

A G E N D A

REGULAR MEETING OF MAYOR AND COUNCIL OF MAY 4, 2015

6:00 P.M. Work Session

- Discussion of Agenda Items
- Discuss Vacant Property Registration Ordinance

I. Call to Order – 7:00 p.m. – Mayor David Lockhart

II. Invocation

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Minutes

1. Work Session of Mayor and Council of April 20, 2015
2. Regular Meeting of Mayor and Council of April 20, 2015

VI. Comment Period

VII. Recess for a Public Hearing

VIII. Open Public Hearing to receive comments with regard to the proposed rezoning of a parcel of property which is a 5.17 acre tract, lying and being in Land Lot 83 of 13th District of Clayton County, Forest Park, Georgia, from its current combined zoning of C-1 General Commercial District and R-80 Residential District to the C-1 General Commercial District exclusively

IX. Close Public Hearing and reconvene meeting

X. Agenda Items

1. Proclamation presented to Forest Park High School Mock Trial Team
2. Proclamation presented to Bria Matthews – Clayton County Star Student

3. Proclamation presented to Forest Park Fire Department
4. Consider new Retail Alcohol License for Liquor, beer and wine from Sahdev, LLC Liberty Package, 4568 Old Dixie Highway, no exceptions noted
5. Consider request to rezone a parcel of property which is a 5.17-acre tract, lying and being in Land Lot 83 of 13th District of Clayton County, Forest Park, Georgia, from its current combined zoning of C-1 General Commercial District and R-80 Residential District to the C-1 General Commercial District exclusively
6. Consider an Ordinance to amend the Official Zoning Map, City of Forest Park, Georgia, as amended; to provide for severability; to repeal conflicting Ordinances; to provide an Effective date; and for other purposes

XI. Legal Matters

XII. Comments by Governing Body

XIII. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF APRIL 20, 2015

Call to Order: The Work Session of Mayor and Council of April 20, 2015 was called to order by Mayor David Lockhart at 6:00 p.m.

Present: Mayor David Lockhart and Councilmembers Tommy Smith, Dabouze Antoine, Linda Lord, Maudie McCord and Latresa Akins.

Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Director of Planning and Zoning Al Wiggins, Director of Public Works Jeff Eady, Management Analyst Angela Redding, Major Chris Matson, Executive Director of the URA Fred Bryant and City Attorney Winston Denmark.

Agenda Items: *Community Choice Award Grant* – Mr. Wiggins stated this grant is a technical assistance grant which will help us streamline our ordinances of the Main Street guidelines. It will further clarify mixed use development and design guidelines.

Consideration of new Election Superintendent – Mayor Lockhart stated Ms. Alice Mabone has been recommended to replace Ms. Charity Woods, but he has since been told Ms. Lois Wright is also requesting to be considered for the job. Mr. Brandon felt Ms. Wright being on the URA and Development Authority could be a conflict of interest.

Ms. Mabone explained she has worked for the County since 1991 and is now a coordinator for Clayton County with 12 precincts, with a majority in Forest Park. She explained her duties as a coordinator and stated she is certified.

Ms. Wright stated she has received training and is certified. She stated she can learn the position and is a resident of Forest Park. She stated she would like to be considered for the position.

Resolution to adopt Joint Urban Redevelopment Plan: Mr. Wiggins stated there is a joint effort with the Cities of Lake City and Morrow to adopt an Urban Redevelopment Plan.

This plan was created to arrest the decline in the area and create economic development opportunities, in addition, this document allows for an Opportunity Zone.

Resolution for proposed right of way abandonment – Mr. Wiggins stated this is a result of a conditional rezoning for 615 Georgia Avenue. Because they were deficient of the required parking spaces and the total area needed for that development, one of the conditions on approving this project, is that they will receive the alleyway on the southwest portion of that lot. This area is needed to create additional parking spaces for that property.

Public Works Fleet Presentation – Mr. Eady stated they are looking for innovative means and the use of technology to reduce their budget. He stated the Fleet Manager asked if he would look into alternative fuels. He explained they went through a pilot program using propane and a representative from Georgia Gas will present the results.

Mr. Steve Newman of Georgia Gas explained what propane does and stated the biggest advantage is it is easy to budget and forecast what your fuel will cost each year. He stated the Federal Government offers incentives and gives rebates for using alternative fuels. He stated how the propane auto gas highly benefits the City is with a high mileage vehicle or a police Tahoe that may idle 24/7. With the Directors vehicle, he saved \$232 in 90 days, using propane. On the other test vehicle, he saved \$300 in a 90 day period. He asked Council for consideration of this project.

Update on Fort Gillem – Mr. Bryant stated Kroger, along with the roads are on schedule. He stated the first part of Hood Avenue will be completed prior to May 31st and all the roads that will serve Gillem Logistics Center will be complete by the end of July. Utilities are on schedule. Also, Forest Park Development Partners has given us notice they will close on their first 50 acres by the end of this month and put up an 860,000 sq. ft. spec building that will be available for occupancy by the end of this year. The Army Environmental Team is continuing their work focusing on vapor intrusion. One more community forum will be held in June.

Mr. Bryant stated over the next few months the City will put together a real vision for what city properties will be used for at Fort Gillem.

URA Annual Budget Report – Mr. Bryant presented the Annual Budget Report, as required by the statute that forms the Urban Redevelopment Agency.

Adjournment: Ms. Lord made a motion to adjourn, seconded by Ms. McCord. Voting for the motion was unanimous.

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF APRIL 20, 2015

~~Call to Order:~~ The Regular Meeting of Mayor and Council of April 20, 2015 was called to order by Mayor David Lockhart at 7:00 p.m.

Invocation: The invocation was given by Ms. Linda Lord followed by the Pledge of Allegiance to the American Flag.

Roll Call: Mayor David Lockhart and Councilmembers Tommy Smith, Dabouze Antoine, Linda Lord, Maudie McCord and Latresa Akins.

Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Director of Planning and Zoning Al Wiggins, Director of Public Works Jeff Eady, Management Analyst Angela Redding, Major Chris Matson, Executive Director of the URA Fred Bryant and City Attorney Winston Denmark.

Approval of Minutes: Ms. Akins made a motion to approve the minutes of the Work Session and Regular Meeting of April 6, 2015, seconded by Mr. Antoine. Voting for the motion was unanimous.

Comment Period: Ms. Lawanda Folomi – thanked Mr. Wiggins for his assistance in getting a tree removed and thanked Public Works for their work on the road construction on Old Jonesboro Road. She stated the Neighborhood Watch program was excellent and the turnout was great.

Pearlie Hance – she stated the house next to her at 564 Linda Way is abandon and there are rats in the house.

Dianne Lunsford - announced that Clayton County Meals on Wheels is promoting “Roses for Mom” as a fundraiser. She also stated at the Southside Clean Up, Mr. Eady and his team did a fantastic job.

Proclamation - The proclamation to be presented to Forest Park High School Mock Team will be moved to the next regular meeting.

Mayor Lockhart presented a proclamation recognizing "Safe Digging Month" to the Clayton County Coordinating Council, Ms. Deborah Collins and Mr. Joey Martin.

Beautification Award: Ms. Edie Yongue, Keep Forest Park Beautiful, presented the commercial beautification award to George Wesley's Southern Kitchen on Forest Parkway.

Presentation: Mr. Stephen Causby, of the Atlanta Regional Commission, presented the Community Choice Grant to Planning and Zoning. He stated they will look at the Main Street Overlay District standards and see how rigorous they are, what components they include and how it could more fully implement your code.

Election Superintendent: Mr. Antoine made a motion to appoint Lois Wright as Election Superintendent, seconded by Ms. Akins.

Ms. Lord felt we would do better with someone with more experience like Ms. Mabone. Mr. Smith agreed with Ms. Lord. Ms. Akins stated Ms. Woods had no experience and she did well. Ms. McCord felt Ms. Lois Wright would make a good superintendent and would be fair to everyone.

Voting for the motion were Ms. Akins, Ms. McCord and Mr. Antoine. Voting against the motion were Ms. Lord and Mr. Smith. The motion carried.

