



CITY OF FOREST PARK  
**PLANNING COMMISSION MEETING**

Thursday, January 19, 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

## AGENDA

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

**CALL TO ORDER/WELCOME:**

**ROLL CALL:**

**APPROVAL OF MINUTES:**

1. Minutes from meeting on December 15, 2022

**OLD BUSINESS:**

**NEW BUSINESS:**

2. **Case # CUP-2023-01- Conditional Use for 721 Morrow Road**, Parcel # 13114A A001. The applicant, Maveto McKinzie Hylton, is requesting a conditional use to operate an early childcare learning center. The current zoning of the subject property is RS (Single Family Residential). Institutional uses (Pre-K and day care centers) are conditional uses under the current zoning ordinance.
3. **Case # VAR-2023-02-Variance for 2235 Anvil Block Road** The applicant, Blue Star Fort Gillem, LLC, is requesting a variance to encroach the 50-foot undisturbed stream buffer to allow for the construction of a storm drain outfall. The use of the subject property is to construct a film production studio.
4. **Case#VAR-2023-01-Variance for 700 Ruskin Drive** Parcel #13015A A005. The applicant, Josh Lipscomb, is requesting a variance to encroach the 50-foot undisturbed stream buffer and 25-foot impervious setback. The use of the subject property is to construct a storage building on an existing commercial parking lot.

**ADJOURNMENT:**



Department of Planning and Community Development  
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## Planning Commission Minutes December 15, 2022

**Call to Order:** Andy Porter called the meeting of the City of Forest Park Planning Commission to order at 6:00 p.m. on December 15, 2022.

**Roll Call:** Andy Porter, Azfar Haque, Michael Clinkscales, Roderick Jackson, and Donald Williams were present. Also present was the Director of the Department of Planning and Community Development, LaShawn Gardiner.

**Approval of Minutes:** Azfar Haque made a motion to approve the minutes from the October 20, 2022, Planning Commission meeting. Michael Clinkscales seconded the motion. The vote was unanimous.

**Old Business:**

**Item 1:** Case: PC-2022-10

### Variance at 0 Fort Gillem

#### **For a 50-foot undisturbed buffer and 75-foot no-impervious Stream Buffer Encroachment on designated buffered waters**

LaShawn Gardiner states the applicant, Robinson Weeks, is requesting a variance for a 50-foot undisturbed buffer and 75-foot no-impervious Stream Buffer Encroachment on designated buffered waters. The project is a 58-acre undeveloped site with mixed-age pine and hardwood forest located in the Gillem Logistics Center. The nearest named body of water is Upton Creek. The applicant proposes to construct two industrial warehouse facilities. Building 600 is proposed to be 567,000 square feet and Building 650 is proposed to be approximately 157,000 square feet and associated infrastructure within the designated buffer zone. The Stream Buffer Protection Ordinance (Chapter 9, Section 8-9-5) requires that an undisturbed natural vegetative buffer be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling, and earthmoving shall be minimized with the setback. The applicant is requesting a variance for a 50-foot undisturbed (Stream 1) and a 75-foot on-impervious stream buffer encroachment (Stream 2) on designated buffered waters to allow for the construction of the warehouse development.



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Staff recommends APPROVAL of the variance with the conditions that the applicant submits a copy of the Certificate of Compliance Permit from the Department of Army Nationwide to the Department of Planning and Community Development and also complies with any conditions that the U.S. Army Corps of Engineers imposes. The applicant must also provide a written letter, on applicant letterhead, agreeing to these conditions.

Andy Porter asks if anyone is in opposition of the variance.

Eugene Richardson, owner of 2204 First Ave, spoke in opposition.

0 Fort Gillem is adjacent to his property and he is worried there will be flooding and raccoons on his property.

Azfar Haque asked Mr. Richardson if he did his due diligence before purchasing his property.

Mr. Richardson replies “not enough”.

Andy Porter explains to Mr. Richardson that the Board is unable to assist him.

LaShawn Gardiner states that David New, the City of Forest Park Erosion Inspector, said this project would not impede any type of erosion.

Tim Staub of Robinson Weeks states that this project will help with the flooding.

Stephen Barnett, owner of Joy Lake, states the developments at Fort Gillem have deprived him from enjoying the lake. He claims flooding has caused a delta to form at the beginning of the lake.

Michael Clinckscles asks Mr. Staub if he is aware of these issues.

