



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

Date: April 3, 2014 for submission onto the April 15, 2014 City Council meeting

Agenda Item: **201400372 5965 Riverside Drive** A request for a zoning modification to the conditions of Sandy Springs Zoning case RZ06-020

Department of Community Development Recommendation:

APPROVAL CONDITIONAL of a request for a zoning modification to the condition 1.b of Sandy Springs zoning case RZ06-020.

DENIAL of a request for a zoning modification to the condition 3.c of Sandy Springs zoning case RZ06-020.

Background:

The subject site is located on the east side of Riverside Drive. The property is currently zoned R-2 (Single Family Dwelling District) and is undeveloped. The property contains approximately 48,351 square feet (1.11 acres).

Discussion:

The applicant is requesting to delete the following conditions of Sandy Springs zoning case RZ06-020:

- 1.b. The maximum heated floor area per dwelling unit shall be 4,500 square feet.
- 3.c. There shall be no direct access to Riverside Drive.

The applicant is proposing construction of a single family residence.



Zoning Modification Petition No. 201400372

HEARING & MEETING DATES

Community Zoning Information Meeting

February 25, 2014

Mayor and City Council Hearing

April 15, 2014

APPLICANT/PETITIONER INFORMATION

Property Owners

Dr. Kayode Fasae

Petitioner

Dr. Kayode Fasae

Representative

N/A

PROPERTY INFORMATION

Address, Land Lot, and District 5965 Riverside Drive

Land Lot 133, District 17

Council District 3 (Graham McDonald)

Frontage 195.40 feet of frontage along the east side of Riverside Drive and 212.90 feet of frontage along Coldstream Court.

Area 1.11 acres

Existing Zoning and Use R-2 (Single Family Dwelling District) under Sandy Springs rezoning case RZ06-020 and currently undeveloped.

Overlay District N/A

2027 Comprehensive Future Land Use R0-1 (Residential, 0 to 1 units per acre)

Map Designation

INTENT

To modify zoning case RZ06-020 to delete the following conditions:

- 1.b. The maximum heated floor area per dwelling unit shall be 4,500 square feet.
- 3.c. There shall be no direct access to Riverside Drive

The applicant is proposing to construct a single family residence.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201400372 1.b.-APPROVAL CONDITIONAL

