

**CITY COUNCIL AGENDA ITEM**

**TO:** Mayor & City Council                      **DATE:** February 3, 2011

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** **RZ10-008** - 220 Sandy Springs Circle, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District).

**MEETING DATE:** For Submission onto the February 15, 2011, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
Rezoning Petition

**APPROVAL BY CITY MANAGER:**           JFM           APPROVED

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

**PLACED ON AGENDA FOR:**           2/15/11          

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES      (  ) NO

**CITY ATTORNEY APPROVAL:**           [Signature]          

**REMARKS:**

To: John McDonough, City Manager

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

Date: February 1, 2011 for submission onto the February 15, 2011 City Council meeting

Agenda Item: **RZ10-008 220 Sandy Springs Circle**, a Mayor and City Council initiated request to rezone the subject property from C-1 (Community Business District) Conditional to C-1 (Community Business District) to allow the property to lease to a broader range of tenants than those specified in the conditions of Z81-108.

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

**APPROVAL CONDITIONAL** of the Mayor and City Council initiated request to rezone the subject property from C-1 (Community Business District) Conditional to C-1 (Community Business District) to allow the property to lease to a broader range of tenants than those specified in the conditions of Z81-108.

***Background:***

The Mayor and City Council initiated the rezoning from C-1 (Community Business District) Conditional to C-1 (Community Business District) to allow for a broader range of tenants than specified by the Z81-108 conditions, "1. To the owner's agreement that the use of the subject property shall be limited to retail shops only with no more than 40,000 square of total floor area all of which shall be contained within one structure." Additionally, the subject property is located within the Main Street District of the Sandy Springs Overlay District.

Despite these conditions, Fulton County previously issued Business Licenses to business that do not fall under the "retail shops only" description. Per the Sandy Springs Zoning Ordinance, retail use is defined as "A business in which the primary use is the sale of merchandise to consumers." In order to accommodate existing businesses, the Mayor and City Council is proposing this rezoning as an attempt to eliminate certain restrictions and bring existing uses into compliance with the Sandy Springs Zoning Ordinance.

***Discussion:***

The Mayor and City Council initiated the rezoning of the subject property from C-1 (Community Business District) Conditional to C-1 (Community Business District) to allow the property to lease to a broader range of tenants than those specified in the conditions of Z81-108. The property is currently limited to retail shops only pursuant to Condition 1 of Z81-108. However, Fulton County, and subsequently Sandy Springs, historically permitted other uses, such as a restaurant in the center.

***Concurrent Review:***

The staff held a Focus Meeting on October 6, 2010 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. RZ10-008**

| <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>  |
| September 28, 2010  | October 27, 2010   | November 18, 2010<br>January 20, 2011 | December 21, 2010<br>February 15, 2011 |
| <b>APPLICANT/PETITIONER INFORMATION</b>                   |  |                                       |  |
| <b>Property Owners</b>                                    | <b>Petitioner</b>  | <b>Representative</b>                 |  |
| Springs Landing Partners, LLC                             | City of Sandy Springs  | Department of Community Development   |  |
| <b>PROPERTY INFORMATION</b>                               |  |                                       |  |
| <b>Address, Land Lot, and District</b>                    | 220 Sandy Springs Circle<br>Land Lot 89, District 17   |                                       |  |
| <b>Council District</b>                                   | 3  |                                       |  |
| <b>Frontage and Area</b>                                  | Approx 368 feet of frontage along the western side of Sandy Springs Circle. The subject property has a total area of 4.12 acres (179,676.252 square feet). |                                       |  |
| <b>Existing Zoning and Use</b>                            | C-1 (Community Business District) under zoning case Z81-108. The subject property is developed as a one (1) story commercial shopping center.              |                                       |  |
| <b>Overlay District</b>                                   | Main Street District   |                                       |  |
| <b>2027 Comprehensive Future Land Use Map Designation</b> | LWN (Living-Working Neighborhood)<br>Node 8: Town Center   |                                       |  |
| <b>Proposed Zoning</b>                                    | C-1 (Community Business District)  |                                       |  |

**INTENT  
TO REZONE THE SUBJECT PROPERTY FROM C-1 (COMMUNITY BUSINESS DISTRICT)  
CONDITIONAL TO C-1 (COMMUNITY BUSINESS DISTRICT)**

The Mayor and City Council initiated the rezoning of the subject property from C-1 (Community Business District) Conditional to C-1 (Community Business District) to allow the property to lease to a broader range of tenants than those specified in the conditions of Z81-108. The property is currently limited to retail shops only pursuant to Condition 1 of Z81-108. However, Fulton County, and subsequently Sandy Springs, historically permitted other uses, such as a restaurant in the center.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**RZ10-008 - APPROVAL CONDITIONAL**

## PLANNING COMMISSION RECOMMENDATION

### RZ10-008 - APPROVAL CONDITIONAL

**The petition was heard at the November 18, 2010 Planning Commission meeting.** The Commission recommended a deferral of up to 60 days. Approved (4-0-1, Thatcher, Maziar, Rupnow, and Tart for; Pond abstained; Duncan not voting; Rubenstein absent). In approving the recommendation for deferral, the Commission expressed the following plan of action: Regarding existing or proposed Shopping Centers, Staff should consult with the City Attorney and Commissioner Tart to alleviate discrepancies between how Shopping Centers are typically used and operated, uses that are conditioned by zoning, and uses as they are defined and regulated in the Zoning Ordinance.

Prior to the January 20, 2011 Planning Commission meeting, Staff consulted with the City Attorney and Commissioners Tart, Rupnow, and Thatcher to discuss discrepancies between how Shopping Centers are typically used and operated, uses that are conditioned by zoning, and uses as they are defined and regulated in the Zoning Ordinance.

