



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** July 11, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: 201300677 - 4040 & 4100 Spalding Drive, *Applicant: Highgrove Homes, LLC*, to rezone from AG-1 (Agricultural District) to R3-A (Single Family Dwelling District) to develop 6 single family lots

MEETING DATE: For Submission onto the July 16, 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: 7/16/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SM

REMARKS:



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

A handwritten signature in black ink, appearing to be "AP", is written over the "From:" line.

Date: July 2, 2013 for submission onto the July 16, 2013 City Council meeting

Agenda Item: **201300677 4040 & 4100 Spalding Drive** a request to rezone the subject property from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) to allow for the development of 6 single family lots.

Department of Community Development Recommendation:

APPROVAL CONDITIONAL of a request to rezone the subject property from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) to allow for the development of 6 single family lots.

Background:

The subject site is located in the north side of Spalding Drive. The properties are currently zoned AG-1 (Agricultural District). The property contains approximately 3.74 acres.

Discussion:

The applicant proposing six (6) single family lots at a density of 1.6 units per acre. The Comprehensive plan recommends 0-1 units per acre. Staff is recommending the approval conditional with larger lots along Spalding Drive and the northeast and east property lines.

The petition was heard at the June 20, 2013 Planning Commission meeting. The Commission recommended approval (3-2, Squire, Maziar, Tart for; Porter and Nickels against; Frostbaum absent; Duncan recused) with staff's conditions.



Rezoning Petition No. 201300677

PROPERTY INFORMATION	
Address, Land Lot, and District	4040 & 4100 Spalding Drive Land Lot 312, District 6 th
Council District	1
Frontage	606 feet
Area	3.74
Existing Zoning and Use	AG-1 (Agricultural District) developed with 2 Single Family Homes at a density of 0.535 units/acre
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R0-1 (0 to 1 units per acre)
Proposed Zoning	R-3A (Single Family Dwelling District), 6 single family lots at a density of 1.6 units/acre

APPLICANT/PETITIONER INFORMATION		
Property Owner Highgrove Homes, LLC	Petitioner Highgrove Homes, LLC	Representative Claire Perko

HEARING & MEETING DATES			
Community Zoning Information Meeting April 23, 2013	Community Developer Resolution Meeting May 30, 2013	Planning Commission Hearing June 20, 2013	Mayor and City Council Hearing July 16, 2013

INTENT
To rezone the subject property from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) to allow for the Development of 6 single family lots.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
201300677- APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION
201300677- APPROVAL CONDITIONAL

The petition was heard at the June 20, 2013 Planning Commission meeting. The Commission **recommended approval** (3-2, Squire, Maziar, Tart for; Porter and Nickels against; Frostbaum absent; Duncan recused) with staff's conditions.

The applicant has provided revised drawings dated received June 28, 2013 exhibiting the layout of the lots per staff conditions.

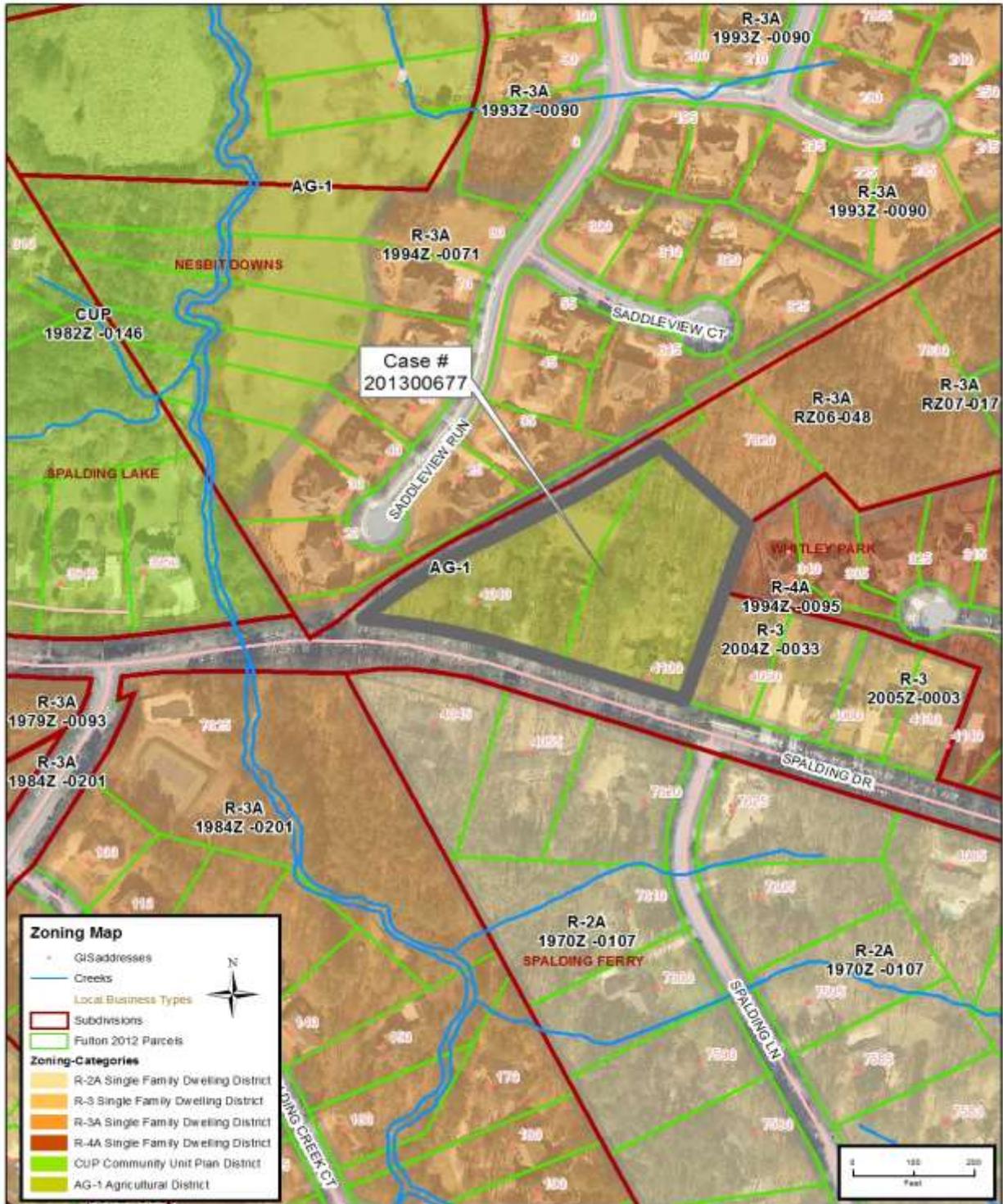
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES					
---	--	--	--	--	--

