





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 name Angela Parker.

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

Agenda Item: **201300996 514 Mount Vernon Highway** a request to rezone the subject property from R-1 (Single Family Dwelling District) to R-2 (Single Family Dwelling District) to allow for the development of 2 single family lots.

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

**APPROVAL** of a request to rezone the subject property from R-1 (Single Family Dwelling District) to R-2 (Single Family Dwelling District) to allow for the development of 2 single family lots.

***Background:***

The subject site is located in the south side of Mount Vernon Hwy and the north side of Glen Errol Road. The properties are currently zoned R-1 (Single Family Dwelling District). The property contains approximately 2.65 acres.

***Discussion:***

The applicant proposing two (2) single family lots at a density of 0.755 units per acre. The Comprehensive plan recommends 1-2 units per acre. Staff is recommending the approval be subject to the R-2 regulations in the Sandy Springs Zoning Ordinance and the Sandy Springs Code of Ordinances.

The petition was heard at the June 20, 2013 Planning Commission Meeting. The Commission recommended approval (5-0, Nickels, Squire, Maziar, Porter and Tart for; Frostbaum absent; Duncan not voting).



**Rezoning Petition No. 201300996**

<b>PROPERTY INFORMATION</b>	
<b>Address, Land Lot, and District</b>	514 Mount Vernon Highway Land Lot 133, District 17 <sup>th</sup>
<b>Council District</b>	6
<b>Frontage</b>	225.02 feet along Mount Vernon Highway and 270 feet along Glen Errol Road
<b>Area</b>	2.65
<b>Existing Zoning and Use</b>	R-1 (Single Family Dwelling District) developed with a Single Family Homes
<b>Overlay District</b>	N/A
<b>2027 Comprehensive Future Land Use Map Designation</b>	R1-2 (1 to 2 units per acre)
<b>Proposed Zoning</b>	R-2 (Single Family Dwelling District)

<b>APPLICANT/PETITIONER INFORMATION</b>		
<b>Property Owner</b> Descendant Trust of Nancy P. Hayden	<b>Petitioner</b> Jason Tillery	<b>Representative</b> Jason Tillery

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

**INTENT**  
To rezone the subject property from R-1 (Single Family Dwelling District) to R-2 (Single Family Dwelling District) to allow for the development of 2 single family lots.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**  
**201300996- APPROVAL**

**PLANNING COMMISSION**  
**201300996-RECOMMENDED APPROVAL**

The petition was heard at the June 20, 2013 Planning Commission Meeting. The Commission **recommended approval** (5-0, Nickels, Squire, Maziar, Porter and Tart for; Frostbaum absent; Duncan not voting).

