

CITY OF EAST POINT

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

April 30, 2020

7:00 P.M.

Official Meeting Minutes

Zoom Meeting ID: 990 7611 5690, **ID 499613**
Public Meeting by Telecommunication [O.C.G.A. 50-14-1 (g)]

Board Members:

Commissioner Shean **ATKINS, Chair**

Commissioner Joel **TUCKER TODD**

Commissioner Gregory **FANN**

Commissioner Patricia **LOVETT - Absent**

Commissioner Jarrett **BELL, Provisional Chair**

Commissioner William **MILLER - Vice Chair**

Commissioner LaJeanna **MCKNIGHT**

Commissioner Willard **MAXWELL - Absent**

Commissioner Clyde **MITCHELL**

Also Present:

Ms. Kimberly **SMITH**
Director

Mr. Anthony **ALSTON**
Senior Planner

Mr. Albert **TREVINO**
Associate Planner

Linda **DUNLAVY**
City Attorney

Videographer
MICHEAL **Dimock - Absent**

Mr. Richard **RANDOLPH**
City Engineer - **Absent**

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APPEARANCES

Page

<u>Item # and Case No.</u>	<u>Applicant</u>	
(1) 2020M-001-01	City of East Point - Video	04/16/20
(2) 2019V-021-12	Sylvan Airport Parking, LLC (Applicant/Owner) and United Consulting (Representative) - Alex Brock Alex Chaves - Video	04/16/20
(3) 2020V-001-01	Geosam Capital US (Georgia), LLC c/o Kevin Daniel (Applicant) and Jeremy Keever (Representative) Not Present (Letter Sent)	
(4) 2020V-007-03	Wilson Development Group (Applicant) and Theo Stone (Representative) - Video	38
(5) 2020V-008-03	LeAnne Browning - Video	44
(6) 2020Z-002-02/ 2020VC-003-02	James Nolan - Telephone	56
(7) 2020Z-003-03/ 2020VC-009-03	Atlanta Human Performance Center (Applicant) and Jolaunda, Keith Evans Boone-Campbell (Representative) Audio	69
(8) 2020V-005-02	Atlanta Community Food Bank (Applicant) and Lauren Clayton (Representative) - Video	77

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening, ladies and gentlemen. I'm Shean Atkins, Chair of the East Point Planning and Zoning Commission and thank you guys so much for joining us tonight. Before we officially tape into or call our meeting to order, I would like to ask for our P&Z Attorney, Mrs. Linda Dunlavy to give us a recap of where we left off before the Commission had to table our regularly scheduled April 16th, meeting.

So Linda, if you would please give us that recap.

ATTORNEY LINDA DUNLAVY: As Commissioner Shean Atkins said, I am the attorney for the Planning and Zoning Commission. My name is Linda Dunlavy. For those of you who were in attendance at the Commission meeting on April 16th -- and I think you all were -- you were aware that the meeting was interrupted by a serious hacking incident, which it was.

As a result of this incident, the Planning and Zoning Commission, after that meeting, voted to table all the items --

COMMISSIONER ATKINS: Linda, Linda, Linda. Hold on just one second. If your microphone is not on mute, would you please put your microphone on mute. There's a lot of background noise going on. Mr. Huetter, could you put your phone on mute; Pat, Greg, could you also put your microphones on mute. Or Kim, could you mute anyone who is not muted with the exception of Mrs. Dunlavy.

MS. SMITH: Yes.

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COMMISSIONER ATKINS: Thank you.

ATTORNEY LINDA DUNLAVY: It looks like everybody is muted at this point. So we had a serious hacking incident; and so as a result of that, the Planning and Zoning Commission made an emergency teleconference call and voted to table all of the incomplete items on the April 16th agenda for a rescheduled date and time; and this is the date and time, tonight.

I have reviewed the transcript from the April of 16th, and the only item upon which action was taken by the Commission that night was on the Citywide Text Amendment; and the Commission voted to defer the that item. So all of the other items that remain on the agenda will be heard and hopefully decided upon this evening.

After the Text Amendment was voted for deferral, the Commission then began consideration of Item Number 2 on that agenda; that is Case Number 2019V-021-12. That's the application of Sylvan Airport Parking for variances to the required parking lot landscape islands and the 50-foot and 25-foot undisturbed natural vegetative stream buffers.

The Commission conducted public hearing on that Agenda Item. It heard from the property owner, Alex Chaves Legal Counsel for the applicant, Alex Brock and David Huetter, an engineer with United Consulting and Support of the application.

Additionally, the applicant presented a letter of support from the River Park Neighborhood. If you recall, there was no public opposition to the application. Staff sounded its recommendation and

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that recommendation was for denial. However, Staff read a list of thirteen (13) conditions it recommended in the event of Commission approval of the variance. The public hearing was closed and a motion to approve the variance is conditioned upon the thirteen (13) conditions was read by Staff. The motion to approval with the conditions was made by Commissioner Tucker; seconded by Commissioner Fann.

After that motion was made, there was a brief discussion amongst Commission members. Immediately prior to the unexpected termination of the meeting, Commissioner Atkins had requested that Staff place the site plan on the screen. The meeting was closed before any discussion on the site plan was held. With respect to this particular Agenda Item, it should be noted on the day of the April 16th hearing the applicant had submitted a revised site plan along with a list of fifteen (15) conditions, not thirteen (13) which is what was read by Staff upon which the applicant requested to the variance be approved.

These conditions, upon my review, are exactly the same conditions as recommend by Staff in it's written Staff analysis, except that Conditions Number 7 and Number 9 referenced the revised and updated site plan of April 14th, 2020 rather than the January 7th, 2020 site plan referenced by Staff.

At this juncture, I think that hopefully gives you a decent summary of where we were and refreshes Commissioner members and applicants alike where we were; and so I think we're ready to

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proceed and I'll turn it over to the Commission. The Commission needs to make a motion, at this point, to untable the unheard items and move forward with tonight's agenda beginning with Item Number 2 where we left off.

COMMISSIONER ATKINS: Okay.

ATTORNEY LINDA DUNLAVY: And the agenda will be in the same order as was published for the April 16th, meeting; and that's all I have, Mr. Chair, unless there's questions.

COMMISSIONER ATKINS: No, that's great. Thank you, Mrs. Dunlavy. So at this time, I'd like to ask if Staff would please sound Roll Call to establish a quorum.

II. ROLL CALL:

MR. ALSTON: Absolutely. Commissioner Shean Atkins.

COMMISSIONER ATKINS: Present.

MR. ALSTON: Commissioner Joel Tucker-Todd.

MR. TUCKER: Present.

MR. ALSTON: Commissioner Gregory Fann.

COMMISSIONER FANN: Here.

MR. ALSTON: Commissioner Patricia Lovett.

COMMISSIONER LOVETT: Present.

MR. ALSTON: Commissioner Jarett Bell.

COMMISSIONER BELL: Here.

MR. ALSTON: Commissioner Will Miller.

COMMISSIONER MILLER: Here.

MR. ALSTON: Commissioner McKnight.

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COMMISSIONER MCKNIGHT: Here.

MR. ALSTON: Commissioner Maxwell.

COMMISSIONER MAXWELL: (No response.)

MR. ALSTON: Commissioner Mitchell:

COMMISSIONER MITCHELL: Present.

MR. ALSTON: Mr. Chair, you have a quorum.

COMMISSIONER ATKINS: Okay. Thank you, Mr. Alston.

Commissioners, at this time, I'll entertain a motion to untable our meeting.

III. UNTABLE APRIL 30, 2020 MEETING:

MR. TUCKER: So moved.

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Tucker, probably seconded by Commissioner Mitchell that we untable our April meeting. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

Our meeting is untabled and we can continue with Agenda Item Number 2. As our Attorney Mrs. Dunlavy had mentioned, I did request that the site plan for this particular Agenda Item be put on the screen. So if you could go ahead and put that on the screen for me, I'd appreciate it. And is this a site plan of April 14th or is this a site plan that was referenced by Staff from an earlier date?

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MS. SMITH: This is a site plan referenced by Staff from an earlier date.

COMMISSIONER ATKINS: Okay. So this is, indeed, not the actually site plan that will be a part of this package; is that correct?

MS. SMITH: That is not correct. This is the originally site plan submitted as a package in the applicant. This is not the site plan that was submitted to our department on April 16th in the afternoon.

COMMISSIONER ATKINS: Okay.

MS. SMITH: This is the original site plan. Would you like the -- I can show the --

COMMISSIONER ATKINS: Could you please put up the April 14th site plan?

MS. SMITH: Yes.

COMMISSIONER ATKINS: Okay. And can you tell us whether the changes are? What are the difference?

MS. SMITH: The difference in the proposed site plan to the original site plan is the applicant has added permeable parking spaces along the perimeter of the detention pond. They have also made references to the types of material that will be used. They have also added some landscaping along the edges as well.

COMMISSIONER ATKINS: Okay. So there was no landscaping prescribed nor as a part to have conditions before?

MS. SMITH: There was landscaping prescribed in the conditions before. It is my understanding that they were trying to or

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attempting to imposed the conditions -- transpose them on to this proposed site plan. The concern that Staff has with this is that this particular site plan that was submitted to us on April the 16th in the afternoon has not had the opportunity to matriculate through our technical review departments; and therefore, we would not feel comfortable excepting this at this time; and we feel comfortable the conditions that have be set forth to cover all development concerns that we have.

COMMISSIONER ATKINS: Okay. Thank you. And, again, can you, Staff, tell me what is the proposed number of parking spaces that will be a part of the Staff's recommendation, the total?

MS. SMITH: The total number of parking spaces is 1,179. Let me double check the number.

COMMISSIONER ATKINS: Okay.

MS. SMITH: And that number has not changed; but let me get the exact number.

COMMISSIONER ATKINS: Okay.

MS. SMITH: The exact number is 1,196 parking spaces total.

COMMISSIONER ATKINS: 1,196 total, okay. All right. And I do understand that the applicant met with the closest affected or impacted neighborhood association, which is River Park; correct?

MS. SMITH: That is correct.

COMMISSIONER ATKINS: Okay. And do we have any read out from the meeting in terms of any considerations that that community had requested of the applicant?

1 MS. SMITH: Tony, do you have the letter that was submitted
2 to our office from the neighborhood?

3 MR. ALSTON: Sorry, my screen got frozen. I'm looking for it
4 now on my email.

5 COMMISSIONER ATKINS: Okay.

6 MS. SMITH: Okay. In a summary, the letter stated that they
7 were in support of the project.

8 COMMISSIONER ATKINS: Okay.

9 MR. ALSTON: They did identify that Mr. Huetter had met with
10 them. They had come up with their own agreement that a certain
11 amount or fund that would be paid into for the River Park
12 Community. And, yes, it did state that they were, at this point, in
13 approval or agreement with the project.

14 COMMISSIONER ATKINS: With the project, okay. All right.
15 Commissioners, are there any other comments, questions or
16 concerns about this Agenda Item?

17 COMMISSIONER FANN: I do.

18 COMMISSIONER ATKINS: Okay. Kim, can you put us back
19 on gallery so that I can see -- unless one of the Commissioners is
20 asking for any other slides so that I can see every one. Okay.

21 MS. SMITH: Okay.

22 COMMISSIONER ATKINS: I think I heard Commissioner
23 Tucker and Commissioner Fann; is that correct?

24 COMMISSIONER FANN: You did. Joel can go first.

25 COMMISSIONER ATKINS: Before we do that, can I please --

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I think our P&Z attorney has raised her hand. Mrs. Dunlavy, is there something that you would like to say?

ATTORNEY LINDA DUNLAVY: Yes. I did want to mention something actually while Kimberly had the conditions up on the screen. She had the first seven (7) conditions -- the applicant had submitted two additional conditions and I wanted the Commission to be very much aware of those two additional conditions because I think Staff has reviewed those. The additional conditions of the applicant were: Encroachment into the stream buffer will not substantially exceed that which is on the buffer encroachment map prepared by United Consulting; and the second one is the --

COMMISSIONER ATKINS: Can you put that person on mute, please, Kim.

MS. SMITH: Yes.

COMMISSIONER ATKINS: All right.

ATTORNEY LINDA DUNLAVY: And the second one was the existing vegetative buffer on the northern property line shall be maintained and supplemented as needed to provide a continuous visual screen. These are actually two conditions that I had recommended; and I understand Staff has reviewed those conditions and maybe Kimberly can comment on that before you move on with Commission discussion.

MS. SMITH: Yes, that's is correct. Those conditions were reviewed by Staff and we are in agreement with those two additional conditions, Number 14 and Number 15.

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COMMISSIONER ATKINS: And so in order for those -- go ahead, Mrs. Dunlavy.

ATTORNEY LINDA DUNLAVY: And then finally if the Commission moves forward with the motion to move to approve with conditions, I would recommend that, unfortunately, a 16th condition be considered; and that is that the applicant be advised that they cannot move forward with a land disturbance permit unless the text of the zoning ordinance is amended to allow the Park 'N Ride use that the applicant proposes is in an I-1 district; otherwise, the approval of the variance is null and void.

COMMISSIONER ATKINS: Okay. That sounds logical. So we would need a friendly amendment to include those three additional conditions to the thirteen (13) that have already been a part of the motion and the second. So at this time, I'll recognize Commissioner Tucker.

MR. TUCKER: Thank you, Mr. Chair. So just to be a hundred percent sure -- because we're going in a lot of places with this -- there are now sixteen (16) total conditions; but the site plan that's change -- is the applicant online that I could ask him specifically what has changed in between -- I can't figure out if it's the 14th and the 16th?

