SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, August 11, 2020

Case: **V20-0026 – 1155 Mount Vernon Highway**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: July 31, 2020

REQUEST
Request for a Variance from Sec. 5.4.3.D., "Ground Floor Elevation," of +/- 3.29' (approximately 3.5') below the required 0' elevation minimum.

APPLICANT		
Property Owner: DDR Perimeter Pointe LLC	Petitioner: Bridgette Ganter of Bowman Consulting	Representative: n/a

SUMMARY
The applicant requests a Variance in the required ground floor elevation of +/- 3.29' (approximately 3.5') below the required 0' elevation minimum. The applicant finds difficulty in developing the site in such a way that the elevation meets code on the western portion of the site while trying to achieve a gentle slope toward the interior lot entrance toward the eastern portion of the site. While it may be inconvenient, Staff's opinion is that meeting the Code can be accomplished without hardship and that the site is not exceptional or extraordinary.

RECOMMENDATION
Department of Community Development
Staff recommends **Denial** of **Variance** V20-0026.

MATERIALS SUBMITTED AND REVIEWED

Materials:

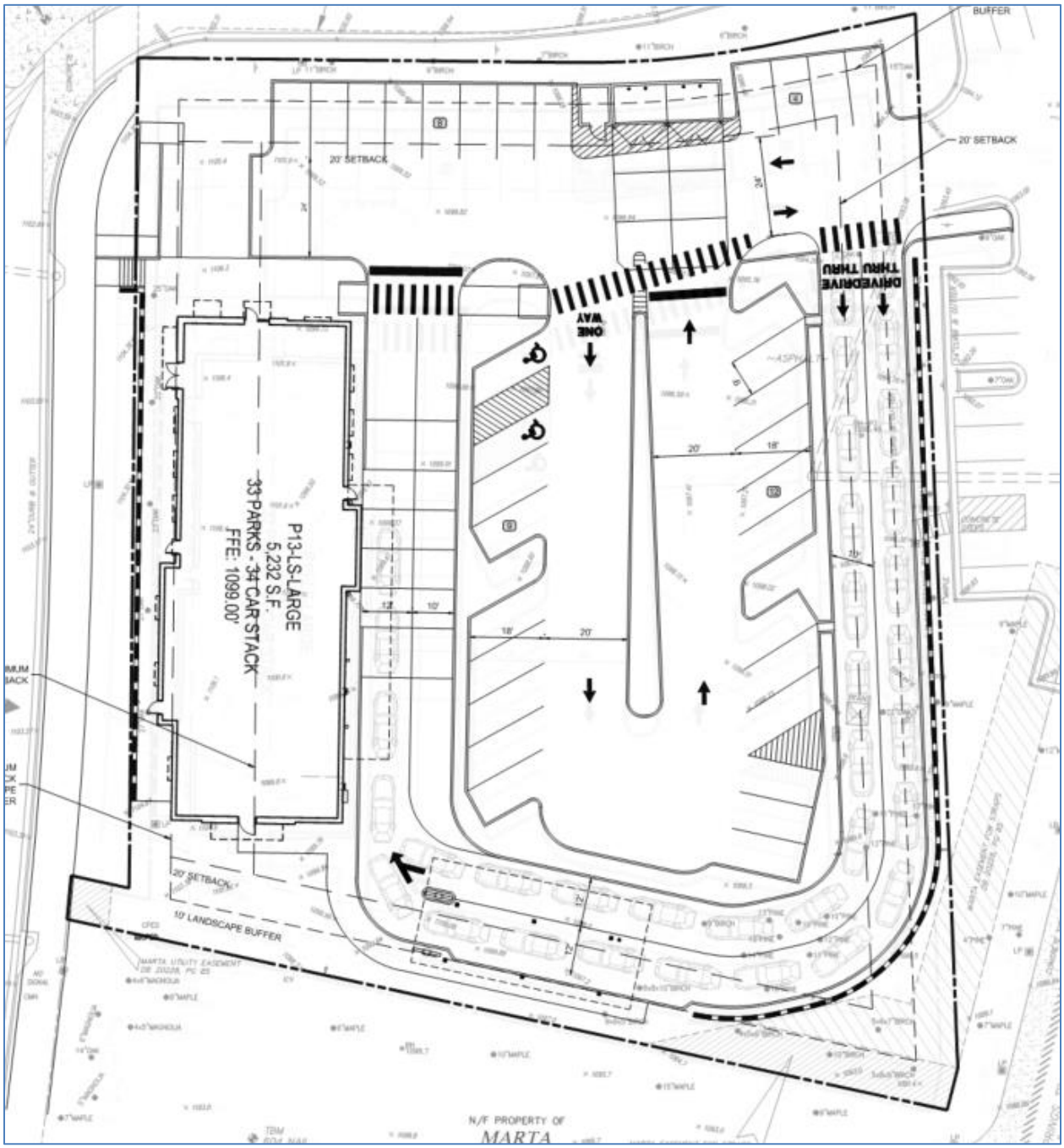
1. Application, received July 7, 2020
2. Survey prepared by GeoSurvey, dated October 24, 2019, and received July 7, 2020

Plans:

1. "Site Plan" and "Grading Plan," prepared by Bowman Consulting, received July 7, 2020

PROPERTY INFORMATION	
Location:	1155 Mount Vernon Highway (Parcel ID # 17 0019 LL1200)
Council District:	3 – Burnett
Road frontage:	Approximately 200 feet of frontage on Mount Vernon Highway
Acreage:	Approximately 1.04 acres
Current Zoning: Existing Land Use:	PX-20/35 (Perimeter Center) Vacant Restaurant
Previous Zoning Case:	Rezoning RZ09-0006 was approved.
Character Area:	Perimeter Center

SITE PLAN (received July 7, 2020) (full size Site Plan in Package)

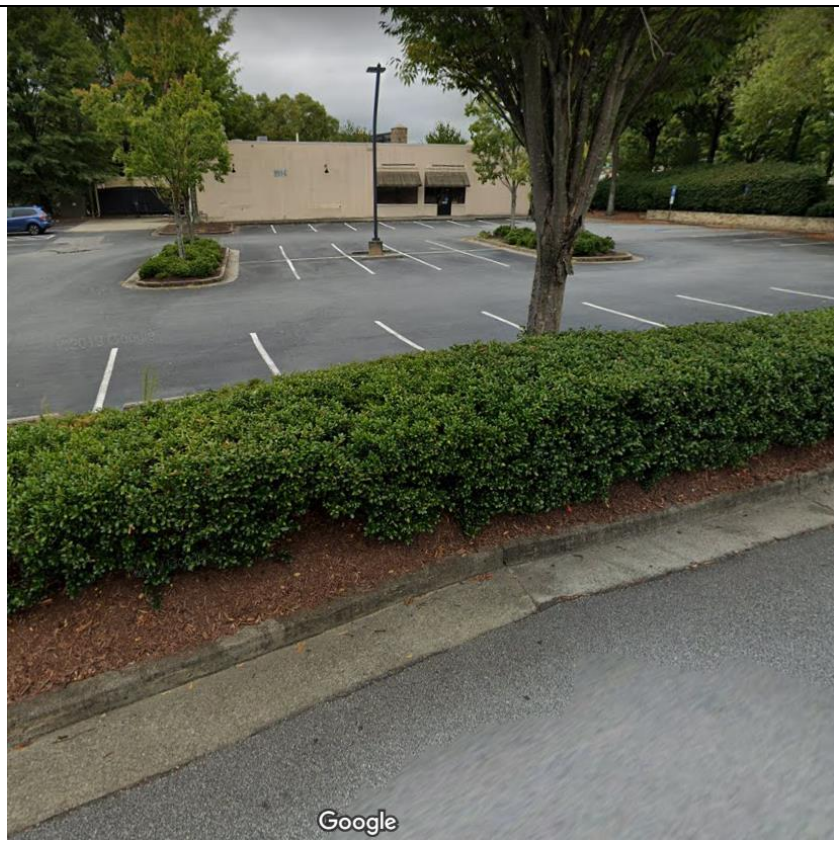


PROPOSED DEVELOPMENT

The subject lot is located near the intersection of Mount Vernon Highway and Abernathy Road, adjacent to the Sandy Springs MARTA station. The applicant is proposing demolish the existing structure, a former restaurant, and construct a new restaurant and drive-thru.

The following images show the existing conditions of 1155 Mount Vernon Highway.

