

# PLANNING AND COMMUNITY SERVICES INTER-OFFICE MEMORANDUM



**To:** Fulton County Board of Zoning Appeals

**From:** Randy Beck, Director *Randy Beck*

**Date:** November 8, 2016

**RE:** Public Hearing - Thursday, November 17, 2016  
(Fulton County South Service Center,  
5600 Stonewall Tell Road at 1pm)

ITEM	PETITION NO.	LOCATION/REQUEST	APPLICANT
1.	2015V-0021 SFC DISTRICT 6	<p>Southeast Quadrant of Campbellton Road and Cascade Palmetto Highway -</p> <p>Applicant seeks a 5-part primary variance as follows:</p> <p>Part 1. Allow fuel pumps and associated canopies in front of the building. (Article 12L.4, Section E.14)</p> <p>Part 2. Allow more than 50 percent of parking in front of a building. (Article 12L.4, Section G.1 &amp; 3)</p> <p>Part 3. Allow an additional freestanding sign. (Article 33, Section 25.E.1)</p> <p>Part 4. increase the maximum height from 6 feet to 7 feet 3 inches for the proposed two freestanding signs. (Article 33, Section 25.E.1.d)</p> <p>Part 5. Reduce the required parking from 99 to 82 spaces. (Article 18.2.1)</p>	<p>Amin "Alex" Panjwani</p> <p>Hakim Hilliard 404-797-5525</p>

**FOR THE MOST CURRENT ZONING INFORMATION PLEASE VISIT  
THE DEPARTMENT OF PLANNING AND COMMUNITY SERVICES'S ZONING PAGE AT  
[WWW.FULTONCOUNTYGA.GOV/FCPCSD-HOME](http://WWW.FULTONCOUNTYGA.GOV/FCPCSD-HOME)**

**PROJECT:** Southeast Quadrant of Campbellton Road (SR 166) & Cascade Palmetto Highway (SR 70)

**LOCATION:** Southeast Quadrant of Campbellton Road (SR 166) & Cascade Palmetto Highway (SR 70)  
Commission District 6

**EXISTING ZONING:** C-1 (Community Business)

**EXISTING PETITION NO.:** Z74-053 SFC

**APPLICANT INTENT:** The applicant seeks a 5-part primary variance as follows:  
Part 1. Allow fuel pumps and associated canopies in front of the building. (Article 12L.4, Section E.14)  
Part 2. Allow more than 50 percent of parking in front of a building. (Article 12L.4, Section G.1 & 3)  
Part 3. Allow an additional freestanding sign. (Article 33, Section 25.E.1)  
Part 4. In regard to the two proposed freestanding signs, increase the maximum height from 6 feet to 7 feet 3 inches. (Article 33, Section 25.E.1.d)  
Part 5. Reduce the required parking from 99 to 82 spaces. (Article 18.2.1)

**OWNER:** Phanirajakumari Tummala

**APPLICANT:** Amin "Alex" Panjwani

**REPRESENTATIVE:** M. Hakim Hilliard

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**BACKGROUND & VARIANCE REQUEST:**

The subject 2.597 acres site zoned C-1 (Community Business) pursuant to Z74-053 SFC has approximately 118.89 feet of frontage along the east side of Cascade Palmetto Highway (SR 70) and approximately 235.62 feet of frontage along the south side of Campbellton Road (SR 166), located in Land Lot 53 & 60, District 9C, Fulton County, Georgia. The applicant has plans to develop a 15,600 square foot retail shopping center (2 buildings) with a convenience store with gas pumps on the subject site.

The site is part of a larger tract zoned C-1 (Community Business) pursuant to Z74-053 SFC which is approved for a shopping center and office complex. Condition 3 of petition Z74-053 SFC requires a revised site plan to be submitted showing compliance with the statements in the letters of intent for the entire tract of the zoned parcel. Previously, the applicant requested

to modify condition 3 with concurrent variances showing the development of the 2.597 acre tract only. One request was denied and another was withdrawn per the applicant's request by the Board of Commissioners. In the Appendix, a timeline has been provided showing the zoning history of the site which includes the applicant's previous requests.

On September 1, 2016 a revised site plan was submitted to our Department which satisfied condition 3. On September 27, 2016 having satisfied the condition of zoning, the applicant submitted this application for a 5-part variance as follows:

Part 1. Allow fuel pumps and associated canopies in front of the building.

