



To: John McDonough, City Manager

From: Patrice S. Ruffin, AICP, Manager of Planning and Zoning (PR)

Date: August 8, 2011 for submission onto the August 16, 2011 City Council meeting

Agenda Item: **RZ11-004 5525 Long Island Drive**, a request to rezone the subject property from R-1 (Single-family Dwelling District) to R-2 (Single-family Dwelling District) to convey property from the existing undersized subject property to an R-2 lot to the north and create a new R-2 lot having the required minimum one (1) acre.

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

**APPROVAL CONDITIONAL** of the request to rezone the subject property from R-1 (Single-family Dwelling District) to R-2 (Single-family Dwelling District) to convey property from the existing undersized subject property to an R-2 lot to the north and create a new R-2 lot having the required minimum one (1) acre.

***Background:***

The site is located at the intersection of Lake Island Drive and Long Island Drive on the southeast side of Long Island Drive. The property is zoned R-1 (Single-family Dwelling District) and currently developed with a single-family home. All indications are that the lot is Grandfathered at 1.84 acres (80,150 square feet), while the minimum lot size required is two (2) acres for R-1.

The Zoning Ordinance reads that when a lot or property is reduced in size, all resulting divisions and all structures shall meet the minimum requirements of the applicable provisions of this Ordinance.

***Discussion:***

The applicant is requesting to rezone the subject property from R-1 (Single-family Dwelling District) to R-2 (Single-family Dwelling District) to convey property from the existing undersized subject property to an R-2 lot to the north and create a new R-2 lot having the required minimum one (1) acre.

The Zoning Ordinance reads that when a lot or property is reduced in size, all resulting divisions and all structures shall meet the minimum requirements of the applicable provisions of this Ordinance. The property is currently required to be two (2) acres under R-1. The rezoning will bring the Grandfathered lot into compliance.

***Concurrent Review:***

The staff held a Focus Meeting on June 8, 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. RZ11-004**

**HEARING & MEETING DATES**

<b>Community Zoning Information Meeting</b> May 24, 2011	<b>Community Developer Resolution Meeting</b> June 30, 2011	<b>Planning Commission Hearing</b> August 4, 2011	<b>Mayor and City Council Hearing</b> August 16, 2011
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**APPLICANT/PETITIONER INFORMATION**

<b>Property Owners</b> Alan Herrick	<b>Petitioner</b> Alan Herrick	<b>Representative</b> Ron Gudger
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**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	5525 Long Island Drive Land Lot 122, District 17
<b>Council District</b>	6
<b>Frontage and Area</b>	246 feet of frontage along the southeast side of Long Island Drive. The subject property has a total area of 1.84 acres (80,150 square feet).
<b>Existing Zoning and Use</b>	R-1 (Single-family Dwelling District). The property is currently developed with a single-family home.
<b>Overlay District</b>	N/A
<b>2027 Comprehensive Future Land Use Map Designation</b>	R0 to 1 (Residential 0 to 1 units per acre), Protected Neighborhood.
<b>Proposed Zoning</b>	R-2 (Single-family Dwelling District)

**INTENT**

**TO REZONE THE SUBJECT PROPERTY FROM R-1 (SINGLE-FAMILY DWELLING DISTRICT) TO R-2 (SINGLE-FAMILY DWELLING DISTRICT) TO CONVEY PROPERTY FROM THE EXISTING UNDERSIZED SUBJECT PROPERTY TO AN R-2 LOT TO THE NORTH AND CREATE A NEW R-2 LOT HAVING THE REQUIRED MINIMUM ONE (1) ACRE.**

The applicant is requesting to rezone the subject property from R-1 (Single-family Dwelling District) to R-2 (Single-family Dwelling District) to convey property from the existing undersized subject property to an R-2 lot to the north and create a new R-2 lot having the required minimum one (1) acre.

