

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 Planning Commission
FROM: Planning & Zoning Division
SUBJECT: **Z18-009 for the north intersection of Camp Creek Pkwy, Campbellton Rd, & Riverside Dr**
DATE: December 18, 2018

John Perlman for Sandtown Crossing Inc. and Sandtown Land, LLC seeks 11 variances concurrent with rezoning petition Z18-009 as follows:

- I. Variance request from **Section 12F.4.A.1** to eliminate the buffer along Camp Creek Pkwy;
- II. Variance request from **Section 12F.4.A.3** to decrease the landscape strip along public streets from 25 to 15 feet;
- III. Variance request from **Section 12F.4.E.1** to increase the maximum building height from 35 to 43 feet;
- IV. Variance request from **Section 12F.4.E.7** to decrease the minimum façade fenestration from 25 to 15 percent;
- V. Variance request from **Section 12F.4.D.3** to allow for the use of LED lighting;
- VI. Variance request from **Section 12F.4.D.4** to increase light pole height from 28 to 35 feet;
- VII. Variance request from **Section 12F.4.D.5** to increase illumination measured in foot-candles;
- VIII. Variance request from **Section 12F.4.D.6** to increase illumination measured in foot-candles;
- IX. Variance request from **Section 12F.4.D.7** to allow shoebox style (non-historic) lighting fixtures;
- X. Variance request from **Section 12F.4.D.8** to allow shoebox style (non-historic) lighting fixtures; and
- XI. Variance request from **Section 12F.4.D.9** to allow shoebox style (non-historic) lighting fixtures.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	John Perlman for Sandtown Crossing Inc. & Sandtown Land, LLC
Status of Applicant:	Owns the property
City Council District(s):	1
Parcel ID Number:	14F0118 LL0864, 14F0118 LL0849, 14F0118 LL0682, 14F0118 LL0815, & 14F0118 LL0807
Area of Property:	The property is composed of approximately 22.655 acres.

Current/Past Use of Property: The property is currently partially developed.

Prior Zoning Cases/History: **Z02-008**, request to rezone property from R-4 (Single-Family Dwelling District) and AG-1 (Agricultural District) to C-1 (Community Business District) – **APPROVED WITH CONDITIONS**
M05-038, request to modify Z02-008 to update the site plan and ingress/egress – **APPROVED WITH AMENDMENTS**
Z06-060 with concurrent variance request **CV06-088**, request to rezone property from C-1 (Community Business District) to TR (Townhouse Residential District) and variance request to allow landscape strip overlap – **APPROVED WITH CONDITIONS**
V08-025, variance request to increase amount and square footage of signage permitted – **PARTIALLY APPROVED**
V11-003, light pole height variance request from 28 to 30 feet – **APPROVED**
Z11-007 with concurrent variance request **CV11-011**, request to rezone property from C-1 (Community Business District) to C-2 (Commercial District) and variance request to reduce landscape strips and parking setbacks down to 10-15 feet, eliminate the buffer along the north property line, increase light pole height from 28 to 30 feet, allow shoebox lighting, and reduce minimum façade fenestration from 25 to 0 percent – **APPROVED WITH CONDITIONS**
Z13-003 with concurrent variance request **CV13-010**, request to rezone from C-1 (Community Business District) to C-1 (Community Business District) and variance request to reduce landscape strips and parking setbacks down to 10-15 feet, eliminate the buffer along the north property line, increase light pole height from 28 to 30 feet, and allow shoebox lighting – **APPROVED WITH CONDITIONS**

Surrounding Zoning: C-1 (Community Business District)
C-2 (Commercial District)
MIX (Mixed-Use District)
SUB-A (Single-Family Dwelling District)

APPLICABLE CODE REQUIREMENTS

12F.4.A.1: 40-foot wide natural, undisturbed buffer except for approved access and utility crossings, improvements, and replantings where sparsely vegetated subject to the approval of the Fulton County Arborist, with a 10-foot improvement setback or as may be approved by the Director of Environment and Community Development, along Camp Creek Parkway.

12F.4.A.3: All nonresidential (except AG-1) zonings or uses shall provide a minimum 25-foot wide landscape strip along all public streets.

