



To: John McDonough, City Manager
From: Angela Parker, Director of Community Development 
Date: October 6, 2014 for submission onto the October 21, 2014 City Council meeting
Agenda Item: **201402388 200 Hanover Park Road** a request to rezone the subject property from O-I (Office and Institutional District) conditional to C-1 (Community Business District) to develop a 5,858 square foot gas station, with concurrent variances.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

WITHDRAWAL of a request to rezone the subject property from O-I (Office and Institutional District) conditional to C-1 (Community Business District) to develop a 5,858 square foot gas station, with concurrent variances.

Request:

A request to rezone the subject property from O-I (Office and Institutional District) conditional to C-1 (Community Business District) to develop a 5,858 square foot gas station.

Additionally, the applicant is requesting two (2) concurrent variances from the Zoning Ordinance as follows:

1. Variance from 4.23.1 to reduce the required ten (10) foot rear landscape strip to 6.5 feet to allow the encroachment of the parking lot.
2. Variance from 33.22.C. to reduce the sign setback from ten (10) feet to zero (0).

PROPERTY INFORMATION

Address, Land Lot, and District	200 Hanover Park Road Land Lot 368, District 6
Council District	2 (Ken Dishman)
Frontage	246.96 feet of frontage along the west side of Roswell Road and 278.67 feet of frontage along Hanover Park Road
Area	1.84Acres
Existing Zoning and Use	O-I (Office and Institutional District) under Fulton County zoning case Z75-0059 currently developed with office buildings.
Overlay District	Suburban Overlay District
2027 Comprehensive Future Land Use Map Designation	LWC (Live Work Community)
Proposed Zoning	C-1 (Community Business District)

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
R. Properties, LLC	Quik Trip	Harold Buckley

COMMUNITY DEVELOPMENT

HEARING & MEETING DATES

Community Zoning Information Meeting July 22, 2014	Community Developer Resolution Meeting August 28, 2014	Planning Commission Hearing September 18, 2014	Mayor and City Council Hearing October 21, 2014
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DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**201402388- WITHDRAWAL****201402388 Variances #1- WITHDRAWAL****201402388 Variances #2- WITHDRAWAL****PLANNING COMMISSION RECOMMENDATION- September 18, 2014**

~~The petition was heard at the September 18, 2014 Planning Commission meeting.~~ Frostbaum moved to recommend withdrawal seconded by Nickles. The Commission recommended **withdrawal** (6-0, Maziar, Frostbaum, Tart, Porter, Nickles and Squire for; and Duncan not voting)

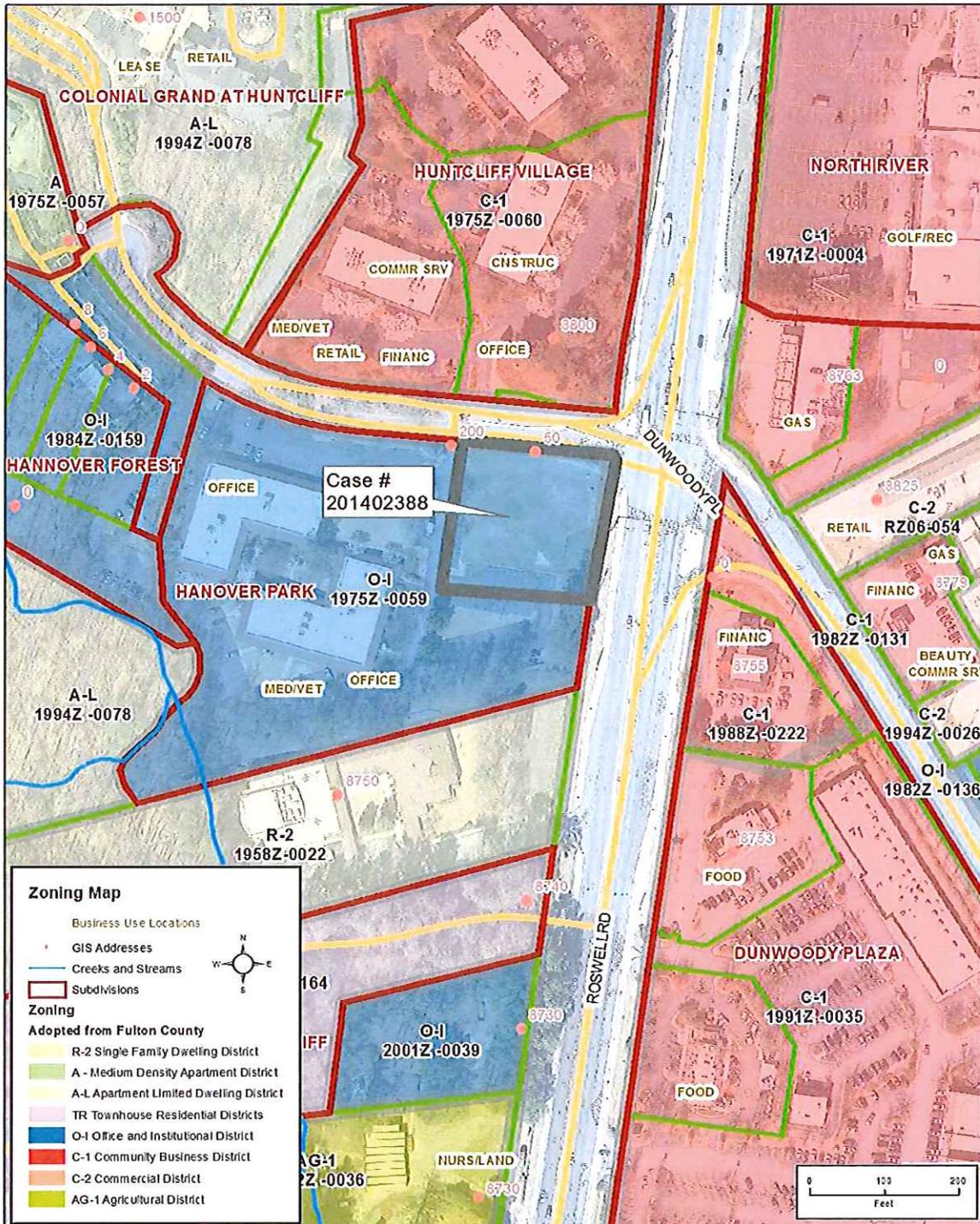
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

