



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** August 14, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ12-007/CV12-010** - 4579 Roswell Road, *Applicant: Community Funeral Service, LLC*, To rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional, with Concurrent Variances, to allow the location and operation of a funeral home in the former church building

MEETING DATE: For Submission onto the August 21, 2012, City Council Regular Meeting Agenda

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

See attached:

Memorandum
Rezoning Application

APPROVAL BY CITY MANAGER: JTM APPROVED

PLACED ON AGENDA FOR: 8/21/2012

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: GML

REMARKS:

MAYOR AND CITY COUNCIL

RZ12-007/CV12-010

4579 Roswell Road

Community Funeral Service, LLC

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: August 13, 2012 for submission onto the August 21, 2012 City Council meeting

Agenda Item: **RZ12-007/CV12-010 4579 Roswell Road**, a request to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow a Funeral Home Use.

CMO (City Manager's Office) Recommendation:

DENIAL of the request to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow a Funeral Home Use.

Background:

The site is located on the east side of Roswell Road, about 250 feet north of the intersection of Windsor Parkway and Roswell Road. The property is zoned O-I (Office and Institutional District) conditional under Sandy Springs zoning case RZ06-046/CV06-032. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

Staff has changed the original recommendation from Approval Conditional to Denial after additional information was provided at the Planning Commission regarding the current parking situation at the Gallery. The funeral home proposal calls for the exclusive use of sixteen (16) parking spaces which would reduce the parking availability to the Gallery to 83.

Discussion:

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

Concurrent Review:

The staff held a Focus Meeting on June 6, 2012 at which the following city departments provided comments:

- Transportation Planner

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

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



Rezoning Petition No. RZ12-007/CV12-010

HEARING & MEETING DATES

Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
May 22, 2012	June 28, 2012	July 19, 2012	August 21, 2012

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
PDB Family Limited Partnership, LLC	Community Funeral Services, LLC	Ellen W. Smith

PROPERTY INFORMATION

Address, Land Lot, and District	4579 Roswell Road (SR 9) Land Lot 93, District 17
Council District	5
Frontage and Area	205.26 feet of frontage along the east side of Roswell Road (SR 9), 124.56 feet of frontage along the south side of Hedden Street and 161.34 feet of frontage along the north side of Windsor Parkway. The subject property has a total area of 2.07acres (90,339 SF).
Existing Zoning and Use	O-I (Office and Institutional District) conditional under RZ06-046/CV06-032 and currently developed with a Church, Art Gallery and accessory building.
Overlay District	Suburban District
2027 Comprehensive Future Land Use Map Designation	Live Work Neighborhood (LWN)
Proposed Zoning	O-I (Office and Institutional District) conditional

INTENT

TO REZONE A PROPOSED PROPERTY FROM O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL O-I (OFFICE AND INSTITUTIONAL DISTRICT), WITH CONCURRENT VARIANCES.

The applicant intends to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow a Funeral Home.

Additionally, the applicant is requesting one (1) concurrent variances as follows:

1. Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking spaces from 152 to 99.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**RZ12-007 - DENIAL
CV12-010 #1 - DENIAL**

Staff has changed the original recommendation from Approval Conditional to Denial after additional information was provided at the Planning Commission regarding the current parking situation at the Gallery. The funeral home proposal calls for the exclusive use of sixteen (16) parking spaces which would reduce the parking availability to the Gallery to 83.

PLANNING COMMISSION RECOMMENDATION

**RZ12-007 - DENIAL
CV12-010 #1 - DENIAL**

The petition was heard at the July 19, 2012 Planning Commission meeting. The Commission Recommendation for denial. Approved (6-0, Pond, Maziar, Tart, Frostbaum, Rubenstein and Squire for; Duncan not voting). The Planning Commission recommended denial for the following reason:

1. Parking would not be sufficient to support both uses on property.
2. The mixture of uses is not consistent with the Comprehensive Plan.

The applicant has provided additional information to address some of the concerns by the Planning Commission and neighbors regarding parking. The following additional information has been attached to this report.

1. The applicant reduced the number of fixed seating from 138 to 98.
2. Increased parking by 15 spaces.
3. Added 5 parking spaces along Windsor Parkway (this would require an additional concurrent variance).

	Required Parking	Proposed Parking	Difference in Spaces
Previous Case RZ06-046/CV06-032	113	99 Approved	14
Original Proposal	165	84	81
Revised Proposal	152	99	53

Location Map



BACKGROUND

The site is located on the east side of Roswell Road, about 250 feet north of the intersection of Windsor Parkway and Roswell Road. The property is zoned O-I (Office and Institutional District) conditional under Sandy Springs zoning case RZ06-046/CV06-032. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

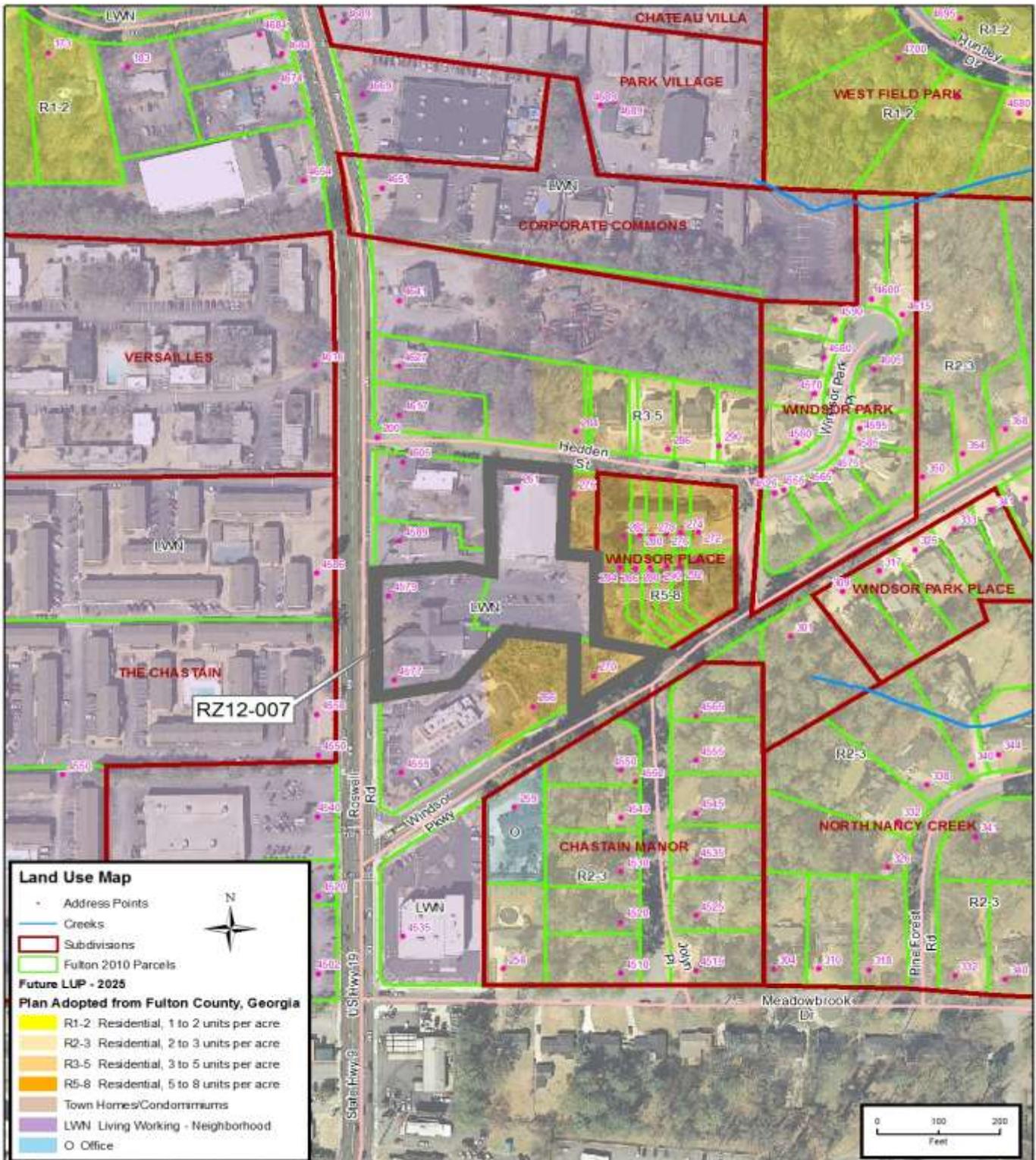
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ12-003/CV12-002	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	O-I	Funeral Home Art/ Auction Gallery	2.07	22,500	10,869.57 s.f./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	A-O, conditional Z62-0037	4627 Roswell Road - office	0.45	1,220 s.f.	2,711 s.f./ac
North	R-4	284, 286, & 290 Hedden Street - single family residences	1.23	3 units	2.44 units/ac
North	C-1, conditional Z96-0001	4589 Roswell Road - veterinary clinic	0.34	4,000±	11,765 s.f./ac
East	TR, conditional Z82-0056	Windsor Place condominiums	1.45	12 units	8.30 units/ac
East	TR, conditional Z91-0060	Windsor Park townhomes	2.83	12 units	4.24 units/ac
South	C-1, conditional Z64-0092	4555 Roswell Road - Popeye's restaurant	0.77	4,000 s.f.	5,195 s.f./ac
South	C-1, conditional Z05-0023	4535 Roswell Road - Walgreen's	1.57	13,386 s.f.	8,526 s.f./ac
South	O-I, conditional RZ06-032	259 Windsor Parkway - office	0.44	3,704 s.f.	8,457 s.f./ac
South	R-4	4550 Jolyn Place - single family residence	0.37	1 unit	2.70 units/ac
West	A-1, conditional Z60-0025	Chastain Apartments	9.89	264 units	26.69 units/ac

Future Land Use Map

4579 Roswell Road (SR9)





Subject Property



South Subject Property



Looking South on Roswell Road



Looking North on Roswell Road



SITE PLAN ANALYSIS

The site plan submitted shows the proposed Funeral Home (existing 10,500 building). The site plan indicates the subject property to slope primarily in a southeasterly direction. Additionally, the site plan indicates the following:

- Total Site Area of 90,339 s.f. (100%)
- Total Impervious Surface of 64,908 s.f. (72%)
- Landscape Area of 25,432 s.f. (28%)
- Existing Buildings (2) totaling 22,500 s.f.

PARKING

Section 18.2.1, *Basic Off-street Parking Requirements*, requires Funeral Homes to have 1 per 3 fixed seat + 1 for each 25 sq. ft. in largest assembly room and Retail to have 5 spaces per 1000 sq. ft. calculated as follows:

- $12,000/1000 = 12 \times 5 = 60$ spaces required (Retail).
- $98/3 = 33$ spaces + $1,472/25 = 59$ spaces total required 91 spaces (Funeral Home)
- Required Parking for Site = 152 spaces

The applicant is proposing to provide 84 parking spaces (applicant has also proposed the possibility of 5 overflow space along Windsor Parkway).

LANDSCAPE ANALYSIS

The subject property appears to be well landscaped having 25,432 square feet (28%) of landscaped area. The site currently meets the streetscape standards of the Suburban Overlay District.

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 application was reviewed by the following departments: Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on June 6, 2012 at which the following departments commented:

Sandy Springs Transportation Planner	<ul style="list-style-type: none"> ▪ Dedicate sufficient right-of-way along the Roswell Road frontage of the subject property to accommodate driveway reconstruction pursuant to the T-0019 capital improvement project plan. Said right-of-way dedication shall be recorded prior to the issuance of a Certificate of Occupancy/Certificate of Completion for the building remodeling and shall be subject to the approval of the Public Works Department. ▪ Dedicate thirty (30) feet of right-of-way from centerline of Windsor Parkway along the entire property frontage. ▪ Dedicate twenty-five (25) feet of right-of-way from centerline of Hedden Street along the entire property frontage. ▪ Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north and south. Should the owner/developer not come to an agreement on interparcel access at this time, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future inter-parcel access, prior to the issuance of an LDP.
Georgia Department of Transportation	<ul style="list-style-type: none"> ▪ There are no GDOT requirements that need to be addressed at this time.

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held May 22, 2012 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held June 28, 2012 at the Sandy Springs City Hall

Public Comments (attached letters)

- Traffic impact & route
- Buffer maintenance & planting type
- General property maintenance
- Hours of operation for both businesses
- Auction items on display
- Parking
- No parking on Windsor
- Copy of lease

Notice Requirements

The petition was advertised in the Sandy Springs Neighbor on July 11, 2012 and the Sandy Springs Reporter on July 13, 2012. The applicant posted a sign issued by the Department of Community Development along

the frontages of Roswell Road, Hedden Street and Windsor Parkway on June 8, 2012.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant will be required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on August 21, 2012. The Public Participation Report was submitted on August 14, 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 uses and development of adjacent and nearby properties. The surrounding area consists of: Commercial, Office, Apartment and Townhome uses. The proposal is located on the Roswell Road corridor and a landscaped area is provided between the Townhomes and the subject property. Therefore, the proposal allows for a proper transition within and 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 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.*

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 Neighborhood (LWN). The subject property is located in Node 1: Windsor Parkway Node.

