
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** September 13, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ12-008** - 100 North River Drive, *Applicant: Silver Tree Investments, LLC*, To rezone the subject property from A (Medium Density Apartment District) conditional to O-I (Office and Institutional District) to allow office use in the existing building

MEETING DATE: For Submission onto the September 18, 2012, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER: JFM APPROVED

PLACED ON AGENDA FOR: 9/14/2012

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: WFW

REMARKS:

MAYOR AND CITY COUNCIL

RZ12-008

**100 North River Drive
Silver Tree Investments**

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: September 10, 2012 for submission onto the September 18, 2012 City Council meeting

Agenda Item: **RZ12-008 100 North River Drive**, a request to rezone the subject property from A (Medium Density Apartments) conditional to O-I (Office and Institutional District) to allow an office use in the existing building

Department of Community Development Recommendation:

Approval of the request to rezone the subject property from A (Medium Density Apartments) conditional to O-I (Office and Institutional District) to allow an office use in the existing building.

Background:

The subject site is located on the east side of the intersection of Dunwoody Place and North River Drive. The property is currently zoned A (Medium Density Apartment District). The subject property had been used as the leasing office for the apartment complex. The property contains approximately 0.5178 acres (22,554 SF).

Discussion:

The applicant is requesting to rezone the subject property to O-I (Office and Institutional District) to allow an Office use.

Concurrent Review:

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on July 11, 2012 at which the no departments had comments. The staff has not received any additional comments from the Fulton County Board of Education.

In addition, the following external departments were contacted for comment:

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Planning and Community Services (*comments received*)
- Fulton County Department of Public Works
- Fulton County Environmental Health Services (*comments received*)
- Sandy Springs Council of Neighborhoods
- Sandy Springs Revitalization Inc.
- Georgia Department of Transportation
- City of Atlanta Department of Watershed Management (*comments received*)
- U.S. Postal Service Address Management Systems
- MARTA
- Fulton County Emergency Management



Rezoning Petition No. RZ12-008

HEARING & MEETING DATES

**Community Zoning
Information Meeting**

June 26, 2012

**Community Developer
Resolution Meeting**

July 26, 2012

**Planning
Commission
Hearing**

August 16, 2012

**Mayor and City
Council Hearing**

September 18, 2012

APPLICANT/PETITIONER INFORMATION

Property Owners
Silvertree Investment

Petitioner
Scott R. Feld

Representative
Scott R. Feld

PROPERTY INFORMATION

**Address, Land Lot,
and District** 100 North River Drive
Land Lot 363, District 06

Council District 2

Frontage and Area Approximately 67.22 feet of frontage along the north side of Dunwoody Place and 170.27 feet of frontage along the east side of North River Drive. The subject property has a total area of 0.5178 acres (22,554 SF).

**Existing Zoning and
Use** A (Medium Density Apartment District)

Overlay District N/A

**2027
Comprehensive
Future Land Use
Map Designation** LWR (Living-Working Regional)

Proposed Zoning O-I (Office and Institutional District)

INTENT

TO REZONE THE SUBJECT PROPERTY FROM A (Medium Density Apartment District) TO O-I (OFFICE AND INSTITUTIONAL DISTRICT) TO ALLOW FOR THE USE OF AN OFFICE

The applicant intends to rezone the subject property from A (Medium Density Apartment District) to O-I (Office and Institutional District) to allow an office use in the existing building.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ12-008 - APPROVAL

PLANNING COMMISSION RECOMMENDATION

RZ12-008 - RECOMMENDED APPROVAL

The petition was heard at the August 16, 2012 Planning Commission meeting. The Commission Recommendation for approval (5-0, Maziar, Tart, Frostbaum, Rubenstein and Squire for; Pond absent; Duncan not voting).

Location Map

100 North River Drive



BACKGROUND

The subject site is located on the east side of the intersection of Dunwoody Place and North River Drive. The property is currently zoned A (Medium Density Apartment District). The subject property had been used as the leasing office for the apartment complex. The property contains approximately 0.5178 acres (22,554 SF).

