

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development



Date: February 6, 2012 For Submission onto the onto the February 21, 2012 City Council meeting

Agenda Item: **ZM11-006 5855 Riverside Drive**, Request for a zoning modification to the conditions of Sandy Springs zoning case U09-001/U09-002/U09-007.

Director of Community Development Recommendation:

APPROVAL CONDITIONAL of the request for a zoning modification to the conditions of Sandy Springs zoning case U09-001/U09-002/U09-007.

Background:

The site is located on the east side of Riverside Drive and lies just south of the I-285 highway. The property is zoned R-1 (Single Family Dwelling District) and is currently developed with a church, private school, and day care. Except for the I-285 highway to the north, it is surrounded by low density single family residential homes.

Discussion:

The applicant intends to modify conditions 1.b., 2.m., and 2.n. of zoning case U09-001/U09-002/U09-007 as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - b. A Private Elementary School (grades K through 3 **5**) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
2. To the owner's agreement to abide by the following:
 - m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than ~~December 31, 2013~~ **May 31, 2020**.
 - n. The subject Private School Use Permit shall expire on ~~December 31, 2013~~ **May 31, 2020**.

Concurrent Review:

The staff held a Focus Meeting on January 11, 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. ZM11-006

HEARING & MEETING DATES

Community Zoning Information Meeting
January 10, 2012

Mayor and City Council Hearing
February 21, 2012

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
St. Andrew's Presbyterian Church	St. Andrew's Presbyterian Church	Ellen Smith, Esq.

PROPERTY INFORMATION

Address, Land Lot, and District	5855 Riverside Drive Land Lot 133, District 17
Council District	6
Frontage and Area	413 feet of frontage along the east side of Riverside Drive. The subject property has a total area of 10.08 acres.
Existing Zoning and Use	R-1 (Single Family Dwelling District) conditional under U09-001/U09-002/U09-007, currently developed with a Church and Private School.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	Residential, 0 to 1 units per acre (R0-1)
Proposed Use	Church, Private School, and Day Care Facility

INTENT

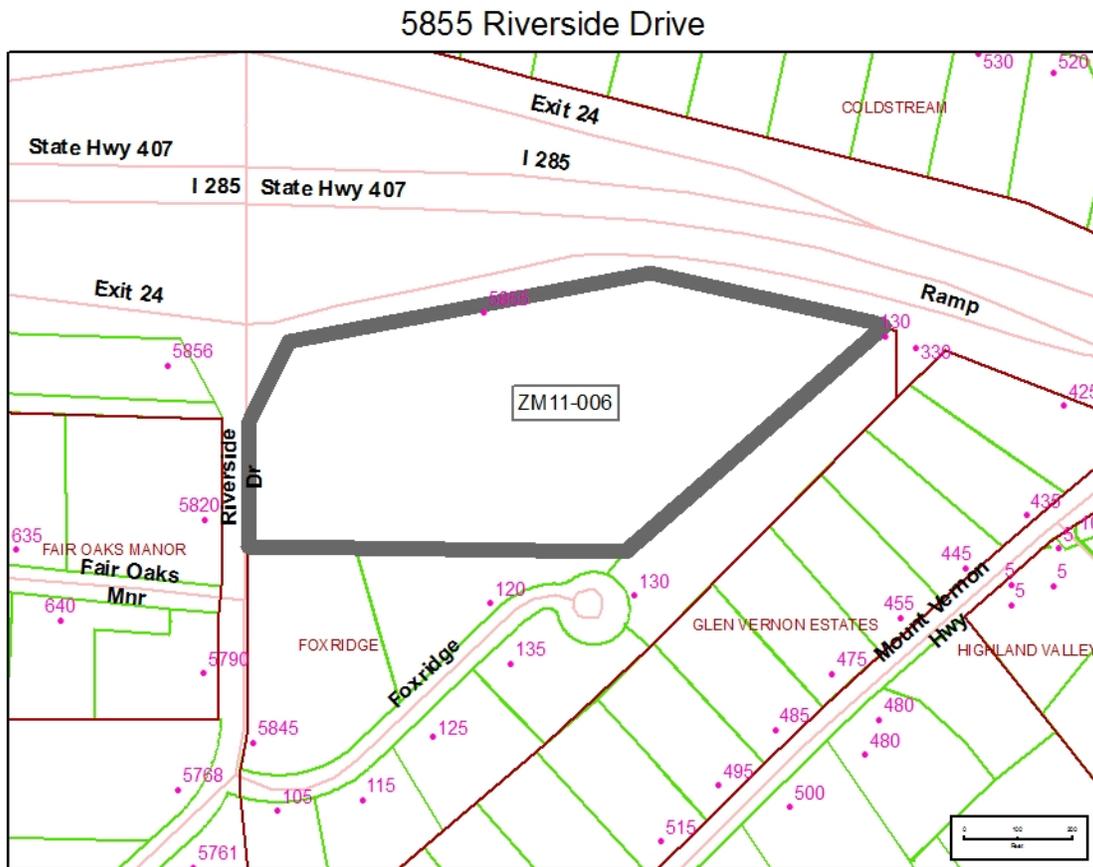
MODIFICATION OF CONDITION TO MODIFY CONDITIONS 1.B., 2.M., AND 2.N. OF PETITION U09-001/U09-002/U09-007 (APPROVED BY THE SANDY SPRINGS MAYOR AND CITY COUNCIL ON JULY 21, 2009)

The applicant intends to modify conditions 1.b., 2.m., and 2.n. of zoning case U09-001/U09-002/U09-007 as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - b. A Private Elementary School (grades K through 3⁵) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
2. To the owner's agreement to abide by the following:
 - m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than ~~December 31, 2013~~ **May 31, 2020**.
 - n. The subject Private School Use Permit shall expire on ~~December 31, 2013~~ **May 31, 2020**.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
ZM11-006 - APPROVAL CONDITIONAL

Location Map



BACKGROUND

The site is located on the east side of Riverside Drive and lies just south of the I-285 highway. The property is zoned R-1 (Single Family Dwelling District) and is currently developed with a church, private school, and day care. Except for the I-285 highway to the north, it is surrounded by low density single family residential homes.

