



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development



Date: December 6, 2011 For Submission onto the onto the December 20, 2011 City Council meeting

Agenda Item: **ZM11-003 5505 Glen Errol Road**, Request for a zoning modification to the conditions of Fulton County zoning case Z89-068.

***Director of Community Development Recommendation:***

**APPROVAL CONDITIONAL** of the request for a zoning modification to the conditions of Fulton County zoning case Z89-068.

***Background:***

The site is located approximately 300 feet northwest of the intersection of Long Island Drive and Glen Errol Road, on the northeast side of Glen Errol Road. The property is zoned R-2 (Single-family Dwelling District) conditional under zoning case Z89-068 and currently developed with a home.

***Discussion:***

For 5505 Glen Errol Road (the subject property) only, the applicant intends to modify condition 4.c of zoning case Z89-068 as follows:

4. To the owner's agreement to abide by the following requirements, dedication and improvements:
  - c. Construct sidewalks along entire property frontage within the rights-of-way of Glen Errol Road and Long Island Drive. ~~Said sidewalks for each phase of development shall be in place prior to the recording of the final plat,~~ with the exception that Lot 3 (A.K.A. 5505 Glen Errol Road) shall not be required, per Conditions of Z89-068 Zoning, to keep the existing sidewalk and install new sidewalk along its Glen Errol Road frontage.

NOTE: The applicant intends to remove the sidewalk section that currently exists in front of the subject property, and he intends to restore the disturbed area with vegetation (turf grass).

***Concurrent Review:***

The staff held a Focus Meeting on November 2, 2011 at which the following city departments provided comments:

- Building and Development Division
- 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 (*comments received*)
- U.S. Postal Service Address Management Systems
- MARTA
- Fulton County Emergency Management



**Zoning Modification Petition No. ZM11-003**

<b>HEARING &amp; MEETING DATES</b>		
<b>Community Zoning Information Meeting</b> October 25, 2011	<b>Mayor and City Council Hearing</b> December 20, 2011	
<b>APPLICANT/PETITIONER INFORMATION</b>		
<b>Property Owner</b> Mike Ivey	<b>Petitioner</b> Mike Ivey	<b>Representative</b> Mike Ivey
<b>PROPERTY INFORMATION</b>		
<b>Address, Land Lot, and District</b>	5505 Glen Errol Road Land Lot 122, District 17	
<b>Council District</b>	6	
<b>Frontage and Area</b>	215 feet of frontage along Glen Errol Road and 130 feet of frontage along Long Island Drive. The subject property has a total area of approximately 1.10 acres (47,916 square feet).	
<b>Existing Zoning and Use</b>	R-2 (Single-family Dwelling District) conditional under zoning case Z89-068 and currently developed with a home.	
<b>Overlay District</b>	N/A	
<b>2027 Comprehensive Future Land Use Map Designation</b>	R0-1 (Residential 0 to 1 units per acre)	
<b>Proposed Use</b>	Single-family residential	

**INTENT**  
**MODIFICATION OF CONDITION 4.C. OF PETITION Z89-068 (APPROVED BY THE FULTON COUNTY BOARD OF COMMISSIONERS ON JUNE 7, 1989)**

For 5505 Glen Errol Road (the subject property) only, the applicant intends to modify condition 4.c of zoning case Z89-068 as follows:

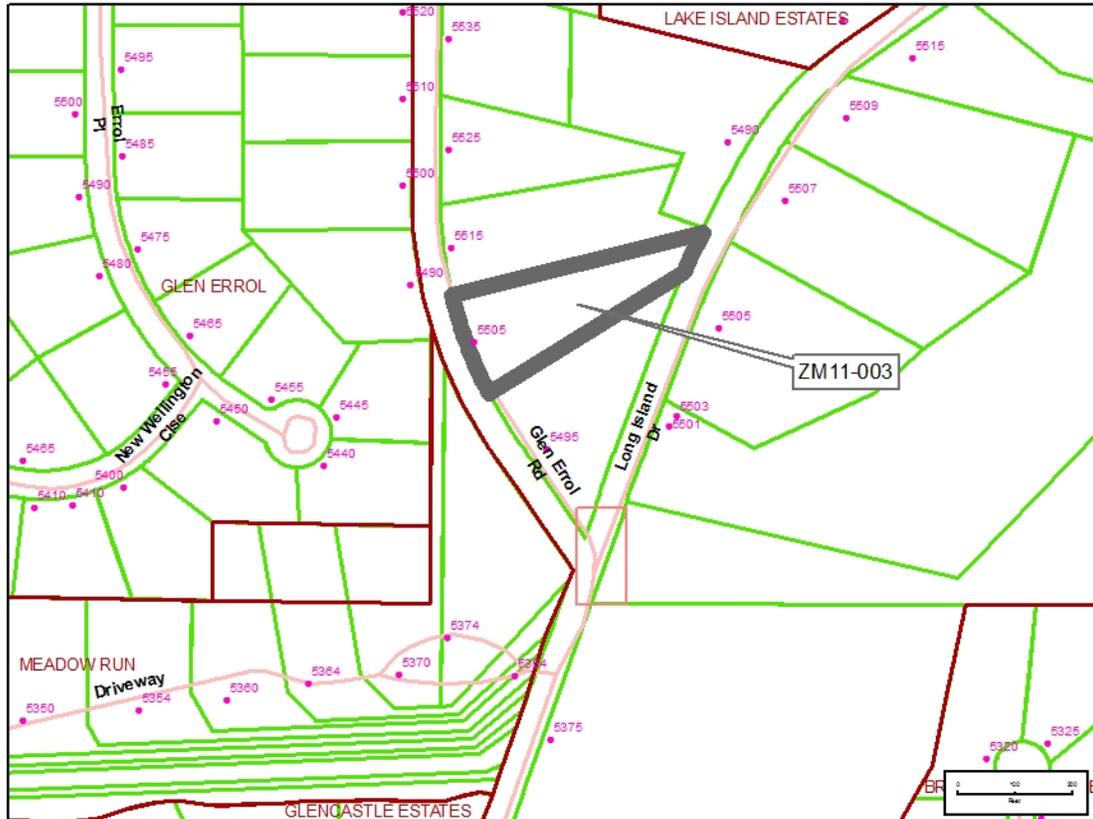
- 4. To the owner’s agreement to abide by the following requirements, dedication and improvements:
  - c. Construct sidewalks along entire property frontage within the rights-of-way of Glen Errol Road and Long Island Drive. ~~Said sidewalks for each phase of development shall be in place prior to the recording of the final plat,~~ with the exception that Lot 3 (A.K.A. 5505 Glen Errol Road) shall not be required, per Conditions of Z89-068 Zoning, to keep the existing sidewalk and install new sidewalk along its Glen Errol Road frontage.

