

1 CITY OF EAST POINT

2 **PLANNING & ZONING COMMISSION**

3 May 19th, 2011 - 7:00 P.M.

4 Official Meeting Minutes

5 East Point, Georgia  
6 Jefferson Station  
7 1526 East Forrest Avenue  
8 4th Floor

9 **Board Members Present:**

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

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

12 Commissioner Francine **JONES**, Provisional Chair

13 Commissioner Linda **SHELDON**

14 Commissioner Dr. William **BRYANT**

15 Commissioner Eric **FRIEDLY**

16 Commissioner Dr. Lydia **WARES**

17 Commissioner Joel **TUCKER**

18 Also Present:  
19 Ms. Valerie **ROSS**  
20 Interim Attorney

21 Ms. Regina **CARTER**  
22 Senior Planner

23 Ms. Keyetta **HOLMES**  
24 Senior Planner

25 James **HAMMOND**  
26 Videographer

Richard **RANDOLPH**  
City Engineer

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**I. CALL TO ORDER:**

COMMISSIONER BRIDGEWATER, JR.: Ladies and gentlemen,  
we call to order the April -- the May 19th, 2011 meeting of the City of  
East Point Planning and Zoning Commission. At this time, we'll ask  
the Clerk to do the roll call, please.

**II. ROLL CALL:**

MS. HOLMES: Commissioner Friedly.  
COMMISSIONER FRIEDLY: Present.  
MS. HOLMES: Commissioner Wares.  
COMMISSIONER WARES: Present.  
MS. HOLMES: Commissioner Tucker.  
COMMISSIONER TUCKER: Here.  
MS. HOLMES: Commissioner Jones.  
COMMISSIONER JONES: Present.  
MS. HOLMES: Commissioner Bridgewater.  
COMMISSIONER BRIDGEWATER, JR.: Present.  
MS. HOLMES: Commissioner Atkins.  
COMMISSIONER ATKINS: (No response.)  
MS. HOLMES: Commissioner Sheldon.  
COMMISSIONER SHELDON: Here.  
MS. HOLMES: Commissioner Byrant.  
COMMISSIONER WILLIAM BRYANT: (No response.)  
MS. HOLMES: Commissioner Washington.  
COMMISSIONER WASHINGTON: (No response.)  
MS. HOLMES: Mr. Chair, you have a quorum.

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COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. At this time it is customary that this Body will observe a moment of silence. If you would reverence as to a moment of silence, please.

**III. MOMENT OF SILENCE:**

COMMISSIONER BRIDGEWATER, JR.: Thank you. Now would you stand for the Pledge of Allegiance, please.

**IV. PLEDGE OF ALLEGIANCE:**

COMMISSIONER SHELDON: Mr. Chair, I think it's a mirror down there. We should put the flag over there.

COMMISSIONER BRIDGEWATER, JR.: Yes. Your absolutely right. Let's hope that was a reflective mirror 'cause the flag is to the left. Normally the flag is to our right.

COMMISSIONER SHELDON: Well, I stood here and did this.

COMMISSIONER BRIDGEWATER, JR.: I was using the reflection off of Eric's head that gave me the shiny part. Thank you you so very much. At this time, we'll entertain a motion, Commissioners, for adoption of tonight's agenda.

**V. ADOPTION OF AGENDA:**

COMMISSIONER JONES: Mr. Chair, I move that we adopt tonight's agenda.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Jones. Is there a second?

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: Seconded by

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Commissioner Wares that the City of East Point Planning and Zoning Commission be adopted for April the 19th as printed. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Sign -- those disapproving no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, tonight's agenda is approve. Also I'll entertain a motion for approval of the April 21st, 2010 -- 2011 minutes.

**VI. APPROVAL OF MEETING MINUTES:**

COMMISSIONER WARES: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Madam -- Commissioner Wares.

COMMISSIONER WARES: I make a motion that we approve the April 21st, 2010 -- 2011 minutes.

COMMISSIONER BRIDGEWATER, JR.: Is there a second

COMMISSIONER TUCKER: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Wares and seconded by Commissioner Tucker that the minutes of the City of East Point Planning and Zoning Commission for April the 21st, 2011 be approve as standing. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposing by the sign

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no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, these minutes are approved. Madam Clerk, your kindness in sounding tonight's first case is appreciated.

**VII. OLD BUSINESS:**

MS. CARTER: 2011Z-004-02 is of Old Business case.

Applicant is a City initiated amendment to the East Point Code of Ordinances. Property location is Citywide. The applicant is seeking to approve -- to amend Part 10 Planning and Development, Chapter 2, Section 10-2080, regulations applicable to I2, heavy industrial permitted uses and for other purposes for the City of East Point, Georgia.

COMMISSIONER BRIDGEWATER, JR.: Thank you Madam Clerk. At this time, we will here from the applicant.

