





To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

Date: November 13, 2013 for submission onto the November 19, 2013 City Council meeting

Agenda Item: **201301810 4920 High Point Road** a request to rezone the subject property from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to allow for the development of two (2) single family lots.

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***Department of Community Development Recommendation:***

**Withdrawal** of a request to rezone the subject property from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to allow for the development of two (2) single family lots.

***Background:***

The subject property is located on the west side of High Point Road, at the intersection of Highbrook Drive. The property is currently zoned R-2 (Single Family Dwelling District). The parcel is currently vacant. The property contains approximately 1.57 acres.

***Discussion:***

To rezone the subject property R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to allow the development of two single family lots.

The petition was heard at the August 15, 2013 Planning Commission Meeting. The Commission recommended denial (4-3, Duncan, Maziar, Porter and Tart for; Frostbaum, Nickles, and Squire against).

The petition was heard at the September 17, 2013 Mayor and City Council Meeting. Mayor and Council recommended deferral (7-0, Galambos, Paulson, Fries, Collins, Sterling, DeJulio, and McEnery for) to the October 15, 2013 Planning Commission meeting to give staff the opportunity to analyze densities of surrounding R-2 parcels.

The petition was heard at the October 15, 2013 Planning Commission Meeting. The Commission recommended denial (5-0, Frostbaum, Maziar, Nickles, Porter, and Squire for; Tart absent; Duncan not voting).



**Rezoning Petition No. 201301810**

<b>PROPERTY INFORMATION</b>	
<b>Address, Land Lot, and District</b>	4920 High Point Road Land Lot 67, District 17 <sup>th</sup>
<b>Council District</b>	5
<b>Frontage</b>	278.66 feet along High Point Road and 144.55 feet along Highbrook Drive
<b>Area</b>	1.5726 acres
<b>Existing Zoning and Use</b>	R-2 (Single Family Dwelling District); lot is currently vacant
<b>Overlay District</b>	N/A
<b>2027 Comprehensive Future Land Use Map Designation</b>	R1-2 (1 to 2 units per acre)
<b>Proposed Zoning</b>	R-2A (Single Family Dwelling District)

<b>APPLICANT/PETITIONER INFORMATION</b>		
<b>Property Owner</b> Jeffrey C. Spillane	<b>Petitioner</b> Jeffrey C. Spillane	<b>Representative</b> Jeffrey C. Spillane

<b>HEARING &amp; MEETING DATES</b>			
<b>Community Zoning Information Meeting</b> June 25, 2013	<b>Community Developer Resolution Meeting</b> July 25, 2013	<b>Planning Commission Hearing</b> August 15, 2013 October 17, 2013	<b>Mayor and City Council Hearing</b> September 17, 2013 November 19, 2013

**INTENT**  
To rezone the subject property from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to allow for the development of 2 single family lots.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION  
201301810- WITHDRAWAL**

**PLANNING COMMISSION – 10/17  
2013001810- DEFERRAL**

At the October 17, 2013 Planning Commission meeting, the Commission recommended denial of the request to rezone from R-3 to R-2A. This motion came following discussion of the densities along High Point Road that was requested at the previous Mayor and City Council meeting; Mayor and Council directed staff to analyze the actual densities of parcels along the west side of High Point Road to determine whether the applicants modified request would be appropriate. The lot at 4920 High Point Road is 1.5726 acres; subsequently, this would create a parcel of 27,000 square feet and a parcel of 36,848 square feet, less the 4,661 square feet lost by the parcel to the required right-of-way dedication along High Point Road. The revised site plan still shows a subdivision of 4920 High Point Road into two lots that meet the R-2A standards, versus the originally proposed subdivision of 4920 & 4940 High Point

Road into five lots meeting the R-3 standards. Based on the analysis done by staff, recommendations made by Planning Commission, and the size of the lot, the applicant is now requesting withdrawal of the request to rezone the subject parcel.

**MAYOR AND CITY COUNCIL – 9/17**

**2013001810- DEFERRAL**

At the September 17, 2013 Mayor and City Council meeting, there was discussion regarding the proposed lot sizes under the revised request for R-2A zoning on the 4920 High Point Road parcel. It was determined that the originally submitted R-3 site plan, for both 4920 & 4940 High Point Road, showed the correct square footage, but the incorrect acreage. The lot at 4920 High Point Road is 1.5726 acres; subsequently, this would create a parcel of 27,000 square feet and a parcel of 36, 848 square feet, less the 4,661 square feet lost by the parcel to the required right-of-way dedication along High Point Road. The revised site plan still shows a subdivision of 4920 High Point Road into two lots that meet the R-2A standards, versus the originally proposed subdivision of 4920 & 4940 High Point Road into five lots meeting the R-3 standards. Should Council support the revised request, staff recommends that a rezoning from R-2 to R-2A be limited to the creation of two lots at 4920 High Point Road and the exclusion of 4940 High Point Road.

**PLANNING COMMISSION – 8/15**

**2013001810- DENIAL**

Subsequent to the recommendation of the Planning Commission, the applicant has modified their original request. While staff recommends denial on the petitioner's original request, upon review of the revised site plan, staff would support a request to rezone 4920 High Point Road to R-2A. 4940 High Point Road, a parcel included in the original request has been removed. The revised site plan shows a subdivision of 4920 High Point Road into two lots that meet the R-2A standards, versus the originally proposed subdivision of 4920 & 4940 High Point Road into five lots meeting the R-3 standards. Should Council support the revised request, staff recommends that a rezoning from R-2 to R-2A be limited to the creation of two lots at 4920 High Point Road.

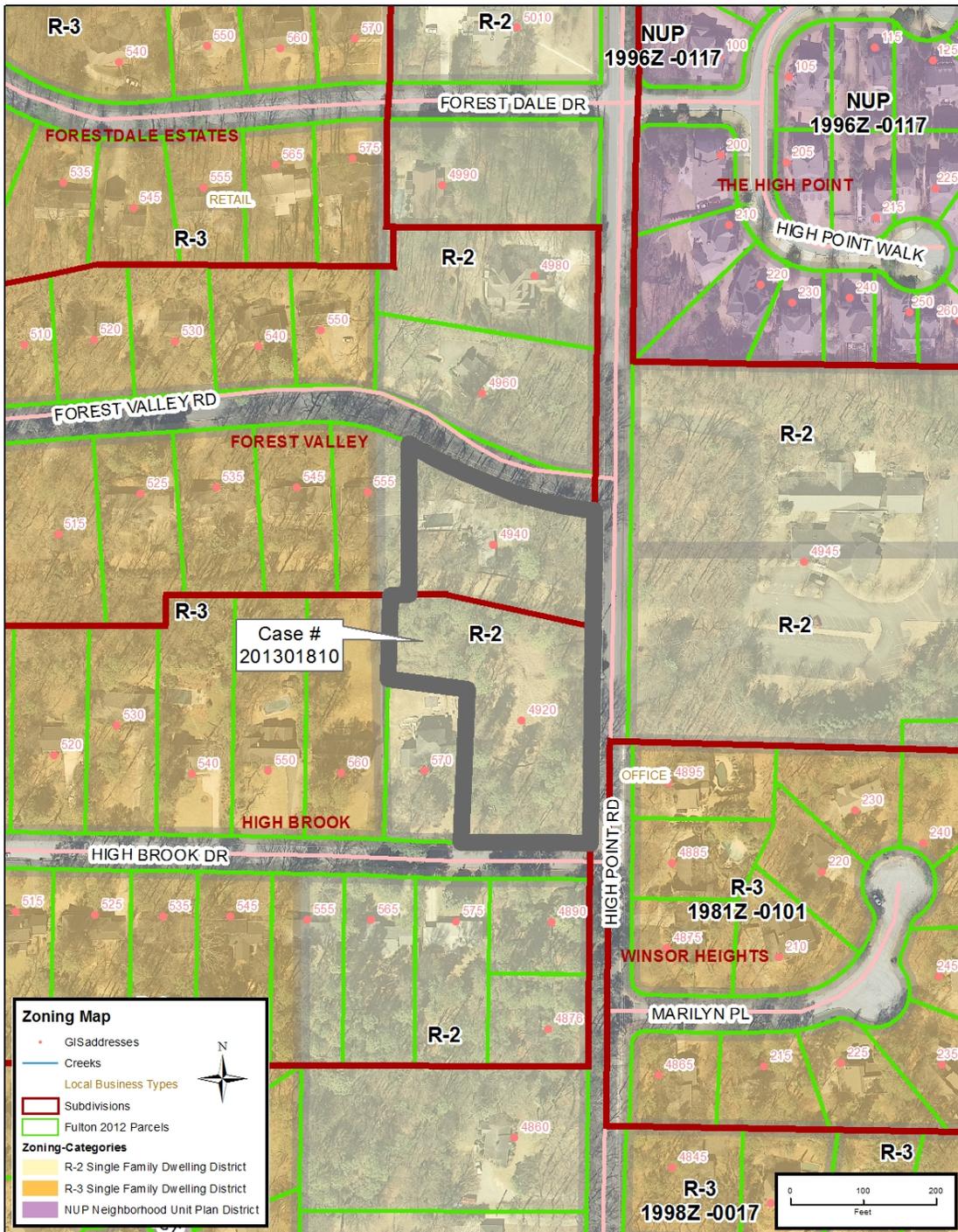
**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES**

