the homes to the north. The grounds will be accentuated with the traffic landscaping, a gazebo, architectural lighting, sidewalk, brick paving and benches.

We hope that this is as architecturally pleasing to you as it is to us. It's gorgeously built of brick and stone facade in a architectural style palms, balconies, French doors, patio shutters and attractive lighting.

The City of East Point Zoning Ordinance for the R1-A Urban Residential currently allows single-family dwelling with a minimum of 900 sq ft and 1,300 square feet in a two-story. The attached dwelling development code provides more flexible and creative site planning. And it was also designed to assist in lowering development and housing cost and to expand a choice and type of dwelling units available. One key feature in this particular development code is that the development plan must be carried out in strict compliance of the plan that is actually submitted to the City Council and approved by the City Council.

Your Comprehensive Land Use Plan shows that this is an area that is considered a declining neighborhood. It's an area of disenchantment and it's an area that you categorize as requiring attention. It is also proposed for increased in density; in the existing Land Use Plan as it currently exists it's looking to be residential. With the Future Land Use Plan, it's medium density residential. The medium density residential for, under your code, states that the predominantly use land within the medium density residential category is for duplex units located sporadically throughout the neighborhood or townhome units located within a planned community. So we are on point with that.

I looked also at the future development that have for this area, analyzing the LPI Study that you all have completed and approved. And it does call for a mix of housing types as options, including townhomes, which we are proposing. Your LPI goals were specific that the need for these housing types total more than 900 units in the next five years. And you're proposing that these units be offered to serve the rising in nester coupled with no children and single at an affordable price point.

Townhomes, again, under your goal in your LPI Study, you state that townhomes already affected and no product that can help bridge the gap between single family and multi-family. I think that is what we were attempting to do. There is also a viable product type because they provide a comparable scale that can help make the transition to the surrounding single family neighborhood.

I analyzed your LPI Study, economic and market analysis, as well. One of the things that was significant to me that your study indicated that there has not been a significant investment to this particular study area in a few years. But you did say that there is a significant tension with development and redevelopment in that study area. Now the infill and new residential development meant to reinforce the strength and character of existing neighborhoods. These are quotes taken from your study. And particularly that as your residential neighborhood increases, so does your tax dollars spent within the study area increases. I have been in the development business for awhile, this is one of the apartment complex conversion that was done in the Inman Park area, took that old structure there and re-modernized it.

We have also built a mixed use development in the City of Smyrna. As you can see this is an office as well as retail and you can see the structural design, the columns, papers. This is the kind of development that we would like to move to the City of East Point.

Currently under construction is the Shops at Smyrna Heights. This is another one of our projects, this is located on Concord Road.

Another one of our projects is the Flat Shoals Retail Center and that's currently under construction in Union City.

We would like to bring a new residential community, but we can't do it alone. Good development is a collaborative effort and we would like to collaborate with the City of East Point and bring something new. Thank you.

Commissioner Bridgewater: Thank you.

Madam Chair: Alright, I think we are ready to open the public hearing. Could you tell me how many speakers we have?

Ms. Holmes: Seventeen.

Madam Chair: Ladies and gentlemen I would ask that we entertain a motion to change our standard time limitation to previous statement of three (3) minutes to the speaker May I have a motion on the floor?

Commissioner Bridgewater: Madam Chair I make a motion that we waive the standard procedure for our public hearing time limit that we maintain three minutes per speaker.

Madam Chair: With 5 minute rebuttal.

Commissioner Bridgewater: Yes.

Madam Chair: Can I have a second.

Madam Chair: All those in favor

Commissioners: Responded with aye.

Madam Chair: Those opposed; thank you Commissioners. I will now hear a motion to close the public hearing.

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

Madam Chair: Second?

Commissioner Jones: Second.

Madam Chair: All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? The public hearing is now open. Call the first.

Ms. Holmes: I will call the first five speakers: Ms. Teresa Nelson, Mrs. Dobie Edwards, Ms. Erin Rodgers, Mr. Erik Friedly and Mr. Charlie Fisher, III.

Ms. Nelson: Good evening. The staff noted on a couple of items at last month's meeting that were voted on already. "All zoning decisions must comply with the 2026 Comprehensive Development Plan." Unfortunately, staff at the time made inaccurate statements. The 2026 CDP drafted by staff and adopted by this body and City Council contains these key provisions about the subject neighborhoods, this one and the others.

Each subject neighborhood is a traditional neighborhood in which single family detached homes are recommended; an historic preservation, open space preservation are objectives. The CDP does indeed note the neighborhood zoning should be medium density; however, when you go to the definition of medium density under the CDP you will find that it states the medium density is 3-6 units per acre. This particular neighborhood already is R1-A, which it means that it's just over 7 units per acre, but they were seeking with our rezoning Frog Hollow, for example, it's 8 units per acre and this one is significantly higher. In addition the CDP notes that the next subject neighborhoods, including this particular neighborhood of Center Park additional multi-family is incompatible. That is very clearly stated in the CDP that is currently a part of the City. So in essence information provided to you has not been accurate. So with that in mind I want you to pay attention to what we are looking at here tonight.

When I ran for City Council I walked every street, I hit every house and I made certain to talk to everybody. And when I walked down there, I thought I had entered some poor sections of Mexico that I have traveled. Back in that area, you have Phillips going in this direction and it makes a 90° turn for a short distance and it makes another 90° turn to go down to this area where their development is. Both of these two last pieces of the road are barely two lanes. In other words, their oversized driveways.

Now, one of the things that they are proposing is, add these additional units and gate the community. We're talking about significant additional traffic into an area in which it's not going to work.

