



**CITY OF FOREST PARK  
PLANNING COMMISSION MEETING**

Thursday, May 16, 2024 at 6:00 PM  
City Hall | 745 Forest Parkway, Forest Park, GA 30297

Website: [www.forestparkga.gov](http://www.forestparkga.gov)  
Phone Number: (404) 366-4720

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

## AGENDA

**Andy Porter, Chairman**  
**Azfar Haque, Vice Chairman**  
**Michael Clinkscales, Member**  
**Roderick Jackson, Member**  
**Donald Williams, Member**

**CALL TO ORDER/WELCOME:**

**ROLL CALL:**

**ADOPTION OF THE AGENDA WITH ANY ADDITIONS/DELETIONS:**

**APPROVAL OF MINUTES:**

1. Approval of April 18, 2024 Meeting Minutes

**OLD BUSINESS:**

**PUBLIC COMMENTS: (All Speakers will have 3 Minutes)**

**NEW BUSINESS:**

2. Case# VAR-2024-05 - Variance for 920 Forest Ave., Parcel# 13048C E009. The applicants, Willie Lee Copeland and Sandra Michelle Copeland, are requesting a Variance to reduce the minimum lot width from the required 80 ft. to 55 ft. to construct a new construction single-family home within the Single-Family Residential District (RS).
3. Case# VAR-2024-06 Variance request for 4386 Foster St., Parcel # 13017D A018. The applicant, Carlos Rodolfo Sanchez Loreda, is requesting a Variance to reduce the required side yard setback from the required 10 ft. to 2 ft. and rear side yard setback on right side from the required 10 ft. to 4 ft. to construct a car port in the Single-Family Residential District (RS).

- [4.](#) Case# RZ-2024-01 - Rezone request for 0 Ferguson Ct., Parcel # 13049A A031. The applicant, Gaetan Gachelin, is requesting a Rezone of the .16+/- acre lot within the Single-Family Residential District (RS) to Multiple-Family Residential District (RM) to allow the new construction of a duplex.
- [5.](#) Case# TA-2024-03 - Text Amendment to increase the number of units per acre by way of a Conditional Use Permit (CUP) in Article B: Zoning Districts, Overlay Districts, and Design Guidelines Established Section 8-8-54 Special Building Standards for Development Subareas in Downtown, Article G: Zoning Amendments Section 8-8-188 Conditional Use Process to clarify and add additional Standards and introduce new sections 1-5 of the Code of Ordinances of the City of Forest Park.

**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 404-366-4720



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**MINUTES**

- Andy Porter, Chairman**
- Azfar Haque, Vice Chairman**
- Michael Clinkscales, Member**
- Roderick Jackson, Member**
- Donald Williams, Member**

**CALL TO ORDER/WELCOME:**

Azfar Haque called the meeting to order at 6:04 pm.

**ROLL CALL:**

A quorum was established.

**PRESENT:**

Azfar Haque, Roderick Jackson, Donald Williams

**OTHERS PRESENT:**

James Shelby, Interim Planning & Community Development Director; Danielle Matricardi, City Attorney; SaVaughn Irons-Kumassah, Principal Planner; Latonya Turner, Planning & Community Development Office Coordinator; Bridgette Jackson-Barney, Permit Technician

**ADOPTION OF THE AGENDA WITH ANY ADDITIONS/DELETIONS:**

It was moved to approve the agenda with the deletion of Item# 3 - Case# VAR-2024-03.  
Motion made by Donald Williams and seconded by Roderick Jackson. Motion carried.

**APPROVAL OF MINUTES:**

1. Approval of February 15, 2024 Meeting Minutes  
It was moved to approve the minutes as printed.  
Motion made by Donald Williams and seconded by Roderick Jackson. Motion carried.

**OLD BUSINESS:****PUBLIC COMMENTS: (All Speakers will have 3 Minutes)****NEW BUSINESS:**

- 2. Case# CUP-2024-01 - Conditional Use Permit for 4959 West St., Parcel# 13051D A067. The applicant, Arzeria Davis, is requesting a conditional use permit to establish a childcare center and preschool for children between the ages of 6 weeks to 12 years of age within the Single-Family Residential District (RS).**

**BACKGROUND/HISTORY:**

The applicant is requesting a Conditional Use Permit to open and operate a childcare center for children aged 6 weeks to 12 years of age at 4959 and 4965 West St. The applicant is proposing to utilize each building at this location to cater to the specific needs of each age group. One building will be used to serve infant and toddlers from 6 weeks of age to 2 years old, another building will be used to serve preschool and Pre-Kindergarten children ages 3-5 and the last building will be used to served school aged children ages 5-12 years of age. The operation hours will be Monday through Friday 7am - 6pm. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single-Family Residential District (RS), Pre-K and day care centers require conditional use permits to operate within this district. Currently, the property is located within a residential neighborhood.

**SaVaughn Irons-Kumassah** – noted that this location was already operating as a childcare center but that the owner and business name have changed.

It was moved to approve the Conditional Use Permit with the condition that the applicant must adhere to the City of Forest Park Zoning Ordinance of Parking Standards outlined in Section 8-8-90.

Motion made by Roderick Jackson and seconded by Donald Williams. Motion carried.

- 3. Case# VAR-2024-03 - Variance request for 4971 Courtney Drive., Parcel# 13049D-C005, 1099 Main Street., Parcel# 13049D-C007, 1095 Main Street., Parcel# 13049D-C008, and 1105 Main Street., Parcel# 13049D-C006. The applicant, Jasber Management Services, LLC is requesting a variance to reduce the rear yard setback from 10 ft. to 5 ft., reduce the side yard setbacks from 10 ft. to 5ft, and increase the number of allowed apartment units from 47 units to allow the construction of 154 apartments on a 1.97+/- acre tract of land and construct a hotel that has 110 unit occupancy on a 1.32+/- acre tract of land in the Downtown Mainstreet District (DM).**

This item was removed from the agenda.

