



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** April 12, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ11-002** - 5855 Long Island Drive, *Applicant: Jim Lavallee*, To rezone the subject property from R-2 (Single Family Dwelling District) conditional to R-4A (Single Family Dwelling District) to subdivide the subject property into two (2) lots

MEETING DATE: For Submission onto the April 19, 2011, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER: JMM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 4/19/11

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: JMM

REMARKS:



To: John McDonough, City Manager

BD

From: Blake J. Dettwiler, AICP, Director of Community Development

Date: April 1, 2011 for submission onto the April 19, 2011 City Council meeting

Agenda Item: **RZ11-002 5855 Long Island Drive**, a request to rezone the subject property from R-2 (Single-family Dwelling District) conditional to R-4A (Single-family Dwelling District) conditional to allow the subject property to be subdivided into two (2) lots.

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL of the request to rezone the subject property from R-2 (Single-family Dwelling District) conditional to R-4A (Single-family Dwelling District) conditional to allow the subject property to be subdivided into two (2) lots.

Background:

The site is located north of I 285 and Mitchell road, on the east side of Long Island Drive. The property is zoned R-2 (Single-family Dwelling District) under Fulton County zoning case Z68-155. The Z68-155 petition was approved subject to the Fulton County Planning Board's recommendation that any house constructed on the subject property have a 2,000 square foot minimum of floor area.

Discussion:

The applicant is requesting to rezone the subject property from R-2 (Single-family Dwelling District) conditional to R-4A (Single-family Dwelling District) conditional to allow the subject property to be subdivided into two (2) lots.

Concurrent Review:

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

- Building and Development Division
- Fire Department
- Transportation Division

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

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Environment and Community Development (*comments received*)
- Fulton County Department of Public Works
- Fulton County Environmental Health Services (*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. RZ11-002

HEARING & MEETING DATES

Table with 4 columns: Community Zoning Information Meeting, Community Developer Resolution Meeting, Planning Commission Hearing, Mayor and City Council Hearing. Dates: January 25, 2011, February 24, 2011, March 17, 2011, April 19, 2011.

APPLICANT/PETITIONER INFORMATION

Table with 3 columns: Property Owners (Epic Homes Atlanta, LLC), Petitioner (Jim Lavallee), Representative (Jim Lavallee).

PROPERTY INFORMATION

Table with 2 columns: Property Information (Address, Council District, Frontage and Area, Existing Zoning and Use, Overlay District, Comprehensive Future Land Use Map Designation, Proposed Zoning) and details.

INTENT

TO REZONE THE SUBJECT PROPERTY FROM R-2 (SINGLE-FAMILY DWELLING DISTRICT) TO R-4A (SINGLE-FAMILY DWELLING DISTRICT) TO ALLOW THE SUBJECT PROPERTY TO BE SUBDIVIDED INTO TWO (2) LOTS.

The applicant is requesting to rezone the subject property from R-2 (Single-family Dwelling District) conditional to R-4A (Single-family Dwelling District) conditional to allow the subject property to be subdivided into two (2) lots.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ11-002 - APPROVAL CONDITIONAL