Resolution: Request was made to consider a Resolution by the Mayor and Council of the City of Forest Park, Georgia to adopt a Joint Urban Redevelopment Plan in cooperation with the City of Morrow, Georgia, and the City of Lake City, Georgia, which Joint Urban Redevelopment Plan establishes a common goal of fighting economic decline, combating blight, and promoting regional development that is shared by these three cities; to adopt an intergovernmental agreement expressing intent to uphold this Joint Urban Redevelopment Plan; and for all other purposes necessary to accomplish this transaction and effectuate this intent.

Ms. Lord made a motion to adopt the Resolution, seconded by Mr. Smith. Voting for the motion was unanimous.

Resolution: Request was made to consider a Resolution by City Council Surplus: of The City of Forest Park declaring certain city property, listed on Exhibit A, to be surplus property and to provide for

its proper disposal either by auction or other methods pursuant to the City's Ordinances; and for other purposes.

Ms. McCord made a motion to approve the Resolution, seconded by Mr. Smith. Voting for the motion was unanimous.

Resolution:
Right-of-way
Abandonment: Request was made to consider a Resolution by City Council of the City of Forest Park for Proposed Right of Way Abandonment of alleyway adjacent to 615 Georgia Avenue.

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

Resolution:
Georgia Cities
Week: Request was made to consider a Resolution of The City of Forest Park recognizing Georgia Cities week, April 19-25, 2015 and encouraging all citizens to support the celebration and corresponding activities.

Ms. Akins made a motion to approve the Resolution, seconded by Mr. Antoine. Voting for the motion was unanimous.

Adjournment: Ms. McCord made a motion to adjourn, seconded by Ms. Lord. Voting for the motion was unanimous.

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: April 16, 2015
NO: #280 - 2015

TO: Frank Brandon, City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services
SUBJECT: Retail Alcohol License (Liquor, Beer & Wine)

*****NEW*****

RE: Sahdev, LLC
Liberty Package
4568 Old Dixie Hwy
Forest Park, GA 30297

Sahdev N. Patel

NO EXCEPTIONS NOTED

Planning Commission

Minutes

April 15, 2015

- Call To Order:** Vice Chairman Deverick Williams called the meeting of the Planning Commission to order at 7:30 p.m. on Wednesday, April 15, 2015.
- Roll Call:** Deverick Williams, Vice-Chairman, Don Wright, Ray Goodman and Gail Brooks, Secretary. Also present were Al Wiggins, Director of Planning, Building & Zoning, Jonathan Jones, Deputy Director of Planning, Building & Zoning, and Garry Felder, Planner of Planning, Building & Zoning.
- Approval of Minutes:** Deverick Williams made a motion to approve the Action Minutes for the August 20, 2014 meeting of the Planning Commission. Ray Goodman seconded the motion. Voting on the motion was unanimous.
- Old Business:** Members were informed the need for ID badges.
- New Business:**
- Item 1**
- Rezoning Request:** Rezoning of a parcel of property which is a 5.17 acre tract, lying and being in Land Lot 83 of 13th District of Clayton County, Forest Park, Georgia, from its current combined zoning of C-1 General Commercial District and R-80 Residential District to the C-1 General Commercial District exclusively.
- The attached Staff Report and exhibits provide further details of the current lot and zoning configuration.
- Garry Felder presented the information obtained from the application and the staff report with the recommendation to approve the rezoning request.
- Johnny Forest – 343 Pineridge Dr -** Mr. Forest voiced concerns regarding maintenance of the privacy fence, noise from new business, and of drainage from the lot onto his property.
- Ray Goodman made a motion to approve the rezoning request without any conditions. Don Wright seconded the motion. Voting was unanimous to approve.
- Item 2:** Jonathan Jones presented a summary of the proposed Vacant Property Registration Ordinance. The purpose of the ordinance is to improve the social and economic health of the City of Forest Park by returning vacant properties to productive use and ensuring that owners maintain such properties as clean, safe, and secure. Al Wiggins also gave a summation of the ordinance.

Deverick Williams made a motion to adopt the Vacant Property Registration Ordinance. Don Wright seconded the motion. Voting was unanimous to approve.

Other Business: Al Wiggins presented the members with a list of proposed meeting dates. In addition, he discussed the need to fill the vacant seat on the Board with appointment of new Chairman and Vice-Chairman.

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

CITY OF FOREST PARK



REZONING APPLICATION

The Zoning Amendment Process:

- A zoning amendment is typically sought when a property owner wishes to use land in a way that is not permitted by the current zoning of the property. In such cases, the property owner must file application to rezone the property to a zoning classification that allows for the desired use.
- The applicant submits a Zoning Amendment application to the Planning, Building and Zoning Department. The applicant must include all necessary documentation (Letter of Intent, Legal Description, Site Plan, etc.) and pay the application fee of \$250.00
- The Planning, Building and Zoning Staff evaluate the request and prepare the necessary maps, plans and data to compose the staff report for the Zoning Amendment Proposal. An on-site assessment of the property and surrounding area is done to determine the impact of the rezoning on adjoining land uses. Staff will also review compatibility of the rezoning with the Future Land-Use Map as outlined in the adopted Comprehensive Plan.
- The Public Hearing dates are set and published in the legal section of the Clayton News Daily to run for two consecutive weeks, with first notice appearing at least 15 days in advance and no more than 30 days prior to the public hearing date.
- The subject property is posted with signs informing the public of the property's present zoning, the proposed zoning amendment, and the time, date, and location of the public hearing. Signs shall be posted at least 15 days prior to hearing date and where possible, said sign shall be placed where it can be seen from a public road.
- Notification of the Zoning Amendment Request and the public hearing dates are sent to the neighboring property owners.
- The Planning Department completes the staff report and prepares the recommendation to the Planning Commission.
- The Planning Commission holds a public hearing and recommends approval, conditional approval, or denial of the zoning amendment.
- The Planning Commission's recommendations are forwarded to the Mayor and City Council for consideration.
- *The zoning amendment request and the Planning Commission's recommendations are placed before the Mayor and Council for a final determination.

* Only one reading is required for the zoning amendment approval or denial.

Zoning Amendment "Rezoning" Process

Step 1: Application Submittal
File an application for re-zoning with the Forest Park Planning, Building and Zoning Department located at 785 Forest Parkway, Forest Park, GA 30297

Step 2: Staff Review and Recommendation (2-5 Business Days)
Staff compiles maps, plans, and data into a Staff Report for recommendation to the Planning Commission.

Step 3: Planning Commission Hearing & City Council Meeting Dates Set (No Less than 15 Days)
The Public Hearing dates are set and advertised (by legal description) in the legal section of the Clayton News Daily Newspaper. This notice is published once a week for two consecutive weeks, with first notice no more than 30 days and no less than 15 days from the date of the public hearing (Signs are posted on the subject property informing the public of the proposed rezoning during this period)



Step 5: Notice of Public Hearing for City Council
The Mayor and Council meet on the first and third Monday of each month at 7:00pm in City Hall. The public are notified as outlined in Step 3.

Step 4: Planning Commission Hearing
Staff will present the Staff Report and make recommendation to the Planning Commission. Public comments will be heard during this time. At the conclusion of the Hearing, a recommendation to Mayor and Council is prepared.

This document is intended for demonstration purposes and does not guarantee a date of completion.

**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.

Rezoning Hearing No. _____

Name of Applicant Erin Ward

Email Address eward@burr.com

Mailing Address Burr & Forman LLP, 1717th Street NW, Ste 1100
Telephone 404-685-4255 Mobile _____ Atlanta, GA 30365

Property Owner(s) American Credit Acceptance, LLC

Mailing Address 961 E. Main Street, Spartanburg, SC 29302

Telephone 864-256-2690 Mobile _____

Address/Location of Property:

5486 Old Dixie Hwy, Forest Park GA

Map # 13084B-8003 Size of Property: Square foot 95,925 Acres 2.20

Present Zoning Classification: R-80 Proposed Zoning Classification: C-1

Present Land Use: Currently vacant; former used car dealership

Proposed Land Use: to be determined; possibly limousine rentals

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.

Erin Ward

Applicant's Signature / Date

Sworn to and subscribed before me

This 11th day of March, 2015.

Virginia Lynn Kane
Notary Public



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.