NOTE: The applicant intends to remove the sidewalk section that currently exists in front of the subject property, and he intends to restore the disturbed area with vegetation (turf grass).

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**  
**ZM11-003 - APPROVAL CONDITIONAL**

Location Map

5505 Glen Errol Road



**BACKGROUND**

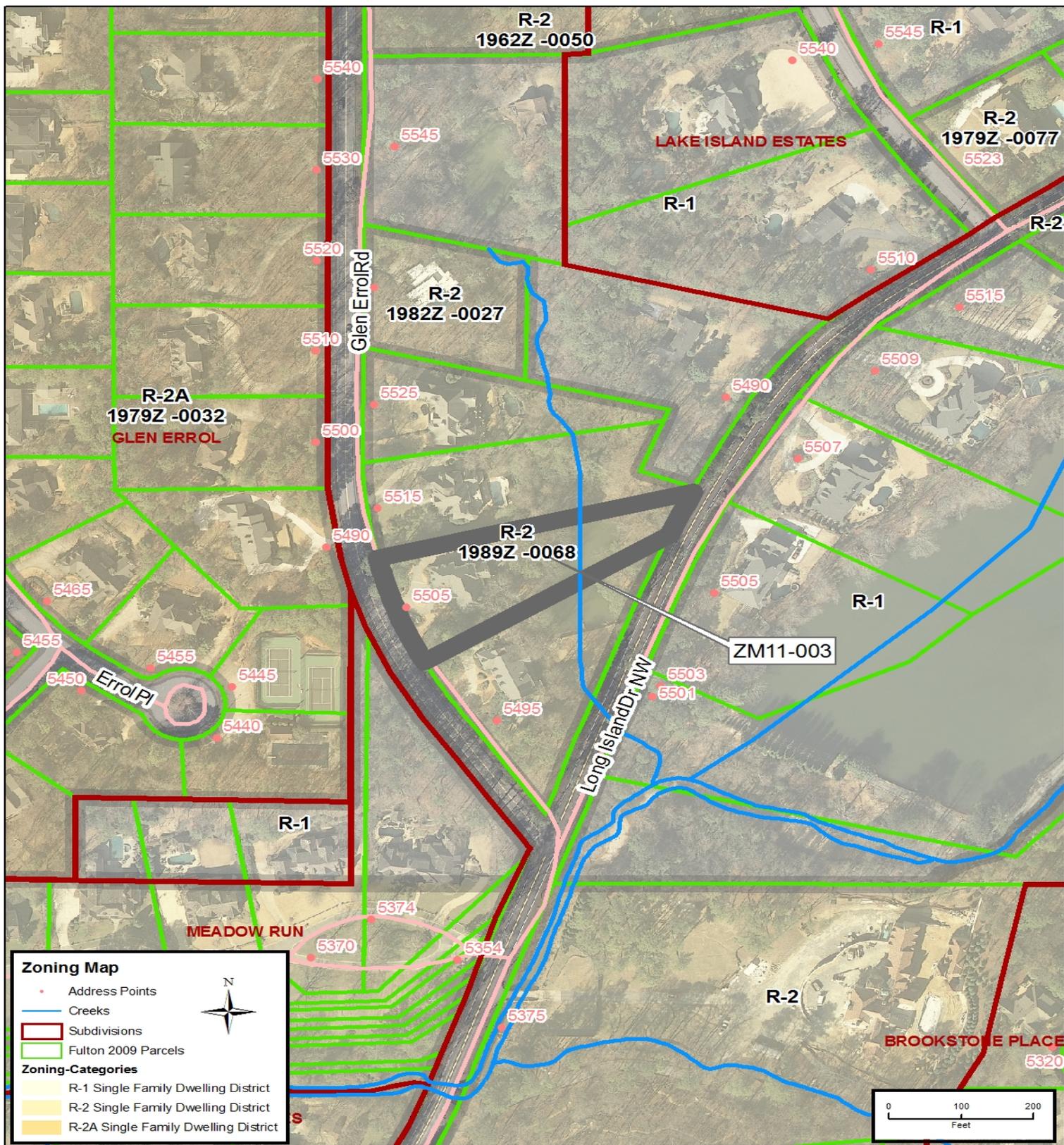
The site is located approximately 300 feet northwest of the intersection of Long Island Drive and Glen Errol Road, on the northeast side of Glen Errol Road. The property is zoned R-2 (Single-family Dwelling District) conditional under zoning case Z89-068 and currently developed with a home.