Under U09-001/U09-002/U09-007 the subject property is approved for the following:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A church at a maximum density of 2,614.19 square feet per acre or a total of 26,351 square feet, whichever is less (U09-001). The subject Private School (U09-002) and Day Care Facility (U09-007) may occupy the aforementioned space.
 - b. A Private Elementary School (grades K through 3) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
 - c. A Day Care Facility with a total enrollment of no more than 150 children limited to operating Monday through Friday between the hours of 8:00 a.m. to 6:00 p.m.
 - d. A Day Care Facility with a total enrollment of no more than 50 children limited to operating Saturdays between the hours of 9:00 a.m. to 3:00 p.m.
 - e. The Private School and Day Care(s) shall provide copies of all state licenses and exemptions to the Director of Community Development by July 1st of each calendar year.
 - f. By August 21, 2009 and July 1st of each calendar year thereafter, the Private School and Day Care(s) shall provide an annual report detailing total enrollment by the uses (exemptions and/or licenses) detailed in conditions 1.b, 1.c, and 1.d, subject to the approval of the Director of Community Development.
 - g. No more than a total of 17 staff and 118 children shall be enrolled during weekdays and/or Saturdays until such time review and approval for more occupancy has been obtained from Fulton County Health & Wellness, then a total enrollment of up to the quantity specified in conditions 1.b, 1.c, and 1.d. may be utilized.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated April 8, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

- b. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Riverside Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- c. The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.
- d. To bring the existing structure into compliance with building codes pursuant to Chapter 105, Buildings and Building Regulations, the Code of the City of Sandy Springs.
- e. To bring the existing structure into compliance with fire codes, pursuant to Chapter 22, Fire Prevention and Protection, of the Code of the City of Sandy Springs.
- f. The school shall provide a 24-hour contact person available to address on-site management issues for surrounding property owners. The school shall provide this information in the annual report referenced in condition 1.f. Compliance with this condition shall be in place by July 1st of each calendar year.
- g. The school shall submit a schedule of events to the Sandy Springs Communications Department detailing the date and time of each special event. Said schedule shall be submitted annually, by July 1st of each calendar year, and monthly on the first day of each month.
- h. Use of such recreational fields and play areas shall not be permitted after sunset.
- i. To prohibit any fixed/permanent outdoor loudspeakers, horns, or amplified sound systems. Operation and use of any portable sound system shall be subject to the City of Sandy Springs Noise Ordinance.
- j. Parking lot lighting shall be no taller than 20 feet and shall not be installed within 50 feet of any residentially-zoned property. The light source of all external lighting on the Property shall be screened and shall not be directly visible from adjoining residential properties. Outdoor lighting of all play areas and recreational fields is prohibited.
- k. Delivery hours and days shall be limited to the following: 7:30 AM to 7:30 PM on Monday through Friday; 8:00 AM to 5:00 PM on Saturdays; no deliveries are permitted on Sundays.
- l. No additional instruction and programs shall be permitted for any person beyond the staff recommended conditions for the number of enrollment during weekdays and Saturdays as specified in conditions 1.b, 1.c, and 1.d.
- m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than December 31, 2013.
- n. The subject Private School Use Permit shall expire on December 31, 2013.

- o. The instruction at the Private School shall be limited as follows: only offer grades K through 1 for the 2009-2010 academic year, only offer grades K through 2 for the 2010-2011 academic year, only offer grades K through 3 for the academic year 2011-2012.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION ZM11-006	Proposed Use		Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	Church, Private School, & Day Care		10.08	26,351	2,614.19
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	-	I-285 Highway (State Highway 407)	-	-	-
East	R-2 1972Z-0096	Single Family Home 130 Foxridge NW (Highland Valley Subdivision)	2.14	1 du	.467 du/ac
South	R-2 1972Z-0096	Single Family Home 120 Foxridge NW (Highland Valley Subdivision)	1.40	1 du	.714 du/ac
South	R-1	Single Family Home 5845 Riverside Dr. NW (Highland Valley Subdivision)	2.22	1 du	.45 du/ac
West	R-1	Single Family Home 5820 Riverside Dr. NW	1.99	1 du	.502 du/ac
West	R-2 1980Z-0011	5856 Riverside Drive	1.03	1 du	.97 du/ac

Zoning Map

5855 Riverside Drive



Future Land Use Map

5855 Riverside Drive





Subject Property



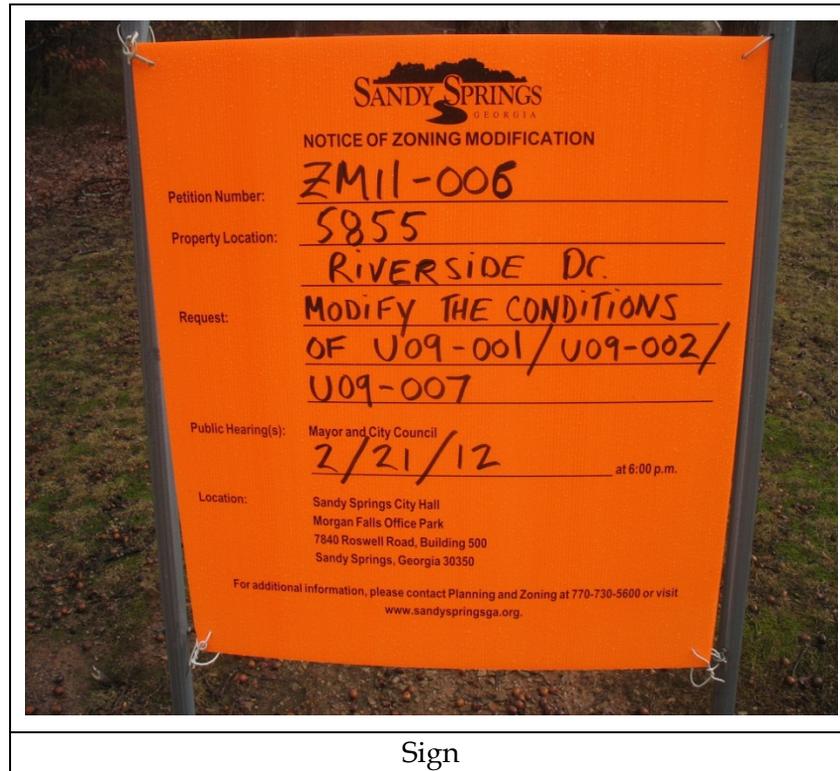
Subject Property



Subject Property



Subject Property



APPLICANT'S INTENT

The applicant is requesting a zoning modification to the conditions of Fulton County zoning case Z89-068 as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - b. A Private Elementary School (grades K through 3 5) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
2. To the owner's agreement to abide by the following:
 - m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than ~~December 31, 2013~~ **May 31, 2020**.
 - n. The subject Private School Use Permit shall expire on ~~December 31, 2013~~ **May 31, 2020**.

*The staff is of the opinion that the applicant's request to expand the school to grade level five (5) and to extend the School Use to May 31, 2020 will not adversely affect adjacent or nearby properties because the school has been successfully operating within the guidelines set forth under the zoning conditions of the previous zoning approval (U09-001/U09-002/U09-007); the most significant being the limitations to density, total enrollment, and manner of operation. The staff has received and considered an email of opposition from an adjacent neighbor. Staff has also forwarded this email to the applicant and feels that the issues identified can be addressed and resolved as noted in the staff recommended conditions. Therefore, the staff recommends **APPROVAL** of this modification request.*

DEPARTMENT COMMENTS

The staff held a Focus Meeting on January 11, 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"> There are no engineering requirements that need to be addressed at this time.
	Sandy Springs Chief Environmental Compliance Officer	<ul style="list-style-type: none"> There are no Environmental Compliance 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"> There are no Fire Department 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 petition and does not anticipate the modification will have an adverse impact on the existing streets or transportation network.
	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 or the Fulton County Emergency Services Department.

