

1 CITY OF EAST POINT

2 **PLANNING & ZONING COMMISSION**

3 November 17th, 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 Eric **FRIEDLY**

15 Commissioner Joel **TUCKER**

16 Commissioner Davita **WASHINGTON**

17 Commissioner Dr. Lydia **WARES**

18 Commissioner William **BRYANT**

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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APPEARANCES

<u>APPLICANT(S):</u>	<u>Page</u>
David Jimmerson	8
Jeffery Thomas	15

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**I. CALL TO ORDER:**

DR. BRIDGEWATER, JR.: Good evening ladies and gentlemen and we all to order the November 17th meeting of the City of East Point Planning and Zoning Commission. At this time, we'll have 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.  
MS. HOLMES: Here.  
MS. HOLMES: Commissioner Sheldon.  
COMMISSIONER SHELDON: Here.  
MS. HOLMES: Commissioner Bryant.  
COMMISSIONER WILLIAM BRYANT: Here.  
MS. HOLMES: Commissioner Washington.  
COMMISSIONER WASHINGTON: Here.  
MS. HOLMES: Mr. Chair, you have a quorum.

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COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. At this time, ladies and gentlemen, would you join me in a moment of silence at this time, and those of you in the audience as well, please.

**III. MOMENT OF SILENCE:**

COMMISSIONER BRIDGEWATER, JR.: Thank you. Now, will you also join us in the Pledge of Allegiance, please.

**IV. PLEDGE OF ALLEGIANCE:**

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

**V. ADOPTION OF AGENDA:**

COMMISSIONER ATKINS: Mr. Chair, I move that we adopt our agenda as presented.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Wares that tonight's agenda for November the 17th, 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.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, tonight's agenda is adopted. Madam Clerk, would you sound the first matter

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for the Commission, please.

**VI. NEW BUSINESS:**

MS. CARTER: This is a correction on the agenda. The Case Number is 2011Z -- first case, I'm sorry, is 2011Z-026-10.

COMMISSIONER BRIDGEWATER, JR.: And Madam Clerk, to be sure that's what, 2535-2539 Stone Road, correct?

MS. CARTER: Yes.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

MS. CARTER: Property location is as stated, 2537-2539 Stone Road. Applicant is seeking approval of rezoning from R1A, Urban Residential to R2, Two Family Residential. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk. Commissioners, at this time, we'll entertain a motion 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 a public hearing for Case Number 2011Z-026-10. Location is 2537-2539 Stone Road.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER JONES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Jones that we

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open the floor for public hearing 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 floor  
is now open for public hearing. Commissioners and those of you in  
our audience allow me at this time to read the rules for the public  
hearing procedures for the City of East Point Planning & Zoning.

(Whereupon the rules for public hearing procedures 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 permitted to speak for a  
total of fifteen minutes. By a majority vote, the Commission 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  
individual speaker other than the zoning applicant. The zoning  
applicant may reserve a portion of his or her time for rebuttal. The  
speaker may adhere to the rules of decorum. Prior to speaking, each  
speaker shall identify himself or herself and state his or her current

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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 the speaker the right to continue if, after first being cautioned, the speaker continues to violate the rules of decorum. Thank you. At this time, Madam Clerk would you call the applicant forward?

MS. CARTER: The applicant is David Jimmerson.

COMMISSIONER BRIDGEWATER, JR.: Mr. Jimmerson, would you come forward, please.

MR. JIMMERSON: Yes, sir.

COMMISSIONER BRIDGEWATER, JR.: Come to the mic and be kind enough to speak loud enough in the mic. You can adjust it for your height. Would you state your name and address at this time, please.

(Whereupon Applicant David Jimmerson approach the podium.)

MR. JIMMERSON: Yes, sir. My name is David Jimmerson and the address of the property is us.

COMMISSIONERS: Your address.

MR. JIMMERSON: Oh, my address is, huh, 13800 Highway 9 North, Suite D-150, Alpharetta, Georgia, 30004.