SUBJECT PETITION	Requested Zoning	Proposed Use	Land Area (Acres)	Square feet/Units	Density (Units per Acre)
201402388	C-1	Gas Station (Retail)	1.84	5,858	3,183.70 sf/ac

Location relation subject property	in to	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North		C-1 Z75-0060	8800 Roswell Road Office	±6.2	±50,464 sf	8,139.35 sf/ac
North		A-L Z94-0078	1500 Huntcliff Village Colonial Grand at Huntcliff	±22.4	358 units	±16 units/ac
East		C-1	8765 Roswell Road BP Gas Station	±1.1	2,930	±2,663.63 sf/ac
East		C-1 Z88-0222	8755 Roswell Road Bank of America	1.364	4,000 sf	2,932.55 sf/ac
East		C-1 Z91-0035	8753 Roswell Road Arby's	±1.1	2,878	±2,616.36 sf/ac
South West	and	O-I Z75-0059	200 Hanover Park Road Office	3.13	58,040 sf	18,543 sf/ac
South		R-2 Z58-0022	8750 Roswell Road Rivercliff Lutheran Church	5.85	26,274 sf	4,491.28 sf/ac
West		O-I Z84-0159	Hanover Forrest	±1.74	4 units	±2.30 units/ac

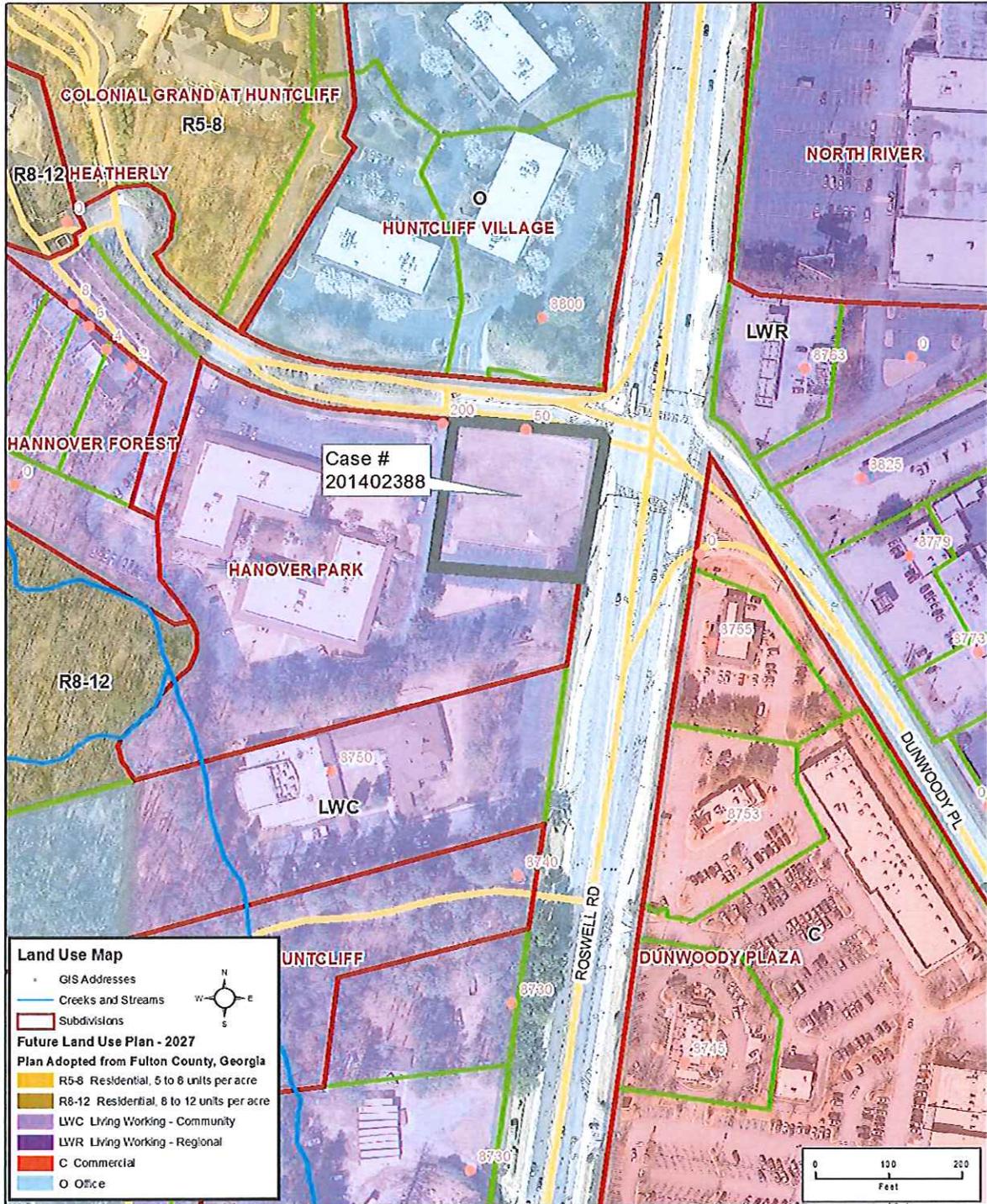
Zoning Map

200 Hanover Park Road



Future Land Use Map

200 Hanover Park Road



Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting October 21, 2014

ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Findings: The staff is of the opinion that the proposed use is not suitable in view of the use and development of adjacent and nearby property. The surrounding areas consist of: C-1 (Community Business District) to the north and east; O-I (Office and Institutional District) and R-2 (Single Family Dwelling District) to the south and west. The properties on the west side of Roswell Road consist of office, residential and a church. There is no retail on the west side of Roswell Road surrounding this property. The applicant is proposing to construct a gas stations (retail). Additionally the Comprehensive Plan specifically calls for commercial uses on the east side of Roswell Road.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Findings: The staff is of the opinion that the proposal if approved could have an adverse impact on the use or usability of adjacent or nearby properties. The proposed use of a gas station is not consistent with uses in the area. The west side of Roswell Road does not have any retail uses. Additionally, the surrounding uses are office, residential and a church.

C. Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.

Findings: The staff is of the opinion that the subject property has a reasonable economic 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.

Findings: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure. The proposed development will be required to meet all current City codes and ordinances.

E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

Findings: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map. The Future Land Use Map designation of Live Work Community (LWC) which recommends a density up to 25,000 square feet per acre. The proposal is for a density of 3,183.70 square feet per acre. However, the proposal is not consistent with the policies of the Comprehensive Plan. Node 14: (Northeast Corner of Roswell Road and Dunwoody Place Intersection) recommends discouraging automobile oriented businesses.

Node 14: Northeast Corner of the Roswell Road and Dunwoody Place Intersection

Vision:

1. The majority of the existing development in the area is characterized by largely disjointed commercial and multi-family residential development.
2. A mix of commercial, office and residential uses at a substantial density should be allowed to encourage redevelopment and to support the market of the northern portion of the City.
3. Consolidation of properties and the collective redevelopment of multiple properties should be encouraged in the area to perpetuate economic vitality, increased green space, and an improved transportation system.

Guidelines and Policies:

1. Residential density should be above 20 units per acre. Commercial and office densities should be above 25,000 square feet per acre. Building heights should be limited to 15 stories in this area. At least 30% of a site shall be maintained as open space. To further define this requirement, a minimum of 25% shall be green space, with the remaining 5% designated as open or green space.
2. Automobile oriented business shall be discouraged in this area.
3. An ability to achieve maximum densities should be supported by the assemblage of smaller properties, elimination or consolidation of curb cuts, providing interparcel access, and meeting or exceeding recommended open and green space standards.

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.