Another issue that we have in that area is that there has been inadequate water pressure and the fire hydrants in that area do not function. Fires in that area must have trucks brought in with water to put out fires. And I can assure that Chief Cloud is very concerned about whether a fire, because we have that discussion with her many times and there is no way that this development is not only going to pay for redoing all the water lines and fire hydrants outside of that development area, let alone to go within a two block radius. This particular property is adjacent to a flood zone, its steep topographical area in which construction will be extremely difficult and particularly dangerous.

Commissioner Bridgewater: Your time...

Ms. Nelson: This is a no, to do right.

Unknown Speaker: I would like to relinquish my time to this young lady.

Ms. Nelson: I think that there are others in the neighborhood that would like to (conversation going on between Ms. Nelson and the unknown speaker).

Madam Chair: Please speak into the microphone and identify yourself.

Ms. Holmes: Ms. Edwards, are you relinquishing your time to Ms. Nelson or Ms. Rodgers?

Ms. Edwards: To Ms. Nelson. Go to whoever needs the time.

Madam Chair: I was just wondering if you want to do that for the record.

Ms. Edwards: My name is Dobie Edwards.

Madam Chair: And your address:

Ms. Edwards: 1881 Williams Avenue, the corner of Williams and Pearl.

Madam Chair: Thank you.

Ms. Nelson: So many of my comments when I closed was geared up for the other issue. As a citizen, I'm deeply disappointed of staff giving so much meaning to both....

Madam Chair: I'm sorry, but I'm not going to allow you to use that kind of language, as I said earlier. You can dispute the information, but I don't want the staff to be demeaned in anyway. I'm not going to tolerate it. Please speak to the issue and not speak to any issue other than the one that the public hearing is about.

Ms. Nelson: I understand that. What I wanted to point out that Supreme Court case after Supreme Court case, they have made a determination that as a body of the city is exercise the zoning powers, it must comply with the CDP, which is something, I'm sure, that all of you know. The reality is our CDP does not match what's being voting on. Our CDP does not allow a closed development. So I'm urging you to vote no. Not only is this a potentially dangerous development, but it could also create serious problems for setting precedence for other R1-A in other neighborhoods similarly situated throughout in the city with the same traditional residential zoning. Thank you.

Madam Chair: Thank you.

Ms. Rodgers. Erin Rodgers, Center Park Neighborhood, 3022 Park Street.

I would like to start off by saying, location, location, location. I am not at all against multi-family, but I am against in the wrong areas. I personally worked for a very large potential firm that we deal with family all day long, that's what I do. So I'm very familiar with it, but in the location that we are proposing, it is one of the worse locations possible and I'm going to get into that.

Basically, if you look at very large successful developments, for instance like Atlantic Station, you have a radiance, a transition per se of zoning, from one to another. You have your Central Business District, your downtown retail shops and what not. The outside typically multi-family, higher density, retail restaurants and shops and then back behind that you have the single-family homes. Like I said, you can see that at Atlantic Station.

What it's doing behind here is essentially a Central Business District, a myriad of properties around that that would be perfect for multi-family, which I can point them in all directions. Single family, then a proposal for, I think the densest, I think its twelve (12) units per acre. I just mentioned before what we currently have is between three (3) and six (6) acres, we're talking about twelve (12) units per acre, we're putting at the back of single-family neighborhood. This should really be closer in to our retail, restaurants and shops, so that people that are closely confined by either, i.e., apartments, condos or what not that don't have yards with their kids and what not, can still spill out and the retail and restaurants can feed off that. What we're doing is essentially epitomizing the streets and they are going to go out on the streets, there's nowhere else to go. So, that's another one of the points typical urban development should be closer in to those areas and public areas so that they can feed off of that.

The next argument that I have is that it is a proposed gated community. This is against all our urban renewal criteria, the gated movement essentially just simply turns its back to the neighborhood. Essentially, what they are telling us and everyone that comes to look at our

neighborhood in the future, this is not the same place. And it was told to us by the developer is that is the exact reason for that gate, because they were concerned about safety. There is a lot of other ideas for safety in an entire neighborhood without gating it. First of all, bench street lighting, exterior home lighting with motion sensors and security systems, about pets and your dog in fenced yard kind of thing. And of course, we have an extremely responsive, very capable Police Department. They there in an instant, I mean, I've never seen anything like it before. So, it's almost demeaning to them to think that we're that bad off; that we've got to gate our community.

Unidentified Speaker: I'll give up my five minutes.

Ms. Holmes: Mr. Friedly is next.

Ms. Elias: Mr. Friedly is the next speaker.

Erik Friedly: I'm Erik Friedly and I....

Madam Chair: I'm sorry, I need you at the mike, that's the only way you can be heard on television.

Mr. Friedly: Erik Friedly, I'm relinquishing my time to Ms. Rodgers.

Mrs. Rodgers: As I was saying, there's multiple options that are out there for someone to secure and give us a presence of state to their area and then if they are saying that after all of those have been submitted and putting our wonderful Police Department that they still have to gate it or if they are still worried about safety then maybe this is not the best sight for that development if their that worried about that. I know the land back there is cheap, but again we don't want to go the route of the best bottom line for the developer.

The next item is once we allow this to set a precedence, basically, I think they mentioned that there were seven (7) multi-family properties on there. It was presented to us, I believe there are two-three multi-family properties currently out, the rest single are family lots. Because they got them at cheap price, which they told us, and heavy brokers in the market, and very affordable areas back there. If we allow them to group up very cheap properties and put in our densest twelve (12) units per acre, what is this telling other developers? Well if they let that pass, let me go out there and buy another series of our 6-2 family homes at a cheap price, come before them offer up well that is a precedence you left seventeen member homes there, thirteen (13) actually I think go up and that much....and all of a sudden we have a neighborhood full of multi family because the pricing of the law right now because it's a great deal to put that back there.

