In The Matter Of:

City of Doraville

State of Georgia

Special-Called Meeting with Public Hearing

March 23, 2009

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Original File 57866-1.TXT

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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SPECIAL-CALLED MEETING WITH PUBLIC HEARINGS

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Transcript of the proceedings held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 6:40 p.m. on Monday, March 23, 2009.

* * *

APPEARANCES:

Doraville City Council:

Hon. Ray Jenkins, Mayor

Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Robert Spangler
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming

Murray J. Weed, City Attorney

Ms. Sandra Bryant, Assistant City Clerk

P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. This is a special-called meeting and I think we're going to add to that with public hearings also.

Is that all right, Murray?

ATTORNEY WEED: Yes, sir.

MAYOR JENKINS: Call the roll, please.

ASSISTANT CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

ASSISTANT CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Here.

ASSISTANT CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

ASSISTANT CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

ASSISTANT CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

ASSISTANT CLERK BRYANT: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Here.

MAYOR JENKINS: Okay, Scott.

MR. HAEBERLIN: You recall from the February 23rd meeting, you recessed this item to tonight. There were some things that the Council would like the applicant, Ms. Stallman, to acquire for you tonight, and that has been included in our report, is some estimates, a preliminary site plan. You also as well have a parking agreement that's apparently been executed and you also have some pictures of the adjacent property where parking is proposed. So you've got a couple of documents in front of you that are extra in addition to the report that you received.

I did want to clarify one item. I did go back and still searching through minutes, it appears on July 6, 2004, that Ms. Insom Park came before the Council at that time on this same property for Sam and Molly Portis. I believe Mr. and Mrs. Portis are who Ms. Stallman has purchased the property from but we'll get further clarification on that. No result occurred from that. In other words, no rezoning actually took place. It was just simply

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contemplated that the applicant would get with the City Attorney to look at the rezoning of the property. As far as I know, nothing occurred from there, and I'll pass that around.

The brief history on this was, that you're aware, that this used to be a home. The request was to rezone it for that of a professional office use. The primary items are that there's a buffer adjacent to the residential, which is requested to be reduced, and that we're basically dealing with an as-built situation that we cannot control a lot of the variables on. It is, as always was, developed as a single-family house, has been occupied for a business for quite some time, and you guys have received the rezoning report, the statement of intent with constitutional objection and of course the supporting documents that I illuminated earlier regarding the proposed site plan and the landscaping.

It seems as though Dekalb County has accepted that the adaption to office use is suitable in light of the existing septic system and so the property will stay on septic for this time.

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So at this time, I would invite the applicant to come forward because there are really some questions that the Council would like to go over with her, and of course I'm available as well. And then we'll need to have -- excuse me. We've already had the public hearing on this item. If the Council entertains hearing from the public, of course that's their decision.

So at this time, I'd like Ms. Stallman to come forward.

MS. STALLMAN: I'm Phyllis Stallman. I'm the owner-operator of Translation Station, Inc., at 3921 Flowers Road, and I would like to get rezoned to O&I.

I brought something to hand out. I think you-all probably already have copies of some of these things and maybe you don't have copies of some of the things in there (presenting).

MR. HAEBERLIN: Ms. Stallman, for the purposes of discussion, probably go over what you've handed out to the Council. It appears that you've got a preliminary site plan, and, you know, that may elicit some questions from

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them, and of course I'm available as well.

MS. STALLMAN: Okay. I don't have everything in this, but it's the preliminary site plan, a couple of estimates that I got for a buffer, for environmentally-friendly parking as opposed to asphalt, a sidewalk.

Let's see. Included -- I wanted to get some signatures from my neighbors. I felt there are only four neighbors that were appropriate to get signatures from, and those are the neighbors that border my house. I approached all four but only two were home, so that was the end of that. I wrote a letter in English and in Spanish.

Both of the neighbors that I spoke with signed a statement that I prepared for them. The reason I prepared a statement is because I've approached the neighbors before, and they've asked me to write a statement for their signature so that's what I did.

They were both quite supportive of me verbally. They don't ever hear anything from our house, although they said they used to hear a lot from the people who lived there before I bought it.

There's another quote in here for a

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buffer. You know, I'm not -- I'm not even sure if I should have put all the things in.

And I took pictures. Scott had suggested that I plant Leyland pines as buffers. Well, all along the back fence of my property there are Leyland pines. They just happen to be on the other side of the fence. But I think the buffer in the back is already there.

Should I include anything else that I'm forgetting about? I'm sorry. I don't think so.

COUNCILMEMBER ROCHE: So you would not be building parking in the back. You would have to do all the parking in the front because you're going to maintain the septic. You're not going to go onto the --

MS. STALLMAN: That's right. The Dekalb County Water Department or the Environmental Health Department came out and said that the cost of going on the sewer would be very prohibitive and I have plenty of room to do whatever needs to be done to the septic.

I do plan to do everything that needs to be done to the septic. If I have to move it, there's room to move it, and so that will remain in the back.

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COUNCILMEMBER SPANGLER: What was the cost of hooking onto the sewer? Did they give you any idea?

MS. STALLMAN: No. He leaves that up to the -- I think in a former packet I gave y'all estimates that I had gotten.

COUNCILMEMBER SPANGLER: Some of the estimates you got or that we received -- And maybe I overlooked that one. Some of them are pretty exorbitant, so I didn't know whether it was --

MS. STALLMAN: They were very expensive.

COUNCILMEMBER ROCHE: It's because you have to go under the road, I think.

MS. STALLMAN: Well, it's because there's not a tap line for my property so I would have to go under the road and have a tap line installed.

COUNCILMEMBER FLEMING: We were requiring a buffer on the side front, were we not?

MS. STALLMAN: My perception was you were requiring a buffer on the side of my house. One side is commercial, but they have big

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machinery. They don't have a buffer between me and them. So is it my responsibility to put a buffer between them and me? They make a lot of noise, and we don't make any noise at all. We just type and talk on the telephone, chit-chat a little bit.

You know, if I repair the septic, the cost estimate -- the best cost estimate that I got was about $5300 to do everything that needs to be done to the septic.

COUNCILMEMBER BATES: Is that stuff that you need to do?

MS. STALLMAN: I'm not sure. We've been having some problems. It's unclear whether it's -- I probably do need to do it, and maybe I want to do it. It's become unclear whether I'm really having trouble with the septic or with the toilet or both.

COUNCILMEMBER BATES: I'm looking at the second estimate, from somebody named Jeff.

MS. STALLMAN: Right.

COUNCILMEMBER BATES: And he's providing you with four different pricings if I'm reading this correctly. One would be the buffer of the eight-foot hollies for $2700

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total. Second would be to install gravel with a parking grid and then sod on top.

So I guess, Mr. Haeberlin, this would be sort of a question for you. That would be a pervious parking surface?

MR. HAEBERLIN: Well, that would be a variance from your Code because the Code says that the City Council may consider pervious concrete. It does not address any other sort of parking system. And that's in the Zoning Code.

COUNCILMEMBER BATES: Alternate to that, for asphalt it would be $7000.

Then a new I'm assuming concrete sidewalk in front, $5800. Am I correct in assuming --

MS. STALLMAN: Yes.

COUNCILMEMBER BATES: Then there's a second estimate from Emergency Flood Services. Is this separate?

MS. STALLMAN: No. The Emergency Flood Service -- I didn't include the entire estimate. I included just, you know, the bottom line, basically. That's for parking.

Oh, no, no, no. I'm sorry. It's not for parking. It's for handicapped access.

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But I've learned since then that handicapped access apparently is not required by the ADA unless the occupant of the house makes structural changes to the house, and I haven't made -- I haven't made any and I don't plan to make any.

COUNCILMEMBER BATES: Well, this $2800 estimate was only to do handicapped accessibility into the existing structure.

MS. STALLMAN: That's right.

COUNCILMEMBER BATES: And you received one estimate for parking.

MS. STALLMAN: Right. I'm waiting for another estimate but he didn't get it to me in time.

COUNCILMEMBER BATES: And who is Jeff? Is he a contractor or a friend or --

MS. STALLMAN: Jeff is the -- it's a landscaping company. They say they do everything related to landscaping, and they're renting the house next door to mine.

COUNCILMEMBER FLEMING: Mr. Bates, on the e-mail it says C.J. Services.

MS. STALLMAN: Right.

COUNCILMEMBER PITTMAN: Is that a

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walkway or a sidewalk?
MS. STALLMAN: I think it's a sidewalk that's required, but --
COUNCILMEMBER PITTMAN: It says walkway. I was just --
MS. STALLMAN: Yeah.
COUNCILMEMBER PITTMAN: It's a walkway or a sidewalk.
MS. STALLMAN: I don't know when is the appropriate time for me to . . .
I've said in the past that I don't see the point in putting a sidewalk just in front of my property, but I suspect that the more appropriate way to ask it would be to say I'd like to request a variance on that particular item. I don't know exactly the right way to do that.
COUNCILMEMBER ALEXANDER: The quote for the $7000 for the parking, that design is per your drawing that you've given us?
MS. STALLMAN: Yes. It pretty much agrees with the drawing.
COUNCILMEMBER ALEXANDER: And would this configuration result in any trees having to be taken down?

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MS. STALLMAN: The next door neighbor, C.J. -- I've forgotten the name of the company -- they did not state that any trees would need to come down.
EFSI, the Emergency Flood Services, Incorporated, felt that one tree should come down, a pine tree. They haven't given me their estimate yet.
COUNCILMEMBER FLEMING: And theirs was for the sidewalk; is that correct?
MS. STALLMAN: No. Theirs was for parking.
COUNCILMEMBER FLEMING: I'm sorry.
MS. STALLMAN: The one that I handed in to you was for a handicapped ramp, but the one that I'm waiting for is for parking.
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER ALEXANDER: And I'm assuming that that space that's drawn in by the road would not be a parking space, that that would be some type of green space there?
MS. STALLMAN: It could be a green space and I'd be happy to make it a green space if I don't have to put a sidewalk there.
COUNCILMEMBER FLEMING: Does that say

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exiting concrete drive?
Ms. Alexander, are you referring to that dotted area where it says exiting concrete drive?
COUNCILMEMBER ALEXANDER: Yes. Mr. Bates just pointed to me the line.
COUNCILMEMBER FLEMING: All right.
MS. STALLMAN: Existing.
COUNCILMEMBER BATES: That lot line was confusing. I originally took that as the street line, but that's not the case.
MS. STALLMAN: It's the driveway.
COUNCILMEMBER BATES: So where are we at, Mr. Haeberlin?
MR. HAEBERLIN: After we hear from the applicant, then we'll hear from staff, and if there's any other questions, we'll clarify that. Then we'll go to the public -- we'll have the public hearing, and we'll hear a motion, I guess, from the Council.
MS. STALLMAN: Should I talk about everything that's in my mind?
COUNCILMEMBER FLEMING: Feel free as far as I'm concerned.
COUNCILMEMBER PITTMAN: Sure.

