



To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Acting Director of Community Development 

Date: September 1, 2011 for submission onto the September 20, 2011 City Council meeting

Agenda Item: **RZ11-005 5790 & 5800 Mountain Creek Road**, a request to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow Personal Care Homes having a density larger than previously approved.

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***CMO (City Manager's Office) Recommendation:***

**APPROVAL CONDITIONAL** of the request to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow Personal Care Homes having a density larger than previously approved.

***Background:***

The site is located on the southwest side of Mountain Creek Road, approximately 150 feet south of the intersection of Carpenter Drive and Mountain Creek Road. The subject property is located within the Main Street District of the Sandy Springs Overlay District. The subject property is zoned O-I (Office and Institutional District) under zoning cases RZ10-002 and conditioned to Personal Care Homes.

***Discussion:***

The subject property is zoned O-I (Office and Institutional District) under zoning case RZ10-002/CV10-002 and conditioned to one 3,432.559 square foot Personal Care Home and to a second 3,365.037 square foot Personal Care Home developed at a total density of 8,189.88 square feet per acre.

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow Personal Care Homes having a density larger than previously approved.

The applicant states the intention is to correct a mistake made in the calculation of the requested density that occurred when the RZ10-002/CV10-002 case was filed. All along, the applicant intended to make improvements/renovations to the existing buildings that included enclosing the existing carports into heated floor area without expanding buildings' footprints. To correct the mistake, the new request, including the enclosure of the existing garages, is for one 3,616 square foot Personal Care Home and for a second 3,828 square foot Personal Care Home developed at a total density of 9,034 square feet per acre.

Three concurrent variances were approved under the RZ10-002 zoning case and are being carried forward under this subject application (RZ11-005).

The applicant states that the residence numbered 5790 Mountain Creek Road contains three bedrooms and two bathrooms, and the intent is to house up to eight occupants. The applicant states that the residence numbered 5800 Mountain Creek Road contains three bedrooms and two bathrooms, and the intent is to house up to eight occupants. The occupants will be completely ambulatory and will be developmentally disabled.

***Concurrent Review:***

The staff held a Focus Meeting on July 6, 2011 at which the following city departments provided comments:

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

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

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

## Rezoning Petition No. RZ11-005

<b>HEARING &amp; MEETING DATES</b>			
<b>Community Zoning Information Meeting</b>	<b>Community Developer Resolution Meeting</b>	<b>Planning Commission Hearing</b>	<b>Mayor and City Council Hearing</b>
June 28, 2011	July 28, 2011	August 18, 2011	September 20, 2010
<b>APPLICANT/PETITIONER INFORMATION</b>			
<b>Property Owners</b>	<b>Petitioner</b>	<b>Representative</b>	
Eugene and Mari Jo Grace/ Mountain Creek LLC	Carol Jane Reynolds	Carol Jane Reynolds	
<b>PROPERTY INFORMATION</b>			
<b>Address, Land Lot, and District</b>	5790 & 5800 Mountain Creek Road Land Lot 70, District 17		
<b>Council District</b>	6		
<b>Frontage and Area</b>	200 feet of frontage along the southwest side of Mountain Creek Road. The subject property has a total area of approximately 0.824 acres (35,893 sq.ft.).		
<b>Existing Zoning and Use</b>	O-I (Office and Institutional District) conditional under zoning case RZ10-002/CV10-002. The property is being developed with Personal Care Homes.		
<b>Overlay District</b>	Main Street District		
<b>2027 Comprehensive Future Land Use Map Designation</b>	LWR (Living-Working Regional), Node 7: Roswell Road and I-285 (Downtown)		
<b>Proposed Zoning</b>	O-I (Office and Institutional District)		
<b>INTENT</b>			

**TO REZONE THE SUBJECT PROPERTY FROM O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO ALLOW PERSONAL CARE HOMES HAVING A DENSITY LARGER THAN PREVIOUSLY APPROVED.**

The subject property is zoned O-I (Office and Institutional District) under zoning case RZ10-002/CV10-002 and conditioned to one 3,432.559 square foot Personal Care Home and to a second 3,365.037 square foot Personal Care Home developed at a total density of 8,189.88 square feet per acre.

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow Personal Care Homes having a density larger than previously approved.

The applicant states the intention is to correct a mistake made in the calculation of the requested density that occurred when the RZ10-002/CV10-002 case was filed. All along, the applicant intended to make improvements/renovations to the existing buildings that included enclosing the existing carports into heated floor area without expanding buildings' footprints. To correct the mistake, the new request, including the enclosure of the existing garages, is for one 3,616 square foot Personal Care Home and for a second 3,828 square foot Personal Care Home developed at a total density of 9,034 square feet per acre.

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The applicant states that the residence numbered 5790 Mountain Creek Road contains three bedrooms and two bathrooms, and the intent is to house up to eight occupants. The applicant states that the residence numbered 5800 Mountain Creek Road contains three bedrooms and two bathrooms, and the intent is to house up to eight occupants. The occupants will be completely ambulatory and will be developmentally disabled.

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**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**RZ11-005 - APPROVAL CONDITIONAL**

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**PLANNING COMMISSION RECOMMENDATION**

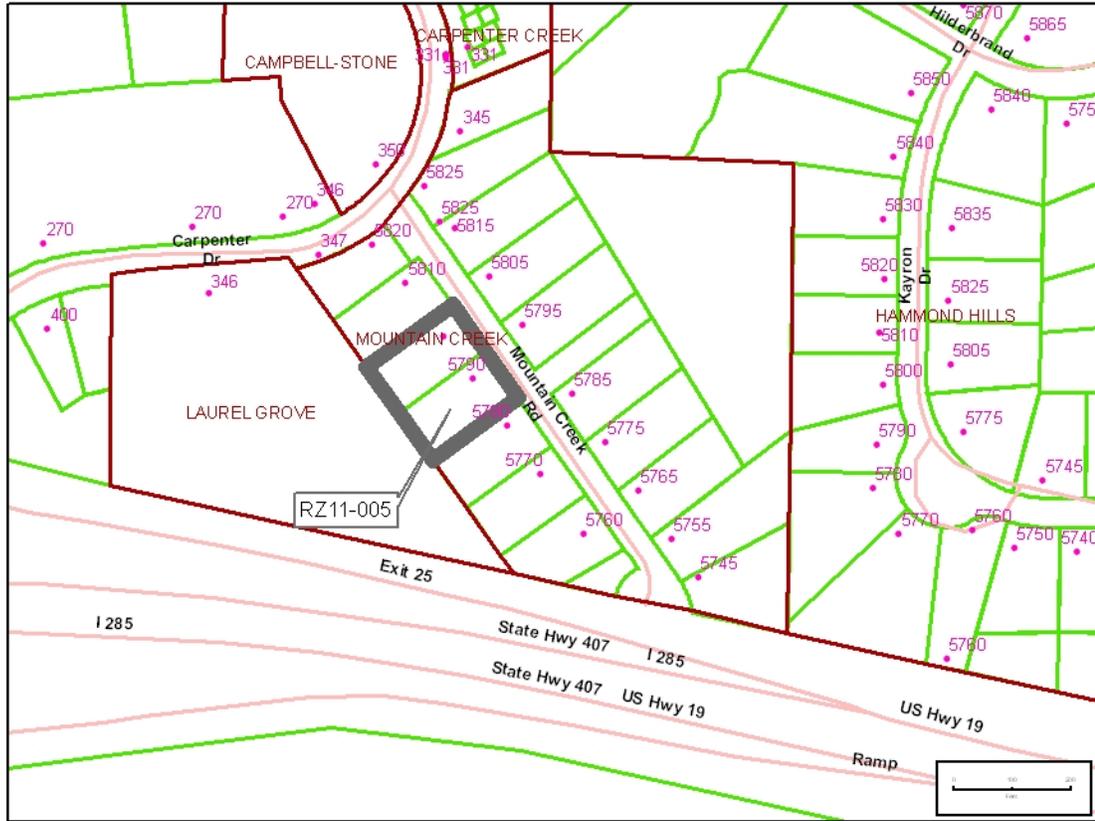
**RZ11-005 - APPROVAL CONDITIONAL**

**The petition was heard at the August 18, 2011 Planning Commission meeting.** The Commission recommended approval subject to Staff conditions. Approved (6-0, Thatcher, Pond, Rubenstein, Maziar, Rupnow, and Tart for; Duncan not voting).

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### Location Map

#### 5790 & 5800 Mountain Creek Road



## BACKGROUND

The site is located on the southwest side of Mountain Creek Road, approximately 150 feet south of the intersection of Carpenter Drive and Mountain Creek Road. The subject property is located within the Main Street District of the Sandy Springs Overlay District. The subject property is zoned O-I (Office and Institutional District) under zoning cases RZ10-002 and conditioned to the following:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To Personal Care Homes.
  - b. To one 3,432.559 square foot building and to a second 3,365.037 square foot building developed at a total density of 8,189.88 square feet per acre.
  - c. To no more than eight (8) occupants (not including the on-site staff) in each home (16 total) at any given time.
  
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on March 31, 2010. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for 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 required and/or provided landscape strip(s) and zoning buffer(s) shall be planted to meet the minimum standards as approved by the City Arborist.
  - c. To planting the required landscape strips and zoning buffers to meet the minimum standards as approved by the City Arborist.
  - d. To obtain a Certificate of Occupancy from the City prior to establishing the Personal Care Home uses.
  - e. To provide at least one (1) on-site staff person on premises per building twenty-four (24) hours per day.
  - f. To provide a transportation plan for the operation of the Personal Care Home(s) before the issuance of any Certificate of Occupancy.
  
3. To the owner's agreement to provide the following site development standards:
  - a. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
  - b. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary to allow for proposed All-weather surface/Driveway/Parking to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-

002).

- c. Variance from Section 8.1.3.C of the Zoning Ordinance to reduce the required twenty (20) foot minimum interior side setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
- d. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Mountain Creek Road 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.

PLEASE CONSIDER THE FOLLOWING:

A Group Residence is defined in the City Zoning Ordinance as:

- A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this Ordinance, group residence/shelter shall not include those facilities which exclusively care for children under the age of 17.

