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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** September 9, 2010

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** RZ10-006/U10-005/CV10-007 - 1105 Mount Vernon Highway, Applicant: Dunwoody Storage LLC, To rezone the subject property from C-1 conditional to C-1 to allow for additional commercial uses within the existing building, with concurrent variances and a use permit to maintain the existing self-storage facility

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

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

See attached:

Memorandum  
Petition for Rezoning

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**APPROVAL BY CITY MANAGER:**  APPROVED

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

**PLACED ON AGENDA FOR:** 9/21/2010

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

**CITY ATTORNEY APPROVAL:** 

**REMARKS:**

To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Director of Community Development 

Date: August 31, 2010 for submission onto the September 21, 2010 City Council meeting

Agenda Item: **RZ10-006/U10-005/CV10-009 1105 Mount Vernon Highway**, Request to rezone from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional, with a Use Permit & Concurrent Variance(s), to allow for additional commercial uses and to maintain the self-storage facility.

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

**APPROVAL CONDITIONAL** of the request to rezone from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional, with a Use Permit & Concurrent Variance(s), to allow for additional commercial uses and to maintain the self-storage facility.

***Background:***

The site is located at the southwest corner of Peachtree-Dunwoody Road and Mount Vernon Highway. The property is zoned C-1 (Community Business District) conditional under RZ09-008/U09-008/CV09-017 and is currently developed with a 148,800 square foot self-storage facility and is approved for an additional 69,669 square feet of building area in addition to the square footage constructed.

***Discussion:***

The applicant is requesting to rezone to C-1 (Community Business District) conditional, with a Use Permit & Concurrent Variance(s), to allow for additional commercial uses and to maintain the self-storage facility. It is currently developed with a 148,800 square foot self-storage facility and is approved for an additional 69,669 square feet of building area in addition to the square footage constructed. Of either the aforementioned existing 148,800 square feet or the future total square footage of 218,469, the applicant is proposing to dedicate a total of 5,000 square feet to retail and service commercial and general office uses.

The applicant is also requesting a use permit to maintain the existing self-storage facility (Article 19.4.41(1), *Self Storage/MULTI*).

Additionally, the applicant is requesting five (5) concurrent variances as follows:

1. Variance from Section 4.23.1 of the Zoning Ordinance to delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines,
2. Variance from Section 33.6.8 of the Zoning Ordinance to reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway,

3. Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required off-street parking for Mini-warehouses and Retail uses from seventy-one (71) spaces to thirty-three (33) spaces.
4. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots, and
5. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements.

***Concurrent Review:***

The staff held a Focus Meeting on July 7, 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
- 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. RZ10-006/U10-005/CV10-009**

<b>HEARING &amp; MEETING DATES</b>				
<b>Community Zoning Information Meeting</b>	<b>Design Review Board Meeting</b>	<b>Community Developer Resolution Meeting</b>	<b>Planning Commission Hearing</b>	<b>Mayor and City Council Hearing</b>
June 22, 2010	N/A	July 29, 2010	August 19, 2010	September 21, 2010

<b>APPLICANT/PETITIONER INFORMATION</b>		
<b>Property Owners</b>	<b>Petitioner</b>	<b>Representative</b>
Dunwoody Storage LLC	Dunwoody Storage LLC	Nathan V. Hendricks III

<b>PROPERTY INFORMATION</b>	
<b>Address, Land Lot, and District</b>	1105 Mount Vernon Highway Land Lot 19, District 17
<b>Council District</b>	5
<b>Frontage and Area</b>	395 feet of frontage along the south side of Mount Vernon Highway and 206 feet of frontage along the west side Peachtree Dunwoody Road. The subject property has a total area of approximately 1.51 acres (65,776 sq.ft.).
<b>Existing Zoning and Use</b>	C-1 (Community Business District) conditional under zoning case RZ09-008/U09-008/CV09-017. The property is developed with a self storage facility.
<b>Overlay District</b>	PCID
<b>2027 Comprehensive Future Land Use Map Designation</b>	Live-Work Regional (LWR), Node 6: PCID (Perimeter Community Improvement District - Live Work Regional only)
<b>Proposed Zoning</b>	C-1 (Community Business District)

**INTENT**  
**FROM C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL TO C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL, WITH A USE PERMIT & CONCURRENT VARIANCE(S).**

The applicant is requesting to rezone to C-1 (Community Business District) conditional, with a Use Permit & Concurrent Variance(s), to allow for additional commercial uses and to maintain the self-storage facility. It is currently developed with a 148,800 square foot self-storage facility and is approved for an additional 69,669 square feet of building area in addition to the square footage constructed. Of either the aforementioned existing 148, 800 square feet or the future total square footage of 218,469, the applicant is proposing to dedicate a total of 5,000 square feet to retail and service commercial and general office uses.

The applicant is also requesting a use permit to maintain the existing self-storage facility (Article 19.4.41(1), *Self Storage/MULTI*).

Additionally, the applicant is requesting five (5) concurrent variances as follows:

1. Variance from Section 4.23.1 of the Zoning Ordinance to delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines,
2. Variance from Section 33.6.8 of the Zoning Ordinance to reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway,

3. Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required off-street parking for Mini-warehouses and Retail uses from seventy-one (71) spaces to thirty-three (33) spaces.
4. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots, and
5. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements.

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**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**RZ10-006 - APPROVAL CONDITIONAL**  
**U10-005 - APPROVAL CONDITIONAL**  
**CV10-009 #1 - APPROVAL CONDITIONAL**  
**CV10-009 #2 - APPROVAL CONDITIONAL**  
**CV10-009 #3 - APPROVAL CONDITIONAL**  
**CV10-009 #4 - APPROVAL CONDITIONAL**  
**CV10-009 #5 - APPROVAL CONDITIONAL**

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**PLANNING COMMISSION RECOMMENDATION**

**The petition was heard at the August 19, 2010 Planning Commission meeting.** The Commission recommended denial. Approved (4-1, Pond, Maziar, Rubenstein, and Tart for; Thatcher against; Duncan not voting; Rupnow absent). In approving the recommendation for denial, the Commission expressed the following concern(s): The proposed Barber/Beauty Personal Service(s) would not be considered accessory to the existing Self Storage Facility and would generate problematic issues regarding traffic flow and parking.