STAFF RECOMMENDATION

The staff recommends **APPROVAL CONDITIONAL** of the zoning modification request. The staff recommends that the conditions of Sandy Springs zoning case U09-001/U09-002/U09-007 be modified to be read as follows. Where these revisions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A church at a maximum density of 2,614.19 square feet per acre or a total of 26,351 square feet, whichever is less (U09-001). The subject Private School (U09-002) and Day Care Facility (U09-007) may occupy the aforementioned space.
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Attachments

Letter of Intent dated received December 6, 2011

Site Plans received December 6, 2011

Letter Fulton County Dept. of the Environment and Community Development received January 27, 2012

Letter of Opposition received January 27, 2012

Letters of Support received February 6, 2012

Email of concern dated sent and received February 9, 2012

ZM11-006

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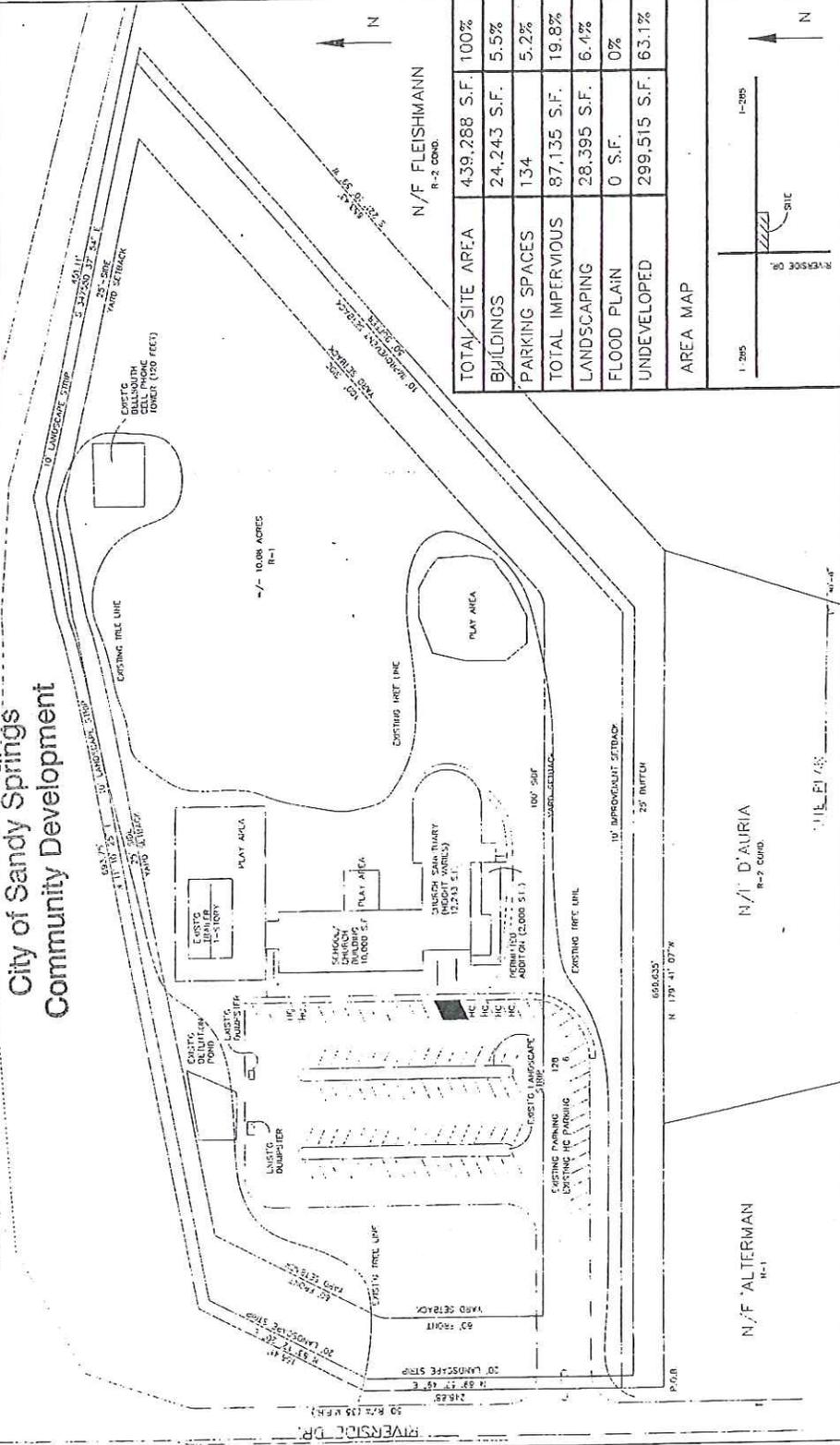
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I-295 ON-RAMP EAST
VARIABLE HWY

City of Sandy Springs Community Development

PARKING SPACES REQUIRED BY CODE
(1 PER 3.5 FIXED SEATS CHURCH)
PARKING SPACES REQUIRED BY CODE 17 + 8
(1.7 PER 1000 S.F. + 1 PER EMPLOYEE)

TOTAL SPACES REQUIRED 112
CURRENT PARKING SPACES 134



TOTAL SITE AREA	439,288 S.F.	100%
BUILDINGS	24,243 S.F.	5.5%
PARKING SPACES	134	5.2%
TOTAL IMPERVIOUS	87,135 S.F.	19.8%
LANDSCAPING	28,395 S.F.	6.4%
FLOOD PLAIN	0 S.F.	0%
UNDEVELOPED	299,515 S.F.	63.1%

AREA MAP

1-295
I-295
SITE

2.1-HOUR CONTRACT:
PECA TABS/2111
404 847 0839

COUNCIL DISTRICT #6

Mattison
Design
Build

6395 Long Islands Dr.
Atlanta, GA 30328
(404) 845-0141
(404) 845-0142(F)

Church of St. Andrews
at
Tabulia Rasa
5835 Riverside Dr.
Atlanta, GA 30327

- CITY COMMENTS: 1/20/10
- CITY COMMENTS: 2/2/10
- CITY COMMENTS: 2/23/10
- CITY COMMENTS: 1/19/10
- CITY COMMENTS: 1/20/10

SITE PLAN
XXX
200801
ajm
sjm
C-1

SHEET 1 OF 1

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City of Sandy Springs
Community Development



RIVERSIDE DR.

50' R/W (35 M.P.H.)

248.88'

N 89° 57' 49" E

20' LANDSCAPE STRIP

60' FRONT
YARD SETBACK

156.41'
N 63° 12' 20" E
20' LANDSCAPE STRIP

EXIST'G TREE LINE

60' FRONT
YARD SETBACK

EXIST'G
DUMPSTER

EXIST'G
DETENTION
POND

EXIST'G
DUMPSTER

EXIST'G
TRAILER
1-STORY

PLAY AREA

N 11° 10' 25" E
25' SIDE
YARD SETBACK

SCHOOL/
CHURCH
BUILDING
10,000 S.F.

PLAY AREA

EXISTIN

CHURCH SANCTUARY
(HEIGHT VARIES)
12,243 S.F.

PERMITTED
ADDITION (2,000 S.F.)

