

AGENDA

REGULAR MEETING OF MAYOR AND COUNCIL OF APRIL 16, 2018

6:00 P.M. Work Session

- Call to Order Mayor Butler
- City Manager's Report Angela Redding
- Aerotropolis Presentation
- Discussion of Recreation fees for residents Councilwoman James
- Discussion of contest for Forest Park High School students for a slogan for City
- Discussion of a change in the allotted time for public comments during Regular Council Meetings
- Discussion of adding Governing Body's comments to the minutes of the meeting
- Adjournment

- I. Call to Order – 6:30 p.m.
- II. Invocation
- III. Pledge of Allegiance
- IV. Roll Call
- V. Comment Period
- VI. Approval of Minutes
 1. Work Session of Mayor & Council of April 2, 2018
 2. Regular Meeting of Mayor & Council of April 2, 2018
- VII. Recess for a Public Hearing
- VIII. Open a Public Hearing to receive comments on the rezoning request of 4423 Jonesboro Road from R-80 (Residential) to C-1 (General Commercial)

BACKGROUND AND SUMMARY: Request has been made to rezone 4423 Jonesboro Rd (ID #13017C C002) from R-80 (residential) to C-1 (General Commercial). The applicant is proposing to rezone this property to allow the site to be developed as a retail building with community serving tenants. The property with the vacant residence is sitting on 3.5 acres.

- IX. Close Public Hearing and reconvene meeting
- X. Agenda Items
 - 1. Consider the rezoning request of 4423 Jonesboro Road (ID #13017C C002) from R-80 to C-1
 - 2. Consider request for Appeal of Ethics Board Decision – LaWanda Folami
- XI. Executive Session for Personnel, Litigation, and Real Estate Matters
- XII. Legal Matters
- XIII. Comments by Governing Body
- XIV. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF APRIL 2, 2018

Call to Order: The Work Session of Mayor and Council of April 2, 2018 was called to order by Mayor Angelyne Butler at 6:00 p.m.

Present: Mayor Angelyne Butler and Councilmembers Kimberly James, Dabouze Antoine, Sandra Bagley, Latresa Wells and Allan Mears.

Also present were City Manager Angela Redding, Director of IT Darren Duke, Director of Public Works Jeff Eady, Interim Director of Planning and Zoning David New, Director of Recreation and Leisure Services Elaine Corley, Chief Eddie Buckholts, Director of Support Services Christine Terrell, Major Jamie Reynolds, Chief Dwayne Hobbs and City Attorney Mike Williams.

City Manager's Report: Ms. Redding gave the following report:

Status of Forest Park and Clayton County Land Bank – Ms. Redding stated we have two seats open on the Board, one typically filled by the Planning and Zoning Director, which is still vacant. She stated we do not have any property listed with the Land Bank.

Status of Taj Mahal property/Briarwood Apts. On Conley Road – Mr. New stated the Taj Mahal property has been dilapidated for many years and the last activity included the owner being brought to court, in which a court order was issued in July 2011, to secure the property, continue to maintain it and keep it secure. The condition of the buildings are deplorable. An abatement was issued in 2010 for these apartments as well as Briarwood Apartments and due to the cost and asbestos issue, nothing was done. He stated an order to abate the Briarwood Apartments was issued in January 2017, and again, the costs were too expensive. Taxes are delinquent as of 2003, and Public Works has liens on the property. Mr. Eady stated this property requires a lot of work and is a massive undertaking every time his department cleans it up.

Status of guardrails and other safety devices along Old Jonesboro Road - Mr. Eady stated estimates were received when the guardrail was designed in the amount of \$20,000, the project was bid and only 1 bid was received. He stated he put the project back out to bid which will be due April 20th and is hoping to get a more competitive process. He stated 80% of the funding will come through GDOT and the balance will come from SPLOST funds.

Discussion of Aerotropolis - Ms. Redding stated the City participates in regards to the greenspace trail that is currently underway as well as Wayfinding Signage. She stated we have been approached about making a greater investment in the Alliance. She presented the investor levels for the group. The goal of this Alliance is to spur economic development in the region and the City would be able to participate and receive some of the funding this agency receives in regards to cleaning streetscape areas and interstates. Ms. Redding recommended the \$5,000 level, and the City would then be considered for a Board of Directors seat.

Mayor Butler stated she is in favor of this, due to the fact there is a lot of development in Forest Park and having someone at the table to advocate for the City to bring funds and opportunities here is key to the growth and development of the City. Ms. Bagley asked what the current commitment level is and where the money is coming from. Ms. Redding stated it is currently \$500 for the Greenway Trail. She stated funding is received from GDOT, and also matching funds from the participants in Aerotropolis Atlanta. Ms. Wells stated the City would pay an additional \$4,000 for a Board of Directors seat. Ms. Redding stated the City is not at the investor level, the money paid has been to join with Aerotropolis for the Greenway Plan as well as the Wayfinding Signage, only projects that would benefit the City. Ms. Wells asked who would be selected to become a Board Member. Ms. Redding stated that decision will be up to the Governing Body.

Ms. Bagley asked for a representative from Aerotropolis to speak to the governing body and explain the different investor levels and the benefits to the City at each level.

Update on Forensic Audit and HR Audit: Ms. Redding stated copies of bids were distributed for review by the governing body, 6 bids for the forensic audit and 1 bid for the HR audit.

Ms. Redding reminded everyone that for Ga. Cities Week we will have two tours of Ft. Gillem, April 25th and April 26th, beginning at 9 a.m.

Discussion of Food Trucks – Ms. Bagley stated since the weather is getting better, we will definitely be pursuing this again this year.

Agenda Items: *Ordinance amending the Code of Ordinances, City of Forest Park, Georgia with respect to the Penalty for Possession of less than an ounce of Marijuana:* Mr. Antoine stated this Ordinance does away with jail time and only provides a fine. Ms. Wells stated this does not legalize marijuana, and people make mistakes and shouldn't have to suffer the rest of their lives.

Mr. Williams stated this Ordinance mirrors the City of Atlanta's ordinance. It is generally consistent where a lot of cities in the nation are headed. This does not legalize it, only reduces the penalty substantially. Mayor Butler discussed the present 21 and under program offered through our courts, for the youth charged for this. She explained the process they must abide by and the fine is reduced and this in turn does not go on their record. She stated for adults, they can use their first offender right, they go through the process and it is not on their record as well.

