

CITY OF EAST POINT

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

August 20, 2020

7:00 P.M.

Official Meeting Minutes

Zoom Meeting ID: 856 2544 4567Public 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**

Commissioner Jarrett **BELL, Provisional Chair (Departed
meeting at 8:50 p.m.)**

Commissioner William **MILLER - Vice Chair**

Commissioner LaJeanna **MCKNIGHT**

Commissioner William **BRYANT - Absent**

Commissioner Joseph **FIELDS**

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

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I. CALL TO ORDER:

COMMISSIONER ATKINS: It is currently 7:16. So good evening, ladies and gentlemen. I'm Shean Atkins, Chair of the the East Point Planning and Zoning Commission. At this time, I'd like Staff to please sound the Roll Call to establish a quorum.

II. ROLL CALL:

MR. ALSTON: Commissioner Atkins.
COMMISSIONER ATKINS: Present.
MR. ALSTON: Commissioner Todd.
COMMISSIONER TUCKER TODD: Here.
MR. ALSTON: Commissioner Fann.
COMMISSIONER FANN: Here.
MR. ALSTON: Commissioner Lovett.
COMMISSIONER ATKINS: Pat is on mute.
COMMISSIONER LOVETT: Here.
MR. ALSTON: Commissioner Bell.
COMMISSIONER BELL: I'm here.
MR. ALSTON: Commissioner Miller.
COMMISSIONER MILLER: (No response.)
COMMISSIONER ATKINS: Will is on mute.
COMMISSIONER MILLER: Sorry about that. Here.
MR. ALSTON: Commissioner McKnight.
COMMISSIONER MCKNIGHT: Here.
MR. ALSTON: Commissioner Bryant.
COMMISSIONER WILLIAM BRYANT: (No response.)

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MR. ALSTON: Commissioner Fields.

COMMISSIONER FIELDS: (No response.)

COMMISSIONER ATKINS: Mr. Fields is on mute.

COMMISSIONER FIELDS: Here.

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

COMMISSIONER ATKINS: Thank you. Before we go to our Moment of Silence, I would like to acknowledge and recognize that it seems that we have a new Commissioner. I've not yet had the opportunity to meet the Commissioner; that would be Commissioner Joseph Fields. So, Mr. Fields, we would like to welcome to the Commission; and having done that, I would also like to say that it is customary and it is a part of our process that we also would like to thank you the outgoing Commissioner for his or her service to the City of East Point and the residents and this Commission.

And so with that being -- let's see here -- is that Commissioner Mitchell?

MS. SMITH: Yes.

COMMISSIONER ATKINS: Okay. Kim, if you please note and have Staff to follow up with you on this. Usually, we would like to do some type of accommodation for outgoing Commissioners and so although we're doing this remotely through this electronic and digital platform, I would not like for us to lose that tradition. Okay.

MS. SMITH: Yes. Thank you.

COMMISSIONER ATKINS: All right. Ladies and gentlemen, those who have joined us this evening for our meeting, I would like

1 and ask that you please join us in a Moment of Silence.

2 **III. MOMENT OF SILENCE:**

3 COMMISSIONER ATKINS: Okay. Thank you. At this time,
4 Commissioners, I'll entertain a motion to adopt our agenda as
5 presented with the correction of Item Number 4 under New Business.
6 Is there a motion?

7 MS. SMITH: Chairman.

8 COMMISSIONER ATKINS: Yes.

9 MS. SMITH: Staff has several recommendations for the
10 agenda to be organized.

11 COMMISSIONER ATKINS: Okay.

12 MS. SMITH: Yes, sir.

13 COMMISSIONER ATKINS: We will hear Staff's
14 recommendation and then after which I will entertain a motion.

15 MS. SMITH: Yes, chairman. Staff has a recommendation
16 that item under **Old Business, Item Number 1, Case Number**
17 **2019-006-08**. The applicant seeks a Text Amendment to add
18 definitions that pertains to short-term rentals to Section 10-2003 as
19 well as add such uses as permitted uses to be applicable to the
20 zoning district, that that be deferred to the September 3rd, 2020
21 special call meeting.

22 We also have another recommendation that Item Number 3
23 of New Business.

24 COMMISSIONER ATKINS: Okay. Before you do that, Kim, I
25 think that these things has already been advertised so we cannot

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wipe them from the agenda. So as we get to those things on the agenda, Staff would then make a recommendation to defer those items and then that is how we would handle those Agenda Item. But because the agenda has been -- this has been advertised, then we have to keep them on the agenda; and we would disposed of them by doing a deferral or Staff's recommendation.

MS. SMITH: Yes, chairman. And for Item Number 1, under Old Business, I would recommend that that one stands.

ATTORNEY LINDA DUNLAVY: This is the time really, Kimberly, to be recommending any changes in the order of the agenda, not making Staff recommendation as to particular items on the agenda. If you had a recommendation that the order of the agenda the changed, then the Commission can consider that and consider the order. But now is not the time for Staff recommendations on particular agenda items.

COMMISSIONER ATKINS: Correct. So the adoption of the agenda is really about the order. So if there's some things that Staff would like for us to move; for instance, if you would like for us to hear New Business of Old Business, that would be something that the Body could consider. But it's been advertised, so we have to have it on the agenda. When we get to that item, we would then hear Staff's recommendation and dispose of it accordingly based on the will of the body.

MS. SMITH: Okay. May I ask a question of Madam Attorney.

COMMISSIONER ATKINS: Sure.

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MS. SMITH: Linda, this item, Number 1, the Text Amendment for the short-term rental, it was actually properly advertised on September 19th of 2019. It was tabled at that time. We talked about this item in the Work Session; therefore, it hadn't been advertised because we didn't have to advertise it because it was tabled. And so what I am trying to do is to untable it for the September 3rd meeting. So what is the most appropriate way for me to do that?

ATTORNEY LINDA DUNLAVY: You cannot do that. The most appropriate way is to leave it where it is and then when Staff -- when the Planning and Zoning Commission request that recommendation with respect to Old Business Number 1, then you can make a recommendation that it be deferred to a date certain; and then it's up to the Planning and Zoning Commission to then vote as to whether or not it will be deferred as recommended by Staff. I understand what you're saying that it has already had a public hearing. But at that public hearing, Planning and Zoning Commission voted to defer it to tonight for further consideration; and so it has to be treated as if it's -- well, because it is on the agenda, it has to be dealt with like any other Agenda Item. It can't just be administratively moved.

MS. SMITH: Understood. Thank you very much.

COMMISSIONER ATKINS: Okay. Commissioners, with exception of the numbering under New Business -- so what you see on the very last item under New Business, Number 3, that should be

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Number 4. With that, I'll entertain a motion to adopt the agenda as presented.

IV. ADOPTION OF THE AGENDA:

COMMISSIONER MILLER: Motion to adopt the agenda as presented with the numbering changes made.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Fann that we adopt the agenda with the changes that have been presented. 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 agenda has been adopted and Item Number -- the last item under New Business is Item Number 4.

At this time, I'll entertain a motion to approve our July 16th, 2020 meeting minutes.

V. APPROVAL OF THE JULY 16th MEETING MINUTES:

COMMISSIONER TUCKER TODD: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker Todd and seconded by Commissioner Lovett that we approve our July 16th, 2020 meeting minutes. All in favor sound aye.

1 COMMISSIONERS: Aye.

2 COMMISSIONER ATKINS: All opposed sound nay.

3 COMMISSIONERS: (No response.)

4 COMMISSIONER ATKINS: Hearing none, the ayes have it.

5 Our July 16th, 2020 meeting minutes are approved.

6 Our next Agenda Item are Presentations. Staff, would United

7 States please introduce our first presentation.

8 **VI. PRESENTATIONS:**

9 MS. SMITH: Yes. One moment, please.

10 COMMISSIONER ATKINS: Okay. Tony, do you have a copy

11 of that item?

12 (Whereupon Anthony Alston presents the presentation via

13 Zoom.)

14 MR. ALSTON: I do. I can't share it, though. I just sent it to

15 the group. I have no controls to share anything.

16 MS. SMITH: No problem. Let me grant that to you now.

17 Okay. You should have share capabilities.

18 MR. ALSTON: No. I don't see anything that says, "Share".

19 MS. SMITH: Okay. You should be able to share.

20 MR. ALSTON: No, I can't. I'm sorry. I see, "Chat", "Raise

21 Hand" and Q&A. I see nothing that allows me to actually click the

22 "Share" button.

23 MS. SMITH: Okay.

24 MR. ALSTON: I'm not sure if I'm listed as -- I guess I'm a

25 panelist, but I'm not sure. I can't see myself or anything.

1 MS. SMITH: Okay. Let's see. One second. Okay. You
2 should be -- you were listed twice on the panelist list. You should be
3 able to share.

4 MR. ALSTON: I'm a part of the group again. Okay. Thanks.

5 COMMISSIONER ATKINS: There you are.

6 MR. ALSTON: All right. Can every one see that.

7 COMMISSIONER ATKINS: Yes. It looks like it's coming up.
8 Okay.

9 MS. SMITH: And we're on the presentation for the
10 architectural design guidelines.

11 MR. ALSTON: All right. Can everyone see that?

12 COMMISSIONERS: Yes.

13 MR. ALSTON: Seems to have some issues with it loading right
14 now. It's only loading the first two slides.

15 MS. SMITH: We actually can't see anything right now. It's
16 on the Zoom. Are you able to email it?

17 MR. ALSTON: I can forward it to you.

18 MS. SMITH: Okay.

19 MR. ALSTON: Okay. Actually, I might be okay. So as we
20 went on the East Point Downtown Overlay District rewrite that was
21 connected by ARC for our Work Session -- so tonight, we're going to
22 run through it again and hopefully try to capture any comments if
23 you all may have them.

24 The ARC Community Development Assistance Program, also
25 known as CDAP -- the Atlanta Region Commission provides planning

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and technical support to communities throughout the agency's CDAP program.

In 2018, the City applied for a comprehensive rewrite of the regulations that were specified in the Downtown Overlay District as well as recommendations for amendments to be made for the commercial redevelopment known as the (C-R) zoning district.

The scope of the project was a rewrite of downtown architectural overlay; recommendation for amendments for the (C-R) district will be consistent with the LCI Main Street Corridor Transit-Oriented Development Plan and complements the new streetscape and Government Center.

The purpose was to focus land use and transportation study to support the TOD around the Marta Stations.

There were recommendations for Focus Areas as well as Proposed Land Use Plans and Policies; Building Concept Plans as well as Overlay and CR District Amendments.

This process started off with a kick-off meeting with Staff. They were met with the Planning Commission members as well hosted public meetings. The ARC Staff and consultants produced a draft and worked with Staff with the City on edits and revisions.

For those who can see, this is a picture of the public meeting that took place around September of last year. It was very well attended. We received a lot of feedback as you can see; as the pictures to the left. We received a lot of sticky notes from the community regarding recommendations that any members that wish

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to see.

These were the forms used to draft those as part of the public meetings; for people to give their feedback. They talked about public building types; different types of establishments they wish to see and different type of focus areas.

Under Public Comments, there was a conversation regarding the Downtown Core. For Mixed-Use, it will be six to ten stories. Single-use, multi-story and townhomes were found to be appropriate as well as store-front building to be okay within the Downtown Core.