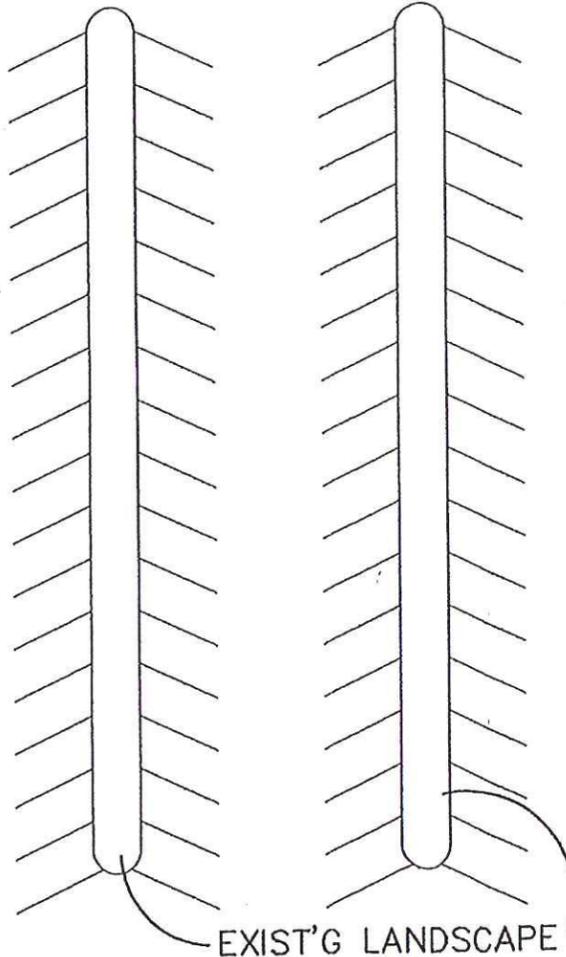
100' SIDE
YARD SETBACK

EXISTING PARKING
EXISTING HC PARKING

128

6

EXISTING TREE LINE



HC
HC

HC
HC
HC
HC

EXIST'G LANDSCAPE
STRIP

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

Ellen W. Smith
e-mail esmith@hnzw.com

December 6, 2011

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City of Sandy Springs
Community Development

BY HAND DELIVERY

Department of Community Development
City of Sandy Springs
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Re: Sandy Springs, Georgia Zoning Modification Application (the "**Application**") by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-002 (the "**Use Permit**") relating to the property located at 5855 Riverside Drive, Sandy Springs, Georgia (the "**Property**")

LETTER OF INTENT

Ladies and Gentlemen:

This firm has the pleasure of representing the Tabula Rasa, The Language Academy Inc. ("**Tabula Rasa**"). Please accept this Letter of Intent in connection with and in support for Tabula Rasa's request to modify certain operations conditions of the Use Permit, as more particularly described in the Application and this Letter. Because the proposed modifications do not include an increase in the enrollment cap, a change in the hours of operation or an increase in staff, the granting of these requested modifications will have no perceivable or actual impact on the surrounding neighborhood, except to allow the opportunity of a continuity of multi-lingual education and instruction for students.

The Property and Existing Zoning

The Property is an approximately 10.08 acre parcel that is located on the east side of Riverside Drive, to the south of I-285. Although improvements on the Property include an existing church and school building, classroom trailers, and play areas, these improvements are the vast portion of the Property is unimproved and wooded. The Property has more than 400 feet of frontage on Riverside Drive and more than 1,000 feet of heavily wooded frontage on I-285.

The Property is home to St. Andrews Presbyterian Church (the "**Church**") and, since 2007, Tabula Rasa. Tabula Rasa is a private foreign language school offering full immersion language programs to children, with an associated day-care component.

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Tabula Rasa began in a private Cobb County residence in December 2001 as a small interactive center offering foreign language classes to adults and professionals. Since then, Tabula Rasa expanded its program offerings to include children and moved locations to the Property.

Initially upon its move to Sandy Springs, Tabula Rasa applied for and obtained a use permit from the City of Sandy Springs to operate Tabula Rasa at the Property (*see* U07-005 [the "2007 Use Permit"]). There were several conditions applicable to the 2007 Use Permit, including an enrollment cap of 60 students (which City Staff at the time interpreted to be "FTE" – full-time equivalent students, or 60 students at any given time during the school day).

In early 2009, the Church sought to modify its church building and the Academy sought to increase its enrollment. As a result of a more than 6-month process, including a number of meetings with Staff, the Sandy Springs Council of Neighborhoods, community members and others, the result was the issuance of three use permits: (i) a use permit for the Church (which previously had been a grandfathered use as it predated the use permit requirement, but which needed a permit to allow for its office expansion) (U09-001, the "*Church Permit*"), (ii) a use permit for the private school (U09-002, the "*School Permit*"), and (iii) a use permit for the day care (U09-007, the "Day Care Permit"; together with the Church and School Permits, the "*Use Permits*"). There is a laundry list of more than 20 conditions applicable to the Use Permits, a copy of which is enclosed for reference. Those conditions include restrictions prohibiting Tabula Rasa from offering 4th and 5th grade classes.

In the fall of 2009, Tabula Rasa had its first ever first grade class, with fewer than 10 students. This year, the Kindergarten class has approximately 20 students, and the 4 year old pre-kindergarten classes have a total of approximately 20 students. The total number of students currently enrolled in K through 3rd grade is less than 30 students. The Church and Tabula Rasa are operating in compliance with the Use Permits and are unaware of any current complaints or problems with its neighbors.

Zoning Modification Request

Tabula Rasa hereby respectfully requests that three of the conditions of the School Permit be modified to allow it to operate an elementary school through and including the 5th grade. Specifically, the three conditions Tabula Rasa seeks to modify are:

- 1) **Condition 1 (b)** – "A Private Elementary School (grades K through 3) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m."

HOLT NEY ZATCOFF & WASSERMAN, LLP

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2) Condition 2 (m) – “The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than December 31, 2013.”

3) Condition 2 (n) – “The subject Private School Use Permit shall expire on December 31, 2013.”

Tabula Rasa seeks to modify Condition 1(b) to allow the grades to be from K through 5th, and Tabula Rasa seeks to modify Conditions 2(m) and (n) to change the date in such conditions from “December 31, 2013” to “May 31, 2020.”

In 2009, when Tabula Rasa agreed to these conditions, it anticipated looking for, finding and acquiring an alternative location for its elementary school. Although the Property suits Tabula Rasa’s needs and despite the ongoing good relationship between the Church and Tabula Rasa, Tabula Rasa’s long term goal is to own the property on which it operates. (This goal coincides with the SSCN’s preference that private schools be located in commercial, not residential, areas.) Also, the December 31, 2013 deadline in two of the conditions made sense at the time because Tabula Rasa’s lease for the two trailers on the Property (which house the elementary school classrooms) expires on that date.

Since 2009, Tabula Rasa has been looking for other commercial properties in the following areas of Metro Atlanta: North Fulton, East Cobb and Mableton. None of the available properties have been found suitable for a school, either as a result of acreage limits or internal structure of existing buildings. The proposed extension deadline to May 2020 is to allow Tabula Rasa’s private school to operate with an elementary school through the end of its existing lease with the Church.

