PROPOSED ZONING C-2 (COMMERCIAL) - 5,121.96 SQUARE FEET PER ACRE

PROPOSED USE CONVENIENCE STORE WITH GAS PUMPS -

4,200 SQUARE FEET

EXISTING ZONING M-2 (HEAVY INDUSTRIAL)

EXISTING USE UNDEVELOPED

LAND USE MAP INDUSTRIAL MARKETPLACE

LOCATION WENDELL DRIVE (NORTHEAST SIDE):

171.33 FEET OF FRONTAGE

4175 FULTON INDUSTRIAL BLVD (SR70)

(NORTHWEST SIDE): 200 FEET OF FRONTAGE

PARCEL SIZE 0.82 ACRES

LL 23, DISTRICT 14F

COMMISSION DISTRICT 6

FULTON INDUSTRIAL BUSINESS DISTRICT

OVERLAY DISTRICT

SERVED BY PUBLIC SEWER

OWNER J & P FULTON INVESTORS, LLC

PETITIONER H & HAB SERVICES, INC, KIFLEMERIAM TEELE

REPRESENTATIVE NATHAN V. HENDRICKS III

APPLICANT'S INTENT

To develop a 4,200 square foot convenience store with gas pumps. The applicant is also requesting a concurrent variance to reduce the 15-foot landscape strip along Fulton Industrial Boulevard to allow the proposed pavement to encroach on the landscape strip as shown on the site plan.

Department of Public Works
Planning and Development Division
Staff Recommendation

APPROVAL CONDITIONAL: 2021Z -0001 SFC APPROVAL CONDITIONAL: 2021VC-0001 SFC

Community Zoning Board Recommendation March 16, 2021

APPROVAL CONDITIONAL: 2021Z -0001 SFC APPROVAL CONDITIONAL: 2021VC-0001 SFC

SUBJECT SITE AND SURROUNDING AREA:

SUBJECT SITE: The subject site is an undeveloped parcel with existing pavement and a concrete slab from a previous building now removed. The subject site has 2 existing curb cuts one on Fulton Industrial Boulevard (SR70) and one on Wendell Drive. Wendell Drive is a signalized intersection.

NEARBY AND ADJACENT PROPERTIES/ZONINGS: NON-RESIDENTIAL

** North - Use: Various Industrial Warehouses

Petition: N/A

Zone: M-2 (Heavy Industrial)

** Southwest across Wendell Drive on FIB - Use: Vacant Land

Petition: N/A

Zone: M-2 (Heavy Industrial)

** Further Southwest on FIB - Use: Flag Package Store (Existing)

Petition: N/A

Zone: M-2 (Heavy Industrial)

** Further Southwest on FIB - Use: U-Haul (Under Development)

Petition: 2018Z -0002 SFC Zone: C-2 (Commercial)

Density: 8,939.1 square feet per acre

Height: 5-story

** Further Southwest across FIB – Use: GA Auto Pawn (Existing)

Petition: N/A

Zone: M-2 (Heavy Industrial)

** Southwest across FIB - Use: Bonner Brothers International (Existing)

Petition: N/A

Zone: M-2 (Heavy Industrial)

** South across FIB - Use: Convenience Store with gas pumps (Approved)

Petition: 2019Z -0001 SFC Zone: C-2 (Commercial)

** Southeast across FIB - Use: GK Granite (Existing)

Petition: N/A

Zone: M-2 (Heavy Industrial)

** East across FIB - Use: Budgetel Inn & Suites (Existing)

Petition: N/A

Zone: M-2 (Heavy Industrial)

** Further East across FIB - Use: Fleet Pride Truck and Trailer Parts (Existing)

Petition: N/A

Zone: M-2 (Heavy Industrial)

** Northeast on FIB - Use: Boston Fish Supreme Restaurant (Existing)

Petition: 2011Z -0008 SFC

REB (P:\PlanAnalysis\Planners\ZoningProgram\ZoningCases\2021Z-0001 SFC) For TDD, TTY Access Services please call 711 for Georgia Relay.

BOC Meeting: 04/14/21

Zone: C-1 (Community Business)
Density: Restaurant in existing structure

** Further Northeast on FIB - Use: Existing Structure (Vacant)

Petition: N/A

Zone: M-2 (Heavy Industrial)

** Further Northeast on FIB- Use: Existing Structure (Vacant)

Petition: N/A

Zone: M-2 (Heavy Industrial)

** Further Northeast on FIB - Use: Undeveloped Land

Petition: N/A

Zone: M-2 (Heavy Industrial)

RECENT DENIALS IN AREA:

** There have been no recent denials in the surrounding area.

MISCELLANEOUS USES AND ZONINGS IN THE AREA:

** The I-20 and Fulton Industrial Boulevard interchange lies to the southwest of the subject site. Fulton County Airport is located further northeast of the subject site.

SITE PLAN ANALYSIS:

Based on the applicant's site plan submitted to the Department of Planning and Community Services on January 26, 2021, Staff offers the following considerations:

LAND USE AND DENSITY

The 2035 Comprehensive Plan Land Use Map suggests the subject site and entire surrounding area as appropriate for development consistent with the Industrial Marketplace land use classification. The Industrial Market Place character area seeks to provide places within the industrial district that serve the commercial and retail needs of the people who work in the industrial area. The applicant's request to develop a 4,200 sq.ft. Convenience store with gas pumps to better serve the retail needs of the area is consistent with the intent of the Comprehensive plan and the Fulton Industrial Boulevard Redevelopment Plan. The new building will also compliment the recent pedestrian and streetscape improvements funded and installed by the Boulevard Community Improvement District. Furthermore, the applicant's proposed density is consistent with existing development in the surrounding area. Given all the above considerations, staff is of the opinion that the applicant's propose development of the site is consistent with the Comprehensive Plan and the Fulton Industrial District Redevelopment Plan and recommends the zoning be **APPROVED CONDITIONAL**.