COMMISSIONER ATKINS: He is online. Mr. Huetter. Mr. Huetter. Is there another representative from Sylvan Parking?

MR. HUETTER: Can you hear me now?

COMMISSIONER ATKINS: Yes.

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MR. HUETTER: Can you hear me?

COMMISSIONER ATKINS: Okay.

MS. SMITH: Yes.

MR. HUETTER: Okay. Sorry. I had my phone on and I was trying to talk --

COMMISSIONER ATKINS: Okay. You've gone out. Mr. Huetter.

MR. HUETTER: Yes, can you hear me?

COMMISSIONER ATKINS: Yes.

MR. HUETTER: Okay. All right. I don't know what the problem is. All right. So what we did with the site plan was after we received the recommended conditions from Staff -- and actually, the conditions that Staff put up on the screen were the thirteen (13) conditions that they had in the previous Staff report. The most recent Staff report actually has fifteen (15) conditions. So the fifteen (15) conditions that Linda is referring to, Mrs. Dunlavy is referring to, are the fifteen (15) conditions in the most recent Staff report. It's just that the Powerpoint that was put up did not have all fifteen (15). So the fifteen (15) conditions are in the latest Staff report and so then there would just be the sixteenth (16) condition that Mrs. Dunlavy just requested.

As far as the changes in the site plan, what we did was we went through those conditions and things like bioretention facilities, pervious pavers that were requested, we added that information to the site plan so that we could show that we were, in fact, intended to

1 comply with all of those conditions as requested; and then we also
2 wanted to make sure that was very clear to everybody where the
3 number of parking spaces were coming from; so we added a note on
4 to that latest site plan to show where the different counts for the
5 parking spaces were so it was clear where the 1,096 spaces came
6 from. So that was the main changes to that site plan where clearly
7 identifying where those 1,096 parking spaces were; the addition of
8 the bioretention area that's requested by Staff in addition of the
9 pervious pavement as requested by Staff.

10 MR. TUCKER: Thank you, I appreciate that clarification.

11 MR. HUETTER: Sure, sure.

12 COMMISSIONER ATKINS: Okay. Commissioner Fann. Can
13 we please mute Mr. Huetter.

14 COMMISSIONER FANN: Can you hear me, Shean?

15 COMMISSIONER ATKINS: Yes.

16 COMMISSIONER FANN: I said that -- I'm good; that Joel
17 asked the questions about the conditions. That's what I was going to
18 ask, what were those conditions, those other conditions; because it's
19 kind of hard, you know, we're doing -- the hearing usually have
20 papers. Before, you could see what those conditions are. But, the
21 last one that Linda talked about in terms of the Text Amendment,
22 and that is to be added to the other fifteen (15); is that the
23 understand?

24 COMMISSIONER ATKINS: That is correct. So that particular
25 one regarding the Text Amendment will be condition No. 16.

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COMMISSIONER FANN: Okay, okay. We good.

COMMISSIONER ATKINS: Okay. So we need a friendly amendment because at the current moment, the motion on the floor is approval with thirteen (13) condition. Those are the thirteen (13) original conditions as statement. Since that time, there have been two -- there have been three additional conditions that have been discussed and so is there someone who would like to make a friendly amendment to include those three additional conditions as a part of the motion?

COMMISSIONER MILLER: I would like to make a friendly amendment to include the three (3) additions to the recommendations.

COMMISSIONER ATKINS: To the original -- okay, to the original motion. Mr. Tucker, do you accept that friendly amendment?

MR. TUCKER: Yes, Mr. Chair, thank you.

COMMISSIONER ATKINS: And, Mr. Commissioner Fann, does your second still stand?

COMMISSIONER FANN: (No response.)

COMMISSIONER ATKINS: You have to unmute.

COMMISSIONER FANN: It still stands.

COMMISSIONER ATKINS: Okay. Thank you. So Commissioners, at the moment, we have a motion on the floor for approval of Agenda Item 2019 "V" as in Victor-021-12 as stated by Staff to include sixteen (16) as has been stated by Staff and our P&Z Attorney, Mrs. Dunlavy. That motion has been made by

1 Commissioner Tucker, approved by Commissioner Fann -- seconded
2 by Commissioner Fann. All in favor sound aye.
3 COMMISSIONERS: Aye.
4 COMMISSIONER ATKINS: All opposed sound nay.
5 COMMISSIONER BELL: No.
6 COMMISSIONER ATKINS: Okay. Do we need to do a Roll
7 Call? Staff, would you please conduct a Roll Call.
8 MR. ALSTON: Yes, sir. Commissioner Atkins?
9 COMMISSIONER ATKINS: I only vote in case of a tie. Go to
10 the next Commissioner, please.
11 MR. ALSTON: All right. Commissioner Joel Tucker Todd.
12 MR. TUCKER: Yes.
13 MR. ALSTON: Commissioner Greg Fann.
14 COMMISSIONER FANN: Yes.
15 MR. ALSTON: Commissioner Patricia Lovett.
16 COMMISSIONER LOVETT: Yes.
17 MR. ALSTON: Commissioner Jarrett Bell.
18 COMMISSIONER BELL: No.
19 MR. ALSTON: Commissioner Will Miller.
20 COMMISSIONER MILLER: Yes.
21 MR. ALSTON: Commissioner McKnight.
22 COMMISSIONER MCKNIGHT: (No response.)
23 COMMISSIONER ATKINS: LaJeanna, you're on mute.
24 COMMISSIONER MCKNIGHT: Yes. Sorry, I continue get my
25 mouse to work.

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COMMISSIONER ATKINS: Okay. That's okay.

MR. ALSTON: Commissioner Maxwell.

COMMISSIONER MAXWELL: (No response.)

MR. ALSTON: Commissioner Mitchell, you said, no.

COMMISSIONER MITCHELL: No.

MR. ALSTON:

COMMISSIONER ATKINS: Okay. We've got five (5) yeas, two (2) nays. The motion carries. This item is approved. Our next Agenda Item, which is Number Three (3) on our agenda is Case Number 2020 "V" as in Victor-001-01. This Agenda Item, in addition to items numbers four (4) through eight (8). They all require a public hearing. At this time, I will read our Rules for Public Hearing. They were a bit lengthy so if you would please indulge me and bear with me because they incorporate the new format upon which we are operating.

(Whereupon the City of East Point Rules for Public Hearing which are held virtually by teleconference are read into the record.)

COMMISSIONER ATKINS: Conducting public meeting, we know there is a process -- it is a new process for local governments. Due to the Corona Virus Outbreak and Requirements of Physical Distancing, the Planning and Zoning Commission has recently started using Zoom, a videoconferencing platform to hold this meeting while making them available to the public to join remotely. This is only our third (3rd) meeting using this platform.

Those attending these Zoom meeting are reminding that

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these are public meetings established rules of procedure and decorum which will still be followed to the extent reasonably possible. The meetings are held to address zoning business for the City and to that end, any one participating in the virtual meeting will be expected to follow the rules for public speaking at these meetings.

Those in attendance has either access the meeting via telephone or Webinar link. Unless you are an applicant or representative of an applicant actively addressing the Commission, I ask that you mute your microphone. Unless you sign up to make public comment on a particular Agenda Item prior to calling of the meeting except for the public notice, you will only be allow to listen to the meeting. You will not be allow to speak.

The Standard Rules of Procedure require a person who wishes to address the Commission during the meeting to fill out a card providing his or her name, first and last name and his or her address and to identify the item he or she wishes to speak upon. Since no persons will be physically present, applicants or the applicant's representative wishing to address the Commission have already signed up and identified themselves. They will be called upon by the Chair based on their sign-up.

Some members of the public may have emailed comments to the Planning and Zoning email address prior to calling of this meeting and those email comments will be noted and read for the record what the particular Agenda Item is called after the applicant's presentation to the Commission has been completed.

1 Additionally, some members of the public may have left a
2 message with the Planning and Zoning Department prior to the
3 calling of this meeting, requesting an opportunity to comment on a
4 particular Agenda Item over the phone during this meeting. Those
5 individuals will be called by the Staff immediately prior to the calling
6 of the Agenda Item unless they have expressed an interest and given
7 an opportunity to listen to proceedings on the item and to address
8 the Commission at the appropriate time.

9 Persons both favoring and opposing the proposed case will be
10 provided an opportunity to address the Commission. The applicant
11 for the zoning case or the applicant's designated representative, if
12 any, will be entitled to speak for a total of fifteen (15) minutes.
13 Those who opposed the proposed zoning case will then be permitted
14 to speak for a total of fifteen (15) minutes.

15 However, understanding that this is a new platform and may
16 take longer logistically, we will be relatively liberal with the time
17 controls until we get use to this new platform. By a majority vote,
18 the Commission may increase the total time of speakers provided
19 that each side is given the same amount of time. A zoning applicant
20 may reserve a portion of his or her allotted time for rebuttal. After
21 the allotted time expires, the microphones of the speakers will be
22 muted by the host.

23 After speakers for or against an Agenda Item have been given
24 a full opportunity under these rules to address the Commission, the
25 public hearing will be closed and the Commission shall discuss the

1 case amongst its members. Members of the public are not permitted
2 to speak during the Commission's deliberation. For participants to
3 there meeting other than the Commissioners and the Staff, please
4 mute your microphone so we won't have background noise that can
5 be disturbing to this meeting. If you fail to do this, the host will do it
6 for you. Also, should any recognized speaker desire for the
7 permission to view a document at any time, please request to the
8 host prior and she will share the document. Due to the security
9 concerns, no one other than the host will be permitted to share the
10 meeting screen.

11 Speakers must adhere to the rules of decorum. Each speaker
12 shall speak only upon being recognized by the Chair and only to the
13 merits of the proposed zoning ordinance under consideration, shall
14 address remarks only to the Commission and shall refrain from
15 making certainly attacks on any other speaker. The Chair may refuse
16 the speaker the right to continue if, after first being cautioned, the
17 speaker continues to violate the rules of decorum or the violator may
18 be removed from the Zoom meeting by the Chair.

19 Please understand that Staff will be multitasking a lot during
20 the meeting and may not be able to respond to a chat inquiry
21 immediately, if at all. However, should you experience technical
22 difficulties during the meeting, please feel free to use the chat
23 feature on the Zoom screen and Staff will attempt to assist you.

24 We thank you for your patience and understanding and we
25 work through these challenging times and this new technology.

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You've heard the rules for our public hearings. At this time, Commissioners, I'll entertain a motion to open the public hearing for Case Number 2020 "V" as in Victor-001-01.

MR. TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Lovett that we open the public hearing. Staff, would you please sound this Agenda Item.

MS. SMITH: Chair, Item Number 3, Case Number 2020V-001-01; Applicant Geosam Capital US (Georgia), LLC, Kevin Daniels, applicant and Jeremy Keever, Representative..

COMMISSIONER ATKINS: Okay. Thank you. Is a representative for the applicant present this evening, Mr. Daniel or Mr. Keever?

APPLICANT: (No response.)

COMMISSIONER ATKINS: Is there an applicant or representative present?

APPLICANT: (No response.)

COMMISSIONER ATKINS: Okay. Is there anyone here to speak in favor of this Agenda Item? Anyone here to speak in favor of this Agenda Item?

APPLICANT: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, is there anyone here to speak against this Agenda Item?

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APPLICANT: (No response.)

COMMISSIONER ATKINS: Anyone here to speak against this Agenda Item?

APPLICANT: (No response.)

MS. SMITH: In reference to this item, there was a letter sent out to the Staff and it was sent out to us on April the 28th via email. Would you like for me to read that into the record?

COMMISSIONER ATKINS: Is that letter for or against this Agenda Item?

MS. SMITH: It is against this Agenda Item.

COMMISSIONER ATKINS: Can you please tell the Commissioners from whom the letter is coming?

MS. SMITH: This letter is signed by Bobbie Wing, Green Valley Drive, Street Captain of the Golden Acres Community..

COMMISSIONER ATKINS: Okay. Go ahead with the letter.

MS. SMITH: This letter says, City of East, Ward C and D; Concerned Residents: Dear East Point City Council, several residents representing Green Valley Drive, Dogwood Drive and Stone Drive met on the following dates: Planning and Zoning Department meeting on February 20th, 2020, in the Community Information Meeting with the builders on March 10th, 2020. These meetings informational and questions and answers session that seemed to raise more unresolved planning issues. The residents understand that the 3049 Stone Road Kaizen Collaborative Property has zoning approval to build residential housing.

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However, there are unresolved issues that were voiced in the past and remain questionable. Also, know that these issues relate to the City of East Point and not the builder. Please be advised that the following residents' concerns and the need to address the same.

Concern number one: The vehicle egress limitations and safety issues on Stone Road; number two, the limited stone water connections and proper installations affecting Green Valley Drive; number three, the past erosions on to the streets and private properties of Green Valley Drive and Dogwood Drive were destructive and cause major changes.

We are requesting that the stated issues be addressed and resolved with assurance that residents will not be adversely affected by deficient planning measures or prevention and sustainability of our community. Sincerely, Bobbie Wing, Green Valley Drive, Street Captain, Golden Acres Community.

COMMISSIONER ATKINS: Okay. Thank you. Is there any one else here to speak against this Agenda Item?

APPLICANTS: (No response.)

COMMISSIONER ATKINS: Any one else here to speak against this Agenda Item?

APPLICANTS: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER MILLER: Motion to close the public hear.

COMMISSIONER ATKINS: Is there a second?

