

1 CITY OF EAST POINT  
2 PLANNING & ZONING COMMISSION

3 March 21, 2013 - 7:00 P.M.  
4 Official Meeting Minutes

5 Jefferson Station  
6 1526 East Forrest Avenue  
7 4th Floor Conference Room  
8 East Point, Georgia 30344

9 Board Members:

10 Commissioner Shean **ATKINS**, Chair - Absent

11 Commissioner Linda **SHELDON**, Co-Chair

12 Commissioner Joel **TUCKER**, Provisional Chair

13 Commissioner Dr. Lydia **WARES**

14 Commissioner Gregory **FANN**

15 Commissioner Matthew **MALLORY** - Absent

16 Commissioner William **BRYANT**

17 Commissioner Davita **WASHINGTON**

18 Commissioner Karen **RENÉ**

19 Also Present:

20 Ms. Linda **DUNLAVY**  
21 City Attorney

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

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

James **HAMMOND**  
Videographer - Absent

Richard **RANDOLPH**  
City Engineer - Absent

APPEARANCES

Reported By:  
Jeanene Harper  
(404) 228-8807 Office

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**I. CALL TO ORDER:**

COMMISSIONER ATKINS: Good evening I'm Shean Atkins, Chair of East Point Planning & Zoning Commission and I am calling to order our regularly scheduled March meeting. At this time, Staff, if you would please give me a Roll Call sound to establish a quorum.

**II. ROLL CALL:**

MS. HOLMES: Commissioner Rene.  
COMMISSIONER RENÉ: Here.  
MS. HOLMES: Commissioner Wares.  
COMMISSIONER WARES: Present.  
MS. HOLMES: Commissioner Tucker.  
COMMISSIONER TUCKER: Here.  
MS. HOLMES: Commissioner Fann.  
COMMISSIONER FANN: Here.  
MS. HOLMES: Commissioner Atkins.  
COMMISSIONER ATKINS: Present.  
MS. HOLMES: Commissioner Mallory.  
COMMISSIONER MALLORY: (No response.)  
MS. HOLMES: Commissioner Sheldon.  
COMMISSIONER SHELDON: Here.  
MS. HOLMES: Commissioner Bryant.  
COMMISSIONER BRYANT: Present.  
MS. HOLMES: Commissioner Washington.  
COMMISSIONER WASHINGTON: Present.  
MS. HOLMES: Mr. Chair, you have a quorum.

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COMMISSIONER ATKINS: All right. Thank you. Our next Agenda Item is a Moment of Silence. If everyone would please take a Moment of Silence.

**III. MOMENT OF SILENCE:**

COMMISSIONER ATKINS: Thank you. If you would please stand with me for the Pledge of Allegiance.

**IV. PLEDGE OF ALLEGIANCE.**

COMMISSIONER ATKINS: Commissioners, at this time, I will entertain a motion to adopt the agenda as printed.

**V. ADOPTION OF AGENDA:**

COMMISSIONER WARES: Mr. Chair.

COMMISSIONER ATKINS: Yes, Commissioner Wares.

COMMISSIONER WARES: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER RENÉ: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Wares, seconded by Commissioner Rene that we adopt the agenda as printed. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The agenda will stand as issued and approved. Our next Agenda Item is the adoption of our approval of our February 21st, 2013 meeting minutes. Commissioners, at this time, I'll entertain a motion

1 to approve their February 21st, 2013 meeting minutes.

2 **VI. APPROVAL OF FEBRUARY 21, 2013 MEETING**

3 **MINUTES.**

4 COMMISSIONER RENÉ: Commissioner, I so move that we  
5 accept the minutes.

6 COMMISSIONER ATKINS: Is there a second?

7 COMMISSIONER WARES: I second. It's been moved by  
8 Commissioner Rene, seconded by Commissioner Wares that we  
9 approve our February 21st, 2013 meeting minutes. All in favor sound  
10 aye.

