



CITY COUNCIL AGENDA ITEM

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

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ12-003/CV12-002** - 8610 Roswell Road, *Applicant: Dr. Beatris Dragonu*, Rezone from CUP (Community Unit Plan District) to C-1 (Community Business District) with concurrent variances

MEETING DATE: For Submission onto the June 19, 2012, City Council Regular Meeting Agenda

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

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER: JFM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 6/19/2012

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SM

REMARKS:

MAYOR AND CITY COUNCIL

RZ12-003

**8610 Roswell Road
Dr. Beatris Dragonu**

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: June 1, 2012 for submission onto the June 19, 2012 City Council meeting

Agenda Item: **RZ12-003 8610 Roswell Road**, a request to rezone the subject property from CUP (Community Unit Plan District) conditional to C-1 (Community Business District) to allow an office building.

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL of the request to rezone the subject property from CUP (Community Unit Plan District) conditional to C-1 (Community Business District) to allow an office building.

Background:

The subject property is approximately 250 feet south of the intersection of Hunteliff Trace on the west side of Roswell Road. The property is currently zoned CUP (Community Unit Plan District) under zoning cases Z65-0020 and is currently undeveloped. The zoning conditions of Z65-0020 restrict the commercial site to the existing Shopping Center.

Discussion:

The applicant is requesting to rezone the subject property to C-1 (Community Business District) to allow 3,500 square foot Medical Clinic.

Concurrent Review:

The staff held a Focus Meeting on April 4, 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 Board of Education
- Fulton County Department of Planning and Community Services (*comments received*)
- Fulton County Department of Public Works
- Fulton County Environmental Health Services (*comments received*)
- Sandy Springs Council of Neighborhoods
- Sandy Springs Revitalization Inc.
- Georgia Department of Transportation
- City of Atlanta Department of Watershed Management (*comments received*)
- U.S. Postal Service Address Management Systems
- MARTA
- Fulton County Emergency Management



Rezoning Petition No. RZ12-003/CV12-002

HEARING & MEETING DATES

| Community Zoning Information Meeting | Design Review Board Meeting | Community Developer Resolution Meeting | Planning Commission Hearing | Mayor and City Council Hearing |
|--------------------------------------|-----------------------------|--|-----------------------------|--------------------------------|
| March 27, 2012 | March 27, 2012 | April 26, 2012 | May 17, 2012 | June 19, 2012 |

APPLICANT/PETITIONER INFORMATION

| Property Owners | Petitioner | Representative |
|-----------------|---------------------|-------------------------|
| Najco, Inc. | Dr. Beatris Dragonu | Nathan V. Hendricks III |

PROPERTY INFORMATION

| | |
|--|---|
| Address, Land Lot, and District | 8610 Roswell Road (SR 9) Land Lot 363, District 6 |
| Council District | 2 |
| Frontage and Area | 176 feet of frontage along the west side of Roswell Road (SR 9). The subject property has a total area of 0.67 acres (29,185 SF). |
| Existing Zoning and Use | CUP (Community Unit Plan District) conditional under Z65-020 and currently developed with a shopping center. |
| Overlay District | Suburban District |
| 2027 Comprehensive Future Land Use Map Designation | Commercial (C) |
| Proposed Zoning | C-1 (Community Business District) |

INTENT

TO REZONE A PROPOSED OUTPARCEL (THE SUBJECT PROPERTY) FROM CUP (COMMUNITY UNIT PLAN DISTRICT) CONDITIONAL TO C-1 (COMMUNITY BUSINESS DISTRICT), WITH CONCURRENT VARIANCES.

The applicant intends to rezone a proposed outparcel (the subject property) from CUP (Community Unit Plan District) conditional to C-1 (Community Business District).

Additionally, the applicant is requesting two (2) concurrent variances as follows:

1. Variance from Section 4.23.1. of the Zoning Ordinance to allow a sidewalk within a required ten (10) foot landscape strip along the proposed southern property line, and
2. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots.

Note: Approval of the proposed outparcel would be contingent upon the Owner of Loehmann's Plaza Shopping Center being granted a Zoning Modification whereby the original approved CUP site plan would be revised to recognize not only the new outparcel, it would also recognized five (5) foot landscape strips adjacent to the newly formed property lines of the proposed outparcel.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ12-003 - APPROVAL CONDITIONAL
CV12-002 #1 - APPROVAL CONDITIONAL
CV12-002 #2 - APPROVAL CONDITIONAL