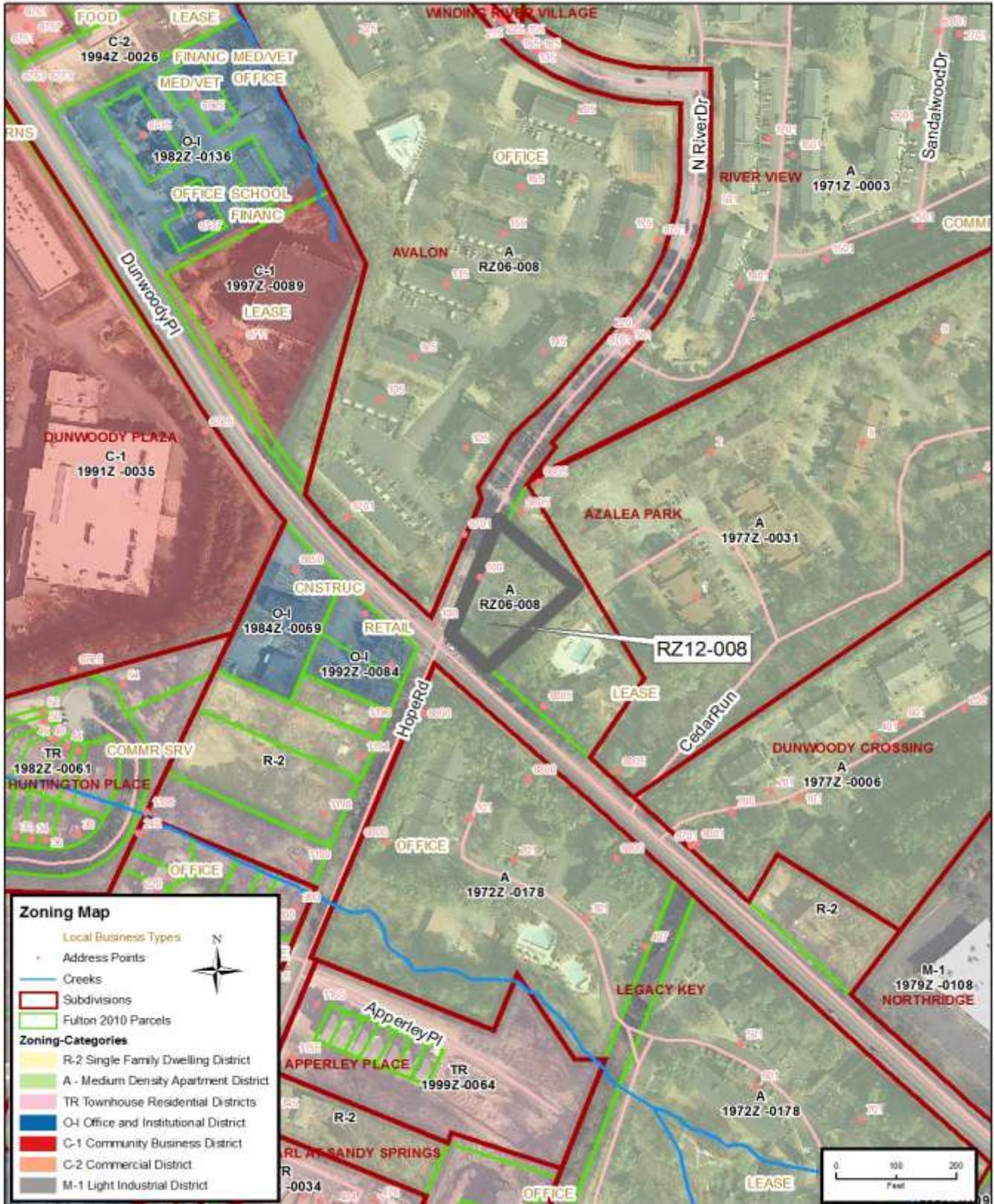
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ10-008	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	O-I	Office	0.5178	1,620 s.f.	3,128.62 s.f./acre

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	A Z71-0003	Condominium Winding River Village	20.72	unknown	unknown
Northeast	A RZ06-008	Avalon	13.0420	133 units	10.19 units/ac
East	A Z77-0031	Azalea Park Apartments	40.36	447 units	11.82 units/ac
South	A Z72-0178	Legacy Key Apartment	31.70±	365± units	11.51± units/ac
West	O-I Z92-0084	Office 1200 Hope Road	.518	2,250 s.f.	4,343.63 s.f./acre
West	O-I Z84-0069	Office 8850 Dunwoody Place	.638	6952 s.f.	10,948.03 s.f./acre

