

1 CITY OF EAST POINT

2 **PLANNING & ZONING COMMISSION**

3 August 19th, 2010 - 7:00 P.M.

4 Official Minutes

5 Regular Meeting

6 East Point, Georgia

7 Jefferson Station

8 1526 East Forrest Avenue

9 4th Floor

10 **Board Members Present:**

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

12 Commissioner Shean **ATKINS**, Co-Chair

13 Commissioner Francine **JONES**, Provisional Chair

14 Commissioner Eddie **BRYANT**

15 Commissioner Dr. William **BRYANT**

16 Commissioner Dr. Lydia **WARES**

17 Commissioner Eric **FRIEDLY**

18 Commissioner Joel **TUCKER**

19 Board Members Absent:

20 Commissioner Linda **SHELDON**

21 Also Present:

22 Ms. Susan **GARRETT**
City Attorney

23 Ms. Regina **CARTER**
Senior Planner

24 Ms. Keyetta **HOLMES**
Senior Planner

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APPEARANCES

<u>APPLICANTS:</u>	<u>Page</u>
Duke Realty Limited	9
George Kyiamah	14

SPEAKERS

Steve Rothman	9
George Kyiamah	14

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Index

<u>Description</u>	Page
Call to Order	4
Roll Call	4
Moment of Silence	5
Pledge of Allegiance	5
Adoption of Agenda	5
Special Presentation	6
Approval of Meeting Minutes	8
Old Business	9
New Business	12
Announcements	18
Adjournment	18

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I. CALL TO ORDER:

DR. BRIDGEWATER, JR.: Ladies and gentlemen, we call to order, the meeting of the East Point Planning and Zoning Commission for August the 19th, 2010. It is our custom, at this time, to have roll call.

II. ROLL CALL:

MS. HOLMES: Commissioner Friedly.
MR. FRIEDLY: Here.
MS. HOLMES: Commissioner Wares.
DR. WARES: Present.
MS. HOLMES: Commissioner Tucker.
MR. TUCKER: Here.
MS. HOLMES: Commissioner Jones.
MS. JONES: Here.
MS. HOLMES: Commissioner Bridgewater.
DR. BRIDGEWATER, JR.: Present.
MS. HOLMES: Commissioner Atkins.
MR. ATKINS: Present.
Ms. HOLMES: Commissioner E. Bryant.
MR. BRYANT: Present.
MS. HOLMES: Commissioner Sheldon.
MS. SHELDON: (No response.)
MS. HOLMES: Commissioner W. Bryant.
DR. BRYANT: Present.
MS. HOLMES: You have a quorum.

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DR. BRIDGEWATER, JR.: Thank you, Madam Secretary. It has been our custom that at this time, we observe a moment of silence. We ask that you would do that for us, at this moment, observe a moment of silence, please.

III. MOMENT OF SILENCE:

DR. BRIDGEWATER, JR.: Thank you. At this time, we'll do the Pledge of Allegiance. If we will all stand, please.

IV. PLEDGE OF ALLEGIANCE:

DR. BRIDGEWATER, JR.: Commissioners, we'd like to call for an adoption of tonight's agenda, please. Do I hear a motion?

V. ADOPTION OF AGENDA:

MR. ATKINS: Mr. Chair, I move that we adopt our agenda as printed.

DR. BRYANT: Second.

DR. BRIDGEWATER, JR.: Thank you Commissioner Atkins. Seconded by Commissioner William Bryant. It has been motioned and seconded that our minutes be approved. Are there any question or corrections?

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Not hearing none, the minutes stand approve. All in favor?

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: No opposes then the minutes stand approved. Hum, tonight, also, we have a couple of -- it's a special night. Every night is special. But tonight, we have two presentations

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to two of our former commissioners who are here and I'm going to ask if they would come at this time. We have a special presentation. In the presence of Former Commissioner Ms. Pamela Patterson and Former Commissioner Mr. Paul Lawyer.

VI. SPECIAL PRESENTATION:

(Whereupon Ms. Pamela Patterson and Mr. Paul Lawler approach the podium.)

DR. BRIDGEWATER, JR.: Thank you so very much. The first presentation is to our Former Commissioner Pamela Patterson. It reads: Certificate of Appreciation. This certificate is awarded to Ms. Pamela Patterson in recognition of her committed service to and valued expertise shared with the City of East Point Planning and Zoning Commission for six and a half years.

Your participation as a member from 2004 until 2010 represent a continuous adherence to all ordinances, policies, regulations and procedures adopted by the City Council with respect to respect zoning related matters. This is presented to you on this August 19th, 2010. It is signed by the Honorable Mayor Earnestine D. Pittman and also signed by Mr. Crawford and we salute you, Commissioner. Why don't you put your hands together for Ms. Patterson.