For their Downtown Gateway and Downtown Transition -- and for those who can see this who have not called in but are actually logged in -- the colors on the words match the colors to the map on the left. For the Downtown Gateway and Downtown Transition where you're basically coming in and exiting from the City limits, there are townhouse uses which are found to be more appropriate and the Mix-use should not be taller than the Downtown Core; the summary for the meeting as for tiers, for Downtown Core, Downtown Transition, Downtown Gateway and the neighborhood live-work area.

The building types found to be appropriate would be Mix-use, Storefront, Single-use, Townhouse and Detached house, single family. The chart that is on the screen is broken down by tiers and building types. Within Tier 1, it was found that Mixed-Use, Storefront and Townhouse would be appropriate. Within Tier 2 and Tier 3, also the same Mixed-Use, Storefront and Townhouse; and only within Tier 4 would you find the single family detached house.

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The Overlay Summary also included what's name as Form Based Standards. It talks about the amount of transparency, which would be the glass or glazing on each building. Pedestrian access, vehicle access, the lot dimensions, lot area, lot coverage, any setbacks, streetscape requirements as well as building and story heights for each building type.

Additional changes: The overlay is rearranged for easier reading; drive-thrus would be permit in Downtown transition only; when utilizing regulations that were already in our codes such as sidewalk standard, streetlights and street trees, architect wall standard and drive-thru standard within the CR District.

And that presentation was sent to you all. If you have any comments now or if you want to draft the comments as a Board and submit them to our department so that we can present them to Council, I'd appreciate that.

COMMISSIONER FIELDS: Are perhaps because I'm new here, I didn't received that.

MR. ALSTON: Okay. It should have been on the email list and I could send it to you.

COMMISSIONER FIELDS: Thanks.

COMMISSIONER ATKINS: Tony, can you go back to the map again. I want to see the different areas again, please.

MR. ALSTON: Yes, sir.

COMMISSIONER ATKINS: Can you hover over each of the areas, the Core.

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MR. ALSTON: So this is the Downtown transition areas. As you see, it's on the outermost part of the City; and that is the transition as you coming in from one area into the City limits. The Downtown Gateway is this purple color, this darker purple color. The Downtown Core, which is basically the heart of your Downtown area is this pinkish color; and then your neighborhood live-work are these orange colors.

COMMISSIONER ATKINS: Okay. All right. Thank you.

MR. ALSTON: You're welcome.

COMMISSIONER ATKINS: To go back to our agenda --

COMMISSIONER FANN: Hold up for a minute, Sean; hold up for a minute. I want Tony to go back. I had myself muted. Tony, go back to the map and give me some streets going through there. When you say, Gateway; Gateway from Vesta end; from College Park or coming in right there where we have the triangle going from Connally Drive. Show us that.

ATTORNEY LINDA DUNLAVY: You're muted, Tony.

MR. ALSTON: I'm not sure what the street names are. Unfortunately, I can't really see it that well myself; but I do know that this is Main Street.

COMMISSIONER FANN: Okay. Let me just back up. If that look like that would be the triangle, look like that would be probably Connally there at the top end up there where my arrow is pointing.

MR. ALSTON: This is Norman Berry at this top area.

COMMISSIONER FANN: Norman Berry, okay. All right.

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MR. ALSTON: This is Cleveland Avenue.

COMMISSIONER FANN: This turns to Irene Kidd and then Washington Road.

COMMISSIONER FANN: Okay. So I'm trying to see if that's Norman Berry, where is the Gateway coming into Downtown? Like you say, the Downtown Corridor, Norman Berry is way over there on the other side by the hospital. You consider that as Downtown?

MR. ALSTON: That was what was identified -- all of this is Downtown. So Downtown Core, Downtown Transition and Downtown Gateway.

COMMISSIONER FANN: And then it comes back on the lower end --

MR. ALSTON: But that's not saying -- so this is your Downtown Core; this is your heart of Downtown.

COMMISSIONER FANN: Okay. Okay.

ATTORNEY LINDA DUNLAVY: I think the purple is Downtown Gateway that you're looking at, Commissioner Fann.

MR. ALSTON: Right.

COMMISSIONER FANN: Say that again, Linda.

ATTORNEY LINDA DUNLAVY: I think the purple that you're looking at, right at the end of Norman Berry there is the Downtown Gateway.

COMMISSIONER FANN: Okay.

ATTORNEY LINDA DUNLAVY: Not the Downtown Core. The Downtown Core is the pink in the center; the darker purple is the

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Gateway.

COMMISSIONER FANN: Okay. And when I look at the Gateway coming in East Point, I look at it starting at Connally where the "V" is coming into Downtown and then near where the Mallalieu Church is and most people are familiar with that. That leads into Downtown. But I see the other side. That's why I was asking when you went way back over to Norman Berry; but Norman Berry does kind of cut up under Main Street there.

ATTORNEY LINDA DUNLAVY: Basically, you've got two kind of Gateway areas, the north Gateway and the south Gateway.

COMMISSIONER FANN: I can't hardly hear you Linda.

ATTORNEY LINDA DUNLAVY: I am so sorry. You basically got two gateways, the north Gateway and a south Gateway. The triangle that you're talking about is one area of Gateway; and then Norman Berry is another area of Gateway.

COMMISSIONER FANN: So we don't go all the way to the College Park where the College Park Gateway coming in down, what is that, Vesta?

ATTORNEY LINDA DUNLAVY: I'm at the same disadvantage you are. I have no idea because I can't read the street names.

COMMISSIONER FANN: Okay. Okay. Okay.

COMMISSIONER TUCKER TODD: Yes. I think that is Vesta going towards College Park. But I'm a little confused about Norman Berry because I didn't know Norman Berry crossed Main Street. I'm trying to drive it in my mind and I just can't see it. But I think I

1 know. I can tell from the map.

2 COMMISSIONER FANN: It's Norman Berry Drive coming
3 down there where the Dairy Queen is, you know, where --

4 COMMISSIONER TUCKER TODD: Right. Right.

5 COMMISSIONER FANN: That is Norman Berry. It come up
6 under the bridge. There's a bridge that goes -- the bridge is Main
7 Street.

8 COMMISSIONER TUCKER TODD: Oh, got you, got you. Okay.
9 I know where you're talking about now.

10 COMMISSIONER FANN: That's the area I'm talking about
11 where the Dairy Queen is. It's that area. It's just under -- it's on top
12 of --

13 COMMISSIONER TUCKER TODD: Right, right. Yeah. I was
14 driving it in my head and I couldn't figure it out.

15 COMMISSIONER ATKINS: Right. I was, too, which really
16 leads back to your point, Greg, because as it goes around by the
17 Dairy Queen, it looks up right at Connally.

18 COMMISSIONER FANN: Right at Connally.

19 COMMISSIONER ATKINS: So it looks -- yeah. So from
20 Connally, it swerves around down to Norman Berry. Norman Berry is
21 on the lower part; but on the upper part is really Connally.

22 COMMISSIONER FANN: Yeah.

23 COMMISSIONER LOVETT: I have a question about the
24 housing. How many units are we talking about total including
25 townhomes and (inaudible)?

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MR. ALSTON: There is not any mention of how many units per se as much as the storage. And that could be a common that we can present this evening to clarify for Council or to clarify for you all as well.

COMMISSIONER LOVETT: Okay. Thank you.

COMMISSIONER ATKINS: Okay. Any other comments, questions or concerns from the Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. Hearing none, thank you, Tony, again. Staff, are there any other presentations?

MS. SMITH: No.

COMMISSIONER ATKINS: Okay. Our next Agenda Item is Old Business, Case Number 2019-006-08. Staff, would you please sound this Agenda Item.

VII. OLD BUSINESS:

MS. SMITH: Chairman, **Item Number 2, Case Number 2020V-003-03**, Applicant Stephen Rothman, location --

COMMISSIONER ATKINS: I'm sorry. I'm at Old Business, Item Number 1, 2019 -- 2019-006-08.

(Whereupon the Applicant, City of East Point presents this case via Zoom.)

MS. SMITH: Yes, correct. Okay, sir. Yes, **Item Number 1 under Old Business, Case Number 2019-006-08**, Applicant, City of East Point. Location description, the applicant seeks a Text Amendment to add defer in additions that pertains to short-term

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rentals to Section 10-2003 as well as add such uses as permitted uses to the applicable zoning district, sir.

COMMISSIONER ATKINS: Okay. Thank you.

Commissioners, you've heard this Agenda Item and as it has been mentioned before, this particular Agenda Item did have a public hearing back in September, 2019. So we will not hold a public hearing for this Agenda Item this evening. So the applicant is the City of East Point. Staff, would you please sound your recommendation?

MS. SMITH: Yes, chairman. The Staff's recommendation is to defer this case to the September 3rd, 2020 Special Call Meeting.

COMMISSIONER ATKINS: Okay. All right. Commissioners, the Staff's recommendation is to defer to our September 3rd, 2020. Are there any comments, questions -- well, is there a motion? I'll entertain a motion.

COMMISSIONER MILLER: Motion to defer.

COMMISSIONER ATKINS: Okay. Can you be specific and time certain, please, Mr. Miller.

COMMISSIONER MILLER: Motion to defer the amendment in question to the September Planning and Zoning meeting.

COMMISSIONER ATKINS: September 3rd, 2020? The Special Call Meeting. So it's the September 3rd Special Call Meeting, okay. Is there a second?

COMMISSIONER FIELDS: I second.

COMMISSIONER ATKINS: Okay. Can you turn your

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microphone up, please, Commissioner Fields.

COMMISSIONER FIELDS: Okay.

COMMISSIONER ATKINS: There's a motion on the floor by Commissioner Miller to defer this Agenda Item to the Special Call Meeting scheduled for September 3rd, 2020. That motion has been seconded by Commissioner Fields. Any comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, 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 Agenda Item is deferred to our September 3rd Special Call Meeting, 2020 -- September, 2020 Special Call Meeting.

Our next Agenda Item under New Business is Case Number 2020 "V" as in Victor-006-03. This Agenda Item and others subsequent to it would require a public hearing. At this time, I'll read our Rules for Public Hearings.

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

COMMISSIONER ATKINS: Conducting public meetings remotely is the new process for most upper governments due to the Corona Virus Outbreak and requirements of physical distancing. The

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Planning and Zoning Commission has recently started using Zoom, a video conferencing platform to hold its meeting while making it available for the public to join remotely. Those attending these Zoom meetings are reminded that these are public meetings with established rules and procedures and decorum which will still be followed to the extent reasonably possible.

The meetings are held to address zoning business of the City of East Point and to that and any one participating in the virtual meeting will be expected to follow the rules of public speaking at these meetings. Those in attendance have accessed the meeting via telephone or a Webinar link. Unless you're applicant or representative of applicant actively addressing the Commission, I ask that you mute your microphone. Unless you signed up to make public comment on a particular Agenda Item prior to the calling of this meeting except for the public notice, you will only be allow to listen to the meeting. You will not be allow to speak.

The 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 and his or her current address to identify the item her or she wishes to speak on as well. 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 upon the sign up, the Chair or the Chair's designee.

Some members of the public may have emailed comments to

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the Planning and Zoning Department email address prior to the meeting and those email comments will be noted and read for the record when a particular Agenda Item is called after the applicant's presentation to the Commission has been completed.

