

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: July 1, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ09-006/CV09-015** - 1155 Mount Vernon Highway, *Applicant: MDT Perimeter Pointe LLC*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional, with concurrent variance(s), to allow a new fast food restaurant

MEETING DATE: For Submission onto the July 13, 2010, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum  
Rezoning Petition

APPROVAL BY CITY MANAGER:                     jmc                     APPROVED

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

PLACED ON AGENDA FOR:                     7/13/10                    

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES (  ) NO

CITY ATTORNEY APPROVAL:                     M                    

REMARKS:

To: John McDonough, City Manager

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

Date: June 28, 2010 for submission onto the July 13, 2010 City Council meeting

Agenda Item: **RZ09-006/CV09-015 1155 Mount Vernon Highway**, Request to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District)

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

**APPROVAL CONDITIONAL** of the request to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional to allow an additional fast food restaurant on the subject property and the associated concurrent variances.

***Background:***

The subject site is located east of the intersection of Mount Vernon Highway and Perimeter Center West. The property is zoned C-1 (Community Business District) conditional under zoning case Z93-066/VC93-103. The property is developed with a mixture of uses including retail, restaurant, and entertainment. The 30.41 acre subject property currently has a total building area of 361,272 S.F. and a density of 11,880 S.F./Acre.

***Discussion:***

The site plan submitted shows three (3) existing outparcels, on the west side of the property, having restaurants currently operating on them. The site plan also shows the main parcel, consisting of 27.81 acres, having an existing shopping center. The proposed fast food restaurant would be located over a detention area located at the south east corner of the subject property. The Wendy's property would not become an additional outparcel, but would become part of the existing shopping center. And the aforementioned open detention area would be made into an underground detention facility.

***Concurrent Review:***

The staff held a Focus Meeting on November 4, 2009 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
- U.S. Postal Service Address Management Systems
- MARTA (*comments received*)
- Fulton County Emergency Management



**Rezoning Petition No. RZ09-006/CV09-015**

**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>
October 27, 2009	November 18, 2009	December 17, 2009 February 18, 2010 June 17, 2010	January 19, 2010 March 16, 2010 July 13, 2010

**APPLICANT/PETITIONER INFORMATION**

<b>Property Owners</b>	<b>Petitioner</b>	<b>Representative</b>
MDT Perimeter Pointe LLC	Wendy's Arby's Group	Woody Galloway

**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	1155 Mount Vernon Highway Land Lot 19, District 17
<b>Council District</b>	5
<b>Frontage and Area</b>	Approximately 1,000 feet of frontage along the southeast side of Mt. Vernon Highway and 620 feet along the northeast side of Perimeter Center West. 1155 Mount Vernon Highway has a total area of approximately 30.41 acres (1,324,660 sq.ft.).
<b>Existing Zoning and Use</b>	C-1 (Community Business District) conditional under zoning case Z93-066/VC93-103. The property is developed with a shopping center.
<b>Overlay District</b>	Perimeter Community Improvement Design District
<b>2027 Comprehensive Future Land Use Map Designation</b>	Living-Working Regional (LWR), Node 6: PCID (Perimeter Community Improvement District - Live Work Regional only)
<b>Proposed Zoning</b>	C-1 (Community Business District) conditional to allow a new fast food restaurant.

**INTENT**

**TO REZONE TO C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL, WITH CONCURRENT VARIANCE(S), TO ALLOW A NEW FAST FOOD RESTAURANT.**

The current zoning conditions, under Z93-066, allow for no more than one fast food restaurant on the total site at 1155 Mount Vernon Highway (Perimeter Pointe Shopping Center). The applicant is requesting to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional to allow an additional fast food restaurant on the subject property.

Additionally, the applicant is requesting two (2) concurrent variances as follows:

1. Variance from Section 4.13.C. of the Zoning Ordinance to allow an existing outparcel (Chick-Fil-A) abutting a public right-of-way to have less than 200 feet of frontage on that public right-of-way.
2. Variance from Article 33, Section 26, Subsection F(2) of the Zoning Ordinance to allow a third wall sign.

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**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**


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**RZ09-006 - APPROVAL CONDITIONAL  
CV09-015 #1 - APPROVAL CONDITIONAL  
CV09-015 #2 - APPROVAL CONDITIONAL**

The applicant continues to work with neighborhood groups, as well as the Landlord, to address certain issues raised at community meetings. The issues raised, that are being addressed, include traffic flow throughout the entire shopping center.

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**PLANNING COMMISSION RECOMMENDATION**


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**The petition was heard at the December 17, 2009 Planning Commission meeting.** The Commission recommended denial of the request (4-0, Maziar, Rupnow, Pond, and Rubenstein for; Thatcher not voting; Duncan and Boyken absent). The Commission expressed the following concerns:

- 1) Traffic flow within the Perimeter Pointe Shopping Center and vehicular traffic flow to and from the shopping center and Perimeter Center West may be negatively impacted
- 2) The proposed project and overall shopping center lack sufficient Green Space
- 3) An additional fast-food restaurant having a drive-thru window would not promote pedestrian activity
- 4) The overall shopping center design was not planned to include the proposed project

**The petition was heard at the February 18, 2010 Planning Commission meeting.** The Commission recommended denial of the request. Approved (5-0, Thatcher, Pond, Maziar, Rupnow, and Rubenstein for; Duncan not voting; Tart abstaining). The Commission recognized the opposition by the Dunwoody Homeowners Association and other community associations and their request to enforce the original zoning condition(s) limiting the shopping center to one [drive-through] fast food restaurant and three (3) outparcels.

- The Commission recommended to express the following issue regarding the aforementioned denial of RZ09-009/CV09-015: Lack of pedestrian connectivity to the adjacent Crown Pointe office property to the east. Approved (5-0, Thatcher, Pond, Maziar, Rupnow, and Rubenstein for; Duncan not voting; Tart abstaining).
- The Commission recommended to express the following issue regarding the aforementioned denial of RZ09-009/CV09-015: The insufficient overall green space of only 11.84% (with the proposed Wendy's) not meeting the policy standard of 15% for the entire shopping center. Approved (5-0, Thatcher, Pond, Maziar, Rupnow, and Rubenstein for; Duncan not voting; Tart abstaining).
- The Commission recommended to express the following issue regarding the aforementioned denial of RZ09-009/CV09-015: Insufficient quality of traffic circulation and directional/way-finding signage for the entire shopping center. Approved (5-0, Thatcher, Pond, Maziar, Rupnow, and Rubenstein for; Duncan not voting; Tart abstaining).
- The Commission recommended to express the following issue regarding the aforementioned denial of RZ09-009/CV09-015: Lack of thoughtful provision for employee parking for the proposed Wendy's perhaps to be located adjacent to and west of the throat of the vehicular ingress/egress on Perimeter

Center West. Approved (5-0, Thatcher, Pond, Maziar, Rupnow, and Rubenstein for; Duncan not voting; Tart abstaining).

- The Commission recommended to express the following issue regarding the aforementioned denial of RZ09-009/CV09-015: Deficiency in traffic circulation in and around the Chick-Fil-A outparcel. Approved (5-0, Thatcher, Pond, Maziar, Rupnow, and Rubenstein for; Duncan not voting; Tart abstaining).
- The Commission recommended to express the following issue regarding the aforementioned denial of RZ09-009/CV09-015: Lack of true pedestrian access from the MARTA facility to the proposed Wendy's and to the shopping center as a whole. Approved (5-0, Thatcher, Pond, Maziar, Rupnow, and Rubenstein for; Duncan not voting; Tart abstaining).

**The petition was heard at the June 17, 2010 Planning Commission meeting.** The Commission recommended approval subject to staff conditions. Approved (3-1, Duncan, Thatcher, and Pond for; Rupnow against; Maziar, Rubenstein, and Tart absent). Staff understands the Commission members to have discussed the following issues prior to their recommendation:

- 1) A sidewalk from the MARTA station into the site that would serve the shopping center.
- 2) Way-finding signage plan.
- 3) Acknowledge Wendy's employee parking.

The applicant responded to the above discussed items in an attached follow-up Email dated June 18, 2010.

#### MAYOR AND CITY COUNCIL RECOMMENDATION

**January 19, 2010 Hearing:** The petition was deferred to the March 16, 2010 City Council hearing to allow the applicant time to provide additional and/or revised information regarding:

- 1) Traffic flow within the Perimeter Pointe Shopping Center and vehicular traffic flow to and from the shopping center and Perimeter Center West.
- 2) The proposed project and overall shopping center Green Space.
- 3) How an additional fast-food restaurant having a drive-thru window would affect pedestrian activity.
- 4) With the inclusion of the proposed project, how would the overall shopping center impact the area.

After community/developer meetings, the applicant provided additional material, including a revised site plan having a new site layout, that addressed items numbered 1 through 3.

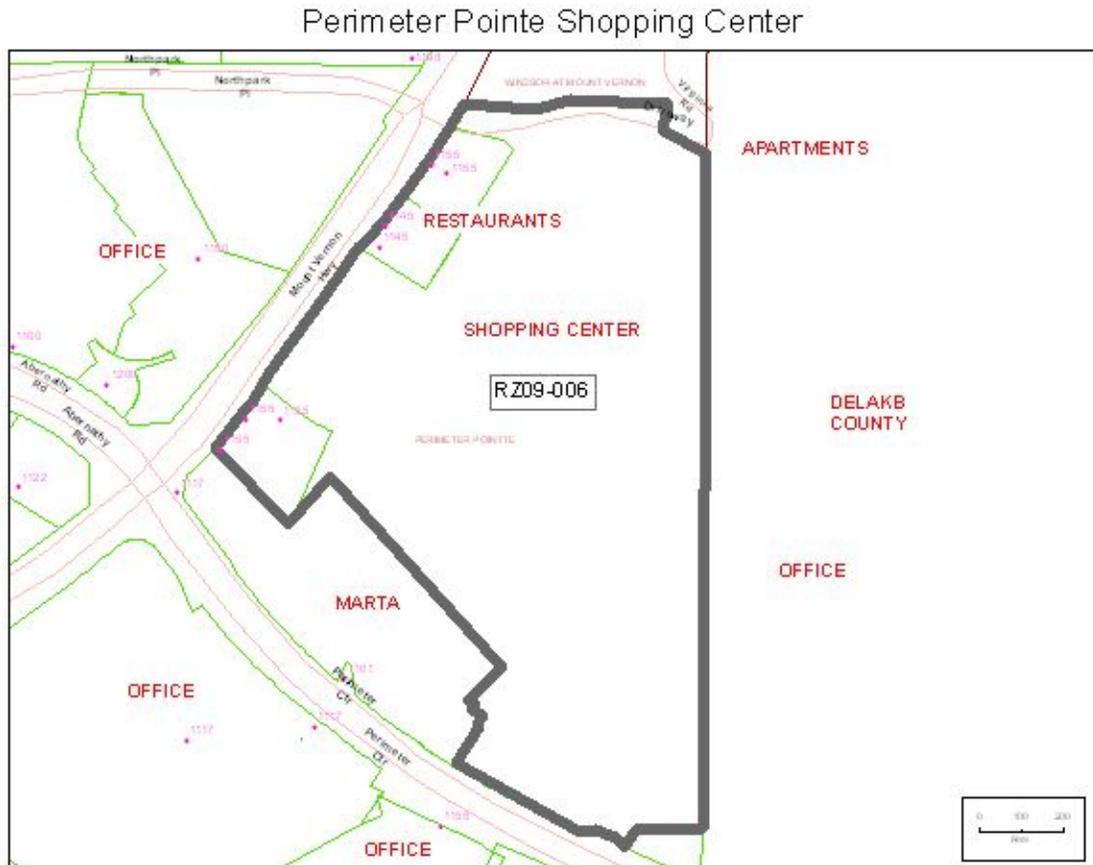
**March 16, 2010 Hearing:** The petition was deferred to the July 20, 2010 City Council hearing to allow the applicant time to provide additional and/or revised information regarding:

- 1) Lack of pedestrian connectivity to the adjacent Crown Pointe office property to the east.
- 2) The insufficient overall green space of only 11.84% (with the proposed Wendy's) not meeting the policy standard of 15% for the entire shopping center.
- 3) Insufficient quality of traffic circulation and directional/way-finding signage for the entire shopping center.
- 4) Lack of thoughtful provision for employee parking for the proposed Wendy's perhaps to be located adjacent to and west of the throat of the vehicular ingress/egress on Perimeter Center West.
- 5) Deficiency in traffic circulation in and around the Chick-Fil-A outparcel.

- 6) Lack of true pedestrian access from the MARTA facility to the proposed Wendy's and to the shopping center as a whole.

The applicant has provided additional material, including a revised site plan having a new site layout, that addressed items numbered 1 through 6.

### Location Map



**BACKGROUND**

The subject site is located east of the intersection of Mount Vernon Highway and Perimeter Center West. The property is zoned C-1 (Community Business District) conditional under zoning case Z93-066/VC93-103. The property is developed with a mixture of uses including retail, restaurant, and entertainment. The 30.41 acre subject property currently has a total building area of 361,272 S.F. and a density of 11,880 S.F./ Acre.

