

CITY COUNCIL AGENDA ITEM

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

FROM: John McDonough, City Manager

AGENDA ITEM: **ZM12-005** - 7075 Canonbury Place, Applicant: Jon Gallinaro, To modify condition 1.d. of Z03-0182 to delete the minimum heated floor area requirement

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

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Zoning Modification Petition

APPROVAL BY CITY MANAGER: JPM APPROVED

NOT APPROVED

PLACED ON AGENDA FOR: 6/19/2012

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SMY

REMARKS:

MAYOR AND CITY COUNCIL

ZM12-005

7075 Canonbury Plance

Jon Galinaro

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: June 12, 2012 For Submission onto the onto the June 19, 2012 City Council meeting

Agenda Item: **ZM12-005 7075 Canonbury Place**, Request for a zoning modification to delete condition 1.d. of zoning case Z03-0182

Director of Community Development Recommendation:

APPROVAL CONDITIONAL of the request for a zoning modification to the conditions of Fulton County zoning case Z03-0182.

Background:

The site is located on the south side of Canonbury Place. The property is zoned NUP (Neighborhood Unit Plan District) conditional under zoning case Z03-0182 and is currently vacant.

Discussion:

The applicant is seeking approval to delete condition 1.d. of zoning case Z03-0182 as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - d. The minimum heated floor area per dwelling unit shall be 4,000 square feet.

Concurrent Review:

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

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

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

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Environment and Community Development (*comments received*)
- Fulton County Department of Public Works
- Fulton County Environmental Health Services

- Sandy Springs Council of Neighborhoods
- Sandy Springs Revitalization Inc.
- Georgia Department of Transportation
- City of Atlanta Department of Watershed Management
- U.S. Postal Service Address Management Systems
- MARTA
- Fulton County Emergency Management



Zoning Modification Petition No. ZM12-005

HEARING & MEETING DATES

Community Zoning Information Meeting
April 24, 2012

Mayor and City Council Hearing
June 19, 2012

APPLICANT/PETITIONER INFORMATION

Property Owners
Freeman-Partners

Petitioner
Jon Gallinaro

Representative
Jon Gallinaro

PROPERTY INFORMATION

Address, Land Lot, and District
7075 Canonbury Place
Land Lots 127, District 17

Council District
3

Frontage and Area
35.40 feet of frontage along the south side of Canonbury Place. The subject property has a total area of 0.535 acres (23,328 square feet).

Existing Zoning and Use
NUP (Neighborhood Unit Plan District) conditional under zoning case Z03-0182 and is currently vacant.

Overlay District
N/A

2027 Comprehensive Future Land Use Map Designation
Residential, 0 to 1 units per acre (R0-1)

Existing Use
Vacant

INTENT

MODIFICATION OF CONDITION 1.D. OF Z03-0182 APPROVED BY THE FULTON COUNTY BOARD OF COMMISSIONERS ON MAY 5, 2004.

The applicant is seeking approval to delete condition 1.d. of zoning case Z03-0182 as follows:

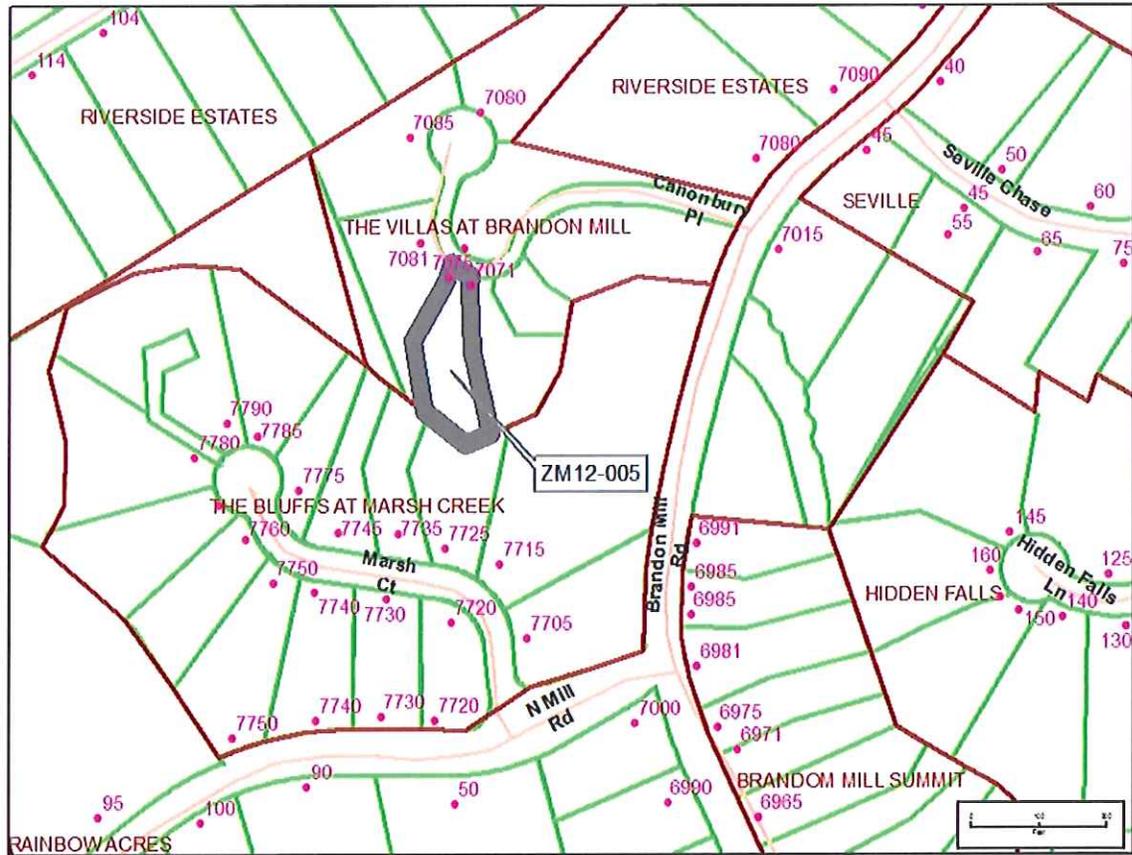
1. To the owner's agreement to restrict the use of the subject property as follows:

d. The minimum heated floor area per dwelling unit shall be 4,000 square feet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
ZM12-005 - APPROVAL CONDITIONAL