- 4. Case# VAR-2024-04 - Variance request for 730 Scott Rd, Parcel# 13015C A002, 0 Scott Rd., Parcel# 13015C A003, Parcel# 13015C A009, and Parcel# 13015C A006. The applicant, Divine Dream Homes, LLC/4A Realty Group, is requesting a variance to allow a road width of 40 feet within the newly constructed subdivision instead of the required 44 feet per Sec 8-7-51 Streets and roads within the Single-Family Residential District (RS).**

**BACKGROUND/HISTORY:**

The subject property is three (3) parcels located on three (3) vacant undeveloped lots, located at 0 Scott Rd. on approximately 1.29 +/- acres, Scott Rd. on approximately 0.37 +/- acres, and 733 Scott Rd. on approximately 0.23+/-acres. These parcels are currently being combined. The combined acreage of the three lots is approximately 1.9+/- acres. The applicant, Divine Dream Homes Atl,

LLC/4A Realty Group, INC, is requesting a variance to allow a road width of forty (40) feet within the newly constructed subdivision instead of the required forty-four (44) feet per Sec 8-7-51 Streets and roads within the Single-Family Residential District (RS). Per Sec 8-7-51 Streets and roads (3) No residential minor street shall be constructed with a pavement width of less than twenty-two (22) feet, or twenty-six (26) feet measured from back of curb to back of curb. Based on the combined twenty-two (22) foot minor street road width measurements, the total required minimum road width is forty-four (44) ft.

**James Shelby** – noted that staff met with the Public Works and the Fire Department and both departments gave their approval for the proposed variance.

**SaVaughn Irons-Kumassah** – noted that approval had previously been granted to the applicant for the lot width.

It was moved to approve the Variance.

Motion made by Roderick Jackson and seconded by Donald Williams. Motion carried.

- Case# TA-2024-02 - Text Amendment to clarify and revise certain provisions relating to event centers and similar places of assembly in Article A (General Provisions), Article B (Zoning Districts, Overlay Districts, and Design Guidelines Established), and Article C (Development and Use Standards), in Chapter 8 (Zoning) of the Code of Ordinances of the City of Forest Park.**

**BACKGROUND/HISTORY:**

The Planning & Community Development Department has discovered some areas of the Code of Ordinances that need to be amended for clarity and formal processes. 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 substantially adverse manner.

**Danielle Matricardi** – stated that the proposed definition for an event center is “Special events facility” means a building and/or premises used as meeting or gathering place for social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests.

It was moved to approve the Text Amendment.

Motion made by Roderick Jackson and seconded by Donald Williams. Motion carried.

- Discussion to Approve Resolution to rename Wheeler Drive within the City of Forest Park**

**BACKGROUND/HISTORY:**

Blue Star Studios is requesting to rename Wheeler Drive, which is a private road located within the City of Forest Park, to Blue Star Way.

**Danielle Matricardi** – stated that Blue Star Studios has been having difficulty with people locating their facility in the Fort Gillem area. Ms. Matricardi noted that there is no formal process with the city code but that it does state that the Planning Commission is to review any road name changes.

**James Shelby** – noted that Wheeler Drive is off of Anvil Block and that it's on Blue Star's property.

It was moved to approve the Resolution. Motion made by Roderick Jackson and seconded by Donald Williams. Motion carried.

**ADJOURNMENT:**

It was moved to adjourn the meeting at 6:38 pm.

Motion made by Roderick Jackson and seconded by Donald Williams. Motion carried.

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DRAFT



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## Staff Report – Variance

Public Hearing Date: May 16, 2024

**Case:** VAR-2024-05

**Current Zoning:** RS – Single Family Residential District

**Proposed Request:** Variance Request to reduce the minimum lot width from the required eighty (80) ft to fifty-five (55) ft to construct a new construction single-family home within the Single-Family Residential District (RS).

**Staff Report Compiled By:** SaVaughn Irons-Kumassah, Principal Planner

**Staff Recommendation:** Approval of Variance

### APPLICANT INFORMATION

**Owner of Record:**

**Name:** Willie Lee Copeland and Sandra Michelle Copeland  
 920 Forest Ave.  
 Forest Park, GA 30297

**Applicant:**

Sandra Michelle Copeland  
 920 Forest Ave.  
 Forest Park, GA 30297

### PROPERTY INFORMATION

**Parcel Number:** 13048C E009

**Acreage:** 0.23 +/-

**Address:** 920 Forest Ave.

**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



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## SUMMARY & BACKGROUND

The subject property is a vacant undeveloped lot located at 920 Forest Ave. on approximately .23 +/- acres. The applicant is requesting a variance to allow a reduction of the minimum lot width from the required eighty (80) ft to fifty-five (55) ft to construct a new construction single-family home within the Single-Family Residential District (RS). Per Sec 8-8-29 **Single family residential district (RS) standards** the minimum lot width required is eighty (80) ft. The approximate square footage of the newly constructed home will be 2,166 square feet. The applicant also owns the parcel located parallel to the right of the proposed property and lives on that parcel with the address of 934 Forest Ave. Per Sec 8-8-73 Lot/Yard Standards, subsection (c) Commonly Owned Lots, states that Notwithstanding the foregoing, the setbacks referenced in Sections 8-8-73(b)(1), (2) and (3) may be disregarded when a structure is intended to be built on contiguous individual parcels or lots which are under common ownership, provided that the disregarded setbacks shall only occur along the actual line(s) of common ownership. Based on this code section, the required setbacks on the right of the parcel do not apply for development.

The approval of this variance will allow the applicant to construct one (1) single-family home within the Single-Family Residential District.





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Item #2.

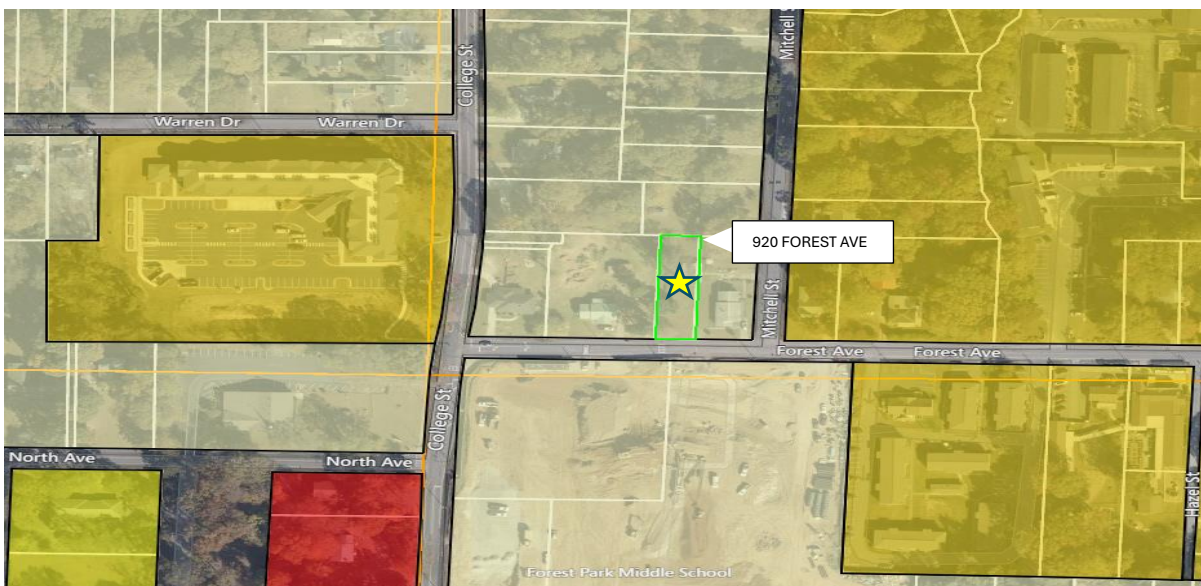
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## AERIAL MAP



