



Planning Commission Minutes August 18, 2022

- Call to Order:** Michael Clinkscales called the meeting of the City of Forest Park Planning Commission to order at 6:00 p.m. on August 18, 2022.
- Roll Call:** Roderick Jackson, Donald Williams, Azfar Haque and Michael Clinkscales were present. Also present was Caity Chandler, Planner and Director of Department of Planning and Community Development, LaShawn Gardiner.
- Approval of Minutes:** Azfar Haque made a motion to approve minutes from the June 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-2022-05**
Variance at O Scott Road
Several variances to reduce the minimum lot area, minimum lot width, and rear yard setbacks as part of a 11-lot subdivision project.
- Caity Chandler states that the applicant, Divine Dream Homes ATL LLC, is requesting several variances to reduce the minimum lot area, minimum lot width, and rear yard setbacks as part of a 16-lot subdivision project. The 1.6-acre parcel is vacant and wooded and located in a residential zoned district. Based on the information that staff had at the time of this report, staff recommends DENIAL of variances to reduce minimum lot area, minimum lot width, and rear yard setbacks for a proposed 11-lot subdivision. Staff recommendations were based on the following:
1. The proposed preliminary plat does not meet the requirements of Sec. 8-7-12 for a preliminary plat. None of the proposed lots meet the minimum requirements for a single-family residential lot.
 2. The lot areas shown on the proposed preliminary plat is less than the required 8,200 sq. ft except for lot # 7 which is shown on the proposed preliminary plat as 9,404 sq.ft.
 3. The lots shown on the proposed preliminary plat does not meet the minimum lot width of 80 ft.



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4. The proposed building footprints are unclear, and it is difficult to determine if the lots meet the front, rear yard setback, or the minimum required lot coverage.
5. The strict application of the terms of this ordinance should not result in a practical difficulty in the use of the property, because the applicant can reduce the number of lots to conform with the intent of the ordinances.
6. The request for variances is self-imposed and too significant to be approved.

The proxy for the applicant came up to speak on behalf of the applicant Divine Dream Homes ATL LLC, He said he spoke to Mr. Shelby about the variance multiple times and the outcome of the denied variance was expected due to what was turned in to the city.

Frank Claw, citizen from 738 Scott Road, spoke about how he and some of the other neighbors want to keep the area as residential as possible.

Katy Hope Claw states that there are three homes on that street and only one home received the hearing notice. Also, the Public Hearing notice sign was not posted until a week before the meeting.

Caity Chandler responds that we have issues with the sign and as far as the letters they were sent to the surrounding address in a timely manner.

LaShawn Gardiner states that per the zoning requirements, we must send notice no less than 15 days and no more than 45 days. Also, the sign only must be posted 2 weeks before meeting. She also states that the department will make sure to look at the requirements for next meeting to make sure dates are correct.

Katy Hope Claw states that she has issues with JB Hunt being behind her house and now she is scared that 11 homes subdivision are being built on her road.

Azfar Haque states that if the houses will be built then the property value of the homes on Scott Road will increase so is she opposed to value going up.

Katy Hope Claw responds that if it was one home, she would not care but 11 homes are too many homes, and she likes her privacy and space.

Representative of 0 Scott Road states that what was submitted was messed up and he would not have submitted that work himself. The plans submitted were not up to code with the requirements of the City of Forest Park. He states that if the plans were submitted and up to code and approval of the City and County then the homes would go there, and neighbors cannot control how many homes can go in a space. If the new development is respectful of the people already on the road, looks nice and follows requirements then neighbors should welcome new developments.

LaShawn Gardiner states that right now the applicant is only requesting variances and later if they resubmit, they will have to get plans approved and meet all requirements.



Azfar Haque motion to deny the variance at 0 Scott Road. Michael Clinkscales seconded the motion to deny. Voting was unanimous.

Item 2:

Case: PP-2022-02

Preliminary Plat for 437 North Avenue

To subdivide a 1.62+/- acre parcel to create 16 townhome units.