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

SUBJECT PETITION ZM11-003	Proposed Use		Land Area (Acres)	Square Feet or Units	Density (Square Feet per Acre or Units per Acre)
	Single-family Residential		1.10 acres	1 unit	0.91 units/acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Feet or Units	Density (Square Feet per Acre or Units per Acre)
North	R-2 Conditional Z89-068	Single-family Residential (5515 Glen Errol Rd.)	1.34 acres	1 unit	0.75 units/acre
East	R-1	Single-family Residential (5505 Long Island Dr.)	2.02 acres	1 unit	0.50 units/acre
South	R-2 Conditional Z89-068	Single-family Residential (5495 Glen Errol Rd.)	1.36 acres	1 unit	0.74 units/acre
West	R-2A Conditional Z79-032	Single-family Residential (5490 Glen Errol Rd.)	1.01 acres	1 unit	0.99 units/acre

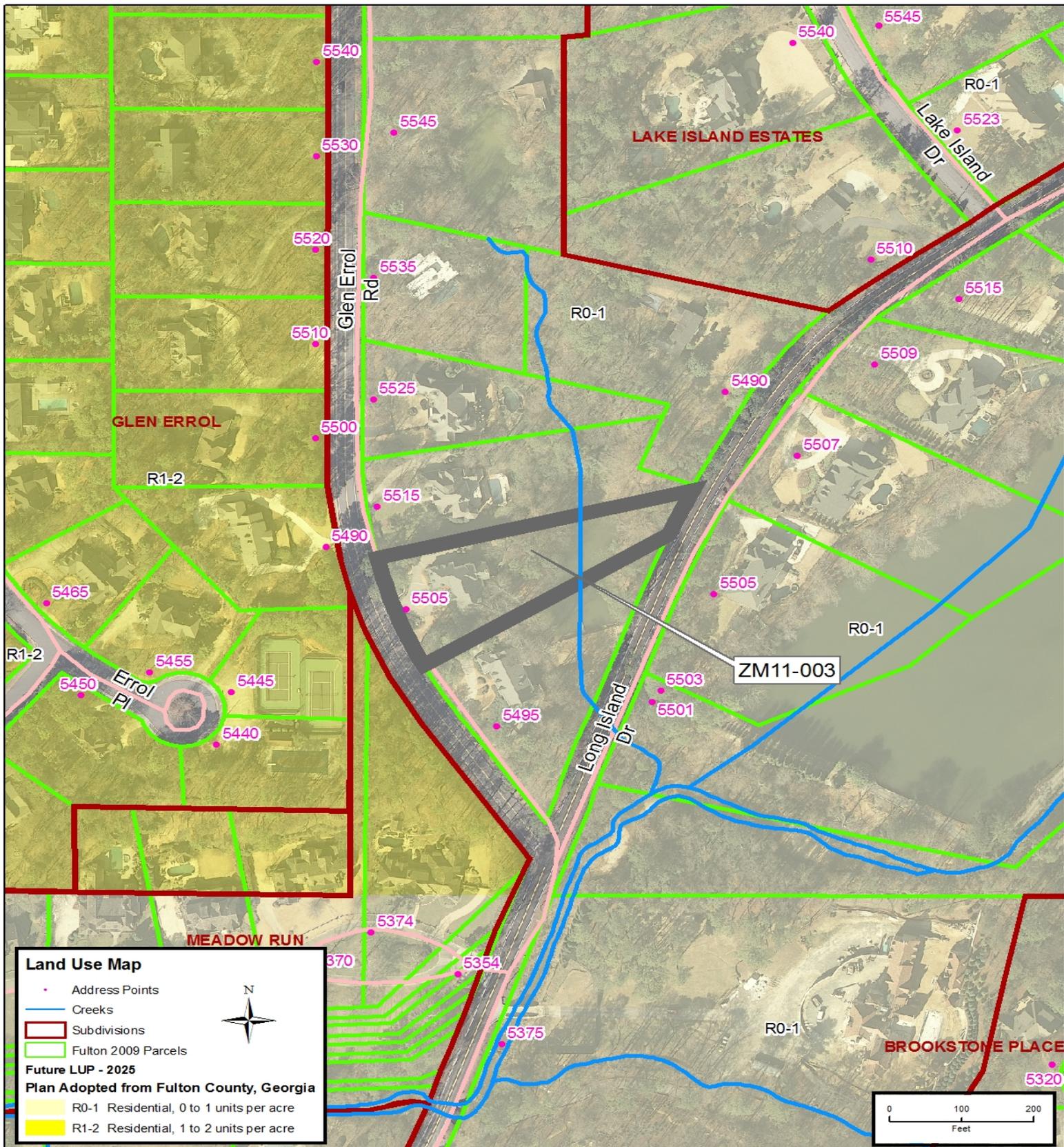
# Zoning Map

## 5505 Glen Errol Road



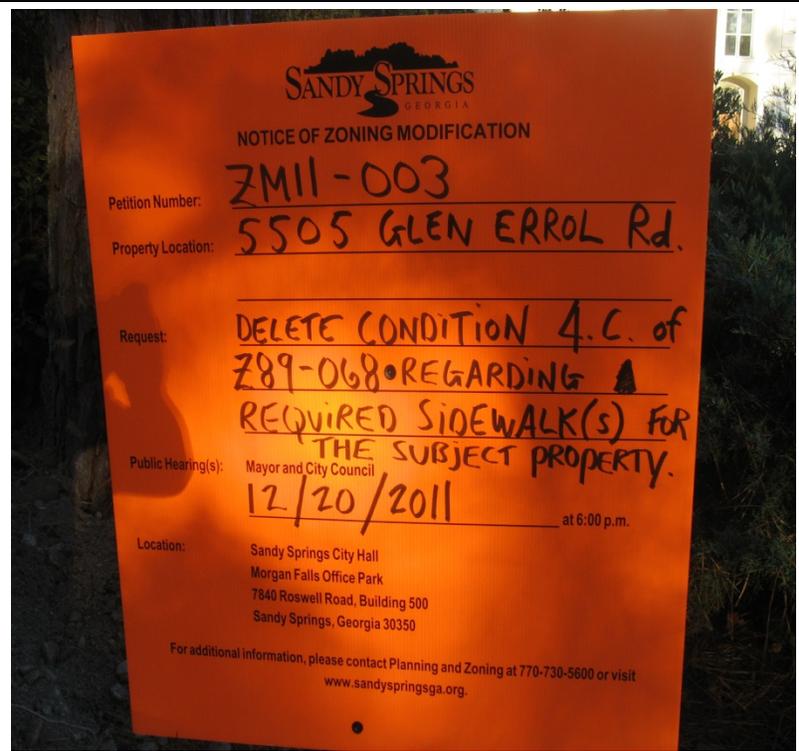
### Future Land Use Map

## 5505 Glen Errol Road





Subject Property



Sign

**APPLICANT'S INTENT**

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

- 4. To the owner's agreement to abide by the following requirements, dedication and improvements:
  - c. Construct sidewalks along entire property frontage within the rights-of-way of Glen Errol Road and Long Island Drive. ~~Said sidewalks for each phase of development shall be in place prior to the recording of the final plat,~~ with the exception that Lot 3 (A.K.A. 5505 Glen Errol Road) shall not be required, per Conditions of Z89-068 Zoning, to keep the existing sidewalk and install new sidewalk along its Glen Errol Road frontage.

**NOTE:** The applicant intends to remove the sidewalk section that currently exists in front of the subject property, and he intends to restore the disturbed area with vegetation (turf grass).

