



---

## CITY COUNCIL AGENDA ITEM

---

**TO:** Mayor & City Council                      **DATE:** October 15, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:**    **201401611** - 5801 Roswell Road, *Applicant: Zahedi, Inc.*, to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) for the development of to allow an addition to the existing commercial building, with concurrent variances

**MEETING DATE:** For Submission onto the October 21, 2014, City Council Regular Meeting Agenda

---

**BACKGROUND INFORMATION:** *(Attach additional pages if necessary)*

See attached:

Memorandum  
Rezoning Petition

---

CITY MANAGER APPROVAL: \_\_\_\_\_

A handwritten signature in blue ink, appearing to be "JM", written over a horizontal line.

PLACED ON AGENDA FOR: **10/21/2014**

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES    (  ) NO

CITY ATTORNEY APPROVAL: \_\_\_\_\_

A handwritten signature in blue ink, appearing to be "SMY", written over a horizontal line.



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: **201401611 5801 Roswell Road** a request to rezone the subject property from C-1 (Community Business District) to C-1 (Community Business District) to allow for a 2,100 square foot addition to the existing building, with concurrent variances.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**APPROVAL CONDITIONAL** of a request to rezone the subject property from C-1 (Community Business District) to C-1 (Community Business District) to allow for a 2,100 square foot addition to the existing building and **DENIAL** of the concurrent variances.

**Discussion:**

To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) to allow a 2,100 square foot addition to the existing building.

Additionally, the applicant is requesting three (3) concurrent variances from the Zoning Ordinance as follows:

1. Variance from 4.23.1 to reduce the landscape strip from five (5) feet to three (3) feet to allow the proposed addition to encroach along the east property line.
2. Variance from 12.B.4 to delete the streetscape requirement and allow the existing conditions to remain.
3. Variance from Section 18.2.1 to reduce the required parking from thirty (30) spaces to nineteen (19) spaces.

PROPERTY INFORMATION	
Address, Land Lot, and District	5801 Roswell Road Land Lot 92, District 17
Land Lot 90, District 17	6 (Andy Bauman)
Council District	365.81' of frontage along the west side of Roswell Road and 513.81' of frontage along the south side of Mount Paran Road
Frontage Area	4.7207 Acres
Existing Zoning and Use	O-I (Office and Institutional District) under Fulton County zoning cases Z79-0102, Z88-0133 and Sandy Spring zoning case RZ06-047 and R-3 (Single Family Dwelling District) currently developed with office buildings and single family homes.
Overlay District	Suburban Overlay District LWN (Live Work Neighborhood), O (Office) and R1-2 (1 to 2 Units per acre) Node 2b: Glenridge Drive
2027 Comprehensive Future Land Use Map Designation	MIX (Mixed Used District)

**COMMUNITY DEVELOPMENT**

<b>APPLICANT/PETITIONER INFORMATION</b>			
<b>Property Owner</b>	<b>Petitioner</b>	<b>Representative</b>	
Zahedi, Inc	Masoud Zahedi	N/A	
<b>Community Zoning Information Meeting</b>	<b>Community Developer Resolution Meeting</b>	<b>Planning Commission Hearing</b>	<b>Mayor and City Council Hearing</b>
May 27, 2014	June 26, 2014	July 17, 2014 September 18, 2014	August 19, 2014 October 21, 2014

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**201401611- APPROVAL CONDITIONAL**  
**2014001611 Variance #1 – DENIAL**  
**201401611 Variance #2- DENIAL**  
**201401611 Variance #3 – DENIAL**

The applicant has provided the following material: updated elevation drawing, a colored site plan showing landscaped areas, and site photos. Additionally, the applicant is proposing to install the following streetscape: brick pavers, landscaping and a light at the corner of Roswell Road and Carpenter Drive.

Based on Planning Commission's recommendations, the staff has re-reviewed the variance requests and does not feel that the considerations in granting variances set forth in Article 22, Appeals, of the Zoning Ordinance have been proven. Additionally, the Director of Public Works has the authority to grant and administrative variance regarding streetscape in situation where the property exhibits extreme topography or natural site features.

**PLANNING COMMISSION RECOMMENDATION- September 18, 2014**

The petition was heard at the September 18, 2014 Planning Commission meeting. Tart moved to recommend denial seconded by Frostbaum. The Commission recommended **Denial** (6-0, Maziar, Frostbaum, Tart, Porter, Nickles and Squire for; and Duncan not voting). The Planning Commission had concerns that the property was not adequately parked and the streetscape variance request was not in harmony with the intent of the zoning Ordinance.

**MAYOR AND CITY COUNCIL August 19, 2014**

The petition was heard at the August 19, 2014 Mayor and City Council meeting. The Council **deferred** the petition to the September 18th Planning Commission and October 21st Mayor and City Council to allow staff an opportunity to further review the impact of streetscape requirements and for the applicant to provide additional supporting information.

**PLANNING COMMISSION RECOMMENDATION- July 17, 2014**

The petition was heard at the July 17, 2014 Planning Commission meeting. Tart moved to recommend approval seconded by Maziar. The Commission recommended **deferral** (4-1, Maziar, Tart, Frostbaum and Squire for; Porter against; Nickles absent and Duncan not voting), to September 18th Planning Commission and October 21st Mayor and City Council to allow staff an opportunity to further review the impact of streetscape requirements.

