

1 CITY OF EAST POINT

2 **PLANNING & ZONING COMMISSION**

3 May 20, 2010 - 7:00 P.M.

4 Official Minutes

5 Regular Meeting

6 East Point, Georgia - Jefferson Station

7 1526 East Forrest Avenue

8 4th Floor

9 **Board Members Present:**

10 Commissioner Dr. Herbert J. **BRIDGEWATER, Jr.**, Chair

11 Commissioner Francine **JONES**, Provisional Chair

12 Commissioner Pamela **PATTERSON**

13 Commissioner Dr. William **BRYANT**

14 Commissioner Eric **FRIEDLY**

15 Commissioner Joel **TUCKER**

16 Board Members Absent:

17 Commissioner Shean **ATKINS**, Vice Chair

18 Commissioner Dr. Lydia **WARES**

19 Commissioner Paul **LAWLER**

20 Also Present:

21 Ms. Susan **GARRETT**
City Attorney

22 Ms. Regina **CARTER**
Senior Planner

23 Mr. James **HAMMOND**
Videographer

24 Ms. Keyetta **HOLMES**
Senior Planner

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APPEARANCES

APPLICANTS:

Page

Spring Metal Recycling, LLC

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SPEAKERS

Larry Dingle - Proponent

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Rebuttal -

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K. Eric Morrow - Opponent

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Cynthia Roseberry - Opponent

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I. CALL TO ORDER:

DR. BRIDGEWATER, JR.: Ladies and gentlemen we call to order the May 20th, 2010 session of the East Point Planning & Zoning. At this time, we'll call for the roll call, please.

II. ROLL CALL:

MS. CARTER: Commissioner Friedly.
MR. FRIEDLY: Present.
MS. CARTER: Commissioner Wares.
DR. WARES: (No response.)
MS. CARTER: Commissioner Tucker.
MR. TUCKER: Present.
MS. CARTER: Commissioner Jones.
MS. JONES: Present.
MS. CARTER: Commissioner -- Chairman Bridgewater.
DR. BRIDGEWATER, JR.: Present.
MS. CARTER: Commissioner Atkins.
MR. ATKINS: (No response.)
MS. CARTER: Commissioner Patterson.
MS. PATTERSON: Here.
MS. CARTER: Commissioner Lawler.
MR. LAWLER: (No response.)
MS. CARTER: Commissioner Bryant.
DR. BRYANT: (No response.)
MS. CARTER: At current, hum, Chairman Bridgewater, we do not have a quorum.

1 DR. BRIDGEWATER, JR.: At this time, we do not have a
2 quorum. Let's proceed with our moment of silence and hopefully the
3 Commissioners who are running late will come in at that time and
4 we'll make a decision at that time. Ladies and gentlemen and our
5 audience at this time, in lieu of a prayer, this Body observes a
6 moment of science. If you would be so kind as to do that at this
7 time, please.

8 **III. MOMENT OF SILENCE:**

9 DR. BRIDGEWATER, JR.: Thank you. Would you stand for
10 the Pledge of Allegiance, please.

11 **IV. PLEDGE OF ALLEGIANCE:**

12 DR. BRIDGEWATER, JR.: Thank you. Hum, and I think at
13 that point, hum -- I'll ask our attorney. I don't think we can even call
14 for a motion of adoption at this point without the, hum --

15 MS. GARRETT: We can't conduct any business without a
16 quorum, so I guess we'll just have to recess for a couple of minutes
17 and hope someone arrives.

18 DR. BRIDGEWATER, JR.: Right. Commissioners, can I have a
19 motion to recess at this time, please. Just as we said it, the
20 Commissioner came on it.

21 (Whereupon Commissioner Bryant enters the room.)

22 DR. BRIDGEWATER, JR.: Commissioner Bryant, you are a
23 very important tonight because you make up the quorum.
24 Commissioner Bryant, we'll give you a chance to get in and get
25 settled and then we'll proceed with the meeting.

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MS. GARRETT: Mr. Chair, let's repeat the roll call and the determination of the quorum.

DR. BRIDGEWATER, JR.: Thank you. At the request of our Attorney, we will repeat the roll call. Clerk, call the roll, please again.

(Whereupon the City Attorney requests a repeat roll call.)

MS. CARTER: Commissioner Friedly.

MR. FRIEDLY: Present.

MS. CARTER: Commissioner Wares.

DR. WARES: (No response.)

MS. CARTER: Commissioner Tucker.

MR. TUCKER: Present.

MS. CARTER: Commissioner Jones.

MS. JONES: Present.

MS. CARTER: Chairman Bridgewater.

DR. BRIDGEWATER, JR.: Present.

MS. CARTER: Commissioner Atkins.

MR. ATKINS: (No response.)

MS. CARTER: Commissioner Patterson.

MS. PATTERSON: Present.

MS. CARTER: Commissioner Lawler.

MR. LAWLER: (No response.)

MS. CARTER: Commissioner Bryant.

DR. BRYANT: Present.

MS. CARTER: Chairman Bridgewater, we do have a quorum.

DR. BRIDGEWATER, JR.: Thank you. At this time, we will call

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for the adoption of tonight's agenda. Commissioners.

V. ADOPTION OF AGENDA:

MS. JONES: Mr. Chair, I move that we adopt tonight's agenda for May 20th, 2010.

DR. BRIDGEWATER, JR.: Thank you, Commissioner Jones. Is there a second?

MS. PATTERSON: Second.

DR. BRIDGEWATER, JR.: It has been motioned for the adoption of the agenda for May 20th, 2010 for the City of East Point Planning & Zoning. The motion was made by Commissioner Jones and seconded by Commissioner Patterson. All in favor let it be known by the word "aye."

THE BODY: Aye.

DR. BRIDGEWATER, JR.: Opposes. No.

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the agenda is adopted. I'm showing special presentation but I don't think we have one at this time --

MS. CARTER: No.

DR. BRIDGEWATER, JR.: -- so we will call for the approval of the April 15th minutes -- April 15th, 2010. Commissioners.

VI. APPROVAL OF MEETING MINUTES:

MS. JONES: Mr. Chair, I move that we adopt the minutes from April 15, 2010 --

MS. PATTERSON: I second.

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MS. JONES: -- as with any necessary, hum, corrections.

DR. BRIDGEWATER, JR.: Thank you, Commissioner Jones. It has been motioned by Commissioner Jones that the minutes of April 15th, 2010 be approved with any corrections and the second came from Commissioner Patterson. Commissioners, are there any necessary changes that you've noted?

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, then we will offer that the minutes be approved. All in favor let it be known by the word "aye."

THE BODY: Aye.

DR. BRIDGEWATER, JR.: Opposes by the sign of "no."

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the minutes of April 15, 2010 for the City of East Point Planning & Zoning is hereby adopted.

Tonight's agenda includes one case and this case is a rezoning with a Special-use Permit and it has a three-part concurrent variance. Before we can began, I am required to read to you, for those of you in our audience, the following rules that will be the guidelines for our hearing -- public hearing.

The public hearing procedures for the Planning & Zoning for the City of East Point is as follows: The applicant for the proposed amendment or applicants designated representative, if any, will be entitled to speak first, followed by other speakers in favor of the

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proposed -- proposal for a total of fifteen (15) minutes.

Those who oppose the proposed zoning amendment will then be permit to speak for a total of fifteen (15) minutes. By majority vote by the Council may increase the total time for the speakers provide that each side is given the same amount of time. If there is more than one speaker for one (1) side, the presiding officer may limit the time allotted to each individual speaker other than the zoning applicant.

