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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** October 11, 2011

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** RC11-02SS – 240 Quiet Water Lane (Chris Wujcik / Neptune Pools Inc.) River Corridor

**MEETING DATE:** For Submission onto the October 18, 2011, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
River Corridor Review

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APPROVAL BY CITY MANAGER:  APPROVED

\_\_\_\_\_ NOT APPROVED

PLACED ON AGENDA FOR: 10-18-2011

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES (  ) NO

CITY ATTORNEY APPROVAL: 

REMARKS:



To: Honorable Mayor and City Council Members

From: Ed Shoucair, Acting Director, Community Development Department 

Date: September 18, 2011 for Submission onto the October 18, 2011 City Council Meeting  
Agenda-River Corridor Review

Agenda Item: RC 11-02SS (240 Quiet Water Ln.)

**Intent:**

The owner of the property proposes the construction of a pool at the existing residence on the property. The site is 1.04 acres located in vulnerability categories "D" and "E" with a maximum allowed area of disturbance of 15,196 ft<sup>2</sup> in category "D" and 4,442ft<sup>2</sup> in category "E" and a maximum allowed area of impervious surface of 9,792 ft<sup>2</sup> in category "D" and 1,771 ft<sup>2</sup> in category "E". The review includes a transfer of 450 ft<sup>2</sup> impervious surface from "E" to "D" at 1 to 1.5 to reduce the amount of existing impervious in "D" from 32% to the allowable 30%. This is allowed under Part 2.A.3.c. of the *Chattahoochee Corridor Plan*.

**Process:**

The subject application was submitted to the Atlanta Regional Commission on September 7, 2011, with a finding that the proposed project is consistent with the Chattahoochee Corridor Plan. The application is scheduled to be presented by the applicant at the October 4, 2011 Mayor and City Council meeting.

The Staff requests that the Mayor and City Council allow a representative of the Department of Community Development to introduce the application and present the Department's recommendations. The applicant would then be allowed to present the application. Next, all dissenting and supporting comments of the public should then be solicited. Finally, the applicant would have a period of rebuttal.

In accordance with the requirements of the State of Georgia, the applicant and all supporting public comments are to be allowed at least ten (10) minutes. Additionally, dissenting public comments are to be allowed at least ten (10) minutes.

**Staff Recommendation:**

**APPROVAL-Consistent with Chattahoochee River Corridor Plan**

**Concurrent Review:**

John McDonough, City Manager  
Wendell Willard, City Attorney  
Cecil McLendon, Assistant City Attorney



## River Corridor Review No. RC 11-02SS

### HEARING & MEETING DATES

Community Zoning Information Meeting	Design Review Board Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	N/A	N/A	October 18, 2011

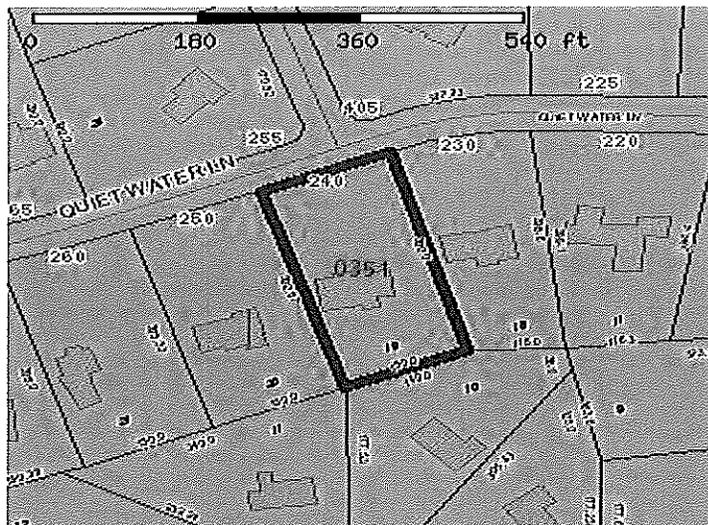
### APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Bernie Boehnlein 240 Quite Water Ln. Sandy Springs, GA 30350	Chris Wujcik / Neptune Pools Inc. 1230 Peachtree Industrial Blvd. Sugar Hill GA 30518	Chris Wujcik / Neptune Pools Inc. 1230 Peachtree Industrial Blvd. Sugar Hill GA 30518