BUILDING SETBACKS

The applicant's proposed development meets the required 40-foot building setback on Wendell Drive and Fulton Industrial Boulevard (SR70). No setback is required on the interior side and rear property lines. The proposed development is in compliance with development standards for the C-2 (Commercial District)

LANDSCAPE STRIPS AND BUFFERS

The subject site is located within the Fulton Industrial Overlay District. The applicant is therefore required to provide a 15-foot landscape strip along both Wendell Drive and Fulton Industrial Boulevard (SR70). The applicant has requested a concurrent variance to the required 15-foot landscape strip along Fulton Industrial Boulevard (SR70). Given the overall size of the site, required turning radii for vehicles and trucks serving the site combined with the irregular right-of-way dedication line on the Fulton Industrial Boulevard (SR70) frontage staff is of the opinion that the applicant has a valid hardship. Staff therefore recommends the concurrent variance be **APPROVED CONDITIONAL**.

There are no other required landscape strips or buffers required on the interior property lines.

PARKING

The applicant is required to provide 5 parking spaces for every 1,000 square feet of building area. At 4,200 square feet the applicant would be require to provide 21 parking spaces. The applicant's site plan indicates a minimum of 26 parking spaces. The site meets the minimum parking requirements of Article 18 of the Fulton County Zoning Resolution.

ENVIRONMENT

There are no wetlands, floodplain, streams or steep slopes on the subject site. There is also no endangered species or vegetation on the subject site nor does the site contain any archeological historic sites.

General Public Health and EJ Comments

Since the proposed use is not an environmentally adverse use as per the Zoning Resolution of Fulton County, Article IV - General Provisions, Section 4.18 - Environmentally Adverse Uses, Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by approving the rezoning application to allow for the construction of the proposed addition to the existing building of this convenience store with gas pumps.

OTHER CONSIDERATIONS

Staff notes that the applicant's site has an existing billboard sign. Approval of the zoning will create a non-conforming structure. Zoning Resolution Article 4.3.1, Section D. provides for non-conforming structures. Staff will reflect this in the Recommended Conditions.

Recent approvals of similar uses in the area have had additional conditions placed on them to assist with improving the crime in the area. Staff has reflected these additional conditions in the Recommended Conditions.

The Fulton Industrial Business District Overlay District requires 8-foot wide sidewalks of which 2 feet shall be a brick colored stamped concrete brick pattern adjacent to the back of curb. The applicant at the time of building permit will be required to update the existing sidewalk along Fulton Industrial Boulevard (SR70) and install sidewalks along the Wendell Drive Frontage.

FINDINGS:

(Article 28.4.1) Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors A. through G., below, as well as any other factors it may find relevant.

BOC Meeting: 04/14/21

A. WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

FINDING: Given the proposed use of the subject site and its location in proximity to similar

use and zoning classifications, Staff is of the opinion that the proposed

convenient store with gas pumps is appropriate for the area.

B. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

FINDING: In Staff's opinion, the proposed development will not have an adverse effect on

the use or usability of adjacent and nearby properties if developed in accordance

with the Recommended Conditions.

C. WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

FINDING: The subject site may have a reasonable use as currently zoned.

D. 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.

FINDING: With the incorporation of the attached Recommended Conditions, Staff does not

anticipate a significant impact on public facilities and utilities.

E. WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICIES AND INTENT OF THE LAND USE PLAN.

FINDING: The proposed commercial development and use is consistent with the policies

and intent of the Comprehensive Plan, provided the Recommended Conditions

are incorporated into the development.

LAND USE PLAN MAP: Industrial Marketplace

Proposed use/density: Convenient store with gas pumps/5,121.96 square feet per acre

The Comprehensive Plan suggests Industrial Marketplace development for the entire surrounding area.

PLAN POLICIES:

Direct future non-residential development to highway interchanges and intersections of major roads in a pattern of mixed-use, activity nodes.

Manage linear development on designated mixed-use activity corridors by controlling access and maintaining road standards for level of service.

Provide for maximum protection to the public through the orderly control of traffic entering and leaving the road system. Ingress and egress will be limited; shared access will be encouraged.

Provide for pedestrian facilities and amenities to tie into existing and future transit service.

F. WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE

<u>USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS</u> FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

FINDING: Existing zonings, current commercial development trends in the area, and adopted land use policies support this request for commercial development.

G. WHETHER THE ZONING PROPOSAL WILL PERMIT A USE WHICH CAN BE CONSIDERED ENVIRONMENTALLY ADVERSE TO THE NATURAL RESOURCES, ENVIRONMENT AND CITIZENS OF FULTON COUNTY.

FINDING: The proposed development/use is not considered environmentally adverse affecting natural resources, the environment, or the citizens of Fulton County.

CONCLUSION:

Provided Staff's Recommended Conditions are incorporated into the development of the site, the proposed commercial use is consistent with the policies and intent of the Comprehensive Plan and with approved zonings in the area. Therefore, Staff recommends this petition and the concurrent variance be **APPROVED CONDITIONAL** subject to the attached Recommended Conditions.

BOC Meeting: 04/14/21

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be APPROVED C-2 (Commercial) CONDITIONAL 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 subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 5,121.96 gross square feet per acre zoned or a total of 4,200 square feet, whichever is less, but excluding commercial amusements including video gaming machines.
 - b. Limit the height of the building to no more than 1 story.
- 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 January 26, 2021. 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.
- 3. To the owner's agreement to the following site development considerations:
 - a. At the time of building permit application update the existing sidewalk along Fulton Industrial Boulevard (SR70) and install sidewalks along the Wendell Drive Frontage consistent with the standards of the Fulton Industrial Business District Overlay District.
 - b. To prohibit any window coverings, signage, location of interior or exterior shelving, appliances etc. that would block clear sight into the establishment through any window.
 - c. To post no loitering and no trespassing signage in highly visible locations throughout the property and visible from all parts of the property.
 - d. To partner with the Fulton County Police Department to be included in the TAP (Trespassing Affidavit Program).
 - e. To partner with the Fulton County Police Department to incorporated the interior and exterior onsite security camera systems into the existing Police camera system along Fulton Industrial Boulevard so that the Police can remotely monitor all activity in real time.
 - f. To allow the existing non-conforming billboard to remain as long as it abides by Article 4.3.1, Section D of the Fulton County Zoning Resolution for non-conforming structures.
- 4. To the owner's agreement to abide by the following traffic requirements, dedications and improvements:
 - a. Dedicate at no cost to Fulton County along the entire property frontage, prior to the PlanAnalysis\Planners\ZoningProgram\ZoningCases\2021Z-0001 SFC)

 Petition: 2021Z -0001 SFC. 2021VC-0001 SFC

approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

100 feet from centerline of Fulton Industrial Boulevard (SR70).