The zoning applicant may reserve a portion of his or her time for rebuttal. Speakers must adhere to the 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 zoning decision under consideration and shall address remarks only to the Commission and shall refrain from making personal attacks on any other speaker.

The presiding officer may refuse a speaker the right to continue if after first be cautioned, the speaker continues to violate the Rules of Decorum. Here is the rules for the City of East Point public hearing procedures.

At this time, we will now hear from Staff for the reading -- for the calling of the first case.

VII. NEW BUSINESS:

MS. CARTER: Tonight's case is Case Number 2010 "Z" as in zebra-005-04, 2010U-001-04, 2010 "V" as in victor-001-04. Applicant is Spring Metal Recycling, LLC. Location, 2323 Sylvan Road.

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Applicant is requesting a rezoning of property from I1, Light industrial to I2, Heavy industrial with a Special-use Permit in a three-part concurrent variance to allow recycle on the existing site.

DR. BRIDGEWATER, JR.: Thank you. At this time, we will hear from the applicant and if you will please state your name and your --

(Whereupon the speaker, Mr. Dingle, approach the podium.)

MR. DINGLE: Good afternoon, Mr. Chair.

DR. BRIDGEWATER, JR.: Before you do that, Mr. Dingle, let me get a motion that we actually open the public hearing, which makes you legal to speak.

Commissioners, at this time, may we entertain a motion to open the public hearing.

DR. BRYANT: Mr. Chair.

DR. BRIDGEWATER, JR.: Yes, Commissioner Bryant.

DR. BRYANT: I make a motion that we, hum, open the public hearing tonight.

DR. BRIDGEWATER, JR.: Is there a second?

MS. JONES: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Bryant that we open the public hearing on the Case Number 2010Z-005-04, Spring Metal Recycling located at 2323 Sylvan Road and the second comes from Commissioner Patterson. All in favor let it been known by the word "aye."

THE BODY: Aye.

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DR. BRIDGEWATER, JR.: Opposes.

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the floor is now open for public hearing. Now, Mr. Dingle, thank you for waiting. You may go ahead, Sir.

MR. DINGLE: Good afternoon ladies and gentlemen, Mr. Chair. Hum, I'm Larry Dingle, 2849 Paces Ferry Road, Atlanta, Georgia. I'm here on behalf of Spring Metal. I've ask you -- I've given out some books that I hope each of you have and I asked you if you'd turn to Tab Eight (8).

At Tab Eight (8), if you'll open it up, you will see a "Red A." It looks sort of like "a balloon." That's the site that we are here to talk about this evening, which is located at Oakley Drive and Sylvan Road. If you'll turn to Tab Nineteen (19). If that's a little difficult for you to see, you can see a grid pattern there that will help you a little bit better understand exactly where we are. Hum, the property we're talking about is on the south side of Oakley Road, hum, at the intersection of Oakley Drive, rather, and, hum, Sylvan Road. Now, if you will turn to Tab Fifteen (15), hum, you will see some pictures of a machine, or machines, and you will see the picture of the inside of a facility, that's the inside of the facility at 2323 Sylvan Road.

Why we're here this evening is because the City of East Point's Zoning Ordinance requires that if you're going to engage in the pressing of materials together, that pressing of materials, if it happen to be metals of some sort, constitutes recycling. And if you

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are defined as a recycling facility, then you must have a Special-use Permit and you must be in an area that is zoned to the I2 district classification. Everything else that the applicant wishes to do -- the storage of metals, hum, the taking in of metals on the site is permitted in the I1 district classification. The only thing that triggers this request is simply the activity that is going to occur on the inside of the facility with this particular piece of machinery.

Now, I'd like to invite your attention to something you don't have but I hope that you are familiar with it and that is the East Point City Zoning Code. That Code sets forth the standards that we are required to satisfy in order to be entitled to your support and approval of recommendation for this application. Whether or not the, hum, proposed, hum, application essentially is consistent with the Comprehensive Development Plan, it is compatibility with, hum, land-uses and zoning districts in the vicinity. The area is zoned Light Industrial. There are Light and Heavy Industrials around. The reason I asked you to fold open that first page there, you're actually able to see with that, hum, sought-like image a series of other kinds of uses that are of industrial and heavy industrial in nature, that which is at Tab A.

Hum, it requires that we comply with all local, state and federal statutes and ordinances. We certainly intend to do that. The effect that this, hum, proposal, hum -- whether it's going to have an adverse impact on pedestrian-type traffic or traffic of pedestrian activity, hum, on the adjoining streets -- and we submit to you that

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we are below the threshold that requires a Special-use Permit, but the level of activity, truck activity, is going to be about the same as what was there with the previous Applicant, Ply Mart.

Hum, location of parking spaces: If you'll turn to Tab Twelve (12), you'll find that we have done a parking plan and our plan demonstrates that we far exceed the required parking for, hum, the City of East Point and publicists.

Protective screening: The ordinance required that we are to put up an opaque fencing around the property and we certainly will comply with that requirement. Hours and manners of operation: Your Code requires that we can begin operation at seven (7) in the morning and work until eight (8) at night and we're required not to operate on Sundays.

Well, the Staff has made a recommendation that those hours be pared back to require us to close our outside operations at 5 o'clock and to close our operations on Saturdays at 12:00. We have said we will not oppose that condition. Hum, with regard to lighting, ingress and egress: Hum, your standards require that we be able to show that people won't have to back out of our facility. Hum, they won't have to do that. They'll be able to drive in that parking and, hum -- that parking plan also shows you that we have two (2), hum, entrances and exits to the facility and it shows the circulation plan that we will actually operate in the use of that facility.

Hum, with regard to some of the other standards: What we're asking for, with regard to the variance standards -- and these

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are, again, some other standards I'll go over with you. In your zoning ordinance we found that 10-2142, again, it says your hours of operation can't be earlier than 7 o'clock. We got to close at 8 p.m. Monday through Saturday. We again are doing more than what the ordinance requires. No portion of the facility shall be located within a three-mile radius of the property lines of an existing recycling facility.

We are asking for a variance from that requirement. Need I remind you that the City of East Point is only 13.8 square miles in total area. It has a very very limited amount of industrial space in it already. There's probably only one (1) area in the City of East Point that would be an exception, hum, and would qualify for that location but it does not consist of a Comprehensive Development Plan. So we have no choice, hum -- and to the extent that you apply this regulation to this Applicant, it really constitutes a denial of anybody being able to come in and exercise this form of business in the City of East Point.

With regard to the, hum, 250 foot buffer and ten-foot improvement setback, again, if you will look at the, hum -- at the beginning at the very first part of your book, I think, it's going to be at Division One (1), you'll see that, hum, this facility is an existing facility. It is on ten (10) acres. It has been paved and developed. We're not intending to try to change any of the existing facility at all. And so because it is a built facility, we are not able to comply with these requirements. With regard to the minimum setback of 50-foot buffer and 10-foot improvement setback, the same thing holds true.

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As an existing facility, we have a hardship because it would be impossible for us to comply with that requirement.

Now, what we do -- what we will require with all of the other requirements is a recycling material should be stored in containers with no stock-piling of outside -- of material outside of containers. You may be given photographs or shown material, hum, from other municipalities that show these facilities operating differently. Hum, there is a facility that our applicant has some ownership interest in but does not operate in Columbus, Georgia. Hum, the Columbus, Georgia Ordinances are different and don't require the same standards that the City of East Point's does. And so it's almost like imagining that you're on Interstate, hum, 75 and the speed limit is 70 miles per hour and you're coming in a residential street and the speed limit is 35.

