

PROPOSED ZONING	C-1 (COMMUNITY BUSINESS) - 9,798.52 SQUARE FEET PER ACRE
PROPOSED USE	RETAIL AND SERVICE COMMERCIAL - 9,240 SQUARE FEET
EXISTING ZONING	C-1 (COMMUNITY BUSINESS) - Z76-022 SFC
EXISTING USE	AUTO PARTS STORE AND VACANT TENANT SPACE
LAND USE MAP	LOCAL LIVE WORK
LOCATION	OLD NATIONAL HIGHWAY (SR 279) (WEST SIDE) : 208.24 FEET OF FRONTAGE JEROME ROAD (SOUTH SIDE): 191.15 FEET OF FRONTAGE PARCEL SIZE 0.943 ACRES SMALL AREA 701 LL 93, DISTRICT 13 COMMISSION DISTRICT 6 OLD NATIONAL HIGHWAY OVERLAY DISTRICT SERVED BY PUBLIC SEWER
OWNER	TRASON ROCHESTER, LLC
PETITIONER	TRASON ROCHESTER, LLC
REPRESENTATIVE	CARL E. WESTMORELAND, JR.

APPLICANT'S INTENT	To allow C-1 (Community Business) permitted uses in the existing 9,240 square foot structure on 0.943
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acres at an overall density of 9,798.52 square feet per acre. In addition, the applicant seeks a concurrent variance to reduce the required parking from 46 to 34 spaces.* (Article 18.2.1)

Department of Planning and Community Services
Recommendation

APPROVAL CONDITIONAL: 2016Z -0009 SFC
WITHDRAWAL: 2016VC-0019 SFC

Community Zoning Board Recommendation
August 16, 2016

DEFERRAL FOR 30 DAYS

To allow time for applicant to apply for a variance
to reduce parking requirement*

Community Zoning Board Recommendation
September 20, 2016

APPROVAL CONDITIONAL: 2016Z -0009 SFC
DENIAL: 2016VC-0019 SFC

SUBJECT SITE AND SURROUNDING AREA:

SUBJECT SITE: The subject 0.943 acre site is located at the southwest corner of Old National Highway and Jerome Road. The site is zoned C-1 (Community Business) and is restricted to an “independent oil station and a convenience grocery store” pursuant to Z76-022 SFC. The site is currently developed as an auto parts store with a vacant tenant space.

NEARBY AND ADJACENT PROPERTIES/ZONINGS: NON-RESIDENTIAL

- ** **North** - Use: Police Precinct (Existing)
Petition: 97Z-034 SFC
Zone: C-1 (Community Business)
Density: 9,027 square feet per acre, 8,034 total square feet

- ** **Further North** - Use: Craig Ricks Dental Office (Existing)
Petition: Z83-123 SFC
Zone: C-1 (Community Business)
Density: 9,972 square feet per acre, 8,975 total square feet

- ** **Further North** - Use: Old National Commons Shopping Center (Existing)
Petition: Z85-113 SFC
Zone: C-2 (Commercial)
Density: None Stated

- ** **Further Northeast** - Use: Harriston Square Office Park (Existing)
Petition: Z86-113 SFC
Zone: O-I (Office - Institutional)
Density: None Stated

- ** **Further Northeast** - Use: Old National Shopping Center (Existing)
Petition: Z79-067 SFC
Zone: C-1 (Community Business)
Density: None Stated

- ** **Further Northeast** - Use: State Farm Office (Existing)
Petition: 93Z-063 SFC
Zone: O-I (Office Institutional)
Density: None Stated

- ** **Further Northeast** - Use: Top Rentals (Existing)
Petition: Z90-019 SFC
Zone: O-I (Office –Institutional)
Density: existing 1,600 square foot structure

- ** **Further Northeast** - Use: Auto Zone (Existing)
City of College Park

- ** **Further Northeast** - Use: Office (Existing)
 Petition: 2015Z -0001 SFC
 Zone: O-I (Office-Institutional)
 Density: 2,744.55 square feet per acre, 2,772 total square feet

- ** **East** - Use: Easy Rental (Existing)
 Petition: Z85-107 SFC
 Zone: C-2 (Commercial)
 Density: 9,343 square feet per acre