SUBJECT PETITION 201300677	Requested Zoning	Proposed Use	Land Area (Acres)	Units	Density (Units per Acre)
	R-3A	Single Family	3.74	6	1.6 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	R-3A Z94-0071	Nesbit Downs Subdivision	8.842	15	1.7 units/ac
North	R-3A Z93-0090	Nesbit Downs Subdivision	20.19	39	1.93 units/ac
North	R-3A RZ06-048	Single Family	4.87	8	1.64 unit/ac
East	R-4A Z94-0095	Whitley Park	5.8905	9	1.53units/ac
East	R-3 Z04-0033	4050 & 4060 Spalding Drive	1.2	2	1.66 units/ac
East	R-3 Z05-0003	4130& 4140 Spalding Drive	1	2	2 units/ac
South	R-2A Z70-0107	Spalding Ferry Subdivision	±56	50	±0.89 units/ac
West	R-3A Z94-0071	Nesbit Downs Subdivision	8.842	15	1.7 units/ac

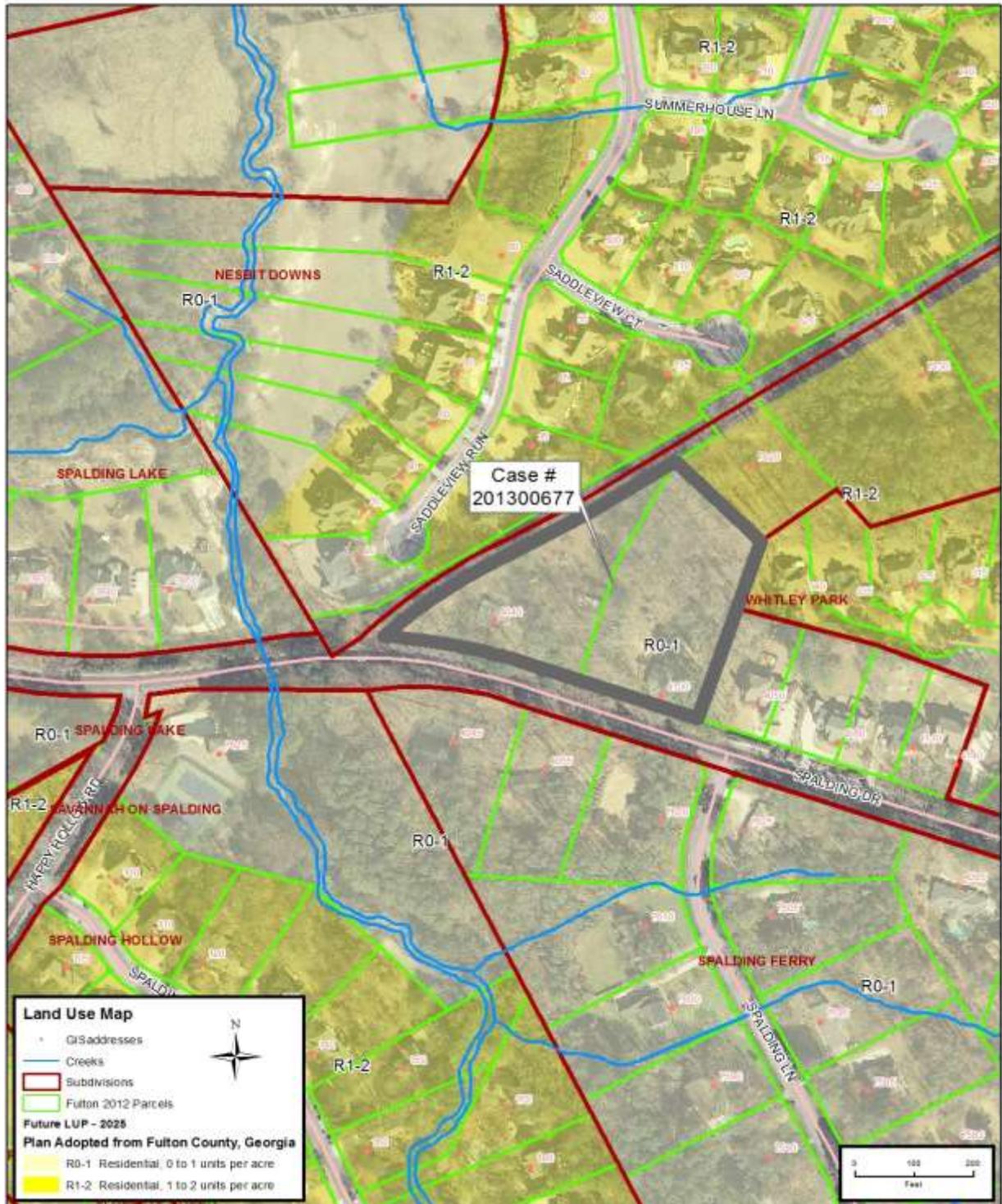
Zoning Map

4040 and 4100 Spalding Drive



Future Land Use Map

4040 and 4100 Spalding Drive



ZONING IMPACT ANALYSIS

To rezone the subject property from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) to Allow for the Development of 6 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 use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of: R-3A to the west and north, R-4 and R-3 to the east and R-2A to the south.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Findings: The staff is of the opinion that the proposal if approved will not have an adverse impact on the use or usability of adjacent or nearby properties because the use would be consistent with adjacent properties. The proposal is for a density of 1.6 units/acre. The proposed density is not consistent with the Comprehensive Plan density of 0-1 unit/acre, but it is consistent with the densities of the properties to the north, east and west which have an average density of 1.63 units/acre. Also, staff is recommending larger lots adjacent to Spalding Drive, northeast and east property lines to provide more consistency with the surrounding properties.

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

Findings: The staff is of the opinion that the subject 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 proposal is not consistent with the future land use plan, which designates the property as R0-1 (0 to 1 unit per acre). The applicant is proposing 1.6 units per acre. However, the proposal is consistent with the surrounding properties on the north side of Spalding Drive. They have an average density of 1.63 units per acre. The properties on the south side of Spalding Drive are zoned R-2A (Single Family Dwelling District) with a density of ± 0.89 units per acre. The proposal is consistent with the intent of the Comprehensive Plan which is to keep similar densities and uses together and to provide a proper transition between zoning districts. Staff has also recommended larger lots adjacent to Spalding Drive, northeast and east property lines to provide more consistency with the surrounding properties.