DESIGN REVIEW BOARD ENDORSEMENT

RZ12-003 - ENDORSED
CV12-002 #1 - ENDORSED
CV12-002 #2 - ENDORSED

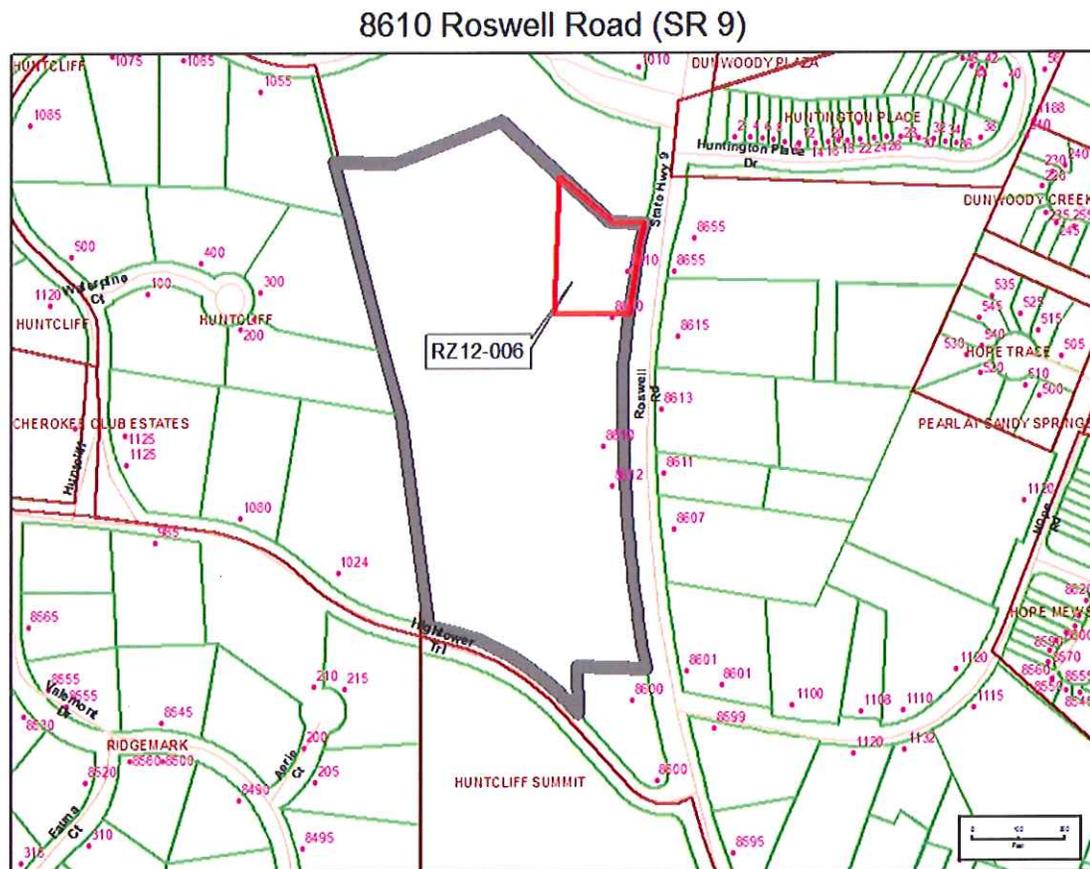
At the March 27, 2012 meeting the design Review Board Recommended Approved (4-0, Porter, Mobley, Landeck, and Richard for; Ealick-Anderson and Gregory absent; Lichtenstein not voting.)

PLANNING COMMISSION RECOMMENDATION

RZ12-003 - APPROVAL CONDITIONAL
CV12-002 #1 - APPROVAL CONDITIONAL
CV12-002 #2 - APPROVAL CONDITIONAL

The petition was heard at the May 17, 2012 Planning Commission meeting. The Commission recommended approval subject to staff recommended conditions. Approved (4-0, Frostbaum, Maziar, Tart, and Rubenstein for; Duncan not voting; Pond and Squire absent).

Location Map



BACKGROUND

The site is located on the west side of Roswell Road, about 1040' 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 Z65-020. The subject property is located within the Suburban District of the Sandy Springs Overlay District.

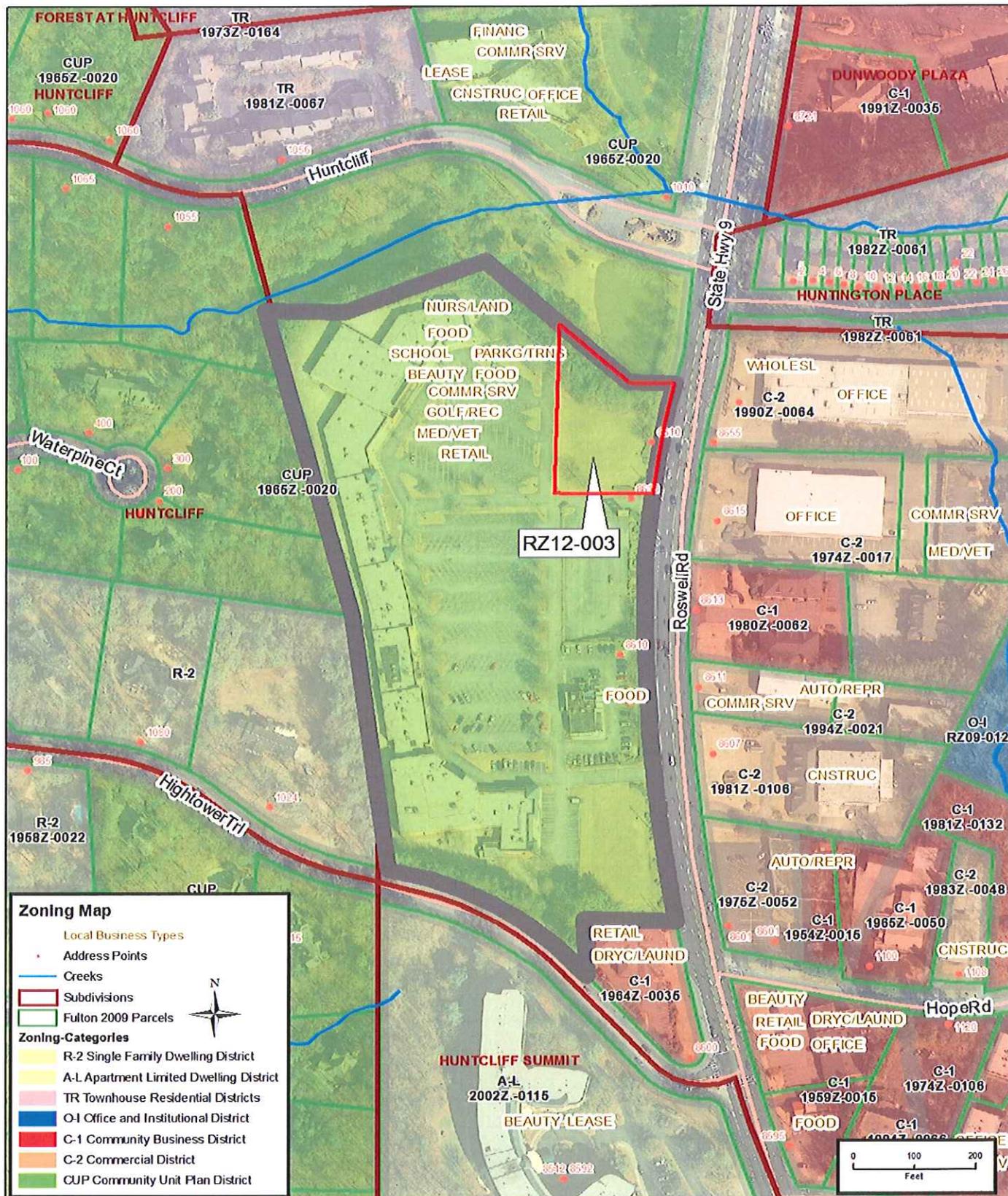
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