American Credit Acceptance would like to divide the existing property located at .
5486 Old Dixie Hwy. once the property requested is divided we would like to sell Tract II
as it is no longer needed for our business

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

The property requested was inadvertently zoned residential and overlooked by the
City of Forest Park. It has been used as C1 and we would like it to remain C1 zoning

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?

N/A

What environmental impacts would the proposed project have?

N/A

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

N/A

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.

N/A

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

AUTHORIZATION OF PROPERTY OWNER

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

American Credit Acceptance
5486 Old Dixie Hwy.

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: Erin Ward Burr-Forman LLP Atty.

Address of Applicant: 171 17th St.. Suite 1100 Atlanta, GA

Telephone of Applicant: 404-815-3000

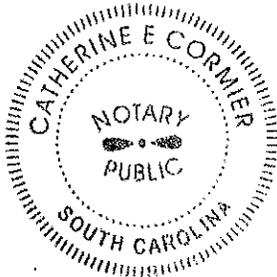
Timothy MacPhail
Signature of Owner

Timothy MacPhail
Print Name of Owner

Personally Appeared Before Me this 9th day of March, 2015.

Catherine E. Cormier
Notary Public

my commission expires: July 19, 2016



Date: March 9, 2015

AUTHORIZATION OF ATTORNEY

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:

5486 Old Dixie
Forest Park, Ga

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

Erin R. Ward
Name of Attorney

171 17th Street NW, Suite 1100
Atlanta, Ga 30363

Address 404-685-4255

Telephone

Virginia Lynn Kane

Signed, sealed and delivered on
this 11th day of March, 2015.

[NOTARY SEAL]



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND GIFTS

Application filed on March, 2015 for action by the City Council on the following rezoning:

R-80 to C-1
 Address to be rezoned 5486 Old Dixie Hwy, Forest Park, GA

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:

American Credit Acceptance, LLC

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

Erin Ward, Attorney for property owner
 Type or Print Name and Title

Signature of Applicant Representative

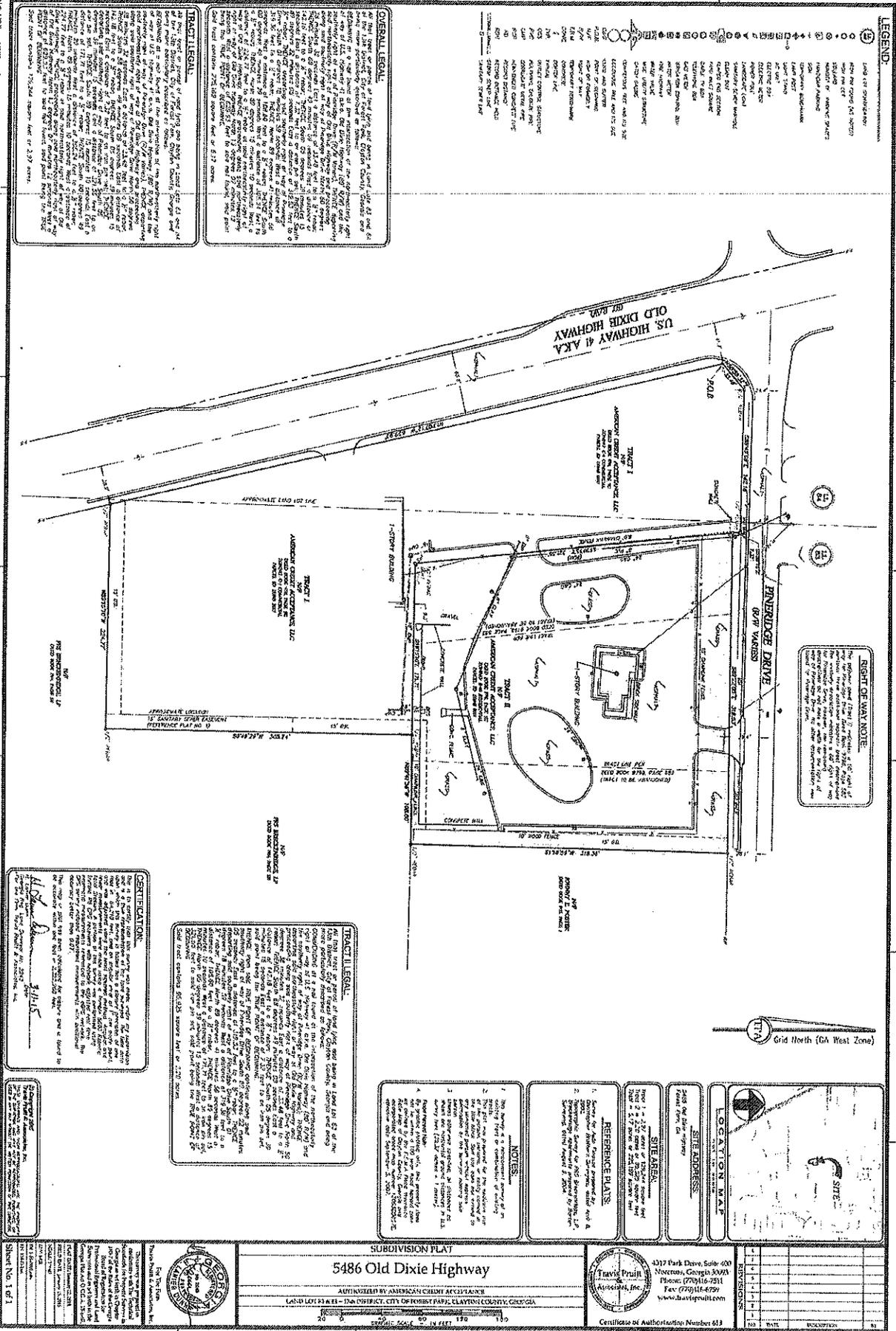
Type or Print Name and Title

Virginia Lynn Kane 3/11/2015
 Signature of Notary Date

(Affix Seal Here)