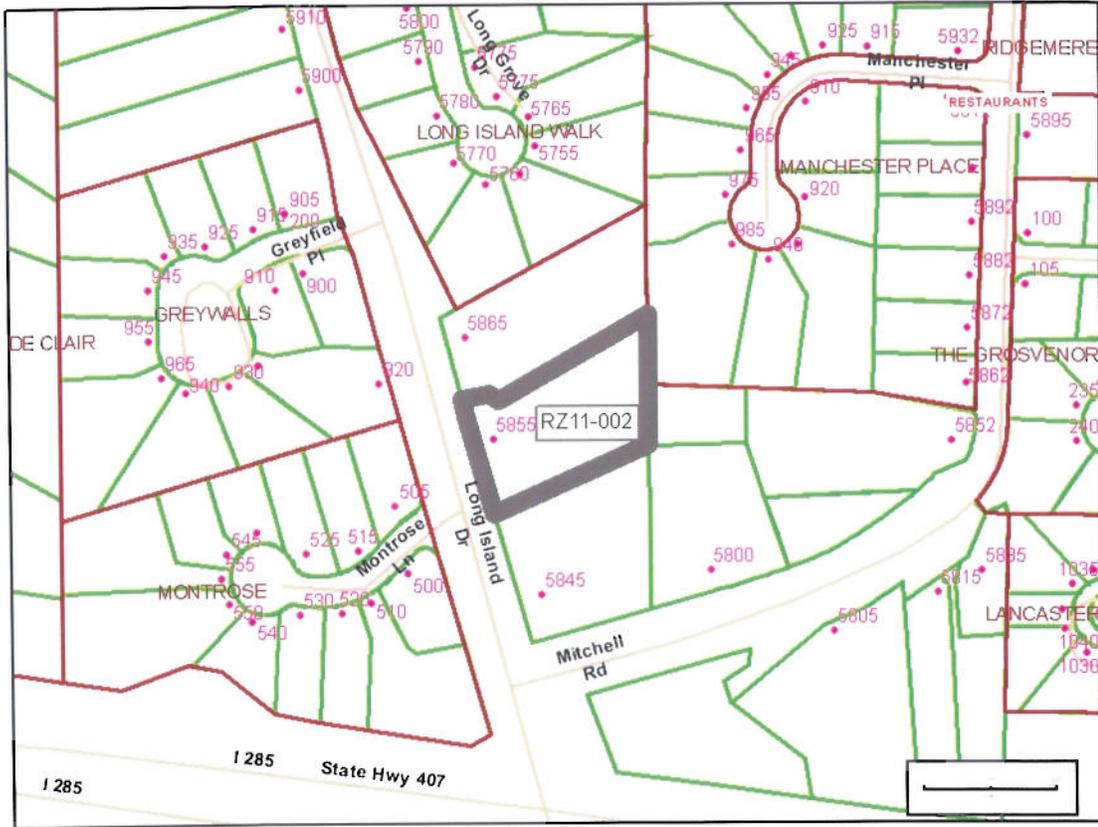
PLANNING COMMISSION RECOMMENDATION

RZ11-002 - APPROVAL CONDITIONAL

The petition was heard at the March 17, 2011 Planning Commission meeting. The Commission recommended approval subject to Staff conditions. Approved (6-0, Thatcher, Pond, Rupnow, Rubenstein, Maziar, and Tart for; Duncan not voting).

