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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** July 10, 2012

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** **ZM12-003/CV12-008** - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To modify the site plan approved under Z65-0020 to allow creation of an outparcel, with concurrent variances

**MEETING DATE:** For Submission onto the July 17, 2012, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
Zoning Modification Petition

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APPROVAL BY CITY MANAGER:  APPROVED

\_\_\_\_\_ NOT APPROVED

PLACED ON AGENDA FOR: 7/17/2012

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES (  ) NO

CITY ATTORNEY APPROVAL: 

REMARKS:

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development



Date: July 5, 2012 for submission onto the July 17, 2012 City Council meeting

Agenda Item: **ZM12-003/CV12-008 8610 Roswell Road**, a request to delete any and all Site Plans for the Shopping Center portion of application Z65-0020 and substitute and place in lieu thereof the Site Plan, filed by the owner/applicant, received by the Department of Community Development on April 4, 2012 and requesting one (1) concurrent variances.

***CMO (City Manager's Office) Recommendation:***

**APPROVAL CONDITIONAL** of the request to request to delete any and all Site Plans for the Shopping Center portion of application Z65-0020 and substitute and place in lieu thereof the Site Plan, filed by the owner/applicant, received by the Department of Community Development on April 4, 2012.

***Background:***

The site is located on the west side of Roswell Road, about 865' north of the intersection of Hightower Trail and Roswell Road. The property is zoned CUP (Community Unit Plan District) conditional under Fulton County zoning case Z65-0020. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

***Discussion:***

The applicant is requesting to delete any and all Site Plans for the Shopping Center portion of application Z65-0020 and substitute and place in lieu thereof the Site Plan, filed by the owner/applicant, received by the Department of Community Development on April 4, 2012 and requesting one (1) concurrent variances.

1. To the site plan received by the Department of Community Development dated April 4, 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. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. (ZM12-003)
2. To delete the required ten (10) foot landscape strip adjacent to the newly formed northern property line(s) of the proposed outparcel to allow for a new sidewalk and an existing sign as indicated on the Site Plan received by the Department of Community Development on April 4, 2012. (CV12-008 #1)

***Concurrent Review:***

The staff held a Focus Meeting on May 2, 2012 at which the following city departments provided comments:

- Building and Development Division
- Fire Department
- Transportation Division
- Code Enforcement

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

- Atlanta Regional Commission
- Fulton County Department of Planning and Community Services (*comments received*)
- Fulton County Board of Education

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



**Zoning Modification Petition No. ZM12-003/CV12-008**

**HEARING & MEETING DATES**

<b>Community Zoning Information Meeting</b> April 24, 2012	<b>Design Review Board</b> April 24, 2012	<b>Mayor and City Council Hearing</b> July 17, 2012
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**APPLICANT/PETITIONER INFORMATION**

<b>Property Owner</b>	<b>Petitioner</b>	<b>Representative</b>
Najco, Inc.	Christian Brothers Automotive Corporation	SDG Engineering

**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	8610 Roswell Road (SR 9) Land Lot 363, District 6
<b>Council District</b>	2
<b>Frontage and Area</b>	430 feet of frontage along Hightower Trail and 320 feet of frontage along Roswell Road. The subject property has a total area of approximately 11.90 acres (518,364 square feet).
<b>Existing Zoning and Use</b>	CUP (Community Unit Plan District) conditional under zoning case Z65-020 and currently developed with a shopping center.
<b>Overlay District</b>	Suburban District
<b>2027 Comprehensive Future Land Use Map Designation</b>	Commercial (C), Node 14: Northeast Corner of Roswell Road and Dunwoody Place Intersection.
<b>Proposed Use</b>	Retail and Service Commercial

**INTENT**

**MODIFICATION OF CONDITIONS OF PETITION Z65-020 (APPROVED BY THE FULTON COUNTY BOARD OF COMMISSIONERS ON JUNE 2, 1965), WITH CONCURRENT VARIANCE**

The applicant intends to delete any and all Site Plans for the Shopping Center and substitute and place in lieu thereof the Site Plan, filed by the owner/applicant, received by the Department of Community Development on April 4, 2012.