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MAYOR JENKINS: Scott, this is a public hearing; is that correct?
MS. STALLMAN: Excuse me?
MR. HAEBERLIN: There previously, sir, had been a public hearing conducted for Ms. Stallman's petition. You recessed it till tonight. So technically -- and Mr. Weed may comment -- we're not required to have the public hearing section tonight.
MAYOR JENKINS: Okay.
ATTORNEY WEED: That's correct.
MS. STALLMAN: I just wanted to state I do want to put the parking in. I'm anticipating four parking spaces plus a handicapped parking space.
The agreement that I made with my neighbor is not to take the place of my parking. It's in the case of too many people where my parking -- which happens very, very rarely.
I feel strongly that, in my mind, there's no point in putting a sidewalk in there right now. I'm told by Scott that right now Doraville doesn't have plans to put a sidewalk along the whole block. And I anticipate that if they ever do put a sidewalk along the whole

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1 block, they'll destroy my sidewalk in order to
2 put something in that's -- that's consistent
3 with the rest of the block.
4 There's a sidewalk along the entire
5 block across the street.
6 COUNCILMEMBER BATES: Before you -- and
7 I don't mean to interrupt, but I want to get
8 clarification from Mr. Haeberlin.
9 We don't currently have a sidewalk
10 requirement ordinance, do we?
11 MR. HAEBERLIN: That is correct.
12 However, there's an interesting thing with the
13 City of Doraville, and that is we abdicate our
14 review of the areas within the right-of-way to
15 Dekalb County. If you would review the Dekalb
16 County standard, the Dekalb County standard
17 would stipulate a sidewalk within the Dekalb
18 County right-of-way.
19 So to the extent that the City has
20 allowed Dekalb County to enforce or review its
21 own regulations, essentially if this was sent to
22 Dekalb County, my belief is that they would
23 require a sidewalk. So we need some
24 clarification. We're a little murky here.
25 We are probably about -- I do want to

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1 state that we're probably about five to six
2 hundred feet from a finished sidewalk. So this
3 property and a couple lots away as we get to the
4 intersection with Flowers Road, then we pick up
5 the sidewalk again. So we're fairly close to
6 another established sidewalk.
7 MS. STALLMAN: But nothing on the block
8 that I'm a member of.
9 COUNCILMEMBER ROCHE: So you're saying
10 basically that the sidewalk question might be
11 out of our hands altogether.
12 MR. HAEBERLIN: Well, it is, to the
13 extent that Dekalb County would be involved in
14 the review of the site development permit.
15 COUNCILMEMBER ROCHE: Right.
16 MR. HAEBERLIN: This is a murkiness
17 with our jurisdiction because we don't have our
18 own fire department and, for example, we don't
19 have our own streets and transportation
20 engineering so we abdicate that to Dekalb
21 County. It may very well come back from Dekalb
22 County that states the plan review to be
23 complete and we require sidewalks.
24 Of course the Council could elicit that
25 as a condition of zoning because they feel it's

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1 in the best public health/safety interests of
2 the city, of course, because this is a
3 conditional zoning application. This is a
4 request by an applicant to go from one classi-
5 fication to another.
6 MS. STALLMAN: The other -- you know, I
7 have made an offer in writing to participate.
8 If Doraville ever decides to put a sidewalk
9 along the whole block, then I'll pay my share
10 even though the other businesses on that block
11 probably won't be required to pay a penny. But
12 I'd rather pay it for a complete sidewalk than
13 for a piece of sidewalk that will be destroyed
14 if a complete sidewalk is ever put in. It just
15 -- it seems more logical to me.
16 As I had mentioned earlier, I got
17 signatures from my neighbors saying that the
18 people in my building don't make noise, they
19 don't know that we're even there, and that I
20 don't need a buffer other than what exists
21 already.
22 If I can save a little bit of money on
23 certain things, then maybe I can put a little
24 bit more money into other things. But I'm a
25 very small business. The economy is not good

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1 right now. The Federal government seems to be
2 making all kinds of allowances for all kinds of
3 people because of the economy. Nobody else on
4 my block has any requirements that I know of,
5 because they're all grandfathered in. And I
6 just want to be able to stay in business without
7 hurting my business or hurting my own retire-
8 ment. That's all.
9 And late in the game, I got the
10 impression that if I really had the desire to
11 change any of these requirements, I need to use
12 the word "variance." And I'm not sure exactly
13 how to use it except to say if I need variances
14 to change some of these requirements, I'd like
15 to request that.
16 MAYOR JENKINS: Any more comments or
17 are y'all just looking through the stuff?
18 COUNCILMEMBER FLEMING: I had a
19 question for Mr. Haeberlin but I wasn't sure if
20 this was the time to ask him.
21 I wanted to ask about the buffer again.
22 MR. HAEBERLIN: Yes, ma'am.
23 COUNCILMEMBER FLEMING: Not in regards
24 to the back yard because it does appear that
25 she's got fencing all the way around. But were

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we requiring a buffer in the front?
MR. HAEBERLIN: We were requiring a buffer along the side lot line where it's adjacent to residential and the rear lot line where it is also adjacent to residential, and this is based on your City Code.
Now, there is a buffer reduction proposed, and I'm going to go through that when I go through my report because the existing conditions of the site will not allow her to establish a buffer that large. So this a variance reduction case regarding the buffer.
MS. STALLMAN: There is a fence both along the back property line and the side property line.
COUNCILMEMBER FLEMING: Both sides?
MS. STALLMAN: Uh-huh.
MS. STALLMAN: And there are Leyland cypresses all along the back.
MR. HAEBERLIN: At this time, I guess I'll go over my section and then we can always call Ms. Stallman back. And I won't be long-winded, because I know you've had a lot of history on this site.
Just go over some key items. The Comp

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Plan. This area is generally identified as a professional employment center, and so office does fit perfectly into this situation, and we're doing with a low-impact transitional zoning between R-1 -- an existing R-1 house, which actually their back yard is Ms. Stallman's side yard, and another structure which is located on the rear which is the house that was illuminated earlier regarding the fence. So both these properties currently have existing privacy fencing behind them. They do have plantings but the plantings are on the residential-zoned property. They're not on the commercial property. The transitional buffer is supposed to be on the commercial property or the nonresidential property.
We did discuss the sidewalk situation and that the City is embarking on the project on Tilly Mill Road. Like I said, we're probably five to six hundred feet from a finished sidewalk on the same side of the street as Ms. Stallman, and the City could easily, you know, consider this to be a project to complete that small section. It's certainly not much.
As you're aware, this situation comes

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to you from Quality of Life. The applicant previously had a Dekalb County business license, which the City does not accept.
You have a discussion in there regarding the development process. Looks like about four parking spaces for the site. I know you guys do have a parking agreement. However, if you look at the adjacent property, it barely has sufficient parking to meet its needs much less to provide overflow for its site. And Ms. Stallman has four spaces and the adjacent property has four spaces. That's eight total. They're at the bare Code minimum between the two of them if you considered this a shared situation.
One of those parking spaces has to be handicapped according to our Code. That handicapped space has to be a hundred feet from the principal entrance to the structure. I think we're fine there. I mean I think we're meeting the distance requirement.
Shared parking is allowed when you're within 300 feet of a structure. So certainly in this case we're within 300 feet.
You've got the discussion there

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regarding buffers. Like I say, this is what your Code mandates, and we are significantly reducing that but we're using a heavy evergreen planting to try to provide some form of screening between the office use and the residential which is on two sides.
You do have the zoning history. This street is an interesting collection of commercial zonings that were done in the past, many without condition and poor enforcement of the codes that existed at that time. Essentially, most of the properties are nearly impervious surface to the street. There is very little planting. There was very little thought given to circulation or traffic or meeting commercial standards in Dekalb County.
The support we gave for the rezoning was based on the Comp Plan and also the fact that this is the last lot that is outside the subdivision. And when I mean outside of the subdivision, this is the only property that does not have internal access to Moon Manor. This is the only property that has not been rezoned on this side of the street. And so the support was there based on the Comp Plan, its location, and

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1 the fact that it really is physically separated
2 from the subdivision at this time.
3 We did come forward with a draft set of
4 conditions, and you've reviewed those: the
5 Natural and Human/Built environments. Under the
6 Natural environment, we kind of structure the
7 buffer and what it's to be composed of and the
8 requirements for maintaining the privacy
9 fencing. The Human is the discussion regarding
10 the sidewalks. The Built is regarding any
11 structural modifications to the existing
12 facility.
13 In your packet, of course you've got
14 the existing survey. So you see at 18.8 feet
15 between it and its neighbor, there's an
16 impossibility that a 40-foot buffer could be
17 established. It must be reduced. Same
18 situation on the rear. It's an impossibility
19 that a buffer of that size would come into play
20 here.
21 So that is based on the support.
22 You've heard from the applicant. I think that
23 if the Council entertains approving the petition
24 tonight, the key item that they need to look at
25 is a discussion with Ms. Stallman maybe a little

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1 more regarding will this parking agreement be in
2 lieu of establishing parking on site. I'm
3 greatly concerned that this property would never
4 be developed with parking and at that at some
5 point in the future the property could be sold
6 and not be developed in accordance with City
7 Codes. So that is my concern regarding the
8 parking agreement. It should not be in lieu of
9 requiring development.
10 At this time, I'll pass out what is an
11 amended set of conditions, and these are only
12 slightly amended. And this is in light of the
13 discovery regarding the septic system and also,
14 too, in light of since the time we started this
15 petition the City Council has adopted a new O-I
16 ordinance, which is the 2009 ordinance. So as
17 we've been mulling over this petition, the City
18 Code has changed with respect to the petition,
19 only slightly.
20 So if everybody looks at the revised
21 set of conditions -- and I'll provide one of
22 these to Ms. Stallman -- the clarification on
23 business and professional office uses excluding
24 retail sales, which is the bold italicized area,
25 this is consistent with your Code that exists

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1 today. Remember that retail sales with
2 professional office use requires a conditional
3 use at this time.
4 So if you turn to the very back,
5 because I did double-sided --
6 COUNCILMEMBER ROCHE: Thank you.
7 MR. HAEBERLIN: Thank you.
8 -- number 3, under the Built
9 environment, I modified it slightly. Given
10 retention of the existing septic system located
11 within the rear yard, which is being retained in
12 lieu of further building expansion, all parking
13 shall be located within the front or side yard
14 and shall be paved in accordance with Code and
15 design standards.
16 So that's how I did address the results
17 from Dekalb County. We did slightly need to
18 modify that. And being aware that with the
19 parking in the front, essentially there's very
20 little opportunity for the existing legal
21 nonconforming structure to be added onto, to be
22 realistic with you. So as I modified that, I
23 will provide a copy to Ms. Stallman.
24 And if there are any other questions at
25 this time, I'd be happy to entertain them, any

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1 questions on the packet materials that we've
2 provided you.
3 COUNCILMEMBER ROCHE: I've got one
4 question. This is obviously a picture of the
5 place next door.
6 MR. HAEBERLIN: Yes, sir.
7 COUNCILMEMBER ROCHE: It would seem
8 that when I look at this -- and I haven't seen
9 the property lately, frankly. Your property, I
10 haven't driven by there lately.
11 It would seem reasonable that the
12 parking would have to extend. Instead of just
13 there, it would have to basically extend across
14 here as long as we don't take out any trees.
15 MR. HAEBERLIN: And what you're talking
16 about is built interparcel access, and that's
17 something we can discuss with the applicant. I
18 think it is a wise decision of course that
19 involves two property owners as well.
20 COUNCILMEMBER ROCHE: Right.
21 MR. HAEBERLIN: It's something we can
22 discuss with Ms. Stallman. It is a wise and
23 thoughtful planning tool to be used, but we'll
24 have to have concurrence from both property
25 owners.

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COUNCILMEMBER ROCHE: I understand. It would just seem reasonable.

Then, the other thing is that this existing parking space, you can see where it's falling apart and everything. If we can somehow get both sides to --

And it may all fall on you because they don't have to do anything, apparently, as far as repairing their parking.

Or do they?

MR. HAEBERLIN: Well, it could be looked at under general repair and maintenance as a Code Enforcement issue.

What's really telling about those pictures -- look closely through them -- you see when an additional car pulls up in there, I think it's a blue Saturn --

COUNCILMEMBER ROCHE: Exactly.

MR. HAEBERLIN: -- that essentially the parking maneuverability disappears completely on the adjacent property.

COUNCILMEMBER ROCHE: Right.

MR. HAEBERLIN: And essentially, the vehicles even park in front of the front door.

COUNCILMEMBER ROCHE: Right.

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MR. HAEBERLIN: And to the extent it used to be a home, they actually park in front of the garage. So the adjacent property is full.

COUNCILMEMBER ROCHE: No. I got that, yeah.

MR. HAEBERLIN: And it doesn't have a lot of surplus area to provide anything.

COUNCILMEMBER ROCHE: What kind of business do they have there?

MR. HAEBERLIN: It's called Nature Scapes, and I've not really had a clarification. It might be some sort of landscaping firm. It does not currently have a valid occupational tax license at this time. The Clerk could go in more detail on that.

COUNCILMEMBER ROCHE: Now, are these two houses on the same street?

MR. HAEBERLIN: Yes, sir.

COUNCILMEMBER ROCHE: I mean are they also businesses or are they houses?

MR. HAEBERLIN: They are houses that have been converted to businesses and going all the way down to the City Maintenance Shop. We have, you know, the barber shop and then we have

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another ring of these same type houses that have been adapted.

COUNCILMEMBER ROCHE: I mean it would seem reasonable that later if someone was really going to redevelop this area, they would probably just buy them all up and do something on the spot, anyway.

MR. HAEBERLIN: That's correct.