11 COMMISSIONERS: Aye.

12 COMMISSIONER ATKINS: All opposed sound nay.

13 COMMISSIONERS: (No response.)

14 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
15 Our February meeting minutes are approved. Our first Case Number  
16 is 2013 "V" as in Victor-002-02. Staff would you please sound this  
17 Agenda Item.

18 **VII. NEW BUSINESS:**

19 MS. CARTER: Applicant is Hubert Bonds. Location is 1879  
20 Spring Avenue. Applicant request a variance to reduce the front yard  
21 setback.

22 COMMISSIONER ATKINS: Commissioners, because this  
23 Agenda Item is a variance, it will require a public hearing. It has  
24 been duly advertised and our rules our rules for public hearings.

25 (Whereupon Rules for Public Hearing are read into the

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record.)

COMMISSIONER ATKINS: Public hearings before the Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Planning and Zoning Code and Development Regulations as follows: Persons both favoring and opposing the proposed amendment or Agenda Item will then be provided an opportunity to address the Commission. The applicant for the proposed amendment or the applicant's designated representative, if any, will be entitled to speak first followed by other speakers in favor to have proposal for a total of fifteen (15) minutes. Those who opposed the zoning amendment will then be permitted to speak also for a total of fifteen (15) minutes. By majority vote of the Commission, time may increase for speakers provided each side is given the same amount of time. If there's more than one speaker for a side, the proponents or the opponents the presiding officer may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her allotted time for rebuttal. Speakers must adhere to rules of decorum. Prior to speaking, each speaker shall identify him or herself and state his or her current address. Each speaker shall only speak to the merits of the proposed zoning decision under consideration, shall address remarks only to the Commission and shall refrain from making personal attacks on any given speaker. The presiding officer may refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate the rules

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of decorum. You've heard the rules of decorum and our rules for public hearings. Commissioners, at this time, I will entertain a motion to open the public hearing for Case Number 2013 "V" as in Victor-002-02.

COMMISSIONER FANN: Motion to open the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER RENÉ: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann seconded by Commissioner Wares -- Rene seconded by Commissioner Rene that we open the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Is the applicant for this particular Agenda Item present?

APPLICANT: I am.

COMMISSIONER ATKINS: Would you please approach the podium?

(Whereupon Applicant Hubert Bonds approaches the podium.)

APPLICANT HUBERT BONDS: Good evening. I'm Hubert Bonds. I live at 1879 Spring Avenue here in East Point.

COMMISSIONER ATKINS: You can present your case.

APPLICANT HUBERT BONDS: I think before you, you have

1 the paperwork about the variance that I'm requesting for a parking  
2 pad. Um, my thinking in requesting this variance is that Spring  
3 Avenue in front of my house is very crowded. It's virtually a one-lane  
4 road and many park out there and it's not only difficult to get through  
5 it's also difficult sometimes to find parking if you have overflow at  
6 your own house. Huh, additionally, my thought process was this as I  
7 continue to get older, I plan to stay in this house and I'd like to be  
8 able to get as close to the front door as I can and so I'm trying to  
9 plan ahead and do that at this time. Um, I think you also have with  
10 you a letter from one of my neighbors with his proponent of the  
11 parking pad. There's also a statement that eight of my neighbors  
12 signed that I think you have a copy of as well.

13 COMMISSIONER ATKINS: Is there anything else that you'd  
14 like to add, Mr. Bond?

15 APPLICANT HUBERT BONDS: That's all I have to say.

16 COMMISSIONER ATKINS: Okay. Are there any other  
17 proponents here to speak to this case.

18 PROPONENT: Yes, sir.

19 COMMISSIONER ATKINS: Okay. Would you please approach  
20 the podium?

21 (Whereupon Proponent Lawrence Axtell approaches the  
22 podium.)

