

1 CITY OF EAST POINT  
2 PLANNING & ZONING COMMISSION

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

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

9 Board Members:

10 Commissioner Shean **ATKINS**, Chair

11 Commissioner Linda **SHELDON**

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 Karen **RENE**

18 Also Present:

19 Ms. Linda **DUNLAVY**  
20 City Attorney - Absent

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

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

25 James **HAMMOND**  
Videographer -

Richard **RANDOLPH**  
City Engineer

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APPEARANCES

APPLICANT(S):	Page
James Shivley	9
Chanta Williams	14
Ramon Tookes	32

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**I. CALL TO ORDER:**

COMMISSIONER SHELDON: Ladies and gentlemen, I will call to order the -- what is today's date -- November 21st, Planning and Zoning Commission meeting for the City of East Point. Staff, would you do Roll Call, please.

**II. ROLL CALL:**

MS. HOLMES: Commissioner Rene.  
COMMISSIONER RENÉ: Present.  
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: (No response.)  
MS. HOLMES: Commissioner Sheldon.  
COMMISSIONER SHELDON: Here.  
MS. HOLMES: Commissioner Mallory.  
COMMISSIONER MALLORY: (No response.)  
MS. HOLMES: Commissioner Bryant.  
COMMISSIONER BRYANT: Here.  
MS. HOLMES: Commissioner Maxwell.  
COMMISSIONER MAXWELL: Here.  
MS. HOLMES: Ms. Chair, you have a quorum.

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COMMISSIONER SHELDON: Thank you. Now, if you will join with me for a Moment of Silence. This Body observes a Moment of Silence before every meeting.

**III. MOMENT OF SILENCE:**

COMMISSIONER SHELDON: Thank you very much. If you will rise and join us in the Pledge of Allegiance.

**IV. PLEDGE OF ALLEGIANCE:**

Commissioners, I will now entertain the adoption of the agenda, the revised agenda you received this evening.

**V. ADOPTION OF AGENDA:**

COMMISSIONER WARES: Ms. Chair.

COMMISSIONER SHELDON: Yes.

COMMISSIONER WARES: So moved.

COMMISSIONER SHELDON: So moved?

COMMISSIONER WARES: So moved.

COMMISSIONER SHELDON: Thank you.

COMMISSIONER FANN: Second.

COMMISSIONER SHELDON: Thank you, Commissioner Fann. It's been moved and properly seconded that we adopt the agenda for this evening. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Those opposed.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Motion carries. Now, I'll entertain a motion to approve the September 19th, 2013 minutes.

1 **VI. APPROVAL OF SEPTEMBER 19, 2013 MEETING**

2 **MINUTES:**

3 COMMISSIONER TUCKER: Ms. Chair.

4 COMMISSIONER SHELDON: Yes, sir.

5 COMMISSIONER TUCKER: I'll make a motion to approve the  
6 minutes of September 19th, 2013.

7 COMMISSIONER WARES: I second.

8 COMMISSIONER SHELDON: Thank you. It's been proved and  
9 properly seconded that we approve the minutes for the September  
10 19th, 2013 Commissioner meeting. All those in favor?

11 COMMISSIONERS: Aye.

12 COMMISSIONER SHELDON: Those opposed?

13 COMMISSIONERS: (No response.)

14 COMMISSIONER SHELDON: Motion carries. I will now  
15 entertain a motion for the approval of the October 17th, 2013  
16 minutes.

17 **VII. APPROVAL OF OCTOBER 17, 2013 MEETING**

18 **MINUTES:**

19 COMMISSIONER BRYANT: Ms. Chair.

20 COMMISSIONER SHELDON: Yes.

21 COMMISSIONER BRYANT: I make a motion that we approve.

22 COMMISSIONER SHELDON: Do I have a second?

23 COMMISSIONER WARES: I second.

24 COMMISSIONER SHELDON: Thank you, Commissioner  
25 Wares. It's been moved and properly seconded that we approve the

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October 17th, 2013 minutes from the Planning & Zoning Commission meeting. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Motion carries. Staff, will you begin with our New Business?

**VIII. NEW BUSINESS:**

MS. CARTER: The first case is is Case Number 2013 "V" as in Victor-008-10. Applicant is James Shivley. Property location is 0 ) Zero) Campcreek Parkway Rear. Applicant is seeking approval of a variance to reduce the 75 foot stream buffer to 25 feet. This application, as will all of the applications tonight, require a public hearing.

COMMISSIONER SHELDON: Thank you. Do you all have the rules? We will pause for a moment, please. All right. Before we begin our public hearings for this evening, I will read the rules as they are written in our ordinance.

(Whereupon the Rules for Public Hearing are read into the record.) Public hearings before the Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Zoning Code and Development Regulations as follows: Persons both favoring and opposing a proposed amendment will be provided an opportunity to address the Council. The applicant for the proposed amendment or applicants designated representative, if any, will be

1 entitled to speak first followed by any other speakers in favor of the  
2 proposal for a total of fifteen (15) minutes. Those who oppose the  
3 proposed zoning amendment will then be permitted to speak for a  
4 total of fifteen (15) minutes. By majority vote, the Council may  
5 increase the total time for speakers provided that each side is given  
6 the same amount of time. If there is more than one speaker for a  
7 side, the presiding office may limit the time allotted to each speaker  
8 other than the zoning applicant. The zoning applicant may reserve a  
9 portion of his or her allotted time for rebuttal. Speakers must adhere  
10 to rules of decorum. Prior to speaking, each speaker shall identify  
11 himself or herself and state his or current address. Each speaker  
12 shall speak only to the merits of the proposed zoning decision under  
13 consideration, shall address remarks only to the Council and shall  
14 refrain from making personal attacks on any other speaker. The  
15 presiding office may refuse the speaker the right to continue, if after  
16 first being cautioned, the speaker continues to violate the rule of  
17 decorum.

18 Commissioner, I will now entertain a motion to open the  
19 public hearing for Case Number 2013 "V" as in Victor-008-10.

20 COMMISSIONER WARES: Ms. Commissioner, so moved.

21 COMMISSIONER SHELDON: Thank you. Do I have a second?

22 COMMISSIONER TUCKER: Second.

23 COMMISSIONER SHELDON: Thank you. It's been moved and  
24 properly seconded that we open the public hearing for this matter.

25 All those in favor?

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COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Those opposed.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Hearing none, the motion carries and the public hearing is now open. Is the applicant, Mr. Shivley, present?

(Whereupon Applicant Mr. James Shivley approaches the podium.)

MR. SHIVLEY: Good evening, Commissioners. I'm James Shivley, the applicant for the variance for my project.

COMMISSIONER SHELDON: Speak directly into the microphone so we can hear you.