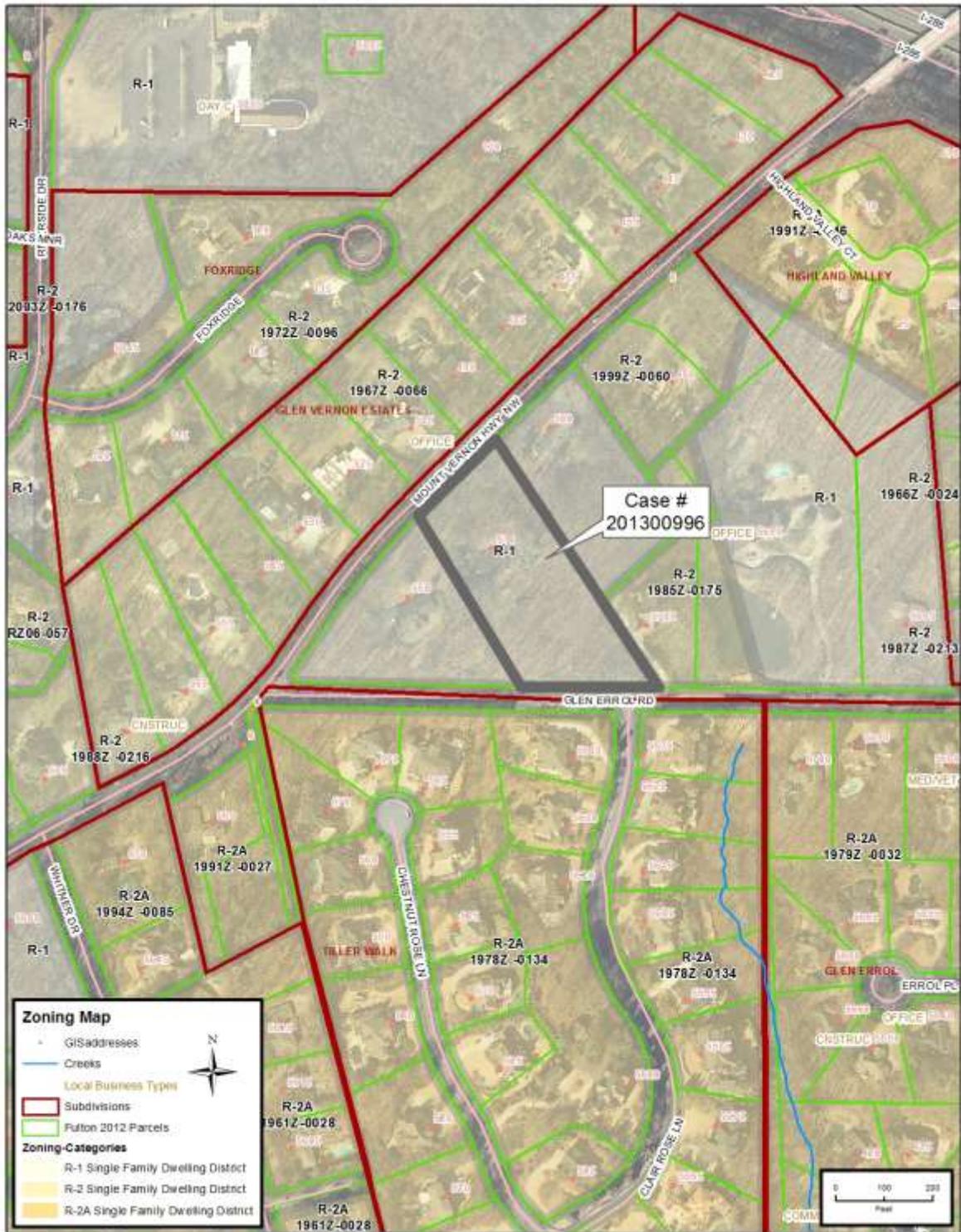
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES					
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SUBJECT PETITION 201300996	Requested Zoning	Proposed Use	Land Area (Acres)	Units	Density (Units per Acre)
	R-2	Single Family	2.65	2	0.755 units/ac

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-2 Z67-0066	Glen Vernon Estates	±15.82	14	±0.885 units/ac
East	R-1	500 Mt. Vernon Hwy	±2.05	1	±0.48 units/ac
West	R-1	550 Mount Vernon Hwy	±2.013	1	±0.50 units/ac
West	R-2	5705 Glen Errol Road	±1.2	1	±0.83 units/ac
South	R-2A Z78-0134	Tiller Walk	50.71	53	1.05 units/ac