COMMISSIONER SHELDON: Mr. Chair, I believe it's the City -- is the applicant and I will make a motion to approve for discussion.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon made a motion to approve for discussion. Seconded by Commissioner Wares. Are you read for discussion?

COMMISSIONER SHELDON: Yes.

COMMISSIONER BRIDGEWATER, JR.: Go ahead.

COMMISSIONER SHELDON: 'Um, I would like propose that

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we approve this text amendment with the exception of the following items being included in heavy industrial. In other words, we want to remove these items from the list of approved activities. The first one is, (H), creosote and creosote products manufacturing. The next one is 15C, manufacturing of ammonia, 15J manufacturing of explosives, 16, ore reductions and 20, storage of explosives (a) and animal hide (b).

COMMISSIONER BRIDGEWATER, JR.: Is that the conclusion?

COMMISSIONER SHELDON: Yes. Thank you.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Comments other Commissioners? Commissioner Atkins.

COMMISSIONER ATKINS: Yes. I just want to make more clarification, I guess, Madam Attorney, I think the motion was to approve for discussion but do we need to make a motion to amend because it was motioned and seconded to approve for discussion and we've done that but it is not a motion to accept the -- yes, so that's what we need to do at this point.

COMMISSIONER BRIDGEWATER, JR.: Let me carry the motion through for discussion and then I'll come back and entertain a further motion, which I think is the correct way to do it, isn't it?

COMMISSIONER ATKINS: Yes. But we've had a second for the discussion.

COMMISSIONER BRIDGEWATER, JR.: Discussion, all in favor? All in favor?

COMMISSIONERS: Aye.

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COMMISSIONER BRIDGEWATER, JR.: Opposes, none.  
Having had discussion, now I'll entertain a motion for the adoption of  
the --

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner  
Sheldon.

COMMISSIONER SHELDON: I would like to make a motion  
that we approve Case Number 2011D-004-02 or that we recommend  
approval to City Council with the amendment that Number 8, Number  
15C, 15J, 16, 20A and 20B be excluded.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: Thank you.  
Commissioner Sheldon has made a motion and seconded by  
Commissioner Wares that the recommendation to the City Council for  
approval with the stipulated amendments to it. 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 and will be forwarded on for recommendation to  
the City Council. Thank you Madam Clerk. Would you sound the  
next ones and I think those two require a public hearing.

**VIII. NEW BUSINESS:**

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MS. CARTER: Yes. Under New Business, Case Number 2011M-001-05. Applicant is City initiated amendment to the East Point Code of Ordinances. Property location is Citywide. Applicant is seeking to amend the boundaries of the downtown architectural overlay district. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. And the rules for our public hearings for the City of East Point Planning and Zoning are as follows:

(Whereupon the rules for the public hearings are read)

COMMISSIONER BRIDGEWATER, JR.: 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 proposal for a total of fifteen minutes. Those who oppose the proposed zoning amendment will then be permit to speak for a total of fifteen minutes. By a majority vote, the Council may -- or Commission, rather, may increase the total time for speakers 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 speaker individually or 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

1 making personal attacks on any other speaker. The presiding officer  
2 may refuse a speaker the right to continue if after first being  
3 cautioned the speaker continues to violate the rules of decorum.  
4 Commissioners, I'll entertain a motion at this time to open the floor  
5 for public hearing.

6 COMMISSIONER JONES: Mr. Chair, I move that we open the  
7 floor for public hearing in the Case Number 2011M-001-05.

8 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by  
9 Commissioner Jones. Is there a second?

10 COMMISSIONER TUCKER: Second.

11 COMMISSIONER BRIDGEWATER, JR.: Seconded by  
12 Commissioner Tucker that we open the floor for public hearing of  
13 said stated matter. All in favor, let it be known by the word aye.

14 COMMISSIONERS: Aye.

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

17 COMMISSIONERS: (No response.).

18 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the  
19 public hearing is now open. Staff.

20 MS. CARTER: Applicant is City initiated amendment to East  
21 Point Code of Ordinances. Staff recommends deferral of said  
22 ordinance to the East Point Code of Ordinances until the next  
23 Planning and Zoning meeting in July -- June. I'm sorry, June, 2011.

24 COMMISSIONER BRIDGEWATER, JR.: All right. Thank you.  
25 Commissioners, are they comments from either of you? Since this is

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the City, there is no applicant, correct?

COMMISSIONER ATKINS: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: Even though the City is the applicant, we are in a public hearing and we must also hear from any opponents at this time because we advertised this so they will be the proponents and so I think we should probably ask for any opponents.