## BACKGROUND

The site is located at the southwest corner of Peachtree-Dunwoody Road and Mount Vernon Highway. The property is zoned C-1 (Community Business District) conditional under RZ09-008/U09-008/CV09-017 and is currently developed with a 148,800 square foot self-storage facility and is approved for an additional 69,669 square feet of building area in addition to the square footage constructed.

The following are the RZ09-008/U09-008/CV09-017 conditions of approval:

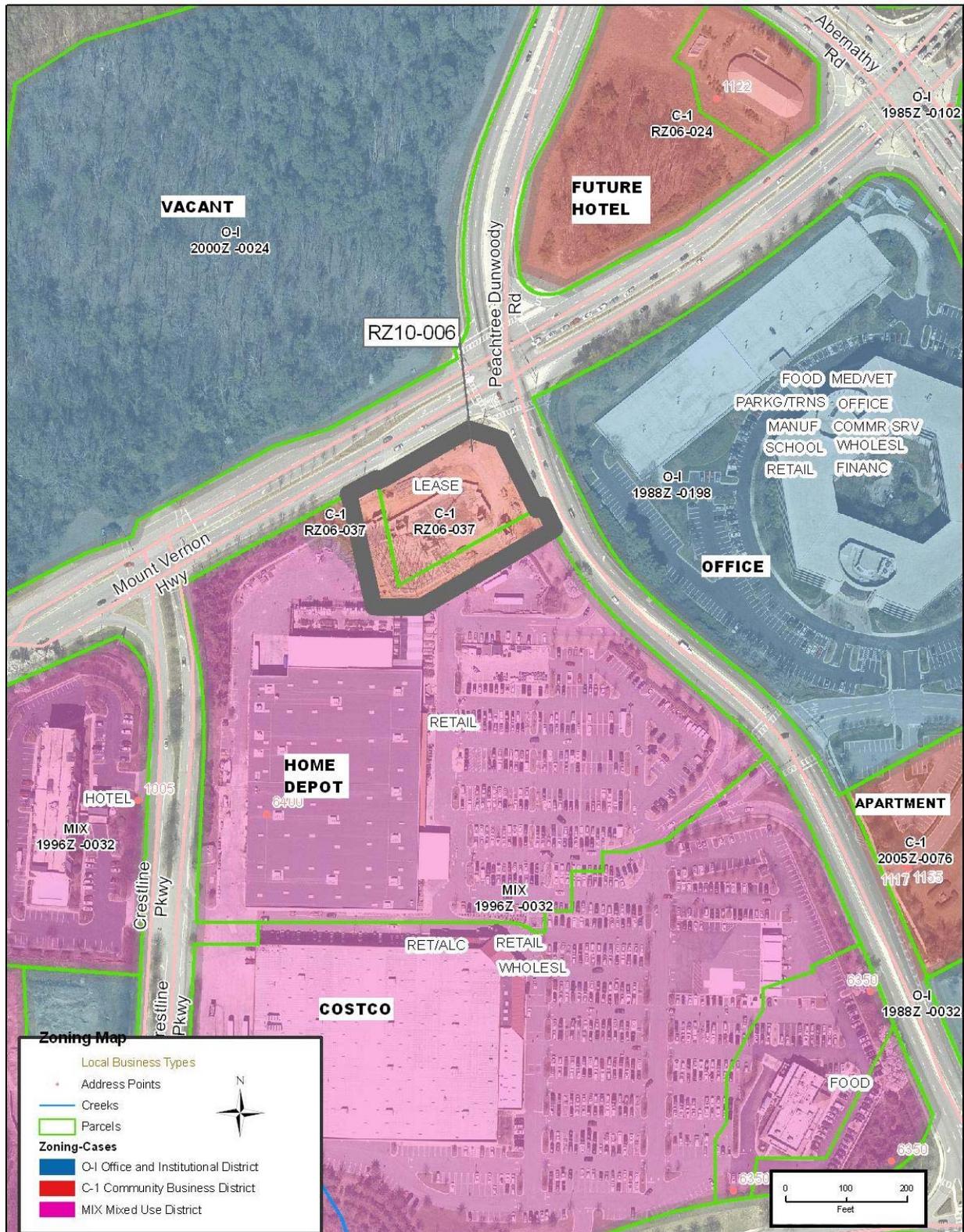
1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To a 218,469 square foot storage facility and associated accessory uses with no more than 5,000 square feet of retail and service commercial uses within a single structure developed at a total density of 144,681.45 square feet per acre (U09-008).
  - b. To prohibit the following uses: Indoor Amusements, Art Galleries, Clinics, Financial Establishments, Health Club/Spa, Laundromats, Laundry & Dry Cleaning Shops, Libraries, Communication Services, Museums, Offices, Personal Services (including barber/beauty), Pet Grooming (no overnight stay), Convenience Printing Shops, Repair Shops not involving manufacturing on site, Research Laboratories, Collecting Recycling Centers, and Convenience Stores.
  - c. To limit the access to the proposed retail and service commercial uses to the existing main entrance(s).
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on November 2, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. Delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines (CV09-017).
  - b. To reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway (CV09-017).
  - c. To reduce the required off-street parking for Mini-warehouses and Retail uses from forty-seven (47) spaces to twenty-one (21) spaces (CV09-017).
  - d. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Mount Vernon Highway along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - e. The owner/developer shall upgrade the deceleration lane to the permitted access point on Mount Vernon Highway to City of Sandy Springs Driveway Manual standards at time of building permit for the future 4-story self storage building addition as shown on the site plan received by the Department of Community Development on November 2, 2009.