### PROPERTY INFORMATION

<b>Address, Land Lot, District, and Council District</b>	240 Quiet Water Lane LL 351, 6 <sup>th</sup> District Council District 1 City of Sandy Springs Fulton County, GA 30350
<b>Vulnerability Category(s)</b>	"D", "E"
<b>Frontage and Area</b>	Project has frontage along the northern portion of Quiet Water Ln. The subject property has a total area of 1.04 acres.
<b>Existing Zoning and Use</b>	CUP

### PARCEL MAP



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**INTENT**

The owner of the property proposes the construction of a pool at the existing residence on the property. The site is 1.04 acres located in vulnerability categories "D" and "E" with a maximum allowed area of disturbance of 15,196 ft<sup>2</sup> in category "D" and 4,442ft<sup>2</sup> in category "E" and a maximum allowed area of impervious surface of 9,792 ft<sup>2</sup> in category "D" and 1,771 ft<sup>2</sup> in category "E". The review includes a transfer of 450 ft<sup>2</sup> impervious surface from "E" to "D" at 1 to 1.5 to reduce the amount of existing impervious in "D" from 32% to the allowable 30%. This is allowed under Part 2.A.3.c. of the *Chattahoochee Corridor Plan*.

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**COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION:**

**APPROVAL - FOUND TO BE CONSISTENT BY ATLANTA REGIONAL COMMISSION.**

**Public Participation:**

Notice of Atlanta Regional Commission Metropolitan River Protection Act Certificate Public Hearing - Mayor and City Council Meeting October 18, 2011.

**Planning Analysis:**

The subject site is a 1.04 acre tract of land located in Land Lot 352 of the 6<sup>th</sup> District and situated on the southern portion of Quiet Water Ln. The site is zoned CUP-zoning case 1969Z -0062. Upon review, staff is of the opinion that the applicant is within both disturbed area and impervious surface thresholds set by ARC Chattahoochee River Corridor Plan.

**Staff Recommendation:**

Staff recommends **APPROVAL** of the proposed Metropolitan River Protection Act Certificate.

Attached: Supporting Documentation-application, plan, regional review notification.

**APPLICATION FOR  
METROPOLITAN RIVER PROTECTION ACT CERTIFICATE**

1. Name of Local Government: SANDY SPRINGS
2. Owner(s) of Record of Property to be Reviewed:  
Name(s): BERNIE BOEHNLEIN  
Mailing Address: 240 QUIET WATER LN.  
City: SANDY SPRINGS State: GA Zip: 30350  
Contact Phone Numbers (w/Area Code):  
Daytime Phone: 404-314-8566 Fax: \_\_\_\_\_  
Other Numbers: 770-671-1213
3. Applicant(s) or Applicant's Agent(s):  
Name(s): CHRIS WUTKIC / NEPTUNE POOLS INC  
Mailing Address: 1230 P'TREE INDUSTRIAL BLVD  
City: SUGAR HILL State: GA Zip: 30068  
Contact Phone Numbers (w/Area Code):  
Daytime Phone: 7-831-5415 Fax: 7-831-5420  
Other Numbers: 6-938-2240 cell
4. Proposed Land or Water Use:  
Name of Development: RIVERGATE SUBDIVISION  
Description of Proposed Use: INSTALL IN-GROUND  
POOL & SPA
5. Property Description (Attach Legal Description and Vicinity Map):  
Land Lot(s), District, Section, County: 1351, 5<sup>TH</sup> DIST, SANDY  
SPRINGS, FULTON CO. GA  
Subdivision, Lot, Block, Street and Address, Distance to Nearest Intersection:  
RIVERGATE, LOT 19, UNIT 4, PHASE 1  
Size of Development (Use as Applicable):  
Acres: Inside Corridor: 45,198  
Outside Corridor: \_\_\_\_\_  
Total: 45,198  
Lots: Inside Corridor: \_\_\_\_\_  
Outside Corridor: \_\_\_\_\_  
Total: \_\_\_\_\_  
Units: Inside Corridor: \_\_\_\_\_  
Outside Corridor: \_\_\_\_\_  
Total: \_\_\_\_\_  
Other Size Descriptor (i.e., Length and Width of Easement):  
Inside Corridor: \_\_\_\_\_  
Outside Corridor: \_\_\_\_\_  
Total: \_\_\_\_\_

