



# Fulton County

## Legislation Text

File #: 21-0644, Version: 1

### Department

Public Works

### Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

2021Z -0003 SFC, 4090 Martin Luther King Jr. Drive (SR 139) **(APPROVED CONDITIONAL)**

Public Works Dept. Recommendation: Approval Conditional

CZB Recommendation: Approval Conditional

CLUP: Consistent

Application by Bhupendra M. Patel and Radha B. Patel seeking a rezoning from M-2 (Heavy Industrial) to C-1 (Commercial) to develop a 2,928 square foot restaurant with a drive-through window.

The subject 0.605-acre site has 124.94 feet of frontage along the southwest side of Martin Luther King Jr. Drive. The site is in Land Lot 23, District 14F, Fulton County, Georgia.

### PUBLIC HEARING CONDUCTED

**1 SPEAKER: Mr. Patel (Representative for the Applicant)**

### Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

Article 28 of the Fulton County Zoning Resolution and the Georgia Zoning Procedures Law require the Board of Commissioners to hold a public hearing and take action on land use petitions before them for consideration.

### Strategic Priority Area related to this item *(If yes, note strategic priority area below)*

Infrastructure and Economic Development

### Commission Districts Affected

- All Districts ☐
- District 1 ☐
- District 2 ☐
- District 3 ☐
- District 4 ☐
- District 5 ☐
- District 6 ☒

### Is this a purchasing item?

No

**Summary & Background** *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

**Scope of Work:** This action will rezone the property at 4090 Martin Luther King Jr. to accommodate a fast food restaurant.

The applicant plans on reusing and modifying the existing building to house a new unnamed restaurant. Although the site has served as a restaurant since 1969, the property is currently zoned for industrial use. Therefore, the property needs to be rezoned to a commercial use to allow for the rehabilitation of the current building to be permitted. The applicant plans on keeping the footprint of the existing structure, while modernizing the interior.

**Community Impact:** A vacant building will be occupied and additional landscaping will visually improve the area.

**Department Recommendation:** Approval with Conditions

**Project Implications:** None

**Community Issues/Concerns:** None have been presented to Public Works staff or were voiced during the Community Zoning Board meeting on August 17<sup>th</sup>.

**Department Issues/Concerns:** Public Works does not have any concerns with the rezoning as long as the conditions are met.

**History of BOC Agenda Item:** (Has this item previously been before the BOC?) This will be the first time this item is before the Board of consideration.