**The petition was heard at the January 20, 2011 Planning Commission meeting.** The Commission recommended approval subject to Staff conditions. Approved (5-0, Thatcher, Pond, Rupnow, Rubenstein, and Tart for; Duncan not voting; Maziar absent). In approving the recommendation for approval, the Planning Commission strongly suggests the Mayor and City Council consider amendments to the Zoning Ordinance to address uses, design standards, and process improvements for C-1 (Community Business District) zoned properties/ areas of the City. These amendments could include form based and/or unified development codes, which would allow for ease of implementation by staff while clearly outlining the desired development for these properties/areas.

## MAYOR AND CITY COUNCIL ACTION

### RZ10-008 - TBD

**The petition was heard at the December 21, 2010 Mayor and City Council Hearing.** The Council approved a deferral until the February 15, 2011 hearing. In approving the deferral, the Mayor and City Council upheld the Planning Commission's recommended plan of action as follows: Regarding existing or proposed Shopping Centers, Staff should consult with the City Attorney and Commissioner Tart to alleviate discrepancies between how Shopping Centers are typically used and operated, uses that are conditioned by zoning, and uses as they are defined and regulated in the Zoning Ordinance.

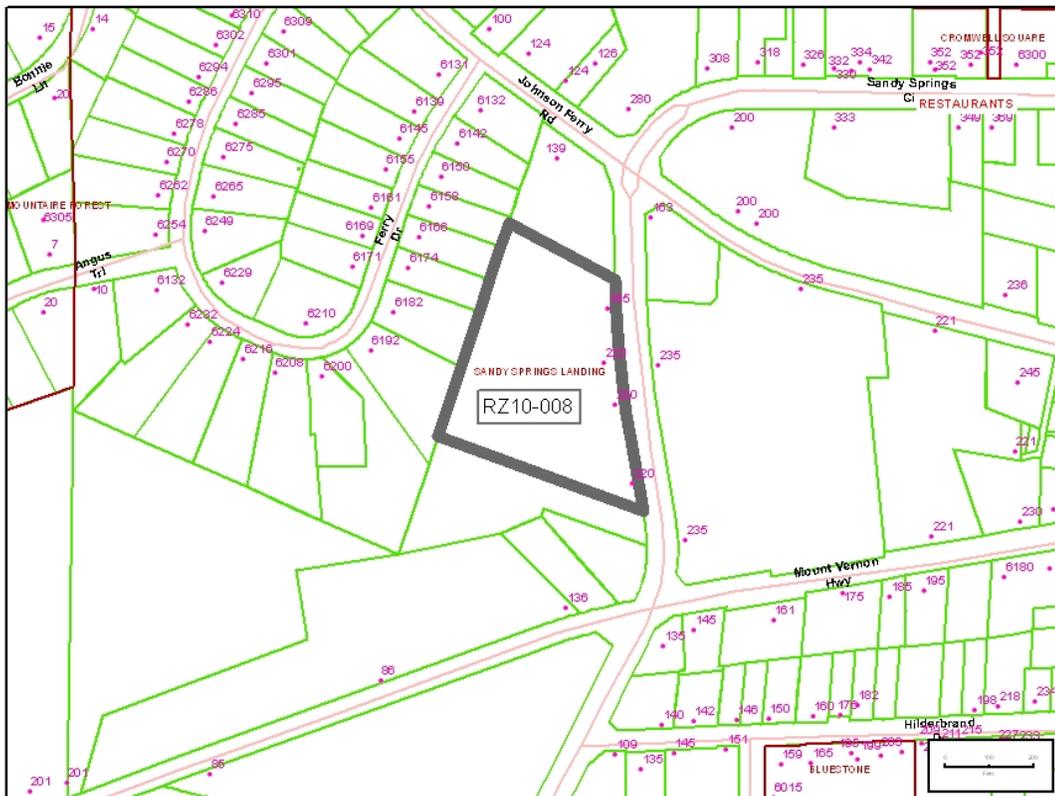
In working with the City Attorney, Staff has comprehensively reviewed existing shopping centers located within the City limits and has analyzed the zoning conditions that apply to each shopping center (see attached spreadsheet). It is the opinion of Staff and the City Attorney that the majority of the aforementioned zoning conditions restrict the uses of the subject shopping centers, unless expressly prohibited, to activities customarily expected within these types of developments. Within the C-1 zoning district regulations, customary shopping center activities were and are contemplated under its Scope and Intent and spelled out in its Permitted Uses. The C-1 zoning district's Scope and Intent includes the following:

- The C-1 district is intended to provide locations in which neighborhood and community-oriented retail (including non-drive-through restaurants) and service activities conclude a transition, or land areas which complement a transition into a more intense activity area. Complementary non-commercial uses (including offices/clinics) are also permitted.

It is the minority of existing shopping center zoning conditions, such as in this case, where the use of a subject shopping center is restricted specifically to Retail (including non-drive-through restaurants) and complementary non-commercial uses (including offices/clinics) are prohibited. Upon considering today's evolving shopping center activities in the United States, Staff is of the opinion it is appropriate, unless expressly prohibited by zoning conditions, to allow service commercial and complementary non-commercial uses (including offices/clinics) within shopping centers located in the City of Sandy Springs on a case by case basis. As such, Staff's original recommendation for approval conditional stands.

### Location Map

#### 220 Sandy Springs Circle



**BACKGROUND**

The Mayor and City Council initiated the rezoning from C-1 (Community Business District) Conditional to C-1 (Community Business District) to allow for a broader range of tenants than specified by the Z81-108 conditions, "1. To the owner's agreement that the use of the subject property shall be limited to retail shops only with no more than 40,000 square of total floor area all of which shall be contained within one structure." Additionally, the subject property is located within the Main Street District of the Sandy Springs Overlay District.