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

1. Variance from Section 4.23.1 of the Zoning Ordinance to encroachment into the required ten (10) foot landscape strip adjacent to the newly formed northern property line(s) of the proposed outparcel to allow for a new sidewalk and an existing sign as indicated on the Site Plan received by the Department of Community Development on April 4, 2012.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**ZM12-003 - APPROVAL CONDITIONAL  
CV12-008 - APPROVAL CONDITIONAL**

**DESIGN REVIEW BOARD**  
**ZM12-003 - RECOMMENDED CONDITIONAL**  
**CV12-008 - RECOMMENDED CONDITIONAL**

At the April 24, 2012 meeting the Design Review Board recommended Approval (3-1, Porter, Landeck, and Ealick-Anderson for; Richard Against; Mobley and Gregory absent; Lichtenstein not voting.)

**Location Map**

**8610 Roswell Road (SR 9)**



**BACKGROUND**

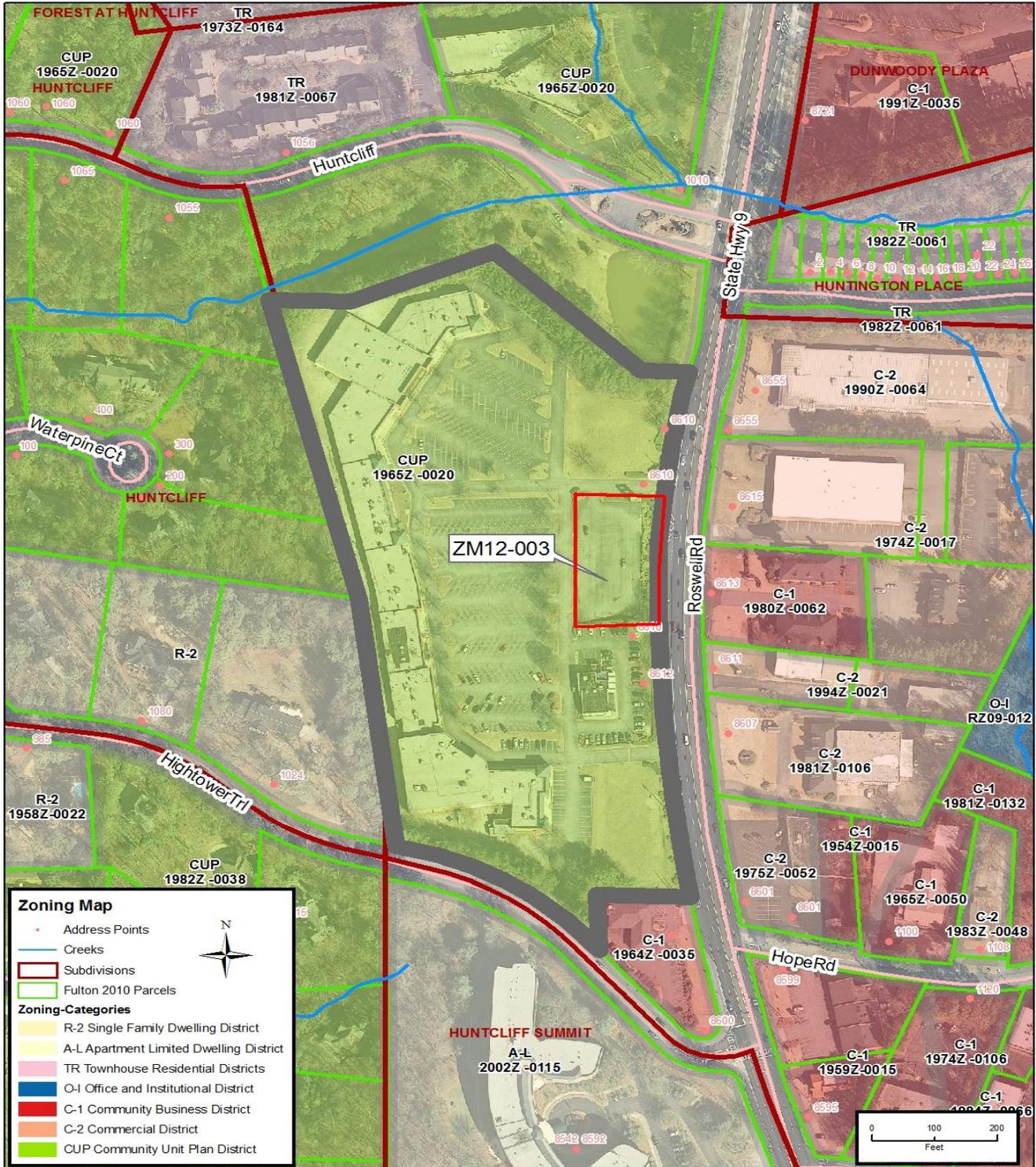
The site is located on the west side of Roswell Road, about 865' north of the intersection of Hightower Trail and Roswell Road. The property is zoned CUP (Community Unit Plan District) conditional under Fulton County zoning case Z65-0020. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

