
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** May 9, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ12-001** - 165 Cliftwood Drive, *Applicant: Cliftwood LLC*, Rezone from O-I (Office and Institutional District) conditional to C-1 (Community Business District) to allow for additional uses on the property

MEETING DATE: For Submission onto the May 15, 2012, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER:  **APPROVED**

_____ **NOT APPROVED**

PLACED ON AGENDA FOR: 5/15/12

CITY ATTORNEY APPROVAL REQUIRED: () **YES** () **NO**

CITY ATTORNEY APPROVAL: 

REMARKS:

MAYOR AND CITY COUNCIL

RZ12-001

165 Cliftwood Drive

Cliftwood LLC

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: May 1, 2012 for submission onto the May 15, 2012 City Council meeting

Agenda Item: **RZ12-001 165 Cliftwood Drive**, a request to rezone the subject property from O-I (Office Institutional District) conditional to C-1 (Community Business District) to allow additional commercial uses within the existing 2,193 square foot building.

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL of the request to rezone the subject property from O-I (Office Institutional District) conditional to C-1 (Community Business District) to allow additional commercial uses within the existing 2,193 square foot building.

Background:

The subject property is approximately 615 feet west of the intersection of Cliftwood Drive and Roswell Road on the south side of Cliftwood Drive. The property is currently zoned O-I (Office and Institutional District) under zoning cases Z84-129 and ZM96-001. The Zoning Conditions that run with the land include:

- The use is limited to Office that shall operate out of the existing building allowing for normal maintenance.

The subject property is developed with a one (1) story commercial building having a Beauty Salon operating out of it.

Discussion:

The applicant is requesting to rezone the subject property to C-1 (Community Business District) to allow additional commercial uses within the existing 2,193 square foot building.

The applicant/owner has proffered not to operate certain permitted C-1 uses that are included as prohibited in the staff recommended conditions.

Concurrent Review:

The staff held a Focus Meeting on May 7, 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 Environmental Health Services
<i>(comments received)</i> |
| ▪ Fulton County Board of Education | ▪ Sandy Springs Council of Neighborhoods |
| ▪ Fulton County Department of Planning and
Community Services <i>(comments received)</i> | ▪ Sandy Springs Revitalization Inc. |
| ▪ Fulton County Department of Public Works | ▪ 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. RZ12-001

HEARING & MEETING DATES

Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
February 28, 2012	March 29, 2012	April 19, 2012	May 15, 2012

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Cliftwood LLC	Cliftwood LLC	Nathan V. Hendricks III

PROPERTY INFORMATION

Address, Land Lot, and District	165 Cliftwood Drive Land Lot 9, District 17
Council District	3
Frontage and Area	Approximately 105 feet of frontage along the south side of Cliftwood Drive. The subject property has a total area of .40 acres (17,229 square feet).
Existing Zoning and Use	O-I (Office and Institutional District) under zoning cases Z84-129 and ZM96-001. The subject property is developed with a one (1) story building.
Overlay District	Main Street District
2027 Comprehensive Future Land Use Map Designation	LWR (Living-Working Regional) Node 7: Roswell Road and I-285 (Downtown)
Proposed Zoning	C-1 (Community Business District)

INTENT

TO REZONE THE SUBJECT PROPERTY FROM O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL

The applicant is requesting to rezone the subject property to C-1 (Community Business District) to allow additional commercial uses within the existing 2,193 square foot building.

The applicant/owner has proffered not to operate certain permitted C-1 uses that are included as prohibited in the staff recommended conditions.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ12-001 – APPROVAL CONDITIONAL

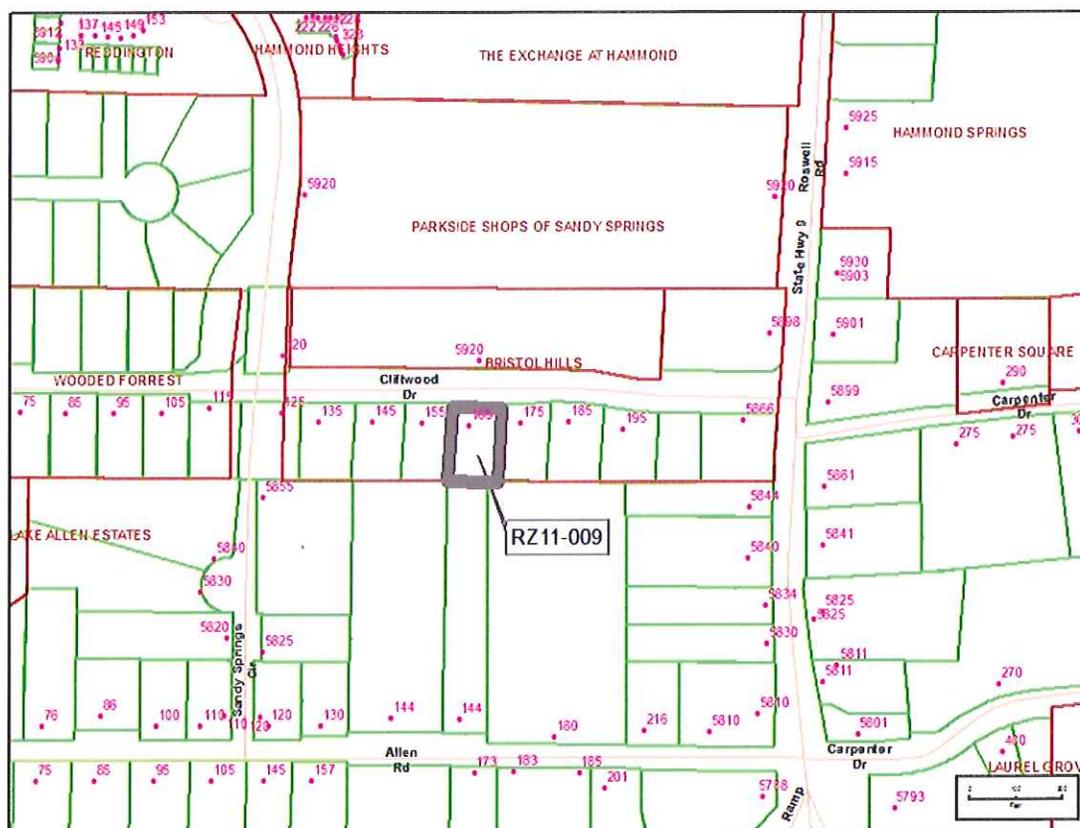
PLANNING COMMISSION RECOMMENDATION

RZ12-001 - APPROVAL CONDITIONAL

The petition was heard at the April 19, 2012 Planning Commission meeting. The Commission recommended approval subject to staff recommended conditions. Approved (4-0, Frostbaum, Maziar, Pond, and Rubenstein for; Duncan not voting; Tart and Squire absent).

