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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** July 10, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** **201401164** - 8730 Roswell Road, *Applicant: Centric Development, LLC*, to rezone the subject property from AG-1 (Agricultural District) conditional and O-I (Office and Institutional District) conditional to A-L (Apartment Limited District) to allow for a 99-unit residential building, with concurrent variances

**MEETING DATE:** For Submission onto the July 15, 2014, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
Rezoning Petition

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**APPROVAL BY CITY MANAGER:**   JFM   APPROVED

**PLACED ON AGENDA FOR:**   7/15/2014  

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES      (  ) NO

**CITY ATTORNEY APPROVAL:**   SMJ  

**REMARKS:**



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: July 2, 2014 for submission onto the July 15, 2014 City Council meeting

Agenda Item: **201301164 8730 Roswell Road (SR9)** a request to rezone the subject property from AG-1 (Agricultural District) and O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District) to allow 73,150 Assisted Living Facility, with concurrent variances.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**APPROVAL CONDITIONAL** of a request to rezone the subject property from AG-1 (Agricultural District) and O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District) to allow 73,150 Assisted Living Facility, with concurrent variances.

**Discussion:**

To rezone the subject properties from AG-1 (Agricultural District) and O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District) to allow 73,150 Assisted Living Facility.

Additionally, the applicant is requesting six (6) concurrent variances from the Zoning Ordinance and one (1) from Stream Buffer Protection Ordinance as follows:

1. Variance from 4.23.1 to reduce the required forty (40) foot front landscape strip to five (5) feet to allow the encroachment of the building and retaining wall.
2. Variance from 4.23.1 to reduce the required twenty (25) foot buffer and ten (10) foot improvement setback to zero (0) to allow a driveway and retaining wall.
3. Variance from 7.4.2.B to reduce the forty (40) foot front setback to ten (10) feet to allow the encroachment of the building.
4. Variance from 7.4.2.C to reduce the twenty (20) foot side setback to ten (10) feet to allow the encroachment of the building.
5. Variance from 18.2.1 to reduce the required parking from 124 spaces to 51 spaces.
6. Variance from 33.22.C. to reduce the sign setback from ten (10) feet to zero (0).
7. Variance from Section 109-225 (a) and (b) to reduce the 75 foot stream buffer to allow the second stream crossing as shown on site plan.

**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	8730 Roswell Road (SR9) Land Lot 368, District 6
<b>Council District</b>	4 (Ken Dishman)
<b>Frontage</b>	450' of frontage along the west side of Roswell Road.
<b>Area</b>	3.319Acres
<b>Existing Zoning and Use</b>	AG-1 (Agricultural District) and O-I (Office and Institutional District) under Fulton County zoning case Z01-0039 currently developed with office buildings.
<b>Overlay District</b>	Suburban Overlay District
<b>2027 Comprehensive Future Land Use Map Designation</b>	LWC (Live Work Community)

Proposed Zoning A-L (Apartment Limited Dwelling District)

**APPLICANT/PETITIONER INFORMATION**

<b>Property Owner</b> Joseph & Margaret Silman	<b>Petitioner</b> Centric Development, LLC	<b>Representative</b> Nathan V. Hendricks
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<b>Community Zoning Information Meeting</b> April 22, 2014	<b>Community Developer Resolution Meeting</b> May 29, 2014	<b>Planning Commission Hearing</b> June 19, 2014	<b>Mayor and City Council Hearing</b> July 15, 2014
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**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

201401164- APPROVAL CONDITIONAL  
201401164 Variances 1-8- APPROVAL CONDITIONAL

**PLANNING COMMISSION RECOMMENDATION- June 19, 2014**

The petition was heard at the June 19, 2014 Planning Commission meeting. Nickles moved to recommend approval seconded by Frostbaum. The Commission recommended approval (6-0, Maziar, Porter, Frostbaum, Tart, Nickles and Squire for; and Duncan not voting), with staff's conditions. The applicant shall set up a meeting with Huntcliff, The Forrest and the Watershed Alliance.

