

To: John McDonough, City Manager

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

Date: December 7, 2010 for submission onto the December 21, 2010 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.

CMO (City Manager's Office) Recommendation:

DEFERRAL 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

HEARING & MEETING DATES

Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
September 28, 2010	October 27, 2010	November 18, 2010	December 21, 2010

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Springs Landing Partners, LLC	City of Sandy Springs	Department of Community Development

PROPERTY INFORMATION

Address, Land Lot, and District	220 Sandy Springs Circle Land Lot 89, District 17
Council District	3
Frontage and Area	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).
Existing Zoning and Use	C-1 (Community Business District) under zoning case Z81-108. The subject property is developed as a one (1) story commercial shopping center.
Overlay District	Main Street District
2027 Comprehensive Future Land Use Map Designation	LWN (Living-Working Neighborhood) Node 8: Town Center
Proposed Zoning	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

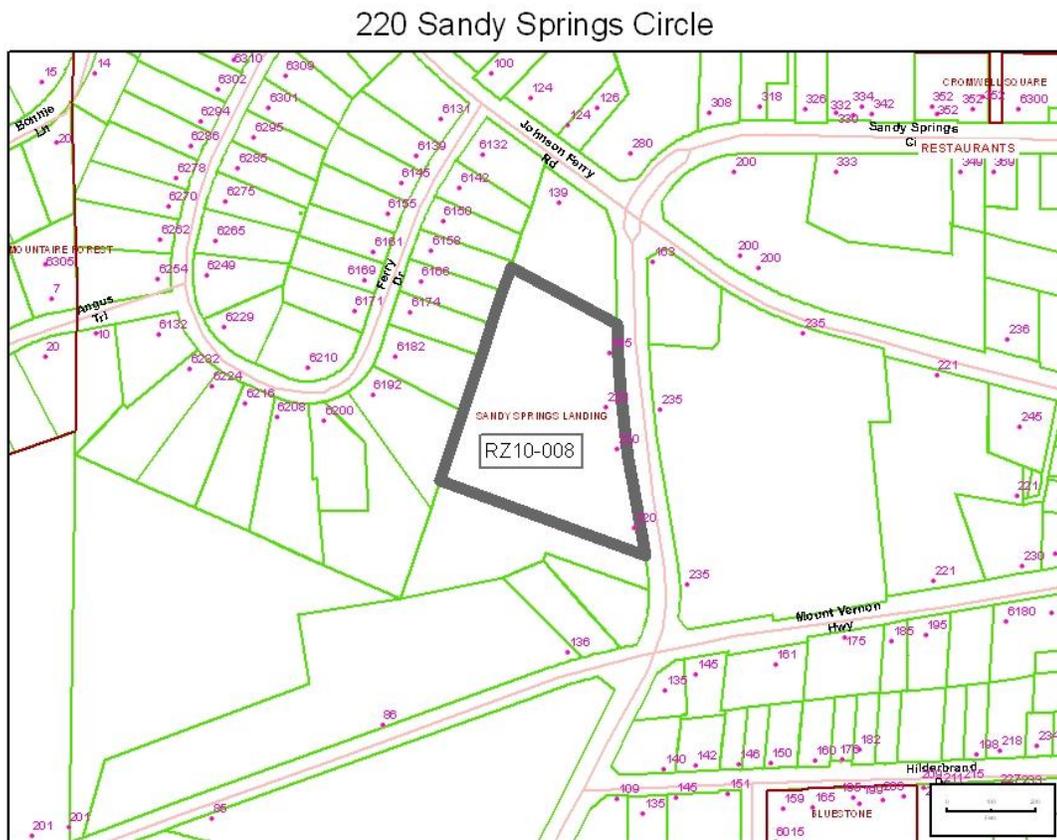
RZ10-008 - DEFERRAL

PLANNING COMMISSION RECOMMENDATION

RZ10-008 - DEFERRAL

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.

Location Map



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.

