



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, March 4, 2020

Cases: **V19-0031 & V19-0032 – 0 Glenridge Drive (Parcel # 17 0034 LL0096)**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: February 26, 2020

REQUESTS

V19-0031 is a request for a Variance from Sec. 9.2.4.A. of the Development Code for encroachments into the 50-foot undisturbed natural vegetative buffer and 25-foot additional impervious surface setback for the purposes of constructing a restaurant, driveway, event lawn, and walking paths in association with a proposed hotel at 0 Glenridge Drive (Parcel # 17 0034 LL0096).

V19-0032, a request for a Variance from Sec. 5.3.2. to allow a building to encroach into the required 20-foot setback, was withdrawn.

APPLICANT

Property Owner: Glenridge Green Partners LLC (contact: John Hardy)	Petitioner: Glenridge Green Partners LLC (contact: John Hardy)	Representative: Marcus Rubenstein, Kimley-Horn and Associates
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SUMMARY

The applicant requested two (2) Variances:

1. V19-0031, a request for a Variance from Sec. 9.2.4.A. to allow encroachments into the 50-foot undisturbed natural vegetative buffer (50-foot buffer) and 25-foot additional impervious surface setback (25-foot setback) in order to construct a restaurant, driveway, event lawn, and walking paths in association with a proposed hotel, and
2. V19-0032*, a request for a Variance from Sec. 5.3.2. to allow a building to encroach into the required 20-foot setback.

***V19-0032 was withdrawn on February 7, 2020.**

RECOMMENDATION

Department of Community Development

Staff recommends **Conditional Approval** of Variance V19-0031.

MATERIALS SUBMITTED AND REVIEWED**Materials:**

1. (Revised) Application, submitted February 12, 2020
2. Clarification to the Revised Application, submitted February 14, 2020

Plans:

1. Attachments A to G, prepared by Kimley Horn and Cooper Carry, submitted February 12, 2020
2. Clarification to the revised attachments A to G, submitted February 14, 2020

PROPERTY INFORMATION

Location:	0 Glenridge Drive (Parcel # 17 0034 LL0096)
Council District:	4 – Reichel
Road frontage:	Approximately 150 feet of frontage on Abernathy Road and Approximately 1,400 feet on frontage on Glenridge Drive
Acreage:	Approximately 5.2 acres
Current Zoning:	PX-8 (Perimeter Mixed Use, 8 stories maximum height)
Existing Land Use:	Undeveloped
Previous Zoning Cases:	Rezoning Case Z2000-093 was approved with conditions. Modification Case M2002-009 was approved with conditions.
Character Area:	Perimeter Center

PROPOSED DEVELOPMENT

The applicant proposes to develop the southern half of the site with a 200,000-square foot, 242-room hotel that would contain guest rooms, meeting space, dining options, and a parking garage. The applicant also proposes to construct a restaurant, event lawn, and walking trails on the northern half of the property. The applicant previously approached the Board of Appeals with Variance V19-0022, which contained several requests related to the construction of the hotel; V19-0022 was approved with conditions on 12/10/2019 and 1/14/2020.

The applicant now requests a stream buffer Variance, V19-0031, in order to develop the northern half of the site with the construction of a restaurant and pervious footpaths. (The applicant's request for one other additional Variance, V19-0032, was withdrawn.)

The shape of the property is very narrow, ranging from 85-200 feet in width. The topography slopes up from Abernathy Road and Glenridge Drive to the crest of a hill. The proposed hotel, the primary building, would be situated on the crest of the hill on the southern half of the property. The proposed walking trails, restaurant, and event lawn, would be located on the northern half of the property, where the lot slopes down to Marsh Creek and is subject to limitations from the state waters and associated buffers and 25-foot setback, as well as floodplain and a sewer easement that was recently installed on the northern portion of the property.

The proposed restaurant would be a raised structure on piers in order to limit ground disturbance. It is proposed that 1,336 square feet of the enclosed building would encroach into the 25-foot setback, in addition to 1,033 square feet of decking. A total of 434 square feet square feet of decking would encroach into the 50-foot buffer.



Image 1. Restaurant encroachment into the 25- foot impervious surface setback encroachment highlighted in orange and 50-foot undisturbed natural vegetative buffer encroachment highlighted in red

The proposed driveway (4,194 square feet of disturbance) and footpath (3,827 square feet of disturbance) will be constructed of pervious materials. The footpath would provide pedestrian access from the proposed Marsh Creek Trail and the sidewalk along Glenridge Drive, to provide access to the subject property. Additionally, the applicant proposes disturbance for an event lawn in an area previously disturbed by a Fulton County sewer project, which would be graded flat and grassed. There are also decking and pervious areas proposed within the buffer and setback for access to the property from the hotel portion of the site as well as seating/viewing areas throughout.