Despite these conditions, Fulton County previously issued Business Licenses to business that do not fall under the "retail shops only" description. Per the Sandy Springs Zoning Ordinance, retail use is defined as "A business in which the primary use is the sale of merchandise to consumers." In order to accommodate existing businesses, the Mayor and City Council is proposing this rezoning as an attempt to eliminate certain restrictions and bring existing uses into compliance with the Sandy Springs Zoning Ordinance.

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

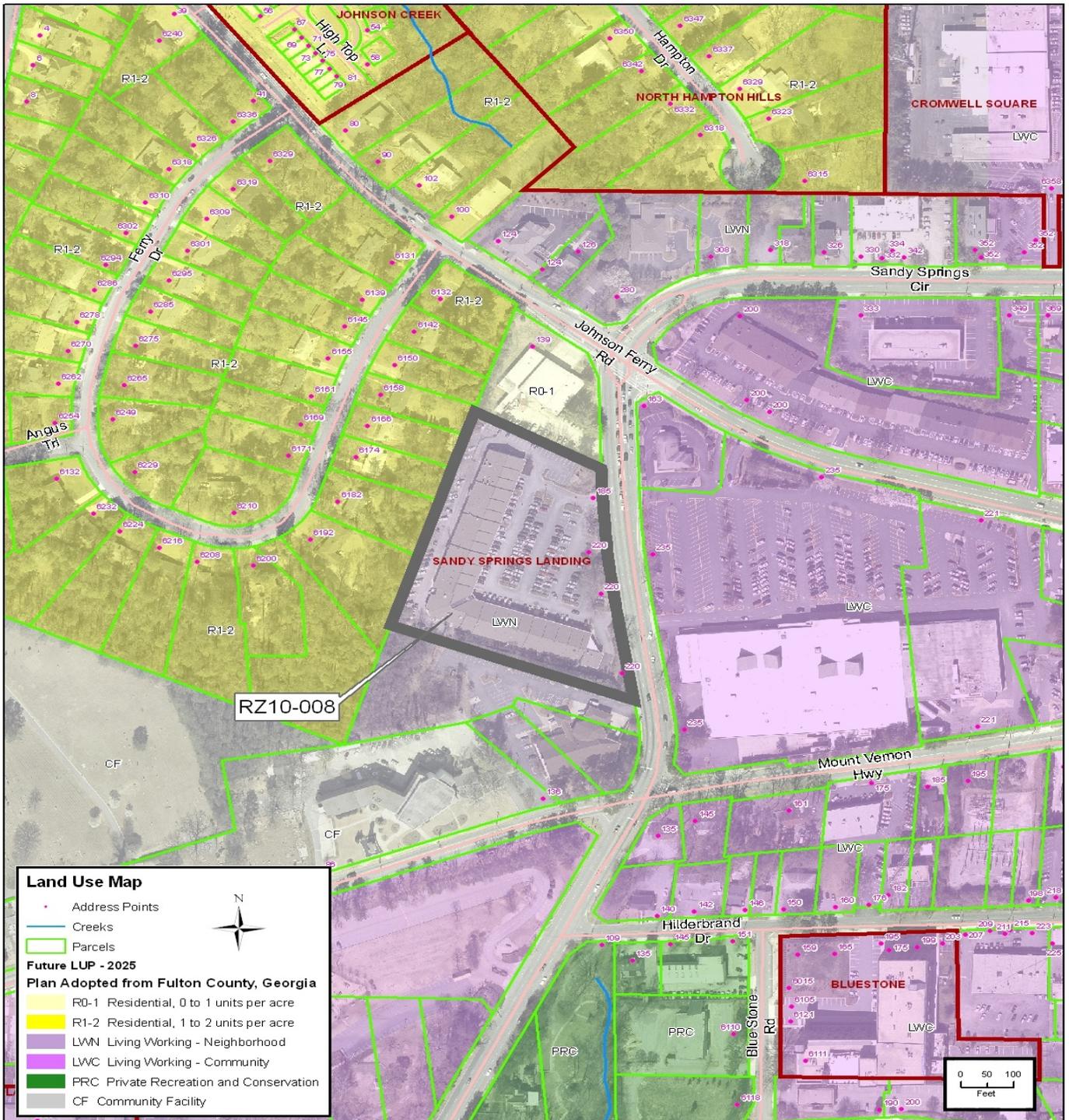
| <b>SUBJECT PETITION RZ10-008</b>                | <b>Requested Zoning</b> | <b>Proposed Use</b>                                      | <b>Land Area (Acres)</b> | <b>Square Footage</b>                    | <b>Density (Square Footage per Acre)</b>       |
|---|-------------------------|--|--------------------------|--|--|
|   | C-1                     | Commercial Property with expanded list of permitted uses | 3.969                    | 40,563 S.F.                              | 10,219.95 S.F./Acre                            |
| <b>Location in relation to subject property</b> | <b>Zoning</b>           | <b>Use</b>   | <b>Land Area (Acres)</b> | <b>Square Footage or Number of Units</b> | <b>Density (Square Feet or Units Per Acre)</b> |
| North   | R-4                     | Sandy Springs Fire Station                               | 1.17                     | 13,112.45 S.F.                           | 11,207.22 S.F./Acre                            |
| East  | C-1 Conditional Z76-081 | Fidelity National Bank and Goodwill Shopping Center      | 7.95                     | 132,797.48 S.F.                          | 16,704.09 S.F./Acre                            |

|       |  |  |      |                   |                       |
|-------|--|--|------|-------------------|-----------------------|
| South | C-1<br>Conditional<br>Z80-048<br>Z62-013 | Sandy Springs<br>Chapel  | 2.64 | 11,142.60<br>S.F. | 4,325.98<br>S.F./Acre |
| West  | R-4                                      | Single-Family<br>Residential<br>(Ferry Heights<br>Subdivision) | 2.63 | 5 Units           | 1.9 Units/Acre        |