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

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

However, understanding that this is a new platform and may take longer logistically, we will will relatively liberal with time until we get used to this platform.

By majority vote, the Commission may increase the total time of speakers provided that each side is given the same amount of time. The zoning applicant may reserve a portion of his or her allotted time for rebuttal. After the allotted time expires, the

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microphone of the speaker speaking will then be muted by the host.

After speakers for and against an Agenda Item have had an opportunity to, under these rules, to address the Commission, the public hearing will be closed and the Commission shall discuss the case amongst it's members. Members of the public are not permitted to speak during the Commissioners deliberation. When not speaking, please mute your microphone to avoid background noise that can be disturbing to the meeting. If you fail to do so, the host will does so for you. Also should any recognized speaker desire from the Commission to view a document at any time, please request that the host find and share the document.

Due to security concerns, no one other than the host will be permitted to share during the meeting. Speakers must adhere to the rules of decorum. Speakers shall speak only upon being recognized by the Chair and only to the permits of the proposed zoning ordinance under consideration; shall address remarks only to the Commission and shall refrain from making personal attacks with any other speaker.

The Chair may refuse the speaker the right to continue if, after being first cautioned, the speaker continues to violate the rules of decorum or the violator be removed from the zoning meeting upon request of the Chair.

Please understand that Staff will be multitasks a lot during the meeting and may not be able to respond to a "Chat" inquiry immediately, if at all. However, should you experience technical

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difficulties during the meeting, please feel free to use the "Chat" feature on the Zoom screen and Staff will attempt to assist you.

We thank you for your patience and understanding as we work through these challenging times and this new technology. We will get that update.

Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2020 "V" as in Victor-006-03.

VIII. NEW BUSINESS:

COMMISSIONER TUCKER TODD: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker Todd, seconded by Commissioner Lovett that we open the public hearing for Case Number 2020 "V" as in Victor-006-03. Before we do so, Staff, would you please sound this Agenda Item.

MS. SMITH: Chairman, **Item Number 2, Case Number 2020V-006-03**, Applicant, Stephen Rothman for property located at 1292, 1294, 1296, 1298, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314 and 1316 Sweetbriar Circle. Applicant seeks stream buffer variance to apply to proposed single-family homes within the Sweetbriar Subdivision within the 50 foot and 25 foot undisturbed natural vegetative buffer..

COMMISSIONER ATKINS: Okay. Thank you. We've got a motion to open the public hearing by Commissioner Tucker Todd, a second by Commissioner Lovett. All in favor sound aye.

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COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

The public hearing is now open. Mr. Rothman, would you please speak. State your first and last name and your current address.

(Whereupon Applicant's Representative, Stephen Rothman presents this case via Zoom.)

MR. ROTHMAN: Good evening. My name is Steve Rothman. My address is 2849 Paces Ferry Road, Atlanta, Georgia, 30039. As you can see on the screen before you, this applicant involves 13 parcels of land in the Villages at East Point Subdivision. There's homes that have already been built in it. The road, the driveways, the utilities were all built 2005. City Council approved the plat in 2006. When they approved the plat, they accepted the roadway; they accepted all the public infrastructure and about four or five of the homes were built.

Subsequent to that, it was the downturn in 2008, construction stopped and then the City increased the stream buffer. It was originally approved and there was disturbance up to the 25 foot stream buffer, which existed in 2006; pavement right up to the stream buffer; but now it's up to -- with the improvement setbacks, 75 feet.

The impact of imposing the current stream buffer would be to completely eliminate the use of any of the remaining lots; and as you

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saw on the aerial photograph what you have is a street with five homes and it not only would render the lot useless; it would also makes for a strange looking sort of ghost town.

So what we've asked for is a variance to allow us to go ahead and build this exactly the way it was built, intended to the built and the vision that it was intended to be built, which is homes with rear backyard garages so that none of the homes look like welcome-to-my-garage kind of home from the street, but an alley or driveway in back; and then allow the homes to be built.

I think with that, we've reviewed the Staff's analysis and recommendations including their conditions. Those are acceptable to us, so I guess, out of respect for your time, I'll stop there and reserve the rest of my time for response if we need it.

COMMISSIONER ATKINS: Thank you, Mr. Rothman. Are there any other proponents here to speak in favor of this Agenda Item?

PROPONENTS: (No response.)

COMMISSIONER ATKINS: Hearing none, are there any opponents here to speak against this Agenda Item?

OPPONENTS: (No response.)

COMMISSIONER ATKINS: Any opponents here to speak against the Agenda Item?

OPPONENTS: (No response.)

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

1 COMMISSIONER MILLER: Motion to close the public hearing.
2 COMMISSIONER ATKINS: Is there a second?
3 COMMISSIONER LOVETT: Second.
4 COMMISSIONER ATKINS: It's been moved by Commissioner
5 Miller, seconded by Commissioner Lovett that we close the public
6 hearing for Case Number 2020 "V" as in Victor-006-03 /-FPLTS all in
7 favor sound aye.
8 COMMISSIONERS: Aye.
9 COMMISSIONER ATKINS: All opposed sound nay.
10 COMMISSIONERS: (No response.)
11 COMMISSIONER ATKINS: Hearing none, the ayes have it.
12 The public hearing is now closed. Staff, would you please sound
13 your recommendation.
14 MS. SMITH: Yes, Chairman. In reference to application
15 2020V-006-06, Applicant, Steve Rothman. Staff has recommended
16 approval with two conditions, that the applicant and owner provide
17 disclosure statements to buyers regarding limits of encroachment into
18 the buffer; Condition Number 2, the applicant provides a survey of
19 the properties to the buyers to show the encroachment and buffer --
20 of the variance buffer -- buffer variance encroachments.
21 COMMISSIONER ATKINS: Okay. Commissioners, we've
22 heard from the applicant and we've also heard Staff's
23 recommendation. At this time, I'll entertain a motion.
24 COMMISSIONER TUCKER TODD: Mr. Chair.
25 COMMISSIONER ATKINS: Yes, Commissioner Tucker Todd.

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COMMISSIONER TUCKER TODD: I'd like to make a motion to approve with Staff conditions as stated.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FANN: Second for discussion.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker Todd, seconded by Commissioner Fann for discussion. Commissioner Fann, do you have comments, questions or concerns?

COMMISSIONER FANN: I do. I have a couple questions. We're already building on that property there; we're already putting up a structure on that property now?

MS. SMITH: Commissioner Fann, this property was built in -- well, the parcels and the land, land disturbance -- as far as utilities and streets were started in, I believe, the 1990s. The properties along Stanton Road, some of those homes have already been built. And then after, there was an economic downturn. The rest of the parcels that are located along the Sweetbriar Circle --

COMMISSIONER FANN: I mean, Kim, Kim.

MS. SMITH: Yes.

COMMISSIONER FANN: I don't want you to go through that with me. I was there. I know the history of that so I already understand that.

MS. SMITH: Yes, sir.

COMMISSIONER FANN: But I'm asking you is there a building being constructed on the property now? That's the question I'm ask.

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MS. SMITH: No, sir. The property owners do not have the proper building permits to start construction at this time.

COMMISSIONER FANN: I road by there the other day. It's a building going up on that property. So I'm asking the question because, you know, I got history. Me and Bass was the one that started this project, and I was a part of approving it and I don't have a problem with approving it now. But I'm just asking a question the terms of is there -- I saw construction going on over there and I'm just asking, you know. But is there already some buildings being built over there; that's the question I'm asking.

MR. TREVINO: So, Commissioner Fann, if I can jump in.

COMMISSIONER FANN: Sure.

MR. TREVINO: On Lot 1 and Lot 2, there were building permits issued. These two lots were located outside of the stream buffer. So on those two lots, we were able to issue building permits; but on all the other lots in question, those are located inside the stream buffer so those lots have not been yet.

COMMISSIONER FANN: Okay. I don't have a problem with approving with conditions. I was just wondering about the buildings that were being put it now, you know, before this was approved. That's all. That's my only concern.

MS. SMITH: Thank you for the clarification, Albert.

COMMISSIONER LOVETT: I have a question. I don't have a problem with the project, but can you put your mouse on the lots? Because I'm looking at the irregularity of the lot dimensions and so I

1 want to make sure I can see the beginning and the end lots and the
2 size of them. I can't clearly distinguish.

3 MS. SMITH: Can you see the lots that are highlighted?

4 COMMISSIONER LOVETT: Yes, okay. So 13 here -- well,
5 you can see my mouse; but there are 13 lots on this backside next to
6 the stream?

7 MR. ROTHMAN: Yes.

8 COMMISSIONER LOVETT: Okay.

9 MR. ROTHMAN: Or the stream buffer; or that involve the
10 stream buffer because it's -- some of them are not touching the
11 stream; but they're within the stream buffer.

12 COMMISSIONER LOVETT: So if I count the yellow boxes
13 here of rectangles, I count ten. Where are the other three? I'm on
14 the backside -- I think I'm on the backside.

15 MS. SMITH: So, you have one here, two, three --

16 COMMISSIONER ATKINS: You have to use the mouse.

17 COMMISSIONER LOVETT: You have to use your -- yeah.

18 MS. SMITH: Okay.

19 COMMISSIONER LOVETT: I see it. Go ahead -- 10, 11.

20 MR. ROTHMAN: And I'd like to clarify on the -- call it the
21 north, the topside that faces Stanton Road, that one big lot, it go to
22 the other plat. You'll see that that's divided -- it's actually two lots
23 there on the plat. So those yellow lines --

24 COMMISSIONER LOVETT: Okay. Okay. Okay. I got it now.

25 COMMISSIONER FANN: So there's not 13 pieces of property

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in the stream buffer, then?

MR. ROTHMAN: Yes. The stream buffer does go all the way very close to Stanton Road.

COMMISSIONER FANN: Okay. So the lots to the north -- I'm saying to the north are the two that you just talked about in the stream buffer?

MR. ROTHMAN: Yes.

COMMISSIONER FANN: Yes. Because there is a stream -- there is a drainage ditch that's running down through there on that side, it is; between that -- there's some apartments right there. It's like a drainage ditch or something between those apartments and this property. So that would be considered the stream buffer?

MR. ROTHMAN: Yes.

COMMISSIONER FANN:

COMMISSIONER FANN: Okay. All right.

COMMISSIONER FIELDS: I have a question. Those lines that's indicated on the drawing, on the first drawing, does that indicate the extent of the lots. Can you put up that other picture, please, the first one, yes. These lines here, does this indicate the extent of the property line going back this way toward the creek, right here?

MS. SMITH: Mr. Fields, the best delineation of the property lines would be on the site plan that was on the previous slide. That would be the best way to --

COMMISSIONER FIELDS: The reason I ask is because I went

1 over there yesterday myself, as well, just to take a look at the area to
2 see exactly what we would be discussing this evening. And if you
3 look at that road back there, that's a 8 foot road and right behind
4 that is the bank of a creek.

5 MR. ROTHMAN: And if I -- we will not be going beyond the
6 driveway, that road. We're just asking to stay -- to build homes on
7 what was already disturbed. They're not looking to take down
8 anything extra or get closer to the stream than what you saw
9 yesterday.

10 COMMISSIONER FIELDS: Well, the only reason I was asking
11 because is if there's A 50 foot setback -- so that's what I wanted to
12 clarify. Where is the 50 foot buffer zone located?