The next thing is that it was mention here that the user would be inter-nesters and single family occupants. It has actually been told that multiple meetings including the last one that

these will be rented out by the room to students at approximately 90-day increments at a time. Someone will oversee, because they don't know where they will be coming into. They are placed here at 90 days at a time and renting them room by room. So essentially if they are allowed to do, what they have told us in three meetings thus far that that's what they are doing we're essentially creating a rooming house in the neighborhood.

The next item is that it's better than what we have now. There's a lot of things out there is better than what we have now, but we don't want to settle for that, we have big aspirations for our neighborhood. As I stated before the City Plan, the CDP which the City spent a lot of money and time doing stuff that we should use; single-family homes, the Historic Residential Center Park Neighborhood, among others, should be characterized by medium density single family detached homes. It's plain that we spent money and time to put together. I don't know why we don't want to use it. That's the whole point of them doing that time and everyone knows we're short of resources, why did we go to all that effort if we are not going to follow it. I guess the

Ms. Holmes: Mr. Fisher.

Mr. Fisher: Madam Chair and to this esteemed commission and to the staff and citizens, my name is Charley H. Fisher, III; my wife and I reside at 1898 Center Avenue, right in the rear of the proposed development.

We urge today to deny the proposed development to be rezoned from R1-A to R-3 and although this very capable staff has a great track record in helping East Point, we don't think they have it right on this one. And so we urge you to deny this development.

The community is in near unanimity regarding this, almost a consensus. We don't want and, Madam Chair, excuse me for referencing as a disingenuous boarding house in our neighborhood. Our neighborhood has struggled to revitalize itself. I have seen many invest in this community and have bought homes, owner-occupied residents and to rezone would be to underline and betray their commitment. I believe that this project has a potential adverse environmental impact, please note that Center Park is one block over and it should be considered.

We are not in the decline as one person said, we are revitalizing, we are coming back. Do you really want to override and ignore the will of residents' property owners and citizens? It's entirely appropriate to demand the Macon administration, the City Council, this body and others to talk this rogue, albeit esthetically pleasing You are almost our only hope, after all you do represent us, as citizens; as should the Mayor and the Council. This is a potentially litigious issue. But when you find in East Point, people moving in, fighting against the issues and my wife and me had to call the Police, we are committed to this; these

citizens here are absolutely committed. And somewhere perhaps more work could have been done to share with the staff, not just our sentiments, but really the passion and commitment that we bring to this.

So we urge you to deny this, and I know as a commission, as a body, staff has a major role; you have to rely on them. After all who have the time to do the work that they do and I would say that most of the time you know it's a good bet to do so, but they don't have it right on this. And I think that there is a compromise in terms of development and we certainly would love to do that. Please deny, you are our hope and we hope that you deny this project and put an end to this. Thank you very much.

Ms. Holmes: Charles Scogins, Jordan Bennett, Stephanie Labrador, Pov Chin and Laura Borders.

Mr. Scogins: Good evening, public members, staff and citizens, my name is Charles Scogins and I'm here to speak for Laura Goodman, who resides at 3017 Church Street.

I recently, Laura bought a home, it's a 1910, arts and crafts. Before that she spent pretty close to about seven or eight months looking in there and she looked around Decatur, Kirkwood, and decided on East Point based on the fact that she was met by a community that was very active and very involved in revitalizing this area. The home itself, use to be a three unit apartment building, but it's now a single family home. I would like to point out to you that one of her major concerns about your action tonight would be that already there is a townhome unit two blocks from where she resides that is empty; in fact empty and in foreclosure and bankruptcy, so what you are actually proposing tonight is to basically build very similar units. So why would they be more successful than the ones just down the street.

The young lady here brought up a very good fact there has been several meetings on these projects and at each time this developer has stated that rather than these units being for sale, the real purpose for them is for student housing. I would like to point out to the fact that if you are bringing people into his area and are going to be renters, the City doesn't really benefit from that. You don't benefit in the way of property taxes, you don't benefit really in them keeping their business here, because they are students, they will spend most of their time at the schools or at the hospitals in this case, as I was told, where they will be working. So that doesn't benefit us as a neighborhood. It doesn't really benefit the City financially. So I would like to urge you that you reconsider this and move towards keeping Center Park and other neighborhoods as single family homes. Basically, because the windfall is looking for tax benefits, they are going to be found there.

Madam Chair: Thank you. We will pause for a moment while we change the tape.

Mr. Bennett: My name is Jordan Bennett, I live at 1731 Center Avenue approximately two blocks from this land development. I'm also the president of the Center Park Neighborhood Association and we have actually met quite a few times with these (noise in background did not hear clearly)

Let me give you a brief history; they came, I believe to the November meeting and they showed us forty (40) apartments they would like for us to approve. We said no, and they said well let's work with you, let's give you something that you could work with, so we said ok.

We have an architectural committee, they came to our architectural committee and said look at these forty (40) different apartments with bricks on the front. We've met your demands. We don't want apartments, we didn't see them for six (6) months. Six months later they came back turned off the Now we have thirty-seven (37) townhomes, they are still apartments. They are going to be singly divided, yes, but the same appropriation is going to own all 37 apartments, 2-3 rooms each, for about approximately 100 rooms.

This corporation plans on renting these out by the room, which is illegal in East Point and they are planning on renting to medical students for 30-90 days at a time, long enough to get their license in the United States.