<b>SUBJECT PETITION ZM12-003/CV012-008</b>	<b>Proposed Use</b>	<b>Land Area (Acres)</b>	<b>Square Footage</b>	<b>Density (Square Footage per Acre)</b>	
	Automotive Garage	0.56	4,900 S.F.	8,750 S.F./Acre	
<b>Location in relation to subject property</b>					
<b>Location in relation to subject property</b>	<b>Zoning</b>	<b>Use</b>	<b>Land Area (Acres)</b>	<b>Square Footage or Number of Units</b>	<b>Density (Square Feet or Units Per Acre)</b>
North	CUP Z65-0020	Huntcliff Homes Association Office	3.43	1,200 s.f.	349.85 s.f./ac
East	C-2 Z90-0064	Commercial	3.45	30,000 s.f.	8,695.65 s.f./ac
East	C-2 Z74-0017	Children's Wish Foundation	1.65	21,500 s.f.	13,030.30 s.f./ac
South	CUP Z65-0020	Loehmann's Shopping Center	12.45	83,800 s.f.	6,730.92 s.f./ac
West	CUP Z65-0020	Loehmann's Shopping Center	12.45	83,800 s.f.	6,730.92 s.f./ac

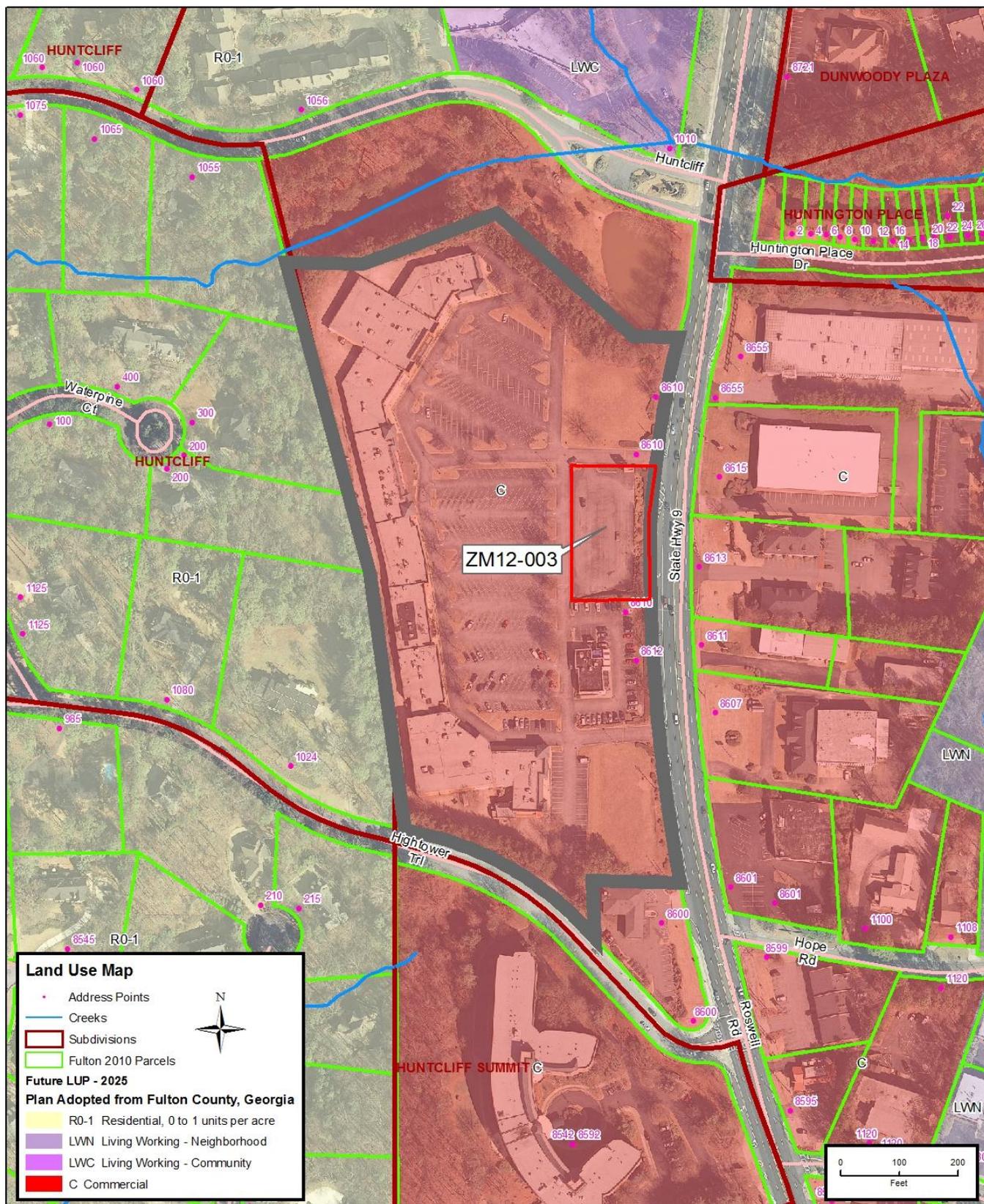
# Zoning Map

## 8610 Roswell Road (SR9)



# Future Land Use Map

## 8610 Roswell Road (SR9)





The subject property looking south



Subject Property looking west



Subject Property



Property to the east



Property to the north

## APPLICANT'S INTENT

The applicant is requesting to delete any and all Site Plans for the Fulton County zoning case Z65-0020 (Loehmann's Shopping Center) and substitute and place in lieu thereof the Site Plan, filed by the owner/applicant, received by the Department of Community Development on April 3, 2012.

*The staff is of the opinion that the applicant's request to modify the site plan would be in harmony with the intent of the zoning ordinance and will not adversely effect adjacent or nearby properties. The request would comply with the Future Land Use guidelines. Therefore, the staff recommends **APPROVAL CONDITIONAL** of this modification request.*

## 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 one (1) concurrent variance as follows:

Variance from Section 4.23.1 of the Zoning Ordinance to encroachment into the required ten (10) foot landscape strip adjacent to the newly formed northern property line(s) of the proposed outparcel to allow for a new sidewalk and an existing sign as indicated on the Site Plan received by the Department of Community Development on April 4, 2012.

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 requests are in harmony with the intent of the Zoning Ordinance and the proposal would not be a detriment to the public. The northern property line is adjacent to an existing driveway to the shopping center and allowing the encroachment would provide inter-parcel access to the center. Also, the sign encroachment is for the existing shopping center sign to remain in it's current location. The Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the variances to delete the required ten (10) foot Landscape Strip along the northern property line as shown on the Site Plan, filed by the owner/applicant, received by the Department of Community Development on April 4, 2012.*