Location Map

165 Clifwood Drive



BACKGROUND

The subject property is approximately 615 feet west of the intersection of Cliftwood Drive and Roswell Road on the south side of Cliftwood Drive. The property is currently zoned O-I (Office and Institutional District) under zoning cases Z84-129 and ZM96-001. The Zoning Conditions that run with the land include:

- The use is limited to Office that shall operate out of the existing building allowing for normal maintenance.

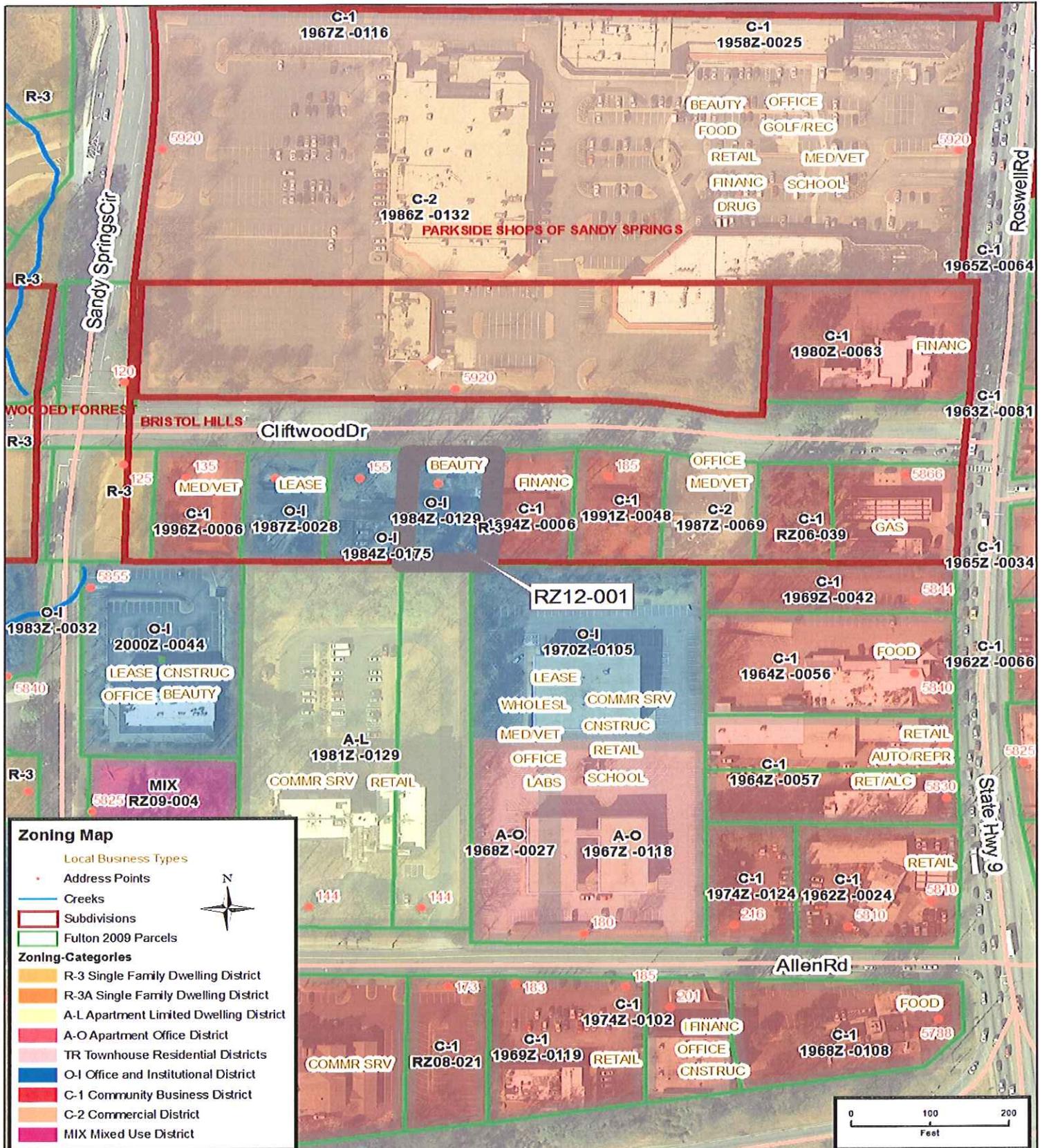
The subject property is developed with a one (1) story commercial building having a Beauty Salon operating out of it.

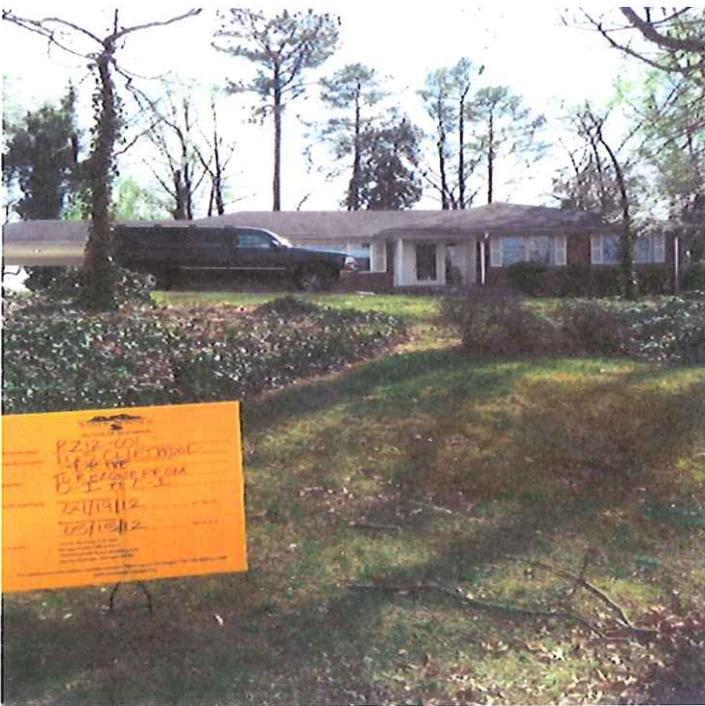
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ12-001	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	C-1	Commercial	0.396	2,193 S.F.	5,537.88 S.F./ Acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	C-2 Z86-132	Retail and Service Commercial	13.151	200,000 S.F.	15,208 S.F./ Acre
East	C-1 Z94-006	Office and Commercial	0.40	1,807 S.F.	4,517.5 S.F./ Acre
South	A-L Z81-129	Apartments	3.856	100 units	26 units/ Acre
South	O-I Z70-105	Office	1.79	30,000 S.F.	16,760 S.F./ Acre
West	O-I Z84-175	Office	0.40	1,865.25 S.F.	4,663.1 S.F./ Acre