13 MR. ROTHMAN: I would answers it this way: The driveway
14 that you saw --

15 COMMISSIONER FIELDS: Could you put that first picture back
16 up, please. Okay. Now, we can talk. I'm sorry, go ahead.

17 MR. ROTHMAN: The existing driveway is basically --

18 COMMISSIONER FIELDS: Right here.

19 MR. ROTHMAN: Yes. That's 25 feet from the stream, roughly.
20 I mean, that's basically 25 feet.

21 COMMISSIONER FIELDS: From here over to here? Because
22 the stream is right here.

23 MR. ROTHMAN: Yes.

24 COMMISSIONER FIELDS: And the water is running.

25 MR. ROTHMAN: Yes, 25 feet from the bank of the stream.

1 And so we cannot get closer than that. When we built it, that was
2 the rule. Now, the rule is that it's 75 feet total and we're asking to
3 just keep it like it is; allow us to build houses on one side of the
4 driveway and to have garages in back just like intended originally.

5 COMMISSIONER FIELDS: So that the people, when they come
6 in, they can come down this road, go up here and go into their
7 driveway?

8 MR. ROTHMAN: Yes, exactly.

9 COMMISSIONER FIELDS: Which means that from this
10 driveway forward is the area you're speaking of and not back here;
11 because if you're back here, you're over the creek.

12 MR. ROTHMAN: That's correct.

13 COMMISSIONER FIELDS: So which is it, sir?

14 MR. ROTHMAN: It's closer -- it's between the driveway and
15 the street. That's where the homes with go and the garages will go.
16 There's no additional encroachment towards the West, towards the
17 stream.

18 COMMISSIONER FIELDS: So you're going to expand this side
19 of this little road right here that goes around the circle?

20 MR. ROTHMAN: I can't see where you're --

21 COMMISSIONER FIELDS: See this (Indicating.)

22 MR. ALSTON: They can't see your mouse because you're not
23 sharing the screen.

24 COMMISSIONER FIELDS: Oh.

25 MR. ALSTON: So you need to tell me what you're looking for.

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MS. SMITH: Are you going to do a circle? It's on the area between the street and Sweetbriar. If you could kind of draw --

COMMISSIONER FIELDS: Not that area. They're going to do that. But we're talking about the setback area, I believe, near the creek. That's the one I'm speaking of. There's a roadway that goes around. It's like an access road that goes around there; and it's between --

MR. ALSTON: Are you talking about this one? (Indicating.)

COMMISSIONER FIELDS: Yes, that one. And right to the right of that -- so that's -- the question I was asking: Will the homes stay on this side of that roadway there?

MR. ALSTON: Will the homes sit closer to the rear of that or in front of it? Is that what you're asking?

COMMISSIONER FIELDS: Yes. If you run that down here again, come over, yes. Now, from there over towards those home that you see that's already been indicated here, that's about 80 feet from here to here. So my question is: Are they going to stop right there at the street on this side of that driveway with their homes? Otherwise, you're to be in the creek.

MS. SMITH: The answers to your question is, yes.

COMMISSIONER ATKINS: Yes. Mr. Rothman was saying that the building would occur on the eastside of that road that Tony has now circled.

COMMISSIONER FIELDS: Okay.

COMMISSIONER ATKINS: So the eastside of that road would

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then be the land between Sweetbriar and that road that Tony circled.

COMMISSIONER FIELDS: Okay. That's clarifying. Thank you.

MR. ALSTON: Okay. You're welcome.

COMMISSIONER ATKINS: Are there any other comments, questions or concerns from Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: We currently have a motion to approve made by Commissioner Tucker Todd with Staff's conditions as sounded and that motion was seconded by Commissioner Lovett. 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 Agenda Item is approved.

MR. ROTHMAN: Thank you.

COMMISSIONER ATKINS: Thank you, Mr. Rothman. Our next Agenda Item is 2020 "Z" as in zebra-004-03, Concurrent Variance of 2020 "V" as in Victor, "C" as in Charles-010-03. Staff, would you please sound this Agenda Item.

MS. SMITH: Chairman, in **Item Number 3, Case Number 2020Z-004-03**, Concurrent Variance 2020VC-010-03; applicant is Rueben Jones. The property is located at 1662 Ware Avenue. The applicant is requesting to rezone property from R-1A to R-2 to allow for duplex residential use and a three-part Concurrent Variance for

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relief from side yard, front side yard and the rear setback.

COMMISSIONER ATKINS: All right. Thank you.

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

COMMISSIONER FANN: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Lovett that we open the public hearing for this Agenda Item. 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 open. Mr. Jones, are you present?

(Whereupon the Applicant Rueben Jones presents his case via Zoom.)

MR. JONES: Yes, I'm present.

COMMISSIONER ATKINS: Okay. Would you go ahead and present your case. State your first and last name and your current address.

MR. JONES: Good evening. My name is Rueben Jones of 1382 Custer Way, Atlanta, Georgia, 30316. As shown in the slide, we're wishing to rezone the property from R-1A, single family to R-2 to allow for a duplex. What we would like to do is use the vacant

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property, which has been vacant for about the last 15 years, per the neighbors and use the existing footprint and lay out and only rehab the interior to create two separate units to create a duplex property.

Each unit will be two bedroom, two and a half bath and roughly 2,300 square feet with a storage space in between the two units.

COMMISSIONER ATKINS: Okay. Are there any other proponents here to speak in favor of this zoning case?

PROPONENTS: (No response.)

COMMISSIONER ATKINS: Any other proponents here to speak in favor?

PROPONENTS: (No response.)

COMMISSIONER ATKINS: Hear none. Are there any opponents here to speak against this zoning case?

OPPONENTS: (No response.)

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

OPPONENTS: (No response.)

COMMISSIONER ATKINS: Hearing none. Commissioners, at this time, I'll entertain a motion to close the public hearing for 2020 "Z" as in zebra-004-03 and 2020VC, Victor, Charles-010-03. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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

MS. SMITH: Chairman, **Item Number 3, Case Number
2020Z-004-03**, Concurrent Variance 2020VC-010-03, applicant
Rueben Jones; property located at 1662 Ware Avenue. The applicant
is requesting to rezone the property from R-1A to R-2 to allow for
duplex residential use and a 3-Part Concurrent Variance for relief
from side yard setback, front yard setback and rear yard setback.
Staff has recommended approval of this item with two conditions:

Condition Number 1, approval is condition on site plan
provided by Survey Land Express, Inc. dated March 25th, 2020;.

Condition Number 2, if structure is demolished, property will
need to adhere to all R-2 development standards as set forth in City
ordinances.

COMMISSIONER ATKINS: Okay. Thank you. Commissioners,
we've heard from the Applicant, Mr. Rueben Jones. We have also
heard Staff's recommendation. At this time, I'm entertain a motion.
Please be mindful that this is a zoning matter with a Concurrent
Variance. A motion should be made in the form of a
recommendation.

COMMISSIONER FIELDS: What's the question? I'm sorry.

COMMISSIONER MCKNIGHT: I would like to make a
recommendation to approve Case Number 2020-004 -- is that right?

MR. ALSTON: You need me to bring it back up?

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COMMISSIONER ATKINS: Yes.

COMMISSIONER MCKNIGHT: Can you hear me?

MS. SMITH: Yes, yes, bring the screen, please. Thank you.

COMMISSIONER MCKNIGHT: I would like to make a recommendation to approve Case Number 2020Z-004-03 and 2020VC-010-03 -- that's better.

COMMISSIONER ATKINS: Okay. And that's second Case Number is 2020, Victor, Charles, VC-010-03. Okay. Go ahead, Commissioner McKnight.

COMMISSIONER MCKNIGHT: -- thank you, with Staff recommendations and conditions -- I mean, sorry, with Staff conditions.

COMMISSIONER ATKINS: Okay. Thank you. Is there a second?

COMMISSIONER FANN: I second it, Shean. I second to 2020Z --

COMMISSIONER ATKINS: Okay. There's a motion on the floor made by Commissioner McKnight. This Body recommends approval of Case Number 2020 "Z" as in zebra-004-03 with a Concurrent Variance of 2020VC, Victor, Charles-010-03 with Staff's conditions as stated. That motion was approve by Commissioner Fann. Any comments, questions or concerns?

COMMISSIONER LOVETT: I have a question.

COMMISSIONER ATKINS: Yes, Commissioner Lovett.

COMMISSIONER LOVETT: The front yard. I know there's

1 pavement there. Is that pavement levelled with the street and can
2 people just park on the street, the tenants? I mean, can you just
3 park on the pavement or -- because I heard the applicant say they
4 plan to put plants there and pots.

5 So the question is: Is there going to be a parking garage
6 attached to the building? Are they parking -- where are they
7 parking? Because I know people -- I feel they will park where every
8 there's pavement.

9 COMMISSIONER MCKNIGHT: There's a lot in the back of it, I
10 think.

11 MR. JONES: There is actually parking along the side of the
12 building. If you can do it in -- right, I think it shows it.

13 COMMISSIONER LOVETT: Okay. So there should not be any
14 parking in the front; is that right?

15 MR. JONES: That's correct. There should not be parking in
16 the front. All the parking would be happening on each side of the
17 building. I think that's the east --

18 COMMISSIONER LOVETT: Well, what can keep anyone from
19 parking on the front?

20 MR. JONES: Fencing, landscaping.

21 COMMISSIONER FANN: Nothing.

22 COMMISSIONER LOVETT: Nothing.

23 COMMISSIONER MILLER: A big old giant tree.

24 COMMISSIONER FANN: None. I mean, it's a public street.

25 COMMISSIONER ATKINS: So, Commissioner Lovett, are you

1 talking about on-street parking?

2 COMMISSIONER LOVETT: Well, they have pavement in front
3 of the -- no, not on the street; but I'm talking about right in front of
4 the house.

5 MR. JONES: Commissioner Lovett, that section, there maybe
6 pavement there. If there is, it's mostly broken up and as
7 Commissioner Miller mentioned, there's a very large tree that doesn't
8 actually allow access to that park of the property.

9 COMMISSIONER LOVETT: Okay. That's what I was looking
10 for; because I can see the tree but I see the pavement; but I can't
11 see what's in front of the actual pavement if there's access. So
12 you're saying there is no access to that pavement?

13 MR. JONES: You can't really access -- you'd have to have a
14 very small car.

15 COMMISSIONER LOVETT: Okay.

16 COMMISSIONER ATKINS: Any other comments, questions or
17 concerns?

18 COMMISSIONER TUCKER TODD: I do have a question as well
19 of Staff. So just to be sure that I understand. So the R-1A to R-2 in
20 this instance, does this good singularly to Mr. Jones or if we now vote
21 to change the zoning to R-2? Does it run with the property from this
22 point forward?

23 MS. SMITH: Yes, it does.

24 COMMISSIONER TUCKER TODD: Okay. And, Mr. Jones, of all
25 the things that we've seen overall the years, I must tell you that

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yours is, in my opinion, the best plans for the property.

MR. JONES: Well, that's good, Commissioner Tucker.

COMMISSIONER ATKINS: Any other comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. Tony, can you go to the site plan that was presented and is that the site plan that referenced any conditions?

MR. ALSTON: Yes, sir.