Mr. Staub states they have a company that handles these matters. He gave Mr. Richardson and Mr. Barnett his contact information and agreed to assist them.

Azfar Haque motioned to approve with the conditions. Michael Clinckscles seconded the motion. Voting was unanimous.

#### Other Business:

**Adjournment:** There being no further business, Michael Clinckscles motioned to adjourn the meeting. Azfar Haque seconded the motion. Voting was unanimous. The meeting adjourned at 6:25pm.



Planning & Community Development Department  
785 Forest Parkway  
Forest Park, Georgia 30297  
(404) 608-2300 Fax: (404) 608-2306

## Staff Report – Conditional Use Permit

Public Hearing Date: January 19, 2023

City Council Meeting: February 6, 2023

Case: CUP-2023-01

Current Zoning: RS – Single-Family Residential District

Proposed Request: Conditional Use for a church and early childcare learning center

Staff Report Compiled By: Chountelle Hudson

Staff Recommendation: Approval of Conditional Use Permit with Conditions

### APPLICANT INFORMATION

Owner of Record: Victory Point Intl Ministries      Applicant: Maveto McKenzie Hylton

Name: Victory Point Intl Ministries      Name: Maveto McKenzie Hylton

Address: 721 Morrow Road      Address: 721 Morrow Road

City/State: Forest Park, GA 30297      City/State: Forest Park, GA 30297

### PROPERTY INFORMATION

Parcel Number: 13114AA001      Acreage: 8.1

Address: 721 Morrow Road, Forest Park, GA 30297      FLU: Institutional

### SUMMARY & BACKGROUND

The applicant is requesting a Conditional Use Permit to add and operate an early childcare learning center use to a present church use at 721 Morrow Road. This property is in the Single-Family Residential District (RS). Places of Worship, a K-12 private school, and Pre-K and day care centers require conditional use permits to operate in a Single-Family Residential District. Currently the property houses a church, south of the minor arterial street Morrow Road. The street frontage for the parcel is Morrow Road; west of the parcel is a mixture of residential homes and a church, south of the parcel are residential homes, east of the parcel are residential homes and an office building, and north of the parcel are residential homes and a gas station.

Per Section 8-8-90, one (1) parking space for each two (2) staff members and other employees are required for a daycare, and one (1) parking space for each six (6) seats are required for places of worship. The applicant has two (2) employees at the daycare, and the place of worship consists of pews instead of seats. Upon observation from aerial photographs, it appears the applicant has sufficient parking with an approximate parking space count of 117. The church square footage is 6,195, church gym square footage is 7,869, and the learning center (daycare)

square footage is 5,162. Analogously, the front setback to Morrow Road is 107.9 feet, the side (west) setback is 164.3 feet, the side (east) setback is 143.6 feet, and the rear setback is 180.5 feet.

