

# GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II  
CITY MANAGER



SHAYLA REED  
INTERIM DIRECTOR  
COMMUNITY DEVELOPMENT SERVICES

## MEMORANDUM

**TO:** City Planning Commission  
**FROM:** Planning and Zoning Division  
**SUBJECT:** **U18-002 for 3910 Old Fairburn Road**  
**DATE:** August 21, 2018

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The applicant, Qurimesha Mathis (for A Brighter Today), seeks a use permit for a group residence for 5 to 8 children at 3910 Old Fairburn Rd.

June 19, 2018: Planning Commission voted to defer request per Staff's recommendation as the applicant failed to turn in their Public Participation Report on time

July 17, 2018: Planning Commission voted to defer request until information has been gathered on the number of public service calls to the subject property within the past year

**STAFF RECOMMENDATION: DENIAL**

cc: Mark Massey, City Clerk

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**APPLICATION INFORMATION**

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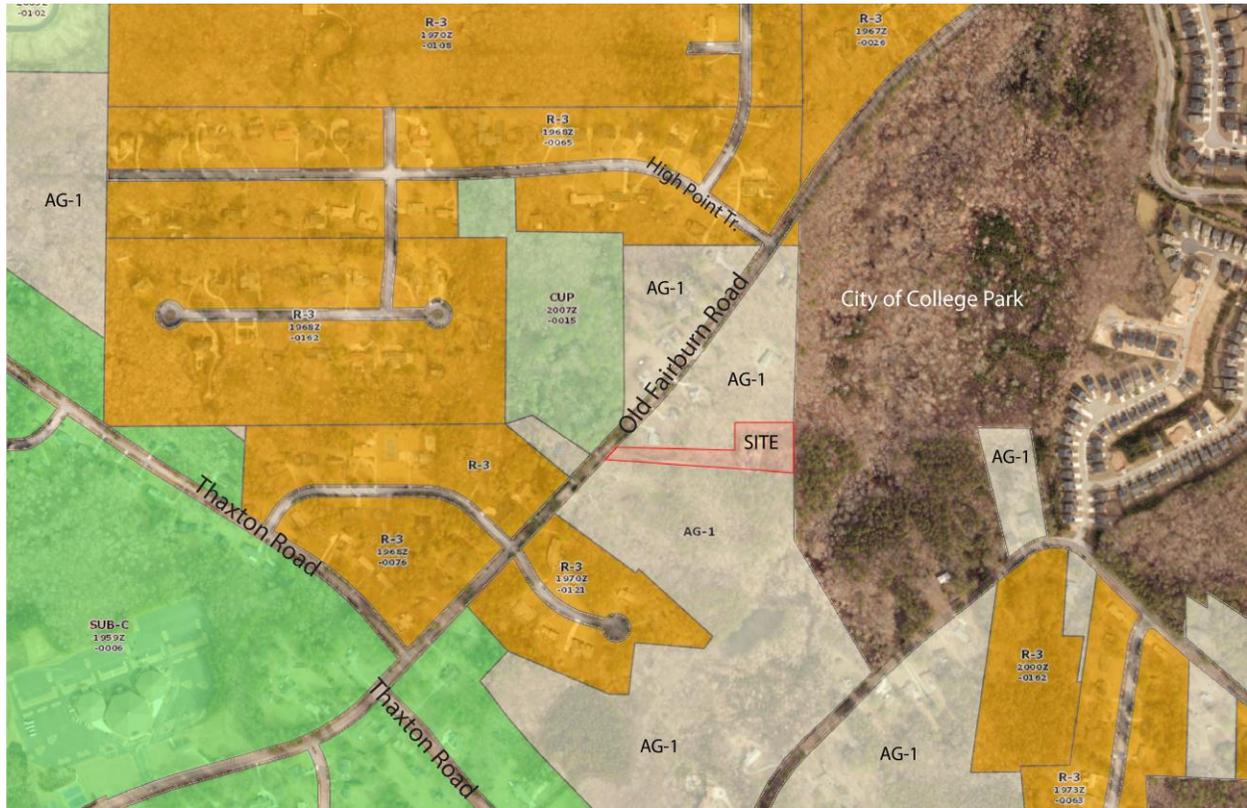
Applicant Information:	Qurimesha Mathis A Brighter Today 5737 Old National Highway Atlanta, GA 30349
Status of Applicant:	Applicant does not currently own the property.
City Council District(s):	5
Parcel ID Number:	09F380301771557
Area of Property:	The property is composed of approximately 2.5 acres.
Current/Past Use of the Property:	Single-family home of ~2,690 ft <sup>2</sup>
Prior Zoning Cases/History:	None
Surrounding Zoning:	<u>North</u> : AG-1 (Agricultural District)  <u>East</u> : <i>City of East Point</i> R-1/CUP (Single-Family Residential/Community Unit Plan)  <u>South</u> : AG-1 (Agricultural District)  <u>West</u> : CUP (Community Unit Plan)
2035 Future Land Use Designation:	Suburban Neighborhood
Compatibility with the 2035 Comprehensive Plan:	This Designation provides for residential as well as “schools, places of worship, community centers and facilities” with which the proposed group residence for children aligns.
Overlay District:	None
Public Utilities:	Water service is provided to these sites by City of Atlanta. The property utilizes a septic tank. 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> : Old Fairburn Road <u>Classification</u> : Minor Arterial Local Road <u>Public Transit</u> : MARTA Bus 66 stops less than 1 mile from the subject property at the intersection of Old Fairburn Rd and Camp Creek Pkwy