Neither the total enrollment nor the hours of operation will change, thus the granting of these requested modifications will have no perceivable or recognizable impact on the neighborhood or the community at large, other than allowing a continuity of education and instruction for students currently enrolled at the Academy. The trailers are not visible to any of the neighboring properties and abut the I-285 East on-ramp, thereby having no visible or actual impact on the neighborhood or community. The Academy is not seeking any additional trailers or other physical expansion of school facilities.

Section 19.2.4 of the 2005 Zoning Ordinance of the City of Sandy Springs (the “**Zoning Ordinance**”) requires the Mayor and City Council of the City of Sandy Springs to consider ten general lines of inquiry when attempting to balance the general public’s interests in health, safety, morality, and general welfare and the private interest of a landowner with respect to the

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Community Development

use of that landowner's property. An analysis of these guideposts with respect to the modifications proposed by Tabula Rasa reflects that the modifications are appropriate.

Specifically, none of the modifications propose a change in use of the Property, which is designated for residential and community use (including churches, schools and other similar institutions) under the Future Land Use map and which are compatible with the surrounding land uses and zoning districts. Particularly given that the northern boundary of the Property is the I-285 exit ramp, the Church and school uses situated on the large Property provide appropriate transitions from the Interstate to the low density single-family residential uses to the east and south of the Property. Likewise, the proposed modifications do not violate any local, state or federal statutes, ordinances or regulations governing land development. Instead, these proposed modifications impact only the internal operations of Tabula Rasa – a change that will have absolutely no impact on traffic flow (whether vehicular or pedestrian), parking (and Tabula Rasa has met and exceeds current parking requirements), open space, protective screening, hours and manner of operation, outdoor lighting or ingress/egress to the property.

Even with the proposed modifications, there will remain ample protections in remaining, unmodified conditions, not to mention practical, monetary, State and other regulatory considerations, to protect the surrounding area from any legitimate land use concerns.¹

¹Tabula Rasa hereby notifies the City of its constitutional concerns with respect to its Application. Specifically, if the Council denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Council denies the Application in whole or in part, such an action will deprive Tabula Rasa of the ability to use the Property in accordance with its highest and best use. Similarly, if the Council amends the zoning of the Property without Tabula Rasa's or the Church's consent, or if the Council limits its approval by attaching conditions to such approval affecting the Property or the use thereof without Tabula Rasa's or the Church's consent, then such approval would deprive Tabula Rasa of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Council, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Tabula Rasa and the Church and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Finally, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Tabula Rasa and the Church) would constitute a gross abuse of discretion and would constitute an unconstitutional violation Tabula Rasa's rights to substantive and procedural due process as guaranteed by the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the Constitution of the United States (*see U.S. Const. Amend. 5 and 14*). Tabula Rasa further challenges the constitutionality and enforceability of the Zoning Ordinance (together with all applicable land use and zoning maps, comprehensive plans, zoning regulations,

HOLT NEY ZATCOFF & WASSERMAN, LLP

Department of Community Development
City of Sandy Springs
December 6, 2011
Page 5

RECEIVED

DEC 06 2011

City of Sandy Springs
Community Development

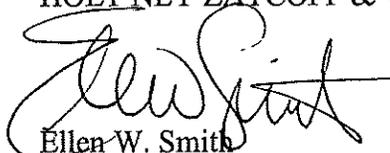
ZM11-006

In support of the Application, in addition to this Letter of Intent, Tabula Rasa submits the following documents:

- (1) Pre-Application Review Form (1 copy);
- (2) Application Form (original);
- (3) Disclosure Forms (Owner/Church, Academy and Attorney);
- (4) Application Fee of \$500.00;
- (5) Site Plan (three full sized; one 8 ½ " x 11");
- (6) Metes and bounds legal description of the Property; and
- (7) Two letters from Church members in support of the Application.

The Application, this letter and accompanying documents support Tabula Rasa's request for the modifications, and Tabula Rasa respectfully requests that the Department recommend approval of the Application to the Mayor and City Council. Tabula Rasa is happy to answer questions or provide any additional information that the Department may have with regard to this Application.

Sincerely,
HOLT NEY ZATCOFF & WASSERMAN, LLP



Ellen W. Smith

EWS/ews

Enclosures

cc: Ms. Besa Tarahzi (by e-mail only)

conditions and site plans), in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the City's discretion in considering or deciding applications for zoning amendments. Tabula Rasa also notes that it believes the Application is appropriate for administrative review by the Director, pursuant to Section 22.2.3 of the Zoning Ordinance and that the Director's failure to consider the Application administratively violates the Zoning Ordinance and also Georgia law. Tabula Rasa has filed this Application only out of an abundance of caution and requests that the City reconsider its position on these modification requests. Nevertheless, Tabula Rasa remains optimistic that the City's consideration of the Application will be conducted in a constitutional manner.

Trettin, Doug

From: TCookAtt@aol.com
Sent: Friday, January 27, 2012 3:41 PM
To: Trettin, Doug
Subject: Misspelled Name Sorry I was rushing

TIMOTHY G. COOK

—◆—
Attorney at Law
1820 The Exchange, Suite 150
Atlanta, Georgia 30339-2096
Telephone :(770) 952-5000, Ext. 13
Facsimile: (770) 955-6173
Email: tcookatt@aol.com
www.timcooklaw.com

January 27, 2012

Received

JAN 27 2012

*City of Sandy Springs
Community Development
Department*

Doug Trettin
Senior Planner
City of Sandy Springs
7840 Roswell Road, Bldg 500
Sandy Springs, GA 30350

Reference: Modification of Ordinance 2009-07-35, Application ZM11-006, Tabula Rasa

Dear Mr. Trettin:

Thank you for taking the time to speak me regarding this application. I own the property located at 5845 Riverside Drive, next to St. Andrews Presbyterian Church. After reading the original ordinance for the special use permit, I will contact zoning enforcement regarding the violations with the parking lot lighting and the landscape debris being dumped into the woods. My wife and Mrs. Brown did discuss the debris problem with the school's attorney at the original hearing for the permit in 2009 and it was supposedly to be taken care of. I had discussed with the school's owner at the time that the acceptable cure may have been for the church to build a high fence on the border of their property to screen off the surrounding residential property.

Here are my concerns on this modification of the permit. The original ordinance paragraph 1(g) stated that in order for the enrollment to be increased to the numbers the school is now seeking, that an approval for additional occupancy must be obtained for the Fulton County Health and Wellness to allow for additional students and facility. I still am unclear if the church and school has obtained this approval. It doesn't appear that anything is in writing from the County, but the certificate of occupancy is in place. Again as I have stated before this neighborhood is completely on septic tank systems, has no sidewalks, inadequate storm water drainage, no traffic control devices, and does not have the type of street lighting adequate for a commercial venture such as a

church school. It is not Mt. Vernon Highway with the two churches and the ever expanding school that has all of these amenities.