COUNCILMEMBER ROCHE: Because as you said, it's at capacity now because it couldn't really be used for much of anything else other than what's being done now.

MR. HAEBERLIN: Well, the difficulty with that is the lots. It would be very difficult to support any large-scale development on these lots. We just don't have the sufficient depth. And also, too, if we were to take the structures down and apply all the current Codes, it would be even more difficult to develop. They're lucky that they have the commercial-style uses they have here today. Most of the facilities that are on that street really should be better rezoned to Office/ Institutional rather than Commercial, because we have Commercial 2 as well as Commercial 1, and

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we have the City Maintenance Shop, of course, which is industrial.

COUNCILMEMBER ROCHE: Well, they could build a small office park.

MR. HAEBERLIN: Correct.

COUNCILMEMBER ROCHE: A small, one-story with parking in front.

MR. HAEBERLIN: It would be small. And the difficulty would be getting the required parking on the site.

COUNCILMEMBER ROCHE: Right.

MR. HAEBERLIN: You could obviously go vertical, but getting the parking for the required office spaces, which is one per 300 square feet, is difficult.

COUNCILMEMBER ROCHE: I understand.

COUNCILMEMBER BATES: Back on the -- and Ms. Stallman, this is for you. Back on the proposed parking, the initial, the first estimate, that's with the sod. And perhaps I'm missing that, but would you be proposing, then, that you park on sod?

MS. STALLMAN: No, I'm really not. Although initially I was interested in doing something that's a little bit more environ-

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1 mentally friendly than concrete or asphalt. The
2 appealing thing about the sod, it has a parking
3 grid, a plastic grid. They put gravel down and
4 then put a grid on top of that and put sod
5 within the grid and then put grass on top of
6 that, and it sounded environmentally friendly to
7 me. But it's expensive, too, so I'd be just as
8 happy with the asphalt.
9 COUNCILMEMBER BATES: I'm not familiar
10 with the product, so someone needs to help me.
11 How would you delineate out the parking spots?
12 MR. HAEBERLIN: You don't.
13 COUNCILMEMBER BATES: You don't? You
14 just --
15 MS. STALLMAN: No. They said they
16 would mark them. I don't know how.
17 MR. HAEBERLIN: Well, these are
18 generally -- I'm aware of the systems that
19 Ms. Stallman is talking about from my work in
20 Henry County. These are typically used as exit-
21 only facilities for residential subdivisions.
22 It's simply a location within the open space
23 that a fire truck can roll across and go through
24 a gate and go out to a main road. That's
25 typically what they have been used for.

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1 The type of grasscrete that is at Mall
2 of Georgia, which is a commercial facility, is
3 actually concrete cores like you see in South
4 Florida with plants planted in those cores. It
5 does not have the appearance of sod at all. So
6 there's a bunch of different versions of this
7 item, and we have not, to my knowledge, used
8 these here.
9 COUNCILMEMBER ALEXANDER: I guess the
10 concern I have is probably then you're going to
11 get residents that are going to think that she's
12 parking on grass.
13 MR. HAEBERLIN: Yes, ma'am.
14 COUNCILMEMBER BATES: And will end up
15 with Quality of Life.
16 MS. STALLMAN: I can go with asphalt.
17 I just wanted to put forth the other idea in
18 case it was appealing to City Council.
19 COUNCILMEMBER BATES: The pervious
20 surface is appealing, and I think we need to
21 investigate options to include as part of our
22 Code. I'm just not sure that parking on sod is
23 the right way to go on this.
24 MS. STALLMAN: As long as I'm at the
25 microphone, what was explained to me and what I

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1 visualize is four parking places, a handicapped
2 parking place which makes five. There's one
3 parking space in the carport, and so that's
4 basically six places. And if we're required to
5 put a parking place on the other side of the
6 driveway, that's not a problem in my mind.
7 COUNCILMEMBER ALEXANDER: I guess that
8 was my question when I saw your drawing. I
9 think one of our concerns we had is we didn't
10 want your customers backing out into Flowers
11 Road, and that was one of the questions I had.
12 Where it says proposed parking on the right hand
13 of your driveway, was that going to be partially
14 paved so when your customers come out they back
15 and drive out onto Flowers?
16 MS. STALLMAN: Well, the staff --
17 customers don't come to my office, and the staff
18 can back right out onto the driveway and go out
19 forward.
20 MR. HAEBERLIN: What we're looking from
21 a circulation situation is you want somewhere
22 between 20 and 24 for two-way traffic. A
23 12-foot is typically a one-way.
24 Now, obviously if you're going in the
25 site, you've got to come out the site, so we

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1 have to look at this as being a two-way
2 situation. So you're correct, when people back
3 out of the parking space, they need to be on
4 Ms. Stallman's property with the nose of the car
5 coming towards the street rather than the rear
6 of the car. And as you guys have discussed
7 earlier, the possibility of interparcel may
8 provide them other opportunities in order to
9 circulate out other entrances and exits.
10 MS. STALLMAN: I think there are
11 several possibilities and I'm willing to explore
12 them -- doing something to the other side of the
13 driveway so that we could all back to that. The
14 curb in front of my house is not a -- you know,
15 it's just a curved curb, so there wouldn't be
16 any problem going in and out there. I don't
17 know if there's an ordinance against doing that,
18 but --
19 MR. HAEBERLIN: Talking about a roll-
20 back curb versus a high-back curb?
21 MS. STALLMAN: Right.
22 MR. HAEBERLIN: Well, we'll be
23 establishing a commercial driveway standard
24 consistent with that of Dekalb County. So if
25 they do require with this entranceway this area

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1 in the public right-of-way to be high-back, they
2 will instruct us on that.
3 COUNCILMEMBER FLEMING: Is it feasible
4 to have a drive-through and have another curb
5 cut so that actually when they back out into her
6 current driveway, they just make a loop around
7 and go back out and another curb cut?
8 MR. HAEBERLIN: Well, I think we need
9 to look at the area that's marked as proposed
10 parking as really the travelway. In other
11 words, that additional surface area needs to be
12 installed so that people actually can back out
13 of the parking space, turn and maneuver the car
14 without hitting the rear of another car, and
15 exit nose out into the street.
16 COUNCILMEMBER ROCHE: I think what the
17 councilwoman was saying, like almost --
18 MR. HAEBERLIN: Another --
19 COUNCILMEMBER ROCHE: -- paving the
20 whole front lawn.
21 MR. HAEBERLIN: The concern I have
22 about that is this is such a small property
23 frontage, to allow more than one curb cut I
24 think would be detrimental. Of course we'd have
25 to put that before Dekalb County.

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1 I don't see a problem with us getting
2 one. However, I possibly see a problem getting
3 two. I think the adjacent properties
4 essentially have one continuous entrance and
5 exit out of their properties and it doesn't help
6 the traffic situation at all. Flowers Road can
7 tend to be very busy, particularly as we go to
8 this curb where the Maintenance Shop is.
9 So I think from a traffic standpoint,
10 that one curb cut in and out of this property is
11 probably better. Even if we were to share with
12 the adjacent property, we're not creating
13 another curb cut, in essence, two curb cuts at
14 3921.
15 MS. STALLMAN: I had an attorney to
16 help me with this, and he's here. And I think
17 maybe he can represent me better than I can
18 represent myself.
19 MR. ELLIS: Good evening, members of
20 the Council and Mr. Mayor. I'm Victor Ellis. I
21 practice law at 2875 Medlock Bridge Parkway in
22 John's Creek.
23 Since I'm sitting here listening to the
24 discussion and I'm responsible for a lot of
25 this, more so than Phyllis, I thought perhaps it

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1 would be better for me to answer some of the
2 questions.
3 First of all, with respect to the
4 pervious parking, that was my suggestion. I
5 used to be an in-house lawyer for some develop-
6 ment companies and am aware of your interest in
7 LEED certification for commercial businesses,
8 and I thought -- well, you know, also based on
9 Scott's initial staff report where he wanted to
10 keep the residential feel of the streetscape as
11 much as possible, I thought pouring, you know,
12 several hundred or thousand square feet of
13 asphalt in Phyllis's front yard was perhaps not
14 the best option there.
15 It's not parking on sod, Councilman
16 Bates. It's more along the lines of a parking
17 system that uses sod so it's less of a watershed
18 impact, and it's aesthetically more pleasing as
19 well. So that was the genesis of that
20 particular offer. And obviously, it costs
21 Phyllis more money but it's something that she
22 wanted to do and so we thought we'd investigate
23 it.
24 With respect to the parking, I want
25 everyone to make sure that they understand that

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1 she's been in business here for three years with
2 four employees and herself with the parking as
3 it's currently configured on the existing-
4 conditions survey that you have. They drive in
5 and back out and go on their merry way every day
6 for the past, you know, 800 or 900 days and
7 haven't had any difficulties.
8 I don't know that it needs probably the
9 level of discussion that it's had. She's
10 willing to put in the parking, meet the
11 commercial code requirements. You know, I've
12 been in and out of there on several occasions.
13 The driveway is sufficient. She doesn't have
14 customer contact. She has an occasional
15 delivery, FedEx or Staples, you know, the water
16 guy that brings water, things like that, but
17 it's not near the level of commercial business
18 that requires a lot of asphalt and a lot of site
19 development. Essentially it's a house with five
20 occupants on a daily basis.
21 I also suggested the shared parking
22 agreement that you have, that I delivered to
23 Scott last week. And the reason for that is
24 there are occasions where Phyllis will have some
25 of her translators -- I think she has, what,

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1 over 300 translators that work for her. It's
2 all done online. It's really a fantastic
3 languages. They speak over how many languages?
4 MS. STALLMAN: 162.
5 MR. ELLIS: 162 languages. For
6 Doraville especially, it's a fabulous business.
7 But it's all done without people coming on the
8 site.
9 Occasionally when there are translators
10 that come for a meeting, I wanted her to have a
11 more formalized option to providing parking for
12 them rather than just parking in the landscape
13 guy's parking lot and hoping that, you know,
14 nobody came and towed them. So I contacted
15 Mr. Wiggins, who's the adjoining property owner.
16 He was very amenable to this, and I think it's a
17 good solution for both of them. There's rarely
18 very many cars in that adjoining parking lot.
19 So on the three or four occasions annually that
20 Phyllis will need that additional parking, she
21 now has a formal agreement to provide that for
22 her.
23 And then the last thing that I wanted
24 to talk about was the conditions. When Scott
25 talked about, you know, this is a low-impact

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1 transitional use, it doesn't get any more low
2 impact than this. I've been over there on
3 several occasions. You know, a house full of
4 three kids is a higher impact in a residential
5 neighborhood than four roughly middle-aged --
6 forgive me, Phyllis -- women, five middle-aged
7 women who are sitting on the phone or typing on
8 the computers.
9 I don't think that there's a need for a
10 lot of buffer plantings, especially on the side,
11 given that it's really the rear yard -- it's not
12 a situation where it is side yard to side yard
13 and the houses are ten feet apart. You have
14 Phyllis's house on the side, which is really her
15 office, personal office, and then there's a back
16 yard and then a house some distance away.
17 Secondly, the sidewalk, again, Phyllis
18 is willing to put up the money for it but just
19 when it's reasonable and warranted, which I
20 don't think it is at this time. It would be a
21 sidewalk to nowhere that gets used by nobody.
22 Whenever the money or the plans get in place,
23 she could put the money into Doraville's account
24 in escrow or something and you could use it to
25 pay for it or she could hire her own contractor,

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1 whichever seems the most feasible option.
2 And then finally the handicapped ramp,
3 which I'm not sure, Scott. Is that still a
4 condition?
5 MR. HAEBERLIN: It's really not a
6 condition. It's just regarding the location if
7 there's one provided.
8 MR. ELLIS: Well, it's not one that's
9 required, and so that was another, I thought,
10 expense. You know, all these are 3000 bucks
11 here, 5000 bucks here, 6000. Doesn't seem like
12 a lot of money, but when you add them all up,
13 it's $13,000.
14 I took this case on a fixed fee for
15 Phyllis against my better judgment. And as
16 Murray well knows, you know, I probably have
17 lost a lot of money on this deal, but I think
18 it's worth it for her. You know, things like
19 the sidewalk, it's not a requirement from
20 Doraville unless you make it a condition of
21 zoning and then she's got to put it in and she's
22 got to spend almost $6000 to put in a sidewalk
23 for no reason, at least at this time.
24 You know, the buffer plantings are
25 another $3600. There's no reason to have those