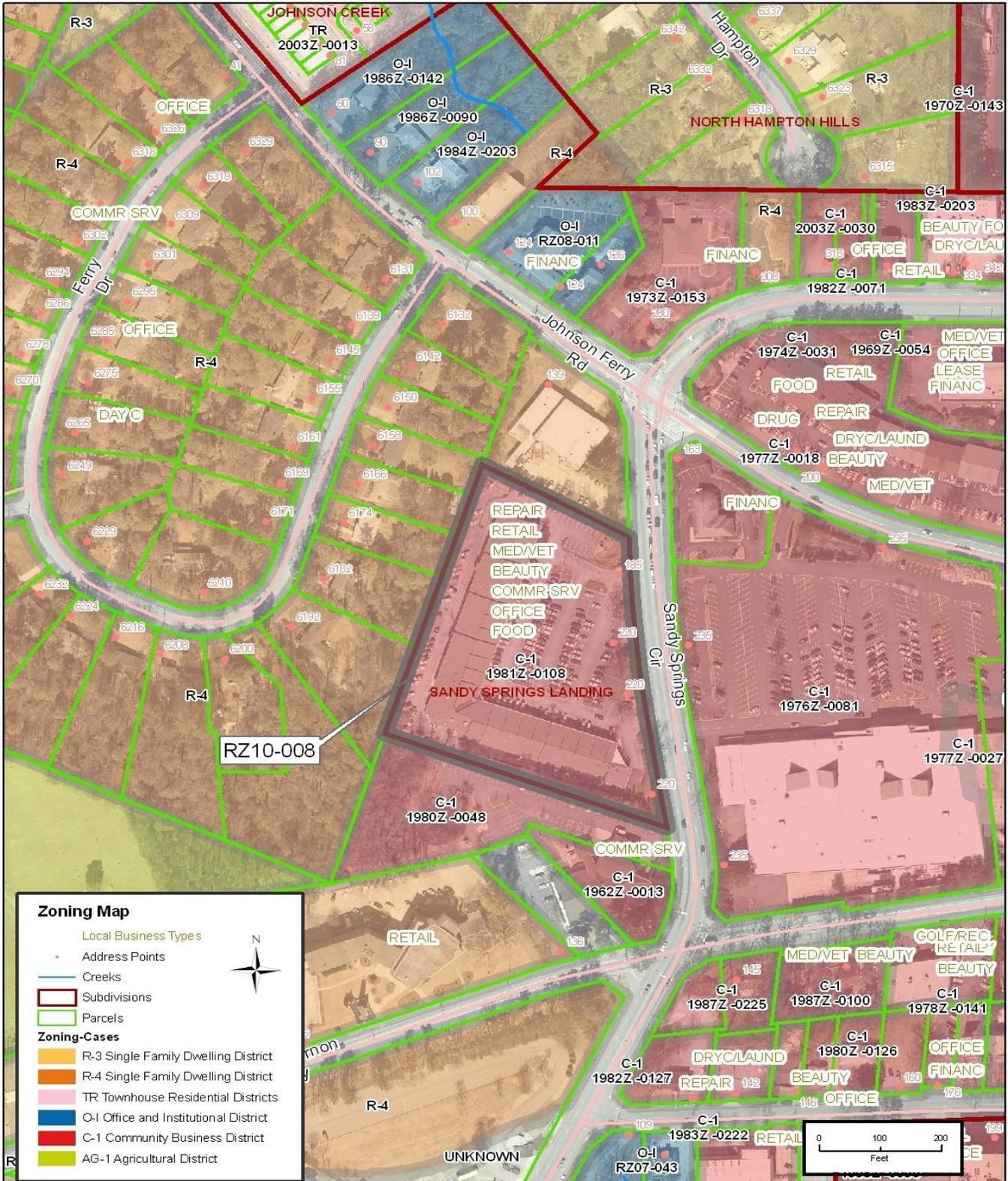
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ10-008	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	C-1	Commercial Property with expanded list of permitted uses	3.969	40,563 S.F.	10,219.95 S.F./Acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
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 Conditional Z80-048 Z62-013	Sandy Springs Chapel	2.64	11,142.60 S.F.	4,325.98 S.F./Acre

West	R-4	Single-Family Residential (Ferry Heights Subdivision)	2.63	5 Units	1.9 Units/Acre
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Zoning 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	129 spaces for 28,494 S.F.
A.2. Office	3.0 spaces/1,000 gsf	9 spaces for 2,801 S.F.
A.3. Restaurant	6 spaces/1,000 square feet.	56 spaces 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.

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 site development requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> ▪ There are no landscape and stream requirements that need to be addressed at this time.
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"> ▪ Public Works does not anticipate that the proposed rezoning will cause an excessively burdensome use of existing streets or transportation facilities. ▪ The subject properties are located on a collector street.
	Georgia Department of Transportation	<ul style="list-style-type: none"> ▪ There are no GDOT requirements that need to be addressed at this time.

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:

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.