Node 1: Guidelines and Policies

1. Developments should be consistent with the standards that apply to the Live-Work Neighborhood land use classification (see Table 1.5), which includes:
 - a. Residential density should be 5 units per acre or less;
 - b. Commercial and office densities should be 10,000 square feet per acre or less;
 - c. Total square feet per tenant should be 30,000 square feet or less;
 - d. Maximum building height should be 2 stories; and
 - e. At least 10% of the site shall be green/open space, with 5% of the site reserved as green space and remaining 5% as open or green space.

2. Commercial and retail uses should be confined and concentrated around the intersection of Roswell Road and Windsor Parkway.
3. Office and residential uses are encouraged in the other developable areas of this Node.
4. Projects should incorporate appropriate transitions to existing neighborhoods through reductions in height, the incorporation of less intense uses, the use of compatible architecture, the utilization of traditional or natural materials, and the incorporation of open and green space.
5. Automobile oriented uses shall be discouraged.
6. Density and/or height bonuses, beyond the recommendations of the Comprehensive Plan, may be approved by the Mayor and City Council for the development or redevelopment of assembled properties comprising 5 or more acres. The approval of bonuses will be based on the merits of the project relative to whether it provides desirable attributes that meet or exceed the goals and objectives of the Comprehensive Plan. Such goals may include, but not be limited to:
 - a. Providing significant green space that exceeds the minimums established in Table 1.5.
 - b. The elimination of multiple curb cuts along Roswell Road.
 - c. The use of more neighborhood-scale architecture and design in accordance with new urbanism principles.

The applicant request is consistent with the guidelines and policies of the Node.

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. The Funeral Home would be required to meet all state and federal regulating bodies including but, not limited to Occupational Safety and Health Administration (OSHA) and the Environmental Protection Division (EPD).

VARIANCE CONSIDERATIONS

Article 22 of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

- A. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,*
- B. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,*
- C. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.*

The applicant is requesting two (2) concurrent variances as follows:

1. Variance from Section 18.2.1. of the Zoning Ordinance to reduce the required parking from 152 spaces to 99 spaces.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The staff is of the opinion the variance request is not in harmony with the intent of the Zoning Ordinance and the proposal would pose a detriment to the public. The proposed use of a Funeral Home would require 92 spaces. The retail use would require 60 spaces. The applicant has a shared parking agreement with the art/auction gallery and the uses on the property will not be operating at the same time. However, additional information was at the Planning Commission regarding the current parking situation at the Gallery. The funeral home proposal calls for the exclusive use to sixteen (16) parking spaces which would further reduce the parking of the Gallery to 83. The recommended conditions would limit the Gallery Auctions from operating at the same time as the funeral home. However, this would still not provide adequate parking for the operation of the Gallery. The applicant has also provide a location for 5 additional overflow space if need along the Windsor Parkway Driveway. Therefore, based on these reasons, the staff recommends **DENIAL** of the variance to reduce the parking from 152 spaces to 99 spaces.*

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. However, the proposed parking would not support the mixture of the proposed uses. Therefore, based on these reasons, the staff recommends **Denial** of this rezoning petition and the associated concurrent variance.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional, 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. To a Funeral Home, Art/Auction Gallery and accessory uses in the existing buildings at a density of 10,869.57 gross square feet per acre or 22,500 gross square feet, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated August 3, 2012. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
 - b. The owner/developer shall submit to the City of Sandy Springs a combination plat, which will be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate, to the City of Sandy Springs, sufficient right-of-way along the Roswell Road frontage of the subject property to accommodate driveway reconstruction pursuant to the T-0019 capital improvement project plan adopted on (date). Said right-of-way dedication shall be recorded prior to the issuance of a Certificate of Occupancy/Certificate of Completion for the building remodeling and shall be subject to the approval of the Public Works Department.
 - b. The owner/developer shall dedicate thirty (30) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, from centerline of Windsor Parkway along the entire property frontage to the City of Sandy Springs.
 - c. The owner/developer shall dedicate twenty-five (25) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, from centerline of Hedden Street along the entire property frontage to the City of Sandy Springs.
 - d. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north and south. Should the owner/developer not come to an agreement on interparcel access at this time, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future inter-parcel access, prior to the issuance of an LDP.
 - e. To reduce the required forty (40) foot front setback along Hedden Street to thirty-four (34) feet to allow the existing 12,000 square foot building to remain (CV06-032).
 - f. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback to a two (2)

foot landscape strip abutting property zoned R-4 (Single Family Dwelling District) along property line S00°57'44"E 147.73' (CV06-032).

- g. To delete the required twenty-five (25) foot buffer and ten (10) foot improvement setback abutting property zoned R-4 (Single Family Dwelling District) along property line S86°05'11"E 50' (CV06-032).
- h. To provide a landscape strip planted to buffer standards as shown on the site plan received by the Department of Community Development dated May 1, 2012 abutting property zoned TR (Townhouse Residential District) along property line S05°45'01"E 162.71' (CV06-032).
- i. To delete the required twenty-five (25) foot buffer and ten (10) foot improvement setback abutting zoned TR (Townhouse Residential District) along property line S81°45'02"E 90.75' (CV06-032).
- j. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property lines S82°31'34"W 106.65', S50°39'13"W 138.88', and S78°43'49"W 133.55' to allow the existing paving and parking to remain (Section 4.23.1, Minimum Landscape Strips and Buffers) (CV06-032).
- k. To allow the existing monument sign to encroach into the required ten (10) landscape strip along the Roswell Road (SR 9) frontage (CV06-032).
- l. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property line N84°23'53"E 193.52' to allow the existing driveway, paving, and parking to remain (CV06-032).
- m. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property lines N07°50'57"E 46.30' and N00°32'03"E 151.82' to allow the existing driveway to remain (CV06-032).
- n. To reduce the required number of parking spaces from 152 to 99 (CV12-010) subject to the following conditions:
 - i. The 12,000 square foot building (Gallery) shall have exclusive right to use twelve (12) marked spaces between the hours of 8:00 AM and 5:00 PM.
 - ii. The 10,500 square foot building (Funeral Home) shall have exclusive right to use sixteen (16) marked spaces.
 - iii. All other parking spaces on the property shall be shared spaces.
 - 1. The Gallery shall have use of shared parking spaces for up to twelve (12) Sundays per calendar year, between the hours of 4:00 PM and 9:00 PM, but not more than once every three (3) weeks; and
 - 2. The Gallery shall have use of the shared spaces for up to thirteen (13) specific weekdays (Monday-Friday) per calendar year, between the hours of 4:00 PM and 9:00 PM, but not more than once every three (3) weeks.
- o. A twenty (20) foot wide area along the southerly side of the Hedden Street frontage and commencing on the easterly side of the access drive to the property from Hedden Street as shown on the site plan received by the Department of Community Development dated February 5, 2007 shall be planted to

buffer standards.

- p. The owner/developer agrees to relocate the dumpster presently located at the southeast corner of the property as shown on the site plan received by the Department of Community Development dated February 5, 2007 to a location central to the property and removed from close proximity to the residential uses to the east of the property.
- q. The owner/developer agrees to restrict access to the property from both Hedden Street and Windsor Parkway for the purpose of avoiding cut through traffic.
- r. The owner/developer agrees not to have any display of "for sale" items on the property within view of Roswell Road (SR 9).
- s. Variance from Section 18.3.1.E of the Zoning Ordinance to allow parking within the front yard setback adjacent to Windsor Parkway.
- a. Variance from Section 4.23.1.A of the Zoning Ordinance to allow parking to encroach into the required 20 foot front landscape strip. (CV12-010).

Attachments

Revised Site Plans Received August 3, 2012

Site Plans Received May 1, 2012

Elevation Drawing Received August 3, 2012

Revised Letter of Intent Received August 3, 2012

Parking Analysis Received August 3, 2012

Parking Study for H.M. Patterson Arlington Funeral Home Received August 3, 2012

Proposed conditions by the Applicant

Letter from Fulton County Dept. of Water Resources received June 26, 2012

Letters of Opposition

RECEIVED

AUG 03 2012



HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

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Ellen W. Smith
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August 3, 2012

RECEIVED
AUG 08 2012
City of Sandy Springs
Community Development
RZ12-007/
CV12-010

BY HAND DELIVERY

Department of Community Development
City of Sandy Springs
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350
Attn: Ms. Linda Arabay, Senior Planner

Re: Sandy Springs Georgia Application for Rezoning, Use Permit and Concurrent Variance No. RZ12-007/CV12-010 (the "*Application*") by Community Funeral Service, LLC, relating to that certain property commonly known as 4579 Roswell Road, 261 Hedden Street and Windsor Parkway (the "*Property*")

Second Supplement to Application

Dear Linda:

As you know, this law firm represents Community Funeral Service, LLC ("*CFS*"), the Applicant with respect to the Application. We hereby submit an amendment with respect to the parking reduction request and this letter and enclosures to provide additional support for the Application. CFS also writes to address the aesthetic and screening concerns raised at the Planning Commission meeting.

Parking

CFS has worked diligently to address the concerns regarding parking on the Property. Specifically, CFS has taken two significant measures: (i) it has increased parking on the Property by 15 spaces, and (ii) it has reduced the number of fixed seats in its chapel area from 138 to 98 (a change that yields a reduction in 13 required parking spaces). Enclosed is CFS's revised site plan (2 full sized and one 8 ½ x 11) reflecting 99 parking spaces on the Property. Counting the parking spaces enclosed within the carport and the 5 pervious parking spaces adjacent to Windsor Parkway and with additional spaces to be striped, CFS complies with the existing parking requirement of 99 spaces.¹

¹ In 2007, the City reduced the parking required on the Property to 99 spaces. CFS's proposed additional use of the Property does not have an adverse effect on the validity of the existing parking variance and, so long as there are 99 parking spaces thereon, no additional variance is needed. See *Meeks v. City of Buford*, 275 Ga. 585 (2002); *Pinnell v. Kight*, 245 Ga. App. 299, 302(2) (2000); 3 *Rathkopf, The Law of Zoning and Planning*, §58:24, 58-163. "Simply, a variance conveys rights which inure to the benefit of the property involved. When a variance is granted, the use permitted becomes a conforming use." 3 *Rathkopf*, at §58:23, 58-152 to 58-155. Moreover, since variances are not personal to property owners, they are available to any subsequent users so long as the variances have not expired according to their terms or have not been effectively revoked by the zoning authority. *Id.* at §58:23, 58-149. In this instance, the variance to reduce the parking required to serve the Property was not conditional on use, nor did it provide a time limit on its exercise. Accordingly, CFS and the Property owner are entitled to use the variance as a vested right which has neither expired nor been revoked. See *Pinnell*, *id.* at 302(2), and CFS withdraws its request for a concurrent variance to further reduce the required parking on the Property.

Department of Community Development
City of Sandy Springs
August 3, 2012
Page 2

With 99 parking spaces, there is sufficient parking on the Property for both the funeral home and the Gallery 63 uses. Enclosed is an analysis of the City's Zoning Ordinance parking requirements as they would apply to different use groups which could use the Property. This analysis shows that the parking requirements for a funeral home are almost 50% greater than the parking requirements of all other use groups where a funeral service may be held – without any rational basis. Even including the Gallery 63 “mixed” use of the Property, there could be a shared use of the property with a Church, assembly place, club or lodge (including a community center or country club), any combination of which would require 39 to 67 fewer parking spaces than the proposed funeral home / Gallery 63 mix. There is absolutely no justification for this different standard for funeral homes.

Additionally, previous parking studies on funeral homes in Sandy Springs support the proposition that the Zoning Ordinance parking requirements as applied to operating funeral homes are overly burdensome and unnecessary. Specifically, in 2008, the City approved a variance to parking for the Dignity Memorial H.M. Patterson & Son Arlington Funeral Home on Allen Road in Sandy Springs. In that situation, H.M. Patterson **approved for the addition of a new chapel with 94 seats, even though the existing 204-seat facility was 22 parking spaces short of the Sandy Springs Zoning Ordinance requirements.** With the new addition, the number of fixed seats was going to be 298, the largest chapel square footage was 2,050 square feet, and there were 136 parking spaces. Under the Sandy Springs Zoning Ordinance (which has not been amended since that date), the total required parking spaces would have been 182. The parking study prepared by Kimley-Horn and Associates, Inc. (a copy of which is enclosed for reference), reflected that even at peak times when a funeral service was ongoing, the anticipated actual peak parking usage was significantly less than the Sandy Springs Zoning Ordinance would have required. The variance approved was a 25% reduction in the parking required for the funeral home. The report, accepted by the City, also suggested that H.M. Patterson avoid any potential parking problems by simply not using both chapels at the same time, similar to the shared parking plan already in place with respect to Gallery 63 and CFS.

