
PROPOSED ZONING	C-1 (COMMERCIAL) - 4,839.7 SQUARE FEET PER ACRE
PROPOSED USE	RESTAURANT 2,928 SQUARE FEET
EXISTING ZONING	M-2 (INDUSTRIAL)
EXISTING USE	VACANT BUILDING
LAND USE MAP	INDUSTRIAL MARKETPLACE
LOCATION	4090 MARTIN LUTHER KING JR. DRIVE (SR 139) (SOUTHWEST SIDE): 124.94 FEET OF FRONTAGE PARCEL SIZE 0.605 ACRES LL 23, DISTRICT 14F COMMISSION DISTRICT 6 FULTON INDUSTRIAL BUSINESS DISTRICT OVERLAY DISTRICT SEWER BY PUBLIC SEWER
OWNER	BHUPENDRA M. PATEL, RADHA B. PATEL
PETITIONER	BHUPENDRA M. PATEL, RADHA B. PATEL
REPRESENTATIVE	RUPESH PATEL

APPLICANT'S INTENT	To use the existing 2,928 square foot building with a drive through window for a restaurant. The building, while previously used for a fast-food restaurant, has been vacant for some time. Prior to April 2007, the
--------------------	--

Fulton County Zoning Resolution allowed commercial uses to operate within the M-2 (Industrial) zoning classification. On April 4, 2007, the Board of Commissioners amended the Use Regulations for industrial districts prohibiting commercial uses and requiring developments within M-1 and M-2 zoning classifications to be of an industrial/warehouse nature.

Department of Public Works
Planning and Development Division
Staff Recommendation

APPROVAL CONDITIONAL: 2021Z-0003 SFC

Community Zoning Board Recommendation
August 17, 2021

APPROVAL CONDITIONAL: 2021Z -0003 SFC

SUBJECT SITE AND SURROUNDING AREA:

SUBJECT SITE: The subject site is zoned M-2 (Industrial) and is currently developed with a vacant building with drive through window and parking lot.

NEARBY AND ADJACENT PROPERTIES/ZONINGS: NON-RESIDENTIAL

- ** **Northwest** - (Southwest side of Martin Luther King Jr. Drive (SR 139)) - Use: Operative Plasterers and Cement Mason's Union Building (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Further Northwest** - (Southwest side of Martin Luther King Jr. Drive (SR 139)) - Use: U-Stor Self Storage (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Southeast** - Use: Airport Package Store (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Further Southeast** – Use: Convenience Store (Existing)
Petition: 2021Z-003 SFC
Zone: C-2 (Commercial)
- ** **South** - Use: Vacant
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **South** - Use: Industrial Building
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Northeast** - (East side of Fulton Industrial Boulevard (SR 70)) - Use: Quality Inn and Suites (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Northeast** - (East side of Fulton Industrial Boulevard (SR 70)) - Use: Undeveloped
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Southeast** - (East side of Fulton Industrial Boulevard (SR 70)) - Use: Wendy's (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Southeast** - (East side of Fulton Industrial Boulevard (SR 70)) - Use: Love Shack (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)

- ** **Further Southeast** - (East side of Fulton Industrial Boulevard (SR 70)) - Use: Fleet Pride (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Further Southeast** - (East side of Fulton Industrial Boulevard (SR 70)) - Use: Budgetel (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Further Southeast** - (East side of Fulton Industrial Boulevard (SR 70)) - Use: GK Granite LLC (Existing)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** **Southeast** - Use: Convenience store with gas pumps (Existing)
Petition: 2019Z-0001 SFC
Zone: C-2 (Commercial)
- ** **Southwest** - Use: UHaul Self Storage (Existing)
Petition: 2018Z-0002 SFC
Zone: C-2 (Commercial)
- ** **Southeast** - Use: Boston Fish Supreme (Existing)
Petition: 2011Z -0008
Zone: C-1 (Commercial)
Density: Restaurant with drive thru in existing structure
- ** **Southeast** - Use: Vacant Structure (formerly New York Video)
Petition: None
Zone: M-2 (Heavy Industrial)
- ** There are no **RESIDENTIAL ZONINGS** in the immediate area.
- ** **MISCELLANEOUS USES AND ZONINGS IN THE AREA:**
- ** **North** - Use: Fulton County Airport, Brown Field and the Fulton County Aviation Community Cultural Center
- ** **Further East and Further North** - City of Atlanta
- ** **Further South of I-20** – City of South Fulton
- ** There have been no **RECENT DENIALS** in the immediate area.

