

# GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES  
CITY MANAGER



SHAYLA REED  
DIRECTOR  
COMMUNITY DEVELOPMENT &  
REGULATORY AFFAIRS

## MEMORANDUM

**TO:** City of South Fulton Mayor and Council  
**FROM:** Planning & Zoning Division  
**SUBJECT:** **M21-003 and CV21-001 for o Boat Rock Road Rear**  
**MEETING DATE:** April 14, 2021

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To consider an amendment to the Zoning Condition **2001Z-0079 (1e)** to remove the requirement for a 75-bed assisted living facility and replace it with a 230-unit senior apartment complex.

To consider an amendment to the Zoning Condition **2001Z-0079 (2a)** to modify the approved conceptual site plan.

To consider concurrent variances to allow for a 4-storey building (instead of a maximum of 3 stories) in the Sandtown Overlay, to allow for the stormwater retention facility to be built in a City setback and buffer area, and to allow for a parking shade island every 10 spaces (up from 5 spaces).

**STAFF RECOMMENDATIONS:** **DEFERRAL** of the Modification request for senior apartments  
**DEFERRAL** of the Modification to the conceptual site plan  
**DEFERRAL** of the height variance  
**DEFERRAL** of the retention location variance  
**DEFERRAL** of the parking island variance

cc: Corey Adams, City Clerk

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**APPLICATION INFORMATION**

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Applicant Information:	Cassius Coleman for Beverly J Searles Foundation 5030 Nesbit Ferry Lane Sandy Springs, GA 30350
Status of Applicant:	Developer/Owner
City Council District(s):	1
Parcel ID Number:	14F0108 LL0015
Area of Property:	21 acres
Current/Past Use of the Property:	This property is currently undeveloped.
Prior Zoning Cases/History:	<b>2001Z-0079</b> a rezoning from CUP/R-3 to MIX. Approved with conditions.  <b>2004ZM-004</b> a modification to the conceptual site plan. Approved.
Surrounding Zoning:	<u>North</u> : MIX (Mixed Use) <u>South</u> : MIX (Mixed Use) <u>East</u> : MIX (Mixed Use) <u>West</u> : SUB-A (Residential)
2035 Future Land Use Designation:	<u>Character Type</u> : Community Live-Work <u>Land Uses</u> : Live-Work Community, Public, Semi-Public and Institutional, Open Space. <u>Zonings</u> : MIX, C-1, C-2, O-I
Compatibility to the Fulton County 2035 Comprehensive Plan:	Yes. The proposed modifications and variances do align with the Comprehensive Future Land Use Designation.
Overlay District:	Sandtown
Public Utilities:	Water service is provided to these sites by City of Atlanta. Sewer service is available to the site by Fulton County.
Public Services:	Police and Fire services are available to the site by the City of South Fulton.
Transportation:	Street: Camp Creek Pkwy Classification: Principal Arterial Road Type: State Public Transit: MARTA does serve the site. The closest bus stop is on the corner of Reynolds and Boat Rock. This is less than a quarter mile. Bike/Pedestrian Access: There are no sidewalks and bike lanes on Camp Creek or any adjacent street.

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**MAPS:**

**City of South Fulton Zoning, Future Land Use, and Aerial Map:**

(see attached)

**Proposed Site Plan:**

(see attached)

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**CONDITION(S) TO BE MODIFIED:**

**2001Z-0079 (1e) states:**

No more than one assisted living facility limited to 75 units.

The petitioner is also requesting a modification to **Parcel F** of the original conceptual site plan to reflect the new submitted site plan.

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**VARIANCE CONSIDERATIONS**

Staff is including the specific conditions that must be considered for a variance to be granted to assist the Zoning Board of Appeals in considering the application and its merits. According to our Code, these considerations include:

808.09 Hardship Criteria:

Primary variances shall only be granted by the Zoning Board of Appeals and concurrent variances shall only be granted by City Council upon showing that, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and such approval will not be contrary to the public interest. A variance from the terms on this Ordinance shall not be granted unless a written application is submitted demonstrating:

- a) The application of the particular provision of the Zoning Ordinance 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;
- b) That special conditions and circumstances exist which are peculiar to the land, structure, sign, or building involved and which are not applicable to other land, structures, or buildings in the same district;
- c) That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance;
- d) That the special conditions and circumstances do not result from the actions of the appellant;
- e) That granting the variance requested will not confer on the appellant any special privilege that is denied by this Zoning Ordinance to other lands, structures or buildings in the same district;
- f) That the request is limited to the extent necessary to alleviate the unnecessary hardship and not as a convenience to the appellant nor to gain any advantage or interest over similarly zoned properties; and

- g) 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 Ordinance.

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**PUBLIC PARTICIPATION**

Report will be forthcoming after additional community meetings planned during their deferral.

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**STAFF COMMENTS**

Engineering: Requested information, none provided.

Environmental: Requested information, none provided.

Public Works: Requested information, none provided.

Transportation: Requested information, none provided.

MARTA: Requested information, none provided.

Fulton County Health Department: Requested information, none provided.

Fulton County Schools: Requested information, none provided.

Fire: Requested information, none provided.

Legal: Requested information, none provided.

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**PLANNER'S RECOMMENDATION**

Petitioner has asked for a **DEFERRAL** on all their requests to next month's meeting and it is staff's recommendation that we accept that request.

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**PREPARED BY:**

Nathan Mai-Lombardo, Planning and Zoning Administrator

**REVIEWED BY:**

Shayla Reed, Director

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**MAYOR & COUNCIL ACTION**

Original hearing date: April 14, 2021

This developer is experienced with the type of housing product that is being proposed. It should also be noted that having a larger senior apartment building, as opposed to a smaller assisted living facility, will certainly result in a more active community. Additionally, the underlying use of an apartment building is allowed in the zoning.

Concerning the modification request, staff recommends APPROVAL.

Given that the site plan must change in order for the proposed use of the site to be accommodated, staff also recommends APPROVAL of the changes to the conceptual site plan.

Concerning the concurrent variances:

The petitioner is asking for a variance to go from a maximum of three stories to four. This is not an unreasonable request, would not be a major difference in the appearance of the buildings, and would help ensure the commercial viability of the project. Staff recommends APPROVAL of the height variance. All overlay architectural guidelines would still be in effect.

The petitioner is also asking for an allowance to place the stormwater retention facility in a buffer area. The intent of the buffering requirement in development regulations is to allow for sufficient spacing between uses to preserve the quality of the environment, built or natural. In most cases, buffers can exist without any adverse effects to the potential development of a site. Buffers will always remain permanently passive.

Staff is very aware of the important balance between enforcing development standards that protect the natural and built environment, while allowing the owner to get maximum use of their investment.

In this case, the petitioner's request is reasonable. The buffer area on this site borders land that is in the floodplain, not other development. Locating the stormwater retention facility in an area that borders an undevelopable area would have no adverse effects on neighboring development, because in this case, there is none. For these reasons staff recommends APPROVAL of the retention location variance.

The last variance being requested is to reduce the tree island requirements in the parking lot from one per 5 spaces to one per 10. Given the importance of tree cover to reducing the heat island effect in parking areas, the importance of greenspace and landscaping to the Council, and the desires of the community to continue to preserve our natural environment, staff recommends DENIAL of the parking island variance. We have suggested to the petitioner that a redesign of their parking is not unreasonable.