- ** **Southeast** - Use: Skate Towne (Existing)
 Petition: Z76-025 SFC
 Zone: C-1 (Community Business)
 Density: 8,459.22 square feet per acre, 28,000 total square feet

- ** **Further Southeast** - Use: Optimum Limo Service (Existing)
 Petition: 2012Z -0003 SFC
 Zone: C-2 (Commercial)
 Density: 4,756.40 square feet per acre, 3,534 square feet

- ** **Further Southeast** - Use: Capital Auto Broker (Existing)
 Petition: Z83-168 SFC
 Zone: C-1 (Community Business)
 Density: 2,095.24 square feet per acre, 2,200 total square feet

- ** **Further Southeast** - Use: Rent All Plaza (Existing)
 Petition: Z84-190 SFC
 Zone: C-1 (Community Business)
 Density: 4,390.25 square feet per acre, 7,200 total square feet

- ** **South** - Use: Big Daddy's Restaurant & Shopping Center (Existing)
 Petition: Z82-048 SFC
 Zone: C-1 (Community Business)
 Density: 5,500 square feet per acre, 27,600 square feet

- ** **West** - Use: Landscape Business (Existing)
 Petition: Z82-048
 Zone: C-1 (Community Business)
 Density: 5,500 square feet per acre, 27,600 square feet

- ** **Further West** - Use: Families First (Existing)
 Petition: C-1 (Community Business)
 Zone: Z77-009 SFC

NEARBY AND ADJACENT PROPERTIES/ZONINGS: RESIDENTIAL

- ** **Further West** - Use: Camelot Condominiums (Existing)
 Petition: Z69-082 SFC

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 2016VC-0019 SFC
 R/A: Z76-022 SFC
 BOC Meeting: 10/05/16

For TDD, TTY Access Services please call 711 for Georgia Relay.

Printed: 9/28/16

*Revised site plan and variance request received 8/30/16.

Zone: A (Apartment)
Density: None Stated

MISCELLANEOUS USES AND ZONINGS IN THE AREA:

- ** **Further Northeast** - Use: Cell Tower at the Skate Towne development which is zoned C-1 (Community Business) pursuant to Z76-025 SFC) (Existing)
- ** **Further South** - Use: Wood Memorial Baptist Church (Existing)
Zone: AG-1 (Agricultural)
Density: None Stated
- ** There have been no **RECENT DENIALS** in the immediate area.

SITE PLAN ANALYSIS:

Based on the applicant's revised site plan submitted to the Department of Planning and Community Services on September 30, 2016*, Staff offers the following considerations:

LAND USE AND DENSITY

The applicant is requesting to rezone the subject site from C-1 (Community Business) to C-1 (Community Business) to allow C-1 (Community Business) permitted uses in the existing 9,240 square foot structure on 0.942 acres at an overall density of 9,798.52 square feet per acre. The site is currently restricted to an "independent oil station and a convenience grocery store" pursuant to Z76-022 SFC. The site is currently developed as an auto parts store with a vacant tenant space. When a tenant sought a business license for an automotive specialty shop for the vacant space, Staff's research revealed that the current use of the auto parts store and proposed use of a vacant tenant space as an automotive specialty shop was not in compliance with the conditions of zoning. Therefore, the applicant seeks a rezoning to allow C-1 (Community Business) permitted uses to allow the continued operation of the auto parts store and prospective commercial tenants.

The Comprehensive Land Use Plan Map suggests Local Live Work for the subject site and along the Old National Highway Corridor. Local Live Work is a low density residential and mixed use land use along corridors and nodes intended to serve a single neighborhood or a small group of adjacent neighborhoods. The applicant's request is consistent with the suggestion of the Land Use Map and is compatible with existing uses in the area. Staff notes recent commercial zonings in the area prohibit indoor amusements, commercial amusements, automotive parking lot, parking garage/deck, automotive repair garage, group residence, freestanding fast food restaurant, liquor/wine/beer/package store, motel, hotel, check cashing store, pawn shop (including title pawn), laundromat, massage establishment, nail salon, beauty supply store, beauty shop, barber shop, flea market, discount retail shop, roadside vending, roadside produce stand and seasonal vending. Therefore, Staff has included these excluded uses in the Recommended Conditions. Given the use is consistent with the Plan Map and is compatible with existing development patterns in the area, Staff recommends **APPROVAL CONDITIONAL** subject to the Recommended Conditions.