12F.4.E.1: Non-residential buildings are limited to 35 feet in height. Residential buildings and mixed-use buildings that contain a residential component are limited to 3 stories.

12F.4.E.7: Any nonresidential building façade shall have a minimum of 25% fenestration or as may be approved by the Director.

12F.4.D.3: Light sources (lamps) shall be incandescent, fluorescent, metal halide, mercury vapor, natural gas, or color corrected high-pressure sodium (CRI of 60 or better). The same type must be used for the same or similar type of lighting on any one site.

12F.4.D.4: Mounting fixtures must be modified in such a manner that the cone of the light is not directed at any property line. The minimum mounting height for a pole is 12 feet. The maximum mounting for a pole is 28 feet. Any fixture and pole located within 20 feet of a residential zoning shall be a type four or forward throw distribution.

12F.4.D.5: All site lighting shall be designed so that the illumination as measured in foot-candles at any one point meets the following standards: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value and is derived using only the area of the site included to receive illumination. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by adding a light or two in the back of the same building, which would raise the average of the intended area for lighting.

12F.4.D.6: Future renovations, upgrades, or additions to existing facilities prior to the effective date of this ordinance shall not exceed existing illumination levels below. The entire site must be brought into conformance with this article should a renovation, upgrade, or addition occur that would require a land disturbance permit.

<i>Location or Type of Lighting</i>	<i>Minimum Level</i>	<i>Average Level</i>	<i>Maximum Level</i>
Area for display of Outdoor Merchandise	1.0	5.0	15.0
Commercial, Office, and Public/Semi-Public Parking Areas	0.6	2.40	10.0
Multi-Family Residential Parking Areas	0.2	1.50	10.0
Walkways and Streets	0.2	2.00	10.0
Landscape and Decorative	0.0	0.50	5.0

12F.4.D.7: Historic period lighting shall be used.

12F.4.D.8: Lights shall be architecturally decorative with a historic style (includes shepherds crook, pole top, and bollard). The same type of design must be used along pedestrian pathways and/or common areas.

12F.4.D.9: Shoebox, cobra lighting fixtures, and neon lighting are prohibited.

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist the Zoning Board of Appeals in considering the application and its merits. These considerations include:

- (i) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the *Zoning Resolution*; or,
- (ii) The application of the particular provision of the *Zoning Resolution* to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,
- (iii) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

PUBLIC PARTICIPATION

The applicant held their own public meeting on November 12, 2018 at 6:30 p.m. at Sandtown Pub. Eight members of public attended and expressed concern about traffic in the area and asked for identification of the grocery tenant. One member of the public attended the Staff-hosted Community Zoning Information Meeting on November 8, 2018 to learn more about the project.

STAFF COMMENTS

Engineering: None provided

Arborist: None provided

Environmental: None provided

Public Works: None provided

Transportation: None provided
MARTA: None provided
Fulton County Schools: None provided
Fire: None provided
Legal: None provided
Police: None provided

STAFF RECOMMENDATION

Eight of the 11 Parts of the variance request maintain history before the boards of Fulton County, as follows. Only 1 of these 8 new requests – Part III – does not have precedent for approval, as 1- and 2-story buildings are typically far below 35 feet in height. The 3 additional requests all pertain to LED lighting (Parts V, VII, and VIII).

CV18-001 Variance Request by Part	Previous Approval?
I. Variance request from Section 12F.4.A.1 to eliminate the buffer along Camp Creek Pkwy;	Approved by CV11-011
II. Variance request from Section 12F.4.A.3 to decrease the landscape strip along public streets from 25 to 15 feet;	Approved by CV11-011 & CV13-010
III. Variance request from Section 12F.4.E.1 to increase the maximum building height from 35 to 43 feet;	Building height limited to 2 stories by Z02-008, Z06-060, & Z13-003, and limited to 1 story by Z11-007
IV. Variance request from Section 12F.4.E.7 to decrease the minimum façade fenestration from 25 to 15 percent;	Approved to 0 percent by CV11-011
V. Variance request from Section 12F.4.D.3 to allow for the use of LED lighting;	<i>New request</i>
VI. Variance request from Section 12F.4.D.4 to increase light pole height from 28 to 35 feet;	Approved in V11-033, CV11-011, & CV13-010
VII. Variance request from Section 12F.4.D.5 to increase illumination measured in foot-candles;	<i>New request</i>
VIII. Variance request from Section 12F.4.D.6 to increase illumination measured in foot-candles;	<i>New request</i>
IX. Variance request from Section 12F.4.D.7 to allow shoebox style (non-historic) lighting fixtures;	Approved by CV11-011 & CV13-010
X. Variance request from Section 12F.4.D.8 to allow shoebox style (non-historic) lighting fixtures; and	Approved by CV11-011 & CV13-010
XI. Variance request from Section 12F.4.D.9 to allow shoebox style (non-historic) lighting fixtures.	Approved by CV11-011 & CV13-010

