



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: September 11, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: **201301778** - 611, 641, 661 Mabry Road, *Applicant: Traton Homes*. LLC, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision

MEETING DATE: For Submission onto the September 17, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER: JTM APPROVED

PLACED ON AGENDA FOR: 9/17/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SM

REMARKS:

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: September 6, 2013 for submission onto the September 17, 2013 City Council meeting

Agenda Item: **201301778 611, 641, 661 Mabry Road** a request to rezone the subject property from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow the development of 18 units.

Department of Community Development Recommendation:

APPROVAL CONDITIONAL of a request to rezone the subject property from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow the development of 18 units.

Background:

The subject site is located in the southwest corner of Glenridge Drive and Mabry Road. The properties are currently zoned R-2 (Single Family Dwelling District) and is developed with three (3) single family homes. The property contains approximately 6.66 acres.

Discussion:

To rezone the subject property from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow the development of 18 units.

The petition was heard at the August 15, 2013 Planning Commission Meeting. The Commission recommended deferral (6-0, Frostbaum, Maziar, Nickels, Porter, Squire, and Tart for; Duncan not voting) to the October 17, 2013 Planning Commission and November 19, 2013 Mayor and City Council, subject to the following conditions:

- 1) The applicant create a site plan that meets the Staff's Conditions.
- 2) The applicant meet with the neighbors to ensure that an agreement is reached on outstanding issues.

Staff met with the applicant on August 29, 2013 to discuss the revised site plans. The applicant prepared a site plan to show staff's conditions and a revised proposed site plan showing 18 lots. The applicant also provided staff with a letter of support from three (3) of the adjacent home owners on Mabry Road.



Rezoning Petition No. 201301778

PROPERTY INFORMATION	
Address, Land Lot, and District	611, 641, 661 Mabry Road Land Lot 33, District 17 th
Council District	4
Frontage	449.85 feet along Glenridge Drive and approximately 701.25 feet along Mabry Road
Area	6.66 acres
Existing Zoning and Use	R-2 (Single Family Dwelling District) developed with three (3) Single Family Homes
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R2-3 (2 to 3 units per acre)
Proposed Zoning	R-4 (Single Family Dwelling District)

APPLICANT/PETITIONER INFORMATION		
Property Owner	Petitioner	Representative
Estate of Herbert H. and Colleen B. Mabry Estate of Maxine P. Cullom	Traton Homes, LLC	Nathan V. Hendricks

HEARING & MEETING DATES			
Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
June 25, 2013	July 25, 2013	August 15, 2013	September 17, 2013

INTENT
To rezone the subject property from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for the development of 18 single family lots.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
201301778- APPROVAL CONDITIONAL**

**PLANNING COMMISSION
201301778- DEFERRAL**

The petition was heard at the August 15, 2013 Planning Commission Meeting. The Commission **recommended deferral** (6-0, Frostbaum, Maziar, Nickels, Porter, Squire, and Tart for; Duncan not voting) to the October 17, 2013 Planning Commission and November 19, 2013 Mayor and City Council, subject to the following conditions:

- 1) The applicant create a site plan that meets the Staff's Conditions.
- 2) The applicant meet with the neighbors to ensure that an agreement is reached on outstanding issues.

Staff met with the applicant on August 29, 2013 to discuss the revised site plans. The applicant prepared a site plan to show staff's conditions and a revised proposed site plan showing 18 lots. The applicant also provided staff with a letter of support from three (3) of the adjacent home owners on Mabry Road.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES					
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SUBJECT PETITION 201300991	Requested Zoning	Proposed Use	Land Area (Acres)	Units	Density (Units per Acre)
	R-4	Single Family	6.66	18	2.7 units/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, South, West	CUP Z63-0044	Spalding Woods	150.03	203	1.35 units/ac
East	R-4A Z80-0125	Suffolk Forest	25	46	1.11 units/ac
East	TR Z72-0052	Fairfax	32.9±	223	6.8 units/ac
South and East	A Z80-0015	Glenlake Apartments	48.32±	484	10.02 units/ac

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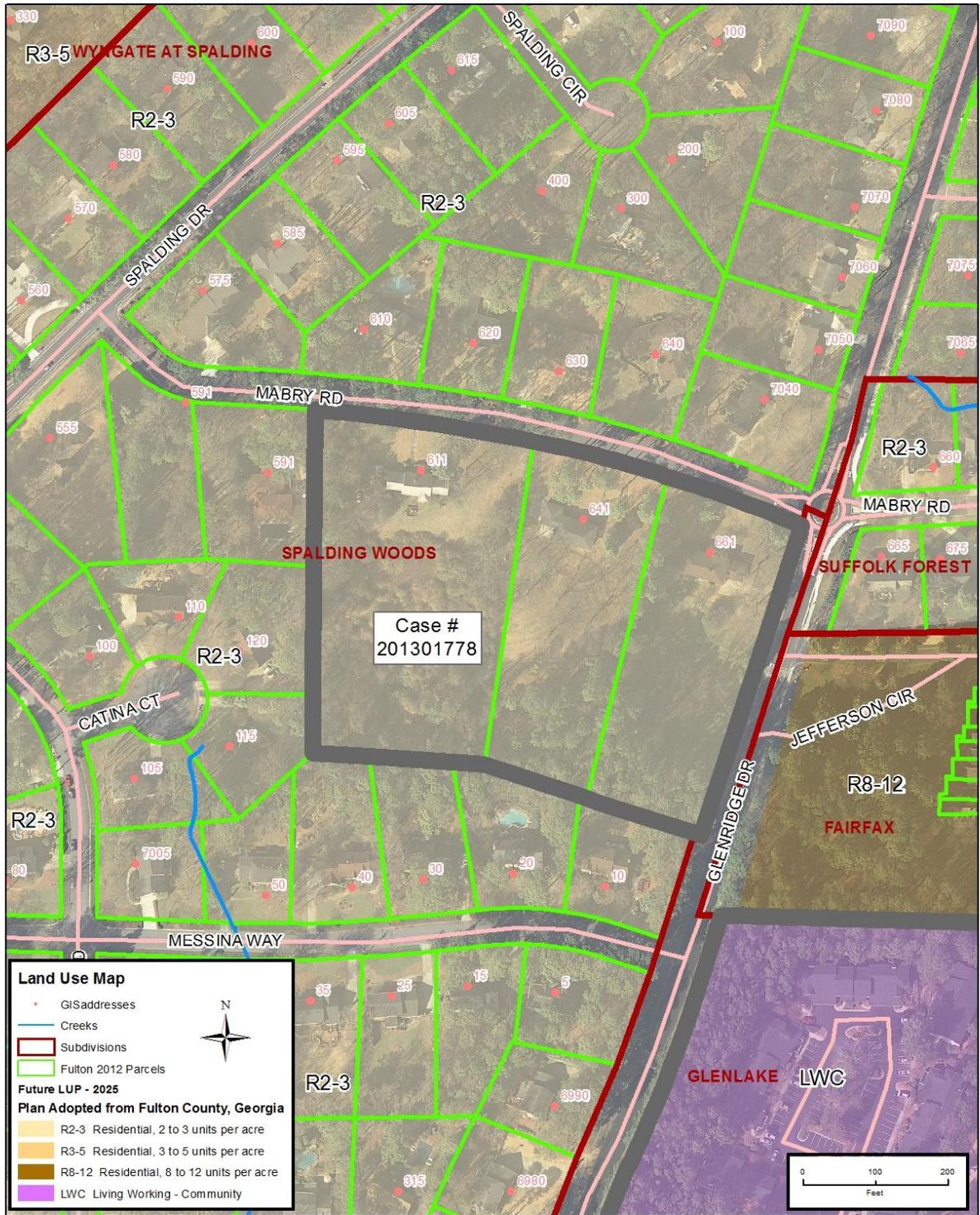
Zoning Map

611, 641, 661 Mabry Road



Future Land Use Map

611, 641, 661 Mabry Road



ZONING IMPACT ANALYSIS

The applicant is requesting to rezone the subject property from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for the development of 18 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 the proposed single family residential use is suitable in view of the use and development of adjacent and nearby property. The proposal at 3 units per acre meets the Comprehensive Plan's residential density range of 2-3 units per acre. However, the proposal is not consistent with surrounding lot sizes and densities of the abutting properties. The immediately adjacent properties range in size from 20,648 square feet to 34,427 square feet, but could be subdivided into lots with minimum lot areas of 18,000 square feet. Additionally, the single family subdivisions have overall densities of 1.11 to 1.35 units per acre. The surrounding area consists of: CUP (Community Unit Plan District) to the north, south and west; R-4A (Single Family Dwelling District) and TR (Townhouse Residential District); A (Medium Density Apartment District) to the south and southeast). **Based on these findings, staff is recommending approval conditional of the rezoning, but with the lots on the exterior of the development being required to meet the zoned lot sizes, setbacks, and other development standards of the adjacent properties.**

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 could have an adverse impact on the use or usability of adjacent or nearby properties because of the inadequate transition between developments and the lot sizes not being consistent with adjacent properties. The proposal is for a density of 2.7 units/acre. The proposed density is consistent with the Comprehensive Plan density of 2-3 unit/acre, but not consistent with the densities of the abutting properties to the north, south and west.