Hum, if I'm doing 35 here, that's okay. If I'm doing 75 out there, that's okay. But if I'm doing 75 here, that's wrong. The pictures are going to try to make a point of an image that we are doing 75 in a 35 and that's really not the case. We're not asking for that. We really want to make sure that it's clear that the only thing we want to do is to be able to compress, hum, aluminum materials on the inside of the facility, the aluminum materials we store on the inside of the facility.

The City of East Point does not allow stock-piling of material. We do not intend to stock-pile the material. The City of East Point requires that we create an opaque screening around the facility,

1 which we will do. We have met with the neighbors and every single
2 reasonable, hum, concern that the neighbors have raised with us,
3 we've attempted to respond to those the best of our ability. And with
4 that having been said, I will reserve the remainder of my time for
5 rebuttal.

6 MS. HOLMES: Time remaining is seven (7) minutes.

7 DR. BRIDGEWATER, JR.: Thank you, Mr. Dingle. At this
8 time, we will hear if there are other applicants or other persons, you
9 know, that want to speak. No, okay.

10 MS. GARRETT: Mr. Chair. I think you're asking if there are
11 any others who want to be heard in support of the application.

12 DR. BRIDGEWATER, JR.: Are there others who would like --
13 and he's shaking his head and saying, no. There are none that wish
14 to speak in support of. Are there those that wish to speak against?
15 All right. I need you to come up and state your name, please.

16 MS. CARTER: Chairman Bridgewater, I have, hum --

17 DR. BRIDGEWATER, JR.: Will you call the names?

18 MS. CARTER: I have two (2) -- hum, I have four (4) speaker
19 cards.

20 DR. BRIDGEWATER, JR.: Okay.

21 MS. CARTER: -- and those cards would be Rodney K. Strong
22 and Larry Dingle, K. Eric Morrow, and there's Cynthia Roseberry --
23 has speaker cards so far this evening.

24 DR. BRIDGEWATER, JR.: Rodney Strong, is it, the next one?

25 MS. HOLMES: Yes.

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DR. BRIDGEWATER, JR.: Okay. All right. State your name, into the "mic," please.

(Whereupon speaker Mr. Eric Morrow approach the podium.)

MR. MORROW: Speaker good evening Dr. Bridgewater and Commissioners. Hum, my name is Eric Morrow and this is my partner Bobby Willoughby and we live at 1015, hum, Pegg Road in East Point. We oppose the proposed rezoning and three (3) variance applications.

I'm a trial lawyer, hum, and what I tell the juries is that please do not, do not, hum, judge on what you initially hear. Wait until you hear all the evidence before you make your determinations. As you are aware, Official Zoning Code and Development Regulations of East Point, Section 10-2079, governs Light Industrial usage and Section 10-28 governs Heavy Industrial usage. Heavy Industrial, based on the Code, should be limited to heavy, manufacturing, processing, assembly, packaging and warehousing operation, free from incompatible residential and commercial activities. Section 10-2212 governs rezoning and maintains that if you can consider whether the public necessity, convenient and general welfare or good zoning practices justify such actions. In this instance, granting the variances of rezoning is not in the general welfare or public safety of residents of East Point.

Bobby and I have been active in learning about the business of Spring Metal Recycling. We have attended initial meetings with Staff and met with Attorney Steve Rothman who's the representative

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of the company who is not here tonight and immediately expressed our concerns. We have met with City Engineers and an engineer from Spring Metal to address our concerns of storm-water runoff and the environmental impact of the proposed facility. Mr. Rothman also told us of a sister property, none as ABC Metal Recycling in Columbus, Georgia where the sound study which is a part of their application was allegedly conducted. On our on accord with other members of the community, we took a trip to Columbus to view this site and we were appalled. May I present you with photographs, Dr. Bridgewater.

DR. BRIDGEWATER, JR.: Sure.

(Whereupon photographs were passed out to Commissioners.)

MR. MORROW: These photographs document what we found at ABC Metal Recycling, and the applicant may say that there's a difference between 75 and 35, but let me tell you, we don't want this in our community. This facility has little residential surrounding its location and the little residential that there is, is extremely low income project housing. This isn't what we want in our City. This facility is not compatible with the surrounding neighborhood. Although Spring Metal contends that parts of Oakley are already zoned Heavy Industrial, these businesses are on the right side of Oakley do to abut residential neighborhoods.

Specifically, our objections are as follows: Number one (1), the environmental impact on the Community. We know this property

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because runoff from Oakley Drive and the old Ply Mart has been flooding our property since the day that we bought our home and we'd like to show you these photographs.

(Whereupon photographs were passed out to the Commissioners.)

MR. MORROW: These pictures depict the flooding that occurs on our property with a mild rain. The water then proceeds to a stream on Brookdale Park, through the Park and into other parts of East Point. We are concerned not only about the runoff but also about the containments that will now be contained in the runoff and spread through the City. The Environmental Protection Agency should and will be contacted in this regard. Spring Metal maintains that it does not contribute to this runoff but this is not true. Bobby was the one who informed Spring Metal that there was a underground water detention system on their property that they did not even know about. Once the water is released, it flows downhill onto our property and through Brookdale Park.

Our second objection: Spring Metal maintains that granting this Special-use Permit would have no adverse effect on traffic flow along Sylvan and Oakley. In addition, they maintain that the noise level will be less than the existing noise level at the location. These assertions are simply inaccurate and designed to mislead. They estimate that 75 trucks will arrive at the facility daily. If you drive down Sylvan at all, you know that the heavy truck activity already impedes an instinctively damages the roadway.

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In regard to sound: the metal, which are steel and iron products must be unloaded from the trucks, stored, sorted and eventually placed on a train in the back of the property which is directly behind residential homes. If the noise is going to be less, then why would a company even agree to an eight-foot sound barrier? It doesn't make sense.

And finally, the esthetics: The facility will be an eyesore to the community. Although, they propose a screen, which is to be determine, the Columbus location is surrounded by a chain-link fence covered with a silk lining. As you can see, it is very unattractive. The compressed aluminum is stacked three (3) to four (4) stories high and visible from the roadway. The proposed 8-foot barrier in the rear may help with sound but ultimately is under attractive and distracting.

At our recent meeting, Attorney Rodney Strong, who we never seen before, attempted to quail the community's opposition. Unfortunately, instead of answering questions, he demonstrated that he was not familiar with the application or the workings of the facility. He maintained that the property was not to be rezoned from light to heavy industry. He was unclear of the recycling process. He was unclear of the sorting storage and processing process. He was unclear of how many aluminum presses would be utilized. He also maintained that this facility would be state of the art. But he could not give us an example of the facility that is comparable with photographs or how it's going to look.

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There are too many unanswered questions for this application to be approved. The investigation that the residents have done is what Staff and the Commissioner should be doing. We have entrusted you with our protection, and we expect due diligence on your part. Bobby and I will be directly impacted by this business if the application is approved. We urge you not to approve it.

As a lawyer, who has experience in land-use control, I will certainly use everything possible to protect the quiet enjoyment of my property and ensure the well-being of my neighbors. I urge you as a Commission, to hear our objections and deny the rezoning and variances as contrary to the general welfare and public safety of this community. Thank you.

DR. BRIDGEWATER, JR.: Thank you Attorney Eric Morrow and Mr. Bobby Willoughby. Are there others who wish to speak in opposition?

MS. HOLMES: Seven (7) minutes remaining.