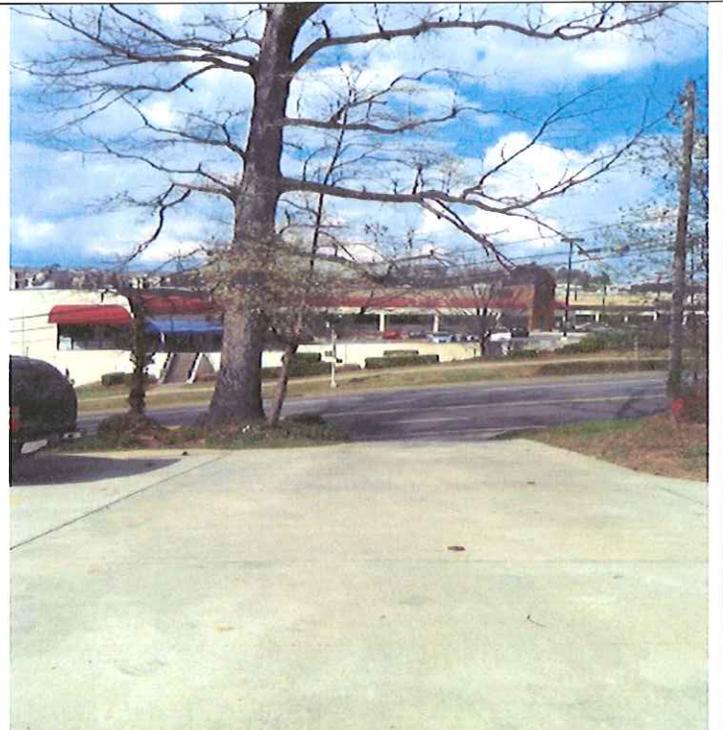
Zoning Map

165 Cliftwood Drive





Subject Property



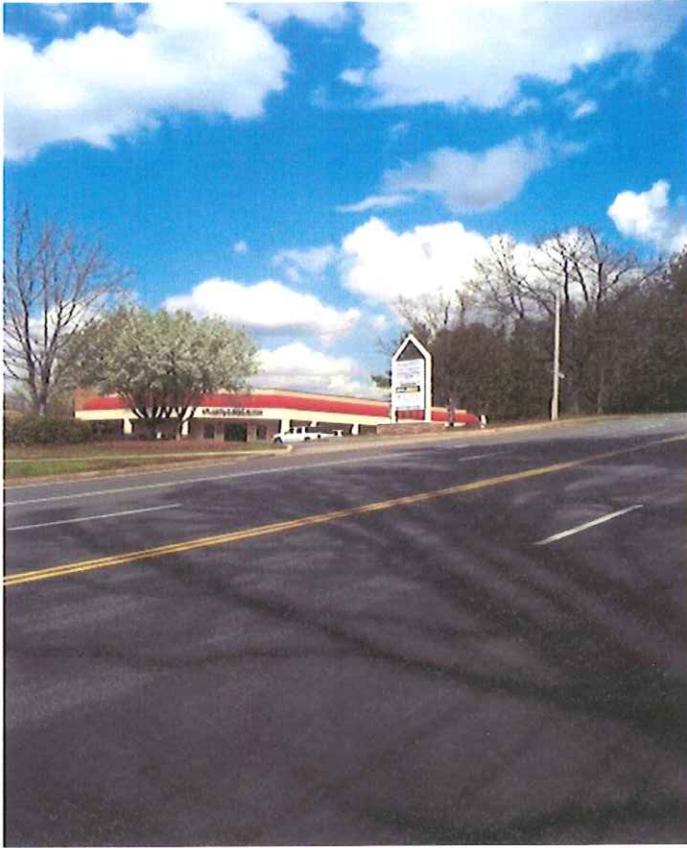
North of Subject Property



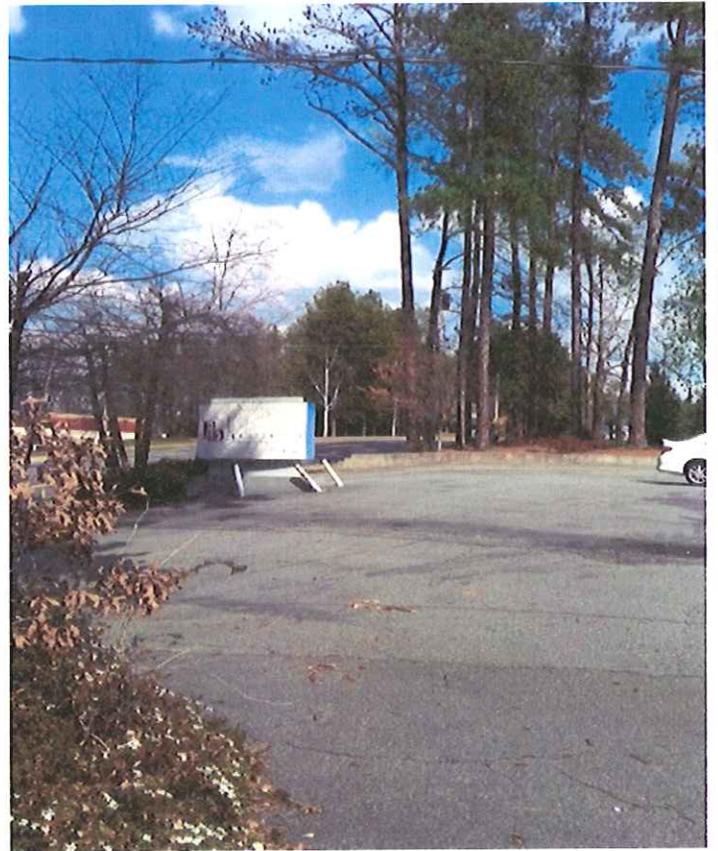
West of Subject Property



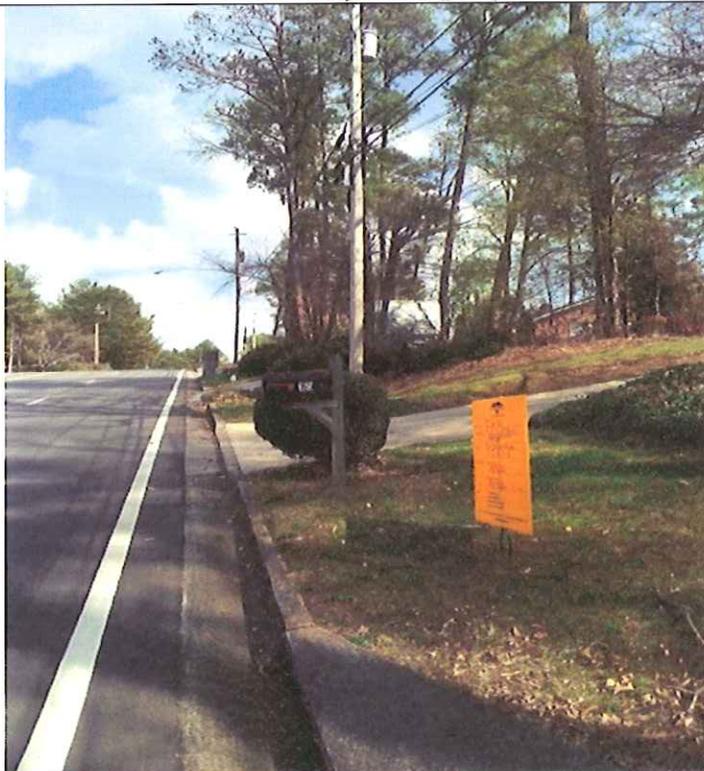
West of Subject Property



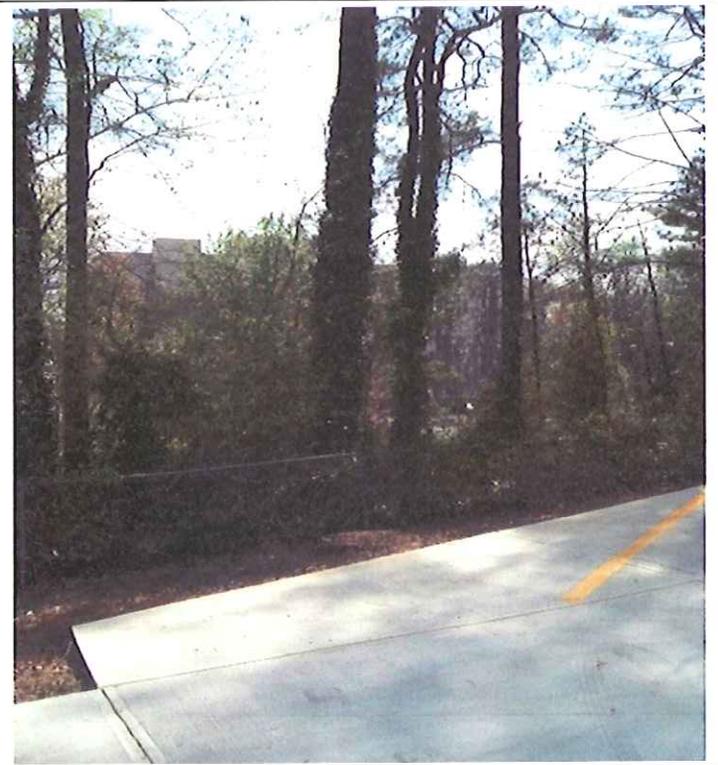
East of Subject Property



East of Subject Property



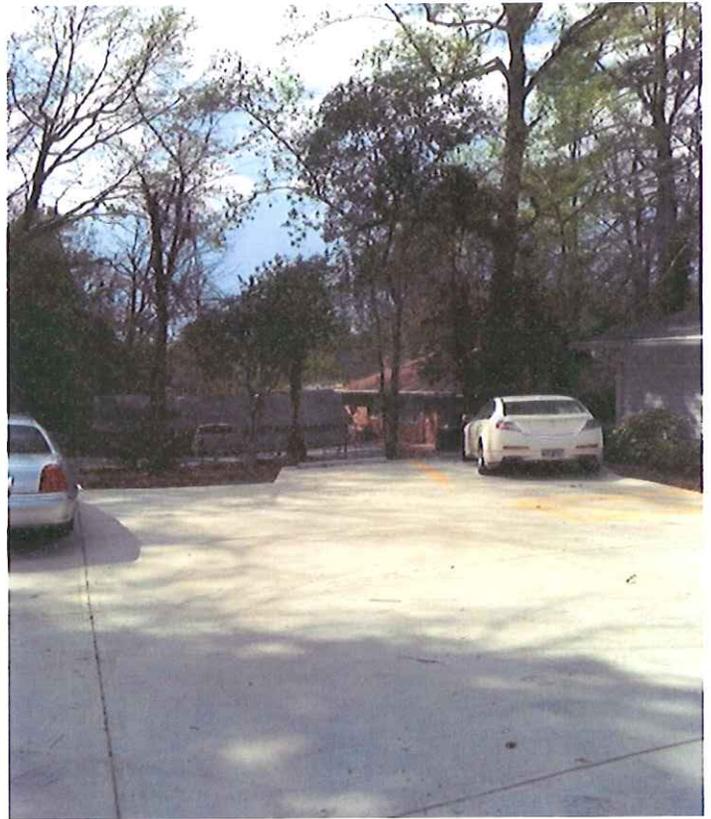
East of Subject Property



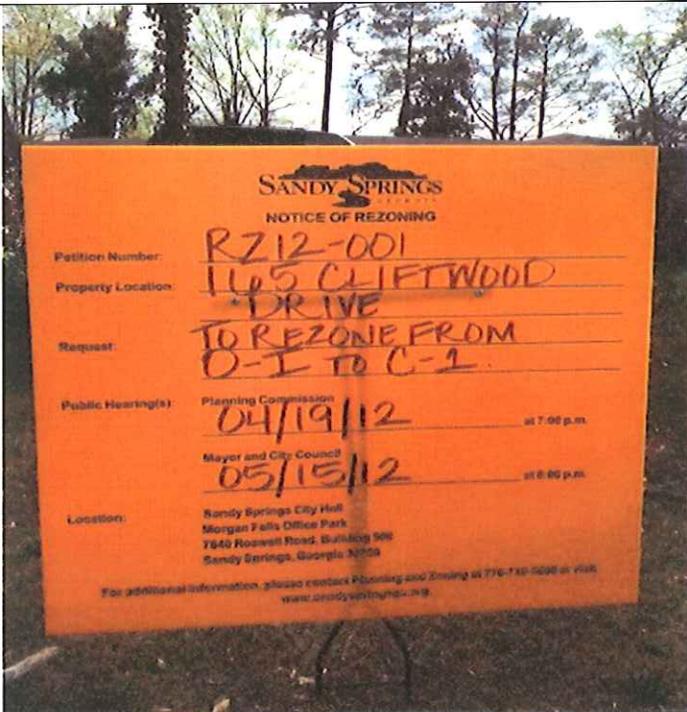
South of Subject Property



South of Subject Property



West of Subject Property



Sign

SITE PLAN ANALYSIS

The site plan submitted indicates the subject property slopes toward Cliftwood Drive and indicates an existing, one (1) story building having 2,193 square feet. The site plan also indicates the following:

- 9,738 S.F. (56.5%) of total impervious surface
- 7,491 S.F. (43.5%) of total landscaping
- 11 parking spaces

NOTE: The proposed rezoning does not include any external changes to the existing building. The following regulations would apply to the subject property as it is proposed to be rezoned:

- Parking between sidewalk and the front of the building per Section 12B.8.A.7.
- Front setback between 12 feet and 21 feet per Section 12B.8.C.1.
- Main Street streetscape standards per Section 12B.4.
- Intra-parcel walkways per Section 12B.5.A.
- West side 10 foot landscape strip per Section 4.23.1.
- East side 10 foot landscape strip per Section 4.23.1.
- Rear 50 foot Zoning Buffer plus a 10 foot Improvement Setback per Section 4.23.1. (please be advised existing parking surface and fence crossing rear property line).

