

PROPOSED ZONING	USE PERMIT FOR PERSONAL CARE HOME (ARTICLE 19.4.33) - 1,140.80 SQUARE FEET PER ACRE
PROPOSED USE	PERSONAL CARE HOME - 5,761 SQUARE FEET
EXISTING ZONING	R-6 (RESIDENTIAL) - 2004Z -0019 SFC USE PERMIT FOR GROUP RESIDENCE (ARTICLE 19.4.20) - 2004U -0001 SFC
EXISTING USE	VACANT RESIDENCE
LAND USE MAP	RURAL NEIGHBORHOOD - 1 UNIT OR LESS PER ACRE
LOCATION	HOBGOOD ROAD (WEST SIDE): 183.20 FEET OF FRONTAGE PARCEL SIZE 5.05 ACRES SMALL AREA 802 LL 123, DISTRICT 6 COMMISSION DISTRICT 6 SERVED BY PRIVATE SEPTIC
OWNER	ISAAC ESSEL
PETITIONER	ISAAC ESSEL
REPRESENTATIVE	ISAAC ESSEL

APPLICANT'S INTENT	To request a Use Permit (Article 19.4.33) to develop a 5,761 square foot personal care home (16 beds) on 5.05 acres at an overall density of 1,140.80 square feet per acre. In addition, the applicant seeks a 4-part concurrent variance as follows:
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Part 1. Allow the proposed residential use within a one mile radius of an existing landfill. (Article 4.16.A)

Part 2. Allow a curb cut on a local street. (Article 19.4.33.B.2.)

Part 3. Reduce the building setback from 50 to 40 feet to allow the existing structure to remain. (Article 19.4.33.B.3)

Part 4. Allow the existing driveway and parking area to encroach into the 25-foot undisturbed buffer and 10-foot improvement setback along the south property line. (Article 4.23.1)

Department of Planning and Community Services
Recommendation

APPROVAL CONDITIONAL: 2016U -0004 SFC
APPROVAL (ALL PARTS): 2016VC-0018 SFC

Community Zoning Board Recommendation
September 20, 2015

APPROVAL CONDITIONAL: 2016U -0004 SFC
APPROVAL (ALL PARTS): 2016VC-0018 SFC

SUBJECT SITE AND SURROUNDING AREA:

SUBJECT SITE: The subject 5.05 acre site on Hobgood Road is currently zoned R-6 (Residential) with a Use Permit for a group home pursuant to 2004Z -0019 SFC, 2004U -0001 SFC. The site is approved for a group home for six mothers ages 13 to 17 and their babies. The structure is currently vacant.

SURROUNDING AREA

The subject site is located along the west side of Hobgood Road just north of Roosevelt Highway (SR 29). North and west of the site are scattered single family residences zoned R-2 (Residential). East and south of the site is the City of Palmetto. Willow Oak C&D Waste Landfill is across the street with frontage on Roosevelt Highway (SR 29) and Hobgood Road in the City of Palmetto.

Further south of the site are parcels zoned AG-1 (Agricultural), C-1 (Community Business), C-2 (Commercial), and M-1A (Industrial Park). The AG-1 (Agricultural) zoned parcels are developed with single-family residences. The C-1 (Commercial) and C-2 (Community Business) zoned parcels are undeveloped. A mulch processing, wood recycling, and vehicular maintenance business was approved at the northwest corner of Roosevelt Highway (SR 29) and Hobgood Road pursuant to 2007Z -0009 SFC, 2007U -0005 SFC but the property appears to be vacant.

SITE PLAN CONSIDERATIONS:

Based on the applicant's site plan submitted to the Department of Planning and Community Services on July 28, 2016, Staff offers the following considerations:

LAND USE AND DENSITY

The applicant seeks a Use Permit (Article 19.4.33) for a personal care home for 16 senior adults in the existing 5,761 square foot residential structure on 5.05 acres. The subject site is currently zoned for a group home for six mothers and their babies pursuant to 2004Z -0019 SFC. The group home is currently not in operation.

The area is developed with single family residences except for the intersection of Roosevelt Highway (SR 29) and Hobgood Road. On the northwest corner a mulch processing business is approved but currently vacant and on the northeast corner there is a construction and debris landfill. Staff is of the opinion that the change in use from a group home to a personal care home would be compatible with the area and would be consistent with Board action for the subject site. Therefore, Staff recommends **APPROVAL CONDITIONAL** subject to the attached Recommended Conditions.