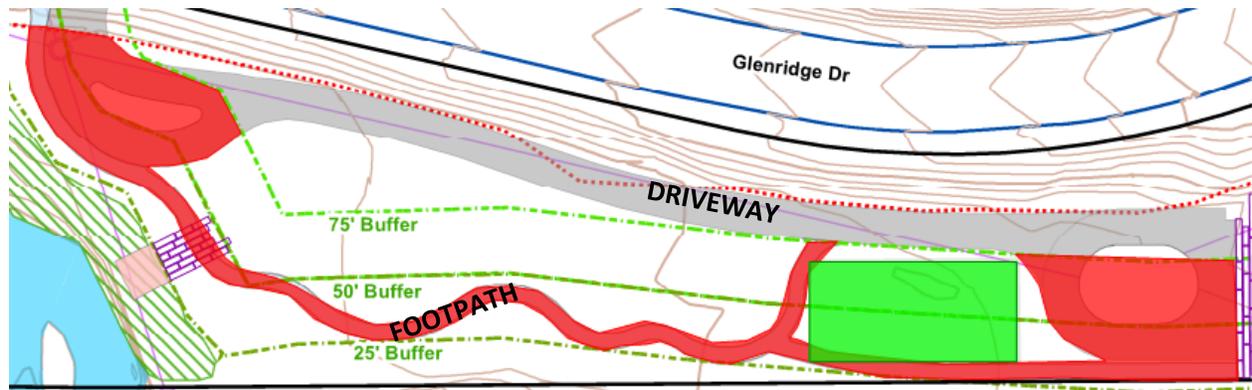


Image 2. Driveway and footpath encroachment into the buffer and setback highlighted in red, event lawn highlighted in green

The following images show the existing conditions of 0 Glenridge Drive (Parcel # 17 0034 LL0096).



Image 3. Aerial image of property looking south towards Abernathy



Image 4. Aerial image looking west at the proposed site for the restaurant

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address	Land area (acres) (approximate)
North	RM-3 / Multi-unit residential	6800 Glenridge Drive	10
East	PR-5 / Mixed use	6615 Glenridge Drive	60
South	RD-7.5 / Single unit detached residences	560 Glengate Cove	0.3
West	RM-3 / Multi-unit residential	550 Abernathy Road	20
PROPOSED DEVELOPMENT			
--	PX-8 / Hotel	0 Glenridge Drive (Parcel # 17 0034 LL0096)	5.2