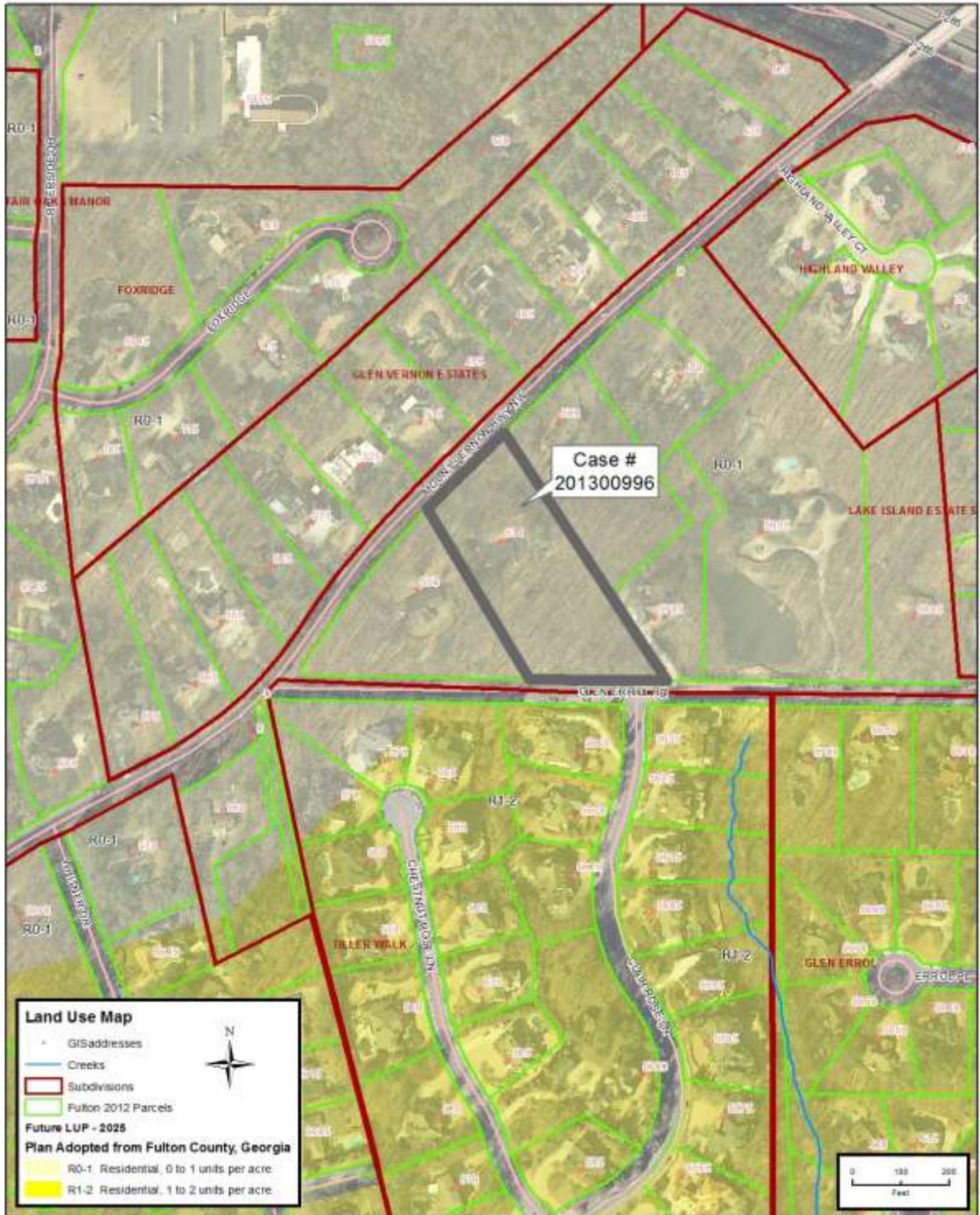
### Zoning Map

#### 514 Mount Vernon Highway NW



Future Land Use Map

514 Mount Vernon Highway NW



**ZONING IMPACT ANALYSIS**

To rezone the subject property from R-1 (Single Family Dwelling District) to R-2 (Single Family Dwelling District) to allow for the development of 2 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-2 (Single Family Dwelling District) to the north, R-1 to the east and west 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 0.755 units/acre. The proposed density is consistent with the Comprehensive Plan density of 0-1 unit/acre and consistent with the densities of the surrounding area.