6. Related Chattahoochee Corridor Development:

A. Does the total development include additional land in the Chattahoochee Corridor that is not part of this application? Ø

If "yes", describe the additional land and any development plans: \_\_\_\_\_

B. Has any part of the property in this application, or any right-of-way or easement bordering this land, previously received a certificate or any other Chattahoochee Corridor review approval? Ø

If "yes", please identify the use(s), the review identification number(s), and the date(s) of the review(s): \_\_\_\_\_

7. How Will Sewage from this Development be Treated?

A. Septic tank ✓

Note: For proposals with septic tanks, the application must include the appropriate local government health department approval for the selected site.

B. Public sewer system \_\_\_\_\_

8. Summary of Vulnerability Analysis of Proposed Land or Water Use:

Vulnerability Category	Total Acreage (or Sq. Footage)	Total Acreage (or Sq. Footage) Land Disturbance	Total Acreage (or Sq. Footage) Imperv. Surface	Percent Land Disturb.	Percent Imperv. Surf.
				(Maximums Shown In Parentheses)	

A \_\_\_\_\_ (90) \_\_\_\_\_ (75)

B \_\_\_\_\_ (80) \_\_\_\_\_ (60)

C \_\_\_\_\_ (70) \_\_\_\_\_ (45)

D 30,391 # 15,196 # 9792 #\* (50) 50% (30) 32.2%\*

E 14,807 # 4442 # 1,771 #\* (30) 30% (15) 11.96%\*

F \_\_\_\_\_ (10) \_\_\_\_\_ (2)

Total: 45,198 # 19,638 # 11,563 # ~~17,500 #~~ N/A N/A

\* INCLUDES A TRANSFER OF 450 SF OF IMPERVIOUS SURFACE FROM E TO D AT 1 TO 1.5 (450 X 1.5 = 675, THIS 675 SF ADDED TO D IMPERVIOUS) AS PER PART 2.A.3.C.(1) OF THE CHATTAHOOCHEE CORRIDOR PLAN.

ALL VORN. TABLE AND NOTES  
JMS - APR 23/11

9. Is any of this Land within the 100-Year Floodplain of the Chattahoochee River? NO  
If "yes", indicate the 100-year floodplain elevation: \_\_\_\_\_

**NOTE:** For this review, river floodplain is determined from the U.S. Army Corps of Engineers' "Floodplain Information - Chattahoochee River, Buford Dam to Whitesburg, Georgia", November, 1973 and its Supplement of March, 1982.

**NOTE:** All river 100-year floodplain is assigned to the "E" Category; its allowable allocations can be combined with those of other "E" land in the review. Also, 100-year floodplain cannot be reanalyzed and cannot accept transfers.

10. Is any of this land within the 500-year floodplain of the Chattahoochee River? NO  
If "yes", indicate the 500-year flood plain elevation: \_\_\_\_\_

**NOTE:** Plan Standards include a 35-foot height limit above the pre-construction grade within the 500-year floodplain (includes the 100-year floodplain). Adherence to this standard must be noted on the submitted plans (see Part 2.B.(4) of the Chattahoochee Corridor Plan).

11. The following is a checklist of information required to be attached as part of the application. Individual items may be combined.

**FOR ALL APPLICATIONS:**

Description of land in the application and any additional land in the project (attach legal description or surveyed boundaries).

Name, address, and phone number(s) of owner(s) of record of the land in the application. (Space provided on this form)

Written consent of all owners to this application. (Space provided on this form)

Name, address, and phone number(s) of applicant or applicant's agent. (Space provided on this form)

Description of proposed use(s). (Space provided on this form)

Existing vegetation plan.

Proposed grading plan.

Certified as-builts of all existing land disturbance and impervious surfaces.

Approved erosion control plan.

Detailed table of land-disturbing activities. (Both on this form and on the plans)

Plat-level plan showing (as applicable): lot boundaries; any other sub-areas; all easements and rights-of-way; 100- and 500-year river floodplains; vulnerability category boundaries; topography; any other information that will clarify the review.