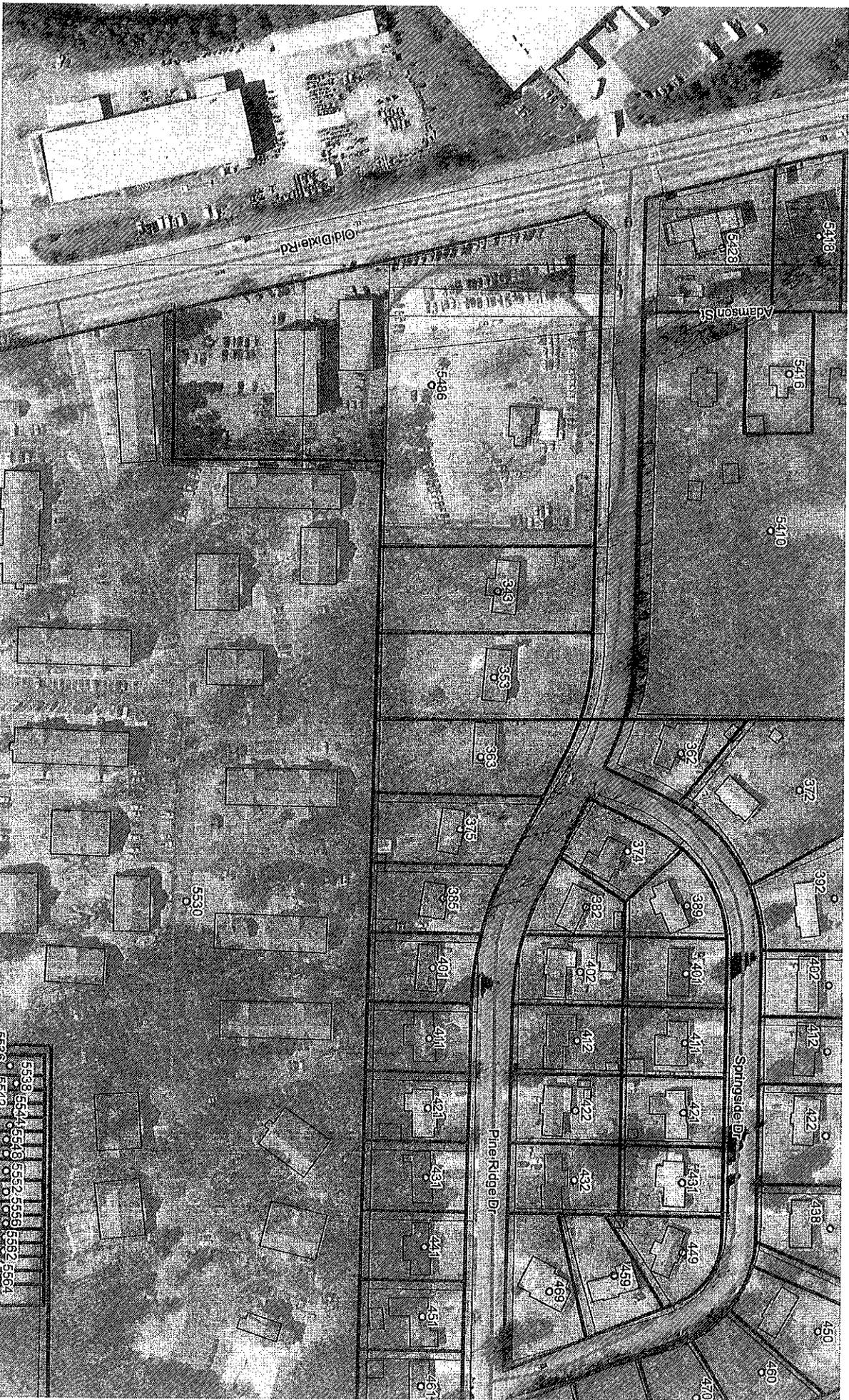


The highlighted portion of parcel 13084 B-B003 should be rezoned to C-1 instead of R-80



LEGEND

- 1/4" = 1' (Scale)
- 1/8" = 1' (Scale)
- 1/16" = 1' (Scale)
- 1/32" = 1' (Scale)
- 1/64" = 1' (Scale)
- 1/128" = 1' (Scale)
- 1/256" = 1' (Scale)
- 1/512" = 1' (Scale)
- 1/1024" = 1' (Scale)
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This is the portion that should be rezoned to C-1.

DESCRIPTION OF

Tract II

All that tract or parcel of land lying and being in Land Lot 83 of the 13th District, City of Forest Park, Clayton County, Georgia and being more particularly described as follows:

COMMENCING at a nail found at the intersection of the northeasterly right of way of U.S. Highway 41 a.k.a. Old Dixie Highway (80' R/W) and the southerly right of way of Pineridge Drive (R/W Varies); **THENCE** departing said northeasterly right of way of Old Dixie Highway and proceeding along said southerly right of way of Pineridge Drive North 50 degrees 38 minutes 32 seconds East a distance of 33.48 feet to a ½" rebar; **THENCE** South 88 degrees 49 minutes 09 seconds East a distance of 142.18 feet to a ½" rebar; **THENCE** South 05 degrees 39 minutes 15 seconds East a distance of 7.32 feet to an iron pin set, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** continue along said southerly right of way of Pineridge Drive South 89 degrees 22 minutes 05 seconds East a distance of 319.53 feet to a ½" rebar; **THENCE** departing said southerly right of way of Pineridge Drive South 01 degrees 18 minutes 59 seconds West a distance of 319.36 feet to a ½" rebar; **THENCE** North 89 degrees 41 minutes 56 seconds West a distance of 108.80 feet to a ½" rebar; **THENCE** North 89 degrees 15 minutes 10 seconds West a distance of 171.71 feet to an iron pin set; **THENCE** North 05 degrees 39 minutes 15 seconds West a distance of 321.55 feet to said iron pin set, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 95,925 square feet or 2.20 acres.

The above described property is shown on a Subdivision Plat for 5486 Old Dixie Highway, dated January 22, 2015, prepared by Travis Pruitt & Associates, Inc.

This is the overall parcel which is being subdivided.

**DESCRIPTION OF
5486 Old Dixie Highway**

All that tract or parcel of land lying and being in Land Lots 83 and 84 of the 13th District, City of Forest Park, Clayton County, Georgia and being more particularly described as follows:

BEGINNING at a nail found at the intersection of the northeasterly right of way of U.S. Highway 41 a.k.a. Old Dixie Highway (80' R/W) and the southerly right of way of Pineridge Drive (R/W Varies), THENCE departing said northeasterly right of way of Old Dixie Highway and proceeding along said southerly right of way of Pineridge Drive North 50 degrees 38 minutes 32 seconds East a distance of 33.48 feet to a ½" rebar; THENCE South 88 degrees 49 minutes 09 seconds East a distance of 142.18 feet to a ½" rebar; THENCE South 05 degrees 39 minutes 15 seconds East a distance of 7.32 feet to an iron pin set; THENCE South 89 degrees 22 minutes 05 seconds East a distance of 319.53 feet to a ½" rebar; THENCE departing said southerly right of way of Pineridge Drive South 01 degrees 18 minutes 59 seconds West a distance of 319.36 feet to a ½" rebar; THENCE North 89 degrees 41 minutes 56 seconds West a distance of 108.80 feet to a ½" rebar; THENCE South 00 degrees 49 minutes 29 seconds West a distance of 305.24 feet to a ½" rebar; THENCE North 89 degrees 15 minutes 10 seconds West a distance of 224.77 feet to a ½" rebar at said northeasterly right of way of Old Dixie Highway; THENCE proceeding along said northeasterly right of way of Old Dixie Highway North 13 degrees 07 minutes 12 seconds West a distance of 629.93 feet to said nail found, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 225,169 square feet or 5.17 acres.

The above described property is shown on a Subdivision Plat for 5486 Old Dixie Highway, dated January 22, 2015, prepared by Travis Pruitt & Associates, Inc.

This is the portion that is already
zoned C-1.

DESCRIPTION OF

Tract I

All that tract or parcel of land lying and being in Land Lots 83 and 84 of the 13th District, City of Forest Park, Clayton County, Georgia and being more particularly described as follows:

BEGINNING at a nail found at the intersection of the northeasterly right of way of U.S. Highway 41 a.k.a. Old Dixie Highway (80' R/W) and the southerly right of way of Pineridge Drive (R/W Varies), THENCE departing said northeasterly right of way of Old Dixie Highway and proceeding along said southerly right of way of Pineridge Drive North 50 degrees 38 minutes 32 seconds East a distance of 33.48 feet to a ½" rebar; THENCE South 88 degrees 49 minutes 09 seconds East a distance of 142.18 feet to a ½" rebar; THENCE South 05 degrees 39 minutes 15 seconds East a distance of 7.32 feet to an iron pin set; THENCE departing said southerly right of way of Pineridge Drive South 05 degrees 39 minutes 15 seconds East a distance of 321.55 feet to an iron pin set; THENCE South 89 degrees 15 minutes 10 seconds East a distance of 171.71 feet to a ½" rebar; THENCE South 00 degrees 49 minutes 29 seconds West a distance of 305.24 feet to a ½" rebar; THENCE North 89 degrees 15 minutes 10 seconds West a distance of 224.77 feet to a ½" rebar at said northeasterly right of way of Old Dixie Highway; THENCE proceeding along said northeasterly right of way of Old Dixie Highway North 13 degrees 07 minutes 12 seconds West a distance of 629.93 feet to said nail found, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 129,244 square feet or 2.97 acres.

The above described property is shown on a Subdivision Plat for 5486 Old Dixie Highway, dated January 22, 2015, prepared by Travis Pruitt & Associates, Inc.

