

CITY OF EAST POINT

PLANNING & ZONING COMMISSION

January 20th, 2011 - 7:00 P.M.

Official Minutes

Regular Meeting

East Point, Georgia

Jefferson Station

1526 East Forrest Avenue

4th Floor

Board Members Present:

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

Commissioner Shean **ATKINS**, Co-Chair

Commissioner Francine **JONES**, Provisional Chair

Commissioner Linda **SHELDON**

Commissioner Eddie **BRYANT**

Commissioner Eric **FRIEDLY**

Commissioner Dr. Lydia **WARES**

Commissioner Joel **TUCKER**

Commissioner Dr. William BRYANT

Board Members Absent: None

Also Present:

Ms. Susan **GARRETT**
City Attorney

Ms. Regina **CARTER**
Senior Planner

ABSENT: Ms. Keyetta **HOLMES**
Senior Planner

James **HAMMOND**
Videographer

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APPEARANCES

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US Used Metals, Inc.	16

SPEAKERS

Kelly Eayrs	9
Attorney Charles Brant	16

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I. CALL TO ORDER:

COMMISSIONER BRIDGEWATER, JR.: Ladies and gentlemen, we call to order the January 20th meeting of the East Point Planning & Zoning Commission. At this time, Clerk, would you call the roll, please.

II. ROLL CALL:

MS. CARTER: Commissioner Friedly. Commissioner

COMMISSIONER FRIEDLY: (No response.)

MS. CARTER: Commissioner Wares.

COMMISSIONER WARES: Present.

MS. CARTER: Commission Tucker.

COMMISSIONER TUCKER: Present.

MS. CARTER: Commissioner Jones.

COMMISSIONER JONES: Present.

MS. CARTER: Commissioner, 'um, Bridgewater.

COMMISSIONER BRIDGEWATER, JR.: Present.

MS. CARTER: Commissioner Atkins.

COMMISSIONER ATKINS: Present.

MS. CARTER: Commissioner E. Bryant.

COMMISSIONER E. BRYANT: Here.

MS. CARTER: Commissioner Sheldon.

COMMISSIONER SHELDON: Here.

MS. CARTER: And Commissioner Bryant, William Bryant.

COMMISSIONER WILLIAM BRYANT: Present.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam

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Clerk.

MS. CARTER: We have a quorum.

COMMISSIONER BRIDGEWATER, JR.: Thank you. At this time, ladies and gentlemen, we will call our customary tradition of observing a moment of silence at this time.

III. MOMENT OF SILENCE:

COMMISSIONER BRIDGEWATER, JR.: Thank you. At this time, now, we will do the Pledge of Allegiance. If you will all stand.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER BRIDGEWATER, JR.: Thank you. Commissioners at this time, we will entertain a motion for the adoption of tonight's agenda.

V. ADOPTION OF AGENDA:

COMMISSIONER ATKINS: . Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: I move that we adopt the agenda as presented.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Wares that we will adopt the agenda as printed. Are there any necessary change or additions?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, all in favor, let it be none by the word aye.

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COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Tonight's agenda is an adopted. At this time, we will need an approval for our minutes, 'um, of November, the 18th, which we deferred for this meeting, approval for the November the 18th, 2010 minutes.

VI. APPROVAL OF NOVEMBER 18, 2010 MINUTES:

COMMISSIONER JONES: Mr. Chair. I motion that we approve -- huh, approve of November 18th, 2010 meeting minutes.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER WILLIAM BRYANT: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Jones and seconded by Commissioner William Bryant that the minutes from the City of East Point Planning & Zoning Commission meeting of November the 18th, 2010 be approved as Staff. Are there any additional corrections?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: If not, all in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the

1 minutes are unanimously approved. Also, Commissioners, we will
2 need an approval for the December the 16th, 2010 minutes.

3 **VII. APPROVAL OF DECEMBER 16, 2010 MINUTES:**

4 COMMISSIONER ATKINS: Mr. Chair.

5 COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

6 COMMISSIONER ATKINS: I move approval of December -- of
7 our December 16th, 2010 meeting minutes.

8 COMMISSIONER BRIDGEWATER, JR.: Is there a second?

9 COMMISSIONER WILLIAM BRYANT: Second.

10 COMMISSIONER BRIDGEWATER, JR.: It has been motioned
11 by Commissioner Atkins and seconded by Commissioner William
12 Bryant that the December the 16th, 2010 minutes of the City of East
13 Point Planning & Zoning Commission be approved. All in favor let it
14 be known by the word aye.

15 COMMISSIONERS: Aye.

16 COMMISSIONER BRIDGEWATER, JR.: Opposes with the sign
17 no.

18 COMMISSIONERS: (No response.) Hearing none, then those
19 minutes are now approved. Great. Thank you Commissioners. At
20 this time our first order of business is -- we'll have the Clerk sound
21 the first one, please.

22 **VII. NEW BUSINESS:**

23 MS. CARTER: Case Number 2010Z-014-11. Applicant is Kelly
24 Eayrs. Property location is 1875, 1877 Dunlap Avenue. Applicant is
25 requesting approval of a rezoning from an R1A, Urban Residential to

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R2, Two Family Residential. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you. At this time, before we open the floor for a motion for -- or before we make a motion to -- or entertain a motion to open the floor for a public hearing, allow me at this time to read the rules for the public hearing procedure for the Planning and Zoning.

(Whereupon the Planning & Zoning Rules are read.)

COMMISSIONER BRIDGEWATER, JR.: And the rules are as follows: The applicant for the proposed amendment or applicant's designated representative, if any, will be entitled to speak first followed by other speakers in favor of the proposal for a total fifteen minutes. Those who propose -- who oppose the proposed zoning amendment will then be permitted to speak for a total of fifteen minutes. By a majority of vote, the Commission may increase the total time for a speaker provided that each side is given the same amount of time. If there is 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 time for rebuttal. Speakers must adhere to the rules of decorum. Prior to speaker, each speaker shall identify himself/herself and state his or her current address. Each speaker shall speak only to the permits of the proposed zoning decision under consideration, shall address remarks only to the Commission and shall refrain from making personal attacks on any other speaker. The

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presiding officer may refuse a speaker the right to continue, if after being cautioned, the speaker continues to violate the rules of decorum. Commissioners, at this time, having read the rules for public hearing, I'll now entertain a motion to open the floor.

COMMISSIONER ATKINS: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: I move that we open the public hearing for Agenda Item 2010 "Z" as in zebra-014-11.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Is there a second?

COMMISSIONER WARES: I second.

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

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, then the floor is now open for public hearing. At this time we'll hear from the applicant. If you'll come forward, sir, and state your name and address. Speak directly into the mic. That would be great.

