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CITY OF EAST POINT

**PLANNING & ZONING COMMISSION**

November 19, 2009 - 7:00 P.M.

Official Minutes

Regular Meeting

**East Point, Georgia**

Jefferson Station  
1526 East Forrest Avenue  
4th Floor

**Board Members Present:**

MS. Linda **SHELDON**, Chair

MR. Shean **ATKINS**, Vice Chair

MS. Francine **JONES**

MS. Pamela **PATTERSON**

MR. Thomas **HARPER**

MR. Paul **LAWLER**

DR. Lydia **WARES**

**Also Present:**

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Susan **GARRETT**  
City Attorney

Regina **CARTER**  
Senior Planner

Keyetta **HOLMES**  
Senior Planner

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**I. CALL TO ORDER:**

MS. SHELDON: Good evening everyone. I'm calling to order the November 19th, 2009 meeting of the Planning & Zoning Commission for the City of East Point. Welcome to the meeting. To begin, we will, hum, observe a moment of silence. If you will join us, please, in a moment of silence.

**II. MOMENT OF SILENCE:**

MS. SHELDON: Thank you. And now if you will join us for the Pledge of Allegiance.

**III. PLEDGE OF ALLEGIANCE:**

MS. SHELDON: Ladies and gentlemen, I will now entertain a motion for the adoption of the agenda.

**IV. ADOPTION OF AGENDA:**

MR. ATKINS: Madam Chair.

MS. SHELDON: Yes, sir.

MR. ATKINS: I move that we adopt the minutes as printed for our November 19th, 2009 meeting --

MS. SHELDON: Agenda.

MR. ATKINS: -- agenda.

MS. PATTERSON: Second.

MS. SHELDON: Any discussion?

THE BODY: (No response)

MS. SHELDON: All those in favor?

THE BODY: Aye.

MS. SHELDON: Those oppose?

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THE BODY: (No response)

MS. SHELDON: Motion carries.

MS. SHELDON: And now I will entertain a motion for the approval of the October 15th, 2009 meeting minutes.

**V. APPROVAL OF MEETING MINUTES:**

MS. JONES: Madam Chair.

MS. SHELDON: Yes.

MS. JONES: I make a motion to approve the October 15th, 2009 minutes.

MR. ATKINS: Second.

MS. SHELDON: Its been properly moved and seconded. Are there any corrections, additions or discussion.

THE BODY: (No response)

MS. SHELDON: There being none, all those in favor?

THE BODY: Aye.

MS. SHELDON: Those oppose?

THE BODY: (No response)

MS. SHELDON: Motion carries. And now we will begin with Old Business and, hum -- Dr. Wares, if you would like to move down one so you will be with us.

DR. WARES: Thank you.

MS. SHELDON: Thank you. Regina.

**VI. OLD BUSINESS:**

MS. CARTER: Old Business. Case Number 2009P-001-02. Applicant is Duke Realty Limited Partnership. Property location is

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Centre Parkway at Camp Creek Parkway. The applicant is seeking approval of a final plat, Duke Realty Camp Creek Business Center, to subdivide 275.855 acres into fourteen (14) lots.

Staff recommends deferral of final plat pending completion of all Public Work items.

MS. SHELDON: All right. Hum, Commissioners, I'll entertain a motion on this item.

MR. ATKINS: Madam Chair.

MS. SHELDON: Yes.

MR. ATKINS: I move that we defer to our December meeting item 2009 "P" as in Paul-001-02. Applicant is Duke Realty Limited Partnership.

MS. JONES: Second.

MR. HARPER: Second.

MS. SHELDON: I have a second. Any discussion?

THE BODY: (No response)

MS. SHELDON: All those in favor?

THE BODY: Aye.

MS. SHELDON: Those oppose?

THE BODY: (No response)

MS. SHELDON: Motion carries. The matter is deferred to the December meeting.

MS. SHELDON: New Business.