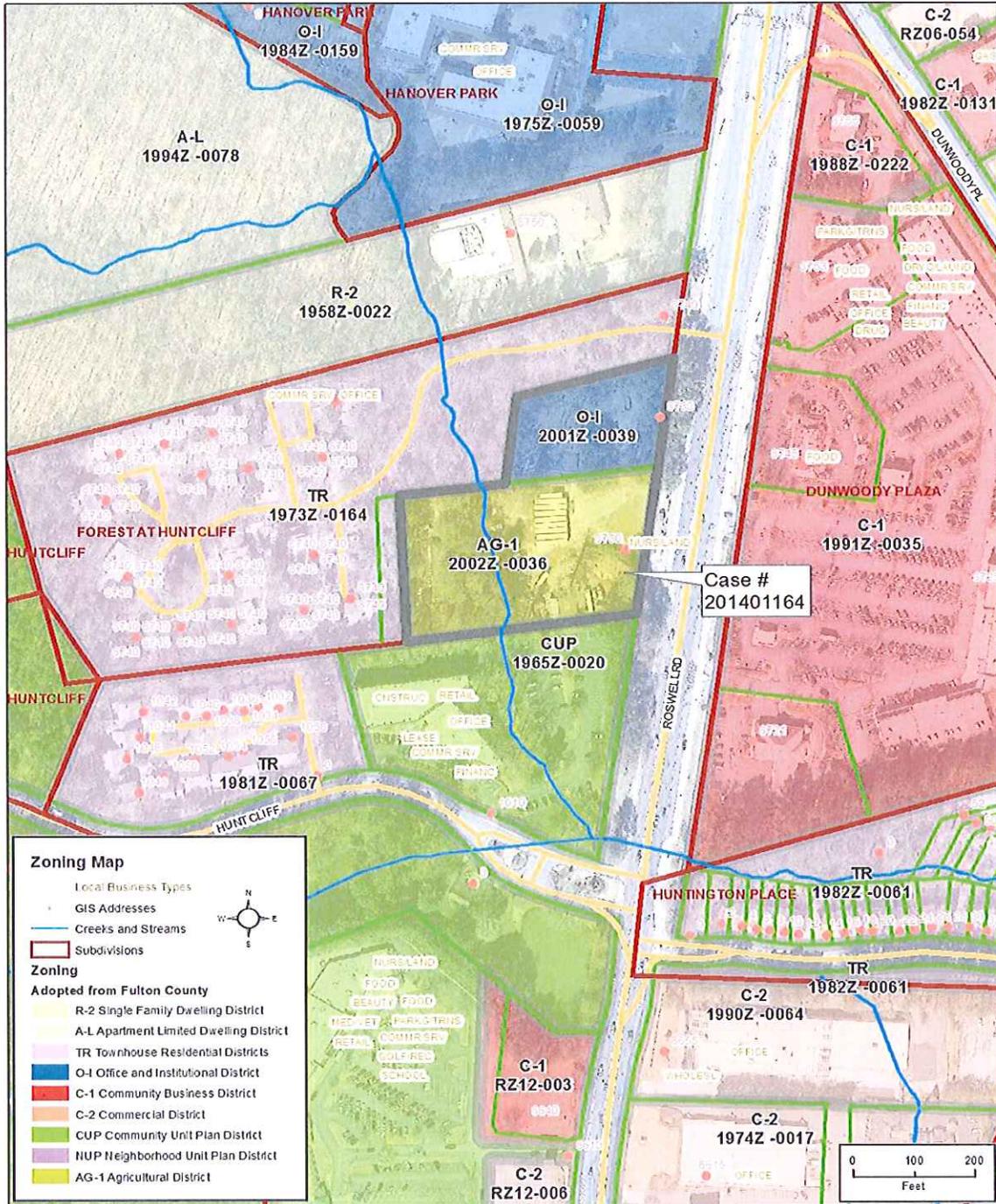
**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES**

SUBJECT PETITION 201401164	Requested Zoning	Proposed Use	Land Area (Acres)	Square feet/Units	Density (Units per Acre)
	A-L	Assisted Living	3.319	73,150	22,039.77 sf/ac

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	TR Z73-0164	The Forest at Huntcliff 8740 Roswell Road	9.85	65 units	6.5 units/acre
East	C-1 Z91-0035	Dunwoody Place 8725 Roswell Road	15.06	145,392 sf	9,350 sf/ac
South	CUP Z65-0020	1010 Huntcliff Trace	3.41	34,370 sf	3,068.75 sf/ac
West	TR Z81-0067	1030 Huntcliff Trace Townhouse Subdivision	2.5	15 units	6 units/ac