*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 consistent with the intent of future land use map, which designates the property as R0-1 (0 to 1 units per acre). The applicant is proposing 0.755 units per acre. The proposal is consistent with the surrounding properties. The properties to the north are zoned R-2 with a density of 0.885 units/acre. The property to the east and west are zoned R-1 with densities at approximately 0.49 units/acre. The properties on the south side of are zoned R-2A (Single Family Dwelling District) with a density of 1.05 units per acre. The proposal is consistent with the intent of the Comprehensive Plan.

*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).

Transportation Planner	<p>Dedicate 40 feet of right-of-way from centerline of Mt. Vernon Highway along entire property frontage. Note the minimum pavement width for Mt. Vernon Highway is 12 feet.</p> <p>Proposed driveways shall meet sight distance requirements in accordance with Section 103-77 of the Development Ordinance. The minimum sight distance shall be based on a speed of 35 miles per hour (mph) for Mt. Vernon Highway and 30 mph for Glen Errol Road.</p> <p>Mt. Vernon Highway is included in the Sidewalk Master Plan.</p> <p>The <i>Transportation Master Plan</i> recommended the following two projects along Mt. Vernon Highway: Project C13: Improve Mount Vernon Highway between Northside Drive and Peachtree Dunwoody Road to maintain two through lanes with intersection turn lanes, sidewalks and bicycle lanes and E17: Incorporate bike lane construction in other projects to provide cohesive and connected bicycle network, including Mount Vernon Highway, Northside Drive/Chattahoochee National Recreation area to Peachtree Dunwoody Road.</p>
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**PUBLIC INVOLVEMENT**

Public Comments

- Applicant, if possible should avoid underground stormwater detention
- Retain as much water on site as possible with grading, swells, rain gardens, cisterns, rain chains, driveway grates where needed to prevent sheet flow.

**CONCLUSION TO FINDINGS**

It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies. The proposed density of 0.755 units per acre falls within the range recommended by the Future Land Use Map. The proposal is consistent with the surrounding properties. Therefore, based on these reasons, the staff recommends **APPROVAL** of the rezoning petition. Should the Mayor and City Council decide to rezone the subject property from R-1 (Single Family Dwelling District) to R-2 (Single Family Dwelling District), the staff recommends the approval be subject to the R-2 regulations in the Sandy Springs Zoning Ordinance and the Sandy Springs Code of Ordinances.

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting July 16, 2013

**Attachments**

- Letter of Intent received April 2, 2013
- Site Plan dated received April 2, 2013
- Site Photographs
- Additional comments from the Fulton County Department of Water Resources, Fulton County Department of Health Services

201300996

RECEIVED

APR 02 2013

City of Sandy Springs  
Community Development

LETTER OF INTENT

City of Sandy Springs Zoning Department  
7840 Roswell Rd. Building 500  
Sandy Springs, GA 30350  
770-730-5600

To The City of Sandy Springs:

We are requesting the rezoning of the parcel at 514 Mt. Vernon Hwy. Sandy Springs Georgia 30327 from its current zoning of R-1 to its requested zoning of R-2. Currently there is one single family house on the property. Our intent is to rezone the property to allow for one single family unit per acre thus allowing us to build two single family homes on the parcel. We feel that the requested change in zoning is in alignment with the future land use plan of Sandy Springs.

Both houses will be approximately 4000-4500 square feet of finished floor space. One residence will face Mt. Vernon Hwy. and one will face Glen Errol Rd. Both houses will be in alignment with the trend of new residences currently being constructed in the surrounding areas.

We look forward to working with you to achieve this request.