Location Map

7075 Canonbury Place



BACKGROUND

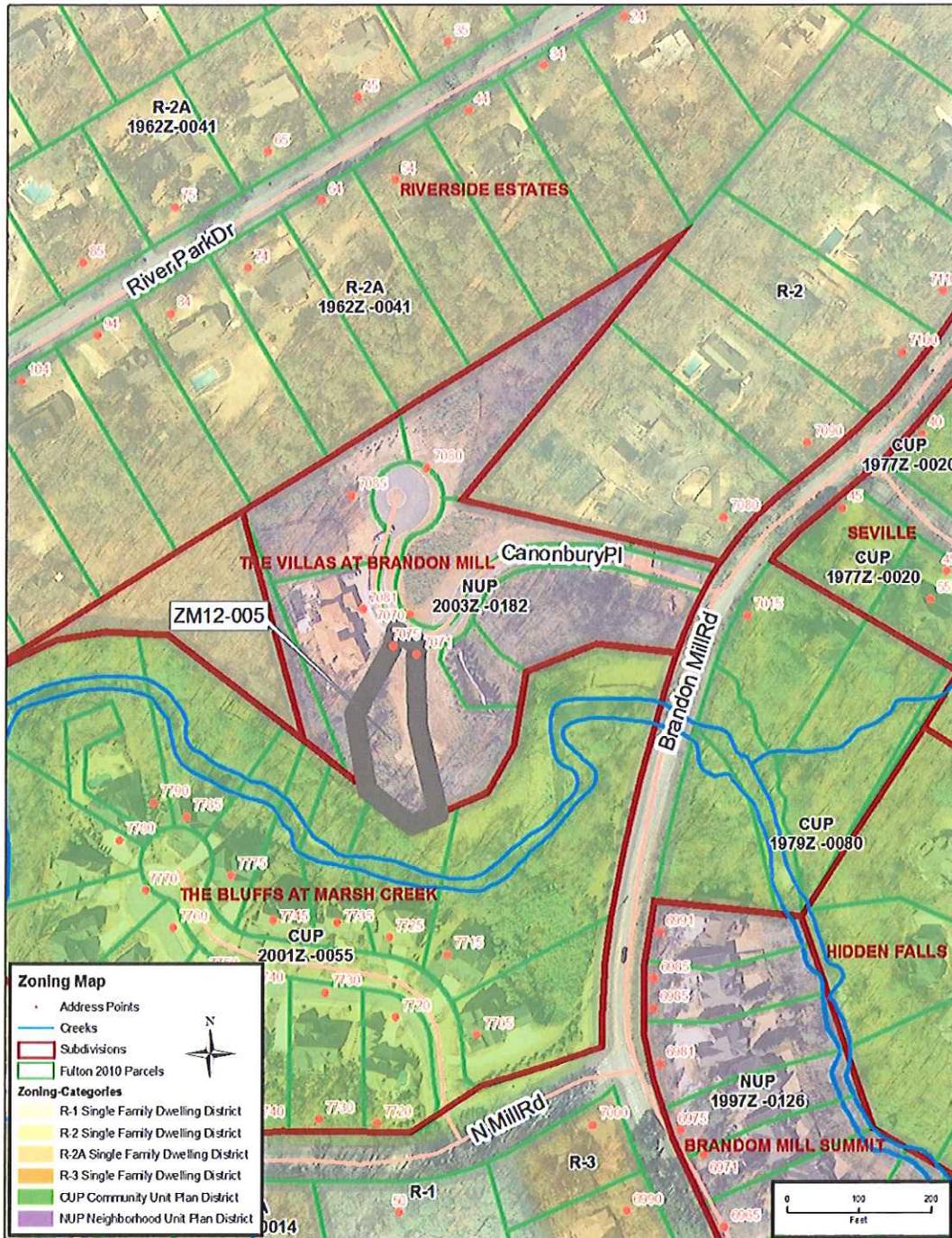
The site is located on the south side of Canonbury Place. The property is zoned NUP (Neighborhood Unit Plan District) conditional under zoning case Z03-0182 and is currently vacant.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION ZM11-005	Existing Use		Land Area (Acres)	Number of Units	Density (Units per Acre)
	Vacant		0.535	1	1.86
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Number of Units	Density (Units Per Acre)
North	NUP conditional Z03-0182	7081 Canonbury Place	0.59	1 (6,750 sf)	1.69
East	NUP conditional Z03-0182	7071 Canonbury Place	0.42	1 (vacant)	2.38
South	CUP conditional Z01-0055	7725 Marsh Court	0.52	1 (4,817 sf)	1.92
West	CUP conditional Z01-0055	7735 Marsh Court	0.39	1 (4,460 sf)	2.56

Zoning Map

7075 Canonbury Place



Future Land Use Map

7075 Canonbury Place



Photographs



Subdivision Entrance



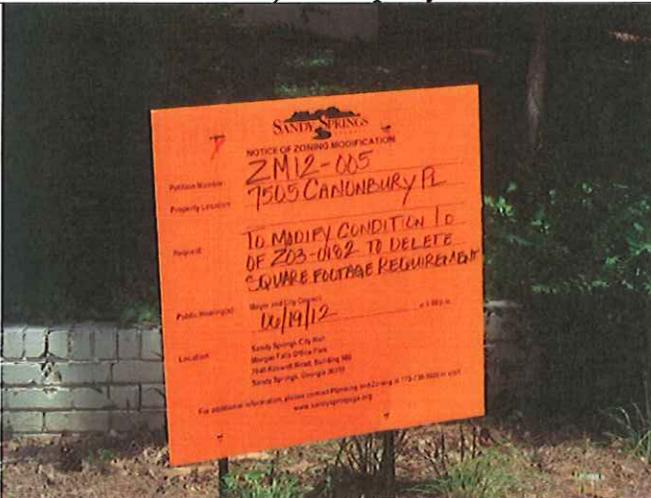
Subject Property



Subject Property



Looking Northeast - 7080 Brandon Mill Road



Modification Sign

APPLICANT'S INTENT

The applicant is seeking approval to delete condition 1.d. of zoning case Z03-0182 as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:

d. ~~The minimum heated floor area per dwelling unit shall be 4,000 square feet.~~

The applicant has indicated that the request to delete the minimum heated floor area will allow for construction of a home similar in size to those in the surrounding area. Additionally, the applicant notes that economic changes that have occurred since the development was rezoned do not support the size requirement as conditioned.