A Personal Care Home is defined in the City Zoning Ordinance as:

- A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

The State of Georgia defines a Personal Care Home as:

- A single home, building or group of buildings where personal services (help with the essential activities of daily living to include assistance with eating, bathing, grooming, dressing, toileting, and supervision of medications) are provided to two or more adults not related to the owner or administrator by blood or marriage.

NOTE: Under Chapter 111-8-62 of the State of Georgia Healthcare Facility Regulations for Personal Care Homes, Group Residences are exempted from the regulations as follows:

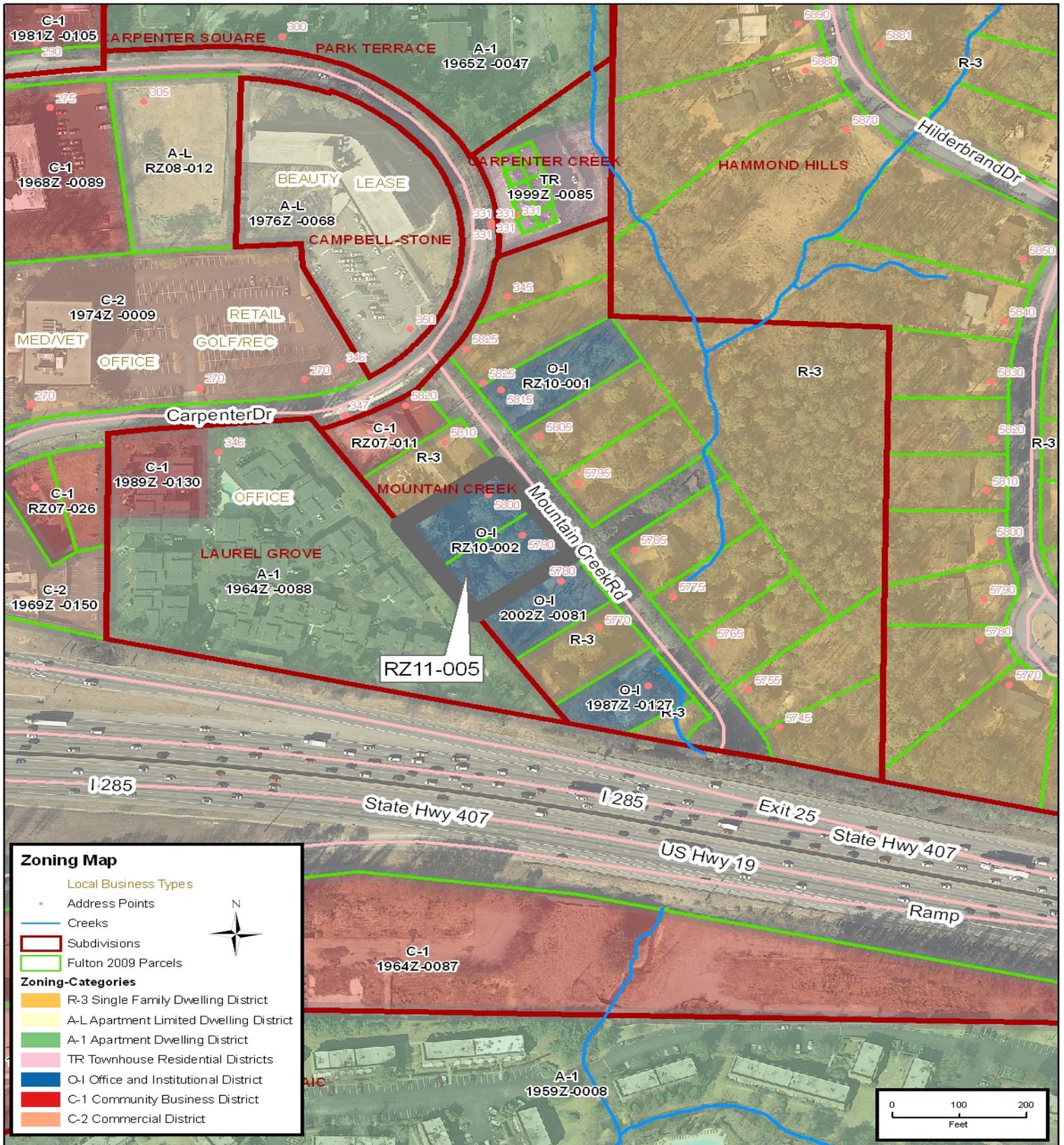
- Group Residences organized by or for persons who choose to live independently or who manage their own care and share the cost of services including but not limited to attendant care, transportation, rent, utilities, and food preparation.

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

SUBJECT PETITION RZ09-009/ CV09-018	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units per Acre)
	O-I	Personal Care Homes	0.824 (prior to any R-O-W dedication)	7,444 sf (with enclosed carports)	9,034 sf/acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
Northwest	R-3	Residence @ 5810 Mountain Creek Rd.	0.42	1 unit	2.38 units/acre
Northeast	R-3	Residence @ 5805 Mountain Creek Rd.	0.50	1 unit	2.00 units/acre
Northeast	R-3	Residence @ 5795 Mountain Creek Rd.	0.51	1 unit	1.96 units/acre
Southeast	O-I conditional Z02-081	Office @ 5780 Mountain Creek Rd.	0.42	2,500 sf	5,952.38 sf/acre
Southwest	A-1 Z64-088	Condos (Laurel Grove) @ 346 Carpenter Dr.	4.90	93 units	18.98 units/acre

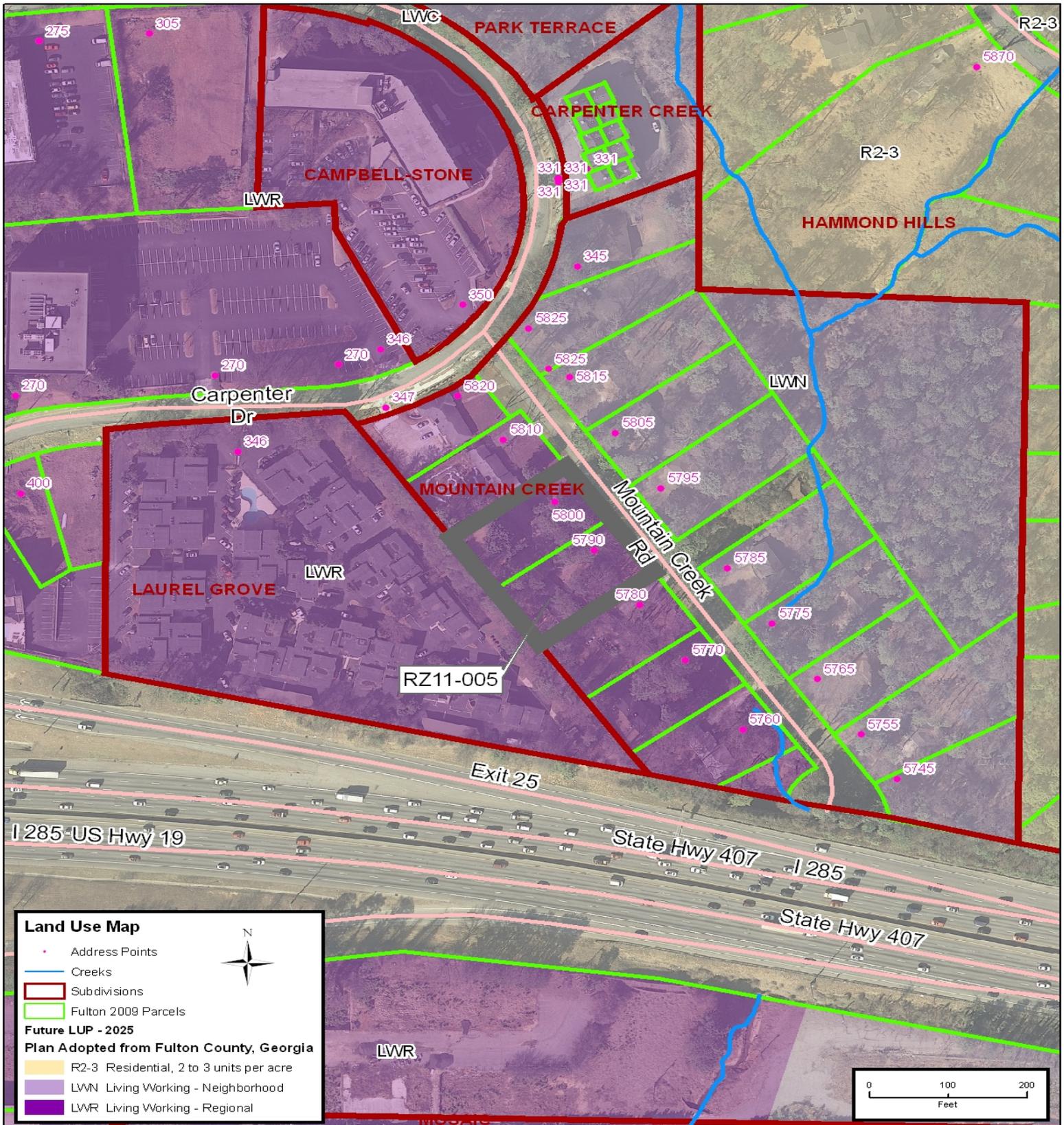
# Zoning Map

## 5790 & 5800 Mountain Creek Road



# Future Land Use Map

## 5790 & 5800 Mountain Creek Road





Subject Property (5800)



Subject Property (5790)



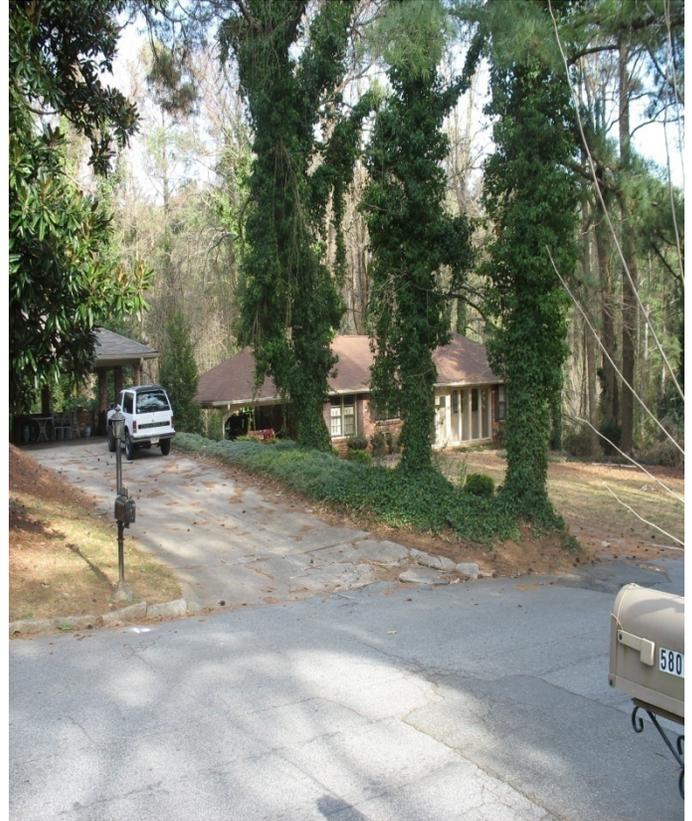
Between 5790 & 5800 Mountain Creek Rd.