Future Land Use Map

220 Sandy Springs Circle





Existing Uses - Chiropractor



Existing Uses - Restaurant



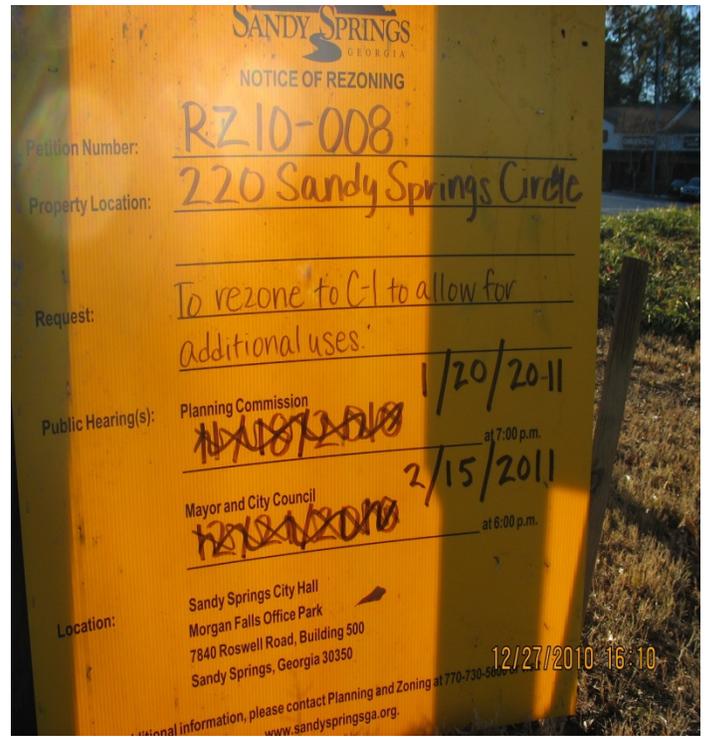
Existing Uses - Restaurant



Existing Uses - Service Commercial



Rezoning Sign - 220 Sandy Springs Circle



Rezoning Sign - 220 Sandy Springs Circle



Sandy Springs Chapel - South of Property



Fire Station - North of Property



West of Property - Residential Buffer



Rear of 220 Sandy Springs Circle - West of Property



Proposed City Hall Location - East of Property



Fidelity Bank - East of Property

**SITE PLAN ANALYSIS**

The site plan submitted shows an existing block and brick building with metal siding, and 210 parking spaces. The existing building has 40,563 S.F. The proposed rezoning does not include any external changes. The existing based on S.F. are as follows:

- Restaurant: 9,251 S.F.
- Retail: 15,681 S.F.
- Service Commercial: 12,813 S.F.
- Office: 2,801 S.F.

**PARKING AND TRAFFIC IMPACT ANALYSIS**

The subject property is located in the Main Street Overlay District of Sandy Springs; therefore, Section 12B.8. *Main Street District Standards* for parking will apply. Based on the calculations below, the Main Street District Standards for Parking require 194 parking spaces, given that the subject property has 210 parking spaces, they will exceed the requirement by 16 spaces.

Section 12B.8.A *Parking*

| Land Uses              | Maximum Number              | Spaces Required                   |
|------------------------|-----------------------------|-----------------------------------|
| A.1. Retail commercial | 4.5 spaces/1,000 gsf        | <b>129 spaces</b> for 28,494 S.F. |
| A.2. Office            | 3.0 spaces/1,000 gsf        | <b>9 spaces</b> for 2,801 S.F.    |
| A.3. Restaurant        | 6 spaces/1,000 square feet. | <b>56 spaces</b> for 9,251 S.F.   |

**LANDSCAPE PLAN ANALYSIS**

The subject property appears to be well landscaped having one brick retail building, leaving the remaining unimproved area as green space. Per Section 4.23, *Tree Conservation Ordinance, Administrative Standards and Best Management Practices*, the property is required to have a 10 (ten) foot front, 5 (five) foot interior side, and 50 (fifty) foot rear setback landscape strip. According to the site plan dated August 17, 2010 the landscape strips appear to be met or exceeded with the exception of the rear landscape strip; the existing landscape buffers are adequate, however, future development shall not reduce existing landscape buffers. Additionally, Section 12B.5, *Landscape Strips and Planting Materials*, specifies that parking lot landscape islands shall have ground cover and mulch or similar materials; this condition is also met.

**ENVIRONMENTAL SITE ANALYSIS**

The Environmental Site Analysis, that staff has conducted, states that all items analyzed have either positive, minimal, or no environmental issues.

|  |  |   |
|--|--|---|
| <b>BUILDING &amp; DEVELOPMENT DIVISION</b> | Sandy Springs Building Officer and/or ADA Compliance 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 site development requirements that need to be addressed at this time.</li> </ul>  |
|  | Sandy Springs Landscape Architect/Arborist                   | <ul style="list-style-type: none"> <li>▪ There are no landscape and stream requirements that need to be addressed at this time.</li> </ul>  |
| <b>FIRE DEPT.</b>                          | Sandy Springs Fire Protection Engineer                       | <ul style="list-style-type: none"> <li>▪ There are no Fire Department requirements that need to be addressed at this time.</li> </ul>   |
| <b>TRANSPORTATION</b>                      | Sandy Springs Transportation Planner                         | <ul style="list-style-type: none"> <li>▪ Public Works does not anticipate that the proposed rezoning will cause an excessively burdensome use of existing streets or transportation facilities.</li> <li>▪ The subject properties are located on a collector street.</li> </ul> |
|  | Georgia Department of Transportation                         | <ul style="list-style-type: none"> <li>▪ There are no GDOT requirements that need to be addressed at this time.</li> </ul>  |