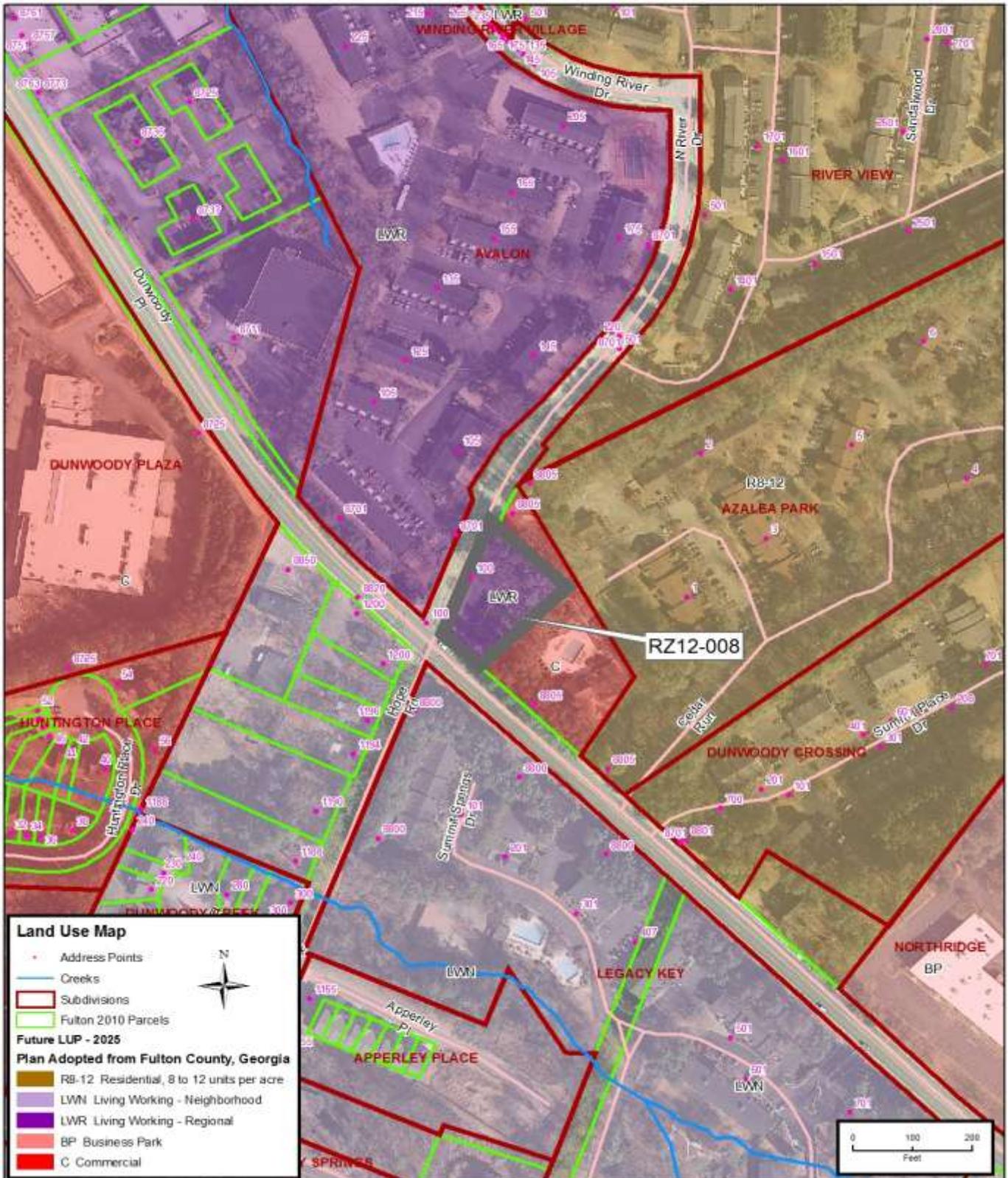
Zoning Map

100 North River Drive



Future Land Use Map

100 North River Drive





Subject Property



Subject Property



The subject property looking west



The subject property looking south



Subject property looking north



Sign

SITE PLAN ANALYSIS

The site plan submitted shows the subject property as tract B. The site plan indicates tract B as being .5178 acres (22,554 sq.ft.). The existing 1,620 square foot office building will remain on site. The property has 67.22 feet of frontage on Dunwoody Place and 189.75 feet North River Drive.

PARKING

Section 18.2.1, *Basic Off-street Parking Requirements*, requires General Offices to have 3 spaces per 1,000 s.f. of floor area calculated as follows:

- $1,620/1000 = 1.62 \times 3 = 5$ spaces required.

The applicant is providing 9 parking spaces.