Documentation on adjustments, if any.

Cashier's check or money order (for application fee).

**FOR SINGLE-STEP APPLICATIONS (NON-SUBDIVISION):**

Site plan.

Land-disturbance plan.

**FOR TWO-STEP SINGLE-FAMILY SUBDIVISION APPLICATIONS ONLY:**

Concept plan.

Lot-by-lot and non-lot allocation tables.

12. I (we), the undersigned, authorize and request review of this application for a certificate under the provisions of the Metropolitan River Protection Act: (use additional sheets as necessary)

Ben W. By 6/11/11

Signature(s) of Owner(s) of Record

Date

13. I (we), the undersigned, authorize and request review of this application for a certificate under the provisions of the Metropolitan River Protection Act:

Ben W. By 6/22/11

Signature(s) of Applicant(s) or Agent(s)

Date

14. The governing authority of Sandy Springs requests review by the Atlanta Regional Commission of the above-described use under the Provisions of the Metropolitan River Protection Act.

[Signature] 8.30.11  
Signature of Chief Elected Official or Official's Designee Date

Corrected Table for 240 Quiet Water Lane Site Plans

Total Lot Area: 45,198 SF

<u>Vulnerability Category:</u>	D	E
<u>Category Area:</u>	30,391 SF	14,807 SF
<u>Proposed Land Disturbance:</u>	15,196 SF (50%)	4,442 SF (30%)
<u>Proposed Impervious Surface:</u>	9,792 SF (32.2%)*	1,771 SF (11.96%)*

\*The standard category limits are:

D category: 50% land disturbance  
30% impervious surface

E Category: 30% land disturbance  
15% impervious surface

This review includes a transfer of 450 SF of impervious surface from E to D at 1 to 1.5 ( $450 \times 1.5 = 675$ ). The 675 square feet is added to the D impervious maximum ( $9117 (30\%) + 675 = 9792$ ). The 450 square feet is subtracted from the maximum in E ( $2221 (15\%) - 450 = 1771$ ). This is allowed under Part 2.A.3.c.(1) of the Chattahoochee Corridor Plan



# REGIONAL REVIEW NOTIFICATION

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax:404.463.3105 • www.atlantaregional.com

DATE: Sep 7 2011

ARC REVIEW CODE: V1109071

TO: Mayor Eva Galambos  
ATTN TO: Michael Barnett, City of Sandy Springs  
FROM: I. Emerson Bryan, Interim Executive Director

The Atlanta Regional Commission (ARC) has received the following proposal and is initiating a regional review to seek comments from potentially impacted jurisdictions and agencies. The ARC requests your comments related to the proposal not addressed by the Commission's regional plans and policies.

**Name of Proposal:** RC-11-02SS 240 Quiet Water Ln.

**Review Type:** Metro River

**MRPA Code:** RC-11-02SS

**Description:** An application for a Metropolitan River Protection Act Certificate for the installation of an in-ground pool and spa.

**Preliminary Finding:** The ARC staff has completed the review of the application for a Metro River Certificate for this proposed project in the Chattahoochee River Corridor. Our preliminary finding is that the proposed project is consistent with the Chattahoochee Corridor Plan.

**Submitting Local Government:** City of Sandy Springs

**Land Lot:** 351 **District:** 5

**Date Opened:** Sep 7 2011

**Deadline for Comments:** Sep 17 2011

**Earliest the Regional Review can be Completed:** Sep 17 2011

### THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES ARE RECEIVING NOTICE OF THIS REVIEW:

ARC LAND USE PLANNING  
NATIONAL PARK SERVICE  
CITY OF ROSWELL

ARC ENVIRONMENTAL PLANNING  
UPPER CHATTAHOOCHEE RIVERKEEPER

GEORGIA DEPARTMENT OF NATURAL RESOURCES  
GEORGIA CONSERVANCY

If you have any questions regarding this review, Please call Jon Tuley at (404) 463-3309. If the ARC staff does not receive comments from you by 2011-09-17, we will assume that your agency has no additional comments and we will close the review. Comments by email are strongly encouraged.