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

<b>SUBJECT PETITION</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>
<b>RZ10-006/U10-005/CV10-009</b>	C-1	Self-storage facility to include retail and service commercial and general office	1.51	218,469	144,681
<b>Location in relation to subject property</b>	<b>Zoning</b>	<b>Use</b>	<b>Land Area (Acres)</b>	<b>Square Feet</b>	<b>Density (Square Feet Per Acre)</b>
North	O-I, conditional Z00-0024	Vacant	10.94	---	---
East	O-I, conditional Z88-0198	1117 and 1155 Perimeter Center West - office buildings	25.46	1,782,000	69,992
South and West	MIX, conditional Z96-0032	6400 Peachtree- Dunwoody Road - Home Depot/ Costco shopping center	11.00	251,600	22,873

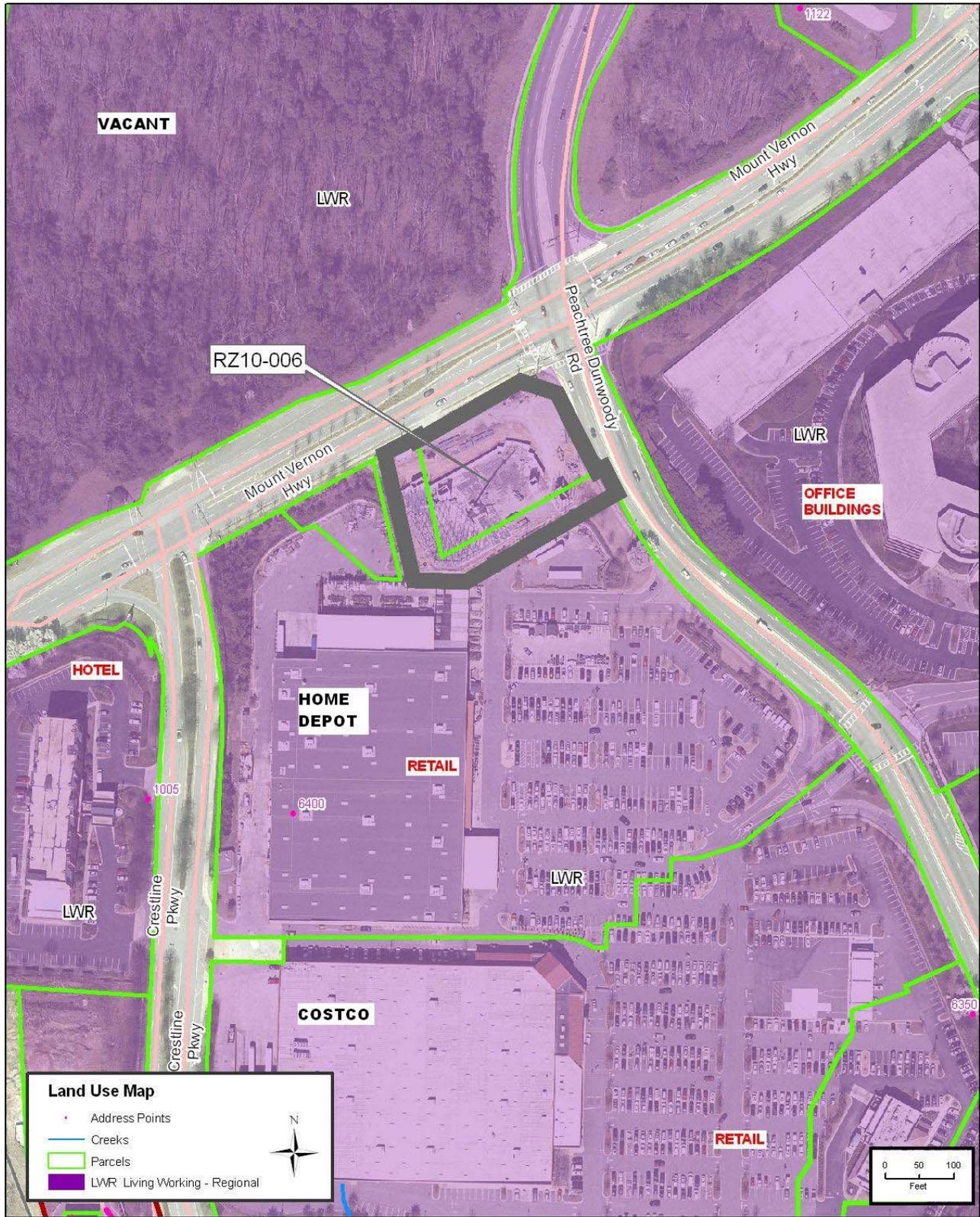
# Zoning Map

## 1105 Mount Vernon Highway NE



# Future Land Use Map

## 1105 Mount Vernon Highway NE





Subject Property



North of the Subject Property



East of the Subject Property (Offices)



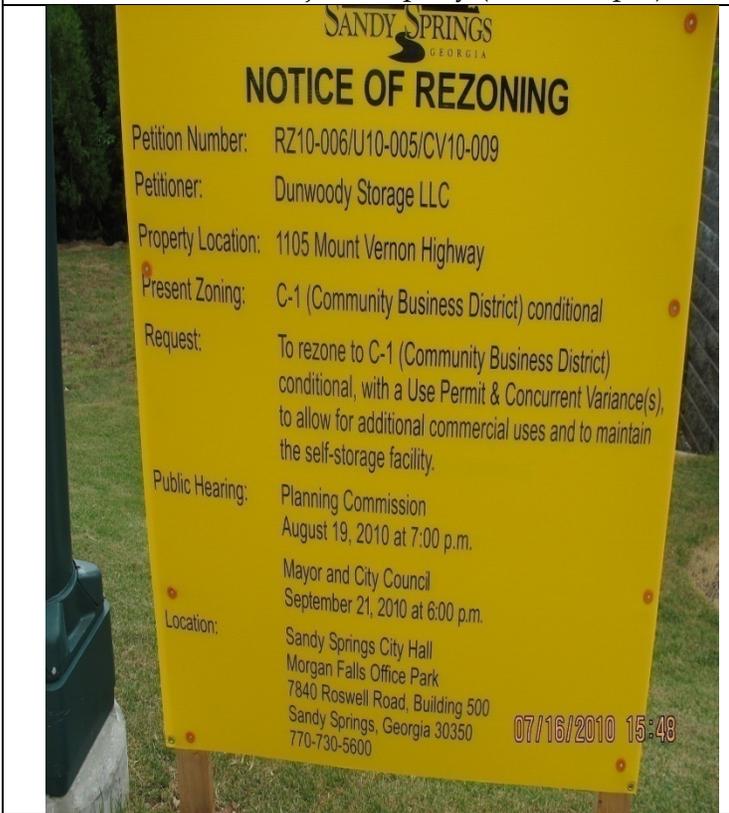
South of the Subject Property (Home Depot)



South of the Subject Property (Home Depot)



Sign



Sign

## SITE PLAN ANALYSIS

The site plan indicates an existing 148,800 square foot self-storage facility. Under RZ06-037, the applicant is approved to develop an additional 69,669 square feet of building area (four stories). The finished storage facility will have a total square footage of 218,469 square feet developed at a density of 144,681.45 square feet per acre. Of either the aforementioned existing 148,800 square feet or the future total square footage of 218,469, the applicant is proposing to dedicate a total of 5,000 square feet to retail and service commercial and general office uses.