## ZONING MAP





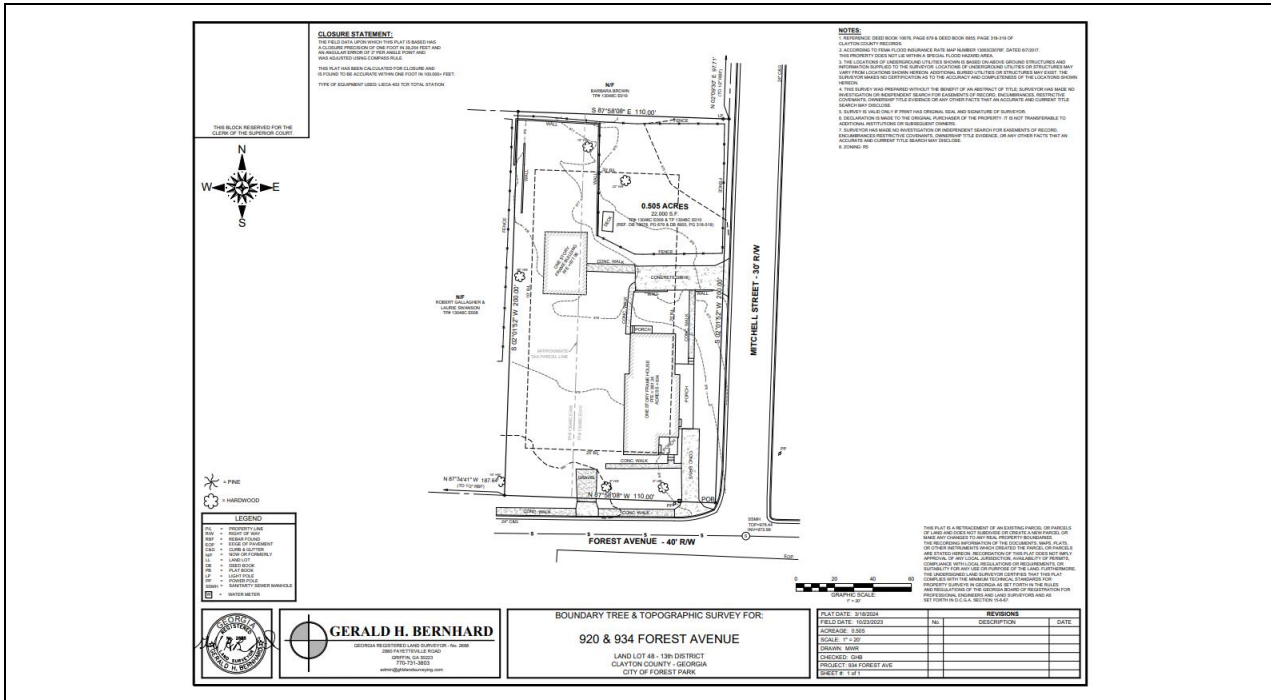
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Item #2.

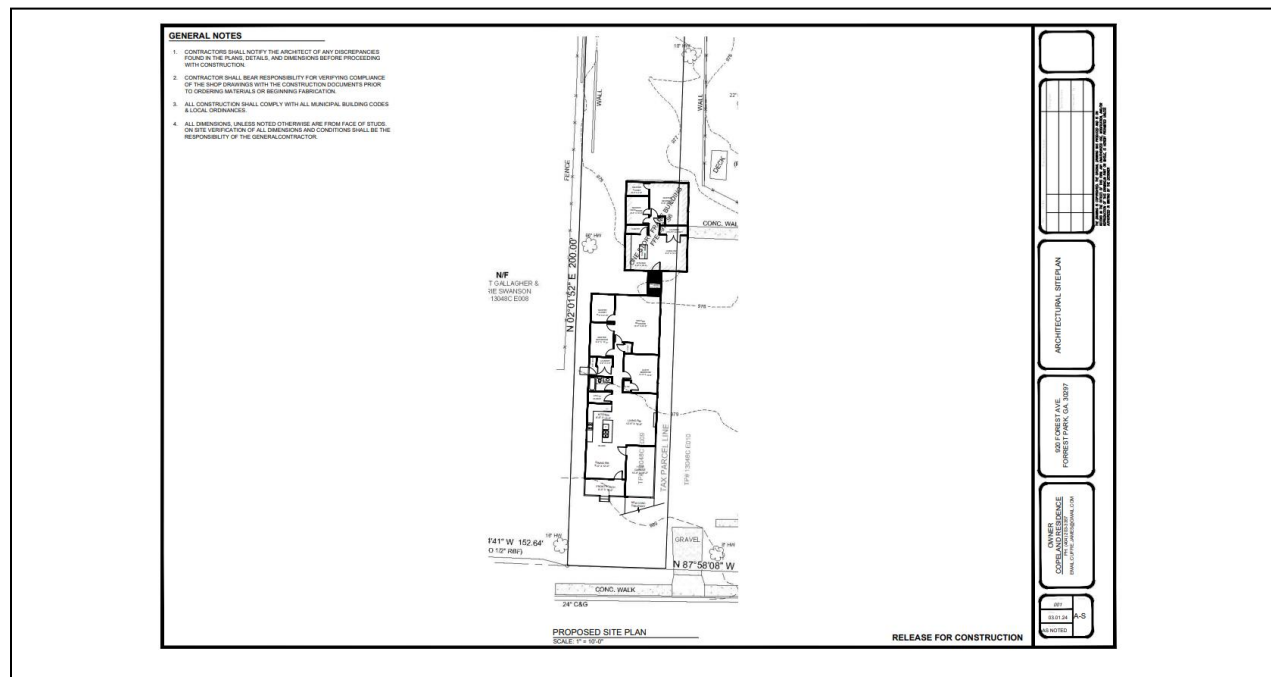
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## SURVEY



## SITE PLAN





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Item #2.