AERIAL IMAGE

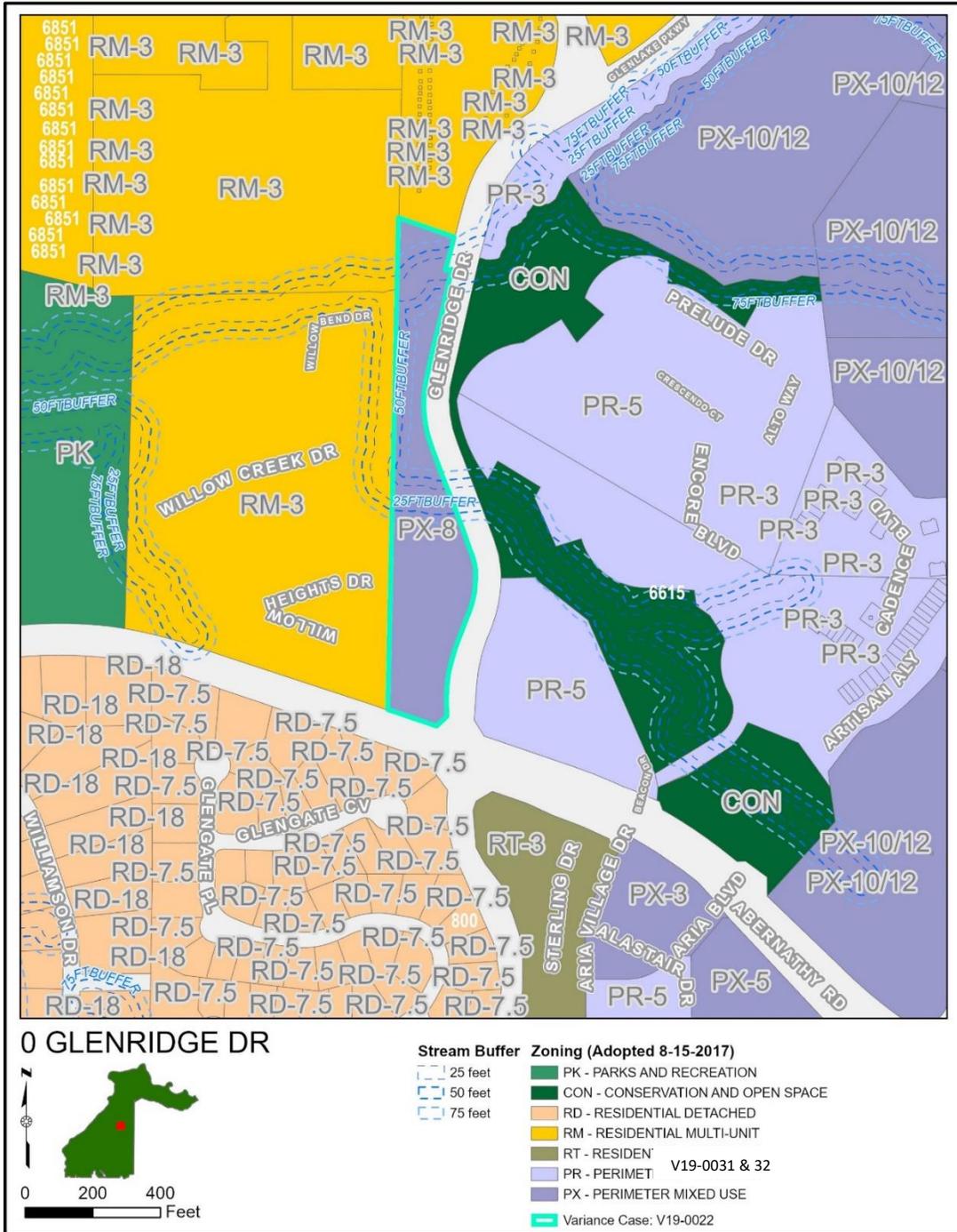


Images of site, taken during construction of Fulton County sewer line

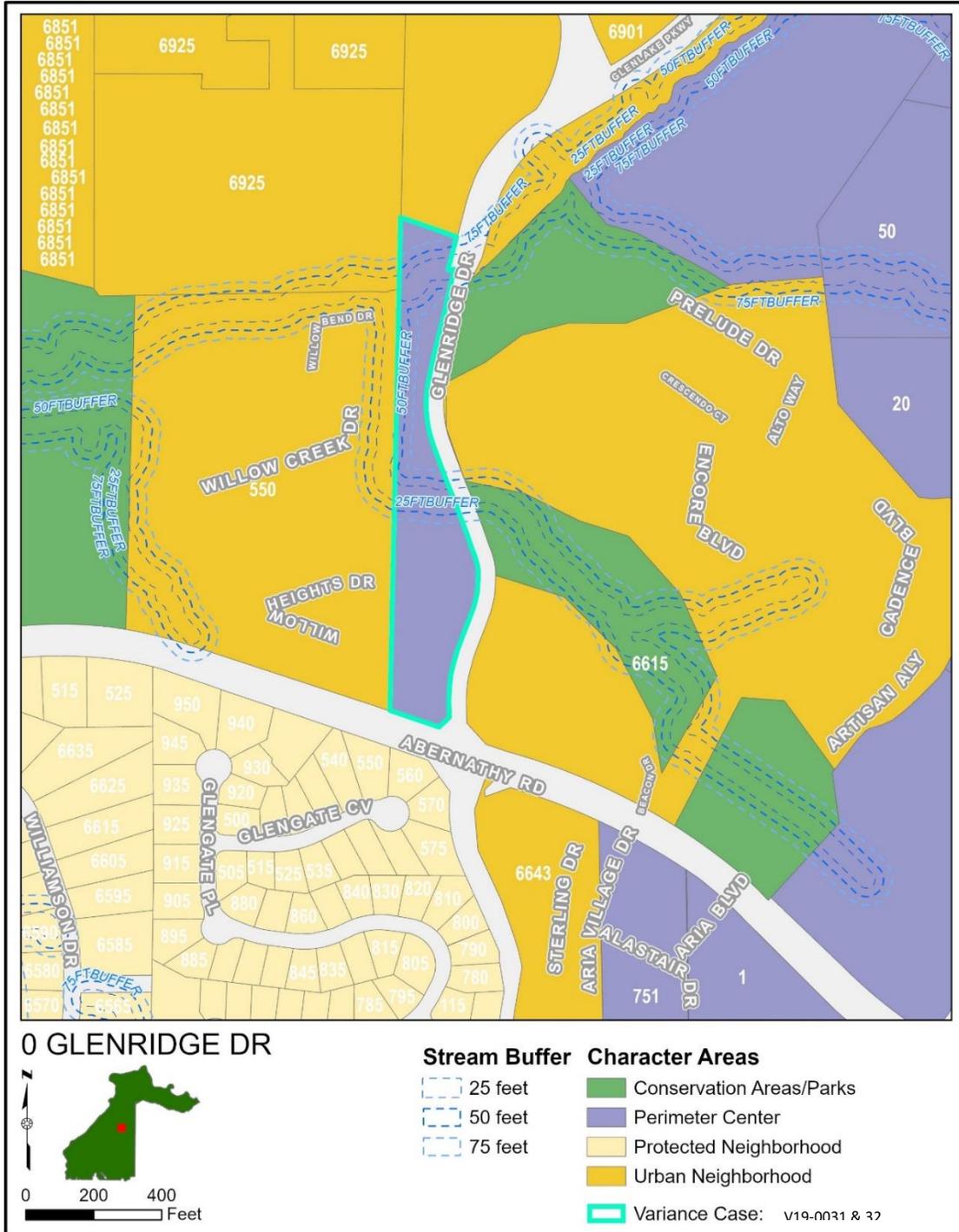




ZONING MAP



CHARACTER AREA MAP



STREAM BUFFER VARIANCE CONSIDERATIONS

Per Sec. 9.2.4.B. of the Development Code, the following list of approval criteria for a Stream Buffer Variance provides guidance for making decisions on approval:

- a. *The property's shape, topography or other physical conditions existing on December 12, 2005 prevent land development unless a buffer or setback Variance is granted;*

Finding: The subject property is a total of 5.218 acres.

The areas of the site unencumbered by state waters buffers are highlighted in orange on Figure 1 below. The front half of the property, labeled "A," is ~2.6 acres and is where the hotel is proposed to be located. The rear portion of the property, "B," is ~2.6 acres and is the proposed location of the restaurant, driveway, event lawn, and walking trails for which the applicant requests a Variance. These sites are being developed separately but are being viewed as one overall development scenario.

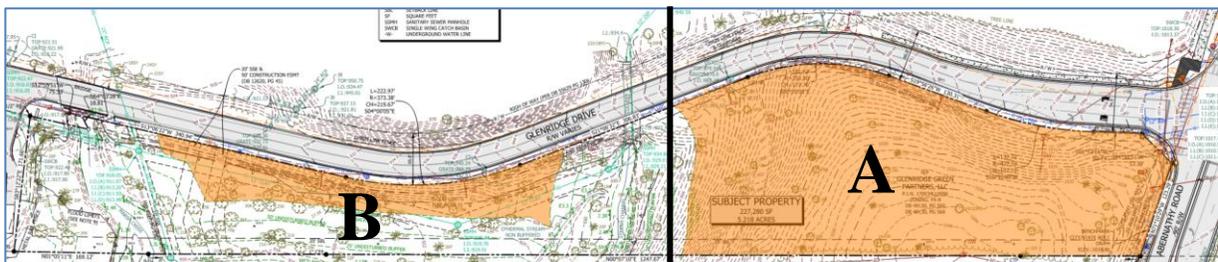


Figure 1.