The Zoning Ordinance reads that when a lot or property is reduced in size, all resulting divisions and all structures shall meet the minimum requirements of the applicable provisions of this Ordinance. The property is currently required to be two (2) acres under R-1. The rezoning will bring the Grandfathered lot into compliance.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**RZ11-004 - APPROVAL CONDITIONAL**

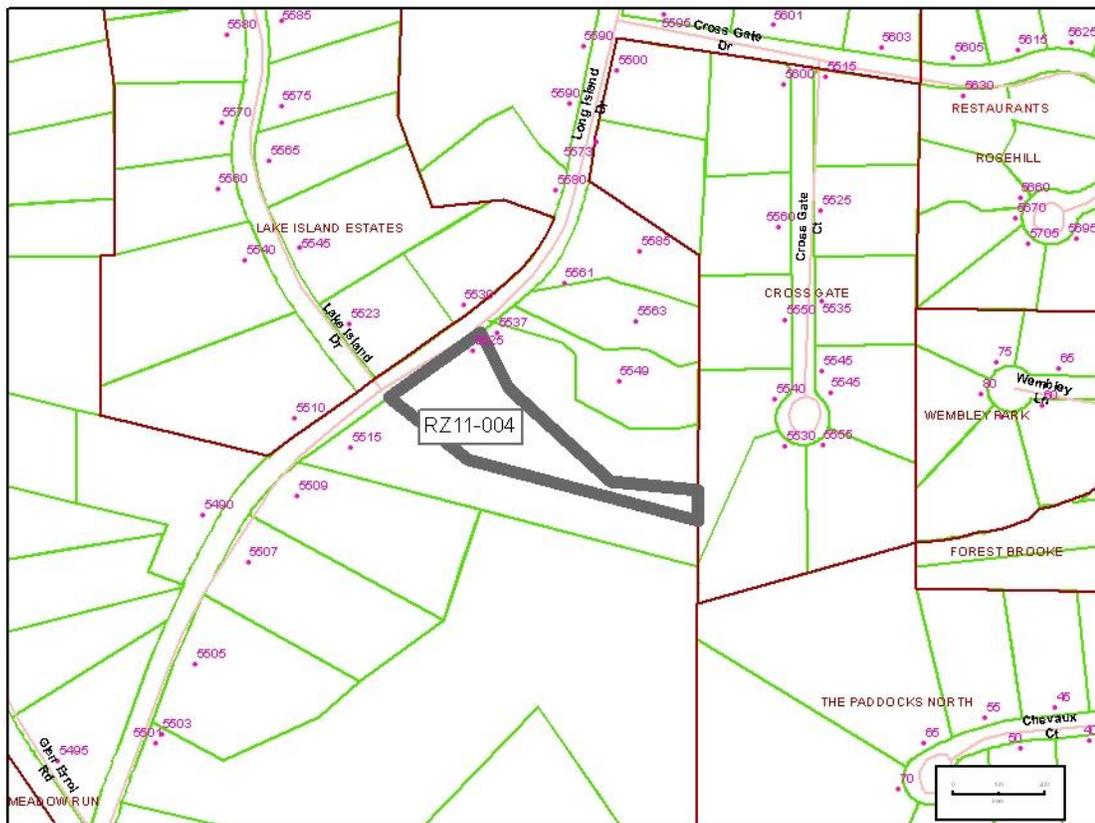
PLANNING COMMISSION RECOMMENDATION

RZ11-004 - APPROVAL CONDITIONAL

The petition was heard at the August 4, 2011 Planning Commission meeting. The Commission recommended approval subject to Staff conditions. Approved (5-0, Thatcher, Pond, Rubenstein, Maziar, and Tart for; Duncan not voting; Rupnow absent).

Location Map

5525 Long Island Drive



**BACKGROUND**

The site is located at the intersection of Lake Island Drive and Long Island Drive on the southeast side of Long Island Drive. The property is zoned R-1 (Single-family Dwelling District) and currently developed with a single-family home. All indications are that the lot is Grandfathered at 1.84 acres (80,150 square feet), while the minimum lot size required is two (2) acres for R-1.