**VII. NEW BUSINESS:**

MS. CARTER: Under New Business is Case Number

1 2009P-005-10. Applicant is Lakeside Preserve Associates, LLC, Casey  
2 Hill Representative. Property location is Lakeside Preserve, Phase 2  
3 "E" as in Edward at 3600 Old Fairburn Road. The applicant is seeking  
4 approval of Lakeside Preserve, Phase 2E final plat for sixteen (16)  
5 single family detached residential units on 24.835 acres.

6 MS. SHELDON: Hum, Commissioners, I'll entertain a motion  
7 on this item.

8 MS. JONES: Madam Chair.

9 MS. SHELDON: Yes.

10 MS. JONES: I make a motion that, hum, we approve this item  
11 2009P-005-10. Approval with conditions. I believe the conditions  
12 are, hum, attached to, hum, to our second sheet.

13 MS. SHELDON: All right. Do I have a second?

14 MR. ATKINS: I second.

15 MR. HARPER: I second.

16 MS. SHELDON: Discussion. Hum, would you, hum, amend  
17 your motion to refer to the, hum, memo -- the interoffice  
18 memorandum dated November 19th from Herbert Humphrey  
19 enumerating the conditions as stated?

20 MS. JONES: Yes, hum.

21 MS. SHELDON: You don't have to read them. If you will just  
22 refer to them.

23 MS. JONES: I'll amend the motion that to include the memo  
24 from, hum, Herbert Humphrey's dated November 19th 2009 and the  
25 subject is Lakeside Preserve 2E.

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MS. SHELDON: Great.

MR. ATKINS: Madam Chair. My second will still stand. If also she would, hum, amend the motion for a time certain for December 14th, 2009 for those items to be corrected as per the memo?

MS. JONES: Yes. A motion can be amended for, hum, a time certain.

MS. SHELDON: Great.

MS. GARRETT Madam Chair. Before we go further, I think it would be appropriate for Staff to read the conditions for the viewing public.

MS. SHELDON: Okay.

MS. CARTER: Staff is recommending approval with conditions placed by Public Works as follows: The following items are outstanding for the subject property -- I mean project and should be considered, hum -- should consider requirements for conditional approval by Planning & Zoning Commission. Number One (1), three (3) sets of stamped as-built drawings. Number Two (2), health Department signoff on final plat. Number Three (3), onsite final inspection and documentation signed by the Engineer for the following field test and evaluations. A: Air Sewer line test; CCTV Sewer line plus a DVD of such tests; Chlorination of Waterline; Mandrel pull/ Sewerline; maintenance bond for 48 months for all City maintained infrastructure and then pressure test for the water line.

These outstanding items should be finalized no later

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December 14th or the final plat should be deemed not approved and referred back to the Planning & Zoning Commission.

MS. SHELDON: Thank you. Any further discussion or questions for Staff?

THE BODY: There being none, all those in favor?

THE BODY: Aye.

MS. SHELDON: Those oppose?

THE BODY: (No response)

MS. SHELDON: Motion carries. Next item.

MS. CARTER: Case Number 2009 "Z" as in Zebra-006-09. Applicant is Bobby Investments, LLC, Charles Brant representative. Property location is 3056 Bayard Street. Application is seeking approval of a rezoning from C1, (Neighborhood Commercial) to C2 (Central Business) District to allow a gas station.

This application requires a public hearing.

MS. SHELDON: All right. Hum, ladies and gentlemen I'll entertain a motion to open the public hearing.

MR. HARPER: Madam Chair.

MS. SHELDON: Yes, sir.

MR. HARPER: I make a motion that we open the public hearing.

MR. ATKINS: Second.

MS. SHELDON: Any discussion?

THE BODY: (No response)

MS. SHELDON: All those in favor?

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THE BODY: Aye.

MS. SHELDON: Those oppose?

THE BODY: (No response)

MS. SHELDON: The public hearing is now open. The ground rules are as follows: Persons both favoring and opposing the proposed matter will be provided an opportunity to address the Commission. The applicant for the proposed matter or the applicant's designated representative will be entitled to speak first followed by other speakers in favor of the proposal for a total of fifteen (15) minutes.

Those who propose the proposed, hum, matter will then be permitted to speak for a total of fifteen (15) minutes. Hum, the applicant may reserve a portion of his allotted time for rebuttal. Speakers must adhere to rules of decorum. Prior to speaking, each speaker shall identify himself or herself and state his or her current address.