*The staff is of the opinion that the applicant's request to remove the section of existing sidewalk along the subject property's frontage will not adversely affect adjacent or nearby properties because no other sections of sidewalk exist on and are planned for the east side of Glen Errol in the vicinity. Public Works has reviewed the petition and has no objection for owner/applicant to remove sidewalk section currently on the property. Subject to Ordinance No. 2008-09-48, Section 103-80 of the Land Development ordinance, applicant shall maintain shoulder within the right-of-way to permit future installation of sidewalks. In addition, owner/applicant shall pay for future sidewalk installation. The staff has not received notice or letters of opposition from the adjacent neighbors. Therefore, the staff recommends **APPROVAL** of this modification request.*

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting on November 2, 2011 at which the following departmental comments were provided:

<b>BUILDING &amp; DEVELOPMENT DIVISION</b>	Sandy Springs Building Officer	<ul style="list-style-type: none"> <li>▪ There are no Building Code requirements that need to be addressed at this time.</li> </ul>
	Sandy Springs Chief Engineer	<ul style="list-style-type: none"> <li>▪ There are no Site Development requirements that need to be addressed at this time.</li> </ul>
	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> <li>▪ There are no Landscape and Stream requirements that need to be addressed at this time.</li> </ul>
<b>FIRE DEPT.</b>	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> <li>▪ There are no Fire Department requirements that need to be addressed at this time.</li> </ul>
<b>TRANSPORTATION</b>	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> <li>▪ Public Works has reviewed the petition and has no objection for owner/applicant to remove sidewalk section currently on the property. Subject to Ordinance No. 2008-09-48, Section 103-80 of the Land Development ordinance, applicant shall maintain shoulder within the right-of-way to permit future installation of sidewalks. In addition, owner/applicant shall pay for future sidewalk installation.</li> </ul>
	Georgia Department of Transportation	<ul style="list-style-type: none"> <li>▪ There are no GDOT requirements that need to be addressed at this time.</li> </ul>