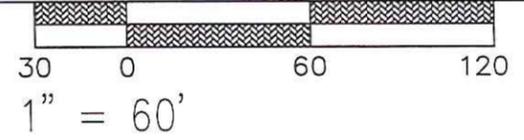
Sincerely,



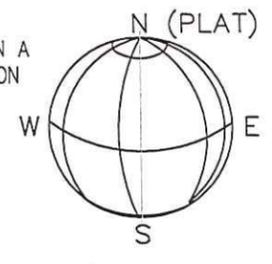
Jason Tillery  
Domain Custom Homes  
225 Chelsea Dr.  
Decatur, GA 30030

**GENERAL NOTES:**  
 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.  
 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.  
 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.  
 4: No Geodetic monuments were found within 500 feet of this site  
 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.  
 6: Existing house and drive not shown.

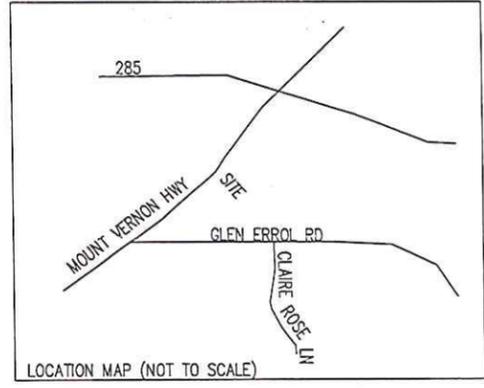
REFERENCE: PB 37 PG 15  
 DB 42017 PG 499  
 DB 43151 PG 229  
 DB 49109 PG 379  
 DB 49620 PG 422



FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF FULTON COUNTY 13121C0142E DATED JUNE 22, 1998