The site plan provides for parking along the property frontages between the proposed building and the streetscape to be installed. The site plan also depicts a loading area at the northwest end of the building. The plan also indicates a right in/right out access from Mount Vernon Highway only.

## PARKING AND TRAFFIC IMPACT ANALYSIS

Section 18.2.1, *Basic Off-street Parking Requirements*, requires a minimum amount of parking spaces for Mini-warehouses and for retail uses. Based on the aforementioned proposed uses, the most required parking is seventy-one (71) spaces calculated as follows:

- 213,469 s.f. Mini-warehouse (1 spaces/5000 s.f.)= 43 spaces (plus 1 space per employee)= 3 spaces
- 5,000 s.f. retail/service commercial (5 spaces/1000 s.f.)= 25 spaces

NOTE: There was a technical miscalculation made under the previously approved RZ09-008/U09-008/CV09-017 application in that it was determined forty-seven (47) total spaces were required for the storage facility and retail/service commercial uses. Technically, seventy-one (71) total spaces are required as indicated above.

The applicant has changed the configuration of the existing parking field to increase the spaces from twenty-one (21) to thirty-three (33) and has entered into a parking agreement (attached) whereby the adjoining Home Depot property owner has proffered to share three (3) spaces and up to fifteen (15) total spaces on an as needed basis. This would bring the total parking available to Dunwoody Storage to forty-eight (48) spaces.

Staff has analysed Home Depot's parking situation and has determined that even with fifteen (15) of its parking spaces dedicated to Dunwoody Storage, Home Depot would be in compliance with the parking regulations.

Especially in light of the increase in available parking to Dunwoody Storage from the original twenty-one (21) spaces to forty-eight (48) spaces, staff is of the same opinion written in the RZ09-008/U09-008/CV09-017 report in that the facility has operated with the existing parking without problems, and the retail and office uses would operate out of much less than one-half (2.3%) of the total approved square footage of 218,469 S.F. Additionally, City enforcement of the shared parking agreement between Dunwoody Storage and Home Depot has been incorporated into the Staff Recommended Conditions under 3.b.

## LANDSCAPE PLAN ANALYSIS

The subject property has existing streetscape required under the standards of the Perimeter Center Improvement District (PCID).

The site plan provides for parking primarily along the property frontages between the building and the installed streetscape. Staff is of the opinion the street trees will adequately shade the parking surface.

## ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known wetlands, streams, sensitive plants and/or animal species, or archaeological/historical sites. The site is not located within any floodplains. There are some steep slopes on the site. The report, in its entirety, is within the case file as a matter of record.

## DEPARTMENT COMMENTS

The staff held a Focus Meeting on July 7, 2010 at which the following departmental comments were provided:

<b>BUILDING AND DEVELOPMENT DIVISION</b>	Sandy Springs Building Officer	<ul style="list-style-type: none"> <li>No building comments need to be addressed at this time.</li> </ul>
	Sandy Springs Engineering Plan Reviewer	<ul style="list-style-type: none"> <li>No apparent site development issues noted.</li> </ul>
	Sandy Springs Landscape Architect/Arborist	<ul style="list-style-type: none"> <li>No comments</li> </ul>
<b>FIRE DEPT.</b>	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> <li>Building must comply with allowable height and area per IBC as well as to adjacent fire exposures. Fire department access doors must be provided per 120-3-3.</li> </ul>
<b>TRANSPORTATION</b>	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> <li>Right-of-Way dedication: 55' from the centerline of Mount Vernon Highway</li> <li>Public Works does not anticipate that the proposed use permit will cause an excessively burdensome use of existing streets or transportation facilities.</li> </ul>
	Georgia Department of Transportation	<ul style="list-style-type: none"> <li>There are no GDOT requirements that need to be met at this time.</li> </ul>

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

## PUBLIC INVOLVEMENT

### Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held June 22, 2010 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held July 29, 2010 at the Sandy Springs City Hall

### Public Comments

There has been no opposition expressed by the public with regard to the petition.

### Notice Requirements

The petition was advertised in the Daily Report on August 12, 2010 and August 26, 2010. The applicant posted a sign issued by the Department of Community Development along the frontage of Mount Vernon Highway and Peachtree-Dunwoody Road on July 16, 2010.

### Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on February 16, 2010. The Public Participation Report has been submitted on or before September 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 facility use is appropriate in view of the density and use of the surrounding developments.

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B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The proposal is not expected to adversely affect the existing use or usability of adjacent commercial and office properties.

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

Finding: The staff is of the opinion that the 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 anticipates that the proposal will have no significant impact on the existing infrastructure. Public Works does not anticipate that the proposed use permit will cause an excessively burdensome use of existing streets or transportation facilities.

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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 owner/developer's proposal for a storage facility having ancillary retail and service commercial and general office uses is in conformity with the Comprehensive Plan or Future Land Use Map, which designates the property as Live-Work Regional (LWR). The LWR land use designation recommends a density of over 25,000 square feet per acre for commercial and office uses plus over 20 residential units per acre. The applicant is proposing to develop the facility site at a density of 144,681.45 square feet per acre. The proposal, however, does not include a residential component. The LWR land use designation recommends a height limit of 8 stories, which the proposal does not exceed.

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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 no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

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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 zoning proposal will not permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

## USE PERMITS

The applicant is requesting a use permit to allow for a self-storage facility (Article 19.4.41(1), *Self Storage/MULTI*).

Per Article 19.2.4, Use Permit Considerations, the City Council shall consider each of the following:

*A. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;*

Finding: The staff is of the opinion that the proposal is consistent with the Future Land Use Map, which designates the property as Live-Work Regional (LWR). The LWR land use designation recommends a density of over 25,000 square feet per acre for commercial and office uses plus over 20 residential units per acre. The applicant is proposing to develop the commercial site at a density of 144,681.45 square feet per acre. However, the proposal does not include a residential component. Additionally, the LWR land use designation recommends a height limit of 8 stories, which the proposal does not exceed.

