



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
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. Approval of May 18, 2023 Meeting Minutes

OLD BUSINESS:

NEW BUSINESS:

2. **VAR-2023-08- Variances 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.
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.
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).
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.

- [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.
- [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.
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:



CITY OF FOREST PARK
PLANNING COMMISSION MEETING

Thursday, May 18, 2023 at 6:00 PM
 Environmental Courtroom- Planning & Community Development Building

Website: www.forestparkga.gov
Phone Number: (404) 366.4720

PLANNING BUILDING AND ZONING
 785 Forest Parkway
 Forest Park, GA 30297

MINUTES

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

CALL TO ORDER/WELCOME: Michael Clinkscales calls the meeting to order at 6:00pm.

ROLL CALL: A quorum is established.

Present: Michael Clinkscales, Roderick Jackson, Donald Williams

Absent: Andy Porter, Azfar Haque

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 April 20, 2023 Meeting Minutes

Roderick Jackson makes a motion to approve the minutes of the April 20, 2023 meeting. Donald Williams seconds the motion. Motion approved unanimously.

OLD BUSINESS:

NEW BUSINESS:

2. **Case # VAR-2023-06- Variance for 5909 PINECREEK Road, Parcel # 13112C F012**, Forest Park, Georgia. The applicant, Aiden Cuong, is requesting a variance to reduce the Minimum side yard setback from ten (10) feet to two (2) feet for a constructed carport.

SaVaughn Irons states that the applicant, Aiden Cuong, is requesting a variance to reduce the minimum side yard setback from 10 feet to 2 feet for a constructed carport. The zoning & use of the property is RS: Single Family Residential District on the north, RS: Single Family Residential District on the south, RS: Single Family Residential District on the east, and RS: Single Family Residential District on the west. The subject property is a residential home located on approximately 0.26 +/- acres. The home was built in 1964. The applicant is requesting a variance

for the constructed carport that he has recently built to allow a minimum side yard setback of two (2) feet instead of the required minimum ten (10) foot side yard setback per Sec. 8-8-29 Single Family Residential District (RS) Standards. Currently, there is a fence located at the property line where the constructed carport has a two (2) feet setback. Adjacent property owner has provided consent of the constructed carport. This variance will allow the applicant to keep his constructed carport.

SaVaughn Irons presents page 2 of the staff report and states this is an aerial map and zoning map and site plan of what was constructed. On the right side or east side is the fence boundary and the carport and how close by it is. We also have site photos that show the carport that was constructed and also the proximity to the property line. 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 a variance to allow a minimum side yard setback of two (2) feet instead of the required minimum side yard setback of ten (10) foot for the preconstructed carport. This approval allows the previously constructed development 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. There is a justification letter and letter of consent from the adjacent property owner.

Michael Clinkscales asks the applicant if he has anything to share concerning the variance and, if so, to stand at the podium and state his name.

Tony Lee stands and states that he is the brother of the property owner and that he's here to translate. He asks if there's anything else the owner has to do in regards to the variance as they are not familiar with process.

Roderick Jackson answers that he should leave the left side of the home free and don't block it in case fire or emergency rescue needs to get to the back of the house.

Tony Lee States that the owner will not be parking in that area so that it will be open.

Roderick Jackson states not to be put a fence or obstruction on opposite side of house.

Tony Lee states there is nothing on the other side of the house.

Roderick Jackson makes a motion to approve the variance for 5909 Pinecreek Road. Donald Williams seconds the motion. Motion approved unanimously.

SaVaughn Irons states that with the granted approval the owner will need to submit plans and obtain a permit as Code Enforcement has been waiting to cite the owner based on the findings of this hearing.

ADJOURNMENT: Michael Clinkscales adjourned the meeting at 6:13pm.



CITY OF FOREST PARK

Item #2.

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

Staff Report – Variance

Public Hearing Date: June 15, 2023

Case: VAR-2023-08

Current Zoning: RS – Single Family Residential District

Proposed Request: Variance Request to Increase Accessory Structure Total Square Footage.

Staff Report Compiled By: SaVaughn Irons, City Planner

Staff Recommendation: Approval of Variance

APPLICANT INFORMATION

Owner of Record:

Name: Juan Antonio Lopez
 732 Kennesaw Dr.
 Forest Park, GA 30297

Applicant:

Juan Antonio Lopez
 732 Kennesaw Dr.
 Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13018A E015

Acreage: 0.25+/-

Address: 732 Kennesaw Dr, Forest Park, GA 30297

FLU: S.F. Residential

ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

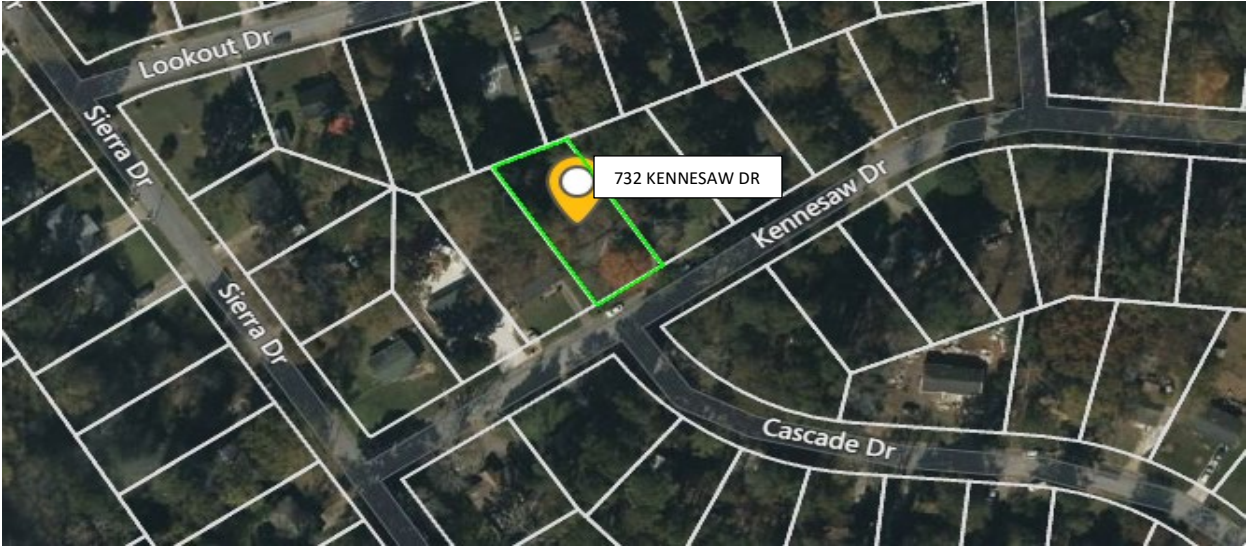
Direction	Zoning & Use	Direction	Zoning & Use
North	RS: Single Family Residential District	East	RS: Single Family Residential District
South	RS: Single Family Residential District	West	RS: Single Family Residential District

SUMMARY & BACKGROUND

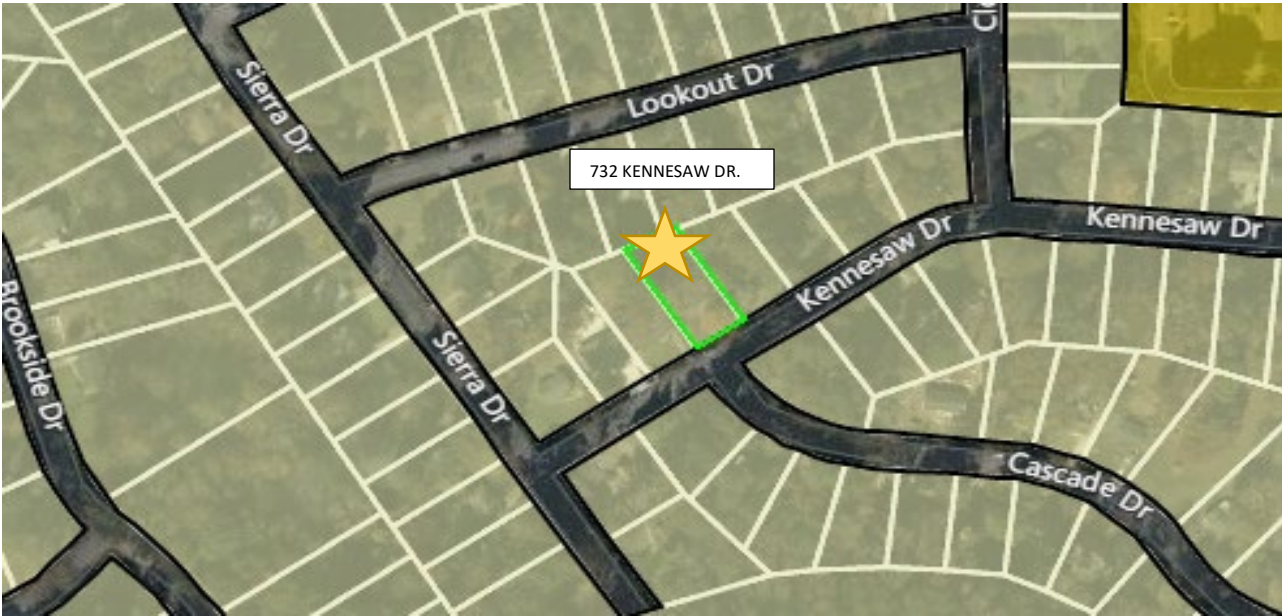
The subject property is a residential home located on approximately 0.25 +/- acres. The home was built in 1962 with a total building area square footage of 1,487. The applicant is requesting a variance for the constructed accessory structure to allow the overage of the maximum square footage to be increased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