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.

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.

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.

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.

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.

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

The Planning Commission recommended deferral with a suggested plan of action to 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. Staff is currently in the process of working with the City Attorney and arranging to work with Mr. Tart as suggested by the Planning Commission. Therefore, based on these reasons, the staff recommends **DEFERRAL** 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. Clinics, financial establishments, gymnasiums, personal services, restaurants, and retail stores and shops as well as their 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.
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

GENERAL NOTES

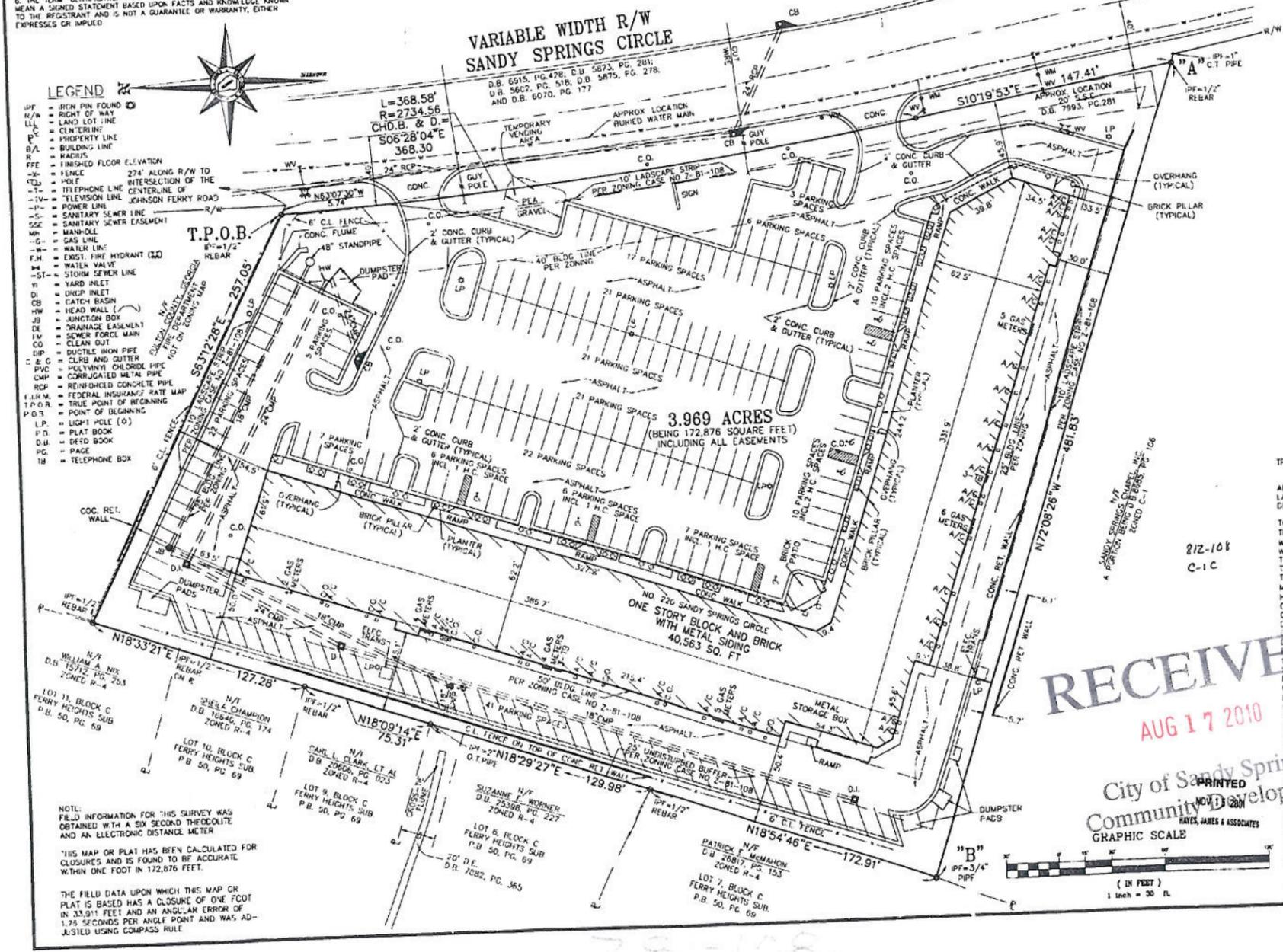
1. REFERENCE FOR THIS SURVEY SHOULD BE MADE TO THAT CERTAIN DEED TO SECURE DEBT BY SPRINGS LANDING, L.L.C. TO CENTURY LIFE OF AMERICA, DATED JUNE 28, 1996, RECORDED IN DEED BOOK 21106, PAGE 108, BEING ON FILE WITH THE CLERK OF SUPERIOR COURT, FULTON COUNTY, GEORGIA.
2. REFERENCE FOR A PORTION OF THIS SURVEY SHOULD ALSO BE MADE TO THAT CERTAIN UNRECORDED AS-BUILT SURVEY FOR SPRINGS LANDING, L.L.C. ET AL., DATED APRIL 21, 1995, AND PREPARED BY BOUTWELL AND ASSOCIATES, INC.
3. THE BEARING STRUCTURE FOR THIS SURVEY IS BASED ON MONUMENTS FOUND IN THE FIELD AT THE TIME OF THIS SURVEY AND QUOTED HEREON AS POINTS "A" AND "B" AND REFERENCED TO THE SURVEY REFERENCED IN GENERAL NOTE NO. 2 ABOVE.
4. THIS PROPERTY LIES WITHIN FLOOD ZONE "X" AS PER FIRM COMMUNITY PANEL NO. 131210142, FULTON COUNTY, GEORGIA, EFFECTIVE DATE: JUNE 22, 1998. FLOOD ZONE "X" IS DEFINED AS AREAS OF 100-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.
5. THE FIRM OF HAYES, JAMES & ASSOCIATES, INC. DOES NOT CLERK TO THE CORRECTNESS OR ACCURACY OF ANY UNDERGROUND UTILITIES EITHER SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITIES PROTECTION CENTER AT 1-800-285-7411 PRIOR TO ANY CONSTRUCTION.
6. THE TERM "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