COMMISSIONER BRIDGEWATER, JR.: Good ahead.

MR. JIMMERSON: Okay. I just -- I'm not sure what you guys need to hear from me. Basically, I purchased a property right

1 here in East Point that was built as a duplex. It's about forty (40)  
2 plus years old and it's a brick structure and it's been vacant obviously  
3 for over a year which is the reason why the -- I could not get the  
4 utilities turned on for the property so we were going through this  
5 process. Just as a note, the property once again was built as a  
6 duplex. It's got two separate electrical meter sockets. It's got two  
7 separate gas meters. It's got two separate water meters and, 'um,  
8 it's basically a two bedroom one bath on this side and a two bedroom  
9 one bath on the other side. Other than that, 'um, I think there's  
10 some documents and stuff that were copied and given to allow you  
11 guys to have some pictures of the site plan or how the property sits  
12 on the -- or how the building sits on the property and, 'um, and other  
13 various information. Do, huh -- I don't know if there's anything else I  
14 need to say or whatever. I'm not -- this is the first time for me doing  
15 something like this so help me out here if you guys have any  
16 questions or anything.

17 COMMISSIONER BRIDGEWATER, JR.: I think you've done  
18 well. You've identified that it is a duplex and how it is set up and  
19 you've told us -- you said two meters?

20 MR. JIMMERSON: Two of everything, yes, sir. Two meters,  
21 two gas meters, two water meters and electrical meters.

22 COMMISSIONER BRIDGEWATER, JR.: All right.  
23 Commissioners.

24 COMMISSIONERS: (No response.)

25 COMMISSIONER BRIDGEWATER, JR.: Thank you.

1 MR. JIMMERSON: Okay. Thank you.

2 COMMISSIONER BRIDGEWATER, JR.: Are there any other  
3 persons present that wish to speak on this matter before the  
4 Commission?

5 AUDIENCE: (No response.)

6 COMMISSIONER BRIDGEWATER, JR.: Are there those  
7 present who wish to speak on the matter?

8 AUDIENCE: (No response.)

9 COMMISSIONER BRIDGEWATER, JR.: Are there those  
10 present that wish to speak in opposition of the matter?

11 AUDIENCE: (No response.)

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

14 AUDIENCE: (No response.)

15 COMMISSIONER BRIDGEWATER, JR.: Seeing no one present  
16 that wish to speak in opposition, Commissioners, I'll entertain a  
17 motion at this time to close the public hearing.

18 COMMISSIONER SHELDON: Mr. Chair.

19 COMMISSIONER BRIDGEWATER, JR.: Commissioner  
20 Sheldon.

21 COMMISSIONER SHELDON: I move we close the public  
22 hearing for this matter.

23 COMMISSIONER FRIEDLY: Second.

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

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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 matter is closed. Staff, would you give us your recommendation.

MS. CARTER: For Case Number 2011Z-026-10, Staff recommends approval of rezoning from R1A Urban Residential to R2, Two Family Residential to allow the proposed use of the property as a residential duplex.

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

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move that the Planning & Zoning Commission recommend approval on Case Number 2011Z-026-10, property located at 2537-2539 Stone Road.

COMMISSIONER TUCKER: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Tucker that the said matter before the Commission be recommended to the Council for approval. 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 approved and it will be forwarded on to the Council. Madam Clerk, would you sound the next matter, please.

MS. CARTER: Case Number 2011 "V" as in Victor-003-06. Applicant is Jeffery Thomas. Property location is 1561 Fairfax Avenue. Applicant is seeking approval of a variance to reduce the front yard setback from forty (40) feet to twenty-three (23) feet and reduce the rear yard setback from thirty (30) feet to nine (9) feet in the I-1 Light Industrial Zoning District. This application does require a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Madam Clerk.

COMMISSIONER FRIEDLY: Mr. Chairman, I'm sorry. Can we just clarify the Case Number because the Notice of Public Hearing has one thing and the --

MS. CARTER: You're correct Mr. Friedly. It is 2011Z-150-06.