MR. SHIVLEY: As many of you may know, Odyssey is going to bring a much needed element to the City of East Point, providing jobs and certainly give our corporates as well as our kids and families a face for family fun and recreation. This particular piece of real estate there is a creek there and this particular variance is going to allow me to build this project in it's entirety in the first phase, which will consist of a very elaborate bowling complex, a minuatue gold course, go-kart track, a restaurant, sports bar inside as well as a corporate venue inside the facility. I'm going to work very closely with my neighboring businesses for joint marketing strategies. I already have several commitments as it relates to corporate partners with Home Depot, Publix and Staples, where we're going to have joint marketing strategies in place. We have to keep the area for our own customers

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that way we can certainly market, so we certainly hope that the Council as well as the citizens of East Point will support this project this evening.

COMMISSIONER SHELDON: Thank you.

MR. SHIVLEY: Thank you.

COMMISSIONER SHELDON: Is there anyone else who wishes to speak in favor of this project?

AUDIENCE: (No response.)

COMMISSIONER SHELDON: Any one else?

(Whereupon Shelly Anthony approaches the podium.)

MR. ANTHONY: My name is Shelly Anthony, Shelly "Butch" Anthony, the owner of This Is It! Barbeque and Seafood and I'm in favor of the project. I just want to be sure that the entry ways and the exits are kept clear during construction and that there's possible another way may be to enter the property or just have that part to where it don't affect our traffic coming in and out because all we have is just one way in and one way out, so I just want to be sure that that is taken under consideration, but as far as the project, I think it will be a help to that area. And another thing, can anybody tell me what's going on with the road that supposed to go to Washington Road? Is that something that's going to happen?

MS. HOLMES: At this moment, sir, you would have to keep your comments specifically to the stream buffer variance. We can talk with you after the meeting regarding that road.

MR. ANTHONY: All right. Thank you. That's it.

1 COMMISSIONER SHELDON: Thank you. Is there anyone else  
2 who would like to speak in favor of this project?  
3 AUDIENCE: (No response.)  
4 COMMISSIONER SHELDON: Seeing no one, is there anyone  
5 opposed to this zoning variance, stream buffer variance?  
6 AUDIENCE: (No response.)  
7 COMMISSIONER SHELDON: Anyone opposed?  
8 AUDIENCE: (No response.)  
9 COMMISSIONER SHELDON: Seeing no one, I will now  
10 entertain a motion to close the public hearing.  
11 COMMISSIONER FANN: Motion to close the public hearing.  
12 COMMISSIONER SHELDON: Thank you.  
13 COMMISSIONER RENÉ: I second the motion.  
14 COMMISSIONER SHELDON: Thank you. It's been moved and  
15 properly seconded that we close the public hearing on this Case  
16 Number 2013V-008-10. All in favor?  
17 COMMISSIONERS: Aye.  
18 COMMISSIONER SHELDON: Those opposed?  
19 COMMISSIONERS: (No response.)  
20 COMMISSIONER SHELDON: Hearing none, the public hearing  
21 is closed. Staff, would you tell us your recommendation?  
22 MS. CARTER: This being a stream buffer variance, we as  
23 Staff get the actual recommendation of the storm water coordinator,  
24 Kabar Johnson. His recommendation is approval of the 50-foot  
25 reduction of the 75-foot stream buffer requirement. Staff, as the

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zoning department, our recommendation is to also approve the reduction of the stream buffer ordinance from 75 feet to 25 feet.

COMMISSIONER SHELDON: Commissioners, you've heard Staff's recommendation. I'll entertain a motion.

COMMISSIONER FANN: Motion for approval, but I do want to have some discussion.

COMMISSIONER SHELDON: All right.

COMMISSIONER TUCKER: Second.

COMMISSIONER SHELDON: Discussion.

COMMISSIONER FANN: All right. The discussion I want to have is a couple of things. I guess this is an error. It says, Ward B. On here, it's Ward B on the actual variance, so I just want to make sure that we're in the right Ward, Ward B. Okay. The other issue is that the gentleman brings up in terms of the egress issue in terms of construction, has Staff looked at that in terms of how that would affect other businesses in that area as in doing their construction project?

MS. HOLMES: Staff has not looked at that with regards to this application. This is strictly for the stream buffer. Anything with regards to egress and ingress would have to be discussed with the transportation engineer, who's not present this evening.

COMMISSIONER FANN: Okay. And the only reason I raise that is because we had issues in the past where businesses were suffered because of construction and other projects and so we don't want other businesses to suffer because of this project, though I do

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support the project, I think it's a great project, but I think that we need to look at that.

MS. HOLMES: When the applicant submit for --

COMMISSIONER FANN: Can I finish? Thank you and I was talking. Thank you. I just want to make sure that every person who has a business in the quarter that maybe affect by any construction that goes on in that area, that that is addressed and then dealt with. I don't know if we deal with it here or if it's dealt with, as you said, when it comes to traffic, I think we need to express that as a concern from us because it has already been stated publicly that this business owner is concerned about his business being affected by any construction that's taking place on his property and I'm done. Thank you.

COMMISSIONER SHELDON: Anyone else?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Ms. Holmes it's my understanding that some of these issues will be -- most of these issues will be addressed very specifically during the design review phase or the development phase of the application as it moves forward, I'm I correct?

MS. HOLMES: That's correct.

COMMISSIONER SHELDON: Okay. Good. I just want to make sure that we say that out loud. All right. If there's no other comment, I'll entertain a -- all those in favor?

COMMISSIONERS: Aye.

1 COMMISSIONER SHELDON: Those opposed?  
2 COMMISSIONERS: (No response.)  
3 COMMISSIONER SHELDON: Hearing none, this motion  
4 carries. The variance has been approved. All right. Next item.  
5 MS. CARTER: Next item is Case Number 2013 "U" as  
6 umbrella-014-10 can a concurrent variance of 2013VC-009-10.  
7 Applicant is Chanta Williams, property location is 3020 Bayard Street.  
8 This applicant is requesting a Special Use Permit to allow the use of a  
9 church in the C-1 (c) neighborhood commercial district with  
10 conditions, the zoning district with a two-part concurrent variance.  
11 COMMISSIONER SHELDON: All right. Commissioners, I will  
12 entertain a motion to open a public hearing on Case Number  
13 2013U-014-10, concurrent with 2013VC-009-10.  
14 COMMISSIONER TUCKER: So moved.  
15 COMMISSIONER WARES: Second.  
16 COMMISSIONER SHELDON: Thank you. All those in favor?  
17 COMMISSIONERS: Aye  
18 COMMISSIONER SHELDON: Those opposed?  
19 COMMISSIONERS: (No response.)  
20 COMMISSIONER SHELDON: Hearing none, the public hearing  
21 is now opened. Is the applicant, Ms. Williams, present or Mr.  
22 Williams present?  
23 (Whereupon Applicant Reverend Tony Williams approaches  
24 the podium.)  
25 MR. WILLIAMS: I'll start off by saying good evening to the

1 Commission. My name is Reverend Tony Williams. I'm the Pastor of  
2 Another Chance Ministry. I'm the pastor of about 20 member and  
3 we're coming here today to ask for a Special Use Permit for a  
4 variance to use 3020 Bayard Street as a place of worship. As I've  
5 said before, we didn't come into the area to try to change anything or  
6 to build. It's an existing building. It's already zoned as a commercial  
7 build. It's once already been a church. We didn't come into the  
8 neighborhood trying to be served. We are coming into the  
9 neighborhood to be servant to the neighborhood. We're coming to  
10 be a light for the City. Like I said, we're not a big church, a fancy  
11 church or anything like that. I once heard it said, a lot of places  
12 don't like for churches to come into neighborhoods because they  
13 don't spend a lot of money, well, I'll tell anybody, how can you put a  
14 price tag on a salvation. We come into a neighborhood to try and  
15 save souls and that's my sole purpose of coming into this  
16 neighborhood and I don't have much to say. It's just that's what we  
17 come for. We come ourself before the Board.