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

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

D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

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

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 policies and intent of the Future Land Use Map, which designates the property as R2-3 (Residential 2 to 3 units per acre). The proposed density of 3 units an acre does fall into the range suggested by the Future Land Use Map and it is also lower than the densities of the developments on the east side of

Glenridge Drive. However, the proposed lots are not consistent with the policies and intent of the Comprehensive Plan or with the CUP (Community Unit Plan District) zoning surrounding the property on the north, south, and west (Spalding Woods Subdivision). The density for Spalding Woods is 1.35 units/acre. The proposed request is not in harmony with the Comprehensive Plan policies on densities being consistent with surrounding residential developments, including the following:

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 would not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs. The proposal will be required to meet all current City Codes including a stormwater management system.

DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on May 1, 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).

Site Development	<ul style="list-style-type: none"> • 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. • Development shall not generate concentrated discharge of stormwater across a perimeter 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 possesses the capacity to convey a 25 year flow. • Runoff from lots fronting Mabry Road shall drain to the proposed detention facility.
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"> • Section 103-73, driveways on corner lots with frontages on Glenridge Drive shall be located either on Mabry Road or the proposed street as applicable. • Section 103-77, all driveways shall meet sight distance requirements. • Section 103-75, applicant shall dedicate 40 feet of right-of-way along entire property frontage from centerline of Glenridge Drive, 25 feet of right-of-way from centerline along entire property frontage of Mabry Road, and 20-foot miters (or equivalent radius) at the intersections of Glenridge Drive and Mabry Road and at the proposed street intersection with Glenridge Drive. The minimum paved street width for Glenridge Drive is 12 feet. <p>Section 103-80, Glenridge Drive is included in Sidewalk Master Plan. Five-foot sidewalks with two-foot minimum landscape street are required along entire property frontages of Glenridge Drive and proposed street.</p>
Stormwater Services	<p>The City of Sandy Springs undertook a stormwater evaluation at 725 Mabry Road, east of the site and across Glenridge Drive, in August 2012. The topography of the Mabry Road zoning tract lies primarily outside of the sub-basin that was investigated at 725 Mabry Road.</p>

PUBLIC INVOLVEMENT

Public Comments

Opposition

- Density is higher than what currently exist around subject property.
- R-2 zoning would be acceptable.
- No comments from the City to questions or concerned.
- No protected neighborhoods have R-4 zoning and it would set a precedent.
- Other construction project in the area not being built.
- Project will increase traffic in the area.
- Concerned about the amount of tree removal.
- Would prefer 10 houses.
- The drainage going away from Massina (lots 1-8)
- Leave a natural buffer
- Show existing houses to see how properties line up.
- Would like to see larger exhibits.
- Run off from the lots on Mabry Road discharge water on the south side of Mabry.
- Install a retaining wall with a weir along the west property line.
- Leisure Ridge in Dunwoody was to preserve 3 lots for open space. How can Traton Homes be trusted?
- Sandy Springs is not listening and taking questions seriously.
- Traffic currently makes it difficult to get onto Glenridge Drive.
- High Density on Roswell Road and Glenlake Parkway surrounding the neighborhood
- Public has no control whether zoning happens or not,
- What is the acreage on Valley Brooke that Traton built?
- The proposed zoning will effect the look, feel and character of the neighborhood
- Does not want the proposed development.
- What are the benefits
- Are there penalties if they don't fallow regulations
- Impact on Schools.

Support

- Will increase property values in the neighborhood

CONCLUSION TO FINDINGS

The staff recommends **APPROVAL CONDITIONAL** of the request to rezone the subject property from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) 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. To develop Single Family Dwelling Units consistent with R-3 (Single Family Dwelling District) zoning district regulations along the south and north property lines (Lots 1-6 and 13-20 on the site plan dated received June 4, 2013).

2. To the owner's agreement to abide by the following:
 - a. A revised site plan shall be submitted to the Department of Community Development. Said site plan must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, 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. 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.
 - b. Development shall not generate concentrated discharge of stormwater across a perimeter 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 possesses the capacity to convey a 25 year flow.
 - c. Runoff from lots fronting Mabry Road shall drain to the proposed detention facility.

Attachments

- Letter of Intent received June 4, 2013
- Revised Proposed Site Plan (18 lots) dated received August 29, 2013
- Site Plan per Staff's Conditions (14 lots) dated received August 29, 2013
- Proposed housing types dated received September 3, 2013
- Site Plan dated received June 4, 2013
- Existing Site Plan
- Site Photographs
- Additional comments from the Fulton County Department of Water Resources, Fulton County Department of Health Services
- Letters of Support (5)
- Letters of Opposition (9)

LETTER OF INTENT

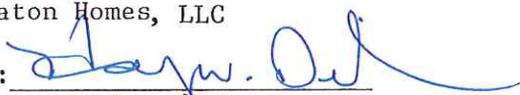
The property contains approximately 6.66 acres and is located at the southwest corner of the intersection of Mabry Road and Glenridge Drive (the "Property"). The Property is presently zoned to the R-2 Classification.

The Applicant requests a rezoning to the R-4 Classification for the development of a twenty (20) lot single family detached residential Community. The residences to be built will range from approximately 3,000 square feet of heated floor area to approximately 4,400 square feet of heated floor area. To the north, west and south of the Property is single family detached residential zoning and development and to the east on the easterly side of Glenridge Drive is a residential attached townhome development. The Sandy Springs Comprehensive Land Use Plan Map suggests residential development on the Property at a density range of two (2) to three (3) units per acre while the Comprehensive Land Use Plan Map suggests residential development at a density range of eight (8) to twelve (12) units per acre for the townhome on the easterly side of Glenridge Drive directly to the east of the Property. Accordingly, this rezoning requests complies with the residential development suggested under the Comprehensive Land Use Plan Map as well as at the level of density suggested by the Comprehensive Land Use Plan Map. Accordingly, this Application for Rezoning is entirely appropriate and the appropriateness of this Application for Rezoning 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.

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

APPLICANT:

Traton Homes, LLC

By: 

Name: Harry Dinham

Its: 

Nathan V. Hendricks III
Attorney for the Applicant

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

Exhibit "A"

APPROPRIATENESS OF APPLICATION
AND
CONSTITUTIONAL ASSERTIONS

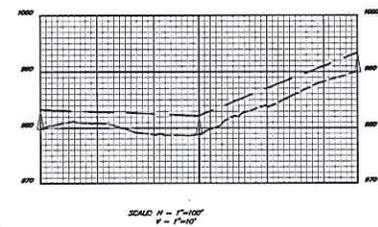
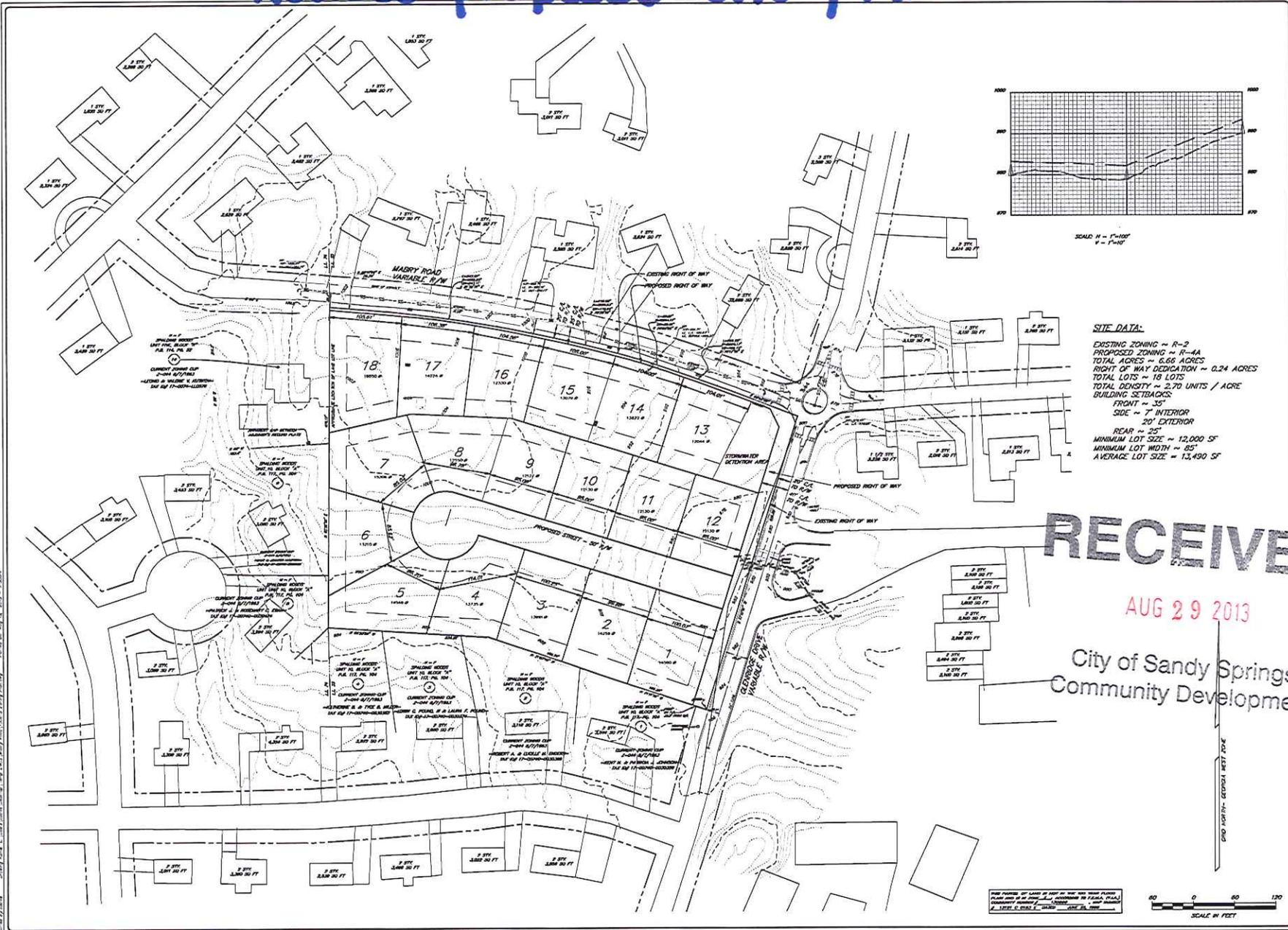
The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights 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.