30 feet from centerline of Wendell Drive.

- 5. 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.
 - 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.

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:

- Add crosswalk, pedestrian, pedestrian signals, push buttons and ADA ramps across Fulton Industrial Blvd. on the northern side of the intersection; install sidewalks along Wendell Drive.
- Add streetlights meeting the CID along property frontage
- Fulton Industrial Blvd (SR 70) is a State route, access on FIB will require GDOT approval.

HEALTH DEPARTMENT:

- Fulton County Board of Health requires that the proposed facility be served by public water and public sanitary sewer which are available to the site.
- This department recommends that the existing building is inspected and the owner/operator is required to provide the internal plumbing and sanitary facilities necessary to serve the existing and proposed addition and building capacity.
- This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 Health and Sanitation, Article III Smoke-free Air.
- If this proposed development includes a food service establishment, as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation, Article V - Food Service, the owner must submit kitchen plans for review and approval by this agency before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.
- This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

WATER AND WASTEWATER (SEWER):

· WATER:

- Anticipated water demand: 100 gallons per day (gpd) / 1,000 sq. ft. (convenience store with gas pumps) x 4,200 square feet = 420 gallons per day.
- This project is within the City of Atlanta water service jurisdiction.

BOC Meeting: 04/14/21

· SEWER:

Basin: Utoy Creek

Treatment Plant: Utoy Creek

· Anticipated sewer demand: 378 gallons per day

There is a wastewater manhole west of the western property line of the 0.835 acre tract (4175 Fulton Industrial Boulevard) (Sewer Manhole # SMUC1615680) within the right of way of Wendell Drive located in Land Lot 52, District 14FF along an 8 inch sanitary sewer line that can service this location.

 Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

DRAINAGE:

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

TAX ASSESSOR:

Property Tax ID#: 14F0052 LL0656

Taxes on the subject property are up-to-date.

FIRE MARSHAL:

Fire Station: #11

· Impact: Increase in water demand, increase in traffic

POLICE DEPARTMENT ZONING IMPACT STATEMENT:

No calls or reports on file for this address.

EMERGENCY SERVICES:

No Comment

CODE ENFORCEMENT

 Code enforcement has 4 closed cases ranging back to 2012 and a current open case from 2020 for trash and debris. The owner needs to keep this property clean and abide by the Fulton County ordinances as required.

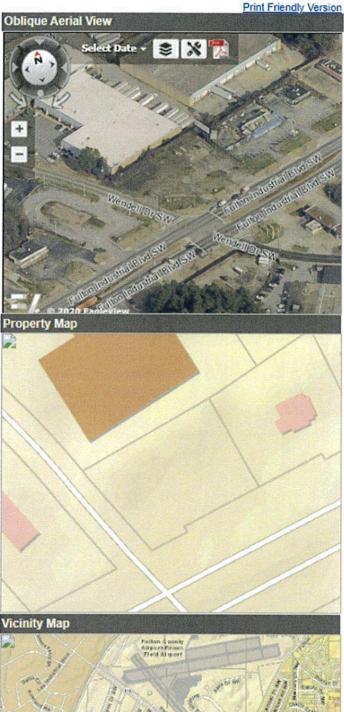
BOC Meeting: 04/14/21

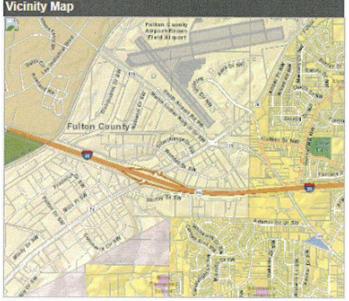


ZONING MAP

Property Profile for 4175 FULTON IND BLVD SW

Property Tax Information Tax Year 2020 Parcel ID 14F0052 LL0656 4175 FULTON IND BLVD SW Property Address J&P FULTON INVESTORS LLC Owner Mailing Address 131 ROSWELL ST SUITE B201 ALPHARETTA GA 30009 Total Appraisal \$181,700 Improvement Appraisal Land Appraisal \$181,700 Assessment \$72,680 Tax District 70D Land Area 0.835 ac Property Class Industrial Lots Land Use Class Vacant Commercial Land TAD CID Fulton Industrial CID Zoning M-2 Zoning Class Overlay District Fulton Industrial Ov 2035 Future Development Industrial Marketplace **Political** unincorporated Municipality **Commission District** Commission Person Khadijah Abdur-Rahman Council District not available Council Person not available Voting Precinct FC02 Aviation Community Cultural Center, 3900 Aviation Cir Nw Poll Location Congressional District 005 038 061 State Senate District State House District **School Zones** Elementary School Randolph Middle School Sandtown High School Westlake Other Information 30336 Zip Code Census Tract 78.05 In Less Developed Census Tract Yes





LETTER OF INTENT

The property contains approximately 0.8198 acres and is located at the intersection of the northerly right-of-way line of Fulton Industrial Boulevard and the easterly right-of-way line of Wendell Drive (the "Property"). The Property is presently zoned to the M-2 Classification and the Applicant requests a rezoning to the C-2 Classification.