<b>EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES</b>
--

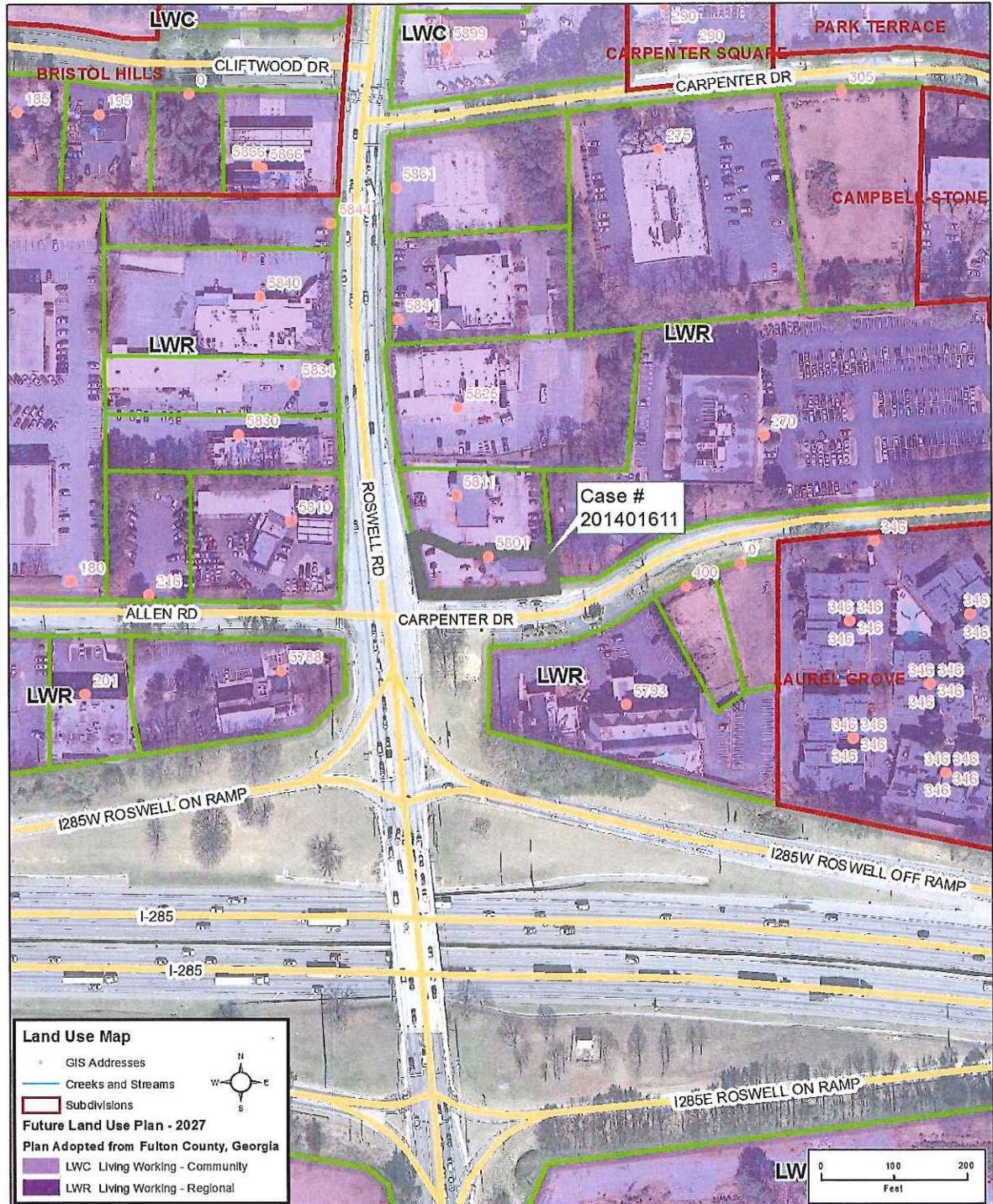
<b>SUBJECT PETITION 201401611</b>	<b>Requested Zoning</b>	<b>Proposed Use</b>	<b>Land Area (Acres)</b>	<b>Square Feet</b>	<b>Density (Square Feet per Acre)</b>
	C-1	Commercial	0.24	5,900	24,583.33 sf/ac

<b>Location in relation to subject property</b>	<b>Zoning</b>	<b>Use</b>	<b>Land Area (Acres)</b>	<b>Square Footage or Number of Units</b>	<b>Density (Square Feet or Units Per Acre)</b>
North	C-1 Conditional Z62-0004	Express Oil Change - 5811 Roswell Road	±0.4832	±4,029	±8,338.16 sf/ac
East	C-2 Conditional Z74-0009	Office Building – 270 Carpenter Drive	3.748	186,480	49,754.54 sf/ac
South	C-2 conditional Z69-0150	Comfort Inn hotel – 5793 Roswell Road (SR 9)	1.67	41,565	24,889.22 sf/ac
West	C-1 Conditional Z62-0024	NAPA Auto Care- 5810 Roswell Road	±0.882	±6,238	±7,072.56 sf/ac



### Future Land Use Map

#### 5801 Roswell Road (SR 9)



## 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 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 west; C-2 (Commercial District) to the east and south.

*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 would not have an adverse impact on the use or usability of adjacent or nearby properties. The proposed commercial use is consistent with the surrounding properties.

*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 not consistent with the Future Land Use Map. The Future Land Use Map designation of LWR (Live Work Regional) which recommends a density above 25,000 square feet per acre. The proposal is for a density of 24,583.33 square feet per acre. However, the proposal is consistent with the surrounding densities and uses. The proposed density is consistent with the policies set forth in the Comprehensive Plan.

### **Node 7: Roswell Road and I-285 (Downtown)**

#### Vision:

1. The area should be dedicated for high density commercial, office, and residential uses.
2. This area should be considered for some of the highest densities in 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 not be limited in this area. At least 15% of a site shall be maintained as open and green space.
2. Densities and heights of a significant nature should not be supported on properties less than four (4) acres in size. Increased levels of open and green space, limiting direct vehicular access to Roswell Road, and improving the area's transportation network shall be important considerations for the highest densities and building heights.
3. The transition of densities and heights to levels similar to those in the Town Center area should be considered on the northern boundary of the area along Cliftwood Drive and Carpenter Drive.
4. Automobile-oriented uses should be discouraged from this area.

---

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 three (3) 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 landscape strip from five (5) feet to three (3) feet to allow the proposed addition to encroach along the east property line.

**Findings:**

*Staff is of the opinion that the reduction of the landscape strip is in not harmony with the intent of the zoning ordinance and would cause a detriment to the public. The landscape strip was able to be maintained through the construction of the existing building. . Additionally, the majority of the landscaping area shown on the site plan is on the adjacent property. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.*

2. Variance from 12.B.4 to reduce the sidewalk with from nine (9) feet to five (5) feet and allow one (1) light pole on the corner of Roswell Road and Carpenter Drive.

**Findings:**

*Staff is of the opinion that the request to reduce the sidewalk with from nine (9) feet to five (5) feet and allow one (1) light pole on the corner of Roswell Road and Carpenter Drive is in not harmony with the intent of the zoning ordinance and could cause a detriment to the public. The intent of the Ordinance and the City Center Master Plan is to create a safe and inviting walkable area with in the Main Street Overlay District. This property is providing a connection to the south side of I-285 and tie into the new bridge at Roswell Road and I-285. Reducing the sidewalk in this location would hinder the pedestrian connection. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.*

3. Variance from section 18.2.1 to reduce the required parking from thirty (30) spaces to nineteen (19) spaces.

**Findings:**

*Staff is of the opinion that the request to reduce the required parking from thirty (30) spaces to nineteen (19) spaces is in not harmony with the intent of the Zoning Ordinance. The Main Street Overlay allows for a parking reduction of up to 1.5 spaces per 1000 when streetscape is installed. The applicant is requesting a variance from the required streetscape and therefore not meeting the intent of the Zoning Ordinance. Inadequate parking would cause a detriment to the surrounding property owners. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.*

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on June 4, 2014 at which the following departments had comments. The staff has received additional comments from Fulton County Department of Water Resources (see attachments).