DR. BRIDGEWATER, JR.: The names -- was it? I want to make sure we get them all.

MS. CARTER: That would be Cynthia Roseberry.

DR. BRIDGEWATER, JR.: Cynthia Roseberry.

(Whereupon Ms. Cynthia Roseberry approach the podium with neighbors from Jefferson Park Neighborhood Association.)

MS. ROSEBERRY: Cynthia Roseberry, Sir. I have with me some of our neighbors from the Jefferson Park Neighborhood Association.

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DR. BRIDGEWATER, JR.: Ms. Roseberry, would you just state your name and address for us.

MS. ROSEBERRY: Yes, my name is Cynthia Roseberry. I live at 2478 Batavia Street, East Point, Georgia, Jefferson Park Community. Good evening Dr. Bridgewater and Commissioners. I'm the Vice President of the Jefferson Park Neighbors Association and I'm here representing myself and the Jefferson Park Neighborhood Association Board. We have carefully considered the applicant's variance and rezoning requests and we, as a Board, respectfully oppose the applications and requests that they be denied.

Our City is plagued by negative image in part because of the lack of regulation of our industrial zones. We do not have proper gateways into our City to attract residents and businesses that will enhance our public image. The Sylvan Road corridor is a prime example of a major gateway into our City that is less than desirable. The extensive tractor trailer and large truck traffic combined with the oppressive appearance of present businesses along Sylvan Road hinder the growth and development of our neighborhoods. The proposed Spring Metal facility will only continue this negative trend.

Our Community is finally completing, construction and reopening of Brookdale Park which is located directly below the proposed Spring Metal plant. The citizens have devoted years to revitalizing this area and making it a safe and desirable Community. We're concerned about the environmental impact, the noise impact, and the increased transportation impact on this area of our

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neighborhood. We do desire new business in the Community that will increase our tax base, but these businesses must be compatible with the surrounding neighborhood.

The City already has two (2) metal processing facilities within a three-mile radius of the proposed facility that require monitoring. We do not need or want another one. We as the Board of the Jefferson Park Neighbors Association request that the Commission deny the variances and rezoning proposal and allow the residence to continue the quite enjoyment of our neighborhood unencumbered by the threat of increased noise, pollutants and traffic. Thank you for your consideration this evening.

DR. BRIDGEWATER, JR.: Thank you Madam President. Hum, Regina, are there others?

MS. CARTER: That is all.

DR. BRIDGEWATER, JR.: That's all that has registered to speak?

MS. CARTER: Yes.

DR. BRIDGEWATER, JR.: At this time then, we will hear any rebuttal from the applicant.

REBUTTAL

(Whereupon the applicant, Mr. Dingle approach the podium.

MR. DINGLE: Thank you very much, Mr. Chair. It seems that no good deed goes unpunished. I am surprised to hear that there is an objection to the sound barrier because it is precisely why, after meeting with the property owners next door who proposed the sound

1 barrier, even though our noise study clearly indicates we don't need
2 it, in an effort to be a good neighbor, the applicant said we'll put up
3 an eight-foot (8-foot) sound barrier so that we can absolutely assure
4 that you don't hear any noise. The neighbors don't want the sound
5 barrier, we certainly won't put it up. I will ask you and invite your
6 attention to the Standard. A Standard is that if you will go back, hum
7 -- if you will turn to the Noise Study on Page -- on Division Four (4).
8 We are essentially saying that at minimum, our noise level is twelve
9 (20) decibels below the background noise level at fifty-eight (58)
10 decibels. But your Ordinance has a specific requirement for
11 recycling, which I went to earlier. A maximum continuous sound
12 level of sixty-five (65) DBA and a maximum peak sound level of
13 seventy-five (75) DBA, shall not be exceed at the property lines of
14 the adjacent residential district or AG-1 Districts.

15 And so, we are submitting to you that the sound levels, based
16 upon our study -- the reason why we did the study in, hum,
17 Columbus was to test the actual machines that we're gonna to be
18 using on the outside. And bare in mind, now, this really was that
19 necessary because right now under the existing I1 zoning, the
20 stock-piling of metal -- so long as it's in containers and stored is
21 authorized.

22 The only thing we're asking for that triggers this request is,
23 again, the ability to process on the inside of the building. That's
24 simply all we're asking. Now, if folks are concerned about that
25 ability, I'm sorry. That's the property -- that the way the City of East

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Point has historically zoned this property. That's how it's been used and respectfully, we understand and appreciate coming into a neighborhood and we ourselves have reached out to the neighbors. The neighbors didn't have to call us. We were reaching out to them, as soon as we file the application, as a matter of fact, the same day that we filed the application.

Now, let me speak to the issue of flooding. It is true that Spring Metal did not know that there was an underground storage facility as a maintenance process on that facility. So what we did is we had our engineer, as he was doing his due diligence, to go back and examine that. So we went through the files of prime engineering and we went through every single study for the, huh, installation of that detention facility but that is not the problem of the neighbors. That's not where their problem comes from and they truly do have a problem, but we're not precipitating that problem. The water flow -- and this is what our engineers did. We went through -- we paid the engineer to come out twice to meet with the neighbors. We went through and examined the manholes to show exactly where the water is coming from.

Ladies and gentlemen, it is coming across the street on a pipe that is on the neighbor's property, not our property. We had the City of East Point's Engineering Staff there to confirm the same thing. Your City Attorney was there. Okay. Because it is a problem that is not again associated with this specific site.

With regard to the noise level, I think I've address that.

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Seventy-five (75) trucks per day is precisely what we expect to be the level of ingress and egress from this facility and there's no indication whatsoever that roadway of the City of East Point on Oakley Drive and Sylvan Road cannot accommodate that travel level. Hum, visible materials. As I said to you earlier, we do not intend and the City of East Point does not allow, hum, materials to be visible, material to be visible from the street. We are require to screen it. Now, there was a question made about the gateway to the City of East Point's area. I invite your attention to Tab Thirteen (13).

We submitted a landscape plan and that landscape plan is what we intend to do to beautify that corner so that as your driving down Sylvan Road towards residential neighborhoods, you see something that looks better than it does now. Actually, if you look at this facility, it's one of the more attractive facilities that you have if not the most attractive facility that you have on Sylvan Road at this moment in it's current condition. Everything else is worse. Yeah, we've taken on the responsibility to say that we will do even better. With regard to the type of siting, we have proposed at Division Nineteen (19), a fencing plan, which we would submit as a minimum standard of what we will do along Oakley Drive and the perimeter of the site.

So we're not asking for anyone to trust us. Okay. What we have done in every instance is completely go out and do the best we can to make a determination about what our rights are under the standards of the City of East Point's Zoning Ordinance and that's

1 what, I think, you are governed by and we've done our absolute best
2 to make sure -- and I think that that booklet there, which we would
3 like to have made a part of the records and the deliberation of these
4 deliberations, evidence as a fact, that we're not saying that we have
5 made some sort of judgement about how many noise it is. We've
6 actually gone out and measure the noise. We have the, hum,
7 resume of the person who did the study as one of the best in the
8 business in the Metro Area and so the fact that someone's going to
9 complain about noise, we would hope that it would be that you're
10 going to attack the study. You are going to say that it is invalid and I
11 will reserve any of my time for questions if you have any. Thank
12 you.