PARKING IMPACT ANALYSIS

The subject property is located in the Main Street Overlay District of Sandy Springs; therefore, Section 12B.8. *Main Street District Standards* for parking will apply. Based on the calculations below, the Main Street District Standards for Parking require 10 parking spaces.

Section 12B.8.A *Parking*

<u>Land Uses</u>	<u>Maximum Number</u>	<u>Spaces Required</u>
A.1. Retail commercial	4.5 spaces/1,000 gsf	10 spaces for 2,193 S.F.

The applicant is providing 11 parking spaces.

LANDSCAPE PLAN ANALYSIS

The subject property appears to be well landscaped having 7,491 square feet of landscaped area.

ENVIRONMENTAL SITE ANALYSIS

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

DEPARTMENT COMMENTS

The staff held a Focus Meeting on March 7, 2012 at which the following departmental comments were provided:

BUILDING & DEVELOPMENT DIVISION	Sandy Springs Building Officer	<ul style="list-style-type: none"> • Depending on the actual future use of the building, the structure may be required to meet the standards for new construction if there is a change in occupancy classification.
	Sandy Springs Chief Engineer	<ul style="list-style-type: none"> • There are no engineering requirements that need to be addressed at this time.

	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> ▪ There are no landscape or stream requirements that need to be addressed 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"> ▪ Depending on the actual future use of the building, the structure may be required to meet the standards for new construction if there is a change in occupancy classification.
TRANSPORTATION	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> ▪ Public works has reviewed the petition for rezoning and advises that applicant should be restricted to one curb cut. As the property is within the Main Street District, applicant should dedicate right-of-way to accommodate the Main Street District overlay, which includes a 2-foot wide brick paver and 9-foot wide sidewalk. The minimum right-of-way for Cliftwood Drive is 60 feet for a non-residential local street or 30 feet as measured from the centerline or one-foot from the back of sidewalk, whichever is greater.
	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 INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held February 28, 2012 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held March 29, 2012 at the Sandy Springs City Hall

Public Comments (no attached letters)

NONE

Notice Requirements

The petition will be advertised in the Daily Report on April 11, 2012 and April 20, 2012. The Department of Community Development posted a sign along the frontage of Cliftwood Drive on March 16, 2012.

Public Participation Plan and Report

The applicant will meet 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 May 15, 2012. The Public Participation Report must be submitted on or before May 8, 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 and would provide appropriate transition in view of the use and development of adjacent and nearby property. The surrounding properties are multi-family residential and commercial.

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.

Public works has reviewed the petition for rezoning and advises that applicant should be restricted to one curb cut. As the property is within the Main Street District, applicant should dedicate right-of-way to accommodate the Main Street District overlay, which includes a 2-foot wide brick paver and 9-foot wide sidewalk. The minimum right-of-way for Cliftwood Drive is 60 feet for a non-residential local street or 30 feet as measured from the centerline or one-foot from the back of sidewalk, whichever is greater.

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 mostly consistent with the Future Land Use Map, which designates the property as Living-Working Regional (LWR). The proposal lends itself to the overall intent of the LWR designated areas that are intended for high intensity/density mixed land uses (residential and commercial) intended for major transportation areas and areas having significant concentrations of employment. The LWR land use designation recommends: Over 20 units/acre of residential density, over 25,000 sf/acre of business density, a case-by-case square foot/tenant limitation, an unlimited height restriction, and 20% of Open/Green Space (15% must be Green Space and the remaining 5% may be Open or Green Space).

The site plan provided by the applicant indicates the proposed density for the subject parcels are 5,537.88 sf/acre and indicates the total Open Space provided as follows:

- 7,491 S.F. (43.5%) of total landscaping
- 9,738 S.F. (56.5%) of total impervious surface

The applicant is proposing to allow for a use consistent with C-1 zoning. The subject property provides adequate buffering to the adjacent property zoned A-L to the south and the use would be in keeping with appropriate transition to the equally intense uses to the east.

The subject site is located in Living Working Node 7: Roswell Road and I-285 (Downtown). The vision, guidelines, and policies of Node 7 is as follows:

- The area should be dedicated for high density commercial, office, and residential uses.
- This area should be considered for some of the highest densities in the City.
- Consolidation of properties and the collective redevelopment of multiple properties should be encouraged in the area to perpetuate economic vitality, increased green space, and an improved transportation system.
- Residential density should be above 20 units per acre. Commercial and office densities should be above 25,000 square feet per acre. Building heights should not be limited in this area. At least 15% of a site shall be maintained as open and green space.
- Densities and heights of a significant nature should not be supported on properties less than four (4) acres in size. Increased levels of open and green space, limiting direct vehicular access to Roswell Road, and improving the area's transportation network shall be important considerations for the highest densities and building heights.
- The transition of densities and heights to levels similar to those in the Town Center area should be considered on the northern boundary of the area along Cliftwood Drive and Carpenter Drive.
- Automobile-oriented uses should be discouraged from this area.

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Finding: The staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

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

CONCLUSION TO FINDINGS

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

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to approve the petition to rezone from O-I (Office and Institutional District) conditional to C-1 (Community Business District) conditional to allow limited C-1 uses within the existing 2,193 square foot building, 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.

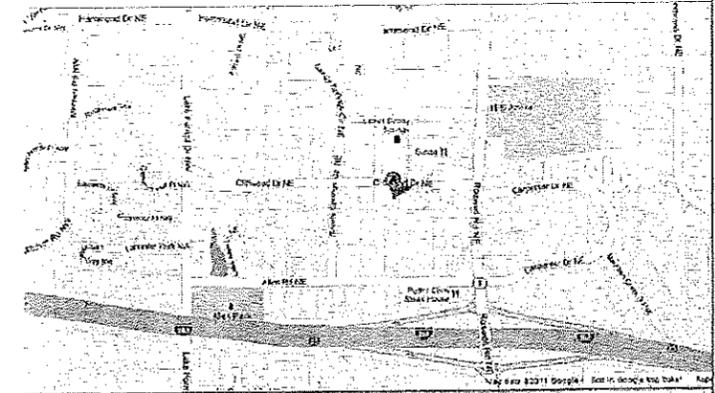
1. To the owners' agreement to restrict the use of the subject property as follows:
 - a. To the existing 2,193 square foot building. The applicant/owner may renovate and maintain the existing building on an as needed basis.
 - b. To Uses permitted in the C-1 Zoning District, excepting Adult Establishments, Businesses Performing Specified Sexual Activities, Massage Parlors, and Lingerie/Bathing Suit Modeling, Automotive parking lot, Automotive specialty shop, Church (temple or other place of worship), Funeral home, Automotive Repair Garage, Laundromat, Landscaping business (garden center), Laundry & dry cleaning shop, Millinery or similar trade whenever products are sold retail exclusively on the site where produced, Parking garage/deck, Parking lot, Plant nursery, Recycling collecting center, Repair shop not involving any manufacturing on the site, Service station, and Stadium shall be prohibited.
2. To the owners' agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on January 26, 2012.
3. To the owner's agreement to provide the following site development standards:
 - a. Ninety (90) days after approval of this petition RZ12-001, the owner/applicant shall dedicate the minimum right-of-way for Cliftwood Drive, which is 60 feet for a non-residential local street or 30 feet as measured from the centerline or one-foot from the back of sidewalk, whichever is greater. Additionally, the owner/applicant shall dedicate the right-of-way necessary to accommodate the Main Street District overlay, which includes a 2-foot wide brick paver and 9-foot wide sidewalk.
 - b. The subject property shall have only one curb cut on Cliftwood Drive.
 - c. To reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plan received by the Department of Community Development dated January 26, 2012.