Part 2. Allow more than 50 percent of parking in front of a building.

Part 3. Allow an additional freestanding sign. Part 4. In regard to the two proposed freestanding signs, increase the maximum height from 6 feet to 7 feet 3 inches.

Part 5. Reduce the required parking from 99 to 82 spaces.

### **ANALYSIS:**

Article 22.3.1 states that a variance may be considered if relief is in harmony with the general purpose and intent of the Zoning Resolution; or due to extraordinary and exceptional conditions pertaining to the property because of its size, shape, or topography which would create an unnecessary hardship for the owner while causing no detriment to the public; or conditions resulting from existing foliage or structures which bring about a hardship whereby a sign meeting the minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

In the letter of intent the applicant states that the second basis for a variance per Article 22.3.1 (there are extraordinary and exceptional conditions pertaining to the subject site that create a hardship for the owner while causing no detriment to the public) can be easily established for the subject site. The applicant writes there are several unique development hardships associated with the site. First, the public access to the site is limited to right-in, right-out only vehicular traffic movements. Second, there is no public sanitary sewer within 1,500 feet of the subject site. Third, there exists substantial topographic challenges associated with the site that show as much as a 30-foot grade variation at some intervals which place the activity center of the development substantially below the grade of the public right-of-way. Given these hardships the applicant seeks a 5-part variance as follows:

Part 1. Allow fuel pumps and associated canopies in front of the building.

Article 12L.4, Section E.14 of the Clifftondale Overlay District requires that fuel pumps, canopies and associated gasoline station service areas be located at the rear of the structure, not between the building and the street, to allow the building to be the spatial edge of the streetscape. The applicant seeks relief from the requirement to allow the fuel pumps and associated canopies of the proposed convenience store to be located in front of the building due to the topographic challenges on the site and to minimize the removal of mature trees currently located on the site.

The subject site is located at the southeast corner of two state routes, Campbellton Road (SR 166) & Cascade Palmetto Highway (SR 70). Given the depth of the right-of-way of the state routes, the building and associated fuel pumps are setback from the road. The applicant is

concerned if fuel pumps are located at the rear of the building, the building itself will block the view of the customers pumping gas from the state routes and thus create an unsafe environment for customers during evening hours. Therefore the applicant seeks relief.

Part 2. Allow more than 50 percent of parking in front of a building.

Article 12L.4, Section G.1. & 3 requires parking to be located to the rear and side of a building with no more than 50 percent of the required parking located in the front and side of a building. The applicant seeks relief to allow the majority of the parking in front of the building as shown on the site plan. Given the location of the site at the intersection of two state routes and the large depth of right-of-way, the applicant is of the opinion that the setback away from the intersection is a hardship and seeks relief from the requirement.

Part 3. Allow an additional freestanding sign.

Article 33, Section 25.E.1.b. allows one freestanding sign for each lot containing less than 3 acres. The applicant seeks relief in order to construct one sign on each road frontage. Given the location on two state routes, the applicant seeks relief so the business can be safely identified by the traveling public. Given the location at a busy intersection, the large depth of right-of-way and resulting significant building setback from the public streets, the applicant is of the opinion that he has proven a hardship given the unique shape and configuration of the property.

Part 4. In regard to the two proposed freestanding signs, increase the maximum height from 6 feet to 7 feet 3 inches.

Staff notes that the current elevation of the site slopes downhill from the public streets. Should the elevation of the grade where the sign is to be located be lower than the elevation of the nearest point to the crown of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitation is applied (surveyor's certificate required). However, the applicant requests a variance to increase the sign height from 6 feet to 7 feet 3 inches given the large depth of public right-of-way and resulting set from the public street.

Part 5. Reduce the required parking from 99 to 82 spaces.

The applicant seeks to reduce the required parking from 99 to 82 spaces. The applicant notes that the convenience store is a drive by destination in many instances and as such the need for any parking over a brief period of time is not needed. The applicant notes that the proposed restaurants operate during peak hours and the need to maintain the required overall parking count for the entire center dictates additional impervious area and land disturbance. The applicant states the 82 parking spaces are sufficient for the proposed uses and by allowing parking reduction, the impervious footprint would be reduced and thereby natural tree coverage would be preserved.