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 there were no comments. The staff has received additional comments from the Fulton County Board of Education and Fulton County Department of Water Resources (see attachments).

PUBLIC INVOLVEMENT

Public Comments

- Design of detention area (flag lot)
- Responsibility of detention pond maintenance

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies. However, the proposed density of 1.6 units per acre is higher than the 0-1 units per acre designated for this property on the Future Land Use Map. The proposal is consistent with the surrounding properties on the north side of Spalding Drive. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the rezoning petition.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District), the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. All lot abutting Spalding Drive shall be a minimum of 27,000 square feet.
 - b. All lot adjacent to the northeast and east property lines shall be a minimum of 25,000 square feet.

Attachments

- Amended Letter of Intent June 7, 2013
- Letter of Intent received May 10, 2013
- Site Plan dated received May 10, 2013
- Site Distance dated received May 10, 2013
- Revise Site Plan per staff's conditions dated received June 28, 2013
- Renderings
- Site Photographs
- Fulton County Department of Health Services
- Letters of Support
- Letters of Opposition

RECEIVED

JUN 07 2013

City of Sandy Springs
Community Development

FIRST AMENDMENT TO APPLICATION FOR REZONING

IN RE:)

Highgrove Homes LLC)
APPLICANT)

Application Number: 201300677

PROPERTY:)

3.74 Acres Located on the)
Northerly Side of Spalding)
Road)

Now comes Highgrove Homes LLC (the "Applicant" hereunder) who does hereby modify and amend the above referenced Application for Rezoning and associated Letter of Intent as follows:

1.

The undersigned has been engaged to represent the Applicant in this rezoning process and accordingly attached hereto and by reference thereto is incorporated is the undersigned's executed Disclosure Report Form.

2.

It is to be noted that while the Sandy Springs Comprehensive Land Use Plan suggests residential development for the Property at a density of 0 to 1 units per acre, the Property is contiguous to an R-3 zoning to the east which is developed, an R-4A zoning to the east which is under development and an R-3 zoning to the northeast which is developed. Accordingly, this Rezoning Request for an R-3A zoning at a density of 1.6 units per acre is consistent with the adjoining zonings and developments. Therefore, 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.

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


Nathan V. Hendricks III
Attorney for the Applicant

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.



SOUTHEASTERN ENGINEERING, INC.

2470 Sandy Plains Rd. Suite A
Marietta, GA 30066
Phone (770) 321-3936
Fax (770) 321-3935
cperko@seengineering.com

RECEIVED

MAY 10 2013

City of Sandy Springs
Community Development

May 10, 2013

City of Sandy Springs
7840 Roswell Road
Sandy Springs, GA 30350

Ms. Linda Abaray,

SEI, on behalf of Highgrove Homes, LLC. is seeking rezoning of parcel 4040 Spalding Drive and 4100 Spalding Drive from AG-1 to R-3A. The owner is seeking the rezoning in order to subdivide the property into six single family lots. Even though the future land use is proposed at R0-1, the proposed rezoning is keeping with the character of the area since most adjacent lots are R-3A, R-2, and R-2A.

The intent of the development of the three residences is to provide a cul-de-sac entrance that will serve all six lots. The new houses will be serviced through an extension of the sanitary sewer at the rear of the property. There will be no buffers needed since all adjacent properties are residential.

There will be limited environmental impact on the site. There are no streams or wetlands located on the property, so the development will not impact these systems. Clearing and land disturbance activities would be kept to a minimum for the proposed development. In addition, Best Management Practices (BMP's), as approved by the Georgia Soil and Water Conservation Commission, would be utilized to prevent erosion from leaving the site, and entering environmentally sensitive areas, and, therefore impacting wildlife habitats.

We appreciate your time in considering our application for rezoning.

Thank you.

Sincerely,

Claire Perko, RLA, ISA, Lead Green Associate
Southeastern Engineering, Inc.

SITE PLAN RENDERING



NESBIT LANDING ROAD

SPALDING DRIVE

NESBIT LANDING

BIRD'S EYE VIEW



ADDITIONAL EVERGREEN
SCREENING

STREET TREES

EXISTING BUFFER
TREES

ADDITIONAL EVERGREEN
SCREENING

SPALDING DRIVE



HOME SOUTH
COMMUNITIES







HOME SOUTH

COMMUNITIES





The Montclair



The Redding



The Brookwood





To: Mayor and Council Members
City of Sandy Springs, Georgia

Re: Rezoning Petition # 201300677
Proposed 6 Lot Development on Spalding Drive

My name is Florence A. Mitchell. I reside at 340 Whitley Park Drive, Sandy Springs GA 30350. My home is in the Whitley Park Subdivision, which is immediately adjacent to the proposed Highgrove Homes proposed development. I am in favor of the zoning application referenced above

On Saturday July 6, 2013 I met with Mr. Carter Richardson, of Highgrove Homes. We walked along the area adjoining my affected property and I reviewed a copy of the zoning plan which had been provided to me. I believe the new development will add to the attractiveness and stability of the community.

The representative agreed that Highgrove will provide screening between my property and the newly proposed building site.



Florence A. Mitchell

RECEIVED
JUL 10 2013
City of Sandy Springs
Community Development

Abaray, Linda

RECEIVED

JUL 03 2013

City of Sandy Springs
Community Development

From: Dickerson, Patrice
Sent: Wednesday, July 03, 2013 3:30 PM
To: Fries, Dianne
Cc: Parker, Angela; Abaray, Linda
Subject: RE: Rezoning of 4040 Spalding Drive
Attachments: Lot size analysis.pdf

Thanks!

Patrice

From: Fries, Dianne
Sent: Wednesday, July 03, 2013 3:02 PM
To: Dickerson, Patrice
Subject: FW: Rezoning of 4040 Spalding Drive

Fyi d

From: Elaine Blanton [<mailto:elaine.blanton@fibervisions.com>]
Sent: Wednesday, July 03, 2013 9:15 AM
To: Paulson, John; Fries, Dianne; ccollings@sandysspringsga.gov; Sterling, Gabriel; DeJulio, Tibby; kmcenery@sandysspringsga.gov
Subject: Rezoning of 4040 Spalding Drive

Reference: Rezoning of the Massey property at 4040 Spalding Drive by Highgrove Homes

Dear City Council Members:

It is my understanding that a recommendation was made by the staff of the Planning Commission that the zoning approval be based on 27,000 sq ft lots along Spalding Drive and 25,000 sq ft lots on the eastern property line.