By comparison, CFS is proposing (i) 7 spaces more than required (108%) for its funeral home use, (ii) 39 spaces more than required (165%) for the Gallery 63 use, and (iii) mitigating the impact of the shared uses by ensuring that no funeral service will occur when an auction event occurs by the implementation of a parking management plan that is included both in its lease with the Gallery 63 Property owner and in the zoning conditions proposed. Specifically, CFS and the Property owner recognize that shared and coordinated parking is essential to the viability of their respective businesses on the Property. Specifically, the following conditions are agreeable to CFS and the Property owner:

- n. To reduce the required number of parking spaces to 99.
- t. To a parking management plan with the following conditions, which conditions shall remain intact for such period of time as (i) the uses on the property include both a funeral home and an art/auction gallery, and (ii) that certain Lease dated October 2011 between PDB Family Limited Partnership, LLLP and Community Funeral Service, LLC, as the same may be amended from time to time is in effect:
 - i. The 12,000 square foot building (Gallery) shall have the exclusive right to use twelve (12) spaces identified as “L” on Exhibit A attached hereto (being the parking spaces immediately in front of such building between the hours of 8:00 AM and 5:00 PM.

Department of Community Development
City of Sandy Springs
August 3, 2012
Page 3

- ii. The 10,500 square foot building (Funeral Home) shall have exclusive right to use sixteen (16) spaces identified as "T" on Exhibit A attached hereto.
- iii. All other parking spaces on the property shall be shared spaces.
 - 1. The Gallery shall have use of the shared parking spaces for up to twelve (12) Sundays per calendar year, between the hours of 4:00 PM and 9:00 PM, but not more than once every three (3) weeks; and
 - 2. The Gallery shall have use of the shared spaces for up to thirteen (13) specific weekdays (Monday-Friday) per calendar year, between the hours of 4:00 PM and 9:00 PM, but not more than once every three (3) weeks.
- iv. The funeral home shall not conduct a funeral service while the Gallery has the use of the shared parking spaces as proscribed in items (iii)(1) and (2) above. The Gallery shall only hold auction events when it has the use of the shared parking spaces as proscribed in items (iii)(1) and (2) above.
- u. The funeral home operator shall implement and use an alternative parking management plan for services where larger than normal crowds are anticipated. This alternative parking management plan may include the engagement of a parking management team (including valet operators, a shuttle service and off-site parking as needed), and traffic control services. The funeral home operator shall file a copy of this alternative parking management plan with the City and shall coordinate with the City of Sandy Springs and/or Fulton County Police Departments as necessary to implement and maintain appropriate traffic control measures.

Bottom line: even if there were no existing variance to reduce parking to 99 parking spaces, these conditions and circumstances reflect that relief from the parking requirements would be in harmony with the general purpose and intent of the Zoning Ordinance. See Zoning Ordinance Section 22.3.1.A.

Aesthetics and Screening

Previously, CFS submitted proposed conditions to include (i) the installation of additional evergreens and landscaping to the rear of the Church property adjacent to the TR (townhome) zoned property to mitigate the visual impact of the existing church building and screen, to the extent reasonably possible, the view of the rear of the Church building; and (ii) increased and maintained landscaping and screening along Windsor Parkway. CFS also intends to significantly upgrade the aesthetic of the Church Sanctuary Building and clean up and improve the look of the Property as a whole. CFS hereby provides the enclosed rendering as an idea of how impressive the Property could look from Roswell Road. The rear of the building and the Property, including the buffer between the townhomes, the parking areas, and the driveway to Windsor Parkway, similarly will be upgraded, landscaped and maintained in a similar manner to the enclosed rendering.

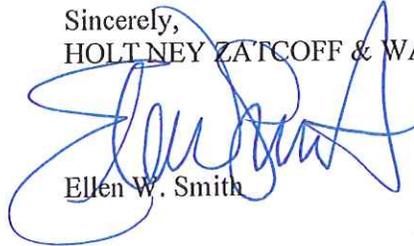
CFS's proposed use of the Sanctuary building on the Property will ensure that a historic building is restored to a dignified and stately use and look and will improve the gateway view into the City of Sandy Springs with a viable, but quiet, business on the Property.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Department of Community Development
City of Sandy Springs
August 3, 2012
Page 4

Please accept this letter and the attached and enclosed documents as a supplement to the Application. We remain happy to answer any additional questions.

Sincerely,
HOLT NEY ZATCOFF & WASSERMAN, LLP



Ellen W. Smith

EWS/ews
Enclosures

cc: D. Brooks Cowles, Jr., Esq.

AUG 03 2012

PARKING ANALYSIS

Use Group	Ordinance	Sanctuary Building Requirement	Analysis
Funeral Home	1 per 3 fixed seats + 1 for each 25 sq. ft. in the largest assembly room	33 (Chapel with 98 seats) + 59 (Chapel with 1,472 sq. ft.) 92 total for funeral home	Double counts seats in Sanctuary development Building because fixed seats are in the largest assembly room. Standard should be "or" not "+". With 60 spaces for Gallery 63, total required: 152 – almost 50% more than any other use group in which a funeral service could be held.
Churches and Other Places of Worship with Fixed Seating Churches and Other Places of Worship Without Fixed Seating	1 per 3.5 fixed seats in the largest assembly area [or] 1 per 30 sq. ft. in largest assembly area	28 (Chapel with 98 seats) [or] 49 (Chapel 1,472 sq. ft.)	Fixed seating same size, but church use requires 5 less spaces. If Sanctuary were used as a church with existing pews, total required for 300 (200% more) seats: 86 (6 less than required for funeral home with 1/3 seats). Note 10 less spaces than for a funeral home use required if no fixed seating. Even with 60 spaces for Gallery 63, maximum required spaces: 88 (58% of requirement for funeral homes)
Assembly Places with Fixed Seating (stadiums, auditoriums, theaters, amphitheaters) Assembly Places without Fixed Seating (meeting halls, libraries)	1 per 4 fixed seats [or] 1 per 35 sq. ft. in largest assembly room	25 (Chapel with 98 seats) [or] 42 (Chapel 1,472 sq. ft.)	Fixed seating same size, but "Assembly Place" requires 8 less spaces. Note 17 less spaces than for a funeral home use required if no fixed seating. With 60 spaces for Gallery 63, total required: 85 (56% of requirement for funeral homes).
Clubs and Lodges (community centers, country clubs, fraternal organizations); Retail Establishment (Art Gallery)	5 per 1,000 sq. ft.	53 (Chapel 1,472 sq. ft.)	With 60 spaces for Gallery 63, total required: 113 (Reduced by Variance in 2007 to 99) (65% of requirement for funeral homes).

R212-007/CV12-010

RECEIVED

AUG 03 2012

City of Sandy Springs
Community Development



Kimley-Horn
and Associates, Inc.

August 28, 2008

Jonathan Geren
SCI Management
1929 Allen Parkway, 7th floor
Houston, TX 77019

Subject: *H.M. Patterson Arlington*
Parking Observations and Recommendations
Sandy Springs, GA

■
The Biltmore
Suite 601
817 West Peachtree Street
Atlanta, Georgia
30308

Dear Mr. Geren:

Kimley-Horn and Associates, Inc. has performed parking observations and developed recommendations for parking at the H.M. Patterson Arlington Funeral Home, located along Allen Road in Sandy Springs, Georgia. This letter summarizes our observations, the City of Sandy Springs parking requirements, and our recommendations for parking on the site.

EXISTING CONDITIONS AND OBSERVATIONS

Currently, the site contains a total of 126 spaces for vehicles to park. This includes six vehicles per row in the three stacked parking aisles along the side of the building, three perpendicular spaces at the garage in back of the building, 4 parallel spaces along the back of the building, and handicapped parking in the front of the lot. The area directly adjacent to the side of the building was not included in this count or in the observations because that is the location of the hearse used for the funeral service and accompanying police escorts, and that is not proposed to be modified in the future. Two full-movement driveways provide access to Allen Road along the north side of the site.

Parking observations were conducted on Saturday, August 16, 2008, during a scheduled event in order to determine a peak demand for the facility. Because a viewing or visitation does not have a scheduled event time like a service, the services tend to generate a higher parking demand than viewings. The service held on August 16th was scheduled for 1:00 PM, with visitors arriving up to two hours

■
TEL 404 419 8700
FAX 404 419 8701



prior in order to pay their respects. Based on this information, the observations were conducted every fifteen minutes beginning at 11:00 AM and ending at 2:15 PM after the service was over. During each observation period, the total number of vehicles parked on the site, including hearses and illegally-parked cars, were recorded. The counts for each fifteen-minute interval were then compared to determine the peak parking demand for the service. Table 1 attached summarizes the parking observations by time period and provides the percent of the lot occupied based on 128 existing spaces.

Based on the observations, the peak parking demand occurred at 1:00 PM with 100 vehicles. At this time period, there were two vehicles parked illegally near the stacked vehicles along the side of the building, and one vehicle parked illegally along the back of the building. There were 24 regular spaces unoccupied, two hearse spaces at the back of the building, and space for approximately three vehicles to queue in one of the stacked aisles.

PARKING REQUIREMENTS FOR PROPOSED EXPANSION

The site is proposing to expand the facility by building one additional chapel and 10 additional parking spaces. When constructed, the overall facility will consist of four viewing rooms, two chapels for services (298 total fixed seats and the largest is 2,050 square feet), and 136 parking spaces. The Sandy Springs Code requires one space for each 25 square feet of the largest assembly room plus one space for every three fixed seats. Using this requirement, the total parking requirement for the overall site including the expansion would be 150 spaces.

PROPOSED PARKING JUSTIFICATION

During discussions with the funeral director, it was determined that services typically do not occur at the same time as viewings in other rooms but sometimes two or more viewings may occur at the same time. Because viewings involve people arriving and departing at different times, we were informed that viewings do not generate the peak parking demand for the site that a chapel service does. Therefore, any problems with sufficient parking supply would most likely occur if two services were held at the same time after the expansion is completed.

Using the results of the observations and the proposed number of fixed seats as a guide, the anticipated peak parking demand of the new 94-seat chapel would be approximately 46 spaces:

$$100 \text{ spaces peak} / 204 \text{ fixed seats} = 49\%$$



49% * 94 fixed seats = 46 spaces peak

If two services were held at the same time in the proposed facility, the anticipated peak parking demand would be approximately 146 spaces, or 10 spaces more than the number proposed to be provided with the expansion (see Table 2). To offset this potential over-capacity situation, it is recommended to stagger the start times of the two services by approximately one hour and 45 minutes (see Tables 3 and 4). If chapel services held on the same day are staggered by this time period, the anticipated peak parking demand is expected to be around 130 spaces.

CONCLUSIONS

Based on the results of the observations and calculations for the proposed expansion of the funeral home, 136 parking spaces should be sufficient to satisfy the anticipated peak parking demand of the site as long as chapel services are not scheduled to begin at the same time. Services should be scheduled at least one hour and 45 minutes apart in order to accommodate the expected parking demand.

In the event that a larger number of vehicles arrive for a chapel service than expected or than was observed on August 16th, an alternate parking management plan may be needed in order to accommodate the additional vehicles. Options for parking management include an offsite parking lot within walking distance or shuttle distance, and the use of a parking management team (that may include valet operators) to effectively park more vehicles than could be self-parked.