| SUBJECT PETITION RZ12-003/CV12-002 | Requested Zoning | Proposed Use | Land Area (Acres) | Square Footage | Density (Square Footage per Acre) |
|---|-------------------------|---------------------|--------------------------|-----------------------|--|
| | C-1 | Medical Office | 0.671 | 3,500 s.f. | 5,216.10 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 | CUP Z65-020 | Huntcliff Homes Association Office | 3.43 | 1,200 s.f. | 349.85 s.f./ac |
| East | C-2 Z90-064 | Commercial | 3.45 | 30,000 s.f. | 8,695.65 s.f./ac |
| East | C-2 Z74-017 | Children's Wish Foundation | 1.65 | 21,500 s.f. | 13,030.30 s.f./ac |
| South | CUP Z65-020 | Loehmann's Shopping Center | 12.45 | 83,800 s.f. | 6,730.92 s.f./ac |
| West | CUP Z65-020 | Loehmann's Shopping Center | 12.45 | 83,800 s.f. | 6,730.92 s.f./ac |

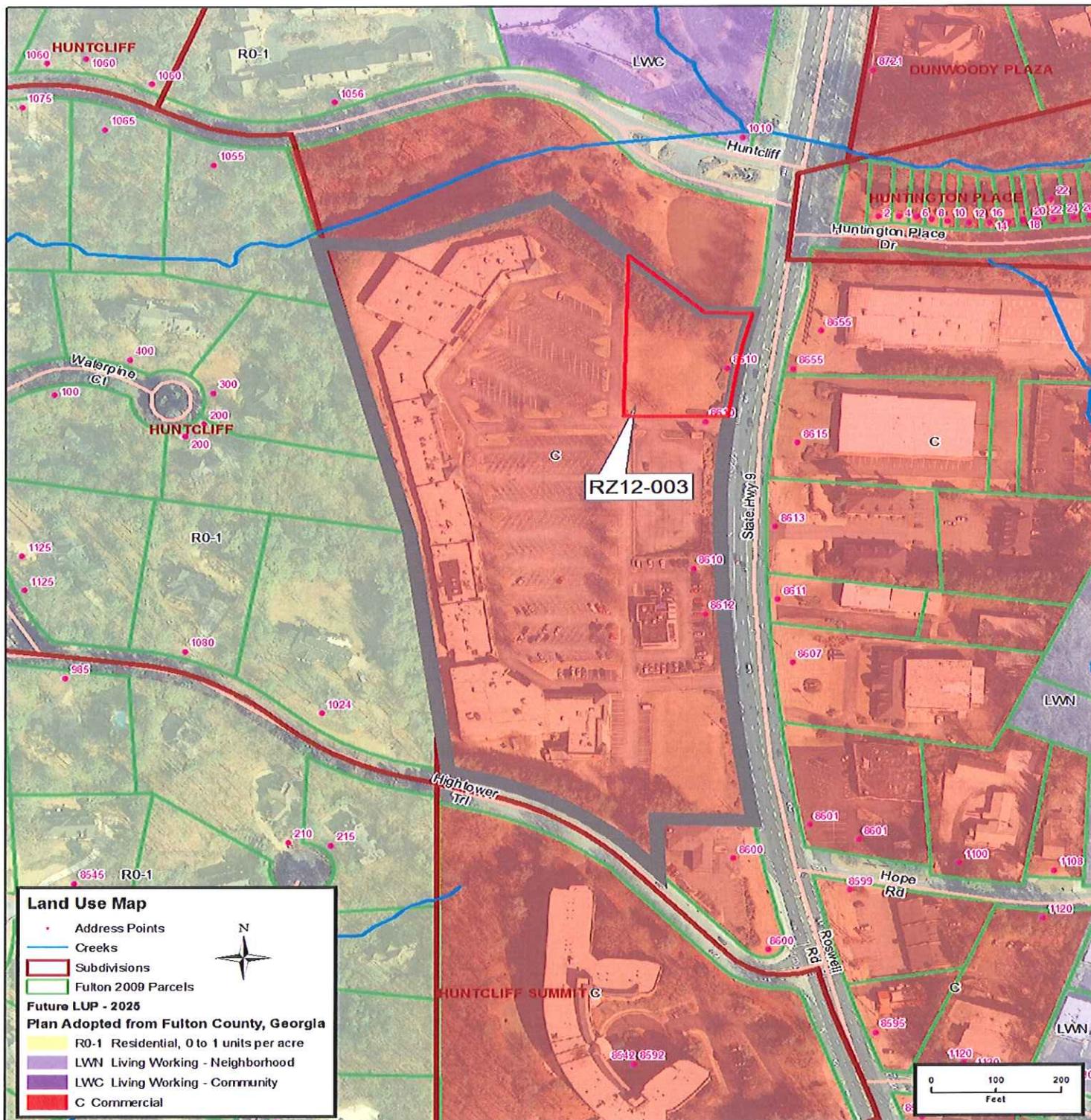
Zoning Map

8610 Roswell Road (SR9)



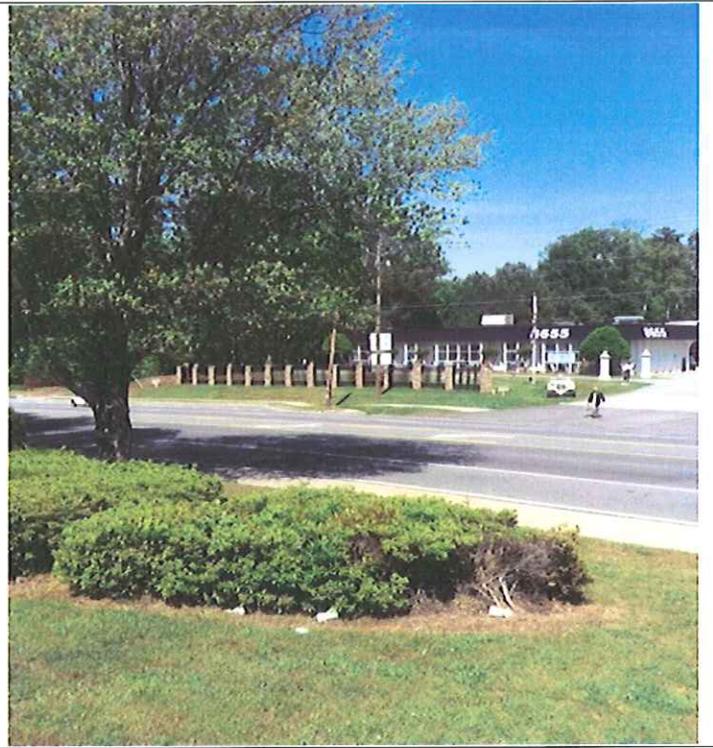
Future Land Use Map

8610 Roswell Road (SR9)

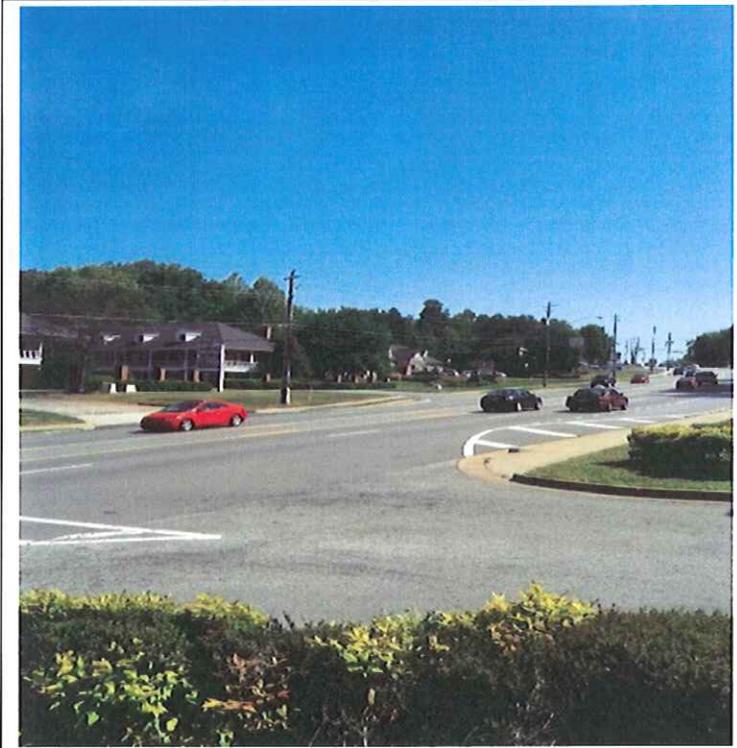




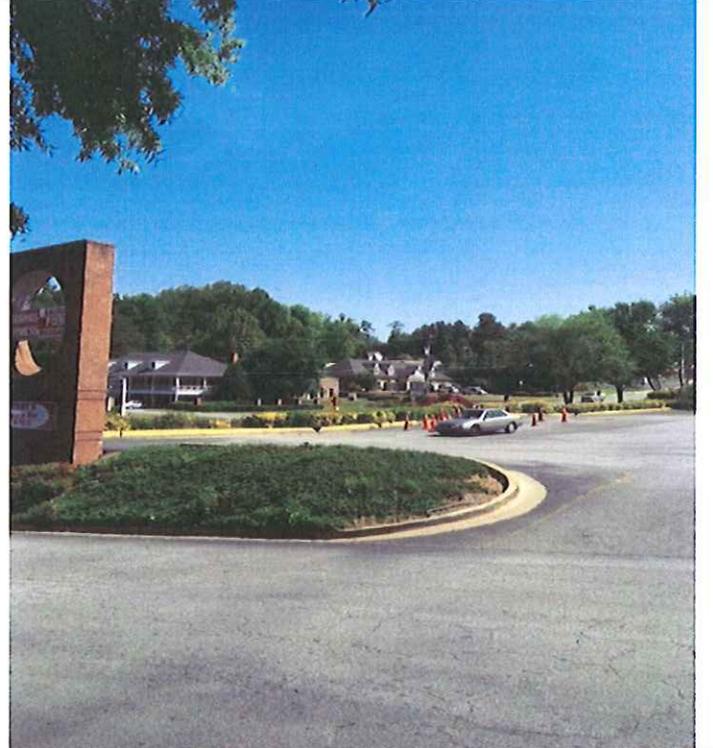
Subject Property looking North



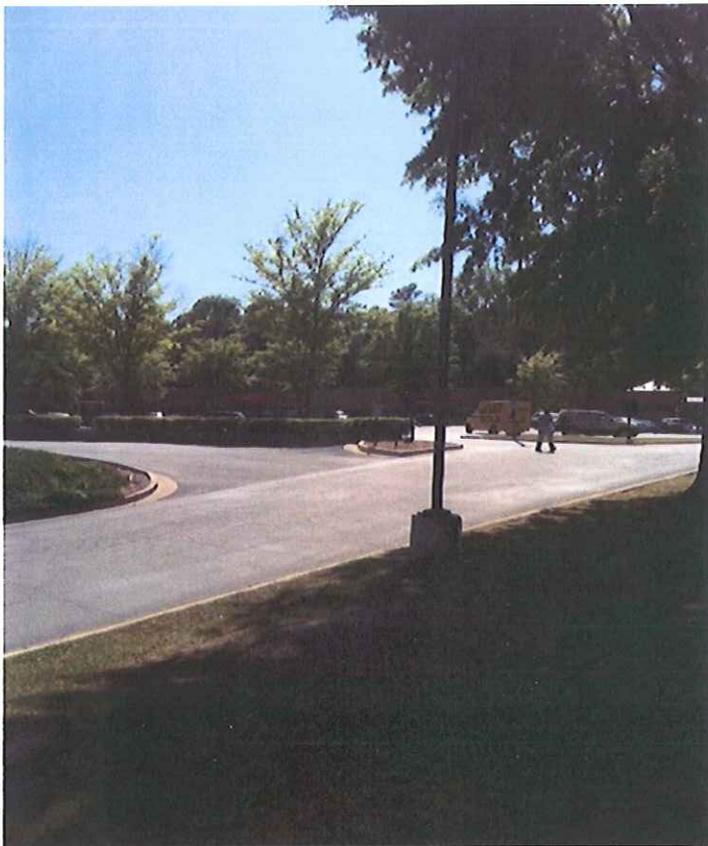
Northeast of Subject Property



Southeast of Subject Property



South of Subject Property



Subject Property/Loehmann's Plaza looking Southwest



Subject Property/Loehmann's Plaza looking West



Subject Property/Loehmann's Plaza looking Northwest



Sign

SITE PLAN ANALYSIS

The site plan submitted shows the proposed outparcel and the proposed doctor's office. The site plan indicates the subject property to slope primarily in a northeastly direction. The site plan indicates the subject property has an area designated Flood Zone X as per Fema Map#13121C0151F and indicates a required seventy-five (75) foot stream buffer from a pond to the north. Three Maple street trees are shown as existing to remain. Additionally, the site plan indicates the following:

- Total Impervious Area of 11,435 s.f. (39.1%)
- Landscape Area of 7,773 s.f. (26.6%)
- Undeveloped Area of 10,040 s.f. (34.3%)

PARKING

Section 18.2.1, *Basic Off-street Parking Requirements*, requires Medical Offices to have 4 spaces per 1,000 s.f. of floor area calculated as follows:

- $3,500/1000 = 3.5 \times 4 = 14$ spaces required.

The applicant is providing 14 parking spaces.

LANDSCAPE ANALYSIS

The applicant is requesting variances from Section 4.23.1. of the Zoning Ordinance to allow a sidewalk within a required ten (10) foot landscape strip along the proposed southern property line and from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots. The applicant is proposing to screen the parking lot from Roswell Road by installing evergreen hedges and proposing to meet the streetscape standards of the Suburban Overlay District.