23 PROPONENT: My name is Lawrence Axtell. I live at 1884  
24 Spring Avenue. Uh, as my mother would say it's catty corner from  
25 Mr. Bonds. Uh, as Mr. Bond stated, it is very difficult uh, not only

1 navigating on uh, Spring Avenue, but finding parking as well. I have  
2 a two-car family. I know Mr. Bonds has two cars. Uh, the neighbors  
3 to my right have three cars, one which is always parked in the street.  
4 A neighbor opposite has a car parked in the street virtually making it  
5 a one-lane road. It's often difficult in the morning for me to get out  
6 of my parking -- my driveway if there is the van parked next to me  
7 and another car parked out side of me. I understand that Mr. Bonds  
8 has the parking pad in his yard. I think it's efficient. I think it's uh,  
9 it's effective in the neighborhood. I am actually thinking of doing one  
10 myself just to make it easier to navigate on the road. There's no way  
11 that the road can be widen as far as I can see and most of the  
12 residents on the street are two or three-car families and it makes it  
13 very difficult when you have to try to even navigate from uh, from  
14 Semmes to pass Lumpkin um, because the roads of so narrow.

15 COMMISSIONER ATKINS: Okay.

16 PROPONENT LAWRENCE AXTELL: That's it.

17 COMMISSIONER ATKINS: Is that it?

18 PROPONENT LAWRENE AXTELL: Um-hum.

19 COMMISSIONER ATKINS: Okay. Are there any other  
20 proponents for this zoning case?

21 AUDIENCE: (No response.)

22 COMMISSIONER ATKINS: Any other proponents?

23 COMMISSIONERS: (No response.)

24 COMMISSIONER ATKINS: Going once, going twice, seeing  
25 none, are there any opponents for this zoning case?

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AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any opponents to this zoning case here that would like to speak?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Tucker that we close the public hearing for this Case Number. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now closed. Staff would you please sound your recommendation?

MS. CARTER: For Case Number 2013 "V" as in Victor-002-02, Staff recommends approval of the variance to reduce the front yard setback.

COMMISSIONER ATKINS: Commissioners, you've heard from the applicant and all from a proponent of this zoning case. You've also heard Staff's recommendation. At this time, I will entertain a motion.

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COMMISSIONER FANN: Motion to approve.

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Tucker that we approve this Agenda Item. Is there any discussion?

COMMISSIONER WARES: Just one. I think we should, since it is televised, I think we should at least let other community members know that if they were to do this they still would have to follow all the procedures and actually apply. It doesn't mean that because this is approve, even if it's approved by Council, which would make it okay that anybody else could just go ahead and do it. Each individual would have to come, fill out the paperwork, do all the work that's needed before it would be approved, before they put the pad there, just for the second.

COMMISSIONER ATKINS: Okay. And that is exactly correct, Commissioner Wares. We're only approving the variance for the property located at 1879 Spring Avenue so all other potential residents would need to go through the normal process that's established by the City of East Point. Any other discussion.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. There's a motion and a second on the floor for approval. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONERS: All opposed sound nay.

COMMISSIONER SHELDON: Nay.

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COMMISSIONER ATKINS: Okay. We have one nay and with one nay, this item is approved.

COMMISSIONER ATKINS: Our next Agenda Item is Case Number 2012 "Z" as in zebra-020-07. Staff would you please -- I think this particular case is a text amendment also requires a public hearing and so if you would sound this Agenda Item, please.

MS. CARTER: Applicant is City Initiated. Location is Citywide. It's an Ordinance Amendment.

COMMISSIONER ATKINS: Okay. Commissioners, at this time, I'll entertain a motion to open the public hearing.

COMMISSIONER WARES: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER RENÉ: I second.

COMMISSIONER ATKINS: It's been moved by Commissioner Wares, seconded by Commissioner Rene that we open the public hearing for Case Number 2012 "Z" as in zebra-020-07, City Initiated Ordinance Amendment. At this time, Staff if you would -- I'm sorry. It's been moved and seconded. Commissioners, all in favor of opening a public hearing sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Staff, if you would go ahead and present this text amendment proposal.