Next door to 5800 (northwest of the subject property/5810 Mountain Creek Rd.)



Across the street (northeast of the subject properties/5805 Mountain Creek Rd.)



Across the street (northeast of the subject properties/5805 & 5795 Mountain Creek Rd.)



Looking up Mountain Creek Rd. toward Campbell Stone Apts.



Looking down Mountain Creek Rd. toward I-285

**SANDY SPRINGS**  
GEORGIA

**NOTICE OF REZONING**

Petition Number: RZ11-005

Property Location: 5790 & 5800  
MOUNTAIN CREEK Rd.

Request: REZONE FROM  
O-I to O-I

Public Hearing(s): Planning Commission  
8/18/11 at 7:00 p.m.

Mayor and City Council  
9/20/11 at 6:00 p.m.

Location: Sandy Springs City Hall  
Morgan Falls Office Park  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

For additional information, please contact Planning and Zoning at 770-730-5600 or visit  
[www.sandyspringsga.org](http://www.sandyspringsga.org)

Sign

### SITE PLAN ANALYSIS

The submitted site plan shows the subject properties to be rectangular, wooded, and sloping down toward the southeast property line. The site plan also indicates the following:

- Total site area of 35,913 square feet (100%)
- 3,358 square feet of existing buildings footprint (9.35%)
- 6 parking spaces (1,690 square feet or 4.70 %)
- Total impervious surface of 11,734 square feet (32.67%)
- 24,179 square feet of undeveloped and/or open space (67.33%)

### PARKING IMPACT ANALYSIS

Section 18.2.1, *Basic Off-street Parking Requirements*, requires a minimum amount of parking spaces for Health Care Facilities as follows:

- One space for every four (4) beds, and
- One space for every three (3) employees

The proposed Personal Care Homes would have no more than sixteen (16) beds plus two (2) employees which would require six (6) parking spaces. The applicant has provided six (6) spaces.

### LANDSCAPE PLAN ANALYSIS

The site plan shows the subject property to be wooded and indicates 24,179 square feet (67.33%) square feet of undeveloped and/or open space. Additionally, the applicant will install the required landscaping as required by the Overlay District.

### ENVIRONMENTAL SITE ANALYSIS

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

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting on July 6, 2011 at which the following departmental comments were provided:

<b>BUILDING AND DEVELOPMENT DIVISION</b>	Sandy Springs Engineering Plan Reviewer	<ul style="list-style-type: none"> <li>▪ Any permit applications involving site development shall comply with applicable stormwater management, and erosion control ordinances.</li> </ul>
	Sandy Springs Building Plan Reviewer	<ul style="list-style-type: none"> <li>▪ If the buildings at 5815, 5790, and 5800 Mountain Creek Road are currently used as business offices and are changed to a Residential Board and Care or Day Care occupancy, Section 4.6.11 of the 2000 Life Safety Code would require that they be brought into compliance with all of the 2006 ICC codes, the Georgia Accessibility Code, and the 2000 Life Safety Code. The occupant load factor would be 200 s.f. per person for a Residential Board and Care occupancy and 35 s.f. per person for a Day Care occupancy. Some, but not all of the items that may be required are fire sprinklers, fire partitions, and secondary means of escape from sleeping rooms.</li> <li>▪ Any work being performed on the structure(s) will need to comply with the code standards adopted by the City of Sandy Springs as stated in Article II Building Codes, Section 105-19 and Article II Fire Prevention Code Section 22-26.</li> <li>▪ The applicant has stated, in the letters of intent, that all residents will be ambulatory. This does not relieve the applicant of compliance with the "Georgia Accessibility Code: Chapter 120-3-20. Please note that section 120-3-20.11 shall be used as a guide for compliance. 120-3-20.11 (1) (a) states that "No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of the alteration." The entrances shall be accessible and at least one accessible toilet room shall be installed. Signage must also be installed in accordance with the code. The proceeding requirements are not all inclusive of the code requirements for this project.</li> </ul>
	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> <li>▪ If the MCC chooses to approve the rezoning a condition could be added that the required landscape strips and zoning buffers be planted to meet the minimum standards as approved by the City Arborist.</li> </ul>

Sandy Springs Fire  
Protection Engineer

The change in occupancy classifies these structures as New Residential Board and Care Occupancies and must comply with NFPA 101: 32.2 as amended in 120-3-3 if there are 4-6 people which is "small" board and care, over 6 people is large (sprinklers are required). DHR requires licensing at 2 or more people.

For reference:

**"3.3.134.13 Residential Board and Care Occupancy (Specifically Personal Care Homes/Facilities and/or Assisted Living Homes/Facilities as licensed by the Department of Human Resources).** A building, or part thereof, which is used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or operators, for the purpose of providing personal care services. Any facility providing lodging and boarding and personal care for four or more residents who are mostly incapable of self-preservation, except brain injury centers, because of physical or mental disability shall be classified as a health care occupancy and shall meet the appropriate provisions of other chapters of this *Code* for health care occupancies."

GA state amendment to NFPA 101;

**(b) Modifications to Chapter 2:**

2. Add the following definitions to section 202:

**"Day-care Center** - A day-care facility subject to licensure or commission by the Department of Human Resources where more than 12 clients receive care."

**"Group Day-care Home** - A day-care facility subject to licensure or commission by the Department of Human Resources where at least seven but not more than 12 clients receive care."

**"Personal Care Home/Assisted Living Facility** - Any building or part thereof that is used for the lodging or boarding of residents, not related by blood or marriage to the owners or operators, for the purpose of providing personal care services and licensed as a personal care home or assisted living facility."

- **"Residential Occupancies.** Occupancies, as specified in the scope of this standard, include the following, as defined in Chapter 2 of this *Code*, or the *IBC*, or by State law, or by the Rules and Regulations of the Georgia Safety Fire Commissioner: (1) Apartment buildings, (2) Lodging and rooming houses, (3) Board and care facilities, (4) Hotels, motels, and dormitories, (5) Personal care homes and assisted living facilities , (6) Day-care centers and group day-care homes."

**TRANSPORTATION**

Sandy Springs Traffic Planner

- Right-of-way dedication: 30' from centerline of Mountain Creek Rd.
- *Public Works does not anticipate that the proposed use permit will cause an excessively burdensome use of existing streets or transportation facilities.*

Georgia Department of Transportation

- There are no GDOT projects at the location for petition RZ11-005.

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

**PUBLIC INVOLVEMENT**

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held June 28, 2011 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held July 28, 2011 at the Sandy Springs City Hall

Public Comments (Please see attached letters)

Community input includes the following:

- The proposed use's situation regarding security and wellbeing for not only the surrounding neighborhood, but for the future occupants of the Personal Care Homes.  
(The applicant states the homes would be Staffed 24 hours per day and 7 days per week.)
- Concern over people parking on the street for lengthy periods of time.  
(The applicant states that 6 parking spaces will be provided and that the nature of the operation will rarely required more than 6 spaces and that a policy would be to require, whenever possible, people to park on-site at all times.)
- Type of signage.  
(The applicant states the intent is not to have street signs. An option may be a plaque having the name and address in keeping with the look of the houses.)

Notice Requirements

The petition was advertised in the Daily Report on August 11, 2011 and August 25, 2011. The applicant posted signs issued by the Department of Community Development along the frontage of Mountain Creek Road on July 8, 2011.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant will be required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on September 20, 2011. The Public Participation Report must be submitted on or before September 13, 2011.

## ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed Personal Care Homes are appropriate in view of the density and use of the surrounding developments.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The staff is of the opinion that the proposal is not expected to adversely affect the existing use or usability of adjacent commercial and residential properties.

C. *Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the property has a reasonable economic use as currently zoned.

D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Finding: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure.

Public Works does not anticipate that the proposed use permit will cause an excessively burdensome use of existing streets or transportation facilities.

E. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

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

The site plan provided by the applicant indicates the proposed density for the subject parcels are 9,034 sf/acre and indicates the total Open Space provided as follows:

- 24,179 square feet of undeveloped and/or open space (67.33%)
- Two (2) one (1) story buildings

The applicant is proposing to allow for a use consistent with O-I zoning. The subject property provides adequate buffering to adjacent Protected Neighborhoods to the east and the use would be in keeping with appropriate transition to the more intense uses to the west. Additionally, Live-work developments should ensure walkable development patterns, and the applicant would provide the required Overlay District streetscape to include lighted and shaded sidewalks.

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

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

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

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

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

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

## CONCLUSION TO FINDINGS

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

## STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to approve the petition to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow for Personal Care Homes, the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To Personal Care Homes.
  - b. To one 3,616 square foot Personal Care Home and to a second 3,828 square foot Personal Care Home developed at a total density of 9,034 square feet per acre prior to any right-of-way dedication.
  - c. To no more than eight (8) occupants (not including the on-site staff) in each home (16 total) at any given time.
  
