



**CITY OF FOREST PARK
PLANNING COMMISSION MEETING**

Thursday, June 16, 2022 at 6:00 PM
Environmental Courtroom- Planning & Community Development Building

Website: www.forestparkga.gov
Phone Number: (404) 608.2301

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

AGENDA

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

CALL TO ORDER/WELCOME:

ROLL CALL:

APPROVAL OF MINUTES:

1. Approval of minutes from April 21, 2022 Planning Commission Meeting

OLD BUSINESS:

NEW BUSINESS:

2. **PC-2022-03** Variance to reduce the rear accessory structure setback requirement from Ten (10) feet to 5.5 feet.
3. **PC-2022-04** Variance for 50-foot 'undisturbed' and 75-foot 'no-impervious' Stream Buffer Encroachment on Designated Buffered Waters

ADJOURNMENT:

In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 404-366-1555.



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Planning Commission Minutes April 21, 2022

- Call to Order:** Michael Clinkscales called the meeting of the City of Forest Park Planning Commission to order at 6:20 p.m. on April 21, 2022.
- Roll Call:** Roderick Jackson, Donald Williams and Michael Clinkscales were present. Also present was Daija Blocker, Secretary, Caity Chandler, Planner and Director of Department of Planning and Community Development, James Shelby.
- Approval of Minutes:** Michael Clinkscales made a motion to approve minutes from the January 13, 2022, Planning Commission meeting. Roderick Jackson seconded the motion. The vote was unanimous.
- Old Business:** No Old Business.
- New Business:**
- Item 1:** **Case: CUP-2022-02**

Conditional Use Permit at 5370 Ash Street

To allow a church, school, daycare, and affiliated offices to be in the RS-Single Family Residential District.

Caity Chandler states that the first item is the Conditional Use for 5370 Ash Street which is Ash Street Baptist Church. The applicant is requesting a Conditional Use Permit to operate a church, school, and associated offices at 5370 Ash Street. This property is in the Single-Family Residential District (RS). Places of worship, private schools, and daycares require conditional use permits to operate in the Single-Family Residential District. Currently, the property houses occasional worship services and a virtual learning school. All the properties around the church are zoned Single Family Residential. Staff recommends **APPROVAL** of a conditional use permit to allow a church, school, and a daycare in the Single-Family Residential (RS) District with the following conditions:

- The applicant and/or his tenants cannot operate a trucking or freight business in this location.
- The applicant and/or his tenants may be allowed to operate a church, school, and a daycare and offices associated with those uses. However, no other offices or commercial uses will be permitted.



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- Storage of vehicles, trucks, and trailers is prohibited.
- Violation of these conditions will result in the loss of the conditional use permit and associated business licenses.

Michael Clinkscales lets the applicant Kelvin Waters speak.

Kelvin Waters states that he is the owner of 5370 Ash Street, and he just bought the property in October. He states he is the owner of a private school that has been open for 15 years and the school is a performing arts school. He has been in Forest Park for 30 years and knows the area needs a private school. His school focuses on special needs students. He also wants to bring a daycare to the private school to house smaller kids. He bought the church for his pastor and church. The downstairs area of the church has room, so he wants to change it into office space. He wants the zoning so the students can be in person when school starts back in August.

The pastor of the church, James Summers, speaks, and says that he is happy that Kelvin Waters bought the church. They have kids who graduate and go to college in Georgia, and he wants the zoning to pass and be an improvement to the City of Forest Park.

Adriane Farmburger-Ellis states she grew up in Forest Park and anything she sees that will help grow the city she is happy to help. She states she helps Kelvin Waters with whatever secretary work at the church because she is an accountant. She says they are ready to do whatever they need to comply to start the school etc.

Michael Clinkscales asks how many students they have at the school.

Kelvin Waters answers that they have 200 students online and will graduate 75 students in May. All the students are from Atlanta and no students from Clayton County.

Michael Clinkscales asks if the church is open right now.

Kelvin Waters answers yes, they are having church.

Donald Williams asks what the age group is for the kids, what is the max capacity, and are there going to be sports for the kids.

Kelvin Waters answers yes, they have basketball, football and they will have girls' basketball. The age is K5 through 12th grade. For Daycare they will go from babies and up.

Roderick Jackson makes motion to approve the Conditional Use Permit at 5370 Ash Street with conditions. Donald Williams seconded the motion. Voting is unanimous.

Michael Clinkscales asks Kelvin Waters if he agrees with the conditions applied to the approval.