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1 right now. She's willing to do some nice
2 landscaping. It looks nice now. But larding
3 the approval up with a bunch of conditions that
4 really aren't necessary, you know, hurts her
5 business, and she's got to find that money
6 somewhere else, from her retirement account or
7 wherever.
8 So I would just ask that you give some
9 consideration to those concerns of hers, you
10 know. She's already probably paid me too much
11 money, you know, for this particular matter.
12 But I'm glad I'm here and able to at least share
13 with you some of the reasons, and thinking
14 through, if nothing else, leave you with the
15 fact that she really does want to be a good
16 corporate citizen of Doraville and that's why
17 she entered into this process to begin with.
18 And of course I'd be happy to answer any of your
19 questions if you have any. Thank you.
20 COUNCILMEMBER ROCHE: I guess I'll just
21 make one comment. You know, I understand what
22 you're saying, and for this business, you're
23 right as far as the extra talk and all the extra
24 discussion.
25 I think at least for me it's a matter

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1 of, you know, a year from now, some other
2 business may come along. Perhaps an attorney
3 may show up. You know, it may be a bankruptcy
4 attorney that needs 20 parking spaces. And
5 that's I think why we want to make sure that
6 we've talked this thing out to make a good
7 decision, because, you know, I essentially agree
8 with everything you're saying as far as what we
9 have right now today, but who knows what next
10 year will bring or whatever, and that's why
11 we're being this deliberative, I believe.
12 MR. ELLIS: Councilman Roche, I believe
13 that's completely correct, and maybe there needs
14 to be some kind of caveat: you impose a
15 condition but it's imposed on a subsequent
16 purchaser who then has, you know, full notice of
17 what's going to be required.
18 COUNCILMEMBER ROCHE: Right.
19 MR. ELLIS: You know, I think as Scott
20 mentioned earlier, there's not a whole lot you
21 can do with this property --
22 COUNCILMEMBER ROCHE: I understand.
23 MR. ELLIS: -- without, you know,
24 restricting yourselves to the confines of the
25 existing structure. I mean that's just the

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1 simple reality of what it is. And if you wanted
2 to do more, you'd probably have to buy, as you
3 suggested, the adjoining properties and then
4 give yourself some room for additional parking.
5 COUNCILMEMBER ROCHE: We didn't realize
6 we had an undercover attorney without a tie.
7 MR. ELLIS: I wasn't trying to be
8 undercover.
9 COUNCILMEMBER ROCHE: I'm just kidding.
10 MR. ELLIS: I'm just trying to save
11 Phyllis some money is what I'm trying to do.
12 ATTORNEY WEED: Do you charge more if
13 you wear a tie?
14 COUNCILMEMBER ROCHE: I was going to
15 say.
16 MR. ELLIS: Absolutely. And I charge
17 even more if I wear a tie as nice as Murray's.
18 I'm sure you guys are getting a good
19 deal, though.
20 Thank you for your time.
21 COUNCILMEMBER ROCHE: Thank you very
22 much.
23 MR. HAEBERLIN: Does Council have any
24 further questions of me?
25 I will say this as your staff: the

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1 reason why I structured the items as I did,
2 obviously looking in the public interest, I
3 don't want to create a situation where we have
4 an opportunity in the future for an individual
5 to review our zoning cases and see that we have
6 reduced the buffer from 40 feet to nothing or 40
7 feet to 10 feet with no plantings. If that's
8 the case, the core of your Zoning Ordinance
9 needs to be changed, so I do feel the buffer is
10 extremely important.
11 On the conditional zoning, really the
12 conditions -- many of the conditions only come
13 into place if Phyllis chooses to do certain
14 items such as modifying the exterior of the
15 structure. Other than that, the rest of it is
16 really just dressing on the cake is the approach
17 I've taken to it.
18 It is a very difficult site because
19 it's primarily shade, and the condition of the
20 grounds and the lawn right now is very poor and
21 is reflective of the shade situation that is
22 present. It's not a situation where we can
23 simply put sod down and improve the looks of
24 things. It probably would not survive on the
25 site. So I've been pretty flexible in terms of

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1 how I structured the conditions, especially with
2 respect to the type of plantings we might
3 require.
4 And like I said on the situation with
5 the sidewalk -- of course that's a decision for
6 the City Council -- we really are only five to
7 six hundred feet away from having a completed
8 network on this side as we get to the inter-
9 section of Tilly Mill Road.
10 COUNCILMEMBER ROCHE: But we could
11 decide no sidewalk and then the County could
12 come back and say yes, sidewalk.
13 MR. HAEBERLIN: That is true.
14 COUNCILMEMBER ROCHE: So I'm not sure
15 that it's necessarily our decision, frankly.
16 MR. HAEBERLIN: That is true. There is
17 some ambiguity right there in the process right
18 now.
19 COUNCILMEMBER BATES: Yes or no? Is a
20 handicapped ramp required?
21 MR. HAEBERLIN: You know, I met with
22 the Dekalb County Fire Marshall's Office, and on
23 an adaptive reuse, they have been very unclear
24 with me. Remember, they are the individuals who
25 enforce ADA for the city.

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1 Now, I have seen situations recently
2 where they required a developer of a large
3 commercial property, 60,000-some-odd square
4 feet, to tear up his parking lot because the
5 grade of his handicapped parking did not meet
6 the Codes.
7 So it's an interesting dichotomy on the
8 levels of enforcement there. I've never done
9 adaptive reuse in any community I've ever been
10 in -- and I've been doing this for 14 years --
11 where we adapted a house and did not have a
12 handicapped ramp. That has never happened. So
13 I think that may come down to interpretation on
14 enforcement of codes.
15 COUNCILMEMBER ROCHE: But who is
16 responsible? I mean, again, couldn't that be an
17 issue where the Council could say no ramp and
18 then another government entity comes along and
19 says yes?
20 MR. HAEBERLIN: I would leave it to the
21 individuals who are responsible for inspecting
22 this site to enforce whatever codes may be in
23 effect.
24 The only reason I put the condition in
25 there regarding the location is for an aesthetic

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1 concern. Many of the communities I have worked
2 in had ramps put on the front of historic
3 structures and other items that just --
4 COUNCILMEMBER ROCHE: I understand.
5 MR. HAEBERLIN: -- completely destroyed
6 the look of the facility. If this facility is
7 to continue to look as residential as I can make
8 it, it being an office, then my preference is to
9 locate any ramp that may be required either in
10 the carport or to the side or rear. In some
11 locations, it's less discernible than being in
12 the front door.
13 COUNCILMEMBER ROCHE: Could we modify
14 the language to say that, that if it's neces-
15 sessary, then that's where it would have to be?
16 MR. HAEBERLIN: Absolutely.
17 I will tell you these are a little more
18 difficult in my mindset as a planner than simply
19 starting with a clean-slate site.
20 COUNCILMEMBER ROCHE: I understand.
21 And again, I think that was a real
22 point about the buffers. I mean they
23 essentially have a buffer on the other side of
24 the fence.
25 MR. HAEBERLIN: Correct. But recall

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1 the reason I require that on the nonresidential
2 property is for the protection of the adjacent
3 property owner. I mean we can't be for certain
4 that that residential person will keep that tree
5 on their site.
6 COUNCILMEMBER ROCHE: I understand.
7 MR. HAEBERLIN: But we can be for
8 certain, as a condition or as part of your Code,
9 that the commercial will retain that. And it
10 does come back to you. Let's say we start
11 flipping this property. And that's very common
12 with adaptive reuses because they're a good
13 value for what they are, and a lot of people
14 will look at them -- lawyers, dentists, things
15 of that nature. If this property is ever sold,
16 we want to make sure that these improvements are
17 in place, and so that's how I structured the
18 report.
19 COUNCILMEMBER FLEMING: And in regards
20 to the trees and the buffer zone areas of
21 evergreen, we're not putting a number. We're
22 just indicating what size they should be. We're
23 not indicating to her that she needs to put 10
24 or 15 or four.
25 MR. HAEBERLIN: Yes, ma'am. And it's

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1 going to be depending on the variety, because
2 depending on the variety, there'll be a
3 recommended spacing. Typically with a Leyland
4 cypress, anywhere between six to eight feet on
5 center. Well, of course if there's other
6 impediments like overhead trees, there might
7 need to be some gaps. There might be some
8 utilities we have to go around. So that would
9 be in accordance with, you know, proper planning
10 technique.
11 And once I see a plan, I'll be better
12 able to discern based on the type of planting,
13 you know, what the distance is. I would think
14 generally somewhere, depending on the plant,
15 between six, and at the maximum distance, ten
16 feet. Depends on how large the evergreen grows.
17 And I did choose things that are more shade
18 tolerant. Leyland cypress gets much bigger
19 quicker. Little Gem magnolia is a little slower
20 grower. And Foster holly, just because it's so
21 cylindrical, they need to be bunched in closer,
22 so that's an example of something that might be
23 six feet.
24 COUNCILMEMBER ROCHE: Where are we at
25 in this process, decision-making processing?

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Are we going to get public comment again?
ATTORNEY WEED: That's entirely up to the Mayor and Council. It's not legally required at this point since you did that at the last portion of the hearing.
COUNCILMEMBER ROCHE: Well, there may have been some new information since then, too.
ATTORNEY WEED: You can always reopen it. That's up to the Mayor and Council.
MAYOR JENKINS: We've already had a public hearing. So unless the Council makes a motion and opens it up to a public hearing, we'll stay at the table.
MR. HAEBERLIN: If I could, Mayor and Council, one of the key issues seems to be the sidewalk, and may I get some advice from the City Attorney?
Murray, do you think it's appropriate that they could include a time frame on the sidewalk and would that be enforceable once that time frame has passed? For example, within three years, provide a five-foot sidewalk, et cetera, et cetera.
ATTORNEY WEED: What I would rather see done if you want to go into . . . It seems to be

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clearly debatable whether you've got authority to not include the sidewalk. That may be an authority that's already been abdicated to Dekalb County. As such, since you don't want to be, quote/unquote, holding the bag on the sidewalk, I think the suggestion to escrow the funds for the sidewalk and to use them at whatever time that they become necessary or relevant, that would be my best advice on the sidewalk issue. Either put it in the ground or put it in the bank.
MAYOR JENKINS: At any commercial building, why would you not have handicapped accessible?
MR. HAEBERLIN: Like I said, it goes to enforcement. We have a different inspector than we had before, as you're fully aware. We've had a change-out on inspectors.
This goes into semantics on how they enforce their codes. They have different interpretations. And I met with five individuals from Dekalb County Fire and the Building Official -- excuse me -- the Building Inspector and the City Clerk, and we did not get a clear answer from them on adaptive reuse.