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COMMISSIONER MCKNIGHT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner McKnight that we close the public hearing for Case Number 2020 "V" as in Victor-001-01. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. SMITH: Yes, I need one moment to share the screen, please. In reference to Case Number 2020V-001-01, Geosam Capital US, LLC, Kevin Daniel and Jeremy Keever; applicant property located at 3049 Stone Road, Ward C. The applicant seeks to develop 32 single family homes and is requesting a variance to reduce the setbacks for back the front yards and the rear yards on lots one (1) and lots fifteen (15) through twenty-one (21) as noted in Sections of 10-2061 (e), (b) and (d)..

Staff is recommending approval with conditions of the variance to reduce the front yards and rear yard setbacks as following lots: Lots one (1), (15), (18), (20) and (21) front and rear yard setback reduction of 10 feet. Lot number (19), front yard setback reduction of 30 feet and rear yard setback of 10 feet. The conditions are as follows for lots (14) through (16): Install

1 Evergreen buffer that must be at least six feet at the time of
2 planting. Condition number two, for lots 1 through 15 must front
3 Stone Road; condition number three, applicant must install sidewalk
4 along frontage.

5 COMMISSIONER ATKINS: Okay. Commissioners, you've
6 heard a letter written in opposition and you've heard Staff's
7 recommendation and I want to clarify. The letter was not in
8 opposition to the project. It was relate to do traffic issues; is that
9 correct?

10 MS. SMITH: That is correct.

11 COMMISSIONER ATKINS: Okay. So I just wanted to clarify
12 that. At this time, Commissioners, I'll entertain a motion.

13 MR. TUCKER: Mr. Chair.

14 COMMISSIONER ATKINS: Yes, Commissioner Tucker.

15 MR. TUCKER: I'd like to make a motion to approve with
16 conditions stated by Staff.

17 COMMISSIONER ATKINS: Okay. Is there a second.

18 COMMISSIONER LOVETT: Second.

19 COMMISSIONER ATKINS: Okay. It's been moved by
20 Commissioner Tucker, seconded by Commissioner Lovett that we
21 approve this Agenda Item with conditions as stated by Staff. Any
22 comments, questions or concerns?

23 COMMISSIONER BELL: Yes.

24 COMMISSIONER ATKINS: Okay, Commissioner Bell.

25 COMMISSIONER BELL: One of -- when I was reading

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through the notes from the meeting with the neighborhood, one of the things I noticed in it's -- it was talking about regarding the drainage and the erosion; and as I was reading those notes, my thought is that it wasn't explicit enough exactly what the applicant plans to do to address that; and my concern is until we see something that is concrete as far as factually what they plan to do to mitigate that, I have a hard time voting yes on this.

I personally don't have any issue with the project; but I don't see a concrete plan on how that the erosion is going to be mitigated and that's something that -- if the applicant is here, I would like for them to speak on that.

COMMISSIONER ATKINS: Okay. Thank you, Commissioner Bell. And Staff, do you know if that is something that is addressed at this time or if that's something that goes through site development?

MS. SMITH: That concerns something that will be addressed at the site development stage. They will submit their plans and submit them through our technical review developments and it will be up to our Public Works Department as well as Transportation Department and engineers to provide mitigation measures to make sure that erosion and traffic concerns are addressed during that process, site plan and Plan Review process.

COMMISSIONER ATKINS: Okay. What I would like is -- because I think that the reason I asked the question is because I think that -- that issue addressed but because the Commissioner has brought that to the attention of this Body and as a concern of his. I

1 would like to make sure that Staff please forward to those
2 departments Public Works and those who handle site development as
3 well as Transportation, Traffic and Transportation, the
4 Commissioner's concern to make sure that the concerns are
5 addressed and that they are aware that it was a concern. Any of
6 comments, questions or concerns?

7 COMMISSIONERS: (No response.)

8 COMMISSIONER ATKINS: Okay. Can you go back -- give me
9 that screen back with the conditions, please.

10 MS. SMITH: Yes.

11 COMMISSIONER ATKINS: Okay. In looking at what the
12 applicant is stating in their request for the variance, I am reading that
13 they're seeking a variance setback for lots 1 and lots 15 through 21.
14 And so if that is the case, that's a total of eight (8) lots. According to
15 what Staff is recommending, it's only six (6) lots. You've got 1, 15 --
16 you don't have 16 or 17; and then you've got 18 then 19 below, 20
17 and 21.

18 So what's happening with lots 16 and 17?

19 MS. SMITH: So the condition -- the variance request is for all
20 to have lots that were applied for in the application. What this slide
21 is trying to represent is the quantified number of how much the
22 buffer will be for these particular lots.

23 COMMISSIONER ATKINS: So then what happens with lots --
24 again, 16 and 17 -- what will that setback be? Because the applicant
25 is questioning for, again, lots 1 and then lots 15 through 21; and so

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here we have not referenced lots 16 and 17.

MS. SMITH: Okay. I see what you're saying. Tony, can you look in the Staff report for the specifics on --

MR. ALSTON: Yes, let me look at exactly the case file.

MS. SMITH: Because I see what you're saying. The actual quantification on a reduction should be for every single lot.

COMMISSIONER ATKINS: Well, while Staff is looking for that, if we go down to Condition Number 3, to me that language is exactly vague; applicant must install sidewalk along frontage -- frontage of what? So I think that what the Staff is attempting to do is to say that the sidewalks must be installed along the frontage of Stone Road; is that correct? Is that the only road that the property fronts?

MS. SMITH: Correct, that is absolutely correct.

COMMISSIONER ATKINS: Okay. So I think that it needs to be very specific. The applicant must install sidewalks along the frontage of Stone Road. Mr. Alston, any luck in finding information on lots 16 and 17?

MR. ALSTON: Yes. I'm pulling up the Staff report now. I'm just having -- it's moving a little slow. I don't see anything in reference to those lots specifically.

COMMISSIONER ATKINS: Okay.

MS. SMITH: We have several raised hands by council; Commissioner Fann.

COMMISSIONER ATKINS: Okay.

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MS. SMITH: Can you see that, Chairman?

COMMISSIONER ATKINS: I can't see any of that because I -- we're not share the screen.

MS. SMITH: Maybe we can unshare the screen so we can see the raised hands.

COMMISSIONER ATKINS: Okay. While Staff is looking for that, you said that --

MS. SMITH: Commissioner Fann had a raised hand.

COMMISSIONER ATKINS: I don't see Commissioner Fann on the screen at all anymore. Commissioner Fann, are you there?

COMMISSIONER FANN: (No response.)

COMMISSIONER ATKINS: Okay. While Staff is looking for that, Mrs. Dunlavy, I recognized you.

ATTORNEY LINDA DUNLAVY: Yeah. I'm not seeing it in the Staff report itself; but I do see in the letter from the applicant that the applicant is asking for a variance from lots 1 and 15 through 18; and with respect to those lots, seeking a front yard setback reduction of 10 feet and a rear yard setback reduction of 10 feet. So they're clearly within the scope of the applicant and so I guess we need to hear from Staff whether exclusion of those lots was an error and they intend to include those in their report and whether they're recommendation for approval or not.

MR. ALSTON: And they're not here to seek on it but I do have that Staff report. Lots, as you said, 1 and 15 through 18 for a front and rear yard setback reduction of 10 feet. Lot 19 front yard setback

1 reduction of 30 feet and rear yard 10 feet; and 20 through 21 of ten
2 and ten. So those lots have been left out on the application. There
3 was no reference to them.

4 MS. SMITH: Inadvertently. So we need to add back in lots
5 16 and 17 to the 10-foot setback request..

6 ATTORNEY LINDA DUNLAVY: That would be correct.

7 COMMISSIONER ATKINS: Okay. So the motion on the floor
8 was to approve Staff's recommendation including the conditions. And
9 so, at this time, we will have to amend that motion so make sure that
10 we include lots 16 and 17 as well as the additional language in the
11 conditions for condition number 3, which I'll read: Applicant must
12 install sidewalk along frontage of Stone Road.

13 ATTORNEY LINDA DUNLAVY: I don't think you need to redo
14 the motion, Shean. I think you can just have a friendly amendment
15 based upon Staff clarifications.

16 COMMISSIONER ATKINS: Okay. And --

17 MR. TUCKER: Mr. Chair, if I could.

18 COMMISSIONER ATKINS: Yes.

19 MR. TUCKER: Kimberly, can you pull up the site plan that
20 shows these lots? Because it feels like that we were expanding
21 beyond. So I don't know -- do we have anything -- so this is one,
22 two, three, four, five, six, seven, eight, nine. So there's ten that butt
23 up to Stone Road; is that right, ten lot?

24 COMMISSIONER ATKINS: Yes.

25 MR. TUCKER: And if we go back to what we just revised,

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what was the number of lot?

COMMISSIONER ATKINS: The total number of lots is eight lot, which is a part of the original application. I notice that there were eight lots in the application.

MR. TUCKER: Okay.

COMMISSIONER ATKINS: However, Staff's recommendation inadvertently omitted two of the lots, lots 16 and 17. So we're actually not expanding the request --

MR. TUCKER: Okay.

COMMISSIONER ATKINS: -- the variance request from the applicant. We're going back to correct what Staff's recommendation was to include those two lots.

MR. TUCKER: Thank you for the clarification.

COMMISSIONER ATKINS: Okay.

MR. TUCKER: All right.

COMMISSIONER ATKINS: And at this time, I can't remember what made the motion and who seconded the motion.

MR. TUCKER: I made the motion and I will amend the motion to include the additions that we put here.

COMMISSIONER ATKINS: Okay, Staff's clarification. And was that Lovett? Was that Commissioner Lovett who seconded it?

COMMISSIONER LOVETT: Yes, I think it was. Yes, I did.

COMMISSIONER ATKINS: Okay. All right. So Commissioners, at the time, we have a motion on the floor to approve Agenda Item 2020 "V" as in Victor-001-01.

1 COMMISSIONER MITCHELL: I have my hand up. I have my
2 hand --

3 COMMISSIONER ATKINS: I'm sorry. I can't see you. Kim,
4 can you go back to the gallery screen?

5 MS. SMITH: Yes, that is Commissioner Mitchell.

6 COMMISSIONER ATKINS: Okay. Commissioner Mitchell, I'm
7 sorry, go ahead.

8 COMMISSIONER MITCHELL: Okay. That's okay. I'm stuck
9 in my car. I can't get in and out of itself because I'll lose you guys.
10 But when they're talking about water mitigation and the sliding of
11 mud on the back, I know that's one of the big things that the
12 neighborhood had in mind. Are they being specific on how they're
13 going to deal with that, the water run-off, to deal with the mud and
14 things on the backside. I didn't see anything specific. Did Staff
15 notice anything? I didn't see specific. It said that they would deal
16 with it, but how?

17 MS. SMITH: It will be dealt with through the Plan Review
18 stage, the site development stage of the project.

19 COMMISSIONER ATKINS: Okay. The public hearing is now
20 closed. We're only with the Staff. Now, Commissioner Mitchell,
21 someone has identified themselves as a representative to have
22 applicant. Would you like for that person to address your question?

23 COMMISSIONER MITCHELL: Yes.

24 MR. ABBOTT: Yes, I can translate -- I'm sorry.

25 COMMISSIONER ATKINS: Okay. Would you please state

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your first and -- is that Mr. Kaisen?

MR. ABBOTT: Chuck Abbott with Kaizen Collaborative, yes. I'm the engineer, yes.

COMMISSIONER ATKINS: And we need your first and last name and your current address.

MR. ABBOTT: Chuck Abbott, 4477 Sims Court, S-i-m-s Court, Tucker, Georgia, 30084.

COMMISSIONER ATKINS: Okay. Go ahead, Mr. Abbott.

MR. ABBOTT: Yes, the erosion and storm water issues, they will all be addressed at the time of land disturbance permit. Currently, there has been no erosion mitigation on this site for fourteen (14) plus years. There are ravines and gullies that are washing around any type of sediment trap on the site. So it's horrible; it's going to be horrible until we can get out there and adequately address all these issues; and they will be addressed.

COMMISSIONER MITCHELL: What scares me is that back in 2006 -- I can be corrected -- when the project was active, it was miserable back there. I was on Council at the time. I think Greg was also. And the mud and the water that came through there -- so you're saying as of now, there's no issue. Why would there not be any issues when there was before?

MR. ABBOTT: Currently, well, there's several ravines and gullies eroded throughout the site. It's just -- there's no silk fence. There's no way to direct the storm water to upon or any of the storm midlands. It's all running around it and eroded horribly; so I guess

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with the current permit, we can bring it up to current erosion standards and storm water and it will be developed in a much more controlled manner and direct all water to a functioning storm water pond which is currently not even present. So you hear me?

COMMISSIONER MITCHELL: Yes, I can hear you. Okay. All right. Mr. Chair, that satisfies me.

COMMISSIONER ATKINS: Okay.

COMMISSIONER FANN: I do have something I want to say. Can you hear me now, Shean?

COMMISSIONER ATKINS: Yes, Commissioner Fann go ahead.

COMMISSIONER FANN: Thank you so very much. I don't know what was going on a few minutes ago. But I think that he's addressed the issue on the storm water issue in terms of that; but we do know that that is a major concern and I don't know -- I know that Staff say they are going to catch it on that end; but I think we need to make sure that some kind of way that it's noted that we're very much concerned about the storm water issue and the settlement because that was horrible back then. Mud was all in the street and we don't want to visit that again because the citizens did complain about it. So I just want it to go in the record, too, to say that, I mean, I hope that we do, Ms. Smith, that when you talk to the people who handle that, the Public Works people, is to let them know that that's going to be a major concern for the neighborhood and for myself and some other Commissioners.

