
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** June 8, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ10-003** - 465, 475, 485, 490, 500 Tanacrest Drive, *Applicant:*
City of Sandy Springs, To rezone the subject properties from R-2 &
R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling
District)

MEETING DATE: For Submission onto the June 15, 2010, City Council Regular
Meeting Agenda

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

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER: *gm* **APPROVED**

_____ **NOT APPROVED**

PLACED ON AGENDA FOR: 6/15/10

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

CITY ATTORNEY APPROVAL: *gm*

REMARKS:

To: John McDonough, City Manager

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

Date: May 26, 2010 for submission onto the June 15, 2