*B. Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;*

Finding: The staff is of the opinion that the proposal is compatible with the land uses and zoning districts in the vicinity of the property. The property is located in the Perimeter Center Improvement District (PCID), which is the location of several office buildings, commercial properties, and residential uses that could be expected to be attracted to the facility.

*C. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;*

Finding: The staff is of the opinion that the proposed use would not violate any local, state, and/or federal statutes, ordinances, or regulations.

*D. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;*

Finding: The staff is of the opinion that the proposal will not have an adverse impact on vehicular and pedestrian traffic flow along the property frontages. The applicant has provided for right in/right out access only the site and has also provided the required streetscape, which includes sidewalks. Public Works does not anticipate that the proposed use permit will cause an excessively burdensome use of existing streets or transportation facilities.

*E. The location and number of off-street parking spaces;*

Finding: The applicant is requesting a variance to allow less than the required parking spaces; however, the facility has operated with the existing parking without problems, and the retail and office uses would operate out of much less than one-half (2.3%) of the total approved square footage of 218,469 S.F.

*F. The amount and location of open space;*

Finding: The applicant is not proposing any new open space for the site. The applicant has provided streetscape consistent with the PCID standards. The site plan provided by the applicant indicates future landscaping to be 17, 757 square feet or 27%, which meets the 20% policy standard.

*G. Protective screening;*

Finding: The applicant has not provided for any additional screening outside the streetscape required.

*H. Hours and manner of operation;*

Finding: The applicant has stated that the storage facility's office will operate from 9 a.m. to 6 p.m., Monday through Saturday, and 1 p.m. to 5 p.m. on Sunday. The applicant stated the hours of operation of the proposed retail and service commercial and general office uses would be between 6:00 a.m. and 11:00 p.m.

*I. Outdoor lighting; and*

Finding: The applicant has stated that the lighting for the parking lot will continue to be down-lit and that there will continue to be accent lighting around the facility.

*J. Ingress and egress to the property.*

Finding: The applicant provides one curb cut for the site from Mount Vernon Highway. The access point is right in/right out only.

## CONCURRENT VARIANCES

Article 22 of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

- A. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,*
- B. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,*
- C. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.*

The applicant is requesting five (5) concurrent variances, as follows:

1. Variance from Section 4.23.1 of the Zoning Ordinance to delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public because the deletion of the 10 foot landscape strip required between the Dunwoody Storage property and the Home Depot property will not adversely affect the surrounding area due to its inconspicuous location. Additionally, this variance request was previously approve under RZ06-037/U06-005/CV06-021. Therefore, based on these reasons, the staff recommends APPROVAL of the variance to delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines.*

2. Variance from Section 33.6.8 of the Zoning Ordinance to reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public because the location of the two (2) proposed monument signs in the landscape strips will not have a negative impact as the landscape strips are located outside of the public right-of-way. Additionally, this variance request was previously approve under RZ06-037/U06-005/CV06-021. Therefore, based on these reasons, the staff recommends APPROVAL of the variance to reduce the required 10 foot sign setback from the right-of-way to 0 feet*

*to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway.*

3. Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required off-street parking for Mini-warehouses and Retail uses from seventy-one (71) spaces to thirty-three (33) spaces.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public because the applicant has changed the configuration of the existing parking field to increase the spaces from twenty-one (21) to thirty-three (33) and has entered into a parking agreement (attached) whereby the adjoining Home Depot property owner has proffered to share three (3) spaces and up to fifteen (15) total spaces on an as needed bases. This would bring the total parking available to Dunwoody Storage to forty-eight (48) spaces.*

*Staff has analysed Home Depot's parking situation and has determined that even with fifteen (15) of its parking spaces dedicated to Dunwoody Storage, Home Depot would be in compliance with the parking regulations.*

*Especially in light of the increase in available parking to Dunwoody Storage from the original twenty-one (21) spaces to forty-eight (48) spaces, staff is of the same opinion written in the RZ09-008/U09-008/CV09-017 report in that the reduction in the required off-street parking will not have a negative impact as the facility has operated with the existing parking without problems, and the retail and office uses would operate out of much less than one-half (2.3%) of the total approved square footage of 218,469 S.F. Additionally, City enforcement of the shared parking agreement between Dunwoody Storage and Home Depot has been incorporated into the Staff Recommended Conditions under 3.b. Therefore, based on these reasons, the staff recommends **APPROVAL** of the variance to reduce the required off-street parking for Mini-warehouses and Retail uses from seventy-one (71) spaces to thirty-three (33) spaces.*

4. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public because the subject property has existing streetscape required under the standards of the Perimeter Community Improvement District (PCID). The site plan provides for parking primarily along the property frontages between the building and the street trees. Staff is of the opinion the street trees will adequately shade the parking surface. Additionally, the parking surface is existing and is not proposed to be enlarged; it is proposed to be re-stripped. Therefore, based on these reasons, the staff recommends **APPROVAL** of the variance to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots.*

5. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public because the subject property has existing streetscape required under the standards of the Perimeter Community Improvement District (PCID). The site plan provides for parking primarily along the property frontages between the building and the street trees. Staff is of the opinion the street trees will adequately shade the parking surface. Additionally, the parking surface is existing and is not proposed to be enlarged; it is proposed to be re-striped. Therefore, based on these reasons, the staff recommends APPROVAL of the variance to delete the parking lot landscaping requirements.*

## 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. The staff also recommends approval of the associated concurrent variances.

## STAFF RECOMMENDED CONDITIONS

The Staff recommends **APPROVAL CONDITIONAL** of the rezoning from C-1 (Community Business District) conditional to **C-1 (Community Business District)**, use permit (U10-005), and concurrent variances (CV10-009) subject to the following conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To a 218,469 square foot storage facility with no more than 5,000 square feet of retail and service commercial and general office uses within a single structure developed at a total density of 144,681.45 square feet per acre (U10-005).
  - b. To prohibit the following uses: Indoor Amusements, Art Galleries, Clinics, Financial Establishments, Massage Parlors, Adult Establishments/Businesses, Laundromats, Laundry & Dry Cleaning Shops, Libraries, Communication Services, Museums, Pet Grooming (no overnight stay), Convenience Printing Shops, Repair Shops not involving manufacturing on site, Research Laboratories, Collecting Recycling Centers, and Convenience Stores.
  - c. To limit the access to the proposed retail and service commercial uses to the existing main entrance(s).
  - d. To restrict the hours of operation of the proposed retail and service commercial and general office uses to between 6:00 a.m. and 11:00 p.m.
  