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on June 7, 2011. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for 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 required and/or provided landscape strip(s) and zoning buffer(s) shall be planted to meet the minimum standards as approved by the City Arborist.
  - c. To planting the required landscape strips and zoning buffers to meet the minimum standards as approved by the City Arborist.
  - d. To obtain a Certificate of Occupancy from the City prior to establishing the Personal Care Home uses.
  - e. To provide at least one (1) on-site staff person on premises per building twenty-four (24) hours per day.
  - f. To provide a transportation plan for the operation of the Personal Care Home(s) before the issuance of any Certificate of Occupancy.
  
3. To the owner's agreement to provide the following site development standards:
  - a. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).

- b. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary to allow for proposed All-weather surface/Driveway/Parking to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
- c. Variance from Section 8.1.3.C of the Zoning Ordinance to reduce the required twenty (20) foot minimum interior side setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
- d. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Mountain Creek Road 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.
- e. To reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plan received by the Department of Community Development on June 7, 2011.

## Attachments

Site Plans dated received June 7, 2011

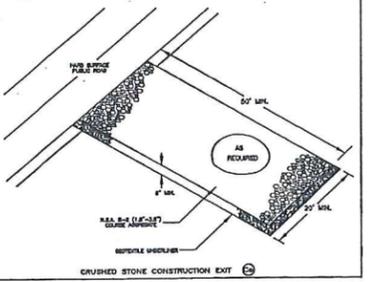
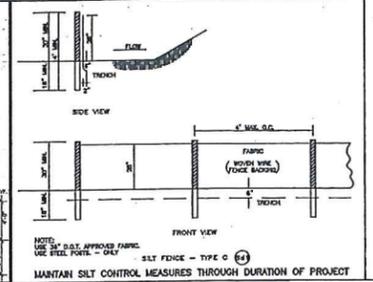
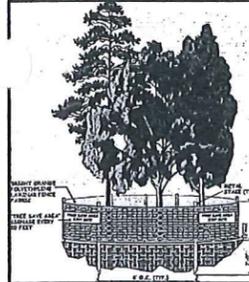
Floor and Elevation Plans dated received June 7, 2011

Letter of Intent dated received June 7, 2011

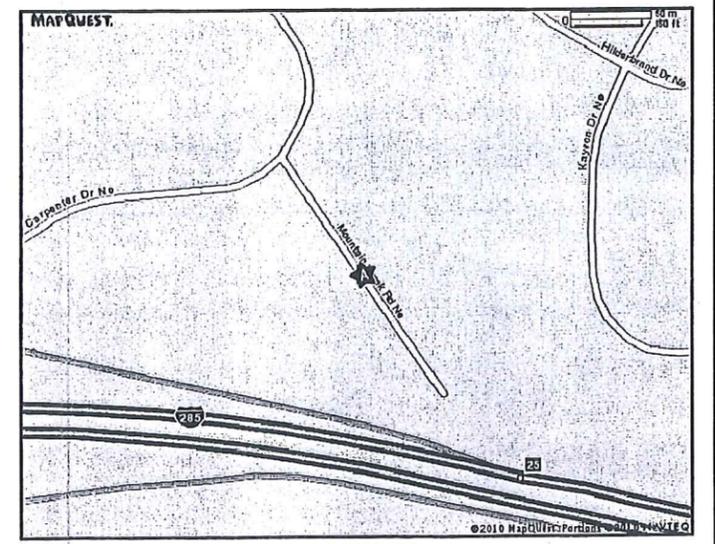
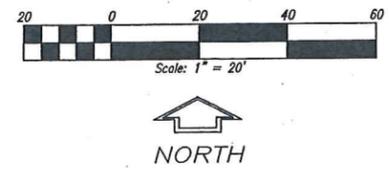
Applicant Zoning Impact Analysis dated received June 7, 2011

Letter City of Atlanta Dept. of Watershed Management received July 29, 2011

Letter Fulton County Dept. of Health Services received August 9, 2011



**LOST OR DESTROYED TREE SUMMARY**  
SEE PLAN BY OTHERS FOR TREE SUMMARY, MITIGATION AND PROPOSED PLANTINGS



SILT FENCE SHALL MEET THE REQUIREMENTS OF SECTION 171 TEMPORARY SILT FENCE, OF THE DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA STANDARD SPECIFICATIONS, 1993 EDITION.

**MAINTENANCE STATEMENT** - EROSION CONTROL MEASURES WILL BE INSPECTED AT LEAST WEEKLY AND AFTER EACH RAIN, AND REPAIRED BY GENERAL CONTRACTOR.

**STATEMENT** - ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES WILL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTION.

SILT FENCE TO BE WIRE MESH REINFORCED

ALL WALLS OVER 30-INCHES IN HEIGHT MUST PROVIDE A SAFETY RESTRAINT SYSTEM (GUARDRAIL) PER LSC 7.2.2.4.6. GUARDS AND HANDRAILS SHALL MEET STRENGTH REQUIREMENTS OF IBC 1607.7.1. PER LSC 7.2.2.4.6, THE GUARD MUST BE NOT LESS THAN 42-INCHES HIGH AND BE CAPABLE OF PREVENTING A 2-INCH SPHERE FROM PASSING BETWEEN BOTTOM OF THE GUARD AND THE TOP OF WALL A 4-INCH SPHERE FROM PASSING THRU GUARDRAIL UP TO 34 INCHES ABOVE TOP OF WALL 8-INCH SPHERE FROM PASSING THRU GUARDRAIL ABOVE 34-INCHES FROM TOP OF WALL.

ALL SLOPES STEEPER THAN 3:1 SHALL BE STABILIZED WITH GEOMAT AND EVERGREEN GROUND COVER.

WATERS OF THE STATE DO NOT EXIST WITHIN 200 FEET OF SITE.

THERE ARE NO WETLANDS PRESENT ON THIS PROJECT SITE.

THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH LAND DISTURBING ACTIVITIES.

EROSION AND SEDIMENT CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.

REFERENCE:  
PLAT BOOK 59, PAGE 99  
DEED BOOK 26563, PAGE 112  
DEED BOOK 44103, PAGE 152

PROPERTY ADDRESS  
**5800 MOUNTAIN CREEK ROAD**

PROPERTY ZONED: O-1  
REZONING CASE #RZ10-002/CV10-002 APPLIES

BUILDING SETBACK LINES  
FRONT - 40 FEET  
SIDE - 20 FEET  
REAR - 25 FEET

TOTAL AREA PRE R/W DEDICATION - 35,913 SQ. FT. OR 0.8244 ACRES  
R/W DEDICATION - 996 SQ. FT. OR 0.0229 ACRES  
TOTAL AREA POST R/W DEDICATION - 34,917 SQ. FT. OR 0.8016 ACRES

5790 BUILDING SQUARE FEET = 3,616 SQ. FT.  
5800 BUILDING SQUARE FEET = 3,828 SQ. FT.  
TOTAL FINISHED FLOOR AREA - 7,444 SQ. FT.  
7,444 SQ. FT. + 34,917 SQ. FT. = 21.3% BUILDING AREA RATIO

AREA OF DISTURBANCE - 0.14 ACRES

CONTACT THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT 770-730-5600 TO SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE SITE INSPECTOR PRIOR TO ANY DISTURBANCE.

THE PLACEMENT OF DUMPSTERS AND THE PARKING OF VEHICLES IS PROHIBITED IN THE RIGHT OF WAY.

CITY INSPECTORS MAY REQUIRE SILT FENCE OR HAY BALES DOWN SLOPE OF ANY LAND DISTURBANCE AND SPOIL PILES.

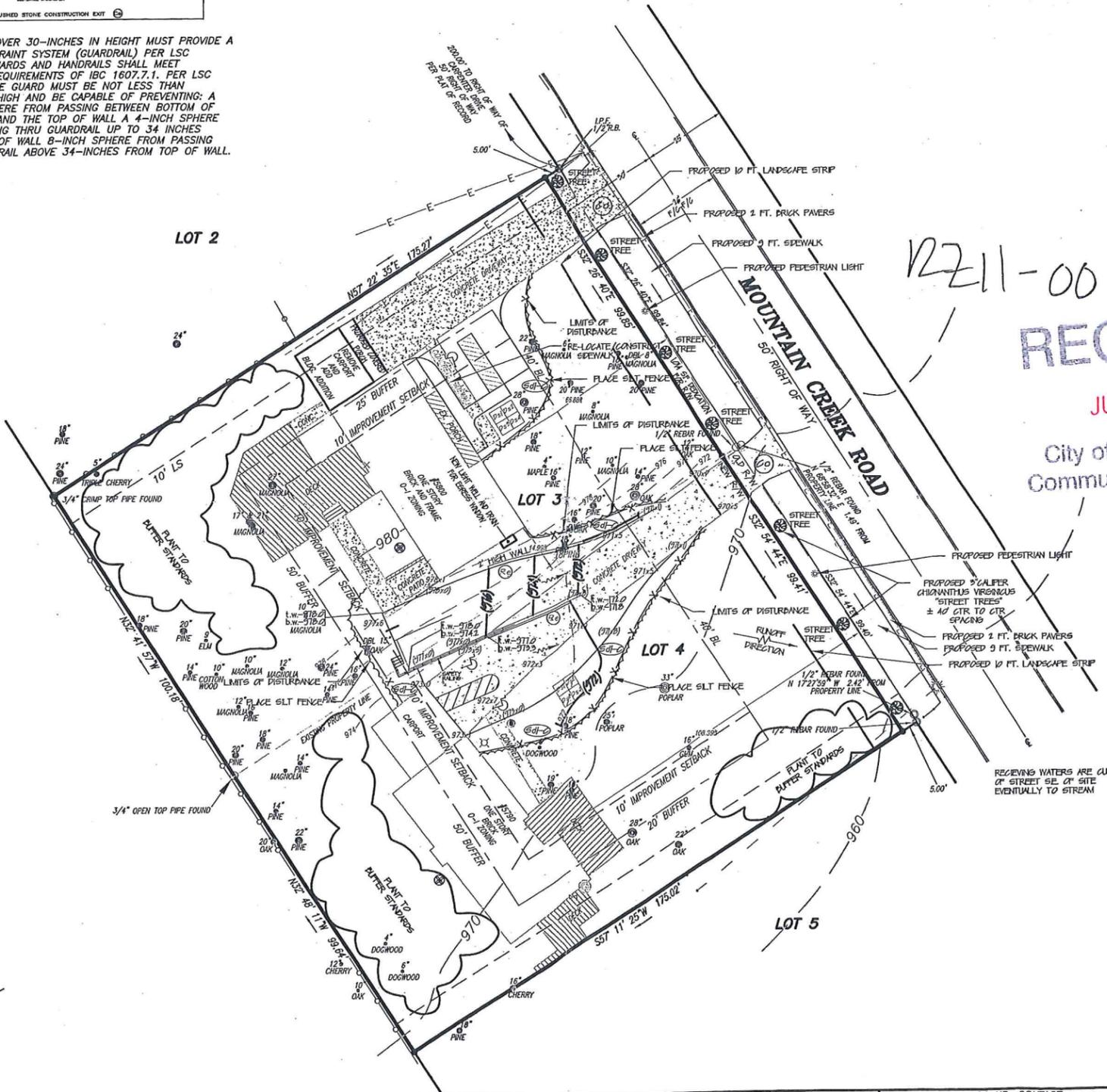
USE EXISTING UTILITY CONNECTIONS.

