



**CITY OF FOREST PARK**  
**PLANNING COMMISSION MEETING**

Thursday, June 15, 2023 at 6:00 PM  
Environmental Courtroom- Planning & Community Development Building

**Website:** [www.forestparkga.gov](http://www.forestparkga.gov)  
**Phone Number:** (404) 366.4720

**PLANNING & COMMUNITY DEVELOPMENT**  
785 Forest Parkway  
Forest Park, GA 30297

## MINUTES

**BOARD MEMBERS:** Andy Porter, Azfar Haque, Michael Clinkscales, Roderick Jackson, Donald Williams

**CALL TO ORDER/WELCOME:** Chairman Andy Porter called the meeting on June 15, 2023, to order at 6:01pm.

**ROLL CALL:**

*Present:* Andy Porter, Azfar Haque, Michael Clinkscales, Roderick Jackson, Donald Williams

*Absent:*

*Others Present:* Lashawn Gardiner, Planning & Community Development Director; SaVaughn Irons, City Planner; Latonya Turner, Planning & Community Development Administrative Supervisor

**APPROVAL OF MINUTES:**

1. Approval of May 18, 2023, Meeting Minutes

Azfar Haque made a motion to approve the May 18, 2023, meeting minutes. Michael Clinkscales seconded the motion. Motion approved unanimously.

**OLD BUSINESS:**

**NEW BUSINESS:**

LaShawn Gardiner made a request for Agenda Item 8, Text Amendments, to be postponed. Azfar Haque made a motion to postpone Agenda Item 8. Michael Clinkscales seconded the motion. Motion approved unanimously.

2. **VAR-2023-08- Variance for 732 Kennesaw Dr., Parcel # 13018A E015 Forest Park, Georgia.** The applicant, Juan Lopez, is requesting a variance to Increase Accessory Structure Total Square Footage.

SaVaughn Irons stated that the subject property is a residential home located on approximately 0.25 +/- acres. The home was built in 1962 with a total building area square footage of 1,487. The applicant is requesting a variance for the constructed accessory structure to allow the overage of the maximum square footage to be increased by 24.5

square feet. The applicant has constructed the accessory structure without knowledge of the square footage maximum requirements. Per Sec. 8-8-75 - Accessory use/structures standard (5)(b) The combined size of accessory structures on any one (1) lot may not exceed an amount equal to fifty (50) percent of the finished floor area of the primary structure on that lot. Currently, the total square foot of the accessory structure is measuring 768 square feet. per the City of Forest Park Ordinance, the applicant accessory structure cannot exceed 743.5 Square feet. This variance will allow the applicant to keep his constructed accessory structure. The Planning Commission may grant a variance from the development standards of this chapter where permitted under this chapter, if, after a public hearing, it makes findings of facts in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, per Sec. 8-8-193. (a) (1) of the Code of Ordinances.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner per Sec. 8-8-193. (a) (2) of the Code of Ordinances; and
3. The strict application of the terms of this ordinance will result in practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain, per Sec. 8-8-193. (a) (3) of the Code of Ordinances.

Staff recommends approval of Variance Request to Increase Accessory Structure Total Square Footage. This approval allows the previously constructed accessory structure to remain on said property. The requested variance will not be injurious to the public health, safety, morals, and general welfare of the community, and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

- Andy Porter commented that the floor plan looked a lot like a living space. Azfar Haque asked if the structure was permitted. Ms. Irons answered no, and that Code Enforcement was awaiting the outcome of this hearing before citing Mr. Lopez. Jose Rodriguez, translating on behalf of applicant Juan Lopez, stated that the structure would be used for storage only and that Mr. Lopez would be obtaining a permit. Andy Porter closed the floor to public comments.
  - Azfar Haque made a motion to approve the variance with the condition that the structure be used only for storage and not as a living space. Michael Clinkscales seconded the motion. Motion approved unanimously.
- 3. **CUP- 2023-05 - Conditional Use for 4140 Jonesboro Rd., Parcel #13015D C007 Forest Park, Georgia.** The applicant, Gerald Tirella, is requesting a Conditional Use Permit to allow a 6,152-sf renovation of the rear of the International Discount Mall to build self-storage units, to be rented by existing mall tenants and the general public.