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For example, they said, well, we're not going to make the applicant go back and widen all the doorways in the house -- you know, that's something that typically would be done -- as long as there's a clear access to the restroom facility where a wheelchair can come from the front door to the restroom facility.
That's an example. So they weren't going to touch the rest of the house. So it is interpretive on their part in how they're enforcing the provisions of ADA.
COUNCILMEMBER ROCHE: I think I would make a motion that we allow -- there aren't that many people here. I'd like to make a motion to open it again for any public comments before making our decision, just to make sure, because there have been some new things that have been presented tonight.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER SPANGLER: Second.
MAYOR JENKINS: Anymore comments?
- - -
(No response)
- - -
ASSISTANT CLERK BRYANT: Councilmember

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Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
ASSISTANT CLERK BRYANT: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Okay. Who's first?
MR. HART: If you go down over near Harts Mill Road, they have several uses for dentists' offices and over near Chamblee High School where they have businesses located in residential, and it's very nicely done. And I don't know how we get from where we are to where they are in that case. But if the whole idea is

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1 to buffer the O&I area from the -- the
2 residential from the C2 that's already existing
3 there, then we need to do something like they
4 have on Harts Mill Road where they have like the
5 dentists' offices and the various professional
6 people in those houses. And they have like an
7 asphalt front yard and in some cases brick front
8 yard where they park but they don't seem to
9 impact the neighborhood like some of the ones
10 that are on Chamblee Tucker Road, et cetera,
11 where they've got cab companies parked there.
12 So we have a lot of uses in O&I that
13 would definitely negatively impact that
14 neighborhood such as a five-story parking garage
15 or, you know, abortion clinic or something
16 that's allowed in the current O&I that would
17 impact that neighborhood. So if it could be
18 restricted as to usage of sort of a dental
19 office or something, a small-impact, low-impact
20 office. It really comes under parking where you
21 have a business that only requires one parking
22 space for every 200 square feet or 300 square
23 feet. That's the only business that should be
24 allowed in there. It could be a C-store. You
25 know, you could have a variety of uses there

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1 that would negatively impact the neighborhood.
2 As far as the parking lot, in our
3 zoning, it doesn't allow us to have brick
4 driveways or what I call environmental brick
5 driveways that actually have grass growing
6 through the brick that they could park on, but
7 it's not legal in our zoning.
8 So I support her business, but because
9 of the uses in O&I and the restrictions there
10 and the impact it would have on the neighbor-
11 hood, I'd say that's a real tough call. I'm
12 kind of neutral on it. I think there need to be
13 more restrictions on it. Thank you.
14 MR. HAEBERLIN: I do want to draw
15 attention to 2009-01. In your report, it does
16 restrict it to business and professional office
17 uses excluding the sale of goods at retail. On
18 page 6, this is the exhaustive list, Ms. Fleming
19 will remember, that restricts the type of things
20 that are included under business and
21 professional office uses. So you don't need to
22 have any concern regarding things such as check
23 cashing dealers, lawn care, blood plasma,
24 massage establishment, et cetera, et cetera.
25 That's already taken care of in your report and

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1 in your Code.
2 MR. ANDERSON: Stuart Anderson.
3 Does that designate, then, or is there
4 a covenant, then, as to the amount of offices
5 you can have in that space or building as well
6 as what you've outlined as the different uses
7 aren't allowed, but to address somebody's
8 question about how much -- how many parking
9 places a building like that could support
10 relative to 300, that's covered in that?
11 MR. HAEBERLIN: Well, really because of
12 the size, I mean she only needs four parking
13 spaces. And realistically -- well, that's based
14 on our Code. But realistically, is there any
15 space for more than that? The site's pretty
16 difficult. I just don't foresee that we could
17 get that much parking in there.
18 MR. ANDERSON: That's what I'm getting
19 at. Thank you.
20 MAYOR JENKINS: Stuart, are you for or
21 against it?
22 MR. ANDERSON: I'm for it if it's done
23 right. I think it's a good adaptive reuse of
24 the property, looking at it, and I drive by it
25 all the time.

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1 I'll try to make these quick.
2 A couple of people brought this up. It
3 keeps coming up. And I would ask the City
4 Council to perhaps grant a variance as to a
5 brick driveway, brick parking, permeable
6 parking, and more importantly, to pursue the
7 change of our ordinance from this asphalt-
8 asphalt-asphalt thing and make this a test-case-
9 variable variance granted and then go on with
10 changing the thing from what we've got, because
11 my neighbor paved a huge amount because of an
12 ordinance that passed, and it's a travesty.
13 Bill Brackbill's new house built up the
14 street from me -- I walk in the mornings, and
15 you can see the house north of that, a little up
16 the hill, water coming out of that driveway on
17 Bill's new house. It's twice as much water
18 coming out of their driveway, and you can see it
19 push across the road. So this pavement thing is
20 not what we want.
21 As far as the sidewalk, perhaps you
22 could -- I don't know if you would have to
23 address it. It's a Dekalb County requirement.
24 And you can leave it out of our assessment or
25 requirements because it's Dekalb County, and

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Ms. Stallman and her attorney can simply go through the Dekalb County variance process if they feel necessary. We don't have to have it since it's not our requirement.

I think Scott's indicated even though he's gotten mixed signals on this -- he's getting mixed information and everybody's getting mixed information -- leave it out of our requirement. Let the County deal with it. Let Ms. Stallman deal with the County requirement through the variance process. They have a variance process different but similar to ours.

I think that's it. Thanks.

MR. AMBROSE: James Ambrose.

I, on behalf of the Planning Commission, had talked, and Joe O'Connor and I both went through the house completely, went through the yard, checked the neighborhood. And there is another house -- as I say, house -- that's businesses. You got a child-care center, you got a beauty salon, you got a groundskeeper thing. So you name it, it's there. No sidewalk at any of them, and all they've done is asphalted for more parking.

She's got in some areas two fences

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separating her property from the house on the left-hand side towards the road. All the rest of them are businesses.

As a commission, we passed it 5-0 to go through it, because she has been willing, and every time she's had a hearing up here, she had said she's willing to do everything that's practical to do.

And to me, the sidewalk is a very small thing because you got a complete sidewalk across the street completely. And that would be the only front yard to have a sidewalk on that side, which would -- like her attorney said, would be a sidewalk to nowhere.

But I'm for letting her have it, because like they said, there's only five people working there, and unless you're in the room they're in, you do not know they're there, because Joe O'Connor and I, we were there a good half hour to 45 minutes going over different items.

That's all I have to say.

MAYOR JENKINS: Thank you. Anybody else?

- - -

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(No response)

- - -

MAYOR JENKINS: Okay. Bring it back to the table. Anymore discussion at the table?

COUNCILMEMBER ROCHE: Other than the -- I mean, again, with the sidewalks, again that's going to be kind of out of our hands it looks like. I mean I'm not sure that we need to necessarily make a -- should we make a requirement here that that's going to be there? I guess that's my sticking question.

COUNCILMEMBER FLEMING: I don't know.

COUNCILMEMBER ROCHE: I mean I don't think it has to be. So I mean would we -- I'm looking at making any modifications to this recommendation document, and it almost seems like, number one, unless we want to do something about requiring an escrow of the money --

COUNCILMEMBER BATES: Personally, I don't think that's a good practice. I think that creates an unfair burden on one applicant versus the others in that area. I just don't think that's a fair process.

COUNCILMEMBER FLEMING: I agree. And what I would like to see Council possibly pursue

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is on new businesses, not existing businesses but on new businesses, I do not like spot sidewalking configurations at all. I would want us to consider the lineal area of the frontage and charge a sidewalk fee so when we are ready to put a sidewalk on that area, then we have a sidewalk bank that we can pull from.

COUNCILMEMBER BATES: Like a tree bank?

COUNCILMEMBER FLEMING: Yes.

COUNCILMEMBER BATES: Is that legal to do?

ATTORNEY WEED: Well, without having researched it, it's difficult for me to give an adequate opinion, but I don't --

Essentially, I think what you might be doing, it might be a development exaction or an impact fee. So we have to be very careful with regard to --

COUNCILMEMBER BATES: But if we have a -- and this is way off base and I apologize, but I'm with you on this. If we have a requirement for sidewalks for new construction that's not contiguous with other adjacent properties so you're going to have gap, sidewalk, gap, would it not make more sense to have that property

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1 owner put the fees that they were going to spend
2 on the sidewalk in a bank so that when it's time
3 to do a contiguous sidewalk you've already got
4 the fees that were going to be spent?
5 ATTORNEY WEED: I think that's what the
6 escrow account would be for.
7 COUNCILMEMBER BATES: Right.
8 ATTORNEY WEED: That's exactly the
9 point of it.
10 COUNCILMEMBER BATES: Okay.
11 COUNCILMEMBER ROCHE: No. I agree. I
12 just want to make sure that we're all --
13 So it seems like we strike number one.
14 I mean the escrow thing, you're right.
15 I mean it just sounds too --
16 Now, we could do that here. That's not
17 to say that some other authority may come along
18 and say no, you have to build a sidewalk, so --
19 But the last thing I'd want to do is to
20 say no, you don't need a sidewalk, and then
21 someone else comes along and says yes, you do
22 need a sidewalk, so --
23 And then under Built, number two, we
24 talked about adding language that says if a
25 handicapped ramp -- what's wrong with the ramp

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1 if it's handicapped? -- if a ramp for handi-
2 capped people is required, blah, blah, blah,
3 blah, blah, blah, it shall be located --
4 COUNCILMEMBER SPANGLER: At the side or
5 the rear.
6 COUNCILMEMBER ROCHE: Right.
7 I'm kind of of two minds as far as the
8 buffer. I mean I understand both sides. But
9 again, we have to consider not the use of the
10 land today; we have to consider the use of the
11 land tomorrow.
12 And it's a valid point, I think, that
13 the residents that live near, that they can
14 always go back and cut down their trees if they
15 want to. So would the privacy fencing be
16 adequate in that case? I don't know. I think
17 we can talk about that. But I mean that's --
18 I'm kind of -- I could go either way on the
19 Natural.
20 And that's all I have to say about this
21 until we vote. Thank you.
22 MAYOR JENKINS: Scott, what did you do?
23 Number one under Human, you want to take that
24 sidewalk requirement out?
25 MR. HAEBERLIN: I'm just waiting for a

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1 motion from the Council. I'll be very frank
2 with you. As a planner, it's very difficult for
3 me to recommend not having a sidewalk.
4 COUNCILMEMBER ROCHE: I understand.
5 MR. HAEBERLIN: And I've heard this
6 discussion for many, many years about, well,
7 this would be an incomplete sidewalk grid.
8 Well, in reality, we're less than 500 feet from
9 connecting it to an existing sidewalk. I think
10 it's a different situation than picking some
11 other area of the city. This is one of the few
12 situations where it is likely to connect.
13 But of course, I want to be very honest
14 with you. If we sent this to Dekalb County, my
15 experience is they don't enforce any development
16 regulations in the city on our behalf so it's
17 unlikely that they're going to force a sidewalk
18 requirement on this individual.
19 That is something we need to look at.
20 We are a municipality that has essentially given
21 away our rights to our right-of-ways, and it's
22 not as though this road, one side is in the city
23 and one's in the county. There are both sides
24 in the city. So we have some things to work out
25 procedurally.

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1 But as the Council structures a motion,
2 we can mark one of these items as an exhibit and
3 tender it to the Clerk.
4 COUNCILMEMBER ROCHE: Well, maybe to
5 get ourselves through this, we could make
6 several motions.
7 First, I will go ahead and make a
8 motion that we change the wording on the ramp
9 for handicapped people, as we said earlier.
10 MR. HAEBERLIN: If a ramp for handi-
11 capped people is required, then we continue with
12 the rest of the verbiage.
13 COUNCILMEMBER ROCHE: Why don't we do
14 it that way? That way, we've got everything on
15 record as far as changes we're making to the
16 recommendations.
17 So I make a motion that we change
18 number two as we already discussed.
19 MAYOR JENKINS: Second?
20 COUNCILMEMBER SPANGLER: Second.
21 MAYOR JENKINS: Call the roll.
22 ASSISTANT CLERK BRYANT: Councilmember
23 Alexander?
24 COUNCILMEMBER ALEXANDER: Yes.
25 ASSISTANT CLERK BRYANT: Councilmember

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1 Bates?
2 COUNCILMEMBER BATES: Yes.
3 ASSISTANT CLERK BRYANT: Councilmember
4 Fleming?
5 COUNCILMEMBER FLEMING: Yes.
6 ASSISTANT CLERK BRYANT: Councilmember
7 Pittman?
8 COUNCILMEMBER PITTMAN: Yes.
9 ASSISTANT CLERK BRYANT: Councilmember
10 Roche?
11 COUNCILMEMBER ROCHE: Yes.
12 ASSISTANT CLERK BRYANT: Councilmember
13 Spangler?
14 COUNCILMEMBER SPANGLER: Yes.
15 COUNCILMEMBER ROCHE: Now do we want to
16 make a motion on the sidewalk to decide it one
17 way or the other?
18 MAYOR JENKINS: We need to get it
19 straight --
20 COUNCILMEMBER ROCHE: Yeah --
21 MAYOR JENKINS: -- one way or the
22 other.
23 COUNCILMEMBER ROCHE: -- I agree.
24 MR. HAEBERLIN: What I recall, I don't
25 think there's anything -- Dekalb County is not

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1 certainly going to prevent us, the City, if we
2 choose to decide to expend public funds and do
3 it ourselves. In other words, I think there is
4 nothing -- that if this becomes part of your
5 sidewalk project in the next two-and-a-half
6 months and you have the money to do it, there is
7 nothing to prevent you from doing it. It's just
8 drawing attention to that need for sidewalks on
9 that location.
10 COUNCILMEMBER BATES: Where you were
11 talking about the connectivity, the possible
12 connectivity, is that on Doral?
13 MR. HAEBERLIN: Actually it's at Tilly
14 Mill.
15 COUNCILMEMBER BATES: So you have to
16 cross Doral to get there.
17 MR. HAEBERLIN: Correct. You would
18 have one lot adjacent to the left side of this
19 structure. Then you have a public right-of-way
20 and then I think you have four more properties.
21 There's a white Cape Cod on that corner at Tilly
22 Mill, and that's where the sidewalk picks up.
23 In other words, there's a sidewalk right there,
24 so it's not far.
25 COUNCILMEMBER BATES: Yeah, but you