The buildable area of portion "B" is significantly reduced by a Fulton County sanitary sewer easement, though the applicant does have an understanding with Fulton County that would allow them to locate a portion of the proposed deck and driveway over the easement. Figure 2 shows the state waters buffers in blue, the easement in red, and the three (3) separate buildable areas in green, labelled 1-3. Area 1 is ~870 square feet, area 2 is ~6,600 square feet, and area 3 is ~2,150 square feet. The buildable area of portion B is reduced to 9%, or 9,620 square feet, of a 2.6 acres site.

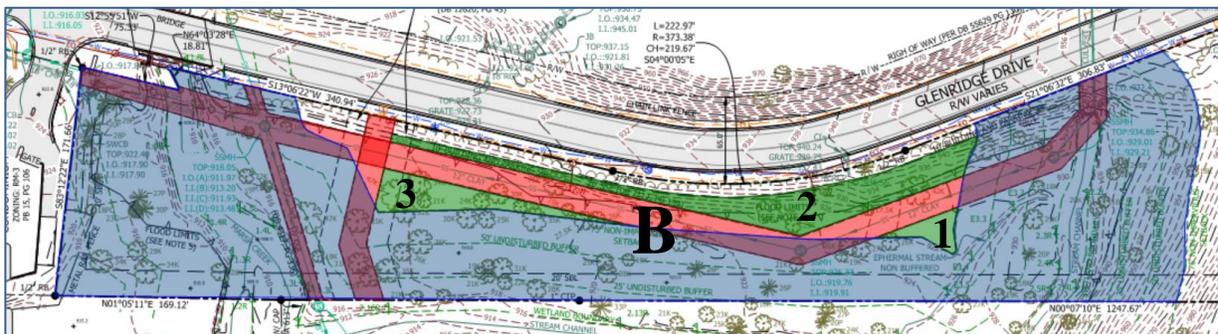


Figure 2.

The presence of the buffers does not eliminate the possibility of development on this portion of the property but it is severely limited by the long and narrow shape, two streams, and the sanitary sewer easements.

b. Unusual circumstances when strict adherence to the minimal buffer and setback requirements would create an extreme hardship.

Finding: The subject property is uniquely situated in Sandy Springs as one of the few undeveloped properties in the Perimeter Center district which is a very desirable and valuable piece of real estate, and a rare mixed-use property along Marsh Creek (Figure 3), and the only undeveloped parcel along the proposed Marsh Creek Trail (Figure 4). However, approximately 50% of the site is encumbered with buffers and easements, which severely limits development.

Staff does recognize that there is an extreme hardship on portion “B” of the property due to the hydrology, topography, and other factors, such as the presence of the sewer easements, which track through the property. The applicant’s revised plan balances taking advantage of the opportunity for a unique amenity while limiting intrusion and providing restoration of the buffers where impacted or in need of enhancement.

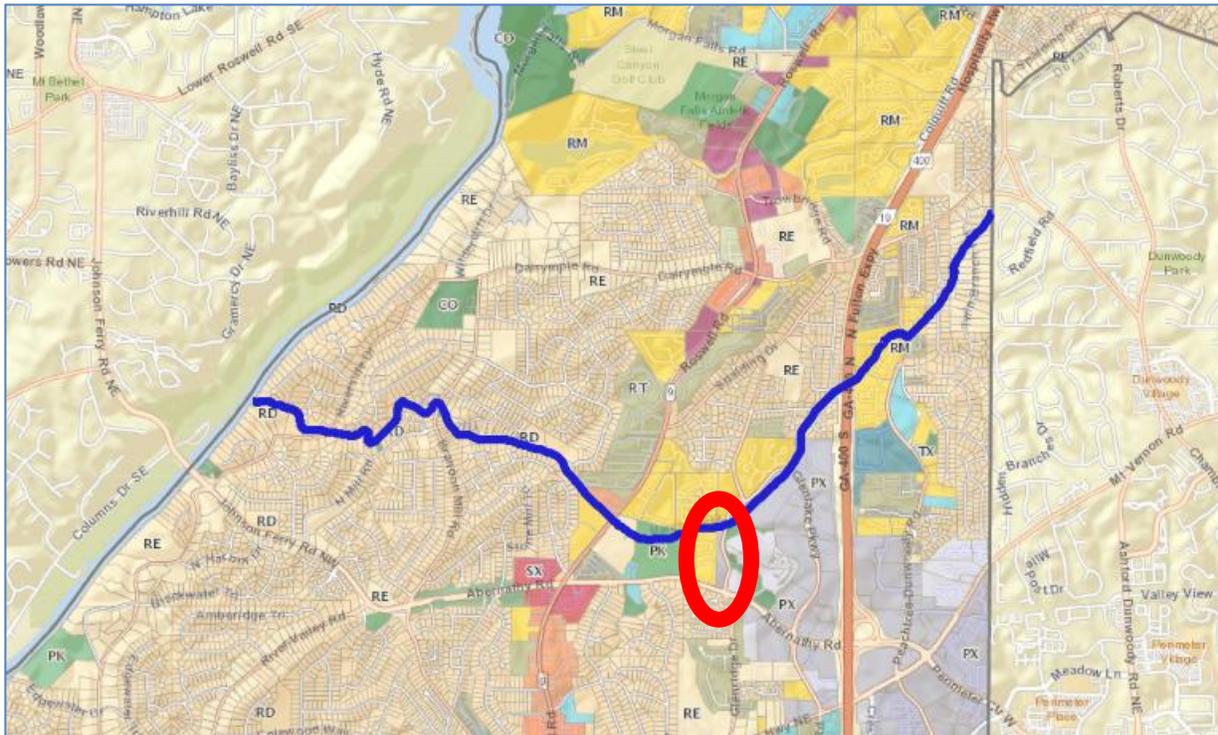


Figure 3. Marsh Creek is denoted by the bright blue line, and the subject property’s general location is circled in red

