**Planning and Zoning Board**

**Minutes**

**November 8, 2012**

**Call to Order:**

Darnell Moorer, Chairman called the meeting of the Planning and Zoning Board to order at 7:31 p.m. on Wednesday November 8, 2012.

**Roll Call:**

Those present were Darnell Moorer, Chairman, Deverick Williams, Vice-Chairman, Margarine Harris, Don Wright and Cindy Pierce, Secretary. Also, present was Al Wiggins, Director of Planning, Building & Zoning Department.

**Approval of**

**Minutes:**

Don Wright made a motion to approve the minutes of the May 9th, 2012 meeting as published. Margarine Harris seconded the motion. Voting on the motion was unanimous.

**Old Business:** None.

**New Business:**

**Rezoning Request submitted by the City of Forest Park, Planning, Building and Zoning; rezone Clayton County Tax ID No. 13051A A009, Main Street, Forest Park, Georgia 30297 from the current zoning classification of RM-125 Condominium – Townhomes to HI Heavy Industrial; 9.97 acre tract.**

Mr. Moorer asked Al Wiggins to read the Staff Report. Mr. Wiggins stated, “Tonight you have before you a zoning amendment Z-2012-002 submitted the City of Forest Park, Planning, Building & Zoning Staff. Also known as Parcel Identification Number 13051A A009. The subject property is located on Main Street just West of Burks Road and is an unimproved lot. There are two tracts separated by an East/West boundary line but this property shares one Parcel Identification Number. Tract 1 is 5.24 acres and Tract 2 is 4.73 acres; for a total of 9.97 acres. The request is to rezone the property from an RM-125 zoning which is a Condominium-Townhomes district to Heavy Industrial zoning classification, is to assign a zoning classification that will allow for the highest and best use for potential commercial development and establish a compatibility with the surrounding properties along the Main Street corridor. The factors of consideration required by the States Zoning Procedures Law are contained within your packet. In requesting of the zoning amendment from the RM-125 to Heavy Industrial zoning categories is compatible with the City of Forest Park’s requirements and will not cause an adverse impact on the surrounding community from our studies. For this reason the Staff request that the zoning amendment be approved.”

Mr. Moorer asked if there were any questions for Mr. Wiggins from the Board. Mr. Moorer stated that usually the Planning and Zoning Dept. will notify persons/residents in the affected area. Were you able to do that and if so, can you give us an idea when that occurred? Mr. Wiggins stated, “The properties that are contiguous, typically the properties that surround the subject property, were sent letters via United States Post Office. The property was also posted with two signs; one along Main Street and one on North Avenue near Stillwood Cove.” Mr. Moorer asked how much time usually is that done prior to the meeting? Mr. Wiggins stated that the clerk would be able to answer that. Cindy Pierce stated that the signs were posted on October 16, 2012; the same day the letters went out to the property owners that abut the subject property. Mr. Moorer stated that the Board would hear from anyone that would like to speak for or against the proposed rezoning.

**Debbie Youmans; 4715 Tanglewood Lane**

Ms. Youmans wanted to know if the rezoning request originated from the Planning, Building and Zoning Department or the Planning and Zoning Board or was it from the Development Authority of the City of Forest Park. Mr. Moorer stated that it was from the Planning, Building and Zoning Department. Ms. Youmans disputed the number of properties that will be affected. EPA has been notified to come back out to the site. Not in the best interest of the City or the community. No barriers; can hear trucks all hours of the day. Ms. Youmans wanted to know how the conclusion was made that this would be in the best interest of that area. What kind of investigation based on what? Mr. Wiggins stated that the decision was made based on the surrounding area zoning classification. Mr. Wiggins also addressed the wetlands issue, if there were ever any development they would have to build around that wetland area, meet minimum lot size requirements and buffer requirements. Any development would have to go before the Planning and Zoning Board. Ms. Youmans is against the rezoning.

**Sandra Harper; 4758 Stillwood Cove**

Ms. Harper stated that the meat place makes a lot of noise trucks going in and out all night long and running all night and creates an awful smell. They are parking trailers in the vacant lot already. Hill Tire causing mosquitoes. Ms. Harper is against the rezoning.

**Maureen Scott; 4729 Stillwood Cove**

Ms. Scott was stated that John Parker told her that Arko wanted to expand. Mr. Moorer said he has no knowledge of what Arko has plans for. Ms. Scott stated that they could have put the library there and not cut down all those trees to put the library where it is. She stated that Forest Park has clear cut hundreds of trees. Arko does not have a buffer. Mr. Wiggins stated that was a non-conforming use; which was prior to the new zoning taking place. Anyone moving forward would have to meet the requirements of the current zoning ordinance. Ms. Scott stressed her concern that this would border on spot zoning. She stressed her concerns about opening Stillwood Cove to Main Street.

**Arkady Mirestky; 406 Main Street**

Mr. Mirestky stated that the property was already zoned HI when he opened his business there in 2003. They employee 79 people. He addressed the noise concern by saying that the building is metal and the trucks park against the building. The trucks are refrigerated and have to run; the noise bounces off the metal building and amplifies. By moving the trucks to the front of Main Street it would be a solution for all. He stated the smell is from Griffin Industries, the company that picks up fat/bones, which is stored in the cooler until pick up time; what the neighbors smell is the truck that picks these items up. Mr. Mirestky extended an invitation to everyone present to come and tour his facility.

**Forest Webb; 709 Brookwood Drive**

Mr. Webb stated that he is not directly impacted by the situation, but as a citizen of Forest Park he would have to stand with his neighbors. His concern is what would be the impact if the Board did not make a decision tonight and what obligates you to make a decision tonight. Mr. Moorer stated that the Board does not make the decision; this Board only makes a recommendation. Mr. Webb would like to see the Board table this until all parties are able to meet.

**Ms. Youmans** stated that she hoped that each of the Board members prepared appropriately for tonight, and she means by each of them going out to the property, looked at the property, went to their neighborhoods and made an effort to see for their selves what is going on over there. Instead of just listening to a recommendation from Mr. Wiggins. Why rezone the whole property?

Mr. Moorer stated that he can’t answer for everyone, but he has been out to the property and area many times.

Mr. Moorer asked the Board for a recommendation. Ms. Harris made a motion to hold this item for rezoning until after the parties have been able to meet. Deverick Williams seconded the motion. Mr. Williams asked if they could meet prior to Council meeting and be able to come back before the Board also. Mr. Moorer stated he did not know when they were going to meet. Mrs. Pierce stated that the way the meetings for the Board go is that all information has to be submitted to City Hall the Tuesday before the Monday Council meeting. The Board has guidelines that must be followed. In order for the Board to meet again, it would be a “Public Hearing” and it would have to be advertised again for two Fridays in the News Daily; per Mr. Wiggins.

Mr. Williams withdrew his 2nd to the motion to hold the rezoning request until all parties have met. Ms. Harris removed her motion to hold the rezoning request until all parties have met.

Mr. Moorer asked for a motion. Margarine Harris made a motion to recommend denying the request for rezoning. Deverick Williams seconded the motion. Voting on the motion was unanimous.

**Other Business:** None.

**Adjournment:** Don Wright made a motion to adjourn. Ms. Harris seconded the motion. Voting on the motion was unanimous.