7. THE PUBLIC RECORDS AS SHOWN HEREON REFLECTS TO THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR TITLE OPINION.
8. USERS OF ANY CAD FILE ARE CAUTIONED THAT CRITICAL DIMENSIONS OBTAINED BY ELECTRONIC MEASUREMENT CAN NOT BE RELIED UPON WITHOUT VERIFICATION. HAYES, JAMES & ASSOCIATES, INC. SHOULD BE CONSULTED PRIOR TO ISSUANCE OF CONSTRUCTION DRAWINGS FOR INPUT AND VERIFICATION.
9. THE FIELD WORK FOR THIS SURVEY WAS CONDUCTED DURING OCTOBER AND NOVEMBER, 2001.
10. THIS SURVEY HAS BEEN PERFORMED WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT. CERTAIN MATTERS THAT COULD BE DISCLOSED THROUGH A TITLE SEARCH MAY OR MAY NOT AFFECT THE SURVEY SHOWN HEREON.
11. RIGHT OF WAY DEED, D.B. 6915, PG. 428, WHICH REFERS TO (A) RIGHT OF WAY TAKING WITHIN THE SANDY SPRINGS CIRCLE RIGHT OF WAY AS SHOWN HEREON, AND (B) SLOPE EASEMENTS ALONG SUBJECT PROPERTY FRONTAGE WHICH CANNOT BE LOCATED HEREON BASED SOLELY ON DOCUMENTATION PROVIDED.
12. RIGHT OF WAY DEED, D.B. 5873, PG. 281, WHICH REFERS TO (A) RIGHT OF WAY TAKING WITHIN THE SANDY SPRINGS CIRCLE RIGHT OF WAY AS SHOWN HEREON, AND (B) SLOPE EASEMENTS ALONG SUBJECT PROPERTY FRONTAGE WHICH CANNOT BE LOCATED HEREON BASED SOLELY ON DOCUMENTATION PROVIDED.
13. RIGHT OF WAY DEED, D.B. 5802, PG. 518, WHICH REFERS TO (A) RIGHT OF WAY TAKING WITHIN THE SANDY SPRINGS CIRCLE RIGHT OF WAY AS SHOWN HEREON, AND (B) SLOPE EASEMENTS ALONG SUBJECT PROPERTY FRONTAGE WHICH CANNOT BE LOCATED HEREON BASED SOLELY ON DOCUMENTATION PROVIDED.
14. RIGHT OF WAY DEED, D.B. 5875, PG. 278, WHICH REFERS TO (A) RIGHT OF WAY TAKING WITHIN THE SANDY SPRINGS CIRCLE RIGHT OF WAY AS SHOWN HEREON, AND (B) SLOPE EASEMENTS ALONG SUBJECT PROPERTY FRONTAGE WHICH CANNOT BE LOCATED HEREON BASED SOLELY ON DOCUMENTATION PROVIDED.
15. RIGHT OF WAY DEED, D.B. 6070, PG. 177, WHICH REFERS TO (A) RIGHT OF WAY TAKING WITHIN THE SANDY SPRINGS CIRCLE RIGHT OF WAY AS SHOWN HEREON, AND (B) SLOPE EASEMENTS ALONG SUBJECT PROPERTY FRONTAGE WHICH CANNOT BE LOCATED HEREON BASED SOLELY ON DOCUMENTATION PROVIDED.
16. RIGHT OF WAY DEED, D.B. 7915, PG. 128, WHICH REFERS TO (A) RIGHT OF WAY TAKING WITHIN THE SANDY SPRINGS CIRCLE RIGHT OF WAY AS SHOWN HEREON, AND (B) SLOPE EASEMENTS ALONG SUBJECT PROPERTY FRONTAGE WHICH CANNOT BE LOCATED HEREON BASED SOLELY ON DOCUMENTATION PROVIDED.
17. A GEORGIA POWER COMPANY BLANKET EASEMENT RECORDED IN DEED BOOK 8004, PAGE 176, MAY AFFECT THE SUBJECT PROPERTY BUT CANNOT BE LOCATED HEREON BASED SOLELY ON THE DOCUMENTATION PROVIDED.
18. A GEORGIA POWER COMPANY PERMIT FOR ANCHORS, GUY WIRES, DEED BOOK 6197, PAGE 215, CANNOT BE LOCATED HEREON BASED SOLELY ON DOCUMENTATION PROVIDED.
19. THIS PROPERTY IS ZONED C-1.