Our problems with this development is not what she showed on the slide show, that was great, our problem is what she didn't tell you. The problems with the fact that our neighborhood is going positive, it's been on a presentation to you. It was actually referenced, so the others so that we can use it on this one; I would like to reference slide 7. What happens when you put townhomes in a neighborhood? They have been vacant for forty (40) years and have actually been repossessed multiple times or foreclosed upon. It's on nine (9), I'm sorry. If you will skip pass all the single family homes that are being rezoned to R-2, in fact at the end of it you will see the great progress that our neighborhood has had. We are not on the decline. Our neighborhood has changed many of the multi family homes into single family homes recently. We're on the upswing and we would like to continue on the upswing. We do not want 12+ units per acre on a very steep lot.

There have been two other owners on this lot before or two other developers. During the housing movement, just recently, they determined that it was cost prohibitive homes there, because it was difficult terrain, and different infrastructure improvements that have to be made. Now that the bottom has dropped out, they believe that they can continue and make money on this, I don't see it.

Speaker: My name Stephanie Labrador and I live at 1752 Taylor Avenue and I would like to give my minutes to Mr. Bennett.

Mr. Bennett: They have stated that they will repair some of the infrastructure around the townhomes. This is a band aid, it does nothing to do with the increase in water pressure down the street or going to Phillips Avenue. Like I said since they have had a lot of foreclosures recently, it's going to be very difficult, these, again is not spect town homes, they know actually what they are going to do with them. They are going to rent them out by the room to medical students, they have told us that. They have a website called gmcgroup.org, that is their medical student website, it's going to be on a directive..

Speaker: It doesn't own that company now.

Mr. Bennett: It doesn't own that company, it's sold in the past couple of days apparently.

Speaker: No, no, no, no,

Madam Chair: Take an opportunity....

Speaker: He asked that question, I was answering him.

Mr. Bennett: These are, again students are going to be here for 90 days at the most; they are not going to spend just tax dollars, she's shown beautiful amenities, you know what, you can't use those amenities because it's a gated community. I can't use them. That's not something that benefit's us, it doesn't benefit our neighborhood. We have a bunch of neighbors come up to me actually, they said, "Jordan you know I really hope that you and the architects are really wrong on this. This looks like a good plan, because she makes a beautiful presentation on this."

At our neighborhood meeting where we have, I don't remember the date and time, it was around 25 members of our neighborhood, everybody after the presentation and after we got the question, was against this. They said to the architectural committee, alright, we don't need this. This is not good for our neighborhood. Everybody it's a consensus, consensus this is terrible for our neighborhood. That's all that I have. I do appreciate your time and would ask that you look over that and don't make this phase 3 of the first two phases of rezoning, don't set any precedence in our neighborhood. Thank you.

Madam Chair: Thank you sir. Next speaker.

Ms. Holmes: Mr. Chin.

Mr. Chin: My name is Pov Chin, I live at 1752 Taylor Avenue.

I'm here to show my disapproval to the application. I will go ahead and say that all of my neighbors have spoken in such a way I can't speak the same, but they mentioned all different issues. Three times this broker came to us in a number of meetings, three times we

told them we can't approve this high density complex. There's no rhyme or reason why we should approve this because it just going to impact our whole infrastructure.

The other item, I think everybody touched on this complex, is to rent to medical students. But the other item, they failed to mention, is that they did not have contracts with any amount or any certain amount of students that signed up for rentals. But the other, I asked them what about the other rooms that are not rented and they just said that they would be rented to whomever can afford the rent. So, it just another Washington Arms on Washington Street. I see the difference between that, so I'm here to request for denial of this application. Thank you.

Ms. Holmes: Ms. Borders.

Ms. Borders: Laura Borders from Frog Hollow on Ware Avenue and I'm requesting that this be denied, this rezoning be denied.

We have already heard a number of good reasons not to do this. Beginning with the fact that we have an insufficient infrastructure to supply something of this magnitude, we already are involved in our capital improvement projects and as you may know, it is nowhere near completion. So there's that part. We have a tremendous traffic impact, it doesn't describe. This is a virtual cul-de-sac, with a narrow two-lane street, which will bring high traffic back and forth. What kind of impact does this have on a neighborhood? When you have this many people in and out over a short amount of time with no traffic impact study.

There's also something to me that I find it very confusing, in the presentation the LCI was cited about the downtown mix and there was a description, so forth. What was described was downtown, but what's in this proposal has nothing to do with mix retail use; as has been pointed out, this is a gated community. This does not enter into the community, it does not bring anything to the community, it does not reinforce the strength and character of the community, it brings renters that will be there for 90 days and move on. How does that reinforce the quality of our neighborhood?

I also dispute their tongue that this is a disinvested, disinterested, I think the evidence is here sitting in front of you speaking to you about the interest and about the conviction and about what people have put into this neighborhood and are willing to continue to put into this neighborhood. And the commitment that we have to this City is a permanent residence, not people that come here to take advantage of economic situations that give us no promises of recompense in the chart. What do we gain, what are we getting from this and what are we giving away? This is land, you know, I'll do Katy Scarlett up here for you. You get it, you give it away, it's really hard to get back. It's really hard to do something with that empty half-filled apartment house. We live with this every day. Please don't spread this problem further. There is something to do with that empty space. And that's to be developed to make a part of a vital city. Thank you for your time.

Ms. Holmes: Jenny Bennett, David Schump, Kevin Sterling, Sonia Smith, Bernard McDade.

Ms. Bennett: My name is Jenny Bennett. I live at 1751 Center Avenue and I just want to make two very brief points, and then I would like to relinquish the rest of my time back to Erin Rodgers, because she had one more point that she wanted to make.