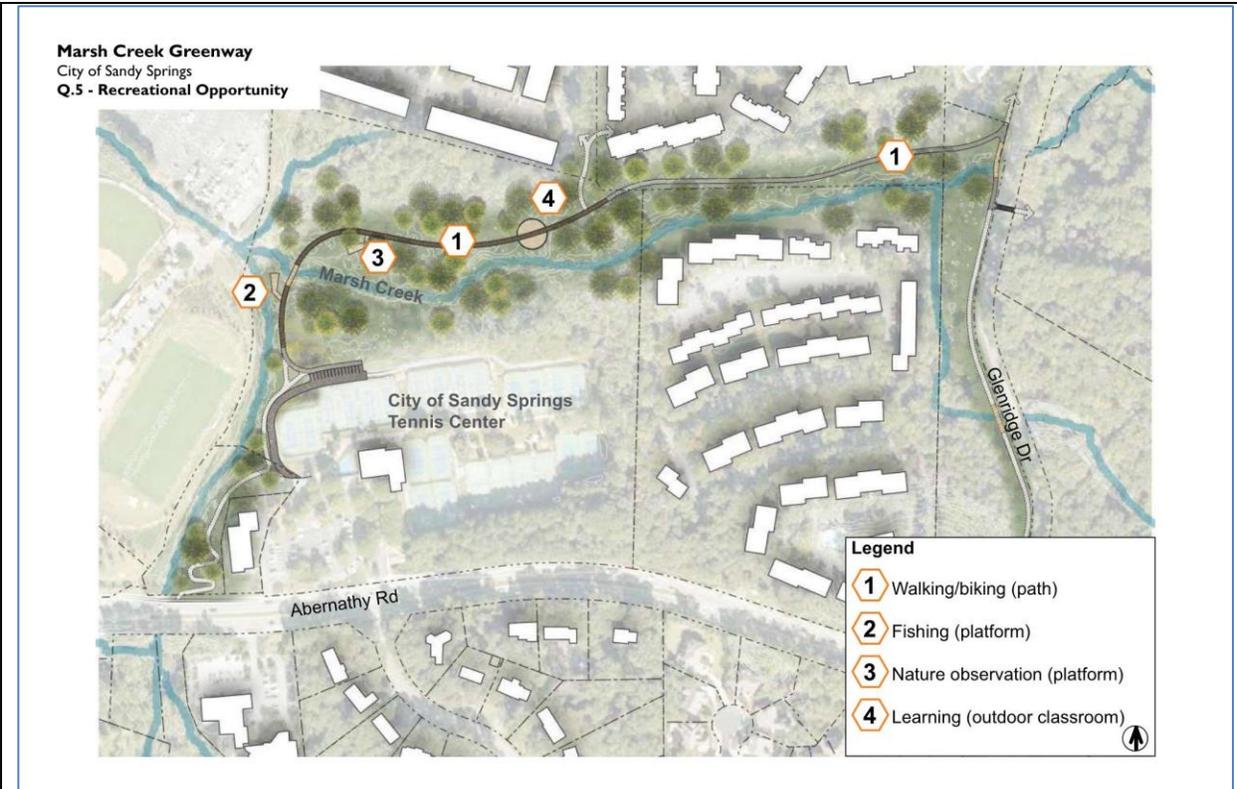


Figure 4. Proposed preliminary path for the Marsh Creek Trail

Variations will not be considered when actions of any property owner of a given property after December 12, 2005 have created conditions of a hardship on that property.

Finding: The site is currently undeveloped, and the conditions are not the result of action nor inaction of the property owner.

The following factors will be considered by the Board of Appeals in determining whether to issue a Stream Buffer Variance:

- *The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*
- *The locations of all state waters, wetlands, floodplain boundaries and other natural features on the property, including along property boundaries, as determined by field survey;*

Finding: This portion of the property has approximately 600 feet of frontage on Glenridge Drive. The average width of portion "B" is only 150 feet, and is ~85 feet at its narrowest and contains state waters and floodplain and 20-foot wide sewer easement runs the length of it.

- **The location and extent of the proposed buffer or setback intrusion;**

Finding: Below is the proposed site plan, with the various improvements labeled 1-4.