Zoning Map

8730 Roswell Road (SR9)



**Zoning Map**

- Local Business Types
- GIS Addresses
- Creeks and Streams
- Subdivisions

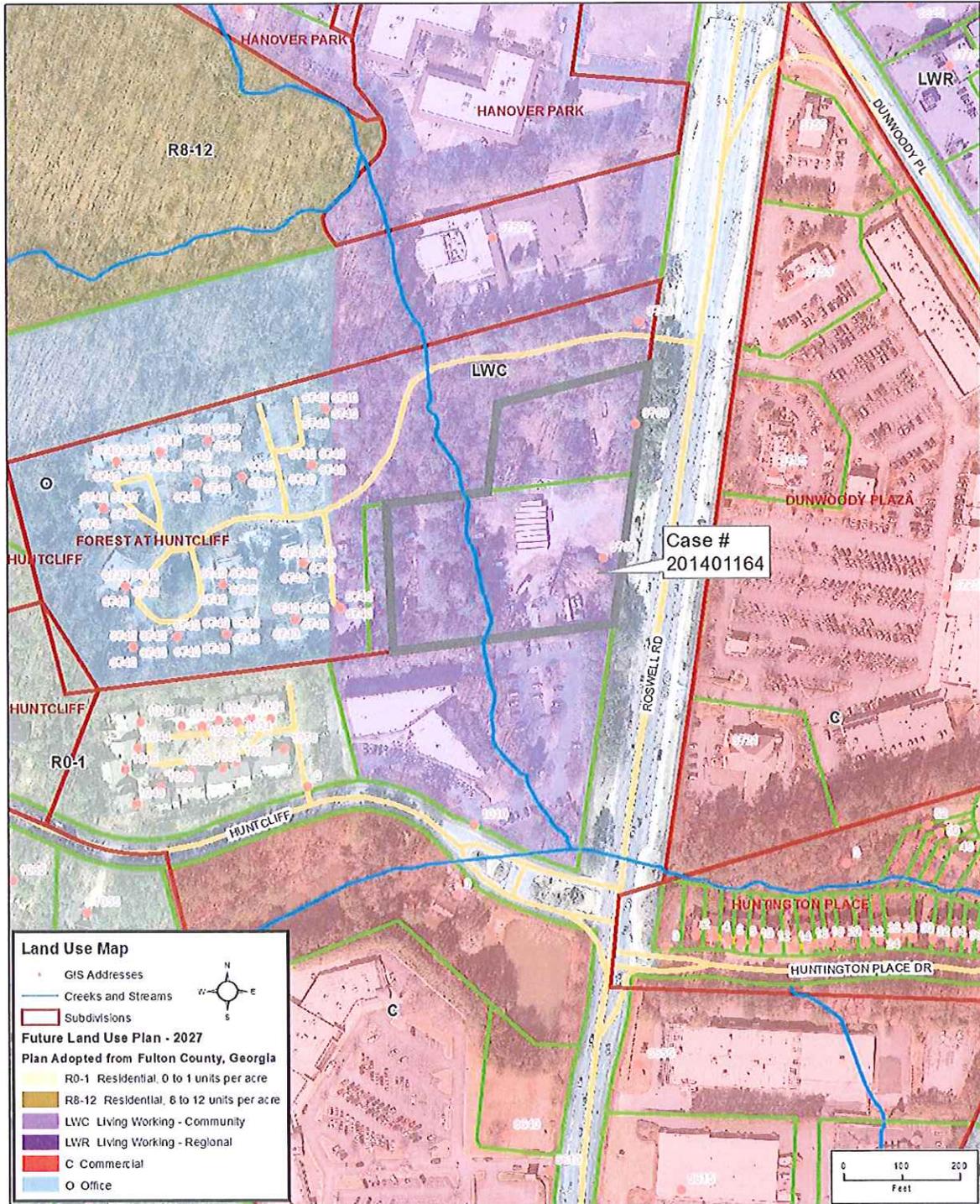
**Zoning**

Adopted from Fulton County

- R-2 Single Family Dwelling District
- A-L Apartment Limited Dwelling District
- TR Townhouse Residential Districts
- O-I Office and Institutional District
- C-1 Community Business District
- C-2 Commercial District
- CUP Community Unit Plan District
- NUP Neighborhood Unit Plan District
- AG-1 Agricultural District

### Future Land Use Map

8730 Roswell Road (SR9)



Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting July 15, 2014

<b>ZONING IMPACT ANALYSIS</b>
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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 east; TR (Townhouse Residential District) to the north and west; CUP (Community Unit Plan) to the South. The applicant is proposing to construct an assisted living facility.

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 use of an assisted living facility is consistent with uses in the area. The location is adjacent to a commercial property to allow easy access to retail needs and there are other senior facilities to the south of the property. The proposed use will not create a traffic impact to the area.

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 residents in the assisted living facility will have no impact on the school system and the use will not create a traffic impact on the area. Additionally, 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 22,039.77 square feet per acre. The assisted living facility will have approximately 136 beds. The proposed request is in harmony with the Comprehensive Plan policies on densities, but is consistent with surrounding developments.

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 applicant is proposing to reestablish the fifty (50) foot undisturbed buffer and the twenty-five (25) foot impervious setback. The site currently encroaches into the twenty-five (25) foot buffer. 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 seven (7) 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 forty (40) foot front landscape strip to five (5) feet to allow the encroachment of the building and retaining wall.

**Findings:**

*Staff is of the opinion that the reduction of the required forty (40) foot front landscape strip to five (5) feet to allow the encroachment of the building and retaining wall is in harmony with the intent of the Zoning Ordinance and would not cause a detriment to the public. The applicant is proposing to install retaining wall along the Roswell Road frontage of the property. The site has a change in topography from Roswell Road to the stream. Pulling the building closer to the road will also keep all impervious surfaces out of the stream buffer. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

2. Variance from 4.23.1 to reduce the required twenty (25) foot buffer and ten (10) foot improvement setback to zero (0) to allow a driveway, retaining wall and parking.

**Findings:**

*Staff is of the opinion that the reduction of the twenty-five (25) foot buffer and 10 foot improvement setback long the south property line is in harmony with the intent of the Zoning Ordinance and would not cause a detriment to the public. The encroachment is to allow a retaining wall, entrance driveway and the*

*parking in the rear. The encroachment is only for a portion of the site adjacent to the CUP (Community Unit Plan District) property. The property is developed with an office building. An office building typically would have a ten (10) foot landscape strip when adjacent to A-L (Apartment Limited Dwelling District) property, but because this office use was permitted under the CUP (Community Unit Plan District) it requires the residential buffer. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

3. Variance from 7.4.2.B to reduce the forty (40) foot front setback to ten (10) feet to allow the encroachment of the building.

**Findings:**

*Staff is of the opinion that the reduction in the forty (40) foot front setback is in harmony with the intent of the Zoning Ordinance and would not cause a detriment to the public. The applicant is proposing to install retaining wall along the Roswell Road frontage of the property to offset the sites topography. The site has a change in topography from Roswell Road to the stream. Pulling the building closer to the road will also keep all impervious surfaces out of the stream buffer. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

4. Variance from 7.4.2.C to reduce the twenty (20) foot side setback to ten (10) feet to allow the encroachment of the building on the north and west property line.