My understanding was the original permit for the school was a temporary situation with the school start up and the intent was that if successful they would seek other facilities in a commercial area more suited to what they are doing by the end of 2013. Now I have the feeling since they are seeking zoning modifications every two years and they have signed a lease with St. Andrews through 2020, the intent is keep chipping away at making this property zoned as a private school. The Church would never have signed a lease ending in 2020 if the permit was only good through December of 2013. I am starting to get the same feeling as the homeowners wedged between Holy Innocents School and Mt. Vernon Baptist Church probably felt 10 years ago about the probability the school and churches would never expand to the levels they have. I would love to operate my commercial business on property that I never have to pay property taxes on and yet I have the benefit of being in a non-commercial area with the full support of the city fire and police forces. This goes without saying that Fulton County property taxes are without a doubt some of the highest in the Southeast. The point I am making is that if the school was financially viable as a commercial enterprise that it could succeed in an area zoned for commercial use. To state in their application, they cannot find acceptable property to move is ridiculous. There are empty commercial buildings and churches everywhere in the Metro area that I am sure they could rent or buy at fire sale prices. The obvious point is that we can make more money without paying taxes, paying a mortgage, or insuring the building and our business. You don't have to look any further than the highly successful owners of Crème de la Crème who are in the same business, who complied with all the rules, and opened their schools in non-residential areas.

In regards to the two portable class rooms, the applicant is correct they are not very visible from the surrounding residential properties. I disagree with the fact they should be allowed to remain. They are temporary structures that the City allowed under a permit we thought would end in 2013. If I went out and put one of these in the woods behind our house, the city would never allow it to stay there for even six months, because this is a residential area and it is not zoned for trailers or mobile homes. The same rule should apply to everyone not just a special permit applicant.

I would close in saying the city council needs to weigh if this land use is truly a benefit to the surrounding community for this school to continue. If the Council decides it is a proper use then the applicant should be made to jump through the same hoops that other private schools do. The school should be an attractive safe addition to the community which does not destroy the quality of life in the neighborhood. If not then the property needs to go back to being a small church.

Sincerely,

Timothy G. Cook

Received

JAN 27 2012

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

ZM11-006



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

January 20, 2012

Patrice S. Ruffin, AICP, 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. Ruffin:

I am in receipt of your zoning package soliciting comments on the upcoming City of Sandy Springs zoning agenda for the February Mayor and City Council Meeting. 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,
Deputy Director, E&CD

Received

JAN 27 2012
City of Sandy Springs
Community Development
Department

ZM11-006

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

Ellen W. Smith
e-mail esmith@honzw.com

February 6, 2012

Received

FEB 06 2012

*City of Sandy Springs
Community Development
Department*

BY HAND DELIVERY

Department of Community Development
City of Sandy Springs
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Re: **ZM11-006** - Sandy Springs, Georgia Zoning Modification Application (the "**Application**") by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-002 (the "**Use Permit**") relating to the property located at 5855 Riverside Drive, Sandy Springs, Georgia (the "**Property**")

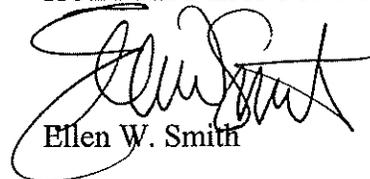
SUPPLEMENT TO APPLICATION

Ladies and Gentlemen:

As you know, this firm has the pleasure of representing the Tabula Rasa, The Language Academy Inc. ("**Tabula Rasa**"). Tabula Rasa has a large support base throughout Metro-Atlanta and especially in the City of Sandy Springs. With our initial Application, we included a couple of letters evidencing that support. Now we are pleased to enclose more than twenty additional letters reflecting residents' enthusiastic support for this Application. Please include these letters in the City's file for the Application and in the Staff's report to the Mayor and City Council.

Tabula Rasa respectfully requests that the Department recommend approval of the Application to the Mayor and City Council. Tabula Rasa is happy to answer questions or provide any additional information that the Department may have with regard to this Application.

Sincerely,
HOLT NEY ZATCOFF & WASSERMAN, LLP



Ellen W. Smith

EWS/ews
Enclosures
cc: Ms. Besa Tarahzi (by e-mail only)

January 18th, 2012

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012
*City of Sandy Springs
Community Development
Department*

Re: Sandy Springs, Georgia Zoning Modification Application by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-001/U09-002/U09-007 (the "Use Permit") relating to 5855 Riverside Drive

Dear Sir or Madam:

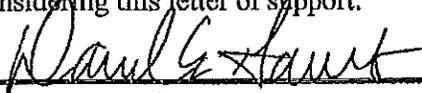
Please accept this letter of support for the referenced Application.

One of the reasons my wife and I moved to Sandy Springs last year was to be close to Tabula Rasa where our son is currently enrolled (and was before we bought the house). We live just off Riverside Drive on the other side of the interstate from Tabula Rasa/St. Andrews (on Coldstream Court, the first street north of 285 on Riverside). I understand the concerns of the Sandy Springs residents who live near the school, I'm one of them. We also chose Sandy Springs over some of the other areas we were looking at because of its multi-cultural community. While we are yet unsure if our son and newly born daughter will stay at Tabula Rasa or attend Heards Ferry elementary school, allowing Tabula Rasa to expand their elementary program goes a long way to show support of the multi-cultural community that is a unique strength of Sandy Springs. It would also go a long way to reversing the trend some believe is occurring of de facto segregation through re-districting and building of public schools in the area.

I think a lot of local residents confuse the school traffic with commuter traffic that uses that parking lot to try to avoid the line on the Riverside exit. I'm guilty of it myself when I'm in a hurry, and it causes a congestion. When I first enrolled my son at Tabula Rasa, a co-worker of mine who lives in East Cobb said he knew the school because he often did the same thing. For those heading East on 285 who want to go North on Riverside Drive, there is often a long line to turn left at the stoplight, so lots of people turn right then use the St. Andrews/Tabula Rasa parking lot to turn around and save a few minutes.

Besides being in the rush hour traffic at that interchange since last summer when we moved to Sandy Springs, I've also taken my son to school and picked him up at various times, and can guarantee that except at rush hour when commuters are causing it, there is no congestion. I can't imagine what other concerns local residents have, it can't be noise since 285 drowns that out (I know, my backyard backs up to it).

Thank you for accepting and considering this letter of support.


David E. Gault, Esq.
530 Coldstream Court
Sandy Springs, GA 30328

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012

**City of Sandy Springs
Community Development
Department**

Re: Sandy Springs, Georgia Zoning Modification
Application by Tabula Rasa, The Language Academy Inc. to
modify three (3) conditions of Use Permit U09-001/U09-
002/U09/007 (the "*Use Permit*") relating to 5855 Riverside
Drive



ST. ANDREW
Sharing God's Love Through Making and Equipping
Disciples for Ministry and Mission.

5855 RIVERSIDE DRIVE
ATLANTA, GA 30327
404-252-5287

Dear Sir or Madam:

Please accept this letter of support for the referenced Application.

I am a member of St. Andrew Presbyterian Church.

The Church is an important part of our lives and this community. The Academy's continued presence on the Property is consistent with our Mission and Vision for our Church; to *Share God's Love Through Making and Equipping Disciples for Mission and Ministry*. For the past four years, the Church and the Academy have worked well together and we believe that the continued relationship provides a strong benefit to the surrounding Sandy Springs community.