Under Z93-066/VC93-103, the subject property was conditioned to include the following:

- To a specific site plan
- To a maximum of three (3) outparcels
- To no more than one (1) fast food restaurant on the total site
- To a concurrent variance allowing the existing Chick- Fil-A outparcel to have less than the required 200 feet of frontage abutting a public right-of-way (Mount Vernon Highway)

Note: The above concurrent variance allowing the existing Chick- Fil-A outparcel to have less than the required 200 feet of frontage abutting a public right-of-way (Mount Vernon Highway) is now currently being considered under CV09-015.

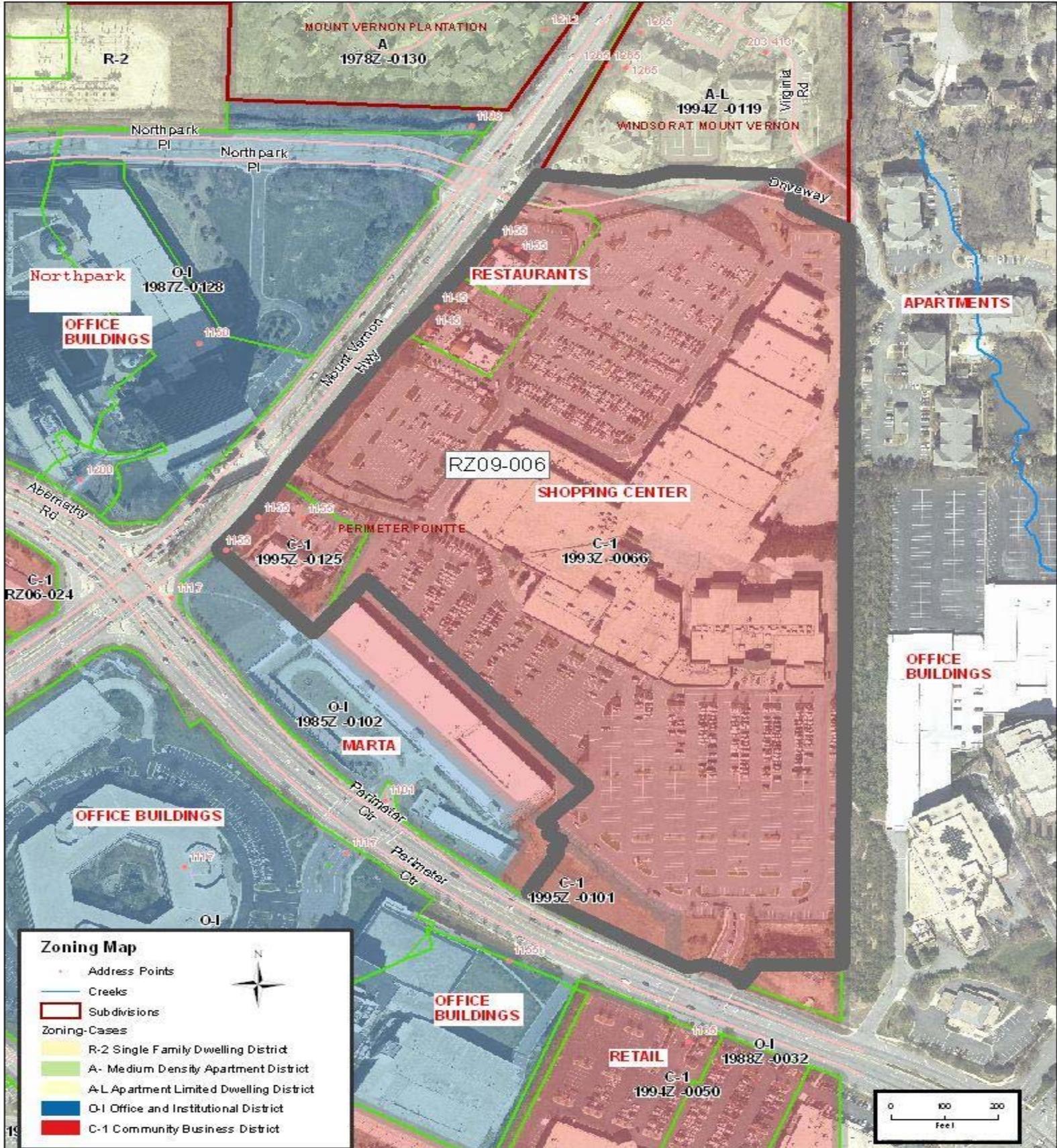
**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

SUBJECT PETITION RZ09-006/CV09-015	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	C-1	Shopping Center	30.41	364,972 S.F.	12,002 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	A-L Conditional Z94-119	Windsor at Mt. Vernon Apartments	7.3	96 units	13.15 U.P.A.
East	Commercial (Dunwoody)	Apartment/Office (Crown Pointe)/ Hotel ( Embassy Suites)	-----	-----	-----

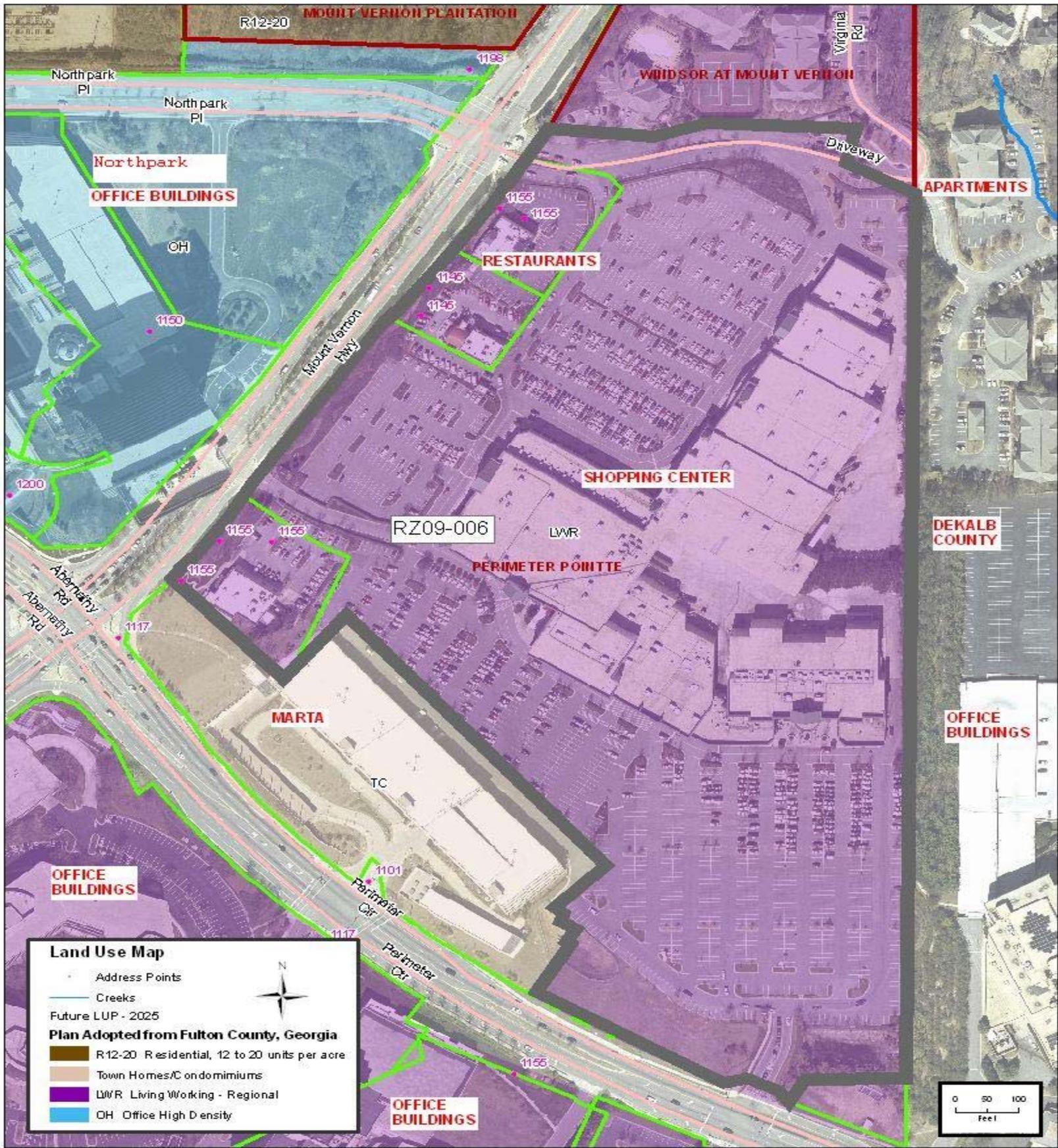
South	O-I Conditional Z85-102	MARTA	---	-----	-----
South	C-1 Conditional Z94-050	Shopping Center	7.44	90,507 S.F.	12,165 S.F./ Acre
South	O-I Conditional Z88-198	Office Complex	25.46	1,782,000 S.F.	69,992 S.F./ Acre
West	O-I Conditional Z87-128	Northpark Office Complex	42.34	3,799,103 S.F.	89,728 S.F./ Acre

# Zoning Map

## Perimeter Point Shopping Center



# Perimeter Pointe Shopping Center

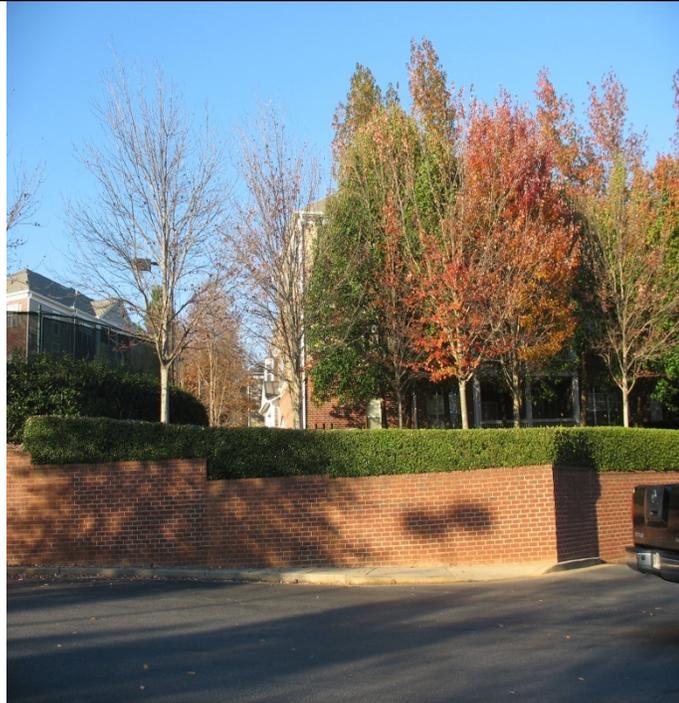




Subject Property



Subject Property



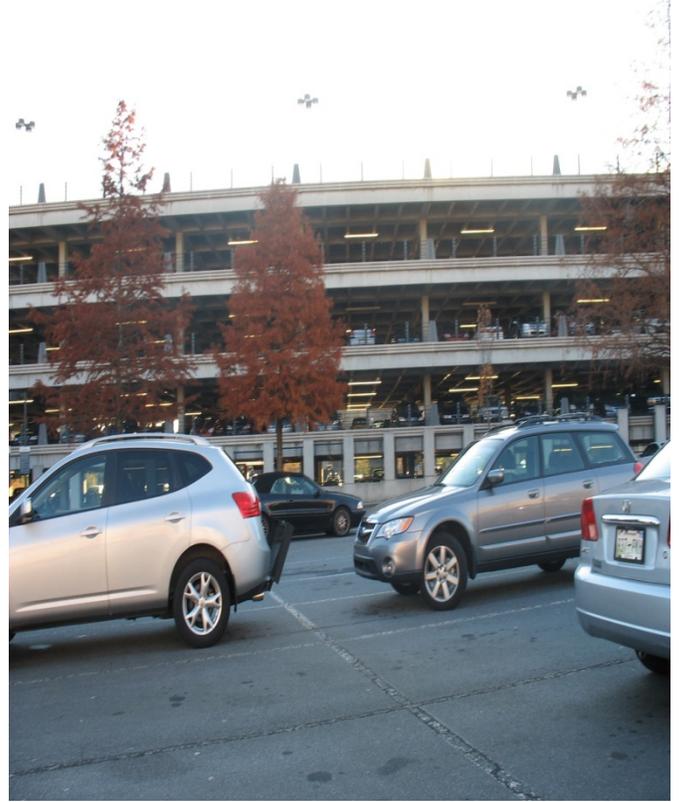
North of the Subject Property (Windsor at Mt. Vernon Apartments)



East of the Subject Property (Apartments in Dunwoody)



East of the Subject Property (Crown Pointe office complex and Embassy Suites in Dunwoody)



South of the Subject Property (MARTA)



South of the Subject Property (Retail Center)