The Applicant intends to develop the Property as a convenience store with associated gas pumps and a canapoy. The convenience store is slated to be approximately 4,200 square feet in area. As has been previously noted the required 15 foot landscape strip along Fulton Industrial Boulevard has not been met where the right-of-way line of Fulton Industrial Boulevard cuts back into the Property. Further, given the confining and restricted size of the Property, being less than 1 acre, the Applicant requests a Concurrent Variance for the portion of the required 15 foot landscape strip along Fulton Industrial Boulevard where paving appears as is noted on the Site Plan submitted with the Application. This condition is not of the Applicant's making and presents a real and substantial hardship. The Property is contiguous to a restaurant to the northeast that is zoned C-1 with other M-2 and C-2 zonings in the immediate area. Further, the intended use of the Property as a convenience store with associated gas pumps better complies with suggestion of the Comprehensive Land Use Plan for support retail under the Industrial Market Place designation. Accordingly, this Application for Rezoning and Concurrent Variance is entirely appropriate and the appropriateness of this Application and the constitutional assertions of the Applicant are more particularly stated and set fotth on Exhibit "A" which is attached hereto and by reference thereto made a part hereof. Further, it is to be noted that pursuant to Article 4.3.3.B.1. that a canopy with full gas pumps is allowed beyond 12' of the Fulton Industrial Boulevard right-of-way. Lastly, the Billboard shown on the Site Plan is permitted to remain pursuant to Article 4.3.1.B.

Now comes the Applicant who does hereby request that the above referenced Application for Rezoning and Concurrent Variances be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.

K & BAB SERVICES, INC.

Kiflemariam Tecle

Its: President

Nathan V. Hendricks III Attorney for the Applicant

6085 Lake Forrest Drive Suite 200 Atlanta, Georgia 30328 (404) 255-5161

Exhibit "A"

APPROPRIATENESS OF APPLICATION AND CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of Fulton County as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of Fulton County to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Fulton County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Fulton County Board of Commissioners to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

NATHAN V. HENDRICKS, III
6085 LAKE FORREST DRIVE
SUITE 200
ATLANTA, GA 30328
404-255-5161

Nvh@cobbandhyre.com

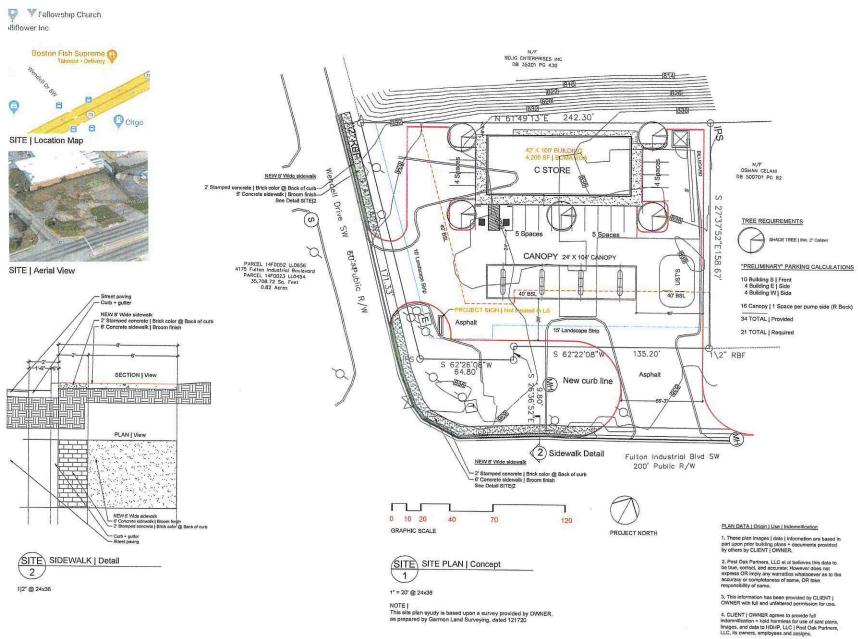
February 1, 2021

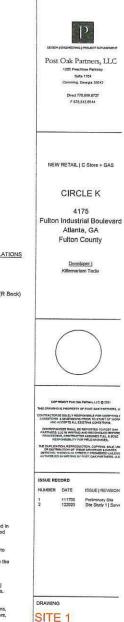
NOTIFICATION OF REZONING OF 4175 FULTON INDUSTRIAL BLVD.

This is to advise you that a Rezoning Application has been filed for the above referenced property to go from the M2 classification to the C2 classification for the development for a convenience store with the associated gasoline pumps. If you have any questions as to this Application please feel free to contact me at my office as shown above.

Very truly yours,

Nathan V. Hendricks, III





PROJECT NUMBER 2020 088

MEMORANDUM

TO: Gil Prado, John Varner and Kefle Tecle

FROM: Pete Hendricks

RE: 4175 Fulton Industrial Blvd. Rezoning

DATE: March 2, 2021

Gil. Pursuant to our telephone conversation earlier today, this is to confirm That regarding the Checklist of Items setforth in your e-mail of 2/26/21 That Kefle Tecle, as President of K & HAB SERVICES, INC., the Applicant Under the above referenced Rezoning, does agree to Items (a) through (g) as well as Items (j) through (n). As to Item (h), the Applicant agrees to work with Frank Mazelli of your CID to come up with a security plan for the purpose of controlling crime in the area, The Applicant does not agree to Item (i) not to sell or pursue alcohol, beer and wine licenses for the Property.

The addition of a Circle K operation on this Property will serve to be a value

Enhancement for not this Property but also for the area generally.

Please let me know if you have any questions, Thank you, Pete Hendricks,

By my Acknowledgement below, the undersigned does agree to the within Memorandum as well as the attachment.

K & HAB SERVICES, INC.

Kiflemariam Tecle

Its: President

Begin forwarded message:

From: Gil Prado <gil@boulevardcid.org>
Date: February 26, 2021 at 12:27:05 PM EST
To: John McCormack <john@map-realestate.com>,
Frank Mazzilli <Frank@boulevardcid.org>, Pete
Hendricks <nvh@cobbandhyre.com>
Subject: Re: Proposed Circle K Owners location

John,

We've had a lot of discussions about this proposal. As you know from our previous comments related to other gas stations / convenience store in the district, our concerns with these types of businesses in this (I-20 Interchange) location is always public safety. With that being said, I think a gas station / convenience store can be successful in this area if managed properly. We believe the following items will help this owner to run a successful business in the district. Please let us know if you are in agreement.

