



CITY OF SOUTH FULTON
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, FEBRUARY 15, 2018 at 1:00 P.M.

Present: Chair Aaron Johnson, Nicholas Wilson, Geneasa Elias, DeAndre Mathis, Regina Mincey, Calvin Bennett, Sareena Beasley, Brenda Jenkins

Absent: None

Meeting Called to Order: Chair Aaron Johnson called the meeting to order at 1:00pm. All members were present per the roll call by Interim Director Shayla Reed of Community Development Services. Therefore, there was a quorum.

Swearing in of the members by City Clerk Mark Massey.

Chair Aaron Johnson states the rules of the hearing.

VI. NEW BUSINESS

a. Public Hearing: V17-009 for the SE intersection of Old National Hwy & Bigwood Trl

Senior Planner Brianna Rindge sounds and explains the first case, V17-009, located on Old National Highway & Bigwood Trail. With Applicant Dr. Paul McKoy's consent, staff has recommended deferral until March 15, 2018.

Chair Aaron Johnson opens for public comment.

Michael Venable states there is zero justification for any variance for this property. This is a brand-new property, so the applicant is aware of the parameters and there is no hardship.

Chair Aaron Johnson states that Staff's recommendation is for deferral and asks for a motion

Board Member Brenda Jenkins moves to defer this case to the April 19, 2018 meeting in order to vote on the variance after Mayor and Council have voted on the associated rezoning. **Board Member Nichols Wilson** seconds the motion.

The vote passes unanimously for deferral to the April 19, 2018 Zoning Board of Appeals meeting.

b. Public Hearing: V17-010 for 100 Lakeview Court SW

Chair Aaron Johnson sounds the second case.

Senior Planner Brianna Rindge provides details for the case, V17-010, located at 100 Lakeview Court SW. The applicant is United Natural Foods and they currently occupy about 311,000 square feet of

space and wish to expand to 388,000-square feet in order to expand their freezer capacity. This requires reducing an undisturbed buffer from 100 feet to 50 feet. Brianna proceeds to show the site using a PowerPoint demonstration. The applicant proposes a retaining wall due to the drastic topography between the sites.

Mark Bushway (Applicant) explains that United Natural Foods is the largest organic food distributor in the US and Canada. He explains they service six states and have 350 employees in their distribution center. He says the organic industry is growing and they need to expand this building to address these needs.

Chair Aaron Johnson asks if there is anyone present for public comment.

Board Member DeAndre Mathis asks if the applicant knows the position of the current owner of the adjacent residential property.

Will Jensen (with applicant) states that they did reach out to all neighboring residents and had zero response.

Board Member Sareena Beasley asks for a copy of the letter.

Will Jensen states that it is part of the packet and that they held the meeting after the holidays at Hilton Garden Inn.

Board Member Sareena Beasley ask if they distribute on the south side.

Mark Bushway states that their largest customer is Whole Foods.

Board Member Sareena Beasley asks if there is there a Whole Foods in the City of South Fulton.

Will Jensen does not believe there is one in South Fulton.

Board Member Geneasa Elias asks the applicant if they held their public meeting at the Hilton Garden Inn and at which location.

Mark Bushway answers Lithia Springs, adding that it was one of the closest locations to the subject site.

Board Member Geneasa Elias states that her concern is that the Hilton Garden Inn at Lithia Springs is outside of the city of South Fulton and outside of the area where the adjacent property owners live. She also asks if the applicant is aware of the actual criteria of a variance, suggesting in their letter of intent, they only speak of the economics of the project, but not necessary to the criteria of the variance.

Will Jensen asks Board Member Geneasa Elias to explain.

Board Member Geneasa Elias states that Board members are given three specific criteria to use to evaluate any deviance from the Zoning Resolution. That deviation has to do with a particular hardship like topography or shape of the property, things that are beyond control. As an applicant you cannot create your own hardship. She suggests that economics would not be part of that criteria.

Mark Bushway says okay.

Board Member Kalvin Bennett states that his understanding is that there is a pre-application meeting with Staff.

Interim Director Shayla Reed says yes, and that the applicant held his own meeting and no one from the public showed up.

Board Member Calvin Bennett states he is in the mind to go along with the recommendation of Staff. He further tells the applicant that they have a business that is trying to grow and it is not of interest to be a hinderance.

Board Member Brenda Jenkins asks about the date the meeting was held.

Board Member Brenda Jenkins states that she wanted to add to Mr. Bennett's comment that if you are unable to expand your business, that is actually a hardship and they are in our city and are paying a significant amount of taxes.

Board Member Nicholas Wilson asks if the applicant mentioned that they do 21 million dollars in payroll and pay \$130,000 in property taxes, at this location alone.

Mark Bushway answers that that is correct.

Board Member Sareena Beasley asks the applicant to explain the economics on the expansion and how they came to this conclusion.

Mark Bushway states that they are a publicly-traded company and use trends that have grown in double digits consistently. He explains that they have projections on their growth and currently do 2 million dollars in sales a night. He further states that they have maxed-out space within their existing building.