1 MS. SMITH: We will definitely do that.

2 COMMISSIONER ATKINS: Yes, if you could please, as we did
3 with the other case, let Staff -- well, yes, Mr. Bell's request so that
4 would be in line with what Mr. Bell is asking as well. Just please let
5 the appropriate Staff aware of the concerns of the Commissions.
6 Okay. Any additional comments, questions, or concerns?

7 COMMISSIONERS: (No response.)

8 COMMISSIONER ATKINS: Commissioners, there's a motion
9 on the floor to approve Case Number 2020 "V" as in Victor-001-01 as
10 stated by Staff with their clarification. The motion was made by
11 Commissioner Tucker, seconded by Commissioner Lovett. All in favor
12 sound aye.

13 COMMISSIONERS: Aye.

14 COMMISSIONER ATKINS: All opposed sound nay.

15 COMMISSIONER BELL: No.

16 COMMISSIONER ATKINS: Okay. Can we have Roll Call vote,
17 please.

18 MR. ALSTON: Yes. Commissioner Joel Tucker Todd.

19 MR. TUCKER: Yes.

20 MR. ALSTON: Commissioner Gregory Fann.

21 COMMISSIONER FANN: No.

22 COMMISSIONER ATKINS: Commissioner Patricia Lovett.

23 COMMISSIONER LOVETT: Yes.

24 MR. ALSTON: Commissioner Jarrett Bell.

25 COMMISSIONER BELL: No.

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MR. ALSTON: Commissioner Miller.

COMMISSIONER MILLER: Yes.

MR. ALSTON: Commissioner McKnight.

COMMISSIONER MCKNIGHT: Yes.

MR. ALSTON: Commissioner Maxwell.

COMMISSIONER MAXWELL: (No response.)

MR. ALSTON: Commissioner Mitchell.

COMMISSIONER MITCHELL: Yes.

COMMISSIONER ATKINS: The motion carries. The item is approved. One, two, three, four -- five yeas, two nays. Okay. Our next Agenda Item -- we're now on Page Two.

Our next Agenda Item is 2020 "V" as in Victor-007-03. This item also requires a public hearing. Staff, would you please sound this Agenda Item.

IV. NEW BUSINESS:

MS. SMITH: Chairman. Item Number 4, Case Number 2020V-007-03; applicant Wilson Development Group and Theo Stone, Representative. Property is located at 849 Cleveland Avenue in Ward B. The applicant seeks a 2-Part Variance for relief of Section 10-12021, (1) and (2) to encroach within the 50-foot and 25-foot undisturbed natural buffer..

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

COMMISSIONER MILLER: Motion to open the public hearing.

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COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: Okay. The motion has been made by Commissioner Miller, seconded by Commissioner Mitchell that we open the public hearing for Case Number 2020 "V" as in Victor-007-03. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Mr. Stone, would you please present your case.

MR. STONE: Yes. Good evening. I'm Theo Stone, Civil Project Manager with Atwell, 1255 Lake Parkway, Building 100, Suite 120, Lawrenceville, Georgia, 30043. I'm here on behalf of Wilson Development Group related to the property of 849 Cleveland Avenue. The current property is a closed business, formally an adult entertainment establishment that has existing building (inaudible) parking structure that is supposed to be (inaudible). Particularly the 75-foot buffer. We are proposing to demolish the structure and the (inaudible) parking lot and redevelop it as a brand new Del Taco full service restaurant on said parcel.

The project that is proposed -- the parking lot, as it exist, currently (inaudible) in the City of East Point and the City of Atlanta. The land disturbance permit will be pursued through the City of Atlanta. As the structure, the detention pond facility in the

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(inaudible) parking lot resides on the part of the property given by the City of Atlanta. There is a portion of the parcel that has parking that resides in East Point. That is the reason for the (inaudible) develop a variance. The redevelopment of the property as proposed results in an overall met reduction, met reduction of the impact.

Currently, there's about 9,336 square feet of encroachment covering the three buffers. Our proposed project -- the encroachment will reduce down to 6,734 feet, which is a reduction of about 26 and a half percent as originally submitted. This project is also going through the stream buffer variance process in the City of Atlanta. We've had one cycle review and received comments that resulted from the additional change than the plan as you see on the screen.

Ms. Smith, if you could go to the upper northwest corner of the parking lot and there's a portion of the parking that encroaches into the 50-foot buffer. The City of Atlanta have requested that we remove that pavement as well and have a revised plan and submit it to them for re-review and approval. At this time it is pending. The information was submit to them to Public Works (inaudible), March 23. The City closed, as we're all aware, on March 16 and they have not had a hearing. But we've addressed their comment and made revisions to the plan. So the plan that is presented before you actually hasn't changed that further reduces the encroachment into the buffer.

My presentation (inaudible). I'm here to answers any

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questions based on the information provided.

COMMISSIONER ATKINS: Thank you, Mr. Stone. Kim, can you take us back to gallery, please. Are there any other proponents here to speak in favor of this zoning application? Any other proponents here to speak in favor of this zoning application?

PROPONENTS: (No response)

COMMISSIONER ATKINS: Hearing none and seeing none, are there any participants here to speak against -- any opponents here to speak against this zoning application? Any opponents here to speak against this zoning application?

PROPONENTS: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, Commissioners, at this time, I'll entertain a motion to close the public hearing.

MR. TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FANN: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All oppose sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now closed. Staff, would you please sound

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your recommendation.

MS. SMITH: Yes, I am getting back to the screen. Excuse me. In reference to Item Number 4, Case Number 2020V-007-03; the Applicant, Wilson Development Group, Applicant Theo Stone, Representative; property located at 849 Cleveland Avenue in Ward B. The applicant seeks a 2-Part Variance for a relief from Section 10-12021, (1) and (2) to encroach within the 50-foot and 25-foot undisturbed natural vegetative buffer.

Staff has recommended approval with condition that no significant departure from the encroachment on the City of East Point side reflected in the site plan dated December 31st, 2019 prepared by Atwell Group..

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

MR. TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Tucker.

MR. TUCKER: I'd like to make a motion to approve the applicant's application.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: And Commissioner Tucker, is that with the condition as stated by Staff?

MR. TUCKER: Yes, with the condition as stated by Staff.

COMMISSIONER ATKINS: Okay. And was that

1 Commissioner Lovett who seconded it?
2 COMMISSIONER LOVETT: Yes.
3 COMMISSIONER ATKINS: And does your second still stand?
4 COMMISSIONER LOVETT: Yes.
5 COMMISSIONER ATKINS: Okay. Commissioners, at this
6 time, I have a motion on the floor to approve application 2020 "V" as
7 in Victor-007-03 with the recommendations as stated by Staff
8 including the condition. The motion was made by Commissioner
9 Tucker, seconded by Commissioner Lovett. Any comments,
10 questions or concerns?
11 MR. TUCKER: I'd like to make a comment.
12 COMMISSIONER ATKINS: Okay.
13 MR. TUCKER: Just to Mr. Stone. Mr. Stone, I want to you
14 know how much we appreciate your interest in that particular piece
15 of land; and we hope that you're wildly successful.
16 COMMISSIONER ATKINS: And Mr. Stone, I will also make a
17 comment. I don't know who's going to be responsible for the
18 maintenance, the exterior once your development is complete, but
19 please let them know that we don't want it to look like those weeds
20 across the street. Okay. All right. Thank you. I appreciate that.
21 There's a motion on the floor to approve made by Commissioner
22 Tucker with the condition as stated by Staff and it's seconded by
23 Commissioner Lovett. Any other comments, questions or concerns?
24 COMMISSIONERS: (No response.)
25 COMMISSIONER ATKINS: Hearing none, all in favor sound

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aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The item is approved. Thank you, Messrs. Stone.

MR. STONE: Thank you. Have a good night.

COMMISSIONER ATKINS: Our next Agenda Item is 2020 "V" as in Victor-008-03. Staff, would you please sound this Agenda Item.

MS. SMITH: Chairman, Item Number 5, Case Number 2020V-008-03; Applicant LeAnne Browning. The project is located at 1376 Winburn Drive in Ward B. The applicant seeks a variance for relief from the fence provision of Section 10-2027.9 (b) which state "gates shall not be located within 20-feet of the public right-of-way..

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

MR. TUCKER: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Fann that we open the public hearing for Case Number 2020 "V" as in Victor-008-03. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.
The public hearing is now open. Ms. Browning, are you present?

MS. BROWNING: I am.

COMMISSIONER ATKINS: Okay. Would you go ahead and state your case.

MS. BROWNING: Yes. Hi. LeAnne Browning at 1376 Winburn Drive. I bought this property. It sits on the corner of Randall and Winburn; because it sits on a corner lot and it has a deep rear lot as well; so I wanted to put a garage back there with a privacy fence round the back and a motorized gate that allows entrance into the garage. Director Smith, can you put up the sketch? Yes, thank you.

So as you see, the plans are to demo the existing driveway; move the driveway back towards the rear of the property, then create a parking pad and placing the garage towards the back of the lot. The idea again is to have that motorized gate. It sits on the property line and it's eight feet from the public right-of-way because that's a City -- I'm sorry, I forgot the name of it.

So, yes, an easement, there we go. Took me a minute. So the City easement -- if you see that ridge right in that picture right there, that is the property line so that's where I would like for the fence and then the motorized gate to sit. So that's an eight feet from the public right-of-way into the backyard. If it's twenty feet, that twenty foot mark bisects the property and there is no way to situate a garage back there with any sort of gate because of current

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ordinances and I'm seeking relief for that.

So the idea again is to -- I will -- once we get to the intersection of Winburn and Randall, be able to hit the remote and at that point, the gate starts to open. So it should be wide open by the time you get down to that gate, not impeding the flow of traffic.

Randall is a side street; it's not one of the money thoroughfares within Jefferson Park. I was able to -- I have a motion detector camera that's on the side of the house that faces Randall and every time it picks up vehicles -- so on a weekday in February, on a Wednesday, there was 27 cars that went up and down Randall. On a weekend, that Saturday, there was 52 cars that went up and down Randall.

So that street is not well-traversed; however, I want to make sure that I'm not impeding the flow of traffic. Again on Randall, the City allows for parking on both sides of the street; so I think that a parked car is far more of an impediment than a car that's slowing in order to make the right turn into the driveway. So, again, understanding the spirit of the ordinance is to not impede that flow of traffic, I was also able to look around the neighborhood and with my application, gave a presentation on several gates that are not within 20 feet of the public right-of-way.

So the goal of this design is twofold: One, I have a teenage daughter and I want her to be able to, when she comes home, is to be able to open that gate and securely get into the yard and get into the garage. Secondly, I want to be the best citizens I can possibly be

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for the City of East Point. Jefferson Park, unfortunately, has issue with vehicle break-ins nearly nightly; so I do want to be able to secure my property so that I'm not attributing to that part one crime for the City. So that is the ultimate goals of being able to have that gate there. I'm sorry. So I appreciate the time given in order to state my case.

COMMISSIONER ATKINS: All right. Thank you, Mrs. Browning. Are there any other proponents here to speak in favor of this zoning application? Any other proponents here to speak in favor of this zoning application?

PROPONENTS: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, are there any opponents here to speak against this zoning application? Any opponents here to speak against this zoning application?

OPPONENTS: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing, Mr. Chair.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Miller --

1 COMMISSIONER MILLER: Yes, sir.
2 COMMISSIONER ATKINS: -- we close the public hearing. All
3 in favor sound aye.
4 COMMISSIONERS: Aye.
5 COMMISSIONER ATKINS: All opposed sound nay.
6 COMMISSIONERS: (No response.)
7 COMMISSIONER ATKINS: Hearing none, the ayes have it.
8 The public hearing is now closed. Staff, would you please sound
9 your recommendation.
10 MS. SMITH: Chairman, in reference to Item Number 5, Case
11 Number 2020V-008-03, Applicant LeAnne Browning, location 1376
12 Winburn Drive in Ward B, the applicant seeks a variance for relief
13 from the fence provision of Section 10-2027.9 (b) which states gates
14 shall not be located within 20 feet of the public right-of-way. Staff
15 has recommended approval of the variance for relief from the fence
16 provisions, which states that gates shall not be located within 20 feet
17 of the public right-of-way per Section 10-2027.9 (b).
18 COMMISSIONER ATKINS: Thank you. Commissioners, we
19 have heard from the applicant and we have heard Staff's
20 recommendation. At this time, I'll entertain a motion.
21 MR. TUCKER: Motion to approve with conditions.
22 COMMISSIONER MCKNIGHT: With conditions, second.
23 COMMISSIONER ATKINS: There are no conditions.
24 COMMISSIONER FANN: There are no conditions.
25 MR. TUCKER: Okay. Motion to approve.

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COMMISSIONER FANN: I will second by discussion. I do have some discussion.

COMMISSIONER ATKINS: Okay. So the motion has been made by Commissioner Tucker; is that correct?

MR. TUCKER: Yes, Mr. Chair.

COMMISSIONER ATKINS: And the second is by Mr. Fann; is that correct?

COMMISSIONER FANN: Yes. I have a question.

COMMISSIONER ATKINS: I got you. I'm just trying to get the second. You are making the second?

COMMISSIONER FANN: I am; I am, yes, sir.

COMMISSIONER ATKINS: Okay. There's been a motion by Commissioner Tucker that this Body approves this case. The second is by Commissioner Fann. Comments, questions or concerns at this this?

COMMISSIONER FANN: All right. I do. Staff, if you would bring back the site plan -- I don't know if that's on the Randall side or which side it is. Bring it back up for me, please, where you can see the back of the driveway.