Location Map

5855 Long Island Drive NW



BACKGROUND

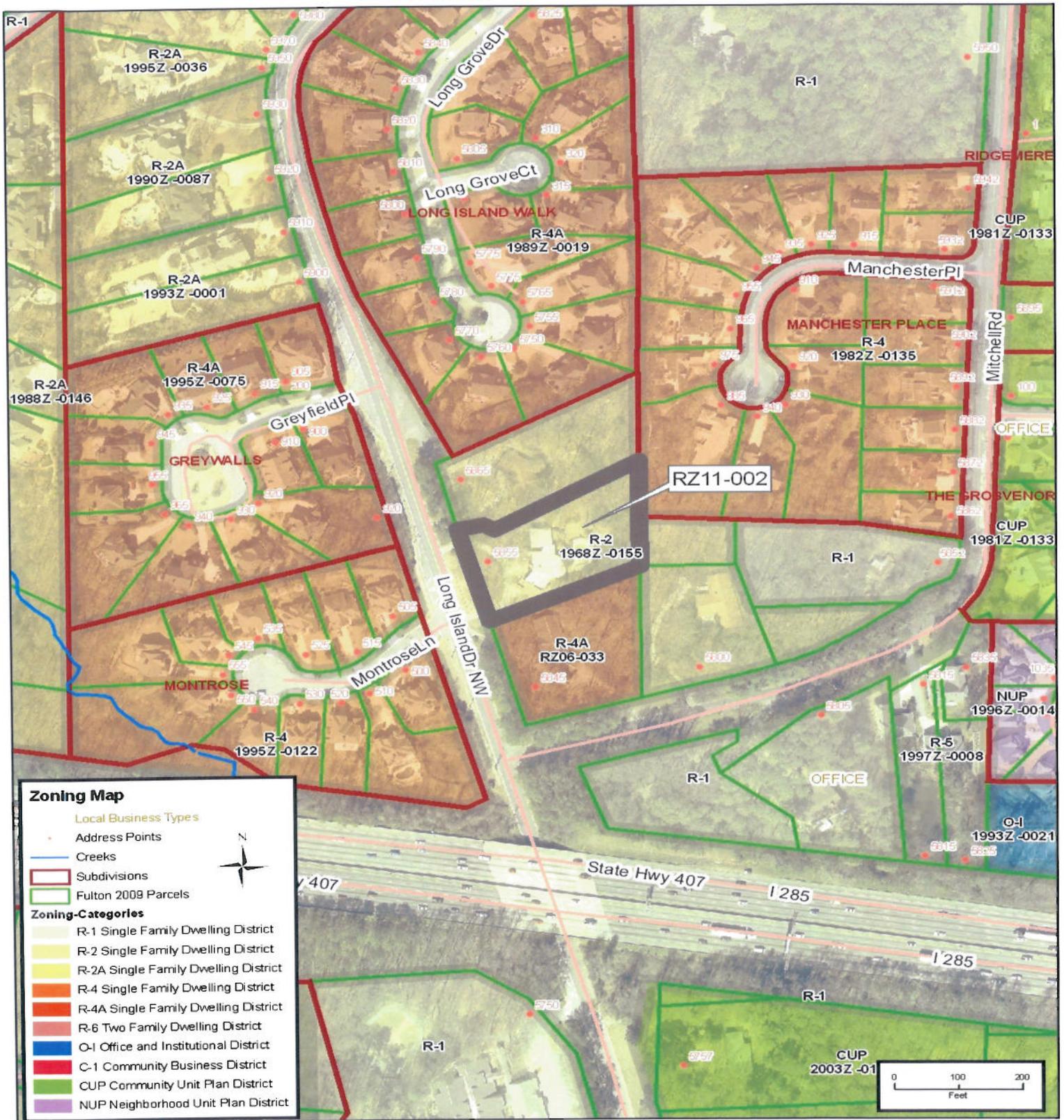
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EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ11-002	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Units Per Acre)
	R-4A	Single-family residential	1.09	2	1.84 units/acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Number of Units	Density (Square Feet or Units Per Acre)
North	R-2 Z68-155	Single-family residential	1.16	1	0.86 units/acre
East	R-4 Z82-135	Single-family residential (Manchester Place S/D)	8.20	20	2.44 units/acre
East	R-2 Z68-155	Vacant (rear of 5800 Mitchell Rd.)	-----	-----	-----
South	R-4A Z06--033	Single-family residential	1.04	2	1.93 units/acre
West	R-4 Z95-122	Single-family residential (Montrose S/D)	4.50	12	2.67 units/acre