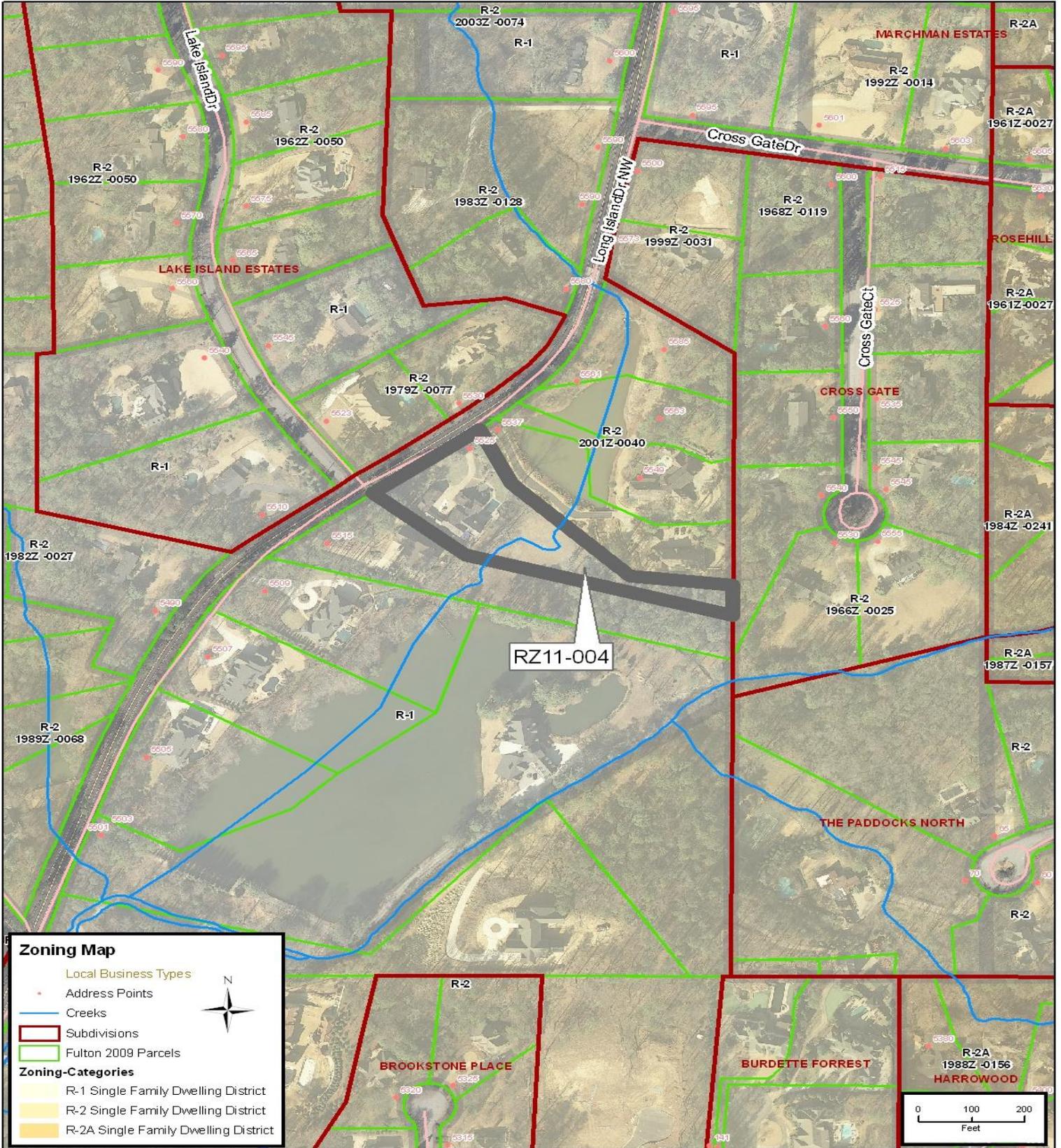
The Zoning Ordinance reads that when a lot or property is reduced in size, all resulting divisions and all structures shall meet the minimum requirements of the applicable provisions of this Ordinance.

