



**CITY OF FOREST PARK
PLANNING COMMISSION MEETING**

Thursday, October 20, 2022 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 Chairman; Azfar Haque, Vice Chairman; Michael Clinkscales, Roderick Jackson, Donald Williams

CALL TO ORDER/WELCOME:

ROLL CALL:

APPROVAL OF MINUTES:

1. Minutes from September 15, 2022 meeting.

OLD BUSINESS:

2. **PC-2022-09** Variance at 3953 Jonesboro Road to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development. Tabled from the September 15, 2022 Meeting.

NEW BUSINESS:

ADJOURNMENT:



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Planning Commission Minutes September 15, 2022

Call to Order: The meeting of the City of Forest Park Planning Commission was called to order at 6:04 p.m. on September 15, 2022.

Roll Call: Roderick Jackson, Donald Williams, Azfar Haque, Andy Porter and Michael Clinkscales were present. Also present was Daija Blocker, Secretary; Caity Chandler, Planner and Director of Department of Planning and Community Development, LaShawn Gardiner.

Approval of Minutes: Azfar Haque made a motion to approve the minutes from the August 18, 2022, Planning Commission meeting. Michael Clinkscales seconded the motion. The vote was unanimous.

Old Business: No Old Business.

New Business:

Item 1: **Vote on Chair and Vice Chair**

Andy Porter stated that he was happy to stay in his position as Vice Chair.

Azfar Haque stated that Andy should be Chair by default because he was already the Vice Chair.

Azfar Haque nominated Andy to be the Chair for the Planning Commission. Michael Clinkscales seconded the motion to nominate Andy Porter as the Chair. Voting is unanimous.

Michal Clinkscales nominated Azfar Haque as the Vice Chair. Roderick Jackson seconded the nomination. The vote was unanimous.



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Item 2: Case: PC-2022-08

Variance at 1234 Lloyd Drive

Variance to reduce the minimum setback requirement between an accessory structure and the main structure from the required ten feet to four feet.

Caity Chandler stated that the applicant, Jesus Perez, is requesting a variance to reduce the minimum setback requirement between an accessory structure and the main structure from the required ten feet to four feet as part of a pavilion construction project. The subject property is zoned RS Single-Family Residential. In this district, accessory structures must be placed no less than 10 feet from the main structure. The applicant constructed a pavilion in the rear yard of his property without a permit. The unpermitted structure was built four feet from the main structure; ten feet is required. The applicant is requesting a variance to reduce the minimum setback requirement of ten (10) feet to four feet to accommodate for this pavilion. The Planning Commission may grant a variance from the development standards of this ordinance where 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 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.

Staff recommends **APPROVAL** of a variance to reduce the setback requirement between the accessory structure and the main structure from ten feet to four 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 approves the Variance, the applicant must apply for and receive a building permit to construct and complete the pavilion.

Andy Porter asks if the representative is here to speak on behalf of the variance.

Yesenia Perez, representing her father Jesus Perez, stated that the pavilion was a surprise for their father while he was in Mexico. The sons work in construction, so they wanted to build the pavilion, but they did not know they needed to have a permit. They wanted the pavilion because they have a big family and like to spend time together.

Andy Porter asked if anyone opposed the variance and if not, then the public comment part is closed.

Azfar Haque asked if the second structure in the photos are allowed.



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Caity Chandler answered yes, they are allowed 2-3 sheds/structures per the new ordinance.

Andy Porter asked if the structure violates any other setbacks on the side.

Caity Chandler stated no, the only problem is the distance between the main structure and accessory structure.

Roderick Jackson asked when did Code Enforcement place a Stop Work order on the structure because the pictures show two different structures. He stated that in the first picture the roof is not finished but in the second picture they did more work to the roof.

Caity Chandler answered yes, they did finish working on the roof because they called the department and asked if they could finish due to the wood starting to rot.

Roderick Jackson stated that it could have been out for six months, and it still would not have rotted. They continued to build the structure when they were told to stop.

Michael Clinkscales asked if there is any danger from the setbacks being only four feet.

Caity Chandler answered if there was a fire it might be danger because it is close but other than that no.

Azfar Haque asked if they could have built a deck and attached it to the house would the applicant still have to get a permit for the deck but not a variance.

Caity Chandler answers yes.