One thing that Ms. Brothers referenced in her plan was that this is proximity to multi-family, which is the multi-family that you all just recommended to approve. That is not multi-family and I beg you, I beg you, look at the pictures on the presentation that I spent money out of my own pocket to print for you and you will see color pictures of single-family homes that are clearly occupied; and this what she is saying is R3, in proximity, it's not, research was not done.

One other very brief point about the letter from McKenna Long & Aldridge, I understand why they sent that letter, they have to, because they are a law firm. But that does not mean that the opinion provided, be it informal, was not accurate or valid, it was valid.

Ms. Rodgers: Erin Rodgers, Park Street, Center Park Neighborhood. I think one of the points that I wanted to make at the end was that, again, they are urging us to say that this is better than what we have now. Let's say that they put 37 townhomes in our neighborhood, twelve (12) units per acre back in that neighborhood and something goes wrong, this market that they are going to be shoveling their students through doesn't pan out, simply doesn't pan out. All of a sudden vacant lots for future use for something in our neighborhood for single family homes for our future, now we're left with 37 vacant potentially crime ridden areas, it's producing a density in an area, that we don't need. I would much rather hold off, have the vacant land and use the single family homes that we have and if they continue to stand for a few more years and this market pulls out, I would rather deal with that than 37 townhomes in the back of our neighborhood not being used.

The other item, again, it goes against the City plan, we put all the money and effort into, we really need to focus on it and use it. The twelve (12) units per acre is owed to the 36 which is requesting a medium density, Chapter 3 in the City Plan says that to encourage homeownership versus rentals, again, unless they are stating to us in the public participation plan that they are telling us something different, then they are telling you tonight, there is pure reasoning for this is the rentals per bedroom to form the students to get their internships here in the US. And again, the whole transition of zoning were putting dense apartments in the back of the single family, they should be put up front and in between as a buffer from the single family to our Central Business District. So I really, really hope that we consider that.

Madam Chair: Thank you.

Mr. Schump: David Schump, I live at 1763 Center Avenue, the corner of Center and I'm actually reading this for B. J. Hancock, who is the property owner here and I also live right down the street from this development.

She has two duplexes on Center Park, the tenants are opposed to townhomes, heavy traffic impact, which was negative. Her tenants also, specifically due to the children can play freely, without having to worry of traffic and enjoy the community and their neighbors and what she is saying there are single family homes in the community that are highly dense basically, dorm rooms. I would urge you to please not pass this or recommend this to City Council.

Madam Chair: Thank you.

Ms. Holmes: Mr. Stirling (no response). Ms. Smith.

Madam Chair: Mr. Stirling are you present?

Mr. Stirling: Yes, I'm present, but I'm going to pass.

Ms. Holmes: Ms. Smith.

Ms. Smith: Good evening everyone, my name is Sonia Smith, I live at 1864 Phillips Avenue.

I am one of those declining homeowners on Phillips Avenue. I have an MBA from University of Irvine, so I don't consider myself declining, nor do I consider that I'm in a declining neighborhood. For example, I lived in Los Angeles my whole life, I came home from work today and one of my tenants had brought in my trash can. I don't know who that was, but that doesn't happen in Los Angeles. As you can see I came into this City to move into a house, not to have to come to Council meetings to fight for the right of my neighborhood and my community and everybody here input fight for the right of my property value.

Jacoby Development, we've all heard that they are doing mixed use development in Hapeville, I would love to be here talking about the beautiful flowers that they have on North Central. I'm here discussing the possibility of a transitory house and being put in at the end of my block. Fortunately, for my neighbors and who aren't here, I'm speaking on behalf of them and me. A lot of them don't have cars so consequently, there is not a lot of traffic, but if we put in the 37 units there will be a lot more traffic and a lot more crime. I also, pick up the trash, I can't pick up the trash for 37 more houses. There is about four homeowners we do the best that we can. This is not a good idea, let's not be bamboozled.

I did some research, I found about as much on Ivy Bridge as I did on myself. I didn't find any buildings or development that they built personally, they might have provided the consultant for. I did find that on Jacoby Development in Hapeville, and even they said two weeks ago

in the Atlanta Chronicle Journal, that they are doing that in Hapeville and was very risky. They have millions, so yes, it's risky. And what happens if it doesn't work at most of these vacant houses, many of them new around me and have been here for the last two years since I've moved in are vacant. So, what will happen, we'll have another vacant unit and it won't just be one house, it'll be a whole area. Then, what are we going to do? And who's going to take the hit for that? We're gonna take the hit for that. So that is the reason I'm here tonight.

I have a flight to go in the morning to go to Chicago, I need to be at home packing, but this was more important, because this affects each and everyone of us. It might not happen in your area tonight but we all run the risk of this, so let's not be bamboozled. We're in a war now for five years because someone told us that there were weapons of mass destruction and what was the ulterior motive, gas. Again, I'm against this, leave it the way it is, I can clean up trash for the people down there, not for 37 units, that's the reason I'm against this again. Somebody standup, stand tall, be a man or woman and say no to this.

Ms. Holmes: Mr. McDade.

Mr. McDade: Bernard McDade, 1875 Williams Avenue. I'm opposed to this. You've heard a lot of arguments; I'll kind of repeat on some of these.

First of all, be very careful about the presentation received by the developer on this one. It appears that we have gone to various meetings, simply target, good marketing speech, attractive shutters, benches and gated community. All of it sounds great, very weary about some of the details involved in this. I think we have put them through questions on this.

They've ducked, shucked and moved to avoid some of the answers. I'm afraid that eventually when they don't have the students it will end up being another big rental like some of the other places that were mentioned tonight. And as you probably aware if you talk to any of the civil servants in this city, renters have problems. This happens to be an unfortunate situation, a big difference between rentals and homeowners, that's what we should be putting there.