- a. Applicant
 will not
 install or
 operate
 amusement
 machines
 or video
 gaming
 machine at
 the
 property;
- b. Applicant will keep transparent windows without an obstruction s so that law enforceme nt can monitor the activity within the gas station;
- c. Applicant
 will post
 and keep
 "no
 loitering"
 and "no
 trespassing
 " on the
 property;
- d. Applicant will

authorize the Fulton County Police Departmen t to act as his agent for loiterers and trespassers via the **Trespass** Affidavit Program;

- e. Applicant
 will install
 and
 maintain
 LED light
 posts on
 the
 property;
- f. Applicant will permit **Fulton** County police federate the gas station's camera systems inside and outside of the convenienc e stores so that the police can remotely monitory the activity in real time;
- g. Applicant will make a condition of employmen t that all

employees
will be
subject to a
criminal
background
check by
the Fulton
County
Police
Departmen
t.

- h. Applicant
 will provide
 a minimum
 of 40 hours
 per week of
 private
 uniform
 security in
 night hours.
 i. Applicant
 will not sell
 or pursue
- will not sell or pursue alcohol, beer and wine licenses.
 - Applicant will construct new convenient store utilizing high quality and upgraded materials and architectur e features which may include stucco, stacked

stone, glass, etc.to achieve a

high-end look and feel.

- k. Applicant will maintain a national flag/brand at all times for the convenienc e store and gas station which our understandi ng will be Circle K and Shell gas
- I. Applicant agree to install sidewalks along Wendell Drive Frontage consistent with. the standards of the **Fulton** Industrial **District** Overlay
- District
 m. Applicant
 agree to
 install
 pedestrian
 streetlights
 fixtures on
 Wendell
 Drive in the
 same style
 as Fulton
 Industrial
 Blvd.

n. Applicant agree install and maintain landscaping along property lines abutting public right of way. Maintenanc shall e include daily litter pick in and immediatel` y , around the property including the MARTA stop front of the property on **Fulton** Industrial Blvd.

We look forward to hearing from you.

Best regards,

GIL PRADO Executive Director t: 404,368,4929





Circle K Franchise Horizon Image Requirements

February 18, 2021

Visual Summary of key Horizon Elements

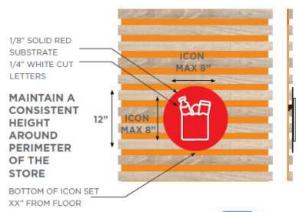








Visual Summary of key Horizon Sign Elements





CATEGORY SIGNAGE ICONS

















FILE HAME: 05_ICON_AVICEAL DUTING 10095

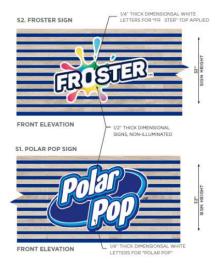


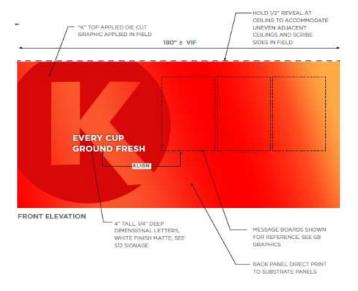


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Visual Summary of key Neighborhood Signage halos