<p><b>Transportation Planner</b></p>	<ul style="list-style-type: none"> <li>• Roswell Road is Georgia State Route 9, is classified a Principal Arterial, and has a posted speed limit of 35 mph. The average daily traffic is 47,650 vehicles per day (2013) north of the site.</li> </ul>
--------------------------------------	---

	<ul style="list-style-type: none"> <li>• Carpenter Drive is classified a minor street and has a posted speed limit of 25 mph. Both Roswell Road/SR 9 and Carpenter Drive are included in the Main Street Overlay District. The streetscape for Roswell Road includes a two-foot brick paver strip, nine-foot sidewalk and supplemental zone. The designated street type within the City Center Master Plan for Carpenter Drive is “2-Lane with Parking”. From the street centerline, the cross-section includes an 11-foot travel lane, eight-foot parking lane, eight-foot landscape strip, ten-foot sidewalk, and ten-foot supplemental zone adjacent to mixed use development.</li> <li>• At time of permitting, site shall meet requirements of Articles 11 and 12 of the Development Ordinance. Based on review of the zoning site plan, please note the following: <ul style="list-style-type: none"> <li>• Applicant shall dedicate minimum right-of-way requirements along entire property frontages for Roswell Road (55 feet from centerline, 11 feet behind back of curb, or one foot behind sidewalk, whichever is greater) and Carpenter Drive (30 feet from centerline, 11 feet behind back of curb, or one foot behind sidewalk, whichever is greater). A minimum 20-foot miter is required at the intersection of Roswell Road and Carpenter Drive, §103-75.</li> <li>• An ADA (Americans with Disabilities Act)-compliant path is required from the sidewalk on Roswell Road to front entryway.</li> </ul> </li> </ul>
--	---

## **PUBLIC INVOLVEMENT**

### *Public Comments*

- Is this the kind of building that Sandy Springs wants?
- Concern about whether landscape standards will be met, parking between building and street, etc.

## **CONCLUSION TO FINDINGS**

It is the opinion of staff that the proposal is not in conformity with the Future Land Use Map. However, the proposal does meet the intent of the Comprehensive Plan Policies. The Plan recommends LWR (Live Work Regional) at densities of above 25,000 square feet per acre. The proposal is for a density of 24,583.33. The request is consistent with the surrounding densities and uses. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the rezoning petition and **DENIAL** of the concurrent variances.

**STAFF RECOMMENDED CONDITIONS**

Should the Mayor and City Council decide to rezone the subject property from C-1 (Community Business 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 uses at a density of 24,583.33 square feet per acre or 5,900 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 May 5, 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.

**Attachments**

- Letter of Intent dated received September 4, 2014
- Site Plan dated received September 4, 2014
- Appropriateness of Application and Constitutional Assertions
- Site Photographs
- Additional comments from the Fulton County Department of Water Resources, Fulton County Health and Wellness, and City of Atlanta Department of Watershed.

# LETTER OF INTENT

09-01-2014  
.24 AC  
ROSWELL RD  
LAND LOTS 90 17th DISTRICTS  
FULTON COUNTIES, GEORGIA  
MASOUD ZAHEDI  
5801 ROSWELL RD A  
ATLANTA GA 30328

**RECEIVED**  
SEP 04 2014  
City of Sandy Springs  
Community Development

The subject property consists of 0.24 acres zoned C1 . This site is located on the corner of Roswell Rd and Carpenter Dr. The proposed request is to add 2100 SF addition to existing 3800 SF building. In addition we intend to improve/cleanup the existing condition adjacent to our neighbors .(as you can see in the pictures current status is not appealing).

**We would like to point out that we had dedicated 20' ROW on Roswell Rd frontage and 40' ROW on Carpenter Dr frontage in our small parcel of land already.**

Since City/Marta just finish brand new bus stop which take all of right of the way on Roswell Rd side, and This is the only bus stop from 285 to Abernathy Rd that does not stop a traffic in moving line when bus stops at the station.

We intend to add 2' brick pavers to Roswell Rd frontage. **By doing that we will have a total of 31' of Sidewalk and Landscape Strip ( inset of 21' Supplemental zone per zoning code).**

By the end of 2011 we finish work on permit # 11-00503 and improve parking lane and land scape strip ( as you see in attach pictures) along Carpenter Dr .

Due to topography challenge **we would like to undisturbed our 25' Landscape strip and sidewalk on Carpenter Dr frontage ( inset of 18' Supplemental zone per zoning code)**

We are requesting parking variance if necessary , We currently have 19 on-site parking space plus 5 on street parking on Carpenter Dr ( total of 24)

We are requesting the variance from Sandy Spring overly district to reduce on East landscape stripe to 3 feet.

Sincerely,



Masoud Zahedi

# RECEIVED

MAY 05 2014

## City of Sandy Springs Community Development

ALL LANDSCAPING FOR EACH PHASE OF DEVELOPMENT SHALL BE COMPLETED PRIOR TO THE RECORDING OF THE FINAL PLAT FOR THAT PHASE. PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR THAT PHASE, OR PRIOR TO CONNECTION OF PERMANENT POWER FOR THAT PHASE.

CONTACT THE DEPARTMENT OF DEVELOPMENT SERVICES AT 404-730-7532 FOR SITE INSPECTION UPON COMPLETION OF LANDSCAPE INSTALLATION.

CONTACT THE DEPARTMENT OF DEVELOPMENT SERVICES AT 404-730-7532 OR 404-730-7531 TO ARRANGE A PRECONSTRUCTION CONFERENCE WITH THE COUNTY ARBORIST PRIOR TO ANY LAND DISTURBANCE.

ALL THE TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING. UNDISTURBED BUFFER SHALL BE REPLANTED TO BUFFER STANDARD WHERE SPARSILY VEGETATED OR DISTURBED AT APPROVED UTILITY CROSSINGS. REPLANTING IS SUBJECT TO COUNTY ARBORIST APPROVAL.