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

**PUBLIC INVOLVEMENT**

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held September 28, 2010 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held October 27, 2010 at the Sandy Springs City Hall

Public Comments (no attached letters)

Community input includes the following:

- Concerns over potential redevelopment (Staff notes the subject lot will not change and would be redeveloped to the same standards of use as existing)

Notice Requirements

The petition will be advertised in the Daily Report on November 11, 2010 and November 25, 2010. The Department of Community Development posted a sign along the frontage of Sandy Springs Circle on October 7, 2010.

Public Participation Plan and Report

The applicant will meet 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 December 21, 2010. The Public Participation Report must be submitted on or before December 14, 2010.

**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:

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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 use and development of adjacent and nearby property. The surrounding properties are residential and commercial.

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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 will not have an adverse impact on the use or usability of adjacent or nearby property.

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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 subject property has a reasonable economic use as currently zoned.

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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.

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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 proposal to rezone from C-1 (Community Business District) Conditional to C-1 (Community Business District) to allow the property to lease to a broader range of tenants is in conformity with the Comprehensive Plan or Future Land Use Map, which designates the property as LWN (Live Work Neighborhood), Node 8: Town Center. The LWN (Live Work Neighborhood) designation includes the incorporation of many different uses, housing options, and higher density development to accomplish walkable development patterns and greater transportation options; the existing development has a modest number of parking spaces compared to other retail centers in the area and should transition successfully to LWN designation. Node 8: Town Center has many similar characteristics as the LWN designation classification, so the same building and uses would be supported by both. Additionally, the subject property currently meets the development standards required under

the C-1 zoning district. Further, the surrounding area consists of single-family and multifamily residences and other commercial properties, with an appropriate transition from the commercial to residential properties.

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*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 existing conditions affecting the use and development of the property, which give supporting grounds for approval of the rezoning. Currently, there are restaurants, service commercial, and office uses in addition to retail uses at 220 Sandy Springs Circle. Fulton County has previously permitted uses that do not fall under the “retail only” description; these uses are in harmony with the surrounding area and are not causing conflict with any of the surrounding uses or residents.

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*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 proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or 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 from C-1 Conditional (Community Business District) to C-1 (Community Business District) to allow the property to be leased to a broader range of tenants in conformity with the zoning ordinance, 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 owners' agreement to restrict the use of the subject properties as follows:
  - a. Retail uses (including non-drive-through restaurants), service commercial activities, complementary non-commercial uses (including offices/clinics), and accessory uses at a maximum density of 10,220 square feet of gross floor area per acre zoned, or a total gross floor area of 40,563 square feet, whichever is less.
  - b. To prohibit the following uses: Adult Establishments, Businesses Performing Specified Sexual Activities, and Massage Parlors, Lingerie/Bathing Suit Modeling. The aforementioned uses shall be prohibited as determined by the Director of Community Development.
  - c. To prohibit Drive-through restaurants.
2. To the owners' agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on August 17, 2010.
3. To the owner's agreement to abide by the following:
  - a. The owner/developer shall dedicate 45 feet from the centerline of Sandy Springs Circle along the entire street frontage.
4. To reduce minimum yards, landscape strips, and any other development standards to the extent necessary for the existing structures and site improvements, as shown on the Site Plan, to comply with the requirements of the Zoning Ordinance.

### Attachments

- Rezoning Resolution Initiation
- Site Plan(s) dated received August 17, 2010
- Conditions of Fulton County Zoning Case Z81-108
- Letter City of Atlanta Dept. of Watershed Management received November 17, 2010
- Letter Fulton County Dept. of Health Services received October 20, 2010
- Letter Fulton County Dept. of Environment and Community Development received October 20, 2010
- Staff Shopping Center Spreadsheet



(27) PETITION #Z-81-108 FC, SANDY SPRING CIRCLE - APPLICATION OF CROW-ATLANTA RETAIL, LTD., CLARIFICATION OF CONDITIONS REGARDING MAXIMUM SQUARE FOOTAGE OF SHOPPING CENTER

Mr. Albert E. Johnson, Clerk, presented excerpt from letter dated September 23, 1981, from Mr. Joseph Aronoff, Chairman, Fulton County Planning Commission.

RE: SANDY SPRING CIRCLE - Application of Crow-Atlanta Retail, Ltd., by Allen K. Meredith, General Partner, by James M. Ney, Attorney, seeks to rezone from C-1 (Commerical) Conditional to C-1 (Commerical) Conditional; property having a frontage of 515.35 feet on the west side of Sandy Springs Circle, beginning approximately 270 feet south from the southwest corner of Johnson Ferry Road and Sandy Springs Circle, and running southerly, and having a depth of 487.46 feet, and being in Land Lot 89 of the 17th District, Fulton County, Georgia. (Allen K. Meredith, General Partner, Crow-Atlanta Retail, Ltd., 6205 Barfield Road, N.E., Suite 200, Atlanta, Georgia)

The Fulton County Planning Commission, following twenty-one days of public notice, as required by law, preliminary public hearing held on Tuesday, September 22, 1981, and after careful study of the area, including inspection of the site by members of the Planning Commission, recommended the petition be approved.

Mr. Johnson stated letters had been received from the Health Department, Public Works Department and Board of Education regarding this petition, said letters to be filed in Clerk's office as part of petition.