(Whereupon the applicant approach the podium.)

SPEAKER: My name is Kelly Eayrs. I'm at sixteen hundred

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Vesta Avenue, Apartment 48, that's College Park, 30337.

COMMISSIONER BRIDGEWATER, JR.: Go ahead.

APPLICANT KELLY EAYRS: 'Um, fair enough, my case is simple. It's, 'um, multifamily, huh, duplex. It was originally built that way but I'm just trying to get it rezoned for a R1 to a -- I'm new at this -- I think it's a R2, right?

MS. CARTER: Yes.

APPLICANT KELLY EAYRS: 'Um, like I say, it's got multiple -- huh, two separate meters, water, gas. All that is originally set up that way, so just doing what ever I have to do.

COMMISSIONER BRIDGEWATER, JR.: That's it?

APPLICANT KELLY EAYRS: Yep.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Thank you, sir.

APPLICANT KELLY EAYRS: Thank you.

COMMISSIONER BRIDGEWATER, JR.: Are there others that wish to speak in favor of this proposed matter before the Commission at this time. Are there others?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there opponents that wish to speak against the proposed ordinance?

AUDIENCE: (No response.)

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

COMMISSIONER ATKINS: Mr. Chair. I move that we close

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the public hearing for Agenda Item 2010 "Z" as in zebra-014-11.

COMMISSIONER SHELDON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's has been motioned by Commissioner Atkins and seconded by Commissioner Sheldon that we close the public hearing on the said stated matter. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now closed. Staff.

MS. CARTER: Application 2010Z-014-11. Applicant Kelly Eayrs. Property location is 1875, 1877 Dunlap Avenue. Applicant is seeking approval of rezoning from R1A, Urban Residential to R2, Two Family Residential. Staff recommends approval of the proposed rezoning. Please let it be stated that the applicant -- this property is a, 'um -- it is not in -- it still has it's conformity so he is still rezoning the property even though he does not have to. Does that make sense?

COMMISSIONER BRIDGEWATER, JR.: Commissioners, did you all understand that from Staff?

MS. CARTER: He has not lost his grandfathering --

COMMISSIONER BRIDGEWATER, JR.: Okay.

MS. CARTER: -- however --

1 COMMISSIONER BRIDGEWATER, JR.: That's -- okay.

2 MS. CARTER: -- he is still --

3 COMMISSIONER ATKINS: So his -- so this time, he is just

4 really trying to make sure that the zoning is in line with the original

5 intent of the building, which is multi family?

6 MS. CARTER: Correct.

7 COMMISSIONER BRIDGEWATER, JR.: Very good. Well said.

8 Commissioner Jones.

9 COMMISSIONER JONES: Just one question. 'Um, is it

10 currently zoned R1A or no?

11 MS. CARTER: It's currently zoned R1A, however, he has not

12 lost his conformity. He still has his grandfathering but he wants to

13 change it from R1A to R2 so that it is in conformity with the actual

14 land-use map and the intent and the use currently for the property.

15 COMMISSIONER BRIDGEWATER, JR.: Commissioner --

16 COMMISSIONER ATKINS: Do you get that, Francine?

17 COMMISSIONER JONES: Yes, I got it that.

18 COMMISSIONER ATKINS: Okay. Okay.

19 COMMISSIONER BRIDGEWATER, JR.: Thank you,

20 Commissioners. Huh, all in favor, 'um --

21 COMMISSIONER ATKINS: Go ahead with the motion, first.

22 COMMISSIONER BRIDGEWATER, JR.: We'll entertain a

23 motion at this time. Sorry.

24 COMMISSIONER TUCKER: Mr. Chair.

25 COMMISSIONER BRIDGEWATER, JR.: Mr. , 'um, Tucker.

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COMMISSIONER TUCKER: I make a motion that on Application 2010Z-014-11, that we accept the recommendation from Staff.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Is there a second?

COMMISSIONER JONES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker and seconded by Commissioner Jones that we accept the recommendation for approval of the said stated matter. There they discussion at this time?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Without further discussion, all in favor --

COMMISSIONER WARES: Mr. Chair, 'um, just this one discussion --

COMMISSIONER BRIDGEWATER, JR.: Commissioner Wares.

COMMISSIONER WARES: -- that I think is appropriate. I understand why he's changing it and all that and -- but if you have a grandfather, why do it if the grandfather doesn't state the same thing? I mean, it's just for clarity for me.

COMMISSIONER BRIDGEWATER, JR.: Staff, please.

ATTORNEY SUSAN GARRETT: The significance of rezoning is that the -- because it is grandfathered or it's currently a legal none conforming use, then it is legal to use it as a duplex, even though that doesn't comport with the current zoning but it would be subject

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in the future to losing that legal nonconforming status, 'um, and as Staff has pointed out, it would just bring it in to being consistent with, 'um, the zoning.

COMMISSIONER WARES: And this will just erase -- the grandfather thing won't be there after this, if it's approved.

ATTORNEY SUSAN GARRETT: The grandfathering becomes irrelevant because it's now conforming.

COMMISSIONER WARES: Okay. Okay. Thank you.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Commissioner, 'um, Wares for your question but also thank you Attorney Garrett for clarification. Huh, Commissioners, are we ready to vote? Are there any other further discussions?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Without any further discussion, all in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the matter is approved. Thank you. Sir, thank you so much. Huh, the next matter, huh, Madam Clerk.

MS. CARTER: Case Number 2010Z-015-12. 'Um, and then there is also Case Number 2010U-003-12 with a concurrent, 'um -- three-part concurrent variance, Case Number 2010 "V" as in

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Victor-006-12. Applicant is U.S. Used Metals, Inc., Charles Brant. Property location is 1524 East Taylor Avenue. The applicant is seeking approval of rezoning from I1, Light Industrial to I2 Heavy Industrial with a special use permit and a three-part concurrent variance to allow recycling on an existing site. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk and the rules of the public hearing have already been stated and are applicable in this case as well. Since it is a three-part case, we will do them separately, huh, Commissioners. Huh, so we'll hear -- I'll entertain a motion on the first one, huh, at this time, which is the 2010 "Z" as in zebra-015-12.

COMMISSIONER ATKINS: Mr. Chair, I think that before we do a motion on this particular Agenda Item, we have to have the public hearing and so we could -- my recommendation is that we have a public hearing for all three of the items and then we break them up as per your recommendation.

COMMISSIONER BRIDGEWATER, JR.: Oh.

COMMISSIONER ATKINS: And so at this time, I recommend that -- I move that we open up the public hearing for, 'um, this particular Agenda Item, which would encompass, huh, applications 2010 "Z" as in zebra-015-12, 2010 "U" as in umbrella-003-12 and 2010 "V" as in Victor-006-12.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER WARES: I second.