Along Camp Creek Pkwy exists DOT right-of-way populated with a dense tree stand, adjacent to which lies the subject property, where the Sandtown Overlay District requires a second dense tree stand through the buffer requirement of Section 12F.4.A.1. However, the developer has already cleared the buffer and planted a 15-foot landscape strip in its place as permitted by a 2011 zoning case approval. Similarly, the developer has already acted upon 2011 and 2013 approval of Part II, and even installed a berm to escalate the landscaping. This includes sidewalks along the frontages. The approval of Parts I and II would maintain consistency in the development for the duration of the property’s frontage. So as long as the developer complies with the minimum tree density requirements set forth by the *Tree Protection Ordinance* and the parking lot landscaping requirements of the *Zoning Resolution*, **Staff recommends APPROVAL of Parts I and II.**

The site slopes downward from each of the road frontages by 7-10 feet, so the additional allowance of 8 feet to the height of the building would not add more than 1 foot of height to the building from the right-of-way. This additional proposed building height is created by the parapet which serves to shield accessory roof structures. Thus, **Staff recommends APPROVAL of Part III.**

The applicant's preliminary plans for the building on the northwest section of the site do not currently comply with the Sandtown Overlay's requirements to have a minimum of 25% fenestration on the front façade. The applicant reports that the proposed business' prototype provides offices, public restrooms, a pharmacy, coolers, produce, and a deli counter along the front of the building inside the grocery store, and that to provide windows would cause privacy, security, and product quality concerns. The building faces south, the direction of maximum sunlight. Direct sunlight accessing the pharmaceutical drugs, coolers, produce, and deli counter would require more power to maintain products at a healthy temperature. Additionally, these products are sensitive to light, so direct exposure would affect product quality. The applicant stated that they could add clerestory windows above the front-of-store uses, however that would require a greater increase in ceiling height, a variance for which the applicant has already requested. Based on the conclusions and findings herein, **Staff recommends APPROVAL of Part IV ONLY for the building portion labeled "Supermarket" on the site plan dated November 14, 2018.**

The applicant requests relief from lighting codes within the Sandtown Overlay, which requires incandescent, fluorescent, metal halide, a pole height of 28', illuminance lower than the illuminance emitted by LED (Light Emitting Diode) lighting (as measured in foot-candles), and historic period lighting, and prohibits shoebox lighting fixtures. To permit LED lighting and increase illuminance and light pole height would provide greater distribution than the permitted High Intensity Discharge (HID) lamps. HID lamps produce a spot light directly under the fixture whereas LED evenly distributes the light with its multi-point optics. This will improve safety by increasing visibility within the parking lot. LED parking lot lighting ranges from 40 to 600 watts, while the same wattage for a HID lighting the ranges from 400 watts or 1000 watts. Thus, LED reduces energy consumption by 40-60% and produces less heat due to its thinner design. The applicant was approved for shoebox lighting fixtures in its existing 2006 case and has installed such fixtures throughout the existing development, with the exception of historic period lighting provided along the property frontage. The hardship is presented by the fact that LED lighting became widely available after the Overlay's creation. Staff recommends consideration of LED lighting in the upcoming zoning code update, and recommends **APPROVAL of Parts V through XI.**

PLANNING COMMISSION RECOMMENDATION

TBD

REVIEWED BY:

Brianna Rindge, AICP & Dana Gray