

**STATE OF GEORGIA
COUNTY OF CLAYTON**

ORDINANCE NO. 2025-_____

1 AN ORDINANCE BY MAYOR ANGELYNE BUTLER AND COUNCILMEMBERS
2 KIMBERLY JAMES, DELORES A. GUNN, HECTOR GUTIERREZ, LATRESA AKINS-
3 WELLS, AND ALLAN MEARS OF THE CITY OF FOREST PARK, GEORGIA TO
4 AUTHORIZE A CONDITIONAL USE PERMIT FOR CERTAIN REAL PROPERTY LOCATED
5 AT 4959 WEST STREET, FOREST PARK, GEORGIA 30297 (PARCEL ID 13051D A067) AND
6 4965 WEST STREET, FOREST PARK, GEORGIA 30297 (PARCEL ID 13051D A066); TO
7 PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES
8 AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO
9 PROVIDE FOR OTHER LAWFUL PURPOSES.

10 **WHEREAS**, the governing body of the City of Forest Park, Georgia (the “City”) is the
11 Mayor and Council thereof; and

12 **WHEREAS**, the governing body is authorized by its Charter to regulate zoning within the
13 limits of the City; and

14 **WHEREAS**, the total subject property is approximately 0.69 acres located at 4959 West
15 Street, Forest Park, Georgia 30297 (Parcel ID 13051D A067) and 4965 West Street, Forest Park,
16 Georgia 30297 (Parcel ID 13051D A066) (collectively referred to as the “Property”), and is
17 currently zoned within the Single-Family Residential district (“RS Zoning District”); and

18 **WHEREAS**, Breanna Jackson (“Applicant”) has requested a Conditional Use Permit
19 (“CUP”) to establish and operate a childcare center serving children aged six (6) to twelve (12)
20 years old at the Property within the RS Zoning District; and

21 **WHEREAS**, although the Property has previously been used as a childcare center under
22 prior ownership, demonstrating a history of similar operations at this location, childcare centers
23 are conditionally permitted uses in the RS Zoning District and therefore require approval pursuant
24 to Section 8-8-188 of the City’s Code of Ordinances (“Code”); and

25 **WHEREAS**, the City Planner and Planning Commission recommend approval of the CUP
26 application *subject to certain conditions* included in the City’s Staff Report, more particularly
27 described in **Exhibit A** attached hereto and incorporated herein; and

28 **WHEREAS**, the governing authority finds that the CUP application does conform to the
29 requirements of its designated zoning district, and the proposed use shall not negatively impact the
30 surrounding properties and is consistent with the City’s future land use; and

31 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
32 been properly held prior to the adoption of this Ordinance; and

33 **WHEREAS**, the health, safety, morals, and general welfare of the citizens of the City will
34 be positively impacted by the adoption of this Ordinance.

35 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
36 **THE CITY OF FOREST PARK, GEORGIA**, and by the authority thereof:

37 **Section 1.** The Applicant’s request for a Conditional Use Permit for the collective Property
38 to establish and operate a childcare center within the RS Zoning District is hereby granted, subject
39 to all conditions being met contained within the City’s Staff Report.

40 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
41 incorporated by reference as if fully set out herein.

42 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
43 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their

enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

Section 6. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Forest Park, Georgia. It is the intention of the governing body,

67 and it is hereby ordained that the provisions of this Ordinance shall become and be made part of
68 the Code of Ordinances, City of Forest Park, Georgia, and the sections of this Ordinance may
69 be renumbered to accomplish such intention.

70 **Section 7.** The City Clerk, with the concurrence of the City Attorney, is authorized to
71 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

72 **SO ORDAINED** this 4th day of August, 2025.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, *Mayor*

ATTEST:

_____(SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A STAFF REPORT



CITY OF FOREST PARK

Planning & Community Development Department
785 Forest Parkway
Forest Park, Georgia 30297
(404) 366-4720

Staff Report – Conditional Use Permit

Public Hearing Date: July 17, 2025

City Council Meeting: August 4, 2025

Case: CUP-2025-03

Current Zoning: RS – Single Family Residential District

Proposed Request: Applicant is requesting a Conditional Use Permit to establish a childcare center within the Single-Family Residential District (RS) in Ward 2.

Council Ward District: 2

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

Staff Recommendation: Approval of Conditional Use with Conditions

APPLICANT INFORMATION

Owner of Record:

Name: iCare Child Development Center

Address: 4959 & 4965 West St

City/State: Forest Park, GA 30297

Applicant:

Name: Breanna Jackson

Address: 4959 & 4965 West St

City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13051D A067 and 13051D A066

Acreage: 0.43 and 0.26

Address: 4959 and 4965 West St, Forest Park, GA 30297

FLU: Office/Professional

SUMMARY & BACKGROUND

The applicant is requesting approval of a Conditional Use Permit (CUP) to establish and operate a childcare center serving children aged 6 weeks to 12 years at 4959 and 4965 West Street. The proposed use includes utilizing the building at 4959 West Street for infants and toddlers (ages 6 weeks to 2 years), while the building at 4965 West Street will accommodate preschool-aged children (ages 3–4) and school-aged children enrolled in afterschool care. The proposed hours of operation are Monday through Friday, from 7:00 a.m. to 6:00 p.m.

The subject property is located within the Single-Family Residential (RS) District. In accordance with Section 8-8-28 of the Zoning Ordinance, Pre-K and daycare centers are conditionally permitted uses in this zoning district and therefore require Planning Commission approval.