Ms. James asked Chief Hobbs what the minimum and maximum fine is for an arrest of an ounce or less of marijuana. Chief Hobbs stated depending on the circumstances, the judge can exercise his discretion and reduce the charge. He said \$718 is the standard fine but if they meet all the terms and conditions of their probation, that is mitigated as well and there is no jail time. If they violate the terms of probation or are repeat offenders, then it is an escalated process.

Mayor Butler asked if officers could circumvent the local law and write the citation at the State level. Chief Hobbs stated yes.

Ms. Bagley asked Chief Hobbs how do officers determine who is in violation of this offense. He stated any arrest made, there must be probable cause.

Mr. Mears stated he felt like the people of Forest Park are satisfied with the way Forest Park is. He stated he didn't feel that lessening the fine will detour the habit.

Ordinance amending the Code of Ordinances, City of Forest Park, Georgia, with respect to Adult Entertainment: Ms. Wells stated once the hours of operation to sell alcohol were extended for businesses in the City, we were aware this would come up for adult entertainment establishments, and felt it was fair. Mr. Antoine stated these businesses support the community and he supports this Ordinance. Ms. James stated this establishment signed a 15 year agreement to abide by the present Ordinance in 2015, and after speaking with members of her community, they all objected to this change.

Ms. Wells asked the City Attorney for the fees paid to the City by these two adult entertainment establishments. Mr. Williams stated the agreement provides for payment to the City to acquire the license to operate for each year for 15 years, the first few years it is \$30,000 per establishment, and then goes up to \$40,000 then \$50,000 per business per year.

Mr. Mears stated this is a moral issue and this is something that should not be changed at this time. Ms. Wells stated she is pro business and is for every business. Ms. Bagley stated this is a matter of choice, but based on the citizens calling her, felt we should not extend the hours on Sunday.

Executive
Session:

Ms. Wells made a motion to enter into Executive Session following the agenda items to discuss personnel issues and litigation, seconded by Mr. Antoine. Voting for the motion were Ms. Bagley, Mr. Antoine, Ms. Wells and Ms. James. Voting against the motion was Mr. Mears. The motion carried.

Adjournment:

Ms. James made a motion to adjourn, seconded by Ms. Wells. Voting for the motion was unanimous.

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF APRIL 2, 2018

Call to Order: The Regular Meeting of Mayor and Council of April 2, 2018 was called to order by Mayor Angelyne Butler at 7:05 p.m.

Invocation: The invocation was given by Reverend Clinksdale followed by the Pledge of Allegiance to the American Flag.

Roll Call: Present were: Mayor Angelyne Butler and Councilmembers Kimberly James, Dabouze Antoine, Sandra Bagley, Latresa Wells and Allan Mears.

Also present were City Manager Angela Redding, Director of IT Darren Duke, Director of Public Works Jeff Eady, Interim Director of Planning and Zoning David New, Director of Recreation and Leisure Services Elaine Corley, Chief Eddie Buckholts, Director of Support Services Christine Terrell, Major Reynolds, Chief Dwayne Hobbs and City Attorney Mike Williams.

Comment Period: Mr. Carl Evans – stated you will not find anyone in law enforcement that is for the marijuana issue on the agenda. He stated there is a reason we have the laws in place and we should not be changing them.

Mr. Roy Lunsford – asked if the City has any money invested in the places that need to be demolished as far as ownership and if not, give them to the Land Bank. He stated the Aerotropolis has provided nothing in the past, and asked once the audit is completed, will the City Council take care of what the audit reveals.

Lisa Duke - encouraged the City to participate in the Aerotropolis project and felt it would be very healthy for the City and felt we should embrace the fact we are a part of metro Atlanta and get some of that success for ourselves.

Gregory Haynes – commended the elected officials for listening to their comments, and wants to open the recreation facilities to our youth.

Dianne Lunsford - felt Judge Freeman's program should work for the City without changing the ordinance, and stated she is ashamed of our city leaders, city attorney and citizens for their actions and behavior at the Development Authority meeting last Wednesday.

Samuel Ibenez – stated we need to support our children, also businesses need to be treated fairly, and as far as the apartments, we need investors, painters, carpenters, etc. to get involved.

Felicia Davis – stated we want to be a family oriented city, and was not in favor of the alcohol sales on Sunday for adult entertainment establishments.

LaWanda Folomi – stated the marijuana issue is a roller coaster, but we should consider the safety of our officers.

Elder Wanda and Reverend Mike stated they are part of the Forest Park Ministers Association and on April 21st at Paradise Church, we are doing our community clean up and invited everyone to come out and help.

Mr. Willie Finch - commended Mr. Rashmir for doing so much for this city and his church.

Approval of
Minutes:

Mr. Mears made a motion to approve the minutes of the Work Session and Regular Meeting of March 19, 2018, seconded by Ms. Bagley. Voting for the motion was unanimous.

Ordinance-
Possession of
Marijuana:

Request was made to consider an Ordinance amending the Code of Ordinances, City of Forest Park, Georgia with respect to the Penalty for Possession of less than an ounce of Marijuana; to repeal conflicting Ordinances; to provide an effective date; and for other purposes.

Mr. Dabouze made a motion to table this Ordinance, seconded by Ms. Wells. Voting for the motion were Mr. Dabouze, Ms. Wells and Ms. James. Voting against the motion were Mr. Mears and Ms. Bagley. The motion carried.

Resolution-
Ga. Cities Week:

Request was made to consider a Resolution of the City of Forest Park Recognizing Georgia Cities Week, April 22-28, 2018, and Encouraging all Citizens to support the Celebration and Corresponding Activities.

Mr. Dabouze made a motion to approve this Resolution, seconded by Ms. Wells. Voting for the motion was unanimous.

Ordinance -
Adult
Entertainment:

Request was made to consider an Ordinance amending the Code of Ordinances, City of Forest Park, Georgia, with respect to Adult Entertainment; to repeal conflicting Ordinances; to provide an effective date; and for other purposes.