<b>SUBJECT PETITION 201301810</b>	<b>Requested Zoning</b>	<b>Proposed Use</b>	<b>Land Area (Acres)</b>	<b>Units</b>	<b>Density (Units per Acre)</b>
	R-3	Single Family	2.59	5	1.9 units/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	R-2	4960 High Point Road	±1.00	1	±1.00 units/ac
East	R-2	The Church of the Atonement	±7.25	±18,000 sq ft	±2,482.75 sq ft/ac
East	R-3 Z81-0101	Winsor Heights	±6.40	13	±2 units/ac
West	R-2 and R-3	High Brook (534, 545, 555 Forest Valley Road & 540, 550, 560, 570 High Brook Drive)	±4.60	7	±1.52 units/ac
South	R-2	High Brook (4876, 4890 High Point Road & 565, 575 High Brook Drive)	±2.0	4	±2.00 units/ac

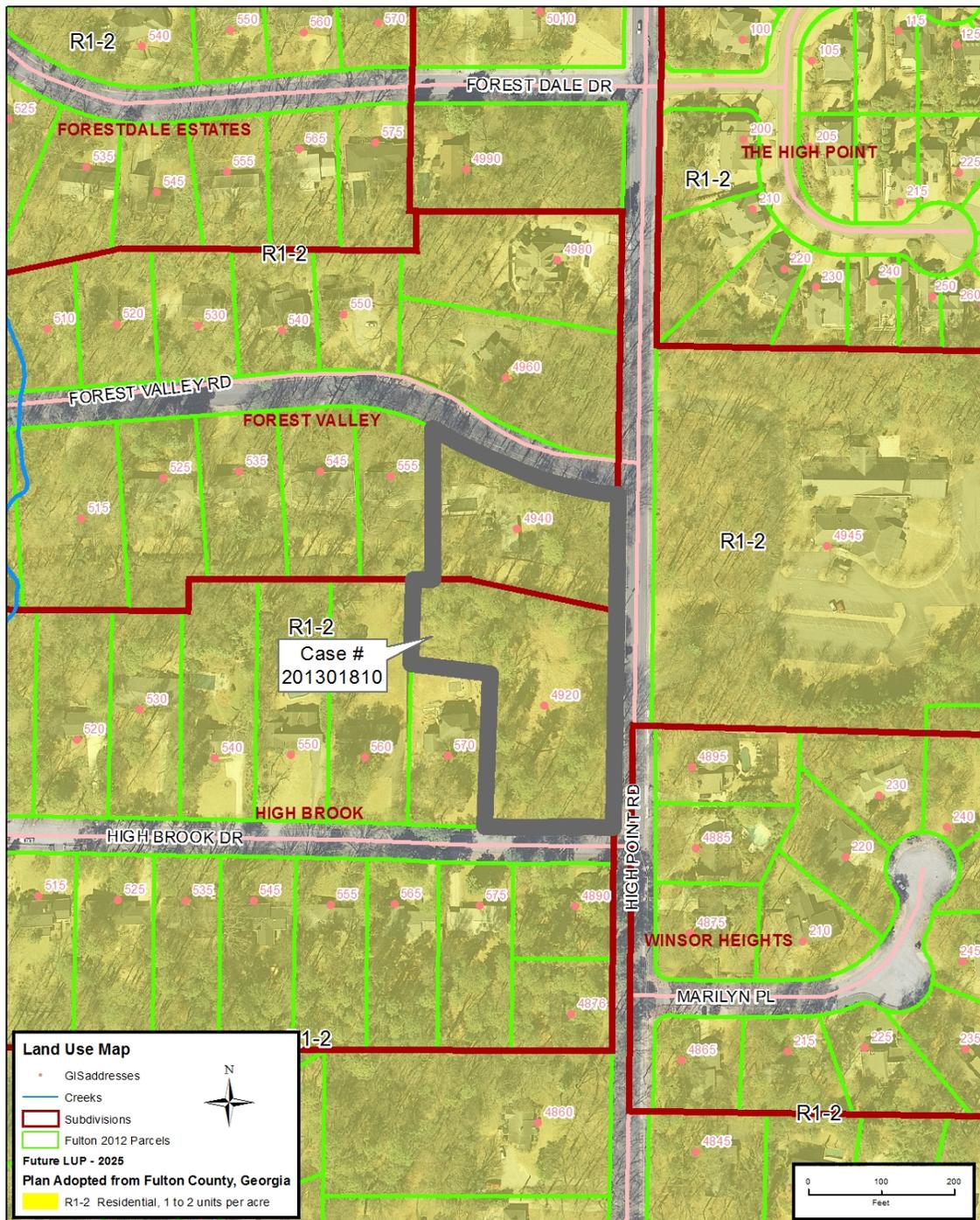
### Zoning Map

4920, 4940 High Point Road



### Future Land Use Map

4920, 4940 High Point Road



**ZONING IMPACT ANALYSIS**

To rezone the subject property from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District) to allow for the development of 5 single family lots.

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 single family residential use is appropriate. However, the proposed density is inconsistent with the development of the properties along High Point Road, and is therefore not suitable. The lots fronting High Point Road in this area are zoned R-2 (Single Family Dwelling District) and are one (1) acre in size or larger.

*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 proposed increase in density will adversely affect the existing use, usability, and character of the adjacent residential 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 properties have 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 anticipates that the proposal will have limited impact on the existing infrastructure in the neighborhood.

*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 proposal for five residential lots at a density of 0.6 units per acre is in conformity with the Future Land Use Map. The land use map suggests a designation of R1-2, *Residential 1 to 2 units per acre*, which the proposal meets. However, the proposal is not consistent with the Comprehensive Plan Policies that call for the protection of existing neighborhoods and new projects to be developed at a scale similar to surrounding properties, in that properties along High Point Road are typically one (1) acre or larger.

**Land Use Policies – Protected Neighborhoods (2027 Comprehensive Plan, Chapter 5: Policies – Page 100)**

The following policies apply to all properties within the boundary of protected neighborhoods as shown on the future land use plan map. Where consistent with the context, such policies may be determined appropriate in transitional areas.

1. Protect the character and integrity of existing neighborhoods, while also meeting the needs of communities.
4. Limit infill development within protected neighborhoods to densities that are consistent

with the surrounding residential development.

- 6. Residential infill development in protected neighborhoods should maintain the existing dwelling setback pattern in relation to the street.

**Land Use Policies – Transitional Areas (2027 Comprehensive Plan, Chapter 5: Policies – Page 100)**

Transitional areas are areas where land use changes from one use to another and areas with the same use, but where intensities change from lower to higher.

- 7. The area and lot width of any new lot for detached, single-family dwellings facing the same street as that serving the neighborhood, should not be less than 80 percent of the area of the existing lot it abuts in the protected neighborhood fronting on the same street.

*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 will permit a use at a density which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs. The density of the proposal is higher than the surrounding properties on High Point Road, which will negatively impact the existing area. Additionally, there are specimen trees on the site that may be impacted by the proposed development.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on July 10, 2013 at which the following departments had comments. The staff has received additional comments from the Fulton County Board of Education and Fulton County Department of Water Resources (see attachments).

<p>Site Development</p>	<ul style="list-style-type: none"> <li>• Development shall not increase size of basin draining onto any adjacent residential property.</li> <li>• Development shall comply with the Georgia Stormwater Management Manual Stormwater Runoff Quality Standard by providing practices that treat the water quality volume by infiltration and/or evapotranspiration.</li> <li>• 3. Development shall comply with the Sandy Springs Post-Development Stormwater Management for New Development and Redevelopment Ordinance Post-Development Stormwater Management Performance Criteria. Development shall not generate concentrated discharge of stormwater across a property line onto an adjacent lot where such a concentrated discharge does not already occur unless such discharge is into a drainage easement that extends to a conveyance that</li> </ul>
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	possesses the capacity to convey a 25 year flow.
Transportation Planner	<p>Per the Development Ordinance, the following requirements are noted in reference to the site plan:</p> <ul style="list-style-type: none"> <li>• Section 103-73, driveways on corner lots with frontages on High Point Road shall be located either on Forest Valley Road or Highbrook Drive, as applicable.</li> <li>• Section 103-77, all driveways shall meet sight distance requirements.</li> <li>• Section 103-75, applicant shall dedicate 40 feet of right-of-way along entire property frontage from centerline of High Point Drive and 20-foot miters (or equivalent radius) at the intersections of High Point Road and Forest Valley Road and High Point Road and Highbrook Drive. The minimum paved lane width for High Point Road is 12 feet.</li> <li>• Section 103-80, High Point Road is included in Sidewalk Master Plan. Five-foot sidewalks with two-foot minimum landscape street are required along the entire property frontage of High Point Road.</li> </ul> <p>The <i>Roswell Road Corridor Livable Centers Initiative Study</i>, adopted in 2008 with a 5-Year Update adopted in 2013 included the following recommended projects along street frontages:</p> <ul style="list-style-type: none"> <li>• Project T-5: High Point Road Sidewalks and Bike Lanes from south of Windsor Parkway to Glenridge Drive.</li> <li>• Project T-10: Neighborhood Street Enhancements to include sidewalks and bikeable shoulders on Highbrook Drive.</li> </ul>
Arborist	Landmark trees will be taken into consideration at the time of issuance of building permit.

**PUBLIC INVOLVEMENT**

Public Comments

- Applicant should increase side yard setback to 25' between existing lot and proposed lot along Forest Valley Drive
- Drainage on site should be minimally impactful to existing residences
- Special attention should be paid to construction near the existing pipeline easement
- Connection to existing sewer should be minimally disruptive to existing residences
- Special attention should be paid to driveway locations and site distances
- Subdivision of only the vacant lot

**CONCLUSION TO FINDINGS**

It is the opinion of the staff that the proposal is not in conformance with the intent of the Comprehensive Plan Policies. The proposed density of 0.6 units per acre does fall within the range recommended by the Future Land Use Map, but is not in compliance with the other policies outlined in the Comprehensive Plan. The proposal is inconsistent with the surrounding properties. Therefore, based on these reasons, the staff recommends **DENIAL** of the rezoning petition.