SITE PLAN ANALYSIS:

The applicant proposes to lease the existing building, which was previously housed a fast-food restaurant, for a restaurant use. While the existing parking lot will remain, the applicant's site plan calls for removal of pavement to provide for additional landscaping. Based on the applicant's site plan submitted to the Public Works Department on June 28, 2021, Staff offers the following considerations:

LAND USE AND DENSITY

The property is currently developed with a 2,928 square foot building, drive through window and parking lot at a density of 4,839.7 square feet per acre. As noted on the cover sheet of this report, prior to April 2007, the Fulton County Zoning Resolution allowed commercial uses to operate in an M-2 (Heavy Industrial) zoning classification. On April 4, 2007, the Board of Commissioners amended the Use Regulations for industrial districts requiring developments in the industrial zoning classifications to be of an industrial/warehouse nature. Thus, restaurant uses on the property are prohibited and to have a restaurant use, rezoning to a commercial zoning district is required.

The 2035 Comprehensive Land Use Map suggests Industrial Marketplace for the area along Fulton Industrial Boulevard (SR 70) between Martin Luther King Jr. Drive and Patton Drive. The intent of the Industrial Marketplace land use category is to encourage redevelopment of the Fulton Industrial District near the I-20 interchange by promoting retail uses which serve the commercial and retail needs of the people who work in the industrial area. The Industrial Marketplace designation on Fulton Industrial Boulevard is consistent with the Fulton Industrial Boulevard Redevelopment Framework which was adopted by the Board of Commissioners in August 2010.

Pursuant to this rezoning, the applicant is seeking to use the existing building for a restaurant, which will serve the retail needs of the area. In staff's opinion this use is consistent with the intent of the Comprehensive plan and the Fulton Industrial Boulevard Redevelopment Plan. Furthermore, the applicant's proposed density is consistent with existing and proposed development in the surrounding area.

The Recommended Conditions, which restrict the use to a restaurant with a drive through window, will ensure the development is in harmony with the comprehensive and master plans for the surrounding industrial area. In that regard, staff also recommends commercial amusements including video, which are sometimes located in restaurants, be prohibited.

Given all the above considerations, staff is of the opinion that the applicant's proposed development of the site with the recommended conditions is consistent with the Comprehensive Plan and the Fulton Industrial District Redevelopment Plan.

BUILDING SETBACKS

Article 9.2.3 requires minimum building setbacks as follows:

40-foot front yard setback along Martin Luther King Jr. Drive

The existing building complies with the required setbacks.

LANDSCAPE STRIPS AND BUFFERS

Plans for the Fulton Industrial area call for enhancing landscaping within parking areas and particularly along street frontages. The site plan calls for the removal of several parking spaces to accommodate the 10-foot landscape strip along Martin Luther King Jr. Drive. Additionally, the site plan shows the addition of landscape islands within the parking area. This additional landscaping will serve to enhance the site and will contribute to the implementation of beautification plans for the area.

PARKING

Article 18.2.1 requires 10 spaces per 1,000 square of building area for the restaurant use. The site plan indicates that parking requirements can be met and that there is adequate room to provide for new landscape islands within the parking areas and along the street frontage.

ENVIRONMENT

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

OTHER CONSIDERATIONS

While there are several existing posts and sign frames onsite, these structures do not meet the standards of the Zoning Resolution and must be removed prior to opening of the restaurant. The applicant is aware that removal of these abandoned signage structures is required, and that all new signage will be must to meet the current standards. Additionally, enclosure of the dumpster will be required consistent with the Overlay District standards.

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.

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: The proposed commercial use, if developed with Staff's Recommended Conditions, is suitable for the subject site given the existing and anticipated commercial developments which support the industrial developments in the surrounding 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: Staff does not anticipate the proposed use will have a significant impact on the facilities and utilities serving the area.