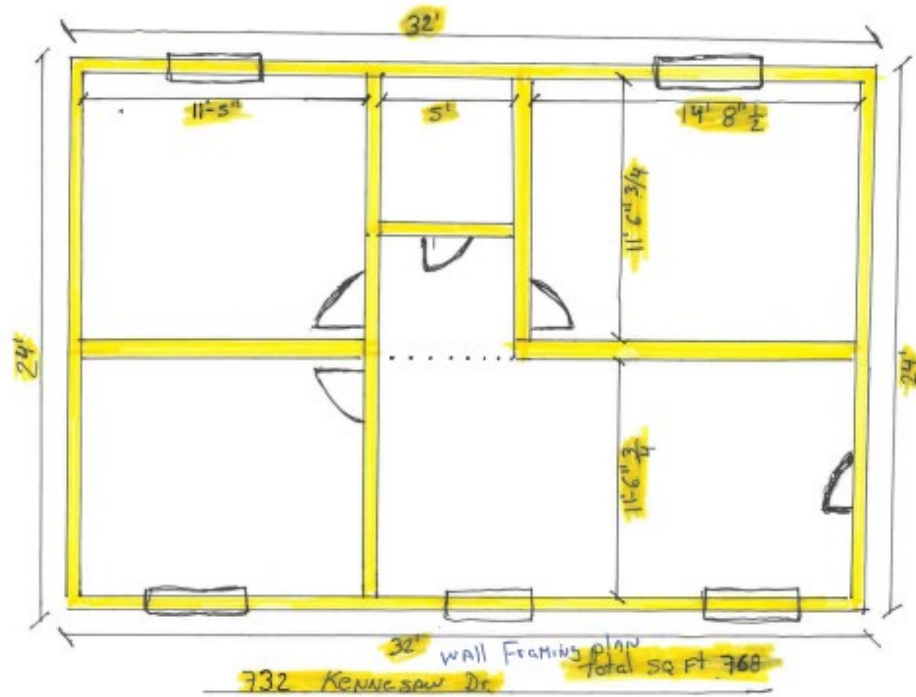
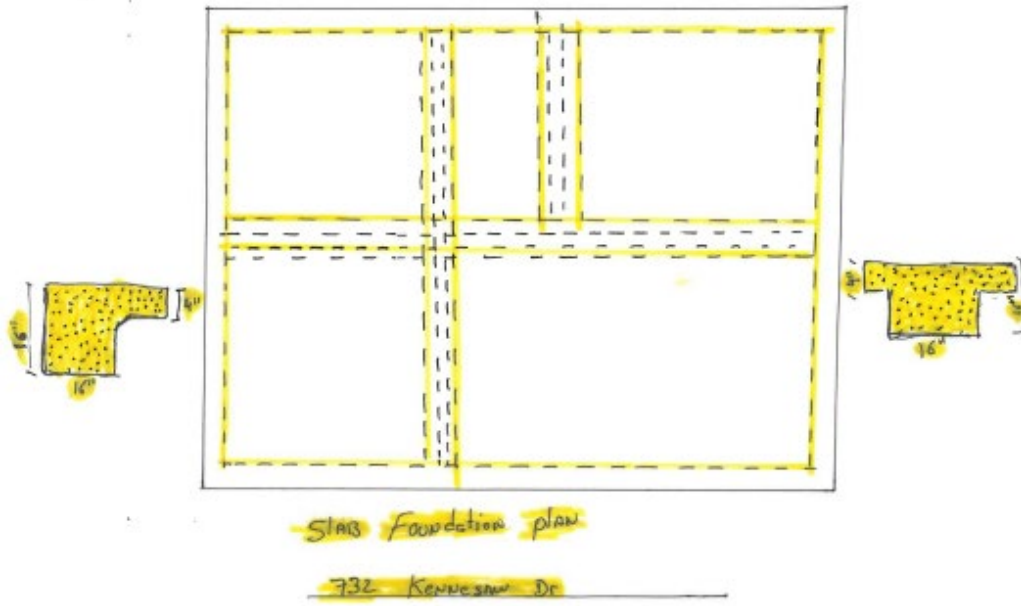
AERIAL MAP



ZONING MAP



SITE PLAN



SITE PHOTOS



VARIANCE JUSTIFICATION

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 RECOMMENDATION

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.



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: June 15, 2023

City Council Meeting: July 3, 2023

Case: CUP-2023-05

Current Zoning: GC – General Commercial District

Proposed Request: Conditional Use for self-storage.

Staff Report Compiled By: SaVaughn Irons, City Planner

Staff Recommendation: Approval

APPLICANT INFORMATION

Owner of Record:

Name: Old Peachtree Properties, LLC

Address: 645 Elmwood D.

City/State: Forest Park, GA 30297

Applicant:

Name: Gerald Tirella

Address: 4140 Jonesboro Rd.

City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13015D C007

Acreage: 0.43

Address: 4140 Jonesboro Rd., Forest Park, GA 30297

FLU: Commercial

SUMMARY & BACKGROUND

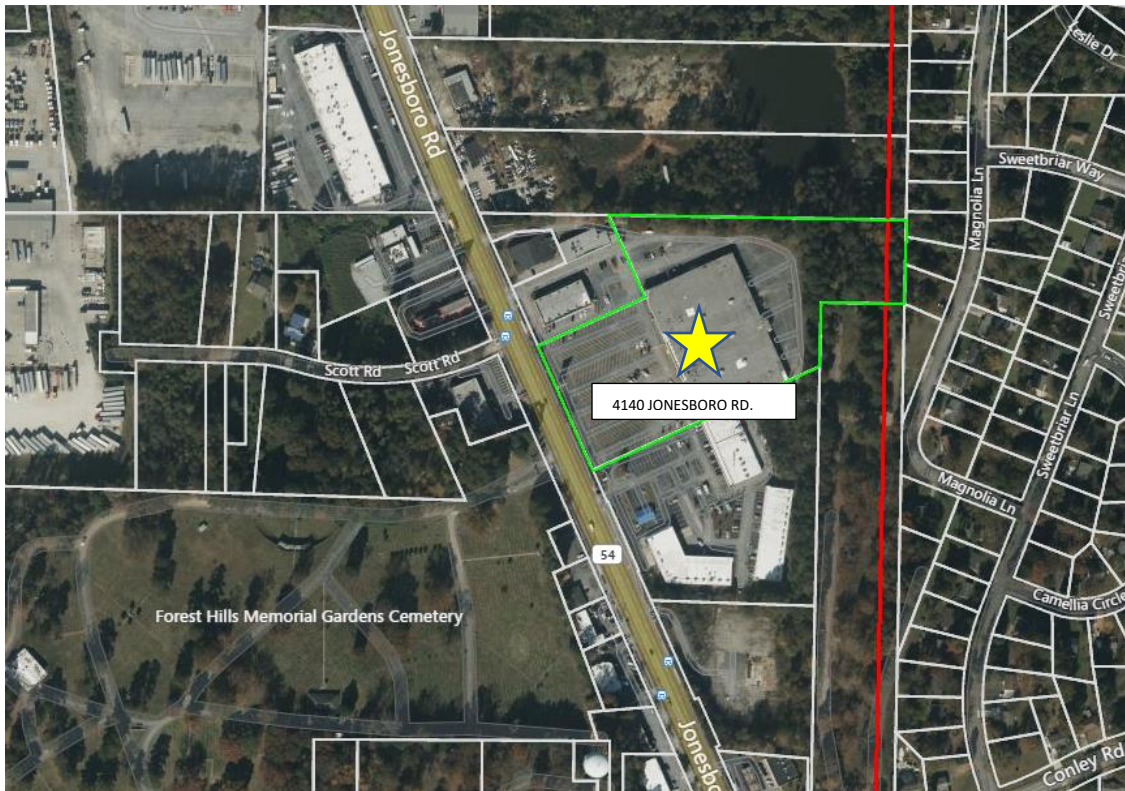
The applicant is requesting a Conditional Use Permit to allow a 6,152-square foot renovation of the rear of the International Discount Mall to build self-storage units in the rear of the facility to be rented by existing mall tenants and general public. Presently, the space is utilized as an International 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.

Property Zoned Institutional Commercial (IC)

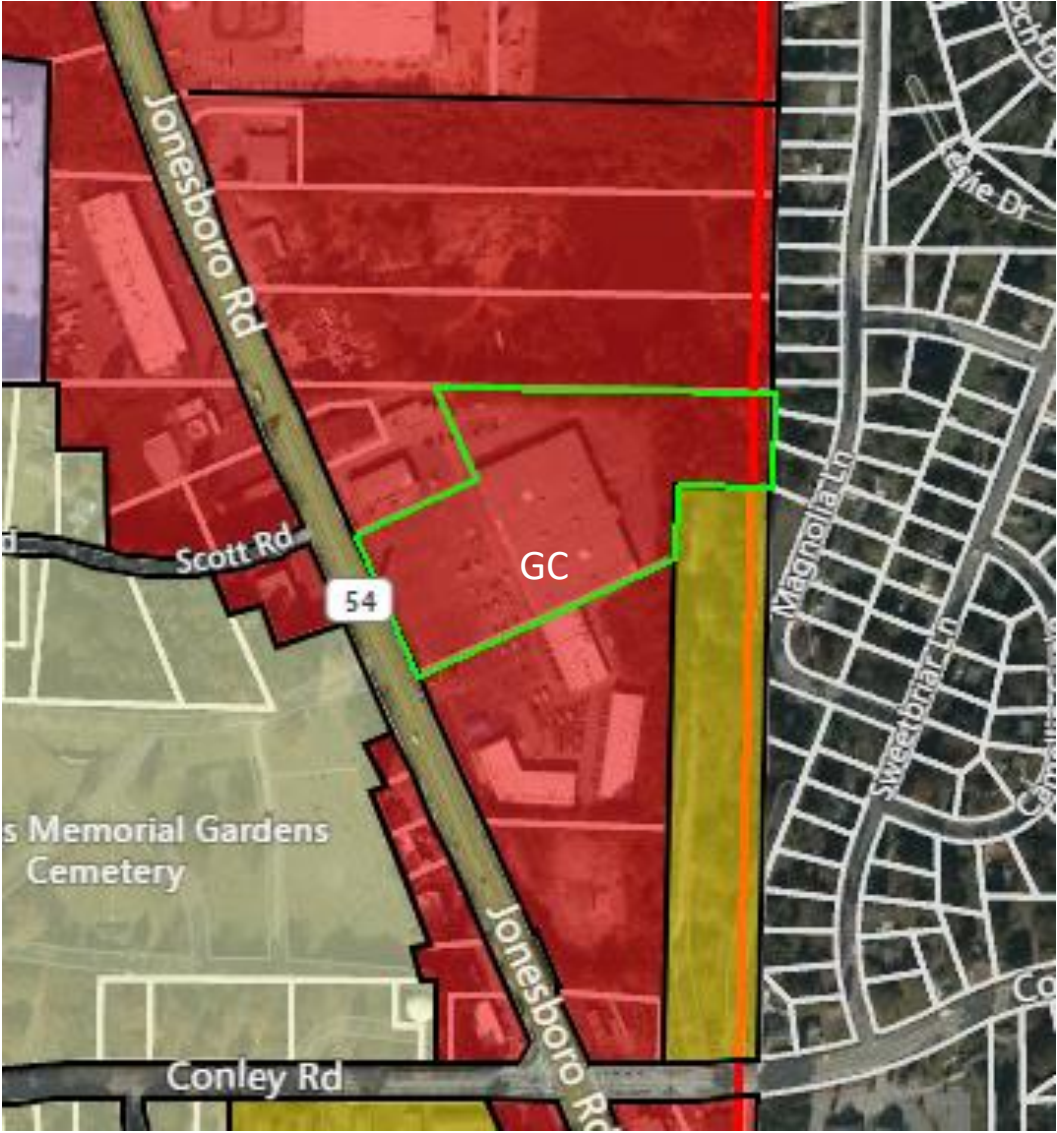
ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use	Direction	Zoning & Use
North	GC: General Commercial District	East	Outside of City Limits
South	GC: General Commercial District	West	GC: General Commercial District