Revised proposed site plan



SITE DATA:
 EXISTING ZONING ~ R-2
 PROPOSED ZONING ~ R-4A
 TOTAL ACRES ~ 6.66 ACRES
 RIGHT OF WAY DEDICATION ~ 0.24 ACRES
 TOTAL LOTS ~ 18 LOTS
 TOTAL DENSITY ~ 2.70 UNITS / ACRE
 BUILDING SETBACKS:
 FRONT ~ 35'
 SIDE ~ 20' INTERIOR
 REAR ~ 25'
 MINIMUM LOT SIZE ~ 12,000 SF
 MINIMUM LOT WIDTH ~ 85'
 AVERAGE LOT SIZE = 13,490 SF

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AUG 29 2013

City of Sandy Springs
 Community Development

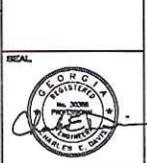
Gaskins
 ENGINEERING
 PLANNING/CONSULTING
 SURVEYING
 CONSTRUCTION ADMINISTRATION
 12615 Sandy Springs Road
 Atlanta, Georgia 30339
 Phone: (770) 444-1999
 Fax: (770) 444-1998
 WWW.GASKINS.COM

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MABRY ROAD
 LAND LOT 33, 17TH DISTRICT,
 CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA
 ZONED ~ R-2

REV.	DATE	REVISION REFERENCE

SHEET TITLE
 ZONING PLAN



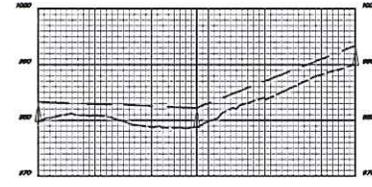
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SHEET NUMBER	
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NOT ISSUED FOR CONSTRUCTION

THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE FIELD. GASKINS SURVEYING COMPANY, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.



Site Plan with Staff's conditions



SITE DATA:
 EXISTING ZONING ~ R-2
 PROPOSED ZONING ~ R-4A
 TOTAL ACRES ~ 6.66 ACRES
 RIGHT OF WAY DEDICATION ~ 0.24 ACRES
 TOTAL LOTS ~ 10 LOTS
 TOTAL DENSITY ~ 2.70 UNITS / ACRE
BUILDING SETBACKS:
 FRONT ~ 35'
 SIDE ~ 7' INTERIOR
 20' EXTERIOR
 READ ~ 25'
 MINIMUM LOT SIZE ~ 12,000 SF
 MINIMUM LOT WIDTH ~ 85'

RECEIVED

AUG 29 2013

City of Sandy Springs
 Community Development

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 CONSTRUCTION RIGHT
 Phone: (770) 424-7518
 Fax: (770) 424-7593
 1256 Pondera Springs Blvd
 Marietta, Georgia 30064
 www.gskins.com

MABRY ROAD
 LAND LOT 33, 37th DISTRICT,
 CITY OF SANDY SPRINGS, RUITON COUNTY, GEORGIA
 ZONED ~ R-2

REV	DATE	REVISION	BY	CHKD

SHEET TITLE
 ZONING PLAN

SCALE

PROJECT NO. T113 **FIELD BOOK** **ISSUE DATE** 6-03-13
DRAWN BY SD **CHECKED BY** CED
SCALE 1"=60' **ISSUE DATE** 6-03-13
SHEET NUMBER 2

NOT ISSUED FOR CONSTRUCTION

RECEIVED

SEP 03 2013

City of Sandy Springs
Community Development



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SEP 03 2013

City of Sandy Springs
Community Development



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SEP 03 2013

City of Sandy Springs
Community Development



RECEIVED

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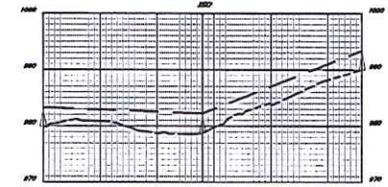
City of Sandy Springs
Community Development



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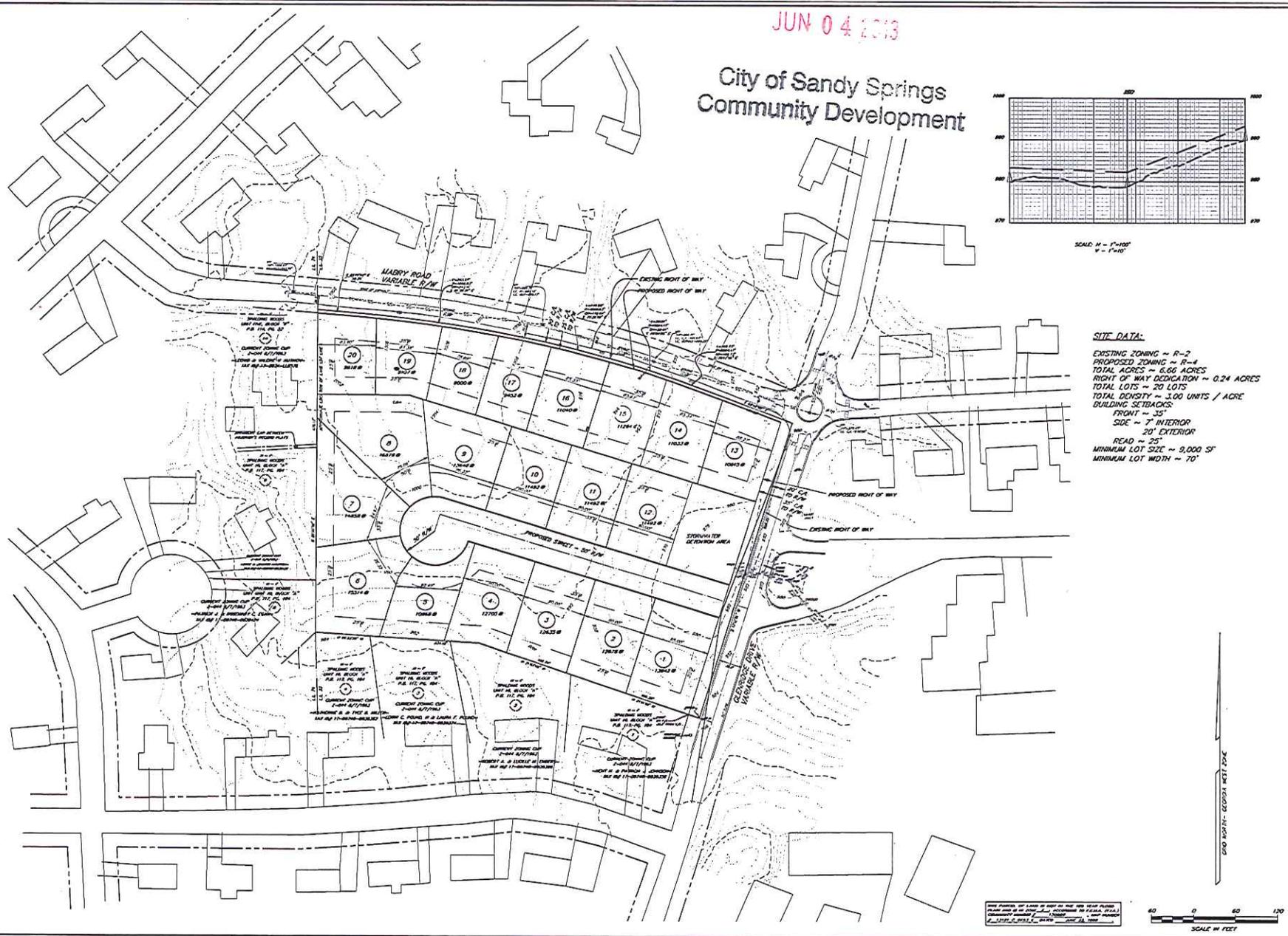
City of Sandy Springs Community Development



SCALE: H = 1"=100'
V = 1"=10'

SITE DATA:

EXISTING ZONING ~ R-2
 PROPOSED ZONING ~ R-4
 TOTAL ACRES ~ 6.66 ACRES
 RIGHT OF WAY DESIGNATION ~ 0.24 ACRES
 TOTAL LOTS ~ 20 LOTS
 TOTAL DENSITY ~ 3.00 UNITS / ACRE
 BUILDING SETBACKS:
 FRONT ~ 35'
 SIDE ~ 7' INTERIOR
 20' EXTERIOR
 REAR ~ 25'
 MINIMUM LOT SIZE ~ 3,000 SF
 MINIMUM LOT WIDTH ~ 70'



ALL DIMENSIONS OF LOTS IN THIS PLAN ARE TO BE TAKEN FROM THE CORNERS OF THE LOTS AS SHOWN ON THE PLAT OF THE LOTS. THE DIMENSIONS OF THE LOTS SHOWN ON THIS PLAN ARE APPROXIMATE AND SHOULD BE CHECKED ON THE GROUND.