(Whereupon the audience applause Ms. Pamela Patterson.)

MS. PATTERSON: Thank you so much. I will miss the Commissioners and, hum, I'm very proud to be a part of the City of East Point for as long I was. I love the City and I, hum, and I will be

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anxiously watching as it moves forward into doing great and wonderful things and it continue to develop as a wonderful place for people to live. Thank you.

DR. BRIDGEWATER, JR.: Thank you for your service and for your words of kindness. The second certificate of appreciation goes to a long-time friend and we've worked on a number of other Commissions in the area together goes to Mr. Paul Lawler. It reads: The certificate is awarded to Mr. Paul Lawyer in recognition of your committed service and valued expertise shared with the City of East Point Planning and Zoning Commission for two and a half years.

Your participation as a member from 2008 to 2010 represented continued adherence to all ordinances, policies, regulations and procedures adopted by the City Council. With respect to zoning-related matters, it is presented to you, Mr. Lawler, on this August the 19th, 2010 and it is signed by our Honorable Mayor Earnestine D. Pittman and the City Manager, Mr. Crawford. God bless you and we appreciate you. Thank you.

MR. LAWLER: Thank you very much. I appreciate it. I'll miss you all, too. Thank you. Hum, well, Commissioners and Staff, thank you very much, huh, the citizens of East Point. Hum, the City is a wonderful place to live. Hum, we miss it. Hum, it's a unique place and a, hum, a capable City and, huh, the City is lucky to have a unique and capable Commission and Staff to take care of it and steward it through it's future. So thank you very much. Appreciate it. Thank you.

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(Whereupon the audience applause the speakers.)

DR. BRIDGEWATER, JR.: Also, I'd like to say, at this time, you may notice that we have a new Commissioner, Commissioner Eddie Bryant. I'd like to welcome you, sir, huh, to the East Point Planning and Zoning Commission.

MR. E. BRYANT: Thank you very much.

DR. BRIDGEWATER, JR.: Thank you so much. At this time we will call for the Old Business -- approve the July 15th minutes -- approval of the July 15th minutes. Can I have a motion, please?

VII. APPROVAL OF MEETING MINUTES:

MR. ATKINS: Mr. Chair, I move that we approve the minutes from our July 15th, 2010 meeting.

DR. WARES: Second.

DR. BRIDGEWATER, JR.: It has been moved by Commissioner Atkins and seconded by Commissioner Wares that the minutes for July 15th, 2010 be accepted. Are there any corrections to the minutes?

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: Hearing none, all in favor of the minutes being approved let it been known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes?

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the minutes are approved. Commissioner Atkins, I don't know what I would do

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without you. Thank you for keeping me on track. You're by sidekick.
Hum, at this time, we will call for the Old Business.

VIII. OLD BUSINESS:

DR. BRIDGEWATER, JR.: And the first case under Old
Business is 2009P-001-02 for Duke Realty. Can I hear -- okay. The
applicant is Duke Realty.

(Whereupon Applicant Steve Rothman approaches the
podium.)

MR. ROTHMAN: Good evening Commissioners. My name is
Steve Rothman at 2849 Paces Ferry Road and I'm here on behalf of
the applicant. Hum, we are seeking a subdivision, hum, of a parcel
of land. It's already developed so it's an after-the-fact subdivision.
We've submitted the paperwork. We've gotten comments back from
Staff. We've revised the plans resubmitted back to the Staff and we
have, hum, respectfully ask that you move this forward with the
recommendation of approval. Thank you. Oh, I'm also joined with
Sandra Reeves, hum, who's here with Duke Realty and, hum, if you
have any questions, we're here and available to answer them.

MR. ATKINS: Thank you Mr. Rothman. I think that this
particular agenda item does not require a public hearing and so at
this time, we will just need to hear Staff sound the agenda item and
then the Commission will, hum, then make a motion for this
particular item. Thank you.

MS. CARTER: Case Number 2009 "P" as in Paul--001-02.
Applicant is Duke Realty Limited represented by Wilson Brock and

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Irby. Location is cam Camp Creek Parkway and Centre Parkway, hum, Camp Creek Business Center. Final plat, fourteen (14) lots. Staff's recommendation is approval subject to completion of all Water Resource, Public Works and Public Works items prior to Council's meeting on September 20th, 2010.

DR. BRIDGEWATER, JR.: Thank you. So at this point, hum, you've actually had -- seems at this point, we need to go and see if there are -- any other comments following that?