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

**STAFF RECOMMENDATION**

The staff recommends **APPROVAL CONDITIONAL** of the zoning modification request. The staff recommends that the conditions of Fulton County zoning case Z89-068 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. Single family detached dwellings and accessory uses and structures.
2. To the owner's agreement to abide by the following:
  - a. To the Site Plan received by the Zoning Department on 4-13-89 and to submit to the Director of Public Works for approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution.
  - b. To submit to the Director of Public Works for his approval, prior to any defoliation or alteration of the site, a Land Disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention.
  - c. To submit to the Director of Public Works for his approval prior to the approval of a Land Disturbance Permit, a detailed landscape and/or tree protection plan for all required buffers, landscape strips, and tree protection zones. Said landscaping for each phase of development shall be in place prior to the recording of the final plat for each phase of development.
  - d. To submit to the Director of Public Works for his approval, prior to the subdivision of any parcel zoned pursuant to this petition, a copy of all easement agreements for shared parking and access.
3. To the owner's agreement to the following site development considerations:
  - a. No more than 4 exit/entrances on Glen Erroll Drive to be located a minimum of 150 feet from the new dedicated right-of-way of Long Island Drive. Curb cut locations and alignments are subject to the approval of the ~~Fulton County~~ Sandy Springs Traffic Engineer.
  - b. No access shall be allowed from Long Island Drive.
  - c. Provide and maintain off-street parking on the subject property during the entire construction period.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
  - a. Dedicate at no cost to ~~Fulton County~~ Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to ~~Fulton County~~ Sandy Springs such additional right-of way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

30 feet from centerline of Glen Erroll Drive.

30 feet from centerline of Long Island Drive.

- b. Improve the following roadways along the entire property frontage from the center of road to back of curb as follows:

14.5 feet from centerline of Glen Erroll Drive.

- c. Construct sidewalks along entire property frontage within the rights-of-way of Glen Erroll Drive and Long Island Drive. ~~Said sidewalks for each phase of development shall be in place prior to the recording of the final plat,~~ with the exception that Lot 3 (A.K.A. 5505 Glen Erroll Road) shall not be required, per Conditions of Z89-068 Zoning, to keep the existing sidewalk and install new sidewalk along its Glen Erroll Road frontage.

- d. Subject to Ordinance No. 2008-09-48, Section 103-80 of the Land Development ordinance, applicant shall maintain shoulder within the right-of-way to permit future installation of sidewalks. In addition, owner/applicant shall pay for future sidewalk installation.

- e. Before commencing with the proposed sidewalk removal, the Owner/Applicant shall apply for and receive a Land Disturbance Permit and/or a Right-Of-Way Encroachment Permit and, after the proposed work is completed, the Owner/Applicant shall restore the disturbed area with turf grass that shall be maintained by the Owner/Applicant as long as no future improvements occur in the once disturbed area.

5. To the owner's agreement to abide by the following:

- a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit, to arrange with the ~~County~~ City Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries.
- b. To maintain as a minimum, the tree density requirements as prescribed by the ~~Fulton County~~ Sandy Springs Tree Preservation Conservation Ordinance Administrative Guidelines, either through the retention of existing trees, or tree replacement, in perpetuity.

### Attachments

Letter of Intent dated received October 6, 2011

Site Plan received October 6, 2011

Letter City of Atlanta Dept. of Watershed Management received November 15, 2011

Letter Fulton County Dept. of the Environment and Community Development received November 15, 2011