Michael Clinkscales suggested getting everything in order and resubmitting plans and get permits the correct way.

Andy Porter stated that they cannot get the permit they need to move the structure or take the structure down and start over.

Caity Chandler suggested that the applicant can rotate the roofline, attach it to the building, and say it was a deck. They would not need a variance but just a permit.

Roderick Jackson made a motion to deny the variance at 1234 Lloyd Drive since the applicant kept building and family members should know to get permits if they work in construction. Michael Clinkscales seconded the denial. The vote was unanimous.



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Item 3: Case: PP-2022-09

Variance at 3953 Jonesboro Road

Variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development.

Caity Chandler stated the applicant, Kinh Enterprises Inc, is requesting a variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development. The applicant plans to build a gas station upon 1.33 acres on the northern end of Jonesboro Road. The applicant stated that due to the shape of the property, parking will need to be placed around the whole building. With this design, they are requesting a reduction in the number of required parking spaces for the development.

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 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.

Staff recommends **APPROVAL** of a variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development. 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 adverse manner.

Andy Porter asked the representative for the variance to speak.

Jim Joiner, representing the applicant, states that the issue is that when the lot fills up big trucks cannot fit in the parking lot.

Azfar Haque asked Caity Chandler why the sq ft of the parking is more for the convenience store than the restaurant.

Jim Joiner stated that no one knows what kind of business is going into the stores. What stores are going to go into the location must go to the city to get approved, so the city can control what goes into the stores.

Andy Porter says that the convenience store takes up most of the spots because it takes one parking spot plus one.

LaShawn Gardiner stated that places where she has worked you calculate the square footage of the development to calculate the number of the parking spaces.



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Jim Joiner stated that the city can deny places that require more parking that is already there.

Azfar Haque made a motion to table the variance at 3953 Jonesboro Road. Michael Clinkscales seconded the motion to table the case. The vote was unanimous.

The case will tabled for 30 days and will be reconsidered at the next meeting on October 20, 2022.

Other Business:

Adjournment:

There being no further business, Michael Clinkscales made the motion to adjourn the meeting.

Donald Williams seconded the motion. The vote was unanimous. The meeting adjourned at 6:40pm.



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STAFF REPORT – VARIANCE

Public Hearing Date: October 20, 2022

Case: PC-2022-09

Current Zoning: GC General Commercial

Proposed Request: Variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station and retail development.

Staff Report Compiled By: Caity Chandler

Staff Recommendation: Approval of Variance

APPLICANT INFORMATION

Owner of Record:

Name: Kinh Enterprises Inc
Address: 3953 Jonesboro Road
City/State: Forest Park, GA 30297

Applicant:

Name: Kinh Enterprises Inc
Address: 3953 Jonesboro Road
City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13015A A001

Address: 3953 Jonesboro Road

Acreage: 1.33

FLU: Commercial

SUMMARY & BACKGROUND

The applicant, Kinh Enterprises Inc, is requesting a variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station development. The applicant plans to build a gas station with retail spaces upon 1.33 acres on the northern end of Jonesboro Road. The applicant stated that due to the shape of the property, parking will need to be placed around the whole building. With this design, they are requesting a reduction in the number of required parking spaces for the development.