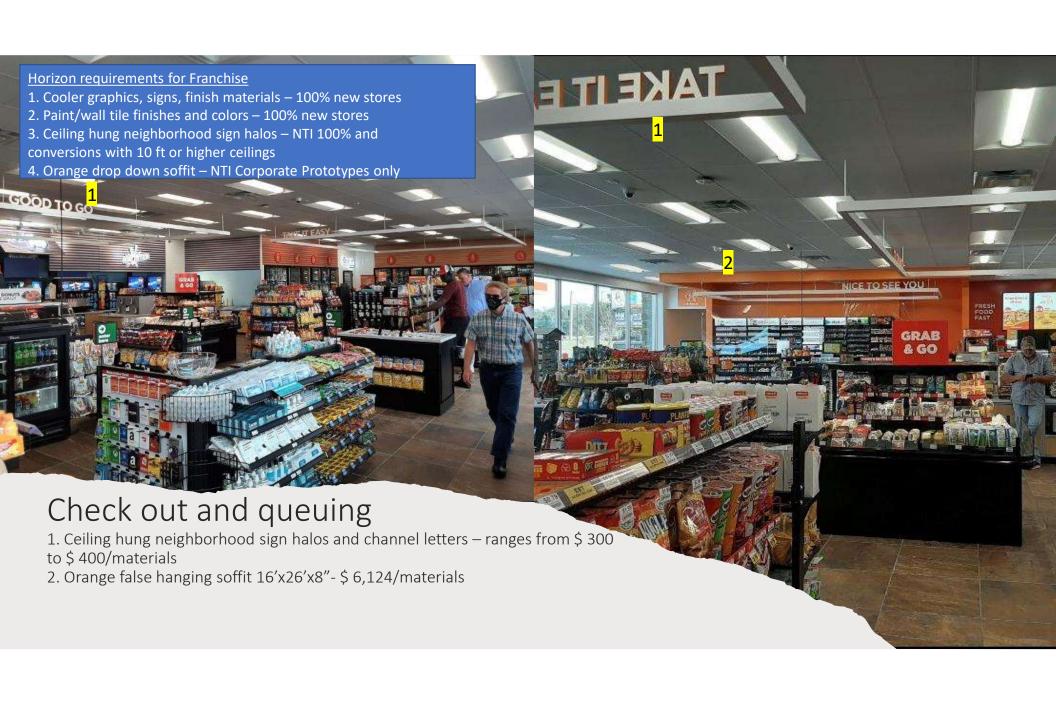


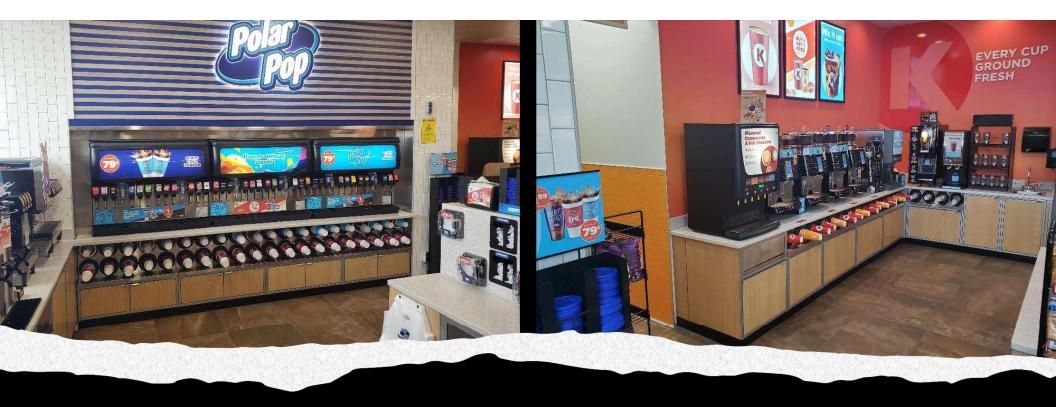






REFERENCE VIEWS 34



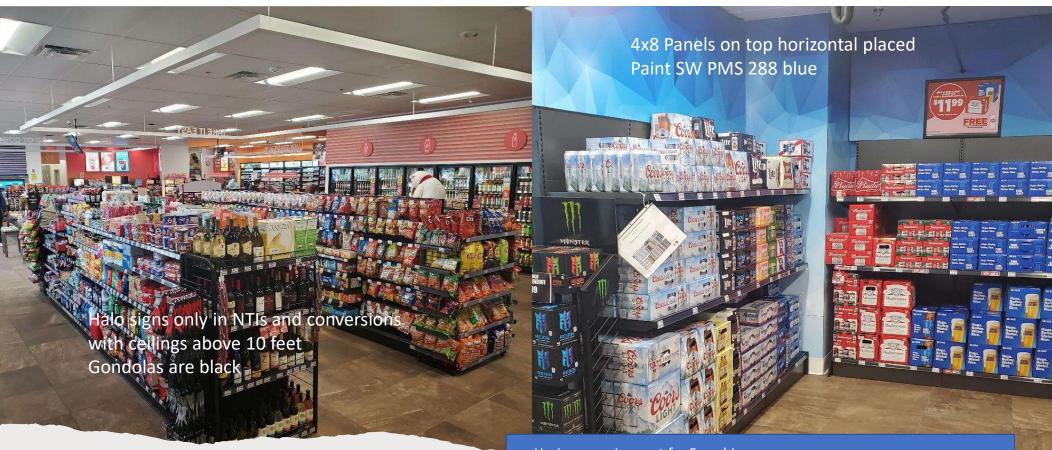


CK Coffee and Polar Pop

Polar POP LED sign and standard shroud structure
White subway tile used on open walls visible to customer
Coffee and Polar Pop Costs are similar to current Franchise Urban design
White wall tile – approximate need of \$ 600/store (\$ 1.92/SF)
Orange wall tile – approximate need of \$ 1,200/store (\$ 3.87/SF)

Horizon requirements for Franchise

- 1. PP, FR, Coffee graphics, signage 100% new stores
- 2. Finishes and colors (paint and wall tile) -100% new stores
- 3. New cabinet design colors/specs 100% new stores and door image retrofit for metal cabinets in nice shape
- 4. New Floor Tile 100% NTIs, conversions only when existing flooring is in bad shape or not an earth tone color

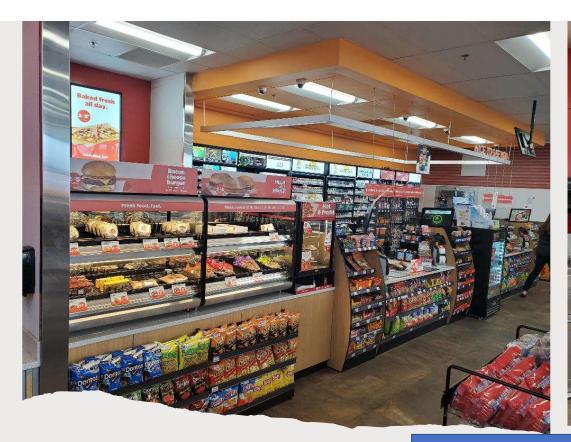


Gondola, beer cave interior

Beer cave 2x4 interior graphic panels and POP - \$ 900/lot

Horizon requirement for Franchise

- 1. Black gondolas 54"x36" sections 100% new stores (note Canada will be using 24 inch endcaps with profit panels).
- 2. Beer cave interior new floor tile 100%, NTIs blue upper wall panels and POP frames– upper 1/3; paint PMS 288 Blue lower 2/3. Conversions blue upper wall panels and POP frames only.

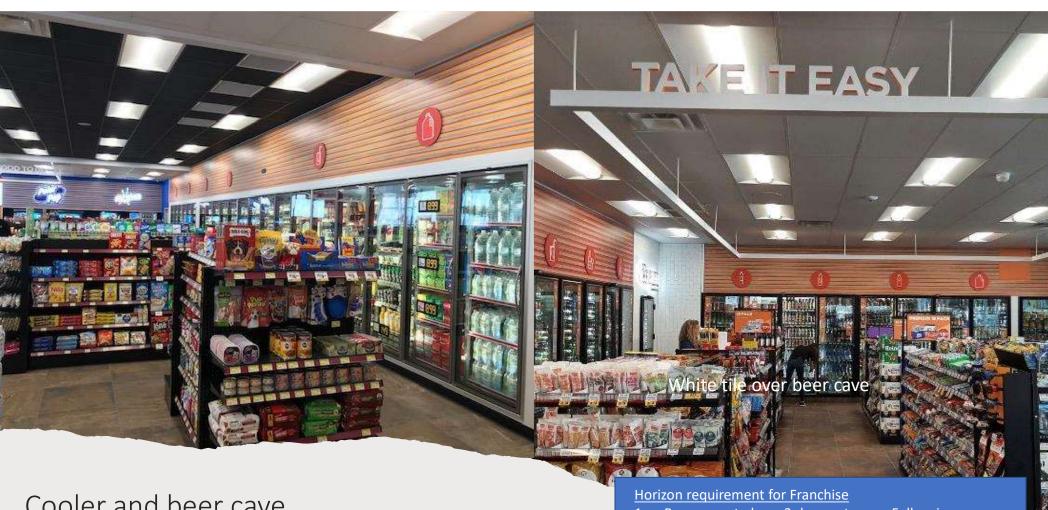




Fresh Food Fast

Horizon requirements for Franchise

- 1. FFF will become a requirement for 1600 SF or larger NTIs and conversions with exception for sites that have in store qualified QSRs.
- 2. Follow corporate standards on FFF Kitchen equipment and design
- 3. FFF equipment follow corporate standards for fixtures and image design, POP. Minimum FFF standard is a single Flexiserve HFD, 50 Grill, cold condiments, Pizza 3 tier case, 3 pan counter top bakery case and Federal Bullet Deli Case