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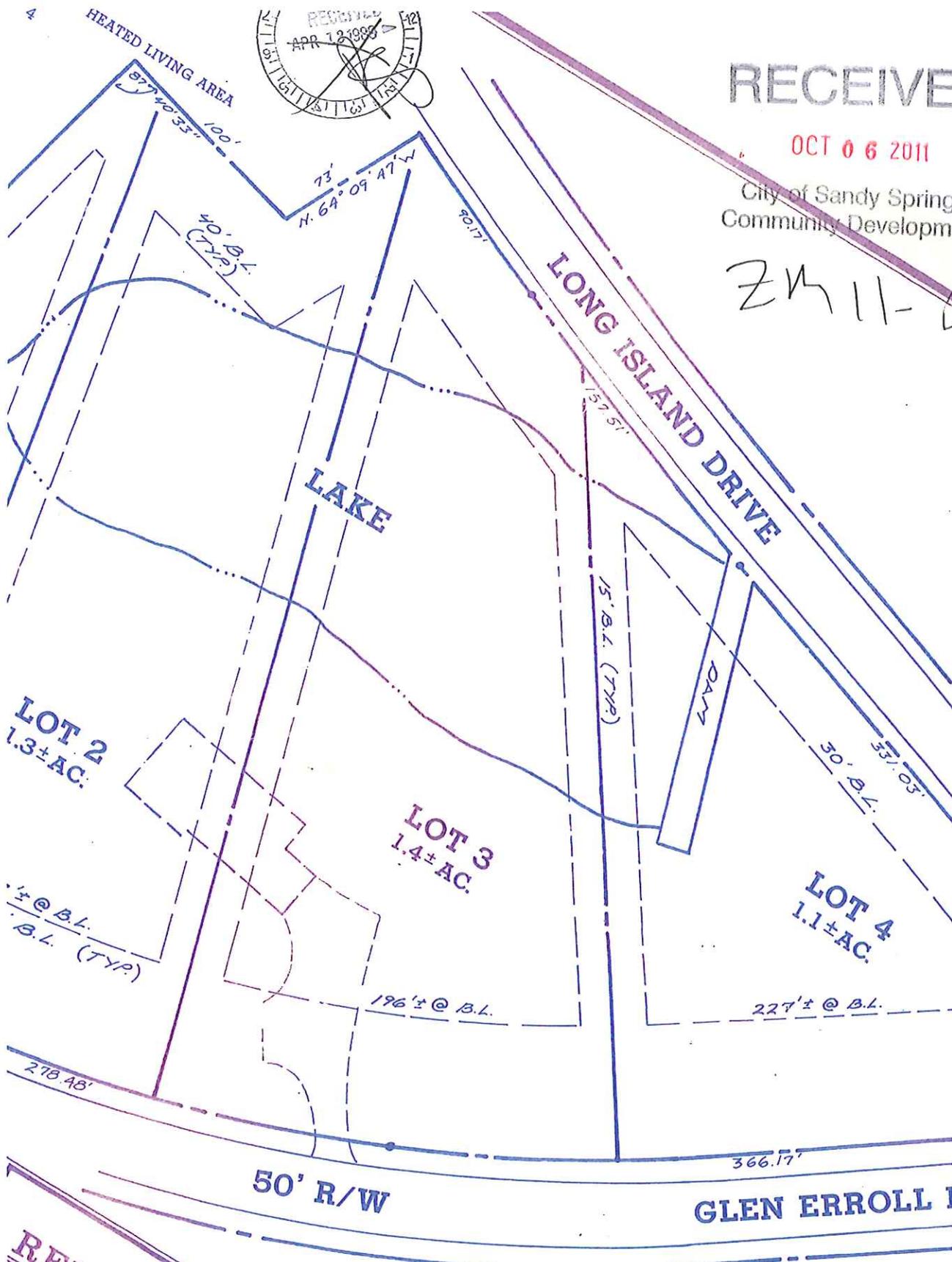


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OCT 06 2011

City of Sandy Springs  
Community Development

ZM 11-003



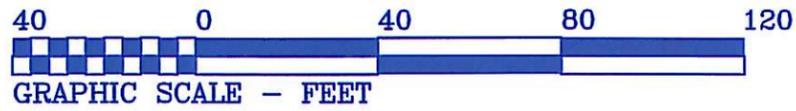
**REECE, HOOPES & FINN**  
 LAND PLANNERS · LANDSCAPE ARCHITECTS  
 1 PERIMETER CENTER TERRACE  
 ATLANTA, GEORGIA 30346



BOUNDARY SURVEY  
 A.S. GIOMETTI & ASS  
 DATED 3-27-88

SCALE 1" = 40'