## Appendix

### Zoning Timeline

On August 7, 1974, pursuant to Z74-053 SFC, the Board of Commissioners approved a request to rezone approximately 56 acres at the southeast quadrant of Campbellton Road (SR 166) & Cascade Palmetto Highway (SR 70) from AG-1 (Agricultural) and SUB A (Residential) to C-1 (Community Business) for a shopping center and office complex

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On October 2, 2013, the Board of Commissioners amended zoning petition Z74-053 SFC, condition 1, and prohibited uses on the overall tract as follows: automotive repair garage, freestanding liquor/wine/beer/ package store, check cashing store, pawn shop (including title pawn), massage establishment, beauty supply store, flea market, and freestanding discount retail shop, pursuant to 2013ZM-0014 SFC.

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On June 4, 2014, pursuant 2014ZM-0004 SFC, 2014VC-0005 SFC, the Board of Commissioners denied the applicant's request as follows: The applicant requested to amend condition 3 for the development of retail shops with a convenience store with gas pumps. In addition, the applicant sought a 5-part concurrent variance as follows:

Part 1. Allow fuel pumps and associated canopies in front of the building. (Article 12L.4, Section E.14)

Part 2. Allow more than 50 percent of parking in front of a building. (Article 12L.4, Section G.1 & 3)

Part 3. Allow an additional freestanding sign. (Article 33, Section 25.E.1)

Part 4. In regard to the two proposed freestanding signs, increase the maximum height from 6 feet to 20 feet, increase the maximum sign face from 32 to 64 square feet, and increase the maximum tenant panels from 4 to 8 panels. (Article 33, Section 25.E.1.d)

Part 5. Reduce the required parking from 99 to 83 spaces. (Article 18.2.1)

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On April 1, 2015, pursuant to 2015ZM-0003 SFC/2015VC-0002 SFC, a modification and concurrent variances were withdrawn by the BOC per the applicant's request. The applicant had requested to amend condition 3 of petition Z74-053 SFC for the development of retail shops with a convenience store with gas pumps. In addition, the applicant sought a 3-part concurrent variance request as follows:

Part 1. Allow fuel pumps and associated canopies in front of the building. (Article 12L.4, Section E.14)

Part 2. Allow more than 50 percent of parking in front of a building. (Article 12L.4, Section G.1 & 3)

Part 3. Allow an additional freestanding sign. (Article 33, Section 25.E.1)

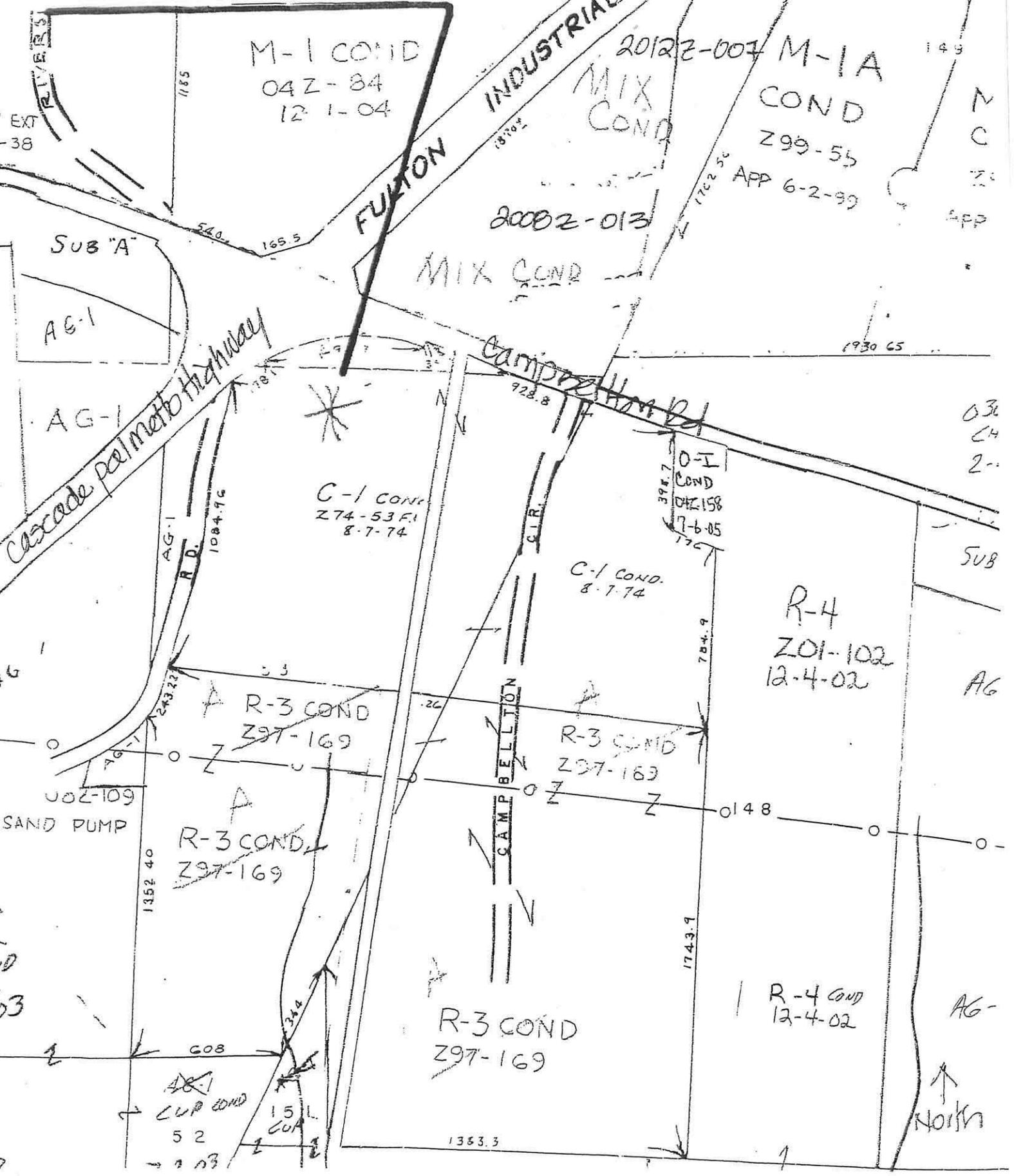
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On September 2, 2016 a revised site plan was submitted to the Department of Planning and Community Services. The site plan satisfies condition 3. (Condition 3 of petition Z74-053 SFC requires a revised site plan to be submitted showing compliance with the statements in the letters of intent for the entire tract of the zoned parcel.)