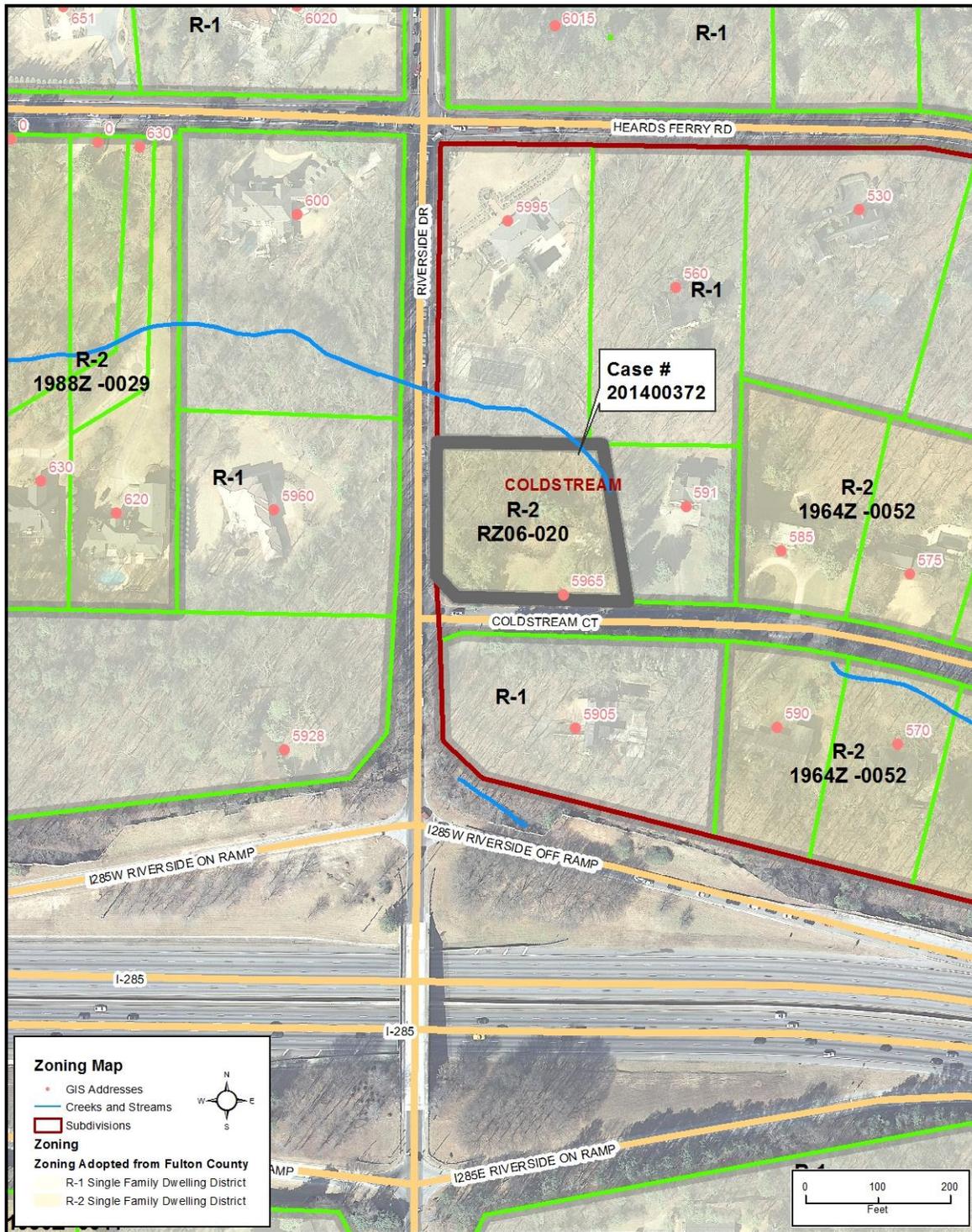
201400372 3.c.-DENIAL

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION 201400372	Proposed Use		Land Area (Acres)	Unit	Density (Number of Units per Acre)
	Single Family Home		1.11	1	.90 units/ac
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Number of Units per Acre)
North	R-1	5995 Riverside Drive - single family residence	2.00	1	0.50
North	R-1	560 Heards Ferry Road - single family residence	1.87	1	0.53
East	R-1	591 Coldstream Court - single family residence	0.91	1	1.10
South	R-1	5905 Riverside Drive - single family residence	2.03	1	0.49
West	R-1	5960 Riverside Drive - single family residence	2.00	1	0.50

Zoning Map

5965 Riverside Drive



Prepared by the City of Sandy Springs Department of Community Development for the Mayor & City Council Hearing on April 15, 2014

APPLICANT'S INTENT

The applicant is requesting a zoning modification to the conditions of Sandy Springs zoning case RZ06-020 as follows:

1. To delete condition 1.b. The maximum heated floor area per dwelling unit shall be 4,500 square feet.

*The staff is of the opinion that the applicant's request to delete condition 1.b. to limit the maximum heated floor area to 4,500 square feet would not cause a detriment to the public. The zoning ordinance specifies the minimum heated floor area of a single family dwelling however, it does not specify a maximum heated floor area. Based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of this modification request.*

2. To delete condition 3.c. There shall be no direct access to Riverside Drive

*The staff is of the opinion that the applicant's request to delete condition 3.c. would cause a detriment to the public. Section 103-73(c)(7) of the Development Ordinance states "if a lot has access to more than one frontage, it may not have any private curb cuts on a street that is classified as a collector or higher order street." Riverside Drive is classified as a Minor Arterial Street and Coldstream Court as a Minor Street, these classifications require that private curb cuts be located along Coldstream Court. Additionally, vehicles entering or leaving driveways may disrupt the flow of traffic on streets and cause accidents, thereby creating a public safety issue. All driveways should be restricted to locations where movements into and out of them can occur in a safe and orderly manner. Based on these reasons, the staff recommends **DENIAL** of this modification request.*

DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on March 5, 2014 at which the following comments were generated.

- Transportation
- Riverside Drive is classified a Minor Arterial Street and has a posted speed limit of 35 mph. The existing daily traffic count on Riverside Drive immediately to the north of the site is 22,030 vehicles per day (vpd) (2009 count). Riverside Drive is included in the City's Sidewalk Master Plan network. Coldstream Court is classified a Minor Street and has a posted speed limit of 25 mph. On March 12, 2014, Public Works conducted a 24-hour traffic count on Coldstream Court. The traffic volume collected during this period was 154 vpd.
 - Condition 3.c states, "There shall be no direct access to Riverside Drive." As indicated in Section 103-73(b) of the Development Ordinance, "Driveways provide access to property and are a service to the traveling public. However, vehicles entering or leaving driveways may disrupt the flow of traffic on streets and cause accidents, thereby infringing on the rights of the public to travel the roadway. All driveways should be restricted to locations where movements into and out of them can occur in a safe and orderly manner."
 - Per the Residential Driveway requirements in Section 103-73(c)(7), "Not more than one private curb cut may be located on any one street frontage for any one dwelling where the street is classified as a collector or higher order street. If a lot has access to more than one frontage, it may not have any private curb cuts on a street that is classified as a collector or higher order street. If both frontages are classified as collector or higher order streets, then the curb cut may be on the frontage with the lowest classification, or as designated by the public works department." The existing access for 5965

Riverside Drive meets the development requirements as the access is on Coldstream Court, a Minor Street. In addition, per Section 103-73(c)(6), two curb cuts are permitted on Coldstream Court. 5965 Riverside Drive currently has two curb cuts on Coldstream Court.