**STAFF RECOMMENDED CONDITIONS**

Should the Mayor and City Council decide to rezone the subject property from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District), the staff recommends that the approval be subject to the R-2A regulations in the Sandy Springs Zoning Ordinance and the Sandy Springs Code of Ordinances.

**Attachments**

- Letter of Intent received June 3, 2013
- Request for Withdrawal dated received October 30, 2013
- Revised Site Plan dated received August 30, 2013
- Map of surrounding densities
- Site Plan dated received August 2, 2013
- Site Photographs
- Additional comments from the Fulton County Department of Water Resources, Fulton County Department of Health Services
- Letter of Opposition from Neighbors received July 31, 2013

## Letter of Intent

This letter of intent pertains to the subject property commonly referenced as 4920 and 4940 High Point Road, located in Sandy Springs, Georgia and having a total acreage of 3.0021. The property encompasses road frontage not only on High Point Road but also Forest Valley Road and Highbrook Drive. 4920 was the place where I was raised as a child and was the site of my family's home until 2006, when due to functional obsolescence, the decision was made to demolish the home.

In light of the vacant status of the lot, the desirable location and modest recovery in the real estate housing market, I am seeking the rezoning of 4920 and 4940 High Point Road from the current R2 zoning classification to the R3 zoning classification consistent with the majority of the surrounding properties located in the area as noted in the attached Current Zoning Map. Additionally, it should be noted that the Future Land Use Map designated this area as Residential, 1 – 2 units per acre, which is also consistent with my request. In practical terms, I am seeking to subdivide the two properties so as to allow for three additional single family home building lots.

The closest property and perhaps the property subject to the greatest possible impact of my proposal would be the home and property owned by the Mountford's, located immediately to the West of the subject property and having a common property line extending approximately 330 feet. I have personally met with Mr. Ron Mountford to discuss my plans for redevelopment and am happy to report Mr. Mountford's full support for the project. He has concluded that the rezoning request of R3 is consistent with ½ acre lots which is what most home owners enjoy throughout the neighborhood and the addition of new homes would serve to increase everyone's property value.

I anticipate building homes with a minimum of 3500 square feet of heated floor area. I fully expect that the end product will be a welcome edition to the neighborhood and I will work together with the neighborhood in addressing any questions they may have concerning my project.

Sincerely,

Jeffrey C. Spillane  
Land Owner/Developer

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201301810  
JUN 03 2013

City Of Sandy Springs  
Community Development

LAW OFFICE  
NATHAN V. HENDRICKS III  
6085 LAKE FORREST DRIVE, SUITE 200  
ATLANTA, GEORGIA 30328

October 30, 2013

Ms. Patrice S. Dickerson  
Manager of Planning & Zoning  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

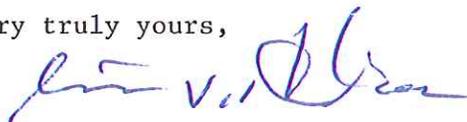
Re: 201301810

Dear Patrice:

The Applicant has engaged me to represent him regarding the above referenced Application for Rezoning. After reviewing the Application with the Applicant and discussing the issue that arose over the exact amount of acreage as well as the Applicant inadvertently having missed the Planning Commission Hearing, the Applicant has decided that he wants to withdraw the Application. I have noted from a review of the Application that the density of the development requested, as modified and amended does comply with the Comprehensive Land Use Plan and is therefore appropriate. Accordingly, the appropriateness of this Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

With the Application being withdrawn, the Applicant will have the time to determine exactly what is the correct amount of acreage of the Property as well as engage with neighboring property owners as how to best work through the development issues associated with the Property. Patrice, I would appreciate your conveying to the Mayor and City Council this request that the Application be withdrawn. Please let me know if you have any questions or need any further information.

Very truly yours,



Nathan V. Hendricks III  
Attorney for the Applicant

NVH:sks  
w/attachment

OFFICE (404) 255-5161  
TELECOPIER (404) 255-3899

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201301810  
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City of Sandy Springs  
Community Development

Exhibit "A"

APPROPRIATENESS OF APPLICATION  
AND  
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

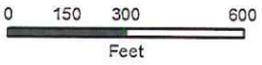
A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property 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 in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.





Incorporated December 1, 2005

# High Point Road



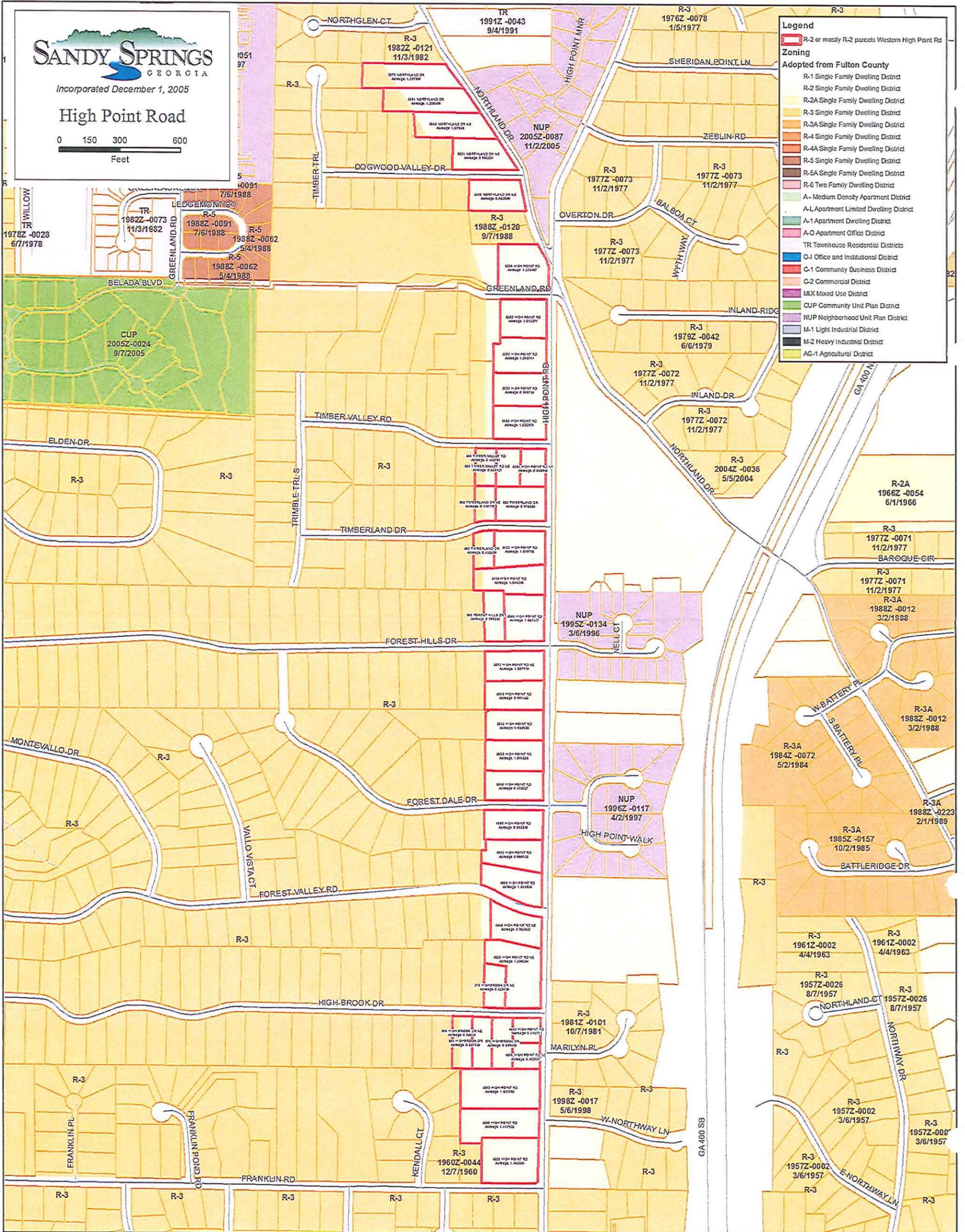
**Legend**

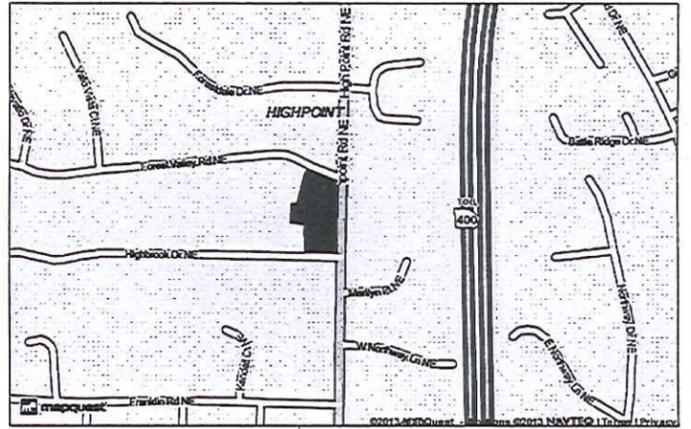
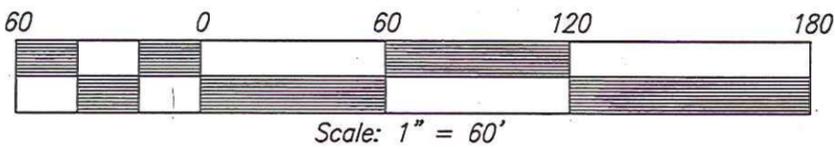
R-2 or mostly R-2 parcels Western High Point Rd