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COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Wares that we open the public hearing on the said three, 'um, aforementioned cases. All in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, then the public hearing is now open. We will hear from the applicant at this time.

(Whereupon Applicant Charles Brant approach the podium.)

SPEAKER: Good evening. 'Um, I'm Attorney Charles Brant. I represent U.S. Used Metals, Inc. 'Um, the application request -- 'um, is the rezoning of approximately three point increase of land located at 1524 East Taylor Avenue in East Point, Georgia. The specific request is to rezone the property from light industrial to heavy industrial to allow for a smelting operation to take place on the interior. The fore-existing building is already on said property. The property is currently being used to dismantle old automobiles for salvage. 'Um, specifically this auto salvage operation includes four commercial buildings already on the site. The new operation involves the replacement of a smelting machine on the interior of one of the four buildings. 'Um, under the City of East Point Zoning Ordinance, the process is considered a manufacturing and therefore considered

1 as a new permissible use in the current zoning district and so the
2 purpose of this, huh, request to rezone is to get the rezoning from I1
3 to I2. The bottom line in the application, the smelting process takes
4 place in the limit area of an interior -- on the inside of one of the
5 buildings. The process therefore will result in no foreign odors, noise
6 or other pollution. I believe that, huh, this is verified by our
7 environmental report. The operation shall be restricted to normal
8 business hours and therefore, there should be no additional traffic
9 noise generated. We've interacted with Staff regarding some of the
10 issues of the application. We therefore volunteer the following
11 conditions to be included with any other conditions that we gotten
12 from Staff. 'Um, an opaque fence is now being constructed. 'Um,
13 any modification to the location to the size of the building, it is
14 located on the subject property. All smelting occurring on the subject
15 property shall take place on the interior of the existing buildings on
16 the property. The environmental report shall be generated on yearly
17 basis and provided to the City of East Point Planning for review. With
18 that in mind, we respectfully request the approval of the application
19 for rezoning and related variances and I'm available for any
20 questions.

21 COMMISSIONER BRIDGEWATER, JR.: Thank you, sir. Are
22 there other persons who would like to speak in favor of the matter
23 that is before the Commission at this time?

24 AUDIENCE: (No response.)

25 COMMISSIONER BRIDGEWATER, JR.: Are there persons

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who'd like to speak in opposition of the matter?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none or hearing none, Commissioners, at this time, we will entertain a motion to close the public hearing.

COMMISSIONER TUCKER: Mr. Chair, I move that we close the public hearing.

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker and seconded by Commissioner Atkins that we close the public hearing on the matter affecting all three cases. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, then the public hearing is now closed. Staff.

MS. CARTER: Okay. 'Um, Case Number 2010 "Z" as in zebra-015-12. Case Number 2010 "U" as in umbrella-003-12 and then Case Number 2010 "V" as in Victor-006-12. Applicant, U.S. Used Metals, Inc., Charles Brant. Property location, 1524 East Taylor Avenue. Applicant is seeking approval of rezoning from I1, light industrial to I2 Heavy Industrial with a special use permit in a three-part concurrent variance to allow recycling on an existing site.

1 Staff recommends the following approval: Staff recommends
2 approval of the rezoning case with the following conditions: The
3 property must maintain it's heavy industrial use for the purpose of
4 aluminum processing only with it's existing use. For special use
5 permit condition -- I mean, Case Number 2010U-003-12, the
6 following conditions: Hours of operation shall not exceed Monday
7 through Friday, outdoor 7 to 5 p.m., indoor, Monday through Friday,
8 7 a.m. to 8 p.m. All operations shall be closed on Saturdays and
9 Sundays. Walkup pedestrian traffic is prohibited. This policy shall be
10 posted on site with signage in accordance to Sign Ordinance Section
11 10-7017, Section S. All processing must occur indoors. The current --
12 concurrent variance for the Case Number 2010V-006-12. Staff
13 recommends the following approval of all three parts of the variance
14 which include Section 10-2142, Section 2, Recycling Center
15 Processing. No portion of the new recycling facility shall be located
16 within a three-mile radius of the property lines of existing recycling
17 facility. Part 2, Section 10-2142, Section 3, Recycling Center
18 Processing a minimum of a 200-foot buffer and a 10-foot
19 improvement setback shall be required along the property lines
20 except public right-of-ways. Concurrent Variance Part 3, Section
21 10-2142, Section 4, Recycling Center Processing, a minimum of a
22 50-foot buffer and a 10-foot improvement setback shall be required
23 along all public right-of-ways.

24 COMMISSIONER BRIDGEWATER, JR.: Thank you Madam
25 Clerk. Commissioners, at this time, we'll entertain a motion for the

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first part of this since we are going to do them separately, huh, starting with the first case of Case Number 2010 "Z" as min zebra-015-12. I'll entertain a motion at this time.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion that we approve -- let's see -- Case Number 2010Z-005-04, 'um, for discussion.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Is there a second?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER ATKINS: I have a question for clarity, 'um, Commissioner Sheldon. 'Um, my agenda says 2010 "Z" as in zebra-015-12.

COMMISSIONER SHELDON: I'm sorry. Yeah. I'm reading from a place that has a different number on it.

COMMISSIONER ATKINS: Okay. So just for clarity, the recommendation is there's a motion for approval for 2010 "Z" as in zebra-015-12.

COMMISSIONER SHELDON: Exactly.

COMMISSIONER ATKINS: And there's been a second, which they will allow us discussion.

COMMISSIONER SHELDON: Exactly.

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COMMISSIONER ATKINS: Okay.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Tucker. 'Um, all in favor -- huh, at this time --

COMMISSIONER SHELDON: For discussion.

COMMISSIONER BRIDGEWATER, JR.: -- for discussion.

COMMISSIONER SHELDON: 'Um, I have several questions. Huh, the first one is that if we approve this zoning -- rezoning, 'um, we can approve it with the condition that all of the, huh, conditions must apply in order for the zoning to take affect, is that correct? Does that make sense?

ATTORNEY SUSAN GARRETT: What conditions are you referring to, Commissioner Sheldon?

COMMISSIONER SHELDON: The -- well, that it -- it's only aluminum processing and we don't -- and that all of the conditions that apply to the variances must be approved in order for the rezoning to occur. Can me make that motion?

ATTORNEY SUSAN GARRETT: I think you can -- I think a way to articulate it might be to, 'um, approve it with the condition recommended by Staff and subject to -- and conditioned upon approval of the, 'um, use permit with concurrent variances.