18 COMMISSIONER SHELDON: All right. Thank you, sir. Is  
19 there anyone else who wishes to speak in favor of this Special Use  
20 Permit and concurrent variance?

21 (Whereupon Proponent Charles Barlow approaches the  
22 podium.)

23 MR. BARLOW: Good afternoon. I'm Charles Barlow. I have  
24 live at 1297 Bayard Avenue, East Point, Georgia and I'm here in  
25 support of the 3020 Bayard Street building where Reverend William

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wants to put his church and I would like for you to know that our community is very close and we only have about eight families in our community and we need his type of service. We need his type of service in more communities especially ours because it's going down and crime is increasing, so I hope the Board would consider Reverend Williams application and please let his application go through. Thank you.

COMMISSIONER SHELDON: Thank you. Is there anyone else who would like to speak in favor of this case?

(Whereupon Proponent Danny Oliver approaches the podium.)

MR. OLIVER: Good evening.

COMMISSIONERS: Good evening.

MR. OLIVER: Thank you for letting me have this chance to speak. My name is Danny Oliver and I live right across -- a little bit down from the church. It's in an ideal location. It's a lot of young people and older people on that street needs help and you don't get help from the government, you get help from the Lord. We are asking that you approve this instead of denying it. How can you deny something if you don't know anything at all about it in existence? You're just taking it off the top of your head and say, wow, you tried before, it's not going to fly, but with these two people already bringing in members already, not asking for members, but bringing in members to show that neighborhood that there is a church of salvation of hope, of need. We need it and I hope that

1 your mindset is such that you not look at the monetarily value of it,  
2 but of the salvation of souls, a turnaround of people that has gone  
3 astray, a new church with a new young minister will draw people, the  
4 right kind of people, the people that need help and asking for help  
5 and if they don't get it from a church, where will they get it from?  
6 They don't come here and ask for it. They go to a church and this  
7 church is ideally located for them and it has two low house income  
8 project right near within walking distance. Please, please, please  
9 accept this. Thank you.

10 COMMISSIONER SHELDON: Is there anyone else who would  
11 like to speak to this? Please come forward.

12 (Whereupon Proponent June Callaway approaches the  
13 podium.)

14 MS. CALLAWAY: Good evening. My name is June Callaway  
15 and for representing this church.

16 COMMISSIONER SHELDON: Thank you. Anyone else?

17 AUDIENCE: (No response.)

18 COMMISSIONER SHELDON: Is there anyone who wishes to  
19 speak in opposition to this Case Number?

20 AUDIENCE: (No response.)

21 COMMISSIONER SHELDON: Anyone wishing to speak in  
22 opposition?

23 AUDIENCE: (No response.)

24 COMMISSIONER SHELDON: Seeing no one, I will entertain a  
25 motion to close the public hearing.

1 COMMISSIONER FANN: Motion to close the public hearing.  
2 COMMISSIONER SHELDON: Thank you.  
3 COMMISSIONER RENÉ: I second the motion.  
4 COMMISSIONER SHELDON: Thank you. All in favor?  
5 COMMISSIONERS: Aye.  
6 COMMISSIONER SHELDON: Opposed?  
7 COMMISSIONERS: (No response.)  
8 COMMISSIONER SHELDON: Public hearing is now closed.  
9 Staff.  
10 MS. CARTER: Staff recommends denial of the Special Use  
11 Permit to allow the use of the property as a church, temple or place  
12 of worship located at 3020b Bayard Street in the C-1 (c)  
13 neighborhood commercial zoning district. Depending upon the  
14 Commission, I can do them one at a time because there are three  
15 and we can do the first for the use permit and then do the  
16 concurrent variance separately.  
17 COMMISSIONER SHELDON: Okay. So the Special Use Permit  
18 is the U-014 --  
19 MS. CARTER: -- 10.  
20 COMMISSIONER SHELDON: -- all right. And can you tell us  
21 the criteria on which you're recommending denial?  
22 MS. CARTER: Under a Special Use Permit, there are five  
23 standards.  
24 COMMISSIONER SHELDON: I'm sorry, I should have warned  
25 you.

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MS. CARTER: Standard number one, all buildings in use areas structures other than parking and pedestrian walkways shall be located at least a hundred feet (100) from the adjoining residential district and or AG(1) district used for single family. This project is surrounded by residential neighborhood in the R1A, Urban Residential Zoning District. For the A1 zoning, there are three districts, ward districts to the far west that have an AG zoning; however, the applicant is requesting a concurrent variance to this standard, standard number one.

Standard number two, no parking shall be allow -- shall be located within the minimum front yard setback. This applicant is seeking a Special Use Permit in the existing building with existing parking to the side of the building, so there for he meets standard number two.

Standard number three, any associated daycare, private school, recreational fields or other uses requiring a use permit or administrative permit shall be allow only under a separate approved use permit or administrative permit for each use. This is not applicable to this application. The minimum buffers and landscapes strips require for the OIT zoning district as specified shall be required. Applicant meets this requirement located in Section 10-2077, design standard prior to receiving the Certificate of Occupancy.

On the last standard -- there are four standard.

COMMISSIONER SHELDON: All right. And that's it for the

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standard of the Special Use Permit.

COMMISSIONER SHELDON: All right. And so we will first have a motion on the Special Use Permit application.

COMMISSIONER FANN: Motion for approval.

COMMISSIONER MAXWELL: I second the motion.

COMMISSIONER SHELDON: Second. Any discussion. Yes.

COMMISSIONER WARES: Ms. Chair, I need a little bit of clarity because we did have a working session and there were a lot of things said. Could you discuss that a little bit because I did not hear the applicant talk about that at all, so I would like just for the people hear and those watching to understand exactly what is going on. It's sort of more than just what meets the eye. Could you talk about that a little bit for clarity?

COMMISSIONER SHELDON: Well, I think one of the questions that we all had in the Work Session and I guess I would start with this question: If we prove the Special Use Permit and the criteria are not addressed in the application for the variances, can the applicant defer the variance request as a separate item or do we have to do all or nothing?