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on June 30, 2010. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
  - b. To fully implement and utilize the Shared Parking Easement Letter Agreement ("Letter Agreement") between The Home Depot, Inc. and Dunwoody Storage, LLC as written in the Letter Agreement received by the Department of Community Development July 9, 2010. As stipulated in the Letter Agreement, the owner shall utilize three (3) of Home Depot's parking spaces. Additionally, the owner shall utilize the additional twelve (12) Home Depot's parking spaces offered in the Letter Agreement. The aforementioned total fifteen (15) spaces shall be used for, but not limited to, all employees and tenants within the subject building.

3. To the owner's agreement to provide the following site development standards:
  - a. Variance from Section 4.23.1 of the Zoning Ordinance to delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines. (CV10-009).
  - b. Variance from Section 33.6.8 of the Zoning Ordinance to reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway (CV10-009).
  - c. Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required off-street parking for Mini-warehouses and Retail uses from seventy-one (71) spaces to thirty-three (33) spaces (CV10-009).
  - d. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots (CV10-009).
  - e. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements (CV10-009).
  - f. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Mount Vernon Highway along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - g. The owner/developer shall upgrade the deceleration lane to the permitted access point on Mount Vernon Highway to City of Sandy Springs Driveway Manual standards at time of building permit for the future 4-story self storage building addition as shown on the site plan received by the Department of Community Development on June 30, 2010.

## Attachments

Site Plan received June 30, 2010

Letters of Intent received June 2, 2010 and June 30, 2010

Applicant Zoning Impact Analysis dated received June 2, 2010

Applicant Use Permit Considerations dated received June 2, 2010

Letter Fulton County Dept. of Health Services received July 14, 2010

City of Atlanta Dept. of Water Shed Management received August 18, 2010



1105 Mt. Vernon Hwy.  
Sandy Springs, Georgia 30328  
770.350.0070 / 770.913.9016 FAX  
[info@dunwoodyselfstorage.com](mailto:info@dunwoodyselfstorage.com)

RZ10-006  
V10-005  
CV10-009

June 30, 2010

Ms. Nancy Leathers  
Director of Community Development  
7840 Roswell Road, Building 500  
Sandy Springs, GA 30350

**RECEIVED**

JUN 30 2010

City of Sandy Springs  
Community Development

Dear Ms. Leathers,

Thank you for considering our zoning request.

Dunwoody Self Storage has been doing business for three and a half years. Consistently five parking spaces are the maximum used by a combination of customers and employees. This is helped by the fact that existing tenants only use the four loading areas. They have no reason to use a parking space. Only prospective tenants and three employees use them.

I enclose a new drawing of our parking area which shows thirty three spaces. When the five spaces needed for the storage business are subtracted that leaves twenty eight spaces available for the proposed salons. We are comfortable that this is adequate for the anticipated salon business.

Thank you for your help.

Sincerely,

A handwritten signature in blue ink that appears to read 'Tom'.

Tom Linder Jr.  
CEO



XXXXX



STRUCTURES/ITEMS TO BE REMOVED  
TRAFFIC DIRECTION ARROWS  
(FOR INFORMATION ONLY)

24" CONC

MATCH EXISTING ASPHALT PAVEMENT  
NEW ASPHALT PAVEMENT

Site area is 1.51 ac and 65,997 sq ft  
Building footprint is 24,800 sq ft which is 37.6%  
Parking 3,780 sq ft  
Total impervios surface is 48,240 sq ft or 73%  
Landscaping is 17,757 sq ft or 27%  
Flood plain is zero and open space is zero

RZ10-006

L10-005

CV10-009

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JUN 30 2010

City of Sandy Springs  
Community Development



IF YOU DIG GEORGIA...  
CALL US FIRST!  
UTILITIES PROTECTION CENTER  
1-800-282-7411  
(404) 325-5000  
(metro Atlanta only)  
IT'S THE LAW



2455 Paces Ferry Rd., C-19 • Atlanta, GA 30339

12210-006/110-005/110-000

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JUL 09 2010

City of Sandy Springs  
Community Development

July 7, 2010

Mr. Tom Linder Jr.  
Dunwoody Self Storage  
1105 Mt. Vernon Hwy.  
Sandy Springs, GA 30328

Re: Letter Agreement between Dunwoody Self Storage and The Home Depot, Inc. for property located at 6400 Peachtree Dunwoody Rd., Sandy Springs, GA 30328

Dear Tom,

Confirming the understanding between Dunwoody Self Storage ("DSS") and The Home Depot ("THD"), please allow the following to establish the agreement between DSS and THD to allow for parking easements on the above referenced property.

1. THD shall have the continuing right to utilize that area of DSS property shown cross hatched on the attached site plan for whatever purposes it deems necessary as a part of THD's ongoing operations on its adjacent property. Such right shall continue until THD receives written notice from DSS that it intends to utilize such property in conjunction with its operations. DSS shall give THD ninety (90) days written notice to cease utilizing such property. THD's right to utilize this property shall be at no cost to THD.
2. THD agrees to allow DSS to use three (3) parking spaces shown cross hatched on the attached site plan in conjunction with its operations on DSS adjacent property. Such parking easement shall be at no cost to DSS and shall be for a term of twenty (20) years from the date of this Letter Agreement.
3. DSS shall also have the future right to utilize an additional 12 parking spaces on THD's property. This "future parking space easement", as shown and labeled on the attached site plan, shall be available to DSS upon receipt of written notice by THD from DSS of its intent to utilize those spaces. Such notice shall be received no less than ninety (90) days from the date DSS desires to utilize the parking spaces referenced herein.
4. The "future parking space easement" shall be for a term of twenty (20) years from the date hereof. The cost of such easement shall be three thousand six hundred dollars (\$3,600.00) per year and said fee shall be paid yearly in advance upon commencement of the utilization of such parking easement.