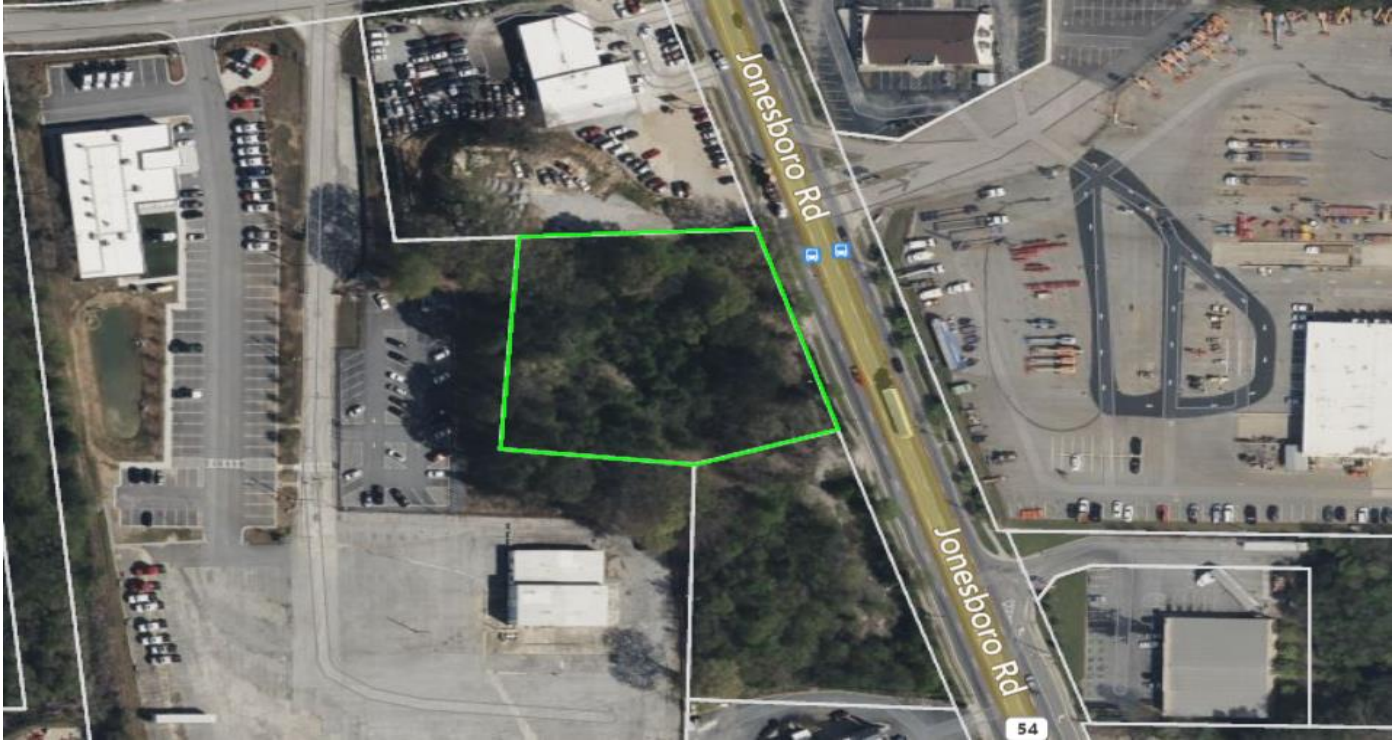
PARKING STANDARDS – CODE OF ORDINANCES

Sec. 8-8-90 - Parking Standards

Gasoline Service Stations – 1 space for each 100 square feet of gross floor area

Other Retail Service Uses – 1 space for each 500 square feet of gross floor area

AERIAL MAP



ZONING MAP



Property General Commercial (GC)
ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use		Direction	Zoning & Use
North	GC General Commercial Auto Repair Shop		East	GC General Commercial Retail Use
South	GC General Commercial Vacant Lot		West	LI Light Industrial Warehouse

SITE PHOTOS









Photos Taken 8/31/2022

SITE PLAN

SITE ADDRESS:
 3953 JONESBORO ROAD
 FOREST PARK, GA. 30297
 DB 11219 PG 403
 PARCEL NO. 13015A A001

OWNER/DEVELOPER:
 KINH ENTERPRISES INC.
 4441 JONESBORO ROAD
 FOREST PARK, GA. 30297
 CONTACT: ZEESHAN THOBHANI
 678-525-4705



GENERAL NOTES:

1. TRACT AREA = 1313 ACRES (52066 S.F.)
2. PROPERTY ZONING: GC
3. SETBACKS REQUIRED:
 - 3.1. FRONT - 25'
 - 3.2. SIDE - 10'
 - 3.3. REAR - 30'
4. PROPOSED USE: COMMERCIAL
5. PARKING REQUIRED: SEE PARKING CALCULATIONS.
6. VARIANCE REQUEST:
 - TO REDUCE PARKING REQUIREMENTS FROM THE MINIMUM & MAXIMUM SHOWN TO A TOTAL OF 44 SPACES (42 STANDARD & TWO HANDICAP AS SHOWN).
7. PROPERTY SERVED BY CLAYTON COUNTY WATER & SEWER.
8. AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 1960000R F DATED 6-7-17, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARD ZONE "X".
9. THIS PROPERTY DOES NOT HAVE A CEMETERY, WETLANDS, HISTORIC OR ARCHITECTURAL FEATURES LOCATED ON THE PROPERTY.