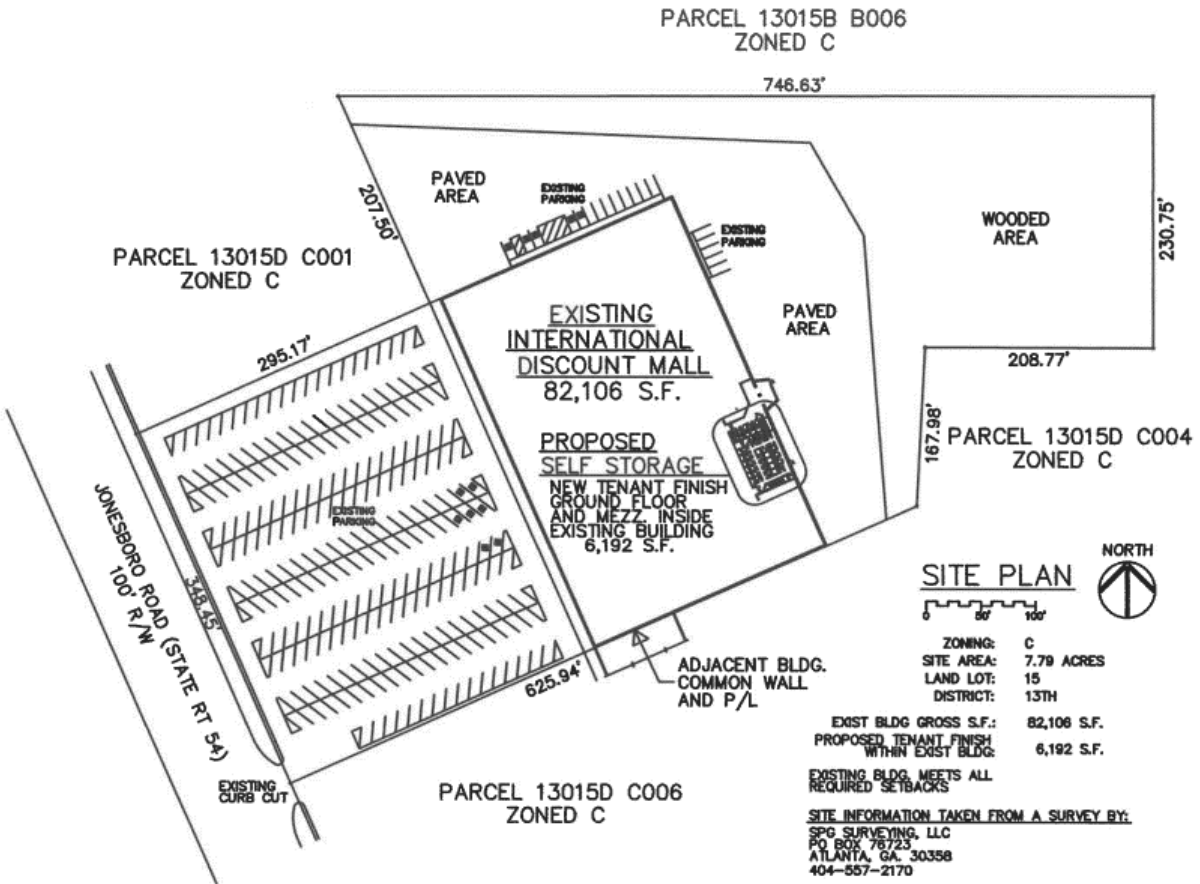
AERIAL MAP

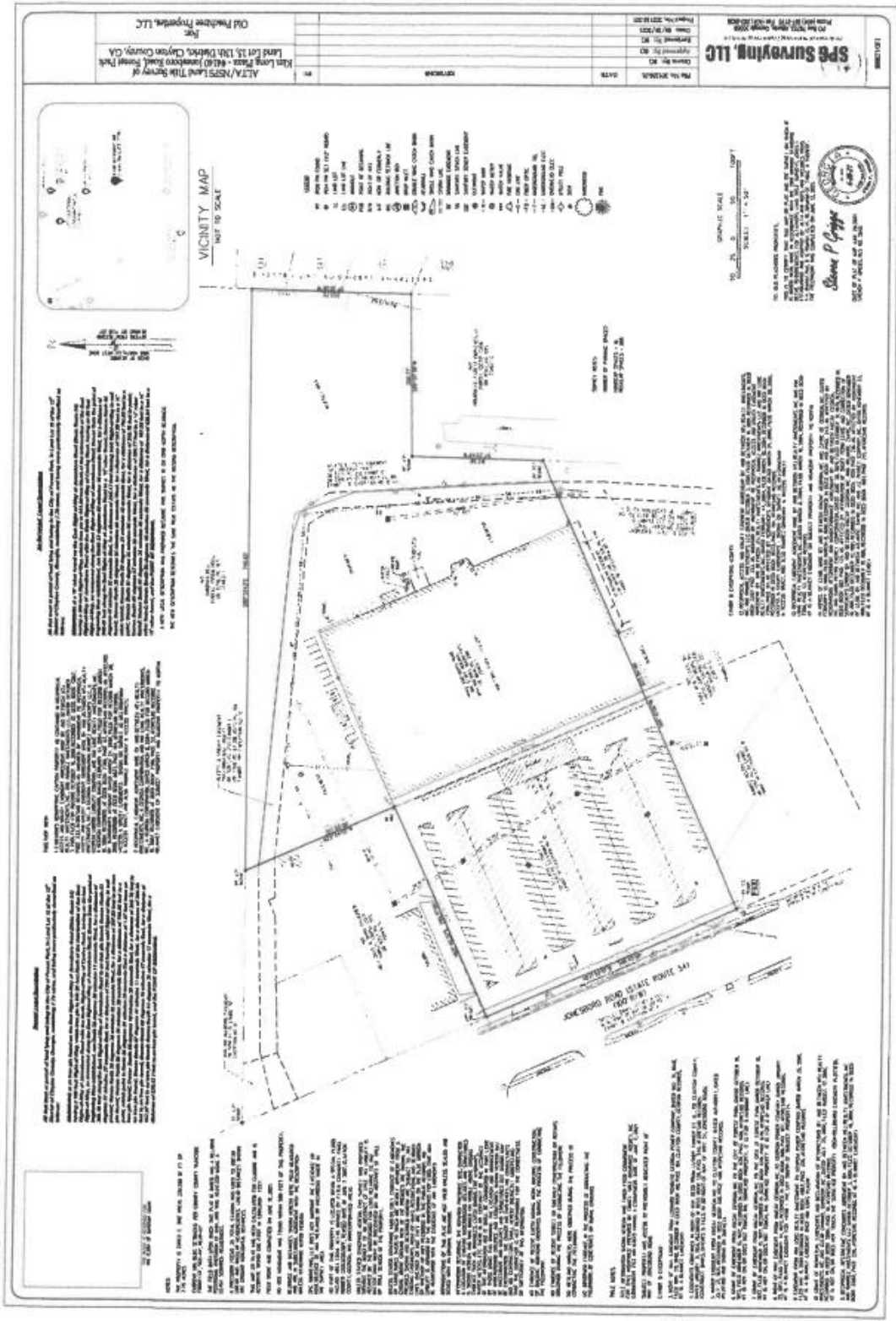


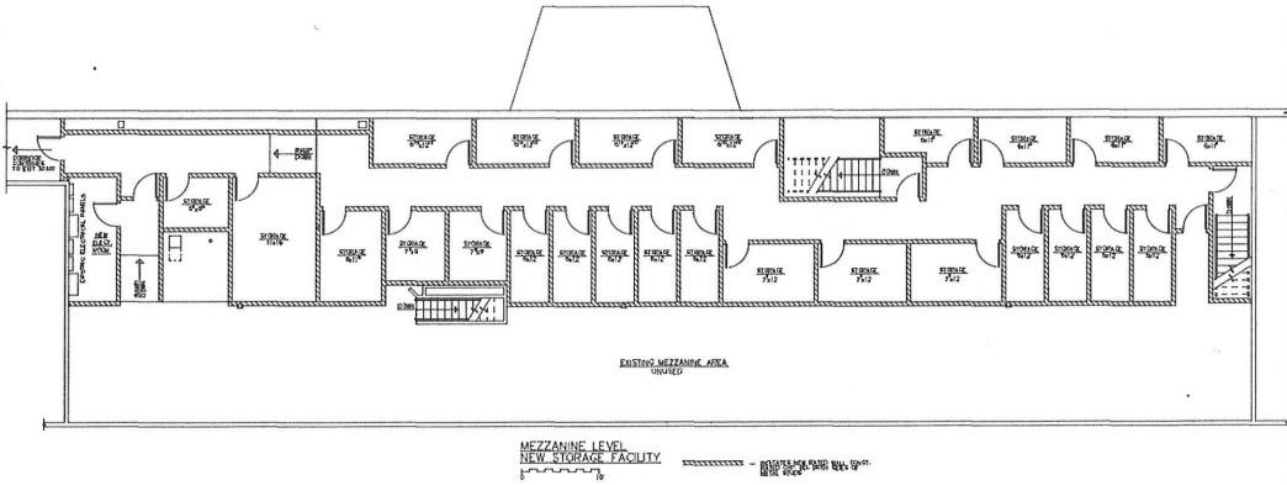
ZONING MAP



SITE PLAN







SITE PHOTOS – MARCH 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. 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 RECOMMENDATION