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1 have to cross the street to get there.
2 MR. HAEBERLIN: Well, correct. But
3 typically jurisdictions have sidewalks on both
4 sides of public right-of-ways.
5 COUNCILMEMBER BATES: I understand.
6 MR. HAEBERLIN: And if we were in a new
7 development situation today, we wouldn't have
8 any of these subdivisions --
9 COUNCILMEMBER FLEMING: Correct.
10 MR. HAEBERLIN: -- like they are today.
11 COUNCILMEMBER BATES: Right. But the
12 residential property in between Ms. Stallman's
13 property and the street won't have a sidewalk.
14 MR. HAEBERLIN: The residential
15 property between Ms. Stallman's and the street.
16 If the --
17 COUNCILMEMBER FLEMING: The corner
18 property.
19 MR. HAEBERLIN: If the City extends the
20 rest of the network, yes.
21 COUNCILMEMBER BATES: If the City does.
22 MR. HAEBERLIN: Yes, sir.
23 COUNCILMEMBER BATES: So if we require
24 it or the County requires it, you're still going
25 to have to either walk in the street or walk in

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1 grass to get from the proposed new sidewalk to
2 the connectivity on the other side of Doral.
3 MR. HAEBERLIN: Well, no. We would
4 have a full network. We could put a cross path
5 across --
6 COUNCILMEMBER ALEXANDER: Existing.
7 MR. HAEBERLIN: -- the public right-of-
8 way.
9 COUNCILMEMBER BATES: Existing as it
10 sits right now.
11 MR. HAEBERLIN: Yes, sir.
12 COUNCILMEMBER ROCHE: You'd have a
13 hundred foot of sidewalk and then no sidewalk on
14 either end.
15 MR. HAEBERLIN: That is correct. We'd
16 have to follow up very closely if we were to
17 complete that in a timely manner.
18 COUNCILMEMBER ROCHE: Okay. I'll just
19 handle this. I'll make a motion that we strike
20 Human paragraph number one from the
21 recommendations for 3921 Flowers Road.
22 COUNCILMEMBER BATES: And I'll second
23 that.
24 MAYOR JENKINS: Call the roll.
25 ASSISTANT CLERK BRYANT: Councilmember

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1 Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 ASSISTANT CLERK BRYANT: Councilmember
4 Bates?
5 COUNCILMEMBER BATES: Yes.
6 ASSISTANT CLERK BRYANT: Councilmember
7 Fleming?
8 COUNCILMEMBER FLEMING: Yes.
9 ASSISTANT CLERK BRYANT: Councilmember
10 Pittman?
11 COUNCILMEMBER PITTMAN: Yes.
12 ASSISTANT CLERK BRYANT: Councilmember
13 Roche?
14 COUNCILMEMBER ROCHE: Yes.
15 ASSISTANT CLERK BRYANT: Councilmember
16 Spangler?
17 COUNCILMEMBER SPANGLER: Yes.
18 COUNCILMEMBER ROCHE: And the County
19 may come along and change, you know, whatever.
20 MAYOR JENKINS: Okay. What about the
21 buffer? Do we need to get into the buffer?
22 COUNCILMEMBER BATES: I'm not inclined
23 to adjust. I'm inclined to leave it as
24 proposed.
25 MAYOR JENKINS: We have to do the other

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1 side buffer. Okay.
2 COUNCILMEMBER BATES: But I'm not going
3 to make a motion.
4 MAYOR JENKINS: I don't think you need
5 to.
6 COUNCILMEMBER ALEXANDER: So this would
7 be planted along the fence that borders the
8 resident on Doral.
9 MR. HAEBERLIN: On the side and the
10 rear of Ms. Stallman's property. On the
11 residential side in the residential area, yes.
12 On the residential side and the residential rear
13 of Ms. Stallman's property where properties are
14 zoned R-1 in the city.
15 COUNCILMEMBER ROCHE: Yeah. I'm not
16 going to make a motion not to do something, so I
17 guess we'll just leave it the way it is unless
18 someone else wants to.
19 I mean it seems fair. We're doing the
20 sidewalk and the ADA ramp.
21 COUNCILMEMBER FLEMING: I make a motion
22 to accept the Natural items one through four.
23 COUNCILMEMBER BATES: And I'll second
24 that.
25 MAYOR JENKINS: Call the roll, please.

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1 ASSISTANT CLERK BRYANT: Councilmember
2 Alexander?
3 COUNCILMEMBER ALEXANDER: Yes.
4 ASSISTANT CLERK BRYANT: Councilmember
5 Bates?
6 COUNCILMEMBER BATES: Yes.
7 ASSISTANT CLERK BRYANT: Councilmember
8 Fleming?
9 COUNCILMEMBER FLEMING: We didn't have
10 any discussion.
11 MAYOR JENKINS: Okay. Discussion.
12 COUNCILMEMBER FLEMING: I'm sorry.
13 Because I think we need -- I would like to put a
14 time period in here in regards to --
15 I do need to amend the motion because
16 we're getting ready to talk about parking also.
17 So is it proper for me to go ahead and
18 amend the motion in the midst of because we
19 didn't have any discussion?
20 ATTORNEY WEED: Well, it hasn't been
21 put to a vote yet, and therefore I would say
22 that if you would like to make an amendment to
23 your motion, as long as you can get a second to
24 it, that would kill the first motion.
25 COUNCILMEMBER FLEMING: This is my

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1 amended motion. I would like to make a motion
2 to accept the Natural items listed 1 through 4
3 and the parking conditions of four parking
4 spaces with one handicapped --
5 Is that correct, Mr. Haeberlin, four
6 plus one?
7 MR. HAEBERLIN: You're wanting to
8 impose a maximum of five parking spaces?
9 COUNCILMEMBER FLEMING: Well, is that
10 what your --
11 MR. HAEBERLIN: As I recall from my
12 report, the requirement was four. Let me
13 briefly look. Four plus one; yes, ma'am, five.
14 COUNCILMEMBER FLEMING: The parking,
15 proposed parking, four plus one handicapped, and
16 these items to be completed within one year's
17 time.
18 MAYOR JENKINS: I would have thought
19 you'd have made a different motion on the
20 parking.
21 COUNCILMEMBER FLEMING: I'm sorry?
22 MAYOR JENKINS: I would have thought
23 you'd have made a different motion on the
24 parking.
25 COUNCILMEMBER FLEMING: Oh, I wanted to

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1 put the --
2 MAYOR JENKINS: You accepted one --
3 COUNCILMEMBER FLEMING: -- year time in
4 there.
5 MAYOR JENKINS: -- through four. That
6 was your motion.
7 COUNCILMEMBER FLEMING: Okay.
8 MAYOR JENKINS: Go ahead. If you want
9 to add something to it, go ahead. I just
10 thought you'd make a different motion on the
11 parking than you would on the Natural.
12 COUNCILMEMBER SPANGLER: Murray, is
13 there anything wrong with the motion she just
14 made?
15 ATTORNEY WEED: No, sir.
16 MAYOR JENKINS: No. I didn't say there
17 was anything wrong.
18 COUNCILMEMBER ALEXANDER: Can we
19 include the drawing number, 164998?
20 MR. HAEBERLIN: Let's not condition it
21 to that.
22 COUNCILMEMBER ALEXANDER: Okay.
23 MR. HAEBERLIN: Let's describe it as an
24 exhibit. If it would please the Council and
25 you're concerned about some other use coming

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1 here with too much parking, you might want to
2 put a cap on the number of parking spaces that
3 you are going to allow.
4 Communities are moving towards that,
5 restricting absolute numbers. So if you said no
6 more than six parking spaces on the site, that
7 would certainly affect the type of businesses
8 that would be located there.
9 COUNCILMEMBER BATES: Could we amend
10 the parking to give some freedom for the
11 applicant to investigate alternative permeable
12 parking applications or --
13 Because I don't want to see a sea of
14 asphalt in this transitional property going from
15 C2 to residential.
16 So while I'm not excited about parking
17 on sod -- sorry -- I do think that there are
18 variations that we could encourage or look at.
19 So I don't want to limit us or her to having to
20 put in asphalt now.
21 COUNCILMEMBER ROCHE: Could I make a
22 recommendation? Could we just decide parking
23 separate from Natural?
24 COUNCILMEMBER FLEMING: That's what the
25 Mayor wanted me to do.

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1 And I apologize, Mayor.
2 I'm amending the motion. I'd like to
3 make a motion to adopt the Natural buffer as
4 listed, items one through four.
5 MAYOR JENKINS: Second?
6 COUNCILMEMBER BATES: Time frame?
7 COUNCILMEMBER FLEMING: Oh. Within one
8 year's time.
9 COUNCILMEMBER ROCHE: Right.
10 COUNCILMEMBER BATES: Second.
11 MAYOR JENKINS: Anymore discussion?
12 - - -
13 (No response)
14 - - -
15 MAYOR JENKINS: Call the roll, please.
16 ASSISTANT CLERK BRYANT: Councilmember
17 Alexander?
18 COUNCILMEMBER ALEXANDER: Yes.
19 ASSISTANT CLERK BRYANT: Councilmember
20 Bates?
21 COUNCILMEMBER BATES: Yes.
22 ASSISTANT CLERK BRYANT: Councilmember
23 Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 ASSISTANT CLERK BRYANT: Councilmember

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1 Pittman?
2 COUNCILMEMBER PITTMAN: Yes.
3 ASSISTANT CLERK BRYANT: Councilmember
4 Roche?
5 COUNCILMEMBER ROCHE: Yes.
6 ASSISTANT CLERK BRYANT: Councilmember
7 Spangler?
8 COUNCILMEMBER SPANGLER: Yes.
9 MAYOR JENKINS: Now do you want to get
10 into the parking now?
11 COUNCILMEMBER ALEXANDER: Well, I guess
12 my concern on the parking, is she going to have
13 to come back to us again with an alternative
14 suggestion and us have to review it? I mean she
15 has been more than patient with us.
16 COUNCILMEMBER BATES: I concur.
17 COUNCILMEMBER ROCHE: Well, the
18 parking, I mean it's not part of the recommenda-
19 tions, and I guess that's what we're looking at.
20 So what you're saying is that according
21 to this drawing, Scott, the parking basically as
22 shown here would comply with -- You're saying
23 that the only thing we would want to do
24 potentially on the parking is, first of all, we
25 allow something other than cement or asphalt,

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and the other thing would be to limit the number of parking spaces? Is that where we're at?
MR. HAEBERLIN: I think because of the small size of the lot and the maneuverability -- I still think it's going to be a difficult maneuvering situation -- I think you should probably leave the asphalt or concrete as a requirement but cap the total amount of parking that can be built.
Of course the person could always come back or the subsequent buyer of the property could always come back to the Council and seek a zoning modification to change that condition.
So if you're worried about absolute amount of impervious -- and this certainly will be nowhere near the adjacent properties and the amount that they have. It will be two-thirds less. But, then, why don't you just cap out the total number of parking spaces that you allow her to construct at this time? And if it changes hands at some point in time, we can always modify the condition.
COUNCILMEMBER ROCHE: So I make a motion that we cap the number of parking spaces to four parking places plus one handicapped

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parking space.
COUNCILMEMBER BATES: Would that preclude the carport?
MR. HAEBERLIN: The carport is really not very well addressed by the Code because, you know, it has an overhead clearance situation. I'm not going to say that it couldn't be used as parking, but if we end up having to have a ramp in that location, it may not very well be desirable. We will need a place for the trash receptacle as well, and that's always a constant discussion with the Council.
COUNCILMEMBER BATES: Just so we're safe, Mr. Roche, would you accept five plus one?
COUNCILMEMBER ROCHE: Five plus one. Is that okay?
COUNCILMEMBER FLEMING: That's fine. But are we not still concerned about them backing out onto Flowers Road if we don't put some type of --
MR. HAEBERLIN: Well, they're still going to meet the Code requirements. In other words --
COUNCILMEMBER ROCHE: Right.
MR. HAEBERLIN: -- we're going to