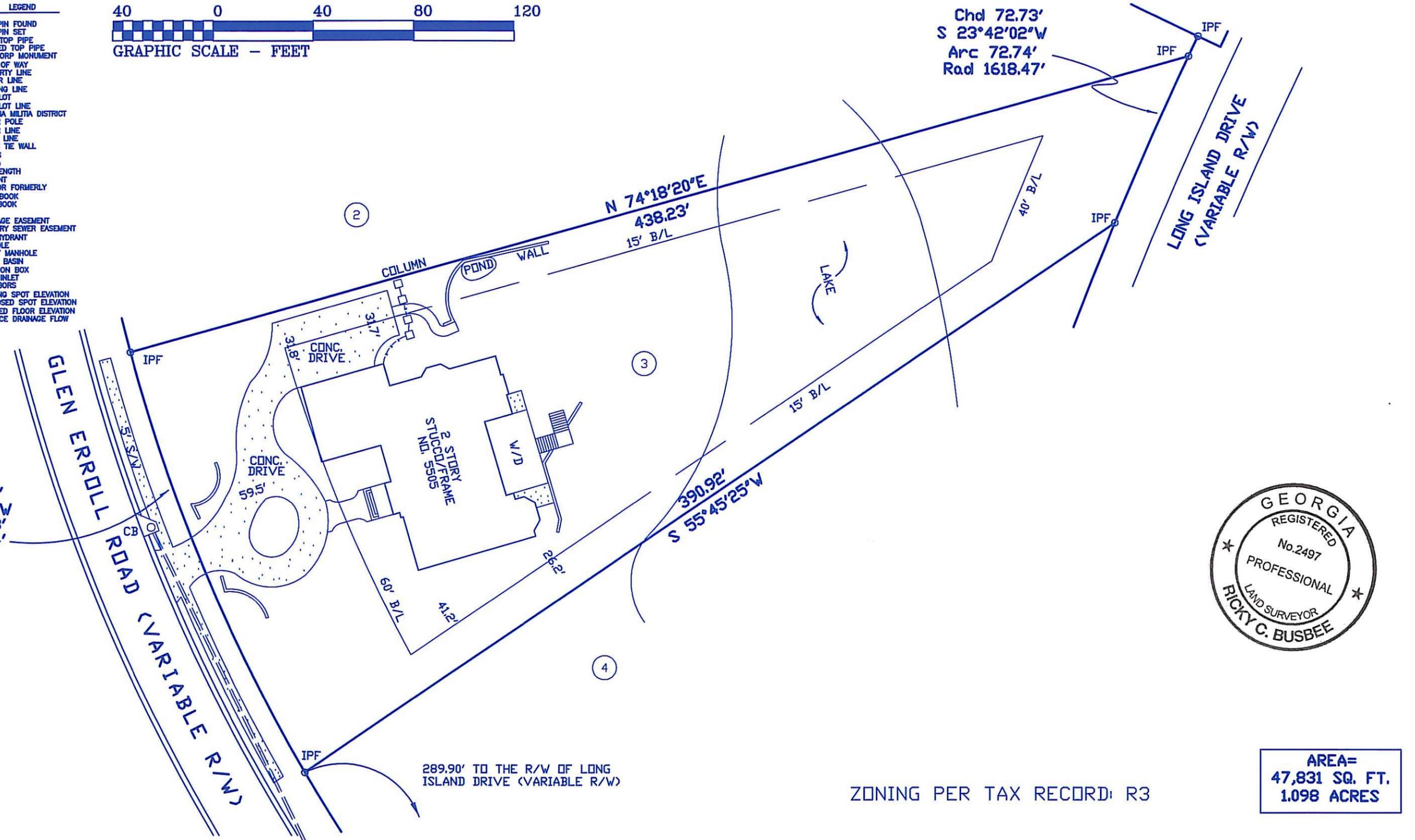
- LEGEND**
- IP.F. IRON PIN FOUND
  - IP.S. IRON PIN SET
  - O.T.P. OPEN TOP PIPE
  - C.T.P. CRIMPED TOP PIPE
  - U.S.C.M.F. U.S. CORP MONUMENT
  - R/W RIGHT OF WAY
  - P.L. PROPERTY LINE
  - C.L. CENTER LINE
  - B.L. BUILDING LINE
  - L.L. LAND LOT
  - L.L.L. LAND LOT LINE
  - G.M.D. GEORGIA MILITIA DISTRICT
  - P.P. POWER POLE
  - P. POWER LINE
  - X- FENCE LINE
  - XTW CROSS TIE WALL
  - Rad. RADIUS
  - Chd. CHORD
  - Arc. ARC LENGTH
  - Tan. TANGENT
  - N/O.F. NOW OR FORMERLY
  - D.B. DEED BOOK
  - P.B. PLAT BOOK
  - P.G. PAGE
  - D.E. DRAINAGE EASEMENT
  - S.S.E. SANITARY SEWER EASEMENT
  - F.H. FIRE HYDRANT
  - M.H. MANHOLE
  - U.M.H. UTILITY MANHOLE
  - C.B. CATCH BASIN
  - J.B. JUNCTION BOX
  - D.I. DROP INLET
  - N. NEIGHBORS
  - 999.0 E. EXISTING SPOT ELEVATION
  - 999.0 P. PROPOSED SPOT ELEVATION
  - F.F.E. FINISHED FLOOR ELEVATION
  - SURFACE DRAINAGE FLOW



MAGNETIC NORTH

Chd 72.73'  
S 23°42'02"W  
Arc 72.74'  
Rad 1618.47'

Chd 181.83'  
N 22°28'18"W  
Arc 182.38'  
Rad 679.04'



AREA= 47,831 SQ. FT. 1.098 ACRES

ZONING PER TAX RECORD: R3

**BUSBEE & POSS LAND SURVEYING COMPANY**  
3408 HOWELL STREET, SUITE A  
DULUTH, GEORGIA 30096  
770.497.9866  
FAX: 770.497.9881  
www.busbeelandposs.com

SURVEY FOR: **MIKE IVEY**  
LOT 3  
EXMPTION PLAT FOR  
GERALD HANDLEY AND CHARLIE JEAN HANDLEY  
PLAT BOOK 163, PAGE 109  
LAND LOT 122, 17th DISTRICT  
FULTON COUNTY, GEORGIA  
SCALE: 1"=40' DATE: DECEMBER 12th, 2011

THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS AS PER COMMUNITY PANEL NO. 13121C0144 E, DATED JUNE 22nd 1998, ZONE "X".

THIS SURVEY WAS NOT PREPARED WITH THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MAY BE RECORDED.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

*Ricky C. Busbee*  
RICKY C. BUSBEE, GEORGIA R.L.S. 2497

THE FIELD DATA UPON WHICH THIS PLAT OR MAP IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 150,000 FEET AND AN ANGULAR ERROR OF 07 SECONDS PER ANGLE, AND WAS ADJUSTED USING CRANDALL RULE.