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## PROPOSED DEVELOPMENT





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Item #2.

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## SITE PHOTOS





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## VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this chapter in permittance 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 reduce the minimum lot width from the required eighty (80) ft to fifty-five (55) ft to construct a new single-family home within the Single-Family Residential District (RS). 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



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## Staff Report – Variance

Public Hearing Date: May 16, 2024

**Case:** VAR-2024-06

**Current Zoning:** RS – Single Family Residential District

**Proposed Request:** Variance Request to reduce the required side yard setback from the required ten (10) ft to two (2) ft and rear side yard setback on right side from the required ten (10) ft to four (4) ft to construct a carport in the Single-Family Residential District (RS).

**Staff Report Compiled By:** SaVaughn Irons-Kumassah, Principal Planner

**Staff Recommendation:** Approval of Variance

### APPLICANT INFORMATION

<b>Owner of Record:</b>	<b>Applicant:</b>
<b>Name:</b> Carlos Rodolfo Sanchez Loredo	Carlos Rodolfo Sanchez Loredo
4386 Foster St.	4386 Foster St.
Forest Park, GA 30297	Forest Park, GA 30297

### PROPERTY INFORMATION

<b>Parcel Number:</b> 13017D A018	<b>Acreage:</b> 0.45 +/-
<b>Address:</b> 4386 Foster St.	<b>FLU:</b> S.F. Residential

### ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

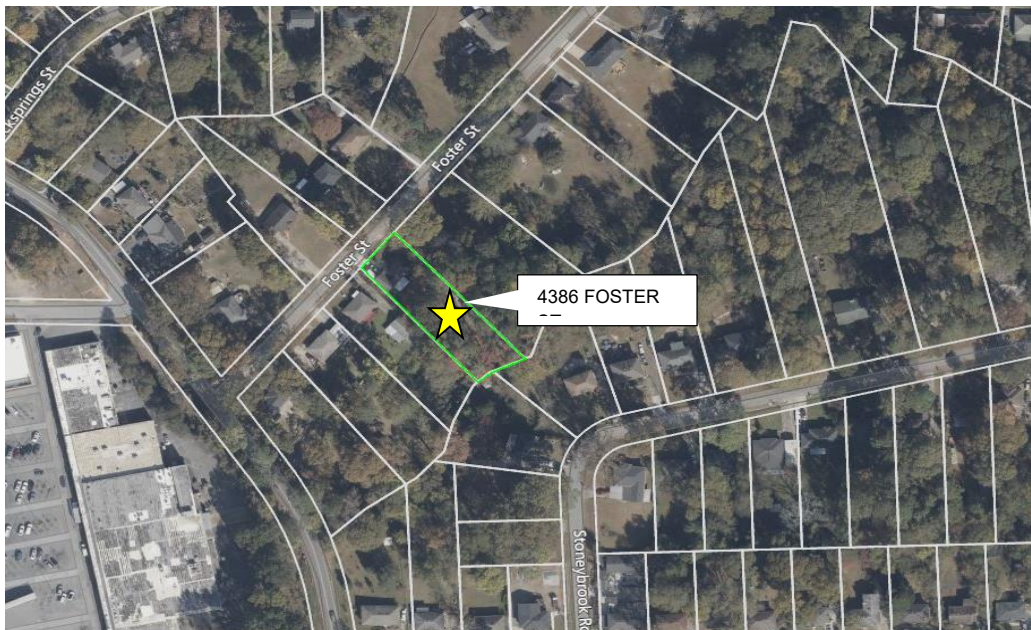
Direction	Zoning & Use	Direction	Zoning & Use
North	RS: Single Family Residential District	East	RS: Single Family Residential District
South	RS: Single Family Residential District	West	RS: Single Family Residential District

## SUMMARY & BACKGROUND

The subject property is residential property located at 4386 Foster St. on approximately .45+/- acres. The applicant is requesting a variance to reduce the required side yard setback from the required ten (10) ft to two (2) ft and rear side yard setback on right side from the required ten (10) ft to four (4) ft to construct a carport in the Single-Family Residential District (RS). Per Sec 8-8-29 **Single family residential district (RS) standards** the required side yard setback is ten (10) ft. Prior to submitting this variance request, the applicant built the carport on the property without properly being permitted, which resulted in a stop work order being placed on carport.

The approval of this variance will allow the applicant to keep the constructed carport on the property within the single-family Residential District.

## AERIAL MAP





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Item #3.

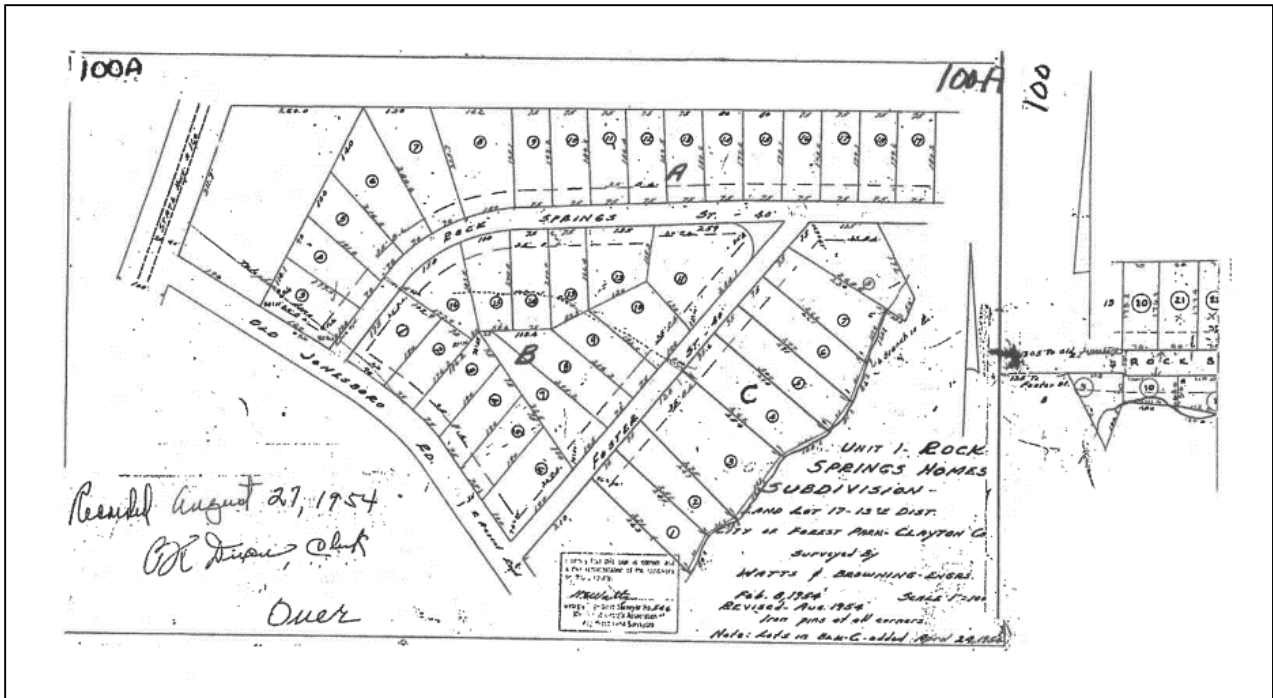
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## ZONING MAP