Mr. Dabouze made a motion to approve this Ordinance, seconded by Ms. Wells. Voting for the motion were Mr. Dabouze and Ms. Wells. Voting against the motion were Mr. Mears, Ms. James and Ms. Bagley. The motion failed.

Executive
Session:

Ms. Wells made a motion to recess the Regular Meeting and enter into Executive Session to discuss litigation and personnel matters, seconded by Ms. James. Voting for the motion was unanimous.

The Governing Body entered into Executive Session at 7:27 p.m.

Ms. Bagley made a motion to adjourn the Executive Session at 8:20 p.m. and reconvene the regular meeting, seconded by Ms. Wells. Voting for the motion was unanimous.

Adjournment:

Ms. James made a motion to adjourn, seconded by Ms. Wells. Voting for the motion was unanimous.

Planning Commission

Minutes

April 9, 2018

- Call To Order:** Chairman Darnell Moorer called the meeting of the Planning Commission to order at 6:01 p.m. on Monday, April 9, 2018.
- Roll Call:** Darnell Moorer - Chairman, Don Wright, Janice Colvin, Ray Goodman and Gail Brooks, Secretary were present. Also present was David New, Interim Director of Planning, Building & Zoning.
- Approval of Minutes:** Don Wright made a motion to approve minutes from February 22, 2018. Janice Colvin seconded the motion. Voting on the motion was unanimous.
- Old Business:** No Old Business.
- New Business:**
- Item 1:** Consider a rezoning of 4423 Jonesboro Road from R-80 to C-1.

David New presented the staff report. He stated the proposed property is a vacant single family home. The applicant is proposing to rezone the property from R-80 to C-1 and develop a small retail building. The lot is 3.5 acres and is a prime location for commercial property in the City. It is believed rezoning to C-1 would be the best use of this residential property that is currently a vacant residence.

Archie Wanamaker from Crim and Associates, a commercial real estate firm represented the owners as the applicant. He stated the owners of the property wanted to develop a small retail space. He stated there would be a 50' buffer added on the church side of the property and a 15' foot buffer on the remaining two sides. In addition, the intention is to add a decel lane for turning into the retail parking lot to decrease congestion and traffic at this intersection. Ms. Colvin asked what type of businesses were they intending to occupy the building. Mr. Wanamaker stated they would be businesses for convenience and every day needs, i.e. restaurant, retail catering to convenience of daily needs. The applicant stated there is a list of restricted uses on the application and they could add to the list if need be.

Naeem Thobhani of 539 Evergreen Drive stated he opposed the rezoning because he feels it will cause problems with the traffic and congestion in this area. With a daycare, hotel and church surrounding this property, the traffic would be too congested and people would be driving down the side streets to avoid the traffic congestion. In addition, he stated the property hasn't sold because it is priced too high.

Don Wright made a motion to approve the rezoning of 4423 Jonesboro Road from R-80 to C-1. Janice Colvin seconded the motion. Voting was unanimous.

Other Business: No other business.

Adjournment: There being no further business, the meeting was adjourned.



CITY OF FOREST PARK

Planning, Building and Zoning

785 Forest Parkway

Forest Park, Georgia 30297

(404) 608-2303 fax (404) 608-2305

www.forestparkga.org

To: Planning Commission Members

From: Gail Brooks, Administrative Assistant

Date: March 15, 2018

Subj.: Agenda

Please see the agenda items below for the Planning and Zoning Board meeting on Monday, April 9th, 2018 at 6:00 p.m. in the Courtroom located at 785 Forest Parkway, Forest Park, Ga. 30297.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES:

Approve the minutes of the February 22, 2018 meeting.

OLD BUSINESS:

NEW BUSINESS:

Item 1.

Consider a rezoning of 4423 Jonesboro Road from R-80 to C-1.

OTHER

BUSINESS:

ADJOURNMENT:



REZONING APPLICATION

**DEPARTMENT
OF
PLANNING, BUILDING & ZONING
785 FOREST PARKWAY
FOREST PARK, GA. 30297
404-608-2303**

CITY OF FOREST PARK, GA.

**DEPARTMENT
OF
PLANNING, BUILDING & ZONING
785 FOREST PARKWAY
FOREST PARK, GA. 30297**

AL WIGGINS, DIRECTOR

404-608-2303

404-608-2306 (FAX)

**SUBMITTAL CHECKLIST FOR
REZONING APPLICATION**

- Submit complete **APPLICATION** with notarized signatures.
- Submit **AUTHORIZATION(S) OF PROPERTY OWNER(S)**.
- Submit notarized **AUTHORIZATION(S) OF ATTORNEY**, if an attorney is filing the application on behalf of a property owner.
- Submit **LETTER OF INTENT**.
- Submit a copy of a **SURVEY PLAT** of the property to be considered.
- Submit a written **LEGAL DESCRIPTION** in metes and bounds.
- Submit a conceptual **SITE PLAN** drawn to scale depicting the proposed use of the property including:
 - A correct scale and north arrow;
 - The proposed land use and building outline as it would appear should the zoning map amendment application be approved;
 - The present zoning classification of all adjacent parcels;
 - The gross square footage of all proposed buildings;
 - The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
 - The location of all required off-street parking and loading spaces, including number of spaces and driveway dimensions;
 - Required yard setbacks appropriately dimensioned;
 - The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation if required.
- File application with the Forest Park Planning, Building & Zoning Dept.
- Pay application fee. **(\$250.00)** Make check payable to the City of Forest Park.
- The Planning, Building & Zoning Dept. will not accept an incomplete application.
- Submittal of partial or incomplete applications will not be considered for placement on the Planning Commission agenda until the application is accepted as complete and the appropriate fee paid.

CITY OF FOREST PARK, GA.
PLANNING, BUILDING & ZONING DEPT.
REZONING APPLICATION

Name of Applicant: Archie Wanamaker

Mailing Address: 210 Sandy Springs Place, NE, Atlanta, GA 30328

Telephone: 678-516-6958 _____ Mobile _____

Property Owner(s) James E. Matheson and James E. Matheson, Executor of the Georgia J. Matheson Estate

Mailing Address 305 Chestatee Court, Woodstock, GA 30188

Telephone 770-751-0773 _____ Mobile _____

Address/Location of Property:

4423 Jonesboro Road, Forest Park, GA

Map # 13017C Size of Property: Square foot _____ Acres: 3.5

Present Zoning Classification: R-80 Proposed Zoning Classification: C1

Present Land Use: Single Family Home (vacant)

Proposed Land Use: Retail Building

I hereby make application to the City of Forest Park, Georgia to rezone the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Forest Park, Georgia reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Forest Park's ordinances in full. I hereby acknowledge that all requirements of the City of Forest Park shall be adhered to. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Forest Park, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]

Applicant's Signature / Date

Sworn to and subscribed before me

This 13TH day of March, 2018.