MS. SMITH: Yes.

COMMISSIONER FANN: This area -- and I know you don't see where yours curb is and your recycle is. What is that ditch, that ditch -- raise that ditch up for me, please. It looks like a storm water ditch from where I'm looking at it here. Is that what that is?

MS. SMITH: (No response.)

1 COMMISSIONER FANN: Is that a storm water run-off ditch?

2 MS. SMITH: (No response.)

3 COMMISSIONER FANN: I mean, that's a gully. I mean,
4 water has been running down there washing it out. That's why I'm
5 trying to see. Is it or do Staff know?

6 MS. SMITH: I do not know, sir.

7 COMMISSIONER FANN: You don't know.

8 MS. SMITH: I don't.

9 COMMISSIONER FANN: Okay. Okay. Well, the applicant,
10 I'm going to ask the applicant: Is that a ditch there for storm water
11 run-off?

12 MS. BROWNING: No, sir. I believe it's just a City easement
13 from the public right-of-way. I think that there use to be a sidewalk
14 there. I believe that the grass may have grown over it. But what
15 you see is you just see the raised -- the raised portion is where the
16 backyard was. So previously, in 2007, there was a fence that went
17 back there. So the concrete guys are going to definitely make sure
18 that that levels off nicely.

19 COMMISSIONER FANN: Okay. I'm just concerned because,
20 you know, when I ditches like that, that mean the water is running
21 from somewhere down into that area and that's why I was asking the
22 question about that because that's what that is. That's really what
23 that is; and I don't know where the water is running -- is this
24 downhill? Is your property downhill?

25 MS. BROWNING: It's like --

1 COMMISSIONER FANN: The water -- I'm asking the
2 question.
3 MS. BROWNING: Slightly downhill.
4 COMMISSIONER FANN: Okay.
5 MS. BROWNING: Actually, very much a level piece of
6 property.
7 COMMISSIONER FANN: Okay. Okay. I was just
8 concerned -- and your fence is going just to know other side of this?
9 MS. BROWNING: It's going right as you see that demarcation
10 line, that's where the fence goes.
11 COMMISSIONER FANN: Okay. Which arrow, the long arrow
12 or the small shorter arrow?
13 MS. BROWNING: The long one.
14 COMMISSIONER FANN: Okay. And where is that ditch
15 compared to where that arrow is?
16 MS. BROWNING: I mean, it's right there on that raised part of
17 the --
18 COMMISSIONER FANN: Right there at the curb; right there
19 at the curb; I saw it; I saw it that curb, yeah. Okay. And your fence
20 is going right here in front of that?
21 MS. BROWNING: It's going in -- so you see the street and
22 then that's an 8-foot City easement from the street to the property
23 line.
24 COMMISSIONER FANN: Okay.
25 MS. BROWNING: And the fence rests on the property line.

1 COMMISSIONER FANN: Okay. Okay. All right. Okay. I'm
2 good. I'm just -- and whenever I see ditches like that and, you
3 know, I'm talking about, I see a water problem. That's why I'm
4 asking that. That's just long term, a long term issue, you know.
5 MS. BROWNING: Yes, sir.
6 MR. TUCKER: Commissioner Fann.
7 COMMISSIONER FANN: Yes, sir.
8 MR. TUCKER: Just FYI, it's across the street from the Sword
9 of the Lord Church, is right across the street.
10 COMMISSIONER FANN: Okay.
11 MR. TUCKER: You know where that's at, right?
12 COMMISSIONER FANN: Yeah, I do, I do.
13 MR. TUCKER: That's where it's at.
14 COMMISSIONER FANN: I was just concerned because I
15 didn't want a water run-off issue to be -- you put up your fence and
16 then your fence is now gone.
17 MS. BROWNING: Yes, thank you.
18 COMMISSIONER ATKINS: Thank you, Commissioner Fann.
19 Any other comments, questions or concerns?
20 COMMISSIONERS: (No response.)
21 COMMISSIONER ATKINS: Mrs. Browning, one quick question
22 since we're on this topic. What is the material of the fence?
23 MS. BROWNING: It's a wooden fence.
24 COMMISSIONER ATKINS: It would be a wooden fence.
25 Okay. Thank you. Any of comments, questions or concerns?

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COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, the motion on the floor made by Commissioner Tucker and seconded by Commissioner Lovett is to approve this variance. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The item is approved. Thank you, Ms. Browning.

MS. BROWNING: Thank you.

COMMISSIONER ATKINS: Our next Agenda Item is a Concurrent Variance, Item Number 2020 "Z" as in zebra-002-02 and 2020VC, Victor, Charles-003-02. Staff, would you please sound this Agenda Item?

MS. SMITH: Chairman, Item No. 6, Case Number 2020Z-002-02, slash 2020VC-003-02, Applicant, James Nolan. Property is located at 2676 and 2684 and 2688 Martin Drive in Ward B. The applicant seeks to rezone properties from R-T, residential townhomes to R-4, multifamily with a two-part concurrent various for relief from the height guidelines and front and side setback regulations within the Cleveland Avenue Overlay District.

COMMISSIONER ATKINS: All right. Thank you.

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

1 MR. TUCKER: So moved.
2 COMMISSIONER ATKINS: Is there a second?
3 COMMISSIONER MILLER: Second.
4 COMMISSIONER ATKINS: It's been moved by Commissioner
5 Tucker, seconded by Commissioner Miller that we open the public
6 hearing for this Agenda Item. All in favor sound aye.
7 COMMISSIONERS: Aye.
8 COMMISSIONER ATKINS: All opposed sound nay.
9 COMMISSIONERS: (No response.)
10 COMMISSIONER ATKINS: Hearing none, the ayes have it.
11 The public hearing is now open. Is Mr. Nolan present this evening?
12 APPLICANTS: (No response.)
13 COMMISSIONER ATKINS: Is there anyone else here to speak
14 in favor of this Agenda Item?
15 APPLICANTS: (No response.)
16 COMMISSIONER ATKINS: Is there anyone else here to speak
17 in favor of this Agenda Item?
18 APPLICANTS: (No response.)
19 COMMISSIONER ATKINS: Is there anyone here to speak
20 against this Agenda Item?
21 APPLICANTS: (No response.)
22 COMMISSIONER ATKINS: Hearing none and seeing none,
23 Commissioners, at this time, I'll entertain a motion to close to public
24 hearing. I'm sorry, Ms. Dunlavy.
25 ATTORNEY LINDA DUNLAVY: I'm a little concerned that this

1 applicant may have been locked out because he was he previously
2 and we asked him to come back. Do you know anything about that,
3 Kimberly.

4 COMMISSIONER MILLER: In the chat, it says that he is here.

5 MR. TUCKER: Right.

6 MR. ALSTON: He's here; he made it. Okay.

7 ATTORNEY LINDA DUNLAVY: Yes, it does.

8 COMMISSIONER ATKINS: Okay. Let's give ourselves a
9 moment to admit Mr. Nolan to the meeting. And it also says that Ms.
10 Houston is here.

11 MS. SMITH: It shows --

12 COMMISSIONER ATKINS: Okay. I see that Ms. Boone has
13 been able to join us. There is -- I see that -- there's someone with a
14 number 678-612-2756 but there is no name. So I don't know if that's
15 Mr. Nolan or if that is Ms. --

16 MS. SMITH: Mr. James Nolan has just be added to the
17 Webinar as a panelist. Let's see if he is -- I still don't -- let's unmute
18 Ms. Boone.

19 COMMISSIONER ATKINS: Okay. I don't see Mr. Nolan.

20 MS. SMITH: Mr. Nolan, are you present?

21 COMMISSIONER ATKINS: Tony who was able to confirm that
22 Mr. Nolan was here?

23 MR. ALSTON: It doesn't look like he's here unless this
24 unknown number is him. I'll try to check the email to see if that was
25 him. Mrs. Houston says he's here. I don't see him, Kimberly, unless

1 you know that's him.

2 COMMISSIONER ATKINS: I don't see Mrs. Houston either.

3 MR. ALSTON: No.

4 ATTORNEY LINDA DUNLAVY: Well, Ms. Houston posted on
5 the chat that Mr. Nolan was here.

6 MS. SMITH: He was here and now he's not.

7 ATTORNEY LINDA DUNLAVY: I saw him as an attendee

8 MR. ALSTON: He did send an email. He says he's on the
9 phone but he thinks that he might have been removed earlier; so he
10 can't get in with the computer. He got an error message.

11 COMMISSIONER MILLER: I'm reading the chat. The chat
12 says, we are able to see the this meeting but not participate for some
13 reason.

14 COMMISSIONER ATKINS: Okay. But we must give them an
15 opportunity to participate.

16 MS. SMITH: Okay.

17 MR. TUCKER: Can we table it and move to the next item.

18 COMMISSIONER FANN: Yeah.

19 MR. ALSTON: Yeah. Let me see if I can get a contact with
20 him.

21 COMMISSIONER FANN: Let's move on, Shean to the next
22 one.

23 COMMISSIONER ATKINS: Okay.

24 COMMISSIONER FANN: Ms. Houston just came up.

25 COMMISSIONER ATKINS: Okay. Yes, Ms. Houston is there

1 now.

2 MS. HOUSTON: Hi. This is Alisha Houston. I'm here now, if

3 you all can hear me.

4 COMMISSIONER ATKINS: Okay, yes. So Ms. Houston, are

5 you able to get Mr. Nolan on your phone or can we get him in so that

6 he can speak?

7 MS. HOUSTON: Sure. Give me just a second to call him.

8 COMMISSIONER ATKINS: Okay. Okay. I got Jim on

9 speaker, guys. Hopefully, this will work okay. I am going to hold the

10 phone to my tablet.

11 COMMISSIONER ATKINS: Okay. Mr. Nolan.

12 MS. HOUSTON: Jim, can you say something so that they can

13 see if they can hear you?

14 **MR. NOLAN:** Hello.

15 COMMISSIONER ATKINS: Yes. Mr. Nolan, I can barely hear

16 you.

17 MS. HOUSTON: I've got you on speaker on my cellphone. It's

18 the best I can do at the moment. I'm holding the phone next to the

19 microphone on my tablet.

20 COMMISSIONER ATKINS: Tony, is there a dial-in number or

21 something that we can get better audio?

22 MR. ALSTON: Yes, let me pull it up. The dial-in number -- are

23 you ready Ms. Houston?

24 MS. HOUSTON: Sure. Give me -- I'm going to add the call to

25 Jim and just put him on that way. I'm ready.

1 MR. ALSTON: Looks like it's 312-626-6799 and I'm going to
2 forward this invite to you all again as well.
3 MS. SMITH: 990-7611-5690.
4 COMMISSIONER ATKINS: Press pound. Well, it sounds like
5 he's definitely muted. Mr. Nolan.
6 MS. HOUSTON: I might need to get some distance between
7 my phone and the tablet so you guys don't get feedback.
8 COMMISSIONER ATKINS: Okay.
9 MS. SMITH: Thank you.
10 COMMISSIONER ATKINS: Mr. Nolan.
11 MS. HOUSTON: You eyes couldn't hear and so he's going to
12 try to call in directly this time.
13 COMMISSIONER ATKINS: Okay.
14 MS. SMITH: Tony.
15 MR. ALSTON: Yes.
16 MS. SMITH: Can you call Mr. Nolan on your phone and let
17 him speak that way?
18 MR. ALSTON: Yes. Alisha, what is his number?
19 MS. HOUSTON: I think he's trying to call in right now. But his
20 phone number is 786 --
21 MR. ALSTON: Okay. 382-7100?
22 MS. HOUSTON: Yes, sir.
23 MR. ALSTON: Can you all at least hear the phone ring?
24 COMMISSIONER ATKINS: Yes.
25 MR. NOLAN: Can you hear me now?

1 COMMISSIONER ATKINS: Yes, Mr. Nolan, we can hear you.

2 MR. NOLAN: Okay. Thank you. What happened was I signed
3 into the meeting at about a quarter of 6:00 and for some reason I
4 was too early, so I got knocked out and when I got knocked out, I
5 couldn't get back in.

6 COMMISSIONER ATKINS: Okay. We're so very sorry for
7 that, Mr. Nolan. Now, we're currently in a public hearing for your
8 case and you have the opportunity to speak as the applicant.

9 MR. NOLAN: Yes. My name is James Nolan. I live at 3902
10 Peachtree Road, Atlanta, Georgia.

11 COMMISSIONER ATKINS: Go ahead.

12 MR. NOLAN: Did Kimberly already explain what my variance is
13 about?

14 COMMISSIONER ATKINS: No. That's for you to -- the public
15 hearing is your opportunity to do that.

16 MR. NOLAN: Okay. Thank you very much.

17 COMMISSIONER ATKINS: Mr. Nolan, can you go ahead.

18 MR. NOLAN: Yes. Give me one second because I thought
19 that Kimberly was going to read my application but I'll do it. I'm
20 seeking to rezone the property from R-T, residential townhome to
21 R-4, multifamily with a two-part Concurrent Variance for relief from
22 the height guidelines from the front and side setback regulations
23 within the Cleveland Avenue Overlay District.

24 COMMISSIONER ATKINS: Okay. Is there anything else you
25 want to add?

1 MR. NOLAN: Oh, sure. The purpose of my request is, as you
2 probably are aware, this is an assemblage of four single family lots,
3 which formerly had single family homes; maybe one had two homes
4 on it. I don't know. But the property has been rezoned to R-T and
5 practically speaking, if the lots are not combined, I don't see a viable
6 development with respect to City's goal under the Cleveland Avenue
7 Overlay District, which is basically to encourage, you know, project of
8 high density.