<b>DEPARTMENT COMMENTS</b>
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The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on May 2, 2012 at which the following departments commented:

Sandy Springs Landscape Architect/ Arborist	<ul style="list-style-type: none"> <li>▪ If the MCC decides to approve the application it could be conditioned to install the trees that would have originally been installed in the parking lot in other areas to shade the parking lot and the landscape strip still meet the minimum tree and shrub requirements.</li> </ul>
Sandy Springs Transportation Planner	<ul style="list-style-type: none"> <li>▪ Public Works has reviewed the rezoning petition and advises that the applicant should extend the internal sidewalk along the entire frontage to the rear property line.</li> </ul>
Georgia Department of Transportation	<ul style="list-style-type: none"> <li>▪ There are no GDOT requirements that need to be addressed at this time.</li> </ul>

The staff has not received any additional comments from the Fulton County Board of Education or the Fulton County Emergency Services Department.

**STAFF RECOMMENDATION**

The staff recommends **APPROVAL** of the zoning modification request. However, should the Mayor and City Council decide to approve the request, the staff recommends that the conditions of Fulton County zoning case Z65-0020 be modified to be read as follows. Where these revisions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the site plan received by the Department of Community Development dated April 4, 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. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. (ZM12-003)
2. To delete the required ten (10) foot landscape strip adjacent to the newly formed northern property line(s) of the proposed outparcel to allow for a new sidewalk and an existing sign as indicated on the Site Plan received by the Department of Community Development on April 4, 2012. (CV12-008 #1)

**Attachments**

Letters of Intent dated received April 4, 2012

Site Plans received April 4, 2012

Letter Fulton County Dept. of the Planning and Community Services dated received May 9, 2012



# Christian Brothers

AUTOMOTIVE

RECEIVED

APR 04 2012

City of Sandy Springs  
Community Development  
2M12-003

From: Christian Brothers Automotive Corporation  
15995 N. Barkers Landing, #145  
Houston, TX 77079

To: City of Sandy Springs

RE: Letter of Intent - Christian Brothers Automotive

It is our hope that following your review of our intent we will be granted permission to continue the development process. Thank you for your time and consideration.