WATER PROVIDED BY THE CITY OF SANDY SPRINGS  
SEWER PROVIDED BY FULTON COUNTY

THESE BUILDINGS ARE "PERSONAL CARE HOMES" FOR THE MENTALLY DISABLED.



**FLOOD STATEMENT**  
THIS SITE IS NOT LOCATED WITHIN A ZONE [A, AE, SHADED ZONE X] AS DEFINED BY F.I.R.M. COMMUNITY PANEL NUMBER 13121C0142 E, DATED JUNE 22, 1998, FOR UNINCORPORATED FULTON COUNTY, GEORGIA.



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- LEGEND**
- M.H. - MANHOLE
  - J.B. - JUNCTION BOX
  - C.B. - CATCH BASIN
  - D.I. - DROP INLET
  - S.S.E. - SANITARY SEWER ESMT
  - D.E. - DRAINAGE EASEMENT
  - U.E. - UTILITY EASEMENT
  - I.P.F. - IRON PIN FOUND
  - I.P.S. - IRON PIN SET
  - C.T.P. - CRIMP TOP PIPE
  - O.T.P. - OPEN TOP PIPE
  - R.B. - RE-BAR
  - F.H. - FIRE HYDRANT
  - B/L - BUILDING LINE
  - R/W - RIGHT OF WAY
  - P/P - POWER POLE
  - Q - CENTER LINE

Co	Construction Exit	
Re	Retaining Wall	
Ds1	Disturbed Area Stabilization with Mulching Only	
Ds2	Disturbed Area Stabilization with Temporary Seeding	
Ds3	Disturbed Area Stabilization with Permanent Seeding	
Ds4	Disturbed Area Stabilization with Permanent Sod	
Mb	Motting and Blankets	
SB	Sediment Barriers (Temporary Silt Fence)	
Ge	Geotextiles	

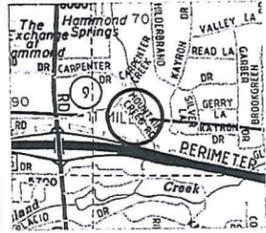
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**LEGEND**

- These standard symbols will be found in the drawing.
- 1/2" REBAR SET
  - IRON PIN FOUND
  - CATCH BASIN
  - DRAIN
  - FIRE HYDRANT
  - WATER METER
  - AIR CONDITIONING UNIT
  - GAS METER
  - MANHOLE
  - GUY WIRE
  - LIGHT POLE
  - POWER POLE
  - ELECTRIC METER
  - SEWER
  - SEWER (NOT FIELD LOCATED)
  - ELECTRIC
  - FENCE
  - UNDERGROUND PIPELINE
- CONCRETE
- ASPHALT

**LOCATION MAP**



**CURRENT ZONING**

O-1  
 FRONT SETBACK-40'  
 REAR SETBACK-25'  
 SIDE SETBACK-20'

REQUESTED ZONING O-1 FOR  
 GROUP RESIDENCE USE

**REFERENCE**

PLAT BOOK 59, PAGE 99  
 DEED BOOK 26563, PAGE 112  
 DEED BOOK 44103, PAGE 152

**#5800 & #5790  
 A DEVELOPMENT STATISTICS SUMMARY CHART  
 WITH PERCENTAGE (%) OF TOTAL SITE COVERAGE:**

3591.4 sq. ft.	TOTAL AREA OF SITE (100%)
3358 sq. ft.	BUILDINGS (9.35%)
1650 sq. ft.	PARKING SPACES (4.62%)
11734 sq. ft.	TOTAL IMPERVIOUS SURFACE (32.67%)
N/A	LANDSCAPING (N/A)
NONE	FLOODPLAIN (0%)
24179 sq. ft.	UNDEVELOPED AND/OR OPEN SPACE (67.33%)

**NOTES**

- ELEVATIONS ARE BASED ON NAVD 88 DATUM
- CONTOUR LINES ARE AT 2' INTERVALS
- EQUIPMENT USED: TOPCON GTS 3/38 SERIES TOTAL STATION AND ALLEGRO CX DATA COLLECTOR
- SOFTWARE USED: CARLSON SURVEY 2007 AND CARLSON SURVEY ZONING INFORMATION OBTAINED FROM SANDY SPRINGS ZONING MAP, DATED FEBRUARY 16, 2006.
- FIELD EVIDENCE SUGGESTS THAT THE SUBJECT PROPERTIES ARE NOT CURRENTLY SERVED BY SEWER.
- #5800 AND #5790 BOTH LIE WITHIN THE MAIN STREET OVERLAY DISTRICT
- #5800 PARCEL ID NUMBER : 17-007000040039

**FLOOD STATEMENT**

I HAVE THIS DATE, EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL (S) IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO ITS OPINION FOR SAID PARCEL.

MAP ID : 131210142 E EFFECTIVE DATE : JUNE 22, 1998

**CLOSURE STATEMENT**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN .89,175 FEET, AN ANGULAR ERROR OF .03 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN .128,138 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

155 CLIFTWOOD DRIVE - ATLANTA, GEORGIA 30328 - TELEPHONE: (404) 255-4671 - FAX: (404) 255-6607 - WWW.GEORGIALANDSURVEYING.COM

JOB NUMBER 189560:7	DRAWING NUMBER F-2657	SURVEY PLAT FOR: #5790 & 5800 MOUNTAIN CREEK ROAD		DATE: 12/24/09	SCALE: 30'
	CAROL JUNE REYNOLDS		REVISION	BY	DATE
			REVISED CALCULATIONS	SL	5/6/11
LAND LOT: 70	17th DISTRICT	SECTION	FULTON COUNTY, GA		
LOT: 3 & 4	BLOCK: A	UNIT:	PHASE:		
SUBDIVISION: MOUNTAIN CREEK					
DEED BOOK	PAGE	SURVEYED: 12/29/09	PARTY CHIEF: J.L.L.	SHEET 1 OF 1	
PLAT BOOK	PAGE	DRAFTED: 5/9/11	DRAFTER: S.L.		

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

#5800  
**AREA**  
 18,006.861 SQ. FT.  
 0.413 ACRES

#5790  
**AREA**  
 17,905.952 SQ. FT.  
 0.411 ACRES

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June 6, 2011

LETTER OF INTENT

The property consists of a 0.411 portion known as 5790 Mountain Creek Road and a 0.413 acre portion known at 5800 Mountain Creek Road (herein referred to as the "Property"). The Property is zoned to the O-I Classification Conditional to allow for use as a Personal Care Home pursuant to RZ10-002/CV10-002 to one 3,432.559 square foot building and to a second 3,365.037 square foot building developed to a total density of 8,189.88 square feet per acre.

The applicant is requesting a rezoning to correct for the density to O-I Classification Conditional to allow for use as a Personal Care Home to one 3,616 square foot building and one 3,828 square foot building developed to a total density of 7,444 square feet on a total lot size of 0.824 acres (0.413 acre lot and 0.411 acre lot).

This use will take place in the two (2) respective structures located on the Property with the carport attached to each to be enclosed with the gross square footages for each structure including the carport areas to be enclosed stated and set forth on the Site Plan submitted simultaneously herewith. The residence at 5790 Mountain Creek Road contains three bedrooms and two baths and is intended to house up to eight occupants. The residence at 5800 Mountain Creek Road contains three bedrooms and two baths and also is intended to house up to eight occupants.

It should be noted that the existing structures, including the carport, consist of a total of 7,444 square feet within two existing single-family homes containing two levels each. Therefore, the rezoning request does not increase the density of the existing structures nor does the request seek adding square footage and/or concrete foundations above and beyond the existing structures. The rezoning request seeks to enclose the carports of both homes, thus increasing heated and air-conditioned space while not increasing concrete foundations and/or altering the existing floor plate of either home. This rezoning request seeks to correct for an error on the site plan provided by Georgia Land Surveying Company during the original rezoning request as per RZ10-002.

It is to be noted that all occupants will be completely ambulatory with no wheelchair use. The Applicant intends to provide personal care services (licensed by the state of Georgia - Department of Community Health) for occupants who are developmentally/mentally disabled.

The Department of Community Health Rules and Regulations require that the homes be staffed 24/7, provide for three meals plus snacks, transportation, laundry and assistance with activities of daily living. Therefore, each home will be staffed 24/7 by a qualified employee as per state regulations.

The Comprehensive Land Use Plan has designated the Property as being in a live/work regional node and, accordingly, this request of the Applicant for a rezoning to the O-I Classification for group resident use complies with this designation.

Due to the existing condition of the structures and improvements on the Property, the Applicant received a Concurrent Variance (CV10-002) on April 21, 2010 as noted in The Approval of Zoning Letter dated April 21, 2010 file number RZ10-002 to reduce the minimum landscape strips, buffers, improvement setbacks and yards to the extent necessary for the existing structures and improvements as shown on the site plan filed simultaneously at the time of rezoning and contained within this rezoning application pursuant to Article 4.23.1 and Article 8.1.2.B.C and D. As per receipt of the rezoning (RZ10-002), the approval of the Concurrent Variance complies with the policies and intent of the Zoning Ordinance and is in harmony with the intent of the live/work regional node.