COMMISSIONER SHELDON: Okay. All right.

ATTORNEY SUSAN GARRETT: And the -- the reason for doing that would be to avoid a situation where the rezoning gets approved and the property gets rezoned and -- but the special use permit

1 doesn't get approved or the variances don't get approved, which
2 ends up the same thing -- the applicant, as I understand it, needs all
3 three of these approvals in order to do what they want to do.

4 COMMISSIONER SHELDON: Make sense.

5 ATTORNEY SUSAN GARRETT: So unless there's a reason to
6 rezone it to heavy industrial, even if the rest of it is not approved,
7 then your recommendation would make sense that it be, 'um,
8 approved, huh, with the condition and subject to approval of these
9 permit -- with variances.

10 COMMISSIONER SHELDON: All right. 'Um, Mr. Chair, at this
11 time, I would with draw my motion.

12 COMMISSIONER BRIDGEWATER, JR.: All right. Second as
13 well. At this time, the floor is open. Motion at this time?

14 COMMISSIONERS: (No response.)

15 COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon
16 has withdrawn her motion.

17 COMMISSIONER ATKINS: Mr. Chair, I would just like to ask
18 Commissioner Sheldon, 'um -- with the information that was provided
19 by Attorney Garrett --

20 COMMISSIONER SHELDON: Uh-huh.

21 COMMISSIONER ATKINS: -- 'um, of that information, 'um,
22 what part of it are you uncomfortable with? 'Um, I just want to
23 better understand.

24 COMMISSIONER SHELDON: 'Um, my discomfort, at this
25 point, has to do with the fact that there's another recycling part with

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a half a mile of this property and that, 'um -- that's basically it. But I wanted to be clear procedurally, should the zoning be approved by this Body, that it needs to be carefully worded to include all of this material in order for it to not be rezoned and then the project doesn't go through so I was trying to be procedural about the way we handled it be I'm with drawing my motion because I don't support the project at this point.

COMMISSIONER BRIDGEWATER, JR.: Okay. All right.

COMMISSIONER FRIEDLY: I also -- my concern is that the very same variance regarding the, you know, location within three miles of other property. 'Um --

COMMISSIONER BRIDGEWATER, JR.: Commissioner Friedly, I did not recognize you. Just a second. I'm sorry go ahead.

COMMISSIONER ATKINS: I just had a question just for Mr. Friedly. Do we need a motion and a second for further discussion?

COMMISSIONER BRIDGEWATER, JR.: Yes.

COMMISSIONER ATKINS: And so we have to have that in order to have additional discussion of the matter.

ATTORNEY SUSAN GARRETT: In order to have a discussion, there either needs to be a motion to approve or whatever on -- with a second on the floor or, 'um, it's at least customary in East Point to make a motion for a discussion.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Attorney. That's where I was going 'cause after she withdrew her

1 motion and the second was taken, there's no motion on the floor and
2 I'm asking Commissioners now for a motion and that's why I did not
3 recognize Commissioner Friedly 'cause we don't have a motion.

4 ATTORNEY SUSAN GARRETT: Right. You're correct and it
5 can be either a motion to take of action or --

6 COMMISSIONER BRIDGEWATER, JR.: Right, one way or the
7 other.

8 ATTORNEY SUSAN GARRETT: -- or it can be a motion to
9 discuss.

10 COMMISSIONER BRIDGEWATER, JR.: Commissioners, the
11 floor is now open for a motion. Commissioner Jones.

12 COMMISSIONER ATKINS: I move that we open the floor for a
13 discussion for this particular Agenda Item, 'um, for both the rezoning,
14 the special use and the variance.

15 COMMISSIONER BRIDGEWATER, JR.: Is there a second?

16 COMMISSIONER JONES: Second.

17 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by
18 Commissioner Atkins and seconded by Commissioner Jones that we
19 open the floor for discussion on said case matter. Huh, all in favor,
20 let it be known by the word aye.

21 COMMISSIONERS: Aye.

22 COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign
23 no.

24 COMMISSIONERS: (No response.)

25 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the floor

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is now open.

COMMISSIONER ATKINS: I think Mr. Friedly wanted --

COMMISSIONER BRIDGEWATER, JR.: Commissioner.

COMMISSIONERS: (Laughs)

COMMISSIONER FRIEDLY: Appreciate that. 'Um, again, my concern is the same as Commissioner Sheldon's but it's -- the variance requires that we overlook the fact that there's another recycling plant within about a quarter of a mile.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: I had a questions of the attorney. I just wanted, just for clarification -- currently this particularly site, 'um, is an auto salvage operation, is that correct?

ATTORNEY CHARLES BRANT: Huh, yes, it is. That is correct. And if I may for clarity purposes, 'um, hearing the discussion about a recycling plant -- huh, the word recycling -- recycling used in a -- I guess, in this, huh, agenda here, huh, is sort of a broad scope of what has happened. 'Um, we're not seeking to recycle. We're seeking to put up a smelting operation, which in essence is not defined as recycling. It smelters car parts and then sends them out to be recycled. 'Um, it's a process of just compressing the metal. 'Um, from my understanding, 'um, of the other recycling or the recycling business, huh, which is within a half mile -- a few mile radius, which is Newell Recycling -- huh, they have a different typeover operation, which has nothing to do with smelting. This is all indoors. It is a machine, I think we made part of the application

1 package. It's a machine that's put inside a building, 'um, and it
2 simple -- it's put in here and compress. It's not, huh, what we call
3 recycling, 'um, although, I guess, loosely defined, you would call it
4 recycling and also we made a part of the application package a letter
5 from the builders of the machine -- that says that it emulates no odor
6 in it's normal --

7 COMMISSIONER ATKINS: Mr. Brant, I need to stop you just
8 for a second. Okay. So -- that's okay. So what you're saying is that,
9 'um, from your vantage point, the proposed operation is not
10 recycling.

11 ATTORNEY CHARLES BRANT: Right.

12 COMMISSIONER ATKINS: Okay. So in the application, who
13 used the term, "recycling"? Was that --

14 ATTORNEY CHARLES BRANT: We put it -- we used the word
15 recycling but it really is -- it should have been -- put smelting and not
16 -- I think we made a correction to the word, "recycling." I -- we
17 resubmitted and removed the word, "recycling." Recycling is taking
18 something and putting it back in it's original condition for use. We're
19 not -- all we're doing is compressing and sending it out. We're not
20 guilty recycling.

21 COMMISSIONER ATKINS: Okay. So I just want to stop you --
22 question for Staff. According to our -- and when I say our, I mean
23 the City of East Point, our definition of recycling, would smelting
24 fall up under that definition of recycling and, 'um, in the context that
25 Mr. Brant has just spoken of?