The Church and the School have organized many activities together. We have children and/or grandchildren who attend the school. Just this year, the school students and their parents participated in our September 11th activity where we honored the Sandy Spring's Police Force and Firefighters. Church members were involved in the Character Book Day organized by the school on October 29th. The school's parents have enjoyed water and were given prayer cards by church members during the "Water Days", an activity organized by the church members to reach out to the community with free bottled water and prayer cards.

Thank you for accepting and considering this letter of support.

[Signature] *Jan Warren Taylor*

Print
Name: JAN WARREN - TAYLOR

"By this everyone will know that you are my disciples, if you have love for one another.

John 13:35

Received

FEB 06 2012

**City of Sandy Springs
Community Development
Department**

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

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THE CHURCH OF



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Thank you for accepting and considering this letter of support.

[Signature]

Cecile Webster

Print

Name:

Cecile Webster

"By this everyone will know that you are my disciples, if you have love for one another.

John 13:35

Received

FEB 06 2012

**City of Sandy Springs
Community Development
Department**

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatcoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
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Thank you for accepting and considering this letter of support.

[Signature]

Print

Name: Rebecca & Alan Bubaker

"By this everyone will know that you are my disciples, if you have love for one another.

John 13:35

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

Received

FEB 06 2012

**City of Sandy Springs
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Department**

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Thank you for accepting and considering this letter of support.

[Signature]

Print

Name: Benny Gunby

*By this everyone will know that you are my disciples, if you have love for one another.

John 13:35

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
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Thank you for accepting and considering this letter of support.

[Signature]

Print

Name:

Justin
Jill Stair

"By this everyone will know that you are my disciples, if you have love for one another.

John 13:35

Received

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c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
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Thank you for accepting and considering this letter of support.

[Signature]

Print

Name:

Richard E. Thatcher

"By this everyone will know that you are my disciples, if you have love for one another.

John 13:35

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

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FEB 06 2012

**City of Sandy Springs
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Thank you for accepting and considering this letter of support.

[Signature]

Print

Name:

Donald L. Webster

"By this everyone will know that you are my disciples, if you have love for one another.

John 13:35

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012

**City of Sandy Springs
Community Development
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Thank you for accepting and considering this letter of support.

[Signature]

Bonnie Wisdom

Print

Name:

*Bonnie Wisdom
5145 Middlebury Lane
Atlanta GA 30327*

"By this everyone will know that you are my disciples, if you have love for one another.

John 13:35

Received

Date _____

FEB 06 2012

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

*City of Sandy Springs
Community Development
Department*

Re: Sandy Springs, Georgia Zoning Modification Application by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-001/U09-002/U09/007 (the "**Use Permit**") relating to 5855 Riverside Drive

Dear Sir or Madam:

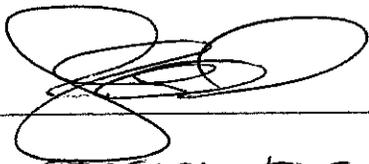
Please accept this letter of support for the referenced Application.

We are residents of the City of Sandy Springs, with 1 child/children attending Tabula Rasa, and have been a part of the school community since 2009. Both the Church and the Academy are invaluable assets to the City of Sandy Springs community. The Academy offers a rich, diverse and important multi-lingual educational opportunity to Sandy Springs and Georgia that simply is not available elsewhere, and we want it to be able to remain in Sandy Springs. We hereby voice our support for and request approval of the referenced Application. Without the ability to offer classes through the 5th grade, Tabula Rasa is at a distinct disadvantage, as it forces parents who want their children to have continuity in education to look to schools outside of Sandy Springs. We want the opportunity for our child/children to attend this diverse school, and it is a key factor in our decision to reside in Sandy Springs.

We understand that there is a number of other limits on enrollment in place and that there is no change being proposed to increase class size or number of attendees. Furthermore since we have attended, there have been no traffic problems or jams, as parking and "stack" room on the property is sufficient to handle carpool and other activities.

Thank you for accepting and considering this letter of support.

Signature



Name

JESSICA TOLT

Address:

555 CAMBRIDGE WAY NE
ATLANTA, GA 30328

Date 2/2/2012

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012

*City of Sandy Springs
Community Development
Department*

Re: Sandy Springs, Georgia Zoning Modification Application by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-001/U09-002/U09/007 (the "*Use Permit*") relating to 5855 Riverside Drive

Dear Sir or Madam:

Please accept this letter of support for the referenced Application.

We are residents of the City of Sandy Springs, with two children attending Tabula Rasa, and have been a part of the school community since 2006. Both the Church and the Academy are invaluable assets to the City of Sandy Springs community. The Academy offers a rich, diverse and important multi-lingual educational opportunity to Sandy Springs and Georgia that simply is not available elsewhere, and we want it to be able to remain in Sandy Springs. We hereby voice offer our support for and request approval of the referenced Application. Without the ability to offer classes through the 5th grade, Tabula Rasa is at a distinct disadvantage, as it forces parents who want their children to have continuity in education to look to schools outside of Sandy Springs. We want the opportunity for our child/children to attend this diverse school, and it is a key factor in our decision to reside in Sandy Springs.

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Thank you for accepting and considering this letter of support.

Signature

Alin Pjetri

Name

Alin Pjetri

Address:

494 Colewood Way Sandy Springs GA 30328

Date 2/3/12

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012
*City of Sandy Springs
Community Development
Department*

Re: Sandy Springs, Georgia Zoning Modification Application by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-001/U09-002/U09/007 (the "*Use Permit*") relating to 5855 Riverside Drive

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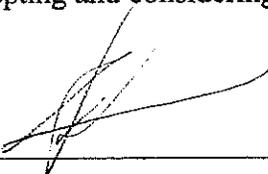
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Thank you for accepting and considering this letter of support.

Signature



Name

Daniel Lakor

Address:

5091 Riverwood Rd, Atlanta, GA, 30327

Date 02/03/12

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012
City of Sandy Springs
Community Development
Department

Re: Sandy Springs, Georgia Zoning Modification Application by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-001/U09-002/U09/007 (the "Use Permit") relating to 5855 Riverside Drive

Dear Sir or Madam:

Please accept this letter of support for the referenced Application.

We have 1 child children attending Tabula Rasa, and have been at the school since 08/10 Aug. 2010. The Academy offers a rich, diverse and important multi-lingual educational opportunity to Sandy Springs and Georgia that simply is not available elsewhere, and we want it to be able to remain in Sandy Springs. We hereby voice our support for and request approval of the referenced Application. Without the ability to offer classes through the 5th grade, Tabula Rasa is at a distinct disadvantage, as it forces parents who want their children to have continuity in education to leave prematurely. We want the opportunity for our child/children to attend this diverse school through the 5th grade.

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Thank you for accepting and considering this letter of support.

Signature



Name

Irma Morales

Address

603 Ashley Forest Dr.
Alpharetta, Ga. 30022

Date _____

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

Received
FEB 06 2012
*City of Sandy Springs
Community Development
Department*

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Dear Sir or Madam:

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Thank you for accepting and considering this letter of support.

Signature Marcela Barreneche.

Name Marcela Barreneche

Address 2815 Emerald Court Atlanta, GA 30311

Date 2-3-2012

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012
City of Sandy Springs
Community Development
Department

Re: Sandy Springs, Georgia Zoning Modification Application by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-001/U09-002/U09/007 (the "Use Permit") relating to 5855 Riverside Drive

Dear Sir or Madam:

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Thank you for accepting and considering this letter of support.