Caity Chandler states the subject property is a vacant wooded lot with approximately 1.62 acres. The applicant has met with the Planning & Community Development Department several times over the last two years to discuss this project. The applicant is now in the process of developing the property into a subdivision consisting of 16 townhome units. Adjacent land uses are residential, except for the parcel to the west of the property that is zoned Heavy Industrial. Each of the 16 units will be two stories and have approximately 1694 square feet, including a one car garage per unit. The exterior will feature brick, stone, and architectural shingles. Each garage will be located on the front of each townhome. Staff recommends APPROVAL of the preliminary plat for 437 North Avenue with the following conditions:

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

Darion Dunn the property owner and developer asked if the board had any questions for him.

Michael Clinkscales asked if Darion Dunn can meet the conditions for approval.

Darion Dunn stated that the conditions are fair, and some are already in place. The homeowner's association is already in place for the community.

Azfar Haque motion to approve the Preliminary Plat at 437 North Ave with conditions. Michael Clinkscales seconded the motion to approve. Voting was unanimous.



Item 3:

Case: PC-2022-06

Variance at 5566 Pineridge Place

Variance to increase the building height and reduce the side yard setback requirements.

The applicant is requesting a variance to increase the building height and decrease the side yard setbacks. The applicant constructed a 20+ foot addition to an existing accessory structure in his backyard at 5566 Pineridge Place. This accessory structure exceeds the 15-foot maximum height requirements for accessory structures. The structure was also placed approximately 2 feet from the side property line. The minimum distance between accessory structures and side property lines is 10 feet. Additionally, the combined area of the existing accessory structure and the two-story addition is, in total, more than 100% of the area of the primary structure. The maximum allowable area for accessory structures is 50% the area of the primary structure. Staff recommends DENIAL of a variance to increase the building height and reduce the side yard setback requirements. The height of the accessory structure exceeds the height of the primary structure, it is 8 feet too close to the property line, and the total area of the accessory structures is more than 100% of the total area of the primary structure. Additionally, the use and value of the area adjacent to the property included in the variance could be affected in an adverse manner due to the height, size, and the proximity to the side property line of the accessory structure.

Azfar Haque asks if there was a permit received for the side structure.

Caity Chandler answered no.

Azfar Haque asked how they were able to build the structure, without the City's knowledge.

Caity Chandler answered yes, Code Enforcement saw the structure then he came into the office to try and get a permit.

The applicant, Ever Bonilla, said that he started to build the storage without a permit but he then he came to the office and tried to get a permit. He is willing to make certain corrections.

Roderick Jackson stated that the variance should be denied because you should pull a permit with building anything and that is not a new law. The applicant should have pulled the permit beforehand not after building.

Michael Clinkscales stated that now that the applicant knows better, they should get everything to do everything the right way.



Roderick Jackson motion to deny the Variance at 5566 Pineridge Place. Donald Williams seconded the motion to deny. Voting was unanimous.

Item 4:

Case: PC-2022-07

Text Amendments

The Planning & Community Development Department is proposing two text amendments to the Code of Ordinances. PC-2022-07 (TEXT) includes an update to Article P. Exterior Finishing Standards and Requirements – Residential Dwellings. Also included is an update to Article E. Tree Protection Plan.

Caity Chandler states the final decision of the text amendments will be made at the City Council Meeting on September 6, 2022. The Planning & Community Development Department has discovered some areas of the Code of Ordinances that need to be amended for clarity. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in an adverse manner. The following text amendments have been proposed: An update to Article P. Exterior Finishing Standards and Requirements – Residential Dwellings Ordinance Sec. 8-2-160, Section 8-2-161, and 8-2-162 has been proposed. This update creates a standard for residential design. The previous ordinance was not explicit in its requirements, leaving too much room for interpretation. This update will clarify the requirements. Caity Chandler states that if this amendment is approved the city will have more clear and concise standards for residential development (single and multi-family).

Caity Chandler states an update to the Tree Protection Ordinance. The purpose of the update to this Ordinance is to Provide standards for the conservation or replacement of trees as part of the land development and building construction process within the city. The previous ordinance was not explicit in its standards, leaving too much room for interpretation. This update is more specific with its standards. The Staff recommends approval of the two text amendments.

Azfar Haque motion to approve the two text amendments. Roderick Jackson seconded the motion to approve. Voting was unanimous.

Other Business:

Adjournment:

There being no further business, Azfar Haque motioned to adjourn the meeting. Michael Clinkscales seconded the motion. Voting was unanimous. The meeting adjourned at 6:35pm.