

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



SHAYLA REED
INTERIM DIRECTOR
COMMUNITY DEVELOPMENT SERVICES

MEMORANDUM

TO: City of South Fulton Mayor & Council
FROM: Planning & Zoning Division
SUBJECT: **M18-005 for a Modification of Z85-014 at 3900 Cascade Rd**
DATE: August 28, 2018

The applicant, Jason Sommer, seeks modification of three conditions identified in zoning case *Z85-014* so that the applicant may comply with the traditional building height and freestanding signage regulations of the zoning district and amend the adopted site plan at 3900 Cascade Rd.

STAFF RECOMMENDATION: APPROVAL

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Jason Sommer 4310 Granby Way Marietta GA 30062
Status of Applicant:	Applicant does not currently own the property
City Council District(s):	1
Parcel ID Number:	14F0010LL0327
Area of Property:	The property is composed of approximately 1.9 acres.
Existing Zoning:	C-1 (Community Business District) with conditions pursuant to <i>Case No. Z85-014</i>
Current/Past Use of the Property:	Undeveloped
Prior Zoning Cases/History:	Z85-014 , request to rezone from R-3 (Single-Family Dwelling District) to C-1 (Community Business District) - APPROVED WITH CONDITIONS
Surrounding Zoning:	<u>North (across Cascade Rd):</u> O-I (Office and Institutional District) <u>East (across Kimberly Rd):</u> R-3 (Single-Family Dwelling District) <u>South:</u> O-I (Office and Institutional District) <u>West:</u> <ul style="list-style-type: none">• C-1 (Community Business)• R-3 (Single-Family Dwelling District)
2035 Future Land Use Designation:	Suburban Neighborhood
Compatibility with the 2035 Comprehensive Plan:	The business requesting the use permit will serve the residences within the “Suburban Neighborhood”. This designation provides for community facilities, and the applicant proposes to provide a community meeting room.
Overlay District:	Cascade
Public Utilities:	Water service is provided to these sites by City of Atlanta. Sewer service is provided to these sites by Fulton County.
Public Services:	Police and fire services are available to the site by the City of South Fulton.

Transportation:

Street: Cascade Road

Classification: Minor Arterial State Road

Public Transit: MARTA Bus Routes 71 and 165 both stop directly at the subject site.

Bike/Pedestrian Access: Sidewalks are available on both sides of Cascade Rd and one side of Kimberly Rd adjacent to the site. There are no bike lanes.



CONDITION(S) TO BE MODIFIED:

Z85-014 condition 1b

Limit the height of the buildings to no more than 2 stories.

Z85-014 with Modification M07-009 condition 2a

To the owner's agreement to abide by the following:

To the site plan received by the [Fulton County] Department of Environment and Community Development on January 8, 1985 and April 24, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the *Zoning Resolution* and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to

complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

Z85-014 condition 3d

Limit the freestanding project identification signage of the entire property to no more than one unlighted, double-faced pole sign/monument sign adjacent to Cascade Road having no more than 20 square feet of surface area per face and further not to exceed a height of 4 feet from finished grade measured from the base of the sign structure.

PUBLIC PARTICIPATION

The applicant held their own public meeting on July 24, 2018 at 6:30 p.m. at the Fulton County Library, Southwest Branch (3665 Cascade Rd, Atlanta, GA 30331) and a second on August 2, 2018 at 6:00 p.m. at Chick-Fil-A (3725 Cascade Rd, Atlanta, GA 30331). Five members of public attended and expressed concern on crime and traffic. The applicant replied that the facility will have limited access points and a professional security system with surveillance cameras, and that they expect less than ten visitors per day and are communicating with authorities on potential implementation of a traffic light at the Cascade/Kimberly intersection. The applicant also met individually with 21 other stakeholders including neighboring property owners and community group members and reported on their support of the project.

Fourteen members of the public attended the Staff-hosted Community Zoning Information Meeting to learn more about the project.

STAFF COMMENTS

Engineering: Reviewed; none provided

Arborist: Reviewed; none provided

Environmental: Based upon the information submitted, the Environmental Justice Program of the Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment as a result of approving the proposed modification to allow the proposed building to be developed with the proposed height and signage.

Public Works: Sewer service exists in close proximity to the site.

Transportation: Requirements included with Staff recommendation for the use permit

MARTA: This type of use is not transit supportive. However, the applicant should coordinate with MARTA's bus stop planner to ensure that, when landscaping is installed, there will be no damage to the existing bus stops.

Fulton County Schools: Reviewed; none provided

Fire: Reviewed; none provided

Legal: None provided

PLANNER'S RECOMMENDATION

The property is zoned C-1 (Community Business District), which states that “[n]o structure shall exceed the higher of 4 stories of 60 feet in height” and, for properties under 3 acres, permits a maximum of 1, 32-square-foot, freestanding sign at a maximum height of 6 feet. The conditions placed on the property in 1985 were to further refine the requirements of the existing code at the time, which was adopted on July 2, 1984. This code permitted the same height as today’s code, but permitted more lenient signage, including freestanding signage of up to 60 square feet along each street frontage. At the time of the 1985 rezoning, the property was adjacent to single-family zoning. The height restriction of 2 stories was likely to match the height of the surrounding permitted structures. Today, every property surrounding the subject site is either occupied by or zoned for commercial, office, and institutional use. While two of the surrounding properties are zoned R-3 (Single-Family Dwelling District), neither are occupied by residential structures or uses (both contain a church with an associated school). One of the properties is occupied by a single-family home, however the property is zoned for office/institutional uses. It is the applicant’s intent is to develop the property under same requirements and standards held to the surrounding properties. In the interest of equity, based upon the findings and conclusions herein, Staff recommends **APPROVAL** of the modification request. The revised conditions shall read as follows:

~~**1b.** Limit the height of the buildings to no more than 2 stories.~~

2a. To the owner’s agreement to abide by the following:

To the site plan received by the **Community Development Services Department**[Fulton County] ~~Department of Environment and Community Development~~ on **June 26, 2018**~~January 8, 1985 and April 24, 2007~~. Said site plan is conceptual only and must meet or exceed the requirements of the *Zoning Resolution* and these conditions prior to the approval of a Land Disturbance Permit. **Any major deviation from this site plan is subject to approval by the Community Development Services Director or designee.** ~~In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.~~

~~**3d.** Limit the freestanding project identification signage of the entire property to no more than one unlighted, double faced pole sign/monument sign adjacent to Cascade Road having no more than 20 square feet of surface area per face and further not to exceed a height of 4 feet from finished grade measured from the base of the sign structure.~~

REVIEWED BY:

Brianna Rindge, AICP