CH = N84°00'49"E  
CR = 51.54'  
C = 25.44'  
L = 26.18'

### LANDSCAPE STRIP CALCULATION

#### FRONT STRIP

75.2 X 10 = 750.2 SF  
3 TREES 4" CHINESE ELM 3 X 50 SF = 150 SF  
60% COVERAGE: 750.2 SF X 0.6 = 450 SF  
34 SHRUBS AT 3" O.C. = 34 X 9 SF = 306 SF  
306 SF + 150 SF = 456 SF  
456 SF > 450 SF OR 60% COVERAGE

#### REAR STRIP

55 X 5 = 275 SF  
2 TREES 2" RED MAPLE 2 X 50 SF = 100 SF  
60% COVERAGE: 275 SF X 0.6 = 165 SF  
9 SHRUBS AT 3" O.C. = 9 X 9 SF = 81 SF  
72 SF + 100 SF = 172 SF  
172 SF > 165 SF OR 60% COVERAGE

### TREE DENSITY CALCULATION

REQUIRED DENSITY:  
0.24 AC. X 15 UNITS/ACRE = 3.6 UNITS REQUIRED  
EDF (EXISTING DENSITY FACTOR)  
TOTAL EDF = 0

#### ROF (REPLACEMENT DENSITY FACTOR)

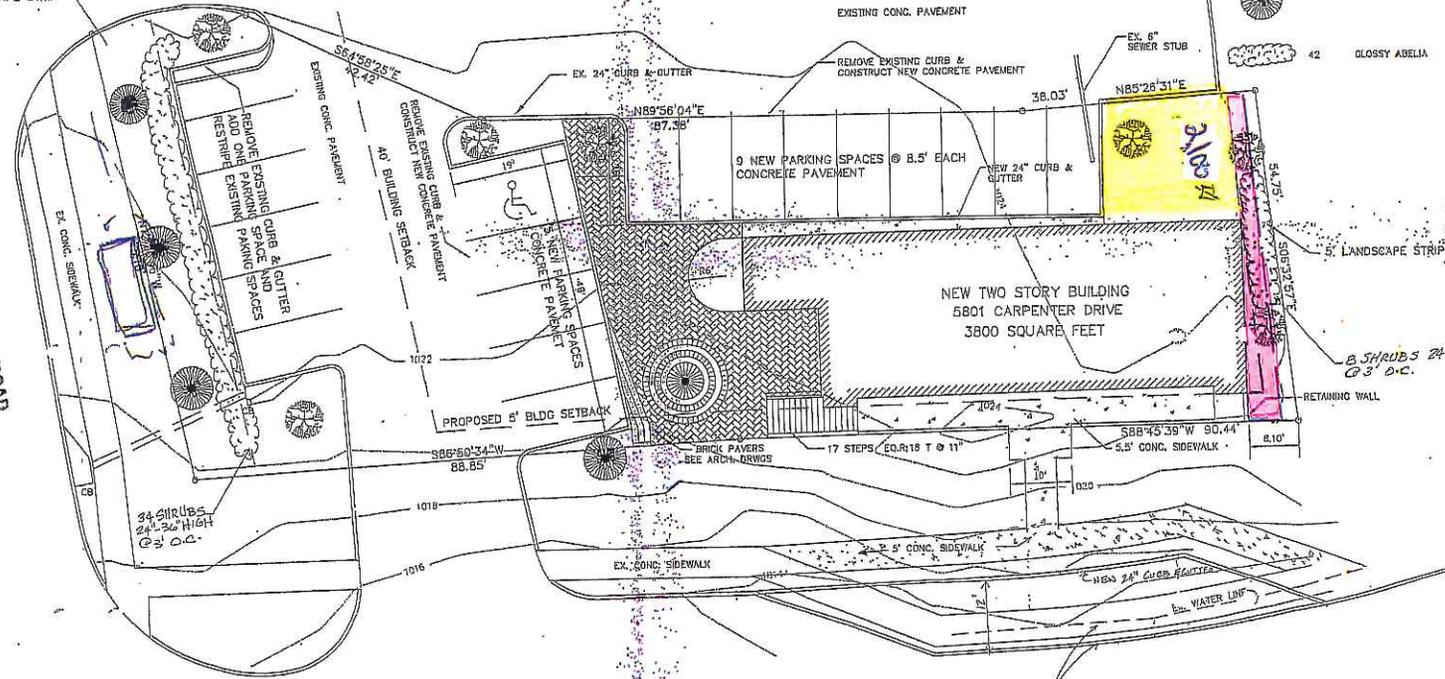
SIZE	UNITS	NUMBER	TOTAL UNITS
2"	0.5	7	3.5
4"	0.7	4	2.8
TOTAL RDF			6.3 DENSITY SATISFIED

### TREE LEGEND & PLANT LIST

SYMBOL	QNTY.	SIZE & NAME	BOTANICAL NAME
	7	2" RED MAPLE	(ACER RUBUM)
	4	4" CHINESE ELM	(ULMUS PARVIFOLIA)
	42	GLOSSY ABELIA	(ABELIA GRANDIFLORA)

10' LANDSCAPE STRIP

ROSWELL ROAD  
ROW VARIES

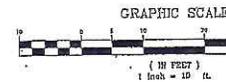


### GENERAL NOTES

1. ALL PLANT MATERIAL AND PLANTING SHALL CONFORM TO CURRENT STANDARD AS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN IN THE "AMERICAN STANDARD FOR NURSERY STOCKS."
2. THE CONTRACTOR IS ADVISED OF THE PRESENCE OF UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR VERIFICATION OF SAME PRIOR TO COMMENCING ANY DIGGING OPERATIONS. ANY DAMAGES INCURRED TO UTILITIES WALLS CURBS, ETC. AS A DIRECT RESULT OF THE PLANTING OPERATIONS SHALL BE RECTIFIED BY THE CONTRACTOR AT NO EXTRA COST TO THE OWNER.
3. PLANT QUANTITIES ON THE PLANT LIST ARE INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL PLANT MATERIALS REQUIRED BY THE PLANS.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE IN ALL PLANT BEDS.
5. ALL MATERIAL SHALL BE PRUNED UPON INSTALLATION IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES FOR THE SPECIES AND SEASON.

CARPENTER DRIVE  
ROW VARIES

BENDE EXIST. CURB & GUTTER & SIDEWALK AND EXTEND DECELERATION LANE



LANDSCAPE/TREE PROTECTION PLAN

CARNEGIE JEWELRY

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT NO.	DESIGNED BY	CHECKED BY	DATE

PROJECT NO.	DATE	DESCRIPTION

DRAWING NO.