**Findings:**

*Staff is of the opinion that the reduction in the twenty (20) foot side setback to ten (10) feet to allow the encroachment of the building on the north and west property line is in harmony with the intent of the Zoning Ordinance and would not cause a detriment to the public. The proposed encroachment is adjacent to the entrance drive for the townhome community to the north and west of the property. The area is screened by the existing seventy-five (75) foot stream buffer. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

5. Variance from section 18.2.1 to reduce the required parking from 124 spaces to 51 spaces.

**Findings:**

*Staff is of the opinion that the request to reduce the required parking from 124 spaces to 51 spaces is in harmony with the intent of the Zoning Ordinance. Typically, the patrons of the assisted living facility do not drive. The parking will be used by staff and visitors only. The number of employees for any shift would be 7-15. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

6. 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 property slopes twenty-two (22) feet from the Roswell Road to the building entrance. The topography does make it impossible to comply with the ordinance. Additionally, the existing DOT right-of-way is approximately fifty (50) feet from the back of curb. Therefore, based on this reason the staff is of the opinion this standard has 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 impact visibility of the sign from the adjoining DOT right-of-way. The property slopes twenty-two (22) feet from the Roswell Road to the building entrance. The topography does make it impossible to comply with the ordinance. Additionally, the existing right-of-way is approximately fifty (50) feet from the back of curb. Therefore, based on this reason the staff is of the opinion this standard has been satisfied.*

7. Variance from Section 109-225 a. 1 &2 to reduce the stream buffer as noted on the site plan.

**Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:**

Sec. 109-225. Land development requirements.

(b) Variance procedures. Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

**Finding:**

*The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffer covers approximately 50% of the property with a stream running south to north along the center of the property. Based on these reasons, staff is of the opinion this condition has been satisfied.*

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

**Finding:**

*Staff notes the stream buffer covers approximately 50% of the buildable area of the lot. An extreme hardship is presented when strict adherence to the minimal buffer requirement is followed. The applicant is proposing to allow the two (2) existing stream crossing to remain and reestablish the fifty (50) foot*

*buffer and the ten (10) foot impervious setback. Based on these reasons, staff is of the opinion this condition has been satisfied.*

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

Finding:

*The property is trapezoidal in shape. The parcel slopes from Roswell Road (east) to the stream in the center if the property then rises again on the other side of the creek. There is a change in topography of twenty-six (26) feet. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its topography.*

b. The locations of all streams on the property, including along property boundaries;

Finding:

*All streams on the property have been identified on the site plan. The stream buffer covers approximately 50% of the property with a stream running south to north through the center of the property.*

c. The location and extent of the proposed buffer or setback intrusion;

Findings:

*All buffer and setback intrusions have been identified on the site plan. The applicant is proposing to allow the existing two (2) side by side stream crossings to remain.*

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Findings:

*Alternative designs have been discussed with the staff regarding the existing crossings. Allowing the existing crossings to remain would be less intrusion in the stream. Therefore, staff is of the opinion this condition has been satisfied.*

e. The long-term and construction water quality impacts of the proposed variance;

Findings:

*The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.*

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

*Staff is of the opinion that issuance of the variance is more protective of the natural resources and environment as the existing site condition. The property currently has encroachments in the twenty-five (25) foot state buffer. The proposal will reestablish the seventy-five (75) foot stream buffer.*

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on May 7, 2014 at which the following departments had comments. The staff has received additional comments from Fulton County Department of Water Resources (see attachments).

<b>Transportation Planner</b>	<p>Roswell Road is Georgia State Route 9, is classified a Principal Arterial, and has a posted speed limit of 45 mph. Roswell Road is included in the Suburban Overlay District. The average daily traffic is 32,160 vehicles per day (2007).</p> <p>For the Land Disturbance Permit, site shall meet requirements of Articles 11 and 12 of the Development Ordinance as well as Georgia DOT Access Management requirements. Based on review of the zoning site plan, please note the following:</p> <ul style="list-style-type: none"> <li>• Driveway location shall meet requirements of Section 103-77 for sight distance and Section 103-73 for uninterrupted ingress/egress.</li> <li>• The minimum driveway spacing for 45 mph street is 300 feet.</li> <li>• The right-of-way shall meet the requirements of Section 103-75 which requires a dedication of right-of-way of 55 feet from centerline, 11 feet from back of curb, or one foot from back of sidewalk, whichever is greater along the entire property frontage.</li> <li>• Auxiliary lanes are warranted (per Sandy Springs ordinance) based on the average daily traffic of Roswell Road.</li> <li>• All wall footings and structural elements of the wall shall be outside of the right-of-way.</li> <li>• ADA-compliant paths shall be provided from the sidewalk network to site arrival point(s).</li> </ul>
<b>Fire</b>	<p>Refer to 120-3-3 Modifications to IFC “<b>503.1.1 Buildings and facilities.</b> Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction as determined by the local Fire Chief and/or Fire Code Official of the responding fire department or agency. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45.7 m) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.”</p> <p>“<b>Exception:</b> The local Fire Chief and/or Fire Code Official of the responding fire department or agency is authorized to increase the dimension of 150 feet (45.7 m) where:</p> <p>“1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.</p> <p>“2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is</p>

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting July 15, 2014

	provided. 3. There are not more than two Group R-3 or Group U occupancies.”
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## **PUBLIC INVOLVEMENT**

### *Public Comments*

- Not enough parking
- Oil and gas runoff
- Do more than putting parking run off into detention
- Stream protection
- Deceleration lane on Roswell Road

## **CONCLUSION TO FINDINGS**

It is the opinion of staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies. The Plan notes that the designation of areas in the Living Working Category was done to encourage redevelopment. The proposed density is within the ranges suggested by the Future Land Use Map. It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the rezoning petition and concurrent variances.