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

BURR & FORMAN LLP

420 N 20th Street
Suite 3400
Birmingham, AL 35203

WELLS FARGO - Atlanta Sub Operating

Check No. 9725

Date: 03/06/2015

Pay to the order of: ***Two hundred fifty and 00/100***

\$*****250.00***

Pay
to The
Order Of

City of Forest Park



⑈00009725⑈

⑆062000080⑆

2000047437948⑈



Staff Report- Zoning Amendment Request

City of Forest Park

Planning, Building and Zoning Department

785 Forest Parkway, Forest Park, Georgia

(404) 608-2300

Date: 4/9/2015

Case: Z-2015-001

Current Zoning: R-80 Residential / C-1 General Commercial

Proposed Zoning: C-1 General Commercial

Staff Report Compiled By: Garry Felder, Planner I

Staff Recommendation: Approval

Hearing Dates: Planning and Zoning Board: 4/15/2015

Mayor and Council: 5/4/2015

Applicant Information

Owner of Record:

Name: American Credit Acceptance, LLC

Address: 961 East Main Street

City/State/Zip: Spartanburg, SC 29302

Applicant:

Name: Erin Ward – Burr & Forman LLP

Address: 171 17th Street NW, Suite 1100

City/State/Zip: Atlanta, Georgia 30363

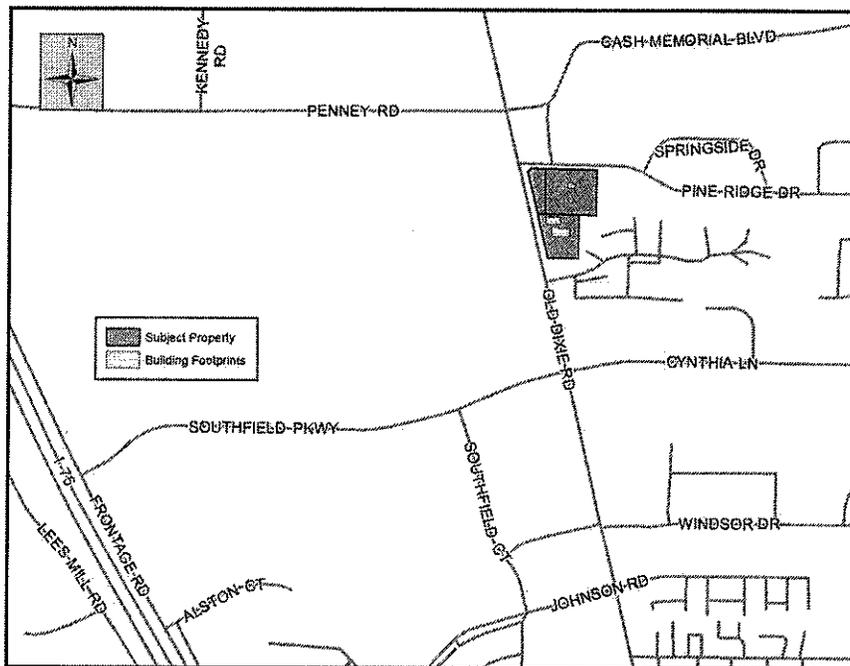
Property Information

PIN (s): 13084B-B003

Acreage: 5.17

Address: 5486 Old Dixie Hwy, Forest Park, GA

Area Map



General Information

The subject property is an improved corner-lot of size 5.17 acres and is located near the border of Forest Park and unincorporated Clayton County at the intersection of Old Dixie Highway and Pine Ridge Drive. The property lies directly adjacent to R-80 Single-Family Residential to the north and east, and RM-85 Multi-Family Residential property along its southern and eastern borders. The subject property also neighbors a commercially-zoned property to the north, opposite Pine Ridge Drive and Heavy-Industrial property to the west, opposite Old Dixie Highway.

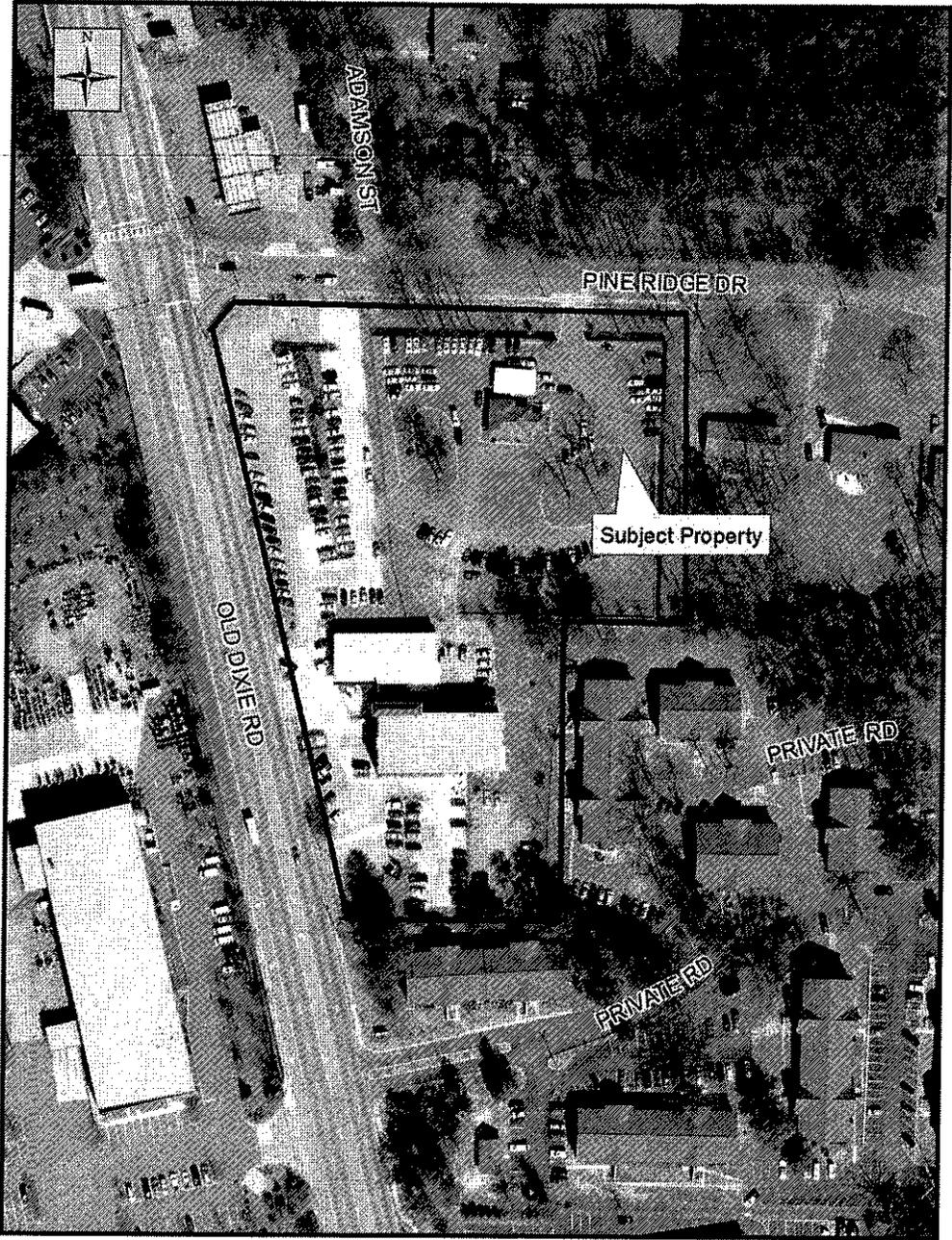
Due to dual zoning classifications (commercial and residential) that exist on the 5.17 acre tract of land without any visual markers to delineate the commercial and residential boundary lines, commercial activity has periodically sprawled onto the 2.58 acre residential zoned area situated on the northeastern portion of the property. Credit Acceptance LLC, doing business as Auto Finance, currently occupies the western portion of the subject property and the northeastern portion of the lot is currently vacant and void of activity.

As mentioned previously, the 2.58 acre portion of 5486 Old Dixie Highway, Parcel ID# 13084B B003 is currently zoned R-80 Single Family Residential use, and is therefore non-commensurate with the proposed commercial use of the property.

