

# GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II

CITY MANAGER



SHAYLA REED

DIRECTOR  
COMMUNITY DEVELOPMENT &  
REGULATORY AFFAIRS

## MEMORANDUM

**TO:** City Planning Commission  
**FROM:** Planning & Zoning Division  
**SUBJECT:** Z19-004 for o Jonesboro Rd  
**DATE:** September 17, 2019

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Applicant seeks to rezone from **C-2 Conditional (Commercial District)** to **C-1 (Community Business District)** at **o Jonesboro Rd.**

**STAFF RECOMMENDATION: APPROVAL**

cc: Diane White, City Clerk

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**APPLICATION INFORMATION**

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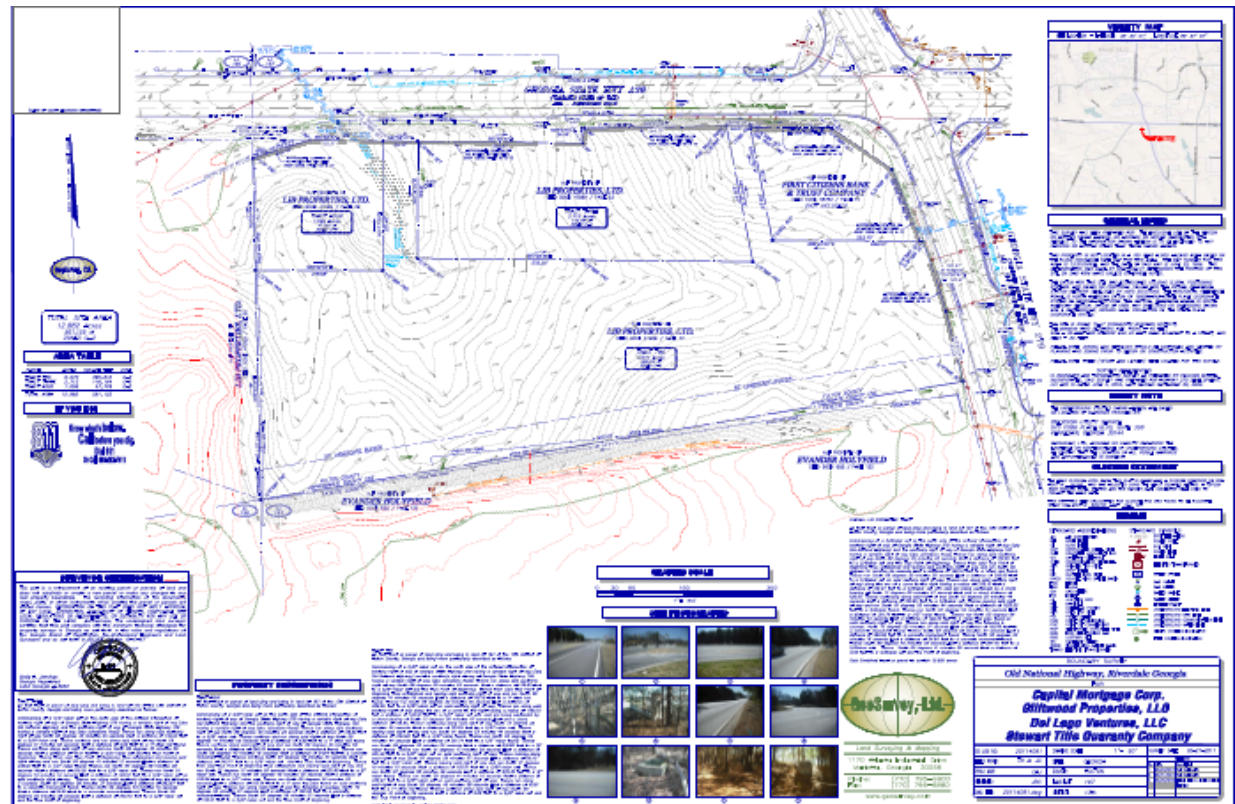
Applicant Information:	Capital Mortgage Corporation Ron Lipsitz 102 Hammond Dr Sandy Springs, GA 30328
Status of Applicant:	Applicant plans to sale to a developer after the rezoning so there is currently no development plan for the parcels.
City Council District(s):	7
Parcel ID Number:	130196LL0818, 130196LL0826, and 130196LL0842
Area of Property:	The property is composed of approximately 13.82 acres.
Current/Past Use of the Property:	The site is currently vacant.
Prior Zoning Cases/History:	2010Z-0011 – C-1 & O-I to C-2 Conditional – APPROVED 2010U-0002 – Use Permit for Outdoor Commercial Amusement – APPROVED 2010VC-0014 – Variance to allow a miniature golf course to encroach into the 100-foot buffer.
Surrounding Zoning:	<u>North</u> : C-1 (Commercial District) <u>South</u> : A-R (Agricultural-Residential) Fayette County <u>East</u> : C-1 (Commercial District) <u>West</u> : O-I (Office Institutional District) & AG-1 (Agriculture District)
2035 Future Land Use Designation:	Community Live Work & Suburban II Neighborhood
Compatibility to the Fulton County 2035 Comprehensive Plan:	The proposed C-1 zoning is consistent with the existing Community Live Work designation and Suburban II, which represents a transitional density area.
Overlay District:	Old National Overlay District
Public Utilities:	Water service is provided to this site 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.
Transportation:	<u>Street</u> : Jonesboro Road and Old National Highway

