

**CITY COUNCIL AGENDA ITEM**

**TO:** Mayor & City Council                      **DATE:** December 13, 2010

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** RZ10-009 - 200 Morgan Falls Road, *Applicant: City of Sandy Springs*, To rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single Family Dwelling District)

**MEETING DATE:** For Submission onto the December 21, 2010, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
Rezoning Petition

**APPROVAL BY CITY MANAGER:** gtm APPROVED  
\_\_\_\_\_ NOT APPROVED

**PLACED ON AGENDA FOR:** 12/21/2010

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

**CITY ATTORNEY APPROVAL:** wkw

**REMARKS:**

To: John McDonough, City Manager

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

BD

Date: December 7, 2010 for submission onto the December 21, 2010 City Council meeting

Agenda Item: **RZ10-009 200 Morgan Falls Road**, a Mayor and City Council initiated request to rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) conditional to allow Morgan Falls Overlook Park to be consistent with other City parks having an underlying single-family residential zoning district.

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

**APPROVAL CONDITIONAL** of the Mayor and City Council initiated request to rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) conditional to allow Morgan Falls Overlook Park to be consistent with other City parks having an underlying single-family residential zoning district.

***Background:***

On September 21, 2010, the City Council resolved to initiate this application to rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) conditional to allow Morgan Falls Overlook Park to be consistent with other City parks having an underlying single-family residential zoning district.

Please note: Under the zoning case Z92-042, allowing this M-2 district, condition 1.a. provided for the permitted use of a land based mineral extraction/reclamation operation and associated plant to expire on July 1, 2002.

***Discussion:***

The Mayor and City Council initiated the rezoning of the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) conditional to allow Morgan Falls Overlook Park to be consistent with other City parks having an underlying single-family residential zoning district.

NOTE: Prior to being zoned M-2, the subject property had an underlying zoning of R-2. And under condition 1.a. of zoning case Z92-042, the permitted use of a land based mineral extraction/reclamation operation and associate plant expired on July 1, 2002.

***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. RZ10-009**

**HEARING & MEETING DATES**

<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	December 21, 2010

**APPLICANT/PETITIONER INFORMATION**

<b>Property Owners</b> City of Sandy Springs	<b>Petitioner</b> City of Sandy Springs	<b>Representative</b> City of Sandy Springs
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**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	200 Morgan Falls Road Land Lot 83, District 17
<b>Council District</b>	2
<b>Frontage and Area</b>	911 feet of frontage along the north and west side of Morgan Falls Road. The subject property has a total area of 26.9 acres (1,171,764 square feet).
<b>Existing Zoning and Use</b>	M-2 (Heavy Industrial District) conditional under zoning case Z92-042/VC92-089. The subject property is currently developed with the Overlook Park.
<b>2027 Comprehensive Future Land Use Map Designation</b>	Public Recreational and Conservation
<b>Proposed Zoning</b>	R-2 (Single-family Dwelling District)

**INTENT**

**TO REZONE THE SUBJECT PROPERTIES FROM M-2 (HEAVY INDUSTRIAL DISTRICT) TO R-2 (SINGLE-FAMILY DWELLING DISTRICT).**

The Mayor and City Council initiated the rezoning of the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) conditional to allow Morgan Falls Overlook Park to be consistent with other City parks having an underlying single-family residential zoning district.

NOTE: Prior to being zoned M-2, the subject property had an underlying zoning of R-2. And under condition 1.a. of zoning case Z92-042, the permitted use of a land based mineral extraction/reclamation operation and associate plant expired on July 1, 2002.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**RZ10-009 - APPROVAL CONDITIONAL**

PLANNING COMMISSION RECOMMENDATION

RZ10-009 - APPROVAL CONDITIONAL

The petition was heard at the November 18, 2010 Planning Commission meeting. The Commission recommended approval subject to staff conditions. Approved (5-0, Thatcher, Pond, Maziar, Rupnow, and Tart for; Duncan not voting; Rubenstein absent).

Location Map



**BACKGROUND**

On September 21, 2010, the City Council resolved to initiate this application to rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) conditional to allow Morgan Falls Overlook Park to be consistent with other City parks having an underlying single-family residential zoning district.

