

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: **Z19-005**
3560 Jonesboro Road

MEEETING DATE: November 19, 2019

Applicant seeks to rezone from **AG-1 (Agricultural District)** to **C-2 (Commercial District)**

STAFF RECOMMENDATION: APPROVAL

cc: Diane White, City Clerk

APPLICATION INFORMATION

Applicant Information: Robert Kelly representative for
S. Frank Simpson
2170 Cascading Court
Cumming GA 30040

Status of Applicant: Representative

City Council District(s): 7

Parcel ID Number: 13 0192 LL0853

Area of Property: The property is composed of approximately 24.69 acres.

Current/Past Use of the Property: The site is currently vacant.

Prior Zoning Cases/History: AG-1

Surrounding Zoning: North: C-1 (Community Business District) and AG-1 (Agriculture District)
South: AG-1 (Agricultural District)
East: C-1 (Community Business District), C-2 (Commercial District), and AG-1 (Agriculture District)
West: AG-1 (Agriculture District) and R-6 (Two Family Dwelling District)

2035 Future Land Use Designation: Suburban Neighborhood

Compatibility to the Fulton County 2035 Comprehensive Plan: The proposed business will serve the residences and businesses within Suburban Neighborhood designation. The Suburban Neighborhood designation does not contemplate commercial non-residential uses. The Regional Live Work designation accommodates the requested commercial square footage of this application. A Future Land Use amendment would be appropriate for consideration in this area.

Overlay District: Old National Overlay District

Public Utilities: Prior to the issuance of any Land Disturbance Permit, the applicant shall obtain verification of availability of water and sewer services.
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:

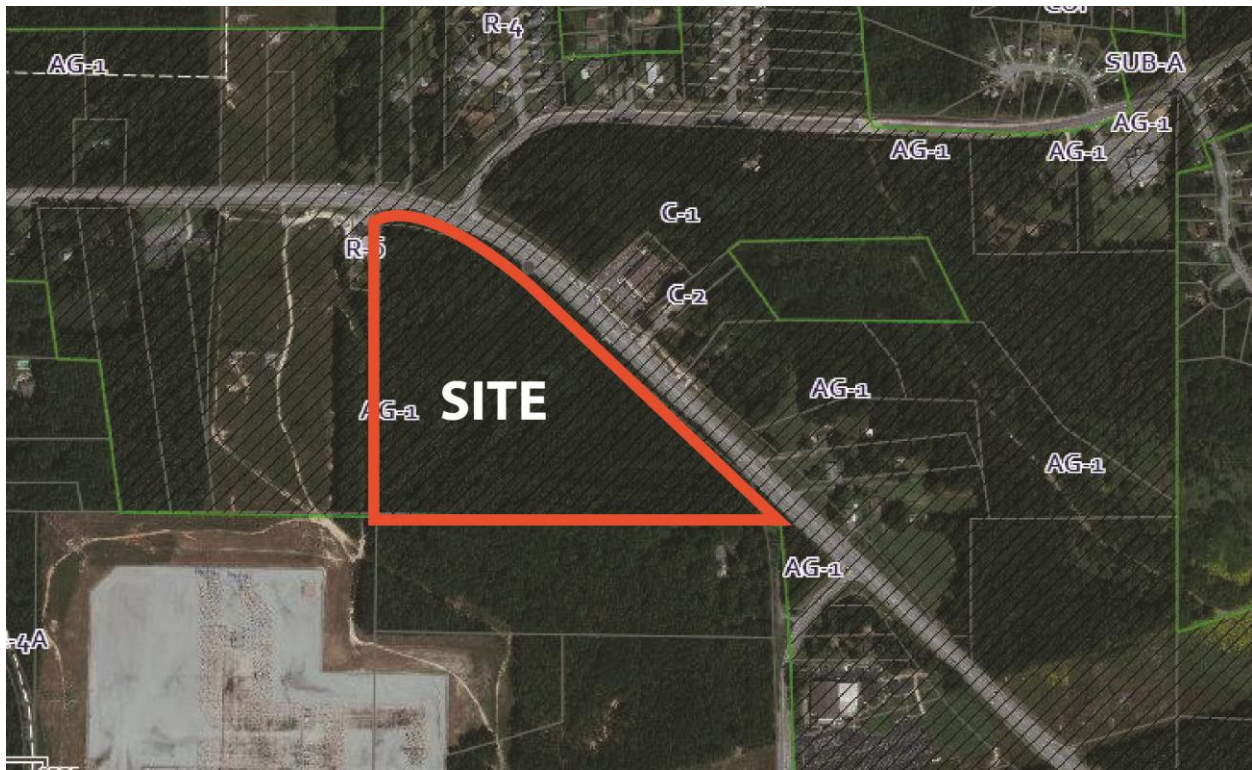
Street: Jonesboro Road

Classification: Principal Arterial (State)

Public Transit: MARTA is available to the site

Bike/Pedestrian Access: Neither sidewalks nor bike lanes exist

City of South Fulton Zoning:



PUBLIC PARTICIPATION

The Public Information meeting was held on Thursday, September 26, 2019 6pm-8pm at Philadelphia Independent Church of God, 3305 Old Jonesboro Road, Fairburn, GA. There were 18 members of the community present. The attendees expressed concern about crime fighting initiatives and the installation of a traffic light at Jonesboro Road and Bethsaida Road. Additionally, residents expressed interest in types of developments being placed on the property including a Mercedes dealership and family entertainment options.