Gaskins
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 PLANNING/CONSULTING
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MABRY ROAD
 LAND LOT 33, 17TH DISTRICT,
 CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA
 ZONED ~ R-2

REVISIONS		
REV.	DATE	REVISION REFERENCE

SHEET TITLE
 ZONING PLAN



PROJECT I.D. T113
 DRAWN BY SB
 SCALE: 1"=60'

FIELD BOOK -
 CHECKED BY CEB
 ISSUE DATE: 6-03-13

SHEET NUMBER
 2

NOT ISSUED FOR CONSTRUCTION

LEGEND	
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SURVEY NOTES

ALL DISTANCES ON SURVEY ARE MEASURED ALONG THE SURVEY LINE AS SHOWN ON THIS PLAN UNLESS OTHERWISE SPECIFIED BY THIS SURVEYOR'S NOTES. ALL DISTANCES ON THIS PLAN ARE MEASURED ALONG THE SURVEY LINE UNLESS OTHERWISE SPECIFIED BY THIS SURVEYOR'S NOTES. ALL DISTANCES ON THIS PLAN ARE MEASURED ALONG THE SURVEY LINE UNLESS OTHERWISE SPECIFIED BY THIS SURVEYOR'S NOTES.

CURRENT OWNERS

861 MABRY ROAD
HEBERT A & COLLEEN B MABRY
D.L. 2008, PG. 221

841 MABRY ROAD
COLLEEN B MABRY
D.L. 2008, PG. 221

871 MABRY ROAD
MRS. E. H. COLLEEN
D.L. 2008, PG. 400

SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104

SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104

SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104

SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104

SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104

SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104

SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104

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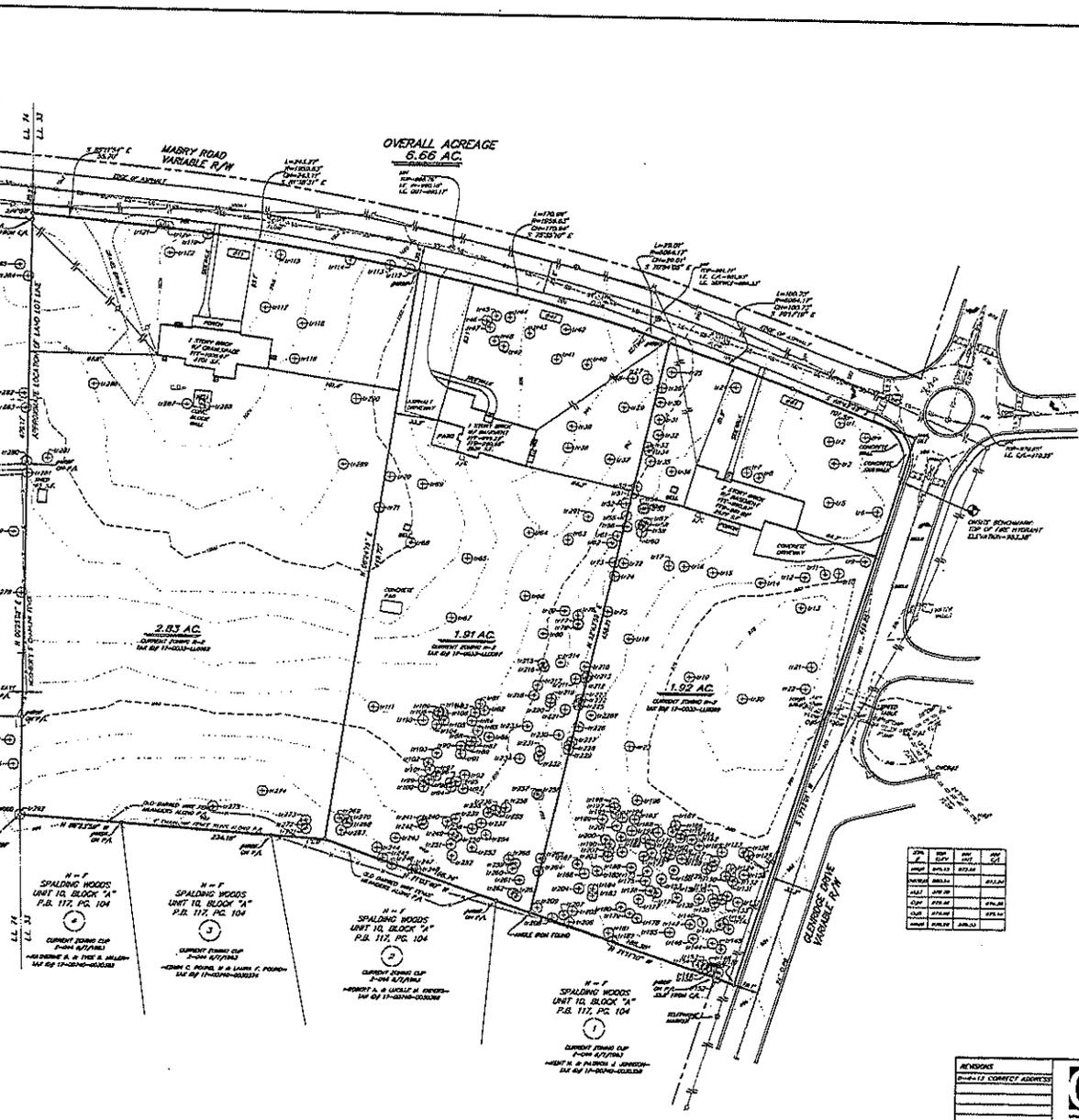
SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104

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SPALDING WOODS UNIT 10, BLOCK "A" P.B. 117, PG. 104



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MEMORANDUM

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

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

DATE: July 15, 2013

SUBJECT: Zoning Comments for July 2013

RECEIVED

JUL 15 2013

City of Sandy Springs
Community Development

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>

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>

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City of Sandy Springs
Community Development

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 hereby 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 approved, are required to complete the City of Sandy Springs and the Fulton County Planning 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 20 units = 5,400 gallons per day

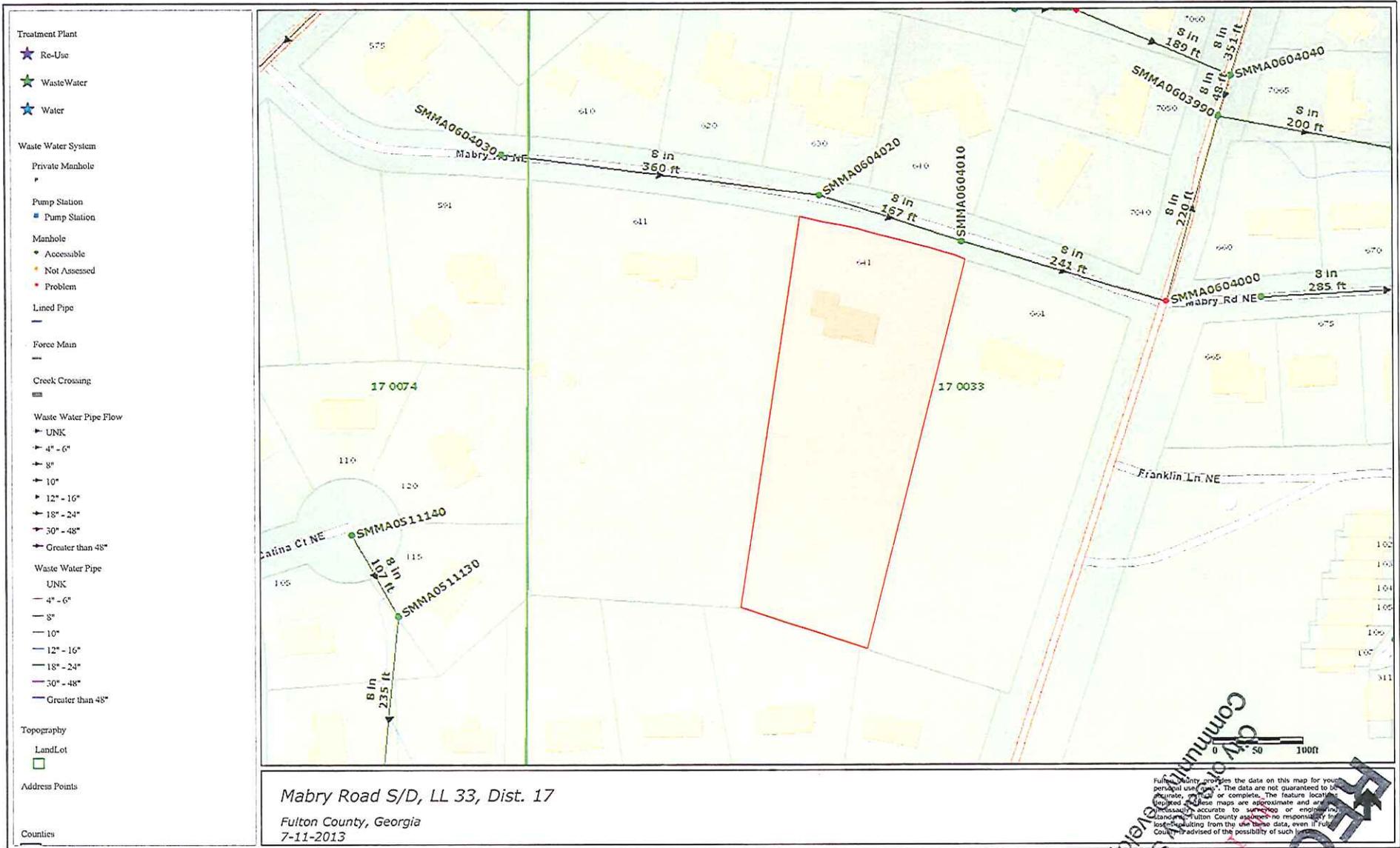
This project is within the City of Atlanta water jurisdiction.