Also presented were the following Resolution, Conditions, and Legal Description:

RESOLUTION

A RESOLUTION TO AMEND THE 1955 ZONING RESOLUTION OF FULTON COUNTY

WHEREAS, proper notice of this amendment has been published once a week for three weeks in the newspaper in which the Sheriff's advertisements are published, which notice stated the nature of the proposed change and the date, hour, and place at which the Board of Commissioners of Fulton County would hold a public hearing on said amendment, said notice having been published on the following dates: September 1, 8, and 15, 1981; and,

WHEREAS, said proposed amendment was submitted to the Planning Commission, and said Planning Commission has held a public hearing thereon, and has made its recommendation to the Board of Commissioners of Fulton County;

NOW, THEREFORE, BE IT RESOLVED that the 1955 Zoning Resolution adopted by the Board of Commissioners of Fulton County on March 11, 1955, and recorded in Minute Book #1, pages 190 continuous of the Minutes of the Board of Commissioners of Fulton County, and heretofore amended, be and the same is hereby further amended as follows:

CONDITIONS:

1. To the owner's agreement that the use of the subject property shall be limited to retail shops only with no more than 40,000 square of total floor area all of which shall be contained within one structure.

2. To the owner's agreement to prohibit fast food restaurants and gasoline service stations.
3. To the owner's agreement to submit to the Director of Planning and Community Development for his approval, prior to the approval of a grading plan, a revised site plan incorporating the stipulations of these conditions of approval and meeting or exceeding the requirements of the zoning districts; said site plan shall be based on a certified boundary survey.
4. To the owner's agreement to submit to the Director of Planning and Community Development for his approval, prior to the issuance of a grading permit, a detailed landscape plan. And further, to the owner's agreement that said landscaping as approved by the Director shall be in place prior to the issuance of a Certificate of Occupancy or connection of permanent power.
5. To the owner's agreement to submit to the Director of Planning and Community Development for his approval, prior to any defoliation or alteration of the site, a grading plan and such other engineering documents as may be required including a hydrological study to be submitted prior to grading, soil sedimentation and erosion controls while the project is under development, and provisions for water retention and the method of continuing maintenance of these facilities if required. This condition applies to all builders, to the developer, and to any and all subcontractors as well as material and equipment suppliers associated with development and building.
6. To the owner's agreement that the exterior of all concrete blocks will be coated with an architectural treatment (i.e., epoxy, stucco, brick veneer, etc.) or an alternate solution as may be approved by the Director of Planning and Community Development.
7. To the owner's agreement to connect to metropolitan water and sanitary sewer available to the site, as well as to pay all necessary tap on fees, front footage assessments, and the pro-rated share of the cost of sewerage extensions as determined by the Department of Planning and Community Development.
8. To the owner's agreement to provide designated fire lanes adjacent to all structures and to provide water mains, fire hydrants, and access for fire fighting equipment as may be required by the Fulton County Fire Department.
9. To the owner's agreement to provide a 25 foot wide replanted buffer adjacent to the west property line as well as an additional 25 foot building setback. Said buffer to incorporate a 4 foot high berm and a seven foot high cedar or equivalent fence to create an eleven foot high visual barrier from adjoining residential properties.
10. To the owner's agreement to provide a 10 foot wide landscape strip on the north and south property lines as well as a ten foot wide landscape strip located outside the dedicated right-of-way along Sandy Springs Circle. Said landscape strip along Sandy Springs Circle shall be planted with red maple (or equivalent trees of at least two inch caliper measured at Average Breast Height and planted no less than 25 feet on center) as well as other vegetated materials.
11. To the owner's agreement to provide a minimum 10 foot wide landscape island at the end of each parking bay and a 5 foot wide landscape island within each bay exceeding 225 feet in length. Within at least half of the landscape islands, the owner shall agree to provide red maple trees of at least two inch caliper measures at Average Breast Height.
12. To the owner's agreement to provide no more than one double-faced free standing pole sign not more than 20 feet high; and to further agree that roof signs and off premise signs shall be prohibited.

13. To the owner's agreement that any illumination of the site or buildings will not exceed 1.2 candles measured at the west property line nor shall the source of the illumination be directly visible from adjacent residential properties or the public right-of-way.
14. To the owner's agreement to provide no more than 2 exits/entrances to the subject property and further that said exits/entrances shall be aligned with the existing curb-cuts opposite the subject property on Sandy Springs Circle.
15. To the owner's agreement to dedicate at no cost to Fulton County prior to the issuance of a grading plan 40 feet of right-of-way from the existing centerline of Sandy Springs.
16. To the owner's agreement to a maximum building height of 28 feet from finished grade.
17. To the owner's agreement to provide on the north and south property lines a 25 foot setback inclusive of the required landscape strips.

LEGAL DESCRIPTION

PETITION #Z-81-108 FC

PETITIONER: Allen K. Meredith,  
General Partner

ZONING RE-CLASSIFICATION: From C-1 (Commercial) Conditional District  
TO C-1 (Commercial) Conditional District

DATES OF PUBLISHED NOTICE: September 1, 8, and 15, 1981

All that tract of land lying and being in Land Lot 89 of the 17th District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin placed on the western right-of-way of Sandy Springs Circle (70 foot right-of-way) 274.0 feet southerly from the intersection of the western right-of-way of Sandy Springs Circle with the center line of Johnson Ferry Road; running thence north 53 degrees 7 minutes 30 seconds west 262.69 feet to an iron pin; thence south 18 degrees 30 minutes 00 seconds west 355.99 feet to an iron pin; thence south 19 degrees 00 minutes 17 seconds west 150.2 feet to an iron pin; thence south 72 degrees 3 minutes 26 seconds east 487.46 feet to an iron pin on the western right-of-way of Sandy Springs Circle; thence north 10 degrees 15 minutes 56 seconds west 150.08 feet to a point; thence along said western right-of-way of Sandy Springs Circle along the arc of a 2,729.56 foot radius curve an arc distance of 365.27 feet (said arc being subtended by a chord bearing north 6 degrees 26 minutes 55 seconds west a distance of 364.99 feet) to the POINT OF BEGINNING.