**Property Zoned Single Family Residential (RS)**

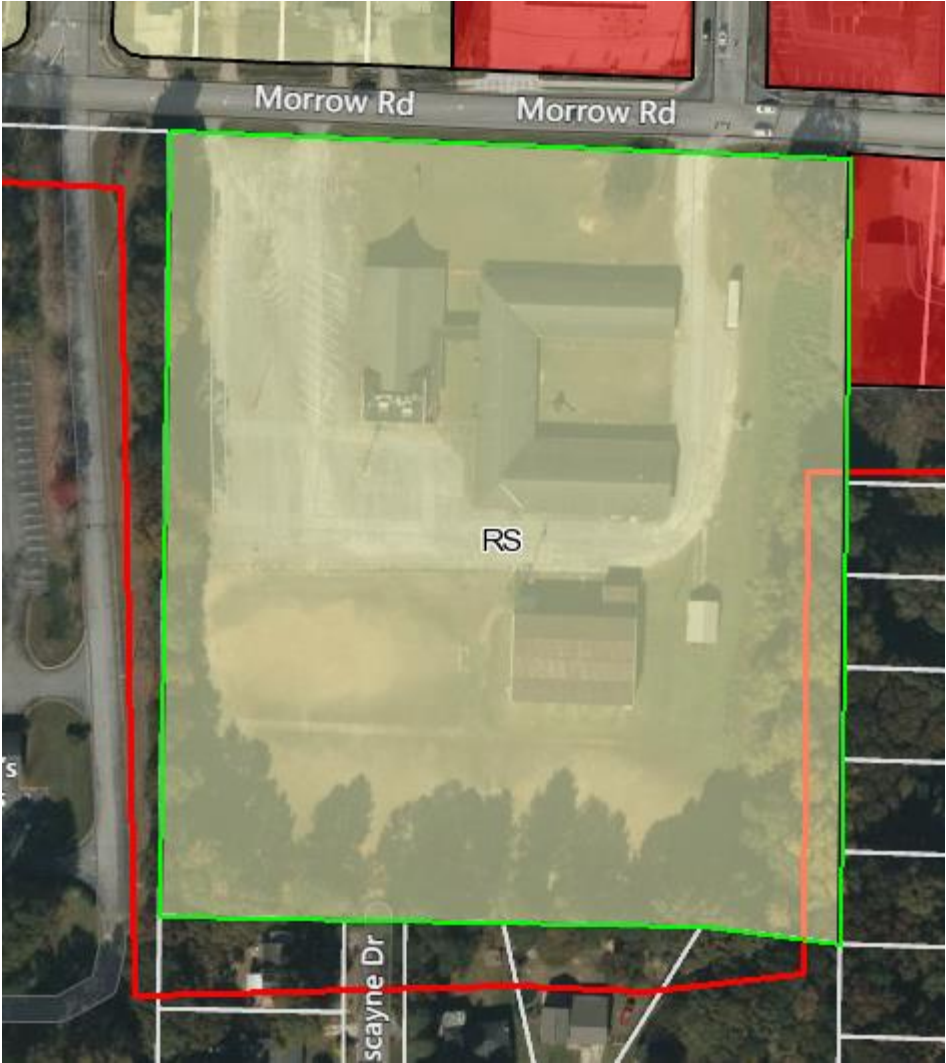
**ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES**

Direction	Zoning & Use	Direction	Zoning & Use
North	RS: Residential Single-Family and GC: General Commercial	East	Outside Forest Park jurisdiction and GC: General Commercial
South	Outside Forest Park jurisdiction	West	Outside Forest Park jurisdiction

**AERIAL MAP**



ZONING MAP



**SITE PHOTOS – DECEMBER 2023**











## ZONING CRITERIA AND ANALYSIS

- 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. West of the parcel is a mixture of residential homes and a church, south of the parcel are residential homes, east of the parcel are residential homes and an office building, and north of the parcel are residential homes and a gas station.
- 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 have no impact on community facilities

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 proposal 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?** No impact on light and air quality.
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 RECOMMENDATION**

Staff recommends **APPROVAL OF A CONDITIONAL USE PERMIT** to allow a school with an existing church in the Single-Family Residential (RS) District **WITH THE FOLLOWING CONDITIONS:**

1. The applicant must adhere to state guidelines outlined in Section 8-8-78, and provide proof (i.e. copy of application in process) and/or a copy of state certification to operate a school.
2. The applicant and/or his tenants may be allowed to operate a church, a school, and offices associated with those uses. However, no other offices or commercial uses will be permitted.
3. Storage of vehicles, trucks, and trailers is strictly prohibited.
4. Violation of these conditions will result in the loss of the conditional use permit and associated business licenses.

Attachments Included:

- Application
- Letter of Intent
- Authorization of Property Owner
- Disclosure of Campaign Contributions and Gifts
- Floor Plan

### Staff Report-Variance

Public Hearing Date: January 19, 2022

Case: VAR-2023-02

Proposed Request: Variance for 50-foot undisturbed natural vegetative buffer and 25-foot impervious setback.

Staff Report Compiled By: LaShawn Gardiner

Staff Recommendation: Approval of Variance

#### APPLICANT INFORMATION

**Owner of Record:**

Blue Star Fort Gillem, LLC  
2235 Anvil Block Rd  
Ellenwood, GA 30297

**Applicant:**

Blue Star Fort Gillem, LLC  
525 Spring Valley Rd., NW  
Atlanta, GA 30319

#### PROPERTY INFORMATION

Parcel Number: Not Assigned

Acreage: 53.68 Acres

Address: Anvil Block Rd. & South 1<sup>st</sup> Street

FLU: Office/Business

#### ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

<u>Directions</u>	<u>Zoning &amp; Use</u>	<u>Directions</u>	<u>Zoning &amp; Use</u>
<u>North</u>	GZ-Gillem District	<u>East</u>	GZ-Gillem District
<u>South</u>	GZ-Gillem District	<u>West</u>	GZ-Gillem District

#### SUMMARY & BACKGROUND

The subject property is a tract of land on the Gillem Logistics Center site that is approximately 53.68 +/- acres. An old administrative building and other buildings once used by the Army, as well as a portion of the old golf course exists at the front of the property. Big Cotton Indian Creek passes along the south side of the property. The applicant proposes to construct a stormwater management pond and include a pipe to allow runoff into an existing storm water drainage facility for proposed site improvements. The applicant proposes to construct a film studio.