Google

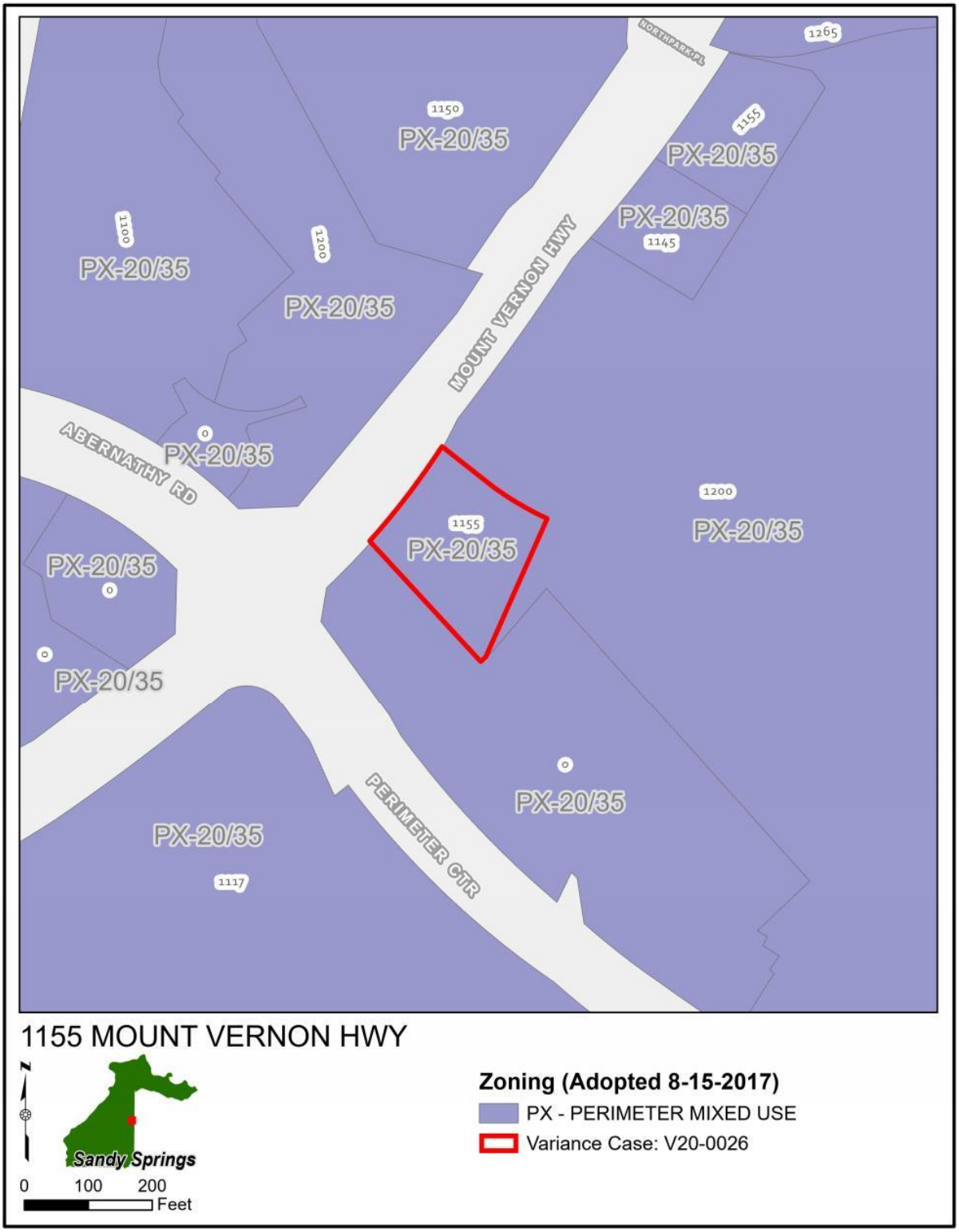


(Photographs from Google Maps)

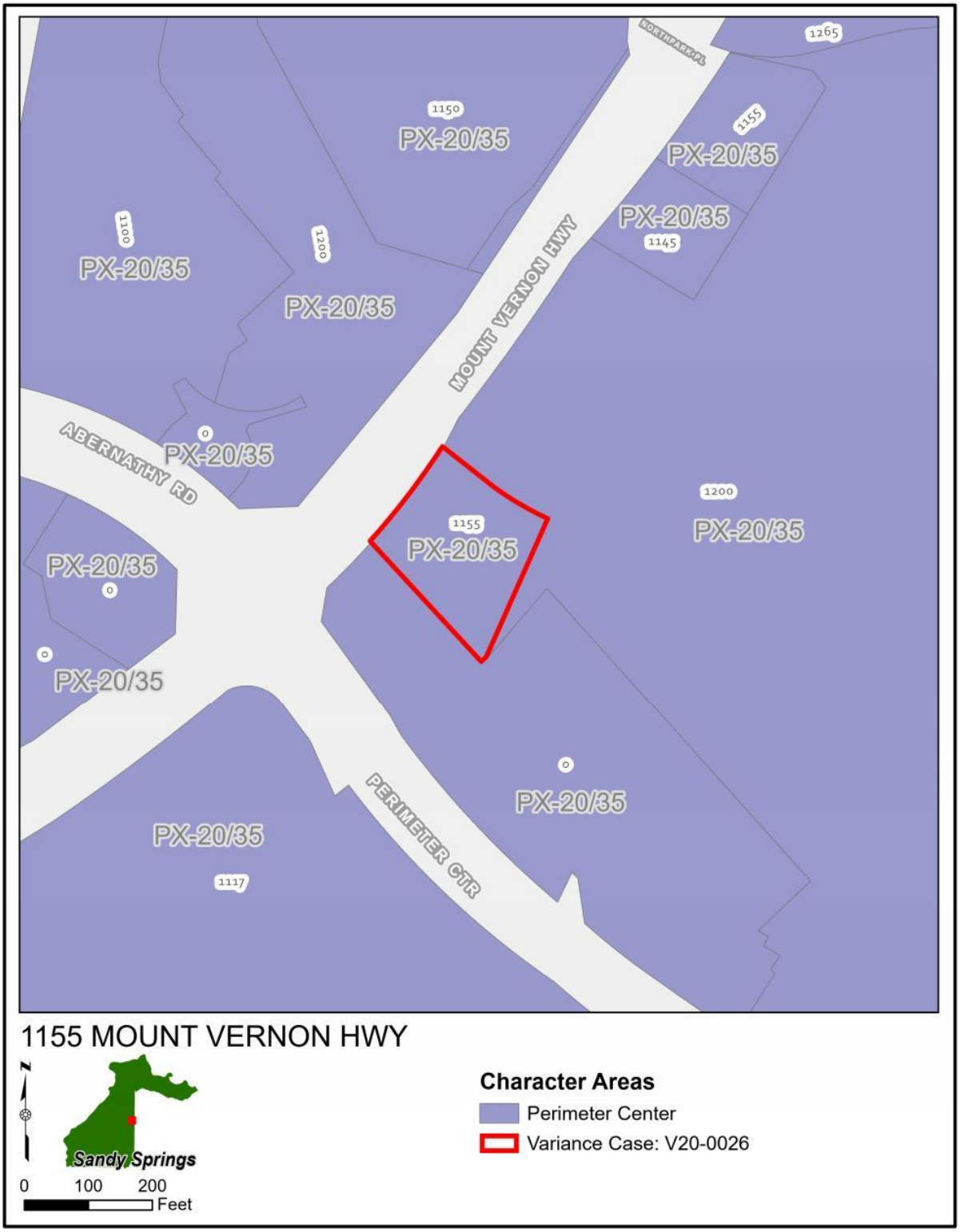
EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	**Zoning / Land use**	**Address(es)**	**Land area (acres) (approximate)**
North	PX-20/25 / Office	1200 Abernathy Road	3.37
East	PX-20/25 / Retail	1200 Mount Vernon Highway	27.94
South	PX-20/25 / MARTA Station	0 Perimeter Center	3.12
West	PX-20/25 / MARTA Station	0 Perimeter Center	3.12
PROPOSED DEVELOPMENT			
--	PX-20/25 / Restaurant	1155 Mount Vernon Highway	1.04