If you have any questions, please do not hesitate to contact me at (404) 419-8700 or kelly.rosenberger@kimley-horn.com.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

E. Kelly Rosenberger, P.E.
Transportation Engineer

Attachments

K:\Project\AMT_TPTO\Project\Trans\KellyR\Projects\Arlington Funeral\Arlington Parking.doc

**ARLINGTON FUNERAL HOME PARKING OBSERVATIONS
PERFORMED SATURDAY, AUGUST 16, 2008
Sandy Springs, Georgia**

Time of Observation	Occupied Spaces	Unoccupied Spaces	Total	% Occupied	% Demand
11:00 AM	18	108	126	14.29%	18%
11:15 AM	24	102	126	19.05%	24%
11:30 AM	29	97	126	23.02%	29%
11:45 AM	34	92	126	26.98%	34%
12:00 PM	44	82	126	34.92%	44%
12:15 PM	60	66	126	47.62%	60%
12:30 PM	84	42	126	66.67%	84%
12:45 PM	99	27	126	78.57%	99%
1:00 PM	100	26	126	79.37%	100%
1:15 PM	98	28	126	77.78%	98%
1:30 PM	95	31	126	75.40%	95%
1:45 PM	99	27	126	78.57%	99%
2:00 PM	99	27	126	78.57%	99%
2:15 PM	17	109	126	13.49%	17%

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ARLINGTON FUNERAL HOME
ANTICIPATED PARKING DISTRIBUTION OF TWO
CHapel SERVICES WITH THE SAME START TIME
Sandy Springs, Georgia

Time (hours)	204-Seat Chapel (Observed)	94-Seat Chapel (Calculated)	Anticipated Total Demand	Proposed Parking Supply	Net Parking Supply
Start of services	18	8	26	136	110
:15	24	11	35	136	101
:30	29	13	42	136	94
:45	34	16	50	136	86
1:00	44	20	64	136	72
1:15	60	28	88	136	48
1:30	84	39	123	136	13
1:45	99	46	145	136	-9
2:00	100	46	146	136	-10
2:15	98	45	143	136	-7
2:30	95	44	139	136	-3
2:45	99	46	145	136	-9
3:00	99	46	145	136	-9
3:15	17	8	25	136	111

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**ARLINGTON FUNERAL HOME
 ANTICIPATED PARKING DISTRIBUTION OF TWO
 CHAPEL SERVICES WITH DIFFERENT START TIMES
 Sandy Springs, Georgia**

Time (hours)	204-Seat Chapel (Observed)	94-Seat Chapel (Calculated)	Anticipated Total Demand	Proposed Parking Supply	Net Parking Supply
Start of service 1	18		18	136	118
:15	24		24	136	112
:30	29		29	136	107
:45	34		34	136	102
1:00	44		44	136	92
1:15	60		60	136	76
1:30	84		84	136	52
Start of service 2	99	8	107	136	29
	100	11	111	136	25
	98	13	111	136	25
	95	16	111	136	25
	99	20	119	136	17
	99	28	127	136	9
	17	39	56	136	80

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ARLINGTON FUNERAL HOME
ANTICIPATED PARKING DISTRIBUTION OF TWO
CHAPEL SERVICES WITH DIFFERENT START TIMES
Sandy Springs, Georgia

Time (hours)	204-Seat Chapel (Observed)	94-Seat Chapel (Calculated)	Anticipated Total Demand	Proposed Parking Supply	Net Parking Supply
Start of service 1		8	8	136	128
:15		11	11	136	125
:30		13	13	136	123
:45		16	16	136	120
1:00		20	20	136	116
1:15		28	28	136	108
Start of service 2	18	39	57	136	79
	24	46	70	136	66
	29	46	75	136	61
	34	45	79	136	57
	44	44	88	136	48
	60	46	106	136	30
	84	46	130	136	6
	99	8	107	136	29

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MEMORANDUM

TO: Patrice S. Dickerson, Manager of Planning & Zoning
City of Sandy Springs, Department of Community Development

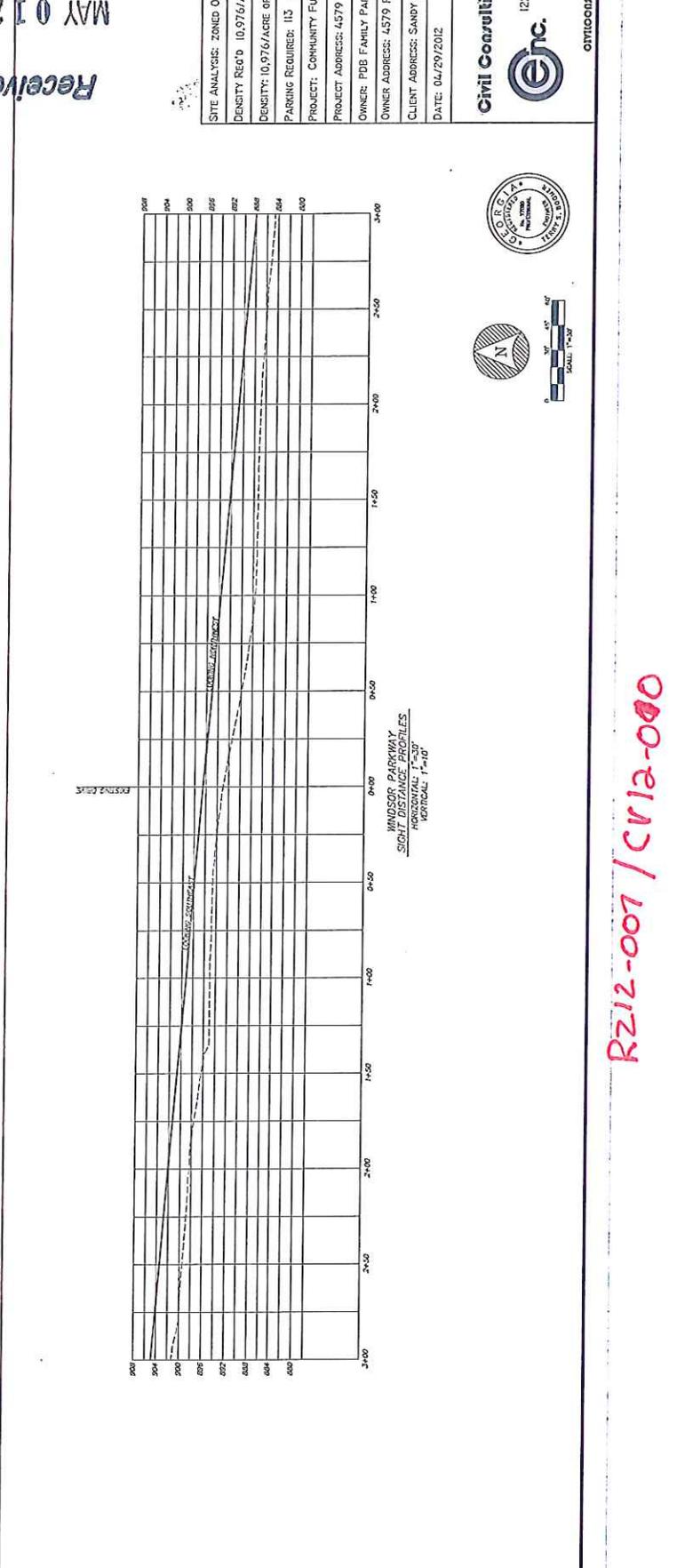
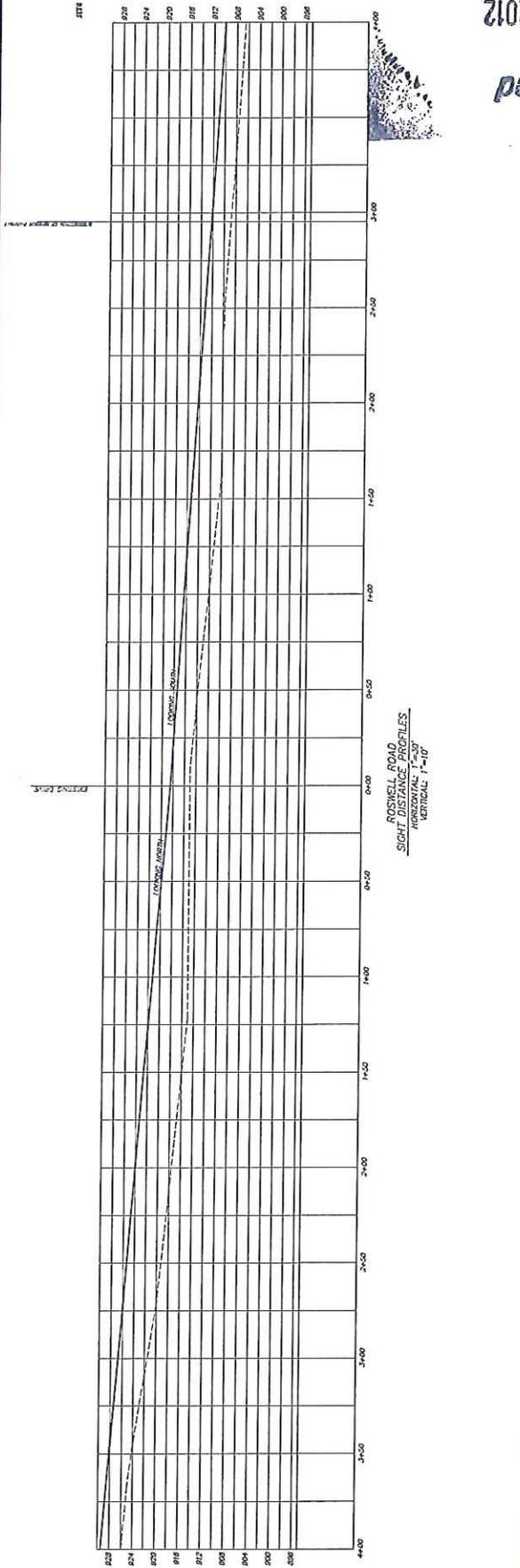
FROM: Monica Robinson, B.S., M.B.A., Environmental Planner
Department of Health Services, Office of the Director 

DATE: July 9, 2012

SUBJECT: Zoning Comments for July 2012

AGENDA ITEM	ZONING COMMENTS
RZ12-007/ CV12-010	<p>This proposed funeral home 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 the facility is served by public water and public sanitary sewer, the Fulton County Department of Health Services does not anticipate a health issue regarding water supply and sewage disposal provided that the existing internal plumbing within this facility is inspected for adequacy for the capacity and the intended use.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p>

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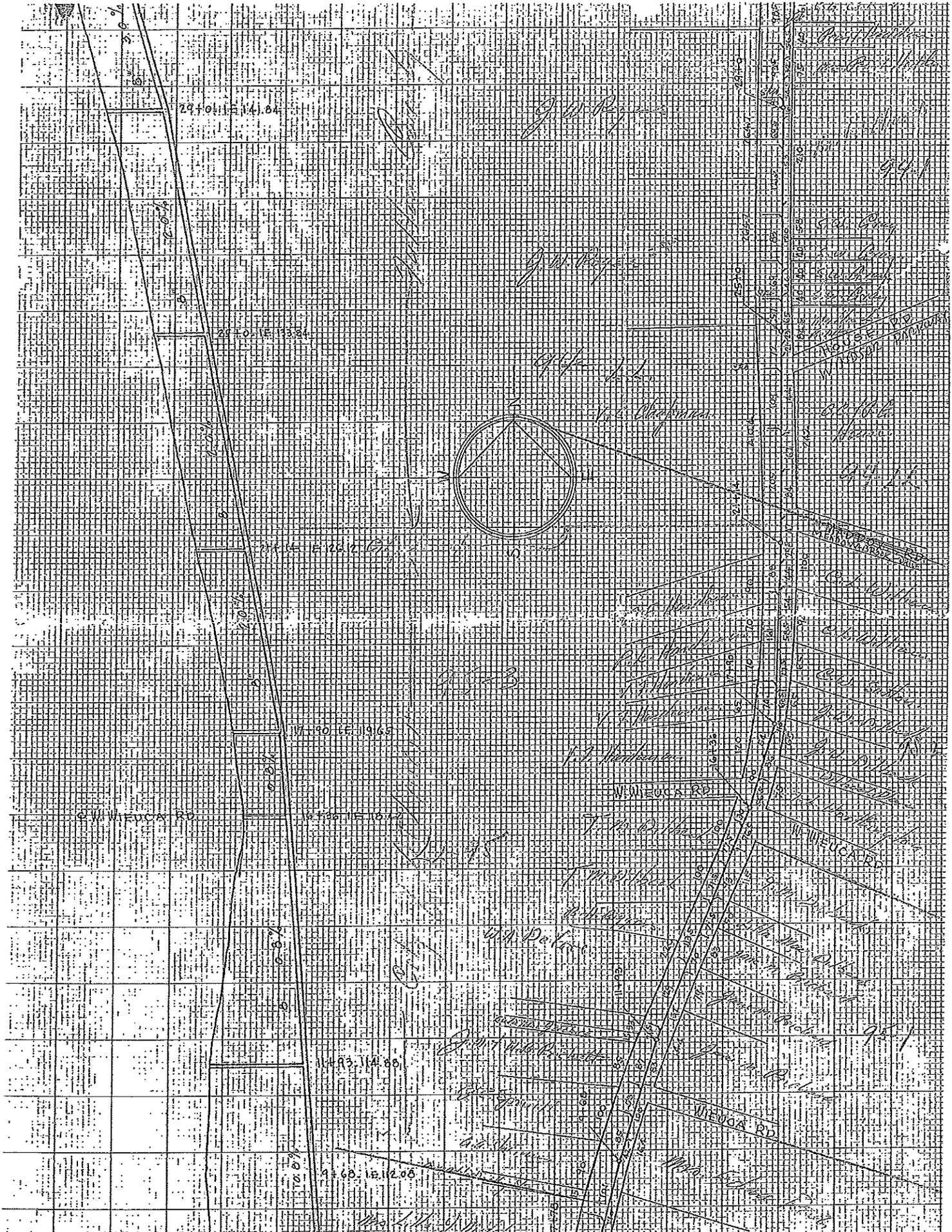
Received
MAY 01 2012
City of Sandy Springs
Community Development
Department