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September 27, 2016, the applicant submitted this variance application pursuant to 2016V-0021 SFC for consideration by the Board of Zoning Appeals for the hearing on November 17, 2016. The requested variances are similar to the June 4, 2014 variance request except the request for an increased height of the freestanding signs has been reduced and the applicant no longer requests a larger sign face or more tenant panels on the freestanding signs.

2016V-0021 SFC



M-1 COND  
04Z-84  
12-1-04

2012Z-007 M-1A  
COND  
Z99-55  
APP 6-2-99

MIX COND  
2008Z-013

C-1 COND  
Z74-53 F.1  
8-7-74

O-I  
COND  
Z42-158  
7-6-05

C-1 COND  
8-7-74

R-4  
Z01-102  
12-4-02

R-3 COND  
Z97-169

R-3 COND  
Z97-169

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R-4 COND  
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AG-1

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APP

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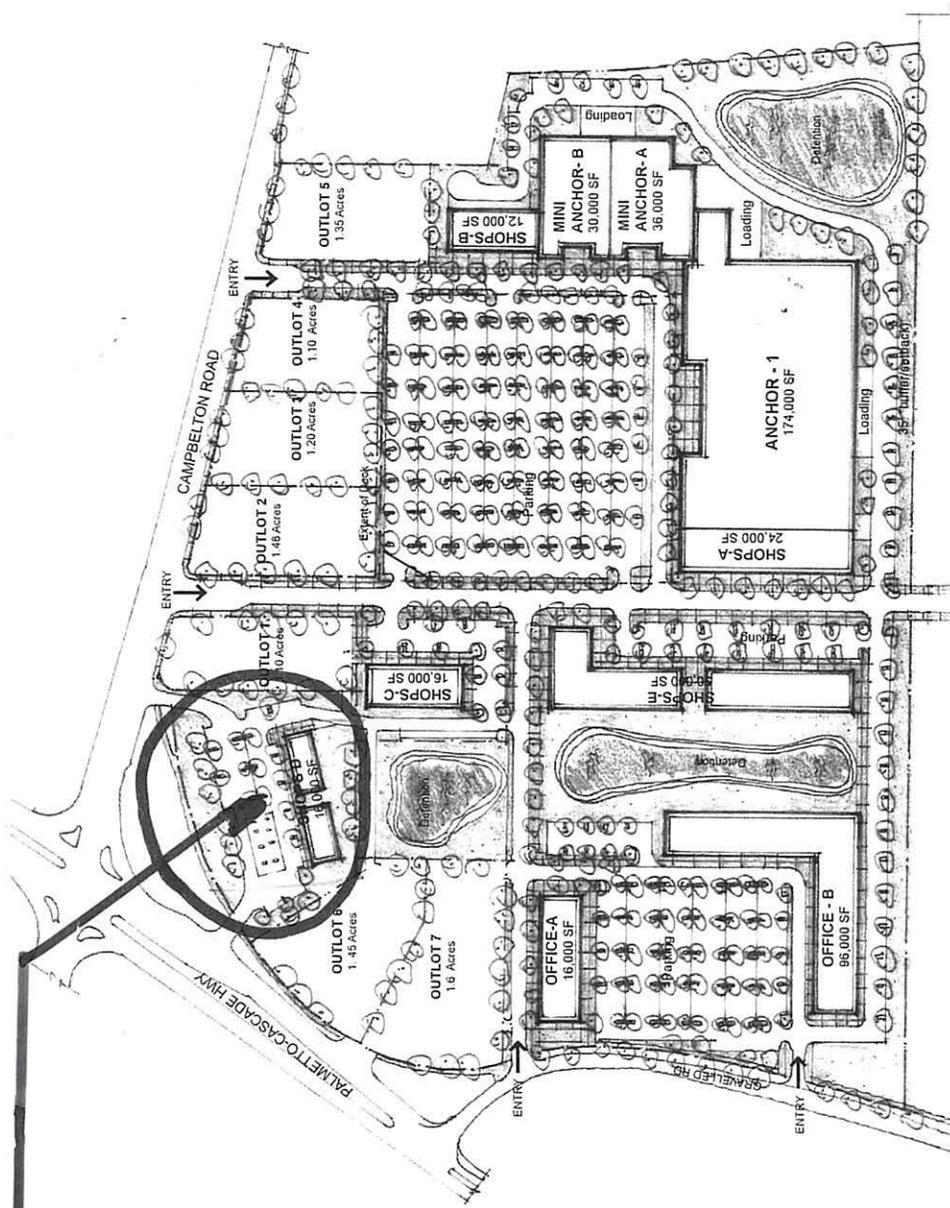
SUB

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AG-



2016V-0021 SFC



OVERALL CONCEPT PLAN