**Zoning**

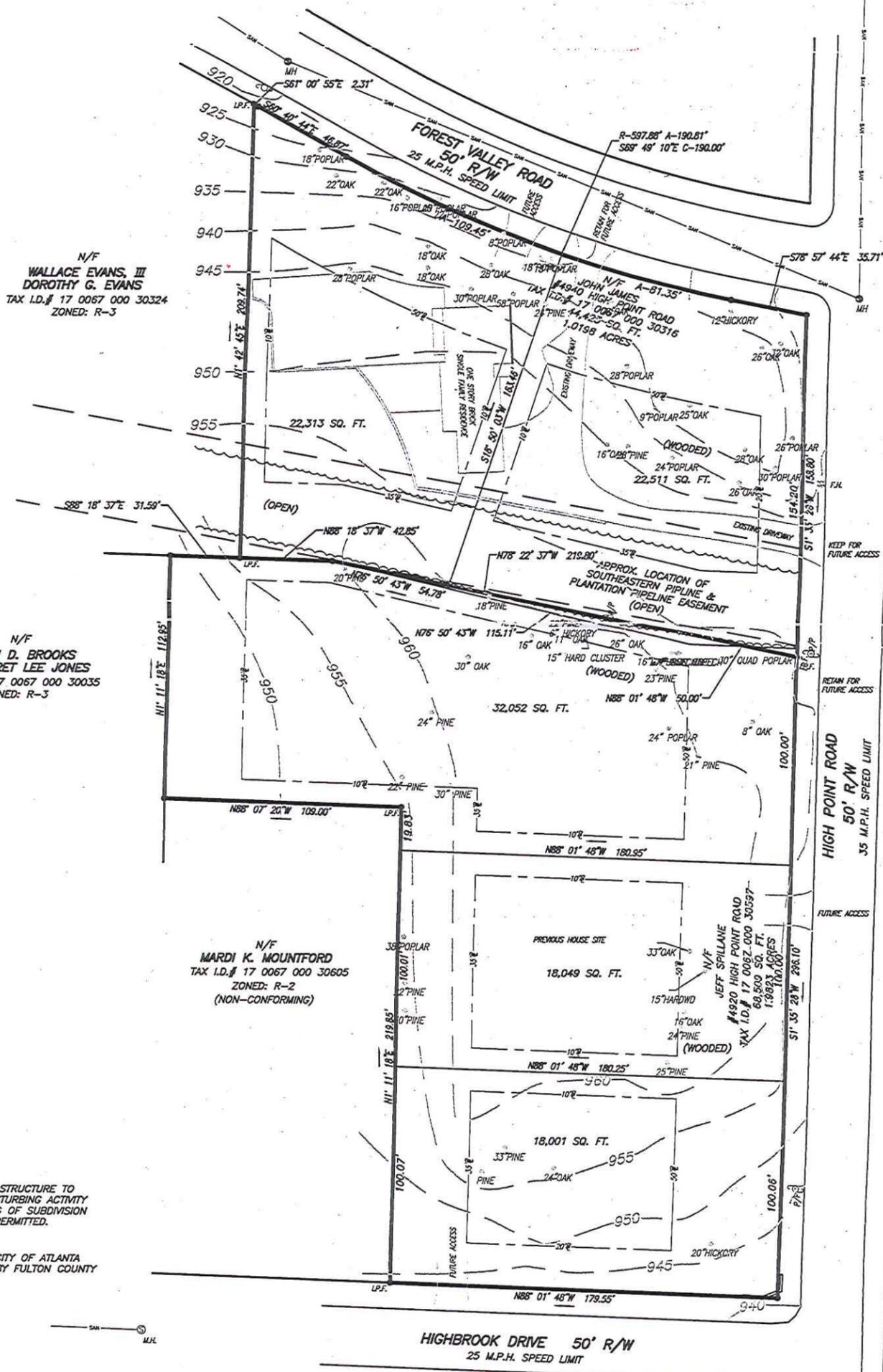
**Adopted from Fulton County**

- R-1 Single Family Dwelling District
- R-2 Single Family Dwelling District
- R-2A Single Family Dwelling District
- R-3 Single Family Dwelling District
- R-3A Single Family Dwelling District
- R-4 Single Family Dwelling District
- R-4A Single Family Dwelling District
- R-5 Single Family Dwelling District
- R-5A Single Family Dwelling District
- R-6 Two Family Dwelling District
- A - Medium Density Apartment District
- A-L Apartment Limited Dwelling District
- A-1 Apartment Dwelling District
- A-O Apartment Office District
- TR Townhouse Residential Districts
- O-I Office and Institutional District
- C-1 Community Business District
- C-2 Commercial District
- MIX Mixed Use District
- CUP Community Unit Plan District
- NUP Neighborhood Unit Plan District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- AG-1 Agricultural District





LOCATION MAP  
N.T.S.



N/F  
WALLACE EVANS, III  
DOROTHY G. EVANS  
TAX I.D.# 17 0067 000 30324  
ZONED: R-3

N/F  
JUSTIN D. BROOKS  
MARGARET LEE JONES  
TAX I.D.# 17 0067 000 30035  
ZONED: R-3

N/F  
MARDI K. MOUNTFORD  
TAX I.D.# 17 0067 000 30605  
ZONED: R-2  
(NON-CONFORMING)

**EXISTING ZONING: R-2**

SETBACKS:  
FRONT - 60 FEET  
SIDE CORNER - 30 FEET  
SIDE - 15 FEET  
REAR - 40 FEET

MINIMUM AREA - 1 ACRE  
MINIMUM WIDTH AT  $\frac{1}{2}$  - 150 FEET

**PROPOSED ZONING: R-3**

SETBACKS:  
FRONT - 50 FEET  
SIDE CORNER - 20 FEET  
SIDE - 10 FEET  
REAR - 35 FEET

MINIMUM AREA - 18,000 SQ. FT.  
MINIMUM WIDTH AT  $\frac{1}{2}$  - 100 FEET

NOTE: NO DEVELOPMENT NOR INFRASTRUCTURE TO BE INSTALLED. NO LAND DISTURBING ACTIVITY TO BE DONE UNTIL PLATTING OF SUBDIVISION AND INDIVIDUAL LOTS ARE PERMITTED.

WATER SERVICE PROVIDED BY THE CITY OF ATLANTA  
PUBLIC SEWER SERVICE PROVIDED BY FULTON COUNTY



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JUN 03 2013

City Of Sandy Springs  
Community Development

FLOOD STATEMENT  
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO F.L.R.M. PANEL #13121C0163 E, LAST REVISED ON JUNE 22, 1998.

SURVEYED	G.I.S.
CALCULATED	REG. RAM
DRAWN	REG. RAM
DWG. NAME	HIGHPOINT 4920 REZONING
DATE	MAY 23, 2013

RONALD E. GUDGER, LS  
404-731-8696

**SITE WORKS**  
SURVEYS & PLANNING  
7000 PEACHTREE DUNWOODY ROAD  
BUILDING 6, SUITE 250  
ATLANTA, GEORGIA 30328  
PHONE: 770-396-6011 FAX: 770-396-2379  
e-mail: gudgersurveying@bellsouth.net

REZONING PLAN FOR  
4920 HIGH POINT ROAD  
AND  
4940 HIGH POINT ROAD

LL 67, DISTRICT 17  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA

NO.	DATE	REVISION

Church – Across the Street



Frontage of Subject Property



Frontage of Subject Property



Neighboring R-2 Use



Neighboring R-2 Use



Neighboring R-2 & R-3 Uses



Neighboring R-3 Use



Neighboring R-3 Use





## 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 Services, Office of the Director

**DATE:** July 15, 2013

**SUBJECT:** Zoning Comments for July 2013

AGENDA ITEM	ZONING COMMENTS
201301778	<p>The Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>The Department of Health and Wellness will require that the applicant connect the proposed development to public water and public sanitary sewer available to the site.</p> <p>Since any future development of this property would constitute a premise where people walk, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p> <p>If the site includes an existing individual onsite sewage management system(s) and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County Code of Ordinance and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XI – Sewage Disposal.</p> <p>If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article IV – Drinking Water.</p>

**RECEIVED**

JUL 15 2013  
*201301778*  
 City Of Sandy Springs  
 Community Development

AGENDA ITEM	ZONING COMMENTS
201301810	<p>The Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>The Department of Health and Wellness will require that the applicant connect the proposed development to public water and public sanitary sewer available to the site.</p> <p>Since any future development of this property constitutes a premise where people walk, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p> <p>If the site includes an existing individual onsite sewage management system(s) and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County Code of Ordinance and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XI – Sewage Disposal.</p> <p>If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article IV – Drinking Water.</p>
201301779	<p>The Fulton County Department of Health and Wellness does not anticipate any health problems with the proposed variance regarding a modification of the zoning conditions and site plan to allow a townhome unit, a driveway, and drive access to extend into the required 40' perimeter setback.</p>