AERIAL IMAGE

ZONING MAP


NORTHPARK PL
1265
1150
PX-20/35
1155
PX-20/35
PX-20/35
1145
1100
PX-20/35
1200
PX-20/35
MOUNT VERNON HWY
ABERNATHY RD
0
PX-20/35
1200
PX-20/35
1155
PX-20/35
PX-20/35
0
0
PX-20/35
0
PX-20/35
PERIMETER CTR
PX-20/35
1117
1155 MOUNT VERNON HWY
N
Sandy Springs
0 100 200
Feet
Zoning (Adopted 8-15-2017)
PX - PERIMETER MIXED USE
Variance Case: V20-0026

CHARACTER AREA MAP



VARIANCE CONSIDERATIONS
Per Sec. 11.3.6.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:
1. Variances will only be granted upon showing that: ***a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or*** **Finding:** Based on Staff's findings, the application of the Development Code does not create an unnecessary hardship. Per the City Architect and City Engineer, it is possible to meet the ground floor elevation requirements by reassessing the grading plan and parking plan. This property meets the minimum lot width and area standards for the PX20/35 zoning district. It should be noted that a typical development in PX20/35 would need to be at least six (6) stories in height, but because the restaurant would be transferring to a different location on overall developed site, code allows for the specific type of development to keep its single story. Staff believes that the application of the Code presents merely an inconvenience to the applicant, that has more to do with the low intensity of the proposed development for an otherwise very densely zoned site.
b. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties; **Finding:** Staff does not see that there are extraordinary conditions to the site. This property does slope down from Mount Vernon Highway to the rear property line, but the slope is not considered steep. The topography has a very gentle 5% approximate overall slope. Much of the larger parcel that surrounds it is made up of flat, graded parking lots with similar to no slope, servicing a large big box retail strip mall.
2. Further, the application must demonstrate that: ***a. Such conditions are not the result of action or inaction of the current property owner; and*** **Finding**: The current conditions of the property are not the result of action or inaction of the current property owner. However, the applicant is proposing to completely redevelop this property and it is within their ability to develop a grading plan that allows them to meet the ground floor elevation requirements.
b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and **Finding:** This variance request does not affect the ability of the applicant to make reasonable use of the property; the site can still be developed with or without the granting of the request.
c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare. **Finding:** One of the goals for the Perimeter Center Character Area, as defined on page 114 of the Comprehensive Plan, is to improve the pedestrian experience. Some of the ways the Development Code implements these goals is through requirements like the build-to zone, transparency, and ground floor elevation. Based on the findings from the City Architect and Engineer, the enforcement of the ground floor elevation requirement actually improves pedestrian and ADA access by making the building more accessible from the Mount Vernon sidewalk.

COMMENTS FROM OTHER PARTIES

Sandy Springs Architect & Engineer:
[The applicant] should be able to raise the finished floor level of the new building from the 1100.00 they show on the grading plan (which I assume is correct, rather than the 1099.00 they show on the site plan) to 1101.29 or a little higher and avoid the variance altogether.

The FFE elevation change would mean increasing the grade on the entry drive to 5% or slightly more for its entire run and would also require relocating the accessible parking to be adjacent to the north side of the building. It will also mean regrading the parking bays some.

While the rationale for this variance is accessibility, this plan does not provide for an accessible route from either the MARTA entrance or the accessible parking they show, so the accessible parking needs to be relocated, anyway. An accessible route to the MARTA entrance would be desirable but, in this situation, appears impractical, since it would likely need to cross both MARTA and the shopping center properties. It might be possible if they significantly alter their site to work it out but it would still very likely require an easement on MARTA property.

As I say, these changes will obviate the need for the variance and improve ADA access to the Mount Vernon sidewalk, which Jon and I agree is the more important (and practical) of the two they base the variance rationale on. It will also provide the missing access from their own accessible parking while maintaining the parking count they indicate.

I'm also concerned about the impact on the existing oaks that I note on the attached. I don't know if [the Sandy Springs Arborist] has looked at this. I'm not sure I'm clear on the purpose of the wall and little access way along the west side of the building. It would seem that moving the wall east five or six or so feet and making it a foundation wall for the building would work better and give the trees a better chance. That would need more study and investigation, though.

I know Chick-fil-A works hard to be a good corporate citizen in all regards. A thoughtful and responsive design for this property would set an example as a good corporate citizen working to enhance our built environment.

Sandy Springs Arborist:
The CRZs for the Oaks would range from 28' to 34' (radius) so the impact shown would almost certainly kill these Oaks, one of which is a Landmark Tree. I agree relocating the wall east would at least give the trees a chance, though they would still be impacted 40% or more. Our threshold for lost/destroyed trees are 25%. There might be an important purpose to the wall that I'm overlooking, but the less impact, the better for these trees.

Correspondence Received:
No public comment was submitted in writing.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Denial** of **Variance** V20-0026, a request for a Variance from Sec. 5.4.3.D to allow a ground floor elevation of 3.5 feet. Should the Board of appeals choose to approve the request, staff does not recommend any conditions.

SITE PHOTOGRAPHS

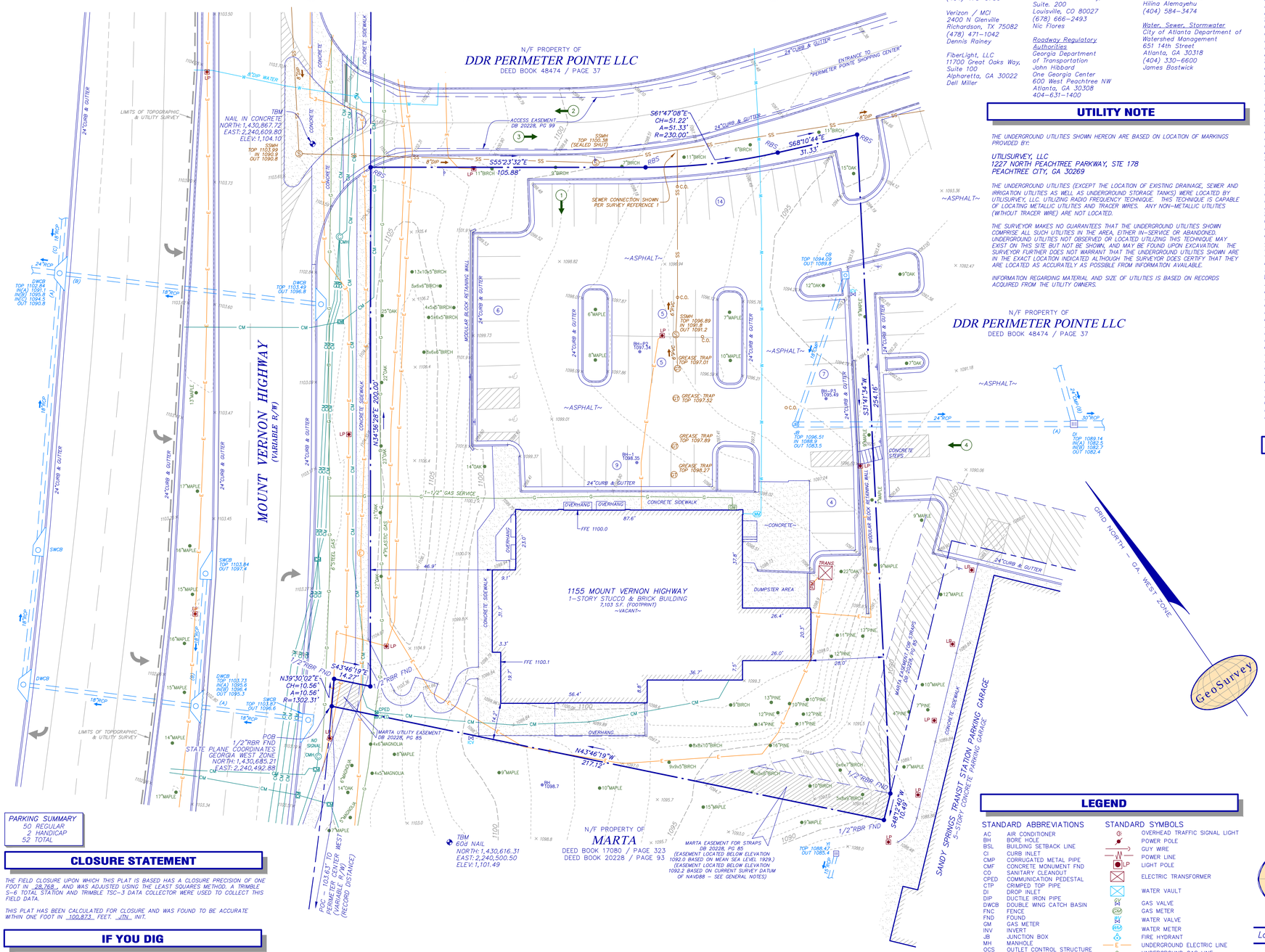
1

2

3

4

(CLERK OF COURT RECORDING INFORMATION)



PARKING SUMMARY
50 REGULAR
2 HANDICAP
52 TOTAL

CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 28,768 , AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE S-6 TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,873 FEET. JTN INIT.