Jesia M. Cobb
Notary Public



AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

4423 Jonesboro Road, Forest Park, GA 30298

City of Forest Park, County of Clayton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN PURSUIT OF A REZONING OF THE PROPERTY.

Name of Applicant: Archie C. Wanamaker


Address of Applicant: 210 Sandy Springs Place, Atlanta, GA 30328

Telephone of Applicant: 678-516-6958


Signature of Owner

James E. Matheson and
James E. Matheson Executor of Georgia J. Matheson
Estate Print Name of Owner

Personally Appeared Before Me this 13TH day of March, 20 18.


Notary Public



CITY OF FOREST PARK, GA.
PLANNING, BUILDING & ZONING DEPT.
REZONING APPLICATION

Date: March 13, 2018

AGENT
AUTHORIZATION OF ATTORNEY

AGENT FOR THE OWNER,
**THIS SERVES TO CERTIFY THAT AS AN ~~ATTORNEY-AT-LAW~~, I HAVE BEEN
AUTHORIZED BY THE OWNER(S) TO FILE THE ATTACHED APPLICATION FOR
REZONING OF THE PROPERTY LOCATED AT:**

4423 Jonesboro Road, Forest Park, GA 30298

City of Forest Park, County of Clayton, State of Georgia

Archie C. Wanamaker

**Name of ~~Attorney~~
Agent**

210 Sandy Springs Pl.

Atlanta, GA 30328

Address

678-516-6958-cell

Telephone

CITY OF FOREST PARK, GA.
PLANNING, BUILDING & ZONING DEPT.
REZONING APPLICATION

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND GIFTS

Application filed on March 14, 20 18 for action by the City Council on the following rezoning:

Address to be rezoned 4423 Jonesboro Road, Forest Park, GA 30298

All individuals, business entities or other organizations having a property or other interest in said property that is subject of this application are as follows:

N/A

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Forest Park City Council? Yes _____ No X

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date of Contribution (Within last two (2) years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

[Signature]
Signature of Applicant

Archie C. Wanamaker-Agent
Type or Print Name and Title

Signature of Applicant Representative

Type or Print Name and Title

[Signature]
Signature of Notary

3/13/18
Date

(Affix Seal Here)



LETTER OF INTENT

In detail, provide a summary of the proposed project in the space provided below. Include the proposed use of each existing or proposed building, and the proposed land use.

The only building currently on the property is a single-family home which is currently vacant. Applicant is proposing to rezone the property to C1 in order to allow the site to be developed as a retail building with community serving tenants. The existing driveway which is along the north property line, will be removed and replaced with a new driveway that lines up with the driveway of the convenience store across the street. In addition, a 150-foot deceleration lane plus 50-foot taper will be provided to improve the access to the property. Along the left/south property line a 15-foot buffer is required, however the applicant is proposing to increase the buffer on the property line to 50 feet in order to provide enhanced screening between the subject property and the church.

In terms of architecture, the proposed building will be full height brick on all 4 sides and will also include awnings and columned reveals which will provide for a visually appealing building, above and beyond the current architectural requirements of the community.

What are the reasons the property cannot be used in accordance with the existing regulations?

It's currently a single-family home that is currently vacant sitting on 3.5 acres of prime commercial property in the City. The current driveway for the home is located directly on Jonesboro Road at a 5 pointed intersection (~19,000 vehicles per day) without access to the traffic light. Thus a resident of the home has to essentially make an illegal turn into or out of the property, crossing a busy highway with cars coming from 5 different directions without knowing what color the light is in either direction. Additionally, the property falls directly underneath Hartsfield Jackson's final approach to runways 3 & 4 so the noise pollution from the jets makes this a terrible location for people to live. It's shown on the Forest Park Comprehensive Plan as an area requiring special attention along the Highway Commercial Corridor as it falls within the FAA's 65 DNL Noise corridor. Within this corridor the FAA recommends industrial/commercial uses as residential uses would require special noise attenuating construction. The applicant strongly believes the highest and best use is retail/commercial as the home is unsuitable and unsafe for residential use due to the above stated reasons.

Will the proposed zoning change, create an isolated zoning district that is unrelated to adjacent and nearby districts? Yes: _____ No: x

If so, why should this property be placed in a different zoning district than all adjoining property?

How would the proposed zoning change impact on public facilities and services?

Given the commercial use, the proposed use will not provide any burdensome impact on existing schools. The C1 designation and proposed development should provide a normal level of use/burden on existing transportation infrastructure, streets and utilities. There is already a MARTA bus stop directly in front of the site and recently installed pedestrian crossing facilities are currently in place.

What environmental impacts would the proposed project have?

No environmental impact is expected. EPD approved stormwater detention will be provided and the location of the proposed building was positioned to eliminate the need for removing the larger trees on the property. By increasing the rear planted buffer from 15 feet to 50 feet the applicant is providing additional trees and landscape above and beyond what is required for a commercial development in the City of Forest Park.

Describe the effect the proposed zoning request will have on the adjacent properties and how it will impact the character of the neighborhood.

The property is triangular shaped. It is bordered along the front by Jonesboro Road (19,000 VPD) and College Street. Across the right of way of each of these roads are a multitude of commercial uses. Directly across College Street is a convenience store. Across Jonesboro Road is a large shopping center and a self-storage/Uhaul facility. Immediately adjacent to the north property line is a motel and a daycare. Along the left/south side is a large church with associated parking lot. No impact to the character of the neighborhood is expected, in fact the Applicant believes removing the current vacant home and replacing it with a retail building with enhanced architecture will help set an architectural precedent for future developments along the Jonesboro Road corridor.