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BUILDING SETBACKS

Article 9.1.3. requires a minimum front yard setback of 40 feet along Old National Highway (SR 279) and along Jerome Road. No building setbacks are required along the remaining property lines. The applicant's site plan shows compliance.

LANDSCAPE STRIPS AND BUFFERS

Staff notes that the subject site is located within the Old National Highway Overlay District which requires a 15-foot landscape strip along Old National Highway and Jerome Road and 5-foot landscape strips along the remaining property lines. The site plan shows compliance with the requirements.

PARKING

Article 18.2.1 requires 5 parking spaces per 1,000 gross square feet of floor area for retail use. A total of 46 parking spaces are required for 9,240 square feet of retail use. The applicant has submitted a revised site plan with the parking layout and parking calculation. The site plan shows a total of 34 spaces which include 3 automobile bays inside the building. Since the existing parking does not meet the minimum parking requirement per Article 18.2.1, the applicant seeks relief and has requested a concurrent variance as follows:

Reduce the required parking from 46 to 34 spaces.

The applicant has indicated to Staff that the existing auto parts store has been there for quite some time. Various tenants have also occupied the space adjacent to the auto parts store.

At the Community Zoning Board hearing the applicant noted that when the site was rezoned in 1976 pursuant to Z76-022 SFC, the approved zoning conditions specified parking requirements as one parking space for every 267 square feet of building area. Staff has validated the applicant's assertion and amends the analysis as follows.

Based on the square footage of 9,240 square feet, 34.61 parking spaces were required per the conditions of zoning. Article 18.2.1 states that any fraction of one half or larger shall constitute a whole. Therefore the applicant is required to provide a total of 35 parking spaces. The applicant's site plan indicates a total of 34 parking spaces which is 1 less than required however, Staff is of the opinion that there is adequate space on site to locate an additional space. The 1976 condition of zoning creates a valid grandfathered use and therefore, Staff recommends **WITHDRAWAL** of the concurrent 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.

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.

OTHER CONSIDERATIONS

The subject site is located within the Old National Highway Overlay District. The applicant is required to comply with the standards of the Overlay District at the time of application for a permit.

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 commercial use, if developed subject to Staff's Recommended Conditions, is suitable for the subject site given the existing and anticipated 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: The commercial use is not anticipated to have an adverse impact on the existing public facilities and services in this area, provided the Recommended Conditions are incorporated into the development of the subject site.

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

FINDING: The proposed commercial 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: Local Live Work

Proposed use/density: 9,798.52 feet per acre

The Comprehensive Land Use Plan Map suggests Local Live Work for the subject site and areas along the Old National Highway (SR 279) corridor. Further west and east the Plan Map suggests Suburban II Neighborhood.

PLAN POLICIES:

Encourage development in areas where basic public facilities exist or are being improved, and discourage development in areas which would require inefficient or uneconomical extension of public facilities.

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

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: 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 development 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 commercial use is consistent with the suggestion of the Comprehensive Land Use Plan Map and with approved zonings in the area. Therefore, Staff recommends this petition be **APPROVED CONDITIONAL** subject to the attached Recommended Conditions. Staff recommends **WITHDRAWAL** of the concurrent variance since parking for the existing structure is grandfathered pursuant to Z76-022 SFC.

COMMUNITY ZONING BOARD HEARING

On September 20, 2016 the Community Zoning Board recommended that the petition and concurrent variance be approved per Staff's recommendation which was **APPROVAL CONDITIONAL** of the petition and **DENIAL** of the concurrent variance. A representative of the Old National Community Alliance spoke about parking concerns.

At the hearing the applicant noted that when the site was rezoned in 1976 pursuant to Z76-022 SFC, the approved zoning conditions specified parking requirements as one parking space for every 267 square feet of building area. Staff has validated the applicant's assertion and is of the opinion that the applicant can meet those requirements. Since the 1976 condition of zoning creates a valid grandfathered use, Staff recommends **WITHDRAWAL** of the concurrent variance request. Staff has added a condition of zoning reflective of the minimum parking requirement for the existing structure pursuant to Z76-022 SFC.