**Akbar, Abdul**

**From:** Abaray, Linda <LAbaray@sandyspringsga.gov>  
**Sent:** Friday, June 28, 2013 3:39 PM  
**To:** Akbar, Abdul; Brenan Stearns (Stearns@fultonschools.org); J Stephens; JTuley@atlantaregional.com; Robinson, Monica; Paret Smith; Beck, Randy; Tim Taylor; Toby Carr; Tom Mahaffey; trishathompsonfox@comcast.net  
**Cc:** Allen, Colleen  
**Subject:** Sandy Springs Preliminary Zoning Agenda  
**Attachments:** 201301778 611, 641, 661 Mabry Rd.pdf; 201301779 5776-5880 Glenridge Dr.pdf; 201301810 4920 & 4940 High Point Road.pdf

All:

Please be advised, the material details the zoning petitions received on or before the June 4, 2013 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)

**RECEIVED**  
 201301810  
 JUL 11 2013

City Of Sandy Springs  
 Community Development

<b>Zoning Agenda</b>				
<b>Agenda Item</b>	<b>Council District</b>	<b>Meeting Dates**</b>	<b>Staff Recommendation</b>	<b>Planning Commission Recommendation</b>
<b>Rezoning</b>				
<del>1. 201301778 611,641,661 Mabry Road Applicant: Traton Hmes ▪ To rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow the development of 20 single family lots.</del>	<del>4</del>	<del>CZIM – 6/25/13 CDRM- 7/25/13 PC-8/15/13 MCC – 9/17/13</del>	<del>TBD</del>	<del>TBD</del>
2. 201301810 4920 & 4940 High Point Road Applicant: Jeffery Spillane ▪ To rezone from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District) to allow the development of 5 single family lots.	5	CZIM – 6/25/13 CDRM- 7/25/13 PC-8/15/13 MCC – 9/17/13	TBD	TBD
<b>Zoning Modification</b>				
3. 201301779 5776-5880 Glenridge Drive	5	CZIM – 6/25/13	TBD	TBD

## 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: 270 gallons per day (gpd) per housing unit x 5 units = 1350 gallons per day

This project is within the City of Atlanta water jurisdiction.

#### **SEWER:**

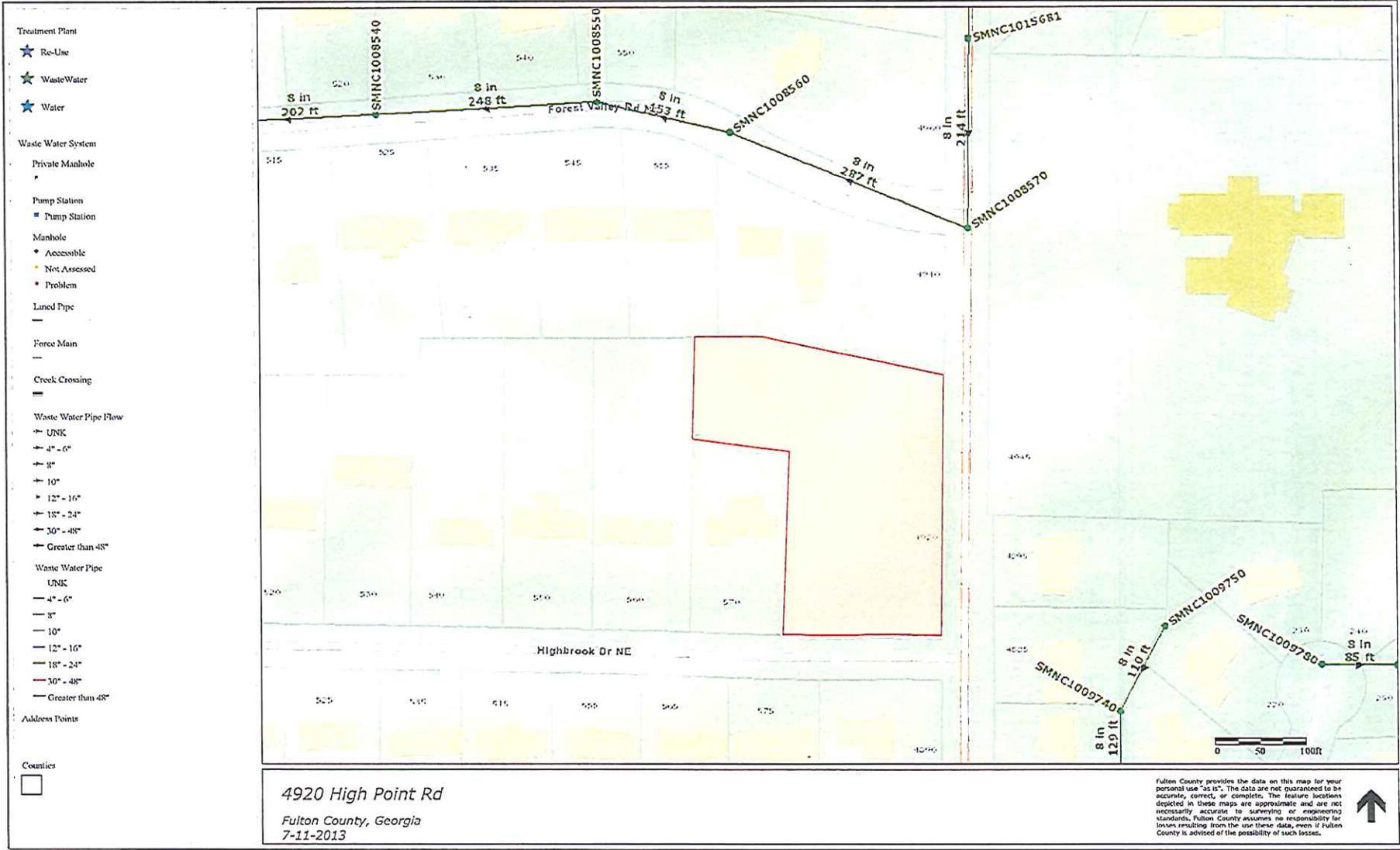
Basin: Nancy Creek

Treatment Plant: R.M. Clayton (City of Atlanta)

Anticipated sewer demand: 1215 gallons per day

There are two wastewater manholes on Forest Valley Road north of 4940 High Point Road (SMNC1008560 and SMNC1008570) located in Land Lot 67, District 17.

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.



4920 High Point Rd  
 Fulton County, Georgia  
 7-11-2013

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 this data, even if Fulton County is advised of the possibility of such losses.



## Letter of Intent

This letter of intent pertains to the subject property commonly referenced as 4920 and 4940 High Point Road, located in Sandy Springs, Georgia and having a total acreage of 3.0021. The property encompasses road frontage not only on High Point Road but also Forest Valley Road and Highbrook Drive. 4920 was the place where I was raised as a child and was the site of my family's home until 2006, when due to functional obsolescence, the decision was made to demolish the home.

In light of the vacant status of the lot, the desirable location and modest recovery in the real estate housing market, I am seeking the rezoning of 4920 and 4940 High Point Road from the current R2 zoning classification to the R3 zoning classification consistent with the majority of the surrounding properties located in the area as noted in the attached Current Zoning Map. Additionally, it should be noted that the Future Land Use Map designated this area as Residential, 1 - 2 units per acre, which is also consistent with my request. In practical terms, I am seeking to subdivide the two properties so as to allow for three additional single family home building lots.

The closest property and perhaps the property subject to the greatest possible impact of my proposal would be the home and property owned by the Mountford's, located immediately to the West of the subject property and having a common property line extending approximately 330 feet. I have personally met with Mr. Ron Mountford to discuss my plans for redevelopment and am happy to report Mr. Mountford's full support for the project. He has concluded that the rezoning request of R3 is consistent with 1/2 acre lots which is what most home owners enjoy throughout the neighborhood and the addition of new homes would serve to increase everyone's property value.

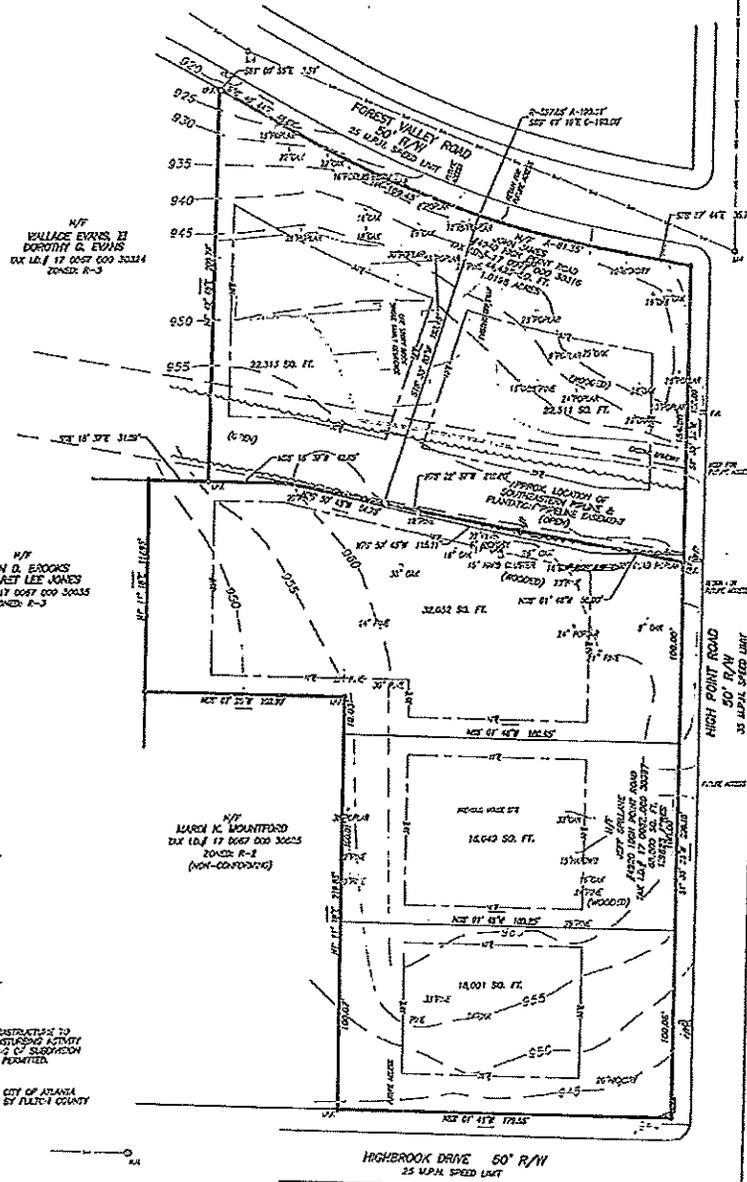
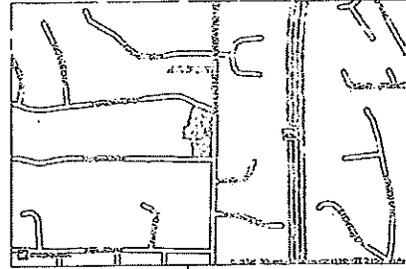
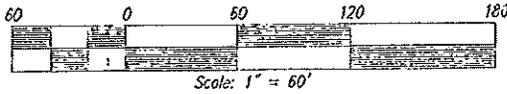
I anticipate building homes with a minimum of 3500 square feet of heated floor area. I fully expect that the end product will be a welcome edition to the neighborhood and I will work together with the neighborhood in addressing any questions they may have concerning my project.