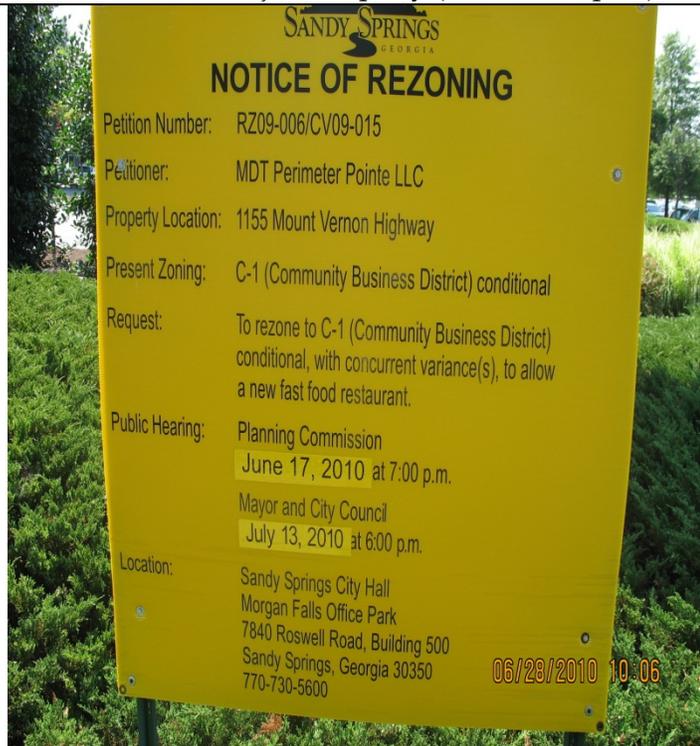
South of the Subject Property (Office Complex)



South of the Subject Property (Office Complex)



West of the Subject Property (Northpark Offices)



Sign



Sign

**SANDY SPRINGS**  
 GEORGIA

**NOTICE OF REZONING**

Petition Number: RZ09-006/CV09-015  
 Petitioner: MDT Perimeter Pointe LLC  
 Property Location: 1155 Mount Vernon Highway  
 Present Zoning: C-1 (Community Business District) conditional  
 Request: To rezone to C-1 (Community Business District) conditional, with concurrent variance(s), to allow a new fast food restaurant.  
 Public Hearing: Planning Commission  
 June 17, 2010 at 7:00 p.m.  
 Mayor and City Council  
 July 13, 2010 at 6:00 p.m.  
 Location: Sandy Springs City Hall  
 Morgan Falls Office Park  
 7840 Roswell Road, Building 500  
 Sandy Springs, Georgia 30350  
 770-730-5600

06/29/2010 10:06

**SANDY SPRINGS**  
 GEORGIA

**NOTICE OF REZONING**

Petition Number: RZ09-006/CV09-015  
 Petitioner: MDT Perimeter Pointe LLC  
 Property Location: 1155 Mount Vernon Highway  
 Present Zoning: C-1 (Community Business District) conditional  
 Request: To rezone to C-1 (Community Business District) conditional, with concurrent variance(s), to allow a new fast food restaurant.  
 Public Hearing: Planning Commission  
 June 17, 2010 at 7:00 p.m.  
 Mayor and City Council  
 July 13, 2010 at 6:00 p.m.  
 Location: Sandy Springs City Hall  
 Morgan Falls Office Park  
 7840 Roswell Road, Building 500  
 Sandy Springs, Georgia 30350  
 770-730-5600

06/29/2010 10:10

## SITE PLAN ANALYSIS

The site plan submitted shows three (3) existing outparcels, on the west side of the property, having restaurants currently operating on them. The site plan also shows the main parcel, consisting of 27.81 acres, having an existing shopping center. The proposed 3,700 square foot fast food restaurant would be located over a detention area located at the south east corner of the subject property. The Wendy's property would not become an additional outparcel, but would become part of the existing shopping center. And the aforementioned open detention area would be made into an underground detention facility.

## PARKING AND TRAFFIC IMPACT ANALYSIS

Section 18.2.1, *Basic Off-street Parking Requirements*, requires a minimum amount of parking spaces for the following uses: Retail Establishments, Restaurants, and Entertainment/Recreational. Based on the overall subject property and the aforementioned uses, including the proposed Wendy's, the applicant (per the site plan) has provided 1,905 off-street parking spaces where 1,879 (with 15% MARTA reduction) off-street parking spaces are required.

### NOTE THE FOLLOWING:

- Current total required parking (per City's shared parking): 2172 – 15% MARTA reduction = 1847
- Current total existing parking = 1,971
- With new Wendy's, total required parking (per City's shared parking): 2210 – 15% MARTA reduction = 1879
- Total provided parking with new Wendy's = 1905 (31 of which serve new Wendy's)
- With MARTA reduction, there are 26 spaces over the required amount.

## LANDSCAPE PLAN ANALYSIS

Currently on the overall subject property there exists 185,781 S.F. (14.02%) of Green Space (not including detention/retention pond areas). Including the proposed Wendy's, the site plan for the overall project indicates there would be 194,653 S.F. (14.69%) of Green Space (not including detention/retention pond areas). The subject property is in an area designated by the 2027 Comprehensive Future Land Use Map as Living-Working Regional (LWR), Node 6: PCID (Perimeter Community Improvement District – Live Work Regional only). The Comprehensive Plan recommends an excess of 20% Open and Green Space. 15% of this recommendation must be green space. The overall project does not meet this recommendation; however, Staff notes the proposed Wendy's would be a part of an existing shopping center and would be constructed over an existing detention area that does not technically qualify as either Open or Green Space.

## ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The reporting on all items of the analysis stated either positive, minimal, or no environmental issues.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting on November 4, 2009 at which the following departmental comments were provided:

<b>BUILDING &amp; DEVELOPMENT DIVISION</b>	Sandy Springs Assistant Director of Building and Permitting	<ul style="list-style-type: none"> <li>There are no building and permitting requirements that need to be addressed at this time.</li> </ul>
	Sandy Springs Development Plan Review 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>The site is part of a previously developed site. The existing detention pond would not require a buffer.</li> </ul>
<b>FIRE DEPT.</b>	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> <li>No fire hydrants are shown on the building site. Refer to 120-3-3, modification to the 2003 IFC, "508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet (152 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrant mains shall be provided where required by the local responding fire department or agency.</li> </ul> <p>"Exceptions:                      "1. For group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).                      "2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m)."</p> <p>Fire hydrants may not be omitted unless written approval by the local responding fire department or agency is submitted to this office.</p> <p>Refer to Sandy Spring Fire ordinance Sec. 22-34. Sprinkler protection requirements. 1.11.2 All new commercial buildings in excess of 5,000 square feet or with an occupant load greater than 100 persons shall be protected throughout with an approved automatic fire protection system... .</p>
<b>TRANSPORTATION</b>	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> <li>Provide two dedicated outbound lanes for the full throat length of the entrance onto Perimeter Center West.</li> </ul>
	Georgia Department of Transportation	<ul style="list-style-type: none"> <li>There are no GDOT requirements that need to be addressed at this time.</li> </ul>

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

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## **PUBLIC INVOLVEMENT**

### Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held October 27, 2009 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held November 18, 2009 at the Sandy Springs City Hall

### Public Comments (no attached letters)

Community input includes the following:

- Traffic flow within the Perimeter Pointe Shopping Center and vehicular traffic flow to and from the shopping center and Perimeter Center West may be negatively impacted  
(The applicant has addressed this concern by redesigning the site layout)
- The proposed project and overall shopping center lack sufficient Green Space  
(The applicant has provided elevation renderings showing the proposed development)
- An additional fast-food restaurant having a drive-thru window would not promote pedestrian activity  
(The applicant has addressed this concern by redesigning the site layout)
- The overall shopping center design was not planned to include the proposed project

The City Public Works Department has the following response to traffic flow:

- Provide two dedicated outbound lanes for the full throat length of the entrance onto Perimeter Center West.

### Notice Requirements

The petition was advertised in the Daily Report on December 10, 2009 and December 24, 2009. The applicant posted signs issued by the Department of Community Development along the frontage of Mount Vernon Highway and Perimeter Center West on November 13, 2009.

### Public Participation Plan and Report

The applicant met the Public Participation Plan requirements. The applicant submitted the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on January 19, 2010. The Public Participation Report was submitted on or before January 12, 2010.

**ZONING IMPACT ANALYSIS**

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

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A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of multi-family developments to the north, multi-family/office/hotel developments to the east, MARTA/retail/office developments to the south, and an office development to the west. The proposal allows for a proper transition between these areas.

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

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property.

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

Finding: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

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D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Finding: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure.

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E. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

Finding: The staff is of the opinion that the proposed use is generally 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 overall project, with the inclusion of the proposed Wendy's, would have a commercial density of 12,002 square feet per acre. Therefore, the overall project does not meet this recommendation; however, Staff notes the proposed Wendy's would be a part of an existing shopping center and, by its construction, would actually add to the density of the overall site. The complete project lends itself to the overall intent of the LWR designated areas that are intended for high density residential and mixed land uses along major transportation corridors and/or rail transit stations intended to serve larger areas and to provide larger commercial uses with a significant employment concentration. The Comprehensive Plan recommends an excess of 20% Open and Green Space. 15% of this recommendation must be green space. Currently on the overall subject property there exists 227,506 S.F. (17.17%) of Open Space (not including detention/retention pond areas). Including the proposed Wendy's, the site plan for the overall project indicates there would be 238,688 S.F. (18.02%) of Open Space (not including detention/retention pond areas). Currently on the overall subject property there exists 185,781 S.F. (14.02%) of Green Space (not including detention/retention pond areas). Including the proposed Wendy's, the site plan for the overall project indicates there would be 194,653 S.F. (14.69%) of Green Space (not including

detention/retention pond areas). The overall project does not meet this recommendation; however, Staff notes the proposed Wendy’s would be a part of an existing shopping center and would be constructed over an existing detention area that does not technically qualify as either Open or Green Space. The subject site is located in Living Working Node 6, Perimeter Community Improvement District (PCID), which is made up of high density residential, regional office, and commercial developments.

F. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

Finding: The staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant’s proposal.

G. *Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.*

Finding: The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

**VARIANCE CONSIDERATIONS**

The applicant is requesting two (2) concurrent variances as follows:

- 1. Variance from Section 4.13.C. of the Zoning Ordinance to allow an existing outparcel abutting a public right-of-way to have less than 200 feet of frontage on that public right-of-way.

The applicant states this request was previously approved under Z93-066/VC93-103 and the existing Chick-Fil-A outparcel currently has less than the required 200 feet of frontage abutting a public right-of-way (Mount Vernon Highway).

*The staff is of the opinion relief from this requirement is in harmony with the intent of the Zoning Ordinance and there is a hardship due to the physical characteristics of the subject property because this request was previously approved under Z93-066/VC93-103 and the existing Chick-Fil-A outparcel currently has less than the required 200 feet of frontage abutting a public right-of-way (Mount Vernon Highway). Therefore, based on these reasons, the staff recommends **APPROVAL** of this concurrent variance request.*

- 2. Variance from Article 33, Section 26, Subsection F(2) of the Zoning Ordinance to allow a third wall sign.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public. 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 proposed sign is facing internal to the overall shopping center. Therefore, based on these reasons, the staff recommends **APPROVAL** of the variance to allow a third wall sign.*

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**CONCLUSION TO FINDINGS**

The staff recommends APPROVAL CONDITIONAL of the request to rezone to C-1 (community business district) conditional, with concurrent variance(s), to allow a new fast food restaurant.

## STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to approve the petition to rezone the subject property from C-1 (Community Business District) conditional to **C-1 (Community Business District)** conditional to allow an additional fast food restaurant on the subject property, the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 12,002 gross square feet of total floor area per acre zoned or a total floor area of 364,972 gross square feet, in no more than seven buildings, whichever is less, but excluding adult entertainment establishments, car washes, convenience stores, service stations, grocery stores, commercial amusements and billboards or any uses which are 24 hour operations.
- b. A maximum of three outparcels shall be allowed on the subject site as shown on the site plan referenced in condition 2.a. The total gross square footage of the outparcel development, shall be calculated as part of the total floor area allowed in condition 1.a.
- c. No more than two (2) fast food restaurants, having drive-through windows, on the total site.
- d. Limit the height of the buildings to no more than two stories or 60 feet, excluding entrance features and roof-top screening, whichever is less.

2. To the owner's agreement to abide by the following:

- a. To the overall site plan and Wendy's site plan detail and Chick-Fil-A site plan detail received by the Department of Community Development dated May 26, 2010. Said site plans are conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
- b. To be in accordance with the two (2) elevation renderings received by the Department of Community Development dated February 2, 2010.

3. To the owner's agreement to the following site development considerations:

- a. The owner/ developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Mount Vernon Highway and Perimeter Center West 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.

Such right-of-way as may be coordinated and agreed to between the owner and MARTA.

- b. No more than two exit/entrances on Mt. Vernon Highway. The southernmost curb cut shall be limited to right-in/right-out traffic only. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
- c. No more than one exit/entrance on Perimeter Center West. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Hearing on July 13, 2010

- d. No direct access from Mt. Vernon Highway to service the outparcels. The permitted outparcels shall gain access via internal drives. Said access points to the outparcels from the permitted curb cuts shall be located at least 100 feet from the new dedicated right-of-way of any public street.
- e. Each outparcel which abuts a public right-of-way shall have a minimum of 200 feet of frontage on said public right-of-way, except the outparcel labeled on the site plan as "B", shall have a minimum of 160 feet of frontage; however, direct access to said right-of-way shall be prohibited (CV09-015).
- f. Variance from Article 33, Section 26, Subsection F(2) of the Zoning Ordinance to allow a third wall sign (CV09-015).
- g. Light sources of any exterior illumination on the site shall not be directly visible from any adjoining residential property lines.
- h. Any lighting of the parking lot shall be limited in height to a 30 foot mast.
- i. Provide 100% opaque screening around all trash dumpsters subject to the approval of the Director of Community Development. Said dumpsters shall not be located within buffers, landscape strips or parking and loading areas, nor within 150 feet of property zoned or developed residential. Pick-up service shall be limited to the hours between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
- j. Provide 100% opaque screening around all delivery truck bays subject to the approval of the Director of Community Development.
- k. Provide screening of any roof top mechanical equipment from adjacent properties subject to the approval of the Director of Community Development.
- l. The owner/developer shall provide two dedicated outbound lanes for the full throat length of the entrance onto Perimeter Center West.