We talked about the decline in the neighborhood, unfortunately, when you walk around the neighborhood, when you see these rental properties such as this kind of stuff or whatever it's usually that's where the empty properties across the street are from. You don't want to be near that kind of stuff when they are done. With time, these things get turned over then they start declining and quality, and you don't have good properties as when they started off with and we end up living with it, we don't need it.

The other thing is the so, decline that they are worried about. It does it to these kind of properties... I thought I saw the map correctly, it looks like we have an over abundance of multi-family units already in this neighborhood. We don't need to add more to this problem.

We are trying to turn the neighborhood around and make it better. Also, remember, they are just a business, they are not homeowners, they are not community people, it's no benefit to this community as you have heard multiple times, it's a benefit to their pocket book. We don't need this, bowing down to that kind of pressure to let them.

This is also trying to do some special zoning compared to what we have now. I know you have quoted the R2, R3 thing, which hopefully we can continue to fight at City Council, which is Monday night, is my first opportunity around 6:30 and make comments at public time so I plan, hopefully, the rest of my neighbors here, which you have seen that unit that will be coming here. But this is going down the slippery slope if we change the zoning on this. I came here back in September, roughly, again researching, trying to find out where I wanted to live. Everybody commented that East Point is up and coming. Occasionally, I don't hear as much as I use to but I use to hear it a lot. I'm not having concerns about are moving in the right direction. Specially what I heard tonight on the other two proposals on R2, R-3. Let's try to turn this around and go the right way. Any additional time that I might have, if anybody else would like, please accept this.

Unidentified Speaker: I'm sorry, I've got a major point. I currently own these properties and they have many, many code violations in....

Ms. Holmes: Michael Coody and Maxine Davis.

Mr. Coody: Did not respond.

Ms. Holmes: Maxine Davis.

Mr. Coody: My name is Michael Coody and I live at 2991 Church Street. I live across the street from six (6) vacant townhomes that no one has lived in yet, but one person has already died in. This is a bad idea. I don't mean to sound sarcastic, when I talk, I'm sorry. But it's a bad idea with six townhomes vacant already. Thirty-two or 37, how many others, it's a bad idea.

Unidentified Speaker: He was not joking, when he said that a man died in that unit, he had broken in and he passed away in that unit, one cold evening. We don't need more of these; we don't need more places for bums. Firmly, I ... I don't know which, in one of those two homes, the multi-family units there, I believe they have 48 units each.

When you get code enforcement, we call in only as properties, they are very substandard properties, I believe she showed you in her presentation how substandard these properties are. They are very dangerous and have occupants currently,; they need to be fixed, if only to be demolished so that they can build something new. They need to be fixed to make it safe for (noise in background). Terald does not live in the City and he does not, code enforcement can't do anything unless you live in the city, so he is never called, nothing

changes. I don't have, actually, have any of the code violations here, but I do know he has been fined many times, not fined, but he has been given the green sticky notices many times and he does not listen to code enforcement.

Mr. Fisher: Charley Fisher, 1898 Center, there is some apartments as my property is surrounded by two other apartments, called Center Apartments. There are only now four of the 16 units that are in use and that's an example where you had a change of ownership and subsequent to that the commitments and promises of neighborhoods have long been forgotten. So we got already two at the end of Center Avenue that dead end where we live. There are two apartments owned from California and they have massive vacancy there. I guess East Point has to be all over them about, not only Police matters, but they've had to make them cut the grass; the grass was sitting 4 feet high. So that's what happens, we're fighting for survival and this is a good airing for you to really understand just how serious this is. We really, again, ask for denial. Thank you.

Ms. Davis: Hello, to everyone, my name is Maxine Davis, I live in Center Park on Phillips Avenue in the great City of East Point, GA and I have good news. The good news is relative to the development. This is a good neighborhood as has been mentioned, low cost, can build cheaply, and can have cash flow. When I looked at this from a perspective of those of us on Phillips Avenue, for those of us who live on surrounding streets, for those of us live, who live in Center Park, who live in, who live in the City of East Point, I am a very positive person. I can't find anything on this one. It's not good for us. I do realize that you must be in compliance with whatever Planning & Zoning Department offers. You must consider the city and the ..., if in some way, as you look at those things if you can find that there is a way to say no to this, please do. It's not good for us. Good for development, because I have to say something positive. It's good for the developer, but it's not good for us. Thank you.

Madam Chair: Are there others?

Ms. Holmes: That's the last speaker.

Madam Chair: Ok, that's the end of the speakers. Those oppose? Is there anyone who wishes to speak in favor of this project, other than the applicant?

Ms. Holmes: I don't have any more speaker cards.

Ms. Elias: He has the wrong case number on there.

Ms. Holmes: Oh you have 2008Z-012-06. Would you like to come forward Mr. Maguire.

Madam Chair: You can speak on this one, rather the other one if you choose to.

Mr. Maguire: My name is Dennis Maguire, I live at 3008 Church Street. I moved to East Point nine (9) years ago.

I helped with four (4) other people start the Center Park Neighborhood Association. We have worked very, very hard to change our neighborhood to help get it back to R-1, that's what we wanted and we got it, and we got R-1A and we're very happy. The families have moved in.

This rezoning will only mean more traffic and more traffic on top of the infrastructure that's going to collapse. And even though the developer might say, they might fix the infrastructure on their own plot. Only on Phillips, they are not going to fix and there's going to be more traffic. Trash trucks, fire trucks, more police cars, more residence cars, you're thinking, if there's 37 units for a potential of 60 or more cars up and down Phillips, it can't handle it. The infrastructure can't handle it. There's 37 units with two toilets and two bathtubs per unit, that's 148 pieces of plumbing, flushing into a system that cannot take it. You know it can't take it. Phillips Avenue will cave in, it'll be a what's it call, a sink hole. It's no way the plumbing, the terracotta plumbing under those streets is gonna to take that. And they are not going to redevelop the infrastructure all the way to Semmes Avenue or up to Church Street or to Main Street. So wherever the new infrastructure ends the old infrastructure takes over, and that means a sink hole. Believe me you do not have to approve this and I know that for a fact. Thank you very much.