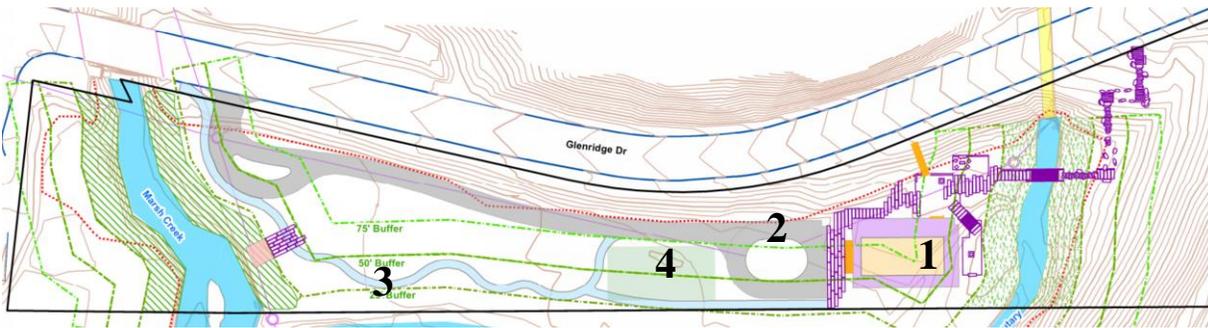


Figure 5. Proposed Site Plan

(1) Impervious intrusions for “Biergarten Building” and “Biergarten Deck”*

Buffer/Impervious Setback	Encroachment (square feet)
25' Additional Impervious Surface Setback	2,369
50' City Undisturbed Natural Vegetative Buffer	434
25' State Undisturbed Natural Vegetative Buffer	0
<i>Total</i>	<i>2,903</i>

*In the original Application, the “Biergarten Deck” was improperly labeled as pervious. It is considered impervious surface.

(2) Pervious intrusions for driveway*

Buffer/Impervious Setback	Encroachment (square feet)
25' Impervious Setback	2,500
50' City Undisturbed Buffer	1,694
25' State Undisturbed Buffer	0
<i>Total</i>	<i>4,194</i>

(3) Pervious intrusions for footpath

Buffer/Impervious Setback	Encroachment (square feet)
25' Impervious Setback	240
50' City Undisturbed Buffer	3,587
25' State Undisturbed Buffer	0
<i>Total</i>	<i>3,827</i>

(4) Pervious intrusions for event lawn

Buffer/Impervious Setback	Encroachment (square feet)
25' Impervious Setback	1,682
50' City Undisturbed Buffer	1,520
25' State Undisturbed Buffer	0
<i>Total</i>	<i>3,202</i>

- *Whether alternative designs are possible which require less intrusion or no intrusion;*

Finding: The applicant has considered three (3) development scenarios.

Alternate 1 shows no intrusion within the 50-foot undisturbed natural vegetative buffer, but the building would not be functional.

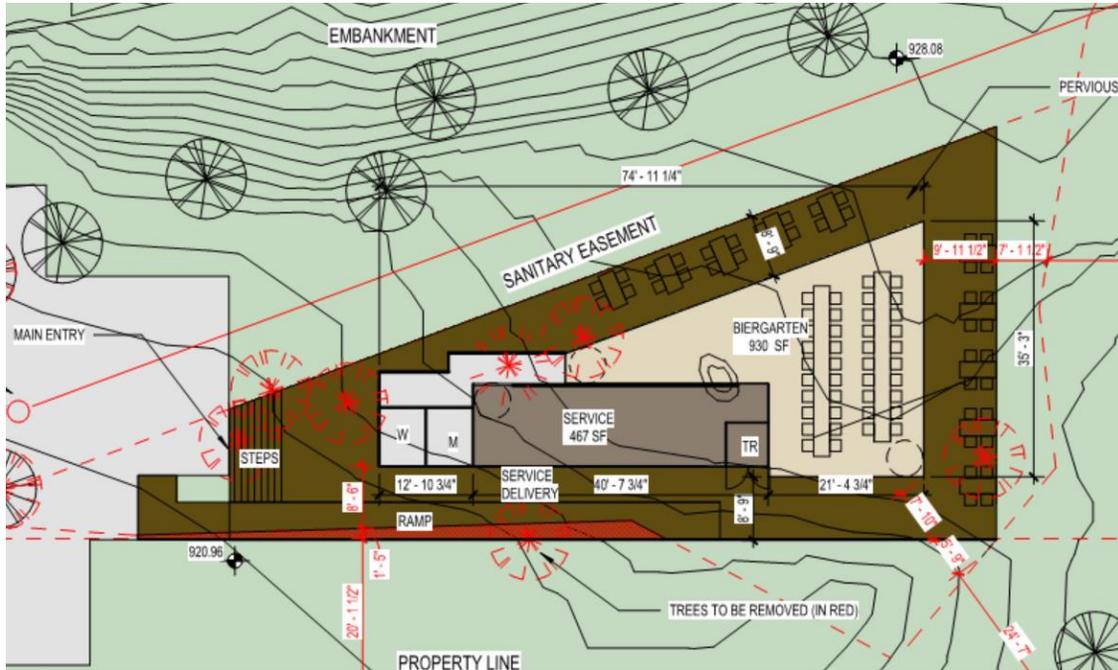


Figure 6. Alternate 1

Alternate 2 proposes 1,104 square feet of encroachment into the 50-foot undisturbed natural vegetative buffer.