MS. CARTER: Let me answer Dr. Ware's question, Commissioner Ware's question. The first question in Work Session came about, can the applicant vary standard number one? According to the zoning attorney, yes, they can vary the standard number one, which is the actual -- being within outside of or within a hundred feet of a residential district. Therefore, the applicant is asking a variance

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to that standard.

COMMISSIONER SHELDON: Right.

MS. CARTER: That was the first question. The second question is whether or not the applicant can defer. The applicant have the option to defer or withdraw the actual application. However, I went back to my emails to see if the applicant actually got the email to say that they could either defer or withdraw and I have no proof of that actual email.

COMMISSIONER SHELDON: All right.

MS. CARTER: However, that option of withdraw or defer will still be open to them.

COMMISSIONER SHELDON: All right.

MS. CARTER: However, that would be more than a 60-day deferral.

COMMISSIONER SHELDON: Okay. So my question is we do approve the Special Use Permit portion of this because of the variance to the standard and not address the other issue? Am I getting it wrong?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: What I'm trying to do is address the attorney's concerns that the application does not address the criteria that are supposed to be addressed when requesting that variance and to give them an opportunity to do that without penalizing them, so this is my question. If they decided this evening to defer, would they have that option and if so, can it be a

1 one-month deferral? Does that makes sense?  
2 MS. CARTER: It makes sense to me --  
3 COMMISSIONER SHELDON: Yes.  
4 MS. CARTER: -- as a Staff person. However, of the four to  
5 defer, they would have to defer the entire application, number one.  
6 COMMISSIONER SHELDON: Okay. All right.  
7 MS. CARTER: Number two, you may want to table the  
8 Special Use Permit because it depends upon the concurrent variance.  
9 COMMISSIONER SHELDON: That's correct.  
10 MS. CARTER: The variance has issues in it, which will come  
11 back to say whether or not they meet number one. They won't meet  
12 number one if they cannot pass the variance, so then the deferral  
13 becomes a mute point in either way that you look at it if the  
14 concurrent variance does not pass.  
15 COMMISSIONER SHELDON: I see. All right.  
16 MS. CARTER: So you can table the use permit and move to  
17 the variance and then come back tonight to the actual use permit.  
18 COMMISSIONER SHELDON: That makes sense to me. What  
19 do you think, Commissioners?  
20 COMMISSIONER FANN: Let me just ask a question.  
21 COMMISSIONER SHELDON: Okay.  
22 COMMISSIONER FANN: This is about a Special Use Permit to  
23 utilize a building that's be a church before, whether or not to  
24 continue to be used as a church. The issues are is that there are  
25 some conditions on changes in terms of parking or what have you

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and they're coming now asking for variance for parking, for setbacks and for variance things, right. So we as a Commission we have the authority to grant variances. We just granted a 25-foot buffer variance where the ordinance says 75 feet. We said, no, we are going to let you do 25 feet, so we have the authority to grant variances, period, is that right?

MS. CARTER: You have the authority to grant. You do not have to go with Staff's recommendation. However, the actual standard were set at a certain period of time. When this ordinance was approved, then everybody coming after that approval date, by Council, they would have to meet those items. Now, for a variance, they have the right to apply for a variance. Now, with a variance, there are five criterias you must meet and the Board and Council have approved that all five of those criterias must be met. Now, you can set for that to say, yes, you can approve a variance, you can approve a variance. However, they are to meet those five variances. This applicant or any applicant that comes after this until the ordinance is changed. So therefore the ordinance is set with criterias. It's up to us as Staff to follow those criterias. You have the authority to either approve or deny. However, standard will be set for all applicants that follow to say whether or not this one applies to this case and not another. For the stream buffer variance, it's met it's criterias as far as allowing the actual applicant the opportunity to vary. Does that make sense?

COMMISSIONER FANN: I heard what you said. I'm going to

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put it like that. I heard what you said.

MS. CARTER: Any question.

COMMISSIONER FANN: I heard what you said. I do hear what you are saying. I understand what you said that you've set certain standards in terms of what has to be met for variances to be approve, but basically that's what you're saying and what I'm saying is that although those standard have been set, then we still have the authority to grant variances. We do it all the time. People do it all the time, every place and I am not one to sit up here and to not support any religious establishment that want to be established that's going to do something good for the good of the community and not support any variances, Special Use Permits or anything. That's my position, that's how I feel about it. That's my statement and my vote is going to be to support a church, period. If we can support liquor stores and we can support other kind of establishments certainly we can support a religious organization that's doing greater good for the community and the people have just come up and talked about how they feel it's going to be good for their community. That's where they live. I don't live there. That's where they live and they want to support it, so I'm supporting it for that reason, so I mean, that's just my position.

COMMISSIONER SHELDON: Any other questions?

COMMISSIONER TUCKER: I wasn't at Work Session, but I do have a question. So if we were to defer this, was the church given the ability to correct some things, is that what was spoken to the

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church members at the Work Session?

COMMISSIONER SHELDON: It was not addressed that way at the Work Session. We had no attorney present and her concern is just that not only does the application doesn't address these criteria, the hardships that would cause us to warrant a variance in other words. So that the application itself needs more work in order to do that, but as we have said, as we talked about we can grant those variances. The Special Use Permit is dependent upon those variance being accepted.

COMMISSIONER RENÉ: Madam Chair.

COMMISSIONER SHELDON: Yes.

COMMISSIONER RENÉ: I'd like to say something. That neighborhood in that area where this church want to come has be hit very hard. A lot of people moved out of that neighborhood. I see a lot of boarded up homes. It's an apartment complex that's not far from that that is abandoned and there's a lot of debris and I think a church coming into that could help with community services and could help bring light back into that community. I think -- and I do understand the Staff's point of view on standard and the regulations that were set forth, however, I think some sometimes we also need to take a look at what is needed in the neighborhood and the communities as well and consider a lot of the factors that come along with it. Thank you.

COMMISSIONER SHELDON: Anyone else?

COMMISSIONERS: (No response.)

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COMMISSIONER SHELDON: There being no more comments,  
I will entertain a motion on this.

COMMISSIONER FANN: I already made a motion.

COMMISSIONER SHELDON: Oh, you did. Okay. That's how  
we go to discuss. All right. All those in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Those opposed.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Motion passes. Now, we'll  
discuss the -- were we working on the Special Use Permit at that  
point or the variances?

MS. CARTER: I'm sorry, Commissioner Fann made the  
motion to approve. Who seconded? I'm sorry.

COMMISSIONER TUCKER: I did.

COMMISSIONER SHELDON: Commissioner Tucker.

MS. CARTER: The next portion of this application is the  
concurrent variance for part one, which is a variance to part one,  
Section 10-2118, B(1), which is of the East Point's Code of Ordinance  
and Regulations.

COMMISSIONER SHELDON: It's page six.