SaVaughn Irons stated that the applicant is requesting a Conditional Use Permit to allow a 6,152-square foot renovation of the rear of the International Discount Mall to build self-storage units in the rear of the facility to be rented by existing mall tenants and general public. Presently, the space is utilized as an International Discount Mall at 4140 Jonesboro Rd. This property is currently zoned General Commercial (GC). The intent of the GC district is to provide a land use category for a diversity of commercial uses that provide products and services on a regional level. Per Sec 8-8-40 General Commercial District (GC) mini-warehouses and storage buildings are only permitted under a conditional use permit. West of the arterial street is Scott Rd. The street frontage for this parcel is Jonesboro Rd; North, West and South of the parcel are commercial/retail businesses and east of the parcel is outside the city limits.

1. **Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals, and objectives?** The proposed use is compatible and consistent with the City's land use and development goals and objectives. The new interior addition to the existing discount mall will be built as self-storage for mall tenants. There will not be any renovations to the exterior of building.
2. **Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?** The proposal will not cause a significant impact on the transportation infrastructure.
3. **Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?** The proposed use will not have an increase, decrease of the relationship to safety from fire and other dangers if event space attendee numbers are minimized.
4. **Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the City?** The proposed development does not appear to be a detriment to the public health, safety, morals, or general welfare if the Conditional Use Permit is granted.
5. **Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?** The proposed use will not increase, decrease, or have any influence on the adequacy of light and air.
6. **Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?** No.
7. **Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the City, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the City?** The proposed use will not increase the population or density as to adversely affect the health, safety, and general welfare of the City.
8. **Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?** The proposed use will not cause any additional impact on the water/sewer and other utilities or other public services.
9. **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?** The subject property value has no existing zoning restriction that would diminish the value and enjoyment of surrounding properties.
10. **Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?** Granting a Conditional Use Permit would not diminish the future uses of the property and surrounding area.
11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** The use appears suitable for the nearby properties. The applicant has advised that the updates made to said property will be internal only. There is no indication of any potential detrimental causes that would decrease the property value of surrounding or adjacent property.
12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** The Conditional Use Permit would not create an isolated district.

Staff recommends approval of a conditional use permit to allow a self-storage addition in the rear of the International Discount Mall within the General Commercial District (GC) with the following conditions:

1. The applicant must obtain a building permit for interior renovations.
  2. The applicant will provide a letter of approval/consent from the property owner.
  3. The applicant will provide detail rendering of what proposed addition will look like
  4. The applicant will provide storage policies for owners.
  5. The applicant will provide a Circulation plan for entry and exit of location for self-storage.
- The applicant, Gerald Tirella, stated that this request was made in response to tenants of the discount mall wanting to have storage. He said that it all would be inside with no addition but that a ramp may have to be added to the back door. Mr. Tirella stated that they would do a set of construction drawings and that he, along with the Fire Marshal, had already walked the building. He said that a sprinkler head would be installed in every unit. Andy Porter closed the floor to public comments.
  - Michael Clinkscales asked if all the tenants are in agreement for storage to be built. Mr. Tirella answered that he did not know how many tenants wanted storage. He stated that they may have to built in phases with just 20 units to start. Roderick Jackson asked if any provisions would be made for storing chemicals. Mr. Tirella answered that he had already discussed that with the Fire Marshal and that it would be included in the literature. He stated that nothing would be stored 18 inches down from the ceiling and that each unit would have its own sprinkler.
    - Azfar Haque made a motion to approve the variance with the conditions listed in the staff report. Michael Clinkscales seconded the motion. Motion approved unanimously.
- Mr. Tirella asked if the conditions would be emailed to him and SaVaughn Irons answered yes.

4. **CUP-2023-04 - Conditional Use for 5370 Ash St., Parcel # 13079D G010 Forest Park, Georgia.** The applicant, Cynthia Waters, is requesting a Conditional Use Permit to allow a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic, and an adult education program in a church within the Single-Family Residential District (RS).

SaVaughn Irons stated that the applicant is requesting a Conditional Use Permit to operate a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private school and daycare centers require conditional use permits to operate in the Single-Family Residential District. Currently, the property houses a historic church.