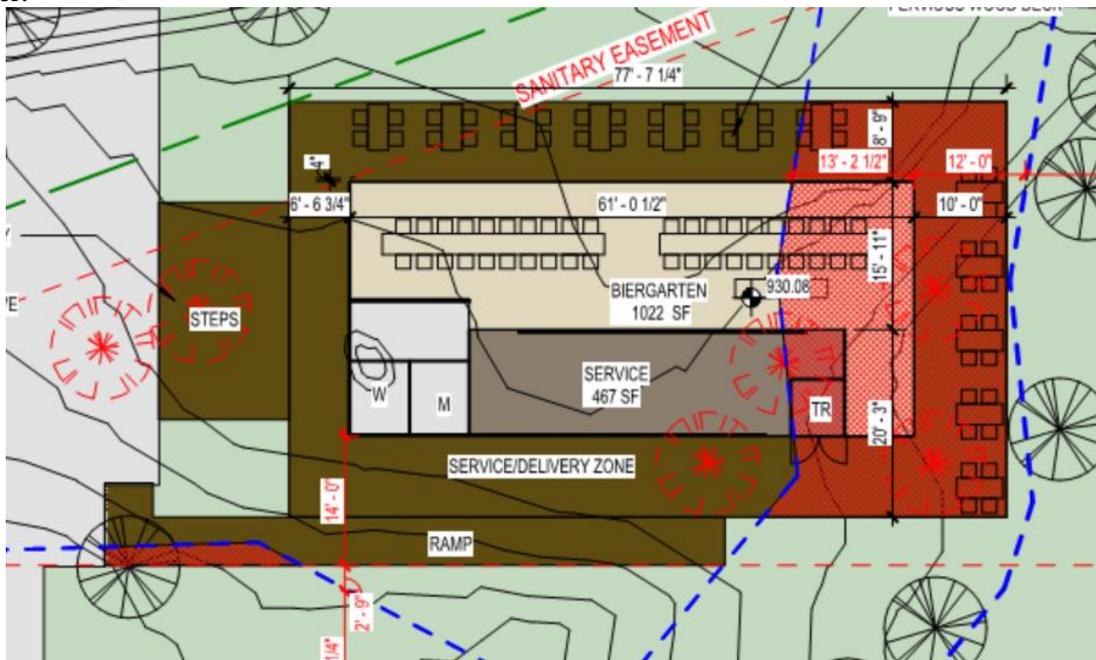


Figure 7. Alternate 2

Alternate 3, the applicant's previous preferred request, shows 2,021 square feet of disturbance within the 50-foot undisturbed natural vegetative buffer.

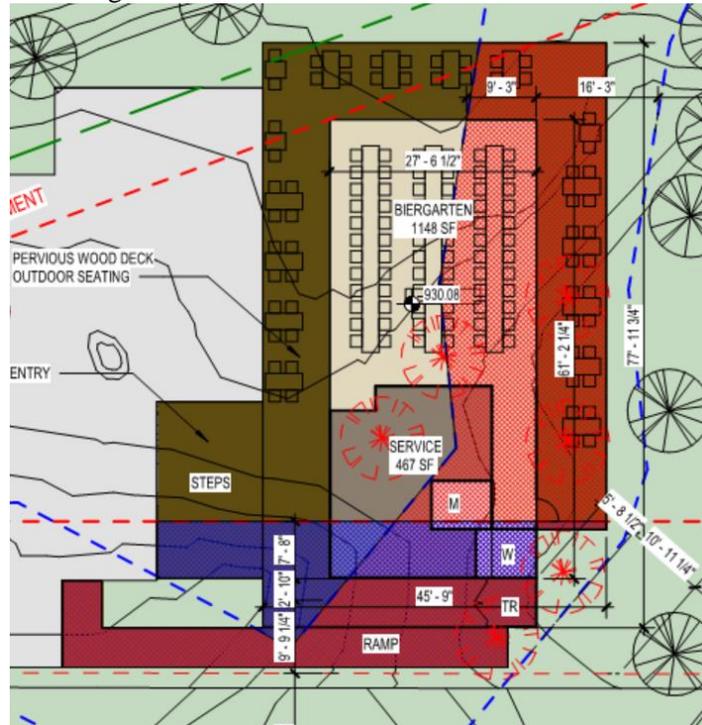


Figure 8. Alternate 3

The current plan the applicant has proposed, limits intrusion into the 50-foot undisturbed natural vegetative buffer, with only a portion of the deck encroaching into it.

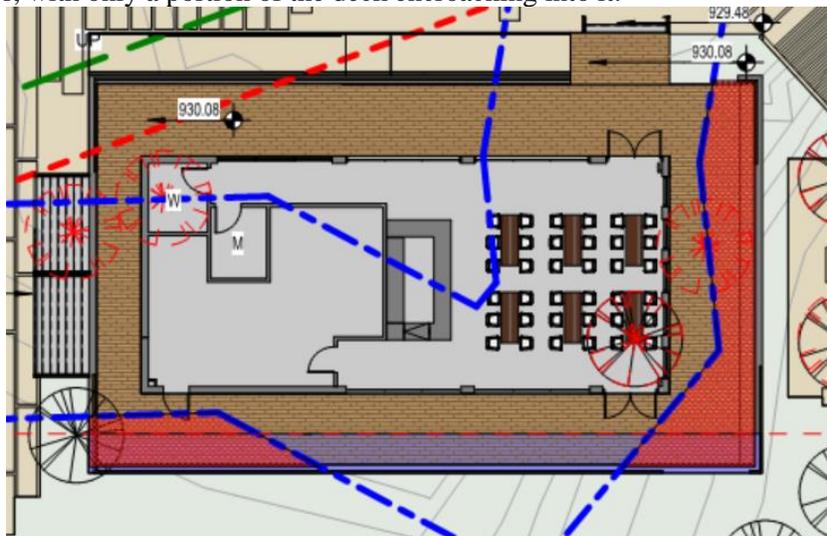


Figure 9. Proposed Plan

Alternate 1 does not appear viable due to the awkward shape of the building. Alternatives 2 and 3 do not adequately protect the buffers and the 25-foot additional impervious surface setback, and thus are not the minimal relief necessary.