COMMISSIONER BRIDGEWATER, JR.: Thank you. At this time, on the said matter before the Commission, are they persons who wish to speak in favor of said matter?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are they persons who wish to speak in favor of?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are they persons wish to speak in favor of this said matter?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are they persons who wish to speak in opposition of the said matter that's before the Commission at this time?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are they persons who wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are they persons who

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wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Having sounded three times, Commissioners, I'll entertain a motion to close the public hearing?

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Tucker.

COMMISSIONER TUCKER: I motion that we close the public hearing on 2011M-001-05.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER ATKINS: Second.

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

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the same sign?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the matter is closed. At this time, Staff.

MS. CARTER: Applicant is requesting amendment to the boundaries of the downtown architectural overlay district. Staff's recommendation is deferral of the amendment --

COMMISSIONER BRIDGEWATER, JR.: Thank you.

1 MS. CARTER: -- until the next meeting.

2 COMMISSIONER BRIDGEWATER, JR.: Commissioners --

3 COMMISSIONER FRIEDLY: I have some questions.

4 COMMISSIONER BRIDGEWATER, JR.: Mr. Friedly.

5 COMMISSIONER FRIEDLY: Thank you. I know we're deferral

6 but should we have received the information?

7 MS. HOLMES: No, sir. You should not have received the

8 information. Actually the Economic Department as well as the

9 Department of Planning and Zoning are working currently to amend

10 that. So you will not see anything before you until that is completed.

11 COMMISSIONER BRIDGEWATER, JR.: Comments by other

12 Commissioners.

13 COMMISSIONERS: (No response.)

14 COMMISSIONER BRIDGEWATER, JR.: Hearing none, I'll

15 entertain a motion at this time.

16 COMMISSIONER ATKINS: Mr. Chair, I move that we defer

17 Agenda Item 2011 "M" as in Mary-001-05 to our June Planning and

18 Zoning Commission meeting.

19 COMMISSIONER WARES: I second.

20 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by

21 Commissioner Atkins and seconded by Commissioner Wares that said

22 matter be deferred until our June 2011 meeting. All in favor --

23 COMMISSIONERS: Aye.

24 COMMISSIONER BRIDGEWATER, JR.: -- let it be known by

25 the word aye.

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COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none -- you're  
very anxious, good. Great. Madam Clerk, would you sound the next  
matter, please.

MS. CARTER: Case Number 2011Z-009-04. Applicant is  
Charles Petross. Property location is 2455 McAlpin Terrance. This  
application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Keeping in mind, have  
stated previously the rules and guidelines for public hearing for the  
City of East Point Planning and Zoning Commission, these rules are  
still in effect. At this time, Mr. Charles Petross as applicant, would  
you come forward, please. State your name and address.

(Whereupon Applicant Charles Petross approach the podium.)  
Well, you'll be in position and I'll like to take a motion to open the  
public hearing. At this time -- just stay right there. At this time,  
Commissioners, I'll entertain a motion to open the floor for a public  
hearing.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Madam Clerk --  
Madam --

COMMISSIONER SHELDON: Is there something in the --

COMMISSIONER BRIDGEWATER, JR.: Commissioner

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Sheldon.

COMMISSIONER SHELDON: -- in the mechanical system today? We'll all a little wacky. I make a motion that we open the public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Commissioner.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Wares that the public hearing on said before the Commission be open. 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 floor is now open and thank you so much for your patience. Go ahead, sir.

MR. CHARLES PETROSS: Thank you. My name is Charles Petross. I live at 4060 Laurel Ridge Trail in Smyrna, Georgia. I purchased, huh, property at 2455 McAlpin, which I believe at the time was a, huh, duplex and I subsequently found that the property had -- well, I knew the property had been vacant for a while but I wasn't aware of the law that says that if it's been vacant for twelve months, it converse to a single family and I'm therefore requesting

1 that the property be reverted -- that I continue to have the R2 duplex  
2 zoning for that property. The whole block -- all of the houses on the  
3 block are duplexes. The property was built as a duplex in 1968. It's  
4 always been a duplex and as I said, the neighborhood is all duplexes  
5 and, huh, I don't see, huh -- it certainly wouldn't be economically  
6 viable to convert it to a single family property so I'm therefore  
7 requesting that, huh, it -- that I retain the status of R3 that it is or R2  
8 in terms of moving that from, huh, RL to R2.

9 COMMISSIONER BRIDGEWATER, JR.: Thank you, Petross.

10 MR. PETROSS: Okay.

11 COMMISSIONER BRIDGEWATER, JR.: Are they other --

12 MR. PETROSS: Questions?

13 COMMISSIONER ATKINS: Not at this time.

14 COMMISSIONER BRIDGEWATER, JR.: Not at this time.

15 COMMISSIONER BRIDGEWATER, JR.: Are they other persons  
16 wish to speak in favor of said matter before the Commission at this  
17 time?