Madam Chair: We now here from the applicant for the five-minute opportunity for rebuttal.

Ms. Brothers: Thank you and I will be very, very brief regarding the comments that were made.

In reference to the inadequate water pressure, of course, our engineers will have to work with the city in reference to that. I submitted information to you that indicates that just going through the project, initially. We will have to spend between \$72,000 to \$100,000 to improve the infrastructure and it will benefit the community.

Someone spoke in terms of a dangerous development, I'm not quite sure how to respond to that, I don't understand that portion of it. In reference to the gated community, this is not inconsistent with other communities that you have ... apartments that are gated, so it's up to you. We are completely aware that rooming houses are illegal. I've been in the Planning and Zoning business since 1982. I would not even suggest a rooming house or a dormitory in that particular area, I'm not planning to do anything of that sort.

The Comp Plan, I read the Comp Plan completely, from cover to cover. I read the community assessments. Everything that I put into that PowerPoint can be substantiated by documents in the Comp Plan that's on the web. If there's a different Comp Plan, I'm not aware of it.

We did have two meetings in reference to students being housed in those units. Apparently, a former client that does own a company, from what I understand, and I'm not real, real clear on this, medical doctors that are doing their residencies and internships here, he does own that particular company and from what I understand from my client, because of the downturn in the housing market, even those these townhomes will be deeded separately, they are for sale, anyone can come and purchase one of the townhomes, once they have been constructed, we would welcome that. In speaking with my client, there will be, if they are rented to any of the students, of course, they can be rented to anyone legally. But our presumption is that to sell them.

They are going to be separately deeded and we will invite anyone to come. This is an \$8,000,000 project for our client. Now, if they were rented to the student, it will be one lease at rooming, these particular units and I have a recording of what my client said when I was in attendance at. These particular units, if they rented by the room would rent for \$750, but they are not proposed to be rented by the room; that's illegal. But if it were rented, a 2-bedroom townhome would rent for \$1,500 and a 3-bedroom for \$2,250.

In reference to comments to a character area, in terms of the neighborhood declining, that was specifically from the Comp Plan. Those were not my words, those were not my client's word. It's verbatim from the Comp Plan, City of East Point's Comp Plan. So I do not mean to offend anyone. It is the presumption that...

Madam Chair: I will entertain a motion to close the public hearing.

Commissioner Bridgewater: I would like to move that we close the public hearing.

Madam Chair: Could I have a second?

Commissioner Atkins: Second.

Madam Chair: All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those oppose? The public hearing is closed. I will now entertain staff's comments and recommendation.

Ms. Holmes: The applicant is seeking a Rezoning from R-1A (urban Residential) to R-3 (Multifamily Residential) with Attached Dwelling Development Standards for 37 single family attached units on 3.05 acres. Staff recommends approval of the rezoning to R-3 Multifamily Residential with Attached Dwelling Development Standards with the following conditions.

1. Maximum of twenty-eight (28) single-family attached dwelling units on 3.05 acres
2. Consideration of public right-of-way abandonment will be addressed at the time of preliminary plat submission
3. Development shall be constructed in accordance with the conceptual site plan dated 06/02/08 with the amenities stated in the application:
 - a. Enhanced landscaping
 - b. Architectural lighting
 - c. Brick paving
 - d. Benches
 - e. Gazebo
4. Front elevations of each building shall be constructed of 100% brick, stone or glass combinations. Hardi-Plank siding shall be required on side and rear elevations
5. Development must meet all applicable standards and regulations specified in the East Point Code of Ordinances
6. A homeowner's association agreement and covenant shall be recorded with the final plat to include maintenance of all private streets, alleys and infrastructure.

Madam Chair: Alright Commissioners, I will entertain a motion.

Commissioner Lawler: Madam Chair.

Madam Chair: Mr. Lawler.

Commissioner Lawler: Item # 2008Z-011-06, Phillips Avenue 37 lots rezoning to R-1A to R-3 with Attached Dwelling Development Standards, I make a motion to deny this case number.

Madam Chair: Do I have a second?

Commissioner Bridgewater: Second.

Commissioner Atkins: For discussion.

Madam Chair: Discussion.

Commissioner Atkins: I just want to speak to some of the comments that were made and to talk about this particular development. I know that there were lots of commentary about perhaps this becoming a boarding house and to follow those things for us and it's very important that we state that to my knowledge we have an application that requires a special use permit for such business operation to take place.

My biggest concern for this particular development is the safety issues in terms of the infrastructure and emergency vehicles, in particularly, fire trucks, ambulances; I was just in this part of the community this past weekend and I do know for sure that there are so many very narrow streets in Center Park and while I applaud you in your finding actually for the desire, I think that it you could acierate our problem that already existing there for that particular area. Some of the comments that were made by the community, while I don't necessarily agree with them based on this particular application I do think that that would be a serious concern.

The other concern that I would have is, I don't know, maybe Center Park is very different. I do believe that we are in a declining housing market, so I don't think that there was a negative, I guess, a description of Center Park.

I understand that we are, unless Center Park is not experiencing that. But from the things that I have heard and the things that I have seen I know that there are quite a few vacant properties that weren't infill and they have been for a very long time, so, I don't really know how this would be different from some of those things; and that would be a great concern to you for this. I'll just stop right there, there was several things that I was concerned about after review of the application, site plan and renderings and while I don't necessarily think this is a bad development, I just have concerns particularly as it relates to the sinking and much later on in terms of the development.