I am confused by this and, respectfully ask that you consider the following. The average lot size currently along Spalding Drive is 23,163 sq ft. Our lots on Spalding Drive average 25,662 sq ft. This will make the purposed lots on Spalding average larger than what already exists on our side of the street. In addition, our lot sizes and density are in-line with all the adjoining communities on the north side of Spalding. There is actually only one lot on our side of Spalding that even meets the recommendation of 27,000 sq ft. Please see lot size analysis attached.

My family has been working on the sale of the property for several years now. We have passed up a couple of offers from developers that we did not feel would be good stewards of our family property, or treat is as our parents would have liked. In addition, respecting the existing neighbors and neighborhoods. We were thrilled when Highgrove Homes came along with their proposal.

We appeal to you to revisit the original proposal. Look at how it would mutually benefit our family and the City of Sandy Springs. The original proposal would allow for 3 houses on our property and 3 on the McGee property thus more tax

revenue for Sandy Spring. You would be able to collect property taxes from 6 properties, versus only 4 with the staff proposal. If the developer was downsizing lot sizes in relation to surrounding areas, I could understand, but instead they are actually making them bigger than most, and drastically improving the current properties.

I appreciate your time and consideration.

Very Kind Regards,
Elaine Massey Blanton/Executor

elaine.blanton@Fibervisions.com

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

LOT SIZE ANALYSIS

Nesbit Downs
 Lot SF Avg: 20,725

Nesbit Landing
 Lot SF Avg: 21,799.50

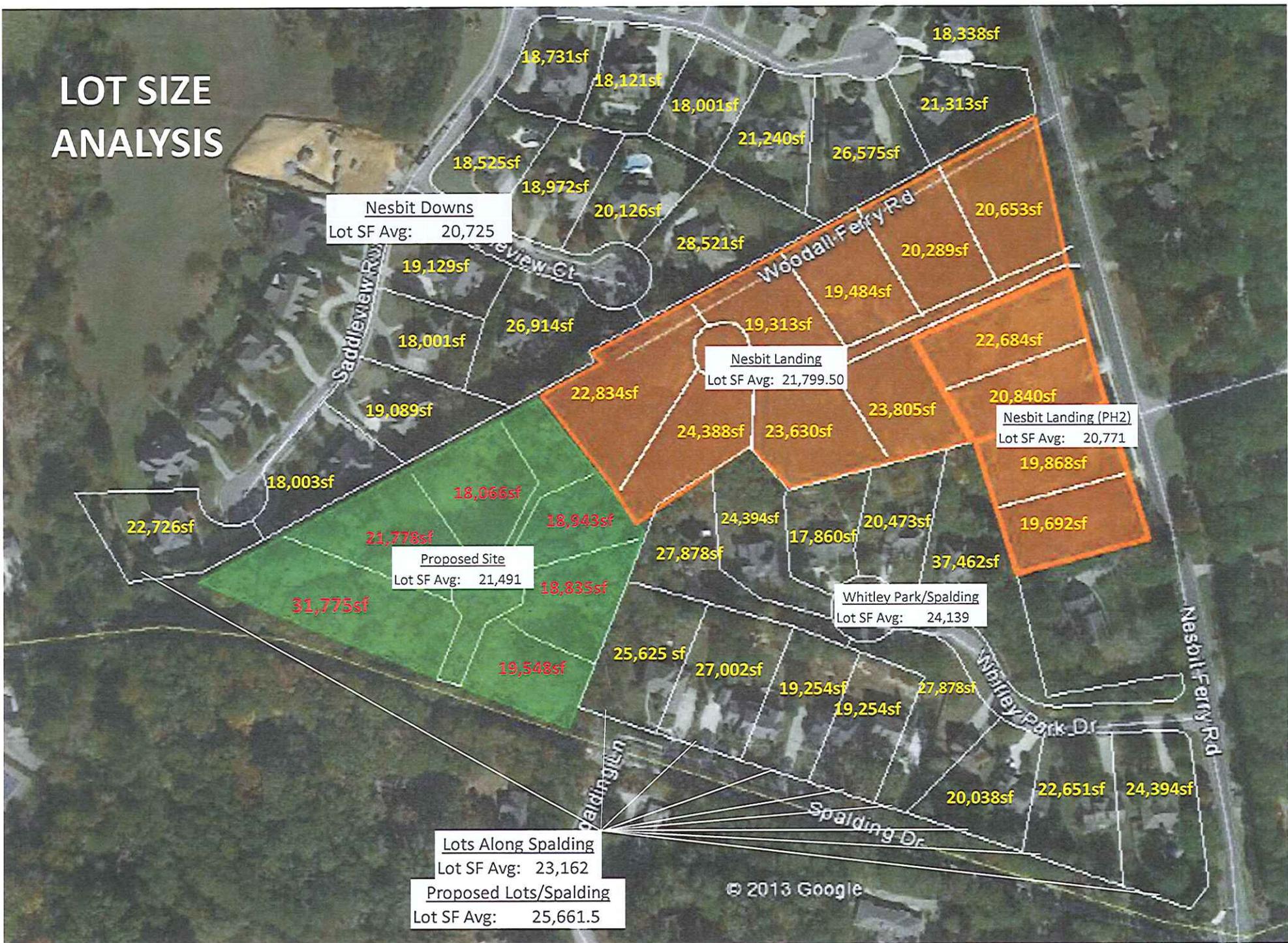
Nesbit Landing (PH2)
 Lot SF Avg: 20,771

