



City of South Fulton Community Development Services Department

5440 Fulton Industrial Blvd SW

Atlanta, GA 30336

470-809-7700

www.CityofSouthFultonGA.gov

Mayor: William "Bill" Edwards

City Manager: Odie Donald II

MEMORANDUM

TO: City Planning Commission

FROM: Planning and Zoning Division

SUBJECT: Z18-005 for the east intersection of West Stubbs Rd at Cascade Palmetto Hwy

MEETING: June 19, 2018

Davenport Center Inc. seeks to rezone 9.52 acres at the east intersection of West Stubbs Rd and Cascade Palmetto Hwy from **AG-1 (Agricultural District)** to **C-1 (Community Business District)**.

STAFF RECOMMENDATION ON REZONING REQUEST: DENIAL

APPLICANT REQUEST: DEFERRAL submitted on 5/4/18

PLANNING COMMISSION ACTION: ACCEPTED DEFERRAL at 5/15/18 meeting

APPLICANT REQUEST: WITHDRAWAL submitted on 6/10/18

STAFF RECOMMENDATION ON WITHDRAWAL: ACCEPT WITHDRAWAL

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Davenport Center Inc. 4062 Peachtree Rd NE Suite A #277 Atlanta, GA 30319
Status of Applicant:	Applicant plans to purchase property
City Council District(s):	2
Parcel ID Number:	14F0161LL0068
Area of Property:	The property is composed of approximately 9.52 acres.
Current/Past Use of the Property:	The property is currently undeveloped.
Prior Zoning Cases/History:	None
Surrounding Zoning:	The subject property is entirely surrounded by two zoning districts within a half-mile radius: <ul style="list-style-type: none">• CUP (Community Unit Plan District)• AG-1 (Agricultural District)
2035 Future Land Use Designation:	Rural Neighborhood
Compatibility with 2035 Comprehensive Plan:	The proposed C-1 zoning is not consistent with the existing Rural Neighborhood land use designation which includes R-2A, CUP, NUP, and SH as its compatible zoning classifications.
Overlay District:	Cliftondale
Public Utilities:	Water service is provided to the site by the 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> : Cascade Palmetto Highway <u>Classification</u> : Minor Arterial State Road <u>Public Transit</u> : MARTA is not available to the site <u>Bike/Pedestrian Access</u> : Neither sidewalks nor bike lanes exist adjacent to the site
Parking Required (Retail & Service Station):	51 spaces (5 spaces per 1,000 square feet)
Parking Required (Restaurant):	73 spaces (10 spaces per 1,000 square feet)

Parking Required (Office):	58 spaces (3 spaces per 1,000 square feet)
Total Parking Required:	182 spaces
Total Parking Proposed:	207 spaces
Loading Required:	Proposed square footage does not meet minimum threshold that requires loading spaces.

City of South Fulton Zoning:



PUBLIC PARTICIPATION

The applicant held their own public meeting May 2, 2018 at 6:30 p.m. at 3400 Creek Pointe Dr, East Point, GA 30344. Twenty-three members of public attended to voice opposition to the gas station and suggest a police substation in tandem with the gas station would be a better use for the site. The applicant reported that they would research potential uses other than those appearing on the site plan.

Five members of the public attended the Staff-hosted Community Zoning Information Meeting.

STAFF COMMENTS

Engineering: Reviewed; none provided

Environmental: Environmental Justice involves community input and enforcement of laws, regulations, ordinances, etc. While a comprehensive plan in and of itself is not a law but a

guideline, it does include the input of residents. The department recommends that serious consideration is given to the 2035 Comprehensive Plan, community input, and potential deviations from the comprehensive plan in making the decision on this rezoning.

Public Works: The subject site is bisected by two critical sanitary sewer lines, one being a 60-inch trunk line that is the main transmission line for sewer service for the majority of Fulton County and part of Fayette County, serving thousands of residential, commercial, and industrial customers. Fulton County Government will not allow these two sanitary sewer liens and their surrounding sanitary sewer easements to be disturbed, altered, or restructured in any shape, fashion, or form.

Transportation:

1. No curb cut will be permitted along Cascade Palmetto Highway
2. The applicant shall add both a left-hand and right-hand turn lane into the development at each entrance.

MARTA: Reviewed; none provided

Fulton County Schools: Reviewed; none provided

Fire: None provided

Legal: None provided

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 subject site is across the street from the Palmetto Farms subdivision and directly adjacent to a single-family home on AG-1-zoned property. The site plan dated March 26, 2018 meets all buffers from these residential uses as required by both *Article IV* and the Cliftondale Overlay District within the *Zoning Resolution*.

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

The subject property is completely surrounded by residential and agricultural zoning within a half-mile radius of the site. The request to rezone the subject site to C-1 proposes to permit commercial uses that would serve these surrounding residents.

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

As currently zoned, only single-family residential units and agricultural uses are permitted. The new zoning district proposal expands the possibilities of the site as the C-1 zoning district permits a wider range of uses than the existing AG-1 zoning district.

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;

The proposed development sits at an intersection of one state road and one residential road – Cascade Palmetto Hwy and West Stubbs Rd, respectively. At the subject site, Cascade Palmetto is a four-lane divided highway with a landscaped median and West Stubbs is a two-lane road. Continuous, dedicated right-hand turn lanes and dedicated left-hand turn lanes already exist at the intersection in six directions. The site plan dated March 26, 2018 proposes two curb cuts along Cascade Palmetto and one curb cut along West Stubbs, each with a deceleration lane. A second curb cut is proposed along West Stubbs, permitting right-hand turns exiting the site only. Apartments above or behind commercial and office uses in the same building are permitted in the C-1 zoning district but are not part of the proposed development plan, so schools would not be affected.

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

The *2035 Comprehensive Plan's* Future Land Use Map designates the area as “Rural Neighborhood” which only includes R-2A, CUP, NUP, and SH as its compatible zoning classifications. Thus, the proposal is not in conformance with the 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

There have been no prior conditions placed on the zoning of this property.

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.

The subject site does not contain any wetlands, streams, steep slopes, endangered species, archeological or historical sites, or environmentally sensitive areas per the Environmental Site Analysis submitted by the applicant. The developer will abide by all landscaped strips and undisturbed buffers required by *Article IV* and the Cliftondale Overlay District within the *Zoning Resolution*.

PLANNER’S RECOMMENDATION

The uses permitted within the proposed zoning district, C-1 (Community Business District), are one-of-a-kind within a half-mile radius of the site. Fulton County Government, the sewer service authority for the area, will not allow land disturbance within the sanitary sewer lines or their associated easements that run through the site. The project’s proposal does not align with the *2035 Comprehensive Plan*, which designates the property for “Rural Residential” future land use. Based on the findings and conclusions herein, Staff recommends **DENIAL** of this request to rezone the property from AG-1 (Agricultural District) to C-1 (Community Business District).

PLANNING COMMISSION RECOMMENDATION

TBD

REVIEWED BY

Brianna Rindge, AICP