#### Architecture:

All plans, specifications, and uses will be in compliance with local code, ordinances and are in keeping with the neighboring developments or higher in standard. Variances will be addressed on case by case basis with City Staff and Reviewing Agencies.

The artist's rendering below is an exact representation of our standard prototype.



**Nice difference.**

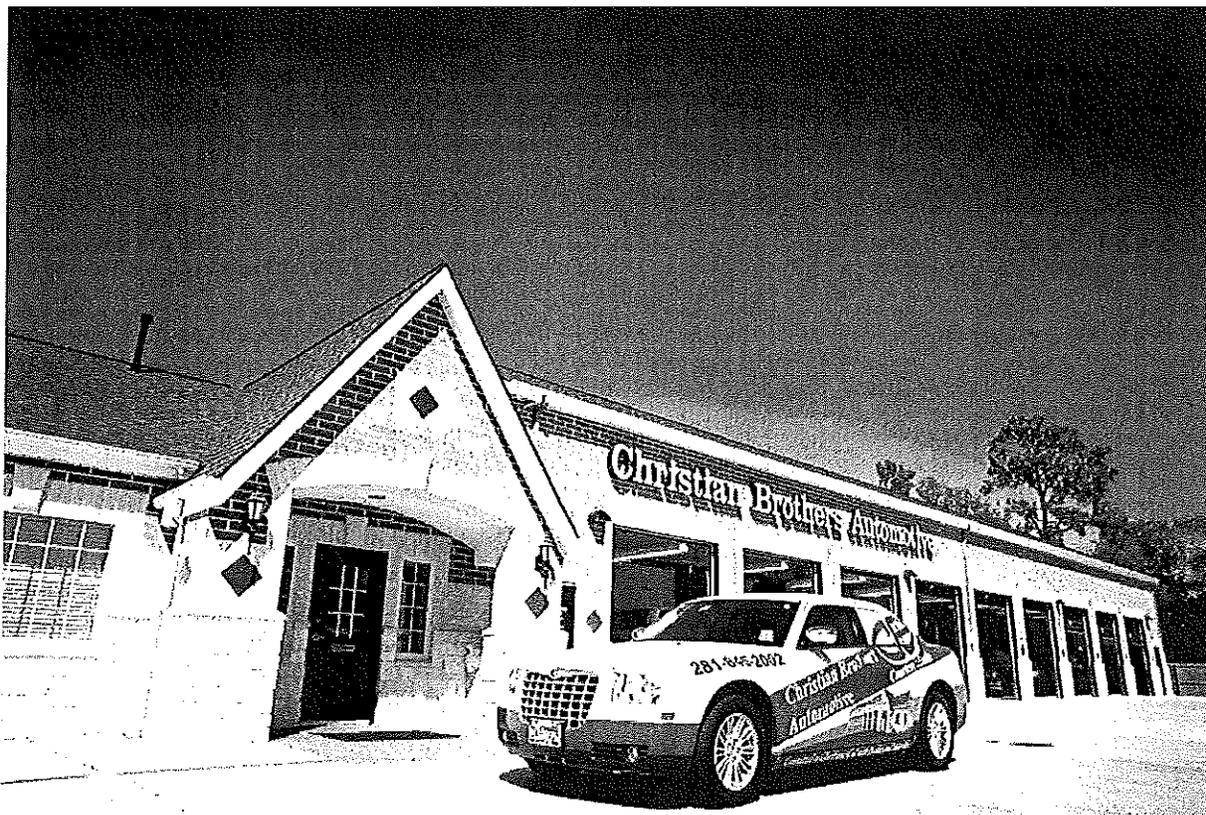
15995 N. BARKERS LANDING RD., SUITE 145, HOUSTON, TX 77079 • 281.870.8900 •  
CHRISTIANBROTHERSAUTO.COM



# Christian Brothers

Automotive

This finished store is 100% representative of our standard prototype.



## Hours of Operation and Standard Procedures

Unlike most other light automotive service facilities, Christian Brothers keep a more conservative schedule. We open at 7 am and close no later than 7 pm, Monday through Friday. All vehicles left overnight are stored within our secure bays for customer peace of mind and insurance parameters. We do not do tire work or body repair. These two activities are major noise and storage generators and are not a component of our scope of work.