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RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be APPROVED C-1 (Community Business) 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 9.798.52 gross square feet per acre zoned or a total of 9,240 square feet, whichever is less, but excluding indoor amusements, commercial amusements, automotive parking lot, parking garage/deck, automotive repair garage, group residence, restaurant (including fast food), liquor/wine/beer/package store, motel, hotel, check cashing store, pawn shop (including title pawn), laundromat, massage establishment, nail salon, beauty supply store, beauty shop, barber shop, flea market, discount retail shop, roadside vending, roadside produce stand and seasonal vending.

2. To the owner's agreement to abide by the following:
 - a. To the revised site plan received by the Department of Environment and Community Development on August 30, 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.

3. To the owner's agreement to the following site development considerations:
 - a. Minimum number of required parking spaces is one parking space for every 267 square feet of the existing building area pursuant to Z76-022 SFC.

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: Old National Highway (SR 279)
Classification: Minor Arterial
Level of Service: C or better

Road name: Jerome Road
Classification: Local
Level of Service: C or better

Anticipated Traffic Generation Rates:
Average: 322 trips per day
Peak Hour: 28 trips

HEALTH DEPARTMENT:

ENVIRONMENTAL HEALTH SERVICES Comments:

This proposed auto parts store and auto specialty shop must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air. If the facility will serve persons under the age 18, smoking will not be allowed on the premises at any time.

This department recommends that the building is inspected and the owner/operator is required to provide the internal plumbing connected to public water and public sanitary sewer as well as the sanitary facilities necessary to serve the proposed use and building capacity.

The Environmental Health Services Division of the Department of Health and Wellness is requiring that solid waste plans are submitted for approval prior to operation.

ENVIRONMENTAL JUSTICE and General Public Health Comments:

The Environmental Site Analysis Report (ESA) is sufficient and satisfies the requirement of the Fulton County Zoning Resolution. The applicant proposes to use the existing property for operating an auto parts store which will also provide automobile radio and LED light installation. No changes are proposed to the existing structure onsite. The site does not contain streams, wetlands, floodplain, steep slopes, historical sites or sensitive plants and animal species.

The Fulton County Department of Health and Wellness does not anticipate that the proposed auto parts store and auto specialty shop will cause any adverse impacts to the health of humans or the environment provided that the facility will operate as retail and will not have any other auto specialty shop activities or operations that would negatively impact the environment, have the potential for hazardous spills or discharges, or expose the public to hazards conditions.

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 924 gallons per day

This project is within the City of Atlanta jurisdiction.

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SEWER:

Basin: Morning Creek
Treatment Plant: Camp Creek
Anticipated sewer demand: 832 gallons per day

The nearest wastewater pipeline to this project is on site.

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.

BOARD OF EDUCATION:

No Comment.

TAX ASSESSOR:

Property Tax ID#: 13-0093-LL-120-8

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

FIRE MARSHAL:

Fire Station: 7
Battalion: 1

Impact: Increase in Traffic. Increase in EMS calls. Increase in water demand.

POLICE DEPARTMENT ZONING IMPACT STATEMENT:

Beat: 29

Impact Statement on Beat:

Current calls for service: 12,087
Projected calls for service: Unknown
Current Average Response Time (minutes): 8

** Increase in the number of residents/persons: 18.11

* Increase in E-911 calls for service (police, fire, E.M.S.): 14.3

*** Increase in the number of traffic accidents: 0.6

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.)

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- ** 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 4,158.
- **** 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)
HARTSFIELD JACKSON INTERNATIONAL AIRPORT**

The proposed project is located approximately 2.0 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 or higher DNL) aircraft noise exposure?