Accordingly, given the nature of the use requested which is much needed in the area and generally in the Sandy Springs Community, this Application for Rezoning is entirely appropriate and the appropriateness of this Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and incorporated by reference.

Now, therefore, the Applicant requests that this Application for Rezoning and the Concurrent Variances (as previously approved) be approved as submitted in order that the Applicant be able to proceed with the lawful use and renovation of the Property.

APPLICANT:



Carol Jane Reynolds  
5800 Mountain Creek Road  
Atlanta, Georgia 30328

## Exhibit "A"

APPROPRIATENESS OF APPLICATION  
AND  
CONSTITUTIONAL ASSERTIONS

City of Sandy Springs  
Community Development

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

IMPACT ANALYSIS  
FORM B

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Applicant:

City of Sandy Springs  
Community Development

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? This zoning proposal will permit a use that is suitable in view of the zoning, use and development of adjacent and nearby property and is in compliance with the policies and intent of the Comprehensive Land Use Plan for this area.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? As stated, this rezoning request complies with the policies and intent of the Comp. Land Use Plan for this area, and accordingly, will not adversely affect the existing use or usability of adjacent or nearby property.
3. Does the property to be rezoned have a reasonable economic use as currently zoned? Yes, however, the existing zoning incorrectly stated the existing square footage of both buildings. Therefore, the rezoning will allow for the carport to be enclosed thus providing for needed common area for the residents.
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No. The approval of this zoning proposal will not result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
5. Is the zoning proposal in conformity with the policies and intent of the land use plan? Yes, The intended use of the Property as a Personal Care Home complies with the policies and intent of the Comp. Land Use Plan under the live/work regional node designation which is the designation for the Property.
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal? Yes. Development of this Property for the intended Personal Care Home Use for Developmentally/Mentally disabled brings not only a use to this area that complies with the policies and intent of the live/work/regional node design. but also a diversified use needed in the
7. ~~Does~~ the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs? No. The approval of this zoning proposal will not permit a use that could be considered environmentally adverse to the natural resources, environment citizens of Sandy Springs.

Attach additional sheets as needed.

RZ11-005











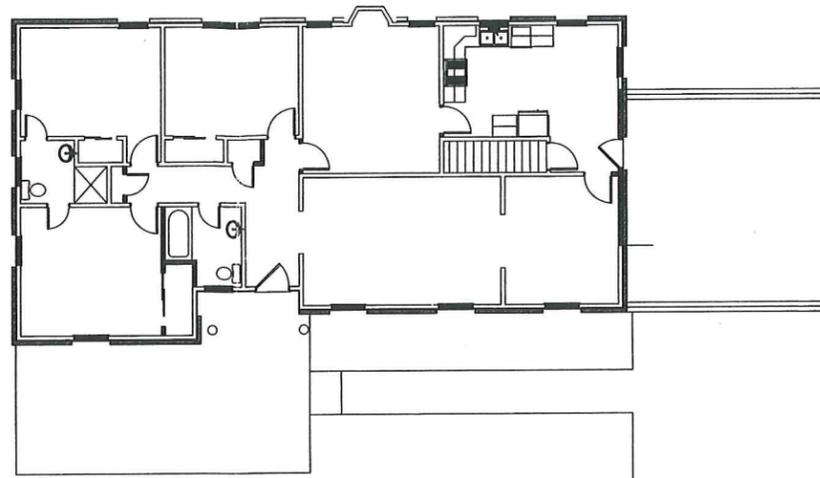










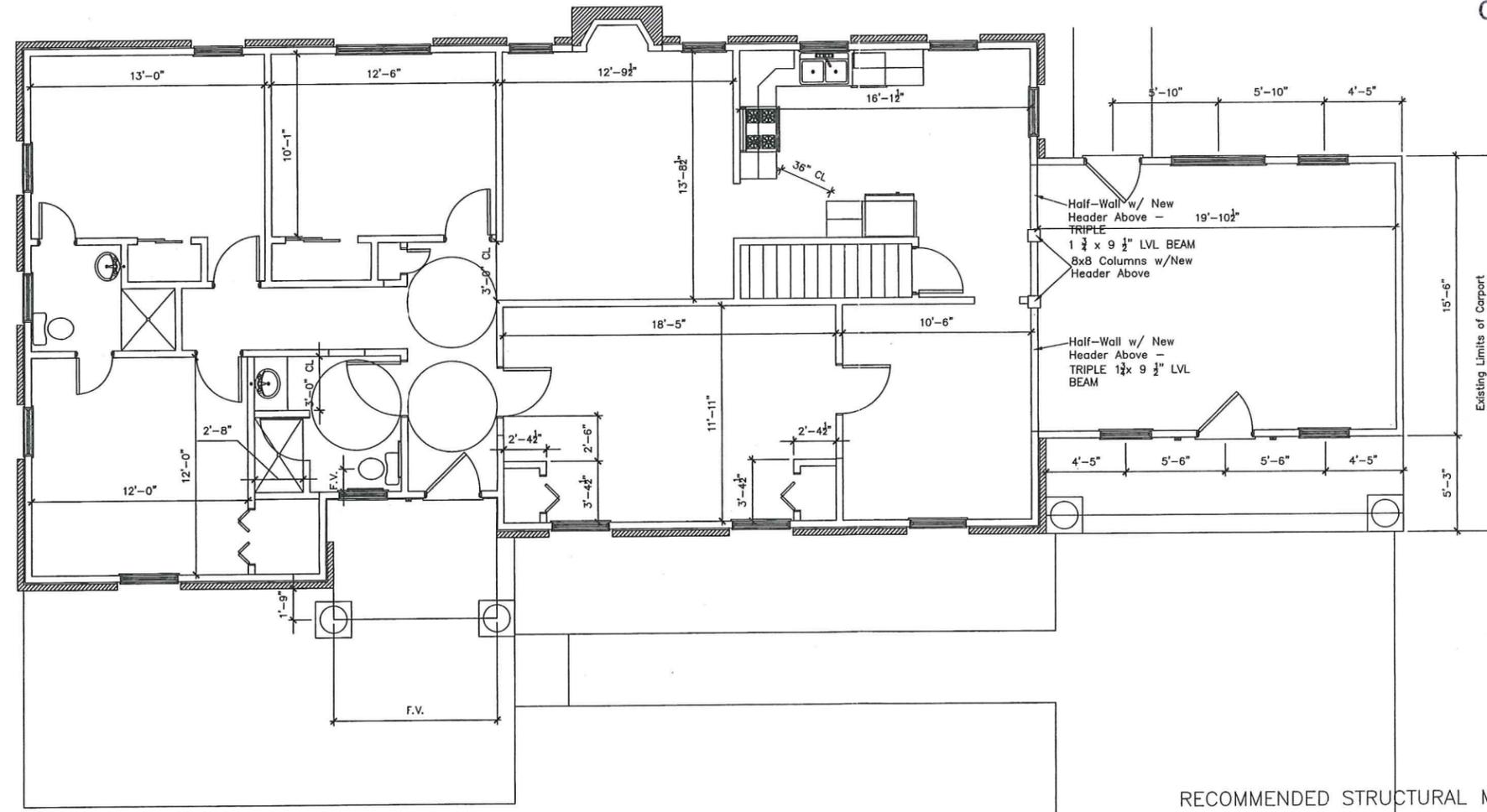


② FIRST FLOOR DEMO PLAN  
SCALE: 1/8" = 1'-0"

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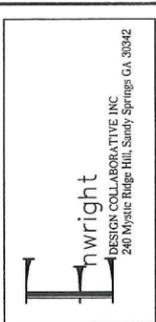


① FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

RECOMMENDED STRUCTURAL MODIFICATIONS TO FRAMING



RUNKLE CONSULTING, INC.  
930 NEW HOPE ROAD, SUITE #11-145  
LAWRENCEVILLE, GA 30045



FIRST FLOOR PLAN

THE COTTAGES  
AT MOUNTAIN CREEK  
5790 MOUNTAIN CREEK RD

revisions:
designed by: le
drawn by: mje
checked by:
date: 01/19/11

sheet:  
**S2**  
44

**GENERAL NOTES**

1. Do not scale these drawings. Written dimensions and notes shall control.
2. On-site verification of all dimensions and conditions shall be the responsibility of the Contractor. Each Sub-contractor shall report to the Contractor any discrepancy or other questions pertaining to the drawings and/or specifications.
3. It is the intent that these drawings be in conformance with all applicable Building Codes, and all applicable Local, City, County, State, and Federal Codes, Ordinances, Laws, Regulations, and Restrictive Covenants governing the site and scope of work.
4. All trades shall comply with applicable codes, furnish all labor, equipment, materials, and perform all work necessary, indicated, reasonably inferred or required by the plans and specifications or any code or jurisdiction to complete their scope of work.