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Kelvin Waters says he is trying to use the trucks to get money to remodel the building and improve it.

James Shelby states that he understands but they cannot have a trucking business or have the trucks on the property because of the zoning even if the permit gets approved or denied.

Roderick Jackson states that any big truck in that residential area might be a hazard to the streets and might cause damage.

Adriane Farmburger-Ellis asked if the accounting business is allowed at the church.

Caity Chandler stated that if the accounting is for the church and affiliated with the church it is allowed.

Item 2:

Case: PC-2022-02

Preliminary Plat for 4975 Lake Drive

To create a small 8-unit subdivision.

Caity Chandler states the applicant is requesting the approval of a Preliminary Plat for 4975 Lake Drive to subdivide a 0.46+/- acre parcel into 8 single-family lots. The subject property is vacant and once housed a single-family home that has since been demolished. The City of Forest Park previously owned the property before it was purchased by the applicant within the last two years. The applicant is now in the process of developing the property into a subdivision consisting of 8 lots. Three-story houses are proposed for the site. The property is currently zoned RM (Multiple Family Residential), but a technical map amendment will change the zoning back to RS (Single-Family Residential) due to an error in the recently adopted zoning map. Adjacent land uses are Single-Family Residential, except for the City's Park, Starr Park (to the east). Additionally, the Preliminary Plat was sent to the appropriate City departments for review and comments. The only comment is from the Police Department about the noise complaints from the subdivision about Starr Park. Staff recommends **APPROVAL** of the preliminary plat for 4975 Lake Drive with the following conditions:

- The applicant will submit protective covenants to regulate land use in the subdivision and otherwise protect the proposed subdivision.
- The developer will be responsible for all costs associated with design and construction of sanitary sewer and water improvements necessary to serve the proposed plat.
- Sidewalks shall serve each lot and shall be designed and constructed in accordance with City Standards.

Steven Bernard the applicant states that the homes will be high end and low energy use Structural Insulated Panel (SIP HOMES). This will be the first in the city so if approved it will make history. SIP Homes are environmentally friendly and will



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have solar Tesla panels. The lots are small, so they made it three story. He states that there is almost no sound transmission.

Michael Clinkscales asks if he is fine with the conditions.

Steve Bernard answers he is fine with the conditions and the houses will have a gate around it.

Caity Chandler states that Steve Bernard went before the Urban Design Review Board and got approved.

Patrick Dorsey asks about the parking.

Steve Bernard answers that there will be two car garages and the residents will park in the back of the houses except for the corner lots.

Roderick Jackson motion to approve Preliminary Plat for 4975 Lake Drive with conditions. Donald Williams seconded the motion to approve. Voting was unanimous.

Item 3:

Text Amendment

Caity Chandler states that The Planning & Community Development Department is proposing several text amendments. The proposed code amendments are considered maintenance revisions, or minor clean-up actions, such as typographical errors, and updates for clarity. PC-2022-03 (TEXT) includes a typographical update to Sec. 8-8-38. Institutional Commercial District (IC). Also included is an update to the Sec. 8-3-16. Nonconforming Signs section of the Sign Ordinance and updated language for freestanding signs under Sec. 8-3-23. Restrictions Based on Location. Additionally, Sec. 8-8-77. Home Occupation Standards section of the Zoning Ordinance will be updated for clarity. In September 2021, the City Council approved the City of Forest Park's new Zoning Ordinance and Sign Ordinance. With these changes, the Planning & Community Development Department has discovered some areas of these ordinances that need to be amended for clarity. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in a adverse manner.

James Summers asks about clarity on the signs.

Caity Chandler answers it depends on the residential districts. He can replace signs, but he cannot have multiple signs.

Kelvin Waters asks if the school can put a sign up.

Caity Chandler answers he may be able to do a directory sign that says the church and school is here. Each part cannot have their own sign.

Roderick Jackson made a motion to approve the Text Amendments. Donald Williams seconded the motion to approve. Voting was unanimous.



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Item 4:

Map Amendment

Caity presents stating The Planning & Community Development Department is proposing several map amendments. PC-2022-02 (MAP) includes changes to the zoning map. In September 2021, the City of Forest Park City Council adopted a new Zoning Ordinance and new Zoning Map. Staff finds that certain zoning districts as shown on the zoning map are inconsistent with the existing character and development areas in the city. The proposed technical map amendment corrects technical errors to the zoning map that were adopted in September 2021. The requested map amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in an adverse manner.