SITE ANALYSIS: ZONED O1-C
 DENSITY REQ'D 10.976/ACRE OR 22,500 GROSS
 DENSITY: 10.976/ACRE OR 22,500 GROSS SF
 PARKING REQUIRED: 113 PARKING PROVIDED: 89
 PROJECT: COMMUNITY FUNERAL SERVICE
 PROJECT ADDRESS: 4579 ROSWELL ROAD
 OWNER: PDB FAMILY PARTNERSHIP LLP
 OWNER ADDRESS: 4579 ROSWELL ROAD
 CLIENT ADDRESS: SANDY SPRINGS, GA
 DATE: 04/29/2012 DWG: 2012007RZ1



Civil Consulting Engineers, Inc.
 122 CEDAR WOODS TRAIL
 CANTON, GA 30114
 678-462-4072
 cecinc.com/civilengineers.net

R212-007 / CR12-040



29+011 E 14.84

20+04

27+01 E 13.84

27+01 E 13.84

11+90 E 19.65

W WIEUCA RD

17+35 E 18.12

6.87

14+93.14 80

4+68.12 12.08

94-1

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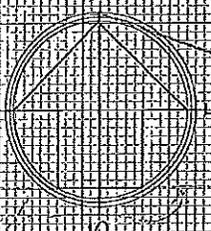
W. Chapman

95-3

95-4

ES

W. DeLore



W. DeLore

Report for Tax Digest 2010

Tax Digest

Tax Digest 2010
 Parcel Id Number 17 -0094-0001-064-6
 Property Address 4579 ROSWELL RD
 Owner Name PDB FAMILY LIMITED PARTNERSHIP LLLP
 Mailing Address 6450 ROSWELL RD
 ATLANTA GA 30328

Tax Digest Not Yet Complete
Try earlier Digests for more info

Tax District 59 (Sandy Springs)
 Market Value \$ 1,942,800
 Assessment \$ 777,120

City of Atlanta Exemption Code

Fulton County Exemption Code

Land Assessment

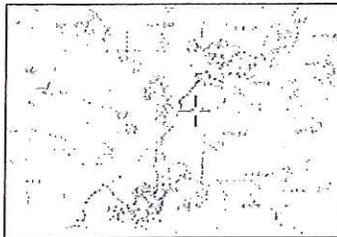
Improvement Assessment

Land Size (acres) 0.760

Property Class C3

Landuse Class 620

[More info from www.fultonassessor.org](http://www.fultonassessor.org)



Red markers indicate location of property in Fulton County

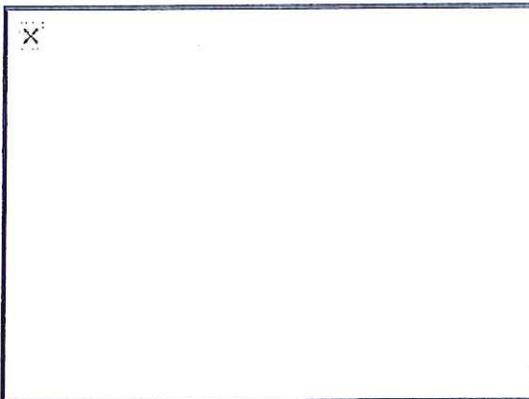
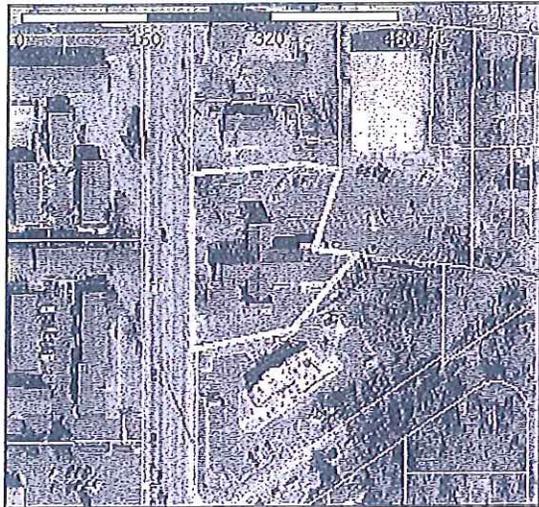
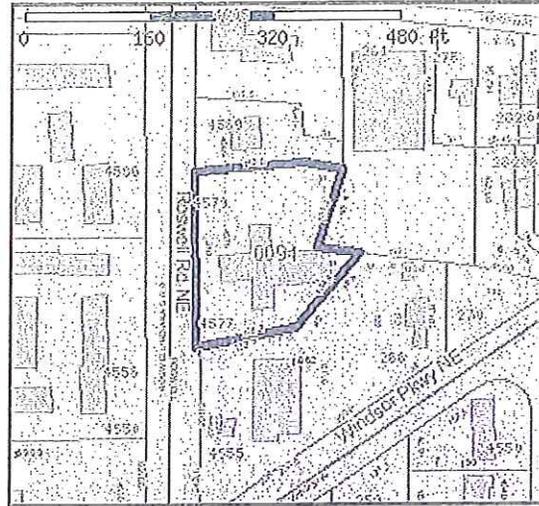


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Fulton County Board of Assessors

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JUL 02 2012

City of Sandy Springs
Community Development



click image to enlarge

Report for Tax Digest 2010

Tax Digest 2010 [v]

Tax Digest	2010
Parcel Id Number	17-0094-0001-072-9
Property Address	281 HEDDEN ST
Owner Name	PDB FAMILY LIMITED PARTNERSHIP LLLP
Mailing Address	6450 ROSWELL RD ATLANTA GA 30328

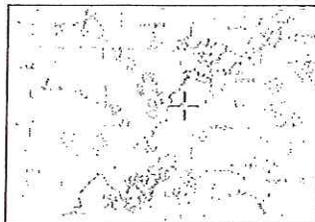
Tax Digest Not Yet Complete
Try earlier Digests for more info

Tax District	59 (Sandy Springs)
Market Value	\$ 991,900
Assessment	\$ 396,760

City of Atlanta Exemption Code
Fulton County Exemption Code

Land Assessment	
Improvement Assessment	
Land Size (acres)	0.000
Property Class	C3
Landuse Class	373

More info from www.fultonassessor.org



Red markers indicate location of property in Fulton County



Information provided by the
Fulton County Board of Assessors

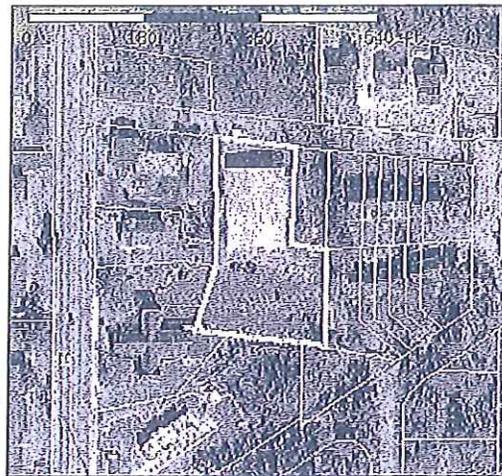
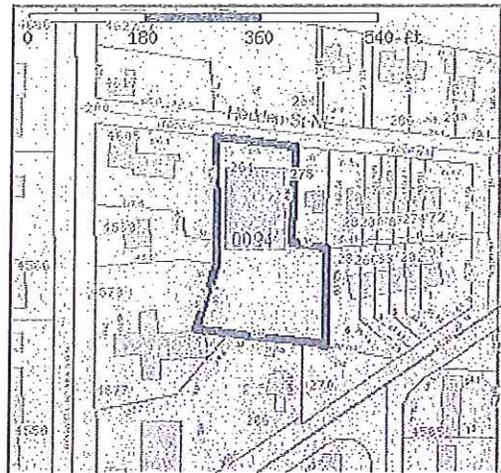


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JUL 02 2012

City of Sandy Springs
Community Development

Report for Tax Digest 2010

Tax Digest 2010

Tax Digest	2010
Parcel Id Number	17 -0094-0001-020-8
Property Address	WINDSOR PKWY
Owner Name	PDB FAMILY LIMITED PARTNERSHIP LLLP
Mailing Address	6450 ROSWELL RD
	ATLANTA GA 30328

Tax Digest Not Yet Complete
Try earlier Digests for more info

Tax District	59 (Sandy Springs)
Market Value	\$ 319,500
Assessment	\$ 127,800

City of Atlanta Exemption Code

Fulton County Exemption Code

Land Assessment

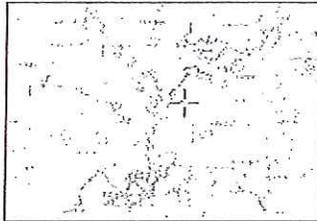
Improvement Assessment

Land Size (acres) 0.000

Property Class C3

Landuse Class 300

[More info from www.fultonassessor.org](http://www.fultonassessor.org)



Red markers indicate location
of property in Fulton County



Information provided by the
Fulton County Board of Assessors



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JUL 02 2012

City of Sandy Springs
Community Development

**PROPOSED CONDITIONS AND REVISION TO CONDITIONS OF APPROVAL
RZ12-007/CV12-010**

CFS submits the following proposed zoning conditions with respect to the Application. CFS understands that these conditions supersede the conditions imposed in RZ06-046/CV06-032. If CFS's site plan and Application are approved by the Mayor and Council as requested, CFS and the Owner agree to comply with the conditions set forth in the Staff's Report to the Planning Commission dated July 13, 2012, as revised hereinbelow:

1. a. To a Funeral Home, Art/Auction Gallery and accessory uses (expressly excluding a crematory) in the existing buildings at a density of 10,869.57 gross square feet per acre or 22,500 gross square feet, whichever is less.

3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate, to the City of Sandy Springs, sufficient right-of-way along the Roswell Road frontage of the subject property to ensure a right-of-way that measures fifty (50) feet from the centerline of Roswell Road (SR 9) to accommodate driveway reconstruction pursuant to the T-0019 capital improvement project plan adopted on (date) to ADA and Sandy Spring City Overlay standards. Said right-of-way dedication shall be platted and recorded prior to the issuance of a Certificate of Occupancy/Certificate of Completion for the building remodeling and shall be subject to the approval of the Public Works Department. Upon the dedication, the City and the owner shall enter into an encroachment agreement to allow the existing monument sign to remain in place pending the City's need to relocate the sign at a later date to accommodate such driveway reconstruction any right of way improvements. The encroachment agreement shall reflect that the owner is responsible for any relocation costs associated with the sign. The encroachment agreement shall be completed prior to the issuance of a Certificate of Occupancy/Certificate of Completion for the building remodeling and shall be subject to the approval of the Public Works Department.

 - h. To provide a landscape strip planted to buffer standards as shown on the site plan received by the Department of Community Development dated May 1, 2012 abutting property zoned TR (Townhouse Residential District) along property line S05°45'01"E 162.71' (CV06-032). With respect to the area to be replanted (recaptured green space) as shown on such site plan, to add evergreen plantings to such recaptured green space to provide additional screening from the adjacent townhome property to the east of the Property and to maintain the plantings in such area in a manner that ensures the functionality of the existing concrete drain.

 - n. To reduce the required number of parking spaces from 165 to 84 (CV12-010), subject to the following conditions which conditions shall remain intact for such period of time as (i) the uses on the property include both a funeral home and an art/auction gallery, and (ii) that certain Lease dated October 2011 between PDB Family Limited Partnership, LLLP and Community Funeral Service, LLC, as the same may be amended from time to time is in effect:
 - i. The 12,000 square foot building (Gallery) shall have the exclusive right to use twelve (12) ~~marked~~ spaces identified as "L" on Exhibit A attached

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HOLT NEY ZATCOFF & WASSERMAN, LLP

Department of Community Development
City of Sandy Springs
July 19, 2012
Page 2

| hereto (being the parking spaces immediately in front of such building
between the hours of 8:00 AM and 5:00 PM.