Yes **No**

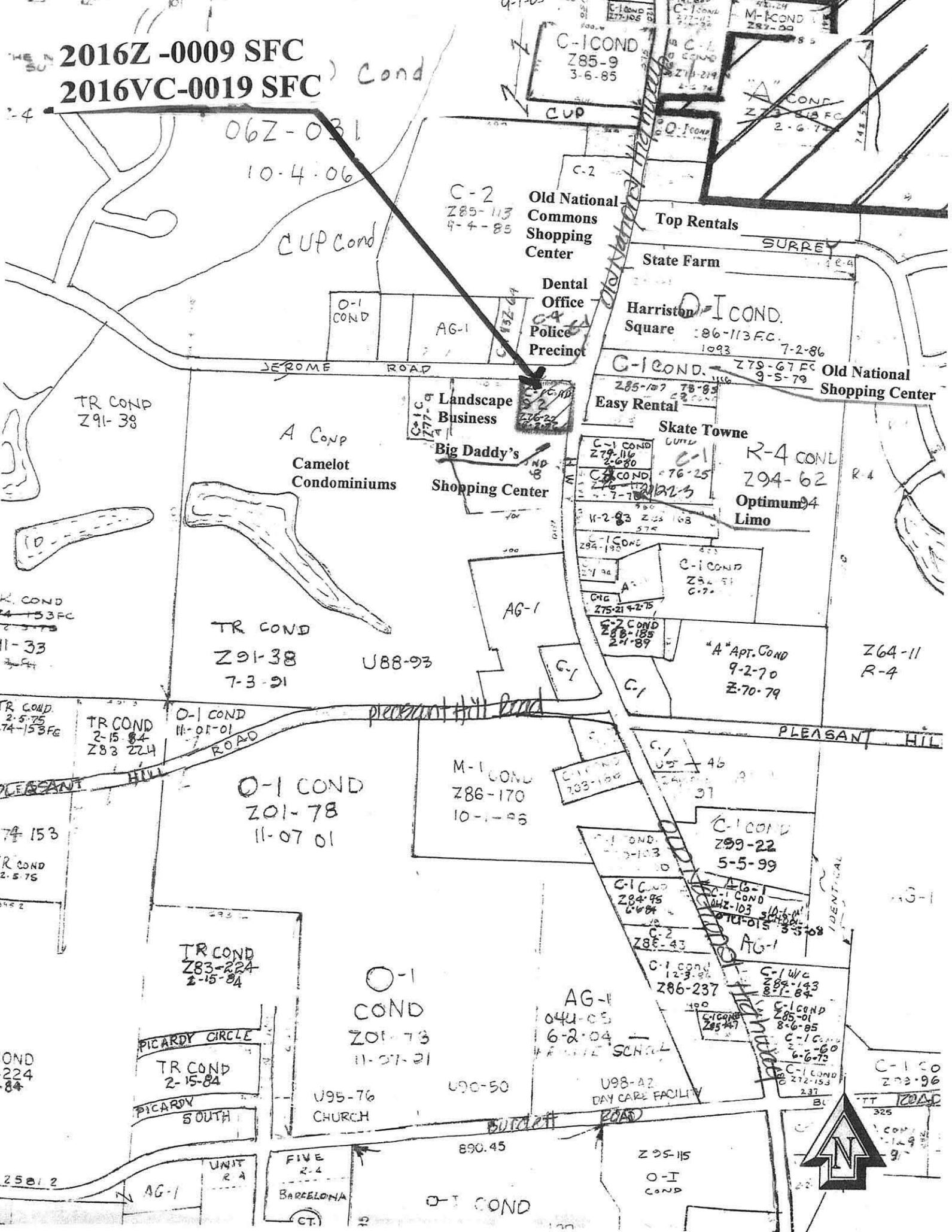
If yes, is the proposed land-use deemed compatible according to CFR Title 14, Part 150?

Yes **No**

CODE ENFORCEMENT

No comment.