- Public Works does not support deletion of Condition 3.c which would permit a second access location for the property on Riverside Drive. This determination is based on the ordinance requirements due street classification, the property's proximity to the adjacent interchange of Riverside Drive at I-285 as well as the higher daily traffic volumes on Riverside Drive (22,030 vpd) versus 154 vpd on Coldstream Court.
- Should the modification be granted, proposed access on Riverside shall meet all of the access and driveway requirements of the Development Ordinance and provide for:
 - Placement of Riverside Drive at the north property line to provide for greater separation between the intersection of Coldstream Court and proposed drive, subject to provisions of Section 103-73(c)
 - Intersection sight distance for 35 mph per Section 103-77(f)
 - Replacement of curb and gutter and sidewalk and concrete driveway apron per Sandy Springs specifications

Compliant gates that are setback from the edge of pavement 40 feet on Riverside Drive and 30 feet on Coldstream Court, subject to Section 103-72(g). Gates shall meet setback requirements in the open and closed position.

STAFF RECOMMENDATIONS

Should the Mayor and City Council decide to approve the modification 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. One (1) single family residential lot at a density of 0.90 units per acre.
 - ~~b. The maximum heated floor area per dwelling unit shall be 4,500 square feet.~~
 - c. The maximum building height shall be two (2) stories.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on ~~May 2, 2006~~ **February 6, 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. The owner/developer shall dedicate 30' of right-of-way to the City of Sandy Springs along entire property frontage along Riverside Drive.
 - b. The owner/developer shall dedicate 25' of right-of-way to the City of Sandy Springs along entire property frontage along Coldstream Court.
 - c. There shall be no direct access to Riverside Drive.

Attachments

Letter of Intent dated received February 6, 2014

Site Plan(s) received February 6, 2014

Pictures

201400372

RECEIVED

FEB 11 2014

City of Sandy Springs
Community Development

5965 Riverside Drive

To: The Hon. Mayor and Council members
City of Sandy Springs, Georgia

Hardship petition for rezoning.

This is a petition to change the zoning of my property on 5965 Riverside drive from the zoning granted the previous owner of the property. The zoning granted the former owner in 2006 will not serve my purpose for the land 2014. I will like the lot zoned to enable my proposed new building have a secondary access to Riverside drive and increase the square-footage so as to accommodate my current home plan. I make my request based on the following hardships which the current zoning could cost me:

1. Danger to Life and property: If the only entrance to 5965 Riverside Dr. is through Cold Stream Ct; it will pose a daily danger for me and my family and all other people entering the property. Coming from the highway 285 on daily basis, we will have to make two sharp turns, one to the right on Cold Stream and another immediate left turn to enter the property. This left turn would put the driver at the mercy of the opposing traffic from Cold Stream roundabout. This is contrary to section 103.73 b2 of the zoning ordinance. The situation would even be worse, coming from Heard's ferry. Doing this daily could result to fatality and will certainly delay emergency rescue when needed. This is contrary to section 103.73 b1 of the zoning ordinance. Apart from the unnecessary detour to Cold Stream with its dangerous consequences every day, driving straight on Riverside to make a right turn to the property without obstruction saves time and prevent accident. Having a secondary access at Riverside will provide alternative route for a rational driver to choose which route is better at any particular time.

2. Property Value: I am putting up a building worth about \$2.5 millions on that lot and lack of direct access to Riverside and smaller square-footage may adversely affect the home value and even discourage future buyer. Lack of direct access to Riverside Drive will also make the mailbox, which will be located on Riverside hard to reach.

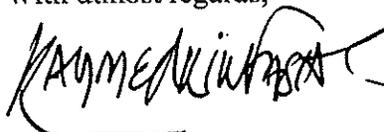
3. Grandfather clause: As the address indicates, the property is directly on Riverside Drive and the old house on the same spot did have access to both Riverside Drive and Cold Stream Court. This is protected under section 103.73 c9 of the zoning ordinance.

4." Stare decisis" (precedent): Finally and very important, I like to emphasis that the same double-access I am applying for is currently been enjoyed by the following listed households without any complaint or bad incident. Therefore, fair play dictates that I should not be held to a different standard under the same rule and circumstance.

- 1) 5995 Riverside Dr with access to Heard ferry Road
- 2) 6020 Riverside Dr with access to Heard ferry Road
- 3) 6015 Riverside Dr with access to Heard ferry Road
- 4) 6205 Riverside Dr with access to River valley Road
- 5) 600 Heard ferry Road with access to Riverside Dr.
- 6) 385 Ambridge Trail with access to River valley Road
- 7) 655 Colebrook Ct with access to Mt Vernon parkway
- 8) And many more.

I look forward to a judicious and favorable consideration of my plea.

With utmost regards,



Kayode Akin Fasae, Ph.D.

February 03, 2014.