Cooler and beer cave

Ceiling tiles are black only on NTI Prototypes. Ceiling tiles are white for NTIs or conversions Coins are roughly \$ 20/EA. This will save us \$ 1,200 per store. One coin per 2 doors. The horizontal panels are equivalent in cost to our previous blue design

- 1. Beer caves to have 2 door entrance. Follow image standards regarding white tile and signage.
- Install one cooler coin per 2 doors



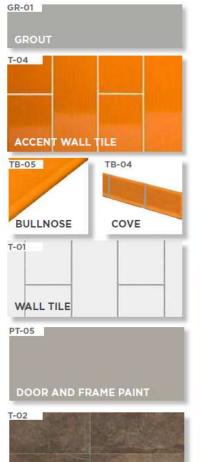
Restroom

Orange Wall tile – approximately \$ 1,200 in material per store

- 1. Follow restroom and RR hallway finish standards for NTIs
- 2. For conversions, if site already has nice finishes (tile) allow for keeping if in good shape. For conversions, Circle K Franchise Site Development to approve retaining existing sites wall and floor tile where applicable
- 3. For new restroom fixtures, go with touch free systems



1.0 PROGRAM ADAPTATIONS KEY ELEMENTS FF&E - RESTROOM



FLOOR & WALL TILE

- 54" AFF, DUPLICATED ON STALL INTERIOR
- 2.T-02 BROWN WALL TILE BELOW 54" AFF DUPLICATED ON STALL INTERIOR
- 3.T-02 BROWN FLOOR TILE THROUGHOUT
- ORANGE SUBWAY TILE
- 5.TB-04 COVE TILE BASE
- 6.TB-05 BULLNOSE BULLNOSE TILE AT TOP
- 7. PT-05 PAINTED DOOR AND FRAME
- 1. T-01 WHITE SUBWAY TILE ABOVE 4.T-04 ACCENT WALL AT SINK, 8. BRUSHED ALUMINUM FINISH FOR ACCESSORIES
 - 9. WHITE GYP. CEILING

REFER TO FINISH PLAN FOR COMPREHENSIVE LOCATION OF FINISHES TO BOTH RESTROOMS



Required image – NTIs and Conversions

CIRCLE (

1.0 PROGRAM ADAPTATIONS TIER C FINISH CHART

IN ALL REMODELS:





Required image – NTIs and Conversions

1.0 PROGRAM ADAPTATIONS TIER C FINISH SCHEDULE



TAG	CATEGORY	MANUFACTURER	STYLE/MODEL	COLOR	COMMENTS
	IODEL FINISH SPECS AT ALL LOCA				
	The second second second		20		E 22

CG 01	CORNER GUARD	SCHLUTER	SCHLLITER-ECK-K 3/4" X 3/4"; 90" ANGLE	BRUSHED STAINLESS	
PT 01	PAINT	SCUFFMASTER	SCRUBTOUGH PAINT	ST10402	EGGSHELL
PT 02	PAINT	SHERWIN WILLIAMS		CUSTOM TO MATCH "PANTONE 485"	EGGSHELL (CIRCLE K BRAND RED)
PT 03	PAINT	SHERWIN WILLIAMS		CUSTOM TO MATCH "PANTONE 144"	EGGSHELL (CIRCLE K BRAND ORANGE)
PT 04	PAINT	SHERWIN WILLIAMS		CUSTOM TO MATCH "PANTONE 278"	EGGSHELL (CIRCLE K BRAND BLUE)
WP 01	WALL PANEL - SUBWAY TILE SUBSTITUTE	MARUTE	SYMMETRIX W/ SAN-COAT C100 G63 WHITE	WHITE; SUBWAY LOOK	Annual Communication of the Co
WP-02	FRP WALL PANEL	MARLITE	FRP PANEL - WC-60 WALL COVERING PEBBLE FINISH	LINEN WHITE 301	WHITE WALL PANEL
WP 03	FRP WALL PANEL	PAWLING CO.	FRP PANEL - WC-60 WALL COVERING PEBBLE FINISH	MONARCH 255	ORANGE WALL PANEL
CG 01	CORNER GUARD	SCHILLITER	SCHLUTER-ECK-K 3/4" X 3/4": 90" ANGLE	BRUSHED STAINLESS	

MILLWORK REMODEL FINISH SPECS "IF MILLWORK IS IN POOR CONDITION ONLY

LAM 01	LAMINATE	WILSONART	STANDARD	NATURAL RIFT 7954-38	8
MTL01	METAL	ROYSTON	13.00.10.00.00.00	SILVER CLOUD	
MTL 02	METAL	ROYSTON		WHITE	
\$5.01	SOLID SURFACE	WILSONART		ARCTIC MELANGE 9070ML	

FLOORING REMODEL FINISH SPECS "IF FLOOR IS IN POOR CONDITION ONLY

G 02	GROUT	LATICRETE	SPECTRA LOCK PRO EPOXY	45 RAVEN	8
RB 01	RUBBER WALL BASE	ARMSTRONG	4" RUBBER WALL BASE; COVE BASE	BLACK	2
T 02	FLOOR TILE	DALTILE	SLATE ATTACHE 12x24	MULTI BROWN SAGE	GROUT: REFER TO G-02