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review this and make sure --
COUNCILMEMBER FLEMING: Okay.
MR. HAEBERLIN: -- there's adequate maneuverability --
COUNCILMEMBER FLEMING: Okay.
MR. HAEBERLIN: -- in the site plan that will be issued. Then when the inspector goes out there, he's going to be measuring these spaces to make sure they're nine by twenty and there's 22 feet of drive aisle, et cetera, et cetera.
ATTORNEY WEED: Did you also want this work completed within one year?
COUNCILMEMBER FLEMING: Yes. Oh, I'm sorry. That wasn't my motion.
COUNCILMEMBER ROCHE: Yeah, I suppose. I mean isn't there some kind of a time limit on this when they have to complete this stuff anyway?
MR. HAEBERLIN: Well, in all --
COUNCILMEMBER ROCHE: They can't --
MR. HAEBERLIN: -- instances --
COUNCILMEMBER ROCHE: -- just do it indefinitely.
MR. HAEBERLIN: Yeah. One could argue

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that to get a certificate of occupancy for this structure, which it does not have as nonresidential, that all these requirements would have to be met. Otherwise, you would be in a situation a year from now you would have to solicit the Building Inspector to revoke the certificate of occupancy and then do some sort of Quality of Life action. So you've got to be real careful about on this delaying installed improvements.
The buffer I can certainly see. Okay? But on the parking, I think that because that's an improved surface requirement, I think that that's something that you should not delay. That's something that should be installed as soon as possible.
COUNCILMEMBER ROCHE: Right. But it's not like we're going to toss them all out tomorrow until they get the parking built.
MR. HAEBERLIN: Well, technically, they have continued to occupy this structure in violation of the Code for a number of years, apparently, and every day that they do occupy the structure is a separate violation and Quality of Life could cite them. So they've been fortunate thus far.

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COUNCILMEMBER ROCHE: Okay. Well, I'll just leave it as it is, then.
COUNCILMEMBER FLEMING: What about a time on it?
MR. HAEBERLIN: You may say prior to achieving certificate of occupancy. That's simple.
COUNCILMEMBER ROCHE: I'm sorry?
MR. HAEBERLIN: Prior to achieving certificate of occupancy.
COUNCILMEMBER ROCHE: Well, I mean I don't want to leave them exposed to our wonderful people at the Qualify of Life either and I'm trying to find a way where you can continue to operate and have a reasonable length of time to get this.
COUNCILMEMBER ALEXANDER: Three months?
COUNCILMEMBER ROCHE: I'll amend the motion to add a three-month time, to allow three months to get the parking built.
Does that sound fair to you, Attorney Weed?
ATTORNEY WEED: Fair to me, yes, sir.
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: More discussion?

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- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
ASSISTANT CLERK BRYANT: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER ROCHE: Is there anything else?
COUNCILMEMBER FLEMING: Yes. We need

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to make a motion to rezone.
COUNCILMEMBER ROCHE: I know that, but I mean as far as requirements --
COUNCILMEMBER FLEMING: No, no, no.
COUNCILMEMBER ROCHE: -- recommendations, anything like that.
ATTORNEY WEED: Can I get a clarification? I just wanted to flip back. Did you on the Built portion -- I know you made the change to if required on the handicapped ramp, but did you actually approve one and two under Built?
COUNCILMEMBER FLEMING: Two is if a handicapped ramp.
ATTORNEY WEED: Right. We got that.
COUNCILMEMBER FLEMING: One is fine.
ATTORNEY WEED: But did you adopt it?
COUNCILMEMBER ROCHE: Fair enough.
ATTORNEY WEED: I don't believe you did.
COUNCILMEMBER BATES: One and three, you're correct.
COUNCILMEMBER ROCHE: I'll make a motion that we adopt one and three under Built --
COUNCILMEMBER PITTMAN: Second.

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COUNCILMEMBER ROCHE: -- as is.
MR. HAEBERLIN: And that is per the amended exhibit that Terri has been provided in front of her.
You want to mark that, Madam Clerk, as Exhibit A for example so we're clear that that sub-condition is slightly different than my staff report. Thank you.
And so I guess just to summarize, then, we need a full motion to rezone the property.
COUNCILMEMBER ROCHE: No. We got --
COUNCILMEMBER PITTMAN: We had a motion and a second.
COUNCILMEMBER ROCHE: We just need to vote on this unless there's . . .
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
ASSISTANT CLERK BRYANT: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: All right. What's next? Motion on the rezoning?
MR. HAEBERLIN: On the overall rezoning, that would be based on the previous tendered motions which modify the amended conditions of zoning which Sandra is going to mark as Exhibit A and is noted in the record. So this is the actual motion to rezone the property.
MAYOR JENKINS: Do I get a motion?
COUNCILMEMBER FLEMING: I'd like to make a motion to rezone the property at the

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street address 3913 [sic] Flowers Road.
MAYOR JENKINS: No.
COUNCILMEMBER FLEMING: I'm sorry. My apologies. I'm reading the wrong --
-- 3921 Flowers Road, Doraville, Georgia, from R-1 to O/I with the variances noted and our recommendations and the amendments attached to the --
MR. HAEBERLIN: Item marked as Exhibit A.
COUNCILMEMBER FLEMING: -- item marked as Exhibit A.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: More discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
ASSISTANT CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
ASSISTANT CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
ASSISTANT CLERK BRYANT: Councilmember

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Fleming?
COUNCILMEMBER FLEMING: Yes.
ASSISTANT CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
ASSISTANT CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
ASSISTANT CLERK BRYANT: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: All right.
COUNCILMEMBER ROCHE: Thank you very much.
MR. HAEBERLIN: Thank you.
MS. STALLMAN: Thank you.
COUNCILMEMBER FLEMING: Thank you for bearing with us.
MR. HAEBERLIN: Ms. Stallman, as soon as I get the minutes back from the court reporter, I'll do an official letter to you as the property owner so you're more fully clear.
MS. STALLMAN: Thank you.
MAYOR JENKINS: We're going to take a five-minute break before we go on to the next

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one.
- - -
(Brief recess)
- - -
MAYOR JENKINS: Meeting come to order.
MR. HAEBERLIN: The next item on the agenda, if you recall, this is back when we originally worked through the first, second and third drafts of the Planning Commission's roles and responsibilities. We were certainly not aware that any action would occur before tonight as occurred last week, last Thursday, in the non-zoning portion of the Code.
So we had this item already advertised, and so I'll let the attorney go over the current status of where we are with this item.
ATTORNEY WEED: Well, the current status I suppose is simple enough. Section 2-40, which is a non-zoning piece of Code, was changed at the last meeting.
The remainder, if you still want to change it, would be two to three sections of the Zoning Code, 1402, 1603 and then definitions. So I would actually turn this over to Councilman Bates who is leading that subcommittee to

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1 determine, you know, what you'd like to do.
2 Essentially because of the last changes
3 you made with regard to the Planning Commission
4 amendment, any text amendments now have to go to
5 the Planning Commission for review. Obviously,
6 the proposed text amendments that came out of
7 committee to my knowledge haven't been to the
8 Commission for formal review. That's now
9 required.
10 Therefore, you can do one of two things
11 in my opinion, and that would be you could
12 discuss the proposed changes tonight and try to
13 clarify them at Council level, then send them to
14 the Planning Commission. They meet on April the
15 9th, I believe.
16 COUNCILMEMBER BATES: Yes.
17 ATTORNEY WEED: And you know, they
18 could either have the ordinance before them or
19 they could simply have your notes and the
20 transcript of this meeting to determine their
21 review, at which time I can draft an ordinance
22 after April the 9th.
23 The only way we can save you some money
24 is you would need to continue this meeting,
25 recess the public hearing until the April 27th

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1 meeting. That will save you the cost of re-
2 advertising it. So you can do -- I think you've
3 got two things you can do.
4 COUNCILMEMBER BATES: Just so Council
5 is aware, the reason why this was done was to
6 make sure that the Planning Commission or any
7 other appointed bodies actually followed the
8 criteria for zoning -- rezonings and the
9 criteria established for variances. So it was
10 making it abundantly clear that Mayor, Council,
11 staff and appointed boards or appointed bodies
12 needed to follow the established criteria.
13 ATTORNEY WEED: I will also add that
14 although I didn't have any suggested changes
15 with regard to 1402 -- I'm sorry.
16 COUNCILMEMBER BATES: 1603.
17 ATTORNEY WEED: -- 1603, I had a number
18 of changes I submitted to Council as to 1402.
19 COUNCILMEMBER FLEMING: Say it again?
20 ATTORNEY WEED: I didn't have any
21 suggested changes to 1603 but I had a number of
22 changes to 1402, because the way 1402 is worded,
23 there is -- it's worded in such a manner as to
24 give direction is to what is to be done. 1603
25 is much broader. So using Mayor, staff, City

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1 Council, et cetera is fine in my opinion in
2 1603, but the Mayor has some administrative
3 variances he alone is responsible for, and the
4 Mayor and Council together have. So those are
5 changes which I sent to you by virtue of an
6 e-mail.
7 COUNCILMEMBER FLEMING: Okay. In 1603,
8 however, the only change that I see that needs
9 to be made is that we include "the Planning
10 Commission" words.
11 ATTORNEY WEED: You can do that, but
12 the Planning Commission is an appointed body, so
13 I believe that that's covered already. You can
14 also name them.
15 COUNCILMEMBER FLEMING: It doesn't
16 state that right now.
17 COUNCILMEMBER BATES: It was in the
18 draft that was -- that we had from the -- it was
19 page 3 or page 4 of 240 from Thursday.
20 MR. HAEBERLIN: They may have not
21 received direct in their package the Thursday
22 the 19th items, because it had not occurred at
23 that time. So they would have to have their
24 previous materials with them tonight.
25 COUNCILMEMBER ALEXANDER: Do you see

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1 it, Pam?
2 COUNCILMEMBER FLEMING: Page 3 of the
3 third?
4 COUNCILMEMBER BATES: I don't know that
5 it's numbered, but it starts with --
6 COUNCILMEMBER FLEMING: But page 82 of
7 our present zoning book.
8 COUNCILMEMBER BATES: I understand.
9 COUNCILMEMBER ALEXANDER: This is
10 y'all's draft --
11 COUNCILMEMBER FLEMING: Okay.
12 COUNCILMEMBER ALEXANDER: -- from
13 Monday night.
14 COUNCILMEMBER ROCHE: Okay. I'm lost
15 here. All right.
16 MR. HAEBERLIN: Your Thursday night
17 materials are the applicable materials now --
18 COUNCILMEMBER ROCHE: Right.
19 MR. HAEBERLIN: -- in light of the
20 changes that occurred on Thursday night.
21 COUNCILMEMBER FLEMING: Correct.
22 That's the only -- "appointed bodies" is the
23 only thing that should be added --
24 COUNCILMEMBER BATES: That's correct.
25 COUNCILMEMBER FLEMING: -- to 1603.