9 So what I've been able to do -- because I've been trying to
10 do -- is I wanted to create a unique residential for sale product that
11 would be attracted to middle, upper middle professional (inaudible),
12 sedative to East Point that wanted to downsize and move into
13 something that would be more easily maintained; they're tired of
14 home ownership; and especially in view of safety and security.

15 So, you know, that was the beginning. The second thing is
16 also extremely important -- because I wanted to have a transit
17 oriented location. So I wanted to be in short proximity to the Marta
18 station and in order to tie all of those component together, I was
19 very fortunate to be able to get this assemblage of properties.

20 The interesting thing about my assemblage is I have a small
21 tail that goes along the bottom of the property that I want to make
22 into a public park. It's going to be access easement to the property.
23 But as you'll see on my site plan, it is also a public park. Now, I think
24 you can see the pictures of my property. I don't know where we are
25 on that. But basically, the development is just two mid-rise

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residential builds. It will be a (inaudible). It will consist of four residential four each. It will be six units on each floor and there will be surface ground parking.

My goal is to make this esteemly attractive. I mean, one of the more attractive projects in the immediate area and to do it in a manner that is affordable. Affordability is not just the sale price of the property; but it is also the requirement of the condominium and maintenance fees thereafter.

So by having a sufficient density and able to flip those fee among a great number of people and to keep the number quite low and at the same time provide substantially greater services. My design is very unique in terms of the amenity package that I'm able to provide at this price point. So my price point on the one bedroom is at 215,000 to 225,000 and on the two bedroom it's 275,000 to 285,000, which is, you know, a pretty hard number for me to do especially in terms of the amenities that I wanted; expensive security, landscaping expensive; and as you know, this project will require more than 1,400 linear feet of fencing on two sides.

So it's hard for me to talk to you without being able to give you the visuals at the same time; but we can talk about --

COMMISSIONER ATKINS: You're doing a great job.

MR. NOLAN: We can talk about -- oh, thank you. If you would like to talk about a little bit about how I developed the site plan; how the site plan work, I'd like to go into that because I spent a lot of time with a very good architectural firm developing this site

1 plan to make sure that, you know, all of the access and the fire and
2 the garbage and everything like that (inaudible). At the same time, I
3 didn't want to put two buildings on top of each other. So the
4 separation between these two buildings is more than 35 feet. And I
5 believe the requirements either 20 or 25 feet, could be 30; but I
6 think it's 25 feet. So I want to do make a separation between the
7 buildings, you know, larger. And that's the reason why I'm a little bit
8 of a problem on the north side of the property, which I'm asking for
9 the setback to start at six feet (inaudible).

10 And I should saw that on the other side of that property is an
11 eight-unit townhouse. It's already developed and the (inaudible) unit
12 to my setback is more than 40, 40 or 50 feet. So to execute in terms
13 of being closer, it's only closer with respect to pavement. It's not
14 closer with respect to the building. It is insignificant.

15 The other thing that I requested was on the front. I wanted
16 to make this more transit-oriented. So to set the buildings at 25 feet
17 and have people walk out the front door and enter to the sidewalk
18 and then up, really it wasn't as productive as moving the front up to
19 about 13 feet. And then I have -- as you'll see from the pictures, a
20 very attractive pedestrian entrance to the building for both residents
21 and guests, enter (inaudible) delivery, et cetera, et cetera; and each
22 building will have the right thing.

23 On the ground parking floor -- take a look at the floor plan
24 that I provided -- I'll give you a second to get there. Tell me when
25 you got there.

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MRS. DUNLAVY: There.

MR. NOLAN: Okay. So what I've done is I've provide -- on the ground floor, I provided for covered parking and a surface parking; so 64 parking spots, which is the requirement. Additionally to the parking level, I provided for an exercise area room, the condominium office and a nice lobby for the entrance of the structure. Basically, if you lived in this building, you would go into the lobby elevator; is and if you lived on 1st Floor, you would go in the elevator. The first floor, there will be six units. And I think if you can go to the floor plan, which is the upper floor plan, you can see how they're laid out.

So the other thing is I wanted to have something that was full modern because this is something that hasn't been seen basically in your community. Basically, your community has seen a lot of apartments and your community has seen a lot of townhouses. And I think townhouses are great but I wouldn't be able to develop these three lots into townhomes because I wouldn't be able to get any amount of density that would make a project economically feasible. And that's why the verticality is so important.

The other thing that I wanted to do is I wanted to have very very useful balconies. So the balconies for the end unit and the two bedrooms are all 81 square feet, which is try sufficient to have furniture out there and actually sit and enjoy yourselves. The other thing that I fully wanted to accomplish was to put a project in a municipality that had a forward thinking to what they wanted to see happen in the future and that had to do with the Cleveland Avenue

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Overlay District. And the thoughts that go along with that -- the thoughts that go along with the path trail -- which by the way as it gets done eventually, will be between my property and the railroad line if the bridge gets built over Norman Berry. But until that bridge gets built over Norman Berry, the pedestrian traffic to the Marta station is directly in front of the property that I'm trying to develop.

So on my side of the street is multifamily -- my multifamily project; then there's the 8-unit townhomes project; and then there is the 100-unit townhome project on the corner. So the whole side of my street is all Multi-Family Residential and on the other side of the street is the Buggy Works and the Wagon Works, which had be redeveloped quite nicely and they are providing some impetus for the kind of tenants that I would like to have, professional people. I want to be (inaudible). Until this recent Corona Virus, I figured that my 100 percent on the market would be citizens of East Point and the airport and not I'm not too sure about that. But whatever.

I also felt that the professional who work at Tyler Perry Studios, again, would be an excellent source of professional market people. So that's the kind of citizens and resident that I see at the property. I'm going to stop now.

COMMISSIONER ATKINS: Thank you, Mr. Nolan. Are there any other proponents here to speak in favor of this zoning case?

PROPONENTS: (No response.)

COMMISSIONER ATKINS: Any other proponents?

PROPONENTS: (No response.)

1 COMMISSIONER ATKINS: Kim, I can't see because we're not
2 in gallery so I don't know if there's anything. Are there any
3 opponents to speak against this zoning case?
4 OPPONENTS: (No response.)
5 COMMISSIONER ATKINS: Any opponents to speak against
6 this zoning case?
7 OPPONENTS: (No response.)
8 COMMISSIONER ATKINS: Hearing none and seeing none,
9 Commissioners, at this time, I'll entertain a motion to close the public
10 hearing.
11 MR. TUCKER: So moved.
12 COMMISSIONER ATKINS: Is there a second?
13 COMMISSIONER MILLER: Second.
14 COMMISSIONER ATKINS: It's been moved by Commissioner
15 Tucker, seconded by Commissioner Miller that we close the public
16 hearing. All in favor sound aye.
17 COMMISSIONERS: Aye.
18 COMMISSIONER ATKINS: All opposed sound nay.
19 COMMISSIONERS: (No response.)
20 COMMISSIONER ATKINS: Hearing none, the ayes visit. The
21 public hearing is now closed. Staff, would you please sound your
22 recommendation.
23 MS. SMITH: Yes. I'm going to pull the screen up. One
24 moment. In reference to Item Number 7, Case Number
25 2020Z-003-03 slash 2020VC-009-03, the Atlanta Performance Center

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Applicant -- I apologize, Chairman. Item Number 6, Case Number 2020Z-002-02 slash 2020VC-003-20, James Nolan --

COMMISSIONER ATKINS: Dash 02.

MS. SMITH: Dash 02; Applicant James Nolan; property located at 2676, 2684 and 2688 Martin Street in Ward B. The applicant seeks to rezone properties from R-T, residential townhome to R-4, multifamily with a two-part Concurrent Variance for relief for the height guidelines and front yard setbacks in regulations within the Cleveland Avenue Overlay District.

Staff has recommend deferral for this rezoning case and we have recommended deferral for this case because there are some underlying planning concerns dealing with with our Comprehensive Plan where the application is not in compliance with our Comprehensive Plan. We have looked forward into our Cleveland Avenue Overlay District, which referred us to a Cleveland Avenue Master Plan; and we are looking further into those documents because, again, as Mr. Nolan has stated, this area is within a half a mile of a Marta station. And in instances when that happens, that is proponent for supporting transit work development, which this application appears to be in compliance.

And because there is an issue with the compliance with our Comprehensive Plan, we do not want to go against that and be hasty in that manner; so we would like to have more time to review our documents and our policies that are within the City; and we also are working with our Downtown Overlay District which will provide

1 additional regulations and policies that may, in an essence support
2 this case; but we do not, again want to move for a denial in it
3 because it shows merit and supporting a transit-oriented
4 development; so we would like to have more time to review our
5 policies that we have.

6 COMMISSIONER ATKINS: Okay. Commissioners, you've
7 heard from the applicant and your heard Staff's recommendation.
8 Commissioners, at this time, I'll entertain a motion.

9 COMMISSIONER FANN: Motion to defer.

10 COMMISSIONER ATKINS: This item is a Concurrent
11 Variance. Please make your motion in the form of a
12 recommendation.

13 COMMISSIONER FANN: Motion to defer as a
14 recommendation to defer.

15 COMMISSIONER ATKINS: Is there a second?

16 MR. TUCKER: Second for discussion.

17 COMMISSIONER ATKINS: There's been a motion to defer
18 made by Commissioner Fann; seconded by Commissioner Tucker for
19 discussion. Any discussion?

20 MR. TUCKER: I'm sorry. So just to Mr. Nolan from me
21 personally, I can't envision a development that would be any better
22 than what you've created. I'm very impressed with it. But I do want
23 to give the Staff the ability to go through the process they feel is
24 necessary as well. That is why I'm making my -- seconded the
25 motion.

1 MR. NOLAN: Yes. I don't have any problems with that.

2 COMMISSIONER ATKINS: Mr. Nolan, the public hearing is
3 closed so we won't go back and forth. Okay.

4 MR. TUCKER: It was just a comment.

5 COMMISSIONER ATKINS: So any other comments, questions
6 or concerns?

7 COMMISSIONERS: (No response.)

8 COMMISSIONER MCKNIGHT: Shean this is Jenna. Just
9 checking if you can hear me.

10 COMMISSIONER ATKINS: Yes, I can.

11 COMMISSIONER MCKNIGHT: Okay.

12 COMMISSIONER ATKINS: Okay. Any other comments,
13 questions, or concerns?

14 COMMISSIONERS: (No response.)

15 COMMISSIONER ATKINS: So I will ask a question directly to
16 Mr. Nolan so you can unmute Mr. Nolan. Mr. Nolan, given that Staff
17 has recommend a deferral, are you ware of Staff's recommendation
18 to defer?

19 MR. NOLAN: I heard it.

20 COMMISSIONER ATKINS: Okay. So you were hearing it
21 tonight?

22 MR. NOLAN: It's my first time it. I just heard it for the first
23 time, yes.

24 COMMISSIONER ATKINS: Okay. With a deferral, did that
25 put your project in any type of jeopardy?

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MR. NOLAN: No, sir, it doesn't. Because of what's happening in the marketplace right now and it's the reality of the world. As long as it can be done in the next, you know, three to four weeks, that's fine and I'm happy to sit down with Staff. And one of the things that I really attempted to do is try to understand the Cleveland Avenue Overlay District and it's regulation with respect to various developments; and quite frankly, I think --

COMMISSIONER ATKINS: Mr. Nolan, thank you. You will work with Staff but the public hearing is closed so we can't go back and forth. Okay. The process isn't set up that way. I just wanted to make sure that you are aware of the deferral and that that would not negatively impact your development and you've answered those questions. Thank you. Okay.

MR. NOLAN: Okay.

COMMISSIONER ATKINS: Okay. Commissioners, the motion on the floor is to defer Case Number 2020 "Z" as in zebra-002-02 for a current variance with also Case Number 2020 "V" as in Victor, "C" as in Charles-003-02. The motion was made by Commissioner Fann, seconded by Commissioner Tucker. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none the item is deferred.
Thank you all.

Our next Agenda Item is Case Number 2020 "Z" as in

1 zebra-003-03 and 2020 "V" as in Victor, "C" as in Charles-009-03.
2 Staff, would you please sound this Agenda Item.

3 MS. SMITH: Chairman, Item Number 7. Case Number
4 2020Z-003-03 slash 2020VC-09-03. The Applicant Atlanta Human
5 Performance Center and Jolaunda Boone-Campbell is the
6 representative. The property is located at 3750 Washington Road in
7 Ward D. The applicant seeks to rezone property from R-L to C-1 with
8 a Concurrent Variance for relief from the side yard setback as noted
9 in Section 10-2072 (e)..

10 COMMISSIONER ATKINS: Okay. Thank you.
11 Commissioners, at this time, I'll entertain a motion to open the public
12 hearing.

13 MR. TUCKER: So moved.

14 COMMISSIONER ATKINS: Is there a second?

15 COMMISSIONER MILLER: Second.

16 COMMISSIONER ATKINS: It's been moved by Commissioner
17 Tucker, seconded by Commissioner Miller that we open the public
18 hearing. All in favor sound aye.

19 COMMISSIONERS: Aye.

20 COMMISSIONER ATKINS: All opposed sound nay.

21 COMMISSIONERS: (No response.)

22 COMMISSIONER ATKINS: Hearing none, the ayes have it.
23 The public hearing is now open. Ms. Boone?

24 **DR. EVANS:** Actually, it's Dr. Evans speaking on this.

25 COMMISSIONER ATKINS: Okay. Dr. Evans, please state

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your first and last name and your current address.