<b>STAFF RECOMMENDED CONDITIONS</b>
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Should the Mayor and City Council decide to rezone the subject property from AG-1 (Agricultural District) and O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling 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. Assisted living facility and accessory uses at a density of 22,039.77 square feet per acre, 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 April 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 forty (40) foot front landscape strip to five (5) feet to allow the encroachment of the building and retaining wall. (CV2014001164 #1)
  - b. To reduce the required twenty (25) foot buffer and ten (10) foot improvement setback to zero (0) to allow a driveway, retaining wall and parking. (CV 201401164 #2)
  - c. To reduce the forty (40) foot front setback to ten (10) feet to allow the encroachment of the building. (CV201401164 #3)
  - d. To reduce the twenty (20) foot side setback to ten (10) feet to allow the encroachment of the building. (CV201401164 #4)
  - e. To reduce the required parking from 124 spaces to 51 spaces. (CV201401164 #5)
  - f. To reduce the sign setback from ten (10) feet to zero (0). (CV201401164 #6)
  - g. To reduce the 75 foot stream buffer to allow the existing stream crossing to be maintained as shown on site plan. (CV201401164 #7)

#### **Attachments**

- Letter of Intent dated received April 1, 2014
- Site Plan dated received April 1, 2014
- Site Photographs
- Additional comments from the Fulton County Department of Water Resources, Fulton County Health Department
- Letter of concern (1)

LETTER OF INTENT

The property contains approximately 3.319 acres and is located on the westerly side of Roswell Road south of its intersection with Dunwoody Place (the "Property"). The Property is currently zoned to the AG-1 and O-1 Classifications.

The Applicant requests a rezoning of the Property to the A-L Classification for the development of an assisted living facility containing 99 units which results in a density of 29.83 units per acre. The Property is subject to the Suburban Overlay District which encourages that buildings be drawn close to the road frontage and that parking be to the rear and not in the front yard. Accordingly, to place the parking to the rear of the Property it is necessary to cross the stream that cuts through the center of the Property in a north/south direction which hardship is unique to the Property and in order to overcome this hardship the Applicant requests an eight (8) part Concurrent Variance as more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof. The approval of these Concurrent Variance requests would be in harmony with the policies and intent of the Zoning Ordinance and would not cause any harm to the welfare of the general public. The Property is designated under the Live/Work Community designation which suggests up to 20 units per acre for "residential" which would be applicable to active residential uses such as single family, townhome or multifamily uses. As an assisted living facility where the majority of the patrons do not drive and where there are essentially no children without any a.m./p.m. peak traffic flows, this proposal with these qualifications would be found to comply with the policies and intent of the Live/Work Community designation. Accordingly, this Application for Rezoning and Concurrent Variances is entirely appropriate and the appropriateness of this Application for Rezoning and Concurrent and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "B" attached hereto and by reference thereto made a part hereof.

Further, the Applicant requests that in the event that the Property is rezoned and receives final zoning approval and the development of the Property has not commenced or any permits have not been applied for prior to 365

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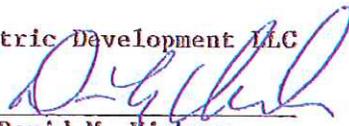
City of Sandy Springs  
Community Development

days from the time of the final zoning, the zoning classification of the Property will revert back to its original zoning and allow the business currently operating on the Property to operate within the legal zoning ordinance.

Now, therefore, the Applicant requests that this Application for Re-zoning and Concurrent Variances be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.

APPLICANT:

Centric Development LLC

By:   
David M. Vickers  
Its: President

  
Nathan V. Hendricks III  
Attorney for the Applicant

6085 Lake Forrest Drive  
Suite 200  
Sandy Springs, Georgia 30328  
(404) 255-5161

Exhibit "A"

1. Pursuant to Article 4.23.1, reduce the 40' front landscape strip as shown on the Site Plan and reduce the interior landscape strip to 10' as shown on the Site Plan.
2. Pursuant to Article 4.23.1 reduce the 25' buffer and 10' improvement setback as shown on the Site Plan.
3. Pursuant to Article 7.4.2.B, reduce the 40' front setback as shown on the Site Plan.
4. Pursuant to Article 7.4.2.C, reduce the 20' side setback as shown on the Site Plan.
5. Pursuant to Article 109-225(a) and (b) reduce the 75' stream buffer to allow encroachment for streambank restoration as shown on the Site Plan.
6. Pursuant to Article 4.11.F, reduce the front retaining wall setback along Roswell Road from 3' to 0'.
7. Pursuant to Article 18.21, reduce the required number of parking spaces to 49.
8. Pursuant to Article 33.22.C, reduce the sign setback from 10' to 0'.





















## 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:** May 6, 2014

**SUBJECT:** Zoning Comments for May 2014

AGENDA ITEM	ZONING COMMENTS
201300687	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed mixed-use 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>If this proposed development includes a public swimming pool as defined in the 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 for review and approval by this department and must obtain a Department of Health and Wellness permit to construct 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>Since this proposed development includes a tourist accommodation, as defined in the Department of Human Resources rules and regulations for tourist accommodations as adopted by Fulton County as the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XIII – Tourist Accommodations, is proposed, the owner or contractor must submit plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a tourist accommodation 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>
201401133	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed apartment 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>If this proposed development includes a public swimming pool as defined in the 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 for review and approval by this department and must obtain a Department of Health and Wellness permit to construct 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>