Additionally, work designated as Heavy Vehicle Services are not a major component of our scope of work, comprising less than 2% of all work performed. Typically this level of service is only offered if a vehicle is brought to us in an unsafe or otherwise terminal condition. In the majority of cases, the customer will be referred to a specialist auto repair facility.

**Nice difference.**

15995 N. BARKERS LANDING RD., SUITE 145, HOUSTON, TX 77079 • 281.870.8900 •  
CHRISTIANBROTHERSAUTO.COM



# Christian Brothers

Automotive

The business is manned by 3 to 4 employees and the owner / franchisee.

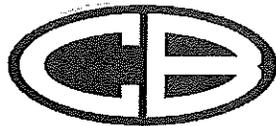
The City of Sandy Springs will find that we operate our stores to the highest possible standards. Our shop floors are cleaned with a Zamboni style machine and no pollutants are ever released into the environment. All automotive fluids are contained in federal and state compliant EPA containment vessels.

Working Interior Photos



**Nice difference.**

15995 N. BARKERS LANDING RD., SUITE 145, HOUSTON, TX 77079 • 281.870.8900 •  
CHRISTIANBROTHERSAUTO.COM



# Christian Brothers

AN AUTOMOTIVE

Office Interior



Summary:

Based on architecture alone, we are essentially a small cottage with a nine car garage. Our footprint is very non-intrusive and fits well with any neighboring residential. We truly believe our development brings a unique experience to the automotive repair arena. Since our lobby and reception more closely resemble something you would find in a doctor's office, the maintenance and conditioning process becomes less threatening to people of all walks of life.

It is our hope that The City of Sandy Springs and its citizens will truly appreciate our presence and will find us to be a valued member of the community.

Thank you,

Jonathan Wakefield  
CBAC Director, New Store Development

**Nice difference.**

15995 N. BARKERS LANDING RD., SUITE 145, HOUSTON, TX 77079 • 281.870.8900 •  
CHRISTIANBROTHERSAUTO.COM

GA WE 1016  
GRID

**LEGEND**  
SYMBOLS AND ABBREVIATIONS

C	PROPERTY CORNER WITH MONUMENT
O	PROPERTY CORNER WITHOUT MONUMENT
□	GRATE INLET
CB	CATCH BASIN
RAW	RIGHT OF WAY
DB	DEED BOOK
PL	PLAT BOOK
PG	PAGE
FC	FACE OF CURB
POB	POINT OF BEGINNING
⊙	ELECTRIC UTILITY POLE
⊙	WATER VALVE
⊙	WATER METER
⊙	FIRE HYDRANT
NTS	NOT TO SCALE
N/F	PRESENT OR FORMER OWNER
UGC	UNDERGROUND COMMUNICATION CABLE
UGE	UNDERGROUND ELECTRIC
OHE	OVERHEAD ELECTRIC
SSE	SANITARY SEWER EASEMENT
RCP	REINFORCED CONCRETE PIPE
⊙	SANITARY SEWER MANHOLE
CMP	CORRUGATED METAL PIPE
⊙	CRATE INLET
IP	IRON PIN SET
IFP	IRON PIN FOUND
NLF	NAIL FOUND

**LEGEND**  
LINE TYPES

---	ADJOINER PROPERTY LINE
---	UNDERGROUND ELECTRIC
---	SANITARY SEWER
---	OVERHEAD POWER LINE
---	WATER LINE
---	UNDERGROUND COMMUNICATION LINE
---	RIGHT OF WAY