PARKING CALCULATIONS:

RESTAURANT SPACE:
 TWO SITES WITH 2313.20 S.F. / 1 SPACE PER 500 S.F. = 46 SPACES (TOTAL) REQUIRED

RETAIL SPACE:
 TWO SITES WITH 2313.20 S.F. / 1 SPACE PER 500 S.F. = 46 SPACES (TOTAL) REQUIRED

RESTAURANT SPACE:
 TWO SITES WITH 2313.20 S.F. MINUS TWO 1000 S.F. (KITCHENS/TOWAERS) / 1 SPACE PER 100 S.F. FOR PATRON AREA = 26 SPACES REQUIRED

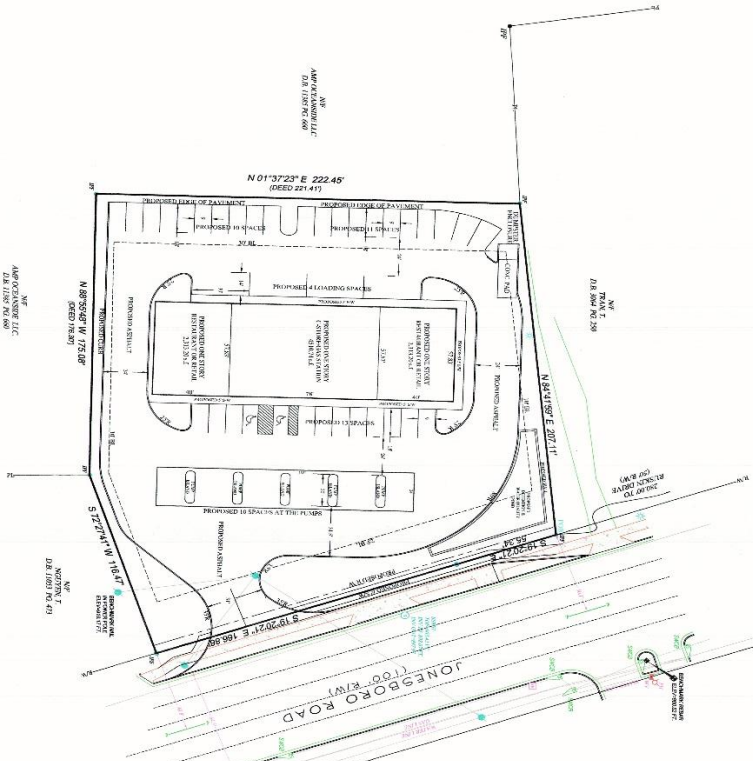
OR

TWO 25' TABLE RESTAURANTS / 1 SPACE PER 45 S.F. = 50 SPACES REQUIRED.

MINIMUM PARKING REQUIRED WITH C-STORE & RETAIL SPACE: 45 / 10 = 55 SPACES REQUIRED
 MAXIMUM PARKING REQUIRED WITH C-STORE & RESTAURANTS: 45 / 50 = 95 SPACES REQUIRED
 ZONING CODE REQUIRES 1 LOADING SPACE; 4 PROVIDED AS SHOWN.