### **Attachments**

Letter of Intent dated received October 6, 2009

First Amendment to the Rezoning Application received May 26, 2010

Applicant Zoning Impact Analysis dated received October 6, 2009

Site Plan dated received February 2, 2010

Overall Site Plan dated received May 26, 2010

Two (2) elevation renderings received February 2, 2010

Site Plan Detail dated received February 18, 2010

Wendy's Site Plan Detail dated received May 26, 2010

Chick-Fil-A Site Plan Detail dated received May 26, 2010

Letter Fulton County Dept. of the Environment & Community Development received November 19, 2009

Letter Fulton County Dept. of Health and Wellness received November 12, 2009

ARC review finding received January 4, 2010

MARTA Area Planning Review received January 4, 2010

Amendment to the rezoning petition request received February 2, 2010

Letter of Opposition received February 5, 2010

e-mail from Sandy Springs Council of Neighborhoods dated received May 17, 2010

Planning Commission follow-up Email from the applicant dated June 18, 2010

SITE DEVELOPMENT PLANS FOR  
**PERIMETER POINTE**  
 PERIMETER CENTER WEST  
 LANDLOT 19 OF THE 17TH DISTRICT  
 FULTON COUNTY, GEORGIA

**Omni!**  
 Consulting Services  
 475 Swanson Road Suite C  
 Tyrone, GA 30290  
 PH: 770-486-7370  
 FAX: 770-486-8398  
 omni@omnicons.com

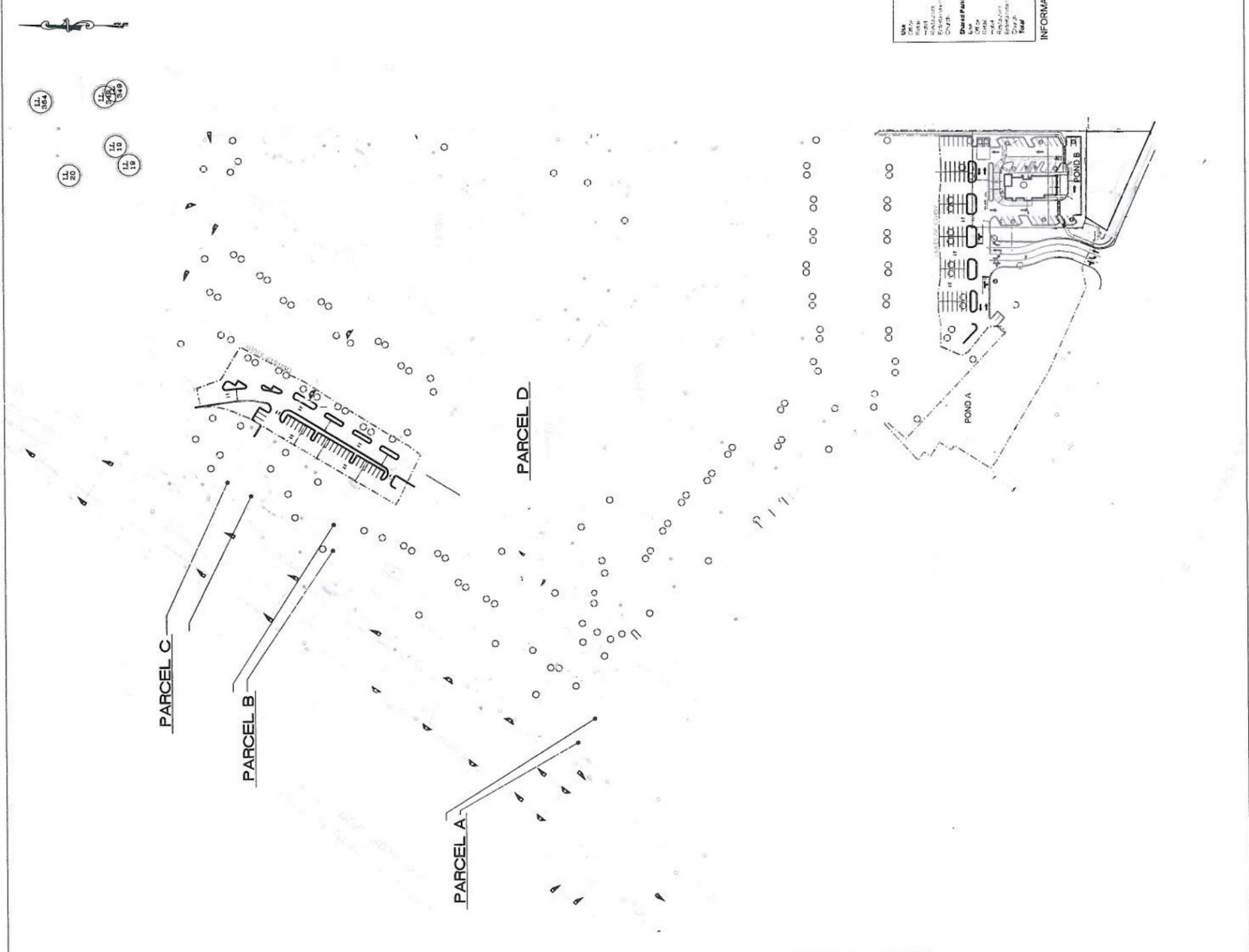
REVISIONS


**PROPOSED OVERALL PLAN**

DATE: APRIL 20, 2010  
 SHEET: 2 OF 4  
 DRAWING TITLE: PERIMETER CENTER WEST

**PARKING CALCULATIONS**

TOTAL NUMBER OF EXISTING SPACES PER ALTA SURVEY DATED: 4-30-2008	1,971 SPACES
NUMBER OF SPACES REQUIRED PER SHARED PARKING = 2210 (SEE CALCULATIONS BELOW)	
TOTAL NUMBER OF SPACES REQUIRED WITH 15% MARTA REDUCTION = 2210 X .85 = 1,879	
TOTAL NUMBER OF SPACES DISPLACED BY NEW SITE PLAN AND ENTRANCE IMPROVEMENTS = (45)	
TOTAL NUMBER OF SPACES DISPLACED BY CHIC-FIL-A STACKING MODIFICATION PLAN = (21)	
TOTAL NUMBER OF SPACES PROVIDED AFTER IMPROVEMENTS & MODIFICATIONS = 1905	



**SHARED PARKING CALCULATIONS**

INFORMATION PROVIDED BY THE CITY OF SANDY SPRINGS

Use	Area (sq ft)	Required Parking Spaces	Notes
Office	100,000	100	
Warehouse	100,000	100	
Manufacturing	100,000	100	
Research & Development	100,000	100	
Other	100,000	100	
<b>Total</b>	<b>500,000</b>	<b>500</b>	

**GREENSPACE CALCULATIONS**

TOTAL AREA OF SITE = 30.4106 ACRES	
AREA OF POND A = 9,256 S.F.	
AREA OF POND B = 14,270 S.F.	
TOTAL AREA OF EXISTING GREENSPACE WITHOUT PONDS = 185,781 S.F. => 4.2649 AC = 14.02%	
TOTAL AREA OF GREENSPACE GAINED BY CHIC-FIL-A STACKING MODIFICATION PLAN = 2,347 S.F. (SEE SHEET 3)	
TOTAL AREA OF GREENSPACE GAINED BY NEW SITE PLAN AND ENTRANCE IMPROVEMENTS = 6,525 S.F. (SEE SHEET 4)	
TOTAL AREA OF GREENSPACE WITH ALL IMPROVEMENTS = 194,653 S.F. => 4.4686 ACRES = 14.69%	

**OPEN SPACE CALCULATIONS**

<b>EXISTING OPEN SPACE CALCULATIONS</b>	
TOTAL AREA OF EXISTING GREENSPACE WITHOUT PONDS = 185,781 S.F.	
PEDESTRIAN ACCESS, CONGREGATIONAL AREAS AND PLANTERS ALONG SHOPPING CENTER = 30,597 S.F.	
THEATER PLAZA AREA = 6,086 S.F.	
ALL OTHER PEDESTRIAN ACCESS AREAS ONSITE = 5,042 S.F.	
TOTAL AREA OF EXISTING OPEN SPACE: 227,506 S.F. => 5.2228 AC. = 17.17%	
<b>PROPOSED OPEN SPACE CALCULATIONS</b>	
TOTAL AREA OF GREENSPACE WITH ALL IMPROVEMENTS = 194,653 S.F. (SEE CALCULATIONS ABOVE)	
PEDESTRIAN ACCESS, CONGREGATIONAL AREAS AND PLANTERS ALONG SHOPPING CENTER = 30,597 S.F.	
THEATER PLAZA AREA = 6,086 S.F.	
ALL OTHER PEDESTRIAN ACCESS AREAS ONSITE = 5,042 S.F.	
TOTAL AREA OF OPEN SPACE GAINED BY CHIC-FIL-A STACKING MODIFICATION PLAN = 0 S.F. (SEE SHEET 3)	
TOTAL AREA OF OPEN SPACE GAINED BY NEW SITE PLAN AND ENTRANCE IMPROVEMENTS = 2,310 S.F. (SEE SHEET 4)	
TOTAL AREA OF OPEN SPACE WITH ALL IMPROVEMENTS = 238,668 S.F. => 5.4795 ACRES = 18.02%	

**RECEIVED**  
 MAY 26 2010  
 City of Sandy Springs  
 Community Development

SITE DEVELOPMENT PLANS FOR  
**PERIMETER POINTE**  
 PERIMETER CENTER WEST  
 LANDLOT 19 OF THE 17TH DISTRICT  
 FULTON

**Omni**  
 Consulting Services  
 475 Swanson Road, Suite C  
 Lyons, GA 30290  
 ph: 770-466-7370  
 fax: 770-466-8398  
 omni@omnicons.com

REVISIONS


**CHICK-FIL-A**  
 MODIFICATION  
 PLAN

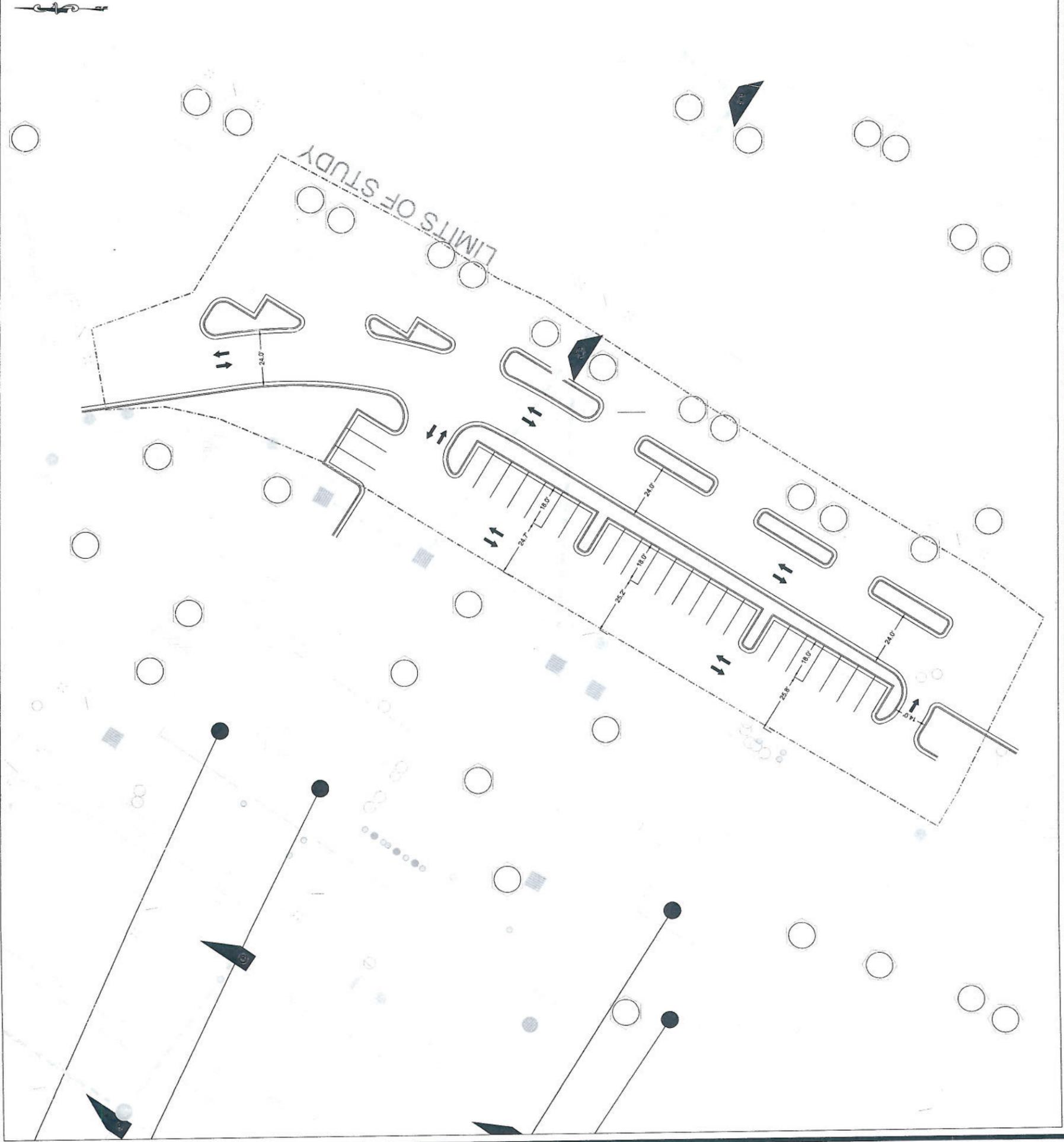
DATE: APRIL 20, 2010  
 DRAWING TITLE: CHICK-FIL-A MODIFICATION PLAN  
 SHEET NO.: 3 of 4  
 PROJECT NO.: 09014