5. As additional consideration for the parking easements referenced herein and shown on the attached site plan, DSS agrees that it will not operate any business on its property that sells product at retail or wholesale that may be considered to conflict with THD's recorded use restrictions. Such restrictions may be found in the recorded instrument affecting the above referenced property in the records of Fulton County, Georgia.
6. In addition to the foregoing and as a condition precedent to DSS' right to utilize the parking spaces referenced above, DSS shall obtain a letter (or other form of written communication) from the City of Sandy Springs, Georgia that its use of the parking easements granted by this Letter Agreement will not result in THD's operations on its existing property being a nonconforming use with its existing zoning.

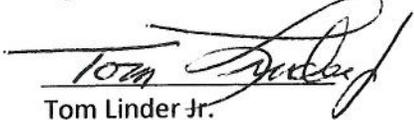
This Letter Agreement shall be binding upon the parties referenced above and their respective successors and assigns. All notifications to THD shall be sent to 2455 Paces Ferry Road C.19, Atlanta, GA 30339 – Attn: Real Estate Department.

Should you have any questions please feel free to contact the undersigned at 770-384-4114.

Thank you,

  
Jim McCarthy  
Director of Real Estate  
The Home Depot

Agreed to and accepted by:

  
Tom Linder Jr.

7-7-10  
Date

RZ10-006 / V10-005 / CV10-009

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City of Sandy Springs  
Community Development



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JUN 02 2010

IMPACT ANALYSIS  
FORM B

City of Sandy Springs  
Community Development

Applicant: Dunwoody Storage, LLC

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

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? Yes. The property contiguous and to the west and south of the Property is a Home Depot Facility and the property contiguous and to the south of that is a Price CostCo Facility making this zoning proposal a use that is suitable in view of the use and development of these adjacent and nearby properties.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No. This zoning proposal will not adversely effect the existing use or usability of adjacent or nearby property.
3. Does the property to be rezoned have a reasonable economic use as currently zoned? Yes. The Property is already zoned C-1 with a Use Permit for a self storage facility.
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No. This use as a self storage facility with limited retail uses has very little traffic demand and will not be an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
5. Is the zoning proposal in conformity with the policies and intent of the land use plan? Yes. This zoning proposal in in conformity the policies and intent of the land use plan which regional live/work development for the Property.
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?  
Yes. The Property is already zoned C-1 with a Use Permit for a self storage facility and this request is simply include limited retail use within the existing building which uses are compatible with the self storage use and serve the needs of the general public.
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs?  
No. This zoning proposal will not permit a use that could be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs.

Attach additional sheets as needed.

2718-DOL-11110-005/CV10-507

PURSUANT TO ARTICLE 19, ADMINISTRATIVE PERMITS AND USE PERMITS, THE FOLLOWING RESPONSES ARE MADE:

- 1) Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council:

The proposal is consistent with the Future Land Use Map, which designates the Property as Live-Work Regional (LWR). The LWR land use designation recommends a density of over 25,000 square feet per acre for commercial and office uses plus over 20 residential units per acre. The Applicant is proposing to develop the commercial site at a density of 144,681.45 square feet per acre. The proposal does not include a residential component, however, it is noted that the C-1 development on the easterly side of Peachtree Dunwoody Road and slightly south of the Property does bring the appropriate residential component to the area. Also, the Applicant's proposal does not exceed the eight (8) story height limitation suggested under the LWR land use designation.

- 2) Compatibility with land uses and zoning districts in the vicinity of the Property for which the Use Permit is proposed:

The proposal is compatible with the land uses and zoning districts in the vicinity of the Property. The Property is located in the Perimeter Center Improvement District (PICD) which is the location of several office buildings, commercial properties and residential uses that could be expected to be attracted to the storage facility with its associated uses.

- 3) Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development:

The proposed use would not violate any local, state and/or federal statutes, ordinances or regulations of which the Applicant is aware.

- 4) The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets:

The proposal will not have an adverse impact on vehicular and pedestrian traffic flow along the property frontages. The Applicant has provided for right in/right out access only for the Property and has also provided the required streetscape which includes sidewalks.

- 5) The location and number of off-street parking spaces:

The Applicant has provided sufficient parking for the Property.

- 6) The amount and location of open space:

The Applicant is not proposing any open space for the Property. The Applicant has provided for streetscape consistent with the PICD standards.

- 7) Protective screening:

The Applicant has not provided for any additional screening outside of the streetscape required.

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City of Sandy Springs  
Community Development

R710-04.1010-005/CV10-007

8) Hours and manner of operation:

The building will operate from 9 a.m. to 6 p.m. Monday through Saturday and 1 p.m. to 5 p.m. on Sunday.

9) Outdoor lighting:

The lighting being used for the parking lot is down lit and there is some more accent lighting around the building.

10) Ingress and egress to the Property:

The Property is accessed from one curb cut on Mount Vernon Highway which curb cut is restricted to right in/right out only.

JUN 02 2010

## LETTER OF INTENT

City of Sandy Springs  
Community Development

The property contains approximately 1.51 acres and is located at the southwest corner of the intersection of Mount Vernon Highway and Peachtree Dunwoody Road and is commonly known as 1105 Mount Vernon Highway (the "Property"). The Property is presently zoned to the C-1 Classification pursuant to RZ09-008/U09-008/CV09-017.

Due to the challenges of the economy in the day to day operation of the Property as being primarily a self-storage facility, the Applicant requested a rezoning of the Property coupled with a Use Permit for the self-storage use and two Concurrent Variances for the purpose of expanding the uses of the Property to include retail and service commercial not to exceed an area of 5,000 square feet which above referenced Application was approved by City Council on February 16, 2009. The Applicant requests this Application for Rezoning, Use Permit and Concurrent Variances for the singular purpose of deleting Condition 1.b. from the current approval which prohibited certain uses. By way of example, Condition 1.b. prohibits a beauty shop as personal services which use the Applicant specifically seeks to incorporate in its retail and service commercial space. Additionally the Applicant requests approval of a Use Permit exactly as is existing for self-storage use pursuant to Article 19.4.41(1) as well as the approved Concurrent Variances (1) to delete the required 10 foot landscape strip adjacent to property zoned MIX along the west and south Property lines pursuant to Article 4.23.1 and (2) to reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of two (2) existing identification monument signs in the landscape strips along Peachtree Dunwoody Road and Mount Vernon Highway pursuant to Article 33.6.8. and (3) reduce the required off-street from 47 spaces to 21 spaces pursuant to Article 18.2.1. These development standards place an undue hardship upon the Applicant due to the unique shape and size of the Property as to (1) and (2) and due to the low level of traffic generated by the uses as to (3). The approval would be in harmony with the policy and intent of the Zoning Ordinance and would not cause any harm to the general public. The Comprehensive Land Use Plan Map places the Property in a Live-Work Regional node and the uses intended by the Applicant of self-storage, retail and service commercial comply with this designation. Accordingly, this Application for Rezoning, Use Permit and Concurrent Variances is entirely appropriate and the appropriateness of this Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and incorporated by reference.