The Stream Buffer Protection Ordinance requires that an undisturbed natural vegetative buffer be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. Grading, filling, and earthmoving shall be minimized within the setback.

The applicant is requesting a Variance from the 50-foot ‘undisturbed’ natural vegetative stream buffer that will allow the applicant to construct a storm drain outfall and outlet protection for







**TRIBUTARY PHOTO**  
**Big Cotton Indian Creek**



**CONDITIONS FOR VARIANCES**

The following factors will be considered by the planning commission in determining whether to issue a variance.

1. The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property;
2. The location of all streams on the property, including along property boundaries;
3. The locations and extent of the proposed buffer or setback intrusion;
4. Whether alternative designs are possible which require less intrusion or no intrusion.
5. The long-term and construction water-quality impacts of the proposed variance; and
6. Whether issuance of the variance is at least as protective of natural resources and the environment.

**STAFF RECOMMENDATION**

After review of the conditions for variances, Staff recommends approval of the variance from the 50-foot undisturbed stream buffer to allow for the construction of a storm drain outfall and other stormwater protections for the development of the film studio on the property.

### Staff Report-Variance

Public Hearing Date: January 19, 2022

Case: VAR-2023-01

**Proposed Request:** Variance for 50-foot undisturbed natural vegetative buffer and 25-foot impervious setback.

**Staff Report Compiled By:** LaShawn Gardiner

**Staff Recommendation:** Approval of Variance

#### APPLICANT INFORMATION

<b>Owner of Record:</b> Graddy Investments of Atlanta, Inc. 700 Ruskins Drive Forest Park, GA 30297	<b>Applicant:</b> Josh Lipscomb 1703 Wyandotte, Ste. 200 Kansas City, MO 64108
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#### PROPERTY INFORMATION

<b>Parcel Number:</b> 13015A A005	<b>Acreage:</b> 9.06
<b>Address:</b> 700 Ruskin Drive	<b>FLU:</b> Industrial

#### ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

<u>Directions</u>	<u>Zoning &amp; Use</u>	<u>Directions</u>	<u>Zoning &amp; Use</u>
<u>North</u>	GC- General Commercial	<u>East</u>	LI-Light Industrial
<u>South</u>	LI-Light Industrial	<u>West</u>	<u>LI- Light Industrial</u>

