

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 & Zoning Division
SUBJECT: U18-004 and CV18-002 for 4685 Cascade Road
DATE: January 15, 2018

Applicant Greater Turner Chapel A.M.E. Church seeks a use permit for a daycare and a concurrent variance from Sec. 4.23.1 to eliminate the undisturbed buffer along the east property line.

STAFF RECOMMENDATION: APPROVAL of both U18-004 & CV18-002

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Greater Turner Chapel A.M.E. Church 4650 Cascade Road Atlanta, GA 30331
Status of Applicant:	Applicant owns the property
City Council District(s):	1
Parcel ID Number:	14F0060LL0524
Area of Property:	The property is composed of approximately 5.16 acres.
Current/Past Use of the Property:	1 single-family home, 1-story concrete bldg., and tin shed
Prior Zoning Cases/History:	None
Surrounding Zoning:	<u>North:</u> <ul style="list-style-type: none">• CUP (Community Unit Plan District)• R-3 (Single-Family Dwelling District) <u>East:</u> R-3 (Single-Family Dwelling District) <u>South:</u> R-3 (Single-Family Dwelling District) <u>West:</u> CUP (Community Unit Plan 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. The property is zoned R-3, a zoning district included in the list of compatible zoning districts for Suburban Neighborhood.
Overlay District:	None
Public Utilities:	Water service is provided to these sites by City of Atlanta. Sewer service is available to the site by Fulton County. 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.

PUBLIC PARTICIPATION

USE PERMIT STANDARDS FOR A DAY CARE (ART.19.4.15)

May be allowed in single-family districts and AG-1 in conjunction with an institutional use such as a church, temple, place of worship, school, or a hospital.

1. Facility shall be for 7 or more persons, excluding staff.
2. Provide minimum landscape strips, buffers and improvement setbacks as specified for the O-I district in Section 4.23.1.
3. Provide a minimum 6-foot-high opaque fence interior to any required landscape strips and/or buffers around the periphery of the yard used for the play area.
4. Play areas shall be located within the rear or side yards.
5. Driveway design shall permit vehicles to exit the property in a forward direction.
6. In accordance with Article 28.4.6., submit a Noise Study Report as required.
7. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.
8. Provide per the following chart a minimum distance separation between the nearest property line of the proposed day care and the nearest property line of a day care with frontage on the same road(s) as the proposed facility.

Road Functional Class*	Distance Between Uses
Urban Principal Arterial	None
Urban Minor Arterial	1,000 ft.
Urban Collector Street	1/2 mile
Urban Local Street	1/2 mile

*Source: The Department of Transportation Division of Planning, Data, and Intermodal Development Office of Transportation Data in cooperation with U.S. Department of Transportation Federal Highway Administration as of 08/07/2007.

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;

The business requesting the use permit will serve the residences within the Suburban Neighborhood. The property is zoned R-3, a zoning district included in the list of compatible zoning districts for Suburban Neighborhood.

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

The subject property is surrounded by residential homes and Greater Turner Chapel A.M.E. Church, with which the proposed day care is associated.

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 is along an existing arterial state road (Cascade Rd) at an intersection with another collector street (New Hope Rd). MARTA bus stops exist approximately 0.7 miles east

of the subject property. A crosswalk exists at the aforementioned intersection, however sidewalk does not exist adjacent to the subject property.

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

The applicant exceeds the minimum amount of required parking.

6. The amount and location of open space;

The proposal does not include construction of any new buildings across the 5.16-acre parcel but does propose a fenced playground area as well as an expanded future play area, both located toward the rear of the property. The building and its parking are between Cascade Rd and the playgrounds.

7. Protective screening;

The Zoning Resolution requires a 25-foot undisturbed buffer with an adjacent 10-foot improvement setback along all residential property lines, and that undisturbed buffers be replanted where sparsely vegetated.

8. Hours and manner of operation;

The day care will operate from 6:00 a.m. to 7:00 p.m.

9. Outdoor lighting; and

The applicant stated that the drop off and outside play area will be lighted with Georgia Power lighting poles.

10. Ingress and egress to the property.

The site currently utilizes two separate curb cuts. The project proposes to only utilize 1 of the curb cuts for daily operations. The applicant has submitted a variance from Sec. 4.23.1 in order to eliminate the buffer requirement and utilize the curb cut at the existing signalized intersection of Cascade Rd and New Hope Rd, instead of the existing curb cut approximately 150' from the intersection.

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist Mayor & Council 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.

APPLICABLE CODE REQUIREMENTS

Sec. 4.23.1.B: *Zoning buffers shall be provided along all lot lines, as specified in Table 4.23.1, adjacent to properties zoned AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, TR, A, A-L, NUP, CUP, and MIX with residential components, and adjacent to all single family residential uses in all zoning districts. (See Illustration 4.23.1)*

Illustration 4.23.1 specified a 25-foot side yard buffer for R-3-zoned properties.

STAFF COMMENTS

Engineering: Reviewed; non-provided

Arborist: None provided

Environmental: Please see attached document (pages 7 & 8)

Public Works: Please see attached document (page 6)

Transportation: None provided

MARTA: None provided

Fulton County Schools: No comment, because the project is not residential in nature.