## SURVEY







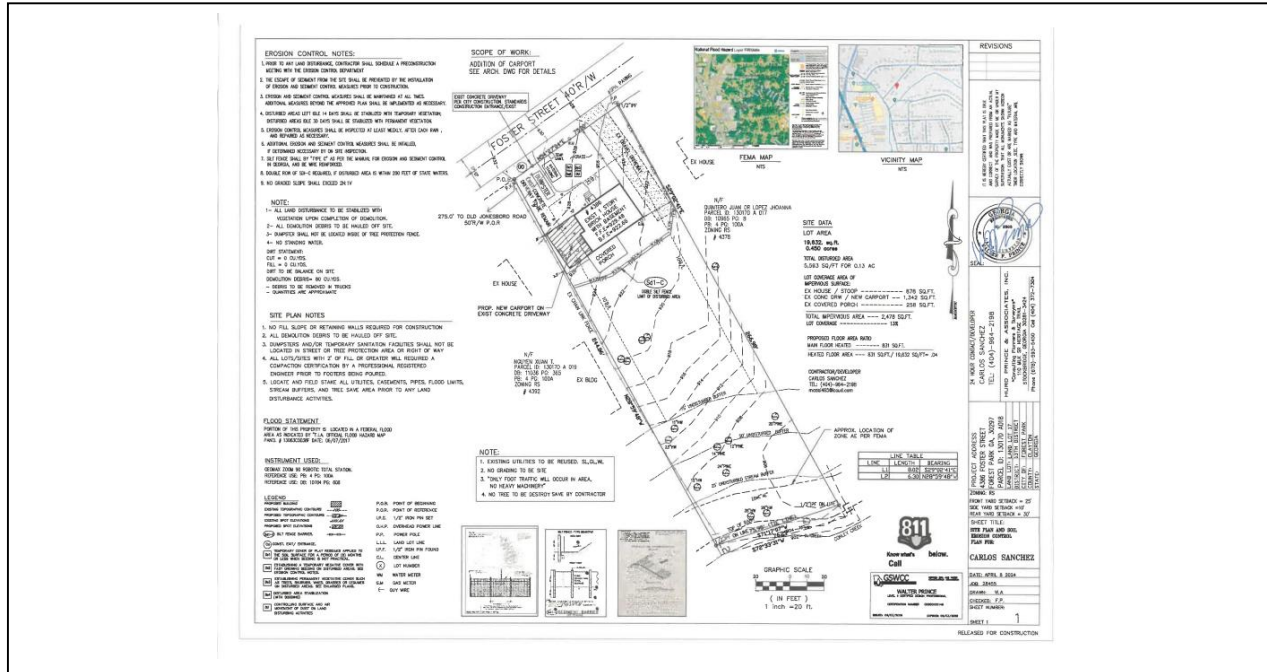
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Item #3.

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## SITE PLAN



## SITE PHOTOS



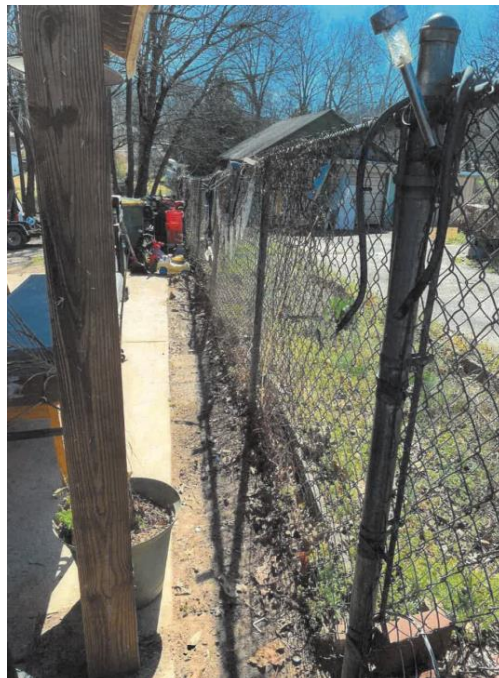


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Item #3.

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## VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this chapter in permittance 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 the variance request with conditions to reduce the required side yard setback from the required ten (10) ft to two (2) ft and rear side yard setback on right side from the required ten (10) ft to four (4) ft to construct a carport in the Single-Family Residential District (RS). The conditions are as follows:

1. For safety and emergency reasons, the applicant will maintain the required side yard setback on the left side of the 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.

### Attachments Included

- Justification Letter



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**STAFF REPORT**  
**Planning Commission Meeting: May 16, 2024**  
**City Council Meeting: June 3, 2024**

**Case:** RZ-2024-01

**Current Zoning:** RS- Single Family Residential

**Proposed Request:** Rezone property from RS (Single-Family Residential) to RM (Multiple family residential district) to allow the building of a new construction duplex.

**Staff Report Compiled By:** SaVaughn Irons-Kumassah, Principal Planner

**Staff Recommendation:** Approval to Rezone to RM (Multiple family residential district).

### APPLICANT INFORMATION

<b>Owner of Record:</b> Gaetan Gachelin	<b>Applicant:</b> Gaetan Gachelin
<b>Address:</b> 0 Ferguson Ct.	<b>Address:</b> 0 Ferguson Ct.
<b>City/State:</b> Forest Park, GA 30297	<b>City/State:</b> Forest Park, GA 30297

### PROPERTY INFORMATION

<b>Parcel Number:</b> 13049A A031	<b>Acreage:</b> 0.16 +/-
<b>Address:</b> 0 Ferguson Ct.	<b>FLU:</b> S.F. Residential

### SUMMARY & BACKGROUND

The subject property is a vacant lot measuring approximately 0.16+/- acres, located at 0 Ferguson Ct. and is currently zoned RS (Single-Family Residential). The property is vacant and comprises of trees and shrubbery. Its location is in between a single-family residential home to the east and south of the property and an apartment complex to the west of the property. The applicant’s request is to rezone the property from RS (Single-Family Residential) to RM (Multiple family residential district) to construct a new construction two-family duplex styled home.

