

# GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES  
CITY MANAGER



SHAYLA REED  
DIRECTOR  
COMMUNITY DEVELOPMENT AND  
REGULATORY AFFAIRS

## MEMORANDUM

**TO:** City of South Fulton Mayor and Council

**FROM:** Planning & Zoning Division

**SUBJECT:** **M20-001 for a Modification of Z1983-094 at 5280 Old National Highway (Madhouse Sports Bar and Grill)**

**MEETING DATE:** July 14, 2021

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To consider a modification to a condition identified in zoning case Z1983-094 (1.a). The intent of the modification is to increase the maximum allowable square footage from 2,400 square feet to 3,390 square feet.

**STAFF RECOMMENDATION: APPROVAL with Conditions**

cc: Corey Adams, City Clerk

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## APPLICATION INFORMATION

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Applicant Information:	Mirna Massas "DBA" Madhouse Sports Bar and Grill 5280 Old National Highway Atlanta, GA 30349
Status of Applicant:	Property owner
City Council District(s):	5
Parcel ID Number:	13-0068-LL-191-0
Area of Property:	The subject property is 1.14 acres.
Current/Past Use of the Property:	The subject property is developed with a Sports Bar.
Prior Zoning Cases/History:	<b>Z-1983-094</b> restricted the use of the subject property to retail commercial and accessory uses at a maximum density of 2,400 square feet of total floor area per acre or a total floor area of 4,200 square feet based on the area zoned whichever is the lesser area. <b>Approved with conditions.</b>
Surrounding Zoning:	<u>North:</u> C-1 (Community Business District) and C -2 (Community Business District) <u>South:</u> C-1 (Community Business District)) and C -2 (Community Business District) <u>East:</u> C-1 (Community Business District) <u>West:</u> C-1 (Community Business District
2035 Future Land Use Designation:	Community Live Work.
Compatibility to the Fulton County 2035 Comprehensive Plan:	The property is zoned in line with the Future Land Use Map
Overlay District:	Old National Highway Overlay
Public Utilities:	Water service is provided to these sites by City of Atlanta. Sewer service is available to the site by Fulton County.
Public Services:	Police and Fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street:</u> Old National Highway <u>Classification:</u> Major thoroughfare <u>Public Transit:</u> MARTA is readily available on both sides of the road <u>Bike/Pedestrian Access:</u> Sidewalks are available on both sides of Old National Highway.

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**CONDITION(S) TO BE MODIFIED:****Z-1983-094 condition 1a states:**

3. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Retail commercial and accessory uses at a maximum density of 2,400 square feet of total floor area per acre or a total floor area of 4,200 square feet based on the area zoned whichever is the lesser area.

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**PUBLIC PARTICIPATION**

The applicant held a public meeting at the Madhouse Sports Bar on March 3, 2020. No members of the public attended this meeting.

Eight members of the public attended the staff-hosted Community Zoning Information Meeting on Thursday, February 6, 2020, at the South Fulton Arts Center located at 4645 Butner Road to learn more about the project.

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**STAFF COMMENTS**

Engineering: Provided comments for the applicant regarding the proposed parking layout to add more spaces and the applicant submitted a revised site plan.

Environmental: None provided

Public Works: None provided

Transportation: Everything looks fine.

MARTA: None provided

Fulton County Schools: None provided

Fire: The Square footage of the patio and the square footage of the building need to be clearly identified, The patio must have a panic hardware egress, if it to be an enclosure patio.  
The One-Way Direction is questionable on how it would be maintained and how the signage would be incorporate to gain compliance to that One way.  
The 22 Foot distance is in question I would prefer a minimum of 24 feet width of Roadway , and again, the one-way traffic comes to mind , and when the big red truck comes in the egress of cars become delayed depending on where the BRT parks.

Legal: None provided

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**PLANNER'S RECOMMENDATION**

Staff's recommendation is **APPROVAL with conditions.**

The applicant is expanding their dining area to include an outside patio. They have met the additional parking requirements for the extra square footage of the patio. Therefore, staff recommends approval with the following conditions:

1. The building material must match the existing materials of the existing building along with adhering to the Old National Overlay requirements.

The applicants have also applied for an administrative variance to reduce the amount of required parking, which will be approved. They are in compliance with the parking island requirements.