BUILDING SETBACKS

Article 7.1.3. requires building and yard setbacks as follows:

- 25-foot setback along Hobgood Road (front yard)
- 7-foot setback along north and south property lines (side yards)

- 20-foot setback along west property line (rear yard)

The site plan shows compliance.

Article 19.4.33, Section B.3 requires a 50-foot building setback from single family districts and/or AG-1 (Agricultural) districts when used for single family. A 50-foot setback is required along the north, south and west property lines. The site plan shows the existing residential structure encroaches 10 feet into the required setback along the south property line. Therefore, the applicant requests a concurrent variance as follows:

Part 3. Reduce the building setback from 50 to 40 feet to allow the existing structure to remain.

The applicant expresses a hardship due to the narrow configuration of the subject site. Staff is of the opinion that the applicant has proven a hardship according to Article 22.3.1 and recommends **APPROVAL of Part 3** of the variance request.

Staff notes that 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.

LANDSCAPE STRIPS AND BUFFERS

Article 19.4.33 Section B.6 requires landscape strips and buffers as required in the O-I (Office-Institutional) district as specified in Article 4.23.1 as follows:

- 20-foot landscape strip along Hobgood Road (front yard)
- 25-foot undisturbed buffer and 10-foot improvement setback along the north and south property lines
- 50-foot undisturbed buffer and 10-foot improvement setback along the west property line (rear yard)

Although the required landscape strips, buffers and improvement setbacks are not shown on the site plan, the applicant can comply with the requirements except along the south property line where an existing driveway and parking area encroach. Therefore, the applicant seeks a concurrent variance as follows:

Part 4. Allow the existing driveway and parking area to encroach into the 25-foot undisturbed buffer and 10-foot improvement setback along the south property line.

The applicant expresses a hardship due to the narrow configuration of the site. Staff is of the opinion that the applicant has proven a hardship per Article 22.3.1 and recommends **APPROVAL** of Part 4 of the concurrent variance request.

PARKING

Article 18.2.1 requires one parking space per four beds and one space per 3 employees for a personal care home. The proposed facility has 16 beds and the applicant has indicated that there will be 3 employees, therefore, a minimum of 5 parking spaces are required. While the applicant's plan does not show the required parking, Staff is of the opinion that there is adequate space on the subject site to accommodate the required parking.

ENVIRONMENT

The Environmental Site Analysis Report (ESA) is sufficient and satisfies the requirement of the Fulton County Zoning Resolution. The site does not contain streams, wetlands, floodplains, steep slopes, historical sites or sensitive plants and animal species.

CONCURRENT VARIANCES

The subject site is located on a local street. Article 19.4.33.B.2 requires personal care homes to access from an arterial or major collector or from a minor collector if within 1,000 feet of an institutional use. Hobgood Road is a local street, therefore the applicant seeks a concurrent variance as follows:

Part 2. Allow a curb cut on a local street.

Given the site is currently approved for a group home, Staff is of the opinion that the proposed change in use will not have a negative effect on the residential properties in the area. Staff finds that the request is in harmony with the intent of the Zoning Resolution per Article 22.3.1 of the Zoning Resolution. Therefore, Staff recommends **APPROVAL of Part 2** of the concurrent variance request.

Willow Oak C&D Waste Landfill is across the street from the subject site in the City of Palmetto. The landfill is for inert waste disposal versus solid waste. The landfill has been in operation since approximately 2002. In 2004 the subject site was approved for a group home pursuant to 2004Z -0019 SFC, 2004U -0001 SFC. On April 5, 2006 the Board of Commissioners approved Article 4.16.A which states that no portion of a new proposed residentially zoned or used property be located within a one mile radius of an existing active landfill. Given the location of the property across the street from the existing landfill, the applicant requests the following concurrent variance as follows:

Part 1. Allow the proposed residential use within a one mile radius of an existing landfill.

The applicant proposes to change the use from a group home, which was approved by the Board of Commissioners in 2004, to a personal care home. Given the approved use of the property is residential and the applicant's request is changing the use from a group home to a personal care home, Staff finds that the variance request is in harmony with the intent of the Zoning Resolution per Article 22.3.1. Therefore, Staff recommends **APPROVAL of Part 1** of the concurrent variance request.

