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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** January 7, 2013

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** **201202129** - 5730 Glenridge Drive, *Applicant: 5730 Glenridge Partners LLC*, To modify conditions 4 & 6 of Z79-0074 to allow driveway access onto Glenforest Road

**MEETING DATE:** For Submission onto the January 15, 2013, City Council Regular Meeting Agenda

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**BACKGROUND INFORMATION:** *(Attach additional pages if necessary)*

See attached:

Memorandum

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**APPROVAL BY CITY MANAGER:**                     JMM                     APPROVED

**PLACED ON AGENDA FOR:**           1/15/2013          

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES (  ) NO

**CITY ATTORNEY APPROVAL:**                     SM                    

**REMARKS:**

**MAYOR AND CITY COUNCIL**

**201202129**

**5730 Glenridge Drive**

**5730 Glenridge Partners LLC**



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: December 27, 2012 For Submission onto the onto the January 15, 2013 City Council meeting

Agenda Item: **201202129 5730 Glenridge Drive**, Request for a zoning modification to modify condition 4 and delete condition 6 of Fulton County zoning case Z79-0074.

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

The Department will not make a recommendation regarding this Zoning Modification due to pending litigation.

The following was discussed at a meeting attended by City Staff, the Applicant and Glen Forrest Representatives held on December 27, 2012:

**Applicant**

*The Applicant offered the following options:*

- Prohibiting a thru movement from Glen Forrest Road to Lakeside at the traffic signal
- Prohibit left turn into the site from Glen Forrest Road traveling west bound.

**Glen Forrest Representatives**

*Expressed concerns include:*

- Potential congestion during peak hours at the traffic signal.
- Neighborhood street being used as a cut through between Hammond Drive and Glenridge Drive.
- Commercial intrusion into the neighborhood
- Maintenance of existing buffers from the original zoning case
- No need for a modification prior to the construction of the Lakeside Development.
- Cars blocking the intersection
- Proposal lacks residential feel (provide landscape island instead on concrete median)

At the meeting, both the Applicant and the Citizens indicated support of a deferral on the case until the February 19, 2013 Mayor and City Council meeting.

***Request:***

The applicant is requesting to modify condition 4. and delete condition 6. of Fulton County Zoning case Z79-0074.

4. To the petitioner's agreement to provide a 25 foot wide natural undisturbed buffer, replant where sparsely vegetated, adjacent to the west and north property lines; and to provide a 35 foot wide natural undisturbed buffer, replanted where sparsely vegetated, adjacent to the east property line.

6. To the petitioner's agreement to allow no access to the property directly from Glenridge Drive or Glenforest Road, and to limit the use of the property to parking in conjunction with the office building located south of the subject property.

***Background:***

**Land Use Policies – Protected Neighborhoods**

The following policies apply to all properties within the boundary of protected neighborhoods as shown on the future land use plan map. Where consistent with the context, such policies may be determined appropriate in transitional areas.

1. Protect the character and integrity of existing neighborhoods, while also meeting the needs of communities.
2. Delineate and maintain firm, visible boundaries of protected neighborhoods, and prevent the encroachment of incompatible land uses, including, commercial, office, and multi-family land uses into protected neighborhoods.
3. During rezoning and development application review, carefully address the interface between protected neighborhoods and commercial areas, especially within the Roswell Road corridor.
4. Limit infill development within protected neighborhoods to densities that are consistent with the surrounding residential development.
5. Discourage, or prohibit, flag lots.
6. Residential infill development in protected neighborhoods should maintain the existing dwelling setback pattern in relation to the street.

**Land Use Policies – Transitional Areas**

Transitional areas are areas where land use changes from one use to another and areas with the same use, but where intensities change from lower to higher.

1. When a rezoning or use permit proposal is received in a transitional area, the proposal should carefully regulate through conditions, the building height, building placement, intensities, densities, location of parking, placement of accessory uses, buffers, tree protection, landscaping, exterior lighting, site amenities and other site planning features to be compatible with protected neighborhoods. "Compatible" means that the characteristics of different land uses or activities located near each other are in harmony and without conflict.
2. Effective, compatible transitions among uses should be the primary criterion in evaluating any proposed change in land use adjacent to parcels of less intense land uses. Effective, compatible transitions should generally follow a hierarchy as follows: From single-family, detached residential properties in neighborhoods outward to higher density detached housing to attached housing (e.g., townhouses), to offices and only then to commercial or mixed uses.
3. Screening, separation, and buffers in transitional areas or live/work areas, when abutting protected neighborhoods, should observe recommended practices and avoid discouraged practices for screening neighborhoods, as shown in the attached captioned photos (exhibit 1), and as summarized below:
  - a. Establish combination screens, consisting of opaque wooden fences or masonry walls, and a fast-growing evergreen hedge.
  - b. Increase buffer and building separation widths as intensity of non-residential development or density of multi-family development increases.

- c. Preserve existing wooded buffers and replant with evergreens trees and shrubs where sparsely vegetated.
  - d. Screen rooftop mechanical equipment from the view of residential uses.
  - e. Retaining walls supporting parking lots at grade changes on lots abutting neighborhoods, when required, should be setback from the property line and softened with plant materials.
4. Minimize intrusion of light, sound, traffic and night-time activity between non-residential uses and single-family neighborhoods.
5. Generally, the redevelopment of existing detached, single-family homes in transitional areas is preferred over rezoning that allows the adaptive reuse of such dwellings for other land uses.
6. Discourage, or prohibit, interparcel vehicular access between single-family and higher density residential areas and more intense or non-residential land uses. Vehicular access/egress from businesses onto residential streets is strongly discouraged, if not prohibited.
7. The area and lot width of any new lot for detached, single-family dwellings facing the same street as that serving the neighborhood, should not be less than 80 percent of the area of the existing lot it abuts in the protected neighborhood fronting on the same street.

***Discussion:***

Pending a law suit brought against the City by the applicant relating to the issues of this application, the City Attorney has directed the Department not to issue a recommendation on this application.