Findings: The staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

Findings: The staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs. The proposal will be required to meet all current City codes.

VARIANCE CONSIDERATIONS

Article 22, Appeals, of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,*
2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or*

The applicant is requesting two (2) concurrent variances as outlined below. The applicant has indicated that the variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not result in any harm to the health, safety and welfare of the general.

1. Variance from 4.23.1 to reduce the required ten (10) foot rear landscape strip to 6.5 feet to allow the encroachment of the parking lot.

Findings:

Staff is of the opinion that the request to reduce the ten (10) foot rear landscape strip to (6.5) foot is not in harmony with the intent on the Zoning Ordinance. Additionally, the site does not exhibit extraordinary and exceptional conditions pertaining to the property's topography. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.

2. Variance from 33.22.C. to reduce the sign setback from ten (10) feet to zero (0).

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

Section 33.12.D. Standards

The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.

Findings:

The topography of the lot would not render it impossible to comply with the standards in this article. The property is relatively flat and does not exhibit any topographic challenges. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.

Findings:

The natural features of the lot would not impact visibility of the sign from the adjoining DOT right-of-way. The property is relatively flat and doesn't exhibit any natural feature which would impair visibility. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on August 6, 2014 at which the following departments had no comments. The staff has received additional comments from Fulton County Department of Water Resources (see attachments).

PUBLIC INVOLVEMENT

Public Comments (See attachments for additional comments)

- Safety – School bus, children, strangers
- Traffic
- 6 Service stations between location and City Hall
- Not a need for the change in zoning
- Proposal will draw traffic across Roswell Road
- Traffic on Hanover will increase
- Interfering with the quality of life in the community
- Open 24hours
- Lots of accidents at the intersection
- Adding impervious surface
- Redesign of building
- Aesthetics are distracting
- No Sidewalk
- One in and One out on Hanover
- Site distance coming south on Roswell road
- Redevelopment of existing property
- Not a good use for the property
- 6 HOA represented
 - Huntcliff Mews
 - Heathery
 - Forrest at Huntcliff
 - Huntcliff
 - Gorgon's Bluff
 - Hannover Forrest
- Not anti-development
- No commercial on the west side of Roswell
- Create park because of pedestrian bridge
- Gateway to Sandy Springs
- Will hurt other business/ close existing gas stations
- BP has a 14 year deed on the property
- Proposal is too close to the QT on Dunwoody Place
- North bond turn lane is already backed up to turn into Hanover Park

CONCLUSION TO FINDINGS

It is the opinion of staff that the proposal is not in conformity with the intent of the Comprehensive Plan policies. The Plan discourages automobile oriented businesses and the proposal is not consistent with the surrounding uses on the west side of Roswell Road. The proposal of 3,183.70 square feet per acre does fall within the range of the up to 25,000 square feet per acre recommend in the Live Work Community category. However, the applicant has requested withdrawal of the petition on September 17, 2014. Therefore, based on these reasons, the staff recommends WITHDRAWAL of the rezoning petition and concurrent variances.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from O-I (Office and Institutional District) to C-1 (Community Business District), the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Commercial and accessory uses at a density of 3,183.70 square feet per acre or 5,858 square feet, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated July 1, 2014. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. 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 a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. To reduce the required ten (10) foot rear landscape strip to 6.5 feet to allow the encroachment of the parking lot. (CV201402388 #1)
 - b. To reduce the sign setback from ten (10) feet to zero (0). (CV201402388 #2)