IF YOU DIG

Know what's **below.**
Call before you dig.
Dial 811
Or Call 800-282-7411

GRAPHIC SCALE

0 10 20 50 100

1"= 20'

UTILITY CONTACTS

Communication
AT&T
208 S. Akard St
Dallas, TX 75202
210-821-4105
Angelo Hines
(770) 784-3972

Comcast
(770) 559-6879
Sandra Andrews

XO / AGLN
10 Peachtree Place NE
Atlanta, GA 30309
(770) 901-9160
Steve Gaines
(404) 473-0750

Verizon / MCI
2400 N Glenville
Richardson, TX 75082
(478) 471-1042
Dennis Rainey

FiberLight, LLC
11700 Great Oaks Way,
Suite 100
Alpharetta, GA 30022
Dell Miller

Level 3 Communications, Inc
1025 Eldorado Boulevard
Broomfield, CO 80021
(877) 366-8344 ext. 3

Tower Cloud
9501 International Court North
St. Petersburg, FL 33716
(727) 471-5600
(888) 897-2568

Telecom Corporate Headquarters
10475 Park Meadows Drive
Littleton, CO 80124
(678) 526-3767

ZAYO Fiber Solutions
400 Centennial Pkwy,
Suite 200
Louisville, CO 80027
(678) 666-2493
Nic Flores

Roadway Regulatory Authorities
Georgia Department of Transportation
John Hibbard
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308
404-631-1400

Power
Georgia Power Company
823 Jefferson Street
Atlanta, GA 30318
(404) 506-4569
Ike Collins

MARTA Electric
2424 Piedmont Road
Atlanta, GA 30324
(404) 848-3436
Tim Ledbetter

Gas
Southern Company Gas
(former Atlanta Gas Light)
10 Peachtree Street NE
Atlanta, GA 30309
Hilina Alemayehu
(404) 584-3474

Water, Sewer, Stormwater
City of Atlanta Department of Watershed Management
651 14th Street
Atlanta, GA 30318
(404) 330-6600
James Bostwick

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC
1227 NORTH PEACHTREE PARKWAY, STE 178
PEACHTREE CITY, GA 30269

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC. UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

LEGEND

STANDARD ABBREVIATIONS

AC	AIR CONDITIONER
BH	BORE HOLE
BSL	BUILDING SETBACK LINE
CI	CURB INLET
CMP	CORRUGATED METAL PIPE
CMF	CONCRETE MONUMENT FND
CO	SANITARY CLEANOUT
CPED	COMMUNICATION PEDESTAL
CTP	CRIMPED TOP PIPE
DI	DROP INLET
DIP	DUCTILE IRON PIPE
DWCB	DOUBLE WING CATCH BASIN
FNC	FENCE
FND	FOUND
GM	GAS METER
INV	INVERT
JB	JUNCTION BOX
MH	MANHOLE
OCS	OUTLET CONTROL STRUCTURE
OTP	OPEN TOP PIPE
PM	POWER METER
PKS	PK NAIL SET
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
RBR	IRON REINFORCING BAR
RBS	5/8"RBR SET CAPPED LSF 621
SS	SANITARY SEWER
SWCB	SINGLE WING CATCH BASIN
TRANS	ELECTRIC TRANSFORMER

STANDARD SYMBOLS

- OVERHEAD TRAFFIC SIGNAL LIGHT
- POWER POLE
- GUY WIRE
- POWER LINE
- LIGHT POLE
- ELECTRIC TRANSFORMER
- WATER VAULT
- GAS VALVE
- GAS METER
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND COMMUNICATION LINE
- UNDERGROUND WATER LINE
- PHOTO POSITION INDICATOR
- REGULAR PARKING SPACE COUNT
- HANDICAP PARKING SPACE
- TREE POSITION INDICATOR
- SIGN

TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 19167170A, EFFECTIVE DATE AUGUST 14, 2019.

12. Easements in favor of Georgia Power Company, as follows:
(a) from Mount Vernon Development Corp., dated February 20, 1963, recorded in Deed Book 4022, Page 372, Fulton County, Georgia Records; (b) from Edwin T. Alsaker, dated February 26, 1963, recorded in Deed Book 4022, Page 373, aforesaid records; (c) from J. F. Joiner; dated February 6, 1964, recorded in Deed Book 4192, Page 463, aforesaid records; (d) from Jessie F. Joiner, dated March 10, 1965, recorded in Deed Book 4399, Page 4, aforesaid records; (e) from Jessie F. Joiner, dated March 9,1965, recorded in Deed Book 4399, Page 13, aforesaid records; (f) from Ernest H. Kuglar, dated October 14, 1965, recorded in Deed Book 4500, Page 445, aforesaid records; (g) from William Russell Jordan, Jr, dated June 24, 1966, recorded in Deed Book 4626, Page 309, aforesaid records; (h) from James A. Hawkins, dated July 5, 1968, recorded in Deed Book 4946, Page 470, aforesaid records; (i)from Aubrey E. Holder and Nana L. Holder, dated October 29, 1976, recorded in Deed Book 6641, Page 220, aforesaid record; (j) from The Church of Christ of Latter Day Saints, dated April 21, 1977, recorded in Deed Book 6742, Page 271, aforesaid records.
MAY AFFECT SITE – DOCUMENTS CONTAIN VAGUE DESCRIPTIONS – NOT PLOTTABLE
13. Slope Easement granted in favor of Fulton County in Order and Judgment entered in Condemnation Proceeding styled Fulton County vs. Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah Corporation Sale, Case No. B-32700, dated December 11, 1967, recorded in Deed Book 4831, Page 484, aforesaid records.
MAY AFFECT SITE – EASEMENT DESCRIPTION NOT CONTAINED IN DOCUMENT
14. Sewer Easement from Church of Christ at Sandy Springs, Inc. to Fulton County, dated September 25, 1975, recorded in Deed Book 6361, Page 214, aforesaid records.
MAY AFFECT SITE – LOCATION OF EASEMENT NOT SPECIFIED IN DOCUMENT
15. Construction and Easement Agreement between St. Joseph's Health System, Inc. and Hamart Development Co., dated December 30, 1994, recorded in Deed Book 19116, Page 243, aforesaid records, as amended by Amended and Restated Construction and Easement Agreement between Finvest Limited Partnership and Homan Development Co., dated June 30, 1995, recorded in Deed Book 19748, Page 56, aforesaid records.
AFFECTS SITE – MAINTENANCE OBLIGATIONS – NOT PLOTTABLE
16. Terms and provisions of that certain Easement Agreement, by and between Hamart Development Co., a Delaware corporation and Ackerman-Crown Pointe II, L.P., a Georgia limited partnership, dated January 17, 1995 and recorded February 1, 1995 in Deed Book 19212, Page 76, aforesaid records.
DOES NOT AFFECT SITE
17. Reservations within Limited Warranty Deed from Metropoiltan Atlanta Rapid transit Authority to Hamart Development Co., dated October 16, 1995, recorded in Deed Book 20228, Page 85, aforesaid records.
AFFECTS SITE AS SHOWN
18. Easement and Maintenance Agreement between Hamart Development Co. and Metropolitan Atlanta Rapid Transit Authority, dated January 16, 1995, recorded in Deed Book 20228, Page 99, aforesaid records.
AFFECTS SITE AS SHOWN
19. Leases as evidenced by Assignment and Assumption of Leases from Community Centers Two, L.L.C. to DDR MDT Perimeter Pointe LLC, dated November 21, 2003, recorded in Deed Book 36591, Page 517, aforesaid records.
NOT A SURVEY MATTER
20. Easements within Right of Way Deed between DDR MDT Perimeter Pointe LLC and The City of Sandy Springs, Georgia, dated October 9, 2006, recorded in Deed Book 44142, Page 491, aforesaid records.
DOES NOT AFFECT SITE
21. Lease as evidenced by Memorandum of Lease from DDR Perimeter Point, LLC to Wendy's International, Inc., recorded November 10, 2011 and recorded in Deed Book 50582, Page 391, aforesaid records.
NOT A SURVEY MATTER
22. Underground Easement from DDR Perimeter Point, LLC to Georgia Power Company, dated December 23, 2011 and recorded in Deed Book 50850, Page 93, aforesaid records.
DOES NOT AFFECT SITE
23. Wireless Communication Easement and Assignment Agreement from DDR Perimeter Point, LLC to LD Holdings, LLC and recorded September 10, 2012 in Deed Book 51635, Page 488, aforesaid records.
DOES NOT AFFECT SITE
24. Terms and provisions of the Lease evidenced by that Memorandum of First Amendment to Retail Lease between DDR Perimeter Pointe LLC, and Fitness International, LLC, dated December 31, 2013, recorded January 15, 2014, in Deed Book 53506, Page 573, aforesaid records.
NOT A SURVEY MATTER
25. License Agreement (Stein Mart, Perimeter Pointe, Atlanta, Georgia) between DDR Perimeter Pointe LLC and Comcast Cable Communications Management, LLC, dated October 19, 2017, recorded June 18, 2018, in Deed Book 58914, Page 282, aforesaid records.
AFFECTS SITE – BLANKET EASEMENT – NOT PLOTTABLE