Steve Bernard asks about Starr Park Zoning and how it will affect future development. He thought increasing density around the park was what the goal.

Caity Chandler states that he will just rezone a property if he wants different zoning.

James Shelby states he was just making the zoning back to what it is supposed to be from an error made when correcting the map.

Steve Bernard states he is on the MARTA Board and to get a Marta station to Forest Park you need high density areas.

Caity chandler stated all cases will go before the Mayor and City Council for a final decision on May 2, 2022, City Council Meeting.

Roderick Jackson motion to approve Map Amendments. Donald Williams seconded the motion to approve. Voting was unanimous.

Item 5:

Vote on Chairman and Vice Chairman for the Board

Not enough members in attendance to vote.

Roderick Jackson made motion to table the voting. Donald Williams seconded the motion. Voting was unanimous.

Other Business:

Adjournment:

There being no further business, Roderick Jackson motioned to adjourn the meeting. Donald Williams seconded the motion. Voting was unanimous. The meeting adjourned at 7:23pm.



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STAFF REPORT – VARIANCE

Public Hearing Date: June 16, 2022

Case: PC-2022-03

Current Zoning: RS Single Family Residential

Proposed Request: Variance to reduce the rear accessory structure setback requirement from Ten (10) feet to 5.5 feet.

Staff Report Compiled By: Caity Chandler

Staff Recommendation: Approval of Variance

APPLICANT INFORMATION

Owner of Record:

Name: Daniel Antonio Nolasco
Address: 928 Dearing Street
City/State: Forest Park, GA 30297

Applicant:

Name: Daniel Antonio Nolasco
Address: 928 Dearing Street
City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13080A D004