18 AUDIENCE: (No response.)

19 COMMISSIONER BRIDGEWATER, JR.: Are they other persons  
20 wish to speak in favor? All right, ma'am, would you come forward  
21 and state your name and address, please.

22 (Whereupon Keisha Bingham approach the podium.)

23 MS. BINGHAM: Hello. Keisha Bingham. I own property at  
24 2461 McAlpin Terrace, right next day and so basically, I'm just asking  
25 for the same request so my family has had the property, 'um, since

1 1994, I believe, and, 'um, as, 'um, has already previously been  
2 stated all the houses on that block are duplexes and it would be quite  
3 costly to convert them all into single family units, concerning they all  
4 have, you know, the units for out kitchens were not gonna be  
5 extremely costly to convert and if we were to sell it, then, you know,  
6 the seller would have to convert and that would be costly on their  
7 part which mean that we would have to reduce the selling price  
8 drastically for that type of conversion.

9 MS. HOLMES: Mr. Bingam, could you fill out a speaker card  
10 and return it to the desk, please.

11 MS. BINGHAM: Sure.

12 COMMISSIONER BRIDGEWATER, JR.: Thank you. So much.  
13 Are they others that wish to speak in favor of said matter?

14 AUDIENCE: (No response.)

15 COMMISSIONER BRIDGEWATER, JR.: Are they others that  
16 wish to speak in favor?

17 AUDIENCE: (No response.)

18 COMMISSIONER BRIDGEWATER, JR.: Are they those to wish  
19 to speak in opposition of said matter before the Commission?

20 AUDIENCE: (No response.)

21 COMMISSIONER BRIDGEWATER, JR.: Are they those to wish  
22 to speak in opposition?

23 AUDIENCE: (No response.)

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

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COMMISSIONER ATKINS: Mr. Chair, I move that we close the public hearing for Agenda Item 2011 "Z" as in zebra-009-04.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Tucker that the -- Commissioner Wares that the public hearing be closed on said 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 closed. Staff.

MS. CARTER: Case Number 2011Z-009-04. Property location is 2455 McAlpin Terrace. Applicant is seeking approval of rezoning from RL, Residential Limited to R2, Two Family Residential. Staff recommends deferral of proposed rezoning from RL, residential limited to R2, Two Family Residential do to signage notification that was not completed. Applicant did not post the property nor has he sent in pictures of the postings.

COMMISSIONER BRIDGEWATER, JR.: All right. Thank you, Madam Clerk. Commissioners, I'll entertain a motion. Commissioner Friedly.

COMMISSIONER FRIEDLY: I move that we defer item 2011Z-009-04.

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COMMISSIONER ATKINS: Is that time-specific to our June meeting?

COMMISSIONER FRIEDLY: Until the June meeting.

COMMISSIONER ATKINS: I'll second that for discussion.

COMMISSIONER BRIDGEWATER, JR.: Okay. It's been motioned by Commissioner Friedly and seconded by Commissioner Atkins for discussion on said matter. Discussion.

COMMISSIONER ATKINS: Yes. Proponent, Ms. Bingham, I just want to make sure that I'm clear. When you spoke, it sounds as if you were speaking specifically of your property at 2461, is that correct? Because we're only dealing with Agenda Item that refers to 2455 and it sounded like you were talking about the property that you're family owns specifically, as I wouldn't want you to leave with confusion that when ever action we take today or in June, that it refers to your property. It is specific to this property.

MS. BINGHAM: Oh, thank you for that clarification. No, I was assuming that if his property were to be rezoned it would affect the entire cul-de-sac.

COMMISSIONER ATKINS: The reason that that property converted or reverted to RL is because it was vacant. If the property that your family owned since 1994 is not vacant, then I'm assuming that you're zoning status would still be R2. And so I just wanted you to be clear that -- 'cause it gave me the sense that you were speaking in favor of your property but this is not about your property. It's about 2455 McAlpin.

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MS. BINGHAM: Okay.

COMMISSIONER ATKINS: Okay.

COMMISSIONER SHELDON: Has your property been occupied?

MS. BINGHAM: It has been.

COMMISSIONER SHELDON: Okay.

MS. BINGHAM: So I have a question, then. So does that mean that if I were to sell the property, would I still be selling it as a duplex or would I -- would it be -- would it then convert to single family unit status as well?

MS. HOLMES: Excuse me. Your property -- the structure itself is an R2 structure and was quite possibility created as an R2 structure. However, in 2007, the City did it Citywide initiated rezoning that affected about 3,000 properties. All the properties in your cul-de-sac were a part of that rezoning so they are all currently zoned RL. If you were to sell it, you would have to disclose that the property is currently zoned RL. You could not -- it's not that it isn't a duplex because the zoning on it is RL, single family.