PROPERTY DESCRIPTION

All that tract or parcel of land lying or being in Land Lot 19, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the Northeasterly right-of-way of Perimeter Center West (variable right-of-way) with the Southeasterly right-of-way of Mount Vernon Highway (variable right-of-way); thence along said right-of-way of Mount Vernon Highway, in a Northeasterly direction, a distance of 103.63 feet to a 1/2 inch rebar found, said point having State Plane Coordinates of North 1,430,685.21, East 2,240,492.88, Georgia West Zone, said point being the True Point of Beginning; thence continuing along said right-of-way; along a curve to the left, said curve having an arc length of 10.56 feet with a radius of 1302.31 feet, being subtended by a chord bearing of North 39 degrees 30 minutes 02 seconds East, a distance of 10.56 feet to a 1/2 inch rebar found; thence South 43 degrees 46 minutes 19 seconds East, a distance of 14.27 feet to a 1/2 inch rebar found; thence North 34 degrees 36 minutes 28 seconds East, a distance of 200.00 feet to a 5/8 inch rebar set; thence leaving said right-of-way South 55 degrees 23 minutes 32 seconds East, a distance of 105.88 feet to a 5/8 inch rebar set; thence along a curve to the left, said curve having an arc length of 51.33 feet with a radius of 230.00 feet, being subtended by a chord bearing of South 61 degrees 47 minutes 08 seconds East, a distance of 51.22 feet to a 5/8 inch rebar set; thence South 68 degrees 10 minutes 44 seconds East, a distance of 31.33 feet to a 5/8 inch rebar set; thence South 31 degrees 41 minutes 34 seconds West, a distance of 254.16 feet to a 1/2 inch rebar found; thence South 48 degrees 12 minutes 40 seconds West, a distance of 10.49 feet to a 1/2 inch rebar found; thence North 43 degrees 46 minutes 19 seconds West, a distance of 217.12 feet to a 1/2 inch rebar found on the Southeasterly right-of-way of Mount Vernon Highway, said point being the True Point of Beginning.

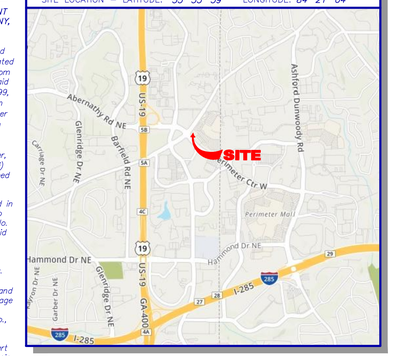
Said tract of land contains 1.041 Acres.

N/F PROPERTY OF
DDR PERIMETER POINTE LLC
DEED BOOK 48474 / PAGE 37

SITE AREA
1.041 Acres
45,362 sf
ZONED PX-20/35

VICINITY MAP

SITE LOCATION – LATITUDE: 33° 55' 59" LONGITUDE: 84° 21' 04"



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13121C0161F, AND THE DATE OF SAID MAP IS SEPTEMBER 18, 2013. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE: TREES 4-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(2011)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR.
THE SITE IS ZONED "PX-20/35" (PERIMETER MIXED USE DISTRICT, 20 STORIES BASE HEIGHT, UP TO 35 STORIES WITH BONUS) AS SHOWN ON THE ZONING MAP OF THE CITY OF SANDY SPRINGS. PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

NO EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL WAS OBSERVED DURING THE TIME FIELD WORK WAS PERFORMED ON THE SUBJECT PARCEL

ALL MATTERS SHOWN ON RECORDED PLATS PROVIDED TO THE SURVEYOR ARE SHOWN ON THE SURVEY

ALTA CERTIFICATION TABLE "A" NOTES:
Item 16 – No evidence of current earth moving work, building construction or building additions was observed.
Item 17 – No evidence was observed indicating changes in street right of way lines either completed or proposed.
Item 18 – No field delineation of wetlands was observed on the site

SURVEY REFERENCES
1> ALTA/ACSM LAND TITLE SURVEY FOR DDR MTD PERIMETER POINTE, LLC., PREPARED BY TRAVIS PRUITT & ASSOCIATES, INC., DATED OCTOBER 27, 1995, LAST REVISED NOVEMBER 24, 2003 (PROJECT NO. 03366).

SURVEYOR CERTIFICATION (ALTA/NSPS)

To: Chick-fil-A, Inc.
Chicago Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b-1), 8, 9, 11, 13, 16, 17, 18, & 20 of Table A thereof. The field work was completed on October 24, 2019.

Date: October 24, 2019

John T. Newman
Georgia Registered
Land Surveyor # 3324

GEORGIA REGISTERED PROFESSIONAL NO. 3324 LAND SURVEYOR JOHN T. NEWMAN

SURVEYOR CERTIFICATION (GEORGIA)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

John T. Newman
Georgia Professional
Land Surveyor # 3324

GeoSurvey
Land Surveying • 3D Laser Scanning
1660 Barnes Mill Road
Marietta, Georgia 30062
Phone: (770) 795-9900
Fax: (770) 795-8880
www.geosurvey.com
EMAIL: info@geosurvey.com
Certificate of Authorization #LSF-000621