MS. CARTER: Okay. This particular variance concurrent  
variance is to standard number one of the Special Use Permits for a  
church. The standard states that all buildings in use area structures  
other than parking and pedestrians parkways shall be located at least  
a hundred feet from all adjoining residential district and or AG(1)

1 district use for single family. There are five criterias that must be  
2 met and all five must be met in order to approve a variance. These  
3 are the criterias as follows: By reason of exceptional narrowness,  
4 shallowness or shape of a specific lot or by reason of exceptional  
5 topographic conditions, which were not created by the owner or  
6 applicant, the strict application of the requirements of this ordinance  
7 would deprive the property owner of rights and privileges enjoyed by  
8 other property owners in the same zoning district. The request --  
9 number two -- sorry. The questioned variance does not go beyond  
10 the minimum necessary to afford relief and does not constitute a  
11 grant of special privilege in consistent with the limitations upon other  
12 properties in the zoning district in which the subject property is  
13 located. Number three, relief, if granted, would not cause substantial  
14 detriment to the public good or impair the prefaces and intent of this  
15 ordinance. No variance maybe granted for the use of land or building  
16 or structure that is prohibited by this ordinance. No variance shall be  
17 granted that would conflict or alter a stipulation or condition imposed  
18 by the Planning & Zoning Commission or Council. No variance shall  
19 be granted to extend the time period for a temporary outside social  
20 religious, entertainment or recreation activity approved by City  
21 Council. Number four, no variance shall be granted by the Planning  
22 & Zoning Commission that permits the expansion or enlargement or  
23 any nonconforming use of land and building in combination.  
24 Nonconforming use of the land and structures in combination or  
25 nonconforming use requiring special land use permit. Number five,

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no variance shall permit the reestablishment of any nonconforming use of land, nonconforming use of land and building in combination, nonconforming use of the land, structures and combination or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of Section 10-2117.

Staff recommendation for this concurrent variance is denial because two of the five requirements cannot be met by the applicant.

COMMISSIONER SHELDON: Commissioners, I'll entertain a motion on this case, on the concurrent variances.

COMMISSIONER RENÉ: Motion to approve.

COMMISSIONER FANN: Second.

COMMISSIONER SHELDON: All right. Commissioner Rene and Commissioner Fann, any discussion, questions?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Hearing none, all those in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Those opposed.

COMMISSIONER TUCKER: No.

COMMISSIONER SHELDON: All right. So motion passes. All right. Okay. Thank you everyone. We'll move onto the next item.

MS. CARTER: There's a second part.

COMMISSIONER SHELDON: Oh, there's a second part. Sorry. I'm sorry.

MS. CARTER: The second part is --

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COMMISSIONER SHELDON: Yes, it's on -- look on Page 8.

MS. CARTER: The second part is to Section 10-2154-14 and that is for parking. Churches of worship shall have at least one parking space for 30 square feet of the largest assembly area. The applicant is requesting a variance for a number of parking spaces. However, for this portion of the five standards, only one is being met.

COMMISSIONER SHELDON: Okay. And we don't know -- we're looking here to see what the reduction in the parking --

MS. CARTER: Yes, the applicant is requesting reduction of four parking spaces of the required 19 spaces.

COMMISSIONER SHELDON: Required 19 and they have four?

MS. CARTER: Four -- I meant, no, he's requesting a reduction of four.

COMMISSIONER SHELDON: Okay.

MS. CARTER: He has 15 parking spaces. The requirement would be for 19.

COMMISSIONER SHELDON: Thank you.

MS. CARTER: He does not meet but one of the five variance requirements.

COMMISSIONER SHELDON: All right.

COMMISSIONER FANN: You're going to take a motion for approval?

COMMISSIONER SHELDON: Yes, I am.

COMMISSIONER FANN: I will motion to approve the variance.

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COMMISSIONER RENÉ: I second the motion.

COMMISSIONER SHELDON: Discussion questions?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Yes.

COMMISSIONER WARES: The other four that are not met, I read this, but could you say that in plain language which one and what's happening with what, what they don't meet besides what's written here because this is very technical. Just in a few words, could you say what's not being met for this one?

MS. CARTER: For a variance for the actual requirement of number one, the property of this project is not narrow, it is not shallow, it does not contain topo conditions that create a hardship. There is no hardship for narrowness, the shape of the lot --

COMMISSIONER WARES: Okay.

MS. CARTER: -- the topo of the land. Number two, the requested variance does not go beyond, so it meets that requirement. Number three, relief, if granted would not cause substantial detriment to the public good or impair purposes for the intent of this ordinance. It is changing the intent of the ordinance. He does not meet that ordering to zoning practices. Number four, this is not an expansion or an enlargement of a nonconforming use of land and the building in combination. It's not conforming use of the land and structure in combination nor require special land use permit. The actual requirements says no variance shall be granted by Planning & Zoning Commission that permits an enlargement. It is

1 not an enlargement, however, it is a nonconforming use and has  
2 been for over a year. Number five, no variance shall be permitted to  
3 reestablished a nonconforming use of the land. This is not a  
4 reestablishment of -- it is a combination of land and structure.  
5 Nonconformance is required such as has been lapsed in that use, so  
6 it has been elapsed, I'm sorry. Any questions. Does that make any  
7 sense for you?

8 COMMISSIONERS: (No response.)

9 MS. CARTER: It has been a lapsed in the use.

10 COMMISSIONER WARES: Meaning the property is vacant?

11 MS. CARTER: Correct.

12 COMMISSIONER SHELDON: Any other questions or  
13 discussion?

14 COMMISSIONERS: (No response.)

15 COMMISSIONER SHELDON: Seeing none, all in favor?

16 COMMISSIONERS: Aye.

17 COMMISSIONER SHELDON: Opposed?

18 COMMISSIONERS: (No response.)

19 COMMISSIONER SHELDON: Motion carries. So we have  
20 approved the Special Use Permit and the concurrent variances that  
21 accompany them. All right.

22 MS. CARTER: Next case is 2013Z-013-09. Application is  
23 Ramon Tookes. Property location is 1460 Saint Michael Avenue.  
24 Applicant is requesting approval of a rezoning from R1A Urban  
25 Residential to R2, Two Family Residential. This application requires a

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public hearing.

COMMISSIONER SHELDON: All right. Commissioners, I'll entertain a motion to open the public hearing for Case Number 2013Z-013-09.

COMMISSIONER WARES: Ms. Chair.

COMMISSIONER SHELDON: Yes.

COMMISSIONER WARES: So moved.

COMMISSIONER SHELDON: Thank you. Do I have a second?

COMMISSIONER BRYANT: Second.

COMMISSIONER SHELDON: Thank you. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: All opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Motion carries, the public hearing is now open.

(Whereupon Applicant Ramon Tookes approaches the podium.)