Bike/Pedestrian Access: Neither sidewalks nor bike lanes exist

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Parking Required:	2 spaces
Parking Proposed:	5 spaces

**City of South Fulton Zoning:**



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**PUBLIC PARTICIPATION**

The applicant held their own public meeting on June 7, 2018 from 11:00 a.m. to 3:00 p.m. at 3840b Stonewall Tell Rd, College Park, GA 30349. Five members of public attended to inquire about 24-hour supervision, provided activities, from where the children matriculate, to where the children move afterward, and how many times the police have been contacted to address issues. The applicant reported that all raised issues were addressed.

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

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**USE PERMIT STANDARDS FOR A GROUP RESIDENCE FOR 5-8 CHILDREN**

1. Facility shall be for no more than 8 children.
2. Parking shall comply with the requirements of *Article 18* for dwellings.
3. Copies of applicable local, state, and federal permits shall be provided to Community Development Services prior to the issuance of a certificate of occupancy.

4. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.
5. Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.

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## **USE PERMIT CONSIDERATIONS**

Staff is including the specific considerations for a use permit to be granted in an effort to assist City officials in considering the application and its merits. In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use. These considerations include:

**1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by Mayor and Council;**

This Suburban Neighborhood designation provides for residential as well as “schools, places of worship, community centers and facilities” with which the proposed group residence for children aligns.

**2. Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;**

The subject parcel is zoned AG-1 (Agricultural District). According to *Fulton County Zoning Resolution Article 19 Section 4.20(1)A*, AG-1 allows for this use, so long as no other group residences are located within a quarter-mile of this group residence. The City of South Fulton Geographic Information Systems Division confirms adherence to minimum distance requirements set forth by *Article XIX of the Zoning Resolution* with all available resources. The group residence operates as a single-family use, which is in line with the adjacent uses and zoning.

**3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;**

The applicant must comply with all ordinances and regulations before approval of any City land disturbance permit is issued.

**4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;**

The proposed use will have negligible effect on traffic flow along Old Fairburn Road and surrounding streets.

**5. The location and number of off-street parking spaces;**

Parking is located approximately 700 feet from Old Fairburn Rd.

**6. The amount and location of open space;**

The subject parcel is a flag lot consisting of 2.5 acres. The majority of the open area is located to the side (north) of the house.

**7. Protective screening;**

The house is set back approximately 700 feet from Old Fairburn Rd. It is also buffered by trees along the perimeter, providing screening and privacy between adjacent properties.

**8. Hours and manner of operation;**

The business will operate 24 hours per day.

**9. Outdoor lighting; and**

The facility currently has outdoor security lights.

**10. Ingress and egress to the property.**

There is one means of ingress and egress by a driveway from the home to Old Fairburn Rd right-of-way.

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**STAFF COMMENTS**

Engineering: Reviewed; none provided

Environmental: The Fulton County Board of Health recommends that this facility meet all permit requirements for child care learning centers and does not anticipate any adverse impacts to the health of humans or the environment by approval of the use permit request.

Public Works: Reviewed; none provided

Transportation: None provided

MARTA: There are no plans to extend service along Old Fairburn Road in the vicinity of this proposal.

Fulton County Schools: Reviewed; none provided

Fire: None provided

Legal: None provided

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**PLANNER’S RECOMMENDATION**

The applicant has been in business (below the threshold that would be permitted through the requested use permit) for several years and wishes to increase the number of children to whom they can provide service. The facility sits approximately 700 feet from Old Fairburn Rd, and a dense tree stand buffers the property from neighboring properties. This provides privacy for the children as well as the neighbors.

Staff collected information per Planning Commission's request during the July 17, 2018 meeting regarding the number of public service calls to the property within the past year. Code Enforcement reported no violations. Persons located at the property called 911 on themselves 26 times and called for EMS 7 times. There were 6 instances of others calling 911 services to the property. In total, there were 39 calls to the property within the last 12 months (between July 18, 2017 and July 17, 2018), a significant utilization of City resources. The home currently serves 4 children and the requested use permit would permit service of 8 children. Based on the conclusions and findings herein, Staff recommends **DENIAL**.

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**PLANNING COMMISSION RECOMMENDATION**

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TBD

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**REVIEWED BY:**

Dana Gray