1. **Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals, and objectives?** The proposed use is compatible and consistent with the City's land use and development goals and objectives.
2. **Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?** The proposal will not have a significant impact on the transportation infrastructure.
3. **Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?** The proposed use will not have an increase, decrease of the relationship to safety from fire and other dangers if event space attendee numbers are minimized.
4. **Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the City?** The proposed development does not appear to be

- a detriment to the public health, safety, morals, or general welfare if the Conditional Use Permit is granted.
5. **Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?** The proposed use will not increase, decrease, or have any influence on the adequacy of light and air.
  6. **Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?** No.
  7. **Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the City?** The proposed use will not increase the population or density as to adversely affect the health, safety, and general welfare of the city.
  8. **Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?** The proposed use will not cause any additional impact on the water/sewer and other utilities or other public services.
  9. **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?** The subject property value has no existing zoning restriction that would diminish the value and enjoyment of surrounding properties.
  10. **Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?** Granting a Conditional Use Permit would not diminish the future uses of the property and surrounding area.
  11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** The use appears suitable for the nearby properties. There is no indication of any potential detrimental causes that would decrease the property value of surrounding or adjacent property.
  12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** The Conditional Use Permit would not create an isolated district.

Staff recommends denial of a conditional use permit based on the potential liability of having children and a mixture of adult activities that include clinics, recovering alcoholics and offenders. The following combination would not be allowed as a combined use.

- Pastor James Summers, speaking on behalf of applicant Cynthia Waters, stated that there was a school and daycare located inside the church prior to them purchasing the building. He stated that they had already went through the Fire Marshal and that they have everything ready to start this assignment. He stated they just want an opportunity to make a difference in the lives of the young people in Forest Park. Andy Porter closed the floor to public comments.
- Azfar Haque stated that he agreed with staff recommendation that having children mixed with adults and recovering alcoholics is not a good mix. Michael Clinkscales asked Pastor Summers to explain his vision further. Pastor Summers answered that the AA group will only meet on Tuesday nights and that the group will not mix with the children at all. Mr. Porter stated that the difficulty is in the combination of the proposed uses which include a youth performing arts facility, a rehabilitation

group home for teens, summer camp, health clinic, and an adult education program. He stated that staff recommendation says that the city doesn't have a zoning category that allows that combination and therein lies the problem. SaVaughn Irons stated that that is correct. Mr. Porter stated that by right each proposed use would probably need to have its own special use permit. Pastor Summers asked if they could be allowed to just do the school and daycare. Mr. Porter answered that the Board could only consider the application before them and that he would need to restate his plan and come back before the Board. Ms. Irons stated that if applicant Cynthia Waters had provided staff with one specific use to complete their analysis based on the zoning ordinance it would be a different story. She stated the letter of intent provided with all of the different uses is the reason staff came up with their recommendation. Mr. Haque stated the applicant needed to reapply for just the daycare and facility type. Ms. Irons stated that this is only a recommending body and that Mayor and Council have the final say. Michael Clinkscales recommended to Pastor Summers that he reapply and narrow his vision down.

- Kelvin Waters stated that he completed the application and that he didn't list all of the uses Ms. Irons and the Board stated. He stated he only listed a daycare and school. He stated that he never put anything on the application related to alcohol or rehab. He stated he only listed the names of the daycare and the school and that someone else must have added the other uses. Ms. Irons presented the application and read aloud the letter of intent which states:

"In detail, provide a summary of the proposed project in the space provided below. Include the proposed use of each existing or proposed building, and the proposed land use.

Life Christian Academy is a private performing arts school geared towards under-privileged students needing specialized education. We follow the STEM learning curriculum to prepare and develop our students for college. LCA plans to bring a youth performing arts facility, a rehabilitation group home for teens, AA meetings for court mandated residents, summer camp, health clinics, and much more to Forest Park, GA. Our church Restoration & Deliverance COGIC will have weekly food drives for anyone in the Clayton County area in need of assistance, youth empowerment summer camps, and much more to support the community outreach program. LCA & R&D partnered with a daycare provider to bring their services to 5370 Ash Street in efforts to aid low income working families as an extension of our community development. Our main building has office spaces that can help build small entrepreneurs by offering a professional space to conduct business which correspond with our adult education and reclamation program. The office spaces would only be offered to regular general tax classification businesses. Our overall goal is to provide services that are essential to rebuilding our community, our city, and most importantly our youth because they are the future!"