Each speaker shall speak only to the merits of the proposed decision under consideration, shall address remarks only to the Commission, and shall refrain from make personal attacks on any other speaker. The Presiding Officer may refuse a speaker the right to continue if after first being cautioned the speaker continues to violate the rules of decorum.

That being said, the, hum, applicant for the proposed matter, hum, is allotted the first spot.

SPEAKER: Good evening.

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MS. SHELDON: There's a podium. Come speak into the microphone, please.

(Whereupon the speaker approach the podium)

SPEAKER: Good evening, ladies and gentlemen. Hum, I'm going to reserve most of my time in case there is a rebuttal. But just briefly this is an application that has already stated to, hum -- this is a shopping plaza located at 3056 Bayard Street.

Hum, we are trying to go from C1 to C2, which is to include gas pumps at that location. Hum, that is the main purpose for the order of change that we are trying to go for here this evening and, hum, as many people who have already attested, hum, Bobby has brought a newness to the area. He's cleaned up the area from what it used to be and, hum, has made that property come out of an eyesore sort of position into something that the community can be proud of so, hum, I'm going to reserve the rest of time in case anybody has any questions.

MS. SHELDON: Sir, would you state your name and address for the record.

SPEAKER: I'm sorry. I apologize.

MS. SHELDON: That's okay.

SPEAKER: I'm Charles Brant, Attorney Charles Brant. I'm -- my office is at 170 Mitchell Street, Atlanta, Georgia, 30303.

MS. SHELDON: Thank you.

MR. BRANT: And I represent, hum, Bobby, the owner of this property.

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MS. SHELDON: All right. Are there any proponents who wish to speak to this matter?

MS. CARTER: Madam Chair. We do have one speaker. His name is Charles Barlow, 1297 Bell Avenue.

MS. SHELDON: Great. Please step forward, Sir.  
(Whereupon the speaker approach the podium)

SPEAKER: Good evening. I am Charles Barlow. I live at 1297 Bell Avenue, East Point. I am East Washington Neighborhood Association President. I am here to support Bobby Becard, hum, who I have known and worked for two years or more. From the moment he moved his business into our neighborhood, he has invested, hum, much of his time as well as much of his finance to support and to improve our neighborhood.

At Christmas, he donates many toys to the needed families and also at Thanksgiving, he donates many Thanksgiving baskets to the needy families and kids in the neighborhood. He is very much an asset to our community and the City of East Point. There are eight (8) of us here in support -- from our community to support his service to -- to support his service station or whatever service he will bring into the community we are prayerful and hopeful that you will approve the change from C1 to C2. Thank you.

THE BODY: Thank you.

MS. SHELDON: Are there any other speakers who wish to speak to this matter?

(Whereupon no other speakers wish to speak to this matter)

1 MS. SHELDON: Are there any opponents?  
2 (Whereupon no opponents wish to speak to this matter)  
3 MS. SHELDON: There being none, I will entertain a motion to  
4 close the public hearing.  
5 MR. ATKINS: Madam Chair. I move that we close the public  
6 hearing for item 2009 "Z" as in Zebra-006-09.  
7 MS. JONES: I second.  
8 MS. SHELDON: Thank you. All those in favor?  
9 THE BODY: Aye.  
10 MS. SHELDON: Those oppose?  
11 MS. GARRETT: Madam Chair. I believe the applicant had  
12 reserved time for rebuttal.  
13 MS. SHELDON: Oh.  
14 MS. GARRETT: I'm not sure if he intends to use any but,  
15 hum, you might want to office him the opportunity.  
16 MS. SHELDON: Absolutely.  
17 MR. BRANT: No rebuttal.  
18 MS. SHELDON: I am not going to rebut that -- that  
19 statement. All right. All those in favor?  
20 THE BODY: Aye.  
21 MS. SHELDON: Those oppose?  
22 THE BODY: (No response)  
23 MS. SHELDON: Motion carries. The public hearing is closed.  
24 MS. CARTER: Case Number 2009Z-006-09. Staff  
25 recommends approval of the proposed rezoning from C-1

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(Neighborhood Commercial) to C-2 (Central Business) District to incorporate the permitted use of a gas station with the following conditions: Number One (1), Columns and station canopy shall be constructed of the same material as the principal structure.