**RECEIVED**  
 MAY 26 2010  
 City of Sandy Springs  
 Community Development

*RZ-09-006*



<b>PARKING CALCULATIONS</b>
TOTAL NUMBER OF EXISTING SPACES WITHIN THE LIMITS OF STUDY = 95
TOTAL NUMBER OF PROPOSED SPACES WITHIN THE LIMITS OF STUDY = 74
TOTAL NUMBER OF SPACES DISPLACED BY CHICK-FIL-A STACKING MODIFICATION PLAN = (21).
<b>GREENSPACE CALCULATIONS</b>
TOTAL AREA OF EXISTING GREENSPACE = 3,114 S.F.
TOTAL AREA OF PROPOSED GREENSPACE = 5,461 S.F.
TOTAL AREA OF GREENSPACE GAINED = 2,347 S.F.
<b>OPEN SPACE CALCULATIONS</b>
AREA OF EXISTING OPEN SPACE = 0 S.F.
TOTAL AREA OF PROPOSED OPEN SPACE = 0 S.F.
TOTAL AREA OF OPEN SPACE GAINED = 0 S.F.



SITE DEVELOPMENT PLANS FOR  
**PERIMETER POINTE**  
 PERIMETER CENTER WEST  
 LANDLOT 19 OF THE 17TH DISTRICT  
 FULTON

EXHIBIT "D"

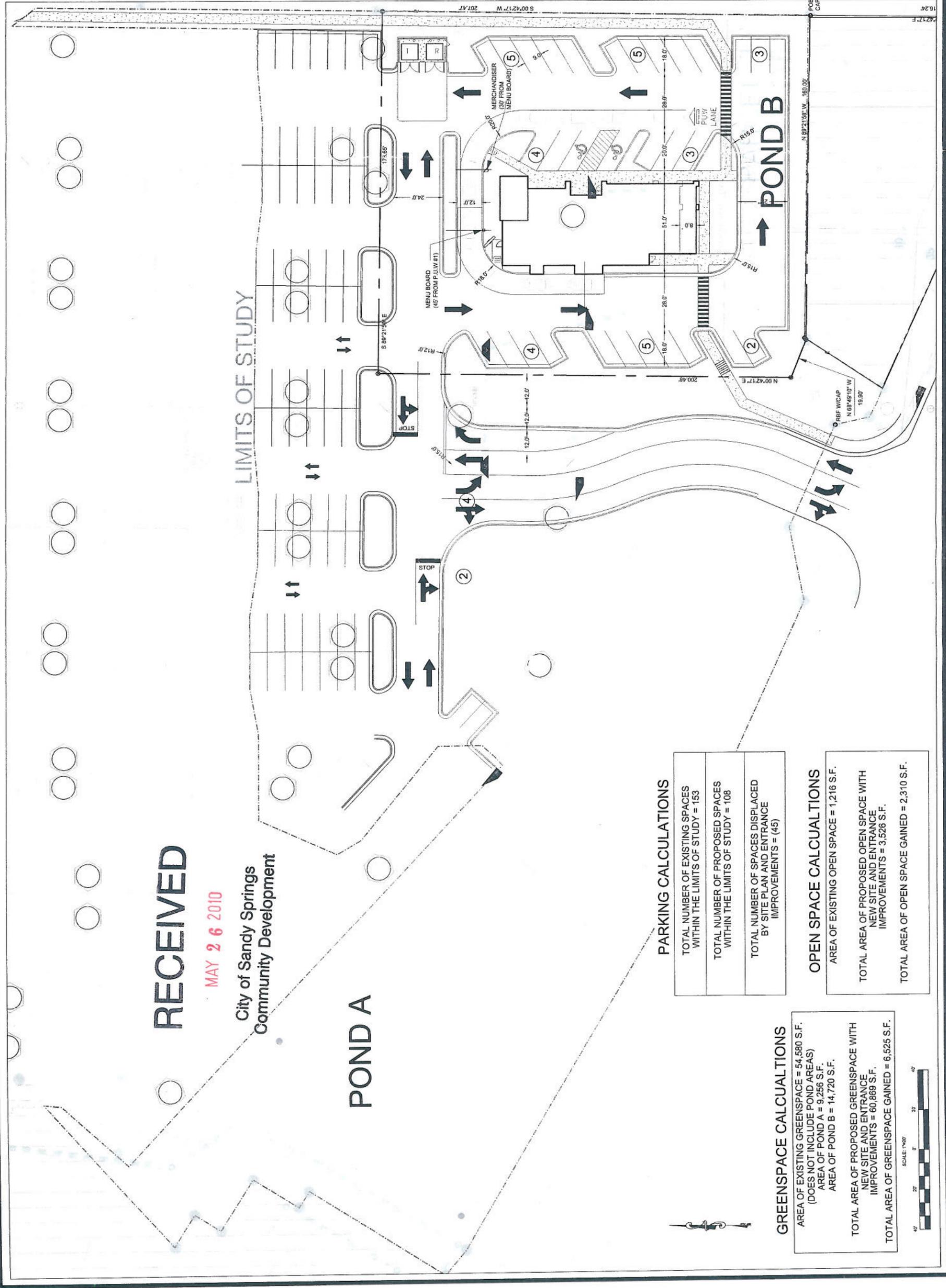
**Omni**  
 Consulting Services  
 475 Swanson Road Suite C  
 Tyne, GA 30250  
 ph: 770-466-7370  
 fax: 770-466-8398  
 omni@omnicons.com

REVISIONS


R209-000

**NEW SITE PLAN**  
 Drawing Title

DATE: APRIL 20, 2010	DATE: 4/20/10	NO. 4	OF 4
DRAWN BY: [blank]	CHECKED BY: [blank]	DESIGNED BY: [blank]	SCALE: [blank]



**RECEIVED**

MAY 26 2010

City of Sandy Springs  
 Community Development

POND A

**PARKING CALCULATIONS**

TOTAL NUMBER OF EXISTING SPACES WITHIN THE LIMITS OF STUDY = 153
TOTAL NUMBER OF PROPOSED SPACES WITHIN THE LIMITS OF STUDY = 108
TOTAL NUMBER OF SPACES DISPLACED BY SITE PLAN AND ENTRANCE IMPROVEMENTS = (45)

**OPEN SPACE CALCULATIONS**

AREA OF EXISTING OPEN SPACE = 1,216 S.F.
TOTAL AREA OF PROPOSED OPEN SPACE WITH NEW SITE AND ENTRANCE IMPROVEMENTS = 3,526 S.F.
TOTAL AREA OF OPEN SPACE GAINED = 2,310 S.F.

**GREENSPACE CALCULATIONS**

AREA OF EXISTING GREENSPACE = 54,580 S.F. (DOES NOT INCLUDE POND AREAS)
AREA OF POND A = 9,256 S.F.
AREA OF POND B = 14,720 S.F.
TOTAL AREA OF PROPOSED GREENSPACE WITH NEW SITE AND ENTRANCE IMPROVEMENTS = 60,869 S.F.
TOTAL AREA OF GREENSPACE GAINED = 6,525 S.F.





Jeffrey S. Dehner  
Direct Dial: (770) 951-6577  
Direct FAX: (770) 303-1150  
E-MAIL: jdehner@hssw.com

February 10, 2010

RECEIVED

VIA E-MAIL (DOUG.TRETTIN@SANDYSPRINGSGA.ORG)

1

City of Sandy Springs  
Community Development

Mr. Doug Trettin  
Planner  
City of Sandy Springs  
7840 Roswell Rd., Bldg 500  
Sandy Springs, GA 30350

Re: RZ09-006/CV09-015  
Application of Wendy's for Change to Zoning at Perimeter Point  
HSSW File No. 10982-0083000

Dear Doug:

As you are aware this law firm is representing Wendy's for purposes of the above referenced zoning. We are continuing to work with the neighborhood groups, as well as the Landlord to address issues raised prior to and during our meeting at City Hall last week. We believe that a deferral would be beneficial to all parties involved. As such, Wendy's is officially requesting that its Zoning Application be deferred for thirty (30) days.

Thank you for your assistance with this matter.

Sincerely,

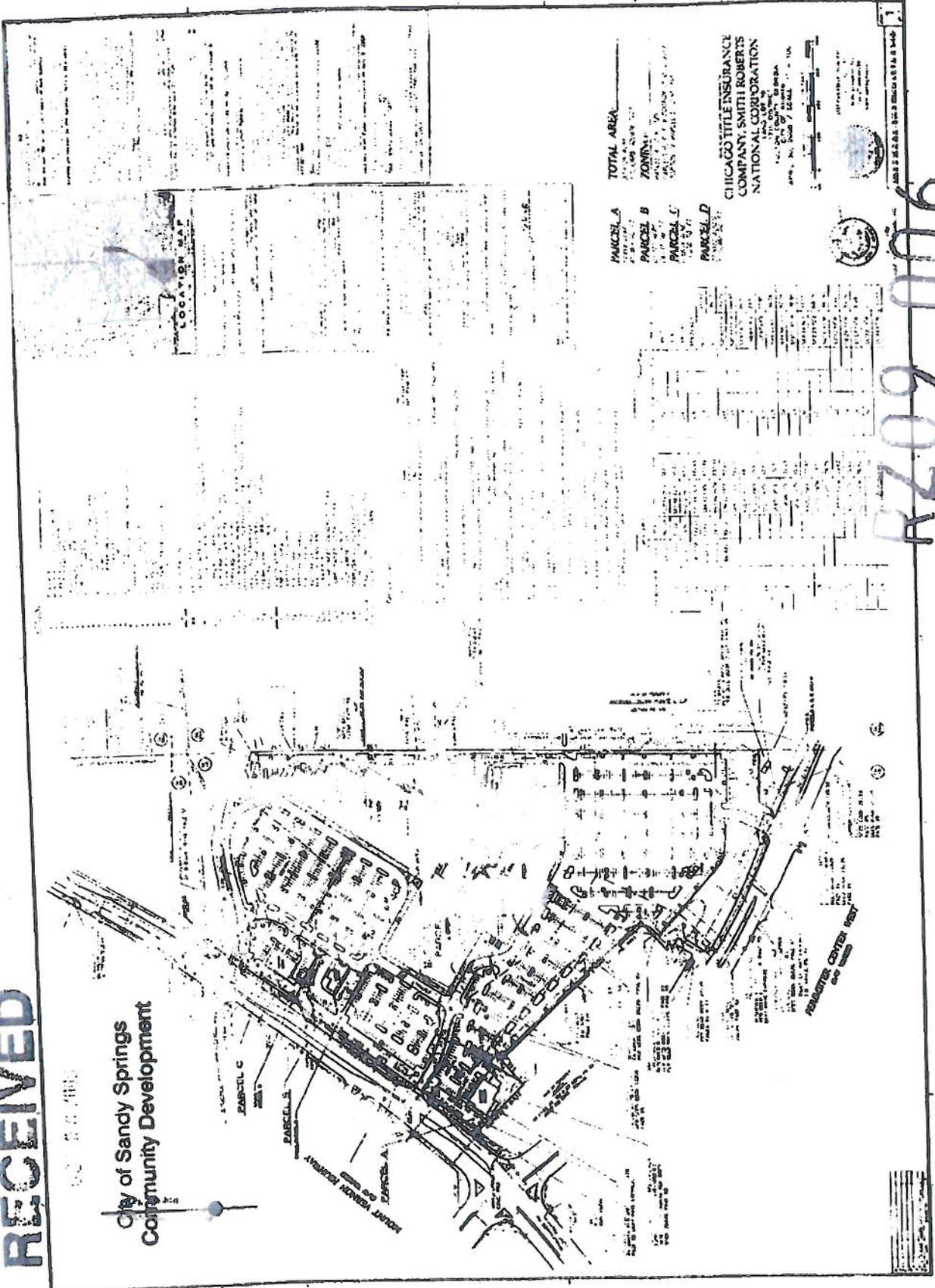
Jeffrey S. Dehner

JSD/blj

cc: Ashley Sperling (via email, ashley\_sperling@wendys.com)  
Gary Bogo (via email, Gary\_Bogo@Wendys.com)  
Sue Gordon (via email, Susan.Gordon@wendysarbys.com)

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City of Sandy Springs  
Community Development