13 DR. BRIDGEWATER, JR.: Thank you Attorney Larry Dingle.
14 Hum, how much time does he have left?

15 MS. HOLMES: One minute.

16 DR. BRIDGEWATER, JR.: So you only have a minute left but,
17 you know, the Attorney could be in it so I'll save it for you. Hum, I
18 would certainly like the record to indicate that each Commissioner did
19 receive a bound copy of Spring Metal Recycling and I will pass it to --
20 but I think our Attorney has one but I just to make sure since we
21 want it into the record that we all did received the binder which has
22 some twenty-one (21) sections in it.

23 MS. CARTER: Commissioner Bridgewater -- hum, Chairman,
24 my copy become the official file copy.

25 DR. BRIDGEWATER, JR.: Okay. Thank you. Hum, also

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before closing the public hearing, since, hum -- and this is a legal point for Attorney Garrett. Since he did mention you as well as the City of East Point as having been out and seeing the site, at this point, did you not want to voice or comment?

MS. GARRETT: It's correct that the City of East Point has been out and visited the site. The City Engineers, hum, the Public Works Director was out there.

DR. BRIDGEWATER, JR.: I don't think they can hear you.

MS. GARRETT: It's correct that the City of East Point has been out to visit the site. Hum, I went out there. The Public Works director went out there and a couple of others Public Works staff.

To my knowledge, the City of East Point has not reached any conclusion about what the origin of the flooding problem on, hum, the neighborhoods property is. Hum, they have -- they're looking into that question but I, hum -- I am not aware of the City having reached any definitive conclusion about whether the, hum -- the -- what the -- hum, the old Ply Mart property, the subject property in this case, is contributing to the runoff or not.

DR. BRIDGEWATER, JR.: Thank you. With that, hum, Mr. Dingle, did you want to --

VIDEOGRAPHER: Microphone, please.

DR. BRIDGEWATER, JR.: With that, did you want to use your one (1) minute?

MR. DINGLE: Hum, just to say I addressed the flooding problem but actually the flooding problem has really no bearing on

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this deliberation because that's not -- that's a development standard that we will have to address at some other point in time with the City. But I just wanted to response to it only because the neighbors brought it up.

DR. BRIDGEWATER, JR.: Thank you, Sir. Commissioners, at this time I will entertain a motion to close the public hearing.

MR. TUCKER: I make a motion that we close.

DR. BRIDGEWATER, JR.: Is there a second?

DR. BRYANT: Second.

DR. BRIDGEWATER, JR.: It has been motioned that we close the public hearing by Commissioner Tucker and seconded by Commissioner Bryant. All in favor let it be known by the word "aye."

THE BODY: Aye.

DR. BRIDGEWATER, JR.: Opposing by the signing of no.

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the public hearing is now closed and at this time we will here from Staff on this matter.

MS. CARTER: Tonight's Case Number 2010 "Z" as in zebra-005-04, Case Number 2010 "U" as in umbrella-001-04, Case Number 2010 "V" as in victor-001-04. Applicant, Spring Metal Recycling LLC. Location 2323 Sylvan Road. Applicant is requesting a rezoning of property from I1, Light Industrial to I2, Heavy Industrial with a Special-use Permit, a three (3) part concurrent variance to allow recycling on the existing site.

Staff's recommendation -- and I will read them according to

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the Case Number separately. Case Number 2010 dash -- I mean, 2010 "Z" as in zebra-005-04 which is rezoning from I1, Light Industrial to I2, hum, Staff's recommendation is approval with the following, hum, conditions: Condition Number One (1): Replant Evergreen Trees along the rear of the property line facing Pegg Road. Condition Number Two (2): Landscaping shall be in accordance with Exhibit C in your, hum, Staff Analysis Landscape Plan, which is also in his book for under Tab Number Thirteen (13), according to the official file book.

And Condition Number Three (3): Is the fencing material along Oakley Drive shall be enhanced with additional plant material.

Condition Number Four (4): The property must maintain its Heavy Industrial use for the purpose of only aluminum processing and metal storage and shipping.

DR. BRIDGEWATER, JR.: Thank you.

MS. CARTER: We will then do each individual Case Number separately.

DR. BRIDGEWATER, JR.: Thank you. Commissioners, having heard from Staff, I will now entertain a motion on this matter.

MS. PATTERSON: Commissioner Bridgewater.

DR. BRIDGEWATER, JR.: Commissioner Patterson.

MS. PATTERSON: I move that --

VIDEOGRAPHER: Microphone. Microphone.

MS. PATTERSON: I move that we recommend approval of rezoning from I1 to I2, Case Number 2010Z-005-04 with the

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following associated conditions:

Condition Number One (1): Replant Evergreen Trees along the rear of the property line facing Pegg Road.

Condition Number Two (2): That landscaping shall be in accordance with the Exhibit C, which is Tab Thirteen (13) in the file book.

Condition Three (3): Fencing material along Oakley Drive shall be enhance with additional plant materials.

And Condition Number Four (4): The property must maintain as Heavy Industrial use for the purpose of only aluminum processing and metal storage and shipping.

DR. BRIDGEWATER, JR.: You've heard the motion. Is there a second?

DR. BRYANT: Second.

DR. BRIDGEWATER, JR.: It has been seconded by Commissioner Bryant. Commissioners, any comments? Commissioner Tucker.

MR. TUCKER: Hum, I've read these documents and I do have concerns. I have a question about the decibels. It is incredible to me to believe that twenty (20) decibels would be correct. I just have a problem with that. I'm also concerned about the environmental impact to the park. It's clear that that park is downhill from that property and I have concerns about that. I have concerns about the safety of our citizens. We are going to be having open-bed trucks as I understand it and they will be driving with scrap metal loaded on. I

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don't no if there are going to be regulating that or it's going to be hanging off the truck so it's safety concern for me so I can't support this.

DR. BRIDGEWATER, JR.: Are there any other Commissioners?

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, hum -- there were a couple of points that I wanted to make. I was concerned -- I didn't, hum -- I thought it was, hum, in terms of the -- the company not being aware of the Spring Metal flooding that they found. I thought that was amazing that -- and it was very interesting that Attorney Marvin brought that to the their attention and, of course, in terms of the noise level, they are absolutely right. I think they have tried to address that issue. But, Commissioners, I think now we should be ready to vote. I'm going to call a motion at this minute. All in favor let it be known by the word, "aye."

THE BODY: Aye.

DR. BRIDGEWATER, JR.: Opposes.

DR. BRIDGEWATER, JR.:

MR. FRIEDLY: No.

MR. TUCKER: No.

DR. BRIDGEWATER, JR.: Let's do a roll call, please.

(Whereupon a Chairman Bridgewater, Jr. request a roll call.)

MS. CARTER: Roll call on a vote for Case Number 2010 "Z" as in zebra-005-04. Commissioner Friedly.

1 MR. FRIEDLY: Opposed.
2 MS. CARTER: Commissioner Wares.
3 DR. WARES: (No response.)
4 MS. CARTER: Commissioner Tucker.
5 MR. TUCKER: Opposed.
6 MS. CARTER: Commissioner Jones.
7 MS. JONES: Aye.
8 MS. CARTER: Commissioner Patterson.
9 MS. PATTERSON: Aye.
10 MS. CARTER: Commissioner Bryant.
11 DR. BRYANT: Aye.
12 MS. CARTER: Chairman, we have a positive -- a "yea" for
13 three (3) votes, a "nay" for two (2) votes.
14 DR. BRIDGEWATER, JR.: All right. So the motion passes on
15 Case Number 2010Z-006-04 --
16 (Whereupon Case Number was not read correctly.)
17 DR. BRIDGEWATER, JR.: -- for Spring Metal Recycling LLC.
18 Now we will now hear the reading for the second case, which is
19 going to be 2010 "U" as in uncle-001-04.
20 MS. CARTER: Staff's recommendation for Case Number
21 2010U-001-04 is a approval with the following associated conditions:
22 Condition Number One (1): Hours of operation. Outdoor operation
23 shall be Monday through Friday, 7 a.m. to 5 p.m., Saturdays, 7 a.m.
24 to 12 p.m. Indoor operations should be Monday though Friday, 7
25 a.m. to 8 p.m. and on Saturdays 7 a.m. to 12 p.m.