- ii. The 10,500 square foot building (Funeral Home) shall have exclusive right to use sixteen (16) ~~marked~~ spaces identified as "T" on Exhibit A attached hereto.
- iii. All other parking spaces on the property shall be shared spaces.
 - 1. The Gallery shall have use of the shared parking spaces for up to twelve (12) Sundays per calendar year, between the hours of 4:00 PM and 9:00 PM, but not more than once every three (3) weeks; and
 - 2. The Gallery shall have use of the shared spaces for up to thirteen (13) specific weekdays (Monday-Friday) per calendar year, between the hours of 4:00 PM and 9:00 PM, but not more than once every three (3) weeks.
- p. The owner/developer agrees to ~~relocate~~ ensure that the dumpster presently located ~~at-in the parking lot in the middle (near the southern property line) of the Property southeast corner of the property~~ as shown on the site plan received by the Department of Community Development ~~dated February 5, 2007~~ on May 1, 2012 ~~remains into~~ a location central to the property and removed from close proximity to the residential uses to the east of the property.
- s. The owner/funeral home user agrees to install and maintain attractive landscaping along the Windsor Parkway property line (S55°19'10"W 161.34') on either side of the existing asphalt drive. Such landscaping shall include an evergreen hedge or other appropriate evergreen and opaque buffer to provide screening from the street for the new pervious parking spaces to be installed as shown on the site plan received by the Department of Community Development on May 1, 2012.

Abaray, Linda

From: Dickerson, Patrice
Sent: Thursday, July 05, 2012 8:37 AM
To: Abaray, Linda
Subject: FW: Proposed Funeral Home at 4579 Roswell Rd.

Patrice

-----Original Message-----

From: Mary Alice Shinall [<mailto:mshinall@bellsouth.net>]
Sent: Wednesday, July 04, 2012 12:30 PM
To: Dickerson, Patrice; esmith@honzw.com
Subject: Proposed Funeral Home at 4579 Roswell Rd.

It was nice meeting both of you at the recent meeting concerning the funeral home. I appreciated learning more about it. I know I was emotional about the subject, but the idea of more congestion in the area is hard for me to accept. I would like to stress my dislike for the idea of additional parking near the Windsor Parkway egress. Even with the parking spaces made of environmentally friendly material, there will still be runoff. Also, I feel there is the potential for a safety issue with cars being so close to Windsor Parkway. However, with or without parking spaces, I would like to see a buffer on either side of the egress; either a continuation of the wall which is currently between Popeyes and the egress, or some type of boxwood/plant buffer. The situation right now with cars/trucks parked so close to Windsor Parkway and on the grass is not good, from a safety standpoint and from a nice Sandy Springs' neighborhood standpoint.

Thank you for your consideration of these ideas.

Mary Alice Shinall

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Abaray, Linda

From: Dickerson, Patrice
Sent: Thursday, July 05, 2012 8:35 AM
To: Abaray, Linda
Subject: FW: My concerns regarding the proposed Funeral Services

Patrice

From: Patricia CONTI [<mailto:pattyconti1@bellsouth.net>]
Sent: Tuesday, July 03, 2012 12:33 PM
To: Dickerson, Patrice; esmith@honzw.com
Cc: pattyconti1
Subject: My concerns regarding the proposed Funeral Services

Ladies,

Thank you for your time the other night. Your jobs cannot be easy dealing with so many personalities.

I just want to remind you that I am concerned about any additional building/paving/parking that may cause any additional runoff down Windsor Parkway that has already eroded my property 10 feet. Also, please remember that the Windsor Parkway access would be much better for the neighborhood if barriers were put in place to hide/buffer the businesses that are so close to our residents.

I actually do not want parking places created on the Windsor Parkway side unless they are buffered by large trees. Currently during auctions people park there and it looks tacky.

Thank you.
Patty Conti
4565 Jolyn Place
Sandy Springs, GA 30342

404-252-7503

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July 3, 2012

Mrs. Patrice S. Dickerson
City of Sandy Springs
7840 Roswell Rd, Bldg. 500
Sandy Springs, GA 30350

RECEIVED

APR 03 2012

City of Sandy Springs
Community Development

Dear Mrs. Dickerson:

Listed below are the very serious concerns of the affected neighborhoods, residential property owners, and their respective homeowners associations regarding the proposed establishment of a funeral home at 4577 Roswell Rd., Sandy Springs, GA 30342.

Parking: We understand 165 parking spaces would be required for a funeral home of this size. The current Gallery 63 auction house parking variance is for 99 spaces, and the funeral home is asking to be allowed only 84 spaces (which is half of the usual requirement and 15 spaces less than the current parking allotment.) We are very much against this as any overflow parking will spill on to the streets of Hedden and Jolyn, bringing additional commercial traffic and parking into these residential areas. If the parking variances transfer with the property, then a future sale of the property could conceivably only be required to retain the 84 spaces. What additional impact on the residential streets would this have if the property then became multiple businesses?

Due to lack of parking, Fulton County rejected the establishment of a funeral home in the building currently occupied by State Farm Insurance, 4605 Roswell Rd. at the corner of Hedden St. The building is in the same block as the proposed funeral home site.

Inadequate buffer with residential property: There are three funeral homes in the general area. These are not adjacent to residential property. In one case (Patterson's in Brookhaven), there are apartments (built after the fact) behind the funeral home, but there is a substantial, dense and deep landscape buffer in between. (Photos provided.)

Diminished property values: Included are three articles related to the effect of certain things that hurt home values. Funeral homes are listed as one of them. Coldwell Banker real estate firm issued a publication dated September 27, 2001, Neighborhood Effects on Property Values, referencing the Appraisal Institute and its opinion that "...proximity to commercial facilities such as a funeral home or power plant can lower nearby home value by as much as 15 percent." Also, the article Weird Stuff That Hurts Home Values, MSN Money, published 10/07/2011 by Liz Weston, a personal-finance writer, says "...A cemetery, funeral home or school can reduce your price, as can a landfill or power plant." A real estate company in Colorado published "Know the Value of Your Colorado Home," It states, "...Other value-busters include proximity to a cemetery, a funeral home, and even a school." (See bracketed area in the enclosed articles.)

Even if there are no recent home sales to prove this point, the perception, when heard or read enough times, becomes reality in the minds of home buyers and real estate agents alike.

Traffic: Though some have stated that traffic is not an influencing factor in determining the approval process for the funeral home establishment on Roswell Road, we strongly believe it should. Anyone can see that the current traffic conditions on Roswell Road and Windsor Parkway are severely congested at certain times of the day, and when Chastain concerts are scheduled. Even without school in session, it takes three traffic light changes to turn left from Windsor Parkway onto Roswell Road during afternoon rush hour, with cars stretching well past Hedden St., waiting to turn. On Roswell Road, traffic is backed in both directions for several minutes in the morning and afternoon (when funeral visitations are scheduled) when school buses load and unload children in front of the apartment buildings.

Steinberg Act: Georgia Law 36-67-3, also known as the Steinberg Act, requires the planners to consider several points when making a recommendation of zoning. Among them is item (4) "Whether the zoning proposal will result in a use which will or *could* cause an *excessive or burdensome* use of existing streets, transportation facilities, utilities, or schools." And (7) "Whether the zoning proposal will permit a use which can be considered *environmentally adverse* to the natural resources, environment and citizens of Fulton County. " (Full Steinberg Act included.)

We ask that the Honorable Mayor of Sandy Springs and Planning Commission take our objections to the establishment of a funeral home in our neighborhoods very seriously. We have learned through the years that after a project or business has been approved, the many reasonable and well-researched objections that we have put forth come to fruition and we are stuck with the aftermath.

Sincerely,

The Neighborhood Associations of Windsor Park Place, Windsor Place condominiums, and residents of the Jolyn Street/Meadowbrook Subdivision

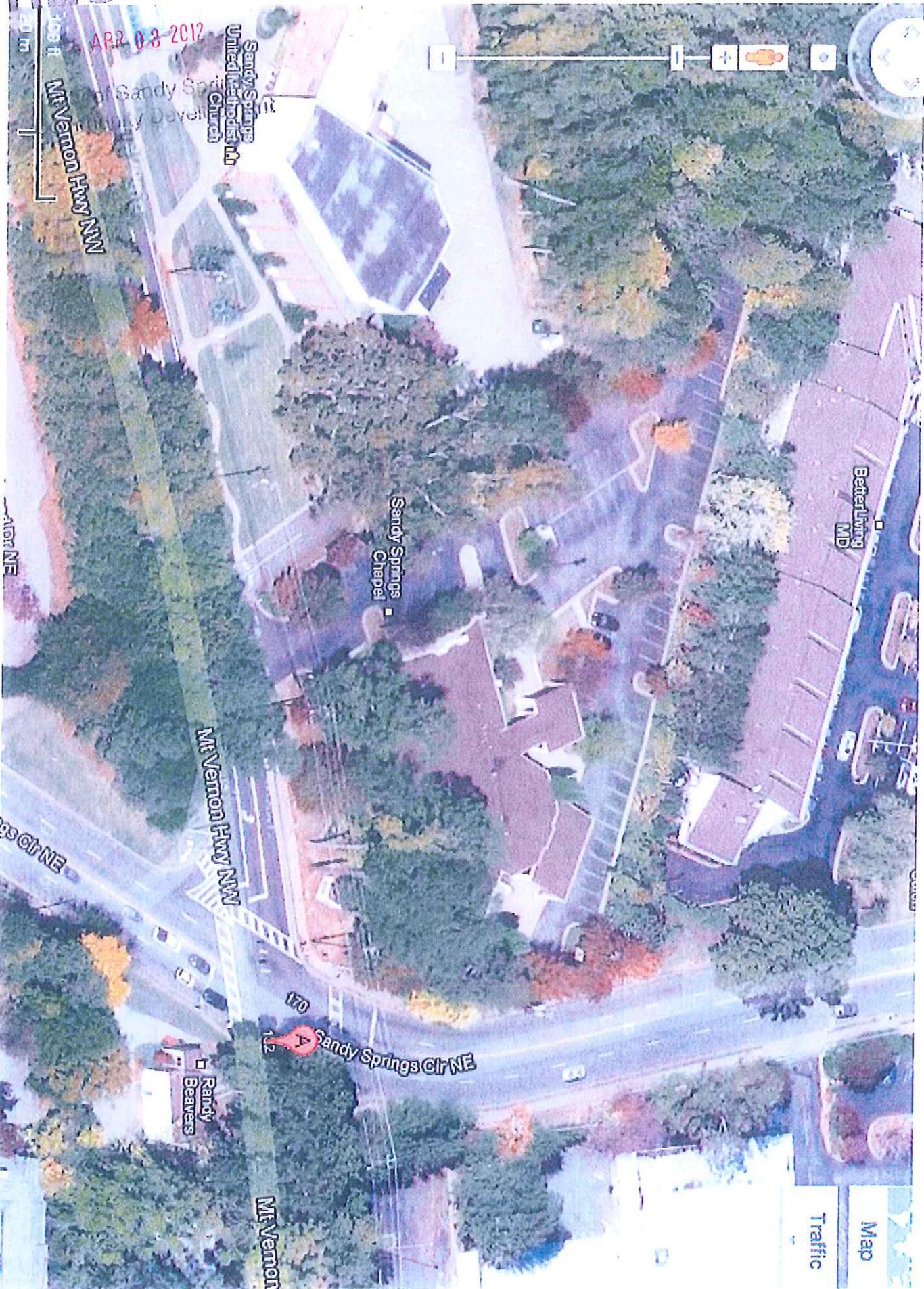


HM Patterson's on Allen Rd in Sandy Springs

target to no residential

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APR 08 2012



Sandy Springs Chapel on Mt. Vernon in Sandy Springs

segment w/ no residential

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APR 03 2012

City of Sandy Springs
Community Development

Brookhaven
Christian Church
III

HM Patterson &
Son-Geethorpe
Hill Chapel

Woodrow Way NE

Walden Drive

Map
Traffic

HM Patterson's on Peachtree in Brookhaven

dense landscape buffer between





Neighborhood effects on property values

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APR 03 2012

City of Sandy Springs
Community Development

Neighborhood effects on property values

September 27, 2011

When looking to buy a home, people may not be aware of the effect certain factors can have on home value. As much care as a homeowner can put into ensuring a property stays in good shape and maintaining a house, the neighborhood is also a factor.

According to the Appraisal Institute, a poorly kept yard or proximity to commercial facilities such as a funeral home or power plant can lower nearby home value by as much as 15 percent. Home buyers should be aware of this when looking for a home or negotiating a purchase, and may wish to consider resale as well, particularly if they do not intend to stay long.

What makes a neighborhood bad

One real estate agent told MainStreet.com a neighbor may negatively affect nearby home prices if he allows his home's outer appearance become unpleasant, allows plants to become overgrown or leaves paint peeling or partially-done on the exterior. Neighbors who have constant visitors and parked cars, make noise, have disruptive pets or otherwise make living nearby unpleasant can also have a negative effect on home value, even if some of these factors are harder to judge for prospective home buyers visiting a property.

Investopedia notes vacant homes can also lower nearby values, since they tend to fall into disrepair without residents caring for them. Even if a vacant home does not cause more serious problems, it remains unpleasant to look at if not cleaned or maintained.