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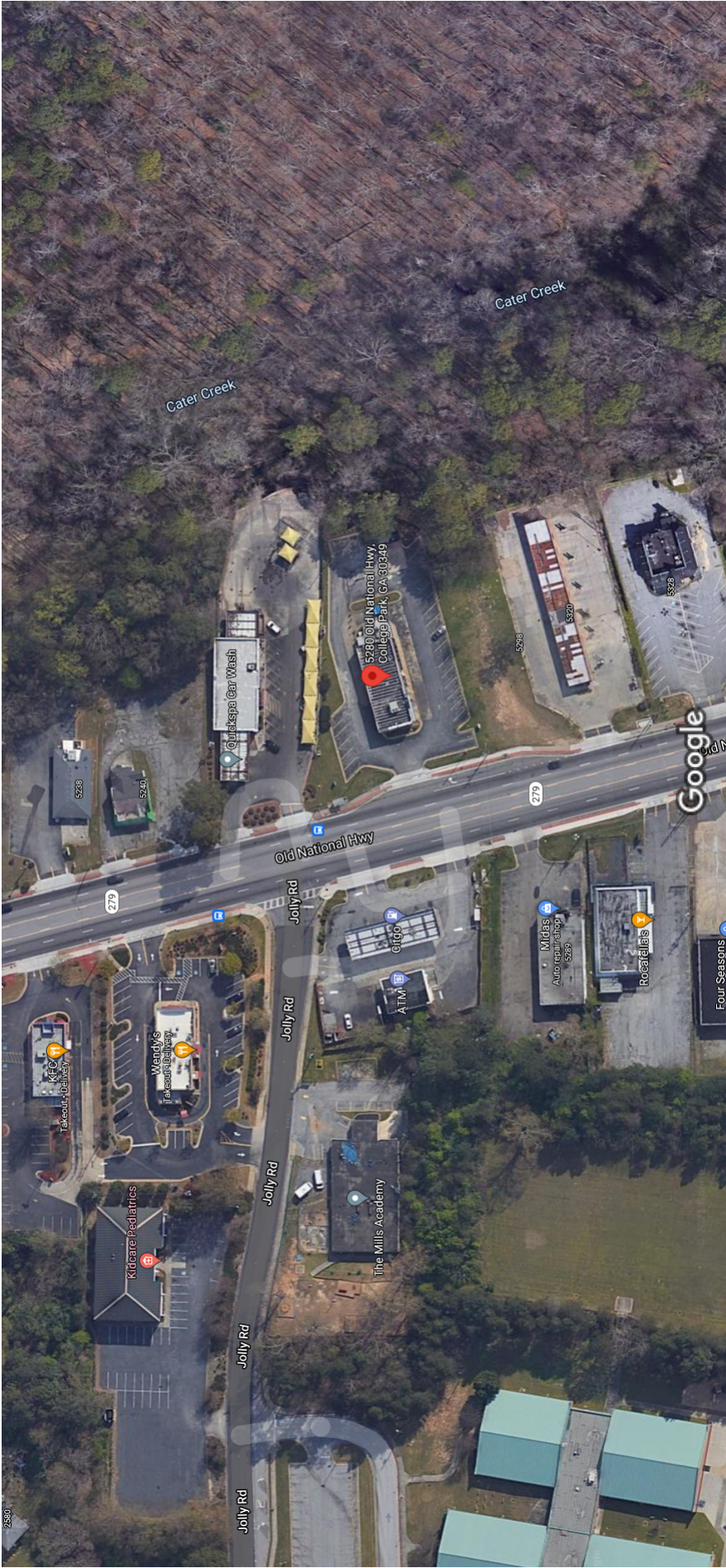
**PREPARED BY:**