The approval of the rezone request will provide a diverse range of housing options at this location and allow the applicant to build the new construction two-family duplex style home at the proposed location.



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## ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES

<b>North</b>	RS (Single-Family Residential)	<b>East</b>	RS (Single-Family Residential)
<b>South</b>	RS (Single-Family Residential)	<b>West</b>	RM (Multiple-Family Residential)

### AERIAL MAP





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Item #4.

# CITY OF FOREST PARK

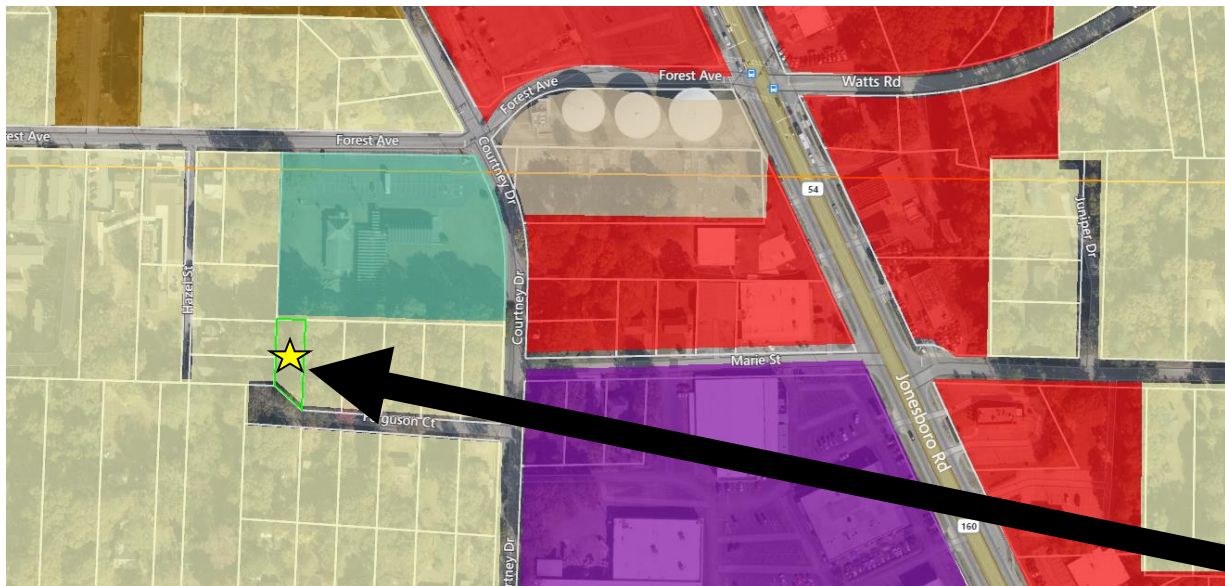
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## ZONING MAP



**Current Zoning: RS (Single-Family Residential)**

## FUTURE LAND USE MAP



**Future Land Use: Single-Family Residential**



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## SITE PHOTOS





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## SURROUNDING PROPERTIES



**Ferguson Court Apartments: Zoned RM (Multiple-Family Residential)  
(West of Parcel)**



**Residential: Zoned RS (Single-Family Residential)  
(East of Parcel)**





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**Residential: Zoned RS (Single-Family Residential)  
(South of Parcel)**



**Rock Church of Atlanta: RS (Single-Family Residential)  
(North of Parcel)**



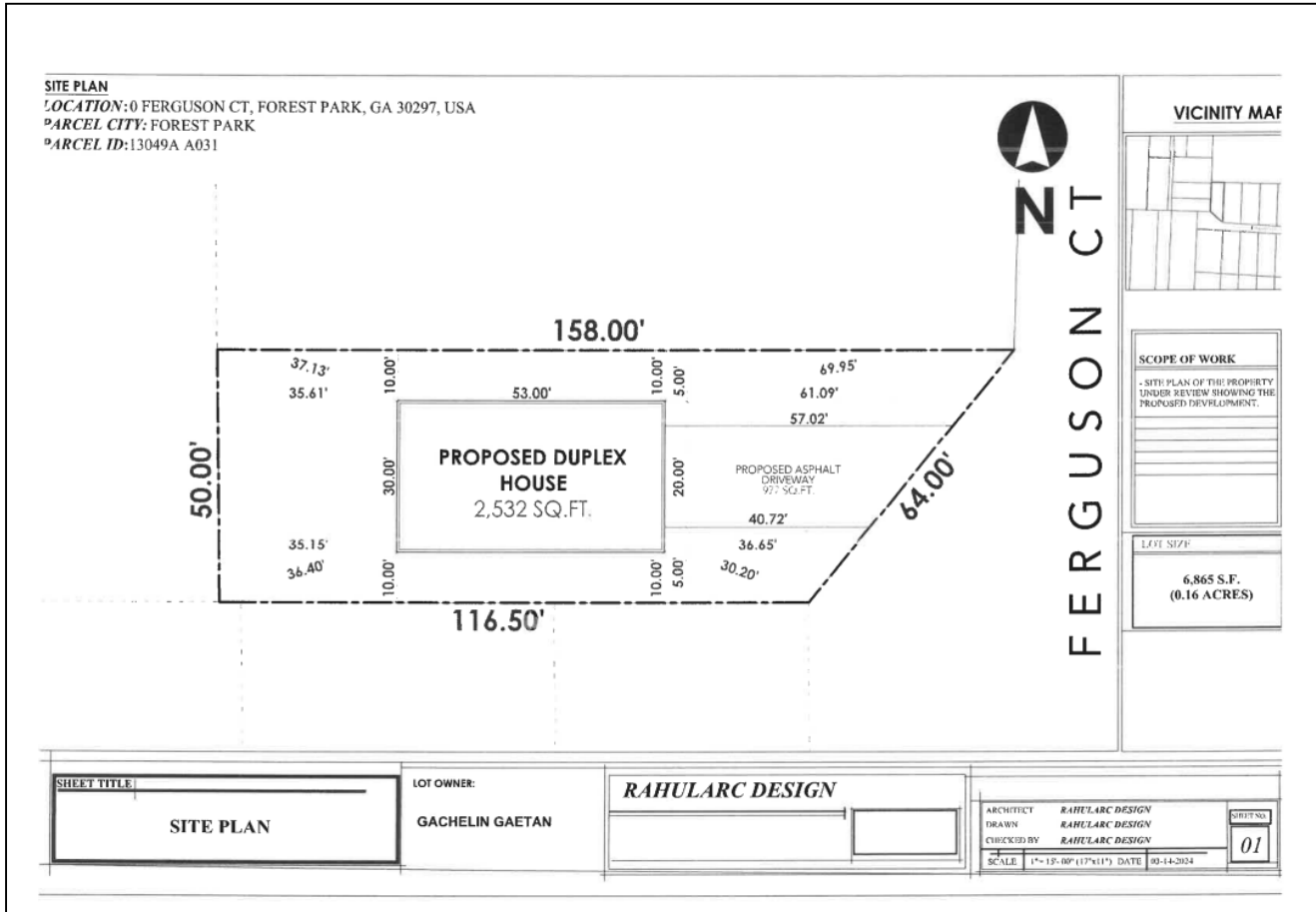
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## SITE PLAN