20130094  
**RECEIVED**  
 APR 02 2013

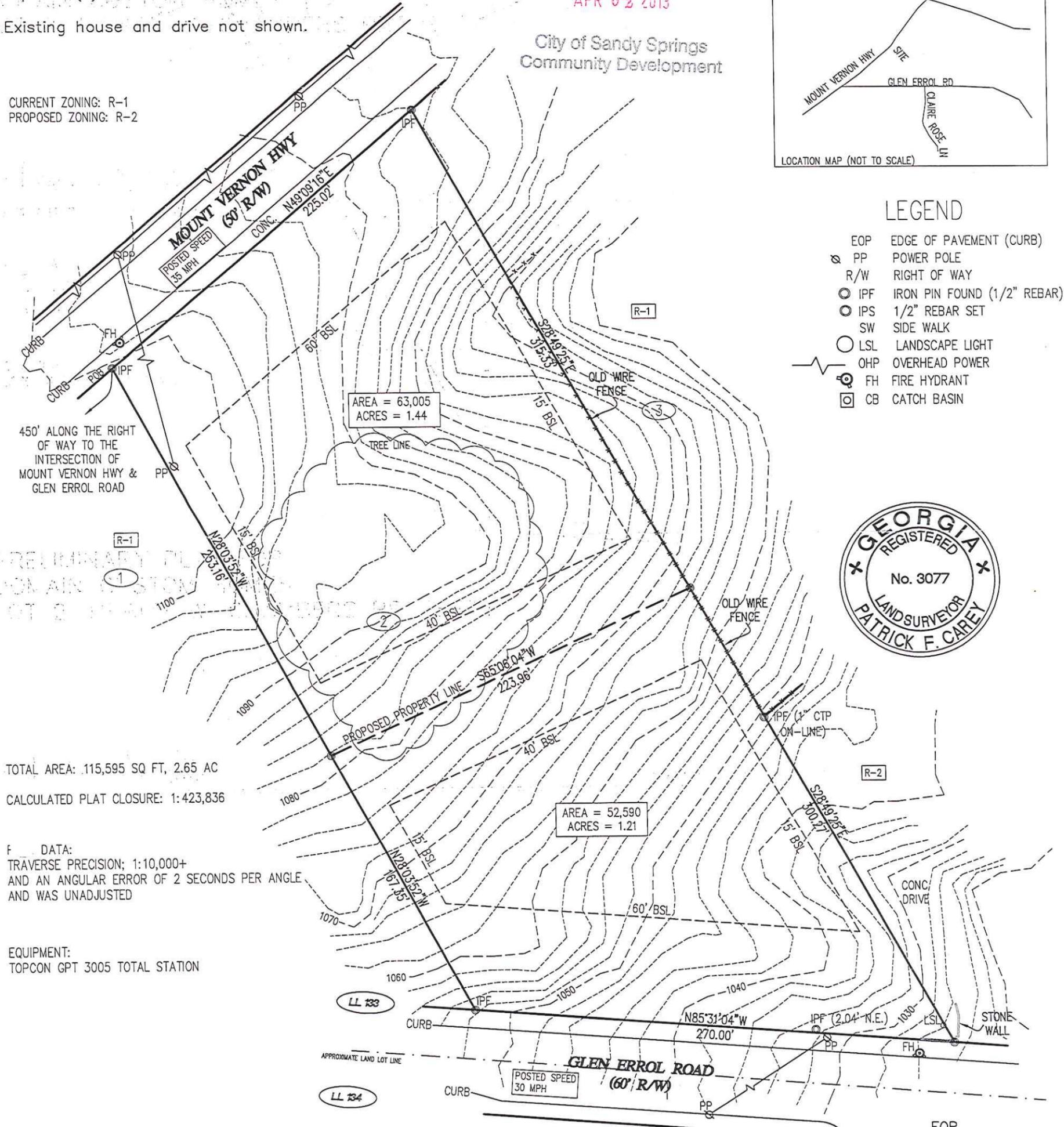


City of Sandy Springs  
 Community Development

CURRENT ZONING: R-1  
 PROPOSED ZONING: R-2

**LEGEND**

- EOP EDGE OF PAVEMENT (CURB)
- PP POWER POLE
- R/W RIGHT OF WAY
- IPF IRON PIN FOUND (1/2" REBAR)
- IPS 1/2" REBAR SET
- SW SIDE WALK
- LSL LANDSCAPE LIGHT
- OHP OVERHEAD POWER
- FH FIRE HYDRANT
- CB CATCH BASIN



TOTAL AREA: .115,595 SQ FT, 2.65 AC  
 CALCULATED PLAT CLOSURE: 1:423,836

F DATA:  
 TRAVERSE PRECISION: 1:10,000+  
 AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE  
 AND WAS UNADJUSTED

EQUIPMENT:  
 TOPCON GPT 3005 TOTAL STATION

PRELIMINARY PLAT FOR  
 DOMAIN CUSTOM HOMES  
 LOT 2, HEWITT W. CHAMBERS PROPERTY

FOR  
 DEKALB SURVEYS, INC.  
 403 W. PONCE DE LEON  
 SUITE 106  
 DECATUR, GEORGIA 30030  
 404.373.9003

514 MOUNT VERNON HWY

FULTON COUNTY, GEORGIA  
 LAND LOT 133, DIST 17  
 DATE: MARCH 1, 2013



www.dekalbsurveys.com

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## COMMENTS ON PUBLIC SERVICES AND UTILITIES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the City of Sandy Springs and the Fulton County Plan Review process prior to the commencement of any construction activity.

### **WATER AND WASTEWATER (SEWER):**

#### **WATER:**

Anticipated water demand: 270 gallons per day (gpd) per housing unit x 2 units = 540 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: 486 gallons per day

There is a wastewater manhole 192 feet west of the northwest property corner of 415 Mount Vernon Highway (SMMA1009430) located in (Sandy Springs Library, 395 Mt. Vernon Hwy.) Land Lot 71, 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.



## 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:** May 6, 2013

**SUBJECT:** Zoning Comments for June 2013

AGENDA ITEM	ZONING COMMENTS
201300991	<p>If a plat is required, 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>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 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
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AGENDA ITEM	ZONING COMMENTS
201301000	<p>Since 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>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 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>