- ***The long-term and water quality impacts of the proposed Variance; and***

Finding: The impact of the development of this site is limited by the applicant's proposal for the use of pervious surfaces where possible and constructing the main building on piers. However, because Marsh Creek is listed on the 2018 Georgia EPD 305(b)/303(d) 2018 list as being an impaired stream, urban development can have an adverse impact. It is the opinion of staff that with environmentally sensitive best management practices (BMPs), pre- and post-construction, these impacts can be mitigated. This can be achieved through the implementation of an Inspection and Maintenance Agreement.

- ***Whether issuance of the Variance is at least as protective of natural resources and the environment.***

Finding: As part of environmentally sensitive BMPs, planting and revegetation of the stream buffers is critically important. The applicant should be required to vegetate the 50-foot undisturbed natural vegetative buffer and 25-foot impervious surface setback according to the standards in the "Sandy Springs River, Tributary, and State Waters Buffer-Revegetation Standards." This ensures proper protection of the environment.

COMMENTS FROM OTHER PARTIES

Sandy Springs City Engineer:

1. Marsh Creek in this location is listed on the 2018 Georgia EPD 305(b)/303(d) 2018 list as being an impaired stream. The violations include Biota F (non-supportive of fishing environments) and Fecal Coliform. Georgia EPD lists the potential cause for the streams impaired states as Urban Development.
2. The Applicant should provide evidence at the time of permitting that the buffer intrusions proposed for this project will not add additional water quality stressors which will adversely affect the water quality nor further the biological impairment of the stream.
3. The proposed deck is listed as Pervious Surface in the application. The applicant should provide sufficient plans, detail and supporting data, as determined by the Director, to support classification of the deck as pervious surfacing at the time of permitting.
4. The proposed vehicular driveways and pedestrian walkways are shown on the plan as Pervious Surfaces. The applicant should provide sufficient plans, details and supporting data, as determined by the Director that the proposed surfaces will provide infiltration equivalent to natural pervious surfaces at the time of permitting,
5. The alternatives presented failed to consider relocation of the existing sanitary sewer line as an option.
6. It appears that full compliance with Development Code Section 9.6 may not be possible with the Site Plan as submitted. If approved, the plans and studies should be required to fully comply with Development Code Section 9.6 and the Georgia Stormwater Management Manual.

Sandy Springs Arborist:

I do not have any comments. They supplied all the previously missing information I was looking for. They are using a fair variety of native plants appropriately and are meeting the canopy requirements.

Sandy Springs Sustainability Manager:

The applicant made commendable improvement to their proposed plan in light of the first round of reviews, by considerably reducing the intrusion into the stream buffers. It remains however that any intrusion in the buffers reduces their capability to render ecological services such as runoff filtration and shading the stream. The site in its entirety (both hotel and biergarten area) should be considered when determining if a hardship exists.

Correspondence Received:

Two (2) public comments in opposition were received.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Conditional Approval** of V19-0031, a request for a Variance from Sec. 9.2.4.A. of the Development Code for encroachments into the 50-foot undisturbed natural vegetative buffer and 25-foot additional impervious surface setback for the purposes of constructing a restaurant, driveway, event lawn, and walking paths in association with a proposed hotel at 0 Glenridge Drive (Parcel # 17 0034 LL0096). Staff recommends Approval subject to the following **conditions**.

1. The intrusion be limited to and substantially similar to that shown in “Figure 1: Proposed Site Plan” prepared by Kimley Horn and “BIERGARTEN SITE PLAN – D.C. – 6.1.2A – PREFERRED PLAN” prepared by Cooper Carry; both received on February 14, 2020.
2. At the time of permitting:
 - a. The applicant must provide pervious material(s) for the driveway and footpath. Materials are determined pervious by the City Engineer and are subject to the approval of the Director of Community Development.
 - b. A sufficient Mitigation Plan must be submitted, utilizing the guidelines detailed in the “River, Tributary, and State Waters Buffer-Revegetation Standards” document provided by Staff and must also detail the applicants proposed BMPs. The plan will be reviewed by the Sustainability Manager, Chief Environmental Compliance Officer, and City Engineer. The Mitigation Plan will be subject to the approval of the Director.
 - c. The applicant will be required to enter into an Inspection and Maintenance Agreement to ensure compliance with the Mitigation Plan.

Public Comment

T. Blad (2/22/2020):

The stream bank buffer encroachment and setback request for this Hotel is one of a series of requests for this site. The building is wedged between two streams, abuts a county sewer easement and will greatly affect the water quality. IT IS THE INTENT OF THE APPLICANT TO ALLOW STORMWATER DETENTION TO BYPASS THE GARDEN AND BE RELEASED DIRECTLY INTO MARSH CREEK. This is stated on the site plans. The increase flows from the development will adversely affect down stream neighbors. There are 130, 27" diameter landmark trees that will not be replaced in the buffer encroachment (schedule D). There is no reason to approve this fifth variance request on this project. The building encroachment along the property line shows deliveries being received along the back of the building next to neighbors. This was the reason BOA allowed the loading dock variance to the front of the hotel but in this new request deliveries for this building will be in the setback next to residential. The granting of variances will negatively affect both downstream and neighboring properties as well as community water quality.

T. Blad (1/3/2020):

The encroachment into the state buffer as well as the city steam buffer is unnecessary. The sewer easement will be affected. how will the county maintain this line when the building/restaurant abuts the easement. The tree loss with large established forest protecting the stream will be decimated by the event field, sidewalk and paved surfaces. The adjoins residential will be affected by allowing encroachment into the building setbacks. The site plan ignores numerous requirements but shows no relief hardship other than an attempt to build on unbuildable land.