**GOVERNING BUILDING CODES**

1. All construction shall comply with the 2006 International Building Code, International Plumbing Code, International Mechanical Code, International Fuel & Gas Code, International Energy Conservation Code, International Fire Code and the 2008 National Electrical Code (with all the latest Georgia Amendments), the 2000 Life Safety Code (NFPA 101) And 120-3-3 Georgia Amendments (Rules & Regulations Of The Fire Safety Commissioner) and the Georgia Accessibility Code.
  2. The Occupancy Type as defined by Chapter Three of the 2000 Life Safety Code is "Residential Board and Care, Small Facility".
  3. The maximum number of occupants/residents will be 8 persons. There will be one (1) staff member, 24 hr/day.
  4. The evacuation capacity for this Residential Board and Care is "prompt evacuation" (under 3 minutes) as defined by the Insurance Commission State of Georgia Rules & Regulations for Fire Regulation for Personal Care Home, Section 120-3-3.
  5. The construction type as defined by Chapter six of the 2006 International Building Code is "Type 5B, Sprinklered".
  6. The new sprinkler system is to be installed by All South Sprinkler and to comply with the Life Safety Code 2000 and NFPA 101, Section 32.3.3.5 with exception #1 (allowing NFPA 13R).
  7. Per NFPA 101, 32.3.3.6.3 exception, the existing corridor walls (1/2" gypsum board floor to ceiling) meet the smoke partition requirements. Per exception in 32.3.3.4, the existing and new doors, at vertical openings of stairs, will resist the passage of smoke.
  8. New cooktop (maximum of 4 cooking elements) to be protected by a self-contained residential fire suppression system (located in the residential hood over each cooking surface) with automatic shut-off. The exhaust hood shall be vented directly to the outside.
  9. Provide manual fire alarm system per 32.2.3.4.1.
  10. Provide smoke detectors in every room with automatic light in each hallway when smoke is detected.
  11. Provide fire extinguishers per Life Safety Code 2000 (every 75'-0" or as per Fire Marshall Rules and Regulations - State of Georgia)
  12. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.
  13. Exterior wall, bottom sill plates, shall be pressure treated or equal and shall bear/extend a minimum 8 inches above finished grade.
  14. All exits to be operable from the inside without the use of a key or special knowledge. Provide exit signs per plans and governing codes
  15. Doors leading into the house from the garage and at stairwells shall be 1 3/8" thick solid core, honey comb steel door, solid wood, or 20 minute fire-rated door.
  16. Lumber shall bear an approved grading stamp.
  17. Fire alarm system shall be supervised
- Provide detectable warnings at curb cuts. Also see Site Plan

**MATERIALS LIST**

Exterior  
 New siding to be Hardi siding with lap to match existing.  
 Asphalt shingles to match existing.  
 Wood clad columns to be primed/painted Windsor I board with primed/painted SYP trim.  
 Stone resurfacing at existing porch slab.  
 All surfaces primed and painted.  
 Wood shutters and custom wood window boxes, primed and painted with flashing on top.  
 New wood front doors and windows (SDL) per Owner's selections.

Interior  
 New carpet per Owner's selection.  
 New tile and fixtures in bathrooms and kitchens.  
 All trim to match existing.  
 All doors to match existing.

**SHEET INDEX**

**ARCHITECTURAL DRAWINGS**

- C: - COVER SHEET
- A.1: - BASEMENT PLAN
- A.2: - FIRST FLOOR PLAN
- A.3: - EXTERIOR ELEVATIONS
- A.4: - EXTERIOR ELEVATIONS

**EXISTING FLOOR PLANS**

- EX.1 - EXISTING BASEMENT PLAN
- EX.2 - EXISTING FIRST FLOOR PLAN
- EX.3 - EXISTING ELEVATIONS
- EX.4 - EXISTING ELEVATIONS

**STRUCTURAL PLANS**

- S1 - BASEMENT STRUCTURAL MODIFICATIONS
- EX.2 S-1 - FIRST FLOOR STRUCTURAL MODIFICATIONS

**ATTACHMENTS**

- SCHEDULES
- GENERAL SPECIFICATIONS AND PARAMETERS

	Existing Finished	Existing Unfinished*	Total Existing Floor Plate	Renovated Finished	Renovated Unfinished	Renovated Floor Plate*
First Floor						
Existing Floor Plate	1,657		1,657	1,657		1,657
Terrace Level Floor Plate	902	871	1,773	1,591	182	1,773
Car Port Floor Plate		398	398	312	86	398
<b>Total Existing Sq. Ft.</b>			<b>3,828</b>	<b>3,560</b>	<b>268</b>	<b>3,828</b>
Existing Porch To Remain		120				

\* Includes Car Port Floor Plate

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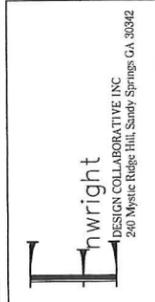


Runkle Consulting, Inc.  
 930 New Hope Road, Suite #11-145  
 Lawrenceville, GA 30045  
 USA



Design Firm:  
 Enwright Design Collaborative Inc.  
 240 Mystic Ridge Hill  
 Sandy Springs, Georgia 30342  
 Contact: Lorraine Enwright - 404-256-5550

Owner:  
 Carol Reynolds  
 5800 Mountain Creek Rd  
 Sandy Springs, Georgia  
 404-786-4440



COVER SHEET

THE COTTAGES  
 AT MOUNTAIN CREEK  
 5800 MOUNTAIN CREEK RD

revisions:

05/10/2011	mjr

designed by: le  
 drawn by: mje  
 checked by:  
 date: 01/19/11

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~~DRB11-014~~  
**RECEIVED**  
 MAY 10 2011  
 City of Sandy Springs  
 Community Development



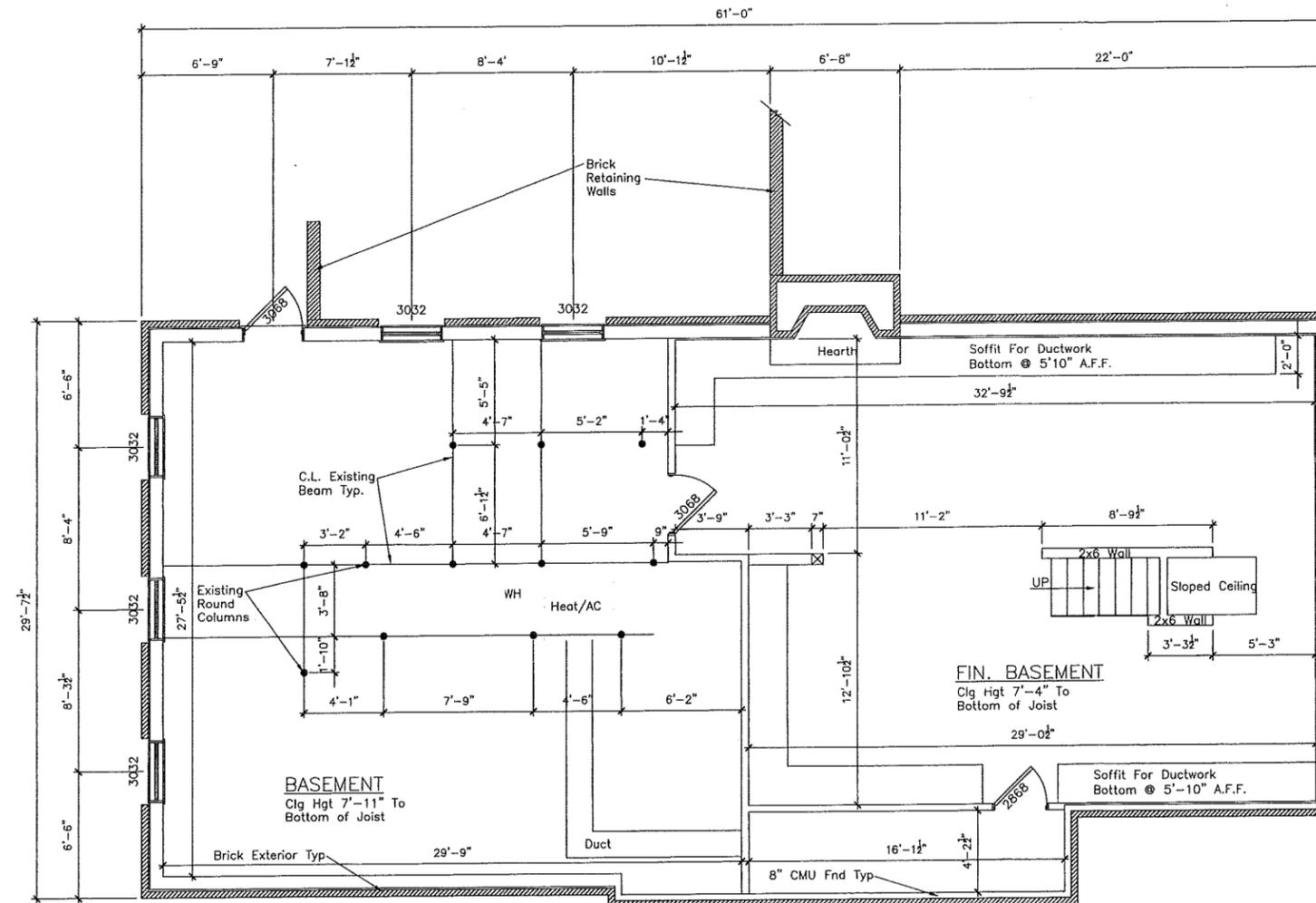






LEGEND

- 1 WALL TYPE (SEE LEGEND ATTACHMENTS)
- Ⓛ DOOR TYPE
- Ⓐ WINDOW TYPE
- New Wall With 2x4 Wood Stud With 1/2" Gypsum Wallboard Each Side
- Existing Wall With 1/2" Gypsum Wallboard Each Side
- Existing Wall To Be Removed
- ☒ Fire Extinguisher, Ceiling & Wall Mtd.
- ☒ Exit Sign, Ceiling & Wall Mtd.