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.

Attachments Included:

- Application
- Letter of Intent
- Authorization of Property Owner
- Floor Plan



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: June 15, 2023

City Council Meeting: July 3, 2023

Case: CUP-2023-04

Current Zoning: RS – Single Family Residential District

Proposed Request: 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 in the historic church within the Single-Family residential District (RS).

Staff Report Compiled By: SaVaughn Irons, City Planner

Staff Recommendation: Denial of Conditional Use

APPLICANT INFORMATION

Owner of Record:	Applicant:
Name: Cynthia Waters	Name: Cynthia Waters
Address: 5370 Ash street	Address: 5370 Ash Street
City/State: Forest Park, GA 30297	City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13079D G010	Acreage: 5.48
Address: 5370 Ash Street, Forest Park, GA 30297	FLU: Institutional

SUMMARY & BACKGROUND

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.

Property Zoned Single Family Residential District (RS)

ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use	Direction	Zoning & Use
North	RS- Single Family Residential	East	Clayton County (Morrow)
South	RS- Single Family Residential	West	RS- Single Family Residential

AERIAL MAP



ZONING MAP









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.
- 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 RECOMMENDATION

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.

STAFF REPORT
Planning Commission Meeting: June 15, 2023
City Council Meeting: July 3, 2023

Case: RZ-2023-01

Current Zoning: RS- Single Family Residential

Proposed Request: Rezone property from RS (Residential Single-Family) to RM (Residential Multi-Family)

Staff Report Compiled By: LaShawn Gardiner

Staff Recommendation:

APPLICANT INFORMATION

Owner of Record: Divine Dream Homes ATL
Address: 2486 Moreland Ave.
City/State: Atlanta, GA 30315

Applicant: Divine Dream Homes ATL
Address: 2486 Moreland Ave.
City/State: Atlanta, GA 30315

PROPERTY INFORMATION

Parcel Number: 13015C A006
Address: 0 Scott Road

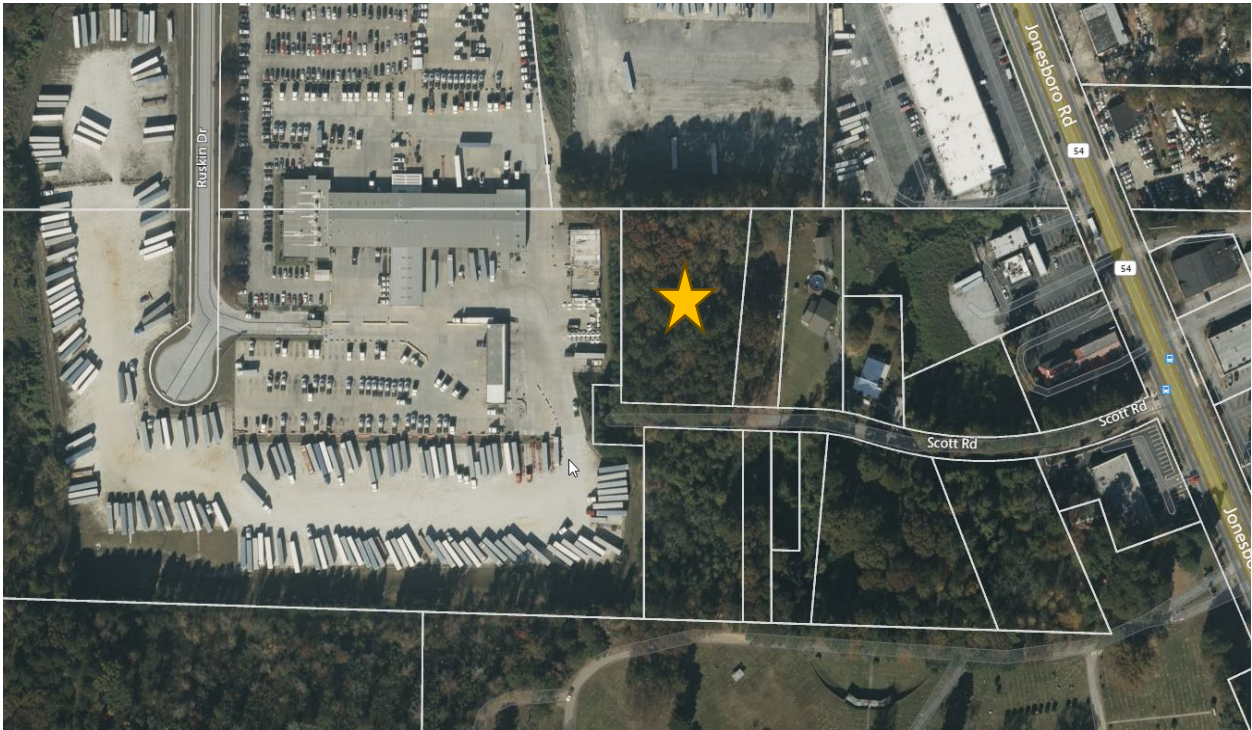
Acreage: 1.60
FLU: Industrial

SUMMARY & BACKGROUND

The subject property is located at 0 Scott Road. The parcel number is 13015C A006 and is currently zoned RS (Single-Family Residential). The subject property 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 RM (Multi-family Residential) with the intent to build 19-townhouses. The parcel is 1.60 acres.

The future land use designates the subject property as industrial.

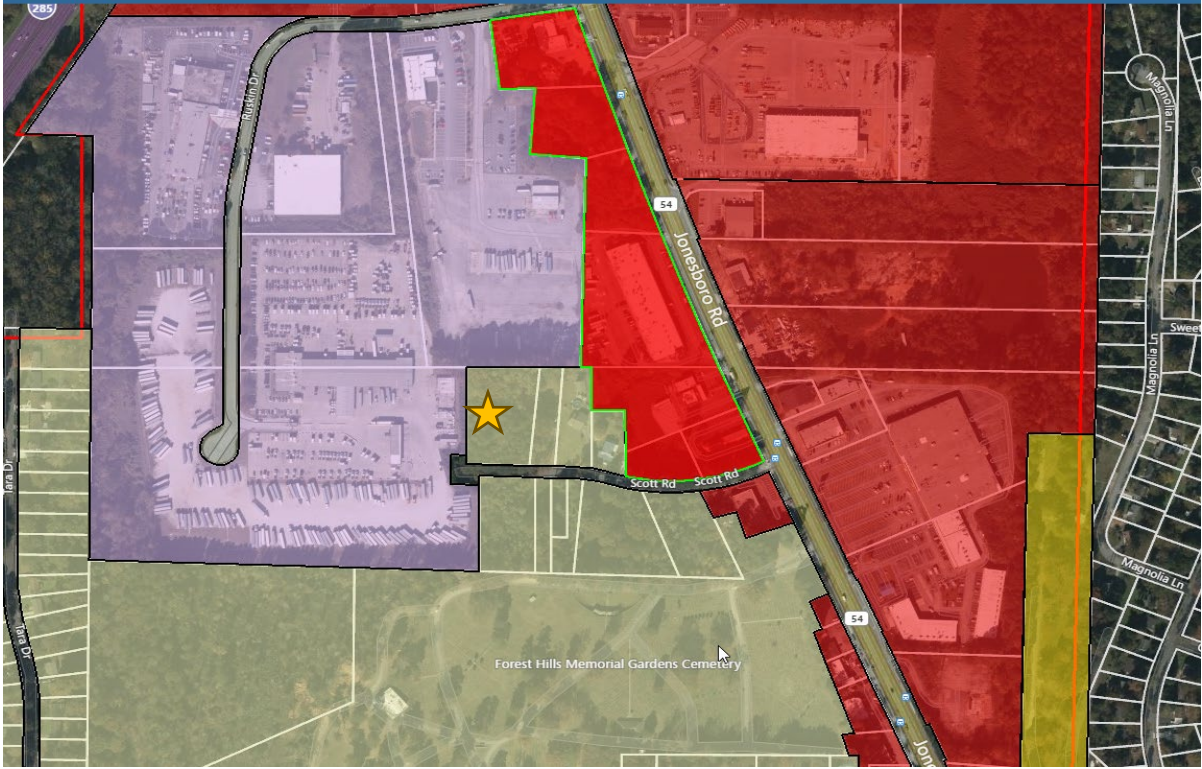
AERIAL MAP



ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES

North	LI (Light Industrial)	East	RS (Single Residential)
South	RS (Single Family Residential)	West	LI (Light Industrial)