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

FINDING: The proposed commercial development is consistent with 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: Restaurant with Drive Through Window at 4,839.7 square feet per acre

The 2030 Comprehensive Land Use Map suggests Industrial Marketplace along Fulton Industrial Boulevard (SR 70) between Martin Luther King Jr. Drive and Patton Drive. Industrial use is suggested beyond the node. The proposed density is consistent with other projects in the area.

PLAN POLICIES:

Provide for the transition of land uses from higher to lower densities and between different land uses.

Promote the revitalization of the Fulton Industrial Boulevard Industrial District.

Promote industrial base while simultaneously allowing for necessary commercial services to support industrial workers.

Support implementation of Fulton Industrial Boulevard Redevelopment Framework.

F. WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

FINDING: The Board of Commissioner's adoption of the Fulton Industrial Boulevard Redevelopment Framework Plan and subsequent adoption of the 2030 Comprehensive Land Use Plan suggesting Industrial Marketplace constitutes a changed condition affecting the use of this property.

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 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 proposal to rezone the subject site from M-2 (Industrial) to C-1 (Commercial) to allow use of the existing building for a restaurant with drive through window 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 variances be **APPROVED CONDITIONAL** subject to the attached Recommended Conditions.

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be APPROVED C-1 (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. Restaurant use with drive through window, including all exterior food and beverage service areas, at a maximum density of 4,839.7 gross square feet per acre zoned or a total of 2,928 square feet, whichever is less. Commercial amusements, including video gaming machines, shall be excluded.
 - 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 Public Works on June 28, 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 Certificate of Occupancy.
3. To the owner's agreement to the following site development considerations:
 - a. Prior to issuance of an occupancy certificate for the new building, install and/or update the sidewalks and street lighting along Martin Luther King Jr. Drive consistent with the standards of the Fulton Industrial Business District Overlay District.
 - b. No more than two curb cuts on Martin Luther King Jr. Drive (SR 139). The width of the curb cuts shall be subject to the approval of the Fulton County Traffic Engineer.
 - c. 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.
 - d. To post no loitering and no trespassing signage in highly visible locations throughout the property and visible from all parts of the property.
 - e. To install LED lights on all light posts on the property.
 - f. To partner with the Fulton County Police Department to be included in the TAP (Trespassing Affidavit Program).
 - g. To partner with the Fulton County Police Department and install an interior and exterior onsite security camera system. The camera system shall be incorporated into the existing Police camera system along Fulton Industrial Boulevard so that the Police can remotely monitor all activity in real time.
 - h. To remove all existing abandoned signage frames on the site; new signage shall comply with the Zoning Resolution.

- i. All improvements along Martin Luther King Jr. Drive (SR 139) shall be subject to the approval of the Georgia Department of Transportation.
 - j. Remove existing pavement within the landscape strips along Martin Luther King Jr. Drive (SR 139) and within the parking lot to create landscape islands. Provide landscaping as per the Zoning Resolution.
4. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a (LDP) with the Department of Public Works, Plan 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 any 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 FACILITIES:

- Update sidewalks and/or streetlights along the property frontage to be consistent with the CID standards.
- Martin Luther King Jr. Drive (SR 139) is a State Routes, any improvements within the right of way of will require approval and permit issuance by GDOT.

HEALTH DEPARTMENT:

Environmental Health Service Comments

- 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 proposed building be 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 requires 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:

No capacity increase proposed.

This project is within the City of Atlanta jurisdiction.

SEWER:

Basin: Utoy Creek

Treatment Plant: Utoy Creek
No capacity increase proposed.

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 no 100-year flood plain on the subject site.

TAX ASSESSOR:

Property Tax ID#:14F-0023-LL-052-0

Taxes on the subject property are up to date on this property

FIRE MARSHAL:

Fire requirements for this project will be reviewed and met through Life Safety 101, 2018, and IFC 2018.