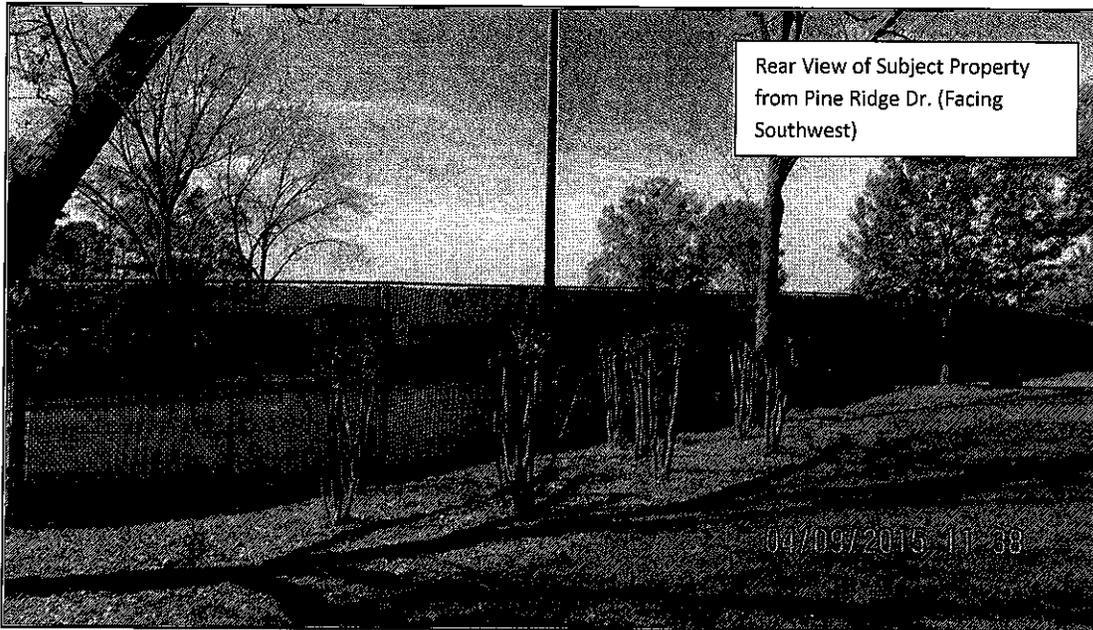
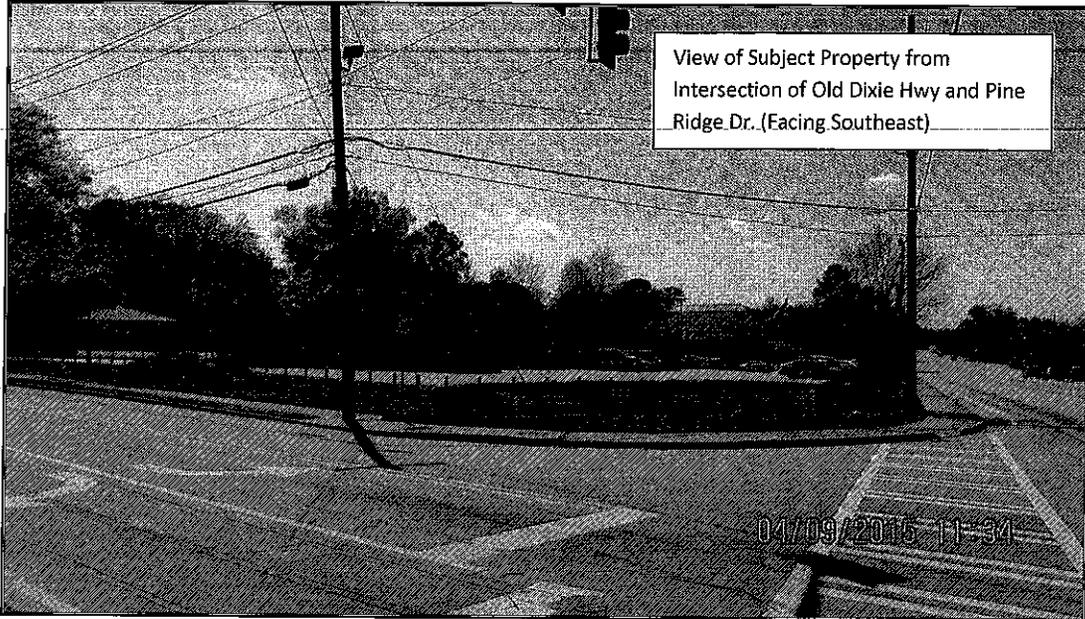
The purpose of the applicant's request is to:

1. Amend the zoning of the entire 5.17 acre tract to the C-1 General-Commercial zoning category.
2. **Reconfigure and subdivide the 5.17 acre tract into two lots of 2.97 acres and 2.20 acres.
3. Bring both lots into conformity with the proposed and existing commercial use.

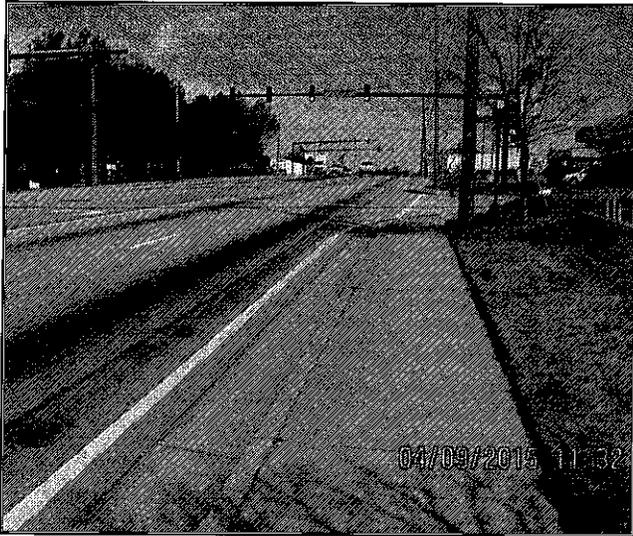
**The proposed 2.97 acre division (Tract 1) will front Old Dixie Highway and the proposed 2.20 acre division (Tract 2) will front Pine Ridge Drive. Both of the proposed tracts meet all applicable setback, parking, and buffer requirements of the City Zoning Ordinance.



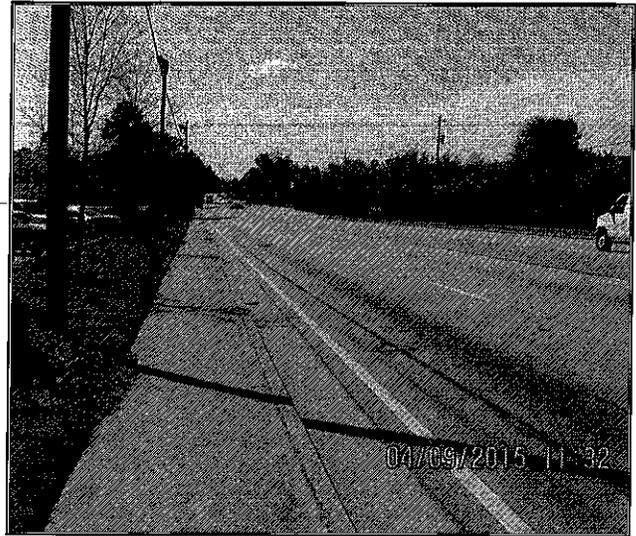
Site Photographs



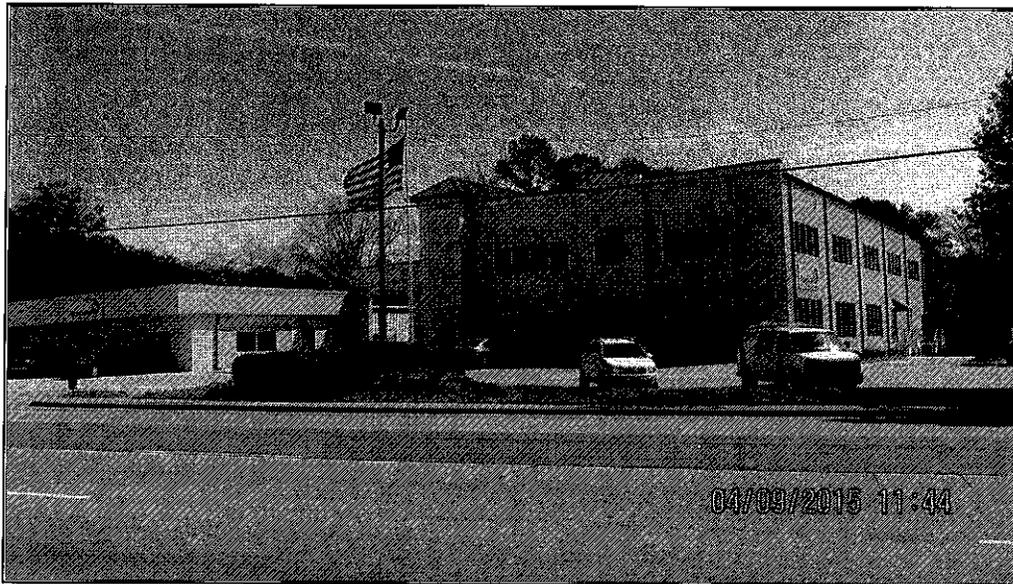
Site Photographs (Continued)



