



Planning Commission Minutes January 13, 2022

Call to Order: Andy Porter called the meeting of the City of Forest Park Planning Commission to order at 6:03 p.m. on January 13, 2022.

Roll Call: Janice Colvin, Roderick Jackson, 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, James Shelby.

Approval of Minutes: Janice Colvin made a motion to approve minutes from the December 16, 2022, Planning Commission meeting. Michael Clinkscales seconded the motion. The vote was unanimous.

Old Business: No Old Business.

New Business:

Item 1: Case: PC-2022-01

Variance at 916 Main Street

To remove the requirement to install a sprinkler system, as required in the Downtown District, per Zoning Ordinance 8-8-38.33 B.

James Shelby states the applicant is requesting a variance to remove the requirement to install a sprinkler system, as required in the Downtown Mainstreet District, per Zoning Ordinance 8-8-38.33 B. This ordinance requires that sprinkler systems must be installed in new or renovated developments in the Downtown Mainstreet District. However, the Fire Marshal, as well as the International Building Code do not require sprinklers to be installed in this type of development. Additionally, the ordinance was put in place to protect contiguously arranged properties, not stand-alone properties such as the Zaxby's development. Staff recommends Approval of a variance to remove the requirement to install a sprinkler system, as required in the Downtown Mainstreet District, per Zoning Ordinance 8-8-38.33 B. This portion of the code was intended to protect properties that are arranged contiguously. This development will be a stand-alone building and not contiguous. Additionally, 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 an adverse manner.



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James Shelby reminds the Planning Commission members that the variance is not a use permit and they do not need anything other than the variance to move the requirement for the sprinkler system ordinance.

Andy Porter asks if there is anyone who wants to speak in favor or oppose to the variance case.

Eric Stallings, the operator of the Chick-fa-la in Forest Park, got up to speak in opposition of the variance. Eric Stallings stated that his opposition is not just competitive but for the general principle of putting another quick-serve restaurant in walking distance to another quick-service restaurant. In terms of the whole plan, there are people who have a plan and businesses who have invested a lot of money into that plan. To grant a variance for this quick-service restaurant would go against the plan overlay and does not serve the city.

Steve Bernard, Forest Park business owner, got up to speak in opposition of the variance. Steve Bernard stated when he first came to the city and tried to develop 1105 Main Street, he was given a book about the overlay and was told he had to comply with the requirements in the book. He states he does not know how Zaxbys even got to this point and is able to have a drive-thru on Main Street. He was told when he was trying to do a development that there was not allowed drive-thrus on Main Street and Zaxbys is breaking the overlay and master the city has put forth. The point of the ordinance is that there should not be any stand-alone buildings on Main Street and more of mixed-use buildings. Putting a Zaxbys in the middle of Main Street is not going to do any good for the city.

Andy Porter asks if there is anyone speaking in opposition to the variance. Since there are no other comments, he closes the floor and asks for the board discussion to make a motion.

Michael Clinkscales asks how Zaxbys got put in this situation.

James Shelby explains that whether the variance is approved the Zaxbys is still getting built. They only want the variance because the sprinkler system will add to the cost of their project. The Fire Department also said that the ordinance was intended for building that are next to each other not for stand-alone buildings.

Janice Colvin asks who gave Zaxbys permission to use that land on Main Street.

James Shelby answered that the ordinance states you can put a restaurant on Main Street.

Janice Colvin states that she does not consider Zaxbys a restaurant, she considers it fast food.

James Shelby states that it is a restaurant according to the ordinance. It is an allowable use and Zaxbys had to meet with the Urban Design Review Board to



make sure the building fits in with the downtown area and their designs got approved.

Janice Colvin asks no matter how the Planning Commission board votes the Zaxbys will still be built.

James Shelby states yes, it is an allowable use and Zaxbys are just asking for the variance because it is expensive to add sprinklers to the building.

Andy Porter states that it is important to note to Eric Stallings and Steve Bernard that even though they have spoken in opposition to Zaxbys that the vote is just for the variance for the sprinkler system and not for Zaxbys being there or not.

Michael Clinkscales states that the case also must go before the council.

James Shelby states that variances do not go before the council.

Andy Porter explains that the board is just approving or denying the use of the sprinkler system.

Roderick Jackson asks if they still must have a compression system in the kitchen.

James Shelby says yes, they meet all requirements for building codes. This should have not been in our ordinance in the first place.

Andy Porter makes motion to approve the Variance at 916 Main Street. Michael Clinkscales and Roderick Jackson approved the motion. Janice Colvin opposed. Passed 3 to 1.

Item 2:

Case: CUP-2022-01

Conditional Use Permit at 819 Forest Parkway, Unit A

To operate an event center.