COMMISSIONER ATKINS: Okay. And, Mr. Jones, did you also -- from the Work Session, we had talked about the amount of, I guess, asphalt there on the property; and can you talk a little bit about how you plan to address all of the asphalt and the impervious surfaces on the property?

MR. JONES: I was speaking with my architect a couple days after the Work Session -- thank you, very much, Tony. Me and the architect worked this up. As I mentioned, we were going to lose some of that parking just based on access into the building from the units. From above in that top image, you can see what looks like some coverings coming out of the existing roof. Those will be the entry ways into the property.

And in order to keep those clear and free, we're going to put some planters in those parking spaces so you can see kind of in the center of the building, two green areas and then all the way to the, I guess, south of the build or the left of the, you see another Green

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Space. That is us blocking out some of that parking to help reduce some of that storm water run-off that you mentioned; Green up the space a bit.

To be honest, I don't like all the asphalt either; but obviously, I don't want to talk all the parking; two units -- two bedrooms per unit plus what I feel is reasonable as a guest parking space so they're not parking off street if they had guest come over. So six total spots remaining.

COMMISSIONER ATKINS: Okay. So there's nothing that conditions the applicant to this rendering; and so I would like for the Commission to consider, you know, adding a condition so that it reflects just as Mr. Jones has paid good money to have his architect to do this. We would like want him to waste that.

MS. SMITH: Yes.

MR. FIELDS: I have a question.

COMMISSIONER ATKINS: Who is that?

COMMISSIONER FIELDS: Joseph Fields.

COMMISSIONER ATKINS: Okay. I'm sorry go ahead, Mr. Fields.

COMMISSIONER FIELDS: I visited that site yesterday as well and I had a look at it and saw the condition that it was in as well as -- I remember your remarks at the Work Session regarding, you know, do something about the beautification of the area.

And based on what I see right now, he's made a great effort to actually Green up that space, make it look very residential, as a

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matter of fact. So I would say based on the rendering of the new presented plans by his architect that that would be conditioned on this particular matter. So I think it would be a great idea.

COMMISSIONER ATKINS: Okay. Is there a friendly amendment that you would like to make to Commissioner McKnight that she also includes this condition that the site plan is developed as presented in -- we don't have a marking on this; so I don't know how to identify it.

MS. SMITH: It was submitted to Staff on today's date.

COMMISSIONER ATKINS: Okay.

ATTORNEY LINDA DUNLAVY: Might I suggest rather than depending upon the vagaries of retaining this document and being able to identify it as submit on a particular day, that you just add, as a friendly amendment, the conditions that are listed on the slide, such that, you know, you would have Condition Number 3, add cover over entries to break up length of property; Condition Number 4, add plantings over existing parking -- you see where I'm going with that?

COMMISSIONER FANN: Yes.

ATTORNEY LINDA DUNLAVY: As opposed to referring to a slide that could go (inaudible) about in the course of several years, I think it would be better to stipulate those conditions.

COMMISSIONER MILLER: Good call.

COMMISSIONER FANN: I was going to bring that up to ask you that question, Linda, but you just -- you preempted me; but we good.

1 ATTORNEY LINDA DUNLAVY: Great minds think alike, Greg.
2 COMMISSIONER ATKINS: Okay. So would the Commission
3 like to make that friendly amendment?
4 COMMISSIONER FIELDS: Yes.
5 COMMISSIONER ATKINS: Okay. So then, Mr. Fields, your
6 friendly amendment is to increase the conditions to includes those
7 items that are bulleted on Slide Number 3 in this presentation; is that
8 correct?
9 COMMISSIONER FIELDS: That's correct; that's presented --
10 revised from our Work Session.
11 COMMISSIONER LOVETT: And that's five bullets?
12 COMMISSIONER FANN: Can we state them for the -- can we
13 state them?
14 COMMISSIONER ATKINS: Right. It's for --
15 ATTORNEY LINDA DUNLAVY: You really only need four
16 bullets.
17 COMMISSIONER ATKINS: Four bullets, yeah. The first one
18 is the rezoning.
19 COMMISSIONER LOVETT: Okay. Thank you.
20 COMMISSIONER ATKINS: Okay.
21 COMMISSIONER LOVETT: (Inaudible) pictures of covering it
22 up; but I'm good.
23 COMMISSIONER ATKINS: Okay. And Commissioner
24 McKnight, do you accept the friendly amendment?
25 COMMISSIONER MCKNIGHT: I do.

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COMMISSIONER ATKINS: And Commissioner Fann, did your second still stand?

COMMISSIONER FANN: It still stands.

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

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: The motion on the floor, made by Commissioner McKnight, is to recommend approval with the conditions as stated by Staff and the conditions that are just now added from Slide 3 of this presentation: That motion has been seconded by Commissioner Fann. 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 Body recommends approval. Thank you, Mr. Jones.

MR. JONES: Thank you.

COMMISSIONER ATKINS: Our next Agenda Item is 2020 "M" as in Mary-004-07. Staff, would you please sound this Agenda Item.

MS. SMITH: Chairman, **Item Number 4, 2020M-004-07**, Applicant, City of East Point. Property is Citywide. This is a Text Amendment. The Applicant, City of East Point seeks a Text Amendment to amend Chapter 2, Article A, Section 10-2003, Chapter 2, Section 10-0072 of the the City of East Point Ordinance to make provisions and add definition for small box stores.

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COMMISSIONER ATKINS: Okay. This Agenda Item does require a public hearing, so Commissioners, at this time, I'll entertain a motion to open the public hearing.

COMMISSIONER MILLER: Motion to open the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Lovett that we open the public hearing for Case Number 2020 "M" as in Mary-004-07. 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 open. The applicant is the City of East Point. Staff, would you please present this case.

(Whereupon the Applicant, City of East Point presents this case via Zoom.)

MS. SMITH: Chairman, this item was actually properly advertised for September 3rd, 2020 and it is Staff's recommendation that this item be deferred to the September 3rd -- well, not deferred because it was properly advertised for September 3rd; but to defer public comment for the September 3rd, 2020 property --

COMMISSIONER ATKINS: Okay. So Linda, because it's on our agenda, is it proper -- the deferral is -- would that be the proper

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route for that?

ATTORNEY LINDA DUNLAVY: I need some clarification but it can really be because we actually did talk about this item before the meeting today. My understanding, Kimberly, was that this item was not properly advertised for this evening, however.

MS. SMITH: It was not properly advertised for this evening; but it was a discussion item for the Work Session.

ATTORNEY LINDA DUNLAVY: Okay. So because it wasn't properly advertised for this evening, we cannot really hear it. It was properly advertised for September 3rd. So quite honestly, it shouldn't really have been on the agenda; but I do think it would be appropriate to have a motion to defer it specifically to September 3rd due to the advertising problem.

COMMISSIONER ATKINS: And with that, Linda, because it wasn't properly advertised for tonight, we open the public hearing but we don't even need to take a motion to close the public hearing because legally, we could not have had a public hearing.

ATTORNEY LINDA DUNLAVY: Well, I don't even think you need to make a motion to open the public hearing. I think it's appropriate --

COMMISSIONER ATKINS: We already did.

ATTORNEY LINDA DUNLAVY: Oh, you did. I'm sorry. Go ahead and just make -- it's appropriate now to entertain a motion from the Board to defer it and not make any public comment on it.

COMMISSIONER ATKINS: Right. Commissioners, at this

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time, I'll entertain a motion to defer 2020 "M" as in Mary-004-07 to the Special Call Meeting for September 3rd, 20202.

COMMISSIONER TUCKER TODD: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker Todd that we defer this item to the September 3rd, 2020 Special Call Meeting. It's been seconded by Commissioner Lovett. 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 Agenda Item is deferred.

Our next Agenda Item is 2020 "M" as in Mary-003-07. Staff, would you please sound this Agenda Item.

MS. SMITH: Chairman, **Item Number 5, Case Number 2020M-003-07**, Applicant is City of East Point. The Text Amendment is for Citywide. This applicant, City of East Point, seeks a Text Amendment to amend Chapter 2, Article A, Section 10-003 and Chapter 2, Article C, Sections 10-2079, Section 10-2080 in order to establish new zoning districts, (Warehouse Industrial District) as well as (Mixed Use Commercial Industrial District) which will allow for transitional uses..

COMMISSIONER ATKINS: Okay. Thank you.

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Commissioners, at this time, I'll entertain a motion to open the public hearing for **2020 "M" as in Mary-003-07**.

COMMISSIONER TUCKER TODD: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FIELDS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker Todd that we open the public hearing. It's been seconded by Commissioner Fields. 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 open. Staff, would you please present this case.

(Whereupon the Applicant, City of East Point presents this case via Zoom.)

MS. SMITH: Yes, chairman. This particular case came about, actually, organically from Peachy Parking down zoning that this Board had an application on several months ago. And, unexpectedly and unbeknown to us, there was a moratorium put in place in the midst of that application going forward.

During the Staff analysis of the Peachy Parking and in the midst of the moratorium, Staff has had the opportunity to review the I-1 District permitted uses and intended uses, the other Comprehensive Plan as well as the permanent uses in the zoning

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ordinance for I-1 and I-2.

And during that analysis and during those studies, it was found that the Staff wanted to come up with a response to the moratorium, with that being said.

Staff has put together a Staff analysis in reference to I-1 properties as well as I-2 properties zoned properties; and these two proposed zoning districts -- Tony, are you able to put up the Warehouse District Staff analysis so we can go over the analysis?

MR. ALSTON: Yes.

MS. SMITH: And I'd just like to say, while we're waiting for that, the purpose and intent of the Warehouse District is to seek a better way for the -- really, the City of East Point to permit warehouses. With the history of the City of East Point being built as an industrial City from its beginning, back to the 1800s. There were many many industrial sites. Many of them, as we know now, may have been and/are potentially hazardous.

We have seen data that will support that the City of East Point is really in an environmental justice situation as far as the health, safety and welfare; and having a disproportionate share of health and safety impacts from these types of heavy industrial uses within the City of East Point.

And for that, we have created the warehouse zoning classification so mitigate and help separate any type of new warehouse zoning classifications coming within the City.

Tony, are you able to scroll down for us? This is great.

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The basic intent is really to pull out the warehouse an manufacturing type of uses and to allow for those uses to be used within the City of East Point in places where they would be compatible. We have created -- and with this creation of this new zoning district classification, a rezoning application would be necessary for these uses to move forward. And the intent for that is to have this Board, as well as Mayor, Council, to have a special look at any warehousing manufacturing type of land uses coming into the City due to the already saturated situation that the City is in.

And due to the environmental justice issues that we were able to uncover during our analysis and study of current industrial uses within the City of East Point, we have worked with the company that came to talk to you all on the last Work Session; and we have been able to work with them and obtain recommendations on how we can move forward with the best practices for mitigation -- mitigating residential uses be it adjacent to the heavy industrial uses.

As you can see in our analysis, **Ward A** has approximately 19.92 existing acres that are zoned I-1 and I-2; and there are approximately **9 cites in Ward A.**

As you can see from the analysis in **Ward B**, there are approximately 900.1 acres of industrial zoned property; and there are approximately **346 industrial cites within the City of East Point.** And you can see broken down on the chart that the percentage of which ones are zoned I-1 and I-2.