- Pastor Summers stated that that is the old application from when they applied before. Ms. Irons stated this is the application she received in her hand from Ms. Waters. Pastor Summers asked if the Board would clarify if the church could be used as a school and daycare. Mr. Porter recommended to him that he sit down with staff and go over the restricted uses and the avenue for him to apply.
  - Roderick Jackson made a motion to follow the staff recommendation and deny the request. Azfar Haque seconded the motion. Motion approved unanimously.

5. **RZ-2023-01-Rezoning for Parcel # 13015C A006, 0 Scott Road, Forest Park, Georgia.** The applicant, Divine Dream Homes ATL, LLC, is requesting to rezone 1.69 acres from RS (Single-Family Residential) to RM (Multi-Family Residential) to build townhomes.

LaShawn Gardiner stated that the subject property is located at 0 Scott Road. The parcel number is 13015C A006 and is currently zoned RS (Single-Family Residential). The property is currently wooded and undeveloped. The

applicant's request is to rezone the property from RS (Single-Family Residential) to MF (Multi-family Residential). The parcel is 1.60 acres. The subject property is currently zoned RS (Single-Family Residential). The applicant is requesting to rezone the property from RS (Single-family residential) to RM (Multi-family residential) with the intent to build 19-townhomes. The applicant came before the Planning Commission on August 18, 2022, and requested a variance to reduce the minimum lot area, minimum lot width and rear yard setbacks to build single-family homes with the intent to build an eleven- lot subdivision. The variance request was denied, due to the request not meeting several minimum standards of the zoning code and the request was self-imposed and too significant. The future land use designates the subject property as industrial use.

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals, and objectives:  **Yes**  **No** *The subject property is flanked by industrial zoned property to the west and north and residential zoned property south and east.*

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?  **Increase**  **Decrease**  **No Impact** *Currently, there are only 3 homes on Scott Road. If additional homes are constructed traffic will be increased.*

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?  **Increase**  **Decrease**  **No Relationship** *Safety would be a concern for fire due to design of roadway and traffic circulation in and out of the property.*

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?  **Promote**  **Diminish**  **No Influence**

Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?  **Promote**  **Diminish**  **No Influence**

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?  **Cause**  **Prevent**  **No Influence** **The proposed amendment could potentially cause overcrowding on the property. Currently only \_\_\_\_\_ units per acre are allowed in MF zoned districts.**

Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city?  **Cause**  **Prevent**  **No Relationship**

Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?  
 **Impede**  **Facilitate**  **No Impact**

Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?  **Yes**  **No** *There are no known contributing factors that will affect the value, use and enjoyment of surrounding properties.*

Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?  
 **Promote**  **Diminish**  **No Influence**

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent

property?  Yes  No

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

Yes  No *While the subject property is adjacent to two residentially zoned areas, several commercial and industrial zoned properties exist east and south of the subject property. The proposed zoning is commensurate with the previous and existing use of the property.*

The following departments/divisions had no issues or concerns regarding the requested rezoning:

- Public Works, Police, and Building Inspector. The fire department expressed concern about the design based on water availability, road width and accessibility.

Planning staff recognizes that the property.

The requested rezoning from RS (Single-Family Residential) to GC (General Commercial) zoning category would allow for the current use of the property, although it would not meet the use of the property as an institutional use per the future land use. If the property is rezoned to commercial use, it would not be out of character of current, surrounding zoned uses in the area. The proposed amendment will not cause an adverse impact on the surrounding community. Staff recommends approval of the rezoning request along with the following conditions:

1. Reduce the Front setback from 25 ft. to 14.62 ft.
  2. Reduce the side setback from 10 ft. to 2.50 ft.
  3. Reduce the rear setback from 30 ft. to 12.42 ft.
- Lorenzo Kendrick, representative of Divine Dream Homes, stated that they want to build up to 35 townhomes between both sides. He stated that they would update the streets which be an upgrade to the city. Mr. Kendrick stated they have a workforce program for the homes and that they will offer government employees \$5000 downpayments and \$7500 for police and fire. He stated they are trying to put people in townhomes, that will make Forest Park safe and better.
  - Frank Holtzclaw of 738 Scott Rd spoke in opposition. Mr. Holtzclaw spoke about the increase in noise, traffic, and loss of trees and filtered air they provide. He read a letter from Perry and Priscilla Ayala of 746 Scott Rd stating their opposition to the project due to the negative impact it would have on their enjoyment of their property and quality of life. Kay Holtzclaw of 738 Scott Rd restated her husband's objection to the increased noise, traffic, crime, and removal of trees. Alice Hummel of 730 Scott Rd stated her objection citing her health and the previous objections raised by Mr. and Mrs. Holtzclaw. Andy Porter closed the floor to public comments.
  - Azfar Haque asked Mr. Kendrick to elaborate on the improvements to the streets he mentioned. Mr. Kendrick answers they would widen the road in a joint operation with the city. He stated the neighborhood would be built in a square in an effort to shield the current residents from some of the noise, debris, and fumes. He stated they are leaving a natural buffer of trees. He stated the homes will be 1,600 sq feet each, upstairs and downstairs, and potentially priced at \$325,000.00 each. Roderick Jackson asked what would be done to prevent erosion and water run-off with JB Hunt. Mr. Kendrick answered they would work with JB Hunt regarding water run-off and retention and that a playground would be built on each side, and a dog park added as well. He stated they want to include the current residents and not box them out. He stated that each unit will have a privacy fence. Andy Porter asked Mr. Kendrick if he would entertain a motion to restrict the number of for rent units. Mr. Kendrick answered yes and that they would leave a 15 ft natural vegetation buffer per the code.



- Azfar Haque made a motion to approve the rezoning with the condition that the subdivision contains a total of only 9 rental units, 5 on the first side and 4 on the second side, and they be located in separate buildings. Roderick Jackson seconded the motion. Motion approved unanimously.
6. **RZ-2023-02-Rezoning for Parcels # 13015C A003, 13015C A009, and 13015C A002, 0 Scott Road, Forest Park, Georgia.** The applicant, Divine Dream Homes ATL, LLC, is requesting to rezone 1.628 acres from RS (Single-Family Residential) to RM (Multi-Family Residential) to build townhomes.

LaShawn Gardiner stated that the next case is RZ-2023-02-Rezoning for Parcels # 13015C A003, 13015C A009, and 13015C A002. Ms. Gardiner stated that this is a tract of property that is across the street from the prior property, is 1.628 acres of property, and that the request is to rezone from RS to RM. She stated that she won't read the entire report because it's similar to the first one and the staff recommendation is basically the same. Ms. Gardiner stated that staff recommends approval of the rezoning request along with the following conditions:

1. Scott Road shall be improved to city standards prior to development.
  2. All buildings shall be constructed of brick, stone, wood, stucco, or any combination thereof.
  3. There shall be differential architectural features between units, no adjacent units shall have the same design characteristics or features or identical.
  4. Each unit shall provide 2-car garages.
  5. Adhere to the buffer standards as specified in the current code between industrial and residential development.
  6. Any deviations from the conditions shall be approved by the Planning Commission.
- Azfar Haque made a motion to approve the rezoning with the condition that the subdivision contain a total of only 9 rental units, 5 on the first side and 4 on the second side, and they be located in separate buildings. Roderick Jackson seconded the motion. Motion approved unanimously.
7. **RZ-2023-03-Rezoning for 4233 Thurmond Rd., Parcel # 13017A B014, Forest Park, Georgia.** The applicant, KINH Enterprises Inc., is requesting to rezone 0.287 acres from RS (Single-Family Residential) to GC (General Commercial) to rebuild a convenience store.

LaShawn Gardiner stated that the subject property is located at 4233 Thurman Road. The parcel number is 1317A B014 and is currently zoned RS (Single-Family Residential). The property is currently a small, vacant triangular piece of land with a paved parking lot and a few bricks, blocks, and wood remnants of what remained of the previous convenience store building. The applicant's request is to rezone the property from RS (Single-Family Residential) to GC (General Commercial). The parcel is 0.287 acre.