The site plan provided by the applicant indicates the following:

- Landscape Area of 7,773 s.f. (26.6%)
- Undeveloped Area of 10,040 s.f. (34.3%)

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, with the exception of the following: There are slopes exceeding 25% and there is a pond located adjacent to the northern property lines. The report, in its entirety, is within the case file as a matter of record.

DEPARTMENT COMMENTS

The staff held a Focus Meeting on April 4, 2012 at which the following departmental comments were provided:

| | | |
|--|--|---|
| BUILDING & DEVELOPMENT DIVISION | Sandy Springs Building Officer | <ul style="list-style-type: none"> There are no Building Code requirements that need to be addressed at this time. |
| | Sandy Springs Chief Engineer | <ul style="list-style-type: none"> No comments at this time. |
| | Sandy Springs Landscape Architect/Arborist | <ul style="list-style-type: none"> No comments at this time. |
| CODE ENFORCEMENT | Officer | <ul style="list-style-type: none"> There are no maintenance code violations. |
| FIRE DEPT. | Sandy Springs Fire Protection Engineer | <ul style="list-style-type: none"> There are no engineering requirements that need to be addressed at this time. |
| TRANSPORTATION | Sandy Springs Transportation Planner | <ul style="list-style-type: none"> 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. |
| | Georgia Department of Transportation | <ul style="list-style-type: none"> There are no GDOT requirements that need to be addressed at this time. |

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

PUBLIC INVOLVEMENTRequired Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 27, 2012 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 26, 2012 at the Sandy Springs City Hall

Public Comments (no attached letters)

- No comments

Notice Requirements

The petition was advertised in the Sandy Springs Neighbor on May 9, 2012 and May 18, 2012. The applicant posted a sign issued by the Department of Community Development along the frontage of Roswell Road on April 13, 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 June 19, 2012. The Public Participation Report was submitted on or before June 12, 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 and Office uses. 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 Commercial (C). This category includes retail, service and office uses which may be in single buildings or developed as a part of a shopping center. This category is limited in its geographic application. It is implemented by the C-1 and C-2 (Community Business) zoning districts.

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.

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 4.23.1. of the Zoning Ordinance to allow a sidewalk within a required ten (10) foot landscape strip along the proposed southern property line.