And in **Ward C**, there are no industrial properties, which was

1 unbeknown to us; but there are no industrial properties located in
2 Ward C according to our studies.

3 And then finally, **Ward D**, there are approximately 645.5
4 acres of industrial zoned property in that ward; and there are
5 approximately **27 existing cites**.

6 So we really wanted to take advantage of the opportunity that
7 came about from the Peachy Parking rezoning and how we made a
8 recommendation to this Board to down zone that property to C-2 to
9 mitigate the heavy industrial impacts of the past; and we really used
10 that as a mitigation tool, as a transitional tool really for the City of
11 East Point moving forward as a more -- regulated to mitigate
12 environmental justice in the air, in the water for the citizens and to
13 address the disproportionate shares and concentration of these type
14 of uses when it's adjacent to schools, to water, and to residential
15 uses.

16 And also -- well, I'll stand there and I'll hold for any questions.

17 COMMISSIONER ATKINS: Okay. Well, we're in the public
18 hearing so you won't have questions at this time. We'll get other
19 proponents -- are there any other proponents here to speak in favor
20 of this zoning case?

21 PROPONENTS: (No response.)

22 MR. ALSTON: Mr. Chair. There are three callers or listeners
23 that are in -- they didn't seem to really be speaking in terms of
24 support or in opposition; but they did want to speak just in general to
25 talk about -- I know -- and some of them were talking about the

1 impact of living next to industrial has had and some just want to talk
2 about the impacts of the moratorium. They are on the line if you
3 would like them to speak.

4 COMMISSIONER ATKINS: Yes. Linda, would they need to
5 speak under proponents or opponents? I don't think I have any
6 category that says, switch?

7 ATTORNEY LINDA DUNLAVY: Yes. We don't really have a
8 public comment. So I guess what I would recommend is that those
9 individuals who wish to speak sort of indicate somehow by showing
10 their hand if they want to speak in favor and then we can call for
11 those who want to speak against, keeping in mind that there are time
12 limits. So they may want to evenly divide themselves to take
13 advantage of the for and against. But we have to -- they have to
14 identify if they're mostly for or against.

15 COMMISSIONER ATKINS: Right.

16 MR. ALSTON: Well, can we ask them while they're on the
17 phone, on the call?

18 MS. SMITH: Tony, I received a request from a Carrie Ziegler.

19 MR. ALSTON: Yes.

20 MS. SMITH: Is she present?

21 MR. ALSTON: She is Chating right now, actually; so she
22 should be on the call. Do you want me to call her? If she's on the
23 phone can you just -- could she speak from Zoom?

24 (Whereupon Opponent Carrier Ziegler speaks into
25 microphone.)

1 MS. ZIEGLER: Hi.

2 MS. SMITH: Yes, yes. She should be able to speak.

3 MS. ZIEGLER: So this Text Amendment was not noticed until

4 two hours before this started. So there really isn't way that we can

5 say that we're for or against something that we haven't seen yet.

6 ATTORNEY LINDA DUNLAVY: I would suggest that you say

7 that you're against it because you haven't had enough time to digest

8 it, and then you would be given an opportunity to speak when he

9 calls for those who are opposed to it.

10 MS. ZIEGLER: Okay.

11 COMMISSIONER ATKINS: Okay. At this time, are there any

12 other proponents here to speak in favor of this zoning case?

13 PROPONENTS: (No response.)

14 COMMISSIONER ATKINS: Any other proponents?

15 PROPONENTS: (No response.)

16 COMMISSIONER ATKINS: Okay. Here none, seeing none,

17 are there any opponents here to speak against this zoning case?

18 OPPONENTS: (No response.)

19 COMMISSIONER ATKINS: Any opponents?

20 MS. ZIEGLER: I guess I'm against.

21 COMMISSIONER ATKINS: Okay. Would you state your first

22 and last name and your current address.

23 MS. ZIEGLER: My name is Carrier Ziegler and I live at 947

24 Park Side Terrace, East Point. Do I just keep going?

25 COMMISSIONER ATKINS: Yes, you do.

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MS. ZIEGLER: Okay. So I live like close to the Oakley Industrial Park. I'd like to share the impact of living next to an industrial park because part of the industrial moratorium is to look at the health and safety measures that can be provided.

Personally, I am worried about additional chemical releases from industrial plants. In 2004, East Point made national news when Brenntag, which is the industrial plant on Oakley had a 5,000 gallon tank outside that started leaking acetic acid. This caused every house within a mile radius to be evacuated, which had included Jefferson Park and Colonial Hills.

An area of continued contamination is the South River which rolls through River Park and it's iridescent blue, foamy and frothy. I cannot see the bottom of this river because of the amount of contaminates that are in it. This river runs through residents backyard next to a playground at Park Lane Elementary. Test results revealed that the Owens Illinois Manufacturing Plant and the Newell Recycling Plant are responsible for this contamination. It has been like this for decades and has been impossible to get responsible companies to clean up this mess.

Another industrial plant is the Meredith Company, which sits right at the end of Oakley Drive. It sits in between Jefferson Park and Colonial Hills. In 2007, we had a Jefferson Park neighbor who sued the Meredith Company for polluting their air with potentially cancerous chemicals. At that time, this is a study done with the Agency for Toxics, Substances and Disease Registry which show that

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Jefferson Park residents showed these chemicals in their urine after being in this area for only 30 minutes.

Since these industrial plants release toxins in the air, a lot of time they will do most of their work at night and this causes a lot of industrial noise at night and it's very disturbing to me, woken up by sudden violent noises when they're trying to sleep.

Living here also means with indoor chemical smells often while working in our backyards and walking around in the neighborhood. We have collected data using (inaudible) App where residents can report smells as well as physical ailments that they have experienced.

This data shows that not only do we have a problem with overpowering odors, but residents are currently experiencing headaches, dizziness and burning eyes. Although we have -- although I have personally not experienced this -- there are Jefferson Park residents who has noticed semi-trucks driving throughout the neighborhood and parking at residential streets. Although this is illegal, how are we suppose to do enforce it? If we allow warehouses to continue to be here in East Point, these things will continue to be a problem which are difficult to correct.

There are other quality of life issues as well like how our roads get torn up semis driving on them. For example, the corner of Sylvan Road and 166 is very bumpy and it has been difficult for us to maintain this area. While this is going on, I have hope. I see that we have interest in our City to revamp some of our industrial park

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areas. In the Oakley Industrial Park, we have Cinema Green where they sell plants that were on movie sets and TV shows. We have Cinema East, which is a production studio, and other film industry companies have made East Point their home.

This is a direction that we should be taking in the City and not creating more zoning for industrial plants and warehouses to be built. We also have the ability to draw in other industries here as well, and we have potential to become the Black Silicone Valley. We don't need to be (inaudible) this life forever because East Point resident deserve better. We have the ability to change and it starts with our zoning laws and with the industrial moratorium.

Also right now, we have a national spotlight on systemic racism here in East Point and we see this happening because we have industrial plants and warehouses located in a City that's predominately low income African Americans. A lot of these plants and warehouses are in violation of the Clean Water Act and Clean Air Act and it seems like because of the area that we live in, it has been very hard to get these companies into compliance.

Going forward, I would like to see that the Commission constantly ask yourselves is this zoning perpetuating systemic racism. How can I help ensure that East Point residents, who may or may not have access to healthcare, live in an area that is healthy? How can we all move East Point forward in an admiral, favorable and in a caring way?

And I yield my time.

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COMMISSIONER ATKINS: Thank you, Ms. Ziegler. Are there any other opponents here to speak against this zoning matter?

OPPONENTS: Any other opponents?

MS. SMITH: Christina Hartle has raised her hand.

COMMISSIONER ATKINS: Okay. Ms. Hartle please state your first and last name and your current address.

MS. SMITH: I am making moves to allow her to speak. Okay. Okay. She should be able to speak. Ms. Hartle should be able to speak.

(Whereupon Opponent Garrett Hartle speaks into the microphone.)

MR. HARTLE: Hello. I realize it says, Christina Hartle. I didn't have an opportunity to be able to change it to Garrett Hartle. My name is Garrett Hartle. I live at 1143 Glendale Drive, East Point, Georgia, 30344. I was calling to oppose the industrial moratorium listing simply because I have moved here presently to Jefferson Park two years ago; and I do believe it is a great place to live. But after living here for a few years, I realize that there's a part of our community that we didn't even walk in anymore because of the smell; because of a plant that's nearby, PPG; and that there's other sights in the area with similar concerns. And it just seems like for us moving forward that industrial sites being put close to our neighborhoods, Jefferson Park but any neighbors in East Point, it's probably not in our better interest.

That being said, I think there are industries that could be

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good for us but how do we regulate that if we remove the moratorium?

In addition, if we remove the industrial moratorium it seems like when industrial sites get allow to build, it becomes very hard for us to be able to regulate as a government or as citizens to protect us against any environmental infractions or observations. And so it seems like there should be safeguards put in place before lifting it so that things can actually be done in regards to either the EPA or local organizations that have documented problems in the areas.

So that being said, I think just as our communities would like to demand is that we all would want the best for our environment and for our communities. And until we can have Best Practices in place, it seems ill-advised to lift the moratorium.

I concede my time.

COMMISSIONER ATKINS: Okay. Thank you, Mr. Hartle? Are there any other opponents here to speak against this zoning matter?

OPPONENTS: (No response.)

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

MS. SMITH: Chairman, there's a Julie Aring that would like to speak against.

COMMISSIONER ATKINS: Okay. Please unmute her "mic". Ms. Aring.

MS. SMITH: Okay. I am allowing Ms. Aring to speak..

COMMISSIONER ATKINS: Okay. Ms. Aring.

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MS. SMITH: Ms. Aring should be able to speak.

MR. ALSTON: She's muted. Ms. Aring, can you unmute your microphone?

(Whereupon Opponent Julie Aring speaks into the microphone.)

MS. ARING: Yes. Good evening, everybody. I'm speaking in opposition to the --

COMMISSIONER ATKINS: Ms . Aring, before you start, please state your first and last name and your current address.

MS. ARING: My name is Julie Aring and I live in Jefferson Park. My address is 2548 Jefferson Terrace. I received notice today at 2:00 p.m. about this public hearing on the industrial moratorium and the Text Amendment, the proposed Text Amendment. I requested a copy of the Text Amendment and I hadn't received it by 4:00, requested the copy again and I still didn't have an opportunity to see it before this evening's meeting.

But what I can share with you, as a four-year resident is that a group of us, as neighbors, have kept logs of the odors of paint thinner PPG Industries; and we submitted an analysis of our odors to the U.S. EPA. And on the basis of that, they made an unannounced inspection of PPG and found that they were in significant violation and noncompliance with hazardous material regulations.

They brought a civil case enforcement action against that company -- this work happened over 2016, '17, '18 and '19 -- against PPG, which included both fines and monitoring. That facility is

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directly across the street from the Jefferson Park Neighborhood. We have also spent time collecting cannisters of air samples and we have basic information; some information what about we found in those air samples and we hope to have more by the end of the month.

What we've also found is that when we reported these concerns to the City of East Point, the director of water and sewer shared with me that she would make an information. However, when her department sent out a senior investigator to the company, the company (inaudible) because of COVID 19 was the reason given.