Many of these problems can be spotted simply by driving through or walking around a neighborhood, Bankrate.com suggests. While it is common for a neighborhood to have some homes which are less attractive than others, or a few residents who are slightly behind on lawn care, the overall pattern can warn potential buyers.

Finding a good neighborhood

Home buyers can look for a number of factors in order to help spot good neighborhoods which will not drop their property values. Aside from nearby power plants, landfills and other unattractive facilities, closed schools are a major factor, MainStreet.com reports.

Bankrate.com suggests home buyers look for neighborhoods with access to employment, one of the major factors in home values. University towns, research facilities, government seats and locations home to creative industries tend to do well long-term. Other factors which tend to correlate with value are proximity to good schools and nearby parks.

Factors like these may be signs of good neighborhoods or reasons the area is desirable, so home buyers who do their research and learn what to look for can find a home that will stay valuable after they buy it and understand what they're

The following story was published on Thomson ONE:

Appraisal Institute

From Wikipedia, the free encyclopedia

The Appraisal Institute is a global membership association of professional real estate appraisers, with nearly 23,000 members in nearly 60 countries throughout the world. Its mission is to advance professionalism and ethics, global standards, methodologies, and practices through the professional development of property economics worldwide. Organized in 1932, the Appraisal Institute advocates equal opportunity and nondiscrimination in the appraisal profession and conducts its activities in accordance with applicable federal, state and local laws. Members of the Appraisal Institute benefit from an array of professional education and advocacy programs, and may hold the prestigious MAI, SRPA and SRA designations. Learn more at www.appraisalinstitute.org (<http://www.appraisalinstitute.org>).

Contents

- 1 Education
- 2 Members
- 3 See also
- 4 References
- 5 External links

Education

The Appraisal Institute is the acknowledged worldwide leader in residential and commercial real estate appraisal education. Its extensive curriculum of courses and specialty seminars provides a well-rounded education in valuation methodology for both the novice and seasoned practitioner.

As the world's largest publisher of real estate appraisal literature, the Appraisal Institute offers a wide range of books and other materials on subjects ranging from basic valuation theory and techniques to advanced applications. It also publishes two quarterly periodicals, *The Appraisal Journal* (<http://www.appraisalinstitute.org/taj/Default.aspx>) and *Valuation magazine* (<http://www.appraisalinstitute.org/vip/Default.aspx>), and a weekly e-newsletter, *Appraiser News Online* (<http://www.appraisalinstitute.org/ano/contents.aspx>).

Members

The majority of Appraisal Institute members are practicing real estate appraisers and property analysts who provide valuation-related services to such clients as mortgage lenders, financial institutions, government agencies, attorneys and financial planners as well as homeowners and other individual consumers. Appraisal Institute designated members have met rigorous requirements relating to education, testing, experience and demonstration of knowledge, understanding and ability. Those members holding the Appraisal Institute's MAI and SRPA designations are experienced in commercial valuation, including industrial, retail and multifamily properties. Those holding the SRA designation are experienced in residential valuation. All Appraisal Institute members adhere to a strictly enforced Code of Professional Ethics and Standards of Professional Appraisal Practice.

The following story was published on Thomson ONE:

Members have access to a variety of benefits, including insurance programs, data resources and tools, and related business materials. The Appraisal Institute also houses the Lum Library (<http://www.appraisalinstitute.org/profession/lumlibry.aspx>), which provides support for the research needs of members as well as the profession at large.

The Appraisal Institute is active in advocacy efforts on behalf of its members and the industry at large. Primarily through its Government and External Affairs office in Washington, D.C., the organization communicates regularly with legislators and regulators to encourage the adoption of appraisal policies that best serve the public interest.

See also

- International Valuation Standards Committee

References

External links

- Appraisal Institute (<http://www.appraisalinstitute.org>)
- Appraisal Institute - Find an Appraiser (<http://www.appraisalinstitute.org/findappraiser/>)
- Fact Sheets (<http://www.appraisalinstitute.org/newsadvocacy/FactSheets.aspx>)

Retrieved from "http://en.wikipedia.org/w/index.php?title=Appraisal_Institute&oldid=496544934"

Categories: Real estate in the United States | Professional valuation organisations | Valuation (finance)

| Professional valuation organisations based in Chicago, Illinois

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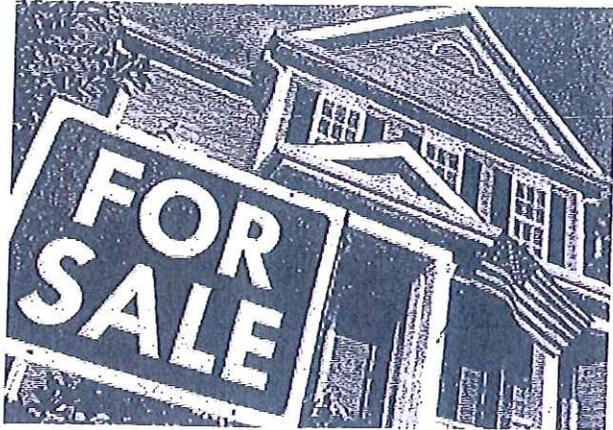
10/7/2011 6:12 PM ET | By Liz Weston, MSN Money

Weird stuff that hurts home values

All sorts of factors can diminish what your home is worth, such as the way your house compares with others in the area, your neighbors or a faulty appraisal.

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49



If you know anything about real estate, you know that location matters most.

A house in a nice neighborhood is worth more than the exact same house in a sketchy area. A good school district adds value, while struggling districts detract. A house on a quiet street is worth more than one on a busy thoroughfare.

But there are other factors that can significantly affect the value of your home that aren't so obvious. Such as:

Your house sticks out like a sore thumb. If your house is dramatically different in style or scale from its

neighbors, its value could suffer.

A contemporary-style house in a neighborhood full of colonials, for example, may not get the same value as it would if it were in a neighborhood of similarly modern homes, said Don Boucher, a senior residential appraiser in Washington, D.C.

Likewise, if your home is 3,500 square feet and neighboring homes are typically 2,000 square feet, you also won't get full value, Boucher said.



[What is the first step in buying a home?](#)



Liz Weston

"People who want a 3,500-square-foot house are generally looking in other neighborhoods," Boucher said. "People tend to congregate in homogenous groups . . . they want to be in a neighborhood with bigger homes."

This can come as a shock to someone who poured a small fortune into adding rooms or upgrading the kitchen and bathrooms far beyond the general level of the neighborhood. If you add too much square footage or "over-improve" your home, compared with your neighbors' houses, "you're not going to get your money back," Boucher said.

That's not to say your outsize or fancy home won't be appraised for more than your neighbors' houses. But you'll likely get less per square foot than comparable homes receive. When it comes to real estate, bigger isn't always better.

"It's OK to have one of the smaller homes in the neighborhood," Boucher said.

If your decorating taste veers far from the mainstream, you also could wind up with a white elephant. Painting the house bright orange or lining the driveway with David statues isn't going to help get you top dollar when it's time to sell.

You're missing a bedroom, or a family room. Here's another area where conformity pays off. It's perfectly fine to have two bedrooms, or even just one, in a hip urban neighborhood that caters to singles and childless couples.

But if your neighbors all have four bedrooms, your house should, too. If you own one of the few houses in the neighborhood that has only two or three, Boucher said, your home value might get punished for that.

Likewise, if family rooms or "great rooms" are the norm and your house doesn't have one, your appraisal could take a hit.

That doesn't necessarily mean you should spend the money to tack on a room. Most home improvements are money losers, returning less than you invest even if you sell right away. If your plan is to move within a few years, skip the remodeling, and let the next homeowner decide whether to add.

But if you're thinking of expanding your house anyway for your own enjoyment, bringing it up to the norm for the neighborhood can get you a better return when you do decide to sell.

Your house is a mash-up. Homes that are consistent in style and finish are typically worth more than those that are a hash of different influences, Boucher said. A real value killer: remodels that either don't get finished or that update only part of an area, said Daniel Fries, a senior residential appraiser in Cumming, Ga.

"If you say, 'Oh, my white appliances are fine, but I will get a stainless dishwasher,' (that's) not good" for your home's value, Fries said. "If you do renovate, do not get new counters, and keep the white appliances. (You) don't have to go nuts, but it's best to do enough so the appraiser can say 'new kitchen' or 'updated kitchen' and hope for that kitchen adjustment that could be as much as 10%, depending on how nice (the result)."

bing
What is the first step in buying a home?

Boucher recently appraised the home of a house painter who dragged home items that other people discarded in their remodels -- a corner cabinet here, an antique door there.

Some of the finds were "nice," Boucher said, but the overall impression was "a mismatch . . . the appeal of the house has to be consistent."

Your home isn't aging well. Hollywood isn't alone in being obsessed with youth. Young houses command the highest values, too. But you can boost the value of an older house by keeping up appearances.

Appraisers have a rating system that takes in both age and maintenance, Fries said.

"C1 is new, C2 almost new or any age if recently renovated, C3 well maintained with no deferred maintenance, C4 adequately maintained with some minimal repairs, C5 livable but needs help, C6 severe defects," Fries said. "So if you (have) a 15-year-old home, you want to get a C3 rating, (because) a C4 could cost you a big adjustment. . . . A well-maintained home can often bring as much as 10% more than Miss Piggy's house around the corner."



And speaking of Miss Piggy, she can cause your home value to drop if she lives too close. Read on.

Your neighbor is a problem. As I wrote in "Neighbors hurt your home's value?," neighbors who are slob can lower your appraisal by 5% to 10%. If the mess is bad enough, you might not be able to sell your house at all.

Also problematic: registered sex offenders. Those offenders living within one-tenth of a mile (about a block) can reduce home values by 9%, according to researchers at Longwood University in Farmville, Va.

Neighbors don't have to be human to hurt your home's value. A cemetery, funeral home or school can reduce your price, as can a landfill or power plant. A University of California at Berkeley study (.pdf file) showed homes within two miles of a power plant had values that were 4% to 7% lower than comparable homes farther away. Subdivisions near dumps lost 6% to 10% of their value, according to another study (.pdf file), from the Pima County, Ariz., assessor's office.

Your homeowners association is too strict -- or not strict enough. HOAs are supposed to enforce the CCRs -- codes, covenants and restrictions -- that guide how the neighborhood looks. HOAs that are too lax let the slob run down everyone's home values. But HOAs that take their jobs too seriously can make everyone miserable -- and chase away buyers.

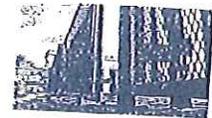
Mortgage Applications on the Rise

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10/10/11 1:50

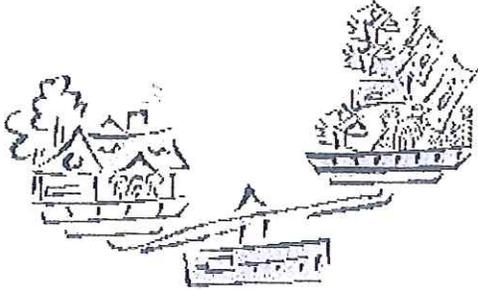
1 of 3

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APR 03 2012

City of Sandy Springs
Community Development

Know the Value of Your Colorado Home



Most folks know that location affects the value of your Colorado home. Much worth is placed on a home in a nice neighborhood or on a quiet street or with a good school district nearby.

But you also need to know the things that can decrease your home's value. These are factors that often go unnoticed until their absence hits you square in the wallet when selling your Pikes Peak property.

For example, if your home is very different on the outside from others on the street or in the neighborhood, a low appraisal value is lurking. Here are some things to consider:

- Your home is a colonial while the neighbors' homes are contemporary.
- The total square footage is more than adjacent homes—whether it was built that way or you added space.
- Your exterior decorating style is far off the beaten path. (Think purple paint.)

On the inside, count bedrooms. Having fewer of these than your Colorado Springs neighbors could decrease value. The same is true if everyone has a large family room and you don't. There should be a consistent style throughout the home rather than lots of different influences. And if you start a remodeling project, finish it. Unfinished remodels are an extremely effective way to get a lower appraisal.

Obviously younger homes come with a higher value, but a well-maintained older home will have a fighting chance at a higher amount.

Some appraisal factors you simply can't control. One is sloppy neighbors, which can lower your appraisal by 5 to 10 percent. Registered sex offenders living within a block or closer can decrease a home's value by 9 percent. If you're within two miles of a power plant, expect to be valued at 4 to 7 percent less than similar homes farther away, and nearby landfills drop value by 6 to 10 percent. Other value-busters include proximity to a cemetery, a funeral home, and even a school.

If you're part of a homeowners association (HOA), it needs to have the right balance between rule enforcement and over-the-top restrictions to have a positive effect on your appraisal.