BOARD OF COMMISSIONERS POLICY

Article 19.4.33 of the Zoning Resolution provides for Personal Care Homes/Assisted Living in R-6 (Two Family Dwelling) and TR (Townhouse Residential) zoned districts with an approved Use Permit. Similar Use Permits for Personal Care Homes/Assisted Living, recently approved by the Fulton County Board of Commissioners:

On March 7, 2007, pursuant to 2006Z -0115 SFC, 2006U -0019 SFC, the Board of Commissioners approved the petitioners request to rezone a 1.8 acre site from R-6 (Residential) with a Use Permit for a Daycare to R-6 (Residential) with a Use Permit for a Personal Care Home for a 12,000 square foot facility with 24 beds on Flat Shoals Road, west of Old National Highway.

On March 3, 2010, pursuant to 2009Z -0015 SFC, 2009U -0004 SFC, the Board of Commissioners approved the petitioners request to rezone a 10.63 acre site from AG-1 (Agricultural) and SUB A (Residential) to R-6 (Residential) with a Use Permit for a Personal Care Home for a 6,000 total square foot facility with 2 buildings for 16 patients and 4 live-in staff on Flat Shoals Road, west of Old National Highway.

On August 7, 2013, pursuant to 2013Z -0004 SFC, 2013U -0002 SFC, the Board of Commissioners approved the petitioners request to rezone a 1.7 acre site from AG-1 (Agricultural) to R-6 (Residential) with a Use Permit for a Personal Care Home for a 2,736 square foot facility for 6 residents at 3290 Stonewall Tell Road.

In the interest of the public health, safety and welfare, the Board of Commissioners may exercise limited discretion in evaluating the site proposed for a use that requires a Use Permit. In exercising such discretion pertaining to the subject use, the Board of Commissioners shall consider each of the following as outlined in Article 19.2.4 of the Zoning Resolution; Use Permit Considerations. Staff has reviewed said items pertaining to the subject use, and, offers the following comments:

(1) WHETHER THE PROPOSED USE IS CONSISTENT WITH THE LAND USE OR ECONOMIC DEVELOPMENT PLANS ADOPTED BY THE BOARD OF COMMISSIONERS:

Provided the applicant complies with the Recommended Conditions of this petition and the Use Permit requirements of Article 19.4.33 (Personal Care Homes/Assisted Living) of the Zoning Resolution, the proposed development is consistent with the intent and following policies of the Comprehensive Plan:

- Encourage the development of a variety of housing types and sizes in response to the current and projected demands of County residents and its workforce.
- Allow for compatible institutional uses in neighborhoods and communities.

(2) COMPATIBILITY WITH LAND USES AND ZONING DISTRICTS IN THE VICINITY OF THE PROPERTY FOR WHICH THE USE PERMIT IS PROPOSED;

Given the location of the subject site and the existing single family residential uses in the surrounding area, Staff is of the opinion that the proposed personal care home is compatible with the area.

(3) WHETHER THE PROPOSED USE MAY VIOLATE LOCAL, STATE AND/OR FEDERAL STATUTES, ORDINANCES OR REGULATIONS GOVERNING LAND DEVELOPMENT;

The proposed use does not violate any known statutes, ordinances or regulations governing land development.

(4) THE EFFECT OF THE PROPOSED USE ON TRAFFIC FLOW, VEHICULAR AND PEDESTRIAN, ALONG ADJOINING STREETS;

The proposed personal care home will not generate a significant increase in traffic. The applicant expects only traffic from employees and visitors to the site. Therefore, Staff is of the opinion that the proposed use will not have a negative impact on adjoining residential neighborhoods.

(5) THE LOCATION AND NUMBER OF OFF-STREET PARKING SPACES;

Based on the proposed use, number of employees and requirements per Article 18.2.1, a minimum of five parking spaces are required. The parking area will be located in front of the existing building. Staff is of the opinion that the location and number of parking spaces will not have a negative impact on the site.

(6) THE AMOUNT AND LOCATION OF OPEN SPACE;

The subject site is 5.05 acres. The site plan shows a large area of open space in the front and rear of the property. Therefore, Staff is of the opinion that there is adequate open space on the subject site.

(7) PROTECTIVE SCREENING;

A 25-foot undisturbed buffer and 10-foot improvement setback is required along the north and south property lines and a 50-foot undisturbed buffer and 10-foot improvement setback is required along the west property line. Given the buffer requirements, Staff is of the opinion that the use will be properly screened from view.

(8) HOURS AND MANNER OF OPERATION;

The personal care home is a 24-hour operation. Given the residential nature of the business, Staff is of the opinion that the use is compatible with the residential area.