But interestingly, research shows that COVID 19 is made significantly worse by air pollution. So those of us in East Point who are breathing air pollution have worse outcomes from COVID 19. That's particularly a problem because we have so many Black and people of color residents who live in this area and they are at greatest risks from having comorbidity such as asthma and high blood pressure and things of that sort, which cause them to have an a greater chance of -- poor outcomes and even deaths.

So the industries along Oakley and Lawrence are a great concern to many residents and there's not a lot of transparency about how to participate in these Planning and Zoning Commission meeting. Have you to jump through a whole lot of hoops to do so. It's not an easy process to be able to get to make public comments and to get a copy of the materials that you need to be able to read in order to provide an informed opinion on a Text Amendment that will significantly affect your day-to-day life in terms of the companies that

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are allowed to operate there.

So my suggestion, my concern is that this group work to implement the parts of the Comprehensive Plan that have to do with creative industries, whether it's the film industry or whether it's -- as the Gardening Newspaper said, "Atlanta is the Black Silicone Valley." What if it's tech industries were to bring in those types of industry? We don't need more trucks creating particulate matter 2.5, which leads to bad COVID outcomes, noise at night and other hazardous problems.

Those are my concerns and I'm happy to share document with you. Perhaps, Ms. Smith can share some of what I have forwarded to Planning and Zoning, including a list of companies that were noncompliance with U.S. EPA laws as of July 29th this year. It would be great to see that list. I have spent along a jpeg that could be shared. Some of those companies are in significant compliance year after year after year.

Is it possible to share that?

COMMISSIONER ATKINS: You can submit it to Staff and Staff can share that with the Commission; but during this time, we won't respond because it's the public's opportunity to provide their comment. So I don't want you to think that we're ignoring you.

MS. ARING: Okay. I was just hoping it could be put up on the screen right now so that we would all have a chance as a group to look at it. Because it's pretty incredible to look at the number of companies that are operating in noncompliance with environmental

1 regulation. That should be the floor, not the ceiling. And there are
2 companies that have been failing to comply year after year after
3 year. Southern Wood Piedmont, is one example, has not had an
4 EPD Corrective Action Plan in place since the mid-80s, yet --

5 MS. SMITH: Chairman, I'm sorry. I didn't mean to interrupt.

6 COMMISSIONER ATKINS: Okay. Continue, Ms. Aring.

7 MS. ARING: Those are my concerns. I don't think -- the
8 whole point of the moratorium was to take a look at the health,
9 safety, and welfare of residents; and what I'm hearing so for tonight
10 is I'm not hearing about that. As I shared, I haven't had an
11 opportunity to read this Text Amendment. I have requested it; it
12 hasn't been provided to me before the meet; so I haven't had the
13 opportunity to read it or I would have.

14 So not having had that opportunity, what I can share with you
15 are some information from the many documents and many pages of
16 information that we have requested from some of these companies
17 and that we have read through; and information that we've learned
18 about the manufacturing facilities currently operating in that area.

19 COMMISSIONER ATKINS: Okay. Thank you, Ms. Aring. Any
20 other opponents here to speak against the zoning matter?

21 OPPONENTS: (No response.)

22 COMMISSIONER ATKINS: Any other opponents here to
23 speak against this zoning matter.

24 OPPONENTS: (No response.)

25 COMMISSIONER ATKINS: Hearing none and seeing none --

1 MS. SMITH: Tony, did you have any other callers that called
2 before that have not spoken yet?

3 MR. ALSTON: No. It was just those three, Mr. Garrett, Ms.
4 Juile and Ms. -- did we talk with Ms. Carrie? Ms. Carrie spoke
5 already, right?

6 MS. SMITH: Carrie, yes, yes, she did.

7 MR. ALSTON: Yes, that was it.

8 COMMISSIONER ATKINS: Okay. All right. Hearing and
9 seeing no at opponents, Commissioners, at this time, I'll entertain a
10 motion to close the public hearing for Case Number 2020 "M" as in
11 Mary-003-07.

12 COMMISSIONER TUCKER TODD: So moved.

13 COMMISSIONER ATKINS: Is there a second?

14 COMMISSIONER LOVETT: Second.

15 COMMISSIONER ATKINS: It's been moved by Commissioner
16 Tucker Todd, seconded by Commissioner Lovett that we close the
17 public hearing for 2020 "M" as in Mary-003-07. All in favor sound
18 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. Before we move forward, I did
24 received a message from Commissioner Bell that he would have to
25 leave the meeting and so for Jeanene, if she would please note that

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in the record that Commissioner Bell is leaving the meeting. Jarrett, you're still here; you're just on mute.

So the record would need to reflect that you're leaving the meeting if you need to leave the meeting.

COMMISSIONER BELL: (No response.)

COMMISSIONER ATKINS: Okay. Maybe he's already gone and just still logged on. Okay. Commissioners, at this time, we've heard from the applicant, which is the City of East Point; we've also heard from opponents to this zoning matter. I'll entertain a motion and please be sure to make your motion in the form of a recommendation.

COMMISSIONER TUCKER TODD: I'd like to recommend that we defer this to our next regularly scheduled Work Session in September.

COMMISSIONER FANN: I want to second it.

MS. SMITH: Sir, Staff wasn't given the opportunity to make a recommendation.

COMMISSIONER ATKINS: Oh, so very sorry; so very sorry. I'm ahead of myself. We've heard from the applicant and we've also heard from the opponents. So at this time, Staff, would you please sound your recommendation. Thank you.

MS. SMITH: Yes, Chairman. Item Number 5, 2020M-003-07; the Applicant, City of East Point. The Text Amendment is proposed for Citywide. The applicant, City of East Point seeks a Text Amendment to amend Chapter 2, Article A, Section 10-2003 and

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Chapter 2, Article C, Section 10-2079, Section 10-2080 in order to establish new zoning district, (Warehouse Industrial) as well as a (Mixed Use Commercial Industrial District) which will allow for transitional uses.

Staff does recommend that this item be deferred to the September 3rd Special Call Meeting, 2020 with the allowance of a public hearing. Staff will like to acknowledge that this Text Amendment information was circulated to this Board today and, therefore, has not had the opportunity to review it.

Staff would also like to recognize that the public has not had the opportunity and, for that reason, we would like to recommend deferral where we will have the opportunity to place attachments on our Website. We will also have the opportunity to provide all the back up information as well on our Website and attachments and that has not been done.

And for that reason, we recommend a deferral to September 3rd Special Call Meeting, 2020.

COMMISSIONER ATKINS: Okay. Thank you. Linda, I have a question; but I not yet -- okay. Let's go ahead and do a motion. Commissioners, you've heard from the applicant. At this time, I'll entertain a motion.

COMMISSIONER FIELDS: I make the motion that we defer.

COMMISSIONER ATKINS: Is there a second.

COMMISSIONER FANN: I second for discussion; just for a brief discussion, Mr. Chair.

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COMMISSIONER ATKINS: Okay. There's been a motion by Commissioner Fields that we defer to our Special Call Meeting for September 3rd, 2020; is that correct, Mr. Fields?

COMMISSIONER FIELDS: That's correct.

COMMISSIONER ATKINS: Okay. And that second is made by Commissioner Fann. Does that still stand, Commissioner Fann?

COMMISSIONER FANN: Yes, it does.

COMMISSIONER ATKINS: Okay.

COMMISSIONER FANN: I just have a brief discussion.

COMMISSIONER ATKINS: Okay. Go ahead.

COMMISSIONER FANN: Just brief discussion. You know, I've heard what the citizens have said and I know the history; and this is really serious, because the Creosote Plant was one of the plants that we had a major problem with some years ago. So their concerns are legitimate concerns and we really need to look at how we can best do this to accommodate the issues already that are there as opposed to bringing on other problems.

So I'm looking forward to the meeting with the Work Session and to see what is looking to do to make sure that we can ensure that we are sound ing what we are about to do in the future in moving East Point forward. So I just want to do make that comment.

COMMISSIONER ATKINS: Okay. Thank you. Kimberly, I understand that we are also anticipating that we will have another public hearing at that Special Call Meeting; is that correct?

MS. SMITH: That is the recommendation from Staff is to

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allow for another public meeting to be held at the September 3rd, 2020 meeting.

COMMISSIONER ATKINS: Okay. And has to already been advertised?

MS. SMITH: The September 3rd has already been advertised; but because this particular Text Amendment was advertised for this meeting, a deferral would not require an additional advertisement to the September 3rd. If you all move it to that meeting, then that is all of the legal advertising that is required, is for it to be deferred in this meeting.

ATTORNEY LINDA DUNLAVY: Shean, if it is the Commission's desire to have additional comments from the public on September 3rd, then you can open it up at that time for, you know, public comment. But it has been advertised for public hearing as I understand from Kimberly for this evening; is that correct, Kimberly?

MS. SMITH: That is correct.

ATTORNEY LINDA DUNLAVY: Okay. And to Commissioner Fann's comment, I don't believe there will be a Work Session of the Planning and Zoning Commission before September 3rd, unless, of course, the Planning and Zoning Commission wants to have a Specially Call Work Session prior to September 3rd to discussion this at more length with Staff.

COMMISSIONER FANN: To that, I think we need to -- I think we need to have one, Mr. Chair. I think we need to have a Work Session where we can sit down with Staff and have some serious

1 conversation about this; because most people who are on this
2 Commission, who live in Jefferson Park and who have lived here for a
3 long time, (inaudible) that they are talking about. These are not
4 something that's abstract to us. We know that these environmental
5 issues have been around.

6 The young lady talked about Roper Park for the longest, that
7 we know that's been a problem for the longest. I mean, so we need
8 to really drill down and have some serious conversation around this.
9 I think we need to really have a Work Session prior to the actual
10 meeting on the 3rd, on this matter. That's my suggestion.

11 COMMISSIONER ATKINS: Well, I think that that is a good
12 suggestion, it's a great suggestion that it would be great to really
13 unpack these things in a Work Session because what will happen is
14 the September 3rd will become a Work Session meeting and it will be
15 a very very long meeting because of that. I don't know what the
16 scheduled would be like; but I think that we would need to -- Linda.

17 ATTORNEY LINDA DUNLAVY: Yes.

18 COMMISSIONER ATKINS: Do we have to advertise Work
19 Sessions? Because Work Sessions -- you're on mute -- because Work
20 Sessions are public meetings.

21 ATTORNEY LINDA DUNLAVY: I'm sorry. You can have a
22 specially called Work Session. It does not have to be advertised
23 pursuant to the zoning procedure's law. You know, you can have a
24 specially called meeting with a 24-hour call, quite honestly. On the
25 other hand, you know, we have to sort of figure out between now

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and September 3rd when would be a good time for all of the members to meet for such a Work Session.

COMMISSIONER ATKINS: Right.

ATTORNEY LINDA DUNLAVY: That may pose some logistical issues. Understand Staff is recommending that this matter be deferred to the September 3rd specially called meeting because there's a specially called meeting for other items.

COMMISSIONER ATKINS: Right.

ATTORNEY LINDA DUNLAVY: But you don't have to do that.

COMMISSIONER TUCKER TODD: That doesn't mean that we have to have this -- it just feels like it's too soon to me.

COMMISSIONER ATKINS: Right.

COMMISSIONER TUCKER TODD: I appreciate what the speakers were saying, too. It feels like we're rushing this. I would like to have this in our regular Work Session for September and for the regular hearing for this September calendar as opposed to pushing it to the Special Call Meeting, personally.