SEWER:

Basin: Marsh Creek
Treatment Plant: R.L. Sutton (Cobb County)
Anticipated sewer demand: 4860 gallons per day

There are three wastewater manholes on Mabry Road north of 641 and 661 Mabry Road (SMMA0604020, SMMA0604010 and SMMA0604000) located in Land Lot 33, 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.



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 City of Spring
 Community Development
 11-15-2013

Fulton County warrants the data on this map for your personal use only. The data are not guaranteed to be complete, accurate or complete. The feature locations shown on these maps are approximate and are not necessarily accurate to survey or engineering standards. Fulton County assumes no responsibility for any loss or damage resulting from the use of these data, even if Fulton County is advised of the possibility of such loss or damage.

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Property Profile for **641 Mabry Rd**

Property Tax Information

Tax Year 2012
 Parcel ID 17 0033 LL0097
 Property Address 641 Mabry Rd
 Owner Mabry Colleen B
 Mailing Address 641 Mabry Rd Ne Sandy Springs Ga 30328
 Total Appraisal \$217,800
 Improvement Appraisal \$130,300
 Land Appraisal \$87,500
 Assessment \$87,120
 Tax District 59
 Land Area 1.95 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 SS04
 Poll Location St Jude Catholic Church, 7171 Glenridge Dr Ne

Congressional District 006
 State Senate District 032
 State House District 052

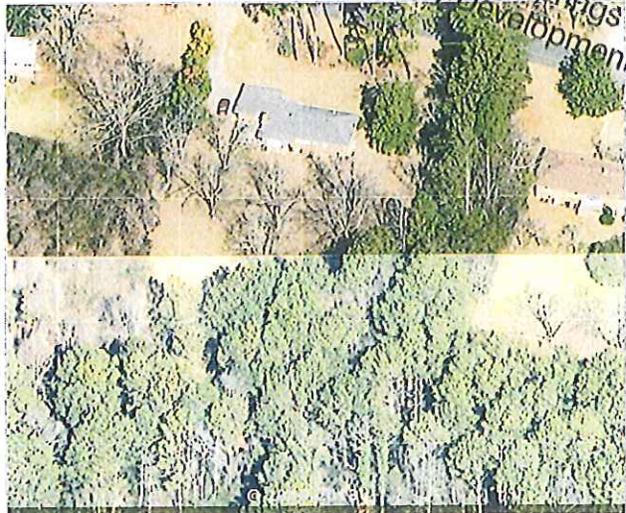
School Zones

Elementary School Woodland
 Middle School Sandy Springs
 High School North Springs

Other Information

Zip Code 30328
 Census Tract 101.23
 In Less Developed Census Tract No

Oblique Aerial View (looking north)



Property Map



Vicinity Map



Property Profile for **661 Mabry Rd**

RECEIVED
 JUL 15 2013

Property Tax Information

Tax Year 2012
 Parcel ID 17 0033 LL0089
 Property Address 661 Mabry Rd
 Owner Mabry Herbert H & Colleen B
 Mailing Address 641 Mabry Rd Atlanta Ga 30328
 Total Appraisal \$218,100
 Improvement Appraisal \$152,800
 Land Appraisal \$65,300
 Assessment \$87,240
 Tax District 59
 Land Area 1.83 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 SS04
 Poll Location St Jude Catholic Church, 7171
 Glenridge Dr Ne

Congressional District 006
 State Senate District 032
 State House District 052

School Zones

Elementary School Woodland
 Middle School Sandy Springs
 High School North Springs

Other Information

Zip Code 30328
 Census Tract 101.23
 In Less Developed Census Tract No

Oblique Aerial View (looking North)



Property Map



Vicinity Map



**Rezoning Impact Statement
Fulton County School System**

PETITION 201301778

JURISDICTION: Sandy Springs

USE	# UNITS
SF	20
TR / Condo	0
MF	0

HOME SCHOOL	ESTIMATED # STUDENT GENERATED	CAPACITY ^A	PROJECTED ENROLLMENT ^B	PROJECTED UNDER/OVER CAPACITY ^C	# PORTABLE CLASSROOMS	CAN FACILITY MEET DEMAND? ^{**}
Woodland ES	1 to 3	1000	889 to 945	-111 to -55	4	YES
Sandy Springs MS	0 to 1	875	874 to 928	-1 to 53	4	NO
North Springs HS	1 to 2	1775	1,612 to 1,712	-163 to -63	0	YES
TOTAL	2 to 6					

HS REGION:	AVERAGE	AVERAGE + 1 STD. DEV.	
North Springs HS			
One single famiy unit generates:	0.062697	0.149245	elementary school students per unit
	0.01111	0.033453	middle school students per unit
	0.050219	0.101519	high school students per unit
One multifamily or apartment unit generates:	0.146447	0.224431	elementary school students per unit
	0.032978	0.056267	middle school students per unit
	0.061185	0.100275	high school students per unit
One residential town home unit generates:	0.060807	0.122144	elementary school students per unit
	0.017584	0.039382	middle school students per unit
	0.034729	0.065516	high school students per unit

AVERAGE OPERATIONAL COST PER STUDENT:		
TOTAL COST:\$na	PORTION LOCAL REVENUE SOURCES: \$tbd	PORTION STATE AND OTHER REVENUE SOURCES: \$tbd

^A Updated Georgia Department of Education state capacity.

^B Projected enrollment is for fall of the 2013-14 school year based on forecasted enrollment.

^C Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.

* State capacity indicates space. However due to the number of special programs at the school, portable classrooms may b3 needed to accommodate the instructional needs of the school.

** Impact based on 2013-14 school boundaries

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SEP 03 2013

City of Sandy Springs
Community Development

MEMORANDUM

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

FROM: Home Owners of 610, 620, and 630 Mabry Road

DATE: August 12th, 2013

RE: Rezoning Petition No. 201301778 611, 641, 661 Mabry Road
Applicant: Traton Homes, LLC

We the home owners of 610, 620, and 630 Mabry Road (Spaulding Woods Subdivision) strongly support the City of Sandy Springs Community Development Staff recommendations to approve the Traton Homes, LLC rezoning request subject to the "lots on the exterior of the development being required to meet the the zoned lot sizes, setbacks, and other development standards of the adjacent properties."

We believe that the proposed subdivision plan will restrict storm water runoff for our neighbors downstream of the subject site.

Sincerely,



David Scott Carlson
MRP, AICP

Owners
610 Mabry Road

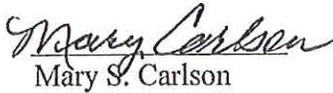


Mr. Ron Minton

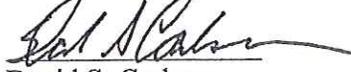


Mr. Albert Rohm

Owners
620 Mabry Road

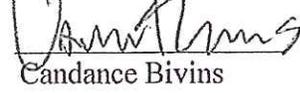


Mary S. Carlson



David S. Carlson

Owner
630 Mabry Road



Candance Bivins

Abaray, Linda

From: Debbie Anderson <debander@bellsouth.net>
Sent: Tuesday, July 30, 2013 2:20 PM
To: COSS Planning and Zoning
Subject: SPALDING WOODS/MABRY REZONING - NOT ALL VIEWS REPRESENTED

Hi, in reference to the letter drafted by the Spalding Woods HOA in opposition to the proposed development by Traton Homes, I don't believe a vote of the neighborhood was taken, thus only the views of the opponents were expressed in the letter. I don't believe a clear understanding of the breakdown of residents' opinions is known.

I am personally supportive of new construction that will favorably impact our home values and neighborhood appeal and I'm not convinced the Traton plan is detrimental. There are many new developments along Glenridge, Mt. Vernon and Johnson Ferry that are more dense and on smaller lots than surrounding older/larger lot homes that look great in my opinion. I would prefer fewer than 20 homes if possible but understand the business case must support the development plan.

However, 20 homes should not have much impact on traffic volumes. The lots to be developed are not heavily wooded so not a significant amount of trees are at risk. Locating the entrance on Glenridge across from the Fairfax entrance makes sense -- having another self-contained sub-community entrance in proximity would facilitate its blending into the current landscape.

If done right, I believe the development will foster appreciation to Spalding Woods' home values and esthetically enhance the neighborhood with attractive, updated housing and improved landscaping.

I would appreciate anonymity if possible regarding my input to avoid hurtful feelings from those neighbors with opposing views.

Thank you for your due diligence on this proposal.

Debbie Anderson

75 Messina Way

770-630-4284

<http://www.linkedin.com/in/debbiecanderson>

Abaray, Linda

From: Jerry Ashkouti <jashkouti@fgmc.net>
Sent: Tuesday, July 30, 2013 10:04 AM
To: COSS Planning and Zoning
Subject: Mabry Road

I am in favor of the rezoning request of the 3 lots on Mabry Road by Traton Homes. If you look at the Suffolk Forest plat you will see lots about the same size as being requested.