Signature Marcia P.

Name MARCIA PELAEZ

Address 6700 Roswell Rd. N.E 28-G, Sandy Springs 30328

Date 2/3/12

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012
*City of Sandy Springs
Community Development
Department*

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Thank you for accepting and considering this letter of support.

Signature Erika Garza

Name Erika Garza

Address 1303 Glen Ivy, Marietta, GA 30062

Date 02/02/12

Received

FEB 06 2012

**City of Sandy Springs
Community Development
Department**

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

Re: Sandy Springs, Georgia Zoning Modification Application by Tabula Rasa, The Language Academy Inc. to modify three (3) conditions of Use Permit U09-001/U09-002/U09/007 (the "Use Permit") relating to 5855 Riverside Drive

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Thank you for accepting and considering this letter of support.

Signature 
Name Ana Marula Parvizu
Address 6900 Roswell Rd. NE apt 07
Sandy Springs, GA

Date 02-02-12

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012
City of Sandy Springs
Community Development
Department

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Dear Sir or Madam:

Please accept this letter of support for the referenced Application.

We have 1 child / children attending Tabula Rasa, and have been at the school since May 2011. The Academy offers a rich, diverse and important multi-lingual educational opportunity to Sandy Springs and Georgia that simply is not available elsewhere, and we want it to be able to remain in Sandy Springs. We hereby voice offer our support for and request approval of the referenced Application. Without the ability to offer classes through the 5th grade, Tabula Rasa is at a distinct disadvantage, as it forces parents who want their children to have continuity in education to leave prematurely. We want the opportunity for our child/children to attend this diverse school through the 5th grade.

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Thank you for accepting and considering this letter of support.

Signature Elisa Choate

Name Elisa Choate

Address 7108 Madison Dr Atlanta GA, 30346

Date 2-3-12

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatoch & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012
City of Sandy Springs
Community Development
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Thank you for accepting and considering this letter of support.

Signature 

Name Onile Ozario

Address 3023 Jasmine PKWY Alpharetta
GA 30022

Date 2/2/12

Received

FEB 06 2012

*City of Sandy Springs
Community Development
Department*

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatcoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

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Thank you for accepting and considering this letter of support.

Signature 

Name Jeice Ozorio

Address 1595 Imperial Ct Norcross GA 30093

[date] January 2012

Received

Department of Community Development
c/o Ellen W. Smith, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, Georgia 30339

FEB 06 2012

City of Sandy Springs
Community Development
Department

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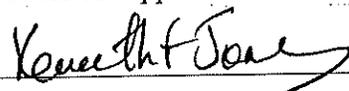
[For parents in Sandy Springs: We are residents of the City of Sandy Springs, with _____ child / children attending Tabula Rasa, and have been a part of the school community since _____. Both the Church and the Academy are invaluable assets to the City of Sandy Springs community. The Academy offers a rich, diverse and important multi-lingual educational opportunity to Sandy Springs and Georgia that simply is not available elsewhere, and we want it to be able to remain in Sandy Springs. We hereby voice offer our support for and request approval of the referenced Application. Without the ability to offer classes through the 5th grade, Tabula Rasa is at a distinct disadvantage, as it forces parents who want their children to have continuity in education to look to schools outside of Sandy Springs. We want the opportunity for our child/children to attend this diverse school, and it is a key factor in our decision to reside in Sandy Springs.]

[For parents living outside Sandy Springs: We have 2 child / children attending Tabula Rasa, and have been at the school since 2009. The Academy offers a rich, diverse and important multi-lingual educational opportunity to Sandy Springs and Georgia that simply is not available elsewhere, and we want it to be able to remain in Sandy Springs. We hereby voice offer our support for and request approval of the referenced Application. Without the ability to offer classes through the 5th grade, Tabula Rasa is at a distinct disadvantage, as it forces parents who want their children to have continuity in education to leave prematurely. We want the opportunity for our child/children to attend this diverse school through the 5th grade.]

**Other items to consider including in letter: we understand that there are any number of other limits on enrollment in place and that there is no change being proposed to increase class size or number of attendees; since we have attended, there have been no traffic problems or jams, as parking and "stack" room on the property is sufficient to handle carpool and other activities; personal background from a foreign language perspective and the importance of multi-lingual opportunities; personal anecdotes.*

Thank you for accepting and considering this letter of support.

[Signature]


KENNETH F. JONES

Trettin, Doug

From: eadsmssail@gmail.com on behalf of Matt Eads <eadsms@bellsouth.net>
Sent: Thursday, February 09, 2012 4:44 PM
To: Trettin, Doug
Subject: Re: ZM11-006 site plan

Dear Doug,

I hope you're doing well. Due to travel, I will not be able to attend the February 21 City Council hearing. One item scheduled for review during that meeting is an application for "Tabula Rasa" (application ZM11-006). Tabula Rasa operates on a property across the street from my property.

In my absence, I wanted to share some brief thoughts with the City Council in hopes that you might consider input from residents who are directly impacted by the applicant's business operation, but who otherwise cannot attend the hearing. If this can be included in any of the deliberations or paperwork, I would appreciate your effort.

Briefly, I want to highlight our concerns in bullet point format:

- In its application ZM11-006, Tabula Rasa is seeking to extend some of its 2009 City approvals (which expire in 2013) until 2020.
- In the 2009 meeting minutes, the Mayor clearly stated that 2013 should be a "sunset" year for the school (the clear implication being that Tabula Rasa should be looking for a different permanent home and move to a more suitable commercial district by 2013).
- The final conditions for approval from the 2009 City Council hearing repeated those 2013 "sunset" requirements.
- Tabula Rasa is taking an incremental approach to building a commercial enterprise in a protected residential neighborhood. The neighbors have expressed this concern to the City in all prior meetings.
- Tabula Rasa plans to move the end date of its approvals way back without changing the number of students. Then, once that "minor" change is made, they will come back in the future and apply for more changes under the threat of a lawsuit (per the harsh Constitutional references in their most recent application). Then, they will repeat. Before we know it, a protected residential residential neighborhood will have a "commercial entity precedent" whereby a gas station, or some other commercial enterprise, could one day appear.
- The City has been very generous to the applicant over the years granting various approvals (against the wishes of immediate neighbors). Thankfully, the City has always made clear that Tabula Rasa needs to find a more suitable commercial location. We encourage the City to honor its "Comprehensive Plan" and protect our purely residential neighborhood from further risk of commercial for-profit encroachment.
- Please insist that Tabula Rasa live up to its promise to neighbors and the City to relocate to a more suitable commercial location by voting to deny their latest application. That is "the right thing to do".

Respectfully Submitted,

Matt Eads
5790 Riverside Dr., NW
Sandy Springs, GA 30327

Trettin, Doug

From: eadsmssail@gmail.com on behalf of Matt Eads <eadsms@bellsouth.net>
Sent: Thursday, February 09, 2012 4:44 PM
To: Trettin, Doug
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Matt Eads
5790 Riverside Dr., NW
Sandy Springs, GA 30327