AGENDA ITEM	ZONING COMMENTS
201401164	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed assisted living 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>If there are existing structures that will be demolished, this department is requiring that those structures 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>
201401170	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed condominium 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>If this proposed development includes a public swimming pool as defined in the 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 for review and approval by this department and must obtain a Department of Health and Wellness permit to construct 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>
201401173	<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>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>The Fulton County Department of Health and Wellness recommends this facility meet all permit requirements for child care learning centers under Bright from the Start: Georgia Department of Early Care and Learning.</p> <p>If there are existing structures that will be demolished, this department is requiring that those structures 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
201401257	<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>Since this site is served by public water and public sanitary sewer and adequate facilities are required, the Department of Health and Wellness recommends that the appropriate jurisdiction conducts an inspection of the internal plumbing to assure that the facilities are appropriate for the proposed use.</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>

**Akbar, Abdul**

**From:** Abaray, Linda <LAbaray@SandySpringsga.gov>  
**Sent:** Tuesday, April 15, 2014 12:04 PM  
**To:** Abaray, Linda  
**Cc:** Allen, Colleen  
**Subject:** Sandy Springs Preliminary Zoning Agenda- April  
**Attachments:** 201300687 Letter of Intent.pdf; 201300687 Site Plan 3.5.13.pdf; 201401133 Site Plan.pdf; 201401133 LOI.pdf; 201401164 LOI & Site Plan.pdf; 201401170 LOI & Site Plan.pdf; 201401173 Letter of Intent & Site Plan.pdf; 201401257 LOI & Site Plan.pdf

All:  
 Please be advised, the material details the zoning petitions received on or before the April 2, 2014 submittal deadline. We are writing to solicit your comments with regard to these applications. Please forward a response in writing detailing your comments, or lack thereof to the attention of the Linda Abaray. Correspondence may be sent to the following address:

City of Sandy Springs  
 Department of Community Development  
 Planning and Zoning Division  
 7840 Roswell Road, Building 500  
 Sandy Springs, Georgia 30350  
[labaray@sandyspringsga.gov](mailto:labaray@sandyspringsga.gov)

Agenda Item	Council District	Meeting Dates
<b>Rezoning</b>		
1. <del>201300687 Abnathy Road, Mount Vernon Highway, Peachtree Dunwoody Drive Applicant: Hines Interest Limited Partnership To rezone the subject property from O-1 (Office and Institutional District) to MIX (Mixed Use District), with a use permit and concurrent variances.</del>	<del>4</del>	<del>CZM - 4/22/14 ODRM - 5/29/14 PC - 6/19/14 MCC - 7/15/14</del>
2. <del>201401133 305 Carpenter Drive Applicant: Masoud Zohedi To rezone the subject property from A-L (Apartment Limited Dwelling District) to A-L (Apartment Limited Dwelling District) to allow multi-family, with concurrent variances.</del>	<del>5</del>	<del>CZM - 4/22/14 ODRM - 5/29/14 PC - 6/19/14 MCC - 7/15/14</del>
3. <del>201401164 18730 Roswell Road Applicant: Certic Development, LLC To rezone the subject property from AG-1 (Agricultural District) and O-1 (Office and Institutional District) to A-L (Apartment Limited Dwelling District), with concurrent variances.</del>	<del>2</del>	<del>CZM - 4/22/14 ODRM - 5/29/14 PC - 6/19/14 MCC - 7/15/14</del>
4. <del>201401170 400 Carpenter Drive Applicant: Holt Resinger To rezone the subject property from C-1 (Community Business District) to A-L (Apartment Limited Dwelling District), with concurrent variances.</del>	<del>5</del>	<del>CZM - 4/22/14 ODRM - 5/29/14 PC - 6/19/14 MCC - 7/15/14</del>
5. <del>201401173 5188 &amp; 5208 Roswell Road, 141, 151, 161, 171 Mt. Paran Road Applicant: Hulsper Enterprises, Inc To rezone the subject property from O-1 (Office and Institutional District) and R-3 (Single Family Dwelling District) to MIX (Mixed Use District), with concurrent variances.</del>	<del>6</del>	<del>CZM - 4/22/14 ODRM - 5/29/14 PC - 6/19/14 MCC - 7/15/14</del>
16. <del>201401257 220 and 230 Sandy Springs Place</del>	<del>3</del>	<del>CZM - 4/22/14 ODRM - 5/29/14</del>

## 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: 125 gallons per day (gpd) per bed x 99 beds = 12,375 (gpd)  
plus 25 (gpd) per employee = 125 (gpd) = total water demand of 12,500 gallons per day (gpd)

This project is within the City of Atlanta water jurisdiction.

#### **SEWER:**

Basin: Big Creek

Treatment Plant: Big Creek

Anticipated sewer demand: 11,250 gallons per day

There are two wastewater manholes within the northern boundaries of the 2.64 acre tract (8730 Roswell Road) (sewer manholes # SMBC6900250 and # SMBC6901670) located in Land Lot 368, District 6.