TOPCON GTS-225 | CREW-MP/RB | DRAWN BY MP | J.N. BP10445 - IND

Mike Ivey  
5505 Glen Errol Road  
Sandy Springs, Georgia 30327  
404-257-1952  
mike.ivey@capcitymortgage.com

October 4, 2011

City of Sandy Springs  
7840 Roswell Road  
Sandy Springs, Georgia 30350

**RECEIVED**

OCT 06 2011

Re: Removal of 196 feet of sidewalk  
"Sidewalk to nowhere"

City of Sandy Springs  
Community Development

Subject property: 5505 Glen Errol Road

**Background:**

I have been a longtime Sandy Springs resident for 19 years. I currently own and reside at 5505 Glen Errol Road with my wife and 2 children; we purchased and moved into this home in December of 2010.

**Issue:**

The sidewalk along Glen Errol runs contiguously on the west side of Glen Errol all the way from Mount Vernon to the north, to just in front of my house on the south; this is a distance of about nine tenths of a mile. Glen Errol and Long Island intersect about 300 feet south of us.

For no apparent logical reason, the Glen Errol sidewalk on the west side, after continuing for 9/10<sup>th</sup> of a mile, abruptly stops about 300 feet short of Long Island; it literally dies into the grass.

The west side sidewalk discontinuance occurs directly across the street from our home; it is as if Fulton County simply forgot to finish the west side sidewalk so that it would connect with Long Island 300 feet to the south.

There appears to be no topographical or safety issue that might have caused Fulton County to stop the sidewalk where they did. There are no trees, fences, steep topography, etc in the way. The west side right of way is literally just flat grassy land with no homes facing Glen Errol on that side of the street; just woods.

The sidewalk actually jumps to my side (east side) of the street where it runs in front of my house about 196 feet. It sounds crazy, but *the only section* of sidewalk on the east side of Glen Errol is in front of my home, running 196 feet. The sidewalk literally starts on the north side at my northern-most property line and then stops at the southern-most edge of my property where it just dies into my neighbor's front yard. My neighbor to the

2M11-003

south does not have a sidewalk at all in front of his home, nor does my neighbor to the north.

Again, to be clear, on the east side of Glen Errol, my property is the only one on the east side of Glen Errol that has a sidewalk in the right of way.

FYI, I believe my home was built at the same time as my neighbors on either side of me in the early to mid 1990s. The total acreage of my land is about an acre. My lot is a very typical one for that street and not unusually large for that neighborhood.

**Safety:**

It does not take a traffic engineering degree to realize that by having a sidewalk in place that forces walkers to cross a double yellow line road on a curve in front of my house to get to 196 feet of sidewalk in front of my home actually "creates" a very unsafe and unnecessary hazard. Walkers are currently forced to cross a double yellow line road on a curve and on a hill; the hill seems to create some extra speed in cars heading south on Glen Errol. High school kids drive on Glen Errol regularly due to proximity to Holy Innocents and Riverwood about a mile and a half away.

**My request:**

I would simply like the appropriate permission to have the sidewalk in front of my home demolished and permanently removed.

**Post demolition plan:**

I wish to have dirt brought in to fill in the depression that will be left once the sidewalk concrete is removed; grass sod and or shrubbery will then be planted on top of the fill dirt.

**Side note:**

I plan to make it my business and mission to get Sandy Springs to finish installing the sidewalk on the west side of Glen Errol. Efforts towards that end started in January 2011 and progress has been made. The Public Works Department indicates that the sidewalk installation on the west side of Glen Errol is now "on the list" of considerations for funding. I will remain an advocate for that cause.

Respectfully,

Mike Ivey

**RECEIVED**

OCT 06 2011

City of Sandy Springs  
Community Development

ZM11-003



# CITY OF ATLANTA

KASIM REED  
MAYOR

BUREAU OF OPERATIONS  
651 14<sup>TH</sup> STREET, NW  
ATLANTA, GEORGIA 30318  
Office: (404) 235-2020 Fax: (404) 982-1400

DEPARTMENT OF  
WATERSHED MANAGEMENT  
JO ANN MACRINA  
Commissioner

November 8, 2011

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

**Subject: Water Availability at 5505 Glen Errol Road**

Dear Ms. Ruffin:

Our records indicate there is an existing 8-inch water main along Glen Errol Road 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 Drinking Water:

1. A set of stamped engineering drawings showing their developmental objectives for review and approval,
2. The enclosed basis of design,
3. A two thousand dollar deposit (\$2,000.00). 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 Drinking Water.

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

Sincerely

Nar Chaudhry, P.E. Chief Engineer  
Bureau of Drinking Water  
Department of Watershed Management  
651 14<sup>th</sup> Street, N.W.  
Atlanta, Georgia 30318  
Phone 404-235-2095  
Fax 404-235-1400  
E-mail nar.chaudhry@atlwater.com

211-003  
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NOV 15 2011

City of Sandy Springs  
Community Development



Department of the Environment and Community Development  
Fulton County Government Service Center at Fulton Industrial  
5440 Fulton Industrial Boulevard  
Atlanta, GA 30336

November 10, 2011

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 for a zoning modification on the upcoming City of Sandy Springs zoning agenda for the December 20th 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

ZM11-003

RECEIVED

NOV 15 2011

City of Sandy Springs  
Community Development