1 MS. CARTER: Our definition is very vague. It's broad, 'um,
2 but we only have a special use permit that falls under recycling. The
3 process -- what we defined is defined as salvage storage, 'um, and it
4 is the use of dismantling a wrecked or junk automobile, 'um, dealing
5 in scrap irons or other metals. We don't have a definition for
6 smelting. We only have a special use permit as, 'um, under
7 recycling. It is the process. Because we only have two uses, it is
8 either light industrial or heavy. It falls under heavy because it is a
9 process of going from a total car to several sections and that's
10 smelted part is then exported. We don't have a real definition that
11 smelting would fall under other than recycling because the car
12 becomes a process. It's the act of processing used or abandoned
13 materials for use in creating a new product. The product coming in
14 as the whole car. It is exported as a separate new product.

15 COMMISSIONER ATKINS: So then it would fall up under our
16 definition of recycling?

17 MS. CARTER: 'Um, no. Our definition doesn't say that. I had
18 to look that up to make a better understanding of it but it is actually
19 called smelting. That's when I had, 'um, Mr. Brant to go to the To
20 tell me what's the end product. The end product -- it is a new end
21 product --

22 COMMISSIONER ATKINS: Okay.

23 MS. CARTER: -- but it doesn't fall under the City of East
24 Point's recycling definition. Doesn't make sense but it is as close as
25 we can get. In any respect, it still would fall under I2 as oppose to

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COMMISSIONER ATKINS: Okay. Yes. And I understand that and I think that if I heard correctly, and Commissioner Sheldon and Commissioner can correct me if I'm incorrect, I think that some of their, 'um, i guess hesitancy in approving is that it -- according to our zoning law, it falls within a certain mile radius of an already existing recycling plant, correct?

MS. CARTER: Yeah.

COMMISSIONER ATKINS: Okay. Mr. Friedly, was that correct?

COMMISSIONER FRIEDLY: Yes.

COMMISSIONER ATKINS: Okay. 'Um, so I think that that's some of the challenges that I hear my fellow Commissioners and so, 'um, at this point, I would -- there's already a motion on the floor and a second so we'd have to vote it up or vote it down for discussion.

'Um,

COMMISSIONER ATKINS: This is a motion for discussion right now.

COMMISSIONER ATKINS: Yeah.

COMMISSIONER WARES: I had a --

COMMISSIONER ATKINS: Go ahead.

COMMISSIONER WARES: Huh, well two things. Number one, when we've been sounding the third part, we've not be saying the "C", which is on the application. We've been going actually into the body of the paper under the variance of "C" which doesn't have the

1 "C" there so I think we need to correct that when we sound it. See,
2 if you look under the application at the top, the third one says
3 2010CV and when you look at the one under the Staff
4 recommendations, it doesn't have the "C" there and we've been
5 saying the one under "C" in the blue writing instead of the application
6 number at the top of the page. So that's my first thing. And then
7 the second one is that, huh, I heard Attorney Brant say that they
8 have already started putting up the fence and it's an opaque fence so
9 I wanted to know what it's made of. Is it a chain link fence with
10 some --

11 ATTORNEY CHARLES BRANT: The fence is already up. We're
12 simply, 'um, creating a situation where you can't see through the
13 gate. They're making it where you can't see through the gate.

14 COMMISSIONER WARES: So that's when I said. What kind
15 of material are they using to do that?

16 ATTORNEY CHARLES BRANT: I don't have that information
17 with me. I think they submitted --

18 MS. CARTER: They have submitted an application, a fence
19 permit application. 'Um through CZIM, 'um the night of CZIM, one of
20 the concerns of a citizen was the fact that they, 'um -- the process
21 that they were doing currently, you can see the cars coming in. 'Um,
22 so it was recommended that they would do an opaque fence so that
23 if, in the event, that if this goes through, that is a requirement of that
24 fence being an opaque fence under I2 so they were currently in a
25 separate zoning departmental process which is Plan Review for their

1 fence so that this portion would be done under the current I1 zoning.

2 COMMISSIONER WARES: So we still haven't answered my

3 question is what are they using to make it?

4 MS. CARTER: I can't tell you --

5 COMMISSIONER WARES: So we don't know yet.

6 MS. CARTER: -- because we don't have that -- I don't have

7 that application. That's a different part.

8 COMMISSIONER WARES: Well, I just wanted to know

9 because I -- 'um, Attorney Brant in your presentation you said that

10 they had began constructing the fence and I put that on my sheet

11 'cause I wanted to know, well, what are they doing? Are they putting

12 plastic in front of it. Opaque just means to make it so you can't see

13 through it so I wanted to know what were they using. Plastic would

14 be a cheap way to go but that wouldn't be go enough to me. It

15 would come down.

16 ATTORNEY CHARLES BRANT: My understanding when we

17 talked about it is that -- and I don't know what the material is called

18 but it's some sort of a -- I think it's metal that they --

19 COMMISSIONER WARES: Okay. I've seen those.

20 ATTORNEY CHARLES BRANT: And they tell me that it just

21 creates a --

22 COMMISSIONER WARES: Right. So you can't --

23 ATTORNEY CHARLES BRANT: -- barrier so you can't see

24 through.

25 COMMISSIONER WARES: Okay. Okay. Thank you.

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COMMISSIONER BRIDGEWATER, JR.: Commissioners.
Commissioner Tucker.

COMMISSIONER TUCKER: 'Um, I have a question of Staff, Mr. Chair. All right. If we give this special use permit and it past here through our aluminum processing. I understand they're using it for car parts now, but what would prevent them from using it for cans or other scrap metals if they decided that this was lucrative and started taking that on? This is not specific to just car parts but it says aluminum so I'm trying to understand that.

MS. CARTER: The aluminum part is that one of the other conditions was to prevent them from talking walkup. That is the third second condition so that you wouldn't -- you wouldn't do it as a walkup with someone coming with cans. This product is aluminum so other than what they are currently doing. Now if you can come up with another condition as the Commission, you can further that condition but for Staff, it was to prevent them from doing more than what they are currently doing because under I1, they are currently take that car and actually that last product, instead of it being smelted, it is being exported currently under I1. This is to break it down further so that it wouldn't be as heavy.

COMMISSIONER ATKINS: Commissioner Tucker you --

COMMISSIONER SHELDON: Question. So this operation is already going on. All they are asking to do is to have the smelting procedure and equipment in order to further repackage or re-- what ever, reform the aluminum itself. They are already doing the rest of

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these operations on the property as it is, I assume.

MS. CARTER: Yes.

COMMISSIONER BRIDGEWATER, JR.: Other Commissioners.