Are there any proffered conditions you would like to apply to and be made part of this application for rezoning? Yes ☒ No ☐

Please list any written proffered conditions below.

The proposed building will be full height brick on all 4 sides and will also include awnings and columned reveals. See rendering included with the application as an example of the architecture to be provided.

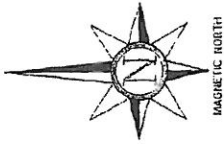
Restrict the Property from being utilized by the following uses:

- Billiards and pool halls
- Carwashes
- Emissions or inspection stations
- Freestanding climate-controlled self-service facilities
- Designated recycling collection locations
- Full service gasoline stations
- Light automotive repair
- Radio television and other communication towers and antennas
- Self-service fuel sales

A 50-foot undisturbed buffer will be provided along the south property line between the subject property and the church. Also included along the buffer line will be a 6 foot wooden fence to provide additional screening.

Any development and site plans or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application as follows: (Please include a date or other identifiable information of each piece of material attached)

N/a



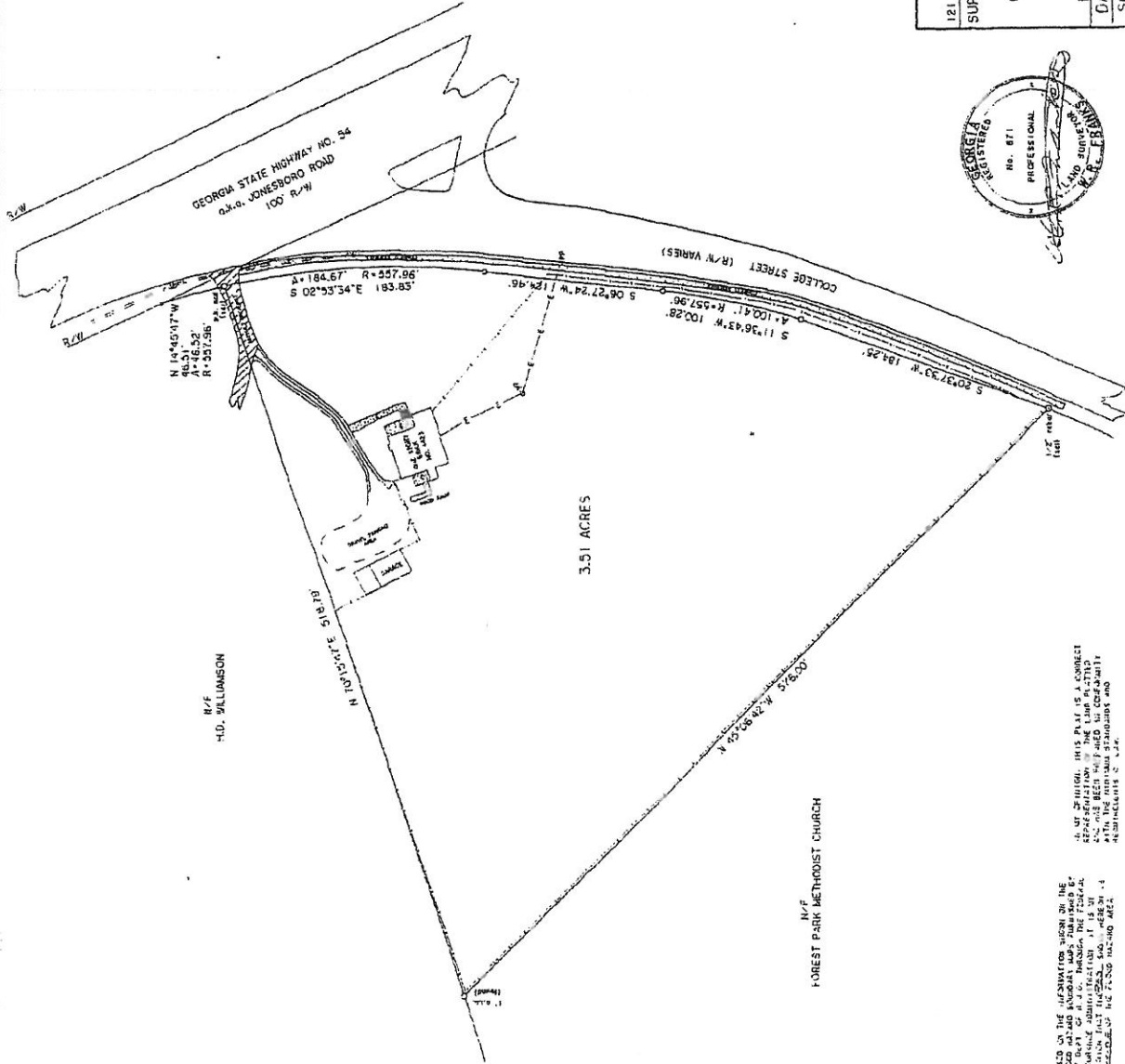
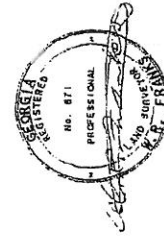
MAGNETIC NORTH

25' 0 50'
SCALE 1" = 50'

Franks & Associates
121 North Main Street Jonesboro, Georgia 30235 (770)471-
SURVEY FOR:

GEORGIA J. MATHESON AND JAMES EDWARD MATHE
3.51 ACRE TRACT

LOCATED IN
LAND LOT 17 13TH DISTRICT CLAYTON COUNTY,
DATE 06-18-99 DWH BY JPJ CWC NO.
SCALE 1" = 50' CHK'D BY PLF 95-100
L-70



ALL INFORMATION HEREON IS THE PROPERTY OF R. E. FRANKS & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF R. E. FRANKS & ASSOCIATES, INC.