I live at 130 Bayvale Court and consider this an improvement to the neighborhood.

Gerald J. Ashkouti
Ashkouti Realty Corporation
6085 Barfield Rd.
S-200
Atlanta, GA. 30328
678-553-4502 (O)
404-281-0625 (C)

Abaray, Linda

From: aptadv@aol.com
Sent: Tuesday, July 30, 2013 10:49 AM
To: COSS Planning and Zoning
Subject: Spalding Woods HOA Resolution of Opposition to Increased Density

My wife and I, residents of Spaulding woods for over forty years, strongly support the resolution.

Flore and Roland Fredette

Abaray, Linda

From: Jared Young <jared.m.young@gmail.com>
Sent: Monday, July 22, 2013 8:30 AM
To: COSS Planning and Zoning
Subject: Re: Mabry Road Zoning Update

Good Morning,

My wife and I currently reside in the Spalding Woods neighborhood in very close proximity to the proposed development and we are both adamantly in favor of the development to move forward as long as proper planning and construction is in place (sidewalks, drainage, traffic, etc.). We believe this development will greatly increase the appeal and value of the neighborhood, specifically with the homes that it will be replacing.

Sincerely,

Jared and Nancy Young
605 Spalding Dr.
Sandy Springs, GA

On Mon, Jul 22, 2013 at 8:21 AM, Spalding Woods HOA <hoa30328@spaldingwoods.org> wrote:
HOA members,

The next public hearing on the Mabry Road rezoning proposal will be held as follows:

Date: Thursday July 25th

Time: 6:00 PM

Place: City Hall, 7840 Roswell Road, Bldg. 500, Sandy Springs, GA

Agenda: Developer response to specific neighbor concerns.

Rob Barger volunteered to collect and document the specific concerns expressed by neighbors since the initial public hearing in June. **Please view the attached document for a summary of these concerns by category.** This information will be presented to the developer via a designated city liaison in advance of the July 25th meeting.

The general consensus is that the requested R4 zoning is much too dense for this neighborhood. Additionally there is an existing storm water issue in the neighborhood that could be further exacerbated by the presence of additional homes in the impacted area.

The zoning board is scheduled to vote on the proposal on August 15th. The City council is scheduled to vote on September 17th.

We encourage all neighbors to participate in the public meetings and contact the zoning board and all of the city councilors to let them know your position on the matter. Correspondence to the zoning board can be sent to PZ@sandyspringsga.gov. Please visit the city website for city councilor contact information.

Abaray, Linda

From: Dickerson, Patrice
Sent: Thursday, September 05, 2013 8:03 AM
To: Abaray, Linda
Subject: Fwd: Proposed rezoning in Spalding Woods

Sent from my iPhone

Begin forwarded message:

From: "Sterling, Gabriel" <GSterling@SandySpringsga.gov>
Date: September 4, 2013, 8:38:49 PM EDT
To: "Parker, Angela" <Angela.Parker@SandySpringsga.gov>, "Dickerson, Patrice" <PDickerson@SandySpringsga.gov>
Subject: **Fwd: Proposed rezoning in Spalding Woods**

Here is another email...

Sent from my iPad

Begin forwarded message:

From: Kathy Franch <kafranch@yahoo.com>
Date: September 4, 2013, 7:49:16 PM EDT
To: "egalambos@sandyspringsga.gov" <egalambos@sandyspringsga.gov>, "jpaulson@sandyspringsga.gov" <jpaulson@sandyspringsga.gov>, "dfries@sandyspringsga.gov" <dfries@sandyspringsga.gov>, "ccollins@sandyspringsga.gov" <ccollins@sandyspringsga.gov>, "gsterling@sandyspringsga.gov" <gsterling@sandyspringsga.gov>, "tdejulio@sandyspringsga.gov" <tdejulio@sandyspringsga.gov>, "kmcererny@sandyspringsga.gov" <kmcererny@sandyspringsga.gov>
Subject: **Proposed rezoning in Spalding Woods**
Reply-To: Kathy Franch <kafranch@yahoo.com>

Dear City Council Members,

Greetings, and thank you for your attention to my concerns about the proposed rezoning in our neighborhood, Spalding Woods. My husband and I relocated to Spalding Woods in 2002 from Roswell, Georgia. We chose Spalding Woods for the beautiful tree canopy, for our neighbors in an established well organized community with an active Garden Club which beautifies the neighborhood, and for its proximity to North Springs Charter High School where our daughter graduated in 2005. I attend St. Jude Catholic church which is within walking distance. We understood the zoning to be R2 when we purchased our home and we believed the character of the neighborhood would be protected. It embodies all that is beautiful about Sandy Springs which include the old growth trees and shady canopy, the thoughtfulness of kind neighbors, and institutions that enrich us

all. It is a healthy walkable neighborhood. We are both physicians and understand the value of clean air in preventing asthma and heart disease.

The property for sale which Trayton homes hope to develop at an R4A zoning is surely a treasured setting with its old Oaks and beautiful pines. Unfortunately, the environmental impact of such dense zoning would scar and disfigure our neighborhood by cutting much of the old trees and creating a heat island. At this time of climate change it is up to our communities to carefully consider how we treat our trees which lessen the impact of carbon dioxide and the build up of ozone. Less dense development per acre would permit some balance of green space and trees with homes. We ask that you protect our neighborhood by allowing development that honors our environment. Please protect our property rights by honoring our R-2 zoning. Please protect the health of every Sandy Springs resident by permitting development which is balanced with green space. No more than 10- 13 homes should be permitted in our neighborhood. Trayton Homes plan with 18-20 homes is a violation of property rights, protected neighborhood status and rights as citizens to a healthy environment.

Matt McKenna and Kathy Franch
7075 Glenridge Dr.
Sandy Springs, Ga 30328

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SEP 03 2013

Abaray, Linda

From: Vicki Black <tunacn@aol.com>
Sent: Monday, September 02, 2013 1:53 PM
To: COSS Planning and Zoning
Subject: Please do not re-zone the little corner lot at the top of Mabry and Glenridge

City of Sandy Springs
Community Development

I am a homeowner down the hill on Mabry and I can tell you there have been several instances when my yard was 2 feet under water. I understand that your very own engineering professionals have issued reports cautioning against further development and the attendant strains on the water system here should greater pressures be placed on that system.

Further, since we are a "protected neighborhood" and that should mean something, I invite you to come over and have a look at my house and then have a look at the developer's renderings to see if there are any similar characteristics between the two. Nothing would change the character of this neighborhood more than putting a dense development where 3 houses now stand. I totally get that the property owner wants to sell his property. However, neighborhoods surrounding mine, e.g., Mt. Vernon Woods, are building very nice single family homes as properties become available. While I'm not a fan of McMansions, those are a better alternative for our neighborhood than a jam-packed assemblage of glorified apartments at the top of my hill.

Finally, should my voice and those of the majority of homeowners here be disdained by your group, please consider blocking Mabry Road at Glenridge on the west side. At least that would direct the 60 additional cars to an exit to Spalding and then Roswell Road.

Glenridge at Mabry is backed up all the way to the traffic circle on weekday mornings. We've created parking lots all over Sandy Springs and by blocking the exit from "old Mabry Road" to Glenridge, you could at least mitigate further traffic issues for the rest of us. We may need to find a quick escape when our homes flood. Truncating roads is done all the time in Sandy Springs. Johnson Ferry is a good example of that. Johnson Ferry at Nancy Creek just past Northside Hospital is a recent example.

Please reconsider and abandon the idea of re-zoning our protected neighborhood to accommodate predatory developers. This week on my commute to work, I watched bulldozers flatten 5 ranch homes on Glenridge, north of I285 to permit 60+ apartment-type homes. Isn't that enough additional stress on traffic and our community?

Sandy Springs used to be such a nice place to live. I wish we'd never parted from Atlanta. I paid lower taxes with the same voice as now. I am so sad that the folks in leadership positions in Sandy Springs are in such favor of unbridled development and community degradation.

Please, please listen to us. Please don't create further ruination of our community. Please don't ruin our community by foisting this developer's "product" (his term) on our street. There is nothing about his plan that resembles this neighborhood.

Thanks,

Vicki Black
690 Mabry Road

Vicki Black
H(770) 393 0354
M(404) 308 1096
tunacn@aol.com

Spalding Woods Rezoning Poll Results

August 2013

About the Poll

- 148 HOA member homes in good standing and with valid email addresses on file were invited to participate in this survey on the Mabry Rd. rezoning petition.
- 119 homes (80%) responded on time and are included in these results.

Results

Which of the following statements best represents your feelings on the current Mabry Road rezoning issue:	
The modified petition from R4 with 20 homes to R4A with 18 homes is a healthy compromise beneficial to the Spalding Woods neighborhood.	9%
The new development should be strictly in accordance with the city's comprehensive land use plan, which appears to allow approximately 13 homes on the Mabry Road site.	46%
A development plan with 15 or 16 homes would be acceptable if it were aesthetically pleasing, contained high-quality homes, properly addressed the current and future storm water concerns <u>and protected neighborhood provisions are maintained.</u>	26%
A development plan with 15 or 16 homes would be acceptable if it were aesthetically pleasing, contained high-quality homes, and properly addressed the current and future storm water concerns. (No protected neighborhood provisions stipulated.)	7%
None of the above options are good for the neighborhood.	12%
I have no preference and/or am not that interested in this matter.	<1%

Should the Spalding Woods HOA remain firm in its resolve to maintain our protected neighborhood status?	
YES	85%
NO	15%

Analysis

- The 80% participation rate indicates that this matter is of significant importance to neighbors.
- The neighborhood as a whole does not appear to be opposed to development, but appears opposed to development of a higher density than what currently exists within the subdivision's legal boundaries.
- The neighborhood takes the "protected" status seriously and wants protected neighborhood provisions maintained in any redevelopment effort.