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All operations shall be closed on Sundays.

Condition Number Two (2): Rail-line shipments are prohibit between the hours of 8 p.m. and 7 a.m., Monday through Saturday. Walkup pedestrian traffic is prohibited. This policy should be posted onsite with signage in accordance to the sign ordinance, East Point's Sign Ordinance, Section 10-7017(F).

The Fourth (4th) condition is: Alluminum processing must occur indoors.

DR. BRIDGEWATER, JR.: Thank you. Commissioner, you've heard Staff's recommendation. And I'll entertain a motion --

MS. GARRETT: Mr. Chair.

DR. BRIDGEWATER, JR.: Yes.

MS. GARRETT: I'm sorry to interrupt this but I still believe -- and I'm going to advise the Commission that I believe that the concurrent variances have to be voted on first before the Special-use Permit, because the concurrent variances are for variances from three (3) of the requirements for the Special-use Permit. So you have to determine whether those variances are approved before you can determine whether the Special-use Permit can be approved. So I think we should move to the variance case and then back to the Special-use Permit.

DR. BRIDGEWATER, JR.: Attorney Garrett, is -- that's a final ruling or is it not that we have a choice either to do a variance or do the land-use first?

MS. GARRETT: If you look in your material at the Staff

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Analysis of the criteria for the Special-use Permit for two (2), three (3) and four (4), those all say that they're requesting a variance from those criteria. If you approve the Special-use Permit without addressing the variances, you're just ignoring the criteria. You're not granting or denying the variance. You have to address the variances first.

DR. BRIDGEWATER, JR.: All right. Commissioners, on the advise of our Attorney, Attorney Susan Garrett, we will entertain a motion on the variance first.

MS. GARRETT: I think we need to hear from the Staff on the variances.

DR. BRIDGEWATER, JR.: Yes, that's right. So the motion, hum -- thank you. Staff on the variance, would you give your recommendation, please.

MS. CARTER: Hum --

DR. BRIDGEWATER, JR.: Which means, just for our clarity, Attorney Garrett, so the one which she just read was on land-use so we're not gonna use that one. We are going to go to the variance for the public's sake so it would be clear and so people understand.

MS. GARRETT: You have a separate recommendation of the variances, do you know? Or is your recommendation combining the two (2)?

MS. CARTER: No. They are individually by Case Number.

MS. GARRETT: Okay.

MS. CARTER: Hum, the variance has a separate Case

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Number starting with 2010 "V" as in victor. We just read the Case Number as 2010 "U" as umbrella. Therefore, the floor right now is 2010U.

DR. BRIDGEWATER, JR.: Okay. And that was the motion on the floor, 2010U? Hum, but I guess, Commissioners and Staff on the advice -- do we need to withdraw that motion on the advise of the Attorney and go with the 2010 "V", victor-001-04?

MS. GARRETT: I'm not aware of a motion having been made. We just had the Staff recommendation. So we can proceed with the Staff recommendation on the variances and then go back to the, hum -- to the Use Permit. Just read the recommendation. Have your motion, your discussion your motion and then go back to the Special-use Permit.

DR. BRIDGEWATER, JR.: All right. Thank you, Staff.

MS. CARTER: Applicant is requesting, hum -- no. Case Number 2010 "V" as in victor-001-04 is Part One (1) of the Three (3) Part Concurrent Variance to Section Number 10-2142.2 of the Use-permit Standards.

No portion of a new recycling center shall be located within three-mile radius of the property lines of the existing recycling facility.

DR. BRIDGEWATER, JR.: Okay. Thank you, Staff. Commissioners, you've heard Staff. At this time, we will entertain a motion.

MS. JONES: Mr. Chair.

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DR. BRIDGEWATER, JR.: Commissioner Jones.

MS. JONES: I recommend approval of Part Three (3) of the Three-Part Concurrent Variance in Case Number 2010 --

DR. BRIDGEWATER, JR.: "V" --

MS. JONES: -- "V"-001-04. Hum, this is, hum -- for the setback of --

MS. GARRETT: Commissioner, I believe that was Part One of the recommendation.

MS. JONES: I'm sorry. Part One.

DR. BRIDGEWATER, JR.: While I'm flipping it, you know, I apologize that the --

MS. GARRETT: I'm sorry. It was confusing, but I was just sitting here thinking about it.

DR. BRIDGEWATER, JR.: I just want the people who are watching and the audience to understand that what we did was -- it was suggested that we were doing the land-use first and the Attorney suggested that we do the variance, so it's a just a matter of flipping the Case Numbers, so that's what happened.

MS. JONES: So this is, hum, the Concurrence Variance, Hum, part C and the Section that we're referring to is no portion of a new recycling facility shall be located within a three (3) mile radius of the property lines of an existing recycling facility and I amend my motion with that.

DR. BRIDGEWATER, JR.: With an amendment of Commissioner Jones's motion, hum, on the aforementioned

1 information, is there a second?
2 MS. PATTERSON: Second.
3 DR. BRIDGEWATER, JR.: Seconded by Commissioner
4 Patterson. All in favor let it be know by the word "aye."
5 THE BODY: Aye.
6 DR. BRIDGEWATER, JR.: Opposing by the same sign.
7 MR. TUCKER: Oppose.
8 DR. BRIDGEWATER, JR.: We are going to ask you to do a roll
9 call as well, please.
10 (Whereupon Chairman Bridgewater, Jr. requests a roll call.)
11 MS. HOLMES: Commissioner Friedly.
12 MR. FRIEDLY: Opposed.
13 MS. HOLMES: Commissioner Tucker.
14 MR. TUCKER: Opposed.
15 MS. HOLMES: Commissioner Jones.
16 MS. JONES: Aye.
17 MS. HOLMES: Commissioner Patterson.
18 MS. PATTERSON: Aye.
19 MS. HOLMES: Commissioner Bryant.
20 DR. BRYANT: Aye.
21 MS. HOLMES: We have a vote in the affirmative, Mr. Chair.
22 DR. BRIDGEWATER, JR.: Commissioner Friedly.
23 MR. FRIEDLY: Should we have had discussion prior to the
24 vote?
25 MS. HOLMES: You can have a discussion prior to the vote.

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DR. BRIDGEWATER, JR.: And you would have had to mention it at that time but we caught your unreadiness at that time so it stands approve as three (3) to two (2), hum, that it does pass. And now Staff, we will hear from you.

MS. CARTER: Part Two of the Three Part Concurrent Variance, Case Number 2010 "V" as in victor-001-04 to Section 10-2142.3 of the Use Permit Standards. A minimum of two hundred (200) foot buffer and a ten (10) foot improvement setback shall be required along all property lines except public right-of-way.

DR. BRIDGEWATER, JR.: Thank you. Commissioners, I'll entertain a motion on the matter.

MS. JONES: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Jones.

MS. JONES: I motion that we recommend approval of Part Two, Section 10-2142.3, recycling center processing, a minimum of a two hundred (200) foot buffer and a ten (10) foot improvement setback shall be required along all property lines except the right-of-way.