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MS. HOLMES: This text amendment before you tonight is an amendment to the special events permits that are administered through the City of East Point's Planning and Zoning Department. The change would be to the small events as well as the special event permits. Large events with persons that are 2,000 or more would require approval before the City Council. Smaller events under 2,000 would be issued the written administrative permit. This is a comprehensive rewrite of this ordinance that's definitions for parades and it strengthens the definitions for special event, large and small. This is a response to a request from Councilwoman LaTonya Martin that we review this comprehensively and provide new special event permitting processing and procedures to the City of East Point. It also has a companion paper that will be presented before City Council with regards to alcohol service associated with these special events. It will also have a public information component if it is approved by City Council.

COMMISSIONER ATKINS: Okay. All right. Are there any other proponents for this text amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

COMMISSIONER ATKINS: Seeing none, are there any opponents to this text amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none also Commissioners, at this time, I will entertain a motion to close the public hearing.

1 COMMISSIONER FANN: Motion to close the public hearing.  
2 COMMISSIONER ATKINS: Is there a second?  
3 COMMISSIONER RENÉ: I second the motion.  
4 COMMISSIONER ATKINS: It's been moved by Commissioner  
5 Fann, seconded by Commissioner Rene that we close the public  
6 hearing. All in favor sound aye.  
7 COMMISSIONERS: Aye.  
8 COMMISSIONER ATKINS: All opposed sound nay.  
9 COMMISSIONERS: (No response.)  
10 COMMISSIONER ATKINS: Hearing none, the ayes have it.  
11 The public hearing is now closed. Staff would you please sound your  
12 recommendation.  
13 MS. CARTER: For Case Number 2012Z-020-07 Staff  
14 recommends approval.  
15 COMMISSIONER ATKINS: Okay. Commissioners, you've  
16 heard from Staff regarding this text amendment during a public  
17 hearing and also you've heard their recommendation. At this time,  
18 I'm entertain a motion.  
19 COMMISSIONER TUCKER: Mr. Chair.  
20 COMMISSIONER ATKINS: Yes, Commissioner Tucker.  
21 COMMISSIONER TUCKER: I would recommend approval of  
22 2012Z-020-07.  
23 COMMISSIONER WARES: I second.  
24 COMMISSIONER ATKINS: Okay. It's been properly motioned  
25 and seconded for approval. Any discussion?

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COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER ATKINS: Okay. I'll first go with Commissioner Sheldon.

COMMISSIONER SHELDON: I just wanted to acknowledge a very thorough and very serious bit of work that was done here by our Attorney Linda Dunlavy and our stellar staff. This is a significant rewrite and requires significant research and writing and I'm very pleased with it so I wanted to thank you for that.

COMMISSIONER ATKINS: Okay. Thank you. Commissioner Fann.

COMMISSIONER FANN: I just have a question. The Fourth of July event that we have here, the City sponsor. Would they did -- does this apply to this, too?

MS. HOLMES: The paper is to apply to all events equally. How they will be handled with regard to permitting payment would be the difference.

COMMISSIONER FANN: Thank you.

COMMISSIONER ATKINS: And I have a question also. Ms. Holmes you mentioned events that are 2,000 attendees plus would be considered a large event and anything under 2,000 would be a small event?

MS. HOLMES: That's correct.

COMMISSIONER ATKINS: Okay. So is there a minimum number, if you will, that --

MS. HOLMES: The minimum number would be 200 persons.

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COMMISSIONER ATKINS: Two hundred persons. So anything under 200 would not need to be permitted, is that correct?

MS. HOLMES: I don't know of any other -- generally, these apply to events that are held outdoors in our public parks so there maybe persons that are under 200, but the fee scheduled allows it up to 200 so you would so require a permit.

ATTORNEY LINDA DUNLAVY: It would still be required to have a permit. The process would be significantly more streamlined and expedited for those events for 200 people or less --

COMMISSIONER ATKINS: Okay.

ATTORNEY LINDA DUNLAVY: -- but it would all be administrative for those types of events and it's all administrative for 2,000 or less also.

COMMISSIONER ATKINS: Okay. And that's for events in public spaces?

MS. HOLMES: Well, it would apply to those Citywide yard sales or community-wide sales --

COMMISSIONER ATKINS: Um-hum.