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

<b>SUBJECT PETITION RZ11-004</b>	<b>Requested Zoning</b>	<b>Proposed Use</b>	<b>Land Area (Acres)</b>	<b>Number of Units</b>	<b>Density (Units Per Acre)</b>
	R-2	Single-family residential	1.64	1	0.61 units/acre
<b>Location in relation to subject property</b>	<b>Zoning</b>	<b>Use</b>	<b>Land Area (Acres)</b>	<b>Number of Units</b>	<b>Density (Square Feet or Units Per Acre)</b>
Northwest	R-2 Z79-077	Single-family residential (5523 Lake Island Dr. & 5530 Long Island Dr.)	2.00	2	1 units/acre
North	R-2 Z01-040	Single-family residential (5537 Long Island Dr.)	1.69 (proposed)	1	0.59 units/acre
East	R-2 Z66-025	Single-family residential (Cross Gate Subdivision)	1.00	1	1 units/acre
South	R-1	Single-family residential	2.18	1	0.46 units/acre

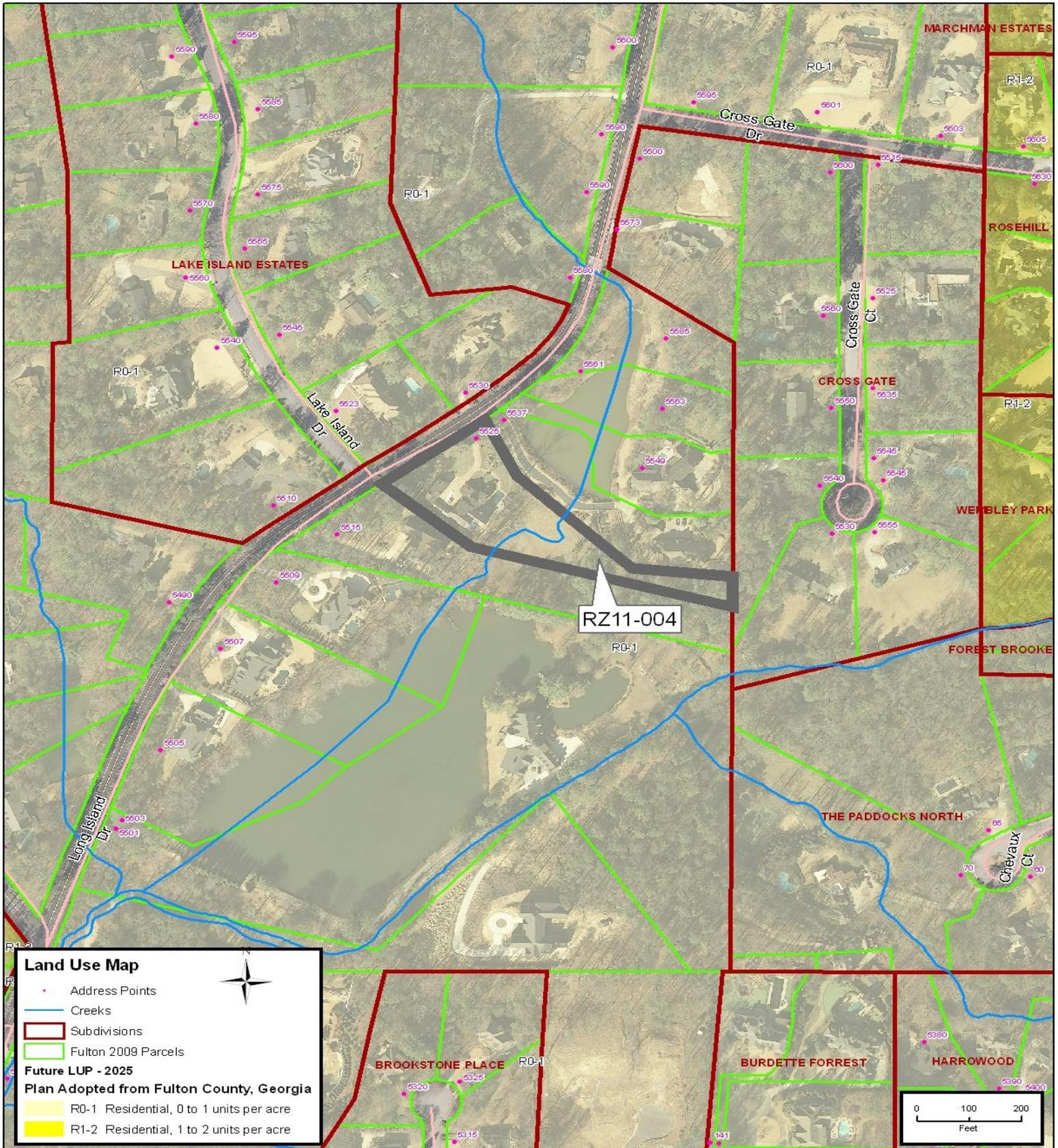
# Zoning Map

## 5525 Long Island Drive



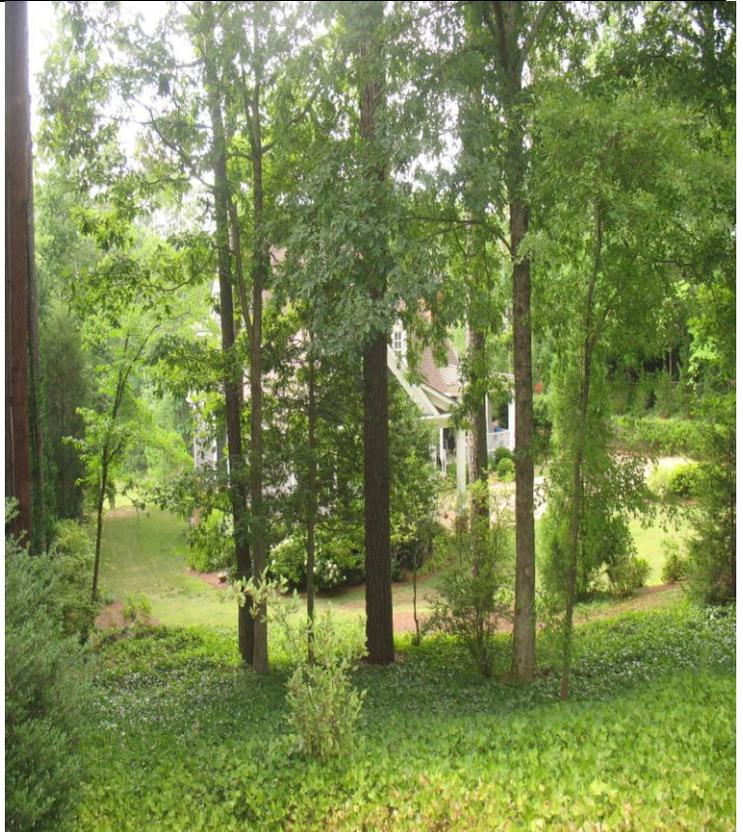
Future Land Use Map

5525 Long Island Drive





Subject Property Looking South



Neighbor to the South



Neighbor to the Northwest



Neighbor to the North



## SITE PLAN ANALYSIS

The submitted site plan shows the subject property to be irregularly shaped, in a Flood Hazard Area, and to have a stream running across the back (eastern) portion of the lot. The site plan also indicates the following:

- Total site area of 1.84 acres (80,150 square feet)
- A proposed lot having 1.64 acres (71,438 sq. ft.)
- Current required R-1 setbacks: Front – 60', Side – 25', and Rear – 50'
- Proposed required R-2 setbacks: Front – 60', Side – 15', and Rear – 40'

## PARKING IMPACT ANALYSIS

Section 18.2.1, *Basic Off-street Parking Requirements*, requires a minimum amount of parking spaces for Single-family Residential Dwelling as follows:

- 2 spaces per dwelling unit.

The subject property meets the minimum required parking spaces.