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 proposed sidewalk, though considered an impervious, man-made surface, is also considered open space that would promote pedestrian activity onto the subject property. The proposed sidewalk satisfies the Overlay District's regulation that intra-parcel walkways are required, and its location would avoid conflict with a proposed retaining wall. The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends **APPROVAL** of the variance to allow a sidewalk within a required ten (10) foot landscape strip along the proposed southern property line.*

2. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots.

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 proposed parking lot is relatively small and would exactly meet the minimum required number of parking spaces. Additionally, the site plan indicates total landscape areas of 7,773 s.f. (26.6% of the total site) having existing and proposed trees located primarily at the perimeter of the subject property. Further, the applicant will be required to provide a three (3) inch caliper tree in the ten (10) foot wide green space at the end of each parking bay, thereby reducing the heat island effect of the proposed parking lot. The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of the variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots.

CONCLUSION TO FINDINGS

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

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone a proposed outparcel (the subject property) from CUP (Community Unit Plan District) conditional to C-1 (Community Business District), 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 Medical Clinic Use in a 3,500 square foot building developed at a total density of 5,216.10 square feet per acre.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on March 6, 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. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, 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 the first Certificate of Occupancy.
 - b. To be in accordance with the proposed elevation drawings received by the Department of Community Development on March 6, 2012.
3. To the owner's agreement to the following site development considerations:
 - a. Variance from Section 4.23.1. of the Zoning Ordinance to allow a sidewalk within a required ten (10) foot landscape strip along the proposed southern property line (CV12-002#1).
 - b. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots (CV12-002#2).
 - c. The proposed sidewalk on/within the subject property shall extend the entire length of the of the southern side property line, with the exception over the proposed driveway.