ZONING MAP



Current Zoning: RS

FUTURE LAND USE MAP



Future Land Use: Institutional

Surrounding Properties



3 Single Family Homes

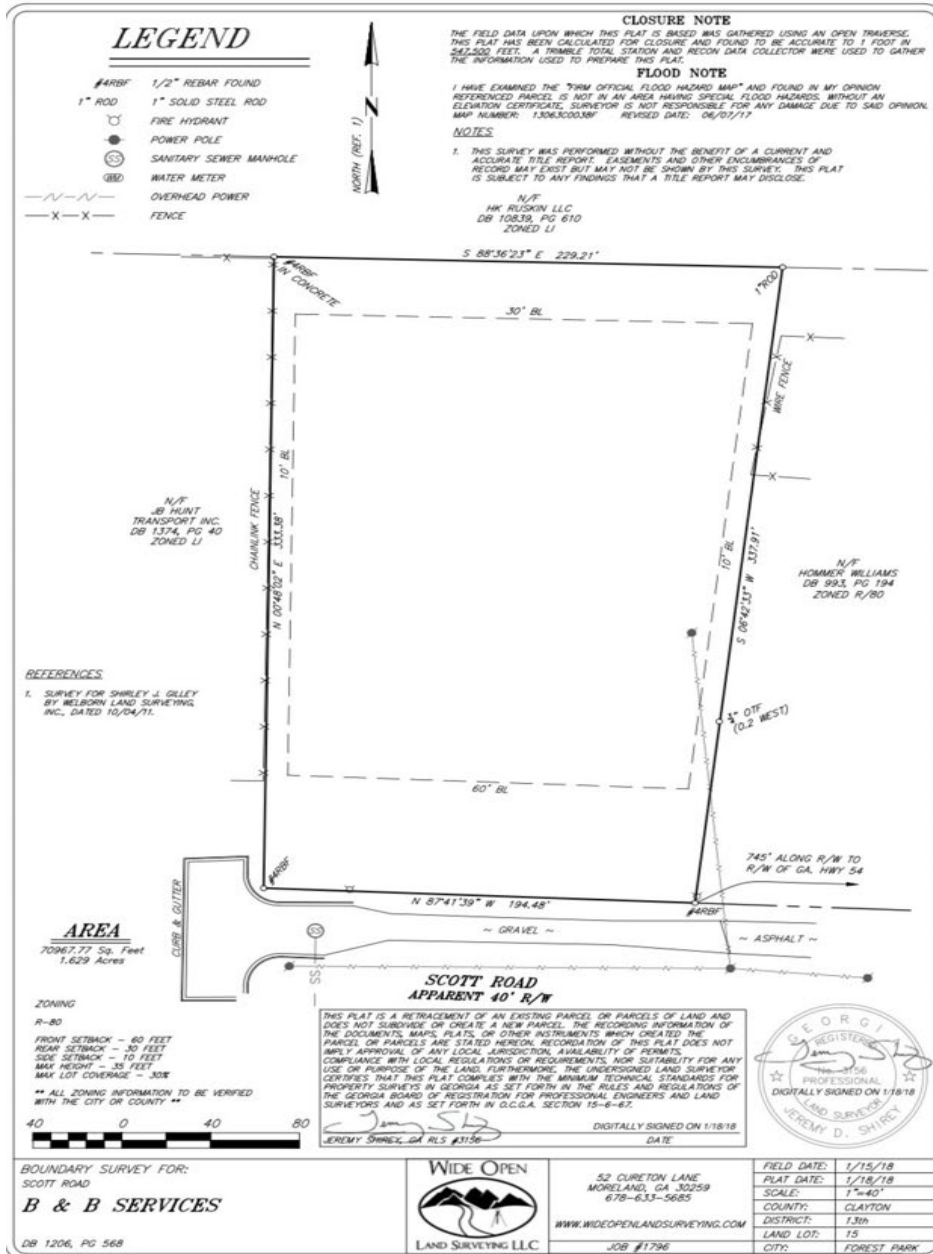


Vacant, wooded parcel south of parcel

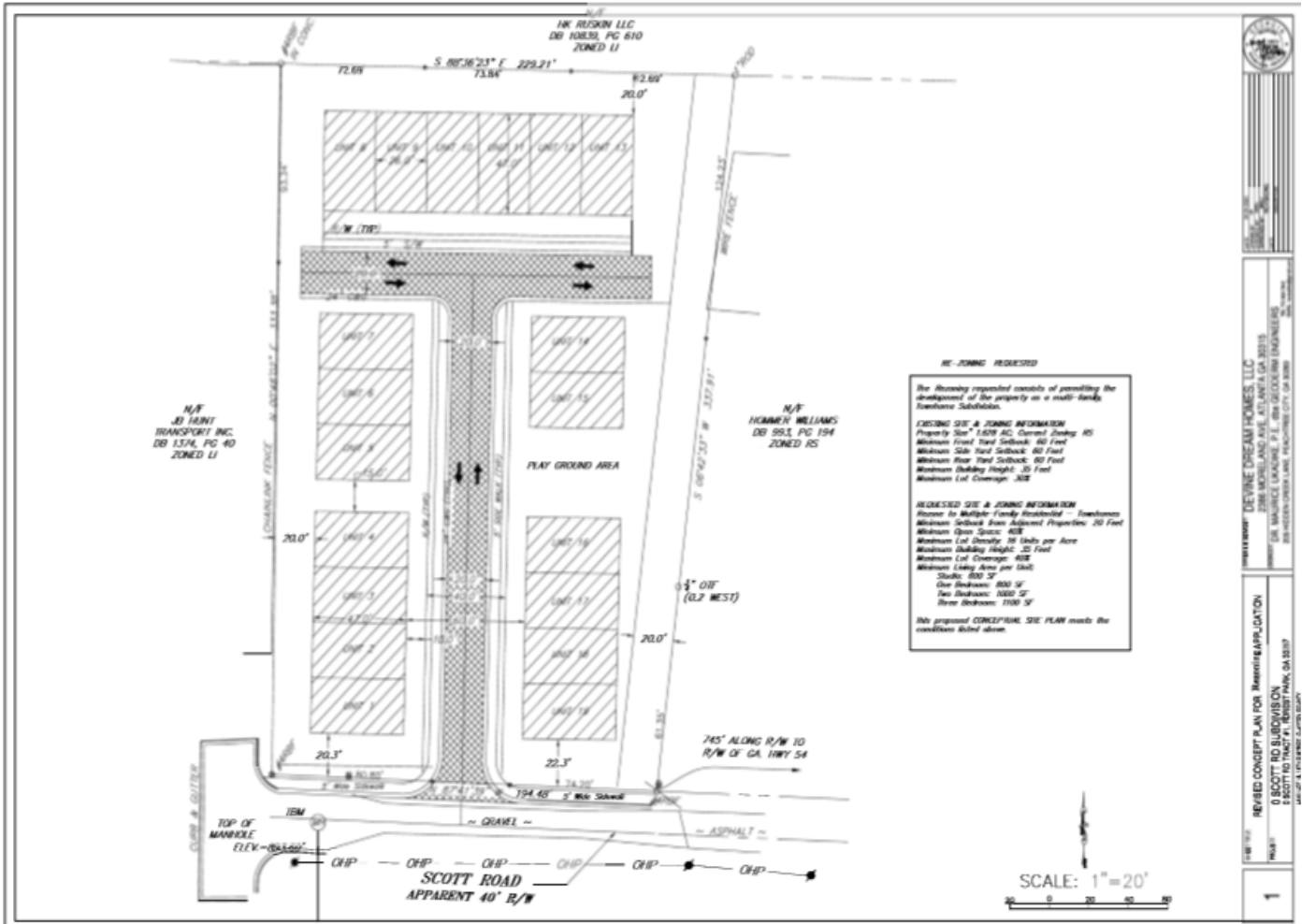


J.B. Hunt Trucking- west of property at end of Scott Road

BOUNDARY SURVEY



SITE PLAN



CONCEPT PLAN



Scott Road Forest Park, GA

Impact Summary

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. The construction of additional homes will result in an increase in traffic. Scott Road is below city standards and two-way traffic flow is at a minimum.*

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 the ordinance encourages only 16 units per acre in RM zoned districts. The applicant is proposing to construct 19 townhouses on this tract of property.*

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** *The circulation and the increase of traffic could potentially impact transportation on Scott Road.*

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; however, the roadway is substandard. Any development on subject property would negatively impact the flow of traffic for the existing three homes.*

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** *Based on the design characteristics of the townhouses, the project could enhance the aesthetics of the surrounding area.*

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property? **Yes** **No** *The proposed development could positively impact the use of the surrounding residential properties based on its characteristics and sale prices.*

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

Yes **No** *The proposed development would create an isolated district; however, it would be a transition from the surrounding industrial uses to the single-family uses currently on Scott Road.*

Staff Review

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.

Staff Recommendation

The requested rezoning from RS (Single-Family Residential) to RM (Residential Multi-family) zoning category would allow for the property to be developed and result in an increase in the tax base in the city. The property if rezoned and developed would be a transitional use between the two current uses, industrial and residential single family. 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. 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.

