

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



SHAYLA REED
INTERIM DIRECTOR
COMMUNITY DEVELOPMENT SERVICES

MEMORANDUM

TO: City Planning Commission
FROM: Planning and Zoning Division
SUBJECT: U18-005 for 6375 East Stubbs Road
DATE: February 19, 2019

Applicant Marion Berry for The Berry Kind Project seeks a use permit for a group residence for 5 to 8 children at 6375 East Stubbs Rd.

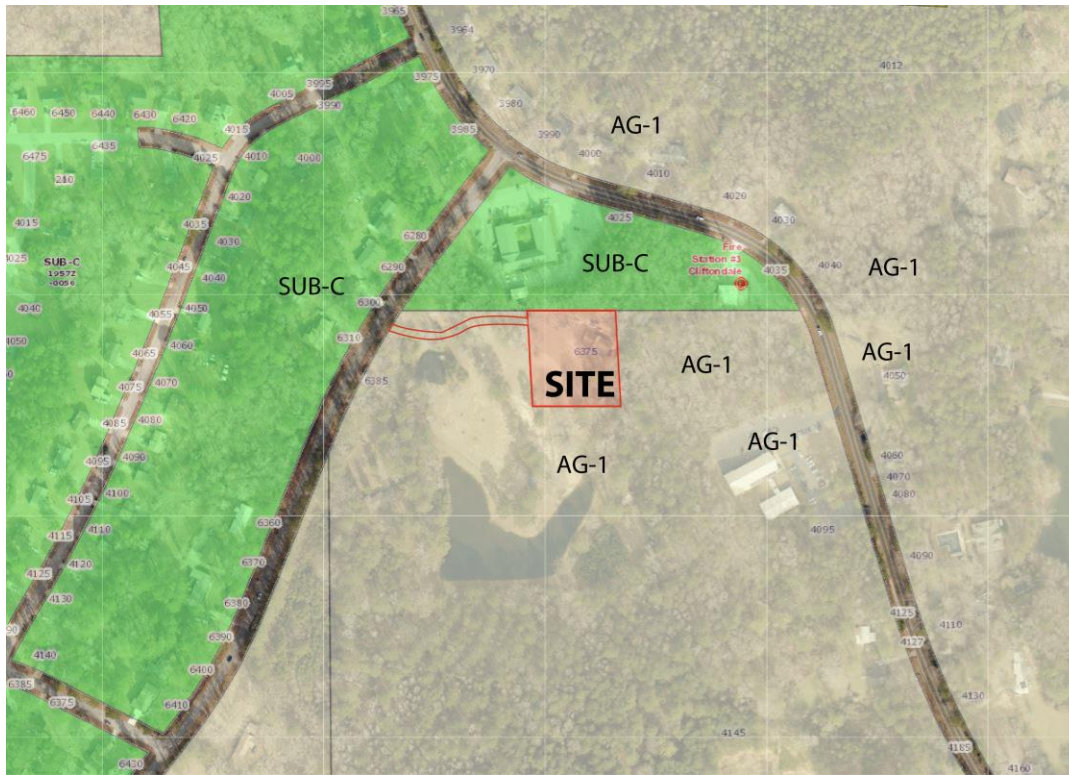
STAFF RECOMMENDATION: APPROVAL

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Marion Berry The Berry Kind Project 6375 East Stubbs Rd. College Park, Ga. 30349
Status of Applicant:	Applicant does not currently own the property.
City Council District(s):	4
Parcel ID Number:	09F410001721428
Area of Property:	The property is composed of approximately 1 acre.
Current/Past Use of the Property:	Single-family home of ~2,400 ft ²
Prior Zoning Cases/History:	None
Surrounding Zoning:	<u>North</u> : Sub C (Single Family Dwelling) <u>East</u> AG-1 (Agricultural District) <u>South</u> : AG-1 (Agricultural District) <u>West</u> : Sub C (Single Family Dwelling)
2035 Future Land Use Designation:	Rural Neighborhood
Compatibility with the 2035 Comprehensive Plan:	This Designation provides for residential as well as “schools, places of worship, community centers and facilities” with which the proposed group residence for children aligns.
Overlay District:	Cliftdale
Public Utilities:	Water service is provided to these sites by City of Atlanta. The property utilizes a septic tank. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street</u> : East Stubbs Road <u>Classification</u> : Local Road <u>Public Transit</u> : MARTA Bus 88 stops a 1.5 mile from the subject property at the intersection of Derrick Industrial Blvd. and South Fulton Parkway. <u>Bike/Pedestrian Access</u> : Neither sidewalks nor bike lanes exist
Parking Required:	2 spaces
Parking Proposed:	16 existing spaces