COMMISSIONER WILLIAM BRYANT: Mr. Chairman.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Bryant.

COMMISSIONER WILLIAM BRYANT: I was under the impression that it was a recycling also because by reading the material, and I was saying that -- I was thinking that, we already have a recycling plant but after further discussion about the smelting and this kind of thing, I have a better attitude about it.

COMMISSIONER BRIDGEWATER, JR.: Clearer understanding?

COMMISSIONER WILLIAM BRYANT: I have a clear understanding.

COMMISSIONER BRIDGEWATER, JR.: All right.

Commissioner Atkins.

COMMISSIONER ATKINS: And that's sort of where I was going with my line of questioning but the first question I had was the current use is auto salvage, right. And they are currently four structures already on the property.

ATTORNEY CHARLES BRANT: Four buildings. They are not being used for that. One of the buildings is merely used to house a tow truck. The other one is an office and then there are two other just basic buildings on there. The smelting part is going to be placed in one of the buildings, 'um, where the process will take place but that is correct. Everything up to the smelting is already being done

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already on the property and it's zoned, too.

COMMISSIONER ATKINS: Okay. And my other question -- this was kind of serious here is that you're not looking to expand any other current structures already on the property, is that correct?

ATTORNEY CHARLES BRANT: Yes.

COMMISSIONER ATKINS: So each of those buildings would stay the same size that they are currently?

ATTORNEY CHARLES BRANT: Right.

COMMISSIONER ATKINS: Okay. 'Um, I also have some concerns, 'um, just as Commissioner Tucker just stated and I think that when I would really like to do if the Commission would indulge is for us to come up with a condition that really restricts, 'um, the aluminum piece of this to autos, 'um, so that even though it says that, 'um, walkup are not, 'um, allowed well, if I drive up, isn't that different from a walkup? So if I had a truck full of cans and if I drove them up and in my mind that's different from a walkup, 'um, and so if we could just work on the conditions just --

ATTORNEY CHARLES BRANT: When you walk up, the restriction that it solely be limited to auto parts.

COMMISSIONER ATKINS: Automobiles parts.

ATTORNEY CHARLES BRANT: Right.

COMMISSIONER SHELDON: So Commissioners if we could amend the, 'um, condition that the property must maintain it's heavy industrial use for the purpose of only aluminum processing from automobiles.

1 COMMISSIONER ATKINS: Yes. Did you guys get that, Staff?

2 MS. CARTER: No.

3 COMMISSIONER ATKINS: Okay. We're are attempting to
4 amend, 'um, the conditions and Commissioner Sheldon actually
5 stated it more eloquently than I would be able to so --

6 COMMISSIONER SHELDON: Your existing, huh, condition that
7 you placed on the rezoning is the property must maintain it's heavy
8 industrial use for the purpose of only aluminum processing from
9 automobiles and parts thereof.

10 COMMISSIONER ATKINS: Yes. Commissioner Tucker, is that
11 okay with you?

12 COMMISSIONER TUCKER: Yes, sir. That's fine.

13 COMMISSIONER ATKINS: Okay. 'Um, and all the other
14 conditions, I think, 'um, are fine. Question Mr. Brant. Currently, the
15 hours of operation of the facility now, 'um, are they Monday through
16 Friday?

17 ATTORNEY CHARLES BRANT: Monday through Friday.

18 COMMISSIONER ATKINS: Okay. And outdoor, they end at 5
19 p.m.

20 ATTORNEY CHARLES BRANT: Yeah. Everything ends at 5. I
21 mean, currently they use one of the buildings and when they are
22 breaking down the parts and they store them inside the building
23 'cause that was a concern, too, that they not be outside of the
24 building. Everything currently is being done inside the building.

25 COMMISSIONER ATKINS: Okay. All right. So I am

1 comfortable with the application and the conditions as stated because
2 of what I just learned in discovery is that the automobile salvage is
3 already taken place there. They are four structures on the property
4 that will remain. There's not a request for any additional structure or
5 an expansion there of and the hours of operation, Monday through
6 Friday between the hours stated here in the condition and there's
7 been an operation for an opaque fence.

8 ATTORNEY CHARLES BRANT: That's correct.

9 COMMISSIONER ATKINS: Now, the only other piece to this
10 and, 'um, I'm not sure if we're able to condition materials is we did --
11 we don't quite know what the materials are but, 'um, one of the
12 things that I would really like to take about and address would be the
13 material, if that's possible to condition and along the Taylor street
14 side, 'um, whatever street side. I think that it's almost at a corner.
15 It's an odd shape piece of land there.

16 ATTORNEY CHARLES BRANT: It's Taylor and Central Avenue.

17 COMMISSIONER ATKINS: Taylor and --

18 ATTORNEY CHARLES BRANT: It is, 'um, bounded by Central
19 Avenue to the East.

20 COMMISSIONER ATKINS: That's Central, exactly. So Taylor
21 Avenue and Central Avenue, 'um -- I actually would like to make a
22 recommendation that we add a condition of installing some type of
23 shrubbery, hum, on the outside of the fence where it faces the street
24 preferably and evergreen, 'um, that would grow to be no higher than
25 six feet or seven feet. Yeah. That would be one of the questions

1 that, 'um, I would have, also. So East Taylor Avenue side and on the
2 Central side, 'um --

3 ATTORNEY CHARLES BRANT: Central Avenue, East Taylor to
4 the North and Plant Street to the West.

5 COMMISSIONER ATKINS: Yes. Plant Street to the West.
6 'Um, and this other part, here, 'um, on the East side, is there a
7 railroad that goes up there near, 'um, Central on the Central portion?

8 ATTORNEY CHARLES BRANT: Yes. I think.

9 COMMISSIONER ATKINS: Okay. Yeah. Okay. So on the
10 Central Side.

11 COMMISSIONER ATKINS: And it looks like on that
12 right-of-way is an existing vegetation --

13 COMMISSIONER SHELDON: Yeah.

14 COMMISSIONER ATKINS: -- on that right-of-way. The
15 entrance to this is on East Taylor Avenue, is that correct?

16 ATTORNEY CHARLES BRANT: That's correct.

17 COMMISSIONER ATKINS: Okay. 'Um, okay. And the fence --
18 do you know that the fence -- the application for the fence on the
19 Plant Street side, it looks like that particular boundary is six hundred
20 and sixteen point one zero feet and so the fence is gonna go all
21 along there, is that correct.

22 ATTORNEY CHARLES BRANT: There's currently a fence.
23 There's already a fence in place. It's just making it oblique.

24 COMMISSIONER ATKINS: Okay. Okay.

25 ATTORNEY CHARLES BRANT: I mean, opaque. I'm sorry.

1 Yeah. So the fence is already there.

2 COMMISSIONER BRIDGEWATER, JR.: What's the height of

3 that fence?