DR. EVANS: Dr. Keith Evans and my current address is 156 Nickajack Road, Mableton, Georgia, 30126.

COMMISSIONER ATKINS: Okay. State your case.

DR. EVANS: Yes. Thank you. I'm here requesting the zoning of this property, returned to the zoning that conforms to it's initial usage of approximately 20 years ago of a bank building; and it's current usage -- current commercial usage of 20 years having housing the Georgia Homeowners Association. This proper zoning will allow me to house my physical therapy wellness practice with the regulations of East Point. My physical therapy and wellness center will be a second office located here. My first is on Hogan Road, but the second office, for the purpose of decreasing the healthcare disparity in East Point area for physical therapy and rehabilitation.

I have taken the liberty to meet with -- well, actually to treat many of the patients from East Point area and the liberty to reach out to Mark and Fitzgerald of the Washington Road Homeowners Association as well as homeowners such as Ms. (Inaudible) and Dr. Rogers and have received their citation and their approval and their acceptance. I look forward to providing them with care in the facility, but I would need a C-1 zoning for the property, to approve it and looking forward to becoming a part of this East Point community.

COMMISSIONER ATKINS: Okay. Thank you, Doctor. Are there any other proponents here to speak in favor of this zoning matter?

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PROPOSERS: (No response.)

COMMISSIONER ATKINS: Any other proposers?

PROPOSERS: (No response.)

MR. ALSTON: Yes, Mr. Chairman. Staff did received an email right when the Commission meeting started in favor of this project from a Dr. Ron Wind Rogers and I can read it, if that's okay.

COMMISSIONER ATKINS: Please.

MR. ALSTON: Dear East Point Planning and Zoning, I have known Dr. Keith Evans for over 30 years. My family and I were among some of the first families to join his performance center. I am extremely pleased to know that East Point will have the highest quality of service that Dr. Evans and his staff will bring to our community. Dr. Evans has my total support and confidence that he will be an asset to our city. Best regards, Dr. Ronald Wind Rogers.

COMMISSIONER ATKINS: Okay. Thank you. Any other proposers here to speak in favor of this zoning matter.

MR. TUCKER: Mr. Chair.

COMMISSIONER ATKINS: Yes.

MR. TUCKER: There is a message from Mark Fields that would like to speak in favor.

COMMISSIONER ATKINS: Okay. Is Mr. Fields there?

MR. FIELDS: (No response.)

MR. ALSTON: Is there a way to let him in?

COMMISSIONER ATKINS: I don't know. Where is our host; where is Kim?

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MS. SMITH: I am here.

COMMISSIONER ATKINS: Okay. A Mr. Fields here -- Mr. Mark Fields who would like to speak in favor of this zoning matter.

MS. SMITH: Mr. Fields, yes. Let me allow Mr. Fields to speak. Mr. Fields, are you there?

COMMISSIONER ATKINS: He's muted.

MR. FIELDS: Can you hear me?

MS. SMITH: Yes, Mr. Fields?

MR. FIELDS: Yes, thank you. I do want to speak in support of this business and Dr. Evans. He approached the neighborhood association, told us what he was trying to do and, you know, you all have seen us many times before with the adjacent property and that property as well; and this is the kind of business that we want to see in our neighborhood because it supports our community and it supports our residents; and he has taken the opportunity and time to speak to us and work with us; and I know our president of the Washington Neighborhood Association. Mr. Fitzgerald Smith has his own thing to say as well as Dr. Rogers but, you know, he took that time to speak to Ms. Ford, who gave me permission to say that she's in favor of it and lives right down the road.

So I'll just say, thank you you all for this opportunity that we're meeting and it feels really good to actually stand up and say, we are in support of bringing the business into Ward D. Thank you.

COMMISSIONER ATKINS: Okay. Thank you, Mr. Fields. Are there any other proponents here to speak in favor of this zoning

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matter?

MS. SMITH: Mr. Chair, I received a note that Mr. Fitzgerald Smith is also in support of this case.

COMMISSIONER ATKINS: Okay. Mr. Smith, is there anything that you would like to say?

MR. SMITH: Well, at this time, I think that Dr. Rogers and Mark have said everything that I wanted to say. Dr. Evans came to us. He had several meetings with us. We got to go over to his other facility. He has a very upscale, professional business about him and I can't wait for this to open so I can go over there and work him and get my knee back in good shape to play some basketball when I turn 65 so thank you.

COMMISSIONER ATKINS: Okay. Thank you. Any other proponents here to speak in favor of this zoning matter?

PROPONENTS: (No response.)

COMMISSIONER ATKINS: Are there any opponents here to speak against this zoning matter?

OPPONENTS: (No response.)

COMMISSIONER ATKINS: Any opponents here to speak against this zoning matter?

OPPONENTS: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, Commissioners, I'll entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing, Mr. Chair.

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COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. SMITH: Yes, I will share with screen. One moment, please. Mr. Chair, in reference to Item Number 7, 2020Z-003-03, slash 2020VC-009-03; Applicant, Atlanta Human Performance Center and Jolaunda Boone, Representative, property located at 3750 Washington Road in Ward D. The applicant seeks to rezone property from R-L to C-1 with a Concurrent Variance for relief from the side back setback as noted in Section 10-2027, (e)(c).

Staff has recommended approval of the rezoning from R-L, Residential Limited to C-1, Neighborhood Commercial to use property as a professional office, physical therapy doctor and Concurrent Variance from the side yard setback of 15 feet as required in Section 10-2027,(e) (b) (c) with the following condition: The condition property -- if property is approved as adopted reuse -- excuse me, Condition Number 1: Property is approved as adaptive reuse project.

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If project is demolished, new structure must comply with current set fact as outlined in the City Ordinance.

COMMISSIONER ATKINS: Okay. Thank you.

Commissioners, we've heard from the applicant and we've also heard from the community as proponents for this Agenda Item. At this time, I'll entertain a motion.

MR. TUCKER: Mr. Chair, I'd like to make a motion to approve.

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: Okay. It should be in the form of a recommendation. Hold on one second. It should be in the form of a recommendation. Mr. Tucker, is this your recommendation?

MR. TUCKER: Motion to be a recommended approval, yes.

COMMISSIONER ATKINS: Okay. And we need a second.

COMMISSIONER MITCHELL: Clyde, second.

COMMISSIONER ATKINS: Okay. And Mr. Tucker, is your recommendation to approve with the condition as stated by Staff because there is one condition.

MR. TUCKER: Yes, Mr. Chair, it is.

COMMISSIONER ATKINS: And Commissioner Mitchell --

COMMISSIONER MITCHELL: Second still stand.

COMMISSIONER ATKINS: Okay. And his second still stands.

Any comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Commissioners, at the moment, we have a recommendation on the floor to approve Case Number

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2020 "Z" as in zebra-003-03 slash 2020 "V" as in Victor, "C" as in Charles-009-03, Concurrent Variance for 3750 Washington Road. The motion was made by Commissioner Tucker with conditions as stated by Staff. That was seconded by Commissioner Mitchell, all in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The recommendation stands and is approved. Thank you.

DR. FIELDS: Thank you.

COMMISSIONER ATKINS: Our next Agenda Item is 2020 "V" as in Victor-005-02. Staff, would you please sound this Agenda Item.

MS. SMITH: Mr. Chairman, Item Number 8, Case Number 2020V-005-02. The Applicant, Atlanta Food Bank applicant and Lauren Clayton is the representative. The property is located at 3400 North Desert Drive in Ward D. The applicant seeks a variance for relief from the sign provisions per Section 10-7017(b) to allow for installation of three walls signs for the Atlanta Community Food Bank.

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

COMMISSIONER MILLER: Motion to open the public hearing.

COMMISSIONER ATKINS: Thank you. Is there a second?

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner

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Miller, seconded by Commissioner Fann that we open the public hearing for Case Number 2020 "V" as in Victor-005-02. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

MS. CLAYTON: (No response.)

COMMISSIONER ATKINS: Ms. Clayton.

MR. ALSTON: Lauren, your "mic" is muted.

COMMISSIONER ATKINS: You're muted, Lauren.

MS. CLAYTON: Good evening every one. How are you?

Clayton, 2849 Paces Ferry Road, Atlanta, Georgia, 30339. The the only item on the Work Session agenda on 03/13 -- and obviously, the world has significantly changed since the last time we met with you all. New facility opened on March 9th and basically within days of that, the pandemic hit and I can't enough how well things have been going with the City of East Point and the food bank. It's the partnership that we anticipated it would be; and if you've been following news, you can see some of the things that's been going on. I've been talking to some of the community leaders and council folks. And it's really definitely what we envision for the Atlanta Community Food Bank.

The circumstances are unfortunate. I'm glad they're here to address the needs because the previous facility would not have been

1 able to meet the the challenge that they're facing right now. They're
2 nonstop now. Ms. Smith has a pdf of 3400 North Desert Drive and
3 we can just go through that. And obviously, you have seen these;
4 just the slide that starts with the site plan. There we go. Okay. So
5 most of you all remember the site plan. The stream buffers that you
6 see there, which of course is (inaudible) but these would be the
7 buildings that's been built and with respect to the stream buffer, the
8 zoning conditions that were proposed. That being said, that means
9 that the orientation of the building was very limited. So what you
10 have is where that parking lot is is the front entrance of the building
11 which looking distinct different from the backside of the building. It's
12 a brick facade and that's where essentially everyone is to go in.
13 That's where employees go in; that's where guest go in; that's where
14 visitors go in; that's where meeting attendees go in.

15 And so what we have here now is that when you drive on to
16 the site -- if you can go, actually, Ms. Smith to the next slide -- this is
17 the front of the building and you see that one of the wall fixtures on
18 the front side of the building and then that middle, is that back,
19 significant. That is the main entrance for the courtyard in front of it.
20 And that front of the building is the side that faces Redwine Road
21 and it sits very low down from grade at Redwine. And you have a
22 driveway to get into the site -- if you've been to the site yet, which I
23 have. I hope you all just take a look at it at some point.

24 You pull into is the driveway off North Desert Drive and you
25 make a left down a steep hill and that is where it takes you to the

1 front end of the building. It's a little bit confusing when you get
2 down there especially if you're new to the site and so is what these
3 (inaudible) will be served as would be (inaudible) devices so that
4 people know where to go. Ms. Smith, do you have the elevations
5 that show the side of the building -- that works -- the top of that side
6 that's on the screen, the smaller (inaudible) is visible when you enter
7 the campus and what that is is (inaudible) the partner agencies
8 (inaudible) none profit organization and places like that and so that's
9 where they're supposed to go to do their business with the food
10 bank.

11 So it was brought to the engineer's attention when they put in
12 the site application that our was not permitted under the V and P
13 zoning classification. So we sat down with Staff back in October and
14 discussed the options. We took the position that because these are
15 not visible from public view (inaudible) with the condition of sign
16 under the East Point zoning ordinance.

17 If you look at our photos we took from Redwine Road -- do
18 have you those to pull up -- so I took some photographs from
19 Redwine Road of the two signs on the front facade and in order to
20 see those, for one of them, you had to walk about half way up
21 Redwine for that first sign. And for the sign that sat back over the
22 entrance, you had had to walk up more than half position. And we
23 took the position that because Redwine Road is closed and because
24 of the zoning condition is that you cannot open Redwine Road then
25 that is not visible to the public.

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Staff disagreed and so we in a situation where we needed to request an a (inaudible) so we did that and proceeded shortly before the application deadline and so we decided to go ahead and file the variance, the (inaudible) variance rather than a second variance, a survey on interpretation sign is ordinance. And if you got to that (inaudible) circulated our file memo which is what we make any time we engage a decision like this. And so that kind of gives the summary of the legal frame work under which we made this decision.

So basically, the acreage limitations imposed by the zoning conditions, the fact that the zoning condition is also imposed, you cannot ever access the site from Redwine; is you cannot access it from (inaudible) and, of course, you cannot access it from 285 makes it a very tight (inaudible) with respect to the driveway, the front entrance. The shape of the building, the location of the building, even the angle of the building as you can see there. As so when you come on to the site and you're trying to figure out where you need to go, you're basically backwards; you're turned around. You're facing the side of the building which is the facility where all the magic happens; where all the worker are inside and they're (inaudible). That's just not where -- it's not a (inaudible) to enter and that's not where you were supposed to enter and certainly not (inaudible); it's the front entrance of the courtyard.

So the hardship is (inaudible) topography and (inaudible) conditions and we -- you know, we met with the community at CZIM. They had no issues with the signs. We were able to engage in a

1 (inaudible) conversation with them about, you know, where we are
2 with the community versus where we were when we were seeking
3 rezoning. I think things have improved significantly. I think that we
4 were able to engage and it talks about changes we could make and
5 (inaudible) lighting; trees. We discussed -- yes, is it time?

6 COMMISSIONER ATKINS: No, no, no, no. My screen froze
7 and so I thought something had happened. So please continue.

8 MS. CLAYTON: Okay. And at this point, we're even talking
9 about the Williamsburg meeting happening at the food bank and so I
10 think between what's going on now and the conversation we had at
11 CZIM, I think that we're finally at a place where this is a good fit
12 for East Point and I'm really just from the bottom of my heart glad
13 about that. And like I said, you know, these signs are not visible
14 from anywhere you go except the food bank side unless you're
15 tracing along a part of Redwine Road you should not be on. So is if
16 any one, you know -- I distributed that memo today because there is
17 is a Staff reports of denial.

18 I want to do make sure you had before you -- some kind of
19 legal and technical explanation that explained why we saw a variance
20 and rather than than appealing the letter that told us we need to do
21 seek a variance -- if that makes sense. Thank you.