MS. BINGHAM: Okay. So I will have to file my own to conform --

MS. HOLMES: You may do that. What we have been speaking about tonight is our none conformity clause of our ordinance. If a property lapse is used for one year or more, it must conform to the current regulation and the current regulation is RL. As long as you have someone in the home and they retain the use,

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they can use it as a duplex. But in the case of Petross, if it lapses that use, it has to conform to the current regulation.

MS. BINGHAM: Okay. I'm so -- I'm so concerned though because of the issue of selling it. Like I was saying, if I were to sell it, then I would have to lessen the value of the property because it would have to undergo major conversion to become a single family unit.

MS. HOLMES: Call -- can you -- we'll have a separate discussion offline in our office.

MS. BINGHAM: Okay.

COMMISSIONER BRIDGEWATER, JR.: Thank you, though. Thank you you for coming.

MS. BINGHAM: You're welcome.

COMMISSIONER BRIDGEWATER, JR.: Madam Clerk, could you sound the next case?

COMMISSIONER ATKINS: We have a second -- we have a motion and a second before we close.

COMMISSIONER BRIDGEWATER, JR.: It was discussion. You're absolutely correct. Thank you. Are they other Commissions wish to engage in discussion?

COMMISSIONERS: Hearing none, all in favor let it be known by the word aye.

COMMISSIONERS: Aye.

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

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COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter will be deferred to our June 2011 meeting. And now, Madam Clerk, would you sound the next, please.

MS. CARTER: Case Number 2011Z-010-04, 2011 "U" as in umbrella-002-04 and Case Number 2011 "V" as in Victor, "C" as in Charles-001-04. Applicant is PlasMet, LLP. Property location is 2323 Sylvan Road. Applicant is seeking approval of rezoning from I1, Light Industrial to I2 Heavy Industrial with a Special Use Permit and a 4 part concurrent variance to allow recycling on an existing site. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: My question would be in terms of public hearing, would we have to separate each of the cases or we can do they all as one?

MS. HOLMES: We can do them all as one. They're advertised together so --

COMMISSIONER BRIDGEWATER, JR.: Okay. That's what I needed to know. Thank you. At this time, well entertain a motion, Commissioners, to open the floor for public hearing.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we open the floor for public hearing for items number 2011 "Z" as in zebra-010-04, 2011U-002-04 and 2011 "V" as in Victor "C"-001-04.

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COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Wares that the public hearing be open on 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 open. At this time, we will hear from the applicant.

MS. CARTER: The applicant is not present because they've submitted a withdrawal letter requesting that the Commission will withdraw the application.

COMMISSIONER BRIDGEWATER, JR.: All right. Are you gonna share the -- do you care to share the withdrawal letter with us? And while you do that, allow me to say that in the absence of our assigned attorney, Attorney Susan Garrett, for the City of East Point Planning and Zoning, who is not here tonight, it is our pleasure to welcome our former attorney for this office Body, Ms. Valerie Ross, who is providing us with legal assistance tonight along with our two senior planners, Regina Carter and Keyetta Holmes. Madam Clerk, have you found it? Let us know. Otherwise, I can go on and sound the next matter if you --

1 MS. CARTER: We'll have to sound the next --  
2 COMMISSIONER BRIDGEWATER, JR.: Are they other  
3 proponents on the matter?  
4 AUDIENCE: (No response.)  
5 COMMISSIONER BRIDGEWATER, JR.: Are they other persons  
6 who are proponents of this matter?  
7 AUDIENCE: (No response.)  
8 COMMISSIONER BRIDGEWATER, JR.: Are there those who  
9 are proponents?  
10 AUDIENCE: (No response.)  
11 COMMISSIONER BRIDGEWATER, JR.: Are they those in  
12 opposition of the property, of the said matter before the Commission  
13 who would like to speak?  
14 AUDIENCE: (No response.)  
15 COMMISSIONER BRIDGEWATER, JR.: Are they those in  
16 opposition?  
17 AUDIENCE: (No response.)  
18 COMMISSIONER BRIDGEWATER, JR.: Hearing none,  
19 Commissioners I'll entertain a motion to close the public hearing.  
20 COMMISSIONER ATKINS: Mr. Chair, I move that we close the  
21 public hearing for Agenda Items 2011 "Z" as in zebra-010-04 and  
22 2011 "U" as in umbrella-002-04 as well as Agenda Item 2011 "V" as  
23 in Victor "C" as in Charles-001-04 for the property located at 2323  
24 Sylvan Road.  
25 COMMISSIONER WARES: I second.

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COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins has made a motion that we close the public hearing on said stated matter. It has been seconded by Commissioner Wares. All in favor let it 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 closed on the said matter. Madam Clerk.

MS. CARTER: I can't find the letter from Steve Rotham of Wilson, Brock & Irby but that is the letter. It was went by email, requesting the withdrawal.