## LANDSCAPE PLAN ANALYSIS

Photographs indicate the subject property is well wooded to the rear of the lot. Additionally, this application shows the proposed lot to have approximately 71,497 square feet of land area, which are 27,937 more square feet than the 43,560 square feet (1 acre) required for the proposed R-2 zoning district. Further, the applicant has accounted for the required setbacks for the proposed R-2 zoning 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, with the exception of the following: The Property is within a Flood Hazard Area, and there is a stream running across the back (eastern) portion of the lot. The report, in its entirety, is within the case file as a matter of record.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting on June 8, 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 and compliance 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 engineering 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 or stream requirements that need to be addressed at this time.</li> </ul>
<b>CODE ENFORCEMENT</b>	Officer	<ul style="list-style-type: none"> <li>There are no maintenance code violations.</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 does not anticipate that the proposed rezoning will cause an excessively burdensome use of existing streets or transportation facilities.</li> </ul>
	Georgia Department of Transportation	<ul style="list-style-type: none"> <li>GDOT requirements that need to be addressed at this time include an encroachment permit.</li> </ul>

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 May 24, 2011 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held June 30, 2011 at the Sandy Springs City Hall

### Public Comments

Community input includes the following:

- The community has raised concern over the presence of flood plain and Waters of the State.

### Notice Requirements

The petition will be advertised in the Daily Report on July 14, 2011 and on July 28, 2011. The applicant has posted signs issued by the Department of Community Development along the frontage of Long Island Drive on June 17, 2011.

### Public Participation Plan and Report

The applicant will meet the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on August 16, 2011. The Public Participation Report will be submitted on or before August 9, 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 use is suitable in view of the existing density and character of the surrounding area.

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 proposed use will not adversely affect the existing use and usability of adjacent property.

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

Finding: The staff is of the opinion that the 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 does not anticipate a significant impact on public services and facilities.

Public Works does not anticipate that the proposed rezoning 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 owner/developer's proposal to rezone from R-1 (Single-family Dwelling Districts) to R-2 (Single-family Dwelling District) to allow the conveyance of property from the existing undersized subject property to an R-2 lot to the north is in conformity with the Comprehensive Plan or Future Land Use Map, which designates the property as R0 to 1 (Residential 0 to 1 units per acre), Protected Neighborhood. The proposed density of 0.61 units per acre is in the range recommended. Additionally, the surrounding area consists of single-family properties having similarly intense Zoning Districts and Densities to that proposed by the owner/developer.

*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 abutting and nearby properties. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL of this petition.

**STAFF RECOMMENDED CONDITIONS**

Should the Mayor and City Council decide to approve the petition to rezone the subject property from R-1 (Single-family Dwelling District) to R-2 (Single-family Dwelling District) to allow the conveyance of property from the existing undersized subject property to an R-2 lot to the north, 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 a total density of 0.61 units per acre.
  - b. To Single-family Dwelling Use.
2. To the owner's agreement to abide by the following:
  - a. To be in accordance with the site plan received by the Department of Community Development on June 30, 2011. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. 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 30, 2011.

**Attachments**

Site Plan dated received June 30, 2011

Letter of Intent dated received May 5, 2011

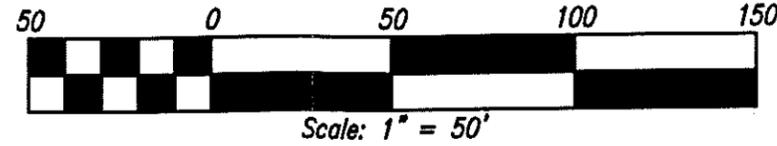
Applicant Zoning Impact Analysis dated received May 5, 2011

Letter Fulton County Dept. of Health and Wellness dated received July 18, 2011

Letter City of Atlanta Dept. of Watershed Management received July 6, 2011

**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
- ℄ - CENTER LINE



R211-004

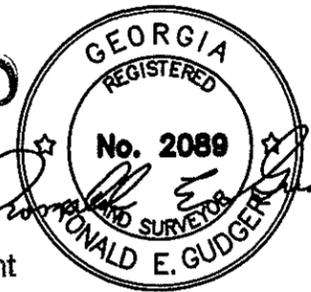
LONG ISLAND DRIVE 40' R/W

1296' ALONG R/W TO THE SOUTH LINE OF L.L. 122 (RECORD TIE)