22 COMMISSIONER ATKINS: Any other proponents here to
23 speak in favor of this zoning matter?

24 PROPONENTS: (No response.)

25 COMMISSIONER ATKINS: Any other proponents here to

1 speak in favor of the zoning matter?
2 PROPONENTS: (No response.)
3 COMMISSIONER ATKINS: Is there anyone here to speak
4 against the zoning matter?
5 OPPONENTS: (No response.)
6 COMMISSIONER ATKINS: Anyone here to speak against the
7 zoning matter?
8 OPPONENTS: (No response.)
9 COMMISSIONER ATKINS: Hearing none and seeing none,
10 Commissioners, at this time, I will entertain a motion to close the
11 public hearing.
12 MR. TUCKER: So moved.
13 COMMISSIONER ATKINS: Is there a second?
14 COMMISSIONER LOVETT: Second.
15 COMMISSIONER ATKINS: It's been moved by Commissioner
16 Tucker, seconded by Commissioner Lovett that we close the public
17 hearing for Case Number 2020 "V" as in Victor-005-02. All in favor
18 sound aye.
19 COMMISSIONERS: Aye.
20 COMMISSIONER ATKINS: All opposed sound nay.
21 COMMISSIONERS: (No response.)
22 COMMISSIONER ATKINS: Hearing none, the ayes have it.
23 The public hearing is now closed. Staff, would you please sound
24 your recommendation.
25 MS. SMITH: Yes, chairman. For Item Number 8, Case

1 Number 2020V-005-02; Applicant, Atlanta Food Bank and Lauren
2 Clayton, Representative; property located at 3400 North Desert Drive
3 in Ward D. The applicant seeks a variance for relief from the sign
4 provisions per Section 10-7017(b) to allow for the installation of three
5 wall signs for the Atlanta Food Bank. Staff has recommended denial
6 of the variance for a relief for the sign provisions for per Section
7 10-7017(b) and to allow for the installation of three wall signs at the
8 Atlanta Food Bank in the CUP Zoning District. Per City Code wall
9 signs are not permitted in the CUP Zoning District..

10 COMMISSIONER ATKINS: Okay. Thank you.

11 Commissioners, at this time, I'm entertain a motion. You've heard
12 from the applicant and you've heard Staff's recommendation.

13 MR. TUCKER: Mr. Chair.

14 COMMISSIONER MITCHELL: I would like to make a motion.
15 My motion is that approve the three symbols to be installed in the
16 area specified in the plan by the Atlanta Community Food Bank.

17 COMMISSIONER ATKINS: Thank you, Commissioner
18 Mitchell. Is there a second?

19 MR. TUCKER: Second.

20 COMMISSIONER ATKINS: It's been moved by Commissioner
21 Mitchell, seconded by Commissioner Tucker that this Body approves
22 Case Number 2020 "V" as in Victor-005-02. Any comments,
23 questions or concerns?

24 COMMISSIONER FANN: Discussion.

25 COMMISSIONER ATKINS: Yes, Commissioner Fann.

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COMMISSIONER FANN: All right. Could you put that last one back up, Linda, the last one, the site plan.

MS. SMITH: Yes, sir, Commissioner Fann.

COMMISSIONER FANN: Thank you. Is there any one you can pause that and make it a little larger? Thank you so very much much. That's good enough. That's good enough for me. I don't know about others. This is coming off of Desert Drive and I I'm going to ask a question of the attorney who made the presentation.

If we're coming off of Desert Drive on to Redwine -- I've been in this area -- there's a sign right here on the gate where you enter in; I'm I correct here.

MS. CLAYTON: You're talking about the monument sign?

COMMISSIONER FANN: Yes.

MS. CLAYTON: That is correct.

COMMISSIONER FANN: Okay. All right. So when you enter in here, you can see the side of the building when you ride by, but when you enter in here, is there a driveway entering into the front of the building, you're saying, where the parking space is?

MS. CLAYTON: Yes. So that driveway off towards Prince George is probably about a 45 degree slope; well, actually we caught a skateboarder on it at one time who had to be removed from the premises; very awesome, awesome hill.

COMMISSIONER FANN: All right. So when you come down here, this is the front of the building here?

MS. CLAYTON: Yes.

1 COMMISSIONER FANN: The office park is down here where
2 the parking lot is?

3 MS. CLAYTON: Where that little -- yes, yes, yes; that's right.

4 COMMISSIONER FANN: Okay. So you're trying to get a sign
5 in there?

6 MS. CLAYTON: That's right; and then on that wall just to
7 the -- I guess that's the south.

8 COMMISSIONER FANN: The side wall on the office building
9 side?

10 MS. CLAYTON: Yes, that's right; that's right.

11 COMMISSIONER FANN: So is when you coming down, you
12 can see the sign on the side of the office building side. Is that sign
13 on the -- there's a sign on the front of it, though; right.

14 MS. CLAYTON: There is a small sign -- if you see that little red
15 squiggle that looks like an error and then where the building kind of
16 jets out right there, that's where the brick part then turns into the
17 gray part; and right over where that gray part --

18 COMMISSIONER FANN: No, I'm over here at the office.
19 Keep me where I was. Don't take me no place else. I'll take you
20 where I want to go. Just follow me. So there's a sign there on the
21 front of this building and you want a sign on -- on the office building,
22 you want a sign on the side of the building also, too?

23 MS. CLAYTON: A smaller one, yes, for the agencies.

24 COMMISSIONER FANN: On the front? Okay. All right. Now,
25 so then you want to put a larger sign so when the people come down

1 the hill, that 45 degree angle, they'll be able to see that sign on the
2 building there; is that correct?

3 MS. CLAYTON: That's right; that's correct, sir.

4 COMMISSIONER FANN: So that's the first fine you want?

5 MS. CLAYTON: Yes.

6 COMMISSIONER FANN: Is this one to have three signs?

7 MS. CLAYTON: That's right.

8 COMMISSIONER FANN: Okay. So now take me back
9 around -- because I know we can see this coming down from the
10 street. You can see this part. So this is sort of like the warehouse
11 community area, I guess, in here. So where would these two signs
12 go on this building on this side?

13 MS. CLAYTON: So actually, on the office side that we were
14 just on, there would be two sign; one on the kind of front wall that
15 directly faces the parking lot and then where it setback in with the
16 courtyard; another sign right over the front entrance; and then the
17 third sign is --

18 COMMISSIONER FANN: Wait a minute. You're going to have
19 three signs on this office building? Because you said one is already
20 on that building; right?

21 MS. CLAYTON: No, sir. No, sir, that's just the monument sign
22 that direct drivers into the site.

23 COMMISSIONER FANN: No. I'm talking about on the
24 building, I mean, on the building itself. Is there a sign on this
25 building itself?

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MS. CLAYTON: Correctly, no, sir.

COMMISSIONER FANN: Okay. All right. No sign on this building period?

MS. CLAYTON: No, it's not.

COMMISSIONER FANN: So you want to put two signs on this building?

MS. CLAYTON: Two signs on front brick portion by the parking lot. So the image of the building at the bottom of the slide that Ms. Smith just switched to -- there's one on the left.

COMMISSIONER FANN: I'm I looking at the front of the building? This looks like it's the front side entrance, right; so is there's a logo there, right?

MS. CLAYTON: That's right.

COMMISSIONER FANN: Okay. Now, I'm looking at the bottom one, just follow along with me; and then there's a -- looks like a little design with a sign in there. And all of those are on the same side, those two side?

MS. CLAYTON: Those two, yes, that's correct.

COMMISSIONER FANN: Okay. And this is the office building?

MS. CLAYTON: Yes. That's what you're facing when you're standing in the parking lot.

COMMISSIONER FANN: Okay. All right. So this is the front entrance where that big sign is? It's a front entrance going in?

MS. CLAYTON: Yes. The front entrance is the one that's way

1 down by the parking lot.

2 COMMISSIONER FANN: Okay.

3 MS. CLAYTON: By the lowest point of the building.

4 COMMISSIONER FANN: Okay. Okay. And then you want a
5 sign before you get to the entrance on the building, too.

6 MS. CLAYTON: So actually, the additional sign is smaller and
7 its only goal is to make sure that the (inaudible) agencies know
8 where to go. That is on the side of the building. When you get into
9 the lot -- into the site, excuse me, you can see it. But again, it's a lot
10 smaller and you can't see it from anywhere else until you're on the
11 side. But that lets the churches and non-profits know where they're
12 suppose to do go because they received special services that are
13 different from visitors and volunteers; and, yes, basically.

14 COMMISSIONER FANN: Okay. Take me back to where you
15 want the third sign at, now. So that's the side entrance to what?
16 That's the third sign at the top? That's the side entrance to what?

17 MS. CLAYTON: That is right where the brick part of the
18 building meeting the gray part of the building. Can you point to you
19 for me. There we go. Yes, a little bit further up but, yes. Right
20 there. That's right.

21 COMMISSIONER FANN: Okay. All right. And this area is the
22 warehouse area here?

23 MS. CLAYTON: Once you get past that area where that sign is
24 where the agency people can go in and do their business, yes,
25 everything back from that point it is the warehouse.

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COMMISSIONER FANN: Okay. All right. I'm good. But thank you for answering my questions.

MS. CLAYTON: Sure. Thank you, Mr. Fann.

COMMISSIONER ATKINS: Any other comments, questions or concerns from the Commissioners? Kim, can you take us back to gallery? Any other comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. What I'll add is Lauren, I'd like to thank you and your client, the Atlanta Community Food Bank. As you had stated before, these are very very difficult times for a lot of people around our country, in deed, also the world; and so thank you for those services. I'd also had an opportunity -- because you had mentioned some photos that you had submitted and my recommendation -- well, my directive for Staff is that in a situation like that, please make sure you provide those the Commissioners. Someone like myself, I have not been able to go to the site and it would have been very helpful for me to see those images. Because I did not have the ability to do that, I Googled the Atlanta Community Food Bank and I was then able to see better where you're talking about you need those peaches; and I clearly understand that the monument sign gets people to the campus an then those peaches will say to the churches, when you come on to the campus, go to the left and where you see a sign, you go in that door.

If yourself coming for this other business, get into to the campus and you go to the right. And when you see peach, you go

1 through that without having big signs and words and all of that. I
2 get it. So thank you. And I'm good with it. Commissioners, are
3 there any other comments, questions or concerns?

4 COMMISSIONERS: (No response.)

5 COMMISSIONER ATKINS: Hearing none and seeing none,
6 the motion made by Commissioner Mitchell is to approve this Agenda
7 Item. The second -- it has been seconded by Commissioner Tucker;
8 is that correct?

9 MR. TUCKER: Yes, sir.

10 COMMISSIONER ATKINS: All in favor sound aye.

11 COMMISSIONERS: Aye.

12 COMMISSIONER ATKINS: All opposed sound nay.

13 COMMISSIONERS: (No response.)

14 COMMISSIONER ATKINS: The ayes have it. This agenda is
15 approve. Thank you so much for your patience last meeting and this
16 meeting, Ms. Clayton.

17 MS. CLAYTON: Thank you very much.

18 COMMISSIONER ATKINS: All right. Commissioners, our next
19 Agenda Item are any announcements. Do we have any
20 announcements to make?

21 **IX. ANNOUNCEMENTS:**

22 COMMISSIONERS: (No response.)

23 COMMISSIONER ATKINS: Anything that's for the good of the
24 public?

25 COMMISSIONERS: (No response.)

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COMMISSIONER ATKINS: Hearing none and seeing none, at the time, I'm entertain a motion to adjourn.

MR. TUCKER: So moved.

COMMISSIONER FANN: Shean, before we adjourn, I think we probably want to just make an announcement that Fulton County is doing those testing for people who want to do tested for COVID 19.

COMMISSIONER ATKINS: Kim, please mute, Lauren. Thank you.

COMMISSIONER FANN: Yeah. I think that the people who want to be tested can go out to Wolf Creek and they call the Fulton County number at 404-613-8150. My wife and I will be tested today and I would hope that others would take advantage and get tested for this virus.

COMMISSIONER ATKINS: All right. Thank you, Commissioner Fann. Kim, can you please mute Ms. Clayton. Thank you. Okay. Any other announcements?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, I'm entertain a motion to adjourn.

X. ADJOURNMENT:

COMMISSIONER MILLER: Motion to adjourn.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONERS: (No response.)

COMMISSIONER MCKNIGHT: Second.

COMMISSIONER FANN: It's been moved by Commissioner

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Miller, seconded by Commissioner Fann that we adjourn. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

This meeting is now adjourned.

MS. SMITH: There's a hand from --

COMMISSIONER ATKINS: Mr. Miller.

COMMISSIONER MILLER: I was just saying goodbye.

MS. SMITH: Oh, okay.

COMMISSIONER ATKINS: Goodbye. Okay.

ATTORNEY LINDA DUNLAVY: Thanks for getting us through this.

COMMISSIONER FANN: Thank you, Shean.

COMMISSIONER ATKINS: Good night.

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Attest:

I hereby attest that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 93 represent a true and correct transcript; that I am not in any way financially interested in the result of said case.

I am here as an independent contractor for the City of East Point, Department of Planning and Community Development.

I was contacted by the Offices of East Point, Department of Planning & Community Development to provide stenography services to take down the meeting minutes.

The foregoing regularly scheduled monthly meeting for the City of East Point, Department of Planning and Community Development , on April 30, 2020 at seven o'clock P.M., were taken down by me and transcribed by me on this 28th day of May, 2020.