Attachments

- Site Plan(s) dated received January 26, 2012
- Applicant Zoning Impact Analysis dated received January 26, 2012
- Applicant letter of Intent received January 26, 2012
- Letter City of Atlanta Dept. of Watershed Management received March 19, 2012
- Letter Fulton County Dept. of Health Services received March 19, 2012
- Letter Fulton County Dept. of Planning and Community Services received March 19, 2012

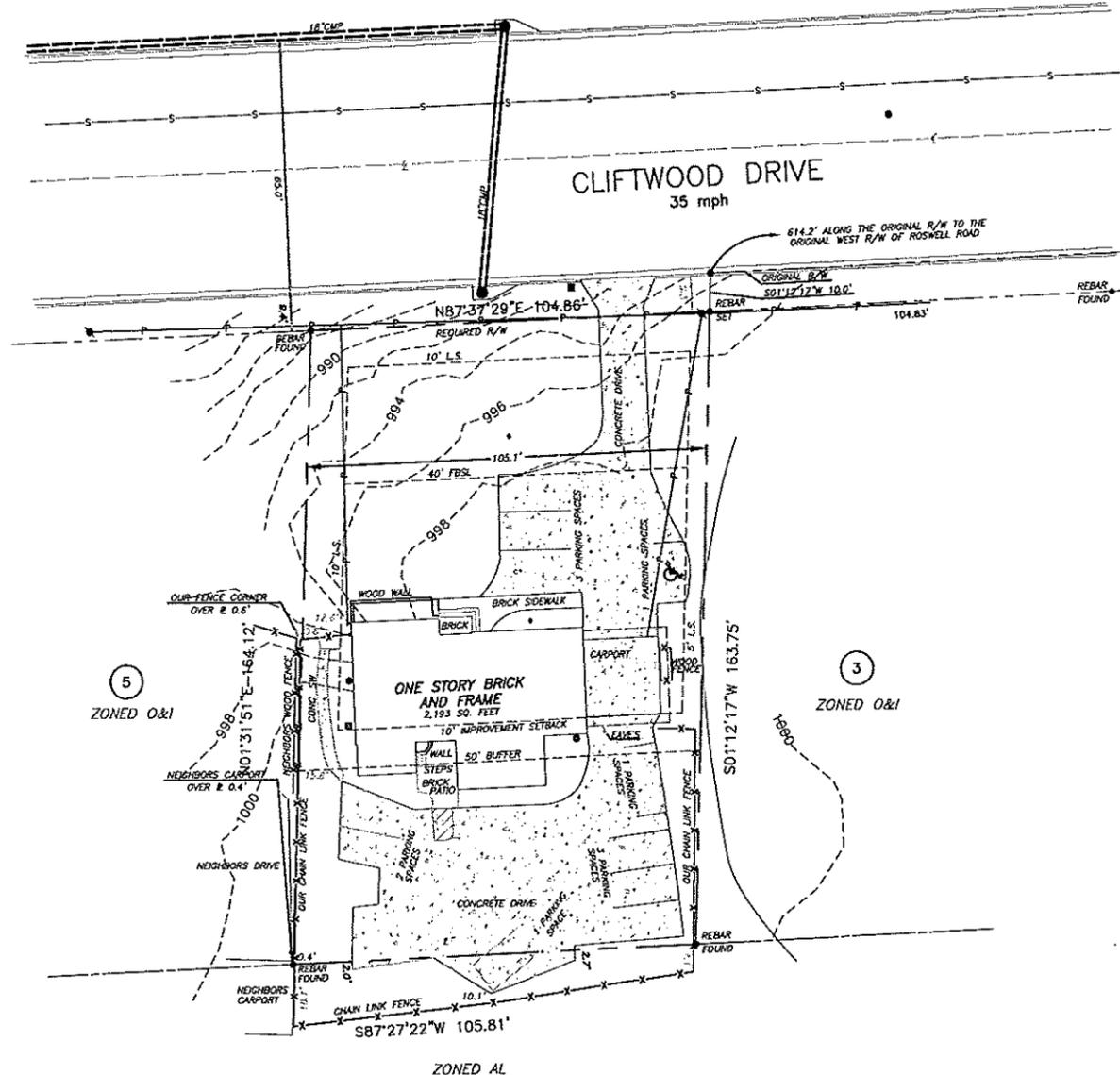
LEGEND

- R/W DENOTES RIGHT-OF-WAY
- C DENOTES CENTERLINE
- BC DENOTES BACK OF CURB
- C DENOTES CURB
- EP DENOTES EDGE OF PAVING
- TW DENOTES TOP OF WALL
- BW DENOTES BOTTOM OF WALL
- X-X DENOTES FENCE
- RCP DENOTES REINFORCED CONCRETE PIPE
- CMP DENOTES CORRUGATED METAL PIPE
- PP DENOTES POWER POLE
- LP DENOTES LIGHT POLE
- GW DENOTES GUY WIRE
- P DENOTES POWER LINE
- PM DENOTES POWER METER
- PB DENOTES POWER BOX
- A/C DENOTES AIR CONDITION
- TM DENOTES TELEPHONE BOX
- GM DENOTES GAS METER
- GV DENOTES GAS VALVE
- GLM DENOTES GAS LINE MARKER
- WM DENOTES WATER METER
- WV DENOTES WATER VALVE
- FW DENOTES FIRE HYDRANT
- MW DENOTES MONITORING WELL
- HW DENOTES HEADWALL
- JB DENOTES JUNCTION BOX
- DI DENOTES DROP INLET
- S DENOTES SANITARY SEWER LINE
- SMH DENOTES SANITARY SEWER MANHOLE
- CO DENOTES CLEAN OUT