Proposed Site
 Lot SF Avg: 21,491

Whitley Park/Spalding
 Lot SF Avg: 24,139

Lots Along Spalding
 Lot SF Avg: 23,162

Proposed Lots/Spalding
 Lot SF Avg: 25,661.5



RECEIVED
JUL 03 2013
City of Sandy Springs
Community Development

Ms. Linda Abaray
Ms. Patrice Dickerson
District councilman John Paulson

July 2, 2013

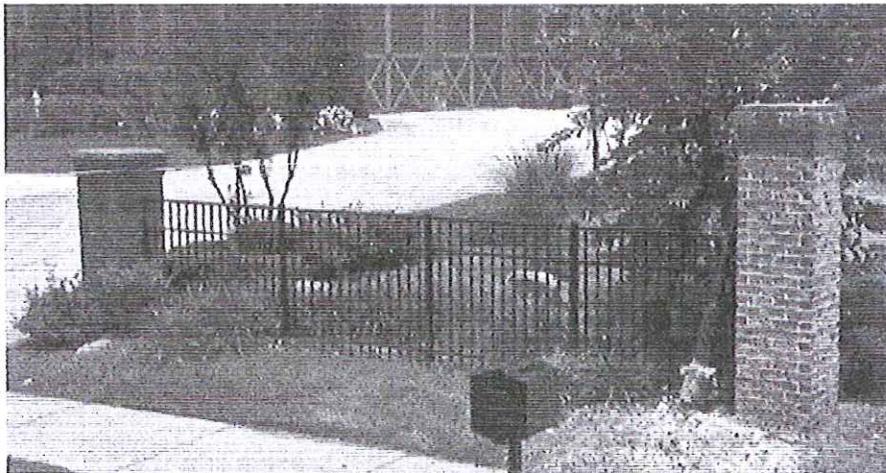
We write in support of the proposed 6 lot development on Spalding Drive (4400, 4010) Rezoning Petition #201300677. Our home is located at 4050 Spalding Dr. adjacent to the eastern property line of the proposed subdivision.

We have met several times with representatives of the applicants, Highgrove Homes, et. al., and have been provided copies of the zoning plan, proposed home styles, and decorative privacy fence and Leyland Cypress trees or comparable landscape on both sides of the development. We have also been provided information regarding the recent Planning commission which we missed. While that approval was given with some conditions, we are aware that such conditions would provide a hardship for the developer making the project unworkable.

With the addition of the fence and landscape described above the aesthetics of the entire project will be greatly enhanced. Because of the above facts and the potential for additional attractiveness to our area and increased property values, we join the chorus of others in the adjacent perimeter who **strongly support** the proposal.

We thank you in advance for your consideration and hopefully your affirmative vote.

Sincerely,
Albert Barrocas
Maxine Barrocas
Maxine and Albert Barrocas
4050 Spalding Dr.
Sandy Springs, GA 30350



Proposed type of fence for easterly property line to be bolstered by Leyland Cypress or comparable landscape.

RECEIVED

JUN 28 2013

To: Mayor and Council Members
City of Sandy Springs, Georgia

City of Sandy Springs
Community Development

Re: Proposed 6 Lot Development on Spalding Drive (Rezoning Petition # 201300677)

My name is Keith Gettmann and I reside at 20 Saddlevue Run, Sandy Springs, GA 30350. My house is in Nesbit Downs subdivision immediately adjacent to the proposed development. Please accept this letter acknowledging our SUPPORT for the above-referenced Rezoning Petition in connection with the construction of a buffer described below. The Applicant, Highgrove Homes, has provided me with a copy of the zoning plan and I have reviewed the same. I have also attended a Community Developer Resolution Meeting where the Applicant provided pictures of the homes that they intend to build. I believe the proposed development will be beneficial from an aesthetic standpoint as well as increase the overall value of surrounding and nearby homes.

I have communicated with the Abrams, Widner's, McGrath, and White households (all are property owners on the western side of the proposed development). I informed them of my discussions with the Applicant as it pertains to running a fence, similar to the picture below, along the length of our properties on the Spalding Drive side along with plantings of Leyland Cypress trees, or something comparable, to form a good buffer. I also advised that some margin of original trees is expected to remain as compared to the site under development on Nesbit Ferry. We are all highly favorable to this accommodation and are pleased that we will finally have a deterrent to individual access to the back side of our neighborhood from Spalding. In this regard, the length of my property extends some fifty feet or so beyond the corner of the plat which is to be included in this border construction.

Please vote to approve the Applicant's rezoning request.

Sincerely,



Keith Gettmann

20 Saddlevue Run



*Example of fence that Applicant has agreed to construct along the length of the westerly property lines

Abaray, Linda

From: Tom Tate <tomtate@mindspring.com>
Sent: Tuesday, June 25, 2013 4:48 PM
To: Paulson, John; Fries, Dianne; Collins, William "Chip"; Sterling, Gabriel; DeJulio, Tibby; McEnerny, Karen; Abaray, Linda
Subject: FW: 4040 & 4100 Spalding Drive, Re-Zoning Petition 201300677

Councilman John Paulson, District 1
jpaulson@sandyspringsga.gov

Councilmember Ms. Dianne Fries, District 2
dfries@sandyspringsga.gov

Councilman Chip Collins, District 3
ccollins@sandyspringsga.gov

Councilman Gabriel Sterling, District 4
gsterling@sandyspringsga.gov

Councilman Tiberio DeJulio
tdejulio@sandyspringsga.gov

Councilmember Ms. Karen Meinzen McEnerny
kmcenerny@sandyspringsga.gov

Senior Planner Ms. Linda Abaray
labaray@sandyspringsga.gov

Re: 4040 & 4100 Spalding Drive, Re-Zoning Petition 201300677
In Favor of Petition as Submitted

Members of the City Council of Sandy Springs:

May I introduce myself and explain why I support the above Petition as submitted. I am Tom Tate and the Uncle of Melissa and Chuck McGee, the son and daughter-in-law of the property owner of 4100 Spalding Drive, Mrs. Ada McGee. As a former resident of 4660 Canyon Creek Trail and having built the house at 245 River Valley Road, I share your values in preserving the beauty and integrity of Sandy Springs. Now retired, my career was investing in raw land for commercial uses. Fortunately, I sold my last tract of land for the expansion of the campus of Kennesaw State University in September of 2008. Having been through many zoning hearings, I understand your mission to preserve the homeowners investment and appearance that surround this petition.

Fortunately, the homes on this land will not only preserve the neighborhood but will increase the value in their homes that have been losing it for some time now. We all are so happy to see the housing market finally begin to come back. As you have probably become aware, Highgrove Homes and Southeastern Engineering are tops in their business. They have presented a plan that is consistent with the surrounding properties. We are of the opinion that they will execute this plan that will please you and the neighbors.

