



City of South Fulton Community Development Services Department

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Mayor: William "Bill" Edwards

City Manager: Odie Donald II

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Planning and Zoning Division
SUBJECT: **V17-009 for Old National Hwy (SE intersection of Old National Hwy & Bigwood Trl)**
MEETING: May 17, 2018

The applicant seeks the following variance:

- I. Variance request from **Section 18.3.1.E** to reduce the required 40' front yard setback to 20'

STAFF RECOMMENDATION OF VARIANCE REQUEST I: DENIAL

The following variance requests were approved at the April 19, 2018 ZBA Meeting:

- I. Variance request from **Section 12D.3.B.1** to reduce the required 50' minimum distance between the dumpster and the adjacent residential district to 43'.
- II. Variance request from **Section 4.23.1.B** to reduce the required 25' undisturbed buffer to 15' along the north property line.
- III. Variance request from **Section 4.23.1.B** to eliminate the required 50' undisturbed buffer and incidental 10' improvement setback along the east property line.

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Dr. Paul McKoy Renewed Medical Concepts, LLC 719 W Lanier Ave Fayetteville, GA 30214
Status of Applicant:	Property owner
City Council District(s):	6
Parcel ID Number:	13 0132 LL0120
Area of Property:	The property is composed of approximately 4.99 acres.
Existing Zoning:	O-I (Office and Institutional District)
Current/Past Use of the Property:	Undeveloped
Prior Zoning Cases/History:	Z85-010 , request to rezone property from AG-2 (Agricultural) to R-4 (Residential) – APPROVED WITH CONDITIONS Z17-004 , request to rezone property from R-4 (Single-Family Dwelling District) and AG-1 (Agricultural District) to O-I (Office and Institutional District) – APPROVED

SPECIFIC INFORMATION**REQUEST**

- I. Variance request from **Section 18.3.1.E** to reduce the required 40' front yard setback to 20' in order to allow auto parking up to 20' from Old National Highway right-of-way
- II. Variance request from **Section 12.D.3.B.1** to allow for placement of the dumpster up to 43' away from the adjacent TR District – **APPROVED**
- III. Variance request from **Section 4.23.1.B** to reduce the required 25' undisturbed buffer to 15' along the north (side) property line in order to allow parking spaces up to 35' from the adjacent TR District along Bigwood Trail (the 10' improvement setback requirement will remain intact) – **APPROVED**
- IV. Variance request from **Section 4.23.1.B** to eliminate the required 50' undisturbed buffer and incidental 10' improvement setback along the east (rear) property line in order to be able to construct an at-grade stormwater facility, which will comprise an area 72-87' thick along the entire east property line – **APPROVED**

BACKGROUND

The subject property is currently undeveloped and was rezoned to O-I (Office and Institutional District) by the South Fulton Mayor and Council on March 27, 2018.

ADJACENT ZONING AND LAND USES

The adjacent property to the north and east is zoned TR (Townhouse Residential District) while the adjacent property to the south is zoned AG-1 (Agricultural District), but single-family homes only exist to the east and south. West across Old National Highway exists O-I (Office and Institutional District) and R-3 (Single-Family Dwelling District)

APPLICABLE CODE REQUIREMENTS

18.3.1.E. O-I, Office/Institutional Districts. No off-street parking shall be permitted within the required setback for the front yard and the side corner yard.

8.1.3.B. Minimum Front Yard. 40 feet

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist the Zoning Board of Appeals 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.

PUBLIC PARTICIPATION

The applicant held their own public meeting on February 5, 2018 at 7:00 p.m. at 6175 Old National Hwy Suite 430. Five members of public attended and expressed concern on construction time and hours of operation. The applicant reported a 9-month construction period and general hours of 8:00 a.m. to 5:00 p.m. Monday through Friday with extended hours for urgent care providers on evenings and weekends.

STAFF COMMENTS

Engineering: None

Environmental: Based upon the information submitted, the Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by allowing the proposed variance.

Public Works: None

Transportation: None

MARTA: None

Fulton County Schools: None

Fire: None

Legal: None

STAFF RECOMMENDATION

In general, the proposed use reflects the 2035 Comprehensive Plan’s designation of the property as “Community Live-Work, Public, Semi-Public and Institutional, Open Space” and anticipates to serve the needs of area residents. This designation on the Old National Corridor is intended to encourage redevelopment and serve adjacent low-density neighborhoods. Medical offices, an institutional use, will serve the adjacent residents and represents positive redevelopment for the Corridor. Additionally, a City of Atlanta sanitary sewer force main and its associated easement exist on the south end of the property. Grading is not allowed over this area, limiting the developable area of the subject site.

The applicant requests to reduce the required 40’ front yard setback to 20’ in order to allow auto parking up to 20’ from Old National Highway right-of-way. The purpose of restricting parking within the 40’ front yard setback is to limit the percentage of parking between the building and the street to provide for an urban environment prioritizing the pedestrian. The proposed use of medical offices requires 4 parking spaces per 1,000 square feet of interior space. A total of 49,000 square feet of medical offices yields a requirement of 196 parking spaces. The proposed site plan shows 203 parking spaces outside the front yard setback and an additional 42 parking spaces encroaching within the front yard setback. The site has existing capacity for the minimum parking requirement, so a hardship is not clearly presented. Based upon the findings and conclusions herein, Staff recommends **DENIAL of variance request I.**

Parts II, III, and IV of the variance request were approved at the April 19, 2018 ZBA Meeting.

REVIEWED BY:
Brianna Rindge, AICP