4 ATTORNEY CHARLES BRANT: You know I could -- honest ly I

5 can't -- I don't have that. I'm sorry 'cause it was there and it wasn't

6 a part of it.

7 COMMISSIONER ATKINS: Okay. 'Um, so with this particular,

8 'um -- I would like to actually add a condition for a vegetation along

9 the property boundaries. 'Um --

10 COMMISSIONER SHELDON: Mr. Atkins.

11 COMMISSIONER ATKINS: Yes.

12 COMMISSIONER SHELDON: I'm not certain there's space

13 there for it. I believe that it's pretty much all concrete --

14 COMMISSIONER ATKINS: Okay.

15 COMMISSIONER SHELDON: -- along there. If my recollection

16 is that such so if you are wanting to make that condition, you may

17 want to state that we condition -- we request the vegetation if there

18 is space available. But from my recollection is that there's not.

19 COMMISSIONER ATKINS: Okay. And I'm completely fine

20 with that. It looks like what I can see here on the Plant street side is

21 that there is sidewalk there. So that's probably very true on that

22 side, 'um, and I don't see --

23 COMMISSIONER SHELDON: On Central avenue it's not.

24 There's no space for it. It's all concrete.

25 COMMISSIONER ATKINS: It's all concrete.

1 COMMISSIONER SHELDON: That's next to the garage.

2 COMMISSIONER ATKINS: Okay. Do you remember on the's
3 Taylor side?

4 COMMISSIONER SHELDON: That I don't know.

5 COMMISSIONER ATKINS: Okay. All right.

6 COMMISSIONER BRIDGEWATER, JR.: That's where the front
7 entrance is so Mr. Brant, would you not know that on the East Taylor
8 side.

9 ATTORNEY CHARLES BRANT: Yeah. I think there's a little bit
10 but I think, 'um, I guess just to follow of what Ms. Sheldon said, I
11 think if you want to put the condition in. If you say where there's
12 room for vegetation that must be planted, we don't have a problem
13 with that.

14 COMMISSIONER BRIDGEWATER, JR.: All right.

15 ATTORNEY CHARLES BRANT: I think where ever there's
16 room for vegetation and planting. We'll be glad to plant.

17 COMMISSIONER ATKINS: I would like to add a condition that
18 the applicant plants vegetation on the boundaries of the site as
19 allowed and those boundaries would be the East Taylor side of more
20 specifically 'cause I don't know if there's space. That's not a
21 condition, of course.

22 COMMISSIONER BRIDGEWATER, JR.: But we're still in
23 discussion so you gonna do that as part of a motion?

24 COMMISSIONER ATKINS: Yes.

25 COMMISSIONER SHELDON: And will that be on the zoning

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application or the special use permit?

COMMISSIONER ATKINS: 'Um, I want to add that to the --
lets see the variance part is asking for the zoning piece.

COMMISSIONER SHELDON: Okay.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, we'll
entertain a motion at this time. Call for the motion.

COMMISSIONER JONES: Mr. Chair, I move that --

COMMISSIONER BRIDGEWATER, JR.: Commissioner Jones.

COMMISSIONER JONES: I move that we close, 'um,
discussion on this Agenda Item.

COMMISSIONER BRIDGEWATER, JR.: Is there a second

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It has been motioned
by Commissioner Jones and seconded by Commissioner Wares that
we close the discussion on the said matter. All in favor let it be
known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Now the floor is now
open for a motion on this matter. And Commissioner Atkins, I think
that's gonna be -- you're gonna make a motion.

COMMISSIONER ATKINS: Let me write something.

COMMISSIONER BRIDGEWATER, JR.: If you want to go
ahead an make the motion and Commissioner Sheldon with all of the

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help will help you dress it up.

COMMISSIONER ATKINS: And we'll take these separately as each three different items. Chair --

ATTORNEY SUSAN GARRETT: Excuse me. My recommendation would be, and again I'm not trying to confuse anybody but to make sure that we're doing this in a way that makes sense is that as we discussed earlier, that you take up the rezoning that needs to be voted on separately. The variances are concurrent variances so I believe it makes the most sense to take up the essential use permit and the concurrent variances because the variances address, 'um, modifying or eliminating required criteria for the special use permit. So I think that the fact that it's a concurrent variance indicates that it's appropriate to take those two up together.

(Please see separate file for continuation of transcript.)

1 COMMISSIONER BRIDGEWATER, JR.: Let me make sure I
2 understand you. You're saying we should do the "Z" and the "U" -- I
3 mean the -- do the --
4 COMMISSIONER ATKINS: The "Z" separately.
5 COMMISSIONER BRIDGEWATER, JR.: Do the "Z" separate
6 and do the "U" and the "V" the two together? Is that what you're
7 saying?
8 ATTORNEY SUSAN GARRETT: Right. If you look, for
9 example at page eleven of the materials where the Staff
10 recommendation laid out, that's laid out in Parts A, B and C. My
11 recommendation is that you deal with Part A, the zoning part as one
12 motion and then combine B and C.
13 COMMISSIONER SHELDON: 'Um, point of order question as
14 well. The, 'um, numbers for the, 'um, variances is that Case Number
15 a CV or 2010V? Because we have it --
16 MS. CARTER: It --
17 COMMISSIONER SHELDON: Should be CV for concurrent
18 variance?
19 MS. CARTER: Right.
20 COMMISSIONER SHELDON: Okay. Just to be clear. So that's
21 in -- Commissioner Sheldon, that is in Part C, correct?
22 COMMISSIONER SHELDON: Correct.
23 COMMISSIONER ATKINS: Okay. So that will be
24 2010CV-006-12.
25 COMMISSIONER SHELDON: Exactly.

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COMMISSIONER ATKINS: All right.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins, I recognize you for the motion, please.

COMMISSIONER ATKINS: Mr. Chair, I move approval of Agenda Item 2010 "Z" as in zebra-005-04, 'um, with condition and the condition would be that the property must maintain it's heavy industrial use for the purposes of, 'um, only aluminum processing of automobiles and the part there of and the other condition would be that where, 'um -- where space permits that the applicant plants vegetation along the boundaries of the property, which would be East Taylor, Central Avenue and Planters, I believe that the third street if allowed. If there's space to do that and my recommendation is that the vegetation would be evergreen, 'um, a minimum of four feet, no higher than six feet.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER SHELDON: Mr. Chair, just a correction. The actual rezoning Case Number is 2010Z-015-12.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Commissioner Sheldon. Again --

COMMISSIONER SHELDON: You would amend would accept that amendment.

