

1 CITY OF EAST POINT

2 **PLANNING & ZONING COMMISSION**

3 July 21st, 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 Joel **TUCKER**

17 Commissioner Davita **WASHINGTON**

18 ABSENT: Commissioner Dr. Lydia **WARES**

19 **Also Present:**

20 Ms. Susan **GARRETT**
21 City Attorney

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

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

James **HAMMOND**
Videographer

Richard **RANDOLPH**
City Engineer

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I. CALL TO ORDER:

COMMISSIONER BRIDGEWATER, JR.: This is July -- what's the day, July the 20th. Can we start? Calling to order the July 21st meeting of the City of East Point Planning & Zoning Commission. At this time, we'll have roll call from the Clerk, please.

II. ROLL CALL:

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

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COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. Ladies and gentlemen, at this time, it is customary of this Board to observe a moment of silence and I would ask that in so doing, you keep in mind, please, the family of Clayton County Deputy Rick Daly and his family as we mourn the lost of a fallen officer.

III. MOMENT OF SILENCE:

COMMISSIONER BRIDGEWATER, JR.: Thank you. Now would you join me in doing the Pledge of Allegiance, please.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER BRIDGEWATER, JR.: Commissioners, at this time, I'll entertain a motion for the adoption of tonight's agenda.

V. ADOPTION OF AGENDA:

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we adopt the agenda as printed.

COMMISSIONER E. BRYANT: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner William Bryant that tonight's agenda for July 21st, 2011 be adopted as printed. 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, tonight's minutes is adopted. Also Commissioners, we'll entertain a motion at this time for approval of the May 19th minutes.

VI. APPROVAL OF MEETING MINUTES:

COMMISSIONER JONES: Mr. Chair, I move that we approve May 19th, 2010 meeting minutes.

COMMISSIONER BRIDGEWATER, JR.: 2011.

COMMISSIONER JONES: '11, I'm sorry.

COMMISSIONER TUCKER: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Jones for the approval of May 19th, 2011 minutes of the City of East Point Planning & Zoning Commission. It has been seconded 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 the minutes of May 19th, 2011 for the City of East Point Planning & Zoning Commission is now approved. Also Commissioners, I'll entertain a motion also for the approval of the June 16th, 2011 minutes.

VII. APPROVAL OF MEETING MINUTES:

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COMMISSIONER WILLIAM BRYANT: Mr. Chairman.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Bryant.

COMMISSIONER WILLIAM BRYANT: I make a motion that we adopt the June 16th, 2011 minutes.

COMMISSIONER SHELDON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner William Bryant for the approval of the June 16th, 2011 minutes of the City of East Point Planning & Zoning be approved. It has been seconded by Commissioner Sheldon. 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 minutes for June 16th are now approved. Thank you. Staff would sound the first item on the agenda, please.

VIII. NEW BUSINESS:

MS. CARTER: On the agenda, under New Business, the first case is Case Number 2011U-006-06. Applicant is Julianne Troje. Property location is 2879 Cheney Street. Applicant is seeking approval of a Special Use Permit to allow construction of a Habitable Accessory Structure to the principal structure on the existing site. This application requires a public hearing. Because it was advertised, the applicant is requesting -- has forwarded a request to withdrawal the

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application but because it's been advertised, we must continue with the public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you Madam Clerk.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, at this time, I will read the rules for a public hearing after which I'll entertain a motion to open the floor for public hearing. The rules for public hearing procedure for the City of East Point Planning and Zoning are as follows: The applicant for the proposed amendment or applicant's designee or representative, if any, will be entitle 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 permitted to speak for a total of fifteen minutes. By a majority, both the Commission may increase the total time for speakers provided that each side is given the same amount of time. If there's more than one speaker for a side, the presiding officer may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her time for rebuttal. Speakers may adhere to the rules of decorum. Prior to speaking, each speaker shall identify himself or herself and state his or her current address. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address remarks only to the Commission and shall refrain from making personal attacks on any other speaker. The presiding officer may refuse a speaker the right to continue if after

1 first being cautioned the speaker continues to violate the rules of
2 decorum. Commissioners, at this time, I'll entertain a motion to open
3 the floor for the public hearing on said matter before the
4 Commission.

5 COMMISSIONER SHELDON: Mr. Chair.

6 COMMISSIONER BRIDGEWATER, JR.: Commissioner
7 Sheldon.

8 COMMISSIONER SHELDON: I move we open the public
9 hearing for Case Number 2011U-006-06.

10 COMMISSIONER BRIDGEWATER, JR.: Is there a second.

11 COMMISSIONER TUCKER: Second.

12 COMMISSIONER BRIDGEWATER, JR.: It's been motioned by
13 Commissioner Sheldon and seconded by Commissioner Tucker that
14 we open the floor for the public hearing on said stated matter. All in
15 favor let it be known by the word aye.