There was no opposition present to the petition.

Mr. Allen Meredith stated he accepted the conditions.

Commissioner Bannister made a motion the petition be approved. Motion seconded by Commissioner Farris and carried by a majority vote of the Board.

Chairman Lomax stated if there were no objections, Petition #Z-81-108 would be approved as per conditions previous stated.

Hearing no objections, it was so ordered by the Board.

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO APPROVE THE INITIATION OF REZONING FOR THE 220 SANDY SPRINGS CIRCLE LOCATED IN LAND LOT 89, DISTRICT 17, SANDY SPRINGS, FULTON COUNTY, GEORGIA**

**BE IT RESOLVED** by the City Council for the City of Sandy Springs, Georgia while in regular session on September 21, 2010 at 7:00 p.m. as follows:

**SECTION 1.** That 220 Sandy Springs Circle is currently zoned C-1 (Community Business District) conditional under Fulton County zoning case Z81-0108; and

**SECTION 2.** That the conditions of Z81-0108 restrict the property to retail uses only; and

**SECTION 3.** That other uses such as restaurants and medical offices have historically been permitted at the property.

**SECTION 4.** The Mayor and City Council hereby approve the initiation of the rezoning of 220 Sandy Springs Circle for the purpose of making the conditions of approval consistent with the uses previously permitted on the property.

**SECTION 5.** This Resolution is effective September 21, 2010; and

**SECTION 6.** That this Resolution shall become effective upon its adoption.

**RESOLVED** this the 21<sup>st</sup> day of September, 2010.

Approved:

\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)



RECEIVED

NOV 17 2010

City of Sandy Springs  
Community Development

## CITY OF ATLANTA

KASIM REED  
MAYOR

BUREAU OF OPERATIONS  
651 14<sup>TH</sup> STREET, NW  
ATLANTA, GEORGIA 30318  
Office: (404) 235-2000 Fax: (404) 982-1400

DEPARTMENT OF  
WATERSHED MANAGEMENT  
DEXTER WHITE  
Interim Commissioner

12710-008

November 10, 2010

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 220 Sandy Spring Circle

Dear Ms. Ruffin,

In response to your letter we offer the following:

1. There is an existing 6-inch water main along Sandy Spring Circle. This water main is owned and maintained by the City of Atlanta.
2. Our calculations based on the reported fire flow test results indicate the 6" main has a capacity of 2467 gpm.
3. If further investigation is required, please complete the attached Basis of Design Data form along with site utility plan.

In order to access the water you must develop a set of stamped engineering drawings, and submit three copies to the City of Atlanta, Bureau of Drinking Water for approval and review.

Should additional information be needed, please contact me at 404-235-2085.

Sincerely,

Eric Glover, PE  
Chief Civil Engineer

cc: file



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

October 7, 2010

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 November Planning Commission and December 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

12710-008  
RECEIVED  
OCT 20 2010  
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:** October 11, 2010

**SUBJECT:** Zoning Comments for November 18, 2010 Planning Commission

| AGENDA ITEM | ZONING COMMENTS   |
|-------------|---|
| RZ10-008    | The Fulton County Department of Health Services does not anticipate any health problems with this proposal to rezone the subject properties from C-1 (Community Business District) conditional to C-1 (Community Business District).  |
| RZ10-009    | The Fulton County Department of Health Services does not anticipate any health problems with this proposal to rezone the subject properties from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) provided that existing and previous uses within the area do not pose an environmental hazard. |
| RZ10-010    | The Fulton County Department of Health Services does not anticipate any health problems with this proposal to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional.  |
| ZM10-008    | The Fulton County Department of Health Services does not anticipate any health problems with this proposal to modify condition 3.I. of petition RZ06-055/U06-008/CV06-039 to allow for a reduction from five (5) to four (4) of existing specimen trees to be retained on the subject property.                                     |