STAFF REPORT
Planning Commission Meeting: June 15, 2023
City Council Meeting: July 3, 2023

Case: RZ-2023- 02

Current Zoning: RS- Single Family Residential

Proposed Request: Rezone property from RS (Residential Single-Family) to RM (Residential Multi-Family)

Staff Report Compiled By: LaShawn Gardiner

Staff Recommendation:

APPLICANT INFORMATION

Owner of Record: Divine Dream Homes ATL	Applicant: Divine Dream Homes ATL
Address: 2486 Moreland Ave.	Address: 2486 Moreland Ave.
City/State: Atlanta, GA 30315	City/State: Atlanta, GA 30315

PROPERTY INFORMATION

Parcel Numbers: 13015C A003,13015C A009 13015C A002	Acreage: 1.628
Address: 0 Scott Road	FLU: Industrial

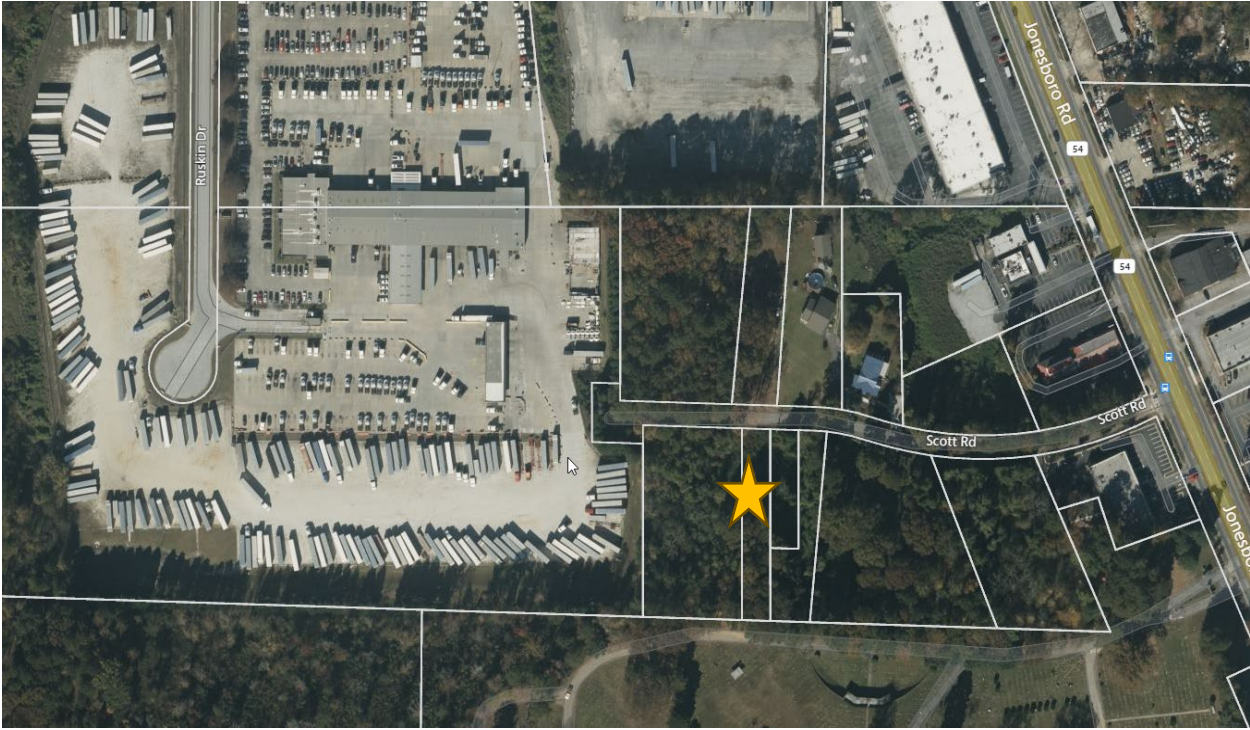
SUMMARY & BACKGROUND

The subject property is located at 0 Scott Road. The parcel numbers are 13015C A0063, 13015C A009, and 13015C A002. The subject parcels are 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 RM (Multi-family Residential). The parcel is 1.628 acres.

The applicant is requesting to rezone the property from RS (Single-family residential) to RM (Multi-family residential) with the intent to build 16 townhomes.

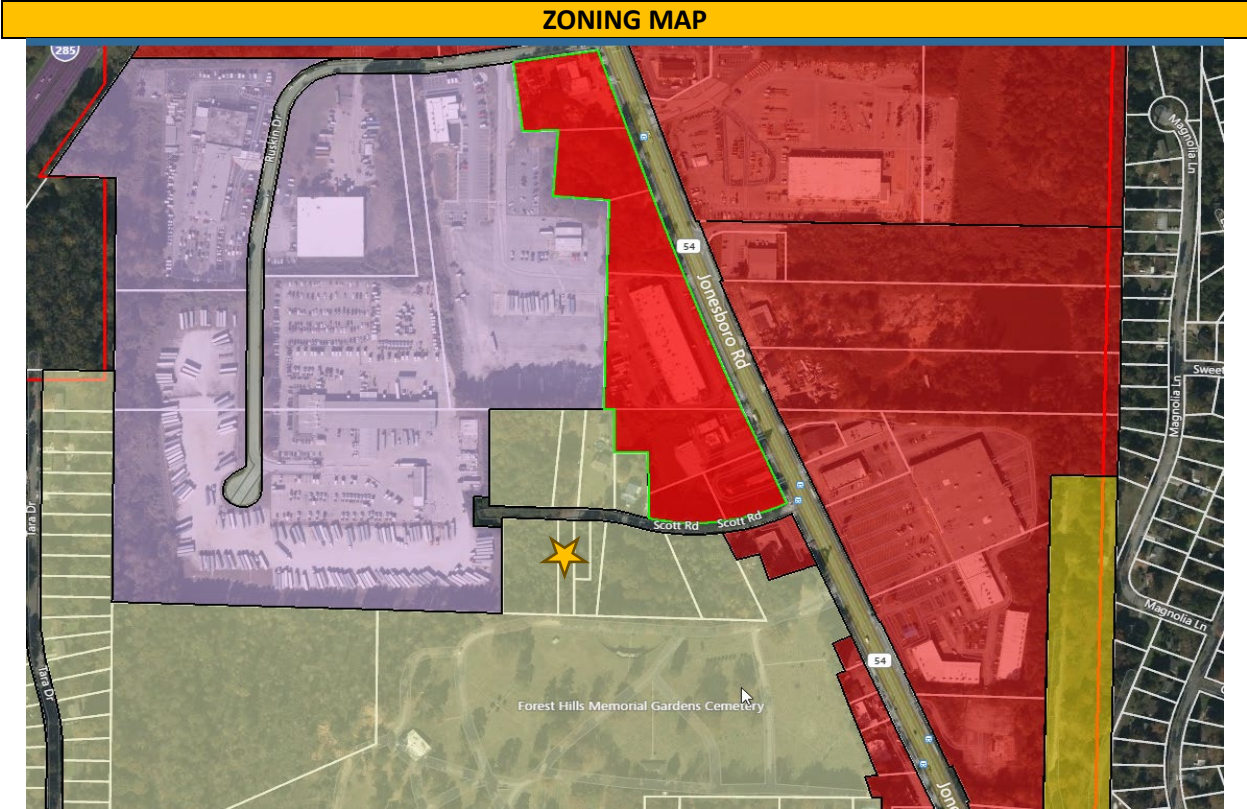
The future land use designates the subject property as industrial.

AERIAL MAP



ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES

North	RS (Single-Family Residential)	East	RS (Single Residential)
South	RS (Single Family Residential)	West	LI (Light Industrial) & RS (Single-Family Residential)



Current Zoning: RS

FUTURE LAND USE MAP



Future Land Use: Institutional
Surrounding Properties



3 Single Family Homes Across the Road

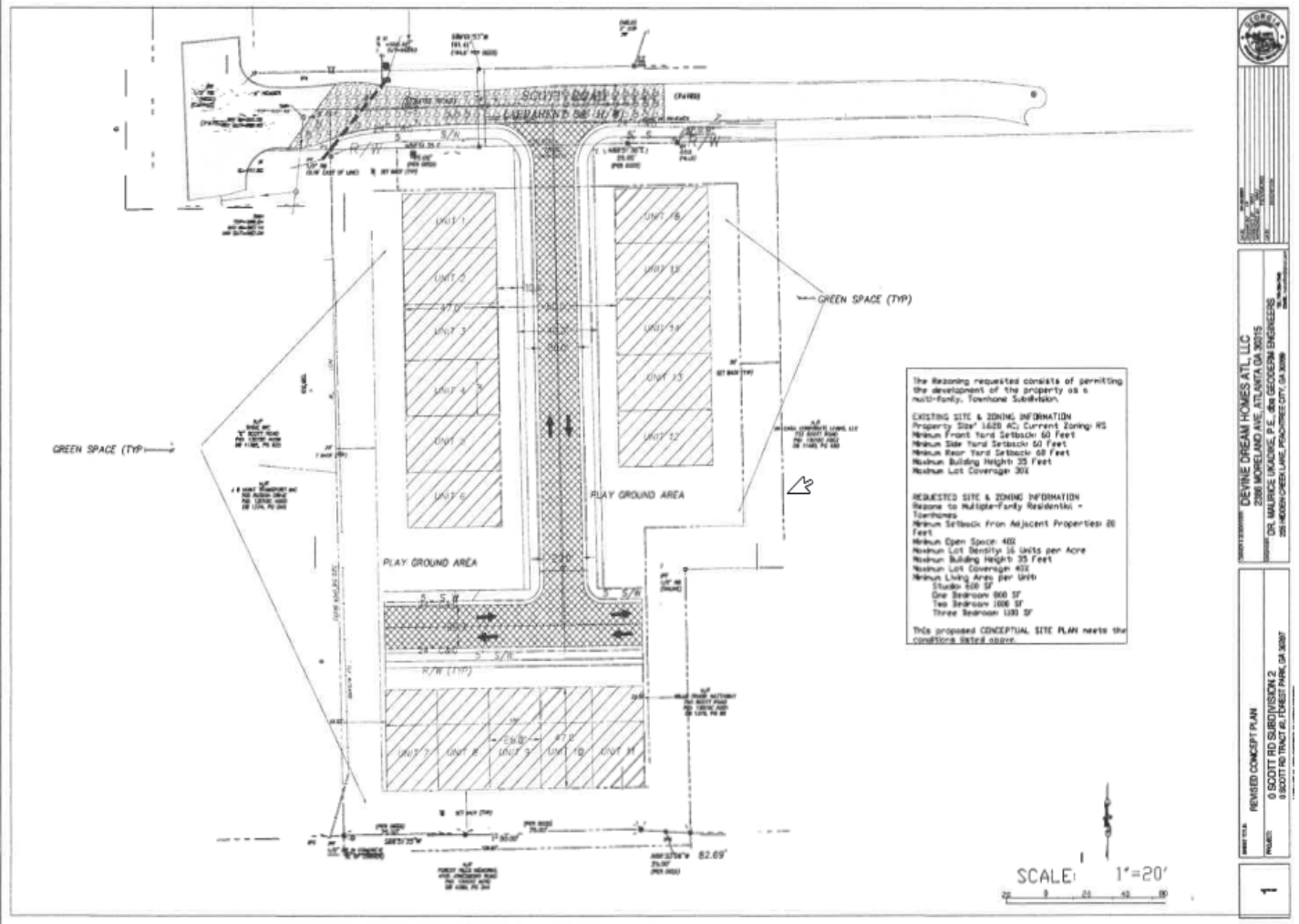


Vacant, wooded parcel North of parcel 13015C A009



J.B. Hunt Trucking West of parcel 13015C A009

SITE PLAN



DEVINE DREAM HOMES AT, LLC
 208 W. MELROSE AVE., ATLANTA, GA 30315
 DR. MAURICE K. WALLACE, P.E., DR. GEOFFREY ENGINEERS
 2051 HOOVER CREEK LANE, FARMINGDALE CITY, GA 30075