There is only one lot...down Spalding Drive that is as large as the Planning Staff's Conditional requirement for zoning. The average lot size as submitted is 25,661.5 sq. ft. while the built-out lots along the north side of Spalding average only 23,162 sq.ft. The submitted plan fits the neighborhood.

I urge you to carefully consider accepting the submitted plan as the Conditional requirement is impossible under the City's other restrictions...it's a deal killer.

Respectfully submitted,

Thomas J. Tate, Jr.

Abaray, Linda

From: Susan Searles <bamamoma1@yahoo.com>
Sent: Monday, June 24, 2013 9:35 AM
To: Abaray, Linda
Cc: Paulson, John
Subject: Rezoning Petition No. 201300677
Attachments: ORDINANCE-NO--2007-01-01---RZ06-048---CV06-034-Woodall-Ferry-Road.pdf;
Woodall Ferry and Nesbit Ferry tax plats - 3 lots.pdf

Dear Ms. Abaray,

Many thanks for your prompt response in June 21. What did the the Planning Commission say regarding the following staff recommendations?

To the owner's agreement to restrict the use of the subject property as follows:

- a. All lot abutting Spalding Drive shall be a minimum of 27,000 square feet.
- b. All lot adjacent to the northeast and east property lines shall be a minimum of 25,000 square feet.

With the above conditions, we can endorse this proposed rezoning. However, it would still be far better from a safety viewpoint to extend the road under development within the denuded Nesbit Landing subdivision (Zoning Case RZ06-048; zoning and tax plat attached) instead of a new curb cut where the line-of-sight is truly problematic. This would allow ingress and egress from Nesbit Ferry Road at Woodall Ferry instead of at a point on Spalding Drive where fire safety and traffic safety will be a concern for generations to come. I hear your comments that staff supports the new curb cut, but respectively they are wrong.

God's best,

David Searles & Susan Searles

C: 678-570-1177

H: 770-393-2593

From: "Abaray, Linda" <LAbaray@SandySpringsga.gov>
To: Susan Searles <bamamoma1@yahoo.com>
Cc: "Paulson, John" <JPaulson@SandySpringsga.gov>
Sent: Friday, June 21, 2013 11:58 AM
Subject: RE: Rezoning Petition No. 201300677

Thank you for your comments. I will add them to the official file and the package being forwarded to the Mayor and City Council.

The zoning application suggests the letter of intent include building sizes, but it is not a requirement of the Zoning Ordinance. The required minimum building size would be enforced by the Zoning Ordinance requirements of the zoning classification. In this case R-3A minimum heat floor area is below.

H. Minimum Heated Floor Area:

One thousand six hundred (1,600) square feet on ground level for less than two (2) stories

One thousand eight hundred (1,800) square feet for two (2) stories or more than two (2) stories with one thousand fifty (1,050) square feet on the ground floor

The Public Works Department has reviewed the application and the applicant has met the requirements of the Development Regulations. Regarding the location of the proposed road and site distance. Please let me know if you have any additional questions or concerns.

Thank You!

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

From: Susan Searles [<mailto:bamamomal@yahoo.com>]
Sent: Thursday, June 20, 2013 7:03 PM
To: Abaray, Linda
Cc: Paulson, John
Subject: Rezoning Petition No. 201300677

Dear Ms. Abaray.

The Agenda attachment is incomplete because the Applicant's letter of intent was not adequate; any such LOI should have clearly indicated the applicant's specific minimum home size.. Accordingly the application is legally flawed. Please note this as our objection to processing this request.

One reason that citizens voted to create the City of Sandy Springs was our distrust of Fulton County. The City of Sandy Springs made a covenant with the citizens by adopting the Comprehensive Future Land Use Map that very clearly designates the subject property as 0 to 1 home per acre. Adjacent lots were shown in the Comprehensive Future Land Use Map as 1-2 homes per acre. And that only happened when Fulton County "broke the ice" with spot zoning at the corner of Nesbit Ferry Road and Spalding Drive,

Based on the indicated 3.74 acres (before right of way dedications and storm water detention easement) then the maximum number of new lots on the subject property should be three (3).

Additionally the line of sight and elevation changes coming from Happy Hollow Road to the subject property will create a major safety hazard if six (6) homes are built on the subject property.

God's best,

Susan and David Searles
5030 Nesbit Ferry Lane
Sandy Springs, GA 30350

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Abaray, Linda

From: Barrocas, Albert <abarroc@tulane.edu>
Sent: Saturday, June 01, 2013 11:15 PM
To: Abaray, Linda
Subject: FW: 4040 & 4100 Spalding Drive

RECEIVED

JUN 03 2013

City of Sandy Springs
Community Development

Ms. Abaray:
FYI

From: Tracy Gilchrist [mailto:tracygilchrist07@yahoo.com]
Sent: Saturday, June 01, 2013 8:33 PM
To: Susan Searles; Susan Paul; 'Debby Hobe'; 'GEORGE & ROXANNA YOUNG'; 'Lou dell Printz'; 'David Searles'; 'David Paul'; 'Steve Buchman'; 'George Lentz'; 'Debie Drucker'; 'Barbara Keel'; 'Burris Anne'; 'Donna Henry'; 'Bill Henry'; 'Kim and Andy Bornstein'; 'Don and Anita Constable'; 'Ramon and Brenda Garcia'; 'Sid Gullion'; 'Fred and Jennie Johnson'; 'Winston and Elisabeth Johnson'; 'Murray and Diane Paterson'; 'Robbie and Sue Robinson'; 'Don Rorabaugh'; 'Kay Smarr'; 'Mike and Miriam Salpeter'; 'Jim and Joy Streeter'; 'Jenny Sundy'; michelle.merrill@comcast.net; 'Terri Tabak'; 'Jay Flanagan'; 'Bonnie Keller'; 'Connie Brown'; Dalcpa1@comcast.net; 'Frances Richey'; buchman.thais@gmail.com; 'Emily Haug'; 'Jim Haug'; 'Jeb Howell'; 'Kelvin and Mary King'; Barrocas, Albert; 'Ray Gunter'; 'Marsha Howell'; 'Angela Walker'; 'Phyllis Marks'; 'Karen Lindsey'; 'Cathy Wilson'; 'Donna Agolli'; 'Margaret Mera'; ckscruton@bellsouth.net; 'Heather Grafton'; 'Guenter Perkuhn'; 'Peggy Middendorf'; angie.walker@gmail.com
Subject: Re: 4040 & 4100 Spalding Drive

ALL the trees were taken out!