Board Member Sareena Beasley asks if they have been at their present location for 14 years.

Mark Bushway answers yes, since 2002.

Board Member Sareena Beasley asks what kind of funds the applicant has provided to the citizens of South Fulton, or if they've given back to the community.

Mark Bushway states that they have a Helping Hands Committee that includes different projects around the holidays as well clean up.

Board Member Sareena Beasley states that she is sure the applicant spoke with their engineers. She asks how the expansion will affect sewage and residents.

Will Jensen explains that there is a large retention pond that will collect and pipe stormwater into that pond. Everything is built to the Georgia standards.

Board Member Geneasa Elias states that she did not want the applicants to go away thinking that she's anti-development, because she's not. She explains that she believes if there is an appropriate project in the right location and it is compliant with all the rules and regulations, she has no issue with it. She explains the criteria for the specific variance, and wants to make sure that whatever decision she makes is consistent with the Zoning Resolution.

Board Member Nicholas Wilson states that that was his biggest concern, not to diminish their ability to expand as long as they are not infringing on neighbors.

Chair Aaron Johnson ask if there is a motion.

Board Member Brenda Jenkins makes a motion to approve and **Board Member Nicholas Wilson** seconds.

The vote passes unanimously for approval.

c. Public Hearing: V17-012 for 6010 Campbellton Fairburn Road & 6005 Koweta Road

Chair Aaron Johnson sounds the next case, V17-012 at 6010 Campbellton Fairburn Road & 6005 Koweta Road.

Planner II Dana Gray provides details for V17-012 at 6010 Campbellton Fairburn Road & 6005 Koweta Road. The applicant, Regina Hyde-Nance of South Fulton Pet Care, requests a variance to reduce the undisturbed buffer from 50 feet to 10 feet for the purpose of grading and planting after it is disturbed. She did have another recent case, V16-023, which consisted of nine variances that were all approved by Fulton County Board of Zoning Appeals. He proceeds to show in a PowerPoint the site plans and details of the site. He states that Staff recommends approval.

Chair Aaron Johnson asks the applicant to step forward.

Regina Hyde-Nance (Applicant) explains that she has been in the area for ten years and this is her life dream. She explains that the variance came about when she was working with GDOT and realized that there was an oversite at Fulton County to reduce this undisturbed buffer. She further explains that ten feet on the northern property will not be disturbed at all; however, ten feet would be disturbed and replaced with spruce trees.

Chair Aaron Johnson asks if there is any public comment.

Damon Francis states that he lives at the property adjacent to her site. He further states he is 100% against this variance. He explains that he bought the property because his family would have complete privacy and he had no idea of Ms. Hyde-Nance's intension. He explains that they live on a highway where cars go 60-65 miles an hour and they must be very careful pulling out. He does not want to share a driveway with anyone. His son just got a license and he will have difficulty teaching him how to pull out with a shared or close driveway. A person making a left-hand turn into her business would be dangerous.

Kristy Francis states that she is the wife of Damon Francis and goes on to further explain how she is in agreeance with her husband and it will be challenging for her and her family.

Gail Lesser explains that she lives in the general neighborhood and supports the general concept. She states that it does not represent a real commercial use and if the neighbors are unhappy that they come up with a new plan.

Chair Aaron Johnson asks if there are any other public comments. Seeing as there are none, he closes the public hearing and it is now up for discussion.

Board Member Geneasa Elias asks Ms. Hyde-Nance if her engineer is present today.

Regina Hyde-Nance answers no.

Board Member Geneasa Elias asks the applicant if she wants to temporarily reduce the 50-foot undisturbed buffer to 10 feet for the purpose of grading. She asks if she plans to replant that buffer back to the 50 feet in accordance with the overlay district or if it will be replanted to something less than what the overlay requires.

Regina Hyde-Nance states it will be replanted to 10 feet making it a 20 feet buffer in total.

Board Member Geneasa Elias asks Staff if the request should be to reduce the buffer from 50 feet to 20 feet. She further asks should it not have been two variances, the first a request to reduce the buffer down to 10 feet for the purpose of grading and a permanent buffer from 50 feet to 20 feet.

Interim Director Shayla Reed states that she is correct.

Senior Planner Brianna Rindge explains the undisturbed buffer requirement and 10-foot landscape strip. The 50 feet would decrease to 10 feet and the 10-foot landscape strip is just shifting over.

Board Member Geneasa Elias states she understands she is not disturbing the 10-foot landscape and that the replanting does not meet the 50-foot requirement. She asks if there should have been a second variance to permanently reduce the from buffer from 50 feet to 20 feet.

Senior Planner Brianna Rindge explains that the applicant could have asked for a temporary buffer but she went ahead and asked for a permanent variance from 50 to 10. The grading is necessary to be able to reach the parking area for construction.

Board Member Sareena Beasley asks if the business is already in existence and how the applicant accesses the property.

Interim Director Shayla Reed states that this is a vacant property and she intends to build a new building. She has a business down the road where the Publix shopping center is located.

Board Member Sareena Beasley asks if the business is the only business in the residential area.