MR. TOOKES: Good evening. My name is Ramon Tookes. I purchased the property 1460 Saint Michael about two months ago and we purchased it as a duplex. Everything indicates that it was originally a duplex, but because it had not had power in over a year was reverted back to, I believe, a single family and we just want to keep it as a duplex. We want to get it rezoned back to a duplex.

COMMISSIONER SHELDON: All right. Anyone else want to speak in favor of this?

1 AUDIENCE: Not in favor.

2 COMMISSIONER SHELDON: All right. Any other speakers in  
3 favor of this case?

4 AUDIENCE: (No response.)

5 COMMISSIONER SHELDON: Seeing none, these opposed? If  
6 you would just come step forward.

7 (Whereupon Opponent Jackie Richards approaches the  
8 podium.)

9 MS. RICHARDS: My name is Jackie Richards. I have live at  
10 3649 Calmer Circle of East Point, Georgia and I live the City of East  
11 Point, but right now we don't need duplexes anymore on that  
12 residential street. That's all I want to say. I'm opposed to it and  
13 wouldn't not like to have that in that area. Thank you.

14 COMMISSIONER SHELDON: Anyone else wish to speak in  
15 opposition to this Case Number?

16 AUDIENCE: (No response.)

17 COMMISSIONER SHELDON: Seeing none, I'll entertain a  
18 motion to close the public hearing.

19 COMMISSIONER FANN: Motion to close the public hearing.

20 COMMISSIONER MAXWELL: I second the motion.

21 COMMISSIONER WARES: I second the motion.

22 COMMISSIONER SHELDON: Thank you. All in favor?

23 COMMISSIONERS: Aye.

24 COMMISSIONER SHELDON: Opposed?

25 COMMISSIONERS: Motion carries. The public hearing is now

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closed. Staff.

MS. CARTER: Staff makes a recommendation of approval for rezoning from R1A Urban Residential to R-2 two family residential.

COMMISSIONER SHELDON: Thank you. Commissioners, ill entertain a motion on this case.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Do I have a motion?

COMMISSIONER ATKINS: Madam Chair, I move approve of Agenda Item 2013 "Z" as in zebra-013-09, 1460 Saint Michael Avenue, rezoned from R1A to R-2.

COMMISSIONER SHELDON: Thank you.

COMMISSIONER TUCKER: Second.

COMMISSIONER SHELDON: Second. Any discussion or questions?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Seeing none, all in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Motion carries and the request is approved. All right. Staff, next item.

MS. HOLMES: Case Number 2013Z-014-10. This application is a Citywide amendment to Part 10, Chapter 2, Article D, administrative permits and use permits to add Section 10-2093.1, film production. This application requires a public hearing.

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COMMISSIONER SHELDON: All right. Commissioners, I'll entertain a motion to open the public hearing on Case Number 2013Z-014-10.

COMMISSIONER TUCKER: So moved.

COMMISSIONER SHELDON: Second.

COMMISSIONER ATKINS: Second.

COMMISSIONER SHELDON: Thank you, Commissioner Atkins. All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Hearing none, the motion passes, public hearing is now open. I guess the City is our --

MS. HOLMES: This application is an amendment to Part 10, Chapter 2, Article D, which is our administrative permits and use permit section. This legislation will add what we do not have with regard to film production within the City limits of East Point. In your application, should have received an ordinance with the regulations, the appropriate fees from all the departments including fire and police as well as an application with indemnification for East Point BIDA as well as the City of East Point.

COMMISSIONER SHELDON: Thank you. And we have some adjustments to the original, is that what's in --

MS. HOLMES: It was the -- the item that you received last week in Work Session and not been reviewed by Ms. Dunlavy, the

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item before you has been reviewed by Ms. Dunlavy and her changes and amendments are included.

COMMISSIONER SHELDON: Thank you very much. All right. I'll entertain a motion to close the public hearing.

COMMISSIONER TUCKER: So moved.

COMMISSIONER ATKINS: Second.

COMMISSIONER SHELDON: All in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed.

COMMISSIONER SHELDON: Motion carries. I'll entertain a motion to approve?

COMMISSIONER TUCKER: Motion to approve.

COMMISSIONER FANN: Second.

COMMISSIONER SHELDON: Moved and properly seconded to approve Case Number 2013Z-014-10, any discussion or questions?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: There being none, all in favor?

COMMISSIONER ATKINS: I do, I do, I have a question. And I know that the attorney is not here today, so this just -- as it relates to fees, it only addresses, if I'm correct, the fees for police, fire, Public Works and those things, is that correct?

MS. HOLMES: Yes, sir, in the permit itself.

COMMISSIONER ATKINS: Okay. But are there also additional fees for the use of City rights-of-way of things?

MS. HOLMES: This permit will cover that.

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COMMISSIONER ATKINS: It will cover that and so there's a price structure and place for that or is it just the fees that I just mentioned before?

MS. HOLMES: It's the fees and they are enumerated on the fee scheduled, which would include -- the permit itself is \$300, the film fee is \$300 to put your equipment on the rights-of-way. It's another \$300 for off duty offices, which is generally required for a minimum of three hours for a \$35 fee, so it could go up. It depend on how the film production is and what number of days is how the fee is accessed.

COMMISSIONER ATKINS: Okay.

COMMISSIONER SHELDON: Any other questions?

COMMISSIONER FANN: I had one. Is there another company ordinance that we deal it filming in the City period, like for private --

MS. HOLMES: We could not purport any legislation to do any kind of filming on private property. Because it is your private property, we would however ask that anyone that does film on their private property notify their neighbors.

COMMISSIONER FANN: But I mean in terms of permitting the stuff like that, there's no permitting process in doing that?

MS. HOLMES: No, sir, we could not do that as a municipality.

COMMISSIONER FANN: If they closed down and need to the street --

MS. HOLMES: If they would close down their street, they

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would have to come into the office anyway to close a street, because that's required through another type of process.

COMMISSIONER FANN: Okay. I know they doing a lot of filming around where my church is and I just want to make sure that we capture any money we can capture. They using other properties to do a lot of filming around this area. Okay. Thank.

COMMISSIONER SHELDON: All right.

COMMISSIONER WARES: I have a question also. So we talked about the right-of-ways, we talked about filming on property, but is there a fee for usage of the actual property itself? Like if they were to come and use our park the one with the little --

MS. HOLMES: Parks and recreation -- inside of the ordinance, there's an additional assessment for filming within our parks, within our parks within the municipality. That is a separate fee associated with a filming, so it is in addition to the filming.

COMMISSIONER WARES: Including the other building if they wanted to do one in this building?

MS. HOLMES: This is not our building.

COMMISSIONER WARES: Okay. What about City Hall?

MS. HOLMES: If they want to do one in City Hall, they would have to be an administrative -- the City owned property and properties owned by East Point BIDA.

COMMISSIONER WARES: Okay. Thank.