N/F
FOREST PARK METHODIST CHURCH

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 17, 13th District, City of Forest Park, Clayton County, Georgia and being more particularly described as follows:

Beginning at the intersection of the Western Right-of-Way line of Jonesboro Road (100' Right of Way) and the Western Right-of-Way line of College Street (Right-of-Way Varies), said point being the TRUE POINT OF BEGINNING;

Thence traveling along said Right-of-Way of College Street, along an arc of a curve to the right, an arc length of 143.50 feet, said curve having a radius of 791.90 feet and being subtended by chord bearing South 07 degrees 28 minutes 16 seconds East, a distance of 143.30 feet to a point;

Thence traveling along said Right-of-Way of College Street, along an arc of a curve to the right, an arc length of 181.14 feet, said curve having a radius of 1254.17 feet and being subtended by chord bearing South 07 degrees 47 minutes 39 seconds West, a distance of 180.98 feet to a point;

Thence continuing along said Right-of-Way, along an arc of a curve to the right, an arc length of 281.51 feet, said curve having a radius of 869.37 feet and being subtended by chord bearing South 18 degrees 42 minutes 45 seconds West, a distance of 280.28 feet to a point;

Thence leaving said College Street Right-of-Way, North 42 degrees 41 minutes 24 seconds West, a distance of 566.58 feet to a point;

Thence North 70 degrees 15 minutes 47 seconds East a distance of 510.43 feet to a point on the Western Right-of-Way line of Jonesboro Road (100' Right-of-Way); said point being the TRUE POINT OF BEGINNING.

Said tract containing 3.5 acres or 153.128 square feet.

PRELIMINARY SITE PLAN

CITY/STATE - STREET
FOREST PARK, CLAYTON COUNTY, GEORGIA - COLLEGE STREET

DEVELOPER	DESIGNER	DATE
BUDG. \$7,740	COMPANY: ROCHSTER & ASSOC.	03-07-18
ACREAGE: 3.5	NAME: JAMES E. MATHESON	
PARKING SPACES: 39	PHONE #: (770) 751-0773	
	PHONE #: (770) 718-0800	

LAND LOT 17, 13TH DISTRICT

NOTES:

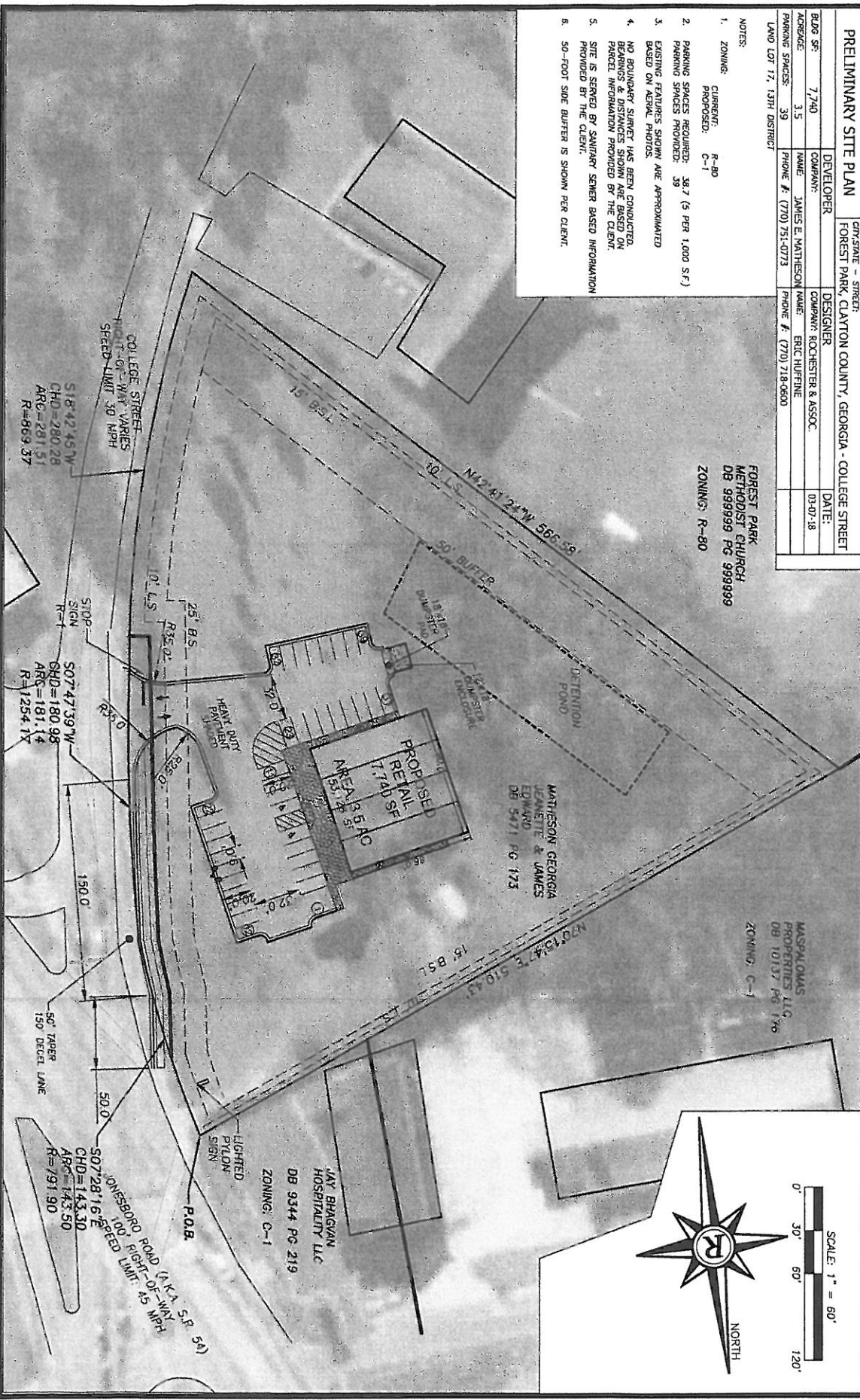
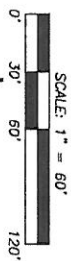
1. ZONING: CURRENT: R-80 PROPOSED: C-1
2. PARKING SPACES REQUIRED: 38.7 (5 PER 1,000 S.F.)
3. PARKING SPACES PROVIDED: 39
4. EXISTING FEATURES SHOWN ARE APPROXIMATED BASED ON AERIAL PHOTOS.
5. NO BOUNDARY SURVEY HAS BEEN CONDUCTED. BEARINGS & DISTANCES SHOWN ARE BASED ON PARCEL INFORMATION PROVIDED BY THE CLIENT.
6. SITE IS SERVED BY SANITARY SEWER BASED INFORMATION PROVIDED BY THE CLIENT.
7. 50-FOOT SIDE BUFFER IS SHOWN PER CLIENT.