SURVEY NOTES

- INFORMATION SHOWN HEREON TAKEN FROM SURVEY PROVIDED TO CCE INC BY MCLUNG SURVEYING
1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS. EASEMENTS AS SHOWN ARE APPROXIMATE AND TAKEN FROM RECORDED DOCUMENTS.
TELEPHONE: AT&T
ELECTRIC: GEORGIA POWER COMPANY
WATER AND SEWER: CITY OF ATLANTA
GAS: ATLANTA GAS LIGHT COMPANY
CALL THREE WORKING DAYS BEFORE YOU DIG
UTILITIES PROTECTION CENTER:
IN METRO ATLANTA 770-823-4344
THROUGH OUT GEORGIA 1-800-282-7411
 2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
 4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.
BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
 5. SQUARE FEET OF BUILDING IS FOR FIRST FLOOR ONLY.
 6. PARKING AREA IS OFF STREET AND 11 PARKING SPACES ARE DESIGNATED, AND 1 IS DESIGNATED HANDICAPPED.
 7. THIS PLAT NOT INTENDED FOR RECORDING.
 8. CONTOURS TAKEN FROM FULTON COUNTY GIS AND DO NOT REPRESENT FIELD RUN



TO REDUCE THE ZONING REGULATIONS TO THE EXTENT NECESSARY FOR ALL THE EXISTING NON-CONFORMING (GRANDFATHERED) STRUCTURE(S) TO COMPLY IN ACCORDANCE WITH THE SITE PLAN.

NO PROPOSED IMPROVEMENTS ANTICIPATED OR IMPLIED.

- * PARKING PER 12B.8.A
- * FENCES AND WALLS PER SECTION 12B.5.D
- * NO PARKING BETWEEN SIDEWALK AND THE FRONT OF THE BUILDING PER SECTION 12B.8.A.7
- * FRONT SETBACK BETWEEN 12? AND 21? PER SECTION 12B.8.C.1
- * MAIN STREET STREETSCAPES STANDARDS PER SECTION 12B.4
- * INTRA-PARCEL WALKWAYS PER SECTION 12B.5.A
- * ACCESSORY STRUCTURES SCREENING PER SECTION 12B.5.C
- * PARKING LOT LANDSCAPING PER SECTION 4.23.2
- * SIGNAGE PER ARTICLE 33
- * 40? FRONT SETBACK PER C-1 (SECTION 9.1.3.B)
- * FRONT 10' LANDSCAPE STRIP PER SECTION 12B.4 AND PER SECTION 4.23.1
- * WEST SIDE 10' LANDSCAPE STRIP PER SECTION 4.23.1
- * EAST SIDE 5' LANDSCAPE STRIP PER SECTION 4.23.1
- * REAR 50' ZONING BUFFER PLUS A 10? IMPROVEMENT SETBACK PER SECTION 4.23.1

Site Analysis:

Existing Zoning: O&I
 Proposed Zoning: C-1
 Maximum Height = 60' or 4 Stories
 Existing building is a 1 story less than 20' complies
 Minimum Yard Setbacks:
 Front = 40', complies
 Side = AS SHOWN
 Rear = AS SHOWN
 Lot area provided = 17,229 SF, complies
 Impervious area = 9,738 sf 56.5%
 Heated floor area provided = 2,193 sq-ft 12.7%
 Minimum Lot Frontage = 35', 105.1' provided
 11' Parking spaces provided, 5/1000

RECEIVED
 JAN 26 AM '12
 City of Canton Buildings
 Community Development

Development Statistics Summary Chart with percentage (%) of total site coverage:
 0.306 ac Total area of site (total acres or sq. feet = 100%);
 2,193 sf; 12.7% Buildings (sq. feet and %);
 11 Parking spaces (number and %);
 9,738 sf; 56.5% Total Impervious surface (sq. feet and %);
 7,491sf; 43.5% Landscaping (sq. feet and %);
 0; 0 Flood plain (sq. feet and %);
 0; 0 Undeveloped and/or open space (sq. feet and %)

Any where. Always. Call before you dig.

TOTAL AREA= 0.396± ACRES
 OR 17,229± SQ. FT.
 PART OF LOT 4 BLOCK "B"
 BRISTOL HILLS

LAND LOT 90
 DISTRICT 17TH SECTION
 COUNTY FULTON GEORGIA

This property (●) (is not) located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.

Project: 165 CLIFTWOOD DRIVE
Project Address: 165 CLIFTWOOD DRIVE
Client: CLIFTWOOD LLC
Client Address: 165 CLIFTWOOD DRIVE
Date: 01/20/2012

Civil Consulting Engineers, Inc.

122 Cedar Woods Trail
 Canton, GA 30114
 678-462-4072

SCALE IN FEET

R212-001 / ORB 12-004

LETTER OF INTENT

The subject property contains approximately 0.396 acres and is located on the southerly right-of-way of Cliftwood Drive approximately halfway between the intersection of Cliftwood Drive with Sandy Springs Circle to the west and Roswell Road to the east. The Property is commonly known as 165 Cliftwood Drive and is currently zoned to the O-I Classification.

The Applicant requests a rezoning to the C-1 Classification for service/commercial/retail/office uses as more particularly described and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof. Additionally the Applicant requests that the Conditions of Rezoning contain a provision "to reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the Site Plan submitted simultaneously herewith" which zoning regulations include or may include those set forth on Exhibit "B" attached hereto and by reference thereto made a part hereof. Other than interior renovations to the structure which may from time to time may occur, the Applicant intends to occupy and use the Property and its current improvements in their existing state. The structure located on the Property contains 2,193 square feet of heated floor area resulting in a density of 5,537.88 square feet per acre. The Sandy Springs Comprehensive Land Use Plan designates the Property under the Regional Live/Work Node. Given the zoning and development of the property directly to the north across Cliftwood Drive under the C-2 Classification, the zoning and development of the property contiguous and to the east under the C-1 Classification and the zoning and development of the property contiguous and to the west under the O-I Classification, this Rezoning Request complies with the policies and intent of the Comprehensive Land Use Plan. Therefore, this Rezoning Request is entirely appropriate and the appropriateness of this Rezoning Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "C" attached hereto and by reference thereto made a part hereof.