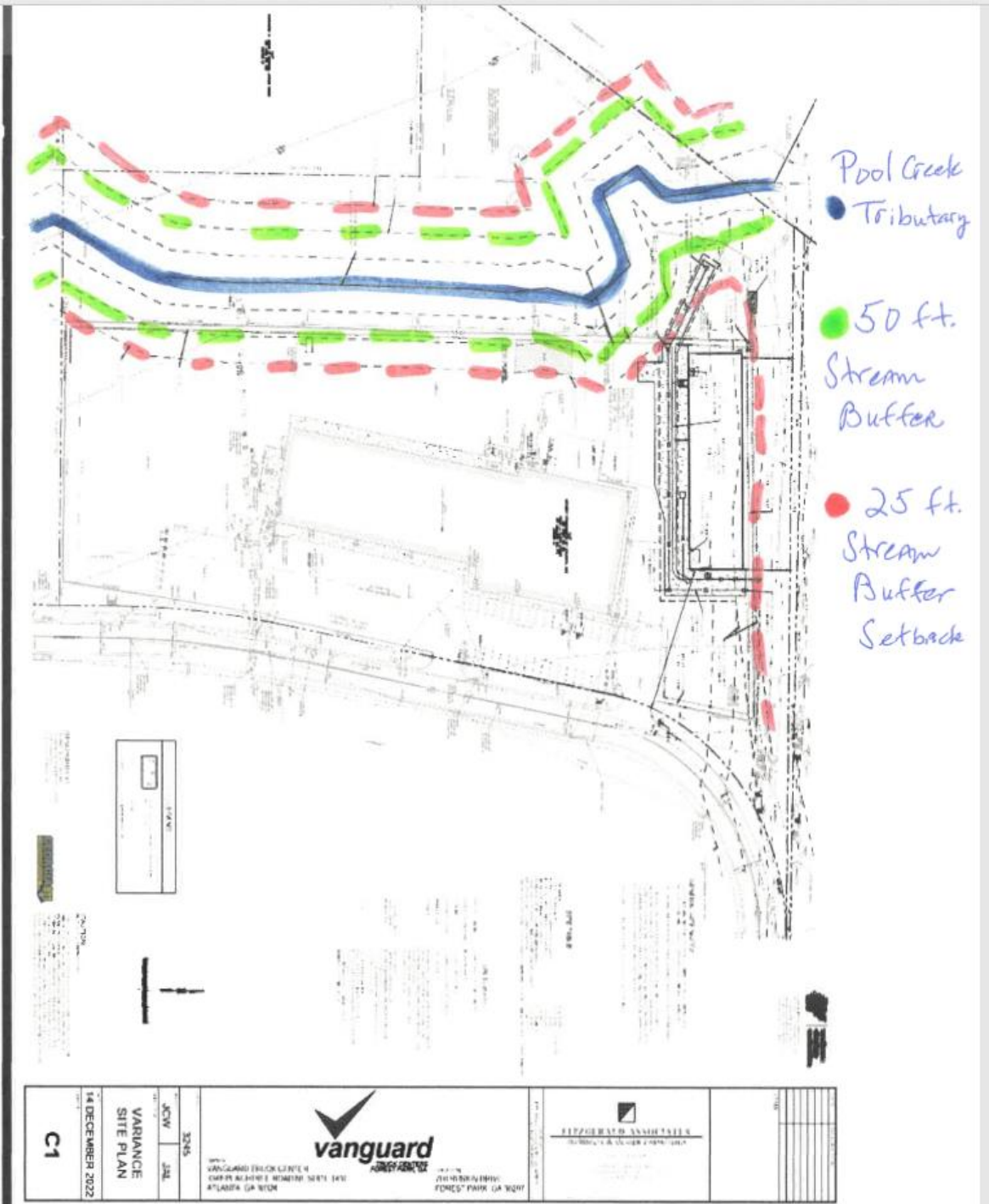
#### SUMMARY & BACKGROUND

The subject property is the existing Vanguard/Volvo commercial trucking center on a 9.06 tract of property of which records show was developed in 1973. A tributary of Poole Creek passes through the west side of the property, and a segment of this same tributary runs along the northern edge of the property. The applicant proposes to construct an 11,650 sq. ft. storage building on the existing parking lot on the north side of the property.

The Stream Buffer Protection Ordinance requires that an undisturbed natural vegetative buffer be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling, and earthmoving shall be minimized within the setback.

The applicant is requesting a Variance from the 50-foot 'undisturbed' natural vegetative buffer and the additional 25-foot setback to allow for the construction of a storage building. Approximately one-half acre (20,909 sq.ft.) of the impervious area of the site will be disturbed. Wetlands and floodplains consist of 2.51 acres of the property. Given the time the property was developed, portions of the subject property currently sit in the 50-foot undisturbed buffer.

SITE PLAN



**AERIAL MAP**



**Site Photo of Vanguard/Volvo**



### TRIBUTARY PHOTO

#### Pool Creek on West and North side of Property



### CONDITIONS FOR VARIANCES

The following factors will be considered by the planning commission in determining whether to issue a variance.

1. The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property;
2. The location of all streams on the property, including along property boundaries;
3. The locations and extent of the proposed buffer or setback intrusion;
4. Whether alternative designs are possible which require less intrusion or no intrusion.
5. The long-term and construction water-quality impacts of the proposed variance; and
6. Whether issuance of the variance is at least as protective of natural resources and the environment.

### STAFF RECOMMENDATION

Staff recommends APPROVAL of a Variance from the 50-foot undisturbed vegetative buffer and the 25-foot impervious setback requirement based on the following provisions of Section 8-9-5:

(b)(1), the parcel was platted prior to the effective date of this ordinance and the shape, topography and existing physical condition prevents the lawful use of the property by the owner, and

(b)(3b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance creates a hardship.