FOREST PARK
METHODIST CHURCH
DB 999999 PG 999999
ZONING: R-80

MASPOLONAS
PROPERTIES LLC
DB 10137 PG 176
ZONING: C-1

MATHESON GEORGIA
JEANETTE & JAMES
EDWARD
DB 5471 PG 173

JAY BHAGVAN
HOSPITALITY LLC
DB 9344 PG 219
ZONING: C-1





Constitutional Objections

Rezoning of approx. 3.5 acres on Jonesboro Road with an address of 4423 Jonesboro Road, Forest Park GA owned by James E. Matheson, Parcel# 13017CC002 (the "Property"), City of Forest Park, Georgia

The portions of the Zoning Resolution of City of Forest Park, Georgia, also variously known as the Zoning Code of Forest Park, Georgia and/or Official Zoning Map of City of Forest Park, that classify, or that may classify the Property, into the zoning classification of R-80 Residential as it presently exists violate the Applicant's right to the unfettered use of the property in that the existing zoning classification limiting use of the land and improvements to a district with only a narrow range of uses, which are no longer economically viable for the market area within which the property lies and does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classification is unconstitutional in that it is arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

The portions of the City of Forest Park Zoning Resolution and Zoning Map that classify, or that may classify the Property, into any zoning district other than the C1 General Commercial District category requested by the Applicant or to any of the other zoning districts of the City which specifically allow for Retail and Restaurant uses, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the City of Forest Park Zoning Resolution/Zoning Code of City of Forest Park or Zoning Map to the Property that restricts its use to any zoning classification other than the category requested by the Applicant or an equivalent category of equal utility for C1 General Commercial District is unconstitutional, illegal, null and void because such an application constitutes a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the City of Forest Park City Council without any rational basis, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by City of Forest Park to amend the official Zoning District Map of City of Forest Park, as it relates to the Property, to the zoning categories requested by the Applicant, or an equivalent category of equal utility for Retail and Restaurant uses in the manner requested by the Applicant use would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Any change in the designation of the Property by the Official Zoning Map of the City of Forest Park that subjects the Property to conditions that are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

A denial of this Application or approval subject to more restrictive conditions than those requested by the Applicant will give rise to a claim by the Applicant for the monetary damages in the amount of the diminution in value of the Property caused by the restrictions, on the theory, among others, of inverse condemnation in that the Applicant's Property has been taken without the payment of just compensation in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States and Article I of the Constitution of the State of Georgia of 1983. This notice is being given to comply with the provisions of O.C.G.A. § 36-11-1.



Staff Report- Rezoning Petition

City of Forest Park
Planning, Building and Zoning Department
785 Forest Parkway, Forest Park, Georgia
(404) 608-2300

Date: April 3, 2018

Case: Z-2018-003

Current Zoning: R-80

Proposed Rezoning: C-1

Staff Report Compiled By: David New, Interim Director

Staff Recommendation: Approval

Hearing Dates: Planning Commission 4/9/2018

Mayor and Council April 16, 2018

Applicant Information

Owner of Record:

Name: James Matheson

Address: 305 Chestatee Court

City/State/Zip: Woodstock, GA 30188

Applicant:

Name: Archie Wanamaker

Address: 210 Sandy Springs Place, NE

City/State/Zip: Atlanta, GA 30328

Property Information

PIN (s): 13017C C002

Acreage: 3.54 acres

Address: 4423 Jonesboro Road

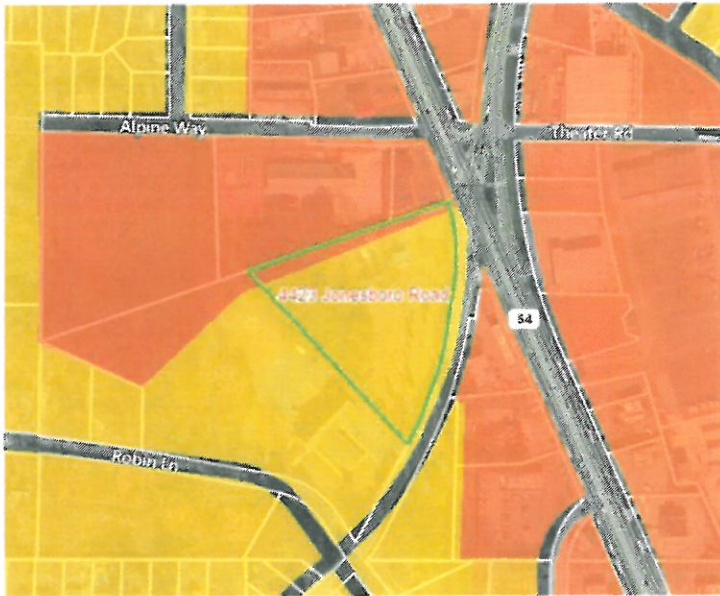
Summary

Currently, there is a single family residence at this location which is vacant. The applicant is proposing to rezone the property to C1 in order to allow the site to be developed as a retail building with community serving tenants. The property with the vacant residence is sitting on 3.5 acres and is in a prime location for commercial property in the City.

History and Background

The subject property current has a single-family residence that is vacant. The property is prime location for commercial property as it is currently surrounded by Commercial properties. It is owned by James Matheson who is the Executor to Georgia Matheson Estate. Archie Wanamaker with Crim and Associates is the acting agent for the owner. The intentions are to rezone the property from R-80 to C-1 in order to develop an all brick retail building. The building will be approximately 7,740 square feet of retail space.