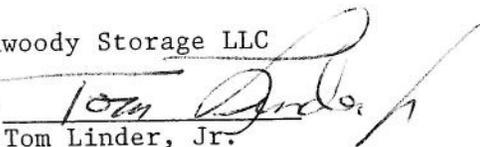
0710-008/U09-008/CV09-017

Now, therefore, the Applicant requests that this Petition for Rezoning, Use Permit and Concurrent Variances be approved as submitted in order that the Applicant be able to proceed with the lawful use of the Property.

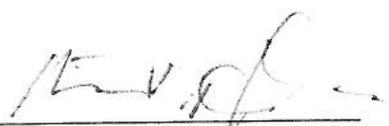
APPLICANT:

Dunwoody Storage LLC

By:

  
Tom Linder, Jr.

Its: Manager

  
Nathan V. Hendricks III  
Attorney for the Applicant

6085 Lake Forrest Drive  
Suite 200  
Atlanta, Georgia 30328  
(404) 255-5161

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JUN 02 2010

City of Sandy Springs  
Community Development

APPROPRIATENESS OF APPLICATION  
AND  
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Use Permit and Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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JUN 02 2010

City of Sandy Springs  
Community Development

MEMORANDUM



To: Patrice S. Ruffin, AICP, Assistant Director of Planning & Zoning  
City of Sandy Springs, Department of Community Development

FROM: Monica Robinson, B.S., M.B.A., Environmental Planner.   
City of Sandy Springs, Department of Health Services, Office of the Director  
Community Development

DATE: July 12, 2010

SUBJECT: Zoning Comments for August 19, 2010 Planning Commission

AGENDA ITEM	ZONING COMMENTS
RZ10-006/ U10-005/ CV10-007	<p>The Fulton County Department of Health Services recommends that the use permit for the existing self-storage facility be approved, provided the internal plumbing is inspected and adequate for the proposed use.</p> <p>The Fulton County Department of Health Services recommends that the applicant be required to connect the proposed additional building area to public water and public sanitary sewer available to the site.</p> <p>Since the proposed additional building area is planned for retail and service commercial uses, which constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>The existing and proposed facilities must comply with the Georgia Smokefree Act of 2005.</p> <p>If this proposed development includes a food service facility, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval prior to issuance of a building permit or a certificate of occupancy.</p> <p>This department does not anticipate any health problems with the proposal for a variance deleting the required landscape strip.</p> <p>This department does not anticipate any health problems with allowing a variance from the required sign setback to allow for the placement of two (2) proposed identification monument signs in the landscape strips.</p> <p>This department does not anticipate any health problems with the proposed rezoning to allow for a proposed beauty shop.</p> <p>This department supports the reduction of the required number of parking spaces provided that the existing and proposed uses do not require such parking capacity. An increase in parking capacity encourages additional vehicles being driven, contributing to health impacts such as air pollution, water pollution, and transportation choices.</p>

AGENDA ITEM	ZONING COMMENTS
RZ10-007/ CV10-008	<p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This facility must comply with the Georgia Smokefree Act of 2005.</p> <p>The Fulton County Department of Health Services recommends that this proposed building addition be approved, provided the internal plumbing is inspected and adequate for the proposed use or adequate internal plumbing is installed.</p> <p>Since the proposed use of this development is for Lifetime Fitness and includes a public swimming pool as defined in the regulations including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this department and must obtain a Department of Health Services permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health Services permit to operate the pool prior to opening.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>This department does not anticipate any health problems with a variance to allow opaque glass on the first floor of the building.</p> <p>This department does not anticipate any health problems with a variance to allow the proposed wall signs.</p>
	<p>The Department of Health Services does not recommend allowing a variance to delete the parking lot landscaping.</p> <p>This department encourages the placement of tree islands as a criterion along with parking space requirements because trees remove air pollution from the air. However, if sufficient parking area within the existing parking deck and no additional parking spaces are proposed, this department does not anticipate any health problems with allowing a variance for tree placement provided that there are existing trees planted.</p> <p>This department supports the reduction of the required number of parking spaces provided that the existing and proposed uses do not require such parking capacity. An increase in parking capacity encourages additional vehicles being driven, contributing to health impacts such as air pollution, water pollution, and transportation choices.</p>
ZM10-006	<p>The Fulton County Department of Health Services does not anticipate any health problems with the proposed zoning modification to allow for the placement of wall signs on the building wall and existing retaining wall.</p>
ZM10-007/ CV10-009	<p>If this property utilizes an onsite sewage management system, the owner must obtain approval for the proposed four seasons room addition and stone patio from this department prior to issuance of a building permit and before building construction or renovation.</p> <p>Since a creek and a detention pond exist near the property and if the proposed stone patio will act as a water filtration system, addressing the erosion of exposed clay soils and the improvement of water quality as alleged, this department recommends that it be approved.</p>



**RECEIVED**

AUG 18 2010

**CITY OF ATLANTA**  
DEPARTMENT OF WATERSHED MANAGEMENT  
BUREAU OF DRINKING WATER  
TECHNICAL SERVICES GROUP

City of Sandy Springs  
Community Development

KASIM REED  
MAYOR

651 FOURTEENTH STREET  
ATLANTA, GEORGIA 30318  
OFFICE 404-235-2007  
FAX 404-982-1400

ROBERT J. HUNTER  
COMMISSIONER

August 9, 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 1105 Mount Vernon Hwy

Dear Ms Ruffin,

In response to your letter we offer the following:

4. There is an existing 16-inch water main along Mt. Vernon & a 16-inch and 12-inch along Peachtree Dunwoody Road. This water main is owned and maintained by the City of Atlanta.
5. Our calculations based on the reported fire flow test results indicate the 16" main has a capacity of 1822 gpm.
6. 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