COMMISSIONER BRIDGEWATER, JR.: Commissioner -- I'm sorry. Go ahead.

ATTORNEY VALERIE ROSS: If the Commission would, this item can be moved down to the last item on the agenda which would allow, 'um, Ms. Carter to go downstairs and get a copy of the letter for the Commissioners review before you make a motion. So you can just move it down to the last item.

COMMISSIONER ATKINS: So, Madam Attorney, would it be proper for us to table this until the end?

ATTORNEY VALERIE ROSS: Exactly.

COMMISSIONER ATKINS: Okay. Mr. Chair, I move that we table Agenda Items 2011 "Z" as in zebra-010-04 and 2011 "U" as in

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umbrella-002-04 and Agenda Item 2011 "V" as in Victor "C" as in Charles-001-04 to the end of our New Business on the agenda.

COMMISSIONER TUCKER: Second.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

Commissioner Tucker -- Commissioner Atkins has made a motion that we table said matter before the Commission. It has been second by Commissioner Tucker. 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 tabled until the end of our agenda. Madam Clerk, if you'd like to sound the next one.

MS. HOLMES: Case Number 2011 "Z" as in zebra-011-04. Applicant is Jimmie Terrell property location is 0 Creek Pointe Avenue. Applicant is speaking approval of a rezoning from CL with modification to C2.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

Commissioners, this matter also requires a public hearing. I'll entertain a motion to open the floor for public hearing at this time.

COMMISSIONER ATKINS: Mr. Chair, I move that we open the public hearing for Agenda Item 2011 "Z" as in zebra-011-04.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by

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Commissioner Atkins and seconded by Commissioner Wares that we open the public hearing on said 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 open on said matter. At this time, we will hear from the applicant Mr. Jimmie Terrell or Terrell?

MR. TERRELL: Terrell.

COMMISSIONER BRIDGEWATER, JR.: Okay.

(Whereupon applicant Jimmie Terrell approach the podium.)

MR. TERRELL: Good evening. My name is Jimmie Terrell, address 3841 Adamsville Drive, Atlanta, Georgia 30331. For the development that we propose, 'um, required that, 'um, bowling and miniature golf be in the C2 zoning and to encompass the entire development, the entire development will consist of 42 lanes of bowling on two levels, 'um, laser tag arena, a video arcade and food service restaurant on the interior of the building and also on the exterior again the 32 -- 'um, I'm sorry, 218-, hole miniature golf courses that will be on the outside of the development. Again, to accommodate all of the uses that we propose to development, 'um, it is required that we have the property zoned C2 to encompass those, 'um, proponents on the development -- components of the

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development and we kindly ask that you will consider, 'um, rezoning the property to C2. Thank you.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Mr. Terrell. Are they other persons that wish to speak in favor of said matter before the Commission?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are they others that wish to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there those that wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are they those that wish to speak in opposition?

AUDIENCE: (No response.)

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

COMMISSIONER ATKINS: Mr. Chair, I move that we close the public hearing for Agenda Item 2011 "Z" as in zebra-011-04 for the property located at 0 Creek Pointe Avenue.

COMMISSIONER WARES: I second.

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

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COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

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

MS. HOLMES: With respect to Case Number 2011Z-011-04, Staff recommends approval of the proposed rezoning from CL with modification to C2 with the following conditions: Must apply for a stream buffer variance. Must show access to the the southern adjacent landlocked parcel. Must meet the Camp Creek Pointe architectural design requirement. Must provide a traffic study prior to applying for a Land Disturbance Permit. Must provide the City of East Point Electrical Utilities Department, a utilities easement for installing and/or maintaining any new or existing electrical or other City of East Point utility infrastructure including water and sewer required for serving the proposed rezoning. Will be required to apply to the United States Corps or Engineers for a permit to disturb the wetlands area prior to a Land Disturbance Permit or any land-disturbing activity before any land-disturbing can proceed and must meet all East Point applicable codes and ordinances regulations, policies and standards that shall apply.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. Commissioners, I'll entertain a motion at this point.

COMMISSIONER ATKINS: Mr. Chair.

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COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: I move approval. I move that we recommend approval for Agenda Item 2011 "Z" as in zebra-011-04 with the conditions as stated by Staff, those seven conditions.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Wares that the said matter before the Commission be approved with the stipulated conditions as outlined. Discussion.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: 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.: Hearing none, the matter is approved with the stipulate conditions. Thank you. Madam Clerk, would you sound --

MS. HOLMES: Case Number 2011 "P" as in Paul-003-04. Applicant is Duke Realty Limited. Property location is Camp Creek Business Center at North Commerce Drive. The applicant is seeking approval of a Preliminary Plat in the business part district, R1 with a CUPc overlay.

