



CITY OF FOREST PARK

Planning & Community Development Department
785 Forest Parkway
Forest Park, Georgia 30297
(404) 608-2300 Fax: (404) 608-2306

Staff Report – Variance

Public Hearing Date: June 16, 2022

Case: PC-2022-04

Current Zoning: GZ Gillem District

Proposed Request: Variance for 50-foot ‘undisturbed’ and 75-foot ‘no-impervious’ Stream Buffer Encroachment on Designated Buffered Waters

Staff Report Compiled By: James Shelby

Staff Recommendation: Approval of Variance

APPLICANT INFORMATION

Owner of Record:

Name: City of Forest Park
Address: 2135 Anvil Block Road
City/State: Forest Park, GA 30297

Applicant:

Name: Robinson Weeks
Address: 33350 Riverwood Parkway, Suite 700
City/State: Atlanta GA 30339

PROPERTY INFORMATION

Parcel Number: 1218207001

Acreage: 13.35

Address: 2135 Anvil Block Road

FLU: Industrial

SUMMARY & BACKGROUND

The project is approximately a 13.5-acre site located in the Gillem Logistic Center. The nearest named waterbody is Big Cotton Indian Creek, the headwaters of which is located on the site. The applicant proposes to construct an approximately 169,520 square foot warehouse facility and associated infrastructure within the designated buffer zone.

The Stream Buffer Protection Ordinance requires that an undisturbed natural vegetative buffer be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all

impervious cover shall be prohibited. Grading, filling, and earthmoving shall be minimized within the setback.

The applicant is requesting a Variance for 50-foot ‘undisturbed’ (Stream 1) and 75-foot ‘no-impervious’ stream buffer encroachment (Stream 2) on designated buffered waters to allow for the construction of the warehouse development. The proposed project will impact 14,783 square ft of 50-foot regulated stream buffer and 23,633 square feet of 75-foot regulated stream buffer.

The project was issued a Certificate of Compliance with the Department of the Army Nationwide permit with conditions. The permitted activity is subject to a U.S. Army Corps of Engineer’ Compliance Inspection.

SITE PLAN



ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

| Direction | Zoning & Use | Direction | Zoning & Use |
|-----------|-------------------------------|-----------|-------------------------------|
| North | GZ Gillem District-Industrial | East | GZ Gillem District-Industrial |
| South | GZ Gillem District-Industrial | West | GZ Gillem District-Industrial |

AERIAL MAP OF LIMITS OF DISTURBANCE



| | | | | |
|--|---|---|---|--|
| | <p>Figure 5: Site Map/ Existing Conditions Map</p> | <p style="text-align: center;">Gillem 700 City of Forest Park, Clayton County, Georgia May 2022</p> | <p style="text-align: center;">1 in = 250 feet</p> | |
|--|---|---|---|--|

SITE PHOTOS



LOOKING EAST



LOOKING NORTH

CONDITIONS FOR VARIANCES

The following factors will be considered by planning commission in determining whether to issue a variance:

1. The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property;
2. The locations of all streams on the property, including along property boundaries;
3. The location and extent of the proposed buffer or setback intrusion;
4. Whether alternative designs are possible which require less intrusion or no intrusion;
5. The long-term and construction water-quality impacts of the proposed variance; and
6. Whether issuance of the variance is at least as protective of natural resources and the environment.

STAFF RECOMMENDATION

Due to the physical characteristics of the property, staff recommends **APPROVAL** of a Variance for 50-foot ‘undisturbed’ (Stream 1) and 75-foot ‘no-impervious’ stream buffer encroachment (Stream 2) on designated buffered waters to allow for the construction of the warehouse development with the following conditions imposed by the U.S. Army Corps of Engineers:

- a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Savannah District’s Regional Conditions for NWPs.
- b. Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase 3,588 legacy stream mitigation credits from Legacy Farms Mitigation Bank and submit documentation of this credit purchase to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project. If all or a portion of the required credits are not available from Legacy Farms Mitigation Bank, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation bank.

c. All work will be performed in accordance with the plans and drawings which are incorporated in and made part of this permit verification: “Engineered Site Plan, Gillem 700”, dated September 21, 2021, as well as all erosion control plans, which are not enclosed.

d. The applicant shall notify the Corps, in writing, at least 10 days in advance of commencement of work authorized by this permit.

e. The applicant will fill out and sign the required certification and return it to the Corps within 30 days of completion of the activity authorized by this permit.

Attachments Included:

- Applications
- Letter of Intent
- Justification for Variance
- Certification of Compliance with Department of the Army Nationwide Permit (39)