The ARC review website is located at: <http://www.atlantaregional.com/landuse> .

Attached is information concerning this review.

**ARC STAFF NOTICE OF REGIONAL REVIEW AND COMMENT FORM**

DATE: Sep 7 2011

ARC REVIEW CODE: V1109071

TO: ARC Land Use, Environmental, Transportation, Research, and Aging Division Chiefs

FROM: Jon Tuley, Extension: 3-3307

**Reviewing staff by Jurisdiction:**

**Land Use:** Tuley, Jon

**Transportation:** N/A

**Environmental:** Santo, Jim

**Research:** N/A

**Aging:** N/A

**Name of Proposal:** RC-11-02SS 240 Quiet Water Ln.

**Review Type:** Metro River

**Description:** An application for a Metropolitan River Protection Act Certificate for the installation of an in-ground pool and spa.

**Submitting Local Government:** City of Sandy Springs

**Date Opened:** Sep 7 2011

**Deadline for Comments:** Sep 17 2011

**Earliest the Regional Review can be Completed:** Sep 17 2011

**Response:**

- 1)  Proposal is CONSISTENT with the following regional development guide listed in the comment section.
- 2)  While neither specifically consistent nor inconsistent, the proposal relates to the following regional development guide listed in the comment section.
- 3)  While neither specifically consistent nor inconsistent, the proposal relates to the following regional development guide listed in the comment section.
- 4)  The proposal is INCONSISTENT with the following regional development guide listed in the comment section.
- 5)  The proposal does NOT relate to any development guide for which this division is responsible.
- 6)  Staff wishes to confer with the applicant for the reasons listed in the comment section.

**COMMENTS:**




**LEGEND**

- IPF = IRON PIN FOUND
- IPS = IRON PIN SET
- BL = BUILDING LINE
- CL = CENTERLINE
- PL = PROPERTY LINE
- LLL = LAND LOT LINE
- RW = RIGHT OF WAY
- MH = MANHOLE
- WM = WATER METER
- DE = DRAINAGE EASEMENT
- SSE = SANITARY SEWER EASEMENT
- CB = CATCH BASIN
- CD = CROSS DRAIN
- HW = HEAD WALL

**NOTES:**

APPLICANT: NEPTUNE POOLS  
1230 PEACHTREE INDUSTRIAL BLVD.  
SUGAR HILL, GA 30518  
CHRIS WUJIKS - 678-633-2240

OWNER: BERNIE BOEHNLEIN  
240 QUIET WATER LANE  
SANDY SPRINGS, GA 30350  
770-671-1213

DESIGNER: BILL GRESHAM  
GRESHAM PLANNING & DEVELOPMENT, INC.  
P.O. BOX 2255  
CLARKESVILLE, GA 30523  
706-754-8844

THIS PLAN IS INTENDED FOR NEW POOL CONSTRUCTION ONLY. NO OTHER LAND DISTURBANCE IS PROPOSED UNDER THIS PLAN.

Corrected Table for 240 Quiet Water Lane Site Plans

Total Lot Area	45,193 SF
Vulnerability Category:	D E
Category Area:	33,391 SF 14,607 SF
Proposed Land Disturbance:	15,196 SF (30%) 4,412 SF (30%)
Proposed Impervious Surface:	9,792 SF (32.2%) 1,771 SF (11.96%)

\*The standard category limits are:  
D category: 50% land disturbance  
30% impervious surface  
E Category: 30% land disturbance  
15% impervious surface

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**GENERAL NOTES**

A TOPCON GTS-28 TOTAL STATION AND HP-48GX (TDS) DATA COLLECTOR WERE USED TO GATHER FIELD INFORMATION USED IN THE PREPARATION OF THIS PLAT. THIS INFORMATION WAS CALCULATED FOR CLOSURE AND FOUND TO HAVE A CLOSURE PRECISION EXCEEDING 1" IN 10,000' AND WAS ADJUSTED BY USING COMPASS RULE. THE CALCULATED CLOSURE FOR THIS PLAT EXCEEDS 1" IN 100,000'. NO STATE PLANE COORDINATE MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED. BEARINGS SHOWN ARE CALCULATED FROM TURNED ANGLES.