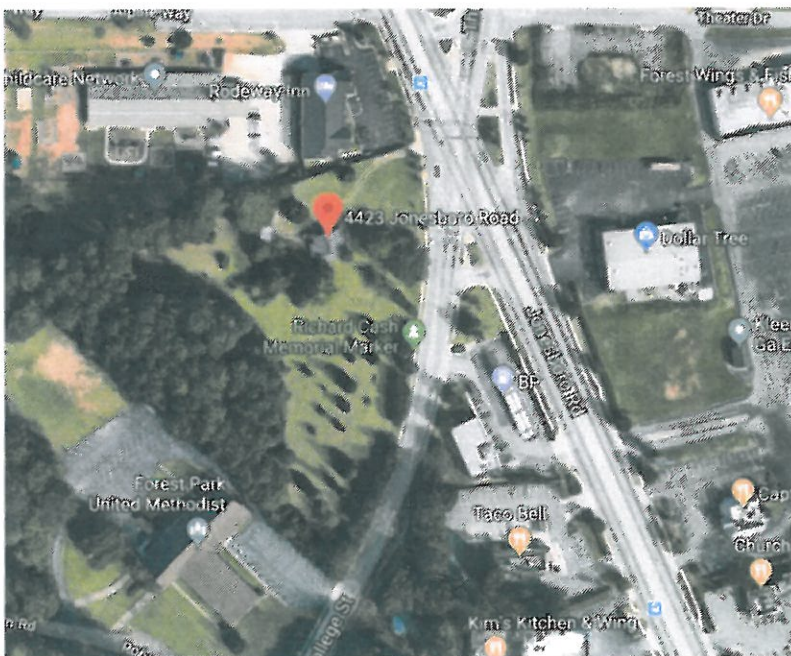
Present Zoning District: R-80, Single Family Residential



Zoning Classifications of Contiguous Properties

Direction	Zoning	Direction	Zoning
North	C1	East	C1
South	R80	West	C1

Aerial View





Front View



Left Side View



Right Side View

[illegible]

Would the petition for rezoning be consistent and compatible with the city's land use and development, plans, goals and objectives: ☒ Yes ☐ No.

Would the petition for rezoning tend to increase, decrease, or to have no relationship to safety from fire and other dangers? ☐ Increase ☐ Decrease ☒ No Relationship

Would the petition for rezoning tend to increase, to decrease or to have no influence on the adequacy of light and air?
☐ Promote ☐ Diminish ☒ No Influence

Would the petition for rezoning 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 petition for rezoning 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 petition for rezoning 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 petition for rezoning 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 petition for rezoning have measurable adverse economic effect on the value of surrounding or adjacent property? ☐ Yes ☒ No

Staff Recommendation

After reviewing the request for rezoning from R-80 to C-1 for a retail complex, it is believed that this would be the highest and best use of this residential property. The residence is currently vacant, therefore building a retail building would give an improvement in the use of the property. For these reasons, staff recommends that rezoning be APPROVED.

Albany Herald
www.albanyherald.com
Gwinnett Daily Post
www.gwinnettdaily.com
Rockdale Citizen
www.rockdalecitizen.com
Newton Citizen
www.newtoncitizen.com



Clayton News Daily
www.news-daily.com
Henry Daily Herald
www.henryherald.com
Jackson
Progress-Argus
www.myjpa.com

Jonesboro Group (Gray Publishing)
P.O. Box 603
Lawrenceville, GA 30046

03/15/18

Phone: (770) 478-5753

Fax: (770) 339-8082

Account: 119821	Date: 03/15/18
Name:	Start Date: 03/21/18
Company: CITY OF FOREST PARK	Class: Public Hearing/Notice
Address: 745 FOREST PARKWAY	Ad ID: 538570
FOREST PARK, GA 30297	P.O.
Telephone: (404) 608-2347	Words: 440
E-mail: CTerrell@forestparkga.org	Lines: 101
	Ad Taker: Jacqueline Torres
	E-mail: jtorres@news-daily.com
	Phone:
	Extension:

Gross: \$100.00

Paid Amount: \$0.00

Amount Due: \$100.00

Package or Publication	Start	Stop	Inserts
Legal Wednesday Clayton; Clayton News Daily, Clayton Internet	03/21/18	03/28/18	10

**TO THE CITIZENS OF
FOREST PARK, CLAYTON
COUNTY, GEORGIA, AND
OTHER INTERESTED
PARTIES:**

NOTICE IS HEREBY GIVEN, that the Planning Commission (Planning and Zoning Board) will hold a Public Hearing on Monday, April 9th, 2018 at 6:00 p.m. in the courtroom located within the Agnes B. Bateman Community Development Building, 785 Forest Parkway, Forest Park, Georgia 30297. The Public Hearing is being held for the purpose of hearing public comments, if any, with regard to the proposed rezoning of 4423 Jonesboro Road, Forest Park, GA from R-80 to C-1 Commercial.

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 17, 13th District, City of Forest Park, Clayton County, Georgia and being more particularly described as follows: Beginning at the intersection of Western Right-of-Way line of Jonesboro Road (100' Right of Way) and the Western Right-of-Way line of College Street (Right-of-Way varies), said point being the TRUE POINT OF BEGINNING; Thence traveling along said Right-of-Way of College Street, along an arc of a curve to the right, an arc length of 143.50 feet, said curve having a radius of 791.90 feet and being subtended by chord bearing South 07 degrees 28 minutes 16 seconds East, a distance of 143.30 feet to a point; Thence traveling along said Right-of-Way of College Street, along an arc of a curve to the right, an arc length of 181.14 feet, said curve having a radius of 1254.17 feet and being subtended by chord bearing South 07 degrees 47 minutes 39 seconds West, a distance of 180.98 feet to a point; Thence continuing along said Right-of-Way, along an arc of a curve to the right, an arc length of 281.51 feet, said curve having a radius of 869.37 feet and being subtended by chord bearing South 18 degrees 42 minutes 45 seconds West, a distance of 280.28 feet to a point; Thence leaving said College Street Right-of-Way, North 42 degrees 41 minutes 24 seconds West, a distance of 566.58 feet to a point; Thence North 70 degrees 15 minutes 47 seconds East a distance of 510.43 feet to a point on the Western Right-of-Way line of Jonesboro Road (100' Right-of-Way); said point being the TRUE POINT OF BEGINNING. Said tract containing 3.5 acres or 153,128 square feet.

A second Public Hearing will be held on April 16th, 2018 in the Council Chambers at City Hall, 745 Forest Parkway, Forest Park, Georgia 30297 at 6:00 p.m. Also, during the regularly scheduled Council meeting, the petition will be considered and a final determination by Mayor and Council will be rendered that same night.
David New
Interim Director
Planning, Building & Zoning
Department
928-538570, 3/21/28