COMMISSIONER BRIDGEWATER, JR.: So it should be 2-0-0 --

MS. CARTER: This is a variance Case Number. It should be "V" as opposed to "Z."

ATTORNEY SUSAN GARRETT: So it's just the number that's wrong?

1 MS. CARTER: Right. It should be "V" as opposed to the "Z."  
2 COMMISSIONER BRIDGEWATER, JR.: So it is "V" on my -- it  
3 should be 2011 "V" as in Victor --  
4 MS. CARTER: "V" as in Victor.  
5 COMMISSIONER BRIDGEWATER, JR.: -- -150-06?  
6 MS. CARTER: Yes.  
7 COMMISSIONER FRIEDLY: It should be -015-06.  
8 MS. CARTER: It should be "V" as in Victor-015-06.  
9 COMMISSIONER BRIDGEWATER, JR.: That's what I said.  
10 MS. CARTER: Yes.  
11 ATTORNEY SUSAN GARRETT: The notice -- the published  
12 notice of the hearing is correct except for in the Case Number, the  
13 "Z" should be a "V" indicating "Variance", however, we believe -- I  
14 don't believe that that makes the notice ineffective because the  
15 notice still accurately identifies the address of the property and it  
16 identifies it as the variance that's being sought which is all that's  
17 required by the law.  
18 COMMISSIONER BRIDGEWATER, JR.: So are we clear on the  
19 Case Number, now, Commissioner?  
20 COMMISSIONER SHELDON: One more thing.  
21 COMMISSIONER BRIDGEWATER, JR.: Commissioner  
22 Sheldon.  
23 COMMISSIONER SHELDON: On your packet, you've got the  
24 wrong number so you may want to make sure your packet reads  
25 correctly. It shows it as "003-06."

1 MS. CARTER: And it should be "15."  
2 COMMISSIONER SHELDON: Okay. So "015-06." Okay. Just  
3 want to make sure that that part is correct, too --  
4 MS. CARTER: Yes.  
5 COMMISSIONER SHELDON: -- 'cause it's also on the  
6 application.  
7 MS. CARTER: Yes. And it should "15." The applicant came to  
8 our office months ago and then he came back.  
9 COMMISSIONER SHELDON: Got it.  
10 MS. CARTER: It held for a while and then they came back  
11 and we gave it a number number.  
12 COMMISSIONER SHELDON: Okay. Good.  
13 COMMISSIONER ATKINS: Thank you. Second.  
14 COMMISSIONER BRIDGEWATER, JR.: It's motioned -- can we  
15 carry the motion again from the Clerk -- the motion was made by  
16 Commissioner Atkins and seconded by Commissioner Friedly.  
17 ATTORNEY SUSAN GARRETT: Actually we haven't reread  
18 that. Commissioner Friedly and seconded by Commissioner Atkins.  
19 COMMISSIONER BRIDGEWATER, JR.: Okay. Thank you.  
20 The motion was made by Commissioner Friedly and seconded by  
21 Commissioner Atkins. All in favor let it be known by the word aye.  
22 COMMISSIONERS: Aye.  
23 COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign  
24 no.  
25 COMMISSIONERS: (No response.)

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COMMISSIONER BRIDGEWATER, JR.: Hearing none, the floor is now open for public hearing on this matter. Please be aware that the rules have been read. The procedures are still in effect. Would Mr. Jeffery Thomas, the applicant, would you come forward, please. Give us your name and present or current residing address, please.

(Whereupon Applicant Jeffery Thomas approach the podium.)

MR. THOMAS: My name is Jeffery Thomas. I live at 2925 Kimmeridge Drive in East Point since 1988 and I been a business owner since 1994. I purchased the property at Fairfax Avenue last year in November. Since then, I want to bring a trailer in in accordance with the existing building setbacks that's there and that's it.

COMMISSIONER BRIDGEWATER, JR.: That's it?