Address: 928 Dearing Street

Acreage: 0.32

FLU: Single Family Residential

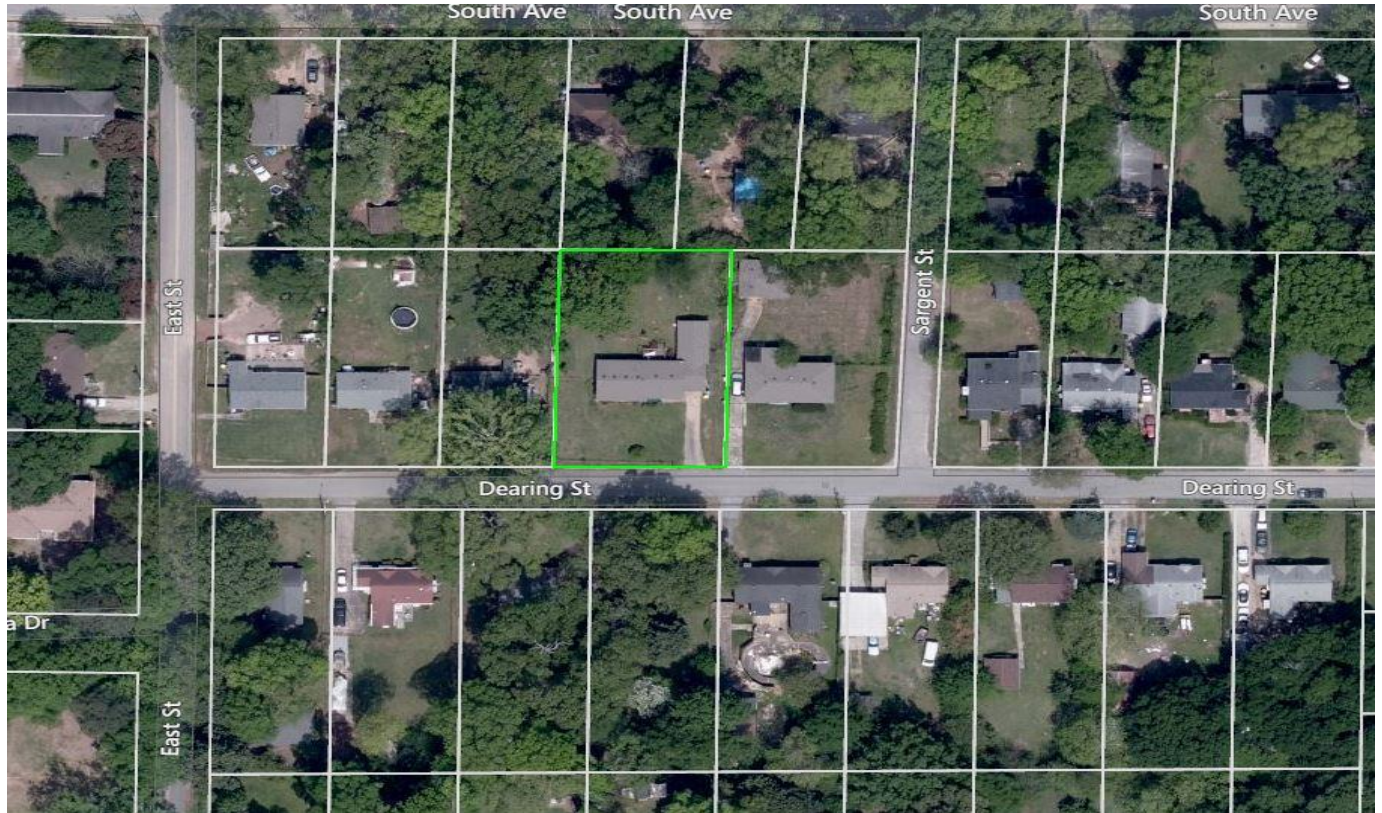
SUMMARY

The applicant is requesting a variance to reduce the Ten (10)-foot rear setback requirement to allow for an accessory structure in the rear yard of his property.

BACKGROUND

The subject property is zoned RS Single-Family Residential. In this district, accessory structures must be placed no less than 10 feet from the rear property line. The applicant constructed a pavilion in the rear yard of his property without a permit. The unpermitted structure was built 5.5 feet from the rear property line where ten feet is required. The applicant is requesting a variance to reduce the rear accessory setback requirement of ten (10) feet to 5.5 feet to accommodate for this pavilion.

AERIAL MAP



ZONING MAP



Property Downtown Mainstreet (DM)

ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

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

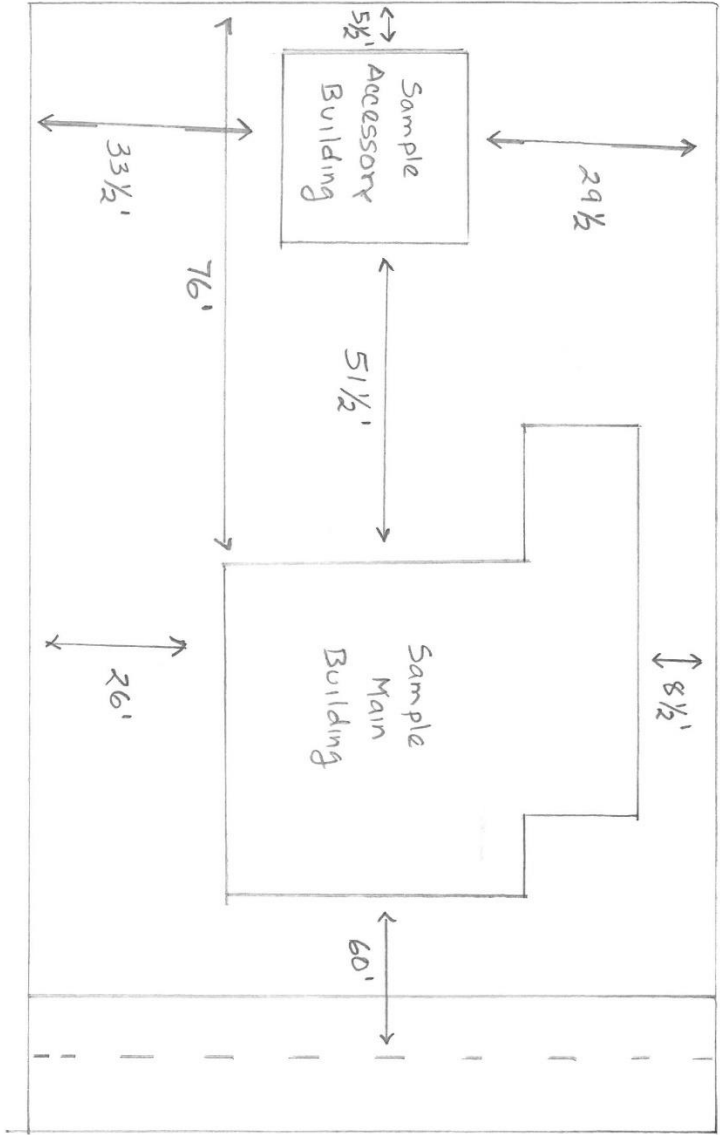
SITE PHOTOS







SITE PLAN



VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this ordinance were permitted under this Ordinance, 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;
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; and
3. The strict application of the terms of this ordinance will result in a 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.