COMMISSIONER BRIDGEWATER, JR.: All right.

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Commissioners, I'll entertain a motion.

COMMISSIONER ATKINS: Mr. Chair, I move that we open the public hearing of --

COMMISSIONER BRIDGEWATER, JR.: This does no require a public hearing on this one.

COMMISSIONER SHELDON: Could we get Staff recommendations at this time before we make a motion.

MS. HOLMES: The Staff recommend --

VIDEOGRAPHER: Microphone, please.

MS. HOLMES: Staff recommends approval of the Preliminary Plat to subdivide a 171.429 acres in 5 lots in the Business Part District, zoned R1, Single Family with a CUP overlay with the following conditions of the site will require a 75 foot vegetative buffer on all boundaries adjacent to a residential parcel.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: Mr. Chair, I make a motion that we approve Case Number 2011P-003-04 for the property at North Commerce Drive and Camp Creek Parkway with the stated conditions by Staff.

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Atkins that the matter before the Commission be approve as stated conditions. Discussion.

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COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: 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. 'Um, Madam Clerk, we'll go back to the stated matter that we agreed to table on Wilson -- the applicant, Wilson, Brock & Irby.

COMMISSIONER ATKINS: Mr. Chair, since Ms. Carter is yet to come back, can we go ahead and take any announcements, if there are any announcements and we could perhaps go over that while we wait for her to come back with the email letter.

COMMISSIONER BRIDGEWATER, JR.: Why don't you start with the first announcement. Do you have any?

**IX. ANNOUNCEMENTS:**

COMMISSIONER ATKINS: 'Um, no I don't, actually.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, anybody? Commissioners with announcements?

COMMISSIONER WARES: Commissioner Bryant, don't you have an announcement?

COMMISSIONER BRIDGEWATER, JR.: Well, I think Commissioner Friedly's light went on. Go ahead Commissioner,

1 Friedly.

2 COMMISSIONER FRIEDLY: Yeah, I just, 'um -- since our last  
3 meeting, 'um, Steven Bramlett, who is the curator at the East Point  
4 Historical Society passed away very suddenly, so I would just ask that  
5 everyone keep him in their thoughts.

6 COMMISSIONER BRIDGEWATER, JR.: Commissioner Wares.

7 COMMISSIONER WARES: -- hear from Commissioner Bryant.

8 COMMISSIONER BRIDGEWATER, JR.: Thank you.

9 Commissioner Tucker.

10 COMMISSIONER TUCKER: No.

11 COMMISSIONER BRIDGEWATER, JR.: Commissioner Jones.

12 COMMISSIONER JONES: No.

13 COMMISSIONER BRIDGEWATER, JR.: Commissioner  
14 Sheldon.

15 COMMISSIONER SHELDON: Yes, I just like to announce that  
16 tomorrow from 8 to 4 in the Jefferson Park Neighborhood, we're  
17 having a multi-family -- like, I think there're 23 home holding a  
18 neighborhood yard sale so -- on Saturday, not tomorrow so  
19 everybody come on out and buy some stuff.

20 COMMISSIONER BRIDGEWATER, JR.: Commissioner William  
21 Bryant.

22 COMMISSIONER WILLIAM BRYANT: On Saturday in  
23 Meadowlark Subdivision, we're having a yard sale the weekend --  
24 whole weekend, Friday, Saturday and Sunday and we would like to  
25 invite all of you out. There will be some very good stuff. I've seen

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already. I sort of walked the neighborhood. Please come by. You may see something that you don't have so please come by our neighborhood, the Meadowlark Subdivision off of Ben Hill Road. Thank you so such.

COMMISSIONER BRIDGEWATER, JR.: Thank you. And again, James, if you will focus on our guest attorney. Again, we would like to say thank you, attorney Valerie Ross for being back with us. It was a pleasure having you back in the absence of our regular assigned attorney, Attorney Susan Garrett. God bless you and we wish you God's blessings.

ATTORNEY VALERIE ROSS: Thank you. It's good to be back.

COMMISSIONER BRIDGEWATER, JR.: Commissioner, should we --

COMMISSIONER ATKINS: Are they any announcements from Staff.

MS. HOLMES: No.

COMMISSIONER BRIDGEWATER, JR.: Want to motion -- to table it to our next meeting, to defer to the next meeting. I'll entertain a motion Commissioners if you want --

COMMISSIONER SHELDON: No. Let's just wait.

COMMISSIONER ATKINS: Yeah, we'll wait.

COMMISSIONER BRIDGEWATER, JR.: Want to take a ten minute recess?

COMMISSIONER SHELDON: Yes, let's take a recess.

COMMISSIONER BRIDGEWATER, JR.: Okay. Is there a

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motion for that.