REVISIONED CONCEPT PLAN
 0 SCOTT RD SUBDIVISION 2
 0 SCOTT RD TRACT A, FOREST PARK, GA 30057

1

CONCEPT PLAN



Impact Summary

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 residential zoned property north, east, and south. Forest Hills Memorial Garden Cemetery is south of the property and is zoned residential.*

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. The construction of additional homes will result in an increase in traffic. Scott Road is an existing road and is below city standards and two-way traffic flow is at a minimum.*

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 the ordinance encourages only 16 units per acre in RM zoned districts. The applicant is proposing to construct 16 townhouses on this tract of property.*

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** *The circulation and the increase of traffic could potentially impact transportation on Scott Road.*

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, however the roadway is substandard. Any development on subject property would negatively impact the flow of traffic for the existing three homes.*

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** *Based on the design characteristics of the townhomes, the project could enhance the aesthetics of the surrounding area.*

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property? **Yes** **No** *The proposed development could positively impact the use of the surrounding residential properties based on its characteristics and sale prices.*

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

Yes **No** *The proposed development would create an isolated district; however, it would be a transition from the surrounding industrial uses to the single-family uses currently on Scott Road.*

Staff Review

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, water availability, road width, and accessibility.

Staff Recommendation

The requested rezoning from RS (Single-Family Residential) to RM (Residential Multi-family) zoning category would allow for the property to be developed and result in an increase in the tax base in the city. The property if rezoned and developed would be a transitional use between the two current uses, industrial and residential single family. 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. 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.

STAFF REPORT
Planning Commission Meeting: June 15, 2023
City Council Meeting: July 3, 2023

Case: RZ-2023-03

Current Zoning: RS- Single Family Residential

Proposed Request: Rezone property from RS (Residential Single-Family) to GC (General Commercial)

Staff Report Compiled By: LaShawn Gardiner

Staff Recommendation: Approval to Rezone to GC (General Commercial)

APPLICANT INFORMATION

Owner of Record: Kinh Enterprises, Inc.

Applicant: TR1 USA, LLC

Address: 4884 College Street

Address: 4233 Thurman Road

City/State: Forest Park, GA 30297

City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 1317A B014

Acreage: 0.287 +/-

Address: 4233 Thurman Road

FLU: Institutional

SUMMARY & BACKGROUND

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.

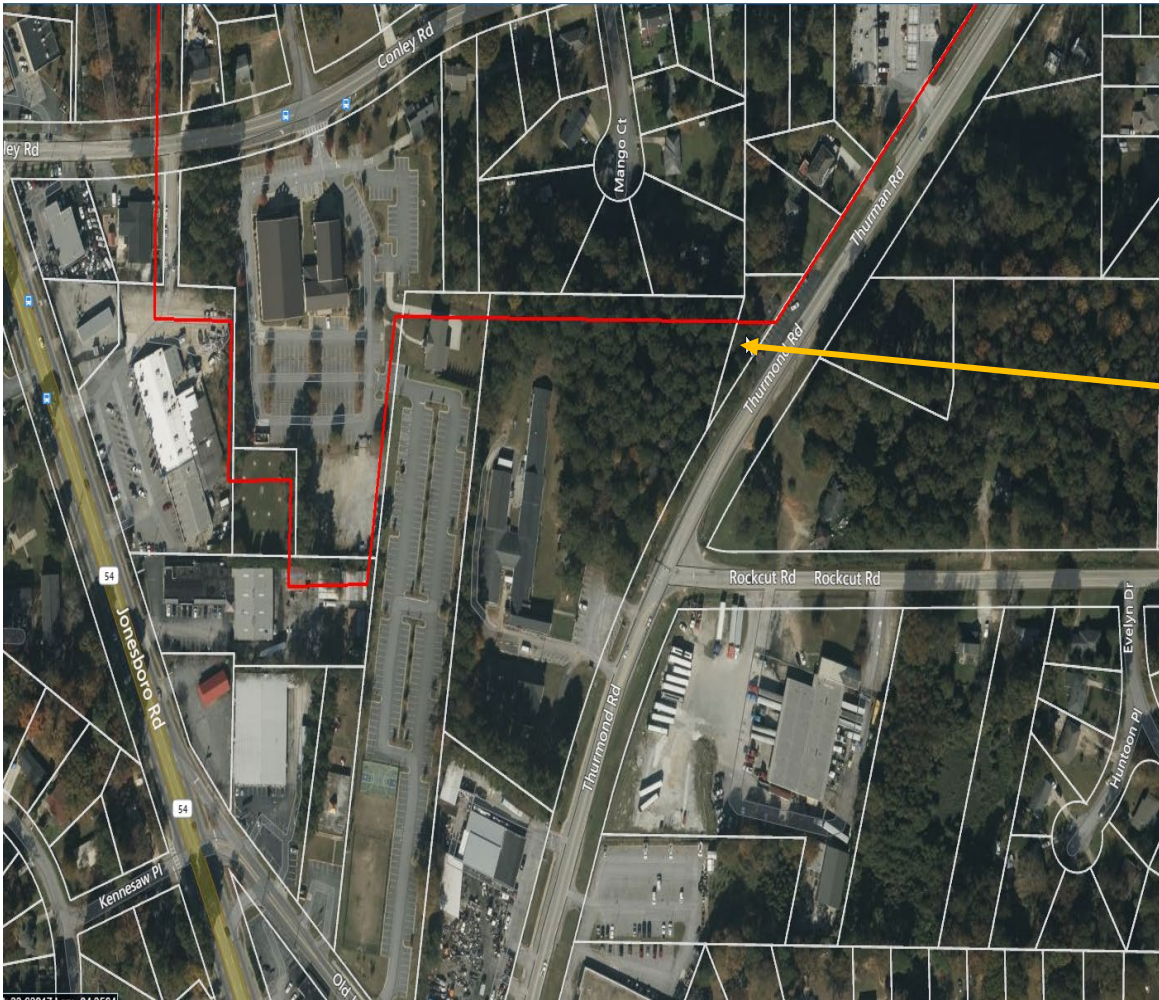
- (2) *One- and two-family residential structures. Should such nonconforming one- or two-family residential structure be destroyed, by any means, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided said reconstruction 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.

In N Out Store Prior to Fire



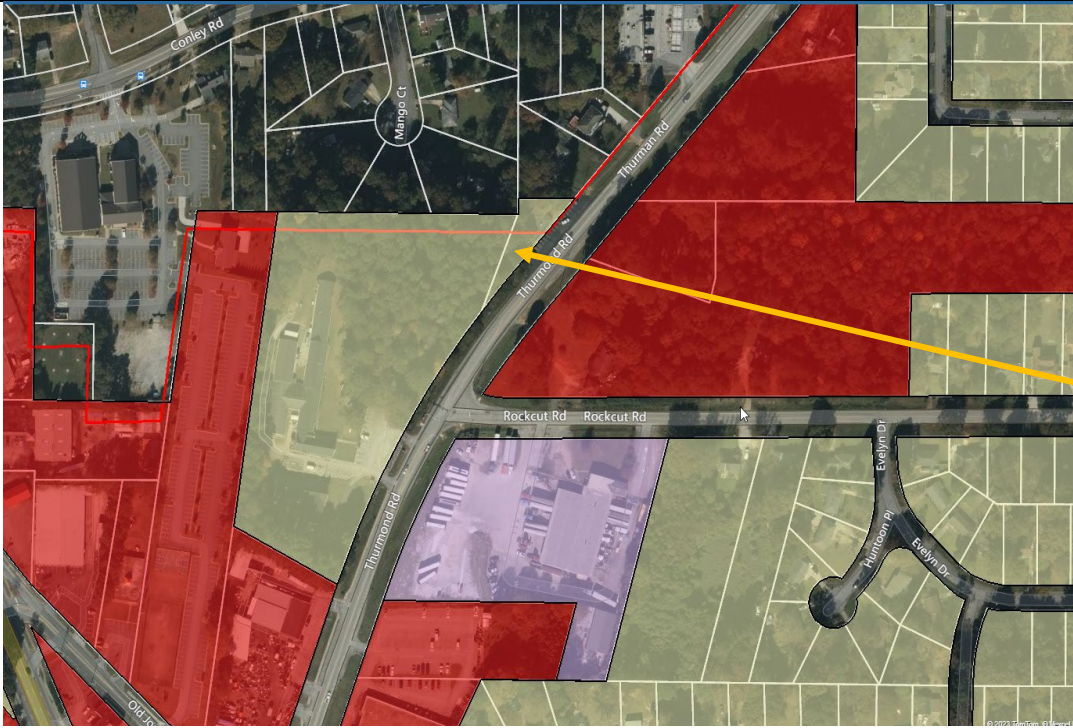
AERIAL MAP



ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES

North	(RS) Unincorporated Clayton County	East	General Commercial
South	General Commercial & Light Industrial	West	RS (Single-Family Residential)