Abaray, Linda

From: ROBIN SIEGEL <p_siegel@bellsouth.net>
Sent: Thursday, August 08, 2013 3:48 PM
To: COSS Planning and Zoning
Cc: Peter L Siegel
Subject: Opposition to zoning petition number 201301778

Robin and Peter Siegel
6990 Wycombe Road
Sandy Springs, GA 30328

Dear Sandy Springs Planning Commission members,

My husband, Peter, and I are opposed to the zoning petition number 201301778 submitted by Traton Homes, Inc. to rezone from R2 status to R4 the properties located at 611, 641, and 661 Mabry Road in Spalding Woods Subdivision.

We support the Spalding Woods Civic Association Inc.'s Resolution to Oppose Increased Density in the Spalding Woods Neighborhood which they adopted and presented to the Planning Commission on July 29th, 2013.

As stated in the resolution, Spalding Woods is a Protected Neighborhood and this high density proposal is not in accordance with the requirements to safeguard and preserve a Protected Neighborhood. If approved, this could set a bad precedent impacting other Protected Neighborhoods in Sandy Springs. What good did it do to establish these Protected Neighborhoods if the requirements are not met?

If you were to take a drive through our neighborhood, you would see mostly older homes on nice lots with many old growth trees. The two newest homes built on Wycombe Road at the corner of Spalding Drive were a nice addition to the neighborhood and are in keeping with the R-2 status. The high density proposal by Traton Homes does not fit with the feel of our neighborhood at all. The builder does not seem to have any concrete answers to our questions, is not willing to negotiate for less homes, and seems to be only concerned about his "price point". He will wipe out all of the beautiful old trees on those lots to fit 20 houses in where there are only 3 now and will also be adding a detention pond right out front on Glenridge Drive, which in our opinion will not only be an eyesore but a nuisance adding to the large bug and mosquito population.

Storm water issues are already a big concern to those living in this area on Mabry Road, Brackenwood Circle, Messina Way, and Catina Court. With an estimated cost of \$440,000 to resolve these issues as documented in the COSS Mabry Road Flooding Analysis Project, Concept Planning Report dated 7/30/12, it doesn't seem prudent to allow for such a high density development when no one is sure what kind of negative impact it will have on these existing issues.

Traffic is also one of the neighborhood's biggest problems, especially on Glenridge Drive where the proposed new cul-de-sac will be. Over the years, our neighborhood has had to install many traffic calming devices- speed bumps, a traffic circle, and No Left/Right Turn signs during peak traffic hours. None of these devices has really helped curb the cut-through traffic from Glen Lake Parkway and

Abernathy Road. I can't tell you how many times we have been out walking our dogs and have seen people fly over the speed bumps, ignore the yield signs for the traffic circle, run the stop signs, and turn left when they are not supposed to. We've almost been hit on several occasions. The increased traffic that 20 more houses would bring could be a nightmare. At least 2 cars per house and that's not including if there are teenage children! That makes an additional 40-80 cars going in and out of here.

We know it is inevitable that the property in this proposal will be developed at some point and are sure that there are other builders out there who will be willing to work with the community instead of against it all for the sake of the mighty buck.

We urge you to deny this Zoning Petition for higher density rezoning from R-2 status to R-4.

Sincerely,

Robin Siegel
Vice-President and Communications Chair
Spalding Woods Garden Club

Abaray, Linda

From: KATHRYN RIDDLE <ksr_cpa@yahoo.com>
Sent: Friday, August 02, 2013 3:35 PM
To: COSS Planning and Zoning; Abaray, Linda
Subject: Zoning Petition number 201301778 (Spalding Woods neighborhood)
Attachments: Spalding Woods Rezoning Resolution.pdf

I would like to convey my agreement with the attached resolution adopted July 29, 2013 by the Spalding Woods Civic Association, Inc. I own and reside on the property located at 110 Bayvale Ct NE in the Spurling Forrest area of Spalding Woods. We just moved here a year ago and one of our big attractions to the neighborhood was that it is an older, established neighborhood containing unique homes on large lots with many trees. This neighborhood is supposed to be a "protected" neighborhood. The proposed zoning change from R2 to R4 would allow the construction of homes with a density inconsistent with the other homes in the neighborhood. I strongly urge the planning commission and the city council to give serious consideration to the points made in the resolution and I would hope that our elected officials would remember their responsibility to protect the interests of the citizens of this community.

I am also very concerned by the fact that the city does not require the party requesting rezoning to address extremely important issues such as traffic, drainage, sewage, preservation of old growth trees, etc. We have repeatedly been told that these issues are not addressed until development or building permits are requested. However, the city is presented with pretty pictures and dreams of tax revenues on a proposed development of very large, expensive homes dependent on the approval of the rezoning request. The requesting party is not a current property owner and is in no way required to actually purchase the property and/or develop the plan presented at the time of the request, but the current residents will be stuck with the new zoning.

Kathryn S Riddle
110 Bayvale Ct NE
Atlanta, GA 30328
(770) 558-3695
ksr_cpa@yahoo.com

RECEIVED

JUL 30 2013

Spalding Woods Civic Association, Inc. City of Sandy Springs
Resolution to Oppose Increased Density in the Spalding Woods Neighborhood
Adopted July 29th, 2013 Community Development

Presented to the following City of Sandy Springs Planning Commission members on this 29th day of July in the year 2013:

Lee Duncan, Chair
Susan Maziar
Al Pond
David Rubenstein
Steve Tart
Lane Frostbaum
Jim Squire

This resolution is adopted in regard to zoning petition number 201301778 (the "Zoning Petition") submitted by Traton Homes, Inc. to rezone parcels under a certain contingency contract regarding properties at 611, 641, and 661 Mabry Road NE in Sandy Springs, GA, from R2 status to R4.

Whereas homeowners in the affected subdivisions of Spalding Woods and Suffolk Forest in Sandy Springs, GA realize that development of the subject Mabry Road properties is inevitable, our intention is to ensure that any development be in accordance with the requirements safeguarding and preserving Protected Neighborhoods, which include Spalding Woods and Suffolk Forest.

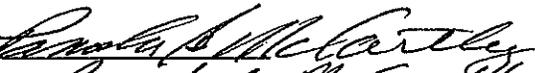
Now, therefore, be it resolved by the Spalding Woods Civic Association Board and the residents of the Spalding Woods and Suffolk Forest subdivisions that the properties which are the subject of the Zoning Petition are not in compliance with the requirements for Protected Neighborhoods. We therefore request that the Zoning Petition for higher-density rezoning be denied for the following reasons:

- The Zoning Petition pertains to properties deep within the interior of a Protected Neighborhood, as defined in the Comprehensive Plan Land Use Policies (the "Land Use Policies").
- Higher-density rezoning would constitute a serious breach of the requirements afforded to such Protected Neighborhoods and would establish an unfavorable precedent negatively impacting all Protected Neighborhoods within the City of Sandy Springs.
- The Spalding Woods Protected Neighborhood, which is an integral element of the Zoning Petition, is not bordered on any side by a transitional or commercial area. No neighborhood within Sandy Springs to our knowledge has been rezoned to a higher density unless it was already bordered by and adjacent to a transitional or commercial area.
- The proposed lot dimensions, frontages, and setbacks of the subject properties are not consistent with the surrounding properties on Mabry Road, Messina Way, Glenridge Drive or Catina Court.
- Many aspects of the Zoning Petition, including the absence of provisions for preservation of old-growth trees and the inclusion of a detention pond pit on Glenridge Drive - a main thoroughfare - would dramatically alter the character of an older, well established neighborhood.

- Current traffic problems in the neighborhood would be further exacerbated by the proposed increase in density.
- Increased density could negatively impact existing storm water issues in the neighborhood as documented in the City of Sandy Springs Mabry Road Flooding Analysis Project, Concept Planning Report, CES No. 4009.01, dated July 30, 2012. The estimated cost to resolve this issue under the present lower-density conditions is \$440,000.
- No clear explanation has been provided for the discrepancy in area between public records showing the assemblage at only 5.8 acres and Traton Homes, Inc.'s claim of 6.6 acres, upon which the higher-density Zoning Petition is based.

This resolution is formally accepted, signed and entered into the corporate records and minutes of the Spalding Woods Civic Association, Inc., a Georgia corporation, by the following officers of record:

Signature 
Printed Name STEVE CURRIHAN
Title PRESIDENT
Date 7/29/13

Signature 
Printed Name Pamela G. McCarthy
Title Secretary
Date 7/29/13

Abaray, Linda

From: Trisha Thompson Fox <trishathompsonfox@comcast.net>
Sent: Thursday, July 25, 2013 10:33 AM
To: Dickerson, Patrice; Abaray, Linda
Cc: Spalding Woods HOA; Trisha Thompson Fox; Tochie Blad; Susan Joseph; Stan Jones; Patty Berkovitz; Marlise Landeck; MARK SAMPL; Margaret Brown; Larry Young; Graddie Tucker; Doug Falciglia; Bob Beard; Barbara M Malone
Subject: Spalding Woods Zoning

Ms. Dickerson and Ms. Abaray,
SSCN has the following concerns about this re-zoning on Mabry.