Two (2), Columns and station canopy colors shall complement the principal structure.

Three (3), Site plan shall incorporate a planted landscape strip and two (2) feet planted berm along Bayard Street, RN Martin, and Bayard Circle.

Four (4), a ten (10) foot landscape buffer will be required between Tract 1 and the adjoining single family residences.

Number five (5), vehicles requiring a CDL license for operation are prohibited.

MS. SHELDON: All right. Commissioners, I'll entertain a motion on this item.

MR. ATKINS: Madam Chair, I move to recommend approval of item 2009 "Z" as in Zebra-006-09 with the following conditions as stated by Staff.

MS. PATTERSON: Second.

MR. HARPER: I second.

MS. SHELDON: All right. Any discussion?

THE BODY: (No response)

MS. SHELDON: All those in favor?

THE BODY: Aye.

MS. SHELDON: Those oppose?

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THE BODY: Motion carries, approved with conditions. Next item.

MS. CARTER: Case Number 2009 "Z" as in Zebra-008-10. Applicant is Martin Riley Associates. David Thompson representative. Property location is 1311 East Cleveland Avenue. Applicant is seeking a variance to reduce the number of parking spaces from 342 spaces to 106 spaces.

This application requires a public hearing.

MS. SHELDON: All right. Hum, Commissioners, I'll entertain a motion to open the public hearing.

MR. HARPER: Madam Chair.

MS. SHELDON: Yes, sir.

MR. HARPER: I make a motion that we open a public hearing.

MR. ATKINS: Madam Chair, I second for discussion. Hum, for this particular agenda item, I am going to recuse myself, as I believe the applicant for this particular project has an affiliation agreement with the Atlanta Housing Authority, and I serve as a director with that organization.

(Whereupon Mr. Atkins recuse himself from the hearing.)

MS. SHELDON: Thank you, sir. All right. Hum, It's been moved and seconded. Hum, all those this favor?

THE BODY: Aye.

MS. SHELDON: Those oppose?

THE BODY: (No response)

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MS. SHELDON: The public hearing is now open and the earlier stated rules still apply. Hum, we will first hear from the applicant.

(Whereupon the speaker approach the podium.)

SPEAKER: My name is David Thompson. I'm with Martin Riley Associates. It's 215 Church Street is our address in Decatur, and, hum, what I would prefer to do, if I could, is grant my time to the developer who may be able to answer some of the outstanding questions and give you a little bit better idea of the project as a whole from his prospective.

(Whereupon the speaker approach the podium.)

SPEAKER: My name is Ward White. I'm with Pressley Development. Appreciate your time this evening. Hum, we are seeking a variance, hum, for the parking that's based off of hardship. Hum, if nothing is put on the lot which is less than two acres. It's about 1.6 acres. Hum, we can only get three (3) parking decks, so the entire thing would be nothing but cement. Hum, it would be about 342 spaces and we wouldn't be able to do anything beyond that.

So based off of the topography, hum, the size of the lot and the shaping and triangular form, hum, we're just not in a position where we can get the parking spaces that are required of us under the overlay and with our particular project for seniors, hum, we just don't have, hum -- we just tonight have a lot of cars. Our tenants typically don't have a lot of cars.

1 Are there any questions for me this evening or specifically  
2 about the project itself?  
3 MS. SHELDON: We can get to that --  
4 MR. WHITE: Yes, ma'am.  
5 MS. SHELDON: -- when we do the discussion.  
6 MR. WHITE: Okay.  
7 MS. SHELDON: Is there anyone else who wishes to speak in  
8 favor of this matter?  
9 (Whereupon no one wishes to speak in favor of this matter.)  
10 MS. SHELDON: Are there any opponents who wish to speak  
11 against this matter?  
12 (Whereupon no opponents wish to speak against this matter.)  
13 MS. SHELDON: There being none, I will entertain a motion to  
14 close the public hearing.  
15 MR. HARPER: Madam Chair.  
16 MS. SHELDON: Yes, sir.  
17 MR. HARPER: I make a motion that we close the public  
18 hearing.  
19 DR. WARES: Second.  
20 MS. SHELDON: All right. Any discussion?  
21 THE BODY: (No response)  
22 MS. SHELDON: All those in favor?  
23 THE BODY: Aye.  
24 MS, SHELDON: Those oppose?  
25 THE BODY: (No response)

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MS. SHELDON: The public hearing is now closed. Regina.