Please note: Under the zoning case Z92-042, allowing this M-2 district, condition 1.a. provided for the permitted use of a land based mineral extraction/reclamation operation and associated plant to expire on July 1, 2002.

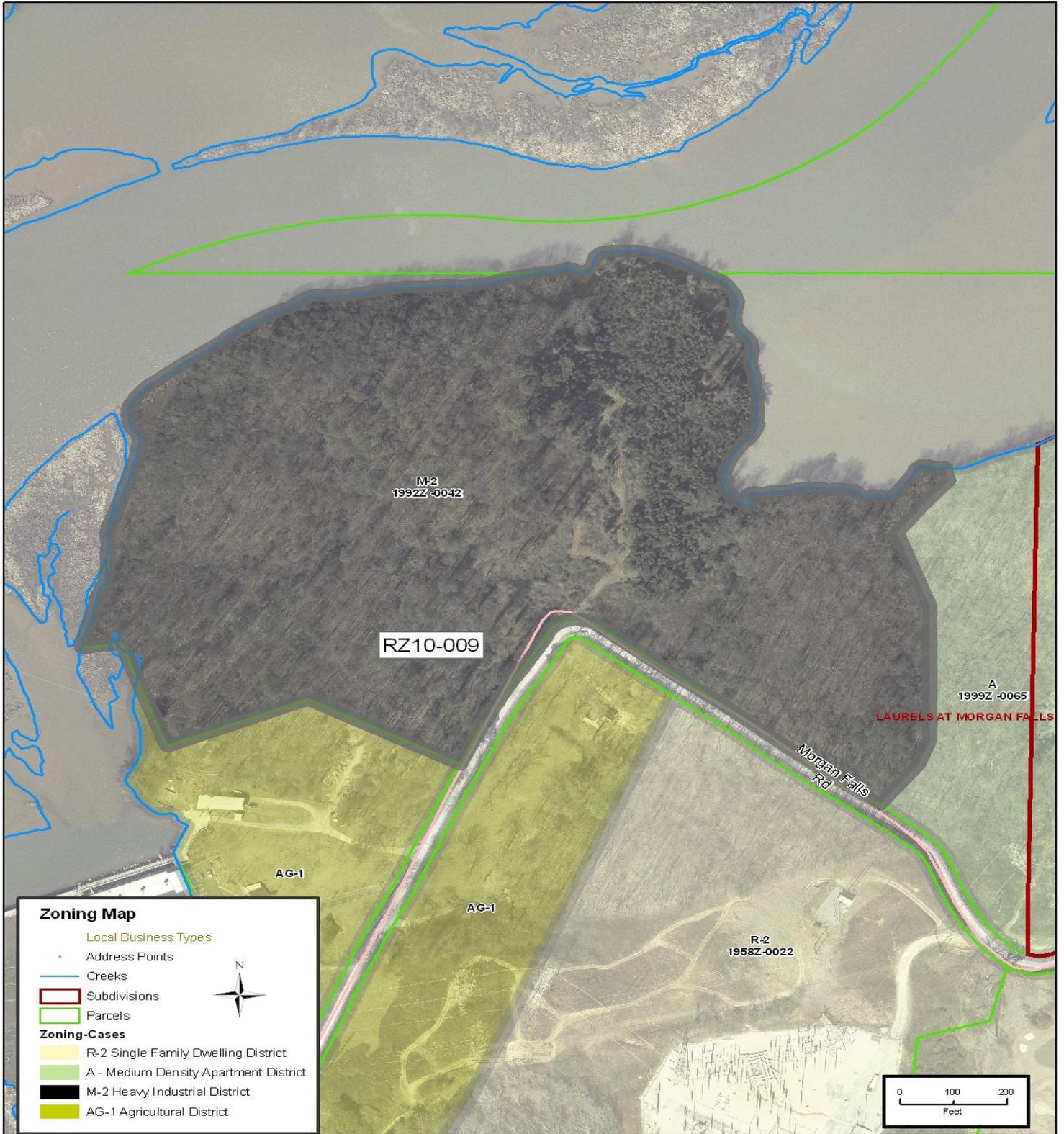
**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