COMMISSIONER SHELDON: Mr. Chair, I make a motion that we take a ten minute recess while we wait for the letter that Regina is getting for us.

COMMISSIONER BRIDGEWATER, JR.: Second?

COMMISSIONER TUCKER: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Tucker that we do a ten minute recess while we wait for the additional information on the case pending before the Commission. 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, a ten minute recess.

(Whereupon a ten minute recess is taken.)

(Meeting back in session.)

COMMISSIONER BRIDGEWATER, JR.: Ladies and gentlemen, the City of East Point Planning and Zoning for April the 19th, 2011 -- May 2011. I don't know why I keep saying April. May 2011 is now back in session. We had adjourned for a ten minute recess for our senior planner to come with additional information on a said case before the Commission and that case has been stipulated. It is Case

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Number 2011Z-010-04 and 2011 "U" as in uncle-002-04 and 2011 "V" as in Victor "C" as in Charles-001-04. Staff, would you please now read the additional information that we had requested.

MS. CARTER: On the case stated, I receive an email from Mr. Steve Rothman, attorney of Wilson, Brock & Irby for 2323 Sylvan Road. It states as we discussed, this email is confirm that Plasmet request that all of the above referenced applications be withdrawn. Plasmet does not wish to pursue the proposed use or the application and, to that end, will not present -- will not present or pursue the rezoning Special Use Permit or concurrent variance. The applicant has not posted the property with the zoning sign advertising the P&Z or Council hearings, thus, the public hearing should not go forward. Please let me know if you have any other questions or /STKAOEUR additional information. Steve Rothman, Wilson, Brock & Irby, LLC, 2849 Paces Ferry Road, Overlook 1, Suite 700, Atlanta, Ga, 30339.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. Commissioners, with this additional information, I'll entertain a motion on said matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we accept the withdrawal letter, 'um, issued for the property at 2323 Sylvan Road the aforementioned rezoning Special Use Permit and 4 part concurrent variance request.

1 COMMISSIONER BRIDGEWATER, JR.: Is there a second.  
2 COMMISSIONER ATKINS: Second for discussion.  
3 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by  
4 Commissioner Sheldon and seconded by Commissioner Atkins for  
5 discussion. At this time, discussion, Commissioner Atkins.  
6 COMMISSIONER ATKINS: Yes. I just have a question. I just  
7 didn't know if we -- could it be most appropriate for us to accept the  
8 withdrawal or move to file?  
9 ATTORNEY VALERIE ROSS: What do you mean when you  
10 say, move to file.  
11 COMMISSIONER ATKINS: A move to -- a motion to file  
12 means that if it's filed and it dies and it ends in a dispute.  
13 ATTORNEY VALERIE ROSS: No, just do a motion for  
14 withdrawal.  
15 ATTORNEY VALERIE ROSS: As the applicant has requested --  
16 COMMISSIONER ATKINS: Okay.  
17 ATTORNEY VALERIE ROSS: -- just do the motion for  
18 withdrawal.  
19 COMMISSIONER ATKINS: Okay.  
20 COMMISSIONER BRIDGEWATER, JR.: Okay. Further  
21 discussion from any Commissioners?  
22 COMMISSIONERS: (No response.)  
23 COMMISSIONER BRIDGEWATER, JR.: All in favor?  
24 COMMISSIONERS: Aye.  
25 COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign

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no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter is withdrawn from our agenda. At this time, Madam Clerk, I think while you were out, we went through all of the announcements but as our senior planner, if you have any announcements we respect you and will allow you to speak.

MS. CARTER: No, I do not. Thank you.

COMMISSIONER BRIDGEWATER, JR.: Allow me to say my announcement is really thank you for the efficiency of the Staff and we appreciate all the fine work you do and it was certainly your extra effort to go get the letter and I understand you only got it at the last minute, which was the reason why it was not, Commissioners, part of the package. It just came today. And Commissioners, I certainly want to say a bowl of thanks to each of you for how we bond together as a Body as a whole. You do an excellent job. Thank you so much. Without any further business, I'll entertain a motion to adjourn.

**X. ADJOURNMENT:**

COMMISSIONER WILLIAM BRYANT: Mr. Chairman.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Bryant.

COMMISSIONER WILLIAM BRYANT: I make a motion that we adjourn.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER JONES: I second.

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COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner William Bryant and seconded by Commissioner Jones that the City of East Point Planning and Zoning Commission for April -- for May 19th, 2011 be adjourned. All in favor let it be known by the the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the same sign.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the meeting is adjourned.

(Whereupon this concludes the meeting for the City of East Point Planning & Zoning Commission for May 19th, 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 41 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 19th, 2011, at 7 o'clock P.M. were taken down by me and transcribed by me this 2nd day of June, 2011.

Jeanene Harper  
Court Reporter