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-Lift
- Waste Water
- Water

- Waste Water System
- Private Manhole
- Pump Station
- Pump Station

- Manhole
- Aerobic
- Not Aerobic
- Protein

- Lined Pipe
- Open Man

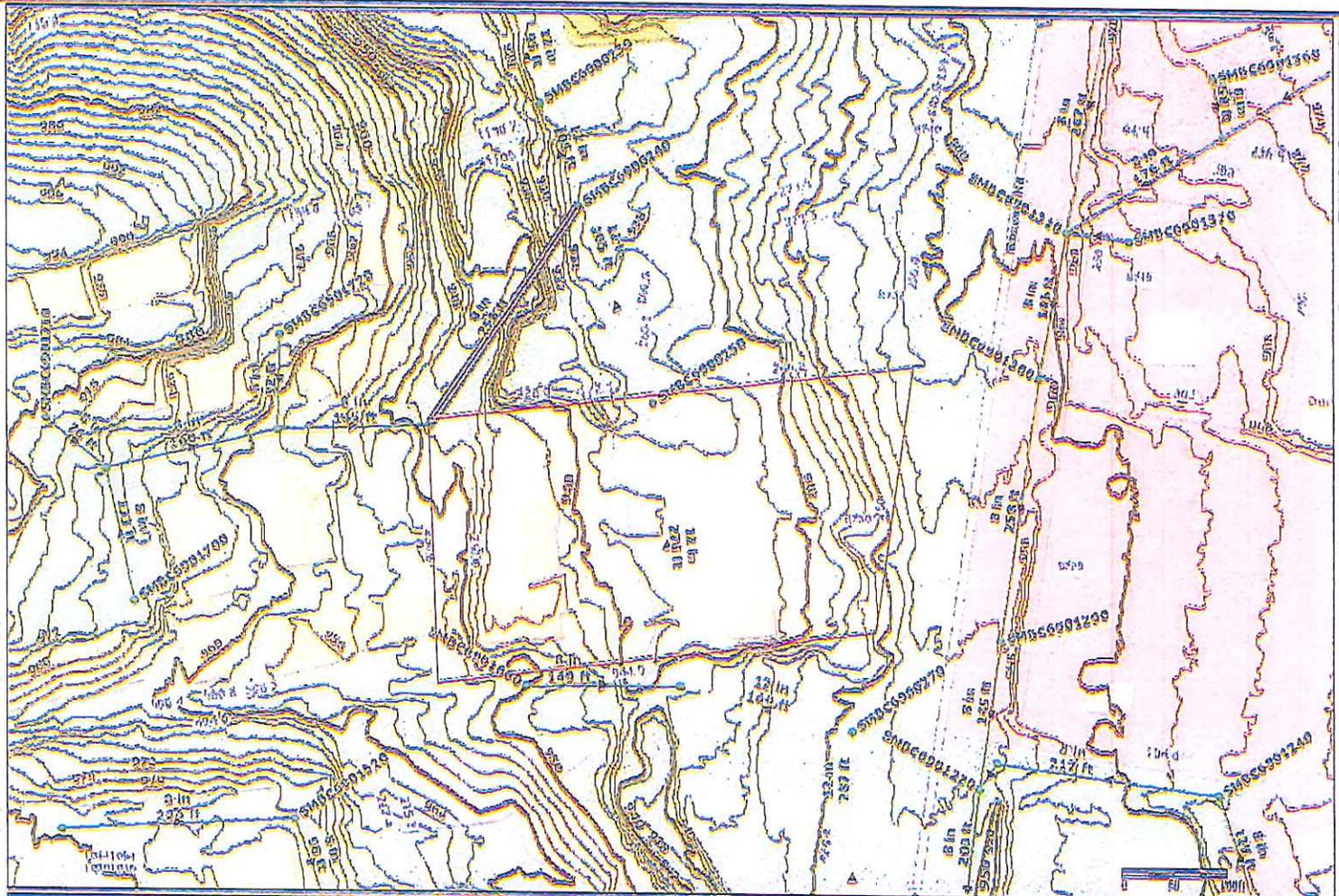
- Stream Crossing

- Waste Water Pipe Flow
- 4" x 6"
- 6"
- 8"
- 10"
- 12" x 10"
- 18" x 24"
- 30" x 48"
- Greater than 48"

- Waste Water Pipe
- 4" x 6"
- 8"
- 10"
- 12" x 10"
- 18" x 24"
- 30" x 48"
- Greater than 48"

- Topography
- 2ft Contour
- 10ft Contour

- Parcel Dimensions



8730 Roswell Road  
 Fulton County, Georgia  
 5-7-2014

Fulton County retains the data on this sheet for your reference only. The data are not guaranteed to be correct, current, or complete. The future location shown on these maps are approximate and are not necessarily intended to determine or establish boundaries. Fulton County assumes no responsibility for losses resulting from the use of this data, even if Fulton County is advised of the possibility of such losses.



Property Profile for **8730 ROSWELL RD**

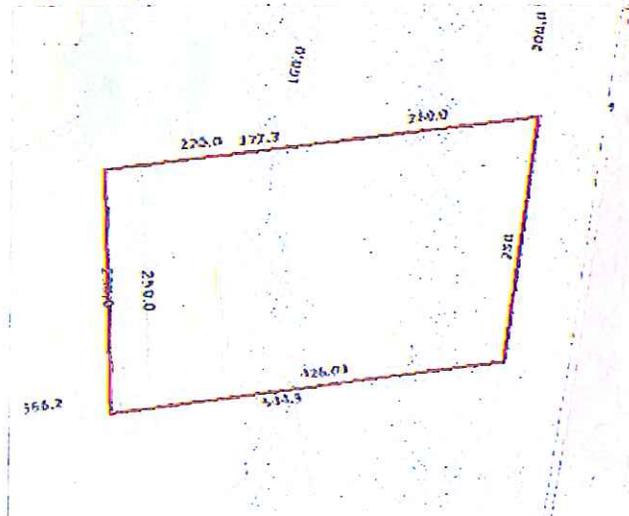
Property Tax Information

Tax Year	2014
Parcel ID	06 0368 LL0319
Property Address	8730 ROSWELL RD
Owner	SLIMAN JOSEPH & MARGARET M
Mailing Address	12250 BROADWELL RD ALPHARETTA GA 30004
Total Appraisal	\$1,248,400
Improvement Appraisal	\$190,500
Land Appraisal	\$1,057,900
Assessment	\$499,360
Tax District	59
Land Area	2.643893 ac
Property Class	Commercial Small Tracts
Land Use Class	Mixed Residential/Comm (built as res)
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