1

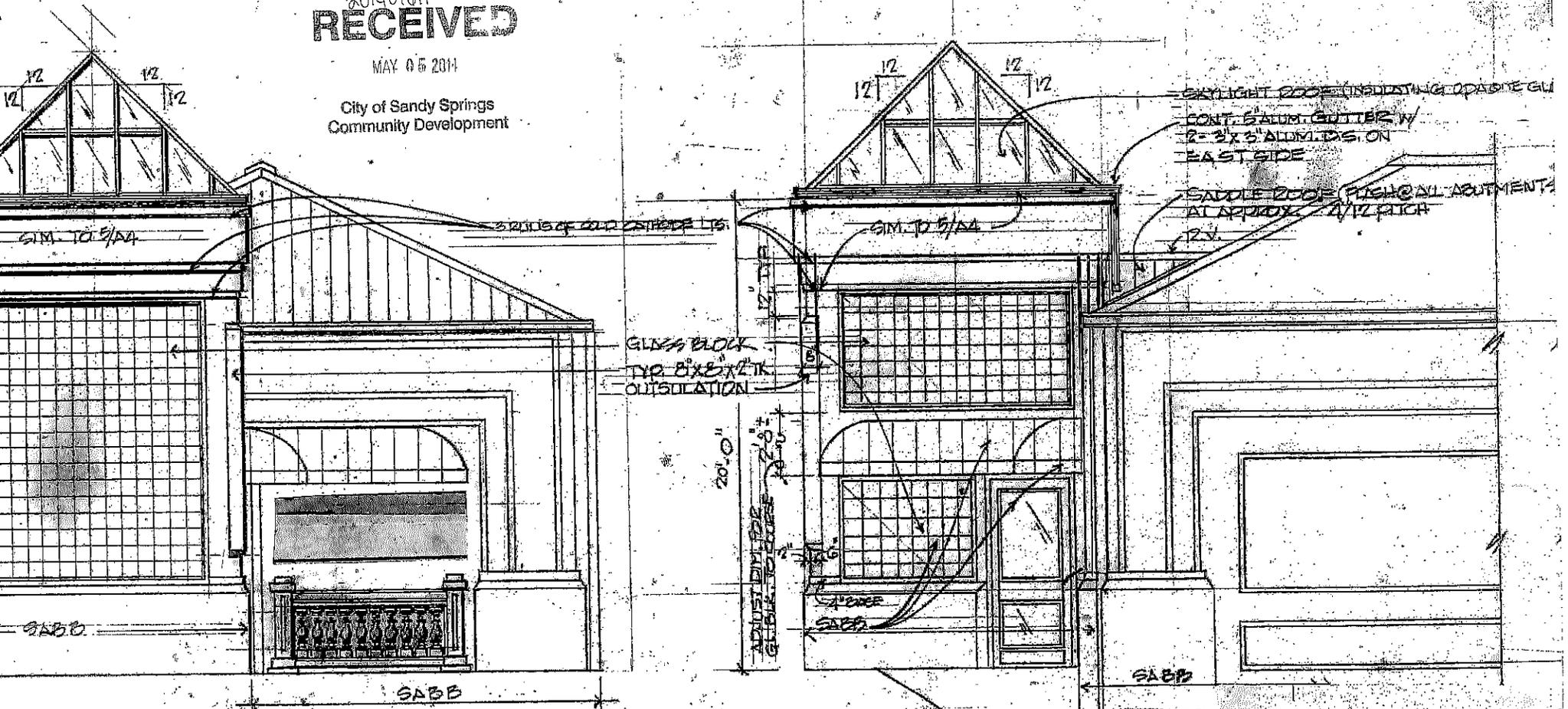
CHEF

20140161  
**RECEIVED**

MAY 05 2014

City of Sandy Springs  
Community Development

NOTE: SABB = SAME AS BASE BID



#2 WEST ELEV. 1/4"=1'-0" (A2-1)

ALT.#2 WEST ELEV. 1/4"=1'-0" (A2-2)

**FIRE RATINGS**

Design No. 11008  
Assembly Rating - 1 Hr.

4

8



CH = N84°00'49"E  
 R = 31.54'  
 C = 25.44  
 L = 26.18'

TUNE UP CLINIC  
 EXISTING  
 ONE STORY BUILDING  
 5811 ROSWELL ROAD

- OWNER/DEVELOPER: MASOUD ZAHEDI  
 CARNEGIE JEWELRY  
 133 CARNEGIE WAY  
 ATLANTA, GEORGIA 30303  
 (404) 584-6750
- ENGINEER: CMT INC.  
 1981 CHEATHAM WOODS DR.  
 MARIETTA, GA. 30060  
 (770) 426-7028
- PROJECT LOCATION: LAND LOTS: 90  
 DISTRICT: 17  
 SECTION: N/A
- ACREAGE: 0.246 AC.
- NUMBER OF UNITS: N/A
- ALL CONSTRUCTION TO CONFORM TO FULTON COUNTY STANDARDS AND SPECIFICATIONS.
- ALL SILT BARRIERS TO BE PLACED AS ACCESS IS OBTAINED DURING CLEARING. NO GRADING SHALL BE DONE UNTIL SILT BARRIER INSTALLATION AND DETENTION FACILITIES ARE CONSTRUCTED.
- SILT BARRIERS TO BE PLACED AS SHOWN AND/OR AS DIRECTED BY PROJECT ENGINEER AND/OR FULTON COUNTY INSPECTOR.
- NOTIFY INSPECTOR 24 HOURS PRIOR TO CONSTRUCTION.
- AS-BUILT DRAWINGS OF ROADWAYS, STORM DRAINS, SEWERS AND WATER; FIELD APPROVAL BY THE INSPECTOR; AND ALL APPLICABLE BONDS REQUIRED PRIOR TO ACCEPTANCE OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

- A WRITTEN BI-WEEKLY REPORT SHALL BE SUBMITTED TO THE DEVELOPMENT DIVISION FROM THE COMMENCEMENT TO THE COMPLETION OF GRADING AND CONSTRUCTION. THIS REPORT SHALL BE THE RESPONSIBILITY OF THE OWNER OR DEVELOPER AND SHALL BE PREPARED BY THE FOLLOWING REGISTERED ENGINEER: CMT, INC.  
 1981 CHEATHAM WOODS DR.  
 MARIETTA, GA. 30060  
 (770) 426-7028
- THIS PROJECT TO BE SERVED BY PUBLIC GRAVITY SEWER. ALL SEWERS MUST BE GRAVITY FED UNLESS SPECIFICALLY APPROVED BY FULTON COUNTY AND SO NOTED ON THE PLANS.
- SURVEY BY: CMT, INC. DATED: 1/12/97  
 BENCHMARK ELEVATION: 1021.68  
 BENCHMARK DESCRIPTION: S.E. PROPERTY CORNER, TOP OPEN TOP PIPE
- WATER SERVICE TO BE PROVIDED BY CITY OF ATLANTA
- THE SITE IS NOT LOCATED IN A FLOOD PLAIN PER FULTON COUNTY COMMUNITY F.I.R.M. PANEL NUMBER
- PRIOR TO THE ACCEPTANCE AND APPROVAL OF ANY ASPHALTIC CONCRETE BINDER AND/OR TOPPING WHICH IS INSTALLED FOR THE PURPOSE OF FULTON COUNTY MAINTENANCE, A REPRESENTATIVE OF THIS DEPARTMENT MAY REQUIRE ONE OR ALL OF THE FOLLOWING TESTS: 1) CORING 2) EXTRACTION AND 3) COMPACTION. THE FREQUENCY AND LOCATION OF THESE TESTS WILL BE LEFT TO THE DISCRETION OF THE INSPECTOR.
- ALL EROSION AND SEDIMENTATION CONTROLS, AND TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING.
- SIGNING AND STRIPING TO BE PROVIDED BY THE DEVELOPER ACCORDING TO FULTON COUNTY SPECIFICATIONS.
- ZONING: Z96-131  
 V97-040