Classification: Collector Street

Public Transit: MARTA is available to the site

Bike/Pedestrian Access: Neither sidewalks nor bike lanes exist

**City of South Fulton Zoning:**



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## **PUBLIC PARTICIPATION**

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### **ZONING IMPACT ANALYSIS**

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**1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

The site is undeveloped and is in character of the neighboring South Fulton properties adjacent to the site and at Jonesboro Road and Old National Highway. There is some contiguous C-1 zoning within the same zoning district as the proposed rezoning. Traveling north and south along Old National Highway and east and west along Jonesboro Road, drivers move through a commercial/residential area, after which the character becomes heavily residential. The applicant proposes to maintain all buffer requirements and Staff recommends stronger than standard rear yard buffer requirements to protect the residents in the rear of this development.

**2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The surrounding properties are within four zoning districts:

- C-1 (Community Business District)
- O-I (Office Institutional District)
- AG-1 (Agricultural District)
- A-R (Agricultural-Residential) Fayette County

**3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;**

The applicant proposes a rezoning to C-1 (Community Business District), which allows for apartments (above or behind commercial), automotive parking lots, gymnasiums, health club spa, restaurants, retail stores or shops, offices and theaters, etc. The subject property has historically been maintained as a vacant lot. The current C-2 conditional zoning with a use permit does restrict the property to all items not explicitly prohibited within zoning case 2010Z-001. The application has agreed with staff that a down zoning to C-1 would be most appropriate for these parcels.

**4. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

This project does not have a development plan so staff cannot know the effects of such development. Any proposed development will have to abide by all City, State, and Federal guidelines for transportation improvements and utility improvements.

**5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;**

The Fulton County 2035 Comprehensive Plan’s Future Land Use Map designates the area as “Suburban II Neighborhood” and “Community Live Work.” The Community Live Work designation does encourage commercial development and the Suburban II Neighborhood encourages a transitional pattern from higher commercial to residential. Staff holds the opinion that this rezoning does conform to the intent of the 2035 South Fulton Comprehensive Plan.

**6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and**

According to the applicant, the conditions placed on the property through 2010Z-0011 has caused the property to set vacant for several years. The conditions do seem to encourage a miniature golf course on the property. Staff holds the opinion that opening the parcels up to a Community Business zoning designation would be appropriate.

**7. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton.**

At this time, staff does not believe the C-1 zoning district allows for any uses that would be considered environmentally adverse to natural resources, environment, or the citizens of the City of South Fulton.

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**STAFF COMMENTS**

Engineering: None provided

Environmental: None provided

Public Works: None provided

Transportation: None provided.

MARTA: None provided

Fulton County Health Department: None provided.

Fire: None provided

Legal: None provided.

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**PLANNER’S RECOMMENDATION**

The surrounding properties immediately adjacent to the subject property are zoned commercial (C-1 and O-I) and agricultural/residential (AG-1 and A-R). The project’s proposal does align with the 2035 Comprehensive Plan, which designates the property for “Suburban II

Neighborhood” and “ Community Live Work” future land use, therefore, Staff recommends **APPROVAL** of this request to rezone the property from C-2 (Commercial District) conditional to C-1 (Community Business District).

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**PLANNING COMMISSION RECOMMENDATION**

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TBD

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**PREPARED BY:**

Richard Hathcock, Senior Planner

**REVIEWED BY:**

Keedra Jackson, Senior Planner

Shayla Reed, Director