Marissa Jackson and Dana Gray, Planners

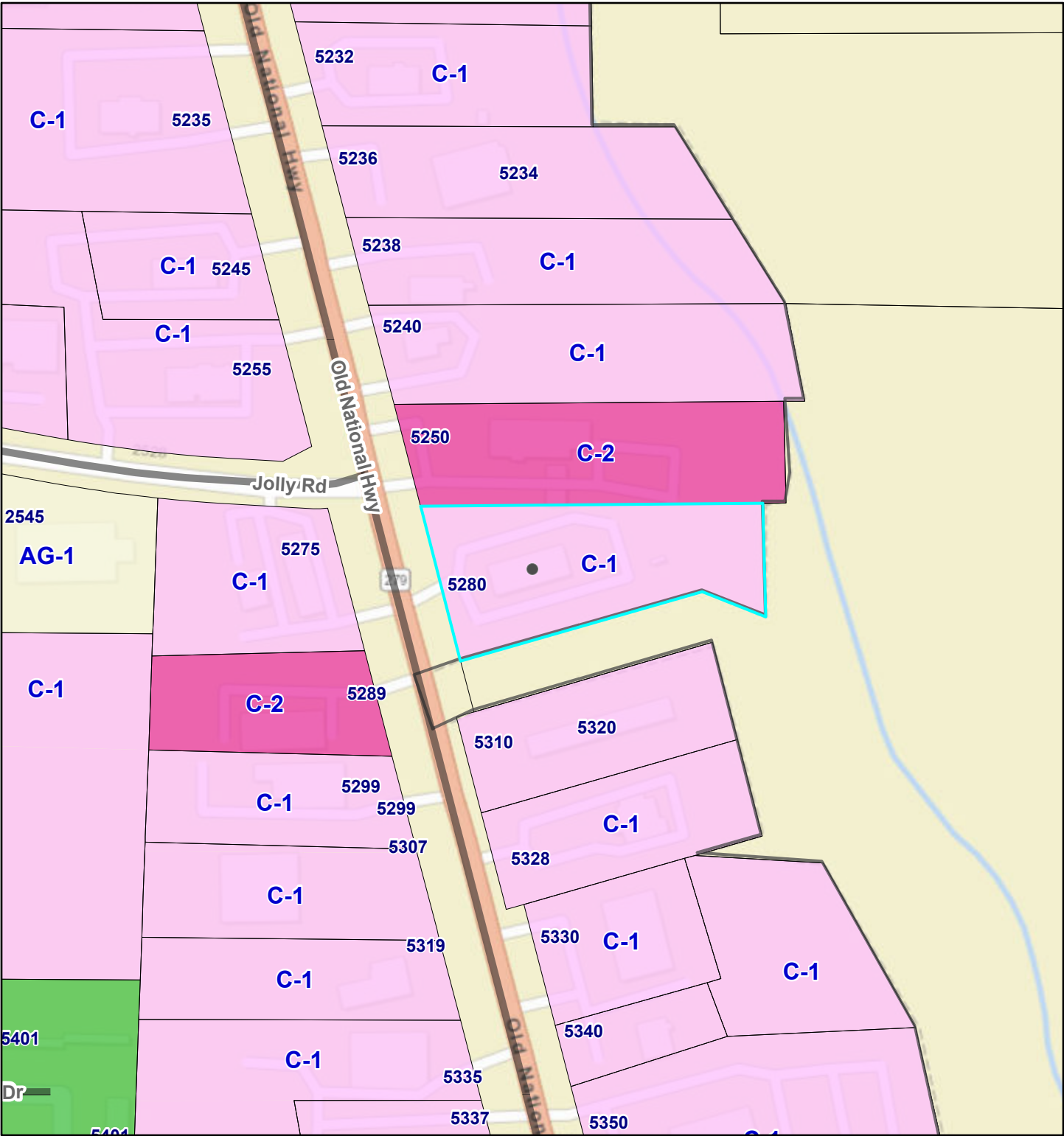
**REVIEWED BY:**

Nathan Mai-Lombardo, Planning and Zoning Administrator  
Shayla Reed, Director



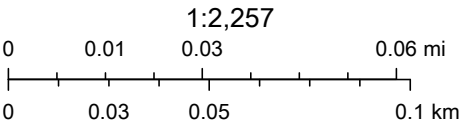


# COSF ArcGIS Web Map



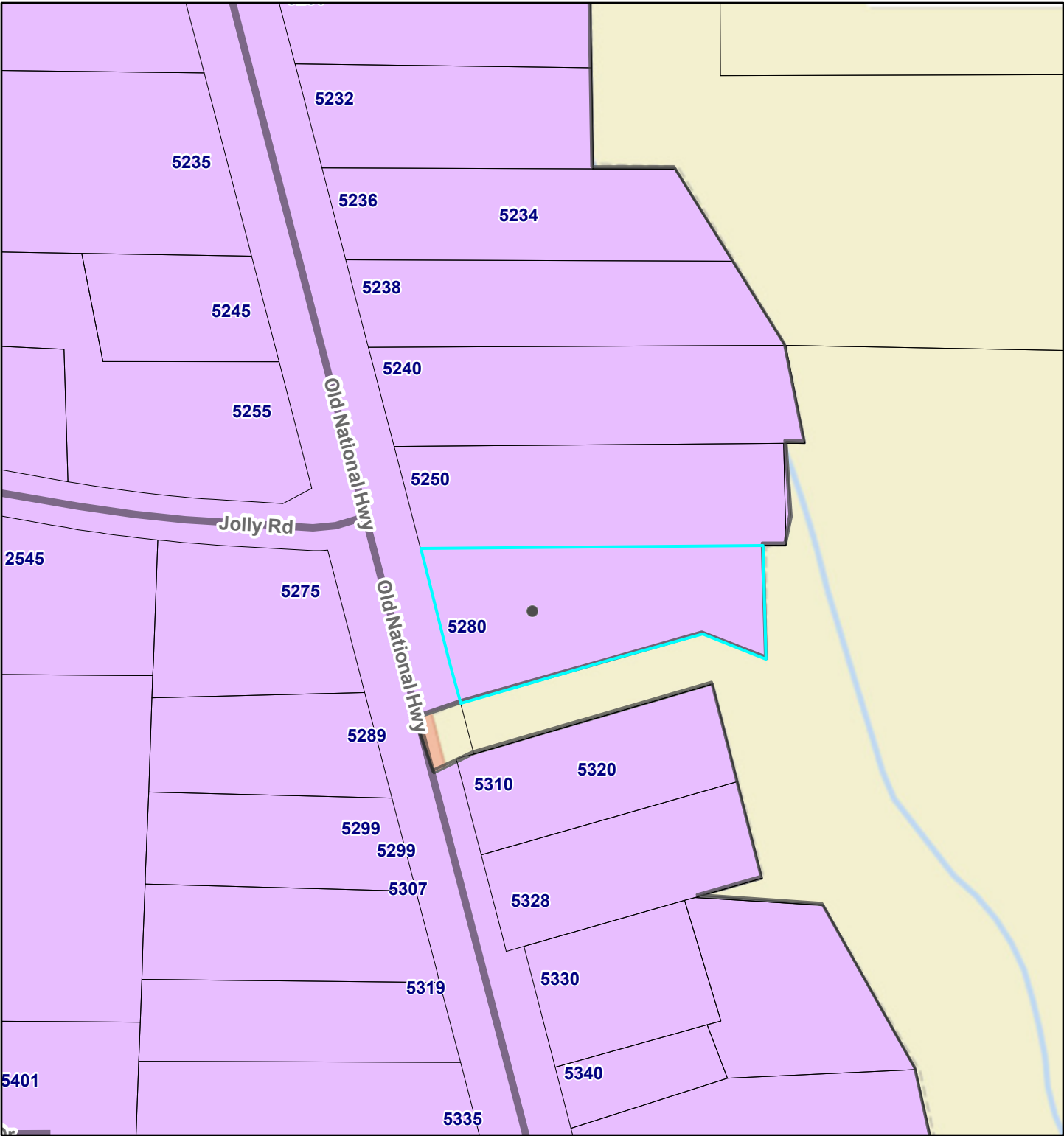
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- |                           |                                |
|---------------------------|--------------------------------|
| Address Points            | Current Zoning                 |
| — Street Centerlines      | — A (Medium Density Apartment) |
| — City Limits             | — AG-1 (Agricultural)          |
| — Tax Parcels from County | — C-1 (Limited Commercial)     |
|                           | — C-2 (General Commercial)     |



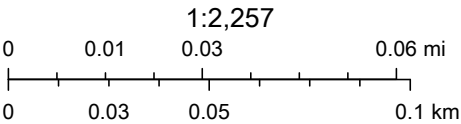
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# COSF ArcGIS Web Map



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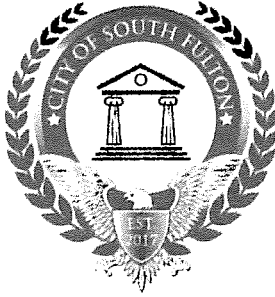
- Address Points
- Street Centerlines
- City Limits
- Tax Parcels from County
- 2035 Future Land Use
- Community Live Work



Esri, HERE, Garmin, INCREMENT P, NGA, USGS







# APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS

The undersigned, having an interest in the property herein described respectfully request:

## SECTION I

**MODIFICATION #:** \_\_\_\_\_  
(To be assigned by the City of South Fulton)

- ☐ A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Community Development & Regulatory Affairs.
- ☒ B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the City of South Fulton Councilmembers.

If "A" was denied, list previous case number: #M N/A

- 1) Planner who determined the type of Modification you should file: Mr. Dana Gray
- 2) Identify the specific condition(s) being modified as provided by the Planner. State the condition number(s) and letter(s) (e.g. 2-b, 2-e). Z83-94; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_.
- 3) Petition number of the Zoning or Use Permit to which this application applies Z83-94  
Current zoning district C1
- 4) Attach a copy of Legal Description [must be metes and bounds] or complete the following information if the property is within a recorded subdivision.

SUBDIVISION NAME: N/A UNIT/PHASE: N/A

LOT NUMBER: N/A BLOCK DESIGNATION: N/A LAND LOT(S): 68

DISTRICT/SECTION: 13 / \_\_\_\_\_ RECORDED IN PLAT BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

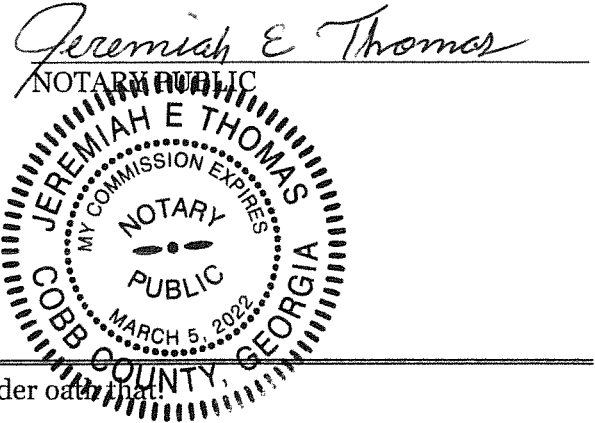
ROAD NAME: Old National Highway

**NOTICE:** Sections III or IV below **MUST** be signed and notarized when application is submitted. If Section III is signed and notarized, applicant need only complete Section IV as "Applicant", notarization of Section IV is not necessary.

**SECTION III:** Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.

Mirna Massasalia  
TYPE OR PRINT OWNER'S NAME  
3163 Cannon St NW  
ADDRESS  
Atlanta, GA 30331  
CITY & STATE ZIP CODE  
4702376704  
OWNER OF PROPERTY (SIGNATURE)  
Mirna Massasalia  
PHONE NUMBER  
Mirnamassas@icloud.com  
EMAIL ADDRESS

Sworn to and subscribed before me this  
22<sup>nd</sup> day of January 2020



**SECTION IV:** Applicant, if different from the Owner, states under oath that:

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; or
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; or
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

\_\_\_\_\_  
APPLICANT (SIGNATURE)  
\_\_\_\_\_  
TYPE/PRINT NAME OF APPLICANT  
\_\_\_\_\_  
ADDRESS  
\_\_\_\_\_  
CITY & STATE ZIP CODE  
\_\_\_\_\_  
PHONE NUMBER  
\_\_\_\_\_  
EMAIL ADDRESS

Sworn to and subscribed before me this

\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

Indicate which of the above is applicable: 1 \_\_\_\_\_ 2 \_\_\_\_\_ or 3 \_\_\_\_\_

**SECTION V:** Attorney or Agent, if different from the applicant and/or owner

\_\_\_\_\_  
SIGNATURE OF ATTORNEY/AGENT  
\_\_\_\_\_  
ADDRESS  
\_\_\_\_\_  
CITY & STATE ZIP CODE  
\_\_\_\_\_  
PHONE NUMBER

CHECK ONE: [\_\_\_\_\_] ATTORNEY [\_\_\_\_\_] AGENT

## **EXHIBIT A**

### **Legal Description**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 68 of the 13th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the southeast corner of the right of way intersection of Godby Road and Old National Highway; thence south 14 degrees, 51 minutes, 30 seconds east along the east right of way of Old National Highway, a distance of 1,661 feet to an iron pin found on the easterly right of way of Old National Highway, which is the TRUE POINT OF BEGINNING; thence south 88 degrees, 58 minutes, 50 seconds east, a distance of 430.04 feet to an iron pin found; thence south 02 degrees, 10 minutes, 58 seconds east, a distance of 125.00 feet to a point; thence north 55 degrees, 08 minutes, 48 seconds west, a distance of 87.78 feet to a point; thence south 74 degrees, 28 minutes, 14 seconds west, a distance of 329.46 feet to an angle iron found on the east right of way of Old National Highway, having a 100 foot right of way; thence north 14 degrees, 51 minutes, 30 seconds west along the east right of way of Old National Highway, a distance of 176.51 feet to the TRUE POINT OF BEGINNING; said tract containing an area of 1.143 acres, more or less, according to the Boundary and Topographic Survey prepared for "Air Terminal Enterprises, Inc." by Kirkley Associates, Inc., dated June 17, 1983, revised December 16, 1983, and certified by B/K. Rochester, Jr. Georgia Registered Land Surveyor No. 1534. Recorded as Parcel ID 13-0068-LL-191-0, Fulton County, Georgia.



## PUBLIC PARTICIPATION PLAN FORM D

Applicant: Mirna Massas

1. The following individuals (property owners within a quarter mile of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the Fulton County Zoning Resolution:

See attached list.

2. The individuals and others listed in 1. above will be notified of the requested modification using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

We will notify individuals outlined on list via U.S. mail  
and invite them to participate in a meeting prior to the  
rezoning hearings. The meeting will be held at the subject property.

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

Individuals attending the aforementioned meeting will  
be allowed to verbally participate in said meeting.

*Attach additional sheets as needed.*





## **PUBLIC PARTICIPATION PLAN REPORT FORM E**

Applicant: \_\_\_\_\_ Petition No. \_\_\_\_\_

Date: \_\_\_\_\_

1. The following parties were notified of the requested modification:

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2. The following meetings were held regarding this petition:  
(Include the date, time and meeting location.)

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3. The following issues and concerns were expressed:

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4. The applicant's response to issues and concerns was as follows:

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5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

*Attach additional sheets as needed.*



## DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: \_\_\_\_\_ CITY COUNCIL MEETING DATE: \_\_\_\_\_

- Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the City Council.

CIRCLE ONE:

YES

NO

If the answer is YES, proceed to sections 1 through 4.

If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.

If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: Mirna Massas 40 Blue Ribbon Events, LLC

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

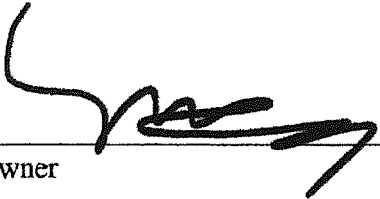
4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) MIRNA MASSAS

Signature: [Signature] Date: 1/22/2020

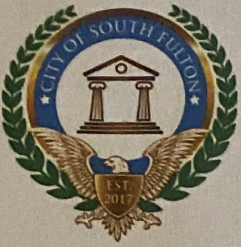
## Letter of Intent

The intent of this project is to use / modify existing impervious space located on the 1.138 acre lot at 5280 Old National Highway in Land Lot 68 of district 13 of Fulton County Georgia and use said space as a 990 square feet outdoor patio space for the existing restaurant building on this site. We are requesting a zoning modification to the aforementioned lot from its currently zoned status regarding the Z83-94 zoning petition to allow for the addition of said outdoor patio space. Furthermore, we are requesting that the lot at 5320 Old National Highway, also owned by the same owners of 5280 Old National Highway, be allowed to be used as offsite parking for the restaurant at 5280 Old National Highway to satisfy the additional 10 parking space requirement for the added space.

  
\_\_\_\_\_  
Owner

1/8/2020  
Date





## PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: Maclhouse Sports Bar + Grill Petition No. M20-001

Date: \_\_\_\_\_

1. The following parties were notified of the requested modification:  
quarter mile list plus emails to parties that  
attended the C21M meeting. #see attached

2. The following meetings were held regarding this petition:  
(Include the date, time and meeting location.)  
3/3/2020 12pm @ Maclhouse Sports Bar + Grill

3. The following issues and concerns were expressed:  
① Handicap entrance and seating - explained  
② Amount of Tables in patio - explained  
③ material to be used for patio - explained

4. The applicant's response to issues and concerns was as follows:  
Handicap to entry will be part of the plan. currently  
there is a handicap entry on side of buildig next to parking  
space. Possible 20-30 new tables, metal/wood w/barrier  
fence.

Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

Attach additional sheets as needed.