DR. BRIDGEWATER, JR.: Thank you, Commissioner Jones. Is there a second?

MS. PATTERSON: Second.

DR. BRIDGEWATER, JR.: Seconded by Commissioner Patterson. Are you ready to vote? At this time, Commissioner Friedly, it would be the time you would state if there's any unreadiness.

1 MR. FRIEDLY: No discussion.

2 DR. BRIDGEWATER, JR.: All right. Commissioners, are we
3 ready? All in favor let it be known by the word "aye."

4 THE BODY: Aye.

5 DR. BRIDGEWATER, JR.: Opposes?

6 MR. TUCKER: No.

7 MR. FRIEDLY: Opposed.

8 DR. BRIDGEWATER, JR.: We need to do a roll call at this
9 time, please.

10 (Whereupon Chairman Bridgewater, Jr. requests a roll call.)

11 MS. HOLMES: Commissioner Friedly.

12 MR. FRIEDLY: Opposed.

13 MS. HOLMES: Commissioner Tucker.

14 MR. TUCKER: Opposed.

15 MS. HOLMES: Commissioner Jones.

16 MS. JONES: Aye.

17 MS. HOLMES: Commissioner Patterson.

18 MS. PATTERSON: Aye.

19 MS. HOLMES: Commissioner Bryant.

20 DR. BRYANT: Aye.

21 MS. HOLMES: We have a vote in the affirmative.

22 DR. BRIDGEWATER, JR.: It's three (3) to two (2). Thank you
23 and the matter does pass and is there one final one?

24 MS. CARTER: Yes.

25 MS. HOLMES: Yes.

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DR. BRIDGEWATER, JR.: At this time? Staff?

MS. CARTER: The third (3rd) part.

DR. BRIDGEWATER, JR.: Third (3rd) part.

MS. CARTER: Part Three of the three (3) part Concurrent Variance. Case Number 2010V-001-04 to Section 10-2142.4 of the Use-permit Permit Standards, a minimum 50-foot buffer and ten (10) foot improvement setback shall be required along all public right-of-way.

DR. BRIDGEWATER, JR.: Thank you Staff. Commissioners, you've heard the recommendation of Staff. At this time, I will entertain a motion, please.

MS. PATTERSON: Commissioner Bridgewater.

DR. BRIDGEWATER, JR.: Commissioner Patterson.

MS. PATTERSON: I move that we recommend approval of Part Three (3) of the Three Part Concurrent Variance, Case Number 2010V-001-04, Section 10-2142.4 of the Use-permit Standards. A minimum of a 50-foot buffer and ten (10) foot improvement setback shall be required along all public rights-of-way.

DR. BRIDGEWATER, JR.: Thank you Commissioner and is there a second?

DR. BRYANT: Second.

DR. BRIDGEWATER, JR.: Seconded by Commissioner Bryant -- it was motioned by Commissioner Patterson and seconded by Commissioner Bryant. All in favor let it be known at this time. Are you ready to vote, Commissioners? All in favor let it be known by the

1 word "aye."
2 THE BODY: Aye.
3 DR. BRIDGEWATER, JR.: Opposes.
4 MR. TUCKER: Opposed.
5 DR. BRIDGEWATER, JR.: Again, Staff, would you do a roll
6 call, please.)
7 (Whereupon Chairman Bridgewater, Jr. requests a roll call.)
8 MS. HOLMES: Commissioner Friedly.
9 MR. FRIEDLY: Opposed.
10 MS. HOLMES: Commissioner Tucker.
11 MR. TUCKER: Opposed.
12 MS. HOLMES: Commissioner Jones.
13 MS. JONES: Aye.
14 MS. HOLMES: Commissioner Patterson.
15 MS. PATTERSON: Aye.
16 MS. HOLMES: Commissioner Bryant.
17 DR. BRYANT: Aye.
18 MS. HOLMES: We have a vote in the affirmative.
19 DR. BRIDGEWATER, JR.: Three (3) two (2). Again, This
20 matter does pass. Hum, Staff -- and I think that concludes all of our
21 --
22 MS. GARRETT: No. Now we have to go back to the
23 Special-use Permit.
24 DR. BRIDGEWATER, JR.: Oh, that's right. Now we got to go
25 back.

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MS. GARRETT: Again, if you look at Page Seven (7) of your Staff Report. By approving the Concurrent -- recommending approval of the Concurrent Variances, you've dealt with, hum, Number Two (2), Number three (3), and Number Four (4) of the criteria for the Use-permit, but you need to look at the other criteria and make your determination about what you want to recommend.

DR. BRIDGEWATER, JR.: So we have to do a Special-use on all three (3)? I mean on anything --

MS. GARRETT: You vote -- you've established -- you granted -- you've recommend with a granting of Variance with respect to three (3) of the criteria for approving the Special-use Permit. Now, you have to determine whether you want to recommend overall approval of the Special-use Permit. That would mean looking at the other criteria.

DR. BRIDGEWATER, JR.: Again, my question was, is there going to be doing -- would one (1) motion cover all three (3)?

MS. PATTERSON: Yes.

MS. GARRETT: Yes.

DR. BRIDGEWATER, JR.: Commissioners, you all are clear on that?

THE BODY: Yes.

DR. BRIDGEWATER, JR.: Okay. At this time, we need to hear from Staff.

MS. CARTER: Hum, Case Number 2010U-001-04, hum, Staff recommends approval with the following associated conditions.

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DR. BRIDGEWATER, JR.: Speak up, please.

MS. CARTER: Condition Number One (1), hours of operation. Outdoor, Monday through Friday, 7 to 5 p.m. -- 7 a.m. to 5 p.m. Outdoor Saturday, 7 a.m. to 12 p.m. Indoor operation Monday through Friday, 7 a.m. to 8 p.m. Saturday, 7 a.m. to 12 p.m.

All operations closed on Sundays. The rail line --

Number Two (2), Condition Number Two (2): Rail line shipments are prohibited between the hours of 8 p.m. to 7 -- until 7 a.m. Monday through Saturday. Walkup pedestrian traffic conditions Number Three -- I'm sorry. Walkup pedestrian traffic is prohibited. This policy shall be posted on site with signage in accordance to the East Point Ordinance Code of Ordinances, Section Number Ten-7017.F.

Condition Number Four (4), alluminum processing as must occur indoors. That's it.

DR. BRIDGEWATER, JR.: Thank you, Staff. You've heard from -- Commissioners, you've heard from Staff. At this time, we will entertain a motion on the matter, please.

MS. JONES: Mr. Chairman. I recommend to City Council approval of the Special-use Permit to allow recycling in Case Number 2010 "U" as in uncle, 001-004, with the associated, hum, conditions hum --

One (1), operation of hours outdoors, Monday through Friday, 7 a.m. to 5 p.m., Saturday, 7 a.m. to 12 p.m.

Indoor hours of operation: Monday through Friday 7 a.m. to

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8 p.m., Saturday, 7 a.m. to 12 p.m. All operations are closed on Sunday.

The Second Condition is that rail shipments be prohibited between the hours of 8 p.m. and 7 a.m., Monday through Saturday.

The Third Condition: Walkup pedestrian traffic is prohibited. This policy shall be posted onsite with signages in accordance with the Sign Ordinance Section 10-7017(F).

And fourth (4th): The alluminum processing is must occur indoors.

DR. BRIDGEWATER, JR.: Thank you, Commissioner Jones. You've heard the motion. Is there a second?

MS. PATTERSON: Second.