MR. THOMAS: That's it.

COMMISSIONER BRIDGEWATER, JR.: All right. Thank you. Are there other persons present that wish to speak in favor of said matter?

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

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

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons

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present that wish to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none present that wish to speak in opposition, Commissioners, I'll entertain a motion to close the public hearing on the said matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we close the public hearing on this matter.

COMMISSIONER TUCKER: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Tucker 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, would you kindly let us hear from you at this time.

MS. CARTER: Case Number 2011Z --

COMMISSIONER BRIDGEWATER, JR.: You're still saying "Z."

MS. CARTER: -- "V" as in Victor this is variance, 015-06.

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Staff recommends approval of the variance to reduce the setbacks with the following conditions: All storage must be contained indoors during all hours of operation. That's it.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

Commissioners, having heard from Staff, I'll entertain a motion at this point.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Tucker.

COMMISSIONER TUCKER: I move to accept the Staff's recommendation.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker and seconded by Commissioner Wares that the recommendation -- acceptance of Staff's recommendation of said stated matter with the noted of approved as stated. All in favor let it be known by the word aye -- discussion? Oh, I'm sorry. Didn't catch it. Discussion. Commissioner Atkins.

COMMISSIONER ATKINS: Yes. I have a question of Staff. So with the condition, that all items must remain in the storage space during hours of operation, how would they enforce that and what happens when the applicant violates that? What do we do?

MS. HOLMES: It's enforced by the Code of Enforcement Department, the conditions, and, of course, by the zoning code, the I-1 and I-2 Regulations that requires storage to be indoors. It's Stated in the classification.

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COMMISSIONER ATKINS: And a violation of that?

MS. HOLMES: A violation of that is a violation of code and it will be enforced by the Code Enforcement Department as any other violation of codes.

COMMISSIONER BRIDGEWATER, JR.: And that includes the penalty for the violation?

MS. HOLMES: Penalties are assessed by our Municipal Court Department.

COMMISSIONER BRIDGEWATER, JR.: Any further discussion, Staff members?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none and hearing none, are you ready for the question?

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, this matter is approved. Thank you, sir. Commissioners, I think that concludes tonight's agenda. It seem to be pretty short. Staff, are there any announcements that you wish to make?

**VII. ANNOUNCEMENTS:**

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MS. HOLMES: Yes, sir.

COMMISSIONER BRIDGEWATER, JR.: Keyetta Holmes. We are completing our comprehensive update. All other information can be found on the Department of Planning and Zoning's Website, that is Community Agenda and the Community Assessments. There will be hearings before this Body and City Council beginning next month for completion and transmittal to Department of Community of Affairs. However, if citizens would like to continue their comments, issues or changes that they find, please contact the office to find the information on our Website.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Ms. Holmes. Any other comments?

MS. CARTER: No.

COMMISSIONER BRIDGEWATER, JR.: Attorney Susan Garrett.

ATTORNEY SUSAN GARRETT: (Nods head for no.)

COMMISSIONER BRIDGEWATER, JR.: Staff members.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Commissioners.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Well, let me just say that I think before we see each other once again, it will be Thanksgiving, which will allow me to say Happy Thanksgiving to each of you as well as all the residents in East Point on behalf of the City of East Point Planning & Zoning Commission. We wish each of you a

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blessed and Happy Thanksgiving. With that Commissioners, I'll entertain a motion for adjournment.

**VIII. ADJOURNMENT:**

COMMISSIONER ATKINS: Mr. Chair, I move that we adjourn our November 17th meeting for 2011.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins has motioned for adjourn and seconded by Commissioner Wares. 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 meeting is now adjourned.

(Whereupon this concludes the November 17th, 2011 meeting for the City of East Point Planning & Zoning Commission.)

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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 21 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 November 17th, 2011, at 7 o'clock P.M. were taken down by me and transcribed by me this 1st day of December, 2011.

Jeanene Harper  
Stenographic Stenographer