COMMISSIONER ATKINS: I would accept that amendment. She's exactly correct.

COMMISSIONER ATKINS: And then I will second.

COMMISSIONER BRIDGEWATER, JR.: Thank you. I always

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say you have eagle eyes. It has been motioned by Commissioner Atkins and seconded by Commissioner Sheldon that the said matter with the special conditions being applicable. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter is approved. Having done those two parts together, now we'll entertain a motion for the next part.

ATTORNEY SUSAN GARRETT: Actually we've done the first part and now we need to do the second and third part.

COMMISSIONER SHELDON: Mr. Chair, I make a motion to approve, 'um, the special use permit, Case Number 2010U-003-12 with concurrent variances for, huh, Case Number 2010CV-006-12 with all conditions, huh, as proposed by Staff.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It has been motioned by Commissioner Sheldon and seconded by Commissioner Wares that --

COMMISSIONER SHELDON: Discussion. And we need to sound those conditions for the record. Are we at this stage, since we've read them four time? Okay with that.

MS. CARTER: I think they're good.

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COMMISSIONER SHELDON: Thank you.

COMMISSIONER BRIDGEWATER, JR.: Okay. Well, we've been going back and forth so I just -- I was just hoping you were gonna say you should sound them to make sure.

ATTORNEY SUSAN GARRETT: I think the motion is specific enough that when Staff transmits the recommendation to the City Council that that -- we'll be able to be filled in.

COMMISSIONER BRIDGEWATER, JR.: All right. It's been motioned and properly second by -- huh, motioned by Commissioner Wares. All in favor let it be none by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Here none, then this matter is approved. Wow. Commissioners, thank you for the hard work you just -- good. 'Um, that really concludes our agenda for tonight. 'Um, Staff are there announcement that you wish to share with us?

VIII. ANNOUNCEMENT:

MS. CARTER: Yes.

COMMISSIONER BRIDGEWATER, JR.: Go ahead.

MS. CARTER: 'Um, payments -- it is my understand payments went out on January 18th and, hum, W2s will go out on the 31st of the month if that is a Monday.

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COMMISSIONER BRIDGEWATER, JR.: That is a Monday. Are there other announcements.

COMMISSIONER WILLIAM BRYANT: Mr. Chairman.

COMMISSIONER BRIDGEWATER, JR.: Attorney Garrett, do you have announcements?

COMMISSIONER BRIDGEWATER, JR.: Oh, I'm sorry.

ATTORNEY SUSAN GARRETT: 'Um, I didn't -- wasn't planning to make an announcement but since you give me the opportunity, I am -- we are working on the Email contact issue that we had discussed. I had intended to -- had we had a work session to bring you an update on that but, 'um, we'll do that for the next work session and get that underway.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Commissioner William Bryant, I think I heard you.

COMMISSIONER WILLIAM BRYANT: Yes, sir. 'Um, Staff, I would just like to just, huh, congratulate or Chairman. If you were at the ecumenical services at the, huh, church on Monday -- I was in attendance and I can just tell you being in person that what a job that our Chairman was doing at that ecumenical services, huh, Dr. Bridgewater. I mean he was very swift. I didn't know he would move that fast. He was swift and, huh, he saw he coming in and he said, come on in Commissioner Bryant. Come on. Come on down and, huh -- I would just like to say that -- just like to say what a great job that he's been doing with that every year and I was very proud of you, huh, Commissioner Bridgewater.

1 COMMISSIONER BRIDGEWATER, JR.: Thank you. For those
2 of you who don't know what he's referring to and he's referring to
3 the 25th celebration -- huh, we call it the Commemorative
4 Celebration of Dr. Martin Luther King, Jr., which was also his 82nd
5 birthday. Huh, I've served on the committee for all twenty-five years
6 and even though I'm just twenty-five -- so, 'um, helping to
7 coordinate that and making sure that all things work well, and I gave
8 all praise to God that it worked so it was wonderful. There are many
9 other celebrations going on around the City and State, even East
10 Point had a wonderful one as well. So everybody can't be at
11 Ebenezer so therefore, it's wonderful that other, huh, venues have
12 made themselves accessible so that people can be part of that. Are
13 there other announcements? Commissioners. Commissioner Tucker.

14 COMMISSIONER TUCKER: I just want to thank Susan
15 because the issue with the Emails is something that I brought up and
16 I know you've worked hard on it and I really do appreciate it.
17 Another means that the citizens are gonna reach out to us and at
18 least let us know what the concerns are if unable to come.

19 COMMISSIONER BRIDGEWATER, JR.: Thank you.

20 COMMISSIONER SHELDON: Mr. Chair.

21 COMMISSIONER BRIDGEWATER, JR.: Commissioner
22 Sheldon.

23 COMMISSIONER SHELDON: I make a motion that we
24 adjourn.

25 COMMISSIONER BRIDGEWATER, JR.: Before we do that and

1 before you make that motion, I wanted to say thank you to each of
2 you for the way we -- you handed the meeting tonight because I
3 thought it could have been -- it was though a difficult situation, we
4 went through it with great finesse and professionalism and I really
5 want to thank you for your cooperation and how well we work
6 together as a Body. God bless you all and may you have a Happy
7 New Year and may we continue to work together in peace and
8 harmony. Now I'll entertain your motion for adjournment.

9 COMMISSIONER SHELDON: Motion to adjourn.

10 **IX. ADJOURNMENT:**

11 COMMISSIONER WARES: I do second that motion but I also
12 wanted to say that, 'um, what I decided to do for 2011 and onward
13 because I am in school to be a minister in one more year, that we
14 think about Going Green, especially in the City of East Point. When I
15 say that, I mean nothing negative. All positive. Going Green. We're
16 going straight to the positive stuff, nothing negative at all. Thank
17 you.

18 COMMISSIONER BRIDGEWATER, JR.: Commissioner
19 Sheldon. Make your motion.

20 COMMISSIONER SHELDON: You sure.

21 COMMISSIONER BRIDGEWATER, JR.: Yeah.

22 COMMISSIONER SHELDON: I move we adjourn.

23 COMMISSIONER WARES: I second.

24 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by
25 Commissioner Sheldon and seconded by Commissioner Wares that

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the meeting, 'um, January 20th, that the city of East Point planning and zoning be adjourned. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: The meeting is adjourned.

(Whereupon this concludes the meeting for the City of East Point Planning & Zoning Commission for January 20th, 2011.)

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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 49 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 January 20th, 2011, at 7 o'clock P.M. were taken down by me and transcribed by me this 10th day of December, 2010.

Jeanene Harper
Court Reporter