Attachments

Site Plans Received March 6, 2012

Elevation Drawings Received March 6, 2012

Letter of Intent Received March 6, 2012

Applicant Zoning Impact Analysis received March 6, 2012

Letter Fulton County Dept. of Health Services received April 27, 2012

Letter Fulton County Dept. of Planning and Community Services received April 27, 2012

LETTER OF INTENT

The subject property is located on the westerly side of Roswell Road south of its intersection with Huntcliff Trace and contains approximately 0.671 acres (the "Property"). The Property is currently zoned to the CUP Classification pursuant to Z65-020.

The Applicant requests a rezoning to the C-1 Classification for medical and medical clinic use and in order to build a 3,500 square foot building for such uses. This results in a density of 5,216.10 square feet per acre. The Sandy Springs Comprehensive Land Use Plan suggests service/commercial/retail uses for the Property and the intended use of the Property for medical and medical clinic complies with this suggested use of the Property under the referenced Comprehensive Land Use Plan. Due to the narrow and confining shape of the Property, the small size of the Property and the existence of a stream immediately to the north of the Property which requires a 75 foot wide stream buffer, the Applicant requests a two part Concurrent Variance consisting of the following: (1) Pursuant to Article 4.23.2. the Applicant requests that the required 10-foot wide landscape island every 6th parking space be deleted and (2) Pursuant to Article 4.23.1.A., the Applicant requests to allow a sidewalk within the required 10-foot landscape strip along the southerly Property line as shown on the Site Plan. The referenced hardships burdening the Property are unique to the Property and the approval of the requested Concurrent Variances in order to overcome these hardships would not cause any harm to the health, safety and welfare of the general public and would be in harmony with the surrounding properties and would be within the policies and intent of the Zoning Ordinance. It is further to be noted that the Property is within the Suburban Overlay District and no variances are being requested to those development standards. Therefore, this Application for Rezoning and Concurrent Variances is entirely appropriate and the appropriateness of this Application for Rezoning and Concurrent Variances and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto.

Now, therefore, the Applicant requests that this Application for Rezoning and Concurrent Variances be approved as submitted in order that the Applicant be able to proceed with the lawful use and enjoyment of the Property.

Received

MAR 06 2012

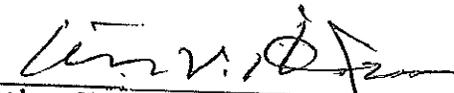
City of Sandy Springs
Community Development
Department

R212-003/CV12-002

APPLICANT:



Dr. Beatris Dragona



Nathan V. Hendricks III
Attorney for the Applicant

6085 Lake Forrest Drive
Suite 200
Atlanta, Georgia 30328
(404) 255-5161

Exhibit "A"

APPROPRIATENESS OF APPLICATION
AND
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

SANDY SPRINGS
G E O R G I A

Received

IMPACT ANALYSIS
FORM B

MAR 06 2012

Applicant: Dr. Beatris Dragonu

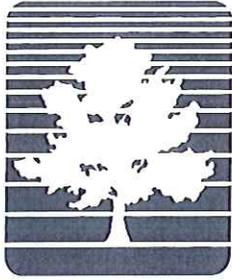
City of Sandy Springs
Community Development
Department

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? Yes. This rezoning proposal permits a use that is compatible with the service/commercial/retail uses contiguous and to the west and south and is an appropriate transition to the residential use to the north.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No. As stated this zoning proposal is suitable given the immediately surrounding uses and zonings and will not have any adverse affect on the exsiting use or usability adjacent or nearby property.
3. Does the property to be rezoned have a reasonable economic use as currently zoned? No due to the fact that the Property does not have any allowable density for development.
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No. Given the size of the building and its intended use for medical and medical clinic use, this zoning proposal will not result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
5. Is the zoning proposal in conformity with the policies and intent of the land use plan? Yes. This zoning proposal complies with the suggestion of the Comprehensive Land Use Plan for service/commercial/retail use and development.
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal? Yes. The development of the properties in the immediate area of the Property to uses that are compatible give supporting grounds for the approval of this zoning proposal.
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs? No. This zoning proposal would not permit a use that could be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs.

Attach additional sheets as needed.

R212-003/CV12-002



FULTON COUNTY

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

April 11, 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 May Planning Commission and June 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

Received

APR 27 2012

*City of Sandy Springs
Community Development
Department*



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 *MR*
Department of Health Services, Office of the Director