16 COMMISSIONERS: Aye.

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

19 COMMISSIONERS: (No response.)

20 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the
21 public hearing is now open. Staff, call the first -- who's the
22 applicant?

23 MS. CARTER: The applicant is Julianne Troje.

24 COMMISSIONER BRIDGEWATER, JR.: And he's withdrawing
25 so at this point --

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ATTORNEY SUSAN GARRETT: Mr. Chair, you should still go ahead and call for speakers in favor of the application and opposed to the application.

COMMISSIONER BRIDGEWATER, JR.: All right. Thank you. Are there persons present that wish to speak in favor of the matter before the Commission as stated?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there any persons present that wish to speak in favor?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons who wish to speak in opposition of the matter? Then come forth, please, and state your name and address.

SPEAKER: Teresa Nelson, 1732 Neely Avenue and I'm not gonna bore you with my prepared comments. So my presumption is they will have to re-advertise and start the process over again. Oh, it's not generally allowed to ask a question but I have to notify the neighborhood --

COMMISSIONER ATKINS: Yes, you mean for this particular Agenda Item?

SPEAKER: It will need to be re-advertised -- rescheduled and re-advertised for the entire process?

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COMMISSIONER ATKINS: Yes, because we're currently now holding a public hearing because the applicant had made application for it to be heard today and they've withdrawn it so if they come back and reapply then a new advertisement will go out for a public hearing and at that time, we would hold another public hearing.

SPEAKER: I just wanted to make absolutely certain that there would be a public hearing.

ATTORNEY SUSAN GARRETT: If I may, excuse me. Let me clarify that and the Council will have -- I mean, the Commission will have at the conclusion of this public hearing -- will have the option of allowing the withdrawal or would still have the option of approval or denying the application so depending on what the Commission does with it -- but if the application is withdrawn essentially, the applicant would have to start all over again with a new application.

SPEAKER: I appreciate that. Thank you.

COMMISSIONER BRIDGEWATER, JR.: Are there at persons present that wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there other persons wish to seek in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Commissioner seeing none other, I'll entertain a motion to close the public hearing on said matter.

COMMISSIONER SHELDON: Mr. Chair, I move we close the

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public hearing for Case Number 2011U-006-06.

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Atkins that we close the public hearing on said matter. Any further discussion.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Without any further discussion, are we ready for the vote? 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 now closed.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon. I move we accept the application's for withdrawal of this particular case.

COMMISSIONER WASHINGTON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Washington that we accept the applicant's request for withdrawal of the said matter before the Commission. 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, this
matter is withdrawn. Would Madam Clerk -- would you state the
next -- sound the next item.

MS. CARTER: Case Number 2011U-003-06. Applicant is Rev.
Reginald Garmon of Word of Faith Love Center. Property location is
2435 Ben Hill Road. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you Madam
Clerk. Baring in mind that the rules of the public hearing have
already been stated and are still in effect. At this time, we will
entertain a motion to open the floor for the public hearing on said
matter.

COMMISSIONER ATKINS: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: I move that we open the public
hearing for Agenda Item 2011 "U" as in umbrella-003-06.

COMMISSIONER FRIEDLY: Second.

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

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing and hearing none, the floor is now open for public hearing on said matter. At this time, we'll hear from the applicant. The Reverend Bishop Garmon, come on up. State your name and address, please.

(Whereupon Applicant Reverend Reginald Garmon approach the podium.)

SPEAKER: My name is Reginald Garmon, 2435 Ben Hill Road, East Point, Georgia. 'Um, I recommend that the Planning and Zoning Commission approve this application for essential use permit to allow Word of Faith Love Center to house a Christian Academy for the ages of K3-2nd Grade. This academy would start off with approximately 70 children. It will not require any additional buildings to be constructed. They will use the existing construction at Word of Faith Love Center in the classrooms that are already there. 'Um, we are excited by about quality, 'um, education to the East Point community and, 'um, we will gratefully appreciate if the Commission will approve this Special Use Permit.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Are there other persons wish to speak in favor of the proposed matter before the Commission?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there other

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persons wish to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none, are there those who wish to speak in opposition of said matter?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there those who 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 "U" as in umbrella-003-06.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER JONES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Jones that said matter -- 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, this matter is closed. Staff.

MS. CARTER: Case Number 2011U-003-06. Applicant

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Reverend Reginald Garmon of Word of Faith Love Center, location 2435 Ben Hill Road. Applicant is seeking approval of a Special Use Permit to allow a school as an Accessory to the church. Staff recommends approval of request.

COMMISSIONER BRIDGEWATER, JR.: Thank you Staff. Commissioners, I'll entertain a motion.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Tucker.

COMMISSIONER TUCKER: I'd like to move that we approve application 2011U-003-06.

COMMISSIONER ATKINS: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker and has been seconded by Commissioner Atkins that we approve the matter 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, this matter is approve. Thank you. Bishop you didn't use your preaching voice but you did good. Madam Clerk, would you sound the next matter.