COMMISSIONER RENÉ: Ms. Holmes I have a question. Was there a study done about the pricing? Are we in comparable or --

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MS. HOLMES: This is the pricing -- this is actually the pricing structure that has been used for film production for the City for the past year and a half. This legislation, however, did not exist. The pricing exist, but no legislation exist, so we were charging persons but really didn't have any way to access what they were doing.

COMMISSIONER RENÉ: Are we along the standards or in comparisons of other cities?

MS. HOLMES: This actual information has been in conjunction -- this actual function use to exist in the economic development department, which is where the persons who -- the scouting agent work with -- well, the person's that's done in our department -- work with that person and these fees have been reviewed in are comparable to other municipalities.

COMMISSIONER RENÉ: Thank you.

COMMISSIONER BRYANT: I have a question. We did have, on my street where I live, the Oprah people came and then they filmed. One of my neighbors, he had -- and they had the street blocked off and I didn't see them in the City, but this was about two years ago and I was just wondering about that, but you're saying now that they had to contact the City before they could come in or they just --

MS. HOLMES: I don't know what happened in the Oprah case. I can tell you two years ago no film production legislation existed and the only contact was through the Economic Development Department and I'm not certain how that went down so to speak, but

1 now this will actually put some teeth into what our film production  
2 has to have in the City of East Point.

3 COMMISSIONER FANN: Can I just -- I want to just follow up  
4 with that. We have police, we have fire, right --

5 MS. HOLMES: Correct.

6 COMMISSIONER FANN: -- so when people come in and want  
7 to do films even if it's at someone's house or whatever or some  
8 property or something, there's no way we could capture any moneys  
9 for using the police or using security for any filming or granted --

10 MS. HOLMES: Right.

11 COMMISSIONER FANN: I know if it was on the City property.  
12 I'm just talking about period in the City?

13 MS. HOLMES: On private property, no.

14 COMMISSIONER FANN: Okay. What about the fire  
15 department in terms of the inspection and fire marshals and stuff in  
16 terms of codes, stuff like that, we can't do that either? I'm just  
17 looking for money. We broke around here. You understand. I'm  
18 just looking for ways we can generate some additional money 'cause  
19 they do a lot of filming around here and they dropping a lot of money  
20 around. I'm just trying to see if it was something else we could add  
21 in there, but if it's nothing -- you'll think of it.

22 MS. HOLMES: No, Planning & Zoning Commission -- we just  
23 have to cover our budget, so we are getting all the money we can.

24 COMMISSIONER FANN: All right. Thank you.

25 COMMISSIONER SHELDON: Anything else?

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COMMISSIONERS: (No response.) All right. Then it's been moved to approve. All those in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Seeing none, this item is I approved. Next.

MS. CARTER: Case Number 2013Z-015-10. Application is a Citywide application and it's amendment to Part 10, Chapter 2, Article C, 10-2072A, C-1 Neighborhood Commercial.

COMMISSIONER SHELDON: All right. I'll entertain a motion to open the public hearing.

COMMISSIONER FANN: Motion to open the public hearing.

COMMISSIONER WARES: Second.

COMMISSIONER SHELDON: Thank you. Those in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Public hearing is now open. Have anything to add?

MS. HOLMES: This application will add food stores to our Neighborhood Commercial zoning classification. While all of our grocery stores or food stores are existing in all of our C1 Neighborhood Commercial zoning districts, food stores however were not listed. This will amend that.

1 COMMISSIONER SHELDON: All right. I'll entertain a motion  
2 to close the public hearing.  
3 COMMISSIONER TUCKER: So moved.  
4 COMMISSIONER ATKINS: Second.  
5 COMMISSIONER SHELDON: All in favor?  
6 COMMISSIONERS: Aye.  
7 COMMISSIONER SHELDON: Opposed?  
8 COMMISSIONERS: (No response.)  
9 COMMISSIONER SHELDON: Public hearing is now closed. I'll  
10 entertain a motion on this item. Yes, sir.  
11 COMMISSIONER TUCKER: Madam Chair.  
12 COMMISSIONER SHELDON: Yes.  
13 COMMISSIONER TUCKER: I move to approve 2013Z-015-10  
14 COMMISSIONER MAXWELL: Second the motion.  
15 COMMISSIONER WARES: I'll second with discussion.  
16 COMMISSIONER SHELDON: All right. It's been moved and  
17 properly seconded. Is there discussion?  
18 COMMISSIONER WARES: Madam Chair, I just wanted to  
19 know the definition of a food store. Is Walmart a food store? I  
20 mean, what's the criteria for a --  
21 MS. HOLMES: Walmart -- I mean, I'm sorry, a food store is a  
22 grocery store.  
23 COMMISSIONER WARES: A grocery store separate by itself?  
24 MS. HOLMES: Yes.  
25 COMMISSIONER WARES: Yes, just groceries.

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COMMISSIONER WARES: Thank you.

COMMISSIONER SHELDON: All right. Any other questions?

COMMISSIONER ATKINS: I want to piggyback on that question because I know that a Walmart is coming and I think it's a very good question. Are we completely sure that a Walmart could not be defined as a food store and I mean, they sell groceries and is it not something that is related to the amount of revenue from groceries based on personal affects because that is also sort of the definition that is used when you are looking at some establishments like bars, versus restaurants, so some folk come in and they say I'm opening a restaurant, they sell potato chips, but they really are a bar and it has to do with the amount of revenue that they generate from the sell of liquor, beer and wine, so Walmart sells groceries, so are we sure that they could not be classified as a food store?

MS. HOLMES: Well, with respect to the example that you gave to us, it is all about the way it is defined in your zoning ordinance especially with regard to restaurants and bars and food stores and groceries stores and retail centers and shopping marts. It's all about how we have it defined. Walmart, while it does sell grocery, our Walmart is a super Walmart. It will be selling groceries. It will be selling clothing. It will actually be a mall. It's the way we have permitted because it will also have smaller retail based on the inside of it, so it's a little different than just a separate grocery store. While Walmart does have a component of their marketing packet, it is simply grocery, it's called a neighborhood grocery store. That is

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not what the Walmart we will be getting. Our Walmart is a 150,000 square feet. In addition to that, none of our definition with regard to food stores break it down with regard to how much revenue is being generated from that store.

COMMISSIONER ATKINS: Right. So I think that it supports -- well, I think it's right. That's what I'm saying, but I think that the Commissioner's question is could Walmart be a food store and I think the answer to that is, yes, because we use an example but then you also talked about a model that Walmart has where I guess they do more grocery and some other things say like a neighborhood grocery store, so I think we have to look at that case by case, that example -- I think her question was, could Walmart be a food store and I think we have to look at really the majority of those things that they are selling and we have to look at those case by case. I don't know it's as cut and dry. Okay. We don't need to -- I mean, I just think that there's a -- I think in my mind that there's a possibility that in some instances Walmart could be deemed a food store.