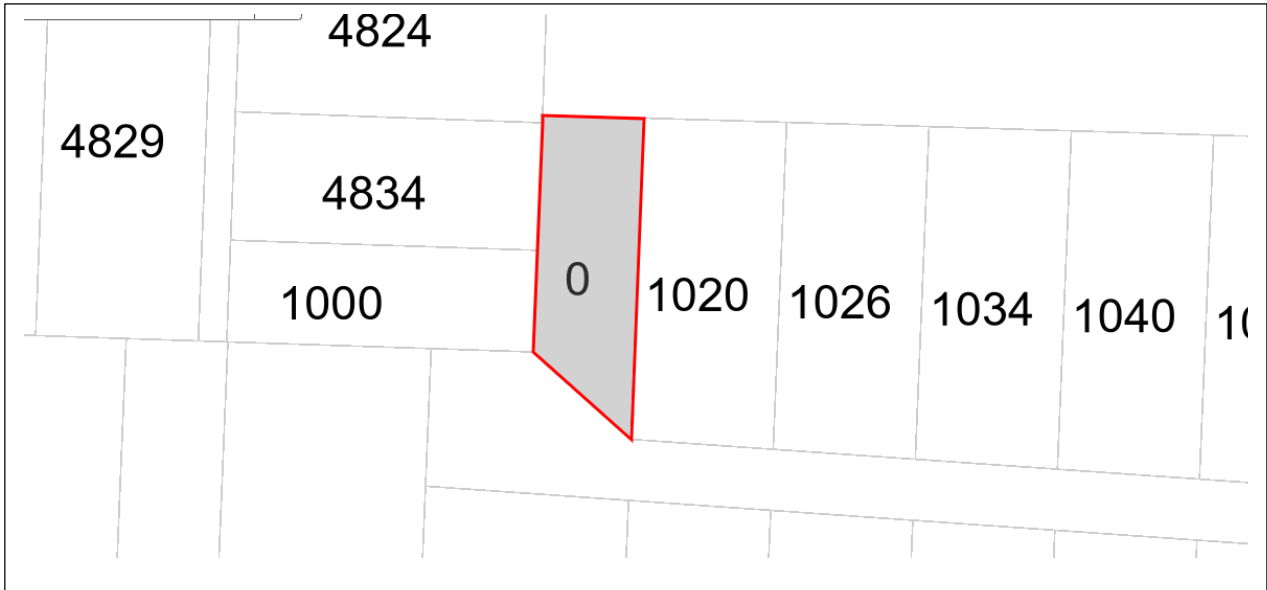


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## BOUNDARY SURVEY





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## PROPOSED STRUCTURE



### 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 currently in the middle of single-family residential and multifamily residential. Although, the future land use map designation is Single-Family Residential for the area, the proposed zoning map amendment is consistent and compatible with the current zoning within the proposed area based on location. Although the size, shape, and location of the property is smaller than the lot to the east of the property, development is possible within the proposed 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



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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 *The proposed amendment may promote the aesthetic effect due to the type of development being proposed. With the new construction duplex being an aesthetically pleasing upgrade to the area, it may promote increased property values and updates to surrounding homes.*

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 *The subject property is adjacent to a neighboring property that is already zoned RM (Multiple-Family Residential to the west. This property is a multifamily apartment complex with several residences. The proposed zoning is commensurate with the existing use of neighboring 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



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Planning staff recognizes that the property is 0.16 acres or 6, 865 square feet, and is small in shape. The current Multiple Family Residential (RM) zoning district requires the following minimum front, side, and rear setbacks if rezoning is approved:

Front: 30 ft.  
Side: 25 ft.  
Rear: 35 ft.

## **Staff Recommendation**

The requested rezoning from RS (Single-Family Residential) to RM (Multiple-Family Residential) zoning category would allow for the construction of the proposed duplex and the request would be compatible with the current zoning to the west of the property. This rezone would also assist with the current housing need within the city of Forest Park by offering additional housing options. If the property is rezoned to RM (Multiple-Family Residential), 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. That the approval to rezone from RS to RM, applicant must be consistent with Sec 8-8-33 Multiple family Residential district (RM) Standards.
  - a. Based on the submitted site plan, applicant must apply for a variance request to allow the reduction of the side yard setback from the required 25 ft to 10ft.
  - b. Based on the submitted site plan, applicant must apply for a variance request to allow the reduction of the rear yard setback from the required 35 ft to 30ft.
  - c. Each Unit proposed should have a parking capacity of two vehicles per unit.
2. That 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.

## STAFF REPORT – Text Amendments

Public Hearing Date: May 16, 2024

City Council Meeting: June 3, 2024

**Case:** TA-2024-03

**Proposed Request:** Text Amendments to The City of Forest Park Zoning Code of Ordinance

**Staff Report Compiled By:** James Shelby, Interim Planning Director

**Staff Recommendation:** Approval to amend Zoning Ordinance

### PROPOSED TEXT AMENDMENTS

The Planning & Community Development is proposing a text amendment to increase the number of units per acre by way of a Conditional Use Permit (CUP) in Article B: Zoning Districts, Overlay Districts, and Design Guidelines Established Section 8-8-54 Special Building Standards for Development Subareas in Downtown, Article G: Zoning Amendments Section 8-8-188 Condition Use Process to clarify and add Standards, appeal process, Withdrawal of Application, and introduce new sections 1-5.