The staff is of the opinion that the request to delete the minimum heated floor area requirement is warranted and is in harmony with the intent of the Zoning Ordinance. The Zoning Ordinance provides a minimum heated floor area for each single family dwelling district and such conditions that go above and beyond these minimums have not been supported by the City Attorney in previous cases reviewed by the Sandy Springs City Council. Additionally, staff finds that market conditions will determine the size home being constructed throughout the City and that developments of an inconsistent nature have not been a significant issue since incorporation. Therefore, based on these reasons the staff recommends APPROVAL CONDITIONAL of the deletion of this condition.

DEPARTMENT COMMENTS

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 there were no departmental comments provided.

STAFF RECOMMENDATION

The staff recommends **APPROVAL CONDITIONAL** of the zoning modification request. The staff recommends that the conditions 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 owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. The minimum lot size shall be 13,000 22,500 square.
 - c. No more than 6 total dwelling units, at a maximum density of 1.12 dwelling units per acre, whichever is less, based on the total acreage zoned.
 - ~~d. The minimum heated floor area per dwelling unit shall be 4,000 square feet.~~

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Environment and Community Development on December 11, 2003. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution 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 the first Certificate of Occupancy.
 - b. To comply with the Subdivision Regulations of 2003, Fulton County Georgia.
 - c. All areas which are not part of an individual lot and held in common shall be accessible and shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of the Department of Environment and Community Development for review and approval prior to the recording of the first final plat.

3. To the owner's agreement to the following site development considerations:
 - a. No more than 1 exit/entrance on Brandon Mill Road. Curb cut must be offset at least 200 feet from Seville Chase or as may be approved by the Fulton County Traffic Engineer.
 - b. No lot shall be allowed direct access to Brandon Mill Road.
 - c. The applicant's proposed minimum setbacks and design standards are as follows:
 - Minimum Lot Frontage 35 feet
 - Minimum Front Yard Setback 20 feet
 - Minimum Side Yard (Interior) 10 feet
 - Minimum Rear Yard/ Perimeter 30 feet
 - d. Reduce the perimeter setback to 30 feet adjacent to the property located at 7080 Brandon Mill Road. (2003VC-0263 NFC, Part 1).
 - e. Reduce the 50-foot setback for new street along the north property line to 10 feet (2003VC-0263 NFC,

Part 2).

- f. Provide along the common property line with the Riverside Estate Subdivision the following landscaping: 45-50 (15 gallon) Nellie Stevens Hollies in a staggered arrangement at approximately 8 feet on center; 12 Southern Magnolia (6-8 feet in height) installed randomly in clusters of three interrupting the Nellie Stevens Hollies along the staggered row; 12 Loblolly Pines installed randomly in either singles or clusters of three. Said landscaping shall be installed prior to the issuance of the first Certificate of Occupancy.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
 - a. Dedicate at no cost to Fulton County along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

30 feet from the centerline of Brandon Mill Road.
 - b. Provide a deceleration lane for each project entrance or as may be required by the Fulton County Traffic Engineer.
 5. To the owner's agreement to abide by the following:
 - a. Prior to submitting the application for a Land Disturbance Permit (LDP) with the Department of Environment and Community Development, Development Review Division, arrange to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton County Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.
 - c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Public Works Department, Water Services Division, and arrange to meet on-site with an engineer from the Surface Water Management Program (SWMP), who is responsible for review of Storm Water Concept Plan submittals.
 - d. Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the SWMP, through the Development Review Division, a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc., the point in the stream channel where the 25 year storm peak flow is the greatest percentage of the channel capacity, and the hydraulic grade elevation at these points. The critical capacity points shall be selected based upon the engineer's field

observation, professional judgment and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year floodplain and for any post-development floodplain increase, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties.

- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, the discharge from the storm water management facility outlet shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve postdevelopment sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Public Works.
- f. A draft of the Inspection and Maintenance Agreement required by Fulton County Code, Section 26-278 shall be submitted to the Department of Public Works with the Storm Water Concept Plan.
- g. The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed and cleaned on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as intended/designed, and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended/designed.
- h. The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit or Building Permit associated with the development.
- i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
- j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to remove pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A description of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of all existing natural streams, creeks, or draws within the proposed development boundary and provide details on the Storm Water Management Plan of the postdevelopment channel bank protection measures.
- l. The developer/engineer shall demonstrate to the County by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff leaving the site is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
- m. All drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. No release of unmanaged or untreated storm flows shall

be permitted from any disturbed portion of the developed property. Bypass flows will not be permitted except for undisturbed areas within a buffer or other protected easement and final plans shall provide for collection, conveyance and treatment of all flows from all developed lots or parcels, individual residences or building structures.

Attachments

Letter of Intent received dated April 3, 2012

Site Plan received dated April 3, 2012

Letter from Fulton County Dept. of the Environment and Community Development received May 9, 2012

LETTER OF INTENT

7075 Canonbury Place, Sandy Springs, GA 30328

- To remove the minimum heated floor area per dwelling unit of 4,000 square feet to allow for a house sized accordingly for the surrounding area and within comparable retail price comps. The minimum heated square footage may have been relative when this project was zoned in 2006 but since then, economic changes have made it hard to support that size requirement as reflected in the time this lot as remained vacant.

As a current resident of Sandy Springs I have been looking for an opportunity to build an affordable home for my family and stay in Sandy Springs and believe I have an opportunity to do so and still maintain the integrity of the surrounding area with quality construction.

Received

APR 03 2012

***City of Sandy Springs
Community Development
Department***

Received

APR 03 2012

City of Sandy Springs Community Development Department

DEPUTY CLERK, SUPERVISOR OF COMMUNITY DEVELOPMENT
FULTON COUNTY, GEORGIA

SEE SHEET 3 FOR LINE TABLE.
5' CONCRETE SIDE WALK INSIDE
45' UTILITY EASEMENT.

CURVE	LENGTH	RADIUS	CHORD	Chd. Ang.
C1	14.24	79.67	14.23	62°32'45" W
C2	17.56	272.13	17.55	51°16'04" W
C3	30.60	272.13	30.48	51°16'04" W
C4	64.74	362.13	64.66	52°02'29" W
C5	98.08	362.13	97.77	52°02'29" W
C6	131.42	55.00	131.42	90°00'00" W
C7	164.76	55.00	164.76	90°00'00" W
C8	198.10	55.00	198.10	90°00'00" W
C9	231.44	55.00	231.44	90°00'00" W
C10	264.78	55.00	264.78	90°00'00" W
C11	298.12	55.00	298.12	90°00'00" W
C12	331.46	55.00	331.46	90°00'00" W
C13	364.80	55.00	364.80	90°00'00" W
C14	398.14	55.00	398.14	90°00'00" W
C15	431.48	55.00	431.48	90°00'00" W

REVISED 10-02-06.
THIS PLAN SUPERSEDES THE
FINAL PLAN FOR THE VILLAS AT
BRANDON MILL, RECORDED IN BOOK
293 PG 64. THE PURPOSE OF THIS
REVISION IS TO SHOW INSTALLED
SIDEWALKS AND ENTRANCE GATE.



LINE	LENGTH	BEARING
SL27	236.61	S01°45'56" E
SL28	62.59	N30°34'38" W
SL29	62.65	N41°17'32" W
SL30	135.21	N15°11'40" E
SL31	68.07	S89°32'25" E