<b>SUBJECT PETITION RZ10-009</b>	<b>Requested Zoning</b>	<b>Proposed Use</b>	<b>Land Area (Acres)</b>	<b>Number of Units</b>	<b>Density (Units per Acre)</b>
	R-2	Overlook Park	26.9	-----	-----
<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	-----	Bull Sluice Lake	-----	-----	-----
East	A Z99-065	Multi-Family Residential (Laurels at Morgan Falls)	44.91	232 Units	5.17 Units/ Acre
South	R-2 Z58-022	Georgia Power	-----	-----	-----
South	AG-1	Georgia Power	-----	-----	-----

West	-----	Bull Sluice Lake	-----	-----	-----

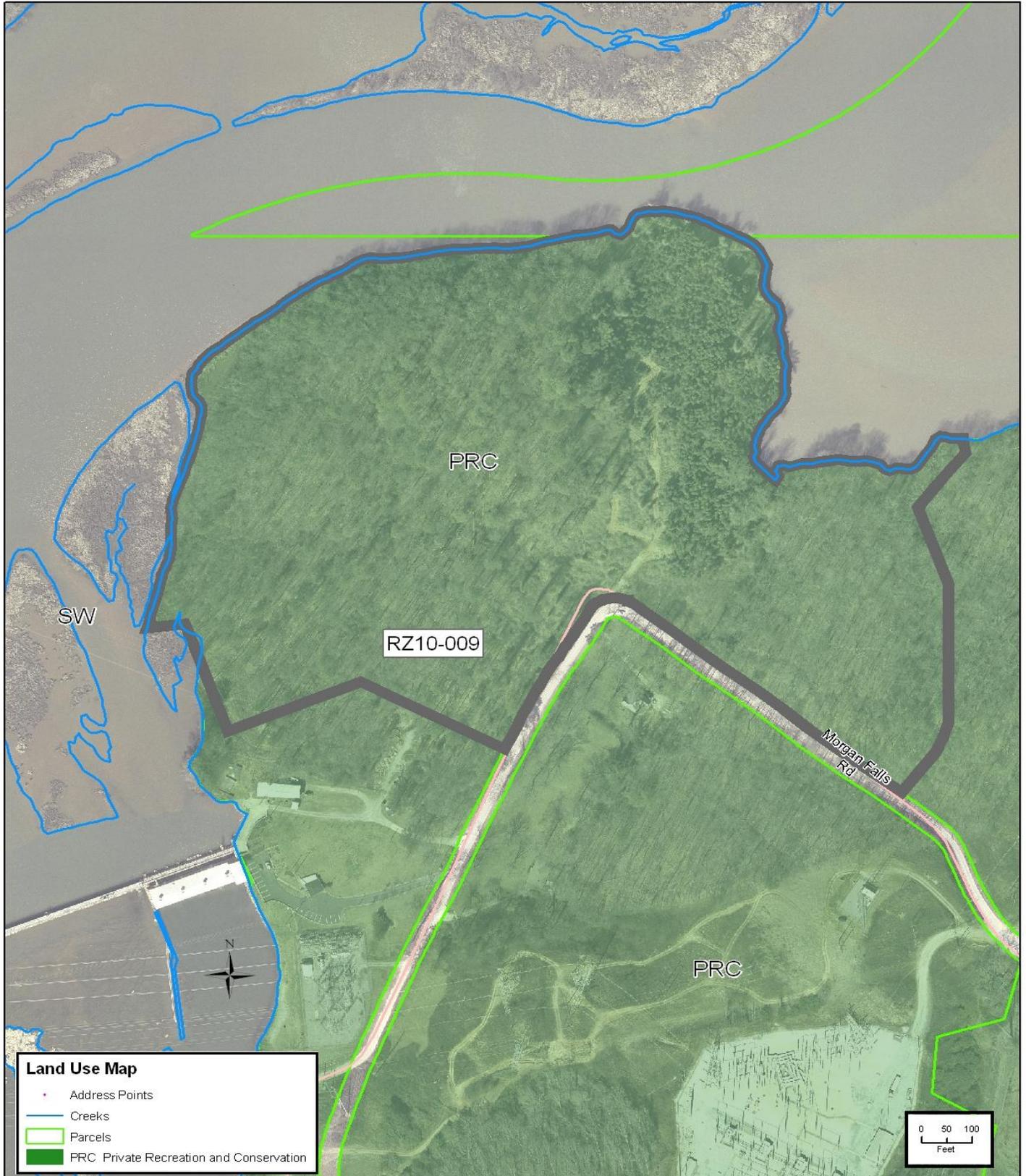
# Zoning Map

## 200 Morgan Falls Road



### Future Land Use Map

## 200 Morgan Falls Road





200 Morgan Falls Rd./Overlook Park



200 Morgan Falls Rd./Overlook Park



Sign

**SITE PLAN ANALYSIS**

The 26.9 acre tract is developed with an Overlook Park/ Recreational Facility.

**PARKING AND TRAFFIC IMPACT ANALYSIS**

The 26.9 acre tract is developed with an Overlook Park/ Recreational Facility having sufficient parking and traffic control as approved by the City of Sandy Springs.

**LANDSCAPE PLAN ANALYSIS**

The subject property appears to be well landscaped having an Overlook Park/ Recreational Facility developed on it.

**ENVIRONMENTAL SITE ANALYSIS**

Regarding this application, Staff is of the opinion the Environmental Site Analysis that was conducted has no environmental issues.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting on October 6, 2010 at which the following departmental comments were provided:

<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 zoning modification will cause an excessively burdensome use of existing streets or transportation facilities.</li> <li>• The subject property is located on a local street.</li> <li>• Right-of-way dedication: 30' from centerline of Morgan Falls Road</li> </ul>

- 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)

No comments or concerns have been received.

### Notice Requirements

The petition will be advertised in the Daily Report on November 11, 2010 and November 25, 2010. The applicant posted a sign issued by the Department of Community Development along the frontage of Morgan Falls Road on October 22, 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 area consists of multi-family residences and land used by Georgia Power.

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: This application is in conformity with the Comprehensive Plan and Future Land Use Map, which designates the property as Public Recreational and Conservation.

The staff is of the opinion that the owner's intent to rezone from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) conditional to allow Morgan Falls Overlook Park to be consistent with other City parks having an underlying single-family residential zoning district.

Additionally, prior to being zoned M-2, the subject property had an underlying zoning of R-2. And under condition 1.a. of zoning case Z92-042, the permitted use of a land based mineral extraction/reclamation operation and associated plant expired on July 1, 2002.

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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 or changing conditions affecting the use and development of the property, which give supporting grounds for approval of the applicant's proposal.

Prior to being zoned M-2, the subject property had an underlying zoning of R-2. And under condition 1.a. of zoning case Z92-042, the permitted use of a land based mineral extraction/reclamation operation and associated plant expired on July 1, 2002.

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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.