### BACKGROUND

The Downtown Development Authority and the City have received several proposals on properties within the Downtown Mainstreet District. The proposals call for higher density than what is allowed in the Mainstreet Subareas. In response, the Planning and Community Development staff is proposing a text amendment to development standards in the Subareas to allow for greater density with the approval of a Conditional Use Permit (CUP). Conditional Use will require discretionary approval from the City.

The CUP will provide a thoughtful approach to development by providing developers with the flexibility needed to obtain the desired mix of commercial, residential, allowable uses and density on the site. Mixed-use projects that are well designed can provide good quality housing and an active and vibrant commercial corridor.

To achieve the desired development, the applicant may be required to meet a set of conditions to receive a permit. The planning staff will review the proposed conditional uses for compatibility with surrounding properties. As part of that review, certain standards must be met to grant a CUP for higher density consistent with Article G: Zoning Amendments Section 8-8-188 Condition Use Process.

The burden of proof is on the applicant to provide “substantial evidence” to demonstrate that the proposed land use can coexist in harmony with the neighborhood and meet all the required standards in Section 8-8-188 Condition Use Process. A proposal to increase the density in a subarea may be denied if the applicant fails to meet one or more of the standards or if the application does not address concerns. Applicants applying for CUP to increase density in a subarea are required to contact the planning staff to discuss the proposal before submitting an application. Conditional Use Permits are given at the discretion of the City. If the property owner does not meet the conditions agreed upon, the CUP can be revoked.

### PROPOSED TEXT AMENDMENT

As defined by the 2021 Downtown Forest Park Livable Centers Initiative Study, any new development or redevelopment should comply with the following standards:

#### 8-8-54.8 Special Building Standards for Development Subareas in Downtown

In addition to the general development standards in the Downtown Mainstreet District, four distinct subareas are defined for future mixed-use development. These sub areas are defined and delineated in the Downtown Forest Park Livable Centers Initiative Study adopted by the city in 2021. The map is identified below.

- A. **Traditional Downtown Core:** Low-density mixed-use with retail/commercial and single-family attached.
1. Building Height: 2—3 stories.
  2. Residential Density: 6—12 units/acre.
  - ~~3.~~ 3. Residential Density over twelve (12) units/acre requires a Conditional Use Permit pursuant to Sec. 8-8-188
  - ~~3.~~ 4. Commercial size: 3,000—5,000 square feet.
- B. **Mixed-Use Village:** Medium-density mixed-use with retail/commercial and single-family attached and multi-family.
1. Building Height: 3—4 stories.
  2. Residential Density: 15—24 units/acre.
  - ~~3.~~ 3. Residential Density over twenty-four (24) units/acre requires a Conditional Use Permit pursuant to Sec. 8-8-188
  - ~~3.~~ 4. Commercial Size: 6,000—15,000 square feet.
- C. **Mixed-Use Center:** Higher-density mixed-use.
1. Building height: 5—6 stories.
  2. Residential density: 25—35 units/acre.
  - ~~3.~~ 3. Residential Density over thirty-five (35) units/acre requires a Conditional Use Permit pursuant to Sec. 8-8-188
  - ~~3.~~ 4. Commercial size: 16,000—40,000 square feet.



**Sec. 8-8-188. - Conditional use process.**

The following standards and procedures applies apply to conditional use petitions:

- (1) Standards. When considering an application for a CUP, the Planning Staff, Planning Commission, Mayor, and City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at a specific location, and shall consider the extent to which:

(a)The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.

(b) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.

(c) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent developments and neighborhoods.

(d)The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

(e)The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.

(f)The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and neighborhoods.

(g)The proposed use is based on the site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article.

(h)The applicant has agreed to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

No application for conditional use permit shall be granted by the Mayor and City Council unless satisfactory provisions and arrangements have been made concerning each of the above factors and any other applicable factors for specific conditional use permits authorized by this chapter.

- (2) An applicant aggrieved by a denial of a conditional use permit shall have the right to file an appeal in Clayton Superior Court by way of petition for writ of certiorari in accordance with state law.
- (3) Withdrawal of applications by applicant. Prior to the public hearing by the City Council, an applicant may withdraw a zoning application without prejudice by providing written notice to the

City of such request for withdrawal. This written request shall be received no later than the planned publication of the agenda for such hearing. After such a deadline, the hearing will be deemed to have commenced. After the hearing has commenced, the applicant may request to withdraw an application prior to a final decision by the Mayor and Council. Such withdrawal shall be subject to the approval of the Mayor and Council by vote during the hearing of the case. In any case, no application fees will be refunded.

- (4) ~~(4)~~ *Application*. The petitioner shall submit a conditional use application, affidavit, and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
- a. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the conditional use request.
  - b. A letter of intent to the planning commission describing the details of the conditional use request, including, but not limited to:
    1. The ways in which the conditional use shall comply with the applicable development standards of this Code,
    2. The ways in which the conditional use shall be consistent with the required findings of fact described by [section 8-8-186\(1\)](#).
  - c. For proposals using septic systems, a letter from the County Health Department shall be provided verifying that the ~~any~~ proposed new development makes appropriate use of the septic system and will be adequately served.
  - d. For proposals using public sewers, a letter from ~~the service provider~~ [Clayton County Water Authority](#) shall be included verifying that any proposed new development will be served.
- (5) ~~(2)~~ *Notification*. Notification for the scheduled public hearing regarding the conditional use request shall be completed consistent with [section 8-8-185](#), notice of public hearing.
- (6) ~~(3)~~ *Public hearing*. The planning commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the conditional use application, and the required supportive information.
- a. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
  - b. The planning commission shall consider a report from the ~~director~~ [Planning Staff](#), testimony from the petitioner, and testimony from the public and interested parties at the hearing.
  - c. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the rules and procedures of the planning commission.

- d. The planning commission shall either forward the petition to the mayor and city council with a favorable recommendation, a favorable recommendation an unfavorable recommendation, or no recommendation, or table the request.
    1. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below in this article.
    2. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in this article.
    3. The petition may be forwarded with no recommendations if, by a majority vote of the commission, it is determined that the petition includes aspects which the commission is not able to evaluate.
- (7) (4) Certification. The ~~director~~ Planning Staff shall certify the planning commission's recommendation and staff report to the mayor and city council.
- (8) (5) Mayor and city council hearing. The mayor and city council shall hold a public hearing and vote on the proposed conditional use permit.