From: Susan Searles <bamamoma1@yahoo.com>
To: Susan Paul <msusanpaul@att.net>; 'Tracy Gilchrist' <tracygilchrist07@yahoo.com>; 'Debby Hobe' <ddhobe@comcast.net>; 'GEORGE & ROXANNA YOUNG' <gyoung8@bellsouth.net>; 'Lou dell Printz' <jtsloudell@comcast.net>; 'David Searles' <searles.david@gmail.com>; 'David Paul' <dandspaul@bellsouth.net>; 'Steve Buchman' <adeptio23@yahoo.com>; 'George Lentz' <gwlenz@comcast.net>; 'Debie Drucker' <ddrucker0123@drucker411.com>; 'Barbara Keel' <bbkeel@att.net>; 'Burris Anne' <BurrisA@fulton.k12.ga.us>; 'Donna Henry' <donna.henry@avayagov.com>; 'Bill Henry' <bdhenry@comcast.net>; 'Kim and Andy Bornstein' <kbornst@bellsouth.net>; 'Don and Anita Constable' <donconstable@bellsouth.net>; 'Ramon and Brenda Garcia' <beebeegarcia@yahoo.com>; 'Sid Gullion' <slgullion@mindspring.com>; 'Fred and Jennie Johnson' <jennieJns@bellsouth.net>; 'Winston and Elisabeth Johnson' <winston777@bellsouth.net>; 'Murray and Diane Paterson' <cabinone@comcast.net>; 'Robbie and Sue Robinson' <suedrob@yahoo.com>; 'Don Rorabaugh' <donald_rorabaugh@hotmail.com>; 'Kay Smarr' <kaysmarr@rocketmail.com>; 'Mike and Miriam Salpeter' <miriam_salpeter@yahoo.com>; 'Jim and Joy Streeter' <j4streeter@yahoo.com>; 'Jenny Sundy' <Vsundy@bellsouth.net>; "michelle.merrill@comcast.net" <michelle.merrill@comcast.net>; 'Terri Tabak' <tbtapak@comcast.net>; 'Jay Flanagan' <hmflanagan@hotmail.com>; 'Bonnie Keller' <b_keller@bellsouth.net>; 'Connie Brown' <clbrown56@yahoo.com>; "Dalcpa1@comcast.net" <Dalcpa1@comcast.net>; 'Frances Richey' <frances.richey@vikings.berry.edu>; "buchman.thais@gmail.com" <buchman.thais@gmail.com>; 'Emily Haug' <emily.gauthier1@gmail.com>; 'Jim Haug' <jrhaug@gmail.com>; 'Jeb Howell' <jeb@auctionebid.com>; 'Kelvin and Mary King' <kingfamily05@gmail.com>; 'Barrocas Albert' <abarroc@tulane.edu>; 'Ray Gunter' <RLGUNTER@bellsouth.net>; 'Marsha Howell' <howellmarsha@gmail.com>; 'Angela Walker' <angela@walkerconnect.com>; 'Phyllis Marks' <PhyllisMarks@aol.com>; 'Karen Lindsey' <karenmlindsey@yahoo.com>; 'Cathy Wilson' <c.wilson@tomjames.com>; 'Donna Agolli' <catsjim@gmail.com>; 'Margaret Mera' <margaret.mera@i-ronics.com>; "ckscruton@bellsouth.net" <ckscruton@bellsouth.net>; 'Heather Grafton' <heather_grafton@hotmail.com>; 'Guenter Perkuhn' <gap1930@aol.com>; 'Peggy Middendorf' <peggy.customed@gmail.com>; "angie.walker@gmail.com" <angie.walker@gmail.com>
Sent: Saturday, June 1, 2013 8:08 PM
Subject: 4040 & 4100 Spalding Drive

The proposed rezoning has lot sizes as small as 0.41 acres. This is not consistent with the City of Sandy Springs Future Land Use Map. The City's Land Use Map designates the subject area as "Residential, 0 to 1

units per acre". You can find the City's Land Use Map by drilling down here- <http://sandyspringsga.gov/City-Departments/Community-Development/Divisions/Planning-and-Zoning.aspx> [or let us know and we will send you the PDF of the Land Use Map].

We realize that this is one of few undeveloped parcels left, but the proposed rezoning is not acceptable. We hope that neighbors will join with us in vigorous opposition.

For example, when the 2 acres on Nesbit Ferry Road at Nesbit Ferry Lane were rezoned to allow four (4) lots, we were upset [RZ07-017, for 7700 and 7710 Nesbit Ferry Road]. Imagine "IF" the 7700+7710 Nesbit Ferry Road parcels allowed 5 or 6 lots -- a likely request after 4040 and 4100 Spalding are rezoned to 6 lots.

In partial response to Susan Paul's question below, the Nesbit Ferry / Woodall Ferry land now under development was rezoned January 16, 2007 [RZ06-048/CV06-034] to R3A from AG-1. That conditional zoning allowed 8 lots on 4.87 acres (1.64 units per acre). The conditions of the Woodall Ferry rezoning allowed the developer to remove two (2) specimen trees. The City ordinance stated that "Unless other noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy".

The City's web site is not user-friendly so we cannot find additional details on this proposed Spalding Drive rezoning. Please let us know if you see the Staff Recommendations or calendar dates--
<http://sandyspringsga.gov/Calendars/City-Calendar>