ALTA/NSPS LAND TITLE SURVEY

1155 Mount Vernon Highway

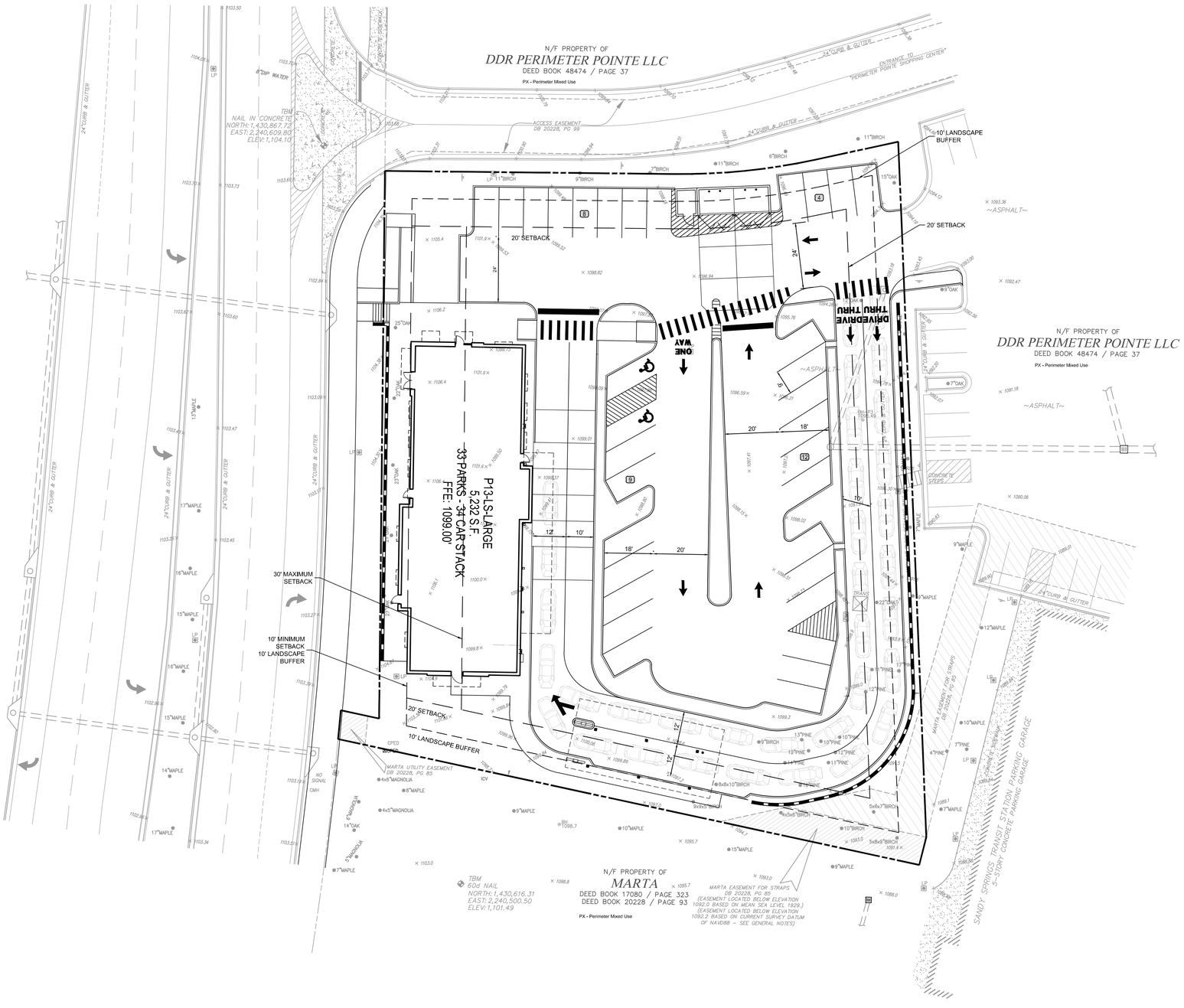
TAX PARCEL 17-0019-LL1200

FOR

Chick-fil-A, Inc.

Chicago Title Insurance Company

GS JOB NO:	20196296	DRAWING SCALE:	1"= 20'	SURVEY DATE:	10-24-2019
FIELD WORK:	EP	CITY:	SANDY SPRINGS	REVISIONS	
PROJ MGR:	JTN	COUNTY: FULTON	STATE: GA	No. / Date / Description	
REVIEWED:	JRC	LAND LOT:	19		
DWG FILE:	20196296-01.dwg	DISTRICT:	17TH		



GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 inch = 20 ft.

GEORGIA811
www.Georgia811.com

Chick-fil-A

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia 30349-2998

Bowman CONSULTING
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950 North Point Parkway Suite 200
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Phone: (678) 374-6687
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CHICK-FIL-A
RELO - SNELLVILLE FSU
3090 STONE MOUNTAIN HWY
SNELLVILLE, GA 30078

FSR#04608

BUILDING TYPE / SIZE: P13 LS LRG

REVISION SCHEDULE

NO.	DATE	DESCRIPTION

CONSULTANT PROJECT # 120005-01-027

PRINTED FOR CIVIL DESIGN

DATE

DRAWN BY BCG

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SHEET

SHEET NUMBER

SITE PLAN

3 July 2020

File Path V:\120005 – Chick-fil-A\120005-01-027 (ENG) – Sandy Springs GA (Perimeter Pointe)\Engineering\Engineering Plans\Concept\Perimeter Pointe (Mount Vernon Hwy), GA – Concept 5.4.dwg

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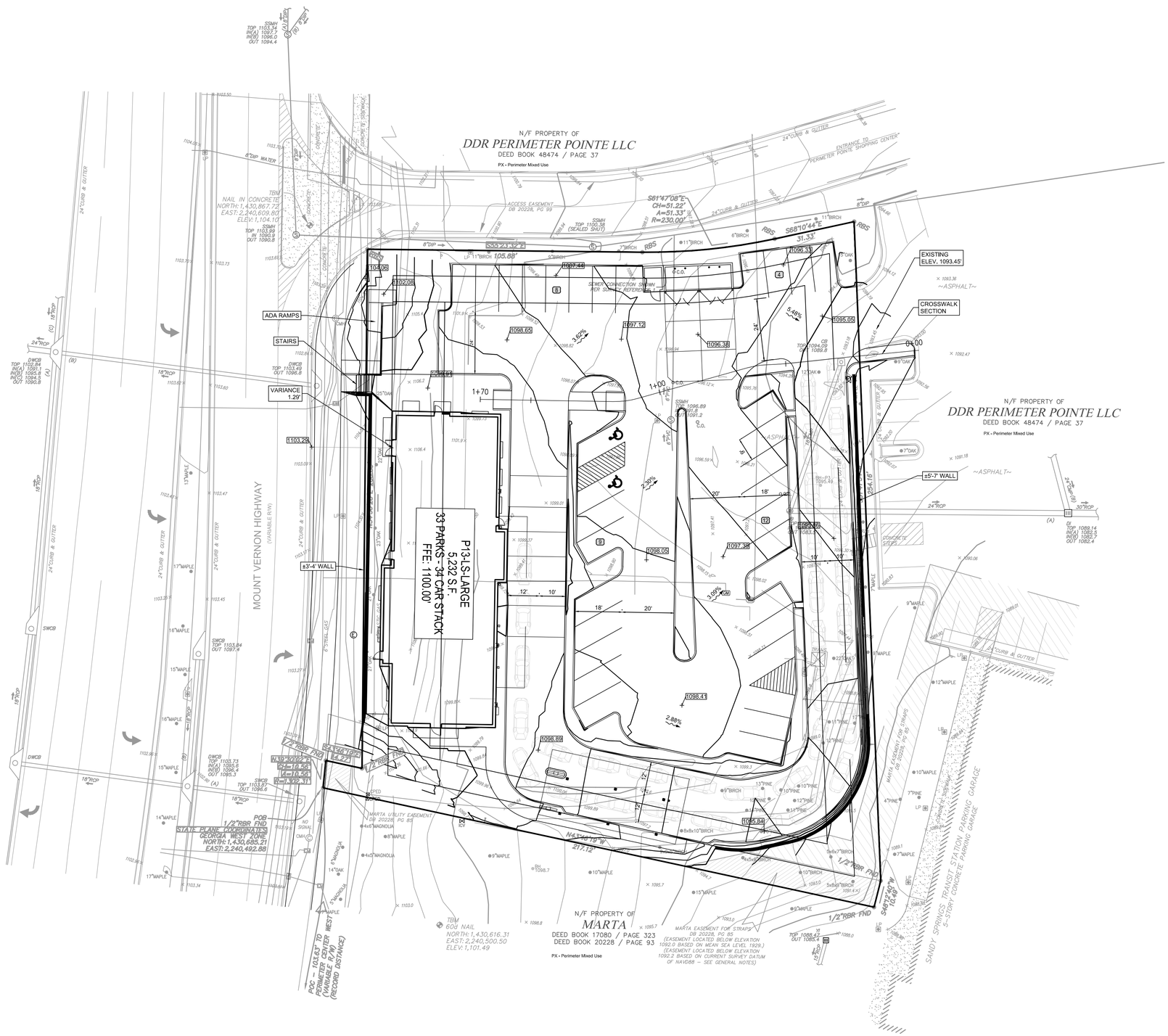

Chick-fil-A
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DATE	
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SHEET