Sincerely,

Jeffrey C. Spillane  
Land Owner/Developer

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201301810  
JUN 03 2013

City Of Sandy Springs  
Community Development



PROPOSED ZONING R-3  
 SETBACKS:  
 FRONT - 60 FEET  
 SIDE CORNER - 20 FEET  
 SIDE - 15 FEET  
 REAR - 15 FEET  
 MINIMUM AREA - 18,000 SQ. FT.  
 MINIMUM WIDTH AT 8' - 100 FEET

NOTE: NO DEVELOPMENT OR INFRASTRUCTURE TO BE INSTALLED AND LAND EXISTING ACTIVITY TO BE BARGE UNTIL ELUCTION OF SUBDIVISION AND 9' WIDE LOTS ARE FORMED.

WATER SERVICES PROVIDED BY THE CITY OF ATLANTA  
 PUBLIC SEWER SERVICES PROVIDED BY FULTON COUNTY



FLOOD STATEMENT  
 THIS PROJECT IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO FIRM, PANEL #131210183 E, LAST REVISED 01 JUNE 22, 1993.

SUBMITTED: 6/15  
 CALCULATED: 6/15  
 DRAWN: RSG, FJM  
 CHECKED: JES  
 DATE: MAY 23, 2013

**SITE WORKS SURVEYS & PLANNING**  
 7010 PLEASANTHURST BUNYON RD  
 BLDG 8, SUITE 240  
 ATLANTA, GA 30328  
 PHONE: 770-412-0311 FAX: 770-416-2379  
 e-mail: gdog@siteworks.com

REZONING PLAN FOR  
 4920 HIGH POINT ROAD  
 4940 HIGH POINT ROAD  
 LL 57, DISTRICT 17  
 CITY OF SANDY SPRINGS  
 FULTON COUNTY, GEORGIA

NO.	DATE	REVISION

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 2013 JUN 03 2013  
 City Of Sandy Springs  
 Community Development

Property Profile for **4920 High Point Rd Ne**

**Property Tax Information**

Tax Year 2012  
 Parcel ID 17 006700030597  
 Property Address 4920 High Point Rd Ne  
 Owner Spillane Josephine K & Spillane Mary B.  
 Mailing Address 2707 Henderson Mt Rd Jasper Ga 30143  
 Total Appraisal \$67,600  
 Improvement Appraisal \$0  
 Land Appraisal \$67,600  
 Assessment \$27,040  
 Tax District 59  
 Land Area 1.17 ac  
 Property Class Residential Lots  
 Land Use Class Residential 1 family  
 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 SS13A  
 Poll Location Church of Atonement, 4945 High Point Rd Ne

Congressional District 011  
 State Senate District 006  
 State House District 052

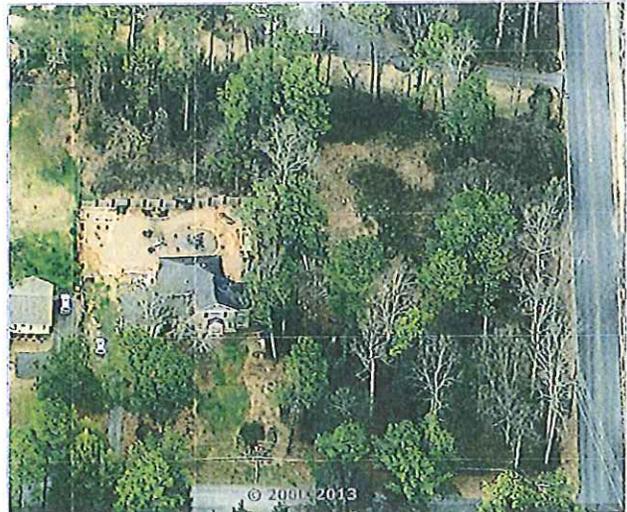
**School Zones**

Elementary School High Point  
 Middle School Ridgeview  
 High School Riverwood

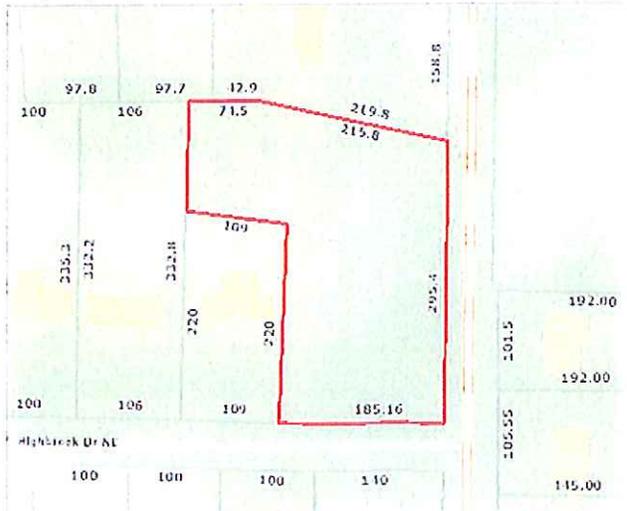
**Other Information**

Zip Code 30342  
 Census Tract 101.14  
 In Less Developed Census Tract No

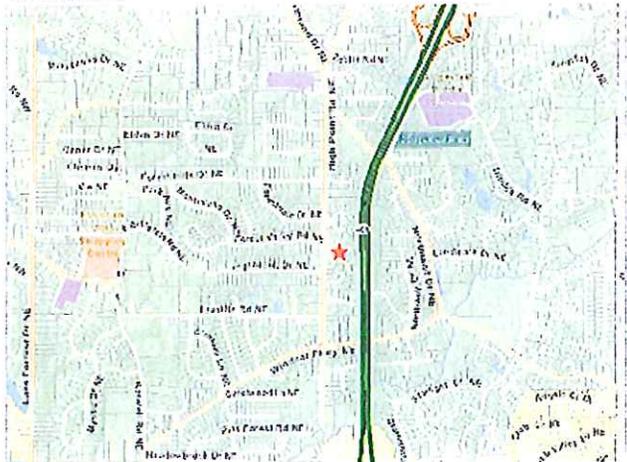
Oblique Aerial View (looking north)



Property Map



Vicinity Map



## Property Profile for 4940 High Point Rd Ne

### Property Tax Information

Tax Year	2012
Parcel ID	17 006700030316
Property Address	4940 High Point Rd Ne
Owner	James John M
Mailing Address	4940 High Point Rd Ne Sandy Springs Ga 30342 2371
Total Appraisal	\$304,100
Improvement Appraisal	\$254,000
Land Appraisal	\$50,100
Assessment	\$121,640
Tax District	59
Land Area	1.07 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
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	SS13A
Poll Location	Church of Atonement, 4945 High Point Rd Ne