Caity Chandler states that the applicant, Omari Hughes, is requesting a Conditional Use Permit to operate an event center at 819 Forest Parkway. This property is in the Institutional Commercial (IC) District; places of assembly, such as event centers, require a conditional use permit to operate in the Institutional Commercial (IC) District. Currently, the property houses several commercial units. Unit A, the subject unit, currently houses a fitness center. Staff recommends Approval of a Conditional Use Permit to allow an event center (place of assembly) in the Institutional Commercial (IC) District. The use would be a suitable use under the Institutional Commercial District and would serve as an additional community service along Forest Parkway.

Andy Porter asks if anyone is at the meeting to speak in favor or opposition of the Conditional Use Permit.

Omari Hughes, the owner of Multi Fitness, states that he is trying to change his fitness center into an event space.



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Janice Colvin asks how many people can occupy the space at one time.

Omari Hughes answers that when he first got the gym there was never a number on the Certificate of Occupancy, but he has had several boot camps that could hold 40-50 people comfortably. The place is open, and he has had people use the fitness center for art shows, fashion shows and gender reveals.

Andy Porter asks if there will be food at these events served or will food be prepared there.

Omari Hughes answers no.

Janice Colvin asks if food will be brought in.

Omari Hughes answers he wants to use the space for more professional events so if the client wants to bring in refreshments that would be allowed.

Janice Colvin asks where people will park because it is not a lot of parking spaces. Little Caesars is at the end and people are always going in and out of there.

Omari Hughes states that usually events are after hours and the barber shop and other stores are closed by that time. The Rite Aid has been closed since he has had the gym and so people park there or in the back of the building.

Janice Colvin explains that the gym only has a few people going but an event will have more people who need to park.

Omari Hughes states that Rite Aid parking should be enough and if not, there people can park along the street by the park.

Janice Colvin asks what the restroom facilities are like to accommodate 40-50 people.

Omari Hughes answers there is one restroom, full sink, and toilet.

Michael Clinkscales asks what type of events he is planning to have.

Omari Hughes answers professional events, like workshops, presentations, and tutoring.

Michael Clinkscales asks if he is not hosting weddings and parties.

Omari Hughes answers that he can decide what type of events he can allow. He understands that he is not in Atlanta so people would not want to drive all the way to Forest Park and his space is not big enough for certain events.

Andy Porter asks James Shelby if a fitness center requires a special event permit under the Institutional Commercial District.

James Shelby answers he would have to check. With the new ordinance special use permits are required a lot so that the city can but conditions on uses.

Andy Porter asks how many square feet the space is.

Omari Hughes answers 1850 SQFT.



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James Shelby states that if he wants to change the use and go back to the fitness center, he would not be allowed to have the fitness center in that district. He would have to continue with his fitness center to let it be grandfathered in.

Roderick Jackson asks if he is prepared to become ADA compliant with the restroom, parking, and entrance.

Omari Hughes states the place is already ADA compliant and has a ramp to get the entrance etc.

Janice Colvin asks if Omari is leasing and if he is allowed to have the event space by owner.

Omari Hughes answers that he already talked to the manager, and he got approval and the manager talks to the owner directly.

Janice Colvin asks if Omari has a backup plan if the event center does not work out.

Omari Hughes answers no.

Andy Porter states that usually the Fire Marshal usually judge how many people are allowed in a space. 15 SQFT per person and 1850 SQFT divided by fifteen equals 123 people with only twenty-six parking spaces.

James Shelby explains that before he gets a business license the Fire Marshal must inspect the property and may require more parking or another restroom.

Andy Porter states he has a shopping center with an event space in it so he will excuse himself from the vote.

James Shelby explains the board can put conditions on the case when approving.

Michael Clinkscales states Omari needs to be more specific about what type of events he plans to have at the event space.

Omari Hughes explains that yes, he does need to explain more about the event types he will hold, and he plans to have a more professional event space and not hold big events because he understands he cannot hold a lot of people and parking spots.

Andy Porter explains that the Conditional Use Permit follows the space so if Omari sells the space, then the next person might not want to just hold professional events or may not have the same intentions for the space.

Roderick Jackson explains there must be adequate parking. The parking lot cannot be overcrowded and unsafe for emergencies. The space is not suitable for event space, and he cannot depend on the Rite Aid parking forever. The Little Caesars is crowded on nights and weekends.

Roderick Jackson motion to deny Conditional Use Permit at 819 Forest Parkway. Janice Colvin seconded the motion to deny case. Voting was unanimous.

Other Business:



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Adjournment: There being no further business, Michael Clinkscales motioned to adjourn the meeting. Janice Colvin seconded the motion. Voting was unanimous. The meeting adjourned at 6:59pm.