1 EXISTING BASEMENT PLAN  
SCALE: 1/4" = 1'-0"

**Enwright**  
DESIGN COLLABORATIVE, INC.  
240 Alysic Ridge Hill, Sandy Springs, GA 30342

**EXISTING BASEMENT FLOOR PLAN**

**THE COTTAGES AT MOUNTAIN CREEK**  
5800 MOUNTAIN CREEK RD

revisions:

05/10/2011	mje

designed by: la  
drawn by: mje  
checked by:  
date: 01/19/11

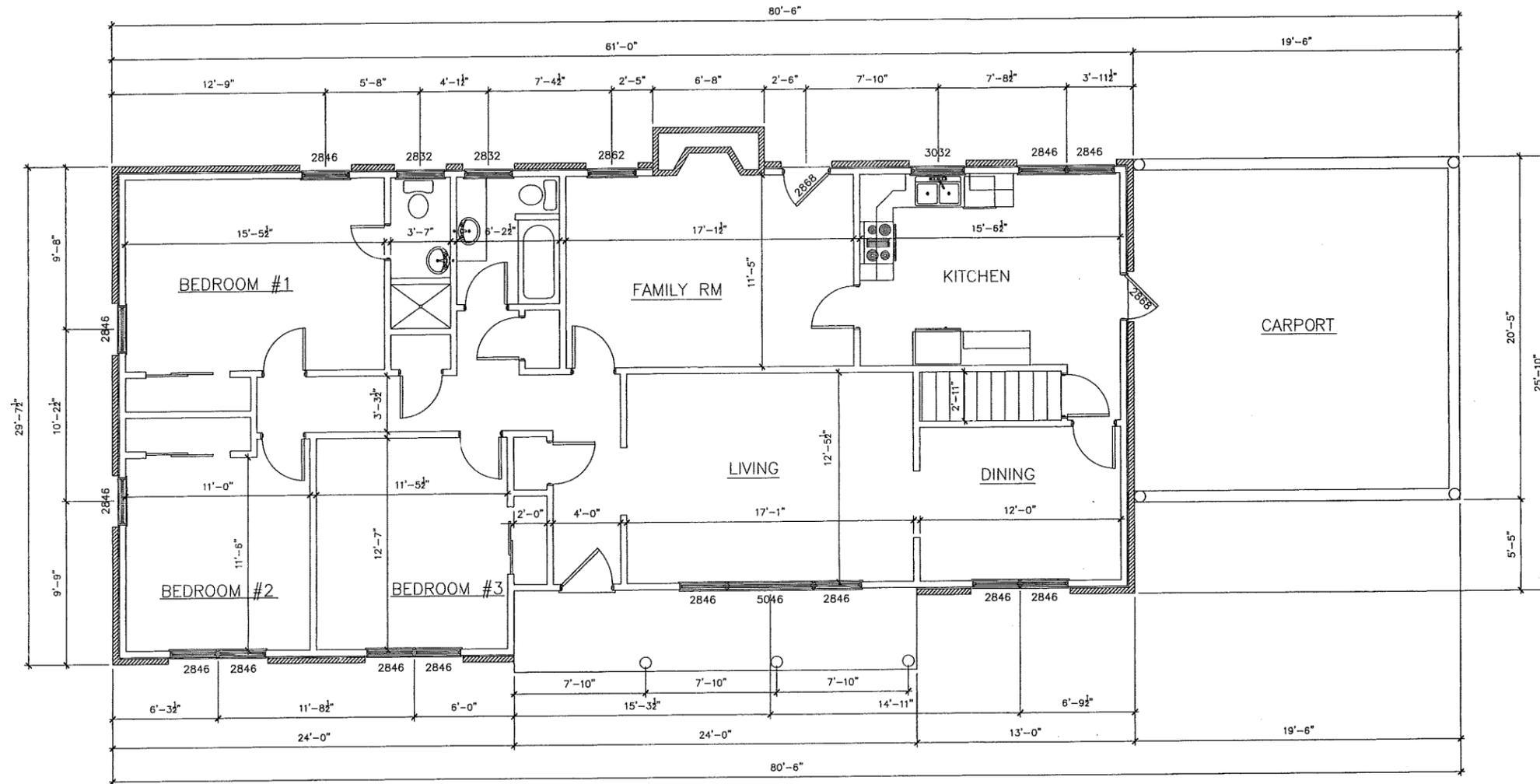
sheet:  
**EX.1**



RUNKLE CONSULTING, INC  
930 NEW HOPE ROAD, SUITE 11-145  
LAWRENCEVILLE, GA 30045

**LEGEND**

- 1 WALL TYPE (SEE LEGEND ATTACHMENTS)
- ⊙ DOOR TYPE
- △ WINDOW TYPE
- New Wall With 2x4 Wood Stud With 1/2" Gypsum Wallboard Each Side
- Existing Wall With 1/2" Gypsum Wallboard Each Side
- Existing Wall To Be Removed
- ☒ Fire Extinguisher, Ceiling & Wall Mtd.
- ☒ Exit Sign, Ceiling & Wall Mtd.



① EXISTING FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

**Enwright**  
DESIGN COLLABORATIVE INC  
240 Myrtle Ridge Hill, Sandy Springs GA 30342

**EXISTING FIRST FLOOR PLAN**

**THE COTTAGES  
AT MOUNTAIN CREEK  
5800 MOUNTAIN CREEK RD**

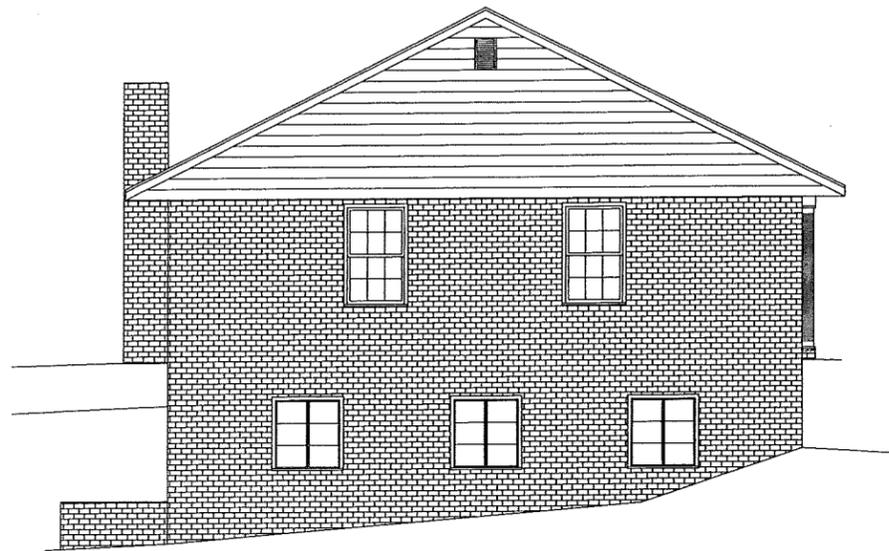
revisions:	
05/10/2011	mje
designed by: le	
drawn by: mje	
checked by:	
date: 01/18/11	

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**EX.2**

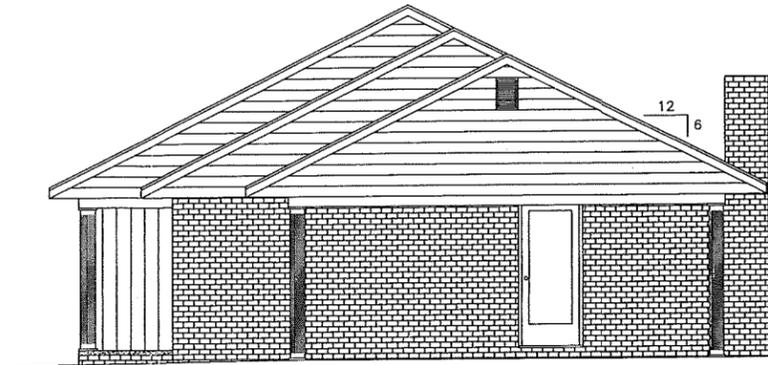
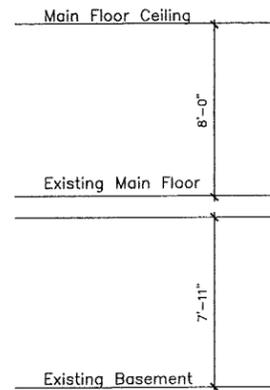


RUNKLE CONSULTING, INC  
930 NEW HOPE ROAD, SUITE 11-145  
LAWRENCEVILLE, GA 30045

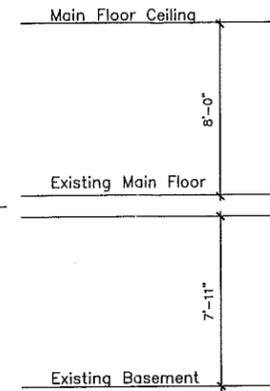




① EXISTING LEFT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



② EXISTING RIGHT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



**E**nwright  
DESIGN COLLABORATIVE, INC.  
240 Mystic Ridge Hill, Sandy Springs, GA 30142

**EXISTING ELEVATIONS**

THE COTTAGES  
AT MOUNTAIN CREEK  
5800 MOUNTAIN CREEK RD

revisions:
05/10/2011 mje
designed by: je
drawn by: mje
checked by:
date: 01/10/11

sheet:  
**EX.4**



RUNKLE CONSULTING, INC  
930 NEW HOPE ROAD, SUITE 11-145  
LAWRENCEVILLE, GA 30045







# 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

July 25, 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 5790 & 5800 Mountain Creek Road**

Dear Ms. Ruffin:

Our records indicate there is an existing 8-inch water main along Mountain Creek 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

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JUL 29 2011

City of Sandy Springs  
Community Development



**MEMORANDUM**

**TO:** Patrice S. Ruffin, Assistant Director of Planning & Zoning  
City of Sandy Springs, Department of Community Development

**FROM:** Monica Robinson, B.S., M.B.A., Environmental Planner *[Signature]*  
Department of Health Services, Office of the Director

**DATE:** August 3, 2011

**SUBJECT:** Zoning Comments for August 18, 2011 Planning Commission

<b>AGENDA ITEM</b>	<b>ZONING COMMENTS</b>
RZ11-005	<p>The Fulton County Department of Health Services maintains the following comments regarding RZ10-002/CV10-002 which were dated February 23, 2010:</p> <ul style="list-style-type: none"><li>• The Fulton County Department of Health and Wellness recommends that this proposed development be approved, provided the internal plumbing is inspected and adequate for the proposed use.</li><li>• This department is requiring that plans indicating the number and location of outside refuse containers for personal care homes and similar facilities (example-small number of people) be submitted for review and approval.</li></ul> <p><b>Additional comments are as follows:</b></p> <ul style="list-style-type: none"><li>• This department is requiring that this facility meet the permit requirements for personal care homes under DHR Rules and Regulations.</li><li>• Since the previous renovation approvals and letters issued on 1/29/10 was for the interior renovations only and if the properties are currently served by onsite sewage management systems and propose to continue to do so, the owner must obtain approval from this department for exterior renovations (parking and access) prior to issuance of a building permit and before building construction or renovation.</li></ul>

**RECEIVED**

AUG 09 2011

City of Sandy Springs  
Community Development