RESTROOM REMODEL FINISH SPECS "IF RESTROOM IS IN POOR CONDITION ONLY

PT 05	PAINT	SHERWIN WILLIAMS		SW7017 DORIAN GRAY	SEMI-GLOSS. RESTROOM DOOR AND FRAMES
T 01	SUBWAY TILE	DALTILE	COLOR WHEEL COLLECTION: LINEAR GLAZED CERAMIC	ARCTIC WHITE 0190 (4" X 8" GL055)	GROUT: REFER TO G-01
TB 01	TILE BASE	DALTILE	COLOR WHEEL COLLECTION: LINEAR GLAZED CERAMIC COVE BASE	ARCTIC WHITE 0190 (4" TALL GLOSS)	GROUT: REFER TO G-01
T-04	SUBWAY TILE	DALTILE	COLOR WHEEL COLLECTION: LINEAR GLAZED CERAMIC	CUSTOM COLOR TO MATCH PANTONE 144 (4" X 8" GLOSS)	GROUT: REFER TO G-01
TB 04	TILE BASE	DALTILE	4" TALL COVE BASE	CUSTOM COLOR TO MATCH PANTONE 144 (GLOSS)	GROUT: REFER TO G-01
TB 05	TILE BASE	DALTILE	2 X 8 SINGLE BULL NOSE - GLOSS	CUSTOM COLOR TO MATCH PANTONE 144 (GLOSS)	GROUT: REFER TO G-01

Required image – Circle K NTI Prototype Format

CIRCLE (

1.0 PROGRAM ADAPTATIONS FINISH CHART



Required image – Circle K NTI Prototype Format

CIRCLE (

1.0 PROGRAM ADAPTATIONS FINISH SCHEDULE

TAG	CATEGORY	MANUFACTURER	STYLE/MODEL	COLOR	COMMENTS
AC 01	ACRYLIC PANEL		1/4" THICK CLEAR ACRYLIC PANEL WITH RED FILM	RED FILM TO MATCH PANTONE 485	
ACT 01A	ACOUSTIC CEILING TILE	ARMSTRONG	FINE FISSURED: 1728 SQUARE LAY IN SUSPENSION SYSTEM 16/16" PRELUDE XL	WHITE LAY IN WHITE SUSPENSION SYSTEM	
ACT 018	ACOUSTIC CEILING TILE	ARMSTRONG	CLEAN ROOM VL-868 SQUARE LAY IN SUSPENSION SYSTEM 15/16" PRELUDE XL	WHITE LAY IN [WHITE SUSPENSION SYSTEM	FOR USE OVER FOOD PREP AREA
ACT 02	ACOUSTIC CEILING TILE	ARMSTRONG	CALLA 2824 SQUARE LAY IN SUSPENSION SYSTEM -15/16" PRELUDE XL	BLACK LAY IN BLACK SUSPENSION SYSTEM	
ACT 03	ACOUSTIC CEILING TILE	ARMSTRONG	ULTIMA HEALTH ZONE CREATE! Z39010C1 SQUARE LAY-IN WITH GRID TO MATCH PMS 144	ORANGE TILE AND SUSPENSION SYSTEM - CUSTOM COLOR TO MATCH PANTONE 144	
CG 01	CORNER GUARD	SCHLUTER	SCHLUTER-ECK-K 2" X 2"; 90" ANGLE	BRUSHED STAINLESS	
601	GROUT	LATICRETE	SPECTRA LOCK PRO EPOKY	STERLING SILVER	
G 02	GROUT	LATICRETE	SPECTRA LOCK PRO EPOKY	CHARCOAL BLACK	
LAM 01	LAMINATE	WILSONART	STANDARD	NATURAL RIFT 7954-38	
MTL01	METAL	ROYSTON		SILVER CLOUD	
MTL 02	METAL	ROYSTON		WHITE	
PT 01	PAINT	SCUFFMASTER	SCRUBTOUGH PAINT	ST10402	EGGSHELL
PT 02	PAINT	SHERWIN WILLIAMS		CUSTOM TO MATCH "PANTONE 485"	EGGSHELL (CIRCLE K BRAND RED)
PT 03	PAINT	SHERWIN WILLIAMS		CUSTOM TO MATCH "PANTONE 144"	EGGSHELL (CIRCLE K BRAND ORANGE)
PT 04	PAINT	SHERWIN WILLIAMS		CUSTOM TO MATCH "PANTONE 278"	EGGSHELL (CIRCLE K BRAND BLUE)
PT 05	PAINT	SHERWIN WILLIAMS		SW7017 DORIAN GRAY	SEMI-GLOSS. RESTROOM DOOR AND FRAMES
RB 01	RUBBER WALL BASE	ARMSTRONG	4" RUBBER WALL BASE; COVE BASE	BLACK	
55 01	SOLID SURFACE	WILSONART	Commence of the commence of th	ARCTIC MELANGE 9070ML	
T-01	SUBWAY TILE	DALTILE	COLOR WHEEL COLLECTION: LINEAR GLAZED CERAMIC	ARCTIC WHITE 0190 (4" X 8" GLOSS)	GROUT: REFER TO G-01
T 02	FLOOR TILE	DALTILE	SLATE ATTACHE 12x24	MULTI BROWN SADB	GROUT: REFER TO G-02
T 04	SUBWAY TILE	DALTILE	COLOR WHEEL COLLECTION: LINEAR GLAZED CERAMIC	CUSTOM COLOR TO MATCH PANTONE 144 (4" X 8" GLOSS)	GROUT: REFER TO G-01
TB 01	TILE BASE	DALTILE	COLOR WHEEL COLLECTION; LINEAR GLAZED CERAMIC COVE BASE	ARCTIC WHITE 0190 (4" TALL GLOSS)	GROUT: REFER TO G-01
TB 04	TILE BASE	DALTILE	4" TALL COVE BASE	CUSTOM COLOR TO MATCH PANTONE 144 (GLOSS)	GROUT: REFER TO G-01
TB 05	TILE BASE	DALTILE	2 X 8 SINGLE BULL NOSE - GLOSS	CUSTOM COLOR TO MATCH PANTONE 144 (GLOSS)	GROUT: REFER TO G-01