SHEET NUMBER

GRADING PLAN

GEORGIA811
www.Georgia811.com

3 July 2020

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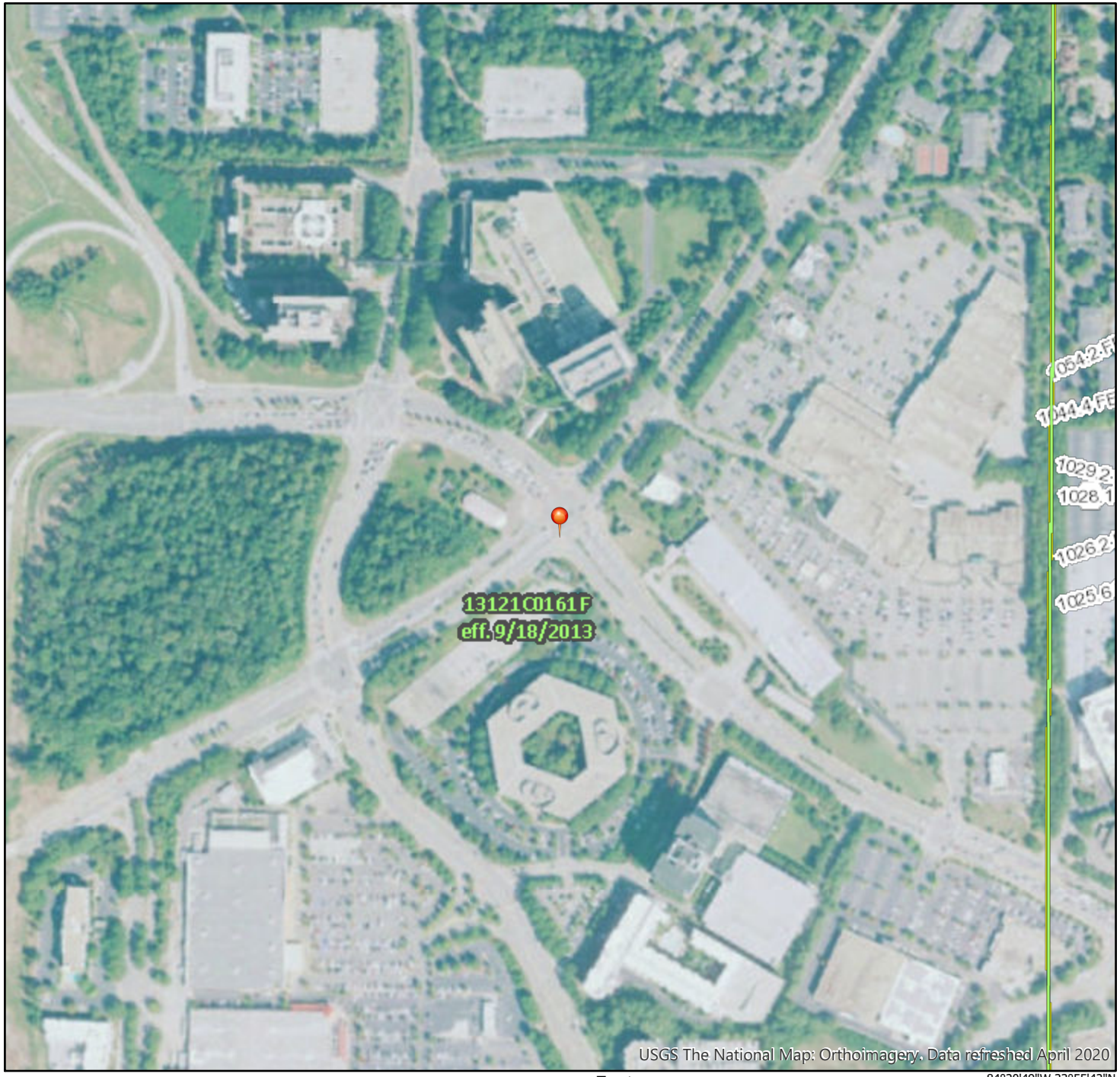
National Flood Hazard Layer FIRMette

FEMA

84°21'27"W 33°56'12"N



84°20'49"W 33°55'42"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/3/2020 at 1:02 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

SANDY SPRINGS™
GEORGIA

VARIANCE APPLICATION

(Excludes Stream Buffer Variances)

Application Checklist:

Page No.	Item	Completed/ Included in Submittal
1	Project Information Sheet	☒
2-3	Detailed Process and Instructions	N/A
4-5	Authorization Forms	☒
6	Letter of Intent	☒
6-7	Variance Analysis	☒
7	Chattahoochee River Corridor Certificate	☐ or N/A ☒
7-8	8½" x 11" copy of Survey	☒
7-8	8½" x 11" copy of Site Plan	☒
7-8	11" x 17" copy of Survey	☒
7-8	11" x 17" copy of Site Plan	☒
7-8	Two (2) full-scale copies of Survey	☒
7-8	Two (2) full-scale copies of Site Plan	☒
7	8½" x 11" copy of Legal Description (must be in Word format)	☒
	11" x 17" copy of Elevations and/or Sections	☐ or N/A ☒
9	Meeting Schedule	N/A
9	Fee Schedule	N/A
10	Sign Specifications	N/A
9	Fee Payment	☒
	All documents in electronic form (jump drive)	☒

The Director reserves the right to request additional information deemed necessary to analyze the request. Incomplete applications will not be accepted.

Planner's initials: _____

SANDY SPRINGS™
GEORGIA

Case No.: _____
Planner's initials: _____

PROJECT INFORMATION SHEET

PROPERTY		
Address(es): 1155 Mt. Vernon Highway, Sandy Springs GA 30338		
Parcel Tax ID: 17 0019 LL1200		
Land Lot(s): 19 (Fulton County)	Land District(s): 17 (Fulton County)	
Total acreage: 0.68	Council district: 4	
Current zoning: PX (Perimeter Mixed Use/High-Rise)	Current use: Vacant restaurant	
Character Area: Perimeter Center		

APPLICATION
Detailed request (include Ordinance/Code Section No.): Section 5.4.3(D) describes the maximum difference between the ground floor elevation of a proposed building and the existing street elevation to be two feet. A variance is requested to allow an elevation difference of 3.5 feet in order to meet the requirements for providing ADA safe routes for pedestrians from both Mount Vernon Highway and the Sandy Springs transit station to the site, while maintaining safe access grades for vehicles entering and maneuvering the site. The vacant existing building is not compliant with ADA safe route requirements. Additionally, the building is partially hidden due to an elevated landscape berm. This berm will be removed, which will further connect pedestrian street activity with the proposed building.
Petitioner: Bowman Consulting (Bridgette Ganter)
Petitioner's address: [redacted]
Phone: [redacted]

OWNER
Property owner: DDR Perimeter Pointe LLC
Owner's address: [redacted]
Phone: [redacted]
Signature (authorizing initiation of the process): [illegible]
If the property is under contract, provide a copy of the contract

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date:
Anticipated BOA date:	
ADDITIONAL INFORMATION NEEDED:	

SANDY SPRINGS
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AUTHORIZATION FORM – PART II

C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name: Bridgette Ganter	
Company name: Bowman Consulting	
Address: 9[redacted]	
City, State, [redacted]	
Email addre[redacted]	
Phone numb[redacted]	
Agent's signature	
Applicant's signature:	

Sworn and subscribed before me this

6th day of July 20 20

Notary public: Eri Schmidt

Seal:

Dawson County, Georgia
Notary Public
Erin Schmidt
My Commission Expires 8/1/2022

Commission expires: 8/1/22

SANDY SPRINGS

GEORGIA

AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

Owner's name: DDR Perimeter Pointe, LLC	Sworn and subscribed before me this
Addres[redacted]	Jennifer Santelli day of July 20 20
City, St[redacted]	Notary public:
Email a[redacted]	Seal: MARY PARKER NOTARY PUBLIC EXP. Mar. 29, 2022 COWETA COUNTY, GA
Phone [redacted]	
Owner's signature:	Commission expires: 03/29/2022

B- If the applicant is *not* the owner of the subject property:
Fill out the following section, check the appropriate statement, and have it notarized.