Fire: Roads to be 20 to 26 Ft in width, No parking in fire lane on both sides of the road. IFC D102.6

Police: None provided

Legal: None provided

PLANNER'S RECOMMENDATION

The project is proposed to support the nearby residents off Cascade Rd and the surrounding area, which includes single-family homes and apartment complexes. The site is zoned R-3 (Single-Family Dwelling District), and Article XIX permits day care use when in association with an institutional use, and the proposed day care is associated with the church (Greater Turner Chapel A.M.E. Church) located across the street. Based on the conclusions and findings herein, Staff recommends **APPROVAL of the use permit request for a daycare.**

The property maintains two curb cuts along Cascade Road, one of which is situated at the signalized intersection of Cascade Rd and New Hope Rd. To utilize this curb cut would be optimal for safety of all transportation modes. However, this "road" was abandoned by Fulton County, forcing the subject property and the property due east to suddenly become adjacent to one another, despite maintenance of the abandoned right-of-way as a private road. This road also leads to other abandoned properties and will likely be further utilized in future development. However, because of the new property adjacency, a 25-foot buffer is required of the subject property along its eastern property line, and this existing road runs within this buffer, parallel to the property line. The property will maintain required buffers and landscape strips along all other property lines. Based on the conclusions and findings herein, Staff recommends **APPROVAL of the concurrent variance request to eliminate the 25-foot buffer along the east property line as required by Sec. 4.23.1.**

PLANNING COMMISSION RECOMMENDATION

TBD

REVIEWED BY:

Brianna Rindge, AICP and Dana Gray

COMMENTS ON PUBLIC SERVICES AND UTILITIES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the City of South Fulton Plan Review process prior to the commencement of any construction activity.

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 20 gallons per day (gpm) per student (and staff) x 79 students plus 5 staff persons = 1,680 gallons per day

This project is within the City of Atlanta jurisdiction.

SEWER:

Basin: Utoy Creek
Treatment Plant: Utoy Creek (City of Atlanta)
Anticipated sewer demand: 1,512 gallons per day

The nearest wastewater manhole to this project is adjacent to the western property line of the 5.20 acre tract (4685 Cascade Road) (this manhole is connected to the Fulton County Government sanitary sewer manhole # SMUTTP25600) located along the property boundary of 460 Carondelett Cove located in Land Lot 60, District 14F.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.



Kathleen E. Toomey, M.D., M.P.H.
 District Health Director
 District 3.2

January 4, 2019

Brianna Rindge, AICP
 Senior Planner
 City of South Fulton
 Community Development Services
 5440 Fulton Industrial Boulevard SW
 Atlanta, GA 30336-0308

RE: Zoning Comments for January 2019

Dear Ms. Rindge:

The following are comments by the Environmental Health Services (EHS) Division and the Environmental Justice (EJ) Program of the Fulton County Board of Health. These comments are in reference to the zoning cases which were previously received from your office.

CASE NO.	ZONING COMMENTS
U18-005/ CV18-002 (4685 Cascade Road)	<p><u>EHS Comments</u></p> <ul style="list-style-type: none"> • If available to the site, Fulton County Board of Health requires that the structure of the proposed daycare be served by public water and public sanitary sewer. • If public sewer is unavailable to the site, this Department will require that all necessary percolation and soil data, required layouts, and supportive data be submitted for review and determined acceptable for approval. • This department recommends that the existing building(s) is (are) inspected and the owner/operator is required to provide the internal plumbing and sanitary facilities necessary to serve the existing and proposed uses and building capacity. • This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air. Since the proposed facility will serve persons under the age of 18, smoking will not be allowed on the premises at any time. • The Fulton County Board of Health recommends that this facility meet all permit requirements for child care learning centers under Bright from the Start: Georgia Department of Early Care and Learning. • This department is requiring that solid waste plans be submitted for review and approval. • If this property includes an existing individual onsite sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations. • If this property includes an existing individual onsite water supply system(s) and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County Code of Ordinance and Code of Resolutions, Chapter 34 –Health and

CASE NO.	ZONING COMMENTS
	<p data-bbox="609 260 950 285">Sanitation, Article IV – Drinking Water.</p> <p data-bbox="540 296 836 321">Public Health and EJ Comments</p> <ul data-bbox="574 338 1300 485" style="list-style-type: none"> <li data-bbox="574 338 1300 485">• Based upon the information submitted, the proposed daycare is not an environmentally adverse use, and 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 use permit and concurrent variance to allow the existing building to be used for the proposed daycare.

If you have any questions related to the EHS comments, you may contact Ellis "Eli" Jones at 404-613-1337 or by e-mail at Ellis.Jones@fultoncountyga.gov. All questions related to the broader public health and/or environmental justice comments should be directed to me, Monica Robinson, by telephone at 404-613-1491 or e-mail at Monica.Robinson@fultoncountyga.gov.

Sincerely,



Monica M. Robinson, M.B.A.
Health Program Manager
Environmental Justice Program

CC: Ellis "Eli" Jones, Deputy Director EHS