God's best,
David Searles & Susan Searles
770-393-2593

From: Susan Paul <msusanpaul@att.net>
To: 'Tracy Gilchrist' <tracygilchrist07@yahoo.com>; 'Debby Hobe' <ddhobe@comcast.net>; 'GEORGE & ROXANNA YOUNG' <gyoung8@bellsouth.net>; 'Lou dell Printz' <itsloudell@comcast.net>; bamamoma1@yahoo.com; 'David Searles' <searles.david@gmail.com>; 'David Paul' <dandspaul@bellsouth.net>; 'Steve Buchman' <adeptio23@yahoo.com>; 'George Lentz' <gwlentz@comcast.net>; 'Debie Drucker' <ddrucker0123@drucker411.com>; 'Barbara Keel' <bbkeel@att.net>; 'Burriss Anne' <BurrissA@fulton.k12.ga.us>; 'Donna Henry' <donna.henry@avayagov.com>; 'Bill Henry' <bdhenry@comcast.net>; 'Kim and Andy Bornstein' <kbornst@bellsouth.net>; 'Don and Anita Constable' <donconstable@bellsouth.net>; 'Ramon and Brenda Garcia' <beebeegarcia@yahoo.com>; 'Sid Gullion' <slgullion@mindspring.com>; 'Fred and Jennie Johnson' <jennieJns@bellsouth.net>; 'Winston and Elisabeth Johnson' <winston777@bellsouth.net>; 'Murray and Diane Paterson' <cabinone@comcast.net>; 'Robbie and Sue Robinson' <suedrob@yahoo.com>; 'Don Rorabaugh' <donald_rorabaugh@hotmail.com>; 'Kay Smarr' <kaysmarr@rocketmail.com>; 'Mike and Miriam Salpeter' <miriam_salpeter@yahoo.com>; 'Jim and Joy Streeter' <j4streeter@yahoo.com>; 'Jenny Sundy' <Vsundy@bellsouth.net>; michelle.merrill@comcast.net; 'Terri Tabak' <tbtapak@comcast.net>; 'Jay Flanagan' <hmflanagan@hotmail.com>; 'Bonnie Keller' <b_keller@bellsouth.net>; 'Connie Brown' <clbrown56@yahoo.com>; Dalcpa1@comcast.net; 'Frances Richey' <frances.richey@vikings.berry.edu>; buchman.thais@gmail.com; 'Emily Haug' <emily.gauthier1@gmail.com>; 'Jim Haug' <jrhaug@gmail.com>; 'Jeb Howell' <jeb@auctionebid.com>; 'Kelvin and Mary King' <kingfamily05@gmail.com>; 'Barrocas Albert' <abarroc@tulane.edu>; 'Ray Gunter' <RLGUNTER@bellsouth.net>; 'Marsha Howell' <howellmarsha@gmail.com>; 'Angela Walker' <angela@walkerconnect.com>; 'Phyllis Marks' <PhyllisMarks@aol.com>; 'Karen Lindsey' <karenmlindsey@yahoo.com>; 'Cathy Wilson' <c.wilson@tomjames.com>; 'Donna Agolli' <catsjim@gmail.com>; 'Margaret Mera' <margaret.mera@i-ronics.com>; ckscruton@bellsouth.net; 'Heather Grafton' <heather_grafton@hotmail.com>; 'Guenter Perkuhn' <gap1930@aol.com>; 'Peggy Middendorf' <peggy.customed@gmail.com>; angie.walker@gmail.com
Sent: Thursday, May 30, 2013 9:44 PM
Subject: RE: 4040 & 4100 Spalding Drive

Would like to know if there are any restrictions on cutting trees. Is it going to be clear cut like the property on Nesbit Ferry Road? Susan Paul

From: Tracy Gilchrist [<mailto:tracygilchrist07@yahoo.com>]

Sent: Thursday, May 30, 2013 9:04 PM

To: Debby Hobe; GEORGE & ROXANNA YOUNG; Lou dell Printz; bamamoma1@yahoo.com; David Searles; David Paul; Steve Buchman; George Lentz; Debie Drucker; Barbara Keel; Burris Anne; Donna Henry; Bill Henry; Kim and Andy Bornstein; Don and Anita Constable; Ramon and Brenda Garcia; Sid Gullion; Fred and Jennie Johnson; Winston and Elisabeth Johnson; Murray and Diane Paterson; Robbie and Sue Robinson; Don Rorabaugh; Kay Smarr; Mike and Miriam Salpeter; Jim and Joy Streeter; Jenny Sundy; michelle.merrill@comcast.net; Terri Tabak; Jay Flanagan; Bonnie Keller; Connie Brown; Dalcpa1@comcast.net; Frances Richey; buchman.thais@gmail.com; Emily Haug; Jim Haug; Jeb Howell; Kelvin and Mary King; Barrocas Albert; Ray Gunter; Marsha Howell; Angela Walker; Phyllis Marks; Karen Lindsey; Cathy Wilson; Donna Agolli; Margaret Mera; ckscruton@bellsouth.net; Heather Grafton; Guenter Perkuhn; Peggy Middendorf; angie.walker@gmail.com; Susan Paul

Subject: Fw: 4040 & 4100 Spalding Drive

FYI -

From: Abaray, Linda [<mailto:LAbaray@SandySpringsga.gov>]

Sent: Wednesday, May 29, 2013 4:06 PM

To: Barrocas, Albert

Subject: 4040 & 4100 Spalding Drive

Please find attached a copy of the site plan for the proposed rezoning application for 4040 and 4100 Spalding Drive. Please let me know if you have any questions.

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

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.



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: April 10, 2013

SUBJECT: Zoning Comments for May 2013

AGENDA ITEM	ZONING COMMENTS
201800662	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed 4-story, multi-family building to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people walk, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>Since this proposed development includes a public swimming pool as defined in the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health Services permit to operate the pool prior to opening.</p> <p>This department is requiring that solid waste plans indicating the number and location of refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</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>

AGENDA ITEM	ZONING COMMENTS
201300677	<p>If a plat required for recording, the plat must be reviewed and approved regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction. 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>If public sanitary sewer is available to the site, the Fulton County Department of Health and Wellness will require mandatory connection. Public sanitary sewer is considered available if it is within 200 feet of the nearest property line or within 500 feet of the dwelling, such distances being measured along the appropriate natural drainage course (gravity flow).</p> <p>If public sewer is unavailable to the site, this Department will require that each lot be a minimum of 43,560 square feet and have 30,000 square feet minimum usable area to be considered for use of onsite sewage management systems. This Department will require all necessary percolation and soil data, required layouts, and supportive data be submitted for review and determined acceptable prior to preliminary plat and/or Land Disturbance Permit (LDP) approval.</p> <p>Since public water is available to the site, the Department of Health and Wellness will require mandatory connection.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This 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
201300687	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people walk, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This proposed mixed-use development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>If this proposed development includes a public swimming pool as defined in the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health Services permit to operate the pool prior to opening.</p> <p>This department is requiring that solid waste plans indicating the number and location of refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>Research shows that childhood exposure to traffic exhaust when living near a freeway can lead to substantial deficits in lung function that can last a lifetime and can increase the risk of developing allergies and asthma. In addition, exposure to traffic noise increases blood pressure, and long-term exposure to air pollution is known to increase the risk of death from heart disease.</p>
	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed office building to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people walk, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This proposed development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>This department is requiring that solid waste plans indicating the number and location of refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p>