One member of the public attended the Staff-hosted Community Zoning Information Meeting on September 12, 2019 to learn more about the project.

ZONING IMPACT ANALYSIS

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 presently undeveloped, however the applicant's proposal for an auto dealership, restaurants and retail shops will provide a great service to the surrounding community. The site is surrounded by residential on Jonesboro Road and Bethsaida Road. Traveling north on Jonesboro Road (toward I-85), there are similar uses to the proposed dealership, however dine-in restaurants do not exist.

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)
- C-2(Commercial District)
- AG-1 (Agricultural District)
- R-6 (Two Family Dwelling District)

The proposed commercial use will not adversely affect the surrounding properties as the parcels across the street are zoned commercial as well.

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-2 (Commercial District), which allows for restaurants, retail shops, automotive sales and leasing.

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 proposes an auto dealership with 3 restaurants and several retail shops, which would not create a burden on existing streets, transportation and utilities

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

The proposed business will serve the residences and businesses within Suburban Neighborhood designation. The Suburban Neighborhood designation does not contemplate commercial non-residential uses. The Regional Live Work designation accommodates the requested commercial square footage of this application. A Future Land Use amendment would be appropriate for consideration in this area.

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

The existing zoning of AG-1 does not support commercial uses. Staff holds the opinion that opening the parcel up to a Commercial Business zoning designation (C-2) 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.

According to the provided environmental report there will be no adverse effect by this proposed project. At this time, staff does not believe the C-2 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.

STAFF COMMENTS

Engineering: Comments have been included in the conditions below

Environmental: Comments are attached

Public Works: None provided

Transportation: advises that he will need a Traffic Impact Study in order to provide feedback regarding traffic related requirements and/or conditions.

MARTA: The development located at 3560 Jonesboro Road is the only case listed below that has direct MARTA service. Route 89-Old National Highway, which originates from our College Park Station, traverses along the Jonesboro Road frontage of this proposed development. There are two stops located in the vicinity of this development. The first stop is located approximately 900 feet to the west of the driveway to the proposed car dealership near the intersection of Bethsaida Road and Jonesboro Road. The other is located approximately 800 feet to the east of the driveway leading to the proposed retail/restaurant establishments near Old Jonesboro Road and Jonesboro Road. We recommend that sidewalks be constructed along the frontage of the development to aid pedestrian access and safety.

Fulton County Health Department: Comments are attached.

Fire: Reviewed with no comments

Legal: None provided.

PLANNER'S RECOMMENDATION

The applicants request to rezone the property from AG-1 (Agricultural District) to C-2 (Commercial District), Staff recommends **APPROVAL** with the following conditions:

1. Accepting the C-2 with the following excluded uses: personal care services, gas stations, garage automotive repair, automobile specialty shop, automotive parking lots, parking garages/deck, pawn shops, laundry mats, car wash, motels, check cashing, group residences, personal care homes.
2. The owner shall abide by the site plan received by the Department of Community Development and Regulatory Affairs on August 28, 2019. 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 seek a Modification to the approved site plan 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.
3. Prior to issuance of Land Disturbance Permit, applicant shall provide study, subject to review, that establishes the 100-year water surface elevation within the drainage course at the north end of site. Land disturbance shall not encroach into areas where the ground surface is at or below the 100-year water surface elevation.
4. Prior to issuance of Land Disturbance Permit, applicant shall arrange site visit with City Engineer or designee to assess presence and extents of any stream buffers within the site. Development shall comply with the City of South Fulton Unified Stream Buffer Protection Ordinance.
5. Prior to issuance of Land Disturbance Permit, applicant shall provide a report, prepared by an ISA certified Arborist, evaluating all specimen trees within the site. Development shall comply with the City of South Fulton Tree Preservation Ordinance and Administrative Guidelines.
6. Submitted site plan shows 10-foot Landscape Strip along Jonesboro Rd. Old National Overlay District Standards require a 15 feet Landscape Strip along Jonesboro Rd.
7. Sidewalks shall be constructed along the frontage of the development to aid pedestrian access and safety.

PLANNING COMMISSION RECOMMENDATION

TBD

PREPARED BY:

Dana Gray, Planner

REVIEWED BY:

Shayla Reed, Director

Allison Duncan, Deputy Director