DATE: April 23, 2012

SUBJECT: Zoning Comments for May 2012

Received

APR 27 2012

*City of Sandy Springs
Community Development
Department*

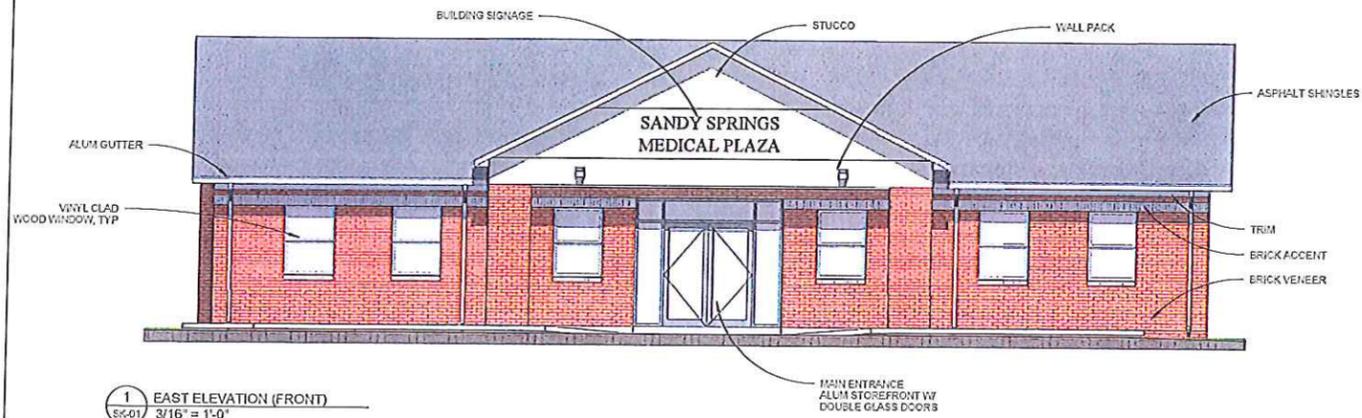
| AGENDA ITEM | ZONING COMMENTS |
|-----------------------|--|
| RZ12-003/ CV12-002 | <p>The Fulton County Department of Health Services recommends that the applicant be required to connect the proposed medical office building to public water and public sanitary sewer available to the site.</p> <p>Since this development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to occupancy.</p> <p>This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</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> |
| RZ12-004/ CV12-004 | <p>The Fulton County Department of Health Services recommends that the applicant be required to connect the proposed townhomes development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>The proposed facility 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 this proposed development includes a public swimming pool as defined in the regulations including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this Department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.</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> <p>This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p> <p>If this proposed development includes an existing individual onsite sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.</p> <p>If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.</p> |

| AGENDA ITEM | ZONING COMMENTS |
|-----------------------|---|
| ZM12-001/ CV12-003 | <p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>The proposed facility must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>Since this proposed development includes a food service facility, the owner must submit kitchen plans for review and approval by this Department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>Since this proposed development includes a public swimming pool as defined in the regulations including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this Department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.</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 container be submitted for review and approval.</p> <p>This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p> |

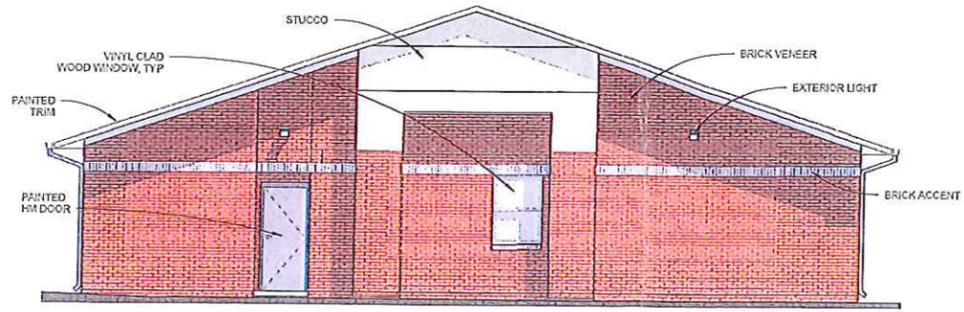
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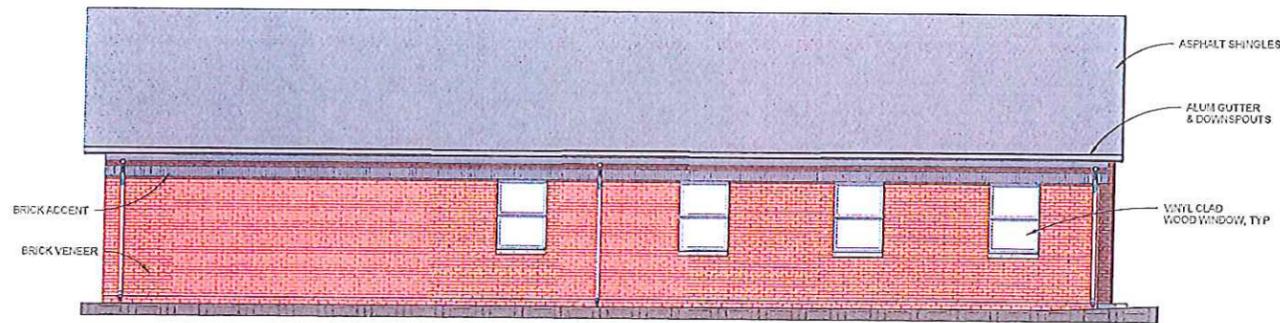
*City of Sandy Springs
Community Development
Department*



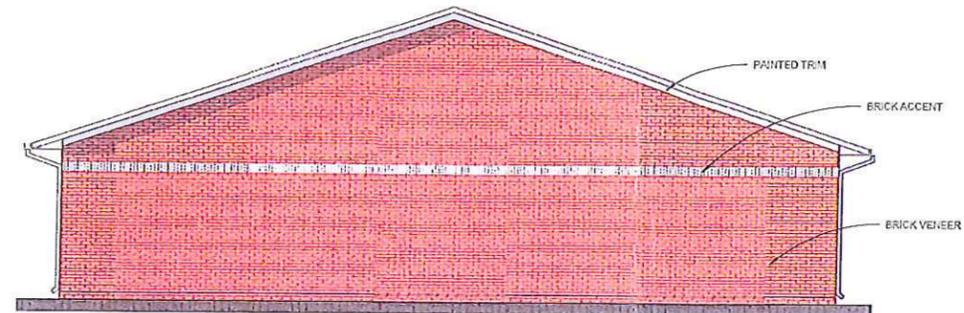
1 EAST ELEVATION (FRONT)
SK-01 3/16" = 1'-0"