*RZ10-008*

**RECEIVED**

OCT 20 2010

City of Sandy Springs  
Community Development

| Subdivision       | Case_Number | Zoning_Class | Conditioned Uses   |
|-------------------|-------------|--------------|--|
| ABERNATHY SQUARE  | 1976Z -0003 | C-1          | Letter of Intent - shopping center (to include supermarket, drug store, boutique shops, and service oriented retailers)  |
| ABERNATHY SQUARE  | 1967Z -0152 | C-1          | C-1 uses   |
| ABERNATHY SQUARE  | 1968Z -0132 | C-1          | C-1 uses   |
| BELLE ISLE SQUARE | 1997Z -0122 | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, but excluding service stations, commercial amusements and billboards  |
| CENTRE COURT      | 1997Z -0080 | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, but excluding service stations, commercial amusements and billboards  |
| CITY WALK         | 1981Z-0108  | C-1          |  |
| CITY WALK         | 1992Z -0085 | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, within 5 buildings, but excluding service stations, commercial amusements and billboards  |
| CROMWELL SQUARE   | 1957Z-0029  | C-1          | C-1 uses   |
| CROMWELL SQUARE   | 1963Z -0026 | C-1          | C-1 uses   |
| CROMWELL SQUARE   | 1970Z -0143 | C-1          | C-1 uses   |
| DUNWOODY PLAZA    | 1991Z -0035 | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, within 7 primary buildings plus two (2) unattended accessory structures, but excluding service stations, commercial amusements and billboards |
| DUNWOODY PLAZA    | 1988Z -0222 | C-1          | Commercial and/or office and accessory uses, within a single structure, but excluding restaurants, service stations, commercial amusements and billboards  |
| FOUNTAIN OAKS     | 1988Z -0084 | C-1          | Retail and service commercial and accessory uses, including all exterior food and beverage service areas, within a single building, service stations, commercial amusements and billboards (???)   |
| FOUNTAIN OAKS     | 1985Z -0115 | NONE         | ---  |
| HAMMOND CENTER    | RZ08-014    | MIX          | Office, retail, restaurant, and associated accessory uses; No more than 400 residential units; a maximum 120-room hotel  |
| HAMMOND SPRINGS   | 1965Z -0064 | C-1          | C-1 uses   |
| HAMMOND SPRINGS   | 1958Z-0011  | C-1          | C-1 uses   |
| HAMMOND SPRINGS   | 1982Z -0007 | C-1          | Retail commercial and accessory uses   |
| HAMMOND SPRINGS   | 1972Z-0050  | C-1          | Professional office building   |
| MARSHALLS PLAZA   | 1959Z-0004  | C-1          | C-1 uses   |
| MARSHALLS PLAZA   | 1963Z-0019  | C-1          | C-1 uses   |
| NORTH RIVER       | 1971Z -0004 | C-1          | Letter of Intent - shopping center   |
| NORTH RIVER       | 2004Z -0112 | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, but excluding gas pumps, freestanding fast food restaurants, commercial amusements, adult bookstores, and adult entertainment establishments  |
| NORTH SPRINGS     | 1964Z -0055 | C-1          | C-1 uses   |
| NORTHRIDGE        | 1981Z -0017 | C-1          | C-1 uses with the exception of fast food and automobile service station uses   |
| NORTHRIDGE SQUARE | 1987Z -0194 | C-1          | Retail and service commercial and accessory uses in one building, automotive service and/or gasoline sales in a freestanding building and a freestanding restaurant, but excluding commercial amusements   |

| Subdivision                     | Case_Number | Zoning_Class | Conditioned Uses   |
|---------------------------------|-------------|--------------|--|
| PARKSIDE SHOPS OF SANDY SPRINGS | 1986Z -0132 | C-2          | Retail and service commercial and accessory uses, , but excluding service stations and commercial amusements other than movie theaters   |
| PERIMETER POINTE                | RZ09-006    | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, but excluding adult entertainment establishments, car washes, convenience stores, service stations, grocery stores, commercial amusements and billboards or any uses which are 24 hour operations; A maximum of three outparcels shall be allowed ; No more than two (2) fast food restaurants, having drive-through windows, on the total site |
| PRADO                           | RZ10-007    | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, including no more than one freestanding fast food restaurant with or without drive thru, a financial institution with a drive-thru and a drug store with a drive-thru. Convenience stores with gas pumps and commercial amusements are excluded.  |
| PRADO                           | RZ07-019    | C-1          | Retail and associated accessory uses   |
| PRADO                           | 1971Z-0012  | C-1          | Shopping center site plan revision to add parking spaces   |
| PUBLIX AT PERIMETER             | 1996Z -0119 | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, but excluding service stations, commercial amusements and billboards  |
| SANDY SPRINGS CROSSING          | 1986Z -0200 | C-1          | Retail and service commercial and accessory uses, but excluding fast food restaurants with drive-through service, service stations, and commercial amusements, to be contained within 2 buildings  |
| SANDY SPRINGS CROSSING          | 1987Z -0153 | C-1          | Retail and service commercial and accessory uses, including all exterior food and beverage service areas, within in no more than 2 buildings, but excluding fast food restaurants with drive-through service, service stations, commercial amusements and billboards   |
| SANDY SPRINGS LANDING           | 1981Z-0108  | C-1          | Limited to retail shops only, which shall be contained in one structure  |
| SANDY SPRINGS LANDING           | 1992Z -0085 | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, within 5 buildings, but excluding service stations, commercial amusements and billboards  |
| SANDY SPRINGS PLACE             | 1985Z -0023 | C-1          | Retail and service commercial uses in one building and office uses in another building   |
| SANDY SPRINGS PLAZA             | 1957Z-0020  | C-1          | C-1 uses   |
| SANDY SPRINGS PLAZA             | 1957Z-0034  | C-1          | C-1 uses   |
| SANDY SPRINGS SHOPPING CENTER   | N/A         | C-1          | C-1 uses   |
| SANDY SPRINGS VILLAGE           | 1996Z -0074 | C-1          | Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas  |
| SANDY SPRINGS VILLAGE           | 1976Z -0072 | C-1          | C-1 uses   |
| THE EXCHANGE AT HAMMOND         | 1958Z-0025  | C-1          | C-1 uses   |
| THE EXCHANGE AT HAMMOND         | 1967Z -0116 | C-1          | C-1 uses   |
| THE EXCHANGE AT HAMMOND         | 1957Z -0057 | C-1          | C-1 uses   |

| Subdivision                 | Case_Number | Zoning_Class | Conditioned Uses   |
|-----------------------------|-------------|--------------|--|
| THE SHOPPES OF MORGAN FALLS | 1986Z -0289 | C-1          | Retail and service commercial and accessory uses in two structures but excluding fast food restaurants, service stations, commercial amusements and billboards |
| THE SHOPPES OF MORGAN FALLS | 1981Z -0022 | C-1          | C-1 uses; No more than 3 outparcels  |
| TROWBRIDGE CROSSING         | 1975Z -0003 | C-2          | C-2 uses   |