**SITE PLAN**  
 6801 CARPENTER DRIVE  
 LAND LOT 90 DISTRICT 17  
 FULTON COUNTY, GEORGIA

**CARNEGIE JEWELRY**  
 250 SPRING STREET  
 SUITE 6W124B  
 ATLANTA, GEORGIA  
 TEL: (404) 659-5790

PROJECT NO.	DATE	DESCRIPTION
DESIGNED BY		
DRAWN BY		
CHECKED BY		
REVIEWED BY		
DATE	7/19/97	
SCALE	AS SHOWN	

**CMT, INC.**  
 1981 Cheatham Woods Dr  
 Marietta, Ga 30060  
 (770) 426-7028

DRAWING NO. **2**



OWNER AGREES 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 15,447 GROSS SQUARE FEET PER ACRE ZONED OR A TOTAL OF 3800 SQUARE FEET, WHICHEVER IS LESS, BUT EXCLUDING RESTAURANT, SERVICE STATION, COMMERCIAL AMUSEMENTS AND BILLBOARDS.  
 OWNER AGREES TO ALLOW AT LEAST 12 PARKING SPACES (96VC-208 NFC, PART1) AND TO DELETE THE LANDSCAPE STRIP ALONG THE NORTH PROPERTY LINE (96VC-208 NFC, PART2).  
 OWNER'S AGREEMENT TO ABIDE BY THE FOLLOWING REQUIREMENTS, DEDICATION AND IMPROVEMENTS:  
 55' FEET FROM CENTERLINE OF ROSWELL ROAD (SR 0) AS REQUIRED BY THE GA. DEPARTMENT OF TRANSPORTATION  
 30' FEET FROM CENTER LINE OF CARPENTER DRIVE

THE BENCHMARK FOR THIS PROJECT: AE F451  
 LATITUDE: 33°56'3"N  
 LONGITUDE: 084°21'0"W  
 ELEVATION: 299.2 METERS  
 NORTING: 1983.208-022  
 EASTING: 2334263.495  
 ELEV: 948.949  
 TO REACH MARK (SUNDBY DISK) FROM INTERSECTION OF ROSWELL RD. & EAST ON WILKINSON RD. FOR 0.2 MI TO THE MARK IN SOUTH EAST QUADRANT OF INTERSECTION OF ROSWELL RD. AND WILKINSON DR. MARK IS ENCASED IN PROTECTIVE BOX WITH ACCESS COVER FLUSH.

**RECEIVED**  
 SEP 04 2014  
 City of Sandy Springs  
 GRAPHIC COMMUNITY DEVELOPMENT



**RECEIVED**

SEP 04 2014

City of Sandy Springs  
Community Development



**5801 Roswell Rd,  
2100 sq-ft Addition**

ALT. # 2 WEST ELEV. 1/4" = 1'-0" (A2-1)

APPROPRIATENESS OF APPLICATION

AND

CONSTITUTIONAL ASSERTIONS

**RECEIVED**

OCT. 02 2014

City of Sandy Springs  
Community Development

The refusal to approve the Re-Zoning requested will result in a taking of the Applicant's valuable property rights in violation of the just compensation clause of the Constitution of Georgia 1983, Article 1, Section 3, Paragraph 1 and the just compensation clause of the Fifth Amendment to the United States Constitution. Further, such refusal to approve the requested Re-Zoning discriminates in an arbitrary, unreasonable, capricious and unconstitutional manner between the Applicant and owners of similarly situated property in violation of Article 1, Section 1, Paragraph 2 of the Constitution of the State of Georgia and in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Additionally, such refusal to approve the requested Re-Zoning would constitute a gross abuse of discretion and would constitute a violation of the Applicant's rights to substantive and procedural due process as guaranteed by the Constitution of the State of Georgia 1983, Article 1, Section 1, Paragraph 1 as well as the Fifth and Fourteenth Amendments to the United States Constitution.

Any approval of this Re-Zoning request subject to conditions which are different from the conditions requested by the Applicant, to the extent such different

conditions would have the effect of further restricting the Applicant's utilization of the subject property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above. The refusal to approve this requested Re-Zoning would result in a real, substantial and significantly detrimental hardship to be borne by the Applicant without any corresponding public benefit or legitimate connection to public health, safety, morals and general welfare. The community at large will not be affected by the approval of the requested Re-Zoning.