Received

APR 04 2012

City of Sandy Springs  
Community Development  
Department

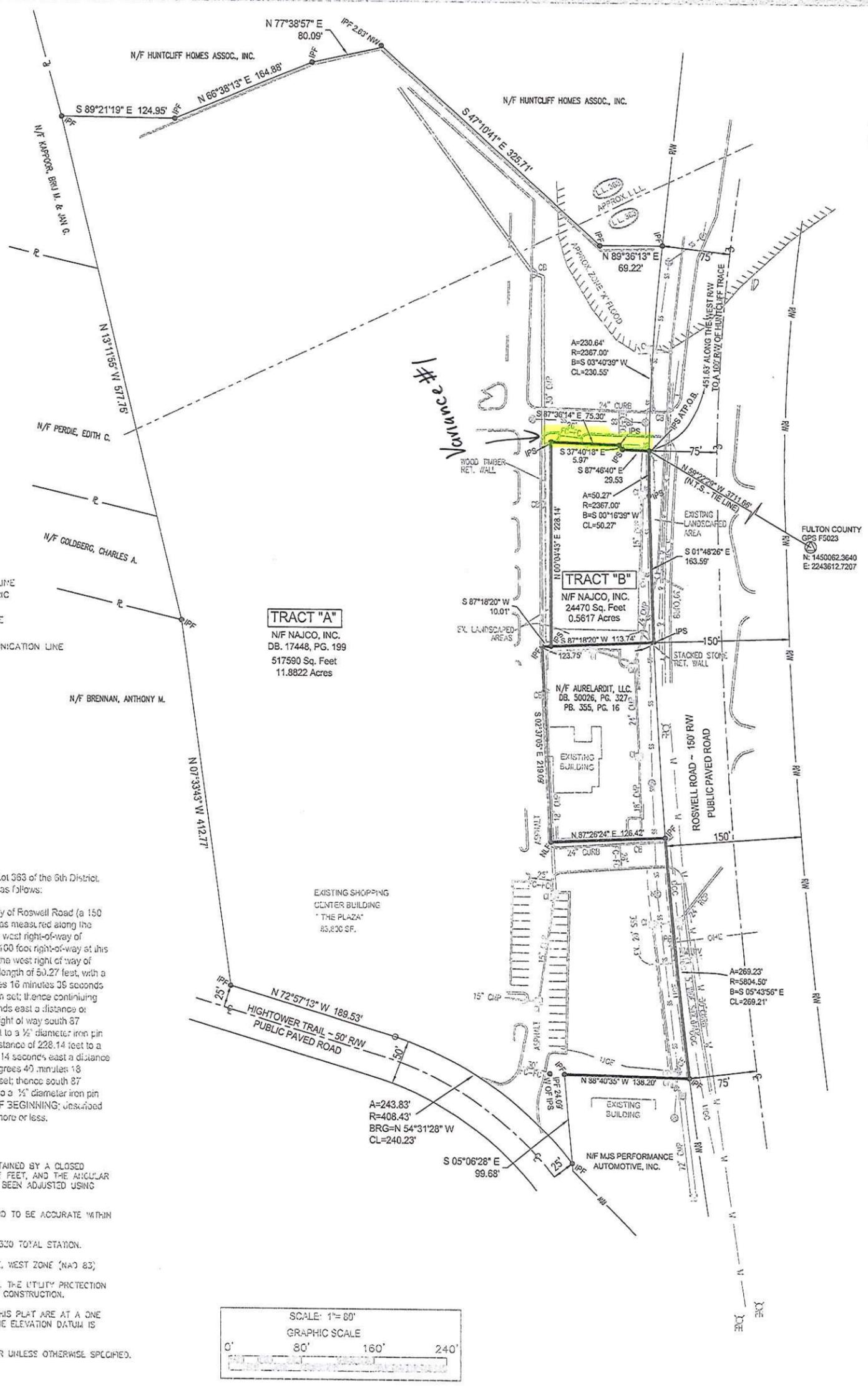
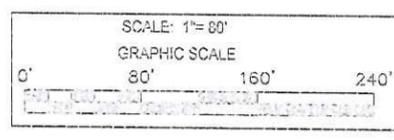
**WRITTEN DESCRIPTION OF TRACT "B":**

All that tract or parcel of land lying and being located in Land Lot 363 of the 6th District, Fulton County, Georgia and being more particularly described as follows:

Beginning at a 1/2" diameter iron pin set on the west right-of-way of Roswell Road (a 150 foot right-of-way at this point) a distance of 451.63 feet south, as measured along the west right-of-way of Roswell Road, from the intersection of the west right-of-way of Roswell Road with the south right-of-way of Huntcliff Trace (a 100 foot right-of-way at this point); thence running southerly along a curve to the left and the west right-of-way of Roswell Road and following the curvature thereof, with an arc length of 50.27 feet, with a radius of 2367.00 feet, with a chord bearing of south 00 degrees 16 minutes 39 seconds west, with a chord length of 50.27 feet to a 1/2" diameter iron pin set; thence continuing along said right-of-way south 01 degrees 43 minutes 26 seconds east a distance of 163.59 feet to a 1/2" diameter iron pin set; thence leaving said right-of-way south 87 degrees 18 minutes 20 seconds west a distance of 113.74 feet to a 1/2" diameter iron pin set; thence north 00 degrees 04 minutes 43 seconds east a distance of 228.14 feet to a 1/2" diameter iron pin set; thence south 87 degrees 36 minutes 14 seconds east a distance of 75.30 feet to a 1/2" diameter iron pin set thence south 37 degrees 40 minutes 18 seconds east a distance of 5.97 feet to a 1/2" diameter iron pin set; thence south 87 degrees 46 minutes 40 seconds east a distance of 29.53 feet to a 1/2" diameter iron pin set on the west right-of-way of Roswell Road and the POINT OF BEGINNING; described parcel or tract containing 0.5617 acres or 24,470 square feet more or less.