Finally, check your original tax assessment. It could show that your Colorado property is not really the size you thought—a potential assessment issue.

While all of these factors *can* affect a home's appraisal it doesn't mean they will.

Knowing all the possibilities simply gives you the option to fix what you can to add value and to set realistic expectations when it comes time to sell.

We know all the particulars that determine a home's value. When you're ready to buy or sell a home in the Pike's Peak area, call The Roshek Group! We are ready to help you with all of your real estate needs.

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APR 03 2012

City of Sandy Springs
Community Development

Georgia Law 36-67-3, also known as the Steinberg Act, in short, requires the planners to consider the following when making a recommendation of zoning:

- (1) Whether the zoning proposal will permit a use that is *suitable* in view of the use and development of adjacent and nearby property;
- (2) Whether the zoning proposal will *adversely affect* the existing use or usability of adjacent or nearby property;
- (3) Whether the property to be affected by the zoning proposal has a *reasonable economic* use as currently zoned;
- (4) Whether the zoning proposal will result in a use which will or could cause an *excessive or burdensome* use of existing streets, transportation facilities, utilities, or schools;
- (5) Whether the zoning proposal is in conformity with the policy and intent of the *land use plan*;
- (6) Whether there are other existing or *changing conditions* affecting the use and development of the property which give supporting grounds for wither approval or disapproval of the zoning proposal;
- (7) Whether the zoning proposal will permit a use which can be considered *environmentally adverse* to the natural resources, environment and citizens of Fulton County.

RZ 2-007/CX 12-010

Neighborhood Requested Conditions

No funerals/visitations on Gallery 63 Auction days

No funerals/visitations on Gallery 63 TV Show filming days

Continue to block both Windsor Parkway and Hedden St access

Install an opaque evergreen landscape buffer in between the property and the townhomes

50 foot buffer instead of the current 25 between the property and the townhomes

Install an opaque evergreen landscape buffer on Hedden St side of property

No funeral home parking on Hedden St

Keep hearse and other funeral home vehicles concealed from view on Roswell Rd except during services

Promise that the funeral home will turn away visitations/services that would create an overflow capacity

Proper disposal of bodily fluids - meets EPA standards and any other regulation

No Gallery 63 items or junk visible from Hedden St or Roswell Rd

Remove the storage shed built in the buffer between the metal Gallery 63 building and the single family residential property next door

No parking of Gallery 63 vehicle(s) on grass on Hedden St side of property

July 1, 2012

Mayor & City Council, Planning Commission
Attention: Patrice Dickerson
City of Sandy Springs
7840 Roswell Rd.
Sandy Springs, GA 30350
Via Facsimile 770-206-1562 & US Mail

RECEIVED

JUL 09 2012

City of Sandy Springs
Community Development

Re: Re-Zoning of 4579 Roswell Rd.

Dear Mayor & City Council, Planning Commission:

In regards to the above Re-Zoning Application the High Point Civic Association would like to comment on behalf of adjoining Townhomes, Certain Hedden St. Residents, and Windsor Park Place Residents. The High Point Civic Association does not support the requested site plan for a Funeral Home as it does not provide enough parking spaces for the intended use based on current Zoning Code. The Applicant is below even the amount currently allowed for the site via a Variance. There is also serious concern about diminished property value of adjoining and near residences.

If a Re-Zoning is granted without the required parking being provided, we strongly urge the City require the following Conditions be met and where applicable be made a part of the Zoning for the site.

No funerals/visitations on Gallery 63 Auction days.

No funerals/visitations on Gallery 63 TV Show filming days.

Continue to block both Windsor Parkway and Hedden St access.

Install an opaque evergreen landscape buffer in between the property and the townhomes.

50 foot buffer instead of the current 25 between the property and the townhomes.

Install an opaque evergreen landscape buffer on Hedden St side of property.

No funeral home parking on Hedden St.

Keep hearse and other funeral home vehicles concealed from view on Roswell Rd except during services.

Promise that the funeral home will turn away visitations/services that would create an overflow capacity.

Proper disposal of bodily fluids - meets EPA standards and any other regulation.

No Gallery 63 items or junk visible from Hedden St or Roswell Rd.

Remove the storage shed built in the buffer between the metal Gallery 63 building and the single family residential property next door.

No parking of Gallery 63 vehicle(s) on grass on Hedden St side of property.

Sincerely,

High Point Civic Association

Zach Wilson, President

A handwritten signature in blue ink, appearing to read 'Julian Thome', written in a cursive style.

Julian Thome, Zoning Chair

July 5, 2012

Mrs. Patrice S. Dickerson
City of Sandy Springs
7840 Roswell Rd., Bldg. 500
Sandy Springs GA 30350

RECEIVED
JUL 05 2012
City of Sandy Springs
Community Development

Dear Mrs. Dickerson:

You received on Tuesday, July 3, 2012, some very serious concerns of the affected neighborhoods, residential property owners and the respective Homeowners Associations that abut the proposed allowance of a Funeral Home to operate at 4577 Roswell Rd., Sandy Springs GA 30342.

As the closest residential neighbors and Association to this proposed venture, we would like to add to these concerns with the following:

1. **Parking:** In the past, another Funeral Home's request to be allowed to go in at Roswell and Hedden St. was effectively fought, and petition was denied by the then Fulton County Commissioners. They, as well, did not have a plan for ample parking spaces. The petitioner in this current case, Brooks Cowles, has stated that he will "turn away" requests for any funeral that is too large for his facility and the parking there. When asked how he could know how large a funeral is, his reply was that they know and they ask the family. We ask you, how can they or any bereaved family know exactly how many people will show up at a funeral? Are they there by invitation only, RSVP-ing? We firmly believe that parking will be an issue if this is allowed.

We also question whether any business would willfully "turn away customers" that support them. Case in point: we are currently experiencing, during all recent Auctions of Gallery 63, consistent overflow parking of vehicles on the right-of-way behind our fences on Windsor Pkwy, parking on Hedden St. as well as Jolyn, and they are now being directed to nearby shopping areas. There was no occurrence of this before Gallery 63 became a popular TV program, and they obviously had no idea how "popularity" would affect them, but we can assure you they are not turning away business. Even now, how do they/can they, determine how many people will show up at each auction? We would expect the same to occur during a funeral of a deceased person who was more popular than the family/Funeral Director anticipated.

2. **Inadequate Buffers with Residential Property:** Proper buffers have never been adequately put in or maintained between our residences, the neighborhood and Gallery 63. We had to get the City of Sandy Springs involved just to even initiate what is now installed between us and Gallery 63. Promises were made and personal agreements were negotiated, some of which never took place. What assurance do we have, if this new business is allowed to operate, that the same

thing will not happen? We are not an Association with unlimited funds, and the fact that we would have to resort to legally enforce any personal agreements is not something we would relish. We do not wish to be put in this position by our city government's decision on this matter.

3. Diminished Property Values and Reduced Property Tax Revenue: Sandy Springs and Fulton County are now currently experiencing reduced revenues as a result of the Real Estate Market. Any further reductions will also be reflected in those revenues.

We have polled Realtors for their opinion of the effect of property values of homes located next to and near Funeral Homes/Cemeteries, in their experience (empirical evidence, which is based on observations and experience.) Cemeteries were included in the poll, as there are so few Funeral Homes in this area that about Residential Homes, (except in areas not similar to ours or the one provided by the applicant, in Newnan.) Both involve close proximity to dead people and death, and the perception people have in living near that.

All responding Realtors, who are experts in the Real Estate Industry by profession, have dealt with some Buyers who shied away from these types of properties. They basically said that these businesses, in essence, can narrow the "Buyer Pool" for a Seller, and many felt the proximity can also affect the time on the market, dollar amount of the sale and percentage off of potential sale price. In today's market, it's obvious that anything that narrows a "Buyer Pool" is detrimental to a Homeowner/Seller and the community they reside in.

Also, there are some cultures, religions, beliefs and ways of living that avoid a property that is located close to anything associated with death. Contrary to what Mr. Cowles' attorney stated at our last meeting concerning some of the cultural Buyers, we do not agree with her that they would not even consider buying in this location, but would instead buy in another particular area of Metro Atlanta.

In addition to potential Buyers, we and our close neighbors, will be the ones that will daily live in our homes with the mental anguish of passing by, looking at, and living next to reminders of death, dying and sadness, knowing there is a dead body next door. We will be forced to watch the processions of funerals of bereaved family members and friends, regardless of our culture, religion, etc. Not exactly what you might call quiet enjoyment of our homes.

- 4. Traffic:** We do believe that effects on traffic should be taken into consideration. Yes, this is Roswell Road, but it is already very congested, and the time traffic is held up by a funeral procession will have effects that linger long past the time the procession has finally made its way on to the cemetery. Just follow a school bus

on Roswell Road or be caught at the Windsor Pkwy traffic light having to let a procession pass, to see that effect. Have any of you experienced that in this immediate area? We have.

5. **Environmental Issues – Steinberg Act:** We, as the closest Residences, are greatly worried about the fact that a Funeral Home puts bodily waste (blood, etc.) down the sewer, as well as embalming fluids and formaldehyde. Yes, the EPA has guidelines for this, but in the case of a sewer back-up (which occurred twice at Wieuca Animal Clinic in 2008 and 2011) we are not comfortable with the chance that, since such a backup is always a possibility in our homes, we will be subjected to worse horrors than sewage. We are all “downstream” from this proposed business. With a Funeral Home upstream of us we could incur, in addition to everything else, an exposure to blood in the sewer. That blood can possibly carry more diseases, such as HIV and hepatitis. Morticians are required to get hepatitis vaccines – should we all get one as well in case our sewer backs up? In addition, there must be venting of the air containing formaldehyde out of the embalming room – as close neighbors, we will be breathing this as well.
6. **Roswell Road “Harmony:”** In 2009, the Design Review Board set the standard for “Main Street” Sandy Springs. In these standards, a funeral home as a business is prohibited.

These same standards should also apply to the “Gateway Areas.” Windsor Pkwy/Hedden Street is named the southern “Gateway.” Roswell Road has never been a “pretty sight.” As you are aware, there are currently plans in place for a development which could really clean up some of the “junkiness” of Roswell Road, right on the other side of the street. Does the envisioned “Gateway” from Buckhead to Sandy Springs include a fast food restaurant, funeral home and auction house that does not adhere to code and neighborhood agreements, across the street from a truly well planned development? We don’t believe it should, and we certainly don’t believe that is what we envisioned the City to become when we elected to form our own City.

We ask you to please take our opposition to this matter seriously. We are the ones that will have to daily live with and be affected by the whims of a neighboring business owner. That business owner and his Tenant can probably go to their homes at night and sleep soundly, with no possibility of having to live with a similar scenario.

Please remember: We are the “Gateway” to the residential neighborhood that is part of the “Gateway of Sandy Springs.”

Thank you so much in advance for your consideration!

Windsor Buckhead Homeowners Association

RZ'2-007/CX12-010

Neighborhood Requested Conditions

No funerals/visitations on Gallery 63 Auction days

No funerals/visitations on Gallery 63 TV Show filming days

Continue to block both Windsor Parkway and Hedden St access

Install an opaque evergreen landscape buffer in between the property and the townhomes

50 foot buffer instead of the current 25 between the property and the townhomes

Install an opaque evergreen landscape buffer on Hedden St side of property

No funeral home parking on Hedden St

Keep hearse and other funeral home vehicles concealed from view on Roswell Rd except during services

Promise that the funeral home will turn away visitations/services that would create an overflow capacity

Proper disposal of bodily fluids - meets EPA standards and any other regulation

No Gallery 63 items or junk visible from Hedden St or Roswell Rd

Remove the storage shed built in the buffer between the metal Gallery 63 building and the single family residential property next door

No parking of Gallery 63 vehicle(s) on grass on Hedden St side of property

Neighborhood Requested Conditions • August 2012

(regarding the proposed Funeral Home at 4577 Roswell Rd, Sandy Springs)

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No funerals/visitations on Gallery 63 Auction days

AUG 07 2012

No funerals/visitations on Gallery 63 TV Show filming days

City of Sandy Springs
Community Development

Continue to block both Windsor Parkway and Hedden St access

Install a dense, opaque evergreen landscape buffer in between the property and the townhomes

Increase the current 25 ft buffer to 50 ft between the property and the townhomes

Install a dense, opaque evergreen landscape buffer on Hedden St side of property

No funeral home parking on Hedden St

No parking on grass on Hedden St side of property, facing Roswell Rd or bordering Windsor Parkway

Keep hearse and other funeral home vehicles concealed from view on Roswell Rd except during services

Promise that the funeral home will turn away visitations/services that would create an overflow capacity

Proper disposal of bodily fluids - meets EPA standards and any other regulation

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