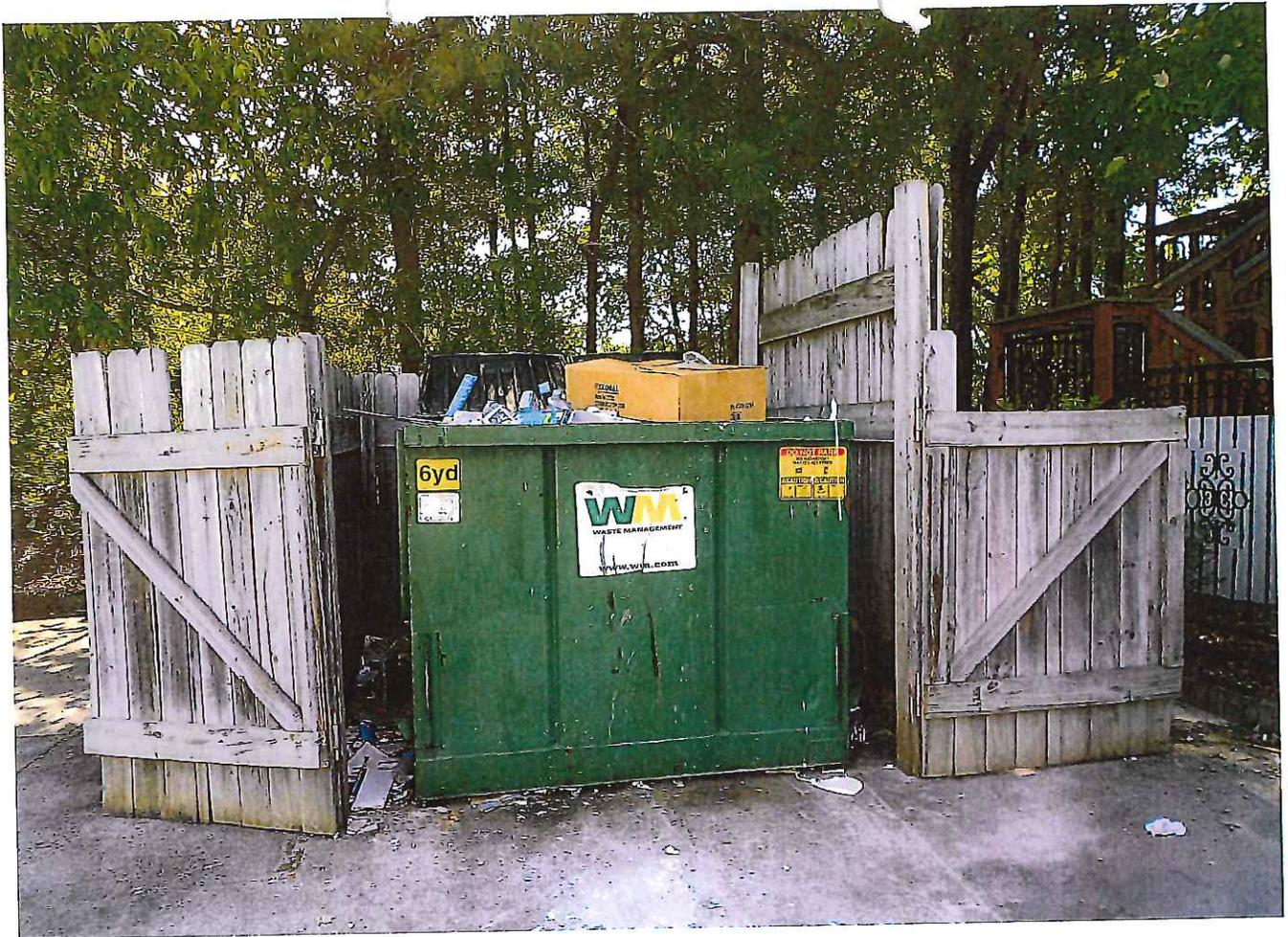


RECEIVED

SEP 04 2014

City of...







Kasim Reed  
MAYOR

## CITY OF ATLANTA

55 TRINITY AVENUE SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-3544  
OFFICE 404-330-6081  
FAX 404-658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
Jo Ann J. Macrina, P.E.  
Commissioner

June 11, 2014

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

**Subject: Water Availability at # 5801 Roswell Road, Sandy Springs, Georgia**

Dear Linda

Our records indicate that there is an existing 12 inch water main along the west side of Roswell Road. This water main is located between 10 feet and 15 feet inside the street. There is also an existing 8 inch water main along the north side of Carpenter Drive behind the curb. This water main is 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 me at 404-548-3268

Sincerely,

Michael Nduka  
Bureau of Engineering  
City of Atlanta

## 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 5,900 square feet  
= 590 gallons per day

This project is within the City of Atlanta water jurisdiction.

#### **SEWER:**

Basin: Long Island Creek  
Treatment Plant: R.L. Sutton (Cobb County)  
Anticipated sewer demand: 531 gallons per day

There is a wastewater manhole southwest of the southwest property corner of the 0.246 acre tract (5801 Roswell Road) (Sewer manhole # SMLI0404680) located in Land Lot 90, District 17 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.



Treatment Plant  
 ★ Re-Use  
 ★ Waste Water  
 ★ Water

Waste Water System

Private Manhole

Pump Station

Manhole

Accessible

Not Assessed

Problem

Lead Pipe

Force Main

Creek Crossing

Waste Water Pipe Flow

UNK

4" - 6"

8"

10"

12" - 16"

18" - 24"

30" - 36"

Greater than 48"

Waste Water Pipe

UNK

4" - 6"

8"

10"

12" - 16"

18" - 24"

30" - 48"

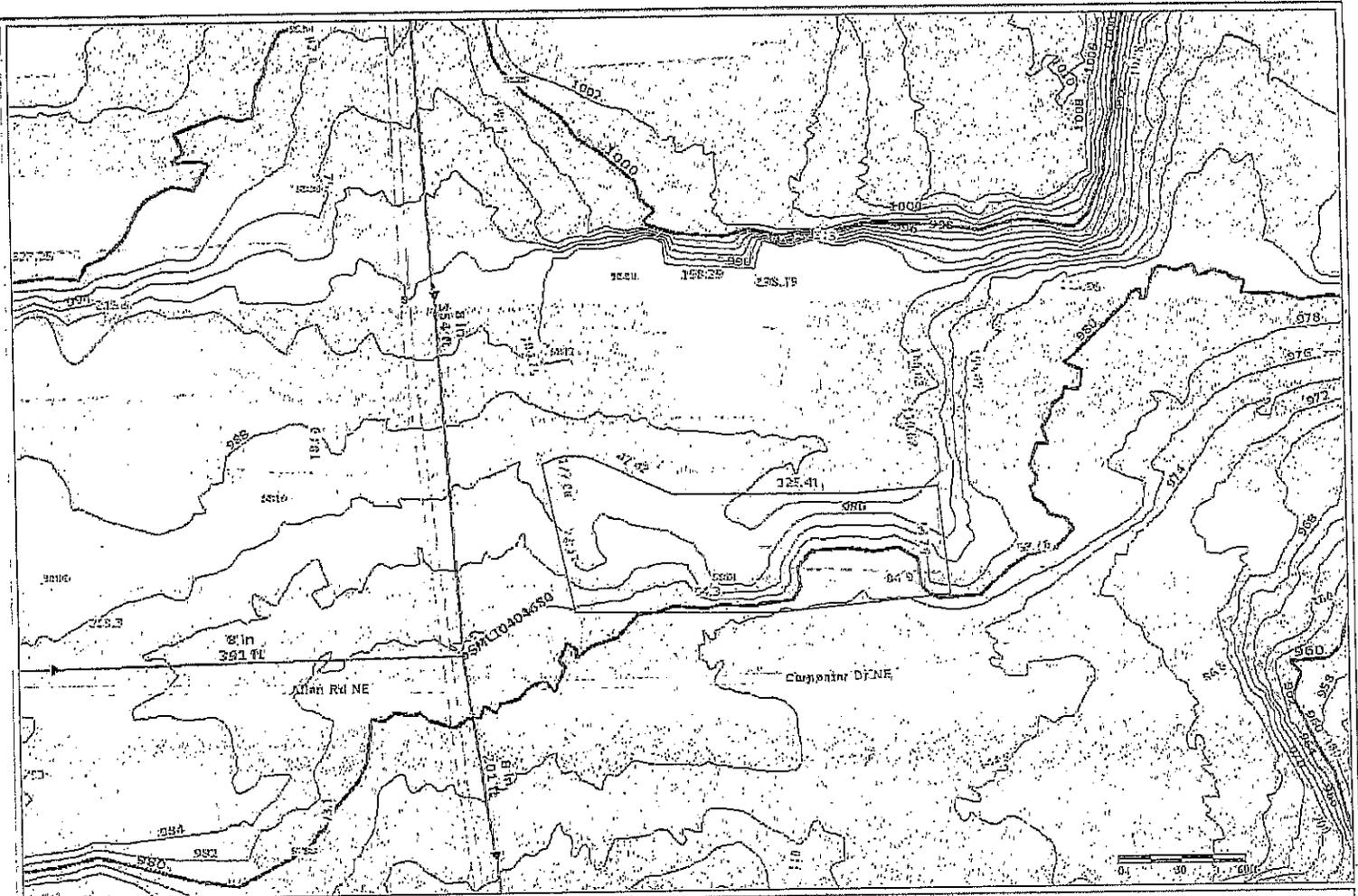
Greater than 48"