(9) OUTDOOR LIGHTING:

Article 4.9.4 of the Zoning Resolution specifies that outdoor fixtures shall be of full cutoff and shall be placed so as to allow no light above the horizontal as measured at the luminaire, and shall be located, aimed or shielded so as to minimize glare and stray light trespassing across property boundaries and into public right-of-way in accordance with the standards set forth for specific uses. Any exterior lighting that is in compliance with the Zoning Resolution should not negatively impact adjacent properties.

(10) INGRESS AND EGRESS TO THE PROPERTY:

The site is currently zoned for a group home. The proposed personal care home intends to use an existing curb cut on Hobgood Road. Therefore, the use of the existing curb cut by employees and visitors is not expected to have a negative impact on the surrounding area.

CONCLUSION:

Provided Staff's Recommended Conditions are incorporated into the development of the site, the proposed personal care home is consistent with Board action on the site for a residential institutional use (group home); is consistent with the policies and intent of the Comprehensive Plan; and is compatible with the area. Therefore, Staff recommends the petition be **APPROVED CONDITIONAL** subject to the attached Recommended Conditions. Staff also recommends **APPROVAL** of all parts of the concurrent variance request.

COMMUNITY ZONING BOARD HEARING

On September 20, 2016, the Community Zoning Board recommended the petition be **APPROVED CONDITIONAL** per Staff's recommendation and **APPROVAL** of all parts of the concurrent variance request. There was no opposition at the hearing.

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-6 (Residential) CONDITIONAL with a Use Permit for a Personal Care Home /Assisted Living (Article 19.4.33) subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the property as follows:
 - a. Restrict the use of the property to personal care home/assisted living facility and accessory uses in the existing structure at a maximum density of 1,140.80 gross square feet per acre zoned or a total gross floor area of 5,761 square feet, whichever is less.
 - b. Limit the number of residents to 16.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Environment and Community Development on July 28, 2016. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
 - b. Prior to the issuance of a Certificate of Occupancy, comply with all regulations of the Georgia Department of Human Resources and file a copy of the approved registration with the Department of Planning and Community Services.
3. To the owner's agreement to abide by the following traffic requirements, dedications and improvements:
 - a. Allow a proposed residential use within a one mile radius of an existing landfill. (2016VC-0018 SFC, Part 1)
 - b. Allow a curb cut on a local street. (2016VC-0018 SFC, Part 2)
 - c. Reduce the building setback from 50 to 40 feet to allow the existing structure to remain. (2016VC-0018 SFC, Part 3)
 - d. Allow the existing driveway and parking area to encroach into the 25-foot undisturbed buffer and 10-foot improvement setback along the south property line. (2016VC-0018 SFC, Part 4)

4. To the owner's agreement to abide by the following:
 - a. Prior to submitting the application for a (LDP) with the Department of Environment and Community Development, Development Review Division, arrange to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit, as applicable.
 - b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton County Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP, as applicable.

APPENDIX

COMMENTS ON PUBLIC SERVICES AND UTILITIES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the Fulton County Plan Review process prior to the commencement of any construction activity.

TRANSPORTATION FACILITIES:

Road name: Hobgood Rd
Classification: Local Street
Level of Service: C or better

Anticipated Traffic Generation Rates:
Average: 48 trips per day

HEALTH DEPARTMENT:

Environmental Health Services (EHS) Comments:

Since the applicant is proposing to use the existing onsite sewage management system, the Fulton County Department of Health and Wellness will require that the owner or representative for the owner submit plans with all necessary data for review to the Environmental Health Services Division. The Environmental Health Services Division must approve the use of the existing onsite sewage management system prior to occupancy or use of the building.

If the Department of Health and Wellness denies the use of the existing onsite sewage management system for the proposed use and public sanitary sewer is available to the site, the Fulton County Department of Health and Wellness will require mandatory connection to public sanitary sewer. Public sanitary sewer is considered available if it is within a specified distance of the nearest property line as indicated by Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XI – Sewage Disposal. Mandatory connection to the public sanitary sewer shall be required for the proposed use regardless of distance if the Department of Health and Wellness denies approval for construction of an onsite sewage management system, including reserve area, for any reason.

The proposed use cannot increase the anticipated maximum daily sewage flow that the existing onsite sewage management system is designed to handle unless approved by this Department.

The existing onsite sewage management system must operate properly and have no signs of failure at the time of inspection by the Department of Health and Wellness.

If the existing onsite sewage management system is approved for use, this Department requires that no site changes will be made that would alter or affect the performance of the system.