**TOTAL AREA**  
 PARCEL A  
 PARCEL B  
 PARCEL C  
 PARCEL D

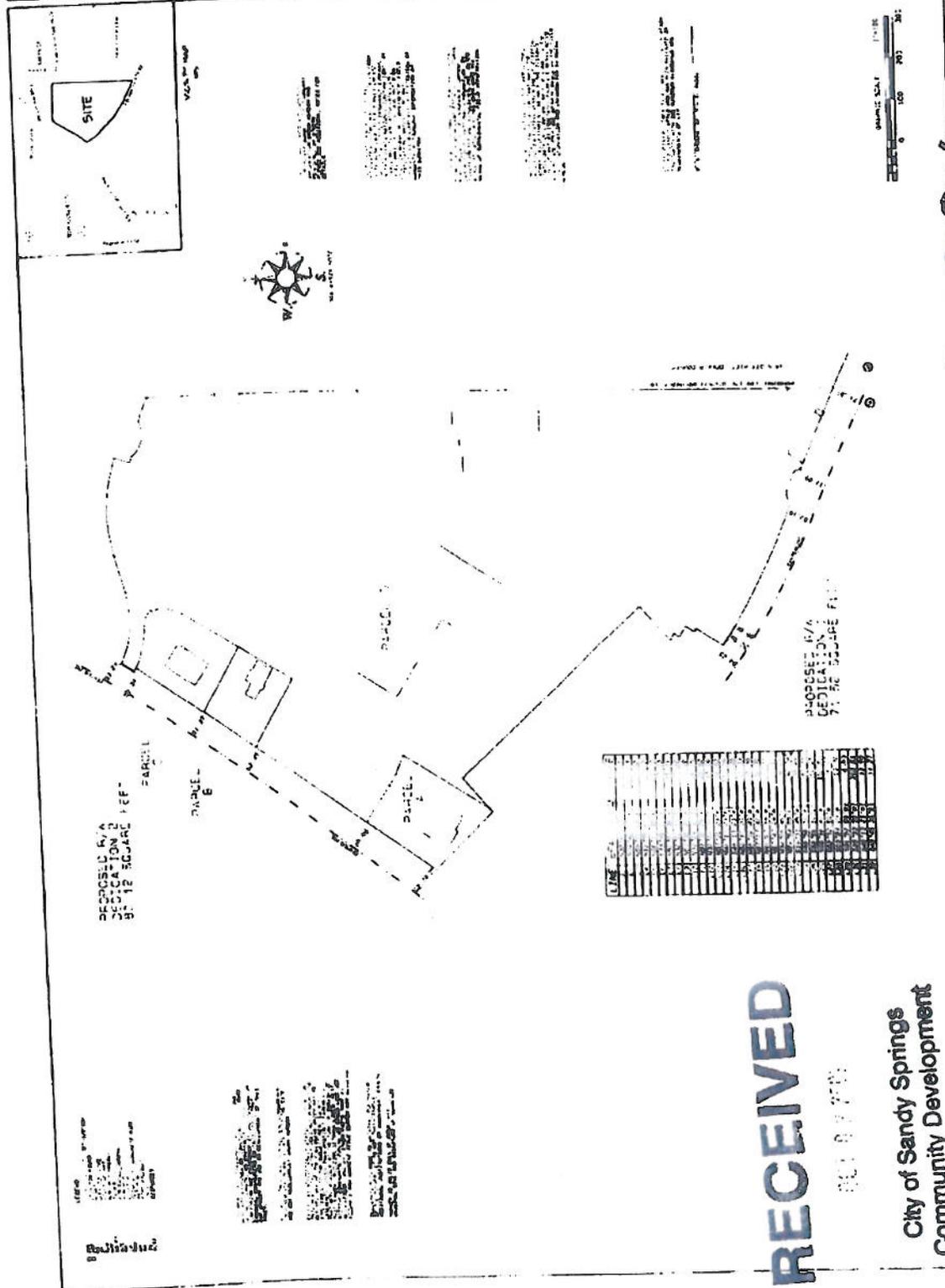
**CHICAGO TITLE INSURANCE COMPANY, SMITH ROBERTS NATIONAL CORPORATION**  
 1111 OAK ST.  
 CHICAGO, ILL. 60604  
 PHONE: 312-527-1200

DATE: 07/12/00

SCALE: 1" = 100'

PROJECT: SANDY SPRINGS COMMUNITY DEVELOPMENT

RZ09-006

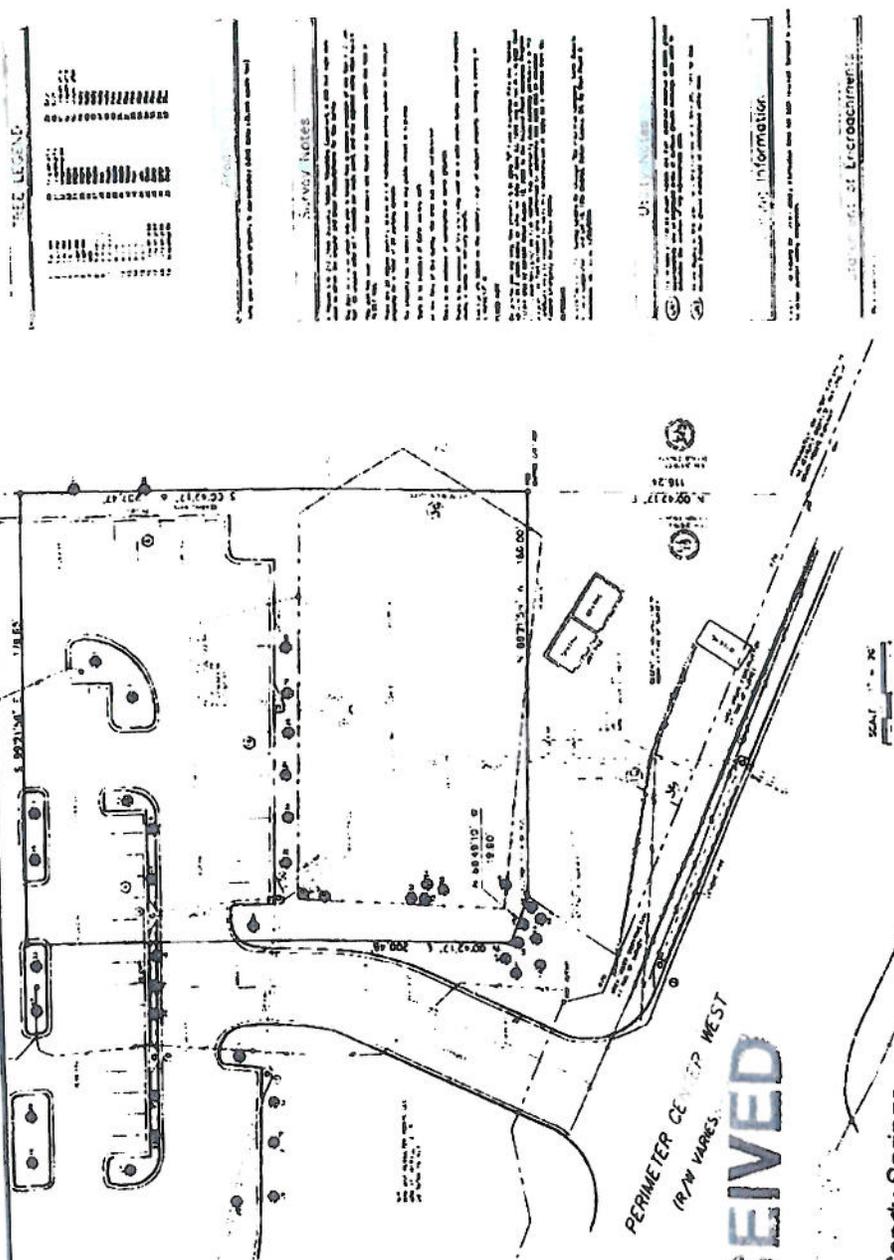


RZ09 006

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OCT 10 2009

City of Sandy Springs  
Community Development



**FILE LEGEND**

**SURVEY NOTES**

**USING THIS INFORMATION**

**PERIMETER CENTER WEST (R/W) VARIATION**

**RECEIVED**

**City of Sandy Springs  
Community Development**

**Moreland Altabelli Associates, Inc.**  
Professional Engineers, Architects, Land Acquisition Services  
201 North Peachtree Road  
Atlanta, Georgia 30307

SURVEY FOR:  
Arby's Perimeter Pointe

RZ09 006

Arby's Restaurant Group, Inc.  
35 Technology Parkway South  
Suite 170  
Norcross, GA 30092

T (678) 684-4600  
www.arbys.com

RECEIVED

OCT 16 2009

October 5, 2009

City of Sandy Springs  
Community Development

City of Sandy Springs  
Planning and Zoning Department  
7840 Roswell Rd.  
Building 500  
Sandy Springs, GA 30350

RE: LETTER OF INTENT  
Arby's Wendy's Dual Concept New construction  
Variance request  
Tax Parcel id: 17-0019-LI-121-8  
1155 Mount Vernon Highway  
Sandy Springs, GA

To Whom It May Concern:

Please use this letter as notice of intent to request to carry forward the below previously approved variance on the overall site.

4.13 C (previous 3.G) Frontage reduced from 200' to 160' (Chic-fil-a site)

3.G Each outparcel which abuts a public right-of-way shall have a minimum of 200' feet of frontage on said public right-of-way, except the outparcel labeled on the site plan as #44, building B, shall have a minimum of 160' feet of frontage, however, direct access to said right-of-way shall be prohibited (part 3.93VC-103).

This new location will be a unique restaurant combination of Wendy's and Arby's. This restaurant is across the street from the Wendy's Arby's Group corporate office, and will be a monument to the two brands fantastic menu offerings. It will be a showcase location that will generate additional excitement, and partnership in the community.

While still in the planning stages, the new building will be approximately 4,000 square feet, with 90 seats. This project will be an addition to the existing shopping center on the previously developed site.

We look forward to serving you soon.

Sincerely,

  
Brian Arnold  
Vice President of Construction  
South Region

RZ09 006



I'm thinking Arby's.

IMPACT ANALYSIS  
FORM B

Applicant:

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 existing use will not be changed. It will only be modified to add a proposed Arby's/Wendy's Restaurant.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No. The existing zoning is C-1 Conditional and the proposed zoning is C-1 Conditional.
3. Does the property to be rezoned have a reasonable economic use as currently zoned? Yes. The property is only rezoning to modify the conditions and site plan of the previous rezoning which took place back in the 90's.
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. The overall development was developed in the 90's and this rezoning will only add an additional Arby's/Wendy's Restaurant.
5. Is the zoning proposal in conformity with the policies and intent of the land use plan? Yes. As mentioned above, the use of the overall property remains the same, no change in use is being requested.
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? There are existing conditions on the previous rezoning that only allows for one fast food establishment. An approval will allow an additional fast food restaurant to be added without negatively impacting the adjacent property.
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. The existing use is not being changed.

Attach additional sheets as needed.

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RZ09 006

06  
City of Sandy Springs  
Community Development

Rezoning Application page 11



**MEMORANDUM**

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

**FROM:** Monica Robinson, M.B.A., Environmental Specialist Senior  
Environmental Health Services

**DATE:** November 9, 2009

**SUBJECT:** Comments to RZ09-006/CV09-015

AGENDA ITEM	ZONING COMMENTS
RZ09-006/ CV09-015	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water and public sanitary sewer available to the site.</p> <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 Air Act of 2005.</p> <p>Since this proposed development is 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.</p>

**RECEIVED**

City of Sandy Springs  
Community Development



Department of the Environment and Community Development  
141 Pryor Street, SW  
Suite 2085  
Atlanta, GA 30303

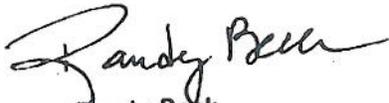
November 16, 2009

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 December Planning Commission and January 2010 Mayor and City Council Meetings. I have reviewed the item within the package and find that it will not have a significant impact on Unincorporated Fulton County. Thank you for the opportunity to review the requests.