MR. ATKINS: No. No, sir. Mr. Commissioner, we would have to have a motion and then it can be seconded and then it can be opened for discussion, hum, and then we can ask Staff if, hum, the applicant has meet the conditions as stated by Staff or if we'd like to move forward with it as long as those things are taken care of depending upon whatever the motion is but at this time, a motion is in order.

DR. BRIDGEWATER, JR.: Thank you. We will call for a motion.

MR. ATKINS: Mr. Chair, I move approval of this particular agenda item with the conditions as stated by Staff.

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

DR. WARES: Second.

DR. BRIDGEWATER, JR.: DR. WARES: Thank you. It has been motioned by Commissioner Atkins and seconded by Commissioner Wares that this particular agenda item be accepted with conditions of Staff. All in favor?

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COMMISSIONERS: Discussion?

MR. ATKINS: Are we going to have discussion? So at this point, we did not have discussion since it's been moved and seconded and so I just wanted to know -- I know that there are some outstanding items and I'm not sure if the applicant has met those conditions as of yet or if they're on track to meet those before the aforementioned Council Meeting.

DR. BRIDGEWATER, JR.: And we are talking about the approval of the Water Resources and all that.

MS. CARTER: There are items from, hum, Water Resources. I'm not sure of Public Works. They did not give me their comments. However, I did speak with Water Resources and they do have some items. Hum, however, hum, the agreement that I understand with Water Resources, Public Works and the attorney was that they would get until, hum -- the time between now and their meeting with Council, the actual Council meeting, to finish those items.

MR. ATKINS: Okay. All right. I'm fine with that.

DR. BRIDGEWATER, JR.: You're okay with that?

MR. ATKINS: Uh-huh.

DR. BRIDGEWATER, JR.: Are there other Commissioners who have questions or comments? Commissioner Wares.

DR. WARES: Just, hum, when is the actual Council meeting? Are we talking about next week?

MS. CARTER: No. September 20th is the Council meeting.

DR. WARES: Okay. Thank you.

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MR. ATKINS: That seems plenty of time --

VIDEOGRAPHER: Microphone, please. MR. ATKINS: Hum, and that seems like it's plenty of time so Mr. Rothman we would expect you all to meet that because this vote is contingent upon meeting that deadline.

MR. ROTHMAN: And we understanding that.

MR. ATKINS: Okay.

DR. BRIDGEWATER, JR.: With that understanding and that additional information, are you ready to vote Commissioners?

COMMISSIONERS: Yes.

DR. BRIDGEWATER, JR.: All in favor?

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none this matter is recommend to Council for the 20th.

MR. ROTHMAN: Thank you very much.

MR. ATKINS: You're welcome.

IX. NEW BUSINESS:

DR. BRIDGEWATER, JR.: Thank you. I think the next matter does require a public hearing. Is that correct?

MR. ATKINS: That is correct.

MS. GARRETT: Mr. Chair, let me just say, before you read the public hearing procedures that the public hearing procedures refer to the Zoning Applicant in the Zoning Amendment but we have

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also adopted those Public Hearings Procedures for variance applications, which is what this is going to be. So you can read it as it is written. I just want the public to understand that it also applies to a variance act.

DR. BRIDGEWATER, JR.: All right. Thank you. Huh, and now, the rules for public hearing for Planning and Zoning Amendment are as follows: The applicant for the proposed amendment or applicant's designee representative, if any, will be entitled to speak first followed by other speakers in favor of the proposal for fifteen (15) -- a total of fifteen (15) minutes.

Those who oppose the zoning amendment will then be permitted to speak for a total of fifteen (15) minutes. By majority of vote, the Council may increase the total time for the speakers provided each side is given the same amount of time. If there are more than one speaker for a 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 allotted time for rebuttal. Speaker must adhere the 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 merit of the proposed zoning decision under consideration, shall address remarks only to the Council, and shall refrain from making personal attacks on any other speakers. The presiding officers may refuse the speaker the right to continue if after first being cautioned the speaker continues to violate the Rules of

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Decorum. Commissioners, I will now entertain a motion to open the floor for a public hearing.

MR. ATKINS: Mr. Chair, I move that we open a public hearing for 2010 "V" as in Victor-004-07.

DR. BRIDGEWATER, JR.: Second?

MS. JONES: Second.

DR. BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Jones that we open the hearing on this said matter as stated. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes?

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the floor is now open for a public hearing. We will call now for the applicant.

(Whereupon the Applicant George Kyiamah approaches the podium.)

MR. KYIAMAH: Good evening.

DR. BRIDGEWATER, JR.: Good evening, sir.

MR. KYIAMAH: My name is George Kyiamah and I'm representing my client and he is proposing to --

DR. BRIDGEWATER, JR.: State your address also, please.