ZONING MAP



Current Zoning: RS (Single-Family Residential)

FUTURE LAND USE MAP



Future Land Use: Institutional

Surrounding Properties



Calvary Refuge Center: Zoned RS (Single Family Residential)



NAT Enterprises: Zoned GC (General Commercial)



TABT, Inc.: Zoned LI (Light Industrial)

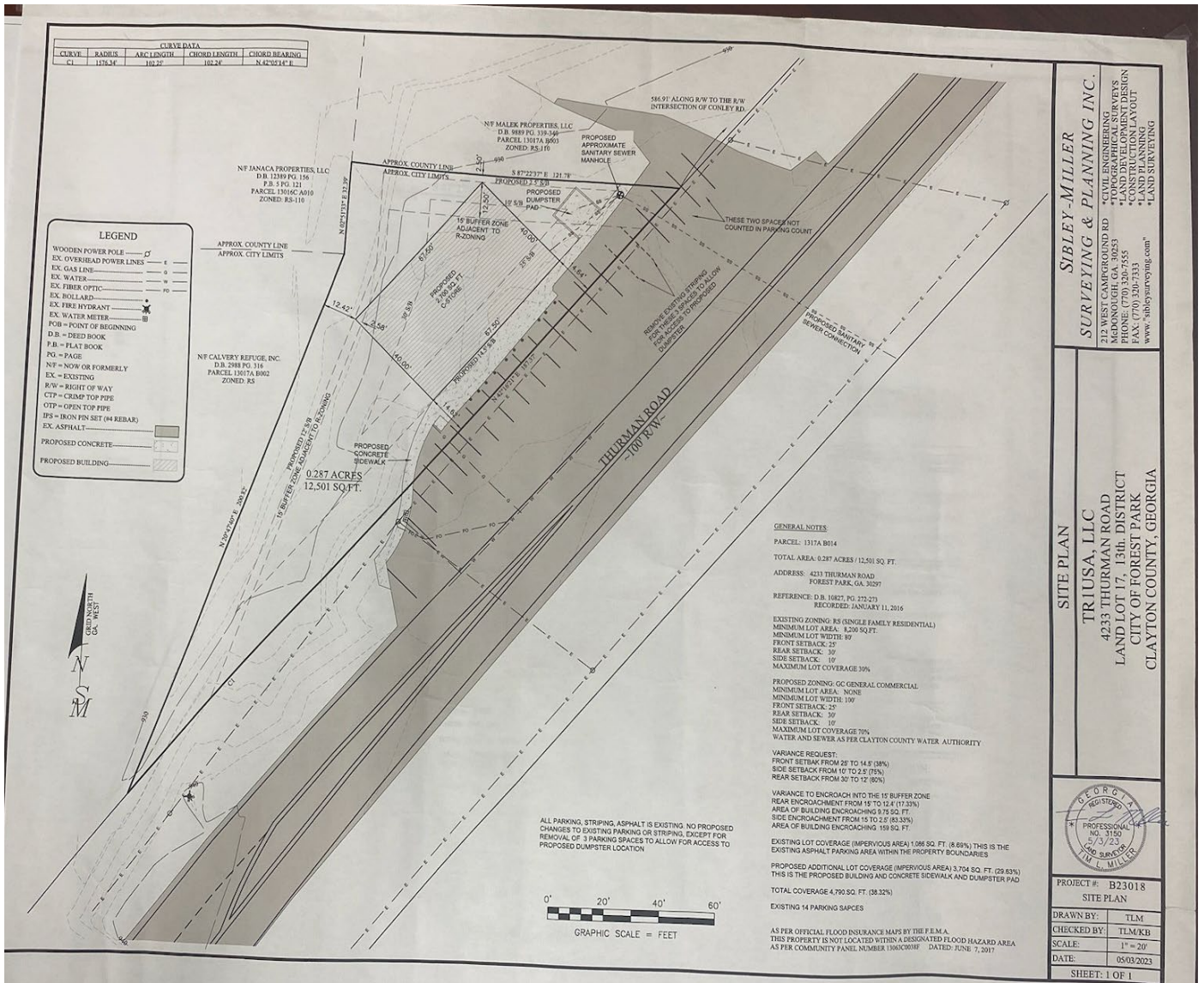


AT& T Telephone utility: GC (General Commercial)



Residential (Unincorporated Clayton Co.)

Site Plan of 4233 Thurman Rd.



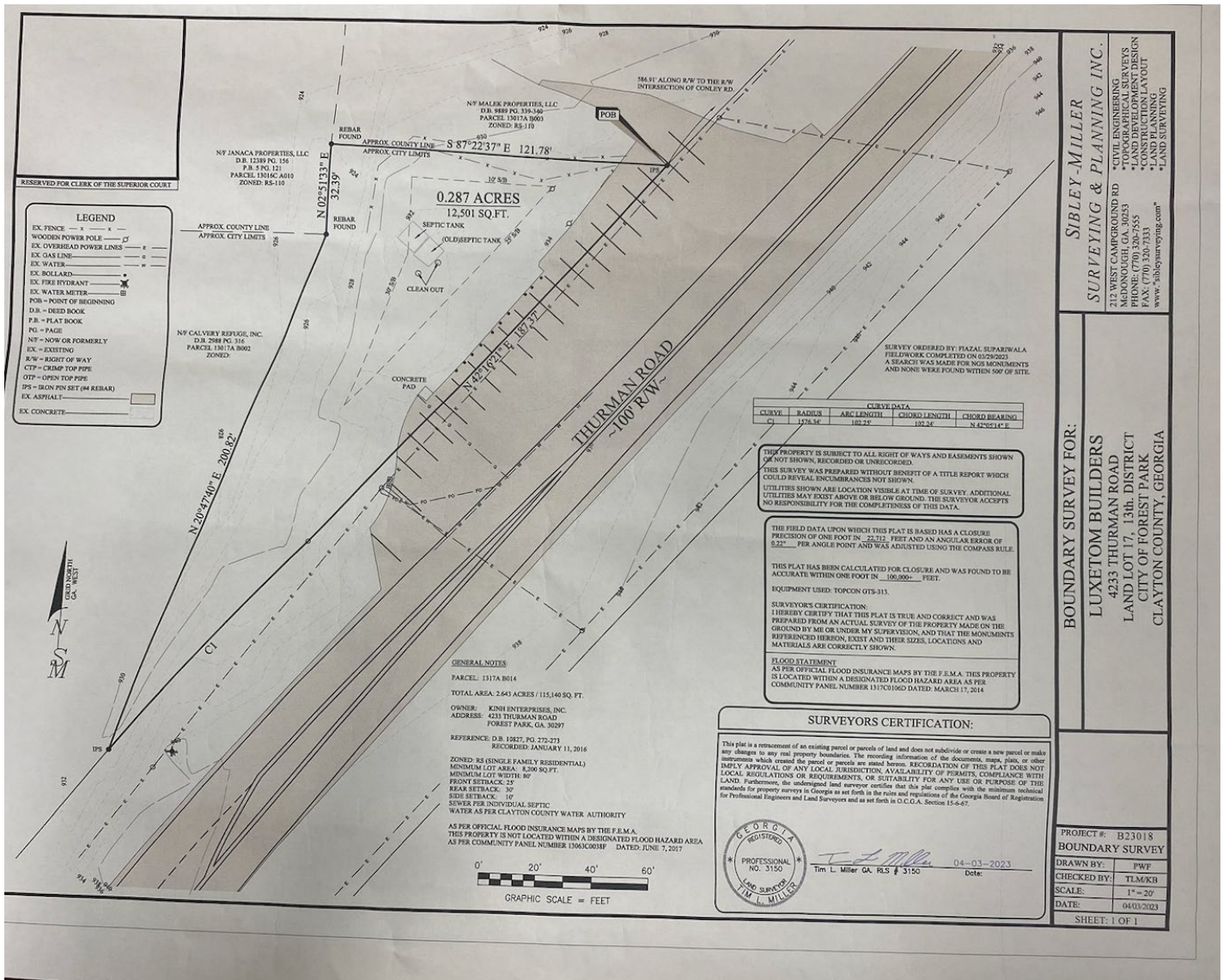
SIBLEY-MILLER SURVEYING & PLANNING INC.
 712 WEST CAMPERDOWN RD
 MCDONOUGH, GA. 30253
 PHONE: (770) 320-7555
 FAX: (770) 320-7333
 www.sibleyml.com

TRIUSA, LLC
 4233 THURMAN ROAD
 LAND LOT 17, 13th DISTRICT
 CITY OF FOREST PARK
 CLAYTON COUNTY, GEORGIA



PROJECT #: B23018
 SITE PLAN
 DRAWN BY: TLM
 CHECKED BY: TLM/KB
 SCALE: 1" = 20'
 DATE: 05/05/2023
 SHEET: 1 OF 1

Boundary Survey



Impact Summary

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.*

Staff Review

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

- Public Works, Police, Fire, and Building Inspector

Planning & Community Development Department

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.

Due to the current GC setback standards and the size and shape of the property, a hardship would exist for the applicant to develop the property if the rezoning is approved.

Staff Recommendation

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 due to its size and configuration. 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.
4. The property shall be for a convenience store only, with no automobile gas sales.
5. The building exterior shall be of brick, stone, or combination thereof.
6. Landscaping shall be planted around the perimeter of the building.

If the Rezoning with the recommended conditions is approved, the applicant will be required to apply to the Urban Design and Review Board for review and approve the landscaping and exterior architectural design of the building façade prior to receiving a building permit. Any changes or deviations from the recommended approval will need to come back before the Planning Commission.