LANDSCAPE PLAN ANALYSIS

The applicant has not provided a landscape plan. The applicant is proposing to maintain the existing landscaping on the property.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The reporting on all items of the analysis stated either positive, minimal, or no environmental issues. The report, in its entirety, is within the case file as a matter of record.

DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on July 11, 2012 at which the no departments had comments. The staff has not received any additional comments from the Fulton County Board of Education.

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held June 26, 2012 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held July 26, 2012 at the Sandy Springs City Hall

Public Comments (no attached letters)

None

Notice Requirements

The petition will be advertised in August 8, 2012 (Sandy Springs Neighbor) and August 10, 2012 (Sandy Springs Reporter). The applicant posted a sign issued by the Department of Community Development along the frontages of Dunwoody Place and North River Drive on July 13, 2012.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant was required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on September 18, 2012. The report was submitted on September 5, 2012.

ZONING IMPACT ANALYSIS

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.*

Finding: 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: Multi-family (to the north, east, south, and west) and office (to the southwest). The building had been used as the leasing office for the apartment complex prior to changing them to condominiums. The proposal allows for a proper transition between these areas.

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

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property.

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

Finding: The staff is of the opinion that the subject property does not have a reasonable economic use as currently zoned. The apartments have been converted to condominium and there is no longer a need for a leasing office.

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.*

Finding: 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.

E. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

Finding: The staff is of the opinion that the proposed use is consistent with the Future Land Use Map, which designates the property as Live Work- Regional (LWR). The corresponding zoning for Live Work -Regional (LWR) in MIX (Mixed Use District). Office is a permitted use under the MIX (Mixed Use District). The office use would complement the mixture of uses in the surrounding area.

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.*

Finding: 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.*

Finding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies, as the proposal involves a use and density that is consistent with abutting and nearby properties and provides appropriate transition. Therefore, based on these reasons, the staff recommends APPROVAL of this petition.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from A (Medium Density Apartment District) to O-I (Office and Institutional District), the staff recommends the approval be subject to the O-I regulations in the Sandy Springs Zoning Ordinance and the Sandy Springs Code of Ordinances.

Attachments

- Site Plan(s) dated received May 18, 2012
- Applicant letter of Intent received May 18, 2012

Scott R. Feld
6255 Barfield Rd., Suite 103
Sandy Springs, GA 30328

May 7, 2012

Ms. Linda Abaray
City of Sandy Springs
7840 Roswell Rd., Building 500
Sandy Springs, GA 30350

Re: Rezoning Request from "A" to "O-I"

Ms. Abaray,

Enclosed you will find our rezoning applications which we are filing for the .5178+/- acre parcel located at North River Run and Dunwoody Place. As you may recall, the re-zoning request is simply to change the re-zoning of this parcel from the designation of "A" to "O-I".

This parcel has been previously been developed resulting in a 1620 square foot structure, a paved parking lot of 10 spaces, a monument sign and landscaping improvements including grass, shrubs and trees. We have no plans to redevelop this property at this time. We simply are trying to have the property rezoned so we can locate the business in the existing structure. The existing structure will require some repair and maintenance.

Once the property is rezoned, it will be occupied by a residential cleaning service. This company is currently located within the City of Sandy Springs and plans to use this facility as their base of operations. The maid service business typically operates on a Monday through Friday schedule. The business is closed in the evening hours.

We believe this re-zoning will have minimal to no impact on the surrounding community. Since there will no land disturbance, we will be not impact the environmental conditions of the site or the surrounding area. There will not be any hazardous chemicals located on the premises.

Traffic impact will be non-existent because customers do not visit the business premises. However, company vehicles will be parked on-site in the evenings and on weekends.

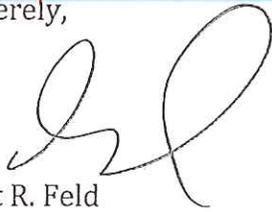
As mentioned earlier, the existing structure will need to be repaired and upgraded to make it useable. Currently the interior building is in need of flooring and other structural repairs to make it functional. We also anticipate that electrical and

plumbing upgrades will be needed as well. Finally, the exterior of the structure will also need repairs and painting as well.

Finally, the re-zoning of this parcel to O-I is consistent with the land use plan in Sandy Springs. The parcel is located close to other properties currently serving in a similar capacity both in zoning as well as function.

We look forward to working with as we move through this process. Once again, thank you for considering this re-zoning application.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Feld', written in a cursive style.

Scott R. Feld