Fire Station: 11
Battalion: 2

POLICE DEPARTMENT:

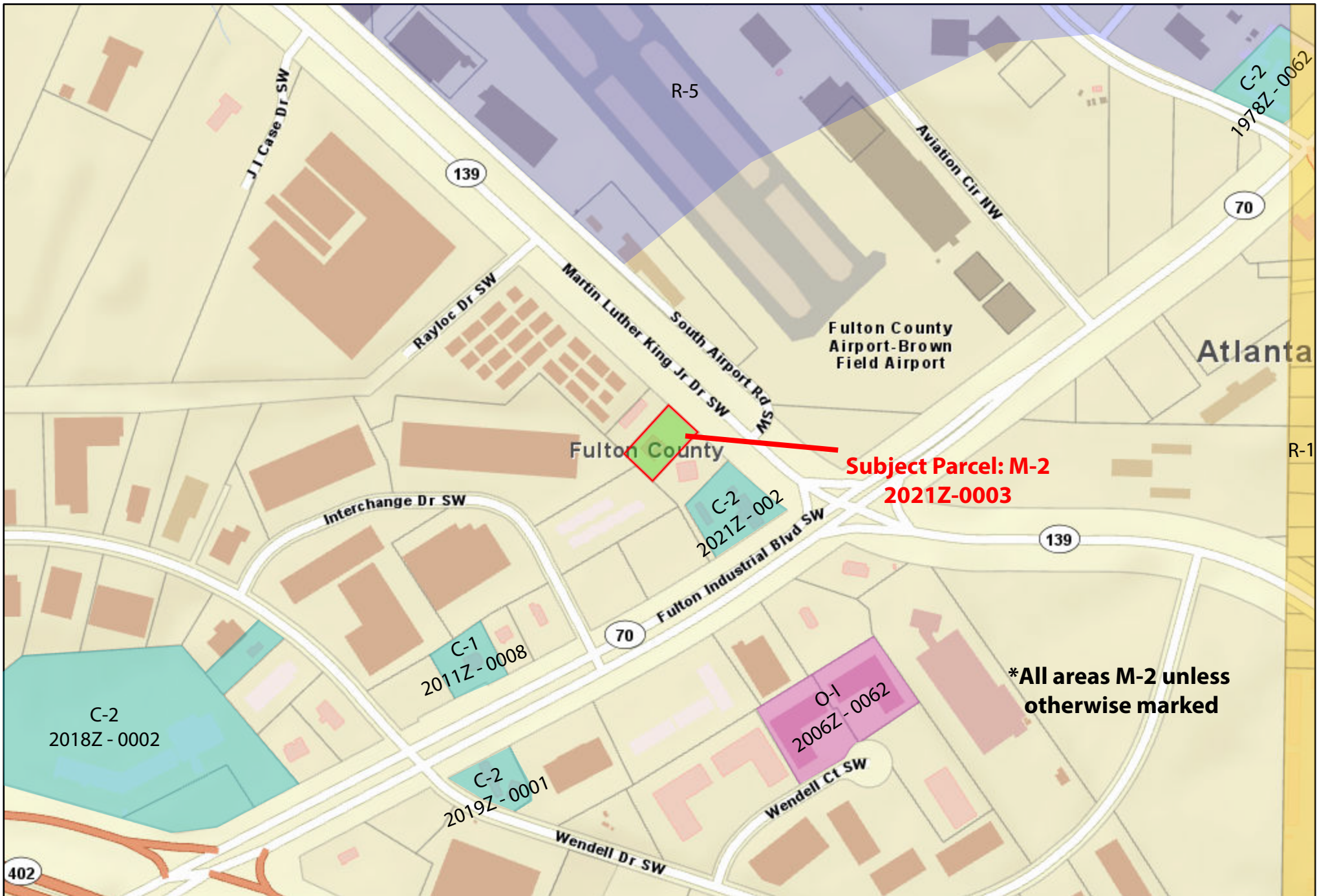
This property should participate in the TAP (Trespassing Affidavit Program)

EMERGENCY SERVICES:

No comments.

CODE ENFORCEMENT:

No recent code violations on this site; no open code violations on the site.