Interim Director Shayla Reed answers yes.

Board Member Nicholas Wilson asks if the applicant is currently operating her business and she bought this land with the intention of building a new building.

Regina Hyde-Nance answers yes.

Board Member Nicholas Wilson asks if there were other options or design alternatives.

Regina Hyde-Nance answers that this was the closest to her existing business and a main road.

Board Member Nicholas Wilson asks if, the way the building is shaped, there are other alternatives to push it back.

Regina Hyde-Nance answers no, because of the shape of the property, she would be disturbing 50-foot buffers all around.

Board Member Nicholas Wilson asks Staff what district this property is in.

Regina Hyde-Nance answers that it is in district 4.

Board Member Brenda Jenkins asks when she purchased this property.

Regina Hyde-Nance answers two years ago.

Board Member Brenda Jenkins asks if, at the time she purchased it, the only access to the property was on the shoulders of the road.

Regina Hyde-Nance answers that GDOT wanted her to access the site from Koweta Road, however there is a very dangerous curve there from which you cannot see cars coming. So, she moved it to Campbellton Fairburn Road.

Board Member Brenda Jenkins asks if that was determined by a feasibility study prior to purchasing the property.

Regina Hyde-Nance states that directive came from GDOT.

Board Member Calvin Bennett asks if she had a chance to work it out with her neighbor, and if not, why not.

Regina Hyde-Nance answers that they disagreed. GDOT wanted them to share the driveway and neither of them wanted to. She stated that her neighbors actually encroach on her property today, so the aprons would touch.

Chair Aaron Johnson states that their driveways are right next to each other.

Board Member Geneasa Elias states that they are requesting a reduction for the purpose of grading but after listening to the conversations, they are requesting the reduction permanently from 50 feet to 10 feet. She asks if the variance should say such.

Senior Planner Brianna Rindge explains the 50 feet plus the 10 feet and shows on the map where the grading needs to occur.

Board Member Geneasa Elias still says the variance should read a reduction from 50 feet to 10 feet. What is throwing it off is that it says strictly for the purpose of grading, but it's actually a permanent reduction.

Senior Planner Brianna Rindge replies yes, that that's how Staff evaluated it.

Board Member Sareena Beasley asks if this property is considered residential.

Senior Planner Brianna Rindge answers that it is AG-1. She lists the permitted uses in AG-1.

Board Member DeAndre Mathis asks Damon Francis if the zoning of the property next to his ever changed.

Damon Francis answers no.

Board Member DeAndre Mathis asks Damon Francis if when he bought his property was he aware of the zoning next door.

Damon Francis answers that originally there was a 100-foot buffer, and that during the last case, they agreed upon a 50-foot buffer now and that a to 10-foot buffer is unacceptable.

Board Member DeAndre Mathis asks whose property the trees are on.

Damon Francis answers it's on Regina Hyde-Nance's property.

Board Member Brenda Jenkins asks Regina Hyde-Nance if it is possible use the drive on Koweta Road and cut back the foliage.

Regina Hyde-Nance answers no, that it's a blind curve which creates a danger and the foliage is on someone else's property.

Board Member Sareena Beasley would like to see a form from an engineer for other alternatives.

Interim Director Shayla Reed explains how Planning & Zoning Division Staff sits down with the City Engineer and Arborist as well as the Fulton County Fire Department to review cases and provide comments to the applicant.

Board Member Sareena Beasley asks if the forms are available today.

Interim Director Shayla Reed answers no.

Chair Aaron Johnson says he will entertain a motion.

Board Member Geneasa Elias makes a motion to approve with the conditions as stated by staff while excluding as it is written that the reduction is strictly for grading. **Board Member Sareena Beasley** seconds.

The motion fails.

Chair Aaron Johnson asks if there is another motion.

Board Member DeAndre Mathis makes a motion to table the case for further review to the next meeting. **Board Member Sareena Beasley** seconds.

The vote passes unanimously for deferral to the March 15, 2018 meeting.

VII. OTHER BUSINESS

Interim Director Shayla Reed states that the next meeting is scheduled for March 15, 2018.

Board Member Geneasa Elias asks to meet at 12:00 p.m. so they can have an hour to discuss cases with Staff.

Interim Director Shayla Reed accepts.

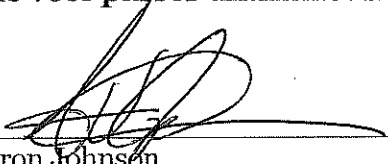
Chair Aaron Johnson asks if everyone wants to come in at 12:00 p.m.

Board Member Sareena Beasley suggests starting at 12:00 p.m. for whoever wishes to show up and ask questions, with a required arrival time of 12:15 p.m.

VIII. AJOURNMENT

Board Member DeAndre Mathis makes a motion to adjourn and **Board Member Brenda Jenkins** seconds.

The vote passes unanimously for approval.



Aaron Johnson
Chair, City of South Fulton Zoning Board of Appeals



Shayla Reed
Interim Director, City of South Fulton Community Development Services