If the public sanitary sewer is available, the owner or agent for the owner must immediately connect to the public sanitary sewer should the onsite system fail.

If the existing individual onsite sewage management system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.

If this property includes an existing individual onsite water supply system(s) and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County Code of Ordinance and Code of Resolutions, Chapter 34 –Health and Sanitation, Article IV – Drinking Water.

This department recommends that the existing building is inspected and the owner/operator be required to provide the internal plumbing and sanitary facilities necessary to serve the proposed use and building capacity.

The Department of Health and Wellness is requiring that this facility meet the permit requirements for personal care homes under the Rules and Regulations of Georgia Department of Community Health.

If approved, this department will require that plans indicating the number and location of outside refuse containers for personal care homes and similar facilities (example-small number of people) be submitted for review and approval.

Environmental Justice (EJ) and General Public Health Comments:

The Fulton County Department of Health and Wellness does not anticipate any adverse impacts to the health of humans or the environment within the surrounding community by allowing the operation of the proposed personal care home.

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 125 gallons per day

This project is within the City of Atlanta jurisdiction.

SEWER:

Basin: Line (Camp) Creek

Treatment Plant: Camp Creek

Anticipated sewer demand: 1,800 gallons per day

Although the subject site is within the Camp Creek sewer basin, it is beyond a reasonable distance to the nearest Fulton County Government sanitary sewer manhole located in Land Lot 134, District 7 just south of Roosevelt Highway. Therefore, the personal care home will need to be served by a private septic system.

DRAINAGE:

Flood Plain: According to Fulton County Geographic Information System (GIS) Map, there is not 100-year flood plain on the subject site.

BOARD OF EDUCATION:

No Comment.

TAX ASSESSOR:

Property Tax ID#: 07 3000-0123-029-0

The following parcel has taxes due on 11/15/2016
07 -3000-0123-029-0 (7825 Hobgood Rd) \$3,371.82

FIRE MARSHAL:

Fire Station: 15

Battalion: 3

Impact: Personal Care Home is going to need to be sprinkled or fire alarm system installed. There will be a demand for more water and traffic will increase due to an increase in medical emergencies.

POLICE DEPARTMENT ZONING IMPACT STATEMENT:

Beat: 39

SLR (P:\PlanAnalysis\Planners\Cases\16U-004S.09)

For TDD, TTY Access Services please call 711 for Georgia Relay.
Printed: 9/28/16

Petition: 2016U -0004 SFC
2016VC-0018 SFC
BOC Meeting: 10/05/16

Impact Statement on Beat:

Current calls for service: 4,579

Projected calls for service: Unknown

Current Average Response Time (minutes): 25

** Increase in the number of residents/persons: 11.29

* Increase in E-911 calls for service (police, fire, E.M.S.): 8.9

*** Increase in the number of traffic accidents: 0.4

PROJECTED IMPACT ON DEMAND FOR POLICE SERVICES:

It is the policy of the Fulton County Police Department to answer all calls for service regardless of the impact of a particular development. However, two of the most noticeable indicators of the quality of police service will be as follows: As demands for service increase, response times will increase. Time available for proactive neighborhood/business patrol will decrease and crime prevention efforts will decline.

The Police Department does anticipate a significant impact on demand for police services.

- * Based on 2014 population of 121,000 and 2014 calls for service of 95,850 (67,553 for police services.)
- ** Based on average single family residence population of four, average apartment population of two and 1.96 persons per 1,000 gross square feet of space.
- *** Based on 2014 accident calls of 4,258.
- **** Based on average response time of 8 minutes.
- ***** Based on average of two (2) cars per single family residence.

Note: The demand for police service is determined by socio-economic, legislative and other forces which do not lend themselves to predictability. Therefore, projections are made from historical data only.

EMERGENCY SERVICES:

If zoning petition is approved there will be an increase in E911 call volume. The increase may negatively affect the Department's call answering speed and service level.

Increased traffic volume without road improvements may increase response times of emergency response vehicles thereby reducing effective delivery of emergency services.

CITY OF ATLANTA DEPARTMENT OF AVIATION (DOA)

The proposed project is located approximately 12 miles southwest of the Airport.

Is the proposed project located under protected airspace for the Airport?

Yes No

If yes, the development will require the completion of Federal Aviation Administration (FAA) form 7460-1, Notice of Proposed Construction or Alteration.

Is the proposed project located within an area of significant (65 DNL or higher) aircraft noise exposure?