0 0 0 0 mi

Date: 7/16/2021
Map Size: 8.5x11 (LETTER)



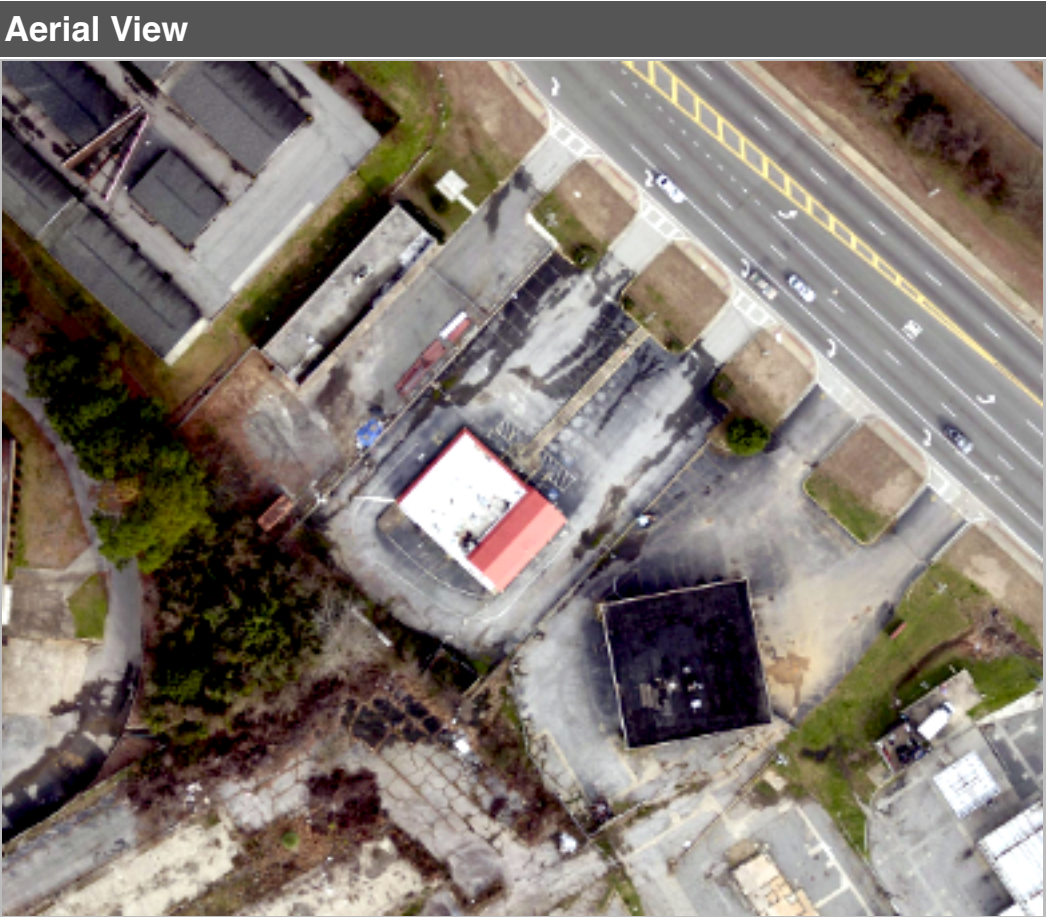
Fulton County GIS

Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility for losses resulting from the use these data, even if Fulton County is advised of the possibility of such losses.



Property Profile for 4090 M L KING JR DR

Property Tax Information	
Tax Year	2021
Parcel ID	14F0023 LL0520
Property Address	4090 M L KING JR DR
Owner	PATEL BHUPENDRA M & RADHA B
Mailing Address	1570 SHAMROCK TRL SE SMYRNA GA 30080-5844
Total Appraisal	\$246,560
Improvement Appraisal	\$90,560
Land Appraisal	\$156,000
Assessment	\$98,620
Tax District	70
Land Area	0.551 ac
Property Class	Commercial Lots
Land Use Class	Retail - Single Occupancy
TAD	
CID	
Zoning	
Zoning Class	M-2
Overlay District	Fulton Industrial Ov
2035 Future Development	Industrial Marketplace
Political	
Municipality	unincorporated
Commission District	6
Commission Person	Khadijah Abdur-Rahman
Council District	not available
Council Person	not available
Voting Precinct	FC02
Poll Location	Aviation Community Cultural Center, 3900 Aviation Cir Nw
Congressional District	005
State Senate District	038
State House District	061
School Zones	
Elementary School	Randolph
Middle School	Sandtown
High School	Westlake
Other Information	
Zip Code	30336
Census Tract	78.05
In Less Developed Census Tract	Yes



Vicinity Map

06/28/2021.