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2016VC-0019 SFC



06Z-031
10-4-06

CUP Cond

C-2
285-113
9-4-85

Old National
Commons
Shopping
Center

Top Rentals

State Farm

Dental
Office
Police
Precinct

Harriston
Square :86-113FC
1093 7-2-86

C-1 COND. 285-107 78-85
7-2-86 9-5-79

Old National
Shopping Center

Easy Rental

Skate Towne

A Cond
Camelot
Condominiums

Landscape
Business

Big Daddy's
Shopping Center

R-4 COND
294-62
Optimum
Limo

TR COND
Z91-38
7-3-91

UB8-93

AG-1

"A" APT. COND
9-2-70
Z-70-79

Z64-11
R-4

O-1 COND
Z01-78
11-07-01

M-1 COND
Z86-170
10-1-95

C-1 COND
Z99-22
5-5-99

TR COND
Z83-224
2-15-84

O-1
COND
Z01-78
11-07-01

AG-1
044-05
6-2-04

C-1 W/C
Z84-143
8-1-84

PICARDY CIRCLE

TR COND
Z-15-84

PICARDY
SOUTH

U95-76
CHURCH

U90-50

U98-A2
DAY CARE FACILITY

OND
224
84

UNIT
2 A

FIVE
2-4

BARCELONA

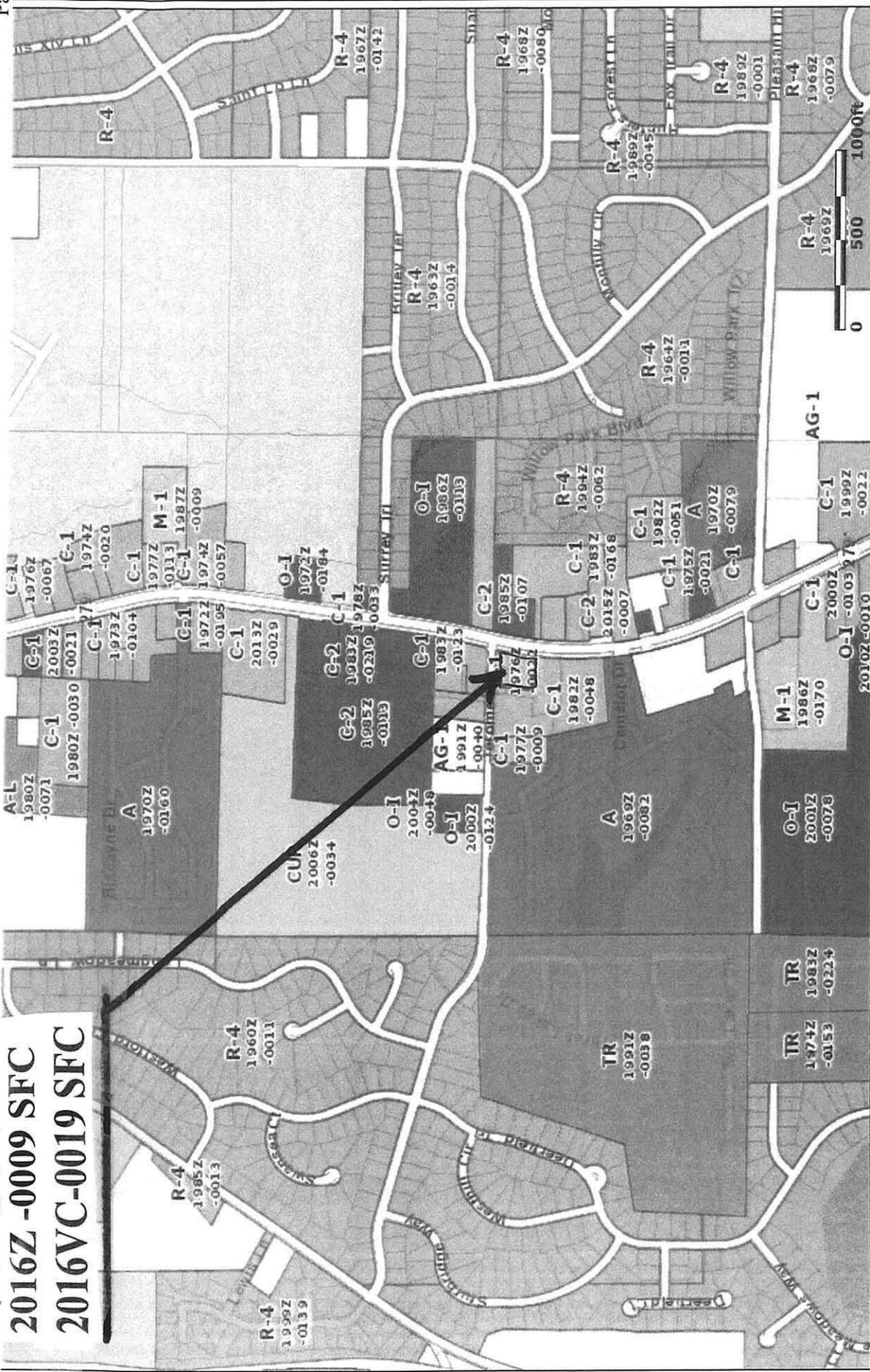
O-1 COND

Z95-15

O-1
COND



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Fulton County
Fulton County, Georgia