MS. CARTER: Applicant is seeking a variance to reduce the number of parking spaces from 342 to 106 spaces. Staff recommends approval of a variance to reduce the number of parking spaces from 342 to 106.

MS. SHELDON: All right. Commissioners, hum, any -- I'll entertain a motion on this item.

MR. LAWLER: Madam Chair.

MS. SHELDON: Yes, sir.

MR. LAWLER: I make a motion we approve item number 2009 "V" as in Victor-008-10, Martin Riley Associates, David Thompson the applicant.

MS. SHELDON: Do I have a second?

MS. PATTERSON: Second.

MS. SHELDON: Any discussion questions?

MS. JONES: Yes. Hum, in your recitation, you indicated there were 106 spaces to be approved -- I mean, the part of the variance. Hum, it was my understanding that three (3) of those parking spaces were designated for the fire department.

MS. CARTER: Yes, they are designated for the fire department. However, the applicant's request, hum, is 106. The fire department's three (3) spaces is, hum, a City required space and it is at the option of the fire department.

DR. WARES: I have a question.

MS. SHELDON: Yes, ma'am.

1 DR. WARES: Hum, you also state that the land is supposed to  
2 be for mixed-use and the lower level you were saying coffee shop. I  
3 just want to get an idea of what you plan to put there for the  
4 mixed-use.

5 MR. WHITE: Yes, ma'am. At this point and time, we don't  
6 know what retail is going to go in that particular space. Hum, we  
7 envision something like a coffee shop or something along those lines,  
8 but at this time, we don't know.

9 DR. WARES: Okay. And the square footage of that would  
10 be?

11 MR. WHITE: 1500 square feet.

12 MS. SHELDON: And if you will indulge me, Commissioners, I  
13 have a question. Hum, I believe that you -- hum, in order to justify  
14 this calculation -- recalculation, you used a -- is a state or a federal  
15 formula for senior housing that this then -- this ratio then is in  
16 conformance with that?

17 MS. CARTER: It comes from the Internation Code.

18 MS. SHELDON: Okay. Good. I just wanted that to be on  
19 record. Any other questions or comments?

20 THE BODY: (No response)

21 MS. SHELDON: There being none, all those in favor?

22 THE BODY: Aye.

23 MS. SHELDON: Those oppose?

24 THE BODY: (No response)

25 MS. SHELDON: Motion carries.

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MR. WHITE: Thank you very much.

MS. SHELDON: That brings us to the end of our agenda. Are there any announcements that anyone would like to make?

**VIII. ANNOUNCEMENTS:**

THE BODY: (No response)

MS. SHELDON: It's a quiet bunch tonight. Nice, quick meeting. All right, then. I will entertain a motion to adjourn.

**IX. ADJOURN:**

MR. ATKINS: Madam Chair. I move that we adjourn our November 19th, 2009 meeting.

MR. HARPER: I second.

MS. JONES: Second.

MS. SHELDON: All those in favor?

THE BODY: Aye.

MS. SHELDON: Those oppose.

THE BODY: (No response)

MS. SHELDON: We're adjourned.

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CERTIFICATE

GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 21 represent a true and correct transcript that I am not in any way financially interested in the result of said case.

I am here as an independent contractor for East Point Planning & Zoning Commission.

I was contacted by the offices of East Point Planning & Zoning Commission to provide court reporting services to take down the meeting minutes.

The foregoing proceedings for the East Point Planning & Zoning Meeting on November 19, 2009, 7 o'clock P.M. were reported by me and transcribed by me.

This, the 10th day of December 2009.

Jeanene Harper  
Court Reporter