LETTER OF INTENT:

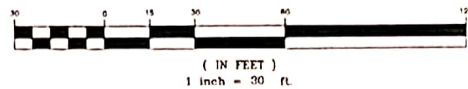
We, BHUPENDRA M. PATEL & RADHA B. PATEL, intend to use this property and land as a commercial restaurant location with the existing 2,928 square foot one story building that has already been in use as a fast food restaurant since 1969. This one and only building on the property has an attached functional drive thru window on it and will be kept in functioning operation for any future tenants. We are seeking a rezoning to C – 1 from the current zoning of M – 2 for our property at 4090 Martin Luther King Jr. Drive S.W. Atlanta, Ga. 30336 and a Restaurant Use Permit. The new lessee/restaurant tenant will be opening a casual Seafood restaurant in the existing 2,928 sq.ft. building. They will also have approximately 70 seats inside the existing restaurant building and they will have no outdoor/outside seating at the time of this application.

INSTRUMENT USED:
NIKON DTM-520 TOTAL STATION

FLOOD STATEMENT

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS NOT IN A FLOOD HAZARD ZONE, ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM), PANEL NO.13121C0219E WHICH BEARS AN EFFECTIVE DATE OF JUNE 22, 1998, FULTON COUNTY, GEORGIA

GRAPHIC SCALE



LEGEND

IPS	IRON PIN SET
IPF	IRON PIN FOUND
CM	CONC. MONUMENT FOUND
SS	SANITARY SEWER
FC	FENCE CORNER
FL	FENCE
OT	OPEN TOP PIN
CT	CRIMP TOP PIN
#4	REBAR REINFORCING BAR
CL	CENTERLINE
R/W	RIGHT-OF-WAY
WL	WATER LINE
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
FH	FIRE HYDRANT
GV	GAS VALVE
WV	WATER VALVE
WT	WATER METER
PP	POWER POLE
LP	LIGHT POLE
OHUL	OVERHEAD UTILITY LINE
MP	MAN HOLE
CMF	CONCRETE METAL PIPE
RCP	REINFORCED CONC. PIPE
SSE	SEWER EASEMENT
DE	DRAINAGE EASEMENT
GM	GAS METER
GR	DOUBLE WING CATCH BASIN
LCB	LEFT WING CATCH BASIN
RCB	RIGHT WING CATCH BASIN
JB	JUNCTION BOX
DI	DROP INLET
HW	HEAD WALL
POD	POND OUTLET STRUCTURE
S/SO	SANITARY SEWER LATERAL AND CLEAN OUT
HA	NO ACCESS
WM	WATER METER
XX	TREE LINE (ADJACENT PROPERTY)

N/F
OPCM LOCAL UNION #148
PARCEL ID 14F0023LL0289
CURRENT ZONING M-2

N/F
HUNSINGER JOHNS
PARCEL ID 14F0023LL0629
DB 21405 PG 294
600 INTERCHANGE DR.
CURRENT ZONING M-2

N/F
LSSA PROPERTIES LLC
PARCEL ID 14F0023LL0736
DB 42224 PG 279
660 INTERCHANGE DR.
CURRENT ZONING M-2

N/F
BHAGAT INVESTMENT INC
PARCEL ID 14F0023LL0538
DB 45677 PG 279
CURRENT ZONING M-2

LOT AREA
26,379. sq. ft.
0.605 acres

NOTE:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 16,050 FEET AND AN ANGULAR ERROR OF 00'00"67"10" ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN

1" = 144,800 FEET
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.



BOUNDARY SURVEY FOR:
BHUPENDRA M. PATEL AND RADHA B. PATEL
4090 MARTIN LUTHER KING JR. DRIVE
PARCEL ID 14F0023LL0520
LAND LOT; 23 14TH DISTRICT
FULTON COUNTY, GEORGIA
SCALE 1"=30' OCTOBER 8, 2008

HURD PRINCE & ASSOCIATES, INC.
Consulting Engineers & Surveyors
110 North Berry Street
Stockbridge, Georgia 30281-3424
Phone (770)4741487 Fax (770)4747487

06/28/2021.