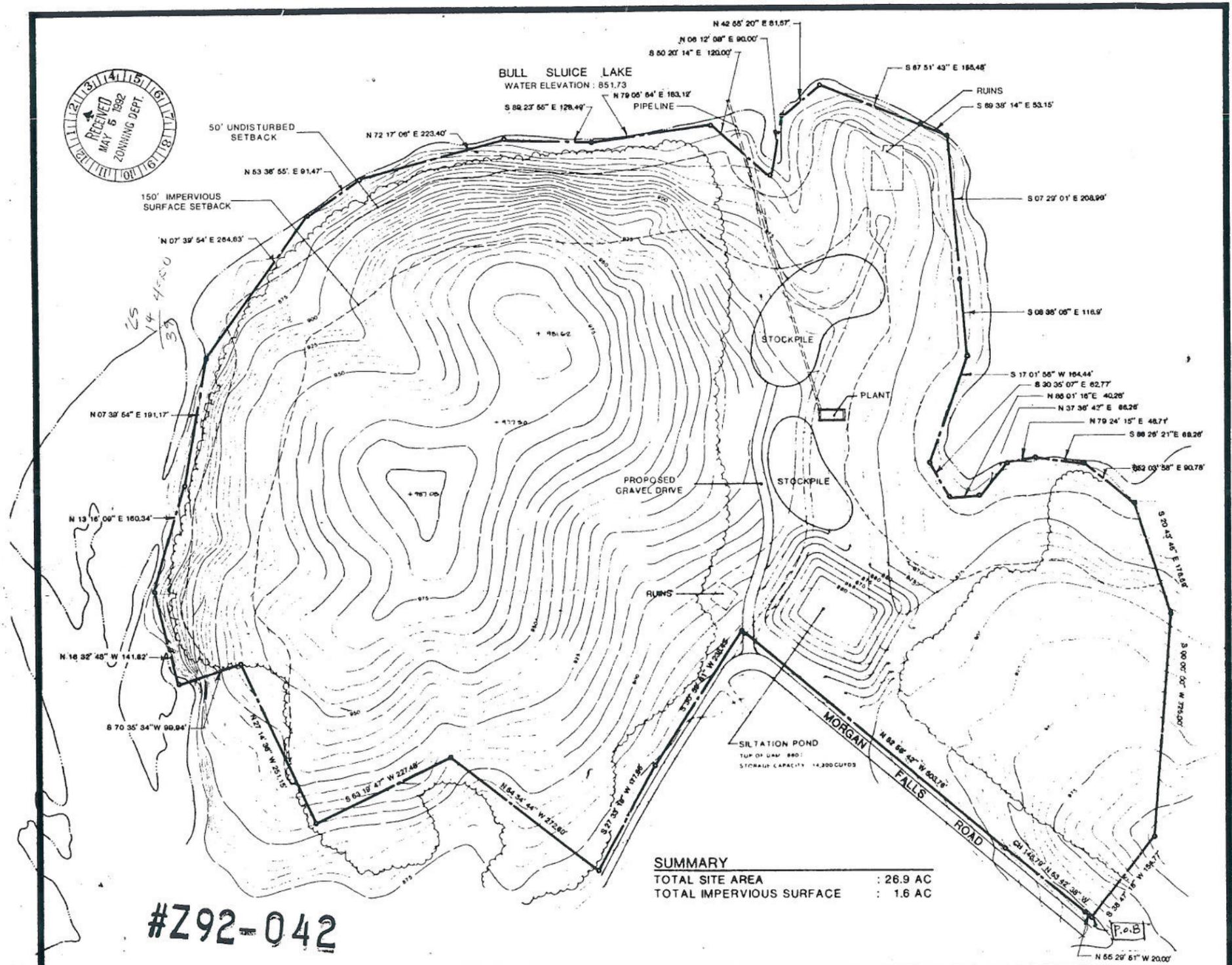
**STAFF RECOMMENDED CONDITIONS**

Should the Mayor and City Council decide to approve the petition to rezone from M-2 (Heavy Industrial District) conditional to R-2 (Single-family Dwelling District) conditional, 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. To a Recreational Facility and associated accessory uses.

**Attachments**

- Site Plan(s) dated received October 20,2010
- Resolution by the Planning Commission to request the Mayor and City Council initiate a rezoning petition approved September 21, 2010.
- Letter Fulton County Dept. of Health Services received October 20, 2010
- Letter City of Atlanta Dept. of Watershed Management received November 17, 2010
- Letter Fulton County Dept. of Environment and Community Development received October 20,2010



#Z92-042

SUMMARY	
TOTAL SITE AREA	: 26.9 AC
TOTAL IMPERVIOUS SURFACE	: 1.6 AC

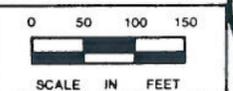


INTERIM LAND USE PLAN  
**MORGAN FALLS ROAD TRACT**  
 FULTON COUNTY, GEORGIA

FRANZMAN/DAVIS  
 & Associates, Ltd.  
 LAND PLANNERS • LANDSCAPE ARCHITECTS  
 ATLANTA MARCH 3, 1992



PREPARED FOR:  
**ATLANTA SAND AND SUPPLY CO.**



RZ10-009

**RECEIVED**  
 OCT 20 2010  
 City of Sandy Springs  
 Community Development

**KAYAK STORAGE**

- STORAGE BUILDINGS
- ACCESS TO RIVER AND EXISTING PIER VIA ADA ACCESSIBLE, PERVIOUS CONCRETE TRAIL

**ENTRY AREA & PARKING**

- PLAZA WITH DECORATIVE PAVING, CITY LOGO, & FLAG COURT
- OVERLOOK OF THE CHATTAHOOCHEE RIVER
- 95 PARKING SPACES
- SPACES CLOSEST TO RIVER ARE PERVIOUS ASPHALT
- SMALL RESTROOM FACILITY