20. FULTON COUNTY C-1 ZONING REQUIRES 5 PARKING SPACES PER 1000 SQUARE FEET OF BUILDING AREA AND THIS SITE REQUIREMENTS 203 PARKING SPACES. THERE ARE 225 PARKING SPACES PROVIDED INCLUDING 7 HANDICAP SPACES WITHIN THIS DEVELOPMENT.
21. FULTON COUNTY C-1 ZONING REQUIRES THAT NO STRUCTURE SHALL EXCEED THE HIGHER OF FOUR STORIES OR 60 FEET IN HEIGHT. THIS BUILDING IS ONE STORY HIGH AND IS WITHIN ZONING REQUIREMENTS FOR BUILDING HEIGHT.



VICINITY MAP
NOT TO SCALE



- LEGEND**
- IPF - IRON PIN FOUND
 - R/W - RIGHT OF WAY
 - L/L - LAND LOT LINE
 - CL - CENTERLINE
 - PL - PROPERTY LINE
 - B/L - BUILDING LINE
 - M - MANSION
 - FFE - FINISHED FLOOR ELEVATION
 - FE - FINISH
 - 274 - 274' ALONG R/W TO INTERSECTION OF THE
 - TEL - TELEPHONE LINE
 - TVL - TELEVISION LINE
 - POW - POWER LINE
 - S - SANITARY SEWER LINE
 - SE - SANITARY SEWER EASEMENT
 - MH - MANHOLE
 - G - GAS LINE
 - W - WATER LINE
 - EX - EXIST. FIRE HYDRANT (20)
 - WV - WATER VALVE
 - SL - STORM SEWER LINE
 - YI - YARD INLET
 - LI - LINCH INLET
 - CB - CATCH BASIN
 - HW - HEAD WALL
 - JB - JUNCTION BOX
 - DE - DRAINAGE EASEMENT
 - SM - SEWER FORCE MAIN
 - CO - CLEAN OUT
 - DIP - DUCTILE IRON PIPE
 - CLP - CLAY AND GUTTER
 - PCP - POLYETHYLENE CHLORIDE PIPE
 - CMP - CORRUGATED METAL PIPE
 - RCP - REINFORCED CONCRETE PIPE
 - FIM - FEDERAL INSURANCE RATE MAP
 - T.P.O.B. - TRUE POINT OF BEGINNING
 - P.O.B. - POINT OF BEGINNING
 - L.P. - LIGHT POLE (0)
 - P.B. - PLAT BOOK
 - D.B. - DEED BOOK
 - PG. - PAGE
 - 18 - TELEPHONE BOX

SURVEYOR'S CERTIFICATION

This is to certify that this map or plat and the survey on which it is based were made in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes Items 1 thru 4 and 6 thru 16 of Table A thereof. Pursuant to the Accuracy Standards established by ALTA, ACSM and NSPS and in effect on the date of this certification, undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle, Distance, and Closure" Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys.