Zoning Map

5855 Long Island Drive NW





Subject Property Looking North



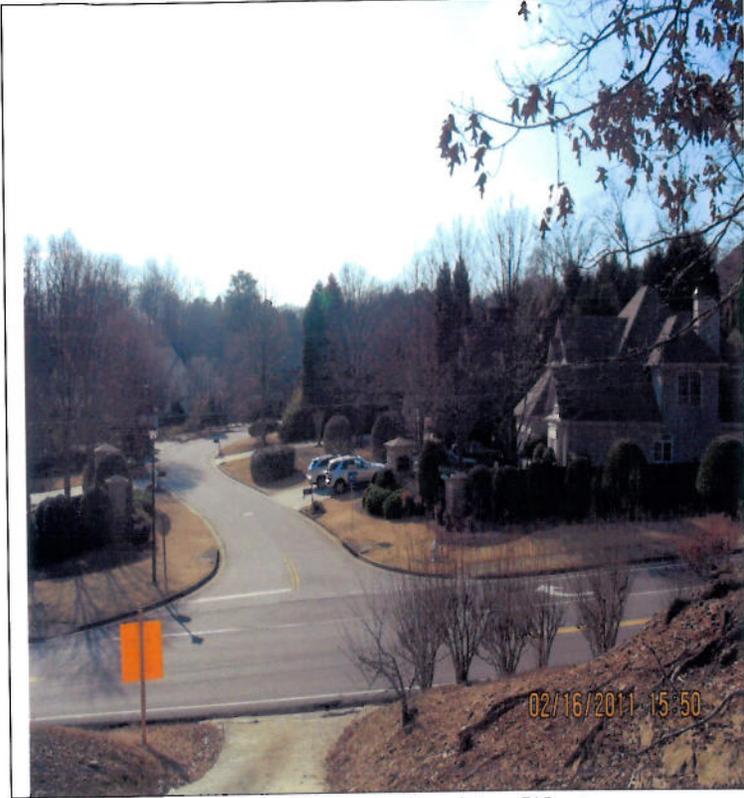
Subject Property Looking Northeast



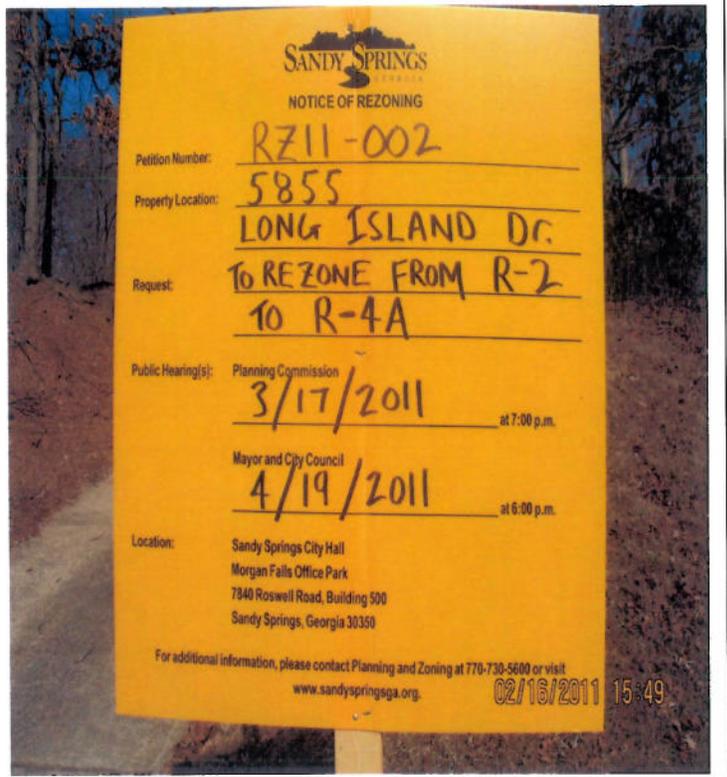
Subject Property Looking East



Subject Property Looking South



Subject Property Looking West



Sign

SITE PLAN ANALYSIS

The submitted site plan shows the subject property to be irregularly shaped, and sloping down to Long Island Drive. The site plan also indicates the following:

- Total site area of 1.09 acres (47,346 sq. ft.)
- A proposed northern lot having 0.57 acres (25,022 sq. ft.)
- A proposed southern lot having 0.51 acres (22,324 sq. ft.)

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 applicant intends to supply at least the minimum required parking spaces.

LANDSCAPE PLAN ANALYSIS

This proposal shows each lot to have approximately two times the 12,000 square feet of required lot area for the R-4A zoning district. Additionally, the applicant has accounted for the required setbacks for the R-4A 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. The report, in its entirety, is within the case file as a matter of record.

DEPARTMENT COMMENTS

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

BUILDING & DEVELOPMENT DIVISION	Sandy Springs Building Officer and/or ADA Compliance Officer	<ul style="list-style-type: none"> There are no building and compliance requirements that need to be addressed at this time.
	Sandy Springs Chief Engineer	<ul style="list-style-type: none"> There are no engineering requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> There are no landscape or stream requirements that need to be addressed at this time.
CODE ENFORCEMENT	Officer	<ul style="list-style-type: none"> There are ongoing property maintenance code violations.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> There are no Fire Department requirements that need to be addressed at this time.
TRANSPORTATION	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> Right-of-way dedication: 40' from centerline of Long Island Drive. Public Works does not anticipate that the proposed rezoning will cause an excessively burdensome use of existing streets or transportation facilities. The subject property is located on a collector street.
	Georgia Department of Transportation	<ul style="list-style-type: none"> GDOT requirements that need to be addressed at this time include an encroachment permit.