**RECEIVED**

JUN 30 2011

City of Sandy Springs  
Community Development



**FLOOD STATEMENT**

THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA ACCORDING TO F.I.R.M. PANEL #13121C0144 E LAST REVISED ON JUNE 22, 1998. (BY GRAPHIC PLOTTING ONLY)

**GUDGER SURVEYING, INC.**  
LAND & ENGINEERING SURVEYS  
7000 PEACHTREE-DUNWOODY ROAD  
BUILDING 6, SUITE 250  
ATLANTA, GEORGIA 30328  
PH. (770)396-6011 FAX (770)396-2379

RE-ZONING PLAT FOR

**5525 LONG ISLAND DRIVE  
L.L. 122, DISTRICT 17  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA**

SURVEYED lw. tpo. reg  
DRAWN RAM  
DWG. LONG ISLAND 5525  
DATE MAY 3, 2011



ZONING	
<b>CURRENT</b> R-1 MIN. AREA - 2 ACRES	<b>PROPOSED</b> R-2 MIN. AREA - 1 ACRE
<b>SETBACKS:</b> FRONT - 60 FEET SIDE - 25 FEET REAR - 50 FEET	<b>SETBACKS:</b> FRONT - 60 FEET SIDE - 15 FEET REAR - 40 FEET