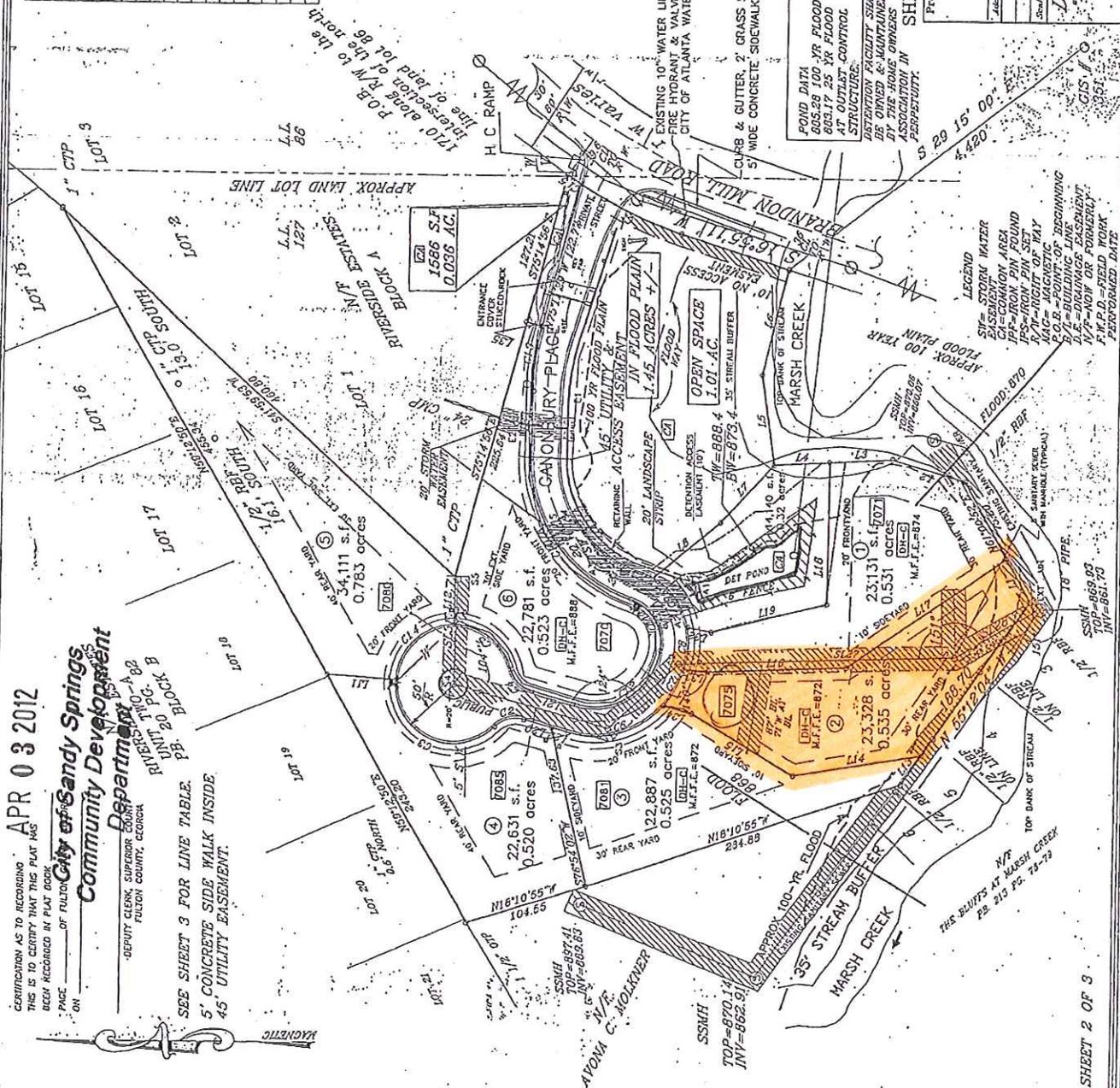
POND VOLUMES
665.28 100-YR FLOOD
863.17 25-YR FLOOD
100-YR = 25,712 CF

DEFENTION FACILITY SHALL
BE OWNED & MAINTAINED
BY THE HOME OWNERS
ASSOCIATION IN
PERPETUITY.

Prepared For: TUSCANY CORPORATION

Address: 7870 Brandon Mill Road	D.R. 77662	Pc. 202
Sheet: 1 of 2	Scale: 1" = 40'	Job No. 07-0427
Date: 07-18-06	Author: J.P. III	Checker: J.P. III
Client: TUSCANY CORP.	Project: TUSCANY	Drawn: J.P. III

DELTA SURVEYORS, INC.
SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
770-460-2325 (fax) 770-460-7114
P.O. BOX 571
Fayetteville, GA 30214





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*