From the inception of the LUP, the Mayor and City Council have been on the record as stating that "protected neighborhoods" would be safe from interior, more intense infill.

They have given increased density in re-zonings that are in what they have deemed to be "transitional" areas. That was cited in the LUP discussion on Glenridge at the original LUP adoption. It was also cited in the re-zonings on Johnson Ferry (near the Library) as well as the recent Pulte issue.

Whispering Pines, Wyndham Hills, Mountaire Springs, Mt. Vernon Woods, Glenridge/Hammond are all of a similar age to this section of Spalding Woods. To allow this density increase, would, in our opinion, be a breach of the "protected neighborhood" policy.

Will you please add our comments to the zoning information packet.
Thank you,
Trisha Thompson
Zoning Chair
SSCN

Abaray, Linda

From: Paul Young <paul.young@shawinc.com>
Sent: Monday, July 22, 2013 10:11 AM
To: COSS Planning and Zoning
Cc: Cindy Young
Subject: Mabry Zoning Hearing

We are sending this short note to let you know that we are opposed to the zoning for the development in Spalding Woods. The general consensus is that the requested R4 zoning is much too dense for this neighborhood. Additionally there is an existing storm water issue in the neighborhood that could be further exacerbated by the presence of additional homes in the impacted area.

Rezoning to a greater density is not in accordance with the City of Sandy Springs Comprehensive Plan, Land Use, for a Protected Neighborhood

- a. Spalding Woods has been designated as a "Protected Neighborhood" which limits infill development to densities that are consistent with the surrounding residential development, which does not include R4.
- b. The rezoning appeal pertains to three parcels that are listed in Fulton County tax assessments as part of Spalding Woods.

Thanks,

Paul and Cindy Young

7065 Northgreen Dr.

Sandy Springs, GA 30328

Spalding Woods Neighborhood

Sent from my iPad

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Shaw Industries does not provide or endorse any opinions, conclusions or other information in this message that do not relate to the official business of the company or its subsidiaries.

Abaray, Linda

From: Trisha Thompson Fox <trishathompsonfox@comcast.net>
Sent: Tuesday, July 23, 2013 10:44 AM
To: Abaray, Linda
Cc: Dickerson, Patrice
Subject: Mabry Rezoning -
Attachments: Dunwoody Crier June 26.pdf

Linda,
Will you please include this email chain and a copy of the attached Dunwoody Crier article in the Mabry info packet?
Thanks,
Trisha

From: Jeanette Berger [<mailto:jberger@bellsouth.net>]
Sent: Sunday, July 21, 2013 5:41 PM
To: McEnerny, Karen; Paulson, John; Fries, Dianne; Collins, William "Chip"; DeJulio, Tibby; Sterling, Gabriel
Subject: Fw: Scan of the Dunwoody Crier letter

In my email of July 21st, I made a mistake on the current rating of our neighborhood. Our community is happy with the R-2 (Single Family) homes and we do not want approval for the R-4 proposal. Thanks again!

Jeanette Berger

----- Forwarded Message -----

From: Jeanette Berger <jberger@bellsouth.net>
To: Karen McEnerny <kmcenerny@sandyspringsga.gov>; "jpaulson@sandyspringsga.gov" <jpaulson@sandyspringsga.gov>; "dfries@sandyspringsga.gov" <dfries@sandyspringsga.gov>; "ccollins@sandyspringsga.gov" <ccollins@sandyspringsga.gov>; "tdejulio@sandyspringsga.gov" <tdejulio@sandyspringsga.gov>; "gsterling@sandyspringsga.gov" <gsterling@sandyspringsga.gov>
Sent: Sunday, July 21, 2013 4:51 PM
Subject: Fw: Scan of the Dunwoody Crier letter

I am forwarding each of you a copy of a letter in a recent Dunwoody Crier. The first letter has concerns from the same contractor, who has filed a rezoning petition Case number 201301778 at 611, 641, 661 Mabry Road, from R-2 (Single Family) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision on 6.6 acres of property. The Spalding Woods/Suffox Forest homeowners, who currently live in this community are opposed to this rezoning. This article should alert all of us to contractors who fail to keep their promises to the community. The current proposal impacts a community of growing families, which includes numerous children. This neighborhood is faced with daily problems, such as traffic from businesses along Glenlake Parkway i.e. UPS, Kaiser, Rubbermaid, etc., along with others who endeavor to avoid the Abernathy Road/Roswell Road backup. I urge each of you to consider voting against the proposed petition. Our neighborhood is fine with R-4 Single Family homes. Thanks for your consideration!

Jeanette Berger

----- Forwarded Message -----

From: ROBIN SIEGEL <p_siegel@bellsouth.net>
To: Robin Siegel <p_siegel@bellsouth.net>
Sent: Thursday, June 27, 2013 2:14 PM
Subject: Scan of the Dunwoody Crier letter

I've had several requests for a copy of the letter in yesterday's Dunwoody Crier concerning Traton Homes' Leisure Ridge development, so I'm sending it to everyone. It is the first letter under City Council and the complaint starts in the 3rd paragraph of the letter.

Robin

Abaray, Linda

From: Frank, Lawrence <lawrence.frank@urs.com>
Sent: Monday, July 22, 2013 9:42 PM
To: COSS Planning and Zoning
Subject: Mabry Road Rezoning Proposal

Good evening,

I am a resident of Spalding Woods (7130 Northgreen Drive) and I am writing to express my opposition to Traton Homes request to rezone 3 parcels on Mabry Drive to R4. These parcels are located in Spalding Woods which is a Protected Neighborhood. The proposed R4 density is in violation of the Protected Neighborhood part of the Sandy Springs Comprehensive Plan. This level of density would cause significant adverse traffic impacts, stormwater impacts and environmental impacts including loss of specimen trees. The only redevelopment of this area should be at a lower density than the proposed R4 designation.

Thank you for your attention in this matter.

~Lawrence Frank

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Walton Press logo text

also took advantage of the the city avoid putting in a

One of the plans on display included a roundabout, but was

Talk Back to The Crier

City Council

To the Editor:

Perhaps we should commission Tom T. Hall to rewrite Jeannie C. Riley's 1968 hit. Though "Dunwoody City Council" doesn't exactly roll off the tongue like "Harper Valley PTA," worse songs have topped the charts, and any profits could be used to pay the council's legal fees. So, our council wants to reprimand Dr. Bonser for calling a nut-case tormentor a 'funny man'? I think she showed amazing restraint.

Seriously, I think it's time our mayor and council members stop their petty bickering, start listening to their constituents and do the jobs they were elected to do.

Over two months ago I contacted several city councilors, Mayor Davis and Public Works Director Michael Smith regarding the vacant lots in the 5000 block of North Peachtree Road.

When the Leisure Ridge development was approved, its developers were originally granted a zoning variance that allowed smaller lots in exchange for preserving the three lots along North Peachtree as "green space."

As nearby residents, we did not oppose these plans, as we took green space to mean park-like green space, not the current definition of this green space, which is an uncut, overgrown dump.

The weeds are frequently waist high and there are old car tires and construction scrap in these weeds. The city's only

assistance has been to cut a 10-foot wide swath along the sidewalk maybe twice a year. Other than this 10-foot swath, these lots have not been cut in five to six years.

Leisure Ridge is now complete. Its developers can no longer claim financial hardship. It is time for promises to be kept and these vacant lots to be cleaned up.

After my initial April 16 emails, I received a prompt response from Michael Smith. He promised to get some answers, but the city can't even tell us who owns the lots. I've heard nothing since, and received no answer to a June 4 request for the status of my complaint.

Jim Martin

Nugget Donor

To the Editor:

We would like to thank the woman in the white SUV in front of us in the drive thru at the Jett Ferry Chick-Fil-A who paid for our dinner. You are indeed a beautiful woman and we are sorry we cannot thank you in person.

Kim, Scott, Sofia and Alex Sergent

Charter Commission

To the Editor:

I thought Dunwoody became a city because the citizens wanted to have local

control. Now I learn that our charter is being reviewed and the commission is recommending that the citizens lose their right to vote on what services to take over from DeKalb. If the citizens won't have a say in these major changes, why did we bother to become a city? If we have no say, why not just dissolve our charter and eliminate the extra layer of taxes?

What in the world are the people in charge of our city thinking?

Eddie Fields

To the Editor:

As usual, citizens lose

The charter commission in their last two meetings voted 3 - 2 to revise the language in our charter to eliminate our right to vote as to whether or not we wish to take on any county services. This will leave the decision making process to just our mayor and council. Do you think these elected officials should have this much power? I don't.

I do not want to be left out of the decision on what happens in my city. This city belongs to the citizens and I want all of us to have a say in its future. Changes are the business of all citizens— not just a few. I do not want to give up my right to vote and I do not want things dictated to me.

Do not fall for their explanation that it is just an exchange of the same amount of money from one account to the other. That is not the truth. The prob-

lem be on any clear costs a vote on to bring present Not reeks d grab. It that to b izens fo much li T-Splos they do to vote what the worthy ment an ing to fe later vote was by a ha commi To mak 46,000 a right to wrong Murr To the The C recently a would en City Cou governm without g With lang est draft changes. ices to pol clude gan in concern schools w ently elect certain st