MS. HOLMES: I don't have the current definition section of our zoning ordinance before me, so I can't tell you -- I can't specifically say what, I mean, verbatim what it says with regard to our definitions, but it's all about how they are defined in our zoning ordinance with regard to how they are listed in our permitted use as far as zoning classifications.

COMMISSIONER SHELDON: And the purpose of this

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particular amendment is to add food stores to the listed of --

MS. HOLMES: That is correct because the Wayfield grocery store that is currently in East Point is in a C1 zoning district. It is not listed. The Sav-a-Lot -- we could not get another grocery store there because it is not listed. The Piggly Wiggley plaza is a grocery store. It's not listed in the C1 zoning classification.

COMMISSIONER SHELDON: Right. So this corrects that? Any other questions?

COMMISSIONER FANN: I have one. I just want to say, amen.

COMMISSIONER SHELDON: Any other questions or discussion?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Seeing none, all in favor?

COMMISSIONERS: Aye.

COMMISSIONER SHELDON: Opposed?

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: Motion carries.

COMMISSIONER SHELDON: Case. Case Number 2013Z-016-10. This is a side wide application. It is an amendment to Part 10, Chapter 2, Article C, 10-2073, our C2 Central Business District. This application is requesting a deferral and public hearing is required.

COMMISSIONER SHELDON: All right. I'll entertain a motion to open the public hearing.

1 COMMISSIONER FANN: Motion to open the public hearing.  
2 COMMISSIONER MAXWELL: Second the motion.  
3 COMMISSIONER SHELDON: All in favor?  
4 COMMISSIONERS: Aye.  
5 COMMISSIONER SHELDON: Opposed?  
6 COMMISSIONERS: (No response.)  
7 COMMISSIONER SHELDON: The public hearing is now open.  
8 MS. HOLMES: This application will address pawnshops and  
9 title loan establishments within the City of East Point. Our zoning  
10 attorney has requested that there be more time to work on this  
11 application with regard to it's intent and how the City would address  
12 those two types of establishments in the City.  
13 COMMISSIONER SHELDON: Thank you. I'll entertain a  
14 motion to close the public hearing.  
15 COMMISSIONER FANN: Motion to close.  
16 COMMISSIONER ATKINS: Second.  
17 COMMISSIONER SHELDON: All in favor?  
18 COMMISSIONERS: Aye.  
19 COMMISSIONER SHELDON: Opposed?  
20 COMMISSIONERS: (No response.)  
21 COMMISSIONER SHELDON: Public hearing is now closed. I'll  
22 entertain a motion for deferral.  
23 COMMISSIONER ATKINS: Madam Chair, I move that we  
24 defer Agenda Item 2013 "Z" as in zebra-016-10.  
25 COMMISSIONER SHELDON: Second from anyone?

1 COMMISSIONER FANN: I second.  
2 COMMISSIONER SHELDON: All right. All in favor --  
3 discussion? Any discussion or questions?  
4 COMMISSIONERS: (No response.)  
5 COMMISSIONER SHELDON: All right. All in favor?  
6 COMMISSIONERS: Aye.  
7 COMMISSIONER SHELDON: Opposed?  
8 COMMISSIONERS: (No response.)  
9 COMMISSIONER SHELDON: Motion carries. I believe that  
10 ends our New Business. Are there any announcements?  
11 **IX. ANNOUNCEMENT:**  
12 COMMISSIONER WARES: Just one one, Madam Chair, just to  
13 remind our citizens that there is some something on the Board that  
14 we need to look at in terms of our mayor and other positions in the  
15 City and I would just remind people to go out and vote. It's very  
16 important for our City. Thank you.  
17 COMMISSIONER SHELDON: Thank you. Anyone else?  
18 COMMISSIONER TUCKER: Yes. I just want to take a minute  
19 to thank Regina and Ms. Holmes because I know that it's like bird  
20 and cats with us sometimes, but I know you guys know your stuff  
21 and we really do appreciate that. We appreciate you.  
22 MS. CARTER: Thank you.  
23 COMMISSIONER SHELDON: All right.  
24 COMMISSIONER FANN: I'm going to go with Joel on that.  
25 Thank you for the work that you do. Help us find some money.

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That's what we need to do is find some money. But let me just say this. I know it's kind of early, but we're getting ready for the Martin Luther King Day celebration. It's going to be held at St. Stephen Missionary Baptist Church, 2650 Hogan Road, Reverend Earl Callaway is the pastor. Bishop Blair Black is going to be speaking. We invite everybody to come out. We're going to have a great Martin Luther King Day Celebration this year 3:00 p.m. That's going to be on the 13th of January at St. Stephens. Thank you.

COMMISSIONER SHELDON: Anyone else? Yes, sir. And I would have recognized you early, but I have not met you yet.

MR. MITCHELL: That's quite all right. I wanted to be quite and this is your day. Good evening to you all. My name is Ellis Mitchell. I'm the new city manager here in the City of East Point and I wanted to have an opportunity to meet you all and see how you handle your business and also thank you for your service because it's very much needed. One thing that we have to do is provide the City Council with all of the the best information that we can give them to help them make the best decisions and I'm here to make sure that that happens, make sure that all things come to them so that they are fully informed. I can't make their decisions for them, but I certainly can provide them with the information to make the best decisions, so I look forward to working with you in the future and nice meeting you all.

COMMISSIONER SHELDON: Thank you for being here. I will say for your benefit that this particular Planning and Zoning

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department has been really, really incredible in their due diligence and their professionalism. We have not had a Staff like this every in the past as long as I've been here. Both Sean and I have been on the Board for at least ten maybe 12 years --

COMMISSIONER ATKINS: Or 13.

COMMISSIONER SHELDON: -- and we've seen a lot of people come and go and these individuals are extremely good, so we're happy to have them.

MR. MITCHELL: I was very proud to hear them in their presentation even though when you go up against churches, it's hard to stand your ground.

COMMISSIONER SHELDON: Well, I was a little rusty tonight. Normally, Commissioner Atkins is your Chair and I had to step in and I haven't done this in awhile, so I was a little rusty, but you all did well.

COMMISSIONER TUCKER: And I want to say when I gave them props for the work, I did not know who you were or that you were here.

COMMISSIONER FANN: Since everybody is saying that, Happy Thanksgiving to everybody.

COMMISSIONER SHELDON: Absolutely. Motion to adjourn.

**X. ADJOURNMENT:**

COMMISSIONER WARES: So moved.

COMMISSIONER SHELDON: All in favor.

COMMISSIONERS: Aye.

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COMMISSIONER SHELDON: Opposed.

COMMISSIONERS: (No response.)

COMMISSIONER SHELDON: The meeting is adjourned.

(Whereupon this concludes the City of East Point Planning  
and Zoning meeting for November 12, 2013.)

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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 51 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 21, 2013 at seven o'clock P.M. were taken down by me and transcribed by me on this 4th day of December, 2013.

Jeanene Harper  
Stenographic Stenographer