**RIVER OVERLOOK**

- SHADE ARBORS WITH PORCH SWINGS OVERLOOKING THE CHATTAHOOCHEE RIVER
- DECORATIVE SEAT WALLS WITH STONE FIRE PIT
- ACCESS TO EXISTING PIER

**OPEN LAWN**

- SHADE ARBORS WITH PORCH SWINGS OVERLOOKING THE CHATTAHOOCHEE RIVER
- WOOD FENCE TO LIMIT ACCESS TO RIPARIAN AREAS

**RIPARIAN ZONE**

- REPLANT BUFFERS WITH NATIVE TREES, SHRUBS AND GRASSES

**LARGE PICNIC PAVILION**

- FIREPLACE
- MULTIPLE GRILLS
- ACCOMMODATES LARGE GROUPS
- HORSESHOES PIT

**PLAYGROUND**

- PLAY AREAS SEPARATED BY AGE GROUPS
- SHADED SEATING AREAS FOR PARENTS

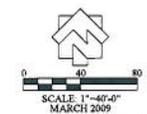


2210-009

**RECEIVED**  
 City of Sandy Springs  
 Community Development  
 OCT 20 2010  
**LEE & ASSOCIATES, INC.**  
 LANDSCAPE ARCHITECTURE - ARCHITECTURE - ENGINEERING



VIEW FROM THE CHATTAHOOCHEE RIVER



FINAL MASTER PLAN  
**MORGAN FALLS  
 OVERLOOK PARK**  
 SANDY SPRINGS, GA

# 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**

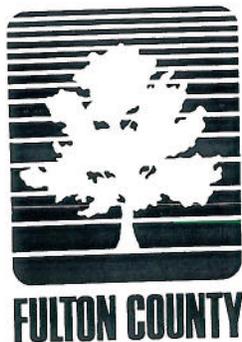
AGENDA ITEM	ZONING COMMENTS
RZ10-008	The Fulton County Department of Health Services does not anticipate any health problems with this proposal to rezone the subject properties from C-1 (Community Business District) conditional to C-1 (Community Business District).
RZ10-009	The Fulton County Department 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.

**RECEIVED**

OCT 20 2010

City of Sandy Springs  
Community Development

RZ10-009



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

**RECEIVED**

OCT 20 2010

City of Sandy Springs  
Community Development

12710-009



# 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

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

RECEIVED

NOV 17 2010

City of Sandy Springs  
Community Development

Subject: Water Availability at 200 Morgan Falls Road

Dear Ms. Ruffin,

In response to your letter we offer the following:

1. There is an existing 8-inch water main along Morgan Falls Road. 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 8" main has a capacity of 1978 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

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO APPROVE THE INITIATION OF REZONING FOR THE 200 MORGAN FALLS ROAD LOCATED IN LAND LOT 77, 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 200 Morgan Falls Road is currently zoned M-2 (Heavy Industrial District) conditional under Fulton County zoning case Z92-0042; and

**SECTION 2.** That the conditions of Z92-0042 allowed the use of the property for mineral extraction for a period of 10 years; and

**SECTION 3.** That due to the expiration of the use permitted in 1992 and the current use of the property as the Morgan Falls Overlook Park, the Mayor and City Council finds that it is appropriate that the parcel be zoned back to the original R-2 (Single Family Dwelling District) classification.

**SECTION 4.** The Mayor and City Council hereby approve the initiation of the rezoning of 200 Morgan Falls Road.

**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

OCT 20 2010

City of Sandy Springs  
Community Development

RZ10-009