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 January 25, 2011 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held February 24, 2011 at the Sandy Springs City Hall

Public Comments

Community input includes the following:

- The community has raised concern over any new houses should be comparable in size to other nearby houses so as to not adversely affect property values in the area.

Notice Requirements

The petition will be advertised in the Daily Report on March 10, 2011 and March 24, 2011. The applicant posted a sign issued by the Department of Community Development along the frontage of Long Island Drive on February 18, 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 April 19, 2011. The Public Participation Report must be submitted on or before April 12, 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-2 (Single-family Dwelling Districts) to R-4A (Single-family Dwelling District) to allow the subject property to be subdivided into two (2) lots is in conformity with the Comprehensive Plan or Future Land Use Map, which designates the property as R2 to 3 (Residential 2 to 3 units per acre), Protected Neighborhood. In fact, the proposed density of 1.84 units per acre is less than recommended. Additionally, the subject property, if successfully rezoned and subdivided, is proposed to meet the development standards required under the R-4A zoning district. Further, 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-2 (Single-family Dwelling District) conditional to R-4A (Single-family Dwelling District) conditional to allow the subject property to be subdivided into two (2) lots, 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 1.84 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 January 4, 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. The owner/developer shall dedicate forty (40) feet of right-of-way from centerline of Long Island Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

Attachments

Site Plan dated received January 4, 2011

Letter of Intent dated received January 4, 2011

Applicant Zoning Impact Analysis dated received January 4, 2011

Letter Fulton County Dept. of the Environment & Community Development received February 25, 2011

Letter Fulton County Dept. of Health Services received February 25, 2011

Letter City of Atlanta Dept. of Watershed Management received February 25, 2011



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

January 4, 2011

Re: #5855 Long Island Drive

We respectfully request to re-zone this lot from R-2 to R 4-A to facilitate the creation of two single family lots.

For owner/subdivider,

Ronald E. Gudger, LS

A handwritten signature in black ink, appearing to read "Ronald E. Gudger", written over the typed name.

RECEIVED

JAN 04 2011

City of Sandy Springs
Community Development

E-MAIL: gsi85@aol.com
PHONE: 770-396-6011 FAX: 770-396-2379 CELL: 404-731-8696

IMPACT ANALYSIS
FORM B

Applicant: EPIC HOMES ATLANTA, LLC

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 ~ SEE ZONING MAP RE: MAJORITY OF NEIGHBORHOOD
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? NO IMPACT
3. Does the property to be rezoned have a reasonable economic use as currently zoned? NO ~ OLD HOUSE NOT MARKETABLE WILL REMAIN ABANDONED OTHERWISE
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? TREND FOR AREA IS HIGHER DENSITY FOR HIGHEST AND BEST USE
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

12-11-062
RECEIVED

JAN 04 2011

City of Sandy Springs
Community Development

Attach additional sheets as needed.



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

12711-002

February 11, 2011

Patrice S. Ruffin, AICP, Assistant Director Planning & Zoning
City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Dear Ms. Ruffin:

I am in receipt of your zoning package soliciting comments on the upcoming City of Sandy Springs zoning agenda for the March Planning Commission and April Mayor and City Council Meetings. I have reviewed all items within the package and find none of them have a significant impact on Unincorporated Fulton County. Thank you for the opportunity to review the requests.

Sincerely,

Randy Beck,
Deputy Director, E&CD

RECEIVED

FEB 25 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: February 23, 2011
SUBJECT: Zoning Comments for March 17, 2011 Planning Commission

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FEB 25 2011

City of Sandy Springs
Community Development

Table with 2 columns: AGENDA ITEM and ZONING COMMENTS. It contains two rows of zoning items with detailed comments from the Fulton County Department of Health Services.



CITY OF ATLANTA

KASIM REED
MAYOR

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

DEPARTMENT OF
WATERSHED MANAGEMENT
DEXTER WHITE
Interim Commissioner

February 14, 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 5855 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 404-235-2020.

Sincerely

Bahman Firoozi
Director, Department of Watershed Management
Bureau of Operations, Technical Services
E-mail bahman.firoozi@atlwater.com

RECEIVED

FEB 25 2011

City of Sandy Springs
Community Development

12711-002