Congressional District	011
State Senate District	006
State House District	052

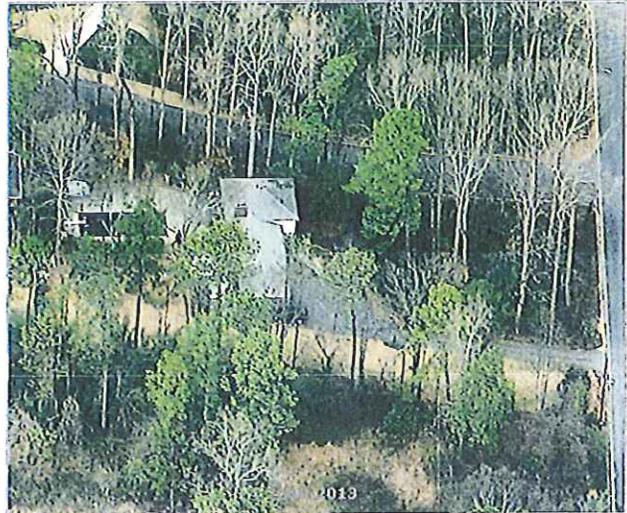
### School Zones

Elementary School	High Point
Middle School	Ridgeview
High School	Riverwood

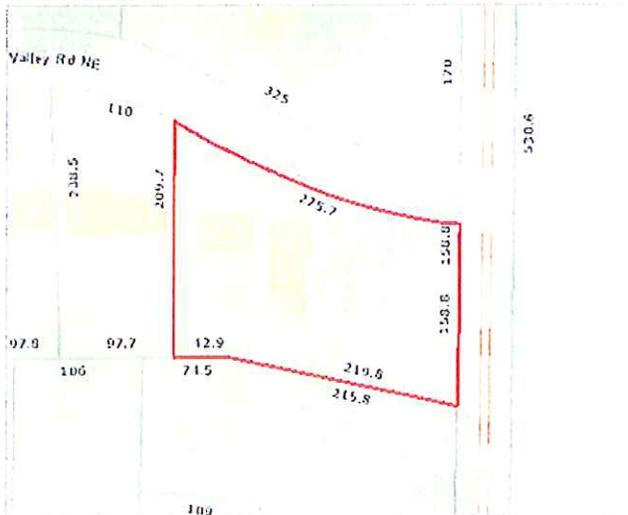
### Other Information

Zip Code	30342
Census Tract	101.14
In Less Developed Census Tract	No

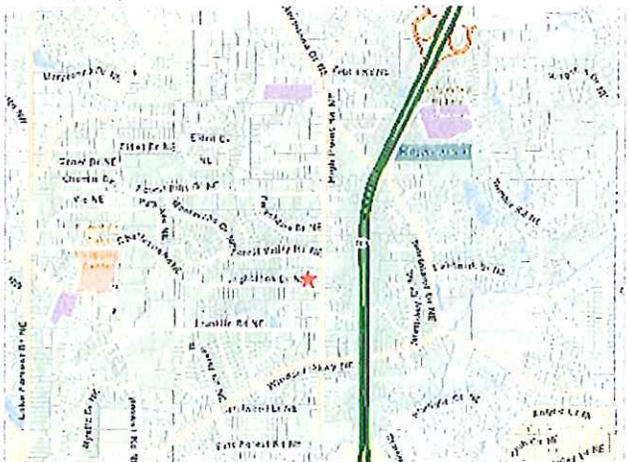
Oblique Aerial View (looking north)



Property Map



Vicinity Map



# OPPOSITION

August 2, 2013  
Submitted via e-mail

**Sandy Springs Plan Commission**  
7840 Roswell Road, Building 500  
Sandy Springs, GA 30350

C/O: Colleen Allen

Re: **Application 201301810**  
Proposed Rezone of 4920 & 4940 High Point Road  
From R-2 to R-3

**RECEIVED**

201301810  
JUL 31 2013

City Of Sandy Springs  
Community Development

Dear Plan Commission Members,

We the undersigned property owners who live in the vicinity of 4920 & 4940 High Point Road respectfully submit this letter to request that you send the above mentioned rezone petition to the City Council and Mayor with a NEGATIVE recommendation. We believe the proposed rezone is in opposition to the stated goals of the Comprehensive Plan and Zoning Ordinance of Sandy Springs, is an example of "spot zoning" inconsistent with the existing neighborhood and High Point Corridor, and is unnecessary for the responsible re-development of the single family lots that are the subject of the petition. Below is our analysis of the Comprehensive Plan and Zoning Ordinance that supports our request and provides the basis for you to uphold the commitment made by Sandy Springs just five short years ago when it enacted its land use ordinances.

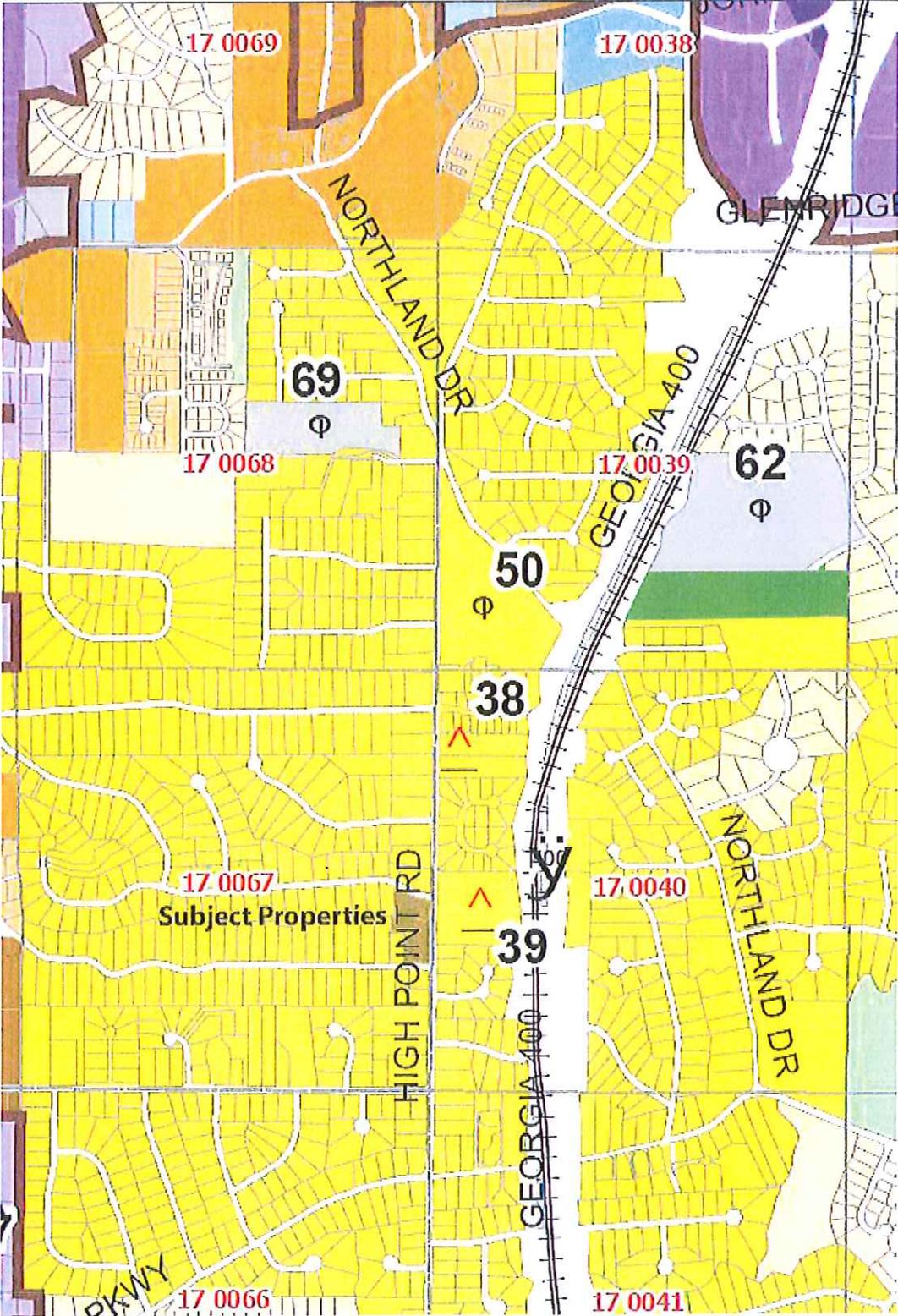
#### **Summary of the Petition as We Understand It**

Petitioners seek to increase the density of the project area *by a factor of 2½ times*, placing 5 homes where 2 stood before. Petitioners have made no argument that the existing lots cannot be developed as currently zoned or that the current zoning imposes a hardship on the Petitioners. To the contrary, Petitioners have repeatedly stated that they simply want to "maximize their profit" by increasing the allowable density of their properties.

The development will require removal of the majority of the existing tree canopy, the addition of two new driveways in an area where site lines and traffic are already a problem, and significant grading and disruption of traffic on High Point Road during the construction of a new sanitary sewer to service the five lots.

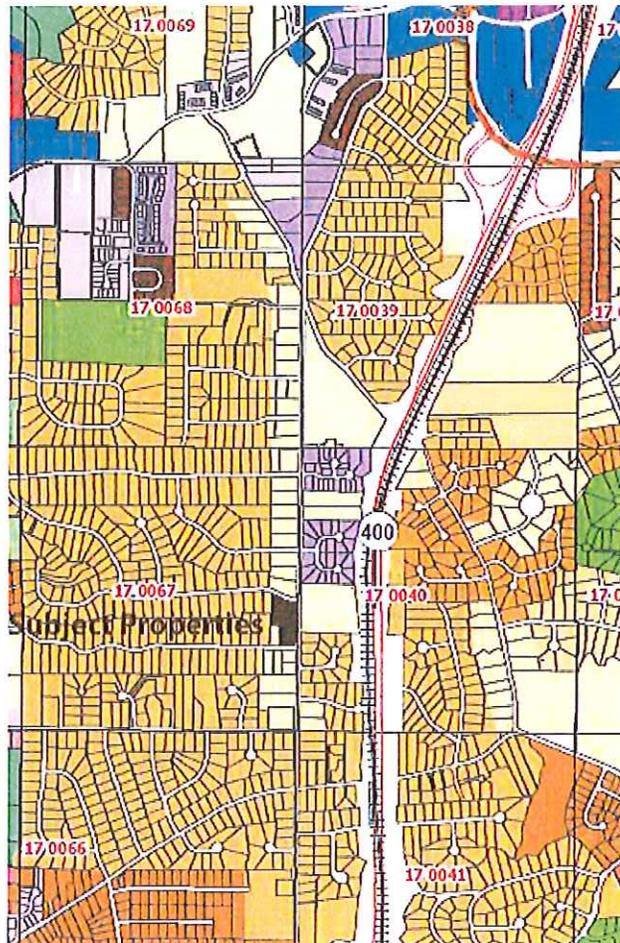
#### **Comprehensive Plan - Future Land Use Map**

We start our analysis of the City's comprehensive plan with a review of the Sandy Springs 2007 Comprehensive Plan Future Land Use Map on the following page. Note that 4920 & 4940 High Point Road are the two brownish colored lots located to the right of the "Subject Properties" text. The lots are included in a large sea of yellow on either side of High Point Road generally between Roswell road on the west and Georgia 400 on the east. According to the map key this yellow color indicates residential use with a density of 1 to 2 units per acre.