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

R212-001 / DRB12-004

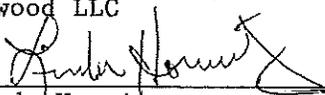
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JAN 26 AMSD

Community Development

APPLICANT:

Cliftwood LLC

By: 
Linda Horwitz
Its: Manager


Nathan V. Hendricks III
Attorney for the Applicant

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

A. Permitted Uses. A building or land may be used for the following purposes:

1. Amusement, indoor
2. Apartment, above or behind commercial and office uses in the same building
3. Art gallery
4. Assembly hall
5. ~~Automotive parking lot~~
6. ~~Automotive specialty shop~~
7. Catering, carry-out and delivery business
8. ~~Church, temple or other place of worship~~
9. Clinic
10. Day care facility
11. Delicatessen
12. Financial establishment/institution
13. ~~Funeral home~~
14. ~~Garage, automobile repair (except painting, body repair and overhaul of major components)~~
15. Group residence
16. Gymnasium
17. Hospice
18. Hotel/motel
19. Health club/spa
20. ~~Laundromat~~
21. ~~Landscaping business, garden center~~
22. ~~Laundry and dry cleaning shop~~
23. ~~Lawn service business~~
24. Library
25. Communication service
26. ~~Millinery or similar trade whenever products are sold retail, exclusively on the site where produced.~~
27. Museum
28. Nursing home
29. Office
30. ~~Parking garage/deck~~
31. ~~Parking lot~~
32. Personal care home/assisted living
33. Personal service, including barber, beauty
34. Pet grooming (no overnight stay)
35. Photography studio
36. ~~Plant nursery~~
37. Printing shop, convenience
38. ~~Recycling center, collecting~~
39. ~~Repair shop not involving any manufacturing on the site~~
40. Research laboratory
41. Restaurants
42. Retail store or shop
43. School of business, dance, music or similar schools
44. ~~Service station (except that repair and service offerings shall not include painting, body repair or overhaul of major components, and no portion of the site shall be used for the display of cars for sale)~~
45. ~~Stadium~~
46. Theater

NOTE: Uses struck through are prohibited and should be so noted in Conditions of Zoning.

165 Cliftwood Drive

- Parking per Section 12B.8.A.
- Fences and walls per Section 12B.5.D.
- No parking between sidewalk and the front of the building per Section 12B.8.A.7.
- Front setback between 12' and 21' per Section 12B.8.C.1.
- Main Street streetscape standards per Section 12B.4.
- Intra-parcel walkways per Section 12B.5.A.
- Accessory Structures screening per Section 12B.5.C.
- Parking lot landscaping per Section 4.23.2
- Signage per Article 33
- 40' front setback per C-1 (Section 9.1.3.B.)
- Front 10' landscape strip per Section 12B.4. and per Section 4.23.1.
- West side 10' landscape strip per Section 4.23.1.
- East side 5' landscape strip per Section 4.23.1.
- Rear 50' Zoning Buffer plus a 10' Improvement Setback per Section 4.23.1.
(note: parking surface and fence crossing the rear property line)

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 approve this Use Permit Application 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 Constitutions of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of this Application 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 and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

FORM 26 ANS'D

IMPACT ANALYSIS
FORM B

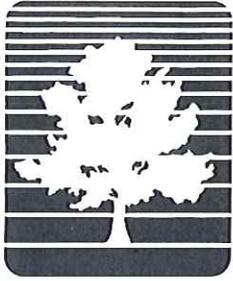
Applicant: Cliftwood LLC
Community Development

RZ12-001 / DRB12-004

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. The property directly to the north across Cliftwood Drive is zoned and developed under the C-2 Classification and the property contiguous and to the east is zoned and developed under the C-1 Classification and the property contiguous and to the west is zoned and developed under the O-I Classification.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No. Given the compatability of this rezoning request with the zonings and development of adjacent and nearby properties, this zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.
3. Does the property to be rezoned have a reasonable economic use as currently zoned? No. Given the lack of market demand for office use in the sub-market in which the Property is located which depressed market condition has existed for at least the last four years, this Property does not have a reasonable economic use as currently zoned.
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. This zoning proposal will not result in a use that could cause an excessive or burdsome 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. The Comprehensive Land Use Plan designates this Property within the Live/Work Regional Node and theis zoning proposal is in conformity with this designation as well as being compatable with the other zonings and uses of other adjacent and nearby properties.
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. As noted the compatability of this zoning proposal with the zonings and developments of adjacent and nearby properties are conditions which give support for 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 will 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.



FULTON COUNTY

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

March 15, 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 April Planning Commission and May 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
MAR 19 2012
City of Sandy Springs
Community Development
Department



Kasim Reed
MAYOR

CITY OF ATLANTA

55 TRINITY AVENUE SW, SUITE 5400, SOUTH BLDG.
ATLANTA, GEORGIA 30335-0310
OFFICE 404-330-6081
FAX 404-658-7194

DEPARTMENT OF
WATERSHED MANAGEMENT
Jo Ann J. Macrina, P.E.
Acting Commissioner

March 9, 2012

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

Subject: Water Availability at 165 Cliftwood Drive

Dear Ms. Ruffin:

Our records indicate there is an existing 8-inch water main along Cliftwood Drive which is owned and maintained by the City of Atlanta.

To integrate into Atlanta Water System or rearrange water facilities, the developer must submit the following to the City of Atlanta-Bureau of Engineering Services:

1. A set of stamped engineering drawings showing their developmental objectives for review and approval
2. The enclosed Basis of Design Data form completed
3. A two thousand dollar deposit (\$2,000.00) may be required. Check must be made payable to City of Atlanta.

Once the plans have been approved, the developer will then receive additional instructions regarding the process and procedures from the Bureau of Engineering Services.

Should you need additional information, please contact me at (404) 235-2095.

Sincerely,

Nar Chaudhry, P.E. Chief Engineer
Bureau of Engineering Services
Department of Watershed Management
651 14th Street, N.W.
Atlanta, Georgia 30318
Phone: 404-235-2095
Fax: 404-982.1400
e-mail: Nar.Chaudhry@atlwater.com
cc: Nolton Johnson, P.E.

Received

MAR 19 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
Department of Health Services, Office of the Director *MR*

DATE: March 16, 2012

SUBJECT: Zoning Comments for April 19, 2012 Planning Commission

AGENDA ITEM	ZONING COMMENTS
RZ12-001	<p>The Fulton County Department of Health Services does not anticipate any health issues related to sewage disposal provided that the site is served by public sanitary sewer and public water.</p> <p>Any future business 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 the proposed additions constitute a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to occupancy.</p> <p>The Fulton County Department of Health Services recommends that internal plumbing is inspected and deemed adequate for the proposed use prior to occupancy.</p> <p>If this use of this existing building is to be food service establishment, 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>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>If a personal care home is proposed, the Fulton County Department of Health Services will require that this facility meet the permit requirements for personal care homes under the Rules and Regulations of Georgia Department of Community Health, Chapter 111-8, Health Care Facility Regulation, 111-8-62.</p> <p>If a child care is proposed, the Fulton County Department of Health Services recommends this facility meet all permit requirements for child care learning centers under Bright from the Start: Georgia Department of Early Care and Learning.</p> <p>If a tourist accommodation, as defined in the Department of Human Resources rules and regulations for tourist accommodations as adopted by Fulton County, is proposed, the Fulton County Department of Health Services requires that the owner or contractor must submit plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a tourist accommodation permit prior to opening.</p>

Received

MAR 19 2012

*City of Sandy Springs
Community Development
Department*

*Department
City of Sandy Springs
Community Development*

MAR 19 2012

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