**SURVEY NOTES**

- 1) THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY A CLOSED TRAVERSE. THE CLOSURE PRECISION IS ONE FOOT IN 58,836 FEET, AND THE ANGULAR ERROR IS 05 SECONDS PER ANGLE POINT. THE DATA HAS BEEN ADJUSTED USING THE LEAST SQUARES METHOD.
- 2) THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 94,246 FEET.
- 3) THE EQUIPMENT USED FOR FIELD MEASUREMENTS IS NIKON 320 TOTAL STATION.
- 4) THE BEARING BASIS FOR THIS PLAT GEORGIA STATE PLANE, WEST ZONE (NAD 83).
- 5) UNDERGROUND UTILITIES NOT SHOWN MAY BE ENCOUNTERED. THE UTILITY PROTECTION CENTER SHOULD BE CONTACTED PRIOR TO BEGINNING ANY CONSTRUCTION.
- 6) THE TOPOGRAPHIC CONTOURS, IF APPLICABLE, SHOWN ON THIS PLAT ARE AT A ONE FOOT INTERVAL AND ARE BASED UPON A FIELD SURVEY. THE ELEVATION DATUM IS NAVD 1988.
- 7) ALL IRON PINS FOUND OR SET ARE 1/2" DIAMETER REBAR UNLESS OTHERWISE SPECIFIED.



**TRACT "A"**  
N/F NAJCO, INC.  
DB. 17448, PG. 199  
517590 Sq. Feet  
11.8822 Acres

**TRACT "B"**  
N/F NAJCO, INC.  
24470 Sq. Feet  
0.5617 Acres

FULTON COUNTY  
GPS F5023  
N: 1450062.3640  
E: 2243612.7207

REVISIONS

NO.	DATE	DESCRIPTION
0	3/15/2012	FIRST ISSUE
1	3/26/2012	NORTH BOUNDARY LINES CHANGED

MINOR SUBDIVISION PLAT FOR:  
**NAJCO, INC. &  
CHRISTIAN BROTHERS AUTOMOTIVE**  
3/26/2012

PROPERTY LOCATED IN:  
LAND LOTS: 363 & 358 DISTRICT: 6  
CITY OF SANDY SPRINGS  
FULTON COUNTY  
STATE OF GEORGIA  
DATE OF FIELD WORK: 2/13/2012  
DRAWN: JS CHECKED: DS

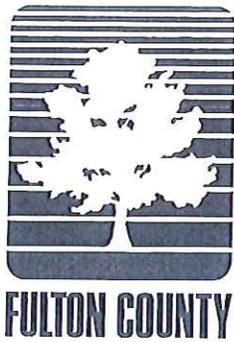


**D&S LAND SURVEYING**  
310 RED FOX DR., PO BOX 4200, CANTON, GA 30115  
770-220-8443 (FAX) 770-220-2201 (FAX)  
FULTONCOUNTYSURVEYOR.GA.GOV

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SHEET 2 OF 2





Department of Planning and Community Services  
Fulton County Government Service Center at Fulton Industrial  
5440 Fulton Industrial Boulevard  
Atlanta, GA 30336

May7, 2012

Patrice S. Dickerson, Manager of Planning & Zoning  
City of Sandy Springs  
Department of Community Development  
Planning and Zoning Division  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

Dear Ms. Dickerson:

I am in receipt of your zoning package soliciting comments on the upcoming City of Sandy Springs zoning agenda for the June Planning Commission and July Mayor and City Council Meetings. I have reviewed all items within the package and find none of them have a significant impact on Unincorporated Fulton County. Thank you for the opportunity to review the requests.

Sincerely,

Randy Beck, Director  
Planning and Community Services

RZ12-005

RZ12-006

ZM12-002

ZM12-003

ZM12-004

ZM12-005

*Received*

MAY 09 2012

*City of Sandy Springs  
Community Development  
Department*