TOTAL AREA - 80,237 SQ. FT. OR 1.8419 ACRES

REFERENCE: D.B. 29437, PG. 291-292

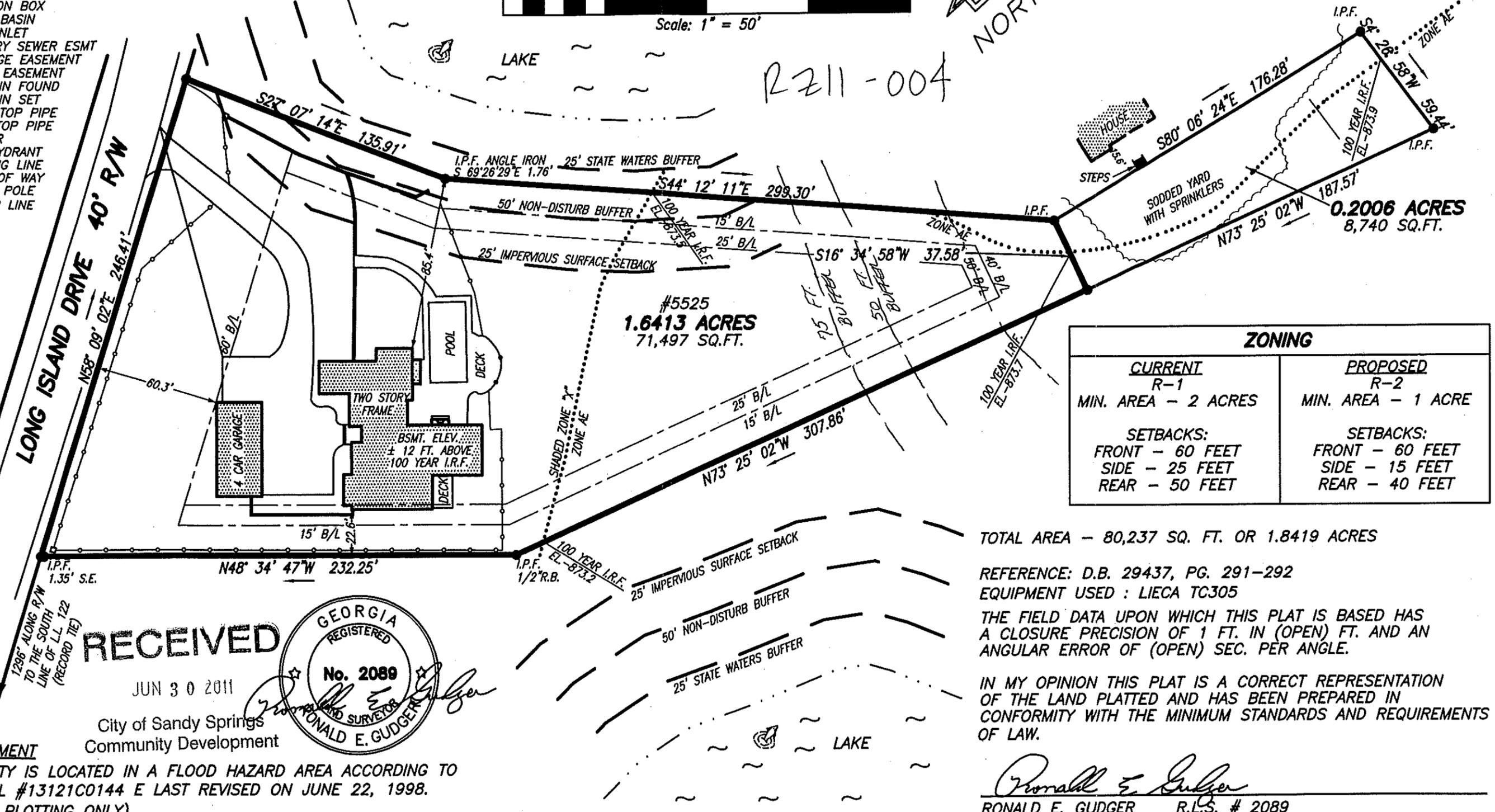
EQUIPMENT USED : LIECA TC305

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FT. IN (OPEN) FT. AND AN ANGULAR ERROR OF (OPEN) SEC. PER ANGLE.

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.

*Ronald E. Gudger*

RONALD E. GUDGER R.L.S. # 2089





RONALD E. GUDGER, LS  
7000 PEACHTREE DUNWOODY RD.  
BUILDING 6, SUITE 250  
ATLANTA, GA 30328

To: CITY OF SANDY SPRINGS

Re: R211-004  
#5525 Long Island Drive

It is our intent to convey property from an existing undersized R-1 lot to an existing R-2 lot to the north. A Re-zoning would allow this and create a new R-2 property having the minimum 1 acre.

Agent for owner, ALAN HERRICK

RONALD E. GUDGER, LS

A handwritten signature in black ink, appearing to read "Ronald E. Gudger", is written over a horizontal line.

RECEIVED

MAY 05 2011

City of Sandy Springs  
Community Development

R211-004

**IMPACT ANALYSIS  
FORM B**

Applicant:

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

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? \_\_\_\_\_  
\_\_\_\_\_ YES \_\_\_\_\_
  
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? \_\_\_\_\_  
\_\_\_\_\_ NO \_\_\_\_\_
  
3. Does the property to be rezoned have a reasonable economic use as currently zoned? \_\_\_\_\_  
\_\_\_\_\_ YES \_\_\_\_\_
  
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 \_\_\_\_\_
  
5. Is the zoning proposal in conformity with the policies and intent of the land use plan? \_\_\_\_\_  
\_\_\_\_\_ YES \_\_\_\_\_
  
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? \_\_\_\_\_  
\_\_\_\_\_ NO \_\_\_\_\_
  
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 \_\_\_\_\_

*Attach additional sheets as needed.*

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MAY 05 2011

City of Sandy Springs  
Community Development

12711-004



## 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

June 28, 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 5525 Long Island Drive**

Dear Ms. Ruffin:

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

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

**RECEIVED**

JUL 06 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  
Department of Health Services, Office of the Director

**DATE:** July 13, 2011

**SUBJECT:** Zoning Comments for July 21, 2011 Mayor and City Council Hearing

AGENDA ITEM	ZONING COMMENTS
RZ11-004	<p>If property lines are to be altered, the Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and the recording of the plat. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>If the property is to be served by an onsite sewage management system, the owner/developer/subdivider must submit the required supportive data for the review and approval of the plat by this department.</p>
U11-001/ CV11-003	<p>The Fulton County Department of Health Services recommends that this proposed expansion of private secondary school in the existing building be approved, provided that the internal plumbing is inspected and adequate for the proposed use and that the property is served by public water and public sanitary sewer.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>If this proposed expansion includes a food service facility, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p>

RECEIVED

JUL 18 2011

City of Sandy Springs  
Community Development