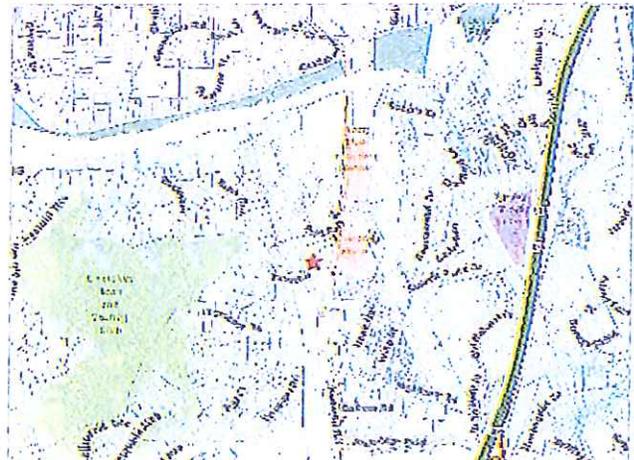
Oblique Aerial View (looking north)



Property Map



Vicinity Map



Property Profile for **8730 ROSWELL RD**

Property Tax Information

Tax Year	2014
Parcel ID	06 0368 LL0541
Property Address	8730 ROSWELL RD
Owner	SLIMAN JOSEPH & MARGARET M
Mailing Address	12250 BROADWELL RD ALPHARETTA GA 30004
Total Appraisal	\$853,200
Improvement Appraisal	\$28,700
Land Appraisal	\$824,500
Assessment	\$341,280
Tax District	59
Land Area	1.090817 ac
Property Class	Commercial Lots
Land Use Class	Mixed Residential/Comm (built as res)
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

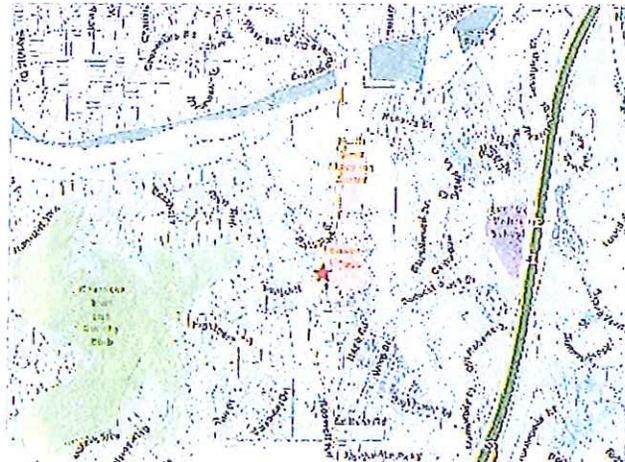
Oblique Aerial View (looking north)



Property Map



Vicinity Map



## Abaray, Linda

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**From:** Jack Gray <jgray@graygarrettlaw.com>  
**Sent:** Wednesday, May 07, 2014 2:16 PM  
**To:** Abaray, Linda  
**Subject:** RE: Zoning application

Ms. Abaray-

Thank you so much for the prompt and complete response. A rarity in government these days☺.

We have discussed this among our homeowner's association and brought it up with two more. I know this is going to sound very much not like an HOA, but we know the property is going to develop someday and think this is a compatible/least obstructive use for the area.

We have one overriding concern. The stream that flows to the Chattahoochee flows through the bottom end of our property. Over the years, we've seen it go from a trickle to a raging river after a rain storm. It has increased erosion, trees have fallen in the corridor and the like. If this goes through, we would request very careful and complete requirements and conditions in the stream area. The more concrete, the more flow, that's nature- but this could upset the natural applectart in a very detrimental way for numerous residences and the natural state of things.

Is there any way to eliminate the "over-stream" and still build the project, maybe with less units or with a purchase of a little extra land on one side or the other? We don't know enough about the situation except to say we are very concerned. And, unlike most HOAs, we are willing to accept that this land will be developed and can't in good conscience object to this use (except if it impacts the stream).

Thanks for your consideration and thought.

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**From:** Abaray, Linda [<mailto:L.Abaray@SandySpringsga.gov>]  
**Sent:** Tuesday, May 06, 2014 6:20 PM  
**To:** Jack Gray  
**Subject:** RE: Zoning application

Mr. Gray,

The applicant is proposing to rezone to allow an Assisted living facility. The staff reports will be posted on line on June 13<sup>th</sup>. Attached some additional information. Please let me know if you have any questions.

Linda Abaray  
Senior Planner  
City of Sandy Springs  
7840 Roswell Road, Bldg. 500  
Sandy Springs, GA 30350  
O. 770-206-1577  
F. 770-206-1562

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**From:** Jack Gray [<mailto:jgray@graygarrettlaw.com>]  
**Sent:** Tuesday, May 06, 2014 5:42 PM  
**To:** COSS Planning and Zoning  
**Subject:** Zoning application

What is the zoning application for the p...e straw property located across from the i...olics & McDonalds on Roswell Road right south of Dunwoody Place? How do I find the application on the Sandy Springs website? Thanks. Jack

Jack Gray  
4 Paris Park Place  
Sandy Springs, Ga. 30350

[jgray@graygarrettlaw.com](mailto:jgray@graygarrettlaw.com)

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