Applicant Response

“My wife and I are residents of the City of Forest Park since 2010 when we bought our house, actually we decided to make a place for our daughter and us to go out and be comfortable outdoors, due to the covid-19 we spent many days without being able to go out anywhere because we were afraid of getting the virus, ... We had a hard time and more for our daughter because we had no place outside our house suitable for her to go out and play.

We also regret that we did not get a permit before we started building because we did not know the City of Forest Park regulations ... we did not know the required distance from the neighbor’s property to be able to build, The person we hired did not explain to me that I had to ask permission from the city to build since it is separated from the main house, in front of the pavilion we have fruit trees so we thought it was the best idea to build in the farthest part of our property. The construction is not yet completely finished, the floor is still missing, so we also ask for your permission to add the concrete to finish it.”

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a variance to reduce the rear accessory setback requirement of 10 feet to 5.5 feet to accommodate for this pavilion. 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 with the following condition: If the Planning Commission approve the Variance, the applicant must apply for and receive a building permit to construct and complete the pavilion.

Attachments Included

- Application
- Justification Letter



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Staff Report – Variance Public Hearing Date: June 16, 2022

Case: PC-2022-04

Current Zoning: GZ Gillem District

Proposed Request: Variance for 50-foot ‘undisturbed’ and 75-foot ‘no-impervious’ Stream Buffer Encroachment on Designated Buffered Waters

Staff Report Compiled By: James Shelby

Staff Recommendation: Approval of Variance

APPLICANT INFORMATION

Owner of Record:

Name: City of Forest Park
Address: 2135 Anvil Block Road
City/State: Forest Park, GA 30297

Applicant:

Name: Robinson Weeks
Address: 33350 Riverwood Parkway, Suite 700
City/State: Atlanta GA 30339

PROPERTY INFORMATION

Parcel Number: 1218207001
Address: 2135 Anvil Block Road

Acreage: 13.35
FLU: Industrial

SUMMARY & BACKGROUND

The project is approximately a 13.5-acre site located in the Gillem Logistic Center. The nearest named waterbody is Big Cotton Indian Creek, the headwaters of which is located on the site. The applicant proposes to construct an approximately 169,520 square foot warehouse facility and associated infrastructure within the designated buffer zone.