City of South Fulton Zoning:



PUBLIC PARTICIPATION

The applicant held their own public meeting on January 19, 2019 at 3:00 p.m. at 6385 East Stubbs Road, College Park, GA 30349. One member of public attended to inquire about supervision for the youth. The applicant's response was that they will provide 24-hour supervision with three shifts 7am – 3 pm, 3pm – 11pm and 11pm to 7am with trained staff.

No one showed for the Staff-hosted Community Zoning Information Meeting (CZIM).

USE PERMIT STANDARDS FOR A GROUP RESIDENCE FOR 5-8 CHILDREN

1. Facility shall be for no more than 8 children.
2. Parking shall comply with the requirements of *Article 18* for dwellings.
3. Copies of applicable local, state, and federal permits shall be provided to Community Development Services prior to the issuance of a certificate of occupancy.
4. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.
5. Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.

USE PERMIT CONSIDERATIONS

Staff is including the specific considerations for a use permit to be granted in an effort to assist City officials in considering the application and its merits. In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use. These considerations include:

1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by Mayor and Council;

Rural Neighborhood designation provides for residential as well as “schools, places of worship, community centers and facilities” with which the proposed group residence for children aligns.

2. Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;

The subject parcel is zoned AG-1 (Agricultural District). According to *Fulton County Zoning Resolution Article 19 Section 4.20(1)A*, AG-1 allows for this use, so long as no other group residences are located within a quarter-mile of this group residence. The City of South Fulton Geographic Information Systems Division confirms adherence to minimum distance requirements set forth by *Article XIX* of the *Zoning Resolution* with all available resources. The group residence operates as a single-family use, which is in line with the adjacent uses and zoning.

3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;

The applicant must comply with all ordinances and regulations before approval of any City land disturbance permit is issued.

4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;

The proposed use will have negligible effect on traffic flow along East Stubbs Road and surrounding streets.

5. The location and number of off-street parking spaces;

Parking is located approximately 500 feet from East Stubbs Rd.

6. The amount and location of open space;

The subject parcel is a flag lot consisting of 1 acre. Most of the open area is located to the side (south) of the house.

7. Protective screening;

The house is set back approximately 500 feet from East Stubbs Rd. It is also buffered by trees along the east, west and north, providing screening and privacy between adjacent properties.

There is partial screen to the south of the property with the existing home located approximately 600 feet away.

8. Hours and manner of operation;

The business will operate 24 hours per day.

9. Outdoor lighting; and

The facility currently has outdoor security lights.

10. Ingress and egress to the property.

There is one means of ingress and egress by a driveway from the home to East Stubbs Rd right-of-way.

STAFF COMMENTS

Engineering:

Environmental:

Public Works:

Transportation:

MARTA:

Fulton County Schools:

Fire: The current Property consists of two houses and they are up in age. I am unsure of details in this request. I will say the IBC for R-4 group homes would say you must meet 903.3.1.3 and NFPA 13 sprinkler or 907.2 with NFPA 73 alarms. If they are trying to convert the buildings, it would still have to comply with the Life Safety Codes chapter 33 again requiring sprinklers.

Legal:

PLANNER'S RECOMMENDATION

The applicant has been in business (below the threshold that would be permitted through the requested use permit) for several years and wishes to increase the number of children to whom they can provide service. The facility sits approximately 500 feet from East Stubbs Rd It is also buffered by trees along the east, west and north, providing screening and privacy between adjacent properties. There is partial screening to the south of the property with an existing home located approximately 600 feet away.

This provides privacy for the children as well as the neighbors. Based on the conclusions and findings herein, Staff recommends **APPROVAL**.

PLANNING COMMISSION RECOMMENDATION

Deferral for 30 days for Planning Commission to obtain a service report which will include police, fire and ambulatory calls to the property.

REVIEWED BY:

Dana Gray