View of Old Dixie Highway (Facing North)

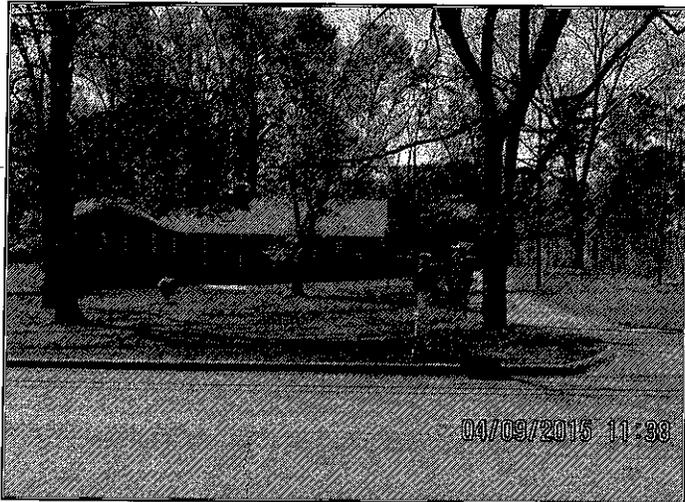


View of Old Dixie Highway (Facing South)

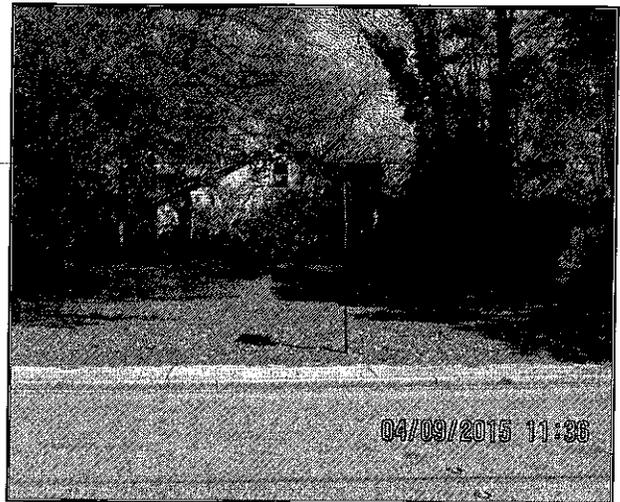


**View of Subject Property via Old Dixie Hwy
(Facing East)**

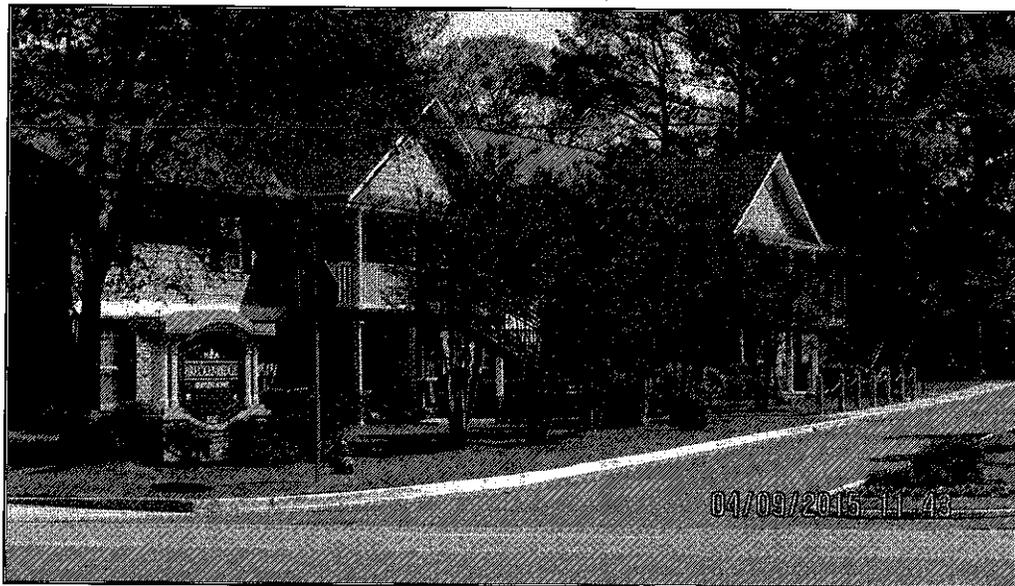
Site Photographs (Continued)



View of Adjacent Property (East)

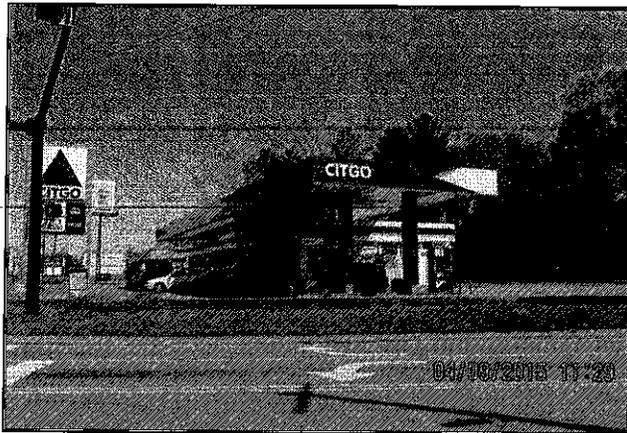


View of Adjacent Property (Northeast)

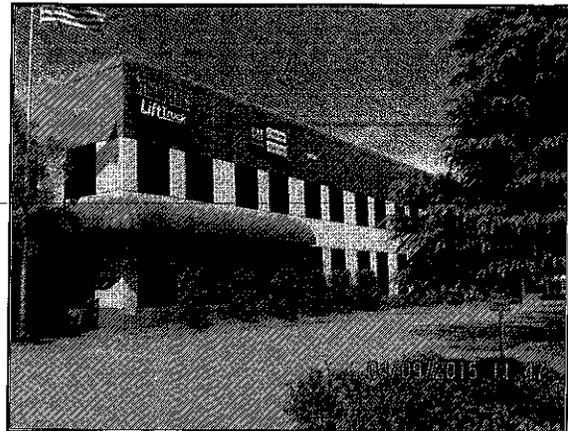


**View of Adjacent Property - BreckenRidge Apartments
(South)**

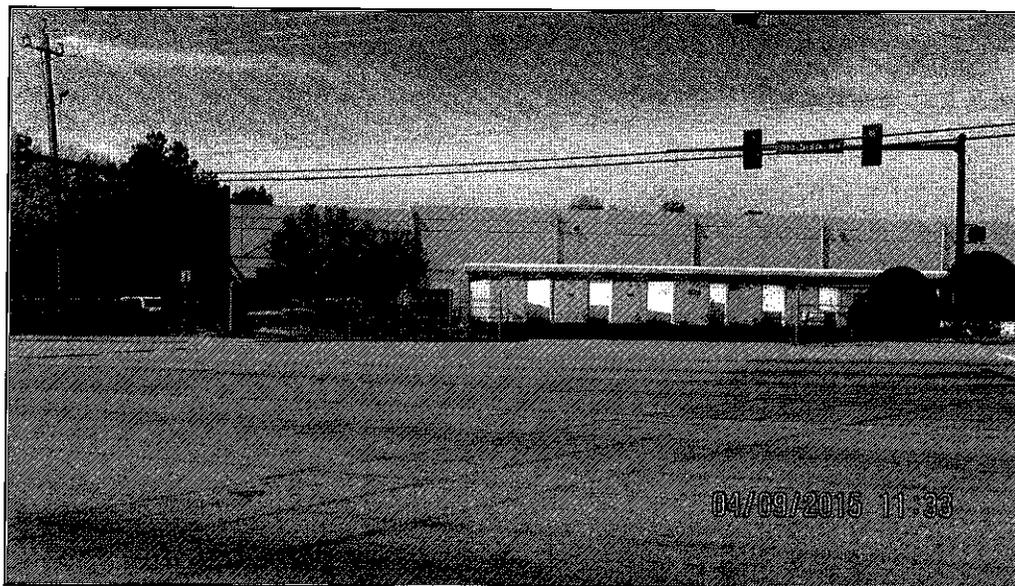
Site Photographs (Continued)