Topography

20' Contour

100' Contour

Parcel Dimensions



5801 Roswell Road  
 Fulton County, Georgia  
 6-13-2014

Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility for losses resulting from the use of these data, even if Fulton County is advised of the possibility of such losses.

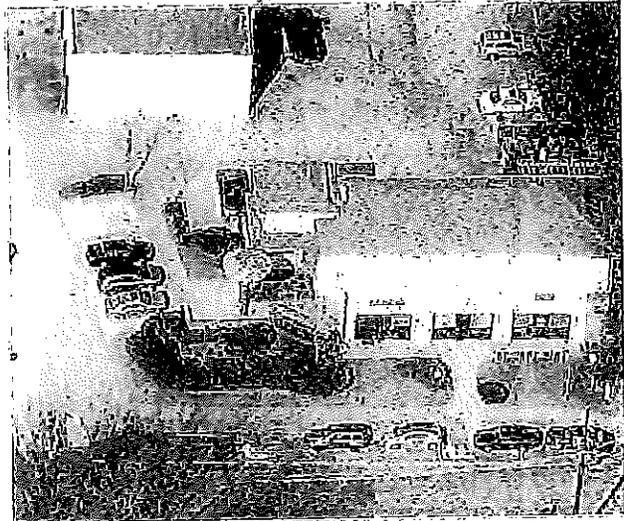


Property Profile for **5801 ROSWELL RD**

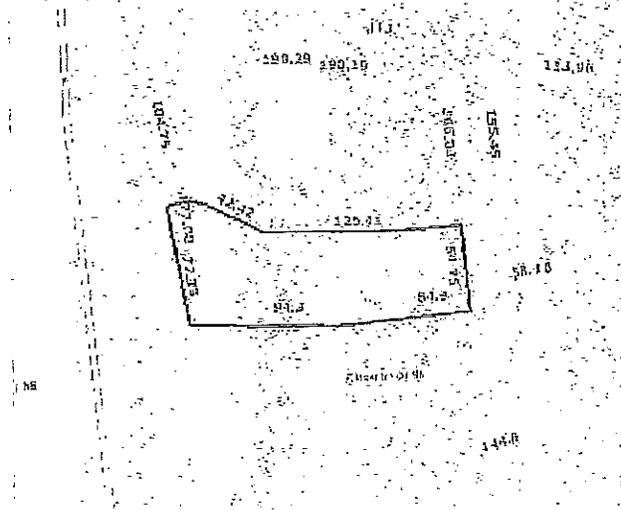
Property Tax Information

Tax Year	2014
Parcel ID	17 009000021001
Property Address	5801 ROSWELL RD
Owner	ZAHEDI INC
Mailing Address	5801 ROSWELL RD SANDY SPRINGS GA 30328
Total Appraisal	\$669,800
Improvement Appraisal	\$92,500
Land Appraisal	\$577,300
Assessment	\$267,920
Tax District	59
Land Area	0.246005 ac
Property Class	Commercial Lots
Land Use Class	Retail - Multiple Occupancy
TAD	
CID	
<b>Zoning</b>	
Zoning Class	not available
Overlay District	
2030 Future Development	not available
<b>Political</b>	
Municipality	Sandy Springs
Commission District	4
Commission Person	Tom Lowe
Council District	not available
Council Person	not available
Voting Precinct	SS07C
Poll Location	Hammond Park Gym, 705 Hammond Drive Ne
<b>Congressional District</b>	
State Senate District	006
State House District	080
<b>School Zones</b>	
Elementary School	Lake Forest
Middle School	Ridgeview
High School	Riverwood
<b>Other Information</b>	
Zip Code	30328
Census Tract	101.10
In Less Developed Census Tract	No

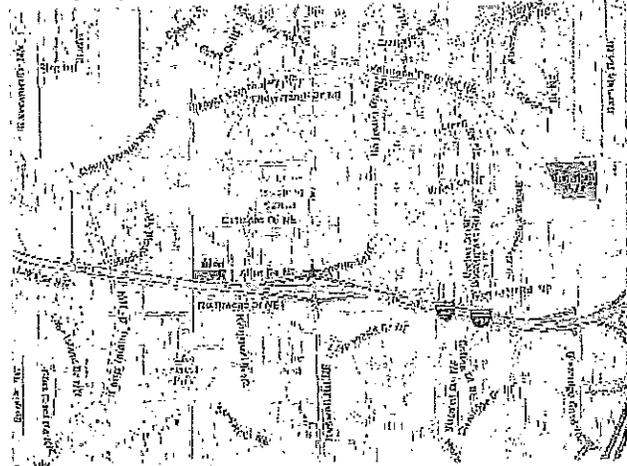
Oblique Aerial View (looking north)



Property Map



Vicinity Map





## 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:** June 9, 2014

**SUBJECT:** Zoning Comments for June 2014

AGENDA ITEM	ZONING COMMENTS
201401601	<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 will be considered available to this residential development if it is within 1,000 feet of the nearest property line, such distance 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>
201401611	<p>The Fulton County Department of Health and Wellness recommends that the sanitary facilities are inspected, an adequate number of facilities are available for the proposed use in the addition, and that the building is connected to public water and public sanitary sewer, if not already connected.</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>
201401628	<p>The Fulton County Department of Health and Wellness requires that a 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>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>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
201401682	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed townhome 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 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>