Applicant states under oath that:

☐ He/she is the executor or Attorney-in-Fact unc 404-765-8000 f-Attorney for the owner (*attach a copy of the contract*); or

☐ He/she has an option to purchase the subject property (*attach a copy of the contract*); or

☒ He/she has an estate of years which permits the applicant to apply (*attach a copy of the lease*)

Applicant's name: Jenn Santelli	
Company name: Chick-fil-A, Inc.	Sworn and subscribed before me this
Address: 5200 Buffington Road	25TH day of JUNE 20 20
City, State, Zip Code: Atlanta, GA 30349	Notary public: Candy Nooks
Email address: jenn.santelli@cfacorp.com	Seal: Candy Nooks Notary Public Coweta County, GA My Commission Expires 8/22/20
Phone number: (770) 324-5282	
Applicant's signature:	Commission expires: 8/22/20

Legal Description

Parcel 17 0019 LL1200

1155 Mount Vernon Highway, Sandy Springs 30338

All that tract of parcel of land lying or being in Land Lot 19, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the Northeasterly right-or-way of Perimeter Center West (Variable right-of-way) with the Southeasterly right-of-way of Mount Vernon Highway (variable right-of-way); thence along said right-of-way of Mount Vernon Highway, in a Northeasterly direction, a distance of 103.63 feet to a ½ inch rebar found, said point having State Plane Coordinates of North 1,430,685.21, East 2,240,492.88, Georgia West Zone, said point being the True Point of Beginning; thence continuing along said right-of-way, along a curve to the left, said curve having an arc length of 10.56 feet with a radius of 1302.31 feet, being subtended by a chord bearing of North 39 degrees 30 minutes 02 seconds East, a distance of 10.56 feet to a ½ inch rebar found; thence South 43 degrees 46 minutes 19 seconds East, a distance of 14.27 feet to a ½ inch rebar found; thence North 34 degrees 36 minutes 28 seconds East, a distance of 200.00 feet to a 5/8 inch rebar set; thence leaving said right-of-way South 55 degrees 23 minutes 32 seconds East, a distance of 105.88 feet to a 5/8 inch rebar set; thence along a curve to the left, said curve having an arc length of 51.33 feet with a radius of 230.00 feet, being subtended by a chord bearing of South 61 degrees 47 minutes 08 seconds East, a distance of 51.22 feet to a 5/8 inch rebar set; thence South 68 degrees 10 minutes 44 seconds East, a distance of 31.33 feet to a 5/8 inch rebar set; thence South 31 degrees 41 minutes 34 seconds West, a distance of 254.16 feet to a ½ inch rebar found; thence South 48 degrees 12 minutes 40 seconds West, a distance of 10.49 feet to a ½ inch rebar found; thence North 43 degrees 46 minutes 19 seconds West, a distance of 217.12 feet to a ½ inch rebar found on the Southeasterly right-of-way of Mount Vernon Highway, said point being the True Point of Beginning.

Said tract of land contains 1.041 Acres.

Bowman

VARIANCE ANALYSIS

Chick-fil-A Perimeter Pointe
1155 Mount Vernon Highway
Sandy Springs, GA 30338

VARIANCE REQUEST: GROUND FLOOR ELEVATION REQUIREMENT

Section 5.4.3(D) of the City of Sandy Springs Municipal Code requires that the ground floor elevation of proposed buildings in the PX- Perimeter Mixed Use/High-Rise zoning district be within two feet of street level elevation, as measured from the top of the adjacent curb to the top of the finished ground floor at the building main entrance. The proposed site possesses extraordinary and exceptional conditions that prohibit strict adherence to this requirement, due to its size and topography, as well as its proximity to both a street and a transit station.

The proposed site is on a slope that drops 10.4± feet from Mount Vernon Highway street level to the rear of the site where the Sandy Springs Transit Station is located. This drop is traversed over the narrow dimension of the roughly rectangular parcel over a length of approximately 200 feet.

The American Disability Act requires that at least one accessible route within the boundaries of the site be provided from each public transportation stop, accessible parking area, and public street sidewalk to the accessible building entrance it serves. Therefore, the proposed site must provide accessible routes from both the pedestrian sidewalk at Mount Vernon Highway and the Sandy Springs Transit Station.

An accessible route is a continuous, unobstructed path connecting accessible elements and spaces within a site. Sidewalks are considered an accessible element if, among other requirements, the cross-slope of the sidewalk is less than 2 percent and the running slope is less than 5 percent. Curb ramps are allowed as an accessible element if the running slope is not greater than 8.3 percent and if the ramp does not exceed 15 feet. Stairs are not considered an element of an accessible route. Theses technical requirements are documented in the United States Access Board Technical Requirements, Chapter R3.

The existing site does not provide accessible routes from either the Mount Vernon Highway pedestrian sidewalk or the Sandy Springs Transit Station to the existing building. The applicant is proposing a site design that provides both accessible routes in compliance with American Disability Act.

The proposed site accessible route from the public sidewalk along Mount Vernon Highway includes a series of four curb ramps which allow pedestrians an accessible route from the street to the building, while descending approximately three feet in elevation.

The proposed site accessible route from the Sandy Springs Transit Station to the building is provided through a series of sidewalks, two curb ramps, and three cross walks from the parking lot adjacent to the Sandy Springs Transit Station, while ascending approximately six and half feet to the building.

It is important to note that site crosswalks are provided for safe passage over drive aisles. Best engineering design practices for site drive aisles and adjacent parking areas limit cross-slope to less than 3 percent. Additionally, drive aisle areas which provide dumpster access are generally held to a cross-slope of less than 2 percent to prevent tipping during emptying process.

Alternative designs were evaluated:

1. **Raise the ground floor elevation of the building to within two feet of street level.**
   Dimensionally the site does not provide the necessary distance to provide acceptable slopes for a compliant accessible route from the building to the Sandy Springs Transit Station. Further, the cross-slopes of the drive aisles exceed accepted engineering practical limits. In addition to non-compliance with the American Disability Act, this solution does not meet the general purpose and intent of the Development Code to promote walkable centers and safe pedestrian environments.

2. **Locate the building at the south side of the parcel to provide greater distance to safely descend in elevation, while maintaining accessible routes.**
   In this design, the building would no longer be oriented along Mount Vernon Highway and a drive-through aisle would be located between the building and Mount Vernon Highway. This solution is disallowed under the Urban General Road Frontage guidelines and again, does not meet the general purpose and intent of the Development Code to promote walkable centers and safe pedestrian environments.

Neither alternative design is in accord with the purpose and intent of the Developments Code. Therefore, the applicant is requesting a variance of 1.29± feet to allow the ground floor elevation of the building to be constructed 3.29± feet below street elevation at the main entrance.

The physical conditions (parcel depth and topography) and site location (adjacent to two pedestrian routes) necessitating this variance are not the result of the action or inaction of the current property owner.

The applicant is requesting the minimum relief necessary for the proposed development. A ground floor elevation variance of 1.29± feet is the minimum requirement to grade the site in a manner that provides compliance for both accessible routes.

Since the proposed design provides safe and compliant pedestrian routes, as well as an enhanced pedestrian experience by orienting the building in line with and as close as possible with the Mount Vernon Highway pedestrian sidewalk, it is believed that this design supports the purpose and intent of the Development Code to promote walkable centers and safe pedestrian environments.

Bowman

July 6, 2020

Ms. Madalyn Smith
City of Sandy Springs
Planning and Zoning
1 Galambos Way
Sandy Springs, GA 30328

RE: Perimeter Pointe Chick-fil-A
1155 Mount Vernon Highway
Sandy Springs, GA 30338
Letter of Intent – Variance Request (Height and Mass – Ground Floor Elevation)

Ms. Smith,

We are working with Chick-fil-A on the development of a new Chick-fil-A restaurant to be located at 1155 Mount Vernon Highway in Sandy Springs.

The site is currently zoned PX – Perimeter Mixed Use/High-Rise and is developed with a vacant restaurant. Chick-fil-A is proposing the construction of an approximately 5,000± SF restaurant with associated parking and utilities. The proposed restaurant will have 65-70 employees and serve an average of 900 customers in store daily. The hours of operation are 6:00AM to 10:00PM, Monday through Saturday.

Description of Requested Variance:
Section 5.4.3(D) of the municipal code requires that the ground floor elevation of the proposed building be within two feet of the street level elevation, as measured from the top of the adjacent curb to the top of the finished ground floor at the building main entrance. The applicant is requesting a variance of 1.29± feet to allow the ground floor elevation of the building to be constructed 3.29± feet below street elevation at the main entrance.

This site is unique in that an accessible ADA pedestrian route must be maintained from both the front (street) side and the back (Sandy Springs Transit Station) side of the site. In addition, there is a drop in elevation of 10.4± feet from the street to the rear of the site. A variance for additional ground floor elevation is requested to provide the required accessible ADA pedestrian routes within the constraints of the site topography.

Alternatively, siting the building to align with the southern property border, farthest from the access, allows additional distance over which to level the slopes of the accessible routes. However, in this alternative design, the building and main entrance are not aligned with the street and it is necessary to route the drive-through between the street and the building. Since this alternative does not reflect the pedestrian-oriented intent of the code, we are requesting a ground floor elevation variance for the proposed design, which provides a safe, compliant, and pedestrian-oriented experience.

We appreciate your consideration of this variance application. Should you have any questions or concerns, please do not hesitate to contact me at [redacted]

Sincerely,

Bridgette Ganter

Bridgette Ganter
Project Manager
Bowman Consulting