Records show that the previous structure was built in 1965. The property most recently operated as the In-N-Out Groceries convenience store since 2014. A fire destroyed the building in 2022. General commercial and industrial zoned uses are located east and south of the property. Properties west (Calvary Refuge Center) and north (unincorporated Clayton County) of the subject property are zoned residential. The convenience store and structure prior to its destruction was a pre-existing non-conforming use. Zoning Code Sec. 8-8-112 Nonconforming structures states the following:

*Where a lawful structure exists at the effective date of adoption that could not be built under the terms of this chapter by reasons of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:*

- (1) *No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity; but any structure or portion thereof may be enlarged or altered if the degree of its nonconformity remains the same or is decreased, provided such structure is used for a permitted use.*
- (2) *One- and two-family residential structures. Should such nonconforming one- or two-family residential structure be destroyed, by any means, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided said reconstruction does not increase the previously existing degree of nonconformity and further provided that said reconstructed structure is used for a permitted use.*
- (3) **All other structures. Should such nonconforming multifamily residential, commercial, or industrial structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this article.**
- (4) *Accessory structures. When nonconforming, accessory structure be destroyed by any means, in whole or in part, it shall be subject to the same provisions as govern the primary structure to which they are an accessory use.*
- (5) *Moving. Where a nonconforming structure is moved off its previous lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved.*
- (6) *Public purposes. In cases where land is taken for public purposes from legal lots of record at the time of such taking in such manner as to reduce yards previously provided in relation to a portion of a structure below yard requirements generally applicable within the district, the portion of the structure involved shall be construed to be nonconforming.*

The subject property was operated as a non-conforming, commercial use, and therefore would have to conform to the current zoning standards of the General Commercial zoned district, per Sec. 8-8-112 (3), underlined above, if the rezoning is approved. The purpose of the request to amend the zoning of the subject property from RS (Single-family Residential) to GC (General Commercial) zoning category is to bring the use into conformance of the current zoning ordinance. Convenience/grocery stores are permitted uses in the general commercial zoning district, and it is the applicant's intent to rebuild the store.

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals, and objectives?  Yes  No *The subject property is flanked by commercial and industrial zoned properties to the east and south. Although, the future land use map designation is Institutional, due to the size, shape, and location of the property, it would be difficult to develop the subject property for institutional use.*

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?  Increase  Decrease  No Impact *We do not anticipate an increase in traffic congestion or detriment to traffic safety as a result of this rezoning.*

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?  Increase  Decrease  No Relationship

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?  Promote  Diminish  No Influence

Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?  Promote  Diminish  No Influence

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?

**Cause  Prevent  No Influence**

Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city?  Cause  Prevent  No Relationship

Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?

Impede  Facilitate  No Impact

Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?  Yes  No *There are no known contributing factors that will affect the value, use and enjoyment of surrounding properties.*

Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?

Promote  Diminish  No Influence

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?  Yes  No

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

Yes  No *While the subject property is adjacent to two residentially zoned areas, several commercial and industrial zoned properties exist east and south of the subject property. The proposed zoning is commensurate with the previous and existing use of the property.*

The following city departments/divisions had no issues or concerns regarding the requested rezoning:

- Public Works, Police, Fire, and Building Inspector

Planning staff recognizes that the property is 0.287 acres or 12, 501.72 square feet, and is a small, triangular shape. The current General Commercial (GC) zoning district requires the following minimum front, side, and rear setbacks if rezoning is approved:

Front: 25 ft.

Side: 10 ft.

Rear: 30 ft.

- Newton Galloway, speaking on behalf of applicant Namrah Qureshi, stated the applicant is fine with the conditions Ms. Gardiner's report recommended. Andy Porter closed the floor to public comments.
- Azfar Haque stated that the new building will add value to the neighborhood. Roderick Jackson stated the building has been an eyesore since it burned down and that this will be a good thing.
  - Azfar Haque made a motion to approve the rezoning with the conditions proposed by the staff. Michael Clinkscales seconded the motion. Motion approved unanimously.

- 8. POSTPONED-Text Amendment to Title 8, Chapter 3, Signs. Sec. 8-3-3 Definitions; 8-3-14 Prohibited Signs; and Sec 8-3-23 Restrictions Based on Location of the City of Forest Park Code of Ordinances to provide for codification to provide for severability; to repeal conflicting ordinances; to provide and adoption date; to provide an effective date; and for other purposes allowed by law.**

**ADJOURNMENT:** Azfar Haque made a motion to adjourn the meeting. Michael Clinkscales seconded the motion. Motion approved unanimously. The meeting adjourned at 7:27pm.