Excerpt from Sandy Springs 2007 Comprehensive Plan Future Land Use Map

Petitioners argue that their plans are in harmony with the future land use because their proposed density of 1.67 units per acre is within the designation "1 to 2 lots per acre" as shown on the map. This argument presumes that the city intended that the entire yellow area embodied on the map could eventually reach a density of 2 units per acre or more. This is simply not the case. The use of differing colors and differing densities on the Land Use Map indicates that within the yellow area (and other areas with different designations) the land use would be a *MIX* of densities from 1 to 2 or more units per acre. In other words some areas would be lower density 1 unit per acre lots while others might have higher densities up to and including 2 units per acre. Proof for this proposition is in the Zoning Map itself as shown below:



**Zoning Districts**

**Adopted from Fulton County**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>R-1 Single Family Dwelling District</li> <li>R-2 Single Family Dwelling District</li> <li>R-2A Single Family Dwelling District</li> <li>R-3 Single Family Dwelling District</li> <li>R-3A Single Family Dwelling District</li> <li>R-4 Single Family Dwelling District</li> <li>R-4A Single Family Dwelling District</li> <li>R-5 Single Family Dwelling District</li> <li>R-5A Single Family Dwelling District</li> <li>R-6 Two Family Dwelling District</li> <li>A- Medium Density Apartment District</li> <li>A-L Apartment Limited Dwelling District</li> <li>A-1 Apartment Dwelling District</li> <li>A-O Apartment Office District</li> <li>TR Townhouse Residential District</li> </ul> | <ul style="list-style-type: none"> <li>O-1 Office and Institutional District</li> <li>C-1 Community Business District</li> <li>C-2 Commercial District</li> <li>MIX Mixed Use District</li> <li>CUP Community Unit Plan District</li> <li>NUP Neighborhood Unit Plan District</li> <li>M-1 Light Industrial District</li> <li>M-2 Heavy Industrial District</li> <li>AO-1 Agricultural District</li> <li>Sandy Springs Overlay District</li> <li>Landlots</li> <li>Highways</li> <li>MARTA Rail</li> <li>MARTA Stations</li> </ul> |
|---|--|

Notice that within the same broad "yellow" area as shown on the Comprehensive Plan THERE IS A MIX OF LAND USES WITH DIFFERENT DENSITIES including R-2, R-3, and NUP (the NUP parcels are carry-overs from the days when Fulton County exercised zoning control and to the great disdain of the local residents allowed higher density planned developments in spot zoning along High Point Road).

Also note that the parcels abutting High Point road are almost exclusively the lower density (1 unit per acre) R-2 from Franklin Road to High Point Elementary School. This highlights the vision and intent of the City wasn't to permit rezone of the all of the properties to the higher density R-3 but to preserve a low density along the High Point Road corridor. Put simply, if the community and City leadership would have intended for the properties fronting High Point road to eventually be re-developed into R-3 lots it would have been much simpler to shade all of those lots as the darker orange R-3 like the remainder of the lots in the same area to the west of High Point Road. Clearly this distinction was intentional and as such embodies a promise to those living in the neighborhood that the gateway to their communities would be left intact as properties are re-developed going forward. We are relying on the city to keep this promise as it was made only 5 years ago on a plan that is designated "2027" Land Use.

#### Comprehensive Plan – Quotes from its Text

The Comprehensive Plan includes a number of sections relevant to the current Petition. The Plan is far more than just a conceptual map of future land uses as it embodies the many public hearings, professional opinions, and deliberations undertaken when the plan was enacted just a few years ago. Support for a NEGATIVE recommendation can be found in the text of the plan as well as the Land Use Map.

#### *Citywide Vision*

The plan's mission statement is embodied in the statement of the Citywide Vision (emphasis added):

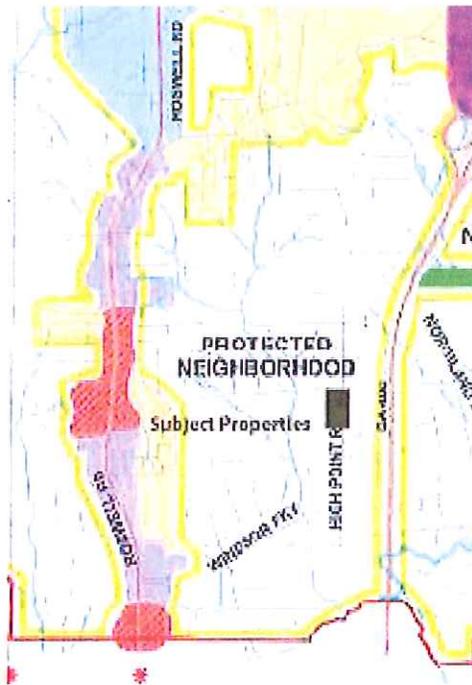
*"Sandy Springs will continue to be characterized by residential neighborhoods of predominantly single-family, detached homes at low densities. The City will strive to ensure that existing single-family neighborhoods will continue to be characterized by large lots, substantial tree cover, and low vehicular traffic."*

City of Sandy Springs Community Agenda  
Chapter 1: Vision, Character Areas and Land Use, Page 15 of 248

Clearly if the current Petition is granted the result will be HIGHER density, with smaller lots and virtually no tree cover particularly when the homes are initially built thus this section of the plan weighs against Petitioner's request.

#### *Protected Neighborhood*

Georgia's State Planning Rule 110-12-1-.03 requires a designation and list of Character Areas for inclusion in the Community Agenda. The properties subject to the petition and the general environs around it are designated as a "Protected Neighborhood" as shown on the following Adopted Character Area map excerpt taken from the Comprehensive Plan:



Excerpt from City of Sandy Springs Adopted Character Area Map

The Comprehensive Plan states the following regarding "Protected Neighborhoods (emphasis added):"

*"Within this character area, no zoning changes will be permitted for higher densities than those designated on the future land use plan (to be revisited and readopted), and no uses other than detached, single-family residences and supporting institutional or recreational facilities serving the immediate neighborhood will be permitted. Protected neighborhoods will receive only a minor share of the citywide population increase projected during the next twenty years; limited amounts vacant land exists within these areas, so infill development is possible in some areas but limited overall. A significant amount of tree cover remains and through traffic is minimized."*

City of Sandy Springs Community Agenda  
Chapter 1: Vision, Character Areas and Land Use, Page 23 of 248

As pointed out previously, Petitioners' property lies in an area designated by the Comprehensive Plan Future Land Use Map as "1 to 2 units per acre" in density. The R-3 district zoning that is sought provides for lots of 18,000 square feet. An acre consists of 43,560 square feet so the permitted density would be:

$$43,560/18,000 = 2.42 \text{ units per acre}$$

Thus if the City approves this rezone it will technically be in direct violation of its own Comprehensive Plan.

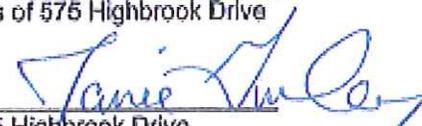
### Summary

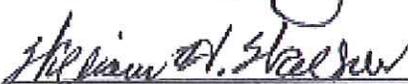
Nearly all of the adjoining and proximate property owners to the property subject to the current request for rezone stand united in their opposition to it. The Comprehensive Plan and Zoning ordinances provide ample support and indeed as cited immediately above require the denial of Petition as well. The same undersigned neighbors are unopposed to the RESPONSIBLE development of the subject parcel, particularly the tract owned by the Spillanes. The construction of one or two suitable homes on this 1.98 acre parcel is more reasonable to those of us that will live with the results of the development as long as we own our homes.

For all of the reasons cited above, we the undersigned neighboring property owners respectfully request that the Sandy Springs Plan Commission send the proposed rezone of 4920 & 4940 High Point Road (Application 201301810) to the City Council with a NEGATIVE recommendation.

Respectfully,

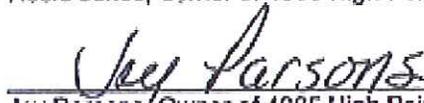
  
\_\_\_\_\_  
Brian Wilson & Heidi Orden, Owners of 575 Highbrook Drive

   
\_\_\_\_\_  
Bill and Janie Gurley, Owners of 565 Highbrook Drive

   
\_\_\_\_\_  
Bill & Trisha Walker, Owners of 4890 High Point Road NE

  
\_\_\_\_\_  
Bobby Allen, Owner of 4876 High Point Road NE

  
\_\_\_\_\_  
Rosie Jones, Owner of 4895 High Point Road NE

  
\_\_\_\_\_  
Joy Parsons, Owner of 4885 High Point Road NE

  
\_\_\_\_\_  
Wallace and Dorothy Evans, Owners of 555 Forest Valley Road.