LEGEND

1	APPROXIMATE	1	LANDSCAPE AREA
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5	AS SHOWN	5	LANDSCAPE AREA
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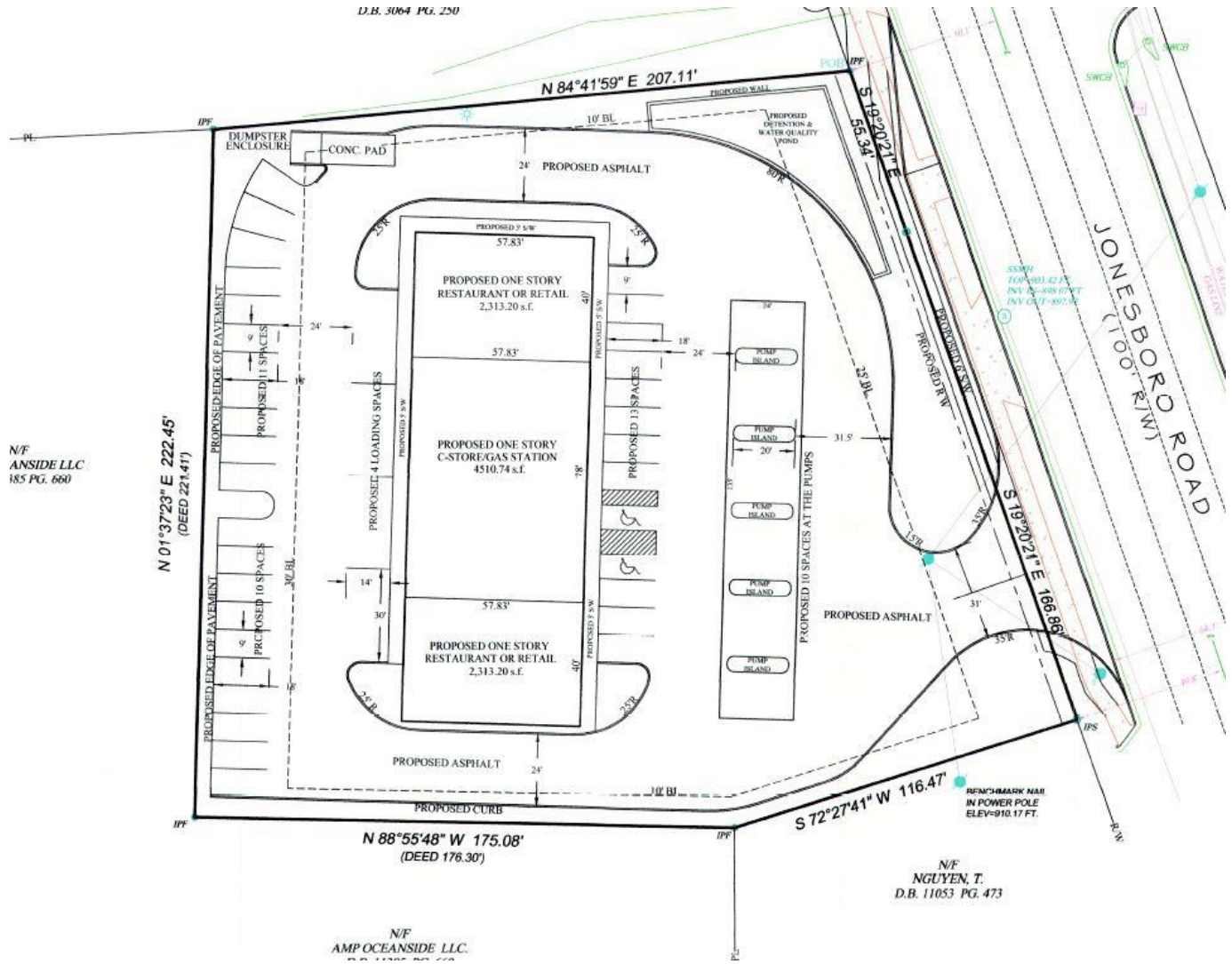
ALL BOUNDARY & TOPOGRAHY DATA
 PREPARED BY LANDPRO SURVEYING AND
 INC. PREPARED FOR THOBHANI & KINH ENTERPRISES
 INC. DATED 1-30-19 PROJECT NO. 20091008



VARIANCE PLAN FOR
KINH ENTERPRISES, INC.

DATE: 1-30-19	PROJECT NO: 20091008
DRAWN BY: M. LEE	CHECKED BY: M. LEE
SCALE: AS SHOWN	DATE: 1-30-19
PROJECT: 3953 JONESBORO ROAD VARIANCE	CLIENT: KINH ENTERPRISES, INC.
LOCATION: FOREST PARK, GA.	PREPARED BY: LANDPRO SURVEYING AND INC.
DATE: 1-30-19	PROJECT NO: 20091008

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.
 PLANNING - ENGINEERING - LAND SURVEYING
 44 DAREY'S CROSSING DRIVE, HIRAM, GEORGIA 30143
 PH. (770) 435-0870
 EMAIL: mark.lee@pleen.com



VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this ordinance where 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, 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 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, per Sec. 8-8-193. (a) (3) of the Code of Ordinances.

Applicant Response

See attached justification letter

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a variance to reduce the number of required parking spaces from 55 to 44 as part of a new gas station and retail development. 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.

Attachments Included

- Justification Letter