Sincerely,

  
Randy Beck,  
Deputy Director, E&CD

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NOV 19 2009

City of Sandy Springs  
Community Development

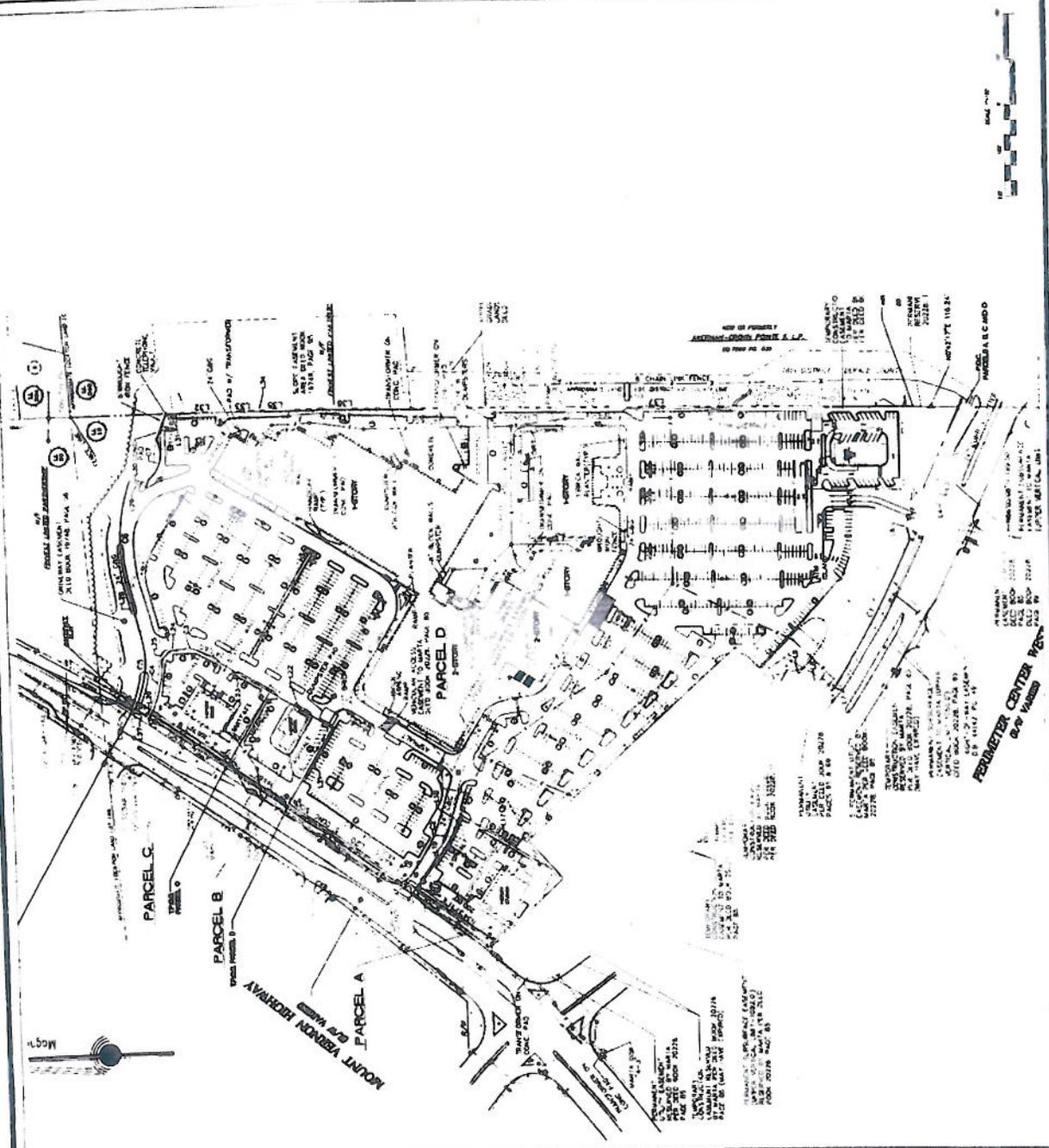
12209-006

**Wendy's**  
 SITE DEVELOPMENT PLANS FOR  
**PERIMETER CENTER WEST**  
 FULTON COUNTY, GEORGIA  
 LANDLOT 19 OF THE 17TH DISTRICT

**Omi**  
 CONSULTING SERVICES  
 175 HUNTERS LANE  
 SUITE 100  
 ALPHARETTA, GA 30201  
 (404) 485-1100

REVISIONS


**OVERALL PLAN**  
 DATE: 10/12/04  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 1



RECEIVED  
 City of Atlanta  
 Department of Transportation  
 2-205-006



Know what's behind.  
 Call before you dig.

RECEIVED

PZ09-006

City of Sandy Springs  
Community Development

Wendy's  
PERIMETER CENTER WEST  
LANDLOT 19 OF THE 17TH DISTRICT  
FLATON COUNTY GEORGIA  
SITE DEVELOPMENT PLANS FOR

Omi  
CORPORATION  
1000 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404.525.1000  
www.omiconstruction.com

REVIEWS  
DATE: 11/11/11  
BY: [Signature]  
DATE: 11/11/11  
BY: [Signature]  
DATE: 11/11/11  
BY: [Signature]



NOT TO SCALE  
DATE: 11/11/11  
BY: [Signature]

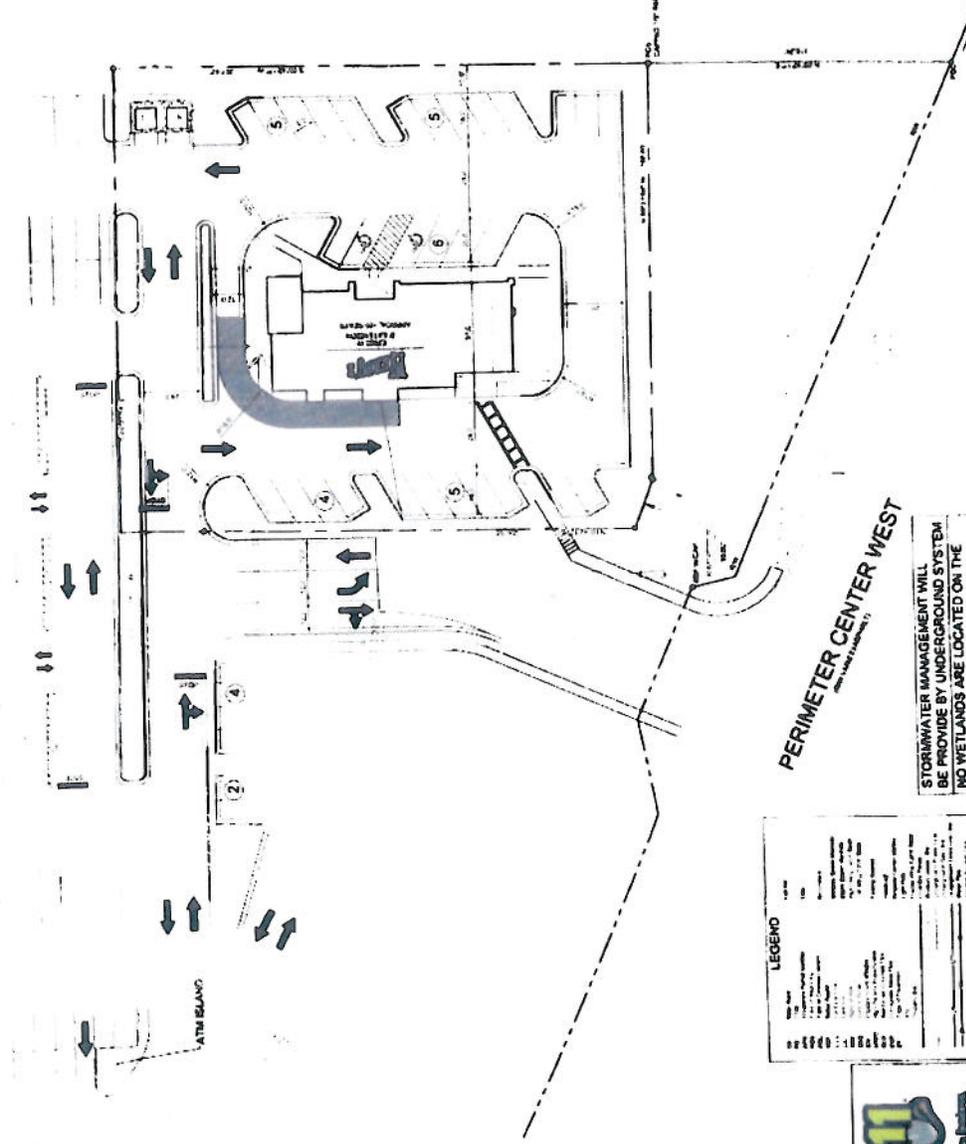
WATER SERVICES FOR THIS PROJECT ARE PROVIDED BY CITY OF ATLANTA  
SANITARY SERVICES FOR THIS PROJECT ARE PROVIDED BY FULTON COUNTY  
NO PORTION OF THIS SITE LIES WITHIN 100' OF STATE WATERS  
THE CHATTAHOOCHEE RIVER CORRIDOR  
BY CHANGING PLOTTING ONLY, THIS PROPERTY IS IN ZONE X PLANK NUMBER 31200181 E WHICH BEARS AN EFFECTIVE DATE OF JUNE 22, 1988 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA BY CONTRACT DATED AUGUST 16, 2007.

DEVELOPMENT STATISTICS SUMMARY CHART (OVERALL EXISTING CONSTRUCTION DEVELOPMENT)

TOTAL AREA OF SITE	= 30.41 ACRES = 100%
TOTAL BUILDING SPACES	= 1,182,318 SF = 80.40%
TOTAL IMPERVIOUS	= 1,181,344 SF = 87.70%
TOTAL LANDSCAPING AREA	= 103,318 SF = 12.2%
FLOOD PLAIN	= 0%
UNDEVELOPED AND/OR OPEN SPACE	= 0%

DEVELOPMENT STATISTICS SUMMARY CHART (OVERALL DEVELOPMENT = Wendy's)

TOTAL AREA OF SITE	= 30.41 ACRES = 100%
TOTAL BUILDING AREA	= 364,972 SF = 77.56%
TOTAL IMPERVIOUS	= 1,175,818 SF = 88.61%
TOTAL LANDSCAPING AREA	= 148,842 SF = 11.64%
FLOOD PLAIN	= 0%
UNDEVELOPED AND/OR OPEN SPACE	= 0%



PERIMETER CENTER WEST  
1000 Peachtree Street, N.E.  
Atlanta, Georgia 30309

STORMWATER MANAGEMENT WILL BE PROVIDED BY UNDERGROUND SYSTEM  
NO WETLANDS ARE LOCATED ON THE SUBJECT PROPERTY

LEGEND

1" = 100'	1" = 100'
2" = 100'	2" = 100'
3" = 100'	3" = 100'
4" = 100'	4" = 100'
5" = 100'	5" = 100'
6" = 100'	6" = 100'
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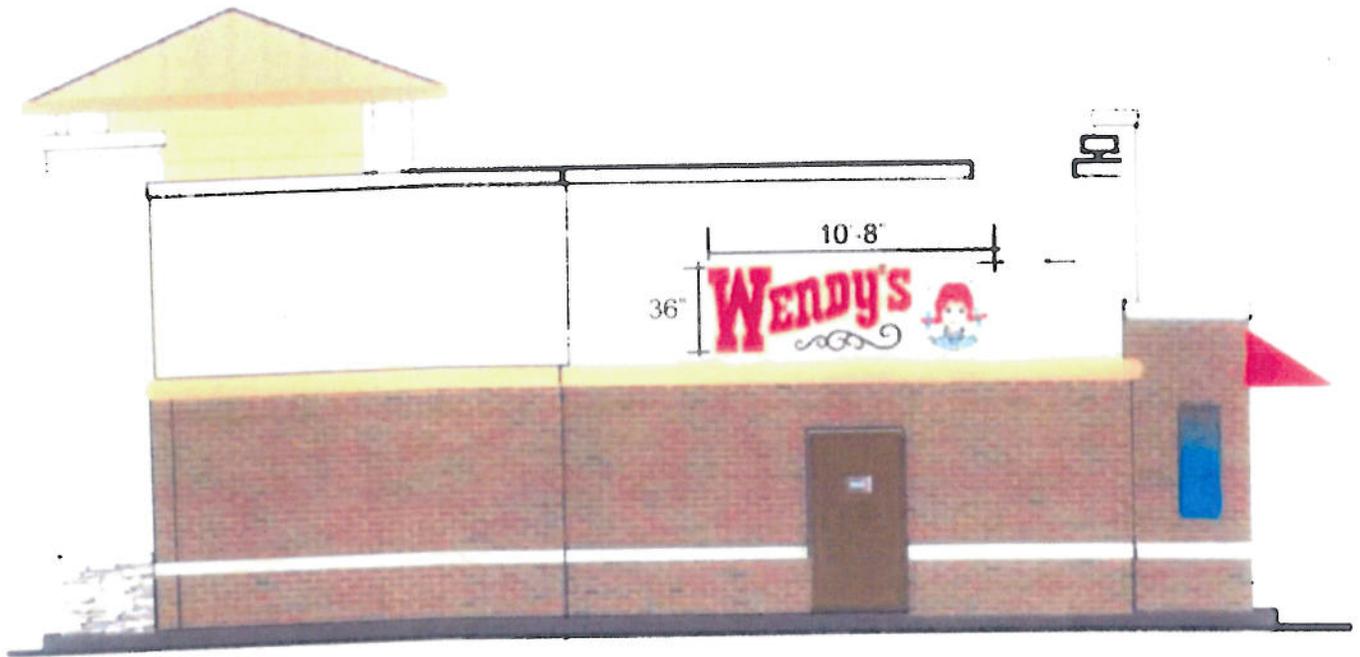




R209-006

RECEIVED

City of Houston  
Contract Development



**REAR ELEVATION**  
7/20/15

R209-006

RECEIVED

City of Perry, Ohio  
Construction Department



Hartman, Simons,  
Spielman & Wood, LLP

Theodore (Ted) Sandler  
Direct Dial: (770) 951-6588  
Direct FAX: (770) 303-1168  
E-MAIL: tsandler@hssw.com

January 28, 2010

VIA E-MAIL DOUG.TRETTIN@SANDYSPRINGSGA.ORG  
VIA OVERNIGHT DELIVERY

Mr. Doug Trettin  
Planner, City of Sandy Springs  
7840 Roswell Rd., Bldg 500  
Sandy Springs, GA 30350

City of Sandy Springs  
Community Planning Director

Re: Amendment to Rezoning Petition Request No. RZ09-006/CV09-015  
Wendy's at Perimeter Point; HSSW File No. 10982-0083000

Dear Doug:

Please be advised that this law firm is representing the Wendy's/Arby's Group for purposes of the above captioned rezoning application. In response to prior meetings with the City of Sandy Springs staff, Wendy's has revised its site plan. The new plan provides for increased stacking at the existing traffic signal for the Perimeter Pointe Shopping Center from Perimeter Center West Parkway. Copies of the revised site plan for Wendy's and the change in the access driveway for the Perimeter Pointe Shopping Center are attached hereto.