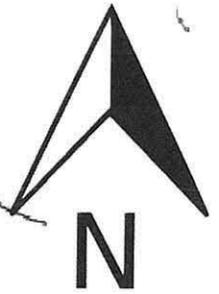
Yes No

If yes, is the proposed land-use deemed compatible according to CFR Title 14, Part 150?

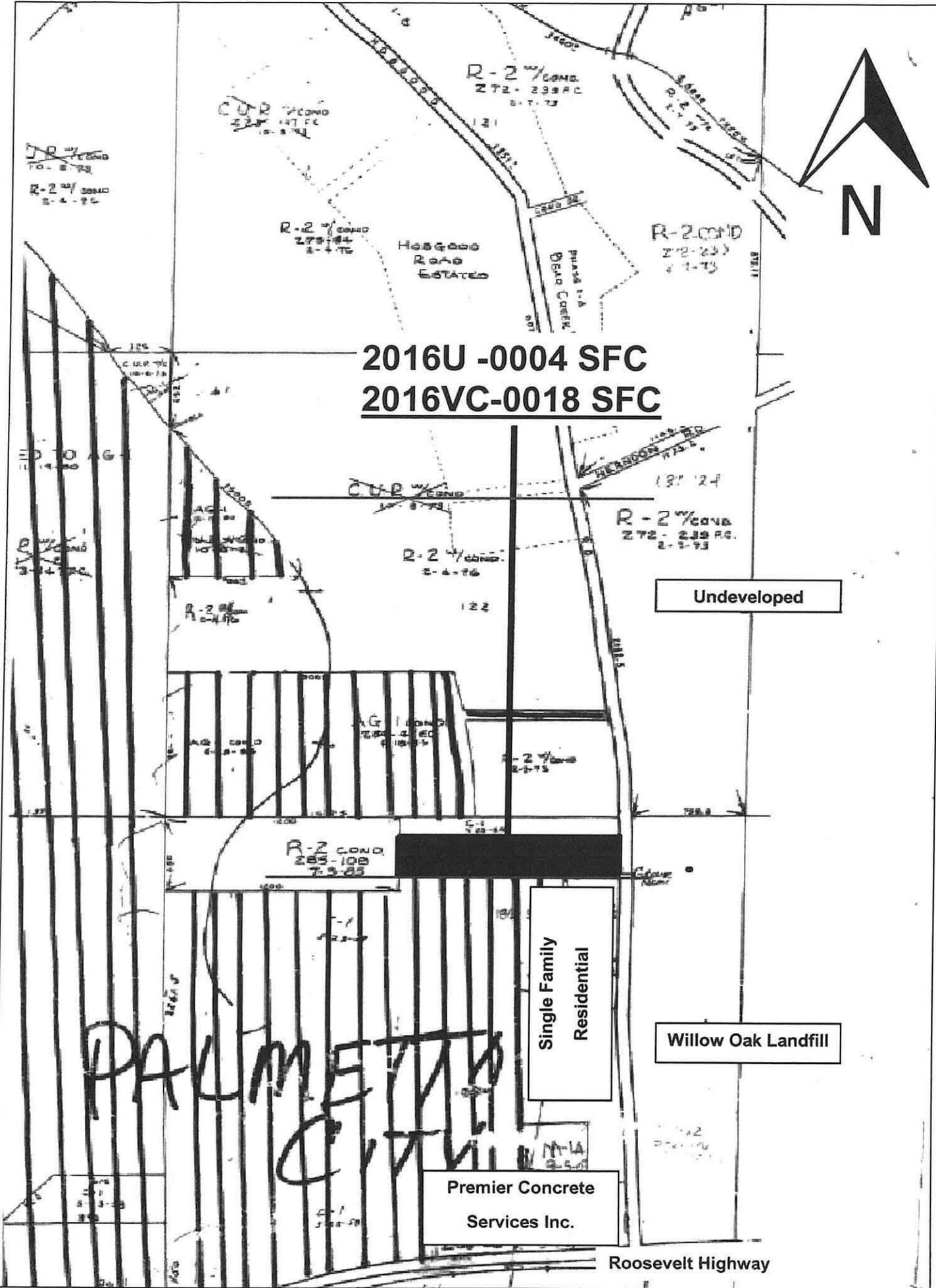
Yes No

CODE ENFORCEMENT

No Comment.



2016U -0004 SFC
2016VC-0018 SFC



Undeveloped

Single Family
Residential

Willow Oak Landfill

Premier Concrete
Services Inc.

Roosevelt Highway

PALMETTO CITY

2016U-004
2016V-018