MS. CARTER: Case Number 2011P-004-06. Applicant, McDonald Development, Wilson, Brock and Irby. Property location is

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0 Ben Hill Road. The applicant is seeking approval of a preliminary plat on 228.8 acres in the I-1 & R4c Zoning District.

COMMISSIONER BRIDGEWATER, JR.: Thank you Madam Clerk. At this time, we'll hear -- no public hearing is needed on this. This time we'll hear from the applicant. The applicant come forth and state your name and address, please.

ATTORNEY SUSAN GARRETT: Mr. Chair, while Mr. Dingle is coming forward, if I could just mention the clarification that's needed for the last application, that that was a recommendation of approval to the City Council. I don't think you need to redo the vote but just for the benefit of the applicant, he needs to know that he still needs to come to the City Council to get his final approval.

(Whereupon Applicant Attorney Larry Dingle approach the podium.)

SPEAKER: Thank you Mr. Chairman and members of the Planning Commission. I'm Larry Dingle, 2849 Paces Ferry Road. The 228.8 acres tract of land at McDonald is in the process of -- and collaboratively with the Staff and I hope that you would recommend approval of this application.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Mr. Dingle. Commissioners, you've heard from the application. Are there other persons that wish to speak in favor of?

AUDIENCE: (No response.)

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

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AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none, then Commissioners, we'll entertain a motion on this said matter. Commissioner Atkins.

COMMISSIONER ATKINS: Well, we're have a public hearing and we didn't open a public hearing.

COMMISSIONER BRIDGEWATER, JR.: No, we're not having a public hearing.

COMMISSIONER ATKINS: Okay. It was advertised as a public hearing and you're asking for the public to speak so that would constitute a public hearing and so I just want to make sure that we perfect the record and so if we're gonna advertise and have a public hearing, then, should we open the public hearing and then allow Mr. Dingle to speak and then close the public hearing? But it was advertised. It's a preliminary plat but it was advertised as a public hearing.

ATTORNEY SUSAN GARRETT: Does it require a public hearing but we advertised --

COMMISSIONER BRIDGEWATER, JR.: It was a matter they raised earlier if we needed to open the public hearing and Clerk said, no.

MS. CARTER: It was advertised as a public hearing however it does no require a public hearing but because it was advertised as a public hearing, you can open it and I'll defer it to Susan but it was advertised as a public hearing.

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ATTORNEY SUSAN GARRETT: Lets determine if there's anyone else here who wants to be heard on this application and then ask Mr. Dingle if he has any objection to the fact that we advertised this through public hearing.

MR. DINGLE: I don't believe there's anybody else --

ATTORNEY SUSAN GARRETT: Mr. Dingle, on behalf of the applicant has no procedural objection to what we just done so lets just continue.

COMMISSIONER ATKINS: Okay.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, at this time, I will entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I make a motion to approve --

COMMISSIONER BRIDGEWATER, JR.: That was what was coming and you stop it when she was getting ready to do it.

COMMISSIONER SHELDON: I'm sorry.

MS. CARTER: All right. Staff's recommendation is approval of the plat on 228.8 acres in the I-1, R4c zoning district.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff.

COMMISSIONER SHELDON: Mr. Chair, I make a motion that we approve the preliminary plat for Case Number 2011P-004-06, property, 0 Ben Hill Road. Applicant, McDonald Development.

COMMISSIONER ATKINS: Second.

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COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Atkins that said matter before the Commission is approve. All in favor let it be known by the word aye.

ATTORNEY SUSAN GARRETT: Mr. Chair, before ya'll vote, again, this is a recommendation to the Council. This does go to Council.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

COMMISSIONER SHELDON: I amend my motion.

COMMISSIONER ATKINS: And my second still stands.

COMMISSIONER BRIDGEWATER, JR.: Thank you. With the amended motion and the second still in place, any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Without 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, this matter is approved. Thank you, Commissioners. Staff, are there announcements?

IX. ANNOUNCEMENTS:

MS. CARTER: None.

COMMISSIONER BRIDGEWATER, JR.: Attorney Garrett, any

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announcements?

ATTORNEY SUSAN GARRETT: Not from me.

COMMISSIONER BRIDGEWATER, JR.: Commissioners,
announcement?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none, I'll
entertain a motion for dismissal.

X. ADJOURNMENT:

COMMISSIONER E. BRYANT: Mr. Chairman.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Bryant.

COMMISSIONER E. BRYANT: I make a motion for dismissal.

COMMISSIONER WASHINGTON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by
Commissioner Bryant and seconded by Commissioner Washington to
adjourn, that the July 21st meeting of the City of East Point Planning
and Zoning is 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.: Hearing none, the
meeting is adjourned.

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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 22 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 July 21st, 2011, at 7 o'clock P.M. were taken down by me and transcribed by me this 4th day of August, 2011.

Jeanene Harper
Stenographic Stenographer