Also as a result of our previous meeting with staff, Wendy's is aware that it is allowed two wall signs for its proposed building. A "photo-shopped" picture showing these two signs is attached hereto. As part of Wendy's building redesign, Wendy's would prefer to have a third wall sign. This sign would be along the rear of the proposed building facing the parking area and in-line stores in the Shopping Center. As such, we are hereby requesting a concurrent variance to Article 33, Section 26, Subsection F(2) to allow a third wall sign. I have also attached a photo-shopped image of the rear of the proposed Wendy's building showing the requested sign.

I am available at your convenience to discuss any questions you may have about the additional concurrent request for a sign variance or the change in site plans as proposed.

Sincerely,

Theodore (Ted) Sandler

Enclosures

cc: Ashley Sperling (via email, w/attachments), Gary Bogo (via email, w/attachments)  
Jeff Dehner (via email, w/attachments)







12205-006

RECEIVED

City of...  
...



**REAR ELEVATION**  
1/2\"/>

REAR ELEVATION

City of Quincy, Inc. IS  
Continually Developing

RZ09-006



# REGIONAL REVIEW FINDING

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: Dec 18 2009

ARC REVIEW CODE: Q912081

TO: MAYOR EVA GALAMBOS  
ATTN TO: DOUG TRETTIN, SENIOR PLANNER  
FROM: Charles Krautler, Director

The Atlanta Regional Commission (ARC) has completed regional review of the following Development of Regional Impact (DRI). Below is the ARC finding. The Atlanta Regional Commission reviewed the DRI with regard to conflicts to regional plans, goals, and policies and impacts it might have on the activities, plans, goals, and policies of other local jurisdictions and state, federal, and other agencies. The finding does not address whether the DRI is or is not in the best interest of the local government.

**Submitting Local Government:** City of Sandy Springs  
**Name of Proposal:** 1155 Mount Vernon Highway

**Review Type:** MARTA Corridor Area Plan      **Date Opened:** Dec 8 2009      **Date Closed:** Dec 18 2009

**FINDING:** No conflicts with regional plans or development guides were determined during the review.

**Additional Comments:** None

### THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC LAND USE PLANNING  
ARC DATA RESEARCH  
METRO ATLANTA RAPID TRANSIT AUTHORITY  
FULTON COUNTY

ARC TRANSPORTATION PLANNING  
ARC AGING DIVISION  
GEORGIA DEPARTMENT OF TRANSPORTATION

ARC ENVIRONMENTAL PLANNING  
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS  
GEORGIA REGIONAL TRANSPORTATION AUTHORITY

If you have any questions regarding this review, Please call Jon Tuley, at (404) 463-3309. This finding will be published to the ARC website.  
The ARC review website is located at: <http://www.atlantaregional.com/landuse>.

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12709-006

City of Sandy Springs  
Community Development

12209-006



2424 Piedmont Rd. N.E.  
Atlanta, GA 30324-3330  
404-848-5000

January 4, 2010

Jonathan Tuley, Senior Planner  
Atlanta Regional Commission (ARC)  
Land Use Planning Division  
40 Courtland Street, N.E.  
Atlanta, GA 30303

RECEIVED

City of Sandy Springs  
Community Development

RE: Area Planning Review (APR)  
1155 Mount Vernon Highway

The Metropolitan Atlanta Rapid Transit Authority (MARTA) has completed review of documentation for APR with regard to the development at 1155 Mount Vernon Highway in City of Sandy Springs in Fulton County. The proposed development parcel is located adjacent to the MARTA Sandy Springs station near the Bus bay entrance and south of the power substation. Current MARTA bus routes operating out of the Sandy Springs station are Routes 148, 150, and 151.

While this area is a major transit hub, the location itself is very difficult for pedestrian navigation. The combination of wide multi-lane streets, numerous curb cuts, and high traffic volume makes walking a difficult and sometimes dangerous activity. To help ameliorate this, we would request that approval of this development be conditioned on provision of direct pedestrian access in the form of sidewalks and a staircase from the Shopping Center Driveway/Perimeter Center Parkway West intersection. This will facilitate pedestrian access to the restaurant both for MARTA customers coming from the station and for other patrons crossing from the west side of Perimeter Center Parkway West.

The Sandy Springs station is designated as a commuter town center in the MARTA Transit Oriented Development (TOD) guideline currently under development. This designation discourages but may permit drive-through developments under special authorization. We believe that provision of the requested pedestrian facilities as part of the proposed development will contribute significantly to helping us achieve a more accessible transit hub. MARTA staff will be available to discuss this with the development team.

Thank you for the opportunity to review the proposal. Please let me know if you have any questions.

Sincerely,

Henry Ikwut-Ukwa, Ph.D.  
Manager, Planning Initiatives  
Phone: 404-848-5828

**Trettin, Doug**

---

**From:** trishathompsonfox [trishathompsonfox@comcast.net]  
**Sent:** Friday, February 05, 2010 6:31 PM  
**To:** Trettin, Doug  
**Cc:** Bill Grossman; Tochie Blad  
**Subject:** Zoning - Wendy's/Arby's

Doug,

For the record and the PC files, DHA entered into negotiations and an agreement with the developer on this project several years before the formation of SSCN. DHA has worked tirelessly to protect the community. We've welcomed both their leadership and their support whenever issues arise.

The Conditions of Zoning that were worked out for the success of the original project and for the protection of the neighborhoods by DHA is to be commended and we (SSCN) fully support their current position - to urge that this application be DENIED.

Thank you,  
Trisha Thompson  
Chair, Zoning Committee  
SSCN

RECEIVED

City of Chicago  
Community Development

**DISCLAIMER**

THIS DRAWING IS FOR GENERAL INFORMATION PURPOSES ONLY. ANY AND ALL FEATURES, MATTERS AND OTHER INFORMATION DEPICTED HEREON OR CONTAINED HEREIN ARE FOR ILLUSTRATIVE MARKETING PURPOSES ONLY, ARE SUBJECT TO MODIFICATION WITHOUT NOTICE, ARE NOT INTENDED TO BE RELIED UPON BY ANY PARTY AND ARE NOT INTENDED TO CONSTITUTE REPRESENTATIONS OR WARRANTIES AS TO OWNERSHIP OF THE REAL PROPERTY DEPICTED HEREON, THE SIZE AND NATURE OF IMPROVEMENTS TO BE CONSTRUCTED OR THAT ANY IMPROVEMENTS WILL BE CONSTRUCTED OR THE IDENTITY OR NATURE OF ANY OCCUPANTS THEREON.

REVISION  
02.08.10



**PERIMETER POINTE**  
1155 Mt Vernon Hwy  
Atlanta, Georgia 30338

Latitude: 33.9331, Longitude: -84.3503

12209-006

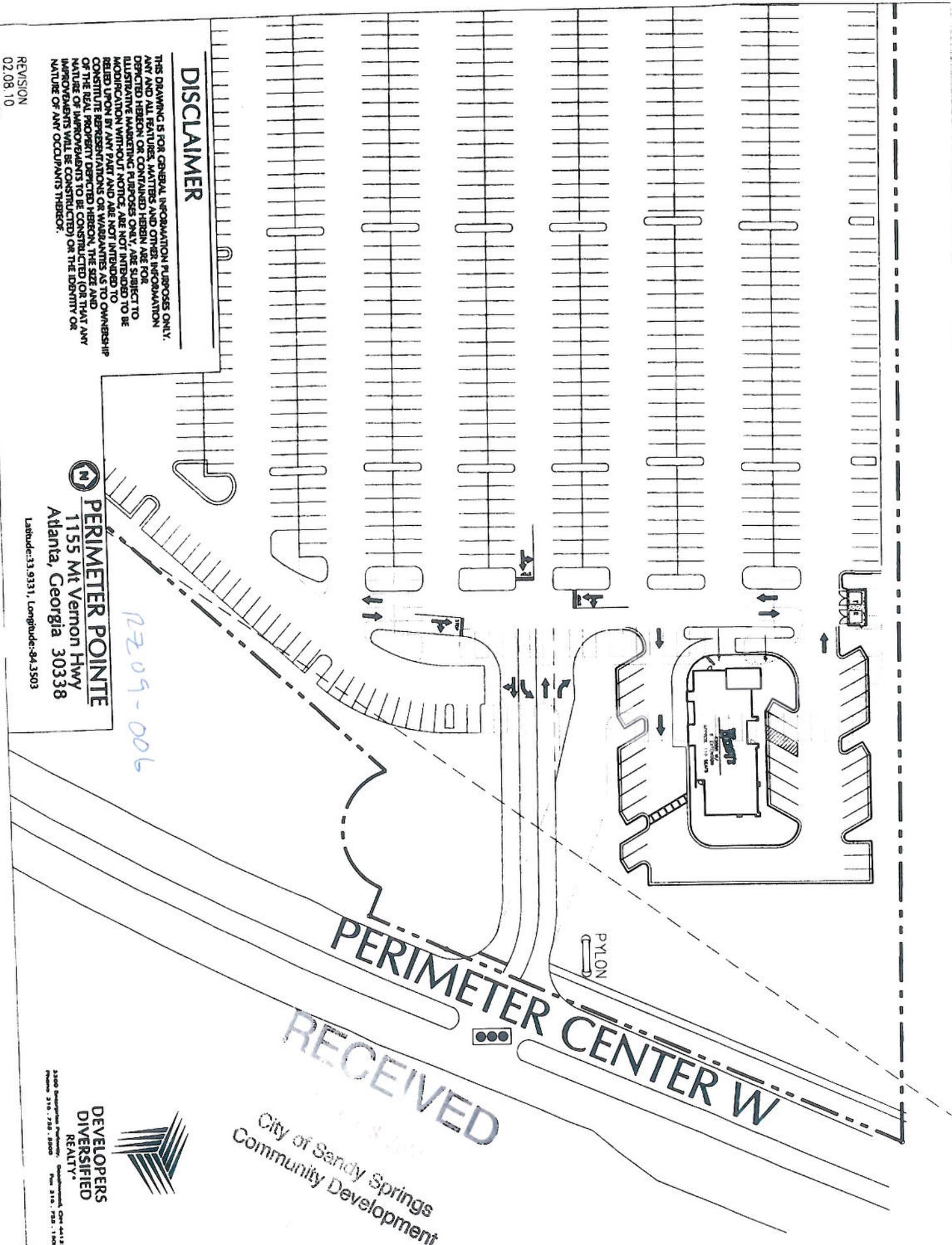
RECEIVED  
AUG 20 2010

City of Sandy Springs  
Community Development



**DEVELOPERS  
DIVERSIFIED  
REALTY**

2400 Springdale Parkway, Suite 400, Atlanta, GA 30328  
Phone: 404.720.2800 Fax: 404.720.1400



## Trettin, Doug

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**From:** Woody Galloway [woodyg@dandglaw.com]  
**Sent:** Friday, June 18, 2010 3:25 PM  
**To:** Trettin, Doug  
**Cc:** Leathers, Nancy; McLendon, Cecil; Ruffin, Patrice  
**Subject:** RE: PC follow-up  
**Attachments:** William Woodson Galloway.vcf

While these items were discussed they were not a part of the PC's action. We do plan to continue our dialogue with the HOA's regarding landscaping and design, however, as I indicated last night and the PC ultimately agreed by their action, there is only so much cost this small change to the shopping center can be expected to bear. The owner considered and decided against adding an additional sidewalk from MARTA to the main center due to the level of existing foot traffic, lease restrictions, loss of parking and cost. We discussed this issue with Mark Moore at the time and I think that he agreed it was of little value. We will explore the way-finding issue but it is a very open layout so it is easy to see where you are going. Obviously, there will need to be additional signage at the Chick-Fil-A to ensure that customers understand the new traffic flow pattern and restricted access. We indicated last night where the proposed employee parking will be but can discuss that further if necessary.

Thanks for your work on this case. I hope that we can have all the issues resolved prior to the CC's consideration.

William Woodson Galloway  
Dillard & Galloway, LLC  
3500 Lenox Road, N.E.  
Suite 760  
Atlanta, GA 30326  
O: (404) 965-3681  
C: (678) 575-0001  
[WoodyG@DandGLaw.com](mailto:WoodyG@DandGLaw.com)

---

**From:** Trettin, Doug [mailto:Doug.Trettin@sandyspringsga.org]  
**Sent:** Friday, June 18, 2010 1:10 PM  
**To:** Woody Galloway; Laurel David  
**Cc:** Leathers, Nancy; McLendon, Cecil; Ruffin, Patrice  
**Subject:** PC follow-up

Woody-

Please see the attached follow-up letter regarding last night's Planning Commission hearing. Thanks and have a good weekend.

Doug

Doug Trettin  
Senior Planner  
City of Sandy Springs  
7840 Roswell Road, Bldg. 500  
Sandy Springs, GA 30350  
770-206-1515  
770-206-1562 fax  
<http://www.sandyspringsga.org/>