**SITE DATA**

**RETAIL - ONE STORY**

ANCHOR - 1	- 174,000 SF
MINI ANCHOR - A	- 36,000 SF
MINI ANCHOR - B	- 30,000 SF
SHOPS - A	- 24,000 SF
SHOPS - B	- 12,000 SF
SHOPS - C	- 16,000 SF
SHOPS - D	- 16,000 SF
SHOPS - E	- 16,000 SF
SHOPS - F	- 16,000 SF
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SHOPS - R	- 16,000 SF
SHOPS - S	- 16,000 SF
SHOPS - T	- 16,000 SF
SHOPS - U	- 16,000 SF
SHOPS - V	- 16,000 SF
SHOPS - W	- 16,000 SF
SHOPS - X	- 16,000 SF
SHOPS - Y	- 16,000 SF
SHOPS - Z	- 16,000 SF
<b>Total</b>	<b>- 379,000 SF</b>

**OFFICE**

OFFICE - A (one story)	- 16,000 SF
OFFICE - B (two story)	- 96,000 SF
<b>TOTAL</b>	<b>- 112,000 SF</b>

**PARKING - RETAIL**

Required	- 1895 (5 spaces/1,000 SF for Retail)
Provided	- 379,000 SF (1 level deck)
	- 1950 spaces (1 level deck)

**PARKING - OFFICE**

Required	- 336 (3 spaces/1,000 SF)
Provided	- 340 spaces

**OUTLOTS**

OUTLOT - 1	- 1.10 Acres
OUTLOT - 2	- 1.48 Acres
OUTLOT - 3	- 1.20 Acres
OUTLOT - 4	- 1.10 Acres
OUTLOT - 5	- 1.35 Acres
OUTLOT - 6	- 1.45 Acres
OUTLOT - 7	- 1.60 Acres

**SANDTOWN PALMS**  
RETAIL and OFFICE

2016V-021SFC

RECEIVED

SEP 27 2016

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