DR. BRIDGEWATER, JR.: Seconded by Commissioner Patterson. All in favor, at this time, Commissioners --

MR. FRIEDLY: I'd like to have some discussion.

DR. BRIDGEWATER, JR.: Discussion, Commissioner Friedly, yes.

MR. FRIEDLY: Hum, I would oppose, hum -- is there something wrong with the "mic" here?

DR. BRIDGEWATER, JR.: No. Go ahead.

MR. FRIEDLY: Hum, I would oppose the approval of the Special-use Permits, hum, specifically regarding associated Condition Number Three (3).

Hum, I mean, I think that it's obvious that you need to put up a sign telling people that they can't push baby carriages up to the

1 facility which is full of trash, but you can put a sign out by a bowl of
2 milk on your front porch that says "no cats" and cats may still come.
3 So I think that whether you put up a sign or not, the very fact that
4 this facility is there and open for business, is going to attract that
5 kind of traffic.

6 Hum, as Mr. Dingle stated, the City of East Point is only
7 thirteen (13) square miles or something like that. I -- it seems
8 surprising to me that we'd want two (2) junkyards in that tiny space
9 and encourage that kind of traffic, which is inevitably going to
10 happen whether Spring Metal wants it or not. There was an article
11 actually in the Sunday New York Times about metal, if you will read.

12 I think the fact that we have two (2) of these facilities in such
13 a tiny space is by definition what we would encourage people who
14 are either stealing metal locally or someone else and bringing it here.
15 It's -- to me, there are a number of concerns about this whole
16 project.

17 Hum, I share the community's concerns and, hum, that is my
18 specific, hum, opposition to the Special-use Permit that's -- I just
19 don't think that putting up a sign is going to keep anyone who wants
20 to sell a bunch of junk in a shopping cart from coming down Sylvan
21 Road, coming through Jefferson Park and bringing their junk to
22 Spring Metal.

23 DR. BRIDGEWATER, JR.: Thank you. Are there other
24 Commissioners's discussion?

25 MS. JONES: Hum, Chairman Bridgewater.

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DR. BRIDGEWATER, JR.: Commissioner Jones.

MS. JONES: Hum, I just want to make sure that my understanding of this Special-use Permit is clear, that this is a time-specific use and that at the expiration of that, hum, small window of time, they would have to come back and reapply for it to use in that matter again, is that correct?

MS. CARTER: Special-use is a three (3) year limit. Special-use Permit, I'm sorry, is a three (3) year limit and then the applicant would have to reapply.

DR. BRIDGEWATER, JR.: Other Commissioners? Commissioner Tucker.

MR. TUCKER: Well, I also opposed it based on the fact that business going to be open until 12 p.m. Hum, I don't know how many of you here stay up until 12 p.m. but I'd rather not hear noises until 12 so I'd have to oppose.

DR. BRIDGEWATER, JR.: Commissioner, I think that's 12 noon. That's 12 noon, they were saying. Yeah, 12 noon, p.m. Okay.

MR. TUCKER: I'm sorry.

DR. BRIDGEWATER, JR.: Commissioners.

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: Seeing no other Commissioners that have desire to engage in discussion at this time. The motion has been stated. We call for all that are in favor to let it known by the word "aye."

1 THE BODY: Aye.
2 DR. BRIDGEWATER, JR.: Opposes.
3 MR. FRIEDLY: Opposed.
4 MR. TUCKER: Opposed.
5 DR. BRIDGEWATER, JR.: Again, Staff would you do a roll call,
6 please.
7 (Whereupon Chairman Bridgewater, Jr. requests a roll call.)
8 MS. HOLMES: Commissioner Friedly,
9 MR. FRIEDLY: Opposed.
10 MS. HOLMES: Commissioner Tucker.
11 MR. TUCKER: Opposed.
12 MS. HOLMES: Commissioner Jones.
13 MS. JONES: Aye.
14 MS. HOLMES: Commissioner Patterson.
15 MS. PATTERSON: Aye.
16 MS. HOLMES: Commissioner Bryant.
17 DR. BRYANT: Aye.
18 MS. HOLMES: We have a vote in the affirmative.
19 DR. BRIDGEWATER, JR.: It passes as well, three (3) to two
20 (2). Thank you Commissioners for your participation and, hum,
21 certainly at this time, Staff, that was the final part of all of that?
22 MS. CARTER: Yes.
23 DR. BRIDGEWATER, JR.: Okay. Thank you. Hum, thank all
24 of you for coming, hum -- citizens and we appreciate your input in
25 this matter. Thank you so much. If you need to be excused you

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may do that at this time.

Staff, are there any matters or announcements that you'd like to make?

MS. CARTER: There are no announcements.

IX. COMMISSION DISCUSSION ON EXISTING MULTI-FAMILY PROPERTIES:

MS. CARTER: However, Item Number Nine of your agenda is your discussion, the Commission discussion, on duplexes in Multi-family rezoning. That Item had been brought forward by Paul Lawler who is not in attendance this evening.

DR. BRIDGEWATER, JR.: So, are you finish? I was waiting on you, Ms. Carter.

MS. CARTER: I'm sorry. Hum, that discussion was brought forth by Paul Lawler. It's up to the Commission if you would care to have your discussion anyway, because our minutes are verbatim, however, hum, Mr. Lawyer can get the verbatim minutes or you all can table it until our next meeting.

MS. PATTERSON: I move that we table until our next meeting so that we have as many Commissioners present as possible because the issue itself is very very important and we need everybody's input.

MR. TUCKER: I agree.

DR. BRIDGEWATER, JR.: Is there a second?

MR. TUCKER: Second.

DR. BRIDGEWATER, JR.: It has been motioned by

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Commissioner Patterson and seconded by Commissioner Tucker that we table this matter, hum, that was brought up by Commissioner Lawler, who is absent so that he can be present to participate in the discussion and hopefully we will have a full Body because of the significance of the matter so that all Commissioners can partake in the discussion. All in favor let it be know by the word "aye."

THE BODY: Aye.

DR. BRIDGEWATER, JR.: Opposed by the same sign.

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: And we will table that matter until our next meeting which is going to be our June meeting.

MS. CARTER: Correct.

DR. BRIDGEWATER, JR.: Thank you. Are there other announcements?

IX. ANNOUNCEMENTS:

MS. CARTER: None.

DR. BRIDGEWATER, JR.: Susan, were you trying to say something?

MS. GARRETT: No.

DR. BRIDGEWATER, JR.: Okay. Commissioners, are there announcements?

THE BOYD: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, seeing none, I will entertain a motion for adjourn.

X. ADJOURNMENT:

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MR. TUCKER: I motion to adjourn.

DR. BRIDGEWATER, JR.: Commissioner Tucker has made a motion to adjourn. Is there a second?

DR. BRYANT: Second.

DR. BRIDGEWATER, JR.: Seconded by Commissioner Bryant. All in favor let it be none by the word "aye."

THE BODY: Aye.

DR. BRIDGEWATER, JR.: Opposed by the same sign.

THE BODY: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, we are not adjourning the May 20th, 2010 session of the City of East Point Planning & Zoning Commission.

(Whereupon this concludes the Planning & Zoning meeting of May 20th, 2010.

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Attest

I hereby attest that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 52 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 stenography services to take down the meeting minutes.

The foregoing meeting for the City of East Point Planning & Zoning Commission on May 20, 2010, at 7 o'clock P.M. were taken down by me and transcribed by me this 1st day of June, 2010.

Jeanene Harper
Court Reporter