Madam Chair: Dr. Bridgewater

Commissioner Bridgewater: Madam Chair, I would just like to echo a couple of things that Commissioner Atkins just said. I too, was concerned in terms of the traffic flow because in fact it is a dead end area, Cul-de-sac in terms of the traffic.

The other part that I was concerned about in terms of the water lines and redoing the fire and all that in terms of cost and other impact it would have on the East Point Fire Department, policing and being able to monitor the additional residents in that area.

In terms of gated residence, someone mentioned Rugby, that's College Park, that's not East Point. In terms of East Point, that would not be something we would necessarily consider. In terms of rental, that's not something that's within our purview or jurisdiction to handle, but I certainly can feel your concern. I think all of you did a wonderful presentation, Erin and Jordan, all of you in terms of the neighborhood, but I feel what you are saying and I know what rental property would do. But all their saying, they want to start out with for sale, it could shift to rental and I know how it would impact your property, for that reason I would be willing to deny as well.

Also, I was concerned that when the presentation of the beautiful landscaping that you were proposing, I wanted to see, you talked about Ivy Ridge and what they had done, I wanted to see some of the areas out of East Point that they had actually and what it was before and after. All we saw in the presentation was the after, but I wanted to see what had come before, so I can see really what your quality of work was. We saw the before on Phillips and what you would do after, but in the presentation I didn't see that, so I would be willing to deny.

Commissioner Jones: I want to make a few comments. I also took a closer look at the application and the findings that staff would like to and I have some serious concerns about, # 6, #7 and #9; specifically #6, how it states the proposed rezoning effective, reasonable, economic use of value of the adjacent properties. Staff indicated that it may improve the adjacent properties, but I think that would be a stretch because you will be basically, be changing the makeup of the neighborhood, the layout of the neighborhood.

As to #7, was the proposed rezoning, excessive burdensome use of our streets, transportation, facilities, utilities, schools, police powers. I believe that it would, even though staff said that it would not cause any excessive burden, when you have a subdivision of that size and knowing the property of that area, trees and it was configured where that subject property was located it would really greatly impact the whole area and utilities and police powers and fire department and everything else that would have to travel to that area.

9 of their findings, are there existing or changing conditions that affect the use of the development of the property which gives supporting grounds for approval or denial if any exist, how does it affect the parcel in question in the surrounding land use. Staff indicated that there has been some infill redevelopment activity on single family structures but some of the multifamily structures also have been renovated, but what I'm hearing that it's really the other way around, we are not getting the renovation and occupancy in that area like we need to. So for those reasons I would be supporting the denial.

Madam Chair: Would anyone else like to speak to this.

Commissioner Lawler: Madam Chair. Just to consider the public, I have some idea as to where, at least, this commissioner is coming from. In regard to the previous rezoning, those are questions in legality, not trying to undo the work of the community. In this situation, however, I believe the work thethe blatant large swap of land rezoned unnecessarily, I would urge citizens of East Point, when faced with this type of rezoning and new development is coming in to spend time with the developers and look at maybe this isn't the right use for this piece of land. There are two distinct things going on here. I want people to understand that previous rezoning as we discussed tonight is this is usage and this type of rezoning is not in favor of the development in the community. I think many of us certainly

this commissioner doesn't understand where Center Park and Frog Hollow are coming from, myself personally. So just so people have an understanding where this commissioner is coming from... of this analysis of this proposal.

Madam Chair: Anyone else? I will pop the question here. All those in favor of the motion as stated for the recommendation to Council to deny, say aye.

Commissioners: Responded with aye.

Madam Chair: Those oppose? Motion carries.

Decision: Case # 2008Z-011-06 recommendation to Council to DENY

Madam Chair: Next item please.

Case # 2008P-007-06
Applicant is Laurel Ridge
Property location is Washington Road

Ms. Holmes: Case # 2008P-007-08, applicant is Laurel Ridge, property location is Washington Road. Staff recommends DEFERRAL of the final plat for Laurel Ridge Subdivision which contains fifty one (51) single family detached dwellings, seventy-two (72) attached townhomes and two hundred seventy-six (276) apartments on 42.8 acres.

Commissioner Jones: Could you clarify the case number, please.

Ms. Holmes: 2008P-007-06, I'm sorry.

Madam Chair: Thank you. I'll entertain a motion on this item.

Commissioner Bridgewater: Madam Chair

Madam Chair: Yes sir.

Commissioner Bridgewater: I offer a motion that we defer item # 2008P-007-06 Laurel Ridge pending the fact that you are requesting legal reasons, which was not stated, but I think we should since that's the reason we're deferring.

Madam Chair: Dr. Bridgewater are you deferring for 30 days until the next meeting?

Commissioner Bridgewater: Specifically to the next meeting, please, which should be August 15, 2008.

Commissioner Granberry: Second.

Madam Chair: Second from Mr. Granberry. Any discussion; there being none, all those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed. Motion carries.

Decision: Case # 2008P-007-06 Deferred until August 15, 2008 meeting.

Madam Chair: I think this brings us the end of our agenda. Are there any announcements from anyone, from staff or from commissioners? There being none, I'll entertain a motion to adjourn.

Commissioner Bridgewater: Madam Chair, I move that we adjourn and also in that motion I would like to comment the esteemed wonderful job that you did in presiding on these in spite of health challenges.

Madam Chair: Thank you. All those in favor?

Commissioners: Responded with aye.

Madam Chair: Those opposed? We are adjourned.