MR. KYIAMAH: My address. I'm from VAK Consulting. My address is 1560 Julianna Drive, Loganville, Georgia 30052. My client is proposing to construct a two-story, hum, medical office at 2665

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Arcadia Street. At the moment we are short on parking and the required parking is twenty (20). However, I would be able to obtain 16 spaces so he has asked me to request a variance to request a reduction required parking from twenty (20) to sixteen (16) spaces and that's why I'm coming before you.

DR. BRIDGEWATER, JR.: Thank you, sir. Are there other proponents that wish to speak at this time?

(Whereupon there are no other proponents who wish to speak at this time.)

DR. BRIDGEWATER, JR.: Other proponents?

(Whereupon there are no other proponents who wish to speak at this time.)

DR. BRIDGEWATER, JR.: Are there any opponents that wish to speak at this time that oppose to this matter?

(Whereupon there are no other proponents who wish to speak at this time.)

DR. BRIDGEWATER, JR.: Any opponents?

(Whereupon there are no other proponents who wish to speak at this time.)

DR. BRIDGEWATER, JR.: Seeing none Commissioners, I'll entertain a motion to close the public hearing.

MR. ATKINS: Mr. Chair, I move that we close the public hearing for agenda item 2010 "V" as in Victor-004-07.

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

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DR. WARES: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by Commissioner Wares that the public hearing be closed on the said matter. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposing by the sign, no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the hearing is now closed. At this time we will hear from Staff.

MS. CARTER: Case Number 2010 "V" as in Victor-004-09 applicant is George Kyiamah. Hum, location is 2665 Arcadia Street. Applicant seeks a variance, hum, to reduce the parking requirement from twenty (20) spaces to sixteen (16) spaces for a medical office.

Staff's recommendation for this application is approval of request as in accordance to the hardship with Section 10-1011 (4B) of the East Point Zoning Code of Development Regulations.

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

DR. WARES: Hum, Mr. Chair. I just have a question about the Case Number before we do that. Hum, when she announced it, hum, the last number was a nine (9) and on our sheets it's a seven (7). So could we clarify that so that we will be on the same page?

MS. CARTER: Sure. It is 2010 "V" as in Victor-004-07.

1 DR. BRIDGEWATER, JR.: Thank you.

2 MS. CARTER: Uh-huh.

3 DR. BRIDGEWATER, JR.: Commissioners, again, I will
4 entertain a motion.

5 MS. JONES: Mr. Chair.

6 DR. BRIDGEWATER, JR.: Yes, Commissioner Jones.

7 MS. JONES: I make a recommendation, hum, to approve
8 Case Number 2010V-004-07. Hum, I recommend approval.

9 MR. ATKINS: Second.

10 DR. BRIDGEWATER, JR.: It has been motioned by
11 Commissioner Jones and seconded by Commissioner Atkins that this
12 particular case matter be approved. All in favor?

13 COMMISSIONERS: Aye.

14 DR. BRIDGEWATER, JR.: Any discussion?

15 COMMISSIONERS: (No response.)

16 DR. BRIDGEWATER, JR.: Hearing none, all in favor --

17 COMMISSIONERS: Aye.

18 DR. BRIDGEWATER, JR.: -- let it be known. Were you going
19 to say something? All in favor? Commissioners, again all in favor?

20 COMMISSIONERS: Aye.

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

22 MR. E. BRYANT: No.

23 DR. BRIDGEWATER, JR.: One (1) no. Let the record show
24 that, please. Then, I think that concludes our agenda for tonight. It
25 was short. Again, are there any announcements from Staff at this

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time?

X. ANNOUNCEMENTS:

MS. CARTER: No. There are none. Thanks.

DR. BRIDGEWATER, JR.: All right. Commissioners, are there any announcement coming from either of you?

DR. WARES: Just a brief announcement from me. It's the third (3rd) Saturday of the month and you know I'm a vending lady so I'm calling it an estate sale now. We will be at Campbellton and Delowe from 8 in the morning until about 6. Come and support us. Thank you.

DR. BRIDGEWATER, JR.: That's it? All right. Commissioners, I'll entertain a motion for dismissal.

XI. ADJOURNMENT:

MR. ATKINS: Mr. Chair, I move that we adjourn.

DR. BRYANT: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by, huh, Commissioner William Bryant that we adjourn. All in favor let it be known by the sign "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposing by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: The meeting of East Point Zoning is adjourned.

(Whereupon this concludes the City of East Point Planning and Zoning meet for August 15th, 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 19 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 August 19, 2010, at 7 o'clock P.M. were taken down by me and transcribed by me this 2nd day of September, 2010.

Jeanene Harper
Court Reporter