This site has previously been used as a childcare center under prior ownership, demonstrating a history of similar operations at this location. The property is situated within a residential neighborhood, and

consideration has been given to compatibility with surrounding land uses, potential traffic impacts during peak hours, and the importance of maintaining communication with nearby residents to minimize disruptions.

Property Zoned General Commercial District (GC)

ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use	Direction	Zoning & Use
North	RS- Single Family Residential	East	RM- Multiple Family Residential
South	RS- Single Family Residential	West	RS- Single Family Residential

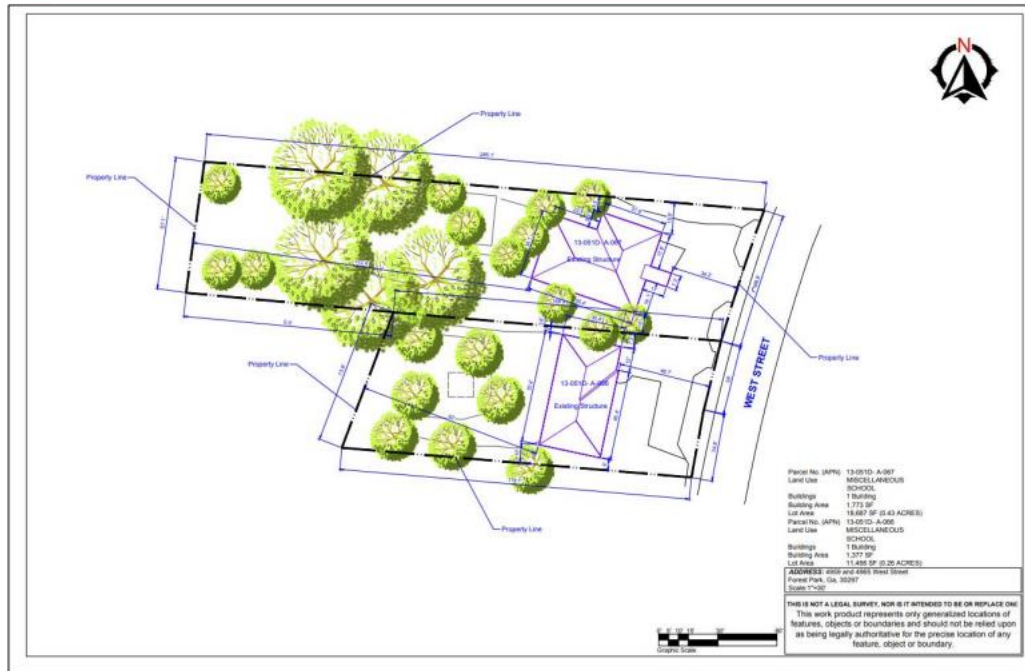
AERIAL MAP



ZONING MAP



SITE PLAN



SITE PHOTOS





ZONING CRITERIA AND ANALYSIS

1. **Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals, and objectives?** The proposed use aligns with the City's land use and development goals and objectives. The property is located within the Single-Family Residential (RS) District and previously operated as a childcare center.
2. **Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?** The proposed use is not expected to have a significant impact on the transportation infrastructure, given the site's previous use. However, depending on student enrollment, there may be increased traffic during drop-off and pick-up times, which could contribute to localized congestion on surrounding streets.
3. **Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?** The proposed use is not anticipated to significantly alter fire safety or other hazard risks, based on the property's prior use and the anticipated enrollment size.
4. **Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?** The proposed development does not appear to be a detriment to the public health, safety, morals, or general welfare if the Conditional Use Permit is granted.
5. **Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?** The proposed use will not increase, decrease, or have any influence on the adequacy of light and air.
6. **Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?** No.
7. **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 so dense in population as to adversely affect the health, safety, and general welfare of the city?** The proposed use will not increase the population or density as to adversely affect the health, safety, and general welfare of the city.
8. **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?** The proposed use will not cause any additional impact on the water/sewer and other utilities or other public services considering the previous use of this property was a childcare center in the past.
9. **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?** The subject property is not subject to any zoning restrictions that would negatively

impact the value or enjoyment of surrounding properties. Located within the Single-Family Residential (RS) District, childcare centers are allowed with an approved Conditional Use Permit. To minimize potential disruptions, applicants are encouraged to maintain open communication with neighboring residents regarding school schedules and operations.

10. **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?** Granting a Conditional Use Permit would not diminish the future use of the property and surrounding area.
11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** The use appears suitable for the nearby properties based on the City of Forest Park Zoning Ordinance Sec 8-8-28 Single Family Residential District (RS). This section of the ordinance states that Pre-k and Daycare centers are permitted as a conditional use under this said ordinance. There is no indication of any potential detrimental causes that would decrease the property value of surrounding or adjacent property.
12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** The Conditional Use Permit would not create an isolated district.

STAFF RECOMMENDATION

Staff recommends **APPROVAL OF A CONDITIONAL USE PERMIT** to open and operate a childcare center for children aged 6 weeks to 12 years of age within the Single-Family Residential District (RS). **WITH THE FOLLOWING CONDITIONS:**

1. The applicant must adhere to the City of Forest Park, GA Zoning Ordinance Parking standards outlined in Section 8-8-90.
2. If the applicant ceases to operate the business at this location, any subsequent operator or the property owner must obtain a new Conditional Use Permit (CUP) prior to commencing operations. Continued use of the property for this business type within the Single-Family Residential (RS) District shall not be permitted without prior approval of a new CUP by the Planning Commission and Mayor & Council.

Attachments Included:

- Application
- Letter of Intent
- Authorization of Property Owner
- Floor Plan