Billy Ray Cheek
Surveyor
Georgia Reg. No. 1615
November 14, 2001

27210-008

TRACT DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 89 OF THE 17TH LAND DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO LOCATE THE TRUE POINT OF BEGINNING, COMMENCE FROM THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SANDY SPRINGS CIRCLE (HAVING A VARIABLE WIDTH RIGHT-OF-WAY) AND THE CENTERLINE OF JOHNSON FERRY ROAD IF THE SAID WESTERLY RIGHT-OF-WAY LINE OF SANDY SPRINGS CIRCLE WERE EXTENDED NORTHERLY TO SAID CENTERLINE, THENCE RUNNING SOUTHERLY ALONG THE WESTERLY MARGIN OF THE RIGHT-OF-WAY LINE OF SANDY SPRINGS CIRCLE AND FOLLOWING THE CURVATURE THEREOF A DISTANCE OF 274.00 FEET TO A POINT; THENCE NORTH 63 DEGREES 07 MINUTES 30 SECONDS WEST A DISTANCE OF 5.74 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR) AT THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING AS THIS ESTABLISHED AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SANDY SPRINGS CIRCLE THE FOLLOWING TWO COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2734.56 FEET, AN ARC DISTANCE OF 368.28 FEET, BEING SUBTENDED BY A CHORD DISTANCE OF 368.30 FEET TO A POINT; THENCE SOUTH 10 DEGREES 19 MINUTES 53 SECONDS EAST A DISTANCE OF 147.41 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR); THENCE DEPARTING THE SAID WESTERLY RIGHT-OF-WAY LINE OF SANDY SPRINGS CIRCLE AND ALONG A PROPERTY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO SANDY SPRINGS CHAPEL, INC. NORTH 18 DEGREES 09 MINUTES 26 SECONDS WEST A DISTANCE OF 481.83 FEET TO AN IRON PIN FOUND (THREE FOURTHS INCH PIPE); THENCE ALONG A PROPERTY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO PATRICK E. MCMANON NORTH 18 DEGREES 54 MINUTES 46 SECONDS EAST A DISTANCE OF 172.91 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR); THENCE ALONG A PROPERTY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO SUZANNE E. WORNER NORTH 18 DEGREES 29 MINUTES 27 SECONDS EAST A DISTANCE OF 129.98 FEET TO AN IRON PIN FOUND (TWO INCH OPEN TOP PIPE); THENCE ALONG A PROPERTY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO CARL L. CLARK ET AL. NORTH 18 DEGREES 09 MINUTES 14 SECONDS EAST A DISTANCE OF 75.31 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR); THENCE ALONG A PROPERTY LINE OF PROPERTIES NOW OR FORMERLY BELONGING TO SHELA CHAPMAN, INC. NORTH 18 DEGREES 09 MINUTES 14 SECONDS EAST A DISTANCE OF 127.28 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR); THENCE ALONG A PROPERTY LINE OF PROPERTIES NOW OR FORMERLY BELONGING TO FULTON COUNTY, GEORGIA SOUTH 63 DEGREES 12 MINUTES 28 SECONDS EAST A DISTANCE OF 257.05 FEET TO THE IRON PIN FOUND (ONE HALF INCH REBAR) AT THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 3.969 ACRES (BEING 172,876 SQUARE FEET) INCLUDING ALL EASEMENTS.

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
FULTON COUNTY, GEORGIA
RECEIVED
NOV 17 2001
DEPT. OF ENV. & COMM. DEV.

ALTA/ACSM SURVEY FOR
FOR
ELV ASSOCIATES, INC.
OF THE
SPRINGS LANDING SHOPPING CENTER



DATE	MONTH	YEAR	SCALE	INCHES	FEET	NO.	SECTION	DATE	BY	ISSUE

SHEET	NO.	TOTAL
1	1	1

(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 w-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.

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 21st day of September, 2010.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)



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NOV 17 2010

City of Sandy Springs
Community Development

CITY OF ATLANTA

KASIM REED
MAYOR

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

DEPARTMENT OF
WATERSHED MANAGEMENT
DEXTER WHITE
Interim Commissioner

NE10-008

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
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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 
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
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