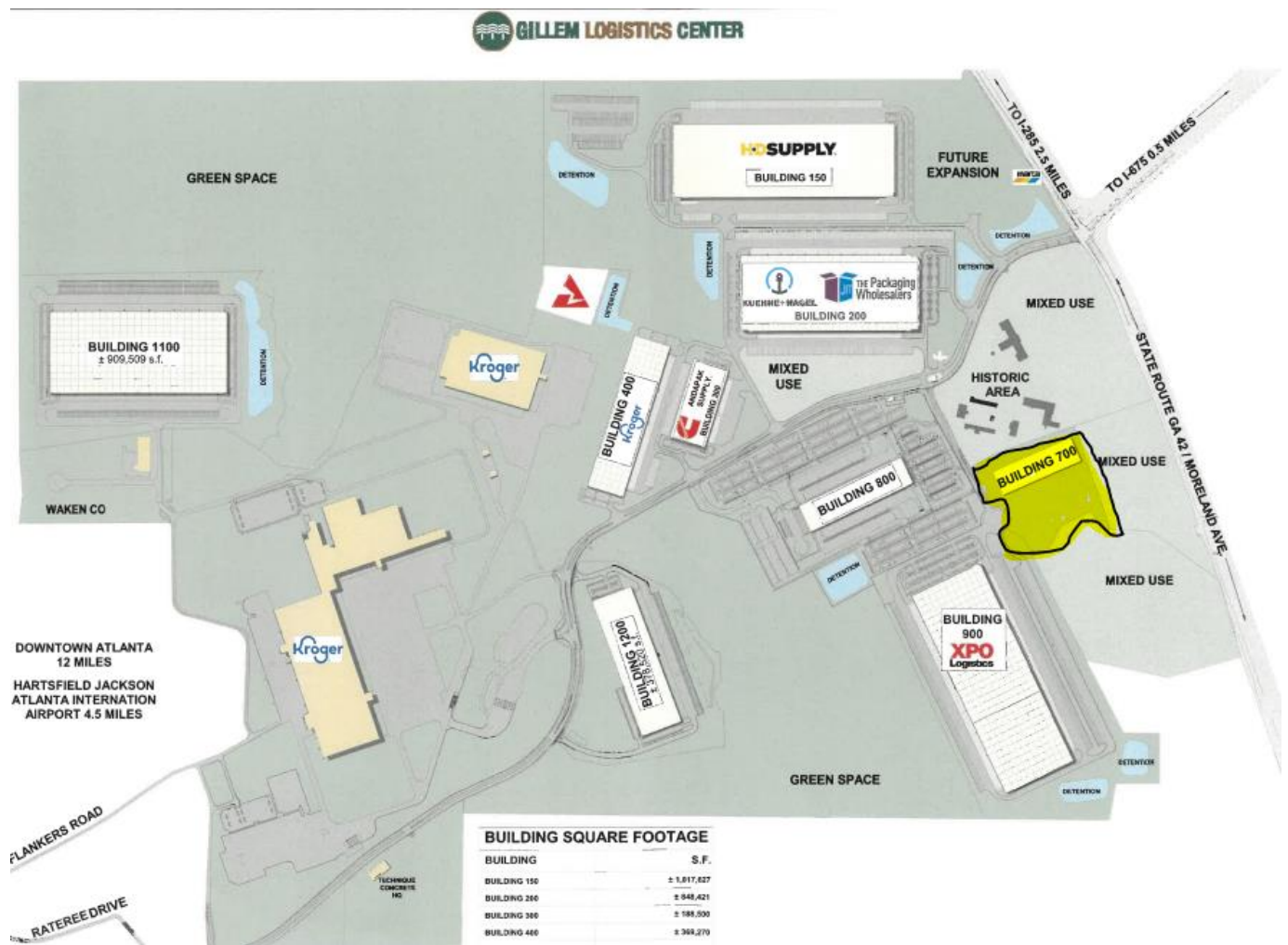
The Stream Buffer Protection Ordinance requires that an undisturbed natural vegetative buffer be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. An additional setback shall be maintained for twenty-five (25) 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 for 50-foot ‘undisturbed’ (Stream 1) and 75-foot ‘no-impervious’ stream buffer encroachment (Stream 2) on designated buffered waters to allow for the construction of the warehouse development. The proposed project will impact 14,783 square ft of 50-foot regulated stream buffer and 23,633 square feet of 75-foot regulated stream buffer.

The project was issued a Certificate of Compliance with the Department of the Army Nationwide permit with conditions. The permitted activity is subject to a U.S. Army Corps of Engineer’ Compliance Inspection.

SITE PLAN



ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use	Direction	Zoning & Use
North	GZ Gillem District-Industrial	East	GZ Gillem District-Industrial
South	GZ Gillem District-Industrial	West	GZ Gillem District-Industrial

AERIAL MAP OF LIMITS OF DISTURBANCE



Kimley»Horn	Figure 5: Site Map/ Existing Conditions Map	Gillem 700 City of Forest Park, Clayton County, Georgia May 2022	1 in = 250 feet	
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SITE PHOTOS



LOOKING EAST



LOOKING NORTH

CONDITIONS FOR VARIANCES

The following factors will be considered by 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 locations of all streams on the property, including along property boundaries;
3. The location 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

Due to the physical characteristics of the property, staff recommends **APPROVAL** of a Variance for 50-foot ‘undisturbed’ (Stream 1) and 75-foot ‘no-impervious’ stream buffer encroachment (Stream 2) on designated buffered waters to allow for the construction of the warehouse development with the following conditions imposed by the U.S. Army Corps of Engineers:

- a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Savannah District’s Regional Conditions for NWPs.
- b. Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase 3,588 legacy stream mitigation credits from Legacy Farms Mitigation Bank and submit documentation of this credit purchase to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project. If all or a portion of the required credits are not available from Legacy Farms Mitigation Bank, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation bank.

- c. All work will be performed in accordance with the plans and drawings which are incorporated in and made part of this permit verification: “Engineered Site Plan, Gillem 700”, dated September 21, 2021, as well as all erosion control plans, which are not enclosed.
- d. The applicant shall notify the Corps, in writing, at least 10 days in advance of commencement of work authorized by this permit.
- e. The applicant will fill out and sign the required certification and return it to the Corps within 30 days of completion of the activity authorized by this permit.

Attachments Included:

- Applications
- Letter of Intent
- Justification for Variance
- Certification of Compliance with Department of the Army Nationwide Permit (39)