

Zoning Board of Appeals Meeting
Tuesday, February 28, 2023
7:00 p.m.

PRESENT:

Member – Antonio Andrews	Assistant City Attorney – Ali Cox
Member – Roslyn Crider	Assistant Director – Janna Keller
Member – Sandra Cherokee Hill	Planner I – Chanelle Campbell

ABSENT:

Chairman – Robert Potts
Director – Anthony Alston
Assistant City Attorney – Patrick Stough

I. CALLED TO ORDER:

The meeting was called to order at 7:00 p.m.

II. APPROVAL OF MINUTES:

Monday, November 14, 2022 Minutes

On motion of Roslyn Crider, seconded by Sandra Cherokee Hill and carried, the Zoning Board of Appeal approved the agenda. Vote was unanimous.

III. OLD BUSINESS:

None

IV. NEW BUSINESS:

- A. **Item #0001** Case Number 2023V-001-01 A request by Jacob Flagg comprising approximately 14.13+/- acre tract of land (Parcel ID: 09F320101460449 & 09F330001470430) located north of South Fulton Parkway and east of Derrick Road for a variance request to reduce parking requirements for multi-family dwelling from 552 to 452 spaces.

1. PRESENTATION AND/OR COMMENTS:

- A. Presentation by Community Development Department, Assistant Director, Janna Keller; a application by Jacob Flagg seeking a variance request from Article 10, Section 10-7 Off Street parking requirement, to reduce parking requirement from 587 to 452 parking spaces. The property is located south of Derrick Industrial Parkway and east of Derrick Road. The property consists of two (2) parcels, totaling 14.13 +/- acre tract of land in a TCMU, Town Center Mixed Use district. Surrounding projects include a Walmart distribution center and a cold storage facility currently under construction. The development will consist of a multi-family complex that will consist of 276 units; units will range from 1 – 3 bedrooms with amenities including a clubhouse, fitness, a bark park and picket ball. The development will also have 70 parking garages.

Union City's zoning ordinance *Section 10-7, Part A* states "all apartments and multifamily dwellings shall have two spaces per dwelling unit plus one space for each 200 sq. of clubhouse." The applicant has worked with staff to reduce parking ratio to 1.75, totaling 518 parking spaces for the site; a reduction of 69 from the parking requirement. This request has circulated through all departments and have been reviewed. Staff has not received any opposition of this variance request. The recommendation for denial was in reference to the reduction request from 587 to 452; should the Board decide to approve, staff recommends approve of at 1.75 parking ratio reducing the parking requirement from 587 to 518. The applicant is present, and has a presentation.

Michèle Battle, attorney with Battle Law P.C., address 3562 Habersham at Northlake Rd, Tucker, GA 30084 presents on behalf of the applicant Thompson Thrift c/o Jacob Flagg.

REMARKS FROM THE PETITIONERS:

- Michèle Battle – The application proposed a variance to allow for 519 parking spaced instead of the code requirement of 587 parking spaces based on a 1.75 parking ratio. The variance would facilitate the development of a 276 unit multifamily development. Of the 276 units, 108 units will be single bedroom units with 6.4 +/- acres (45.21%) of the total acreage being designated open space. Due to the difficulty posed by the topography and the presence of the stream buffer on the property, the acreage available for parking will be impacted. Without the reduction of spaces this would affect the quality of life factor making the development less attractive as the amenity area will be negatively impacted due to additional unneeded impervious area.

2. THE COMMISSIONER'S HAD QUESTIONS ABOUT THE FOLLOWING TOPICS:

- Roslyn Crider (Member) – (Question) So the denial is based on the advertised parking ratio of 1.5 and not the number that was negotiated?
- Janna Keller (Assistant Director) – Correct
- Roslyn Crider (Member) – (Question) - What is wrong with the parcel, how is it being impacted to the point that it requires a change to the zoning ordinance?
- Michèle Battle - The stream buffer located on the north side of the property poses difficulty in providing the required parking as well as the topography of the site. We would have to remove the leasing office to include more parking; these create a challenge as we would have to remove amenities to make the site work which will lessen the viability of the development.

3. REMARKS:

- Assistant Director Keller – Staff recommends an approval for the reduction in parking to 518; however, the public notice advertised the applicant's request for a reduced parking ratio of 1.5 or a reduction to 452 from the required 587 spaces.
- Roslyn Crider (Member) – I don't like going against the ordinance and I believe we should deny anything that goes against the zoning ordinance, unless there are unique situations that adversely affects the site and the development of the project. Due to the present of difficulty presented by the stream buffer and topography I will reconsider the variance before us.

4. PUBLIC HEARING OPEN TO THE PUBLIC (2 MIN.):

5. PUBLIC HEARING CLOSED TO THE PUBLIC:

6. REMARKS FROM PETITIONER AND OTHERS:

7. VOTE ON ITEM #0001; Case Number 2023V-001-01

On motion of Roslyn Crider, seconded by Sandra Cherokee Hill and carried, the Zoning Board of Appeal denied the request to reduce the parking requirements in case 2023V-001-01. Vote was unanimous (3-0).

In light of new information, Roslyn Crider, made a motion to rescind the Boards vote to deny case 2023V-001-01. The motion was seconded by Sandra Cherokee Hill and carried as a result of a unanimous vote of the Zoning Board of Appeals (3-0).

On motion of Roslyn Crider, seconded by Sandra Cherokee Hill and carried, the Zoning Board of Appeal reconsidered the initial vote on case number 2023V-001-01. Vote was unanimous (3-0).

On motion of Roslyn Crider, seconded by Sandra Cherokee Hill and carried, the Zoning Board of Appeal approved the request to reduce the parking requirements to reflect a 1.75 parking space ratio for case 2023V-001-01. Vote was unanimous (3-0).

8. ADJOURNMENT:

On motion of Roslyn Crider, seconded by Sandra Cherokee Hill and carried, the Zoning Board of Appeal adjourned the meeting 7:32 p.m. Vote was unanimous.