MS. SMITH: Can I add something, please.

COMMISSIONER ATKINS: Sure.

MS. SMITH: The intent of proposing -- I recommended it to the Special Call Meeting is to stay in line with the moratorium as it will expire at the end of September. It's going to expire on September 3rd. Is so that was the urgency that Staff was wanting to make sure that we --

COMMISSIONER TUCKER TODD: September the 3rd or 30th?

1 MS. SMITH: It's going to expire on September 30th.

2 COMMISSIONER TUCKER TODD: 30th. Okay. Well, we will
3 be within our regularly scheduled -- I mean, you know, my point is --
4 I appreciate -- of course, I've lived in Jefferson Park since 2004 and
5 appreciate the speakers. But I also believe that Kimberly, that you
6 are trying -- that this is in line with what you were trying to do with
7 this Text Amendment as well. We're all kind of on the same page
8 but maybe just not in the depth that we want to do.

9 MS. SMITH: That is correct. And I just want to also say that
10 the Planning Commission meeting, the regularly scheduled meeting,
11 the regular Work Session is actually the second Thursday of the
12 month, which is the 10th of September. The Board of the City
13 Council actually will have their Work Session on September -- oh, on
14 September the 14th. So as long -- and I'm doing this to keep in line
15 with the expiration of the moratorium.

16 COMMISSIONER TUCKER TODD: No, I appreciate it.

17 MS. SMITH: Yes. So I'm wanting to make sure that if
18 Planning Commission has their regularly scheduled meeting and puts
19 this on that agenda, that you all will have the opportunity to review
20 the Text Amendment as well as make any recommendations by the
21 time it goes to Council for their Work Session, which is September
22 the 14th.

23 COMMISSIONER ATKINS: So let me make this --

24 COMMISSIONER FANN: Shean, we won't be able to if you're
25 doing it like that because we won't have made a recommendation, in

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terms of approval of a recommendation going to Council if they are going to meet on the 14th and we meet on the 10th.

COMMISSIONER ATKINS: Yes, you're right, Greg. And I think that what Staff is attempting to do -- is trying to do to speed that up is to have this as a part of the Special Call Meeting on the 3rd; and then that way we will have a recommendation. But I think that this conversation was a good one because if we really go back and think about what was the impetus for the moratorium? And if the impetus for the moratorium is really about the health, safety and welfare, as one of the speakers said for the citizens; and I think that there was a -- the citizens hadn't even seen the proposed Text Amendment, then, I think that we're speeding this through.

And my other questions or point is: The City Council could always vote to extend the moratorium. I mean, if we, in earnest, would like to be very thoughtful and comprehensive about industrial spaces in the City, then I don't think that we weighed this Body or the City Council to the 11th hour to try to, you know, rush to do a Text Amendment and then get it out to as many citizens as possible and have a special -- all of those things.

How long has the moratorium been?

MS. SMITH: I believe it's been in place since -- is it three months, Tony?

ATTORNEY LINDA DUNLAVY: I think we had it 120 days, I think is what it was.

MS. SMITH: Yeah.

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ATTORNEY LINDA DUNLAVY: So it was probably four months.

COMMISSIONER ATKINS: Four months, okay.

ATTORNEY LINDA DUNLAVY: You're absolutely right, Shean: I mean, City Council could extend the moratorium. Some of the speakers who spoke tonight spoke very eloquently and provided all kinds of data and information that would seem to justify City Council considering an extension of the moratorium.

And I do think that Kimberly is trying to do is good. It's starting a conversation now instead of the 11th hour on September 30th to see what are we going to do. Because you can't keep extending moratoriums indefinitely without showing that you're making some progress and trying to address a problem.

And so, you know, it may make more since -- it certainly makes more since from a legal standpoint when we really haven't had an opportunity to look at this Text Amendment and understand, you know, what it's trying to achieve and are there any unintended consequences? I personally haven't reviewed it -- to take a very considerate approach to this and at the same time, urge City Council; I supposed if that is what the Planning and Zoning Commission wants to do to extend the moratorium, to allowing a meaningful process to happen.

COMMISSIONER TUCKER TODD: That would be my preference.

COMMISSIONER ATKINS: Okay. And so there's a motion on

1 the floor to recommend approval of deferral, to defer this item to the
2 September 3rd, 2020 Special Call Meeting. That was made by
3 Commissioner Tucker Todd, seconded by Commissioner Lovett.
4 COMMISSIONER LOVETT: Yes.
5 COMMISSIONER ATKINS: Okay. We can disclose of that
6 Agenda Item and then we can make a new motion and all in favor of
7 that sound aye.
8 COMMISSIONERS: Aye.
9 COMMISSIONER ATKINS: You want to have it on the 3rd,
10 Joel?
11 COMMISSIONER TUCKER TODD: Oh, no, no, no. I thought
12 we were making a motion to defer.
13 COMMISSIONER ATKINS: We want every one to stay awake.
14 We're at the very end. All in favor to defer to the Special Call
15 Meeting sound aye.
16 COMMISSIONER FIELDS: Aye.
17 COMMISSIONER ATKINS: All opposed sound nay.
18 COMMISSIONERS: Nay.
19 COMMISSIONER ATKINS: Okay. Roll Call.
20 MR. ALSTON: I'm sorry. Commissioner Atkins.
21 COMMISSIONER ATKINS: I'm last, Tony.
22 MR. ALSTON: I'm sorry. Commissioner Todd.
23 COMMISSIONER TUCKER TODD: No.
24 MR. ALSTON: Commissioner Fann.
25 COMMISSIONER FANN: No.

1 MR. ALSTON: Commissioner Lovett.
2 COMMISSIONER LOVETT: No.
3 MR. ALSTON: Commissioner Bell.
4 COMMISSIONER BELL: (No response.)
5 MR. ALSTON: Commissioner Miller.
6 COMMISSIONER MILLER: No.
7 MR. ALSTON: Commissioner McKnight.
8 COMMISSIONER MCKNIGHT: (No response.)
9 COMMISSIONER ATKINS: I think that she's left the meeting.
10 MR. ALSTON: Commissioner Bryant.
11 COMMISSIONER WILLIAM BRYANT: (No response.)
12 MR. ALSTON: Commissioner Fields.
13 COMMISSIONER FIELDS: I'm going to change mine to, no. I
14 said, yes. Maybe I didn't understand quite.
15 COMMISSIONER ATKINS: Okay.
16 MR. ALSTON: The no's have it, Mr. Chairman.
17 COMMISSIONER ATKINS: Okay. Thank you. At this time,
18 Commissioners, I'll entertain another motion for this Agenda Item.
19 COMMISSIONER TUCKER TODD: Mr. Chair, I'd like to make a
20 motion to move this to our next regularly scheduled Work Session for
21 September.
22 COMMISSIONER ATKINS: Okay. Is there a second?
23 COMMISSIONER MILLER: Second.
24 COMMISSIONER ATKINS: Okay. It's been moved by
25 Commissioner Tucker Todd, seconded by Commissioner Miller that

1 we move this agenda -- defer this Agenda Item to our regularly
2 scheduled Work Session for September. Any comments, questions or
3 concerns?

4 COMMISSIONER FANN: Discussion, discussion.

5 COMMISSIONER ATKINS: Okay. Commissioner Fann,
6 discussion.

7 COMMISSIONER FANN: This is for you, Linda. Will we have
8 to re-advertise it for -- such as advertise it now for the 23rd? Will we
9 have to re-advertise when it comes on the regular agenda at the next
10 meeting?

11 ATTORNEY LINDA DUNLAVY: Okay. Well, that was a
12 question I had in terms of, I think -- was it -- Joel, did you make the
13 motion?

14 COMMISSIONER TUCKER TODD: I did, Linda.

15 ATTORNEY LINDA DUNLAVY: Okay. Is it your intent that it
16 go to a Work Session and then it go to the next regularly scheduled
17 meeting for a vote?

18 COMMISSIONER TUCKER TODD: That's correct.

19 ATTORNEY LINDA DUNLAVY: Okay. So, yes. It will have is
20 to be re-advertised for whatever that day is after the Work Session
21 for public hearing.

22 MS. SMITH: Did you say it will have to be re-advertised?

23 ATTORNEY LINDA DUNLAVY: Well, if you want to have a
24 public hearing on it. We should re-advertise it. We can go through
25 the public hearing on something that the public really didn't know

1 what they were commenting on. So, as I understand it, Joel wants it
2 to go to the next Work Session and then on to the regular meeting
3 following that, and I would recommend advertising it for public
4 hearing; because the Text Amendment just wasn't really available to
5 the public in time for them to make meaningful comment this
6 evening on the Text Amendment itself.

7 Do we still have time for advertising for the September
8 meeting?

9 Albert is nodding.

10 MS. SMITH: The September Planning Commission meeting is
11 on September the 17th; and our advertising deadline -- we have
12 time, yes.

13 ATTORNEY LINDA DUNLAVY: Yes, we've got time.

14 COMMISSIONER FANN: Okay. That's all I wanted to know.
15 Thank you.

16 COMMISSIONER ATKINS: All right. There's been a motion
17 to defer this to our regularly scheduled September Work Session and
18 then subsequent meeting made by Commissioner Tucker Todd,
19 seconded by Commissioner Miller. Any other comments, questions,
20 or concerns?

21 COMMISSIONERS: (No response.)

22 COMMISSIONER FIELDS: Just one question before we go.

23 COMMISSIONER ATKINS: Okay, Commissioner Fields.

24 COMMISSIONER FIELDS: Yes, with the details of the Text
25 Amendment be distributed to every one?

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MS. SMITH: The Text Amendment, Staff analysis, and the actual Text Amendment has been distributed to the Planning Commission Board this afternoon.

COMMISSIONER FIELDS: Thank you.

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

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: The motion is to defer to our regularly scheduled Work Session and subsequent meeting made by Commissioner Tucker Todd, is seconded by Commissioner Miller. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONER ATKINS: Hearing none, the ayes have it. This Agenda Item is deferred to our regularly scheduled September Work Session and subsequent meeting.

Our next Agenda Item are announcements. Staff, do you have any announcement?

IX. ANNOUNCEMENTS:

MS. SMITH: We don't. I think that these Text Amendments -- that's enough.

COMMISSIONER ATKINS: Great. You said enough, we don't. We're good. Commissioners, do you have any announcements?

COMMISSIONER TUCKER TODD: Mr. Chair, I don't have any

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announcement, but I would like to Commissioner Maxwell to
Commissioner Mitchell in recognition.

COMMISSIONER ATKINS: Correct. Thank you. Thank you.
I forgot about Commissioner Maxwell because Commissioner Bryant
wasn't here this evening. Okay. Any other announcements?

COMMISSIONER ATKINS: So at this time, I will entertain a
motion to adjourn.

X. ADJOURNMENT:

COMMISSIONER FANN: Motion to adjourn.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner
Fann, seconded by Commissioner Miller that we adjourn our August
20, 2020 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.
We're out.

(Whereupon this concludes the regularly scheduled August
20, 2020 for the Department of Planning and Community
Development Meeting for the City of East Point.)

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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 82 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 August 20th 2020 at seven o'clock P.M., were taken down by me and transcribed by me on this 28th day of September 1, 2020.