**CONSTRUCTION SCHEDULE**

2011

ACTIVITY	JUL	AUG	SEP	OCT
INSTALLATION OF SEDIMENT CONTROL MEASURES				
CLEARING, GRUBBING AND GRADING OPERATIONS				
GRASSING- INCLUDING MULCHING, TEMP. & PERM. VEGETATION				
MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES				
FINAL LANDSCAPING, GRASSING, CLEANING OF SITE				
REMOVE TEMP. EROSION MEASURES AND TREE PROT. FENCING				

**NOTES:**

THIS PROPERTY IS COMPLETELY OR PARTIALLY WITHIN THE CHATTAHOOCHEE RIVER CORRIDOR. NO LAND DISTURBANCE SHALL OCCUR OUTSIDE THE APPROVED LIMITS.

ALL CONSTRUCTION MUST CONFORM TO CITY OF SANDY SPRINGS STANDARDS.

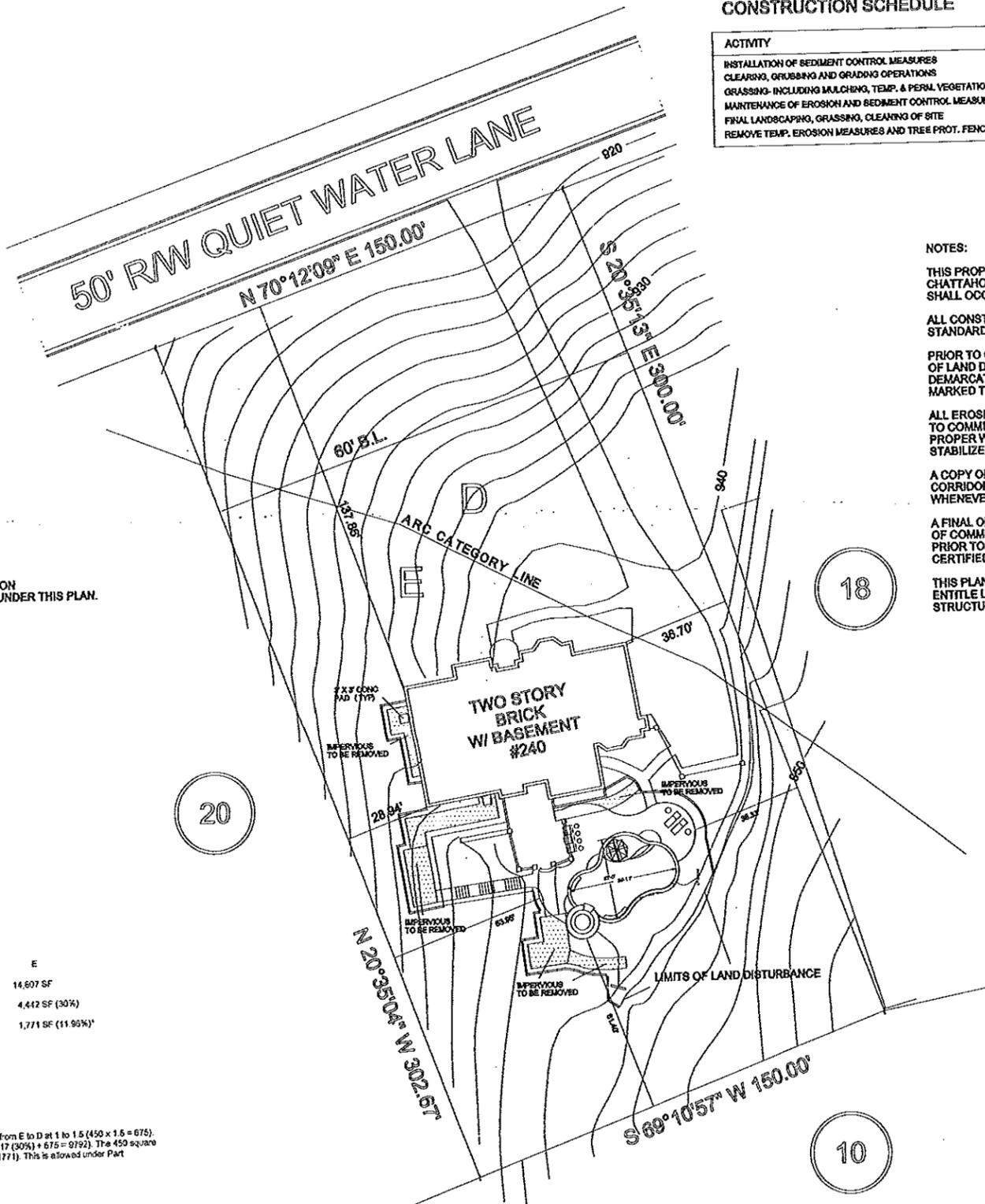
PRIOR TO COMMENCING LAND DISTURBING ACTIVITY, THE LIMITS OF LAND DISTURBANCE SHALL BE CLEARLY AND ACCURATELY DEMARCATED WITH TREE SAVE FENCE, AND SHALL REMAIN MARKED THROUGHOUT CONSTRUCTION, UNTIL FINAL STABILIZATION.

ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING CONSTRUCTION AND SHALL BE MAINTAINED IN PROPER WORKING ORDER UNTIL ALL DISTURBED AREAS ARE STABILIZED.

A COPY OF THE APPROVED LAND DISTURBANCE PLAN AND RIVER CORRIDOR CERTIFICATE/PERMIT SHALL BE PRESENT ONSITE WHENEVER LAND DISTURBING ACTIVITY IS IN PROGRESS.

A FINAL ON-SITE INSPECTION BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT OR HIS/HER DESIGNEE IS REQUIRED PRIOR TO THE RELEASE OF THE CERTIFICATE OF OCCUPANCY. A CERTIFIED AS-BUILT SURVEY MAY BE REQUIRED.

THIS PLAN IS APPROVED FOR RIVER CORRIDOR ONLY. IT DOES NOT ENTITLE LAND DISTURBING ACTIVITY OR CONSTRUCTION OF STRUCTURES WITHOUT FIRST OBTAINING ALL APPLICABLE PERMITS.



20

18

10

11

**LOT 19  
UNIT FOUR, PHASE ONE  
RIVERGATE**  
240 QUIET WATER LANE  
SANDY SPRINGS, GA 30350  
**1.038 ACRES**

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA ACCORDING TO F.I.R.M. PANEL# 13121C0160F LAST REVISED ON JUNE 22, 1998. IF THE SPECIAL FLOOD HAZARD AREA HAS ESTABLISHED ELEVATIONS, THEN A SURVEYOR OR ARCHITECT CAN VERIFY THIS STATEMENT. IF ELEVATIONS HAVE NOT BEEN ESTABLISHED THEN A REGISTERED ENGINEER MUST PROVIDE CALCULATIONS TO ESTABLISH THE HORIZONTAL LOCATION AND THE ELEVATION OF THE FLOOD HAZARD. IF PROPERTY HAS SPECIAL FLOOD HAZARD AREA CROSSING ITS BOUNDARY LINE, A CERTIFICATE OF OCCUPANCY HOLD WILL BE PLACED ON THE BUILDING PERMIT UNTIL AN ELEVATION CERTIFICATE IS SUBMITTED CERTIFYING THAT THE LOWEST FLOOR ELEVATION OF THE STRUCTURE IS A MINIMUM OF THREE (3) FEET ABOVE THE SPECIAL FLOOD HAZARD AREA ELEVATION.

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.

**G R E S H A M**

PLANNING & DEVELOPMENT, INC.

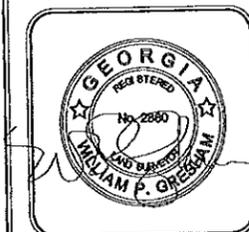
P.O. BOX 2255  
CLARKESVILLE, GEORGIA 30523  
706-754-8844  
FAX 706-754-1145

PROPOSED POOL CONSTRUCTION PLAN FOR

**BERNIE BOEHNLEIN**

LAND LOT 351 of the 5th DISTRICT  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA

NO.	DATE	REVISIONS DESCRIPTION



DATE	MAY 27, 2011
SCALE	1" = 30'
JOB NO.	110527-04
SHEET	OF
1	1
DRAWN	RLS
CHECKED	SDE