MS. HOLMES: -- that come to mind. It would apply to them as well. Now, we permit them through a yard sale permit, which is each individual homeowner would have to come in and permit and in this way, you would have one comprehensive map that covers the entire area so they would have to get an administrative permit. So it pretty much eliminates the individual permitting processes for those types of events.

1 COMMISSIONER ATKINS: Okay. Great. Commissioners, are  
2 there any other questions.

3 COMMISSIONER FANN: Well, I just -- do you see that as a  
4 problem for communities if they're having a yard sale?

5 MS. HOLMES: No, sir because the one that comes to mind is  
6 the one in Jefferson Park where it's about 20 homes that involved so  
7 I don't see it as a problem. It's actually probably a better  
8 administrative process for us to handle.

9 COMMISSIONER ATKINS: So with that, I just want to tag  
10 onto what Commissioner Fann was asking. So when the event is  
11 happening in Jefferson Park, each individual homeowner makes  
12 applicant --

13 MS. HOLMES: That's correct. That's correct.

14 COMMISSIONER ATKINS: -- to be a part of that --

15 MS. HOLMES: Yes.

16 COMMISSIONER ATKINS: -- and so now because it's a  
17 concerted effort there's just gonna be one applicant and one  
18 process --

19 MS. HOLMES: That's correct.

20 COMMISSIONER ATKINS: -- that the organizer would have  
21 to go through, is that correct?

22 MS. HOLMES: That's correct, um-hum.

23 COMMISSIONER ATKINS: Okay. All right. Any other  
24 questions.

25 COMMISSIONERS: (No response.)

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COMMISSIONER ATKINS: Any other questions?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Okay. Commissioners, there's a motion to approve and I think that we're recommending approval for this as it is a text amendment so the motion is a recommendation to approve to Council so it's been moved and properly seconded so all in favor sound aye.

COMMISSIONERS: Aye

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. We'll recommend approval of the text amendment to 2012 "Z" as in zebra-020-07. At this time, I'll take any announcements from Staff.

**VIII. ANNOUNCEMENTS:**

MS. CARTER: (No response.)

COMMISSIONER ATKINS: Okay. Commissioners, are there any announcement that would be for the good of the public?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, I'll entertain a motion to --

COMMISSIONER FANN: Thanks so very much. On Monday, THE 25th there will be at the Wyndham Hotel on Old National, Old National Highway right off the express. At 7:00 p.m., there will be a kickoff for the election 2013 at 7:00 p.m. so I wanted to just make that as an announcement. Thank you -- for elections 2013. All

1 Citywide South Fulton Elections, all -- not just East Point, all South  
2 Fulton elections.

3 COMMISSIONER ATKINS: So it's like a public forum if you  
4 will, that will kickoff the season --

5 COMMISSIONER FANN: Right, that will kick off the season.

6 COMMISSIONER ATKINS: -- for that process?

7 COMMISSIONER FANN: Yes.

8 COMMISSIONER ATKINS: Okay.

9 COMMISSIONER FANN: Yeah.

10 COMMISSIONER ATKINS: Any other announcements?

11 COMMISSIONERS: (No response.)

12 COMMISSIONER ATKINS: Okay. Commissioners, I'll  
13 entertain a motion to adjourn.

14 **IX. ADJOURNMENT:**

15 COMMISSIONER WARES: So moved.

16 COMMISSIONER ATKINS: Is there a second?

17 COMMISSIONER SHELDON: Second.

18 COMMISSIONER ATKINS: It's been moved by Commissioner  
19 Wares, seconded by Commissioner Sheldon that we adjourn. All in  
20 favor sound aye.

21 COMMISSIONERS: Aye

22 COMMISSIONER ATKINS: All opposed sound nay.

23 COMMISSIONERS: (No response.)

24 COMMISSIONER ATKINS: Hearing none, the ayes have it.

25 (Whereupon this 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 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 March 21, 2013 at seven o'clock P.M. were taken down by me and transcribed by me on this 4th day of April, 2013.

Jeanene Harper  
Stenographic Stenographer