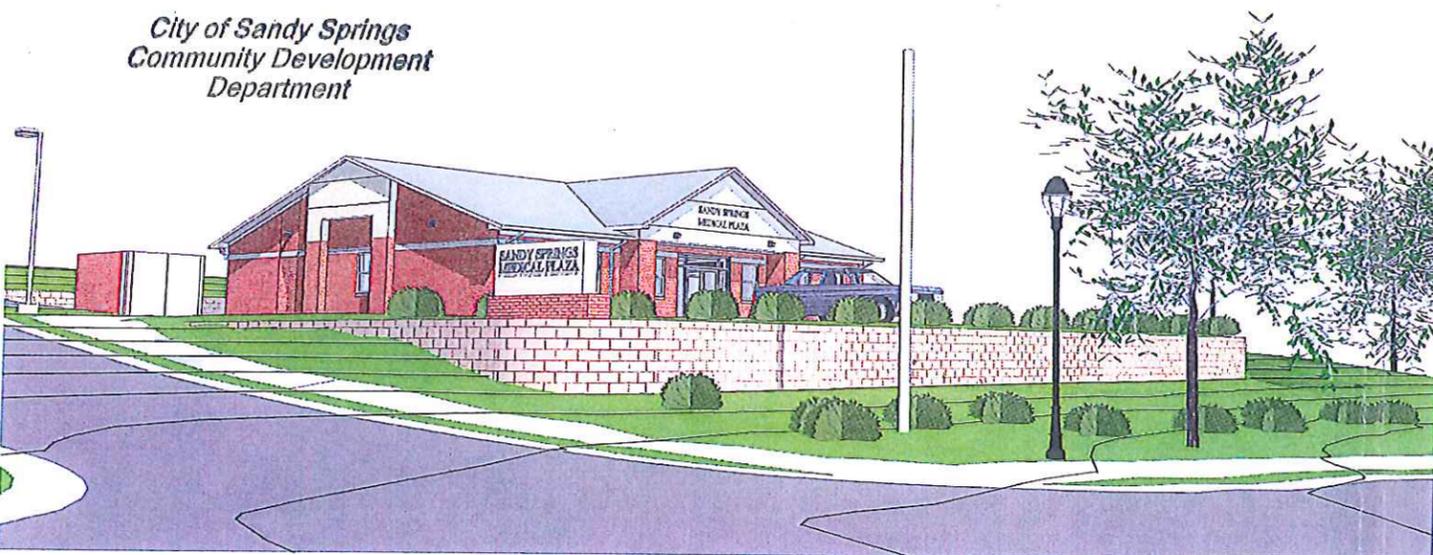
2 SOUTH ELEVATION (SIDE)
SK-01 3/16" = 1'-0"



3 WEST ELEVATION (BACK)
SK-01 3/16" = 1'-0"



4 NORTH ELEVATION 2
SK-01 3/16" = 1'-0"



5 VIEW FROM ROSWELL ROAD
SK-01



6 AXONOMETRIC
SK-01

CONSULTANTS

PROJECT TITLE

SANDY SPRINGS MEDICAL PLAZA

8610 ROSWELL ROAD, ATLANTA, GA 30350

SEAL

| DATE | ISSUE |
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PROJECT NO. 12-003

TITLE EXTERIOR ELEVATIONS & VIEWS

SHEET NO. SK-01

12712-003
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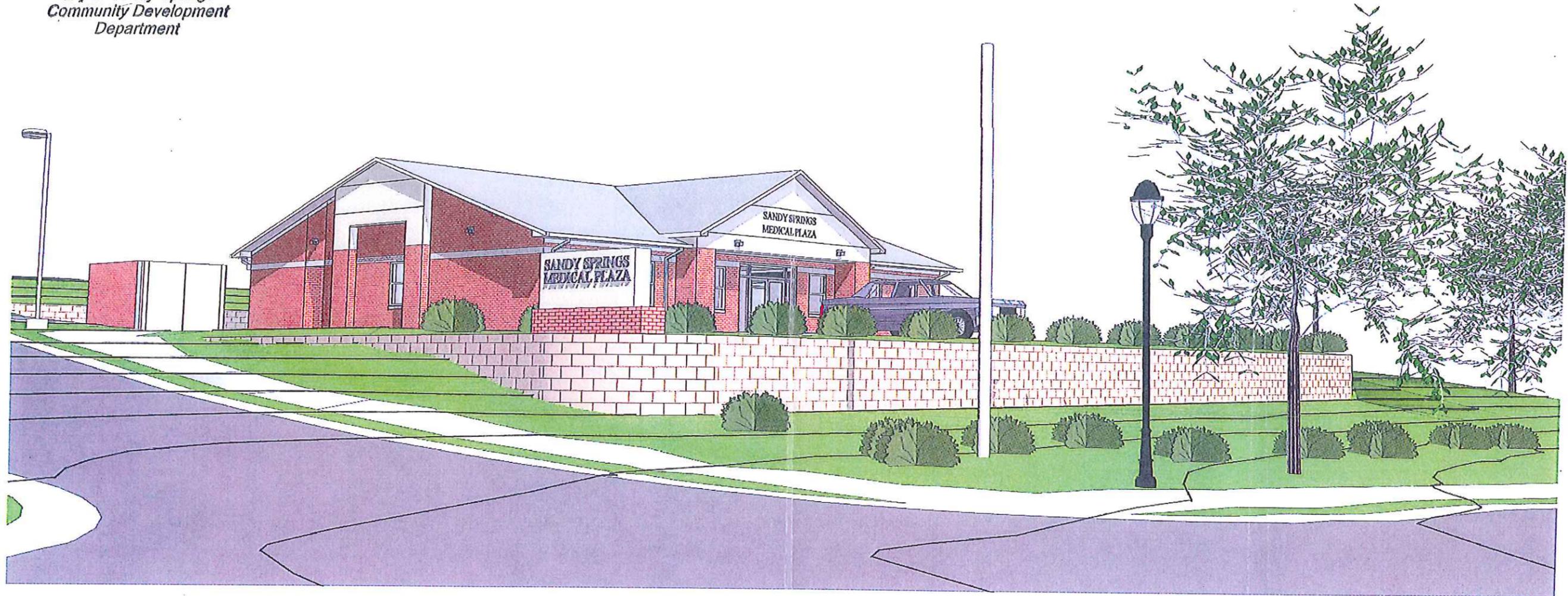
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Community Development
Department

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City of Sandy Springs
Community Development
Department



VIEW FROM ROSWELL ROAD

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SANDY SPRINGS MEDICAL PLAZA, 8610 ROSWELL ROAD, GA