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COUNCILMEMBER BATES: That's correct.
COUNCILMEMBER ALEXANDER: So on 1402, you're recommending the first --
ATTORNEY WEED: On 1402, I'll read you my recommendations. I read that the -- line one, the following words be used: The Mayor and/or City Council as relevant are; and the text as suggested by the subcommittee down to line seven.
And after that, I would add, a variance may be granted in an individual case of unnecessary hardship upon a finding by the Mayor and/or City Council as relevant and all the conditions in Section 1402 1 through 7 are met. When the Mayor and/or the City Council, staff or appointed bodies consider approval or denial of a nonbinding recommendation about variances as may be relevant, all the conditions set out in Section 1402 1 through 7 must be considered as found present or found not to be present.
And the reason why I broke it up like that is because the Council and Mayor have some authority with regard to variances. The Mayor alone has authority with regard to variances. Now the Planning Commission will have non-

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binding recommendation powers. To address all three of those very disparate things, we need to add some more language than what was proposed originally.
MR. HAEBERLIN: So you're saying, Murray, if the Mayor should decide to entertain an administrative variance, that he is subject to those criteria as well.
ATTORNEY WEED: Correct.
COUNCILMEMBER ROCHE: But that's only for administrative variances.
ATTORNEY WEED: The variances that the Mayor is allowed --
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: -- to utilize.
COUNCILMEMBER ROCHE: Because it said and/or the Mayor. I just wanted to make sure.
ATTORNEY WEED: The intent is the Mayor clearly has some authority with regards --
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: -- to variances. The criteria he should apply are 1 through 7.
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: The Mayor and Council have got authority based upon 1 through 7, and

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then when the Planning Commission wants to make a nonbinding recommendation, they should apply 1 through 7.
COUNCILMEMBER ROCHE: I understand.
ATTORNEY WEED: But in two cases, there's actual real authority; one case, it's only nonbinding authority. We didn't have enough language to cover all three of those hypotheticals originally, in my opinion.
COUNCILMEMBER FLEMING: And then in regards to variances, we have a section 2007 that says variance procedures and there's some other variance requirements in here, too.
This didn't come up until I started really getting into this zoning book that we just got the other day. I don't know whether we, you know, want to review those to incorporate them into 1402 or whether we're going to leave them in 2007.
I personally think if we're going to discuss variances, we ought to have it all together.
MR. HAEBERLIN: Well, section 2007 --
COUNCILMEMBER FLEMING: It's page 139 that you've got it in --

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MR. HAEBERLIN: Yeah. That's regarding flood plain areas. It's a variance to your Flood Plain Ordinance which has been taken out of the Zoning Code.
ATTORNEY WEED: Yes. That should not be included.
MR. HAEBERLIN: Right.
ATTORNEY WEED: It's irrelevant to zoning.
MR. HAEBERLIN: It's not in zoning.
COUNCILMEMBER FLEMING: 2007 is not there anymore?
MR. HAEBERLIN: No, ma'am. The entire Flood Plain Ordinance by a separate ordinance in 2008 has been removed from the Zoning Ordinance, the actions of the Council in 2008, even though your document may have items that need to be struck through.
COUNCILMEMBER FLEMING: But reading Section 2007, Variance Procedures --
ATTORNEY WEED: There are variance procedures for utilization and implementation of the Flood Plain Ordinance.
COUNCILMEMBER FLEMING: But it does not say that.

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ATTORNEY WEED: Yes, ma'am, it does, actually. And I don't mean to argue with you, but the entire article, if you think about it, it's just like a chapter of a book only with --

The way the legislation is written, it's written in articles, chapters and sections. You'll oftentimes notice in legislation that there will be an interesting tidbit of language that you think is dead on point, but then you have to refer back to the fact that it may only apply to a single article or a single chapter.

That language only applies to a single article, which I believe was originally 24. I'm not looking at it right now.

MR. HAEBERLIN: I think it was originally 20.

ATTORNEY WEED: Okay.

MR. HAEBERLIN: Beginning with Section 2001 and continuing through to 2007 and further, it's all Flood Plain, which obviously now that Flood Plain is no longer part of zoning, it's part of development regulations, so it's its separate, stand-alone item. It's like the sign code.

COUNCILMEMBER ALEXANDER: But I guess,

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back to our previous discussion that we had at the Council meeting, how would Municode know to take that out?

ATTORNEY WEED: We'll tell them, because we're going to give them all of the ordinances that have been adopted and they'll clearly have it. And their lawyers will sit there -- that's all they do all day long -- and they'll look at the amendments and they'll take the pages out and insert the pages. And therefore, they will physically remove the pages of the text.

COUNCILMEMBER BATES: Because the preamble that you put in the ordinance says, "This replaces 2007 or 20-07."

ATTORNEY WEED: That is correct. And that's why I write the ordinances the way I do, to clearly communicate that to MCC or whoever is doing the binding, and they'll know to do that.

Plus this isn't my first time at the rodeo binding a code. I've done a lot of them. And what they will do is they will call me or they'll call the Clerk or both of us, and if they have any questions, they'll ask.

COUNCILMEMBER FLEMING: So that I

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understand it completely if you don't mind, Sections -- what was it?

COUNCILMEMBER ROCHE: Article 20.

COUNCILMEMBER FLEMING: Article 20, Section 2001 through --

COUNCILMEMBER ROCHE: Just all of Article 20 is what you're saying --

ATTORNEY WEED: That is correct.

COUNCILMEMBER ROCHE: -- is gone.

COUNCILMEMBER FLEMING: Thank you.

COUNCILMEMBER BATES: So basically 1402 and 1603 need to go to the Planning Commission for review and comment.

ATTORNEY WEED: That is my opinion.

COUNCILMEMBER BATES: And 402 or 403.

ATTORNEY WEED: If the committee still wants to address both of those definitions, that is certainly correct.

COUNCILMEMBER ALEXANDER: And on 402, I requested that we add grandparents under 42.

COUNCILMEMBER BATES: And quite honestly, when I was doing the definitions, we had talked about family. And I thought I'd kill two birds with one stone so I modified that definition -- we can pull it out if we're going

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to address it down the road -- and part of it has to do with the dwelling ordinance.

ATTORNEY WEED: To my knowledge, the only time that the definition of family -- and I'll turn to Scott here -- is relevant was in terms of the occupancy rate. It was very important with regard to who could be rented a home or who could have rooms rented inside of a home.

I'm pretty confident, although I want to look at the Code one more time, that you're really not going to need a definition of family per se after you change the Occupancy Rate Ordinance.

COUNCILMEMBER ROCHE: And I'm perfectly fine with striking that whole definition.

COUNCILMEMBER BATES: Yeah. I'd prefer to do that.

COUNCILMEMBER ALEXANDER: But not 98?

ATTORNEY WEED: But there may be some other places in the Code where it's relevant, and once again, I'm looking at Scott to tell us that.

MR. HAEBERLIN: Yes, sir. I mean in this context, they used it to also address

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1 boarding house, rooming house and hotel as being
2 a distinguishing factor from these items. And
3 we can certainly review this definition, but the
4 definition that's in the Code today is not where
5 Mr. Bates wants the definition to be. It's
6 something we should look at, I think.
7 ATTORNEY WEED: But I don't think we're
8 going to need a definition of family. I think
9 we'll be able to probably cover the other
10 restrictions on boarding houses, et cetera,
11 elsewhere in the Code.
12 MR. HAEBERLIN: Correct; within the
13 context of the desires we have, so yes, sir.
14 COUNCILMEMBER ALEXANDER: But we still
15 need 98?
16 COUNCILMEMBER BATES: Yes.
17 ATTORNEY WEED: You're asking me? Let
18 me take one quick look. I believe we do need
19 98.
20 Based upon my memory, I don't think we
21 ever had a clear definition that was compliant
22 with Title 36 on what a zoning proposal
23 constituted.
24 COUNCILMEMBER ALEXANDER: Do you want
25 to look at mine?

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1 ATTORNEY WEED: Yeah. Unless we've
2 done it either in late 2008 or 2009, I don't
3 believe we've added anything that clearly
4 references the definition that is currently
5 proposed, which I'm happy with that definition.
6 COUNCILMEMBER BATES: So I would have
7 1602, 1403 -- 1603, 1402 and 402 definition 98
8 go to the Planning Commission as a text amend-
9 ment for their review and recommendation.
10 COUNCILMEMBER FLEMING: Second.
11 Are we voting on that?
12 ATTORNEY WEED: I don't think we have
13 to. I mean we've communicated it to them, and
14 the Planner will take care of it.
15 What you do need to do, though, in my
16 opinion, to save you the cost of rerunning an ad
17 is open this as a public hearing and then, you
18 know, recess it until April the 27th.
19 COUNCILMEMBER ROCHE: I make a motion
20 that we open a public hearing to discuss zoning
21 text changes.
22 COUNCILMEMBER PITTMAN: Second.
23 MAYOR JENKINS: Well, this was already
24 a public hearing, but anymore discussion?
25 - - -

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1 (No response)
2 - - -
3 MAYOR JENKINS: Call the roll.
4 ASSISTANT CLERK BRYANT: Councilmember
5 Alexander?
6 COUNCILMEMBER ALEXANDER: Yes.
7 ASSISTANT CLERK BRYANT: Councilmember
8 Bates?
9 COUNCILMEMBER BATES: Yes.
10 ASSISTANT CLERK BRYANT: Councilmember
11 Fleming?
12 COUNCILMEMBER FLEMING: Yes.
13 ASSISTANT CLERK BRYANT: Councilmember
14 Pittman?
15 COUNCILMEMBER PITTMAN: Yes.
16 ASSISTANT CLERK BRYANT: Councilmember
17 Roche?
18 COUNCILMEMBER ROCHE: Yes.
19 ASSISTANT CLERK BRYANT: Councilmember
20 Spangler?
21 COUNCILMEMBER SPANGLER: Yes.
22 MAYOR JENKINS: Anybody for it?
23 MR. ANDERSON: Stuart Anderson. Of
24 course I'm for it, but really that's not what I
25 stood up to ask.

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1 The Pond Company did the rewrite of our
2 zoning. And left out of the Pond document was
3 trees, flood plains and signs, I believe. I
4 don't remember us taking those three items out
5 of the 2006 book which we're still working on,
6 and right now the 2006 book is what Scott is
7 modifying.
8 But I don't remember flood plains,
9 trees and signs. I think signs was the third
10 one. But I know I was pretty critical of the
11 Pond document because they took -- well, for
12 several reasons, but because they took those
13 three sections out and modern planners say that
14 they aren't supposed to be in there. That's
15 fine and dandy and take them out if you want,
16 but I don't remember us taking them out of the
17 2006 book.
18 MR. HAEBERLIN: The Flood Plain was
19 done last year. I believe there were a couple
20 of Council members absent that night, so it was
21 a highly-debated discussion. I believe
22 Councilman Roche and Councilman Fleming were
23 absent the night that Flood Plain was removed in
24 2008.
25 Signs, since I have been here, has

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never been in the Zoning Code. And the tree section is still in the Zoning Code but I have been requested by the Mayor to investigate its removal and rewrite.

MR. ANDERSON: What was the other third item that Pond left out? Was that stormwater?

COUNCILMEMBER FLEMING: Stormwater.

MR. ANDERSON: Stormwater.

COUNCILMEMBER FLEMING: Is it still in or out -- stormwater?

MR. HAEBERLIN: That one, I would not know off the top of my head. I'd have to look at the document more fully in detail.

COUNCILMEMBER ROCHE: I would like to see the ads that were run for those when they were taken out. I'd like to see the ads for all the ordinances that were passed the night that I wasn't here. I think it was September sometime. I'd like to see a hard copy of those ads.

MR. HAEBERLIN: These were actually at the time done by the City Clerk so I will have to elicit her elicit her assistance on that.

COUNCILMEMBER ROCHE: That's fine, but I will need -- I want to see the ads on that. Thanks.

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MR. HAEBERLIN: Yes, sir.

ATTORNEY WEED: Stormwater maintenance isn't in here.

MR. ANDERSON: But PUD is in the zoning.

MR. HAEBERLIN: PUD was a 2006 amendment, so I'll have to go back and verify that that has truly been removed.

MR. ANDERSON: On June 6, 2006.

MAYOR JENKINS: Anymore discussion in the audience for or against?

- - -

(No response)

- - -

MAYOR JENKINS: Okay.

ATTORNEY WEED: Mr. Mayor, then I would advise you to recess this hearing until April the 27th, a date certain.

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER ROCHE: Second.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

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MAYOR JENKINS: Call the roll.

ASSISTANT CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

ASSISTANT CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

ASSISTANT CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

ASSISTANT CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

ASSISTANT CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

ASSISTANT CLERK BRYANT: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: All right. Do I get a motion to adjourn?

COUNCILMEMBER SPANGLER: I'll make that motion.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

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COUNCILMEMBER BATES: Second.

MAYOR JENKINS: Call the roll, please.

ASSISTANT CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

ASSISTANT CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

ASSISTANT CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

ASSISTANT CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

ASSISTANT CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

ASSISTANT CLERK BRYANT: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

- - -

(Meeting adjourned at 8:40 p.m. the same day.)

-o0o-

C E R T I F I C A T E

E OF GEORGIA]
TY OF DEKALB]

I hereby certify that the foregoing transcript taken down, as stated in the caption, and the eedings were reduced to typewriting under my ction and control.

I further certify that the transcript is a true correct record of the evidence given at the said eedings.

I further certify that I am neither a relative mployee or attorney or counsel to any of the ies, nor financially or otherwise interested in matter.

This the 16th day of April, 2009.

_____

Theresa Bretch, CCR
Permit No. B-755

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