ENVIRONMENTAL SITE ANALYSIS (ESA)

FORM A

1.) CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The proposed project is to have a Seafood restaurant operating in the existing 2,928 sq. ft. single story restaurant building that is located at 4090 Martin Luther King Jr. Dr.S.W. Atl., Ga. 30336. The existing restaurant building is setback 105' from the property line parallel to the right of way and sits on a 0.605 acres lot that includes 37+ parking spaces and the building has a drive thru attached to it. The property also has a pole sign in the front and a large double pole sign on the rear of the property. The property is mostly all asphalt in front and around sides of the building.

The adjacent properties that are located on both sides of the above mentioned property are also commercial sites. One being a retail store doing business as a Liquor/Package store and the other being office space for a local Plaster/Mason workers union. Both of these adjacent properties/sites have only parking lots on their respective properties. The property located behind our property is only a flat piece of land without any building on it. It does have a few trees on it. The other property that is located behind ours' is a retail/small warehouse property with one large building that is divided into multiple rentable/leased office/retail/warehouse commercial businesses. It also has parking spaces for its multiple tenants.

2.) ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT:

This project conforms to the Comprehensive Land Use Plan because it is not going to be a factory/manufacturing site that will contaminate the land. The project is going to be a restaurant business, as it has been a restaurant site for the past 50+ years.

The following environmental site features will NOT be encroached upon or adversely affected by the proposed project because they are ALL ABSENT on the proposed property.

- a.) Wetlands : Wetlands are ABSENT on the proposed project site.
- b.) Floodplain : Floodplains are ABSENT on the proposed project property/site.
- c.) Streams/Stream Buffers : Streams/Stream Buffers are ABSENT on proposed project property/site.

- d.) Slopes Exceeding 33 percent over a 10 – foot rise in elevation: Slopes are ABSENT on the proposed project property/site.
- e.) Vegetation: Vegetation is ABSENT on the proposed project property/site.
- f.) Wildlife Species: There is an ABSENCE of any Wildlife Species on the proposed project property/site.
- g.) Archeological/Historical Sites: The proposed project property/site is NOT a Archeological/Historical site.

3.) **PROJECT IMPLEMENTATION MEASURES :**

- a.) The proposed project **PROTECTS** the environment because nothing is changing on the property site in regards to the land itself. Everything will stay the same as it has for the past 50+ years.
- b.) The proposed project will **PROTECT** the water quality because there will be no dumping of waste products or anything else onto the proposed property.
- c.) The proposed project will have **MINIMAL to NO** negative impacts on the existing infrastructure. We will be using the existing restaurant building for this project.
- d.) The proposed project does **NOT** have any Archeological/Historically significant areas on the site.
- e.) The proposed project will have **NO negative impact** on environmentally stressed communities.
- f.) The proposed project will **CREATE AND PRESERVE** green space and open space on the site. There will be installations of Landscaped Parking Lot Islands with small Trees/Bushes. Please see attached Project Site Plan.
- g.) There will be **NO NEGATIVE** impacts of noise or lighting from the proposed project site.
- h.) Parks and Recreational Green Space are **NON - EXISTENT** on the proposed project site.
- i.) Wildlife Habitats are **NON – EXISTENT** on the proposed project site. If there are any on the site the proposed project will have **NO** impact on the them.



IMPACT ANALYSIS FORM B

Applicant:

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? **YES, the zoning proposal permits a use that is suitable in view of the use and development of adjacent and nearby property.**
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? **NO, the zoning proposal does NOT adversely affect the existing use or usability of adjacent or nearby property.**
3. Does the property to be rezoned have a reasonable economic use as currently zoned? **NO, the property to be rezoned does NOT have a reasonable economic use as currently zoned.**
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? **NO, the zoning proposal will NOT result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
5. Is the zoning proposal in conformity with the policies and intent of the land use plan? **YES, the zoning proposal is in conformity with the policies and intent of the land use plan.**
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal? **YES, there are existing conditions that affect the use and development of the property which SUPPORT the APPROVAL of the zoning proposal. The existing conditions are the presence of a fully functional restaurant**

building and parking lot that already is established for a restaurant business on the proposed property site.

7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of Fulton County? **NO, the zoning proposal does NOT permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of Fulton County.**

Attach additional sheets as needed.