View of Adjacent Property (North)

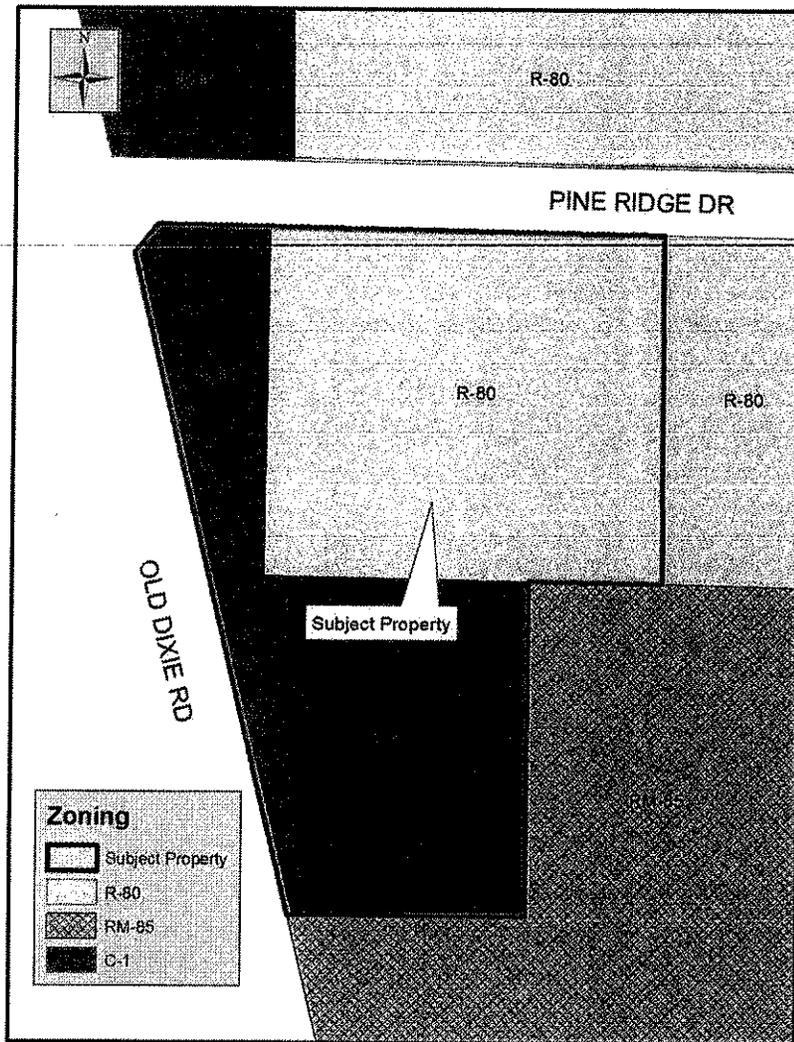


View of Adjacent Property (Southwest)



**View of Adjacent Property
(West)**

Zoning District Compatibility



Zoning Classifications of Contiguous Properties

Direction	Zoning	Direction	Zoning
North	Commercial & Single Family Residential	East	Single Family Residential
South	Multifamily Residential	West	Heavy Industrial

Impact Summary

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals and objectives? **Yes** **No**

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets? **Increase** **Decrease** **No Impact** *Staff does not anticipate an increase in traffic congestion or detriment to traffic safety as a result of this rezoning. Weekly traffic count results are as follows:*

Pine Ridge Dr: 3/17/2014 to 3/24/2014 – Total Vehicle Traffic = 22920 – Approximately 3274 vehicles per day

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers? **Increase** **Decrease** **No Relationship**

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city? **Promote** **Diminish** **No Influence**

Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air? **Promote** **Diminish** **No Influence**

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land? **Cause** **Prevent** **No Influence**

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 as dense in population as to adversely affect the health, safety and general welfare of the city? **Cause** **Prevent** **No Relationship**

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?
 Impede **Facilitate** **No Impact**

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? **Yes** **No** *There are no known contributing factors that will affect the value, use and enjoyment of surrounding properties*

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?
 Promote **Diminish** **No Influence**

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property? **Yes** **No**

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?
 Yes **No** *While the subject property is adjacent to an existing residential use, the zoning amendment request is a continuation of an existing and approved commercial use.*

Staff Concerns

- Staff has no additional concerns regarding the rezoning of this property, nor approval of the proposed subdivision plat resulting in a two tract lot, so long as all setback, parking, and buffer requirements of the City Zoning Ordinance are complied with and maintained. Should Mayor and Council grant approval of the Zoning Amendment Request, Tract 2 of the proposed plat will be assigned a new address along Pine Ridge Dr.

Staff Recommendation

The requested zoning amendment from the R-80 Single Family Residential to the C-1 General Commercial zoning category will not cause an adverse impact on the surrounding community from our studies. Additionally, the subject property does not currently have a visible form of demarcation that identifies the commercial and residential boundary lines. Thus, the proposed zoning amendment will assist in eliminating critical administrative errors by establishing a uniform zoning classification throughout the site. For these reasons, Staff recommends that the zoning amendment be **APPROVED**.

Attachments:

- LEGAL DESCRIPTION
- APPLICATION
- Authorization of Property Owner(s)
- Proposed Survey Plat

STATE OF GEORGIA
CITY OF FOREST PARK

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF FOREST PARK, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Forest Park, Georgia is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Forest Park, Georgia desires to modify the zoning designation of at 5486 Old Dixie Highway from its current combined zoning of C-1 General Commercial District and R-80 Residential District to the C-1 General Commercial District exclusively; and,

WHEREAS, the health, safety, and welfare of the citizens of Forest Park, Georgia, will be positively impacted by the adoption of this Ordinance.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA and by the authority thereof as follows:

Section 1. The property located at 5486 Old Dixie Highway, described on Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to C-1 General Commercial District exclusively, such rezoning to be noted on the City of Forest Park Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Forest Park Official Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this Ordinance and the date of adoption of this Ordinance. Until the rezoning is indicated on the City of Forest Park Official Zoning Map approved by Mayor and Council, this Ordinance shall govern over the City of Forest Park Official Zoning Map approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Forest Park Official Zoning Map approved by Mayor and Council.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Forest Park.

Section 4. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance shall become effective upon its adoption.

SO ORDAINED this _____ day of _____, 2015.

CITY OF FOREST PARK, GEORGIA

David Lockhart, Mayor

Latresa Akins, Mayor Pro-tem

Tommy Smith, Council, Ward 1

Dabouze Antoine, Council, Ward 2

Maudie McCord, Council, Ward 3

Linda Lord, council, Ward 5

Attest:

City Clerk

Exhibit A

All that tract or parcel of land lying and being in Land Lot 83 of the 13th District, City of Forest Park, Clayton County, Georgia and being more particularly described as follows:

COMMENCING at a nail found at the intersection of the northeasterly right of way of U.S. Highway 41 a.k.a. Old Dixie Highway (80" R/W) and the southerly right of way of Pineridge Drive (R/W Varies): THENCE departing said northeasterly right of way of Old Dixie Highway and proceeding along said southerly right of way of Pineridge Drive North 50 degrees 38 minutes 32 seconds East a distance of 33.28 feet to a ½" rebar; THENCE South 88 degrees 49 minutes 09 seconds East a distance of 142.18 feet to a ½" rebar; THENCE South 05 degrees 29 minutes 15 seconds East a distance of 7.32 feet to an iron pin set, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** continue along said southerly right of way of Pineridge Drive South 89 degrees 22 minutes 05 seconds East a distance of 319.53 feet to a ½" rebar; THENCE departing said southerly right of way of Pineridge Drive South 01 degrees 18 minutes 59 seconds West a distance of 319.36 feet to a ½" rebar; THENCE North 89 degrees 41 minutes 46 seconds West a distance of 108.80 feet to a ½" rebar; THENCE North 89 degrees 15 minutes 10 seconds West a distance of 171.71 feet to an iron pin set; THENCE North 05 degrees 39 minutes 15 seconds West a distance of 321.55 feet to said iron pin set, said point being the **TRUE POINT OF BEGINNING**.