Attachments

- Withdrawal Request dated received September 17, 2014
- Letter of Intent dated received July 1, 2014
- Site Plan dated received July 1, 2014
- Elevations dated received July 1, 2014
- Site Photographs
- Additional comments from the Fulton County Department of Water Resources, Fulton County Health Department, City of Atlanta Water Department
- Letter of opposition (39)

Abaray, Linda

From: Harold Buckley <hbuckley@wbilegal.com>
Sent: Wednesday, September 17, 2014 10:37 AM
To: Abaray, Linda
Subject: RE: QT legal Discription

Hi Linda,

I writing to let you know that QuikTrip has decided to withdraw its rezoning application. Therefore, we respectfully request to have the application tabled.

Harold Buckley, Jr., AICP
Partner
WILSON BROCK & IRBY, L.L.C.
Overlook I, Suite 700
2849 Paces Ferry Road
Atlanta, Georgia 30339
mail to: hbuckley@wbilegal.com

Tel: 770-803-3707 (Direct)
404-853-5050 (Main)
Fax: 404-853-1812

From: Abaray, Linda [<mailto:L.Abaray@SandySpringsga.gov>]
Sent: Monday, September 15, 2014 4:20 PM
To: Harold Buckley
Subject: QT legal Discription

Harold,

Can you please send me a copy of the legal description for the QT zoning case.

Linda Abaray
Senior Planner
City of Sandy Springs
7840 Roswell Road, Bldg. 500
Sandy Springs, GA 30350
O. 770-206-1577

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WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBILEGAL.COM

HAROLD BUCKLEY JR.
HBUCKLEY@WBILEGAL.COM
DIRECT DIAL: 770/803-3707

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

July 1, 2014

VIA: HAND DELIVERY

Ms. Patrice S. Dickerson, AICP
City of Sandy Springs Community Dev. Dept.
7840 Roswell Road, Bldg 500
Sandy Springs, GA 30350

RE: Letter of Intent for Application by QuikTrip Corporation ("QuikTrip") to Rezone
0.804-Acre Property Located at the Southwest Corner of Roswell Road and
Hanover Park Road (the "Site") from O-I to C-1; and for Concurrent Variances.

Dear Patrice:

My firm represents QuikTrip Corporation, a national convenience store retailer that has been an industry leader since it was founded in 1958 as a convenience market specializing in grocery and other convenience items. QuikTrip distinguishes itself from its competitors by providing its customers with a top quality experience from the moment they enter a QuikTrip property to the moment they leave. QuikTrip stores are larger than the average convenience store, which allows it to provide an exceptionally wide range of grocery, household, and convenience items. QuikTrip also offers a comprehensive range on fresh foods on its QT Kitchens menu, which includes salads, sandwiches and wraps, fresh fruits, and pastries. Fresh take-and-bake food options, like pizza and pastas, further supplement the fresh food options on the QT Kitchens menu. QuikTrip's staff members are trained to pay extraordinary attention to the cleanliness of their stores, both inside and outside. Every QuikTrip store is an asset to the community in which they are located.

QuikTrip has identified the Site as an excellent potential location for one of its new Generation 3 ("Gen 3") stores. While Gen 3 store operations still include the sale of fuel, this new store type harkens back to QuikTrip's origins, when it only sold grocery items. (QuikTrip actually didn't start selling fuel until 25 years after its founding.) In fact, the biggest impetus behind the development of the GEN 3 store type is to allow QuikTrip to further expand its fresh food offerings. While most convenience stores are gas stations that happen to sell food, the Gen 3 store concept turns that paradigm on its head by serving as an upscale convenience market that happens to sell fuel. The grocery and retail area in the proposed store will be larger than in previous generation QuikTrips; and the store will include a substantial QT Kitchens fresh food service area, an upscale coffee bar that offers hot and cold drinks, and an outdoor dining area.

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QuikTrip's 'more than a convenience store' philosophy can be seen in its Gen 3 stores' upscale design features. Gen 3 stores feature a heavily articulated front façade, varied parapet heights, and dramatic cornice work to maximize their aesthetic quality. Expansive glass areas provide generous sightlines into the store and enhance the customer experience with copious amounts of natural light. Vaulted ceilings further reinforce the spaciousness of the store's interior space. The store's exterior cladding materials will consist of brick, porcelain tile, aluminum, and glass. The use of high quality, articulated materials also extends to the customer fueling area, which will be sheltered by a decorative aluminum canopy supported by ample brick columns. QuikTrip's development proposal does not include the use of EIFS or outdoor product storage areas.

I. Rezoning Application Analysis

QuikTrip's application meets the city's prescribed rezoning standards, as set forth in § 28.4.1 of the zoning ordinance, as follows:

1. The proposed use is not only suitable in light of surrounding development; it will enhance the use and usability of surrounding properties.

Developing a new QuikTrip retail outlet on the Site would make QuikTrip's robust grocery and convenience services easily accessible to pedestrians in the surrounding community. The Rivercliff Lutheran Church is located on the parcel immediately to the south of the Site. This church conducts two worship services on Sundays and an extensive range of ministries during the week. The Hanover Park office park is located immediately to the rear of the Site and the Chattahoochee Ridge office park is located immediately across Hanover Park Road from the Site. Finally, two residential developments, the Heatherly Townhomes and Hanover Grand at Sandy Springs apartments are located at the dead-end of Hanover Park Road, within very easy walking distance of the proposed QuikTrip.

The location of the proposed QuikTrip would also enhance pedestrian safety. Commercial and retail services are currently available on the east side of Roswell Road, in developments like the Dunwoody Place and North River shopping centers. However, pedestrians on the west side of Roswell Road have to cross the street to access these services. This can be a daunting proposition because, at its intersection with Hanover Park Road, Roswell Road is a six-lane, high traffic, principal arterial roadway.¹ Therefore, many would-be pedestrian are likely discouraged from making the trek across Roswell Road on foot. Having additional retail services on the same side of the street will encourage this population to make more pedestrian trips, particularly when they only need minor services.

For the foregoing reasons, QuikTrip's development plan complies with the first two rezoning approval factors.

¹ Sandy Springs Transportation Master Plan, p. 4-5 (Figure 4.1).

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2. The Site does not have a reasonable economic use as currently zoned.

The Site's owner has been marketing the property for sale for an extended period of time without obtaining a purchaser. The fact that no other third party has shown any interest in purchasing the Site demonstrates the property's lack of reasonable economic use as it is currently zoned.

3. The proposed convenience store will not cause an excessive or burdensome use of existing public infrastructure.

The city's comprehensive plan designates the Site, and the area around it, for medium- to high-density mixed use development. It stands to reason that, in adopting this land use policy, the city has determined that public infrastructure in this area is sufficient to support a fairly high density of development. The proposed QuikTrip will provide services to its office, institutional, and residential neighbors while requiring less public services than higher density developments that would be allowed on the Site under the city's prevailing zoning and land use policies.

4. The proposed convenience store is in complete conformity with the comprehensive plan's policies and intent.

As stated more fully in QuikTrip's Environmental Site Analysis and Environmental Impact Report, the land use policies in the comprehensive plan emphasize the redevelopment of the area around the Site as a pedestrian-friendly mixed use center.² Approval of QuikTrip's proposed retail development would accomplish this vision by bringing a wide range of grocery and other market services within easy pedestrian reach for a large number of residential, institutional, and office neighbors.

5. The city's transportation policies support the approval of the proposed QuikTrip.

Additional support for QuikTrip's requested rezoning can be found in the Sandy Springs Transportation Master Plan, which articulates the following relationship with the city's comprehensive plan:

In order to coordinate land use and transportation planning within the City of Sandy Springs, the Transportation Master Plan was developed in conjunction with the Comprehensive Plan. The relationship between these two planning processes was vital to the development of comprehensive and coordinated plans.³

² Comprehensive Plan Community Agenda, p. 26 (see also QuikTrip's Environmental Site Analysis and Environmental Impact Report, Sections I(a) and II(a), which are incorporated herein by reference).

³ Sandy Springs Transportation Master Plan, p. 3-14.

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The Transportation Master Plan sets forth the following policies and pedestrian needs:

- a. Develop a safer travel environment for all transportation modes;⁴
- b. Support economic development initiatives and encourage development that includes live, work, and play;⁵
- c. Provide safe and efficient connections between neighborhoods and community facilities;⁶
- d. Provide effective pedestrian routes to enhance walkability.⁷

Approval of QuikTrip's rezoning application would satisfy these policies and pedestrian needs. As explained in detail above, development of the proposed QuikTrip would place high quality food and retail services within easy pedestrian reach of numerous office, residential, and institutional neighbors. The proposed QuikTrip would also enhance pedestrian safety by significantly reducing the need for pedestrians to cross Roswell Road to reach these services.

6. The proposed development cannot be considered adverse to the city's citizens, natural resources, or environment.

The Site contains no wetlands, floodplain, or other environmentally sensitive features; and no such features are located in close proximity to the Site. However, QuikTrip voluntarily employs extensive best management practices for stormwater runoff. To that end, the retail store proposed for the Site will employ an on-site CrystalStream stormwater treatment system. This system direct stormwater runoff generated on-Site into a network of subsurface separator vaults where gravity separates suspended solids from stormwater flows. After completion of the separation process, stormwater is directed through a charcoal filtration system and discharged from the Site in a controlled manner. This system will ensure that post-development stormwater flows from the Site adhere to an extraordinarily high standard of water quality.

For all of the foregoing reasons, QuikTrip's rezoning application, and the development proposed therein, satisfies the city's standards for rezoning approval.

II. Concurrent Variance Analysis

1. Reduce required landscape strip from 10 feet to 6.5 feet.

Section 22.3.1 of the zoning ordinance authorizes the approval of concurrent variances when it is shown that:

⁴ Sandy Springs Transportation Master Plan, p. 2-2.

⁵ Id.

⁶ Id. at p. 4-29.

⁷ Id.

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- A. Relief, if granted, would be, or could be made to be, in harmony with the general purpose and intent of the zoning ordinance; or
- B. The strict application of a particular zoning provision to the Site would impose an unnecessary hardship on the owner while providing no public benefit, due to extraordinary and exceptional size, shape, or topographic conditions on the property.

While it is only required to meet one of the above requirements, QuikTrip's variance request satisfies both of the requirements listed above.

The Site is a corner lot, with frontages on Roswell Road and Hanover Park Road. The diagonal right-of-way on the Site at the corner of Roswell Road and Hanover Park Road ranges in depth between 24 and 31 feet for sidewalks and landscaping. The landscape strip proposed along this right-of-way ranges from 6.5 to 24 additional feet of landscaped area for a total depth of 30.5 to 55 from back-of-curb. Therefore, the strict application of the 10-foot landscape strip requirement does not provide any appreciable aesthetic benefits to the public. However, strictly adhering to the 10-foot landscape strip requirement would prevent QuikTrip from achieving the interparcel connectivity between the Site and the adjacent office development currently depicted on the site development plan.

QuikTrip's site plan incorporates the use of a shared driveway arrangement with the 100 building of the Hanover Park office park. QuikTrip cannot make the Site work for its planned development without this shared driveway arrangement. Therefore, the denial of this concurrent variance request would impose a substantial and unnecessary hardship on the property owner since it has not identified another buyer or any other viable alternative plans to develop the Site.

In addition, Section 1 of the zoning ordinance states the following general purpose:

This ordinance is entered as part of a comprehensive plan designed for the purposes, among others, of...promoting the health and general welfare; encouraging such distribution of population and such classification of land uses and utilization as will facilitate economic and adequate provisions for transportation, communications, roads...and other public requirements. These regulations are made with reasonable consideration, among others, to the character of the districts and their peculiar suitability for particular uses, and with a general view of promoting desirable living conditions, protecting property against blight and depreciation, and encouraging the most appropriate use of land throughout the City of Sandy Springs. (Emphasis Added.)

QuikTrip has demonstrated that its development proposal is consistent with the policies and intent of the city's comprehensive plan. Furthermore, QuikTrip has shown that approval of its

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rezoning request would encourage pedestrian activity and enhance pedestrian safety. Therefore, this request for concurrent variance meets the standards for approval of such requests.

2. Reduce required sign setback from 10 feet to 0 feet from the right-of-way.

Section 12(D) of the zoning ordinance authorizes the approval of concurrent sign variances when it is shown that:

- A. The topography of the Site renders it impossible to comport with the strict standards of the Sign Ordinance; or
- B. The natural features of the Site, or of the land adjacent to the Site, impair the visibility of the sign such that it cannot be seen.

While the proposed QuikTrip will provide substantial benefits to nearby neighbors who will be able to walk to the Site, customers taking advantage of its fueling services will arrive on-Site by car. The southbound lanes of Roswell Road incline steeply upward as they approach the Site. This topography reduces the visibility of the Site to southbound vehicles. In addition, the Chattahoochee Ridge office development employs a large (approximately 7 – 8 foot) retaining wall along the west side of Roswell Road, which further cuts the Site's visibility to southbound vehicles.

Northbound vehicles on Roswell Road must also travel up a sharp gradient to reach the Site, which impairs the Site's visibility to these vehicles. In addition, the Forest at Hunter Hill residential development, which is immediately south of the Rivercliff Lutheran Church, is heavily wooded. This tree cover further impairs the Site's visibility to northbound vehicle traffic.

The Site's impaired visibility is compounded by the 35-foot deep right-of-way along its Roswell Road frontage. Therefore, without any variances, the zoning ordinance requires any monument signs on the Site to be at least 45 feet from Roswell Road when the Site's visibility from this roadway is already substantially impaired. Even with the requested sign setback variance, signs would still be pushed 35 feet from the street.

This request for a concurrent sign variance meets the standards for approval of such requests because of the topography of Roswell Road, a tall retaining wall along Roswell Road to the north, and substantial tree cover along Roswell Road to the south.

For all of the foregoing reasons (and those presented in the attached Environmental Site Assessment and Environmental Impact Report), QuikTrip's rezoning and concurrent variance application satisfies the city's approval standards. Therefore, QuikTrip respectfully requests the approval of its application. To satisfy requirements of Georgia law, QuikTrip respectfully advises the City of Sandy Springs that the denial of its application (or the approval of lesser

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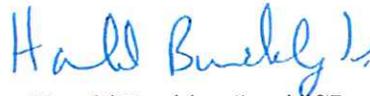
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relief than requested) would violate QuikTrip constitutional rights as guaranteed by the constitutions of the State of Georgia and the United States of America.

Please let me know if I may provide you with any additional information, or clarify anything in this letter of intent.

Sincerely,

WILSON BROCK & IRBY, L.L.C.

A handwritten signature in blue ink that reads "Harold Buckley Jr." with a stylized flourish at the end.

By: Harold Buckley Jr., AICP
Attorneys for QuikTrip Corporation

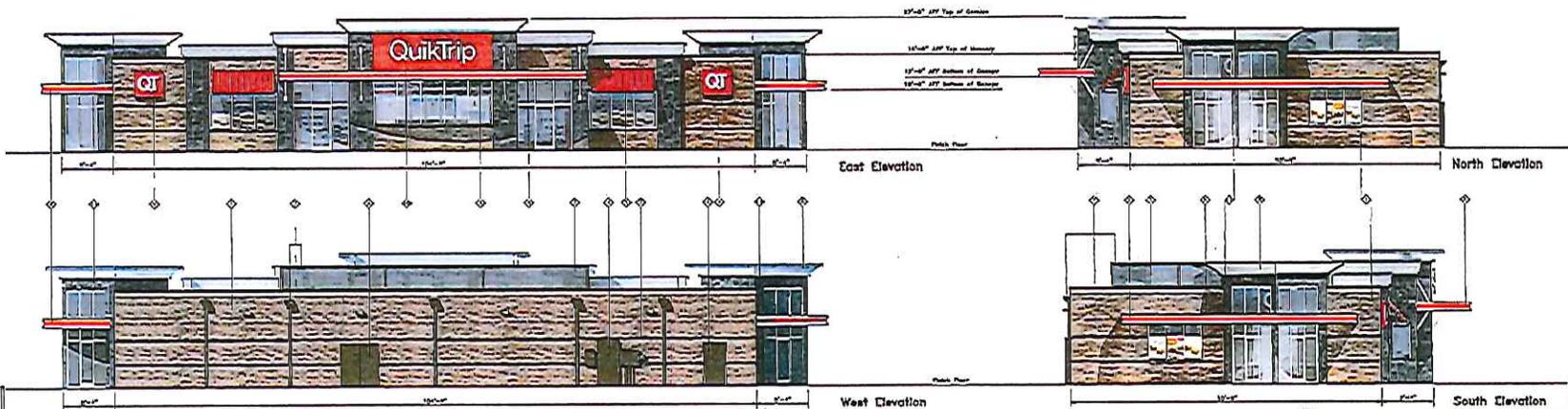
Attachments.

cc: Mr. Patrick Conner
Mr. Daniel Covel

RECEIVED

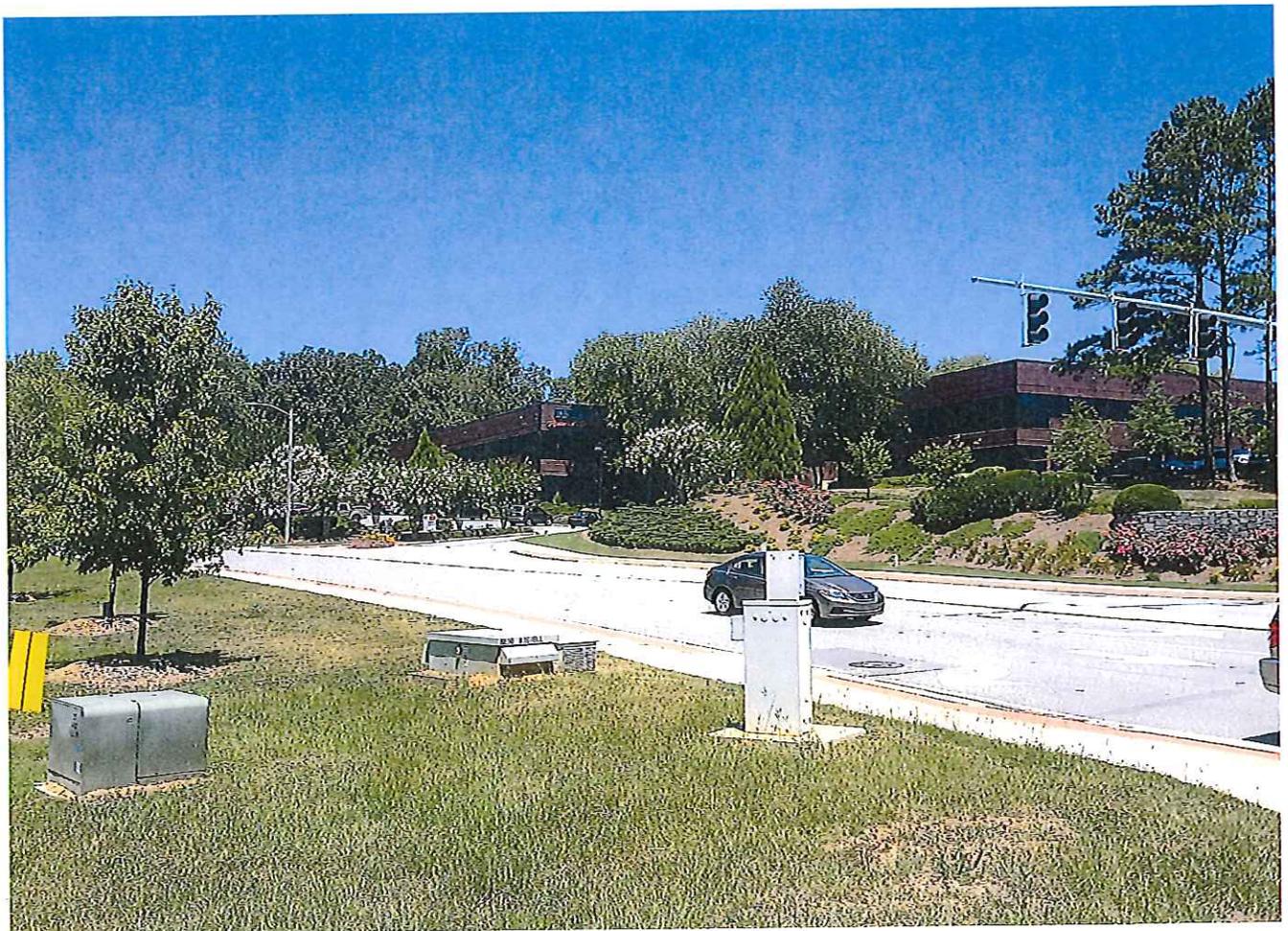
JUL 01 2014

City of Sandy Springs
Community Development



 QuikTrip <small>4794 South 17th East Ave. Tomball, TX 77375 Tel: 281-358-1234 (2012) 416-2786</small>	Store #	0730 Standard Gen 3 Building Elevations	Address	Roswell Road & Hanover Park Road	City, State	Sandy Springs, GA	<table border="1"> <thead> <tr> <th>Rev</th> <th>By</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev	By	Date	Description																
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Serial #	07-0730-BSTI	Scale	1/16"=1'-0"	Issue Date	06/27/14	Drawn by	TRC																				

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MEMORANDUM

TO: Linda Abaray, Senior Planner
 City of Sandy Springs, Department of Community Development

FROM: Monica Robinson, B.S., M.B.A., Environmental Planner
 Department of Health and Wellness, Office of the Director

DATE: August 15, 2014

SUBJECT: Zoning Comments for August 2014

AGENDA ITEM	ZONING COMMENTS
201402366	<p>If a plat is anticipated for this property, the Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of an exemption/minor plat development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water available to the site.</p> <p>If public sanitary sewer is available to the site, the Fulton County Department of Health and Wellness will require mandatory connection. As per Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XI – “Sewage Disposal”, public sanitary sewer is considered available if it is within 200 feet of the nearest property line of the development, such distances being measured along the appropriate natural drainage course (gravity flow).</p> <p>If public sewer is unavailable to the site, this Department requires that each lot be a minimum of 43,560 square feet and have 30,000 square feet minimum usable area to be considered for use of onsite sewage management system(s). This Department will require all necessary percolation and soil data, required plans, and supportive data be submitted for review and determined acceptable prior to preliminary plat and/or Land Disturbance Permit (LDP) approval.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>If this proposed development includes an existing individual onsite sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.</p> <p>If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.</p> <p>This department is requiring that existing structures that will be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p> <p>Research shows that childhood exposure to traffic exhaust when living near a freeway can lead to substantial deficits in lung function that can last a lifetime and can increase the risk of developing allergies and asthma. In addition, exposure to traffic noise increases blood pressure, and long-term exposure to air pollution is known to increase the risk of death from heart disease.</p>

AGENDA ITEM	ZONING COMMENTS
201402368	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>The commercial parts of this development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility 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 department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>If this proposed development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Department of Health Services permit to construct, modify, or renovate before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.</p> <p>This Department is requiring 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.</p>
201402384	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed townhome and residential development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This department is requiring that existing structures that will be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p>

AGENDA ITEM	ZONING COMMENTS
201402388	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed gas station development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility 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 department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>This Department is requiring 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.</p> <p>This Department is requiring that existing structures that will be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p> <p>This department encourages that the owner reduce any potential pollution of the air and soil by consistently following best practices and complying with all applicable mandates.</p>
201402339	<p>If this property is served by an onsite sewage management system(s), plans for the proposed pool and fence must be submitted to this department for review and approval.</p>
201402352	<p>If this property is served by an onsite sewage management system(s), plans for the proposed deck/patio modification must be submitted to this department for review and approval.</p>

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 City of Sandy Springs and the Fulton County Plan Review process prior to the commencement of any construction activity.

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 100 gallons per day (gpd) per 1,000 sq. ft. x 5,858 square feet
= 586 gallons per day

This project is within the City of Atlanta water jurisdiction.

SEWER:

Basin: Big Creek
Treatment Plant: Big Creek
Anticipated sewer demand: 528 gallons per day

There is a wastewater manhole west of the western property line of the 0.92 acre tract (200 Hannover Road) (Sewer manhole # SMBC6901740) located in Land Lot 368, District 6 that can service this location.

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.

Property Profile for **200 HANNOVER PARK RD**

Property Tax Information

Tax Year 2014
 Parcel ID 06 0368 LL1507
 Property Address 200 HANNOVER PARK RD
 Owner SUN RIVER XX LLC
 Mailing Address 3850 HOLCOMB BRIDGE RD STE 475
 NORCROSS GA 30092
 Total Appraisal \$312,000
 Improvement Appraisal \$0
 Land Appraisal \$312,000
 Assessment \$124,800
 Tax District 59
 Land Area 0.919995 ac
 Property Class Commercial Lots
 Land Use Class Vacant Commercial Land
 TAD
 CID

Zoning

Zoning Class not available
 Overlay District
 2030 Future Development not available

Political

Municipality Sandy Springs
 Commission District 4
 Commission Person Tom Lowe
 Council District not available
 Council Person not available
 Voting Precinct SS22
 Poll Location The Hellenic Tower, 8450 Roswell Rd
 Congressional District 006
 State Senate District 056
 State House District 045

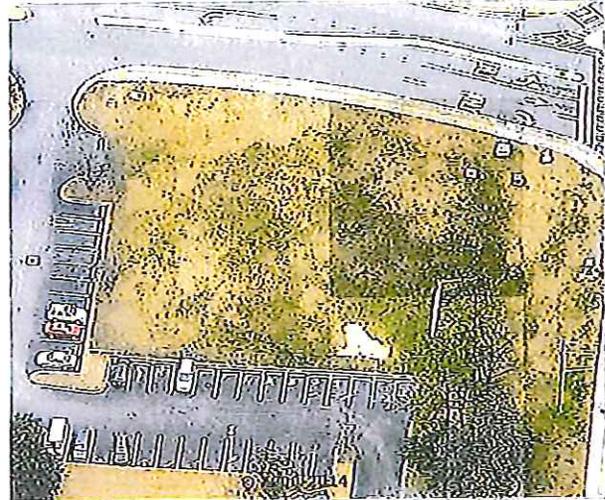
School Zones

Elementary School Ison Springs
 Middle School Sandy Springs
 High School North Springs

Other Information

Zip Code 30350
 Census Tract 102.08
 In Less Developed Census Tract No

Oblique Aerial View (looking north)



Property Map



Vicinity Map





Kasim Reed
MAYOR

CITY OF ATLANTA

Jo Ann J. Macrina, PE
COMMISSIONER

DEPARTMENT OF WATERSHED MANAGEMENT
72 Marietta Street
ATLANTA, GEORGIA 30303-3544

July 17 2014

Linda Abaray
Senior Planner
City of Sandy Springs
7840 Roswell Road, Bldg. 500
Sandy Springs, GA 30350

Subject: Water Availability at 200 Hanover Park Rd.

Dear Ms. Abaray

Our records indicate that there is an existing 12 inch water main along the south side of Hanover Park Rd. These water mains are owned and maintained by the City of Atlanta.

To integrate into Atlanta Water System or rearrange water facilities, the developer must submit the following to the City of Atlanta-Bureau of Engineering Services:

1. A set of stamped engineering drawings showing their developmental objectives for review and approval.
2. The enclosed basis of design form to include all applicable information, with a copy of a City of Atlanta fire hydrant flow test. Contact the Bureau of Engineering Services office of Meter Application at 404-330-6091 for payment and scheduling for the flow test.
3. A two thousand dollar deposit (\$2000.00). Check must be payable to City of Atlanta.

Once the plans have been approved, the developer will then receive additional instructions regarding the process and procedures from the Bureau of Engineering Services.

Should additional information be needed, please contact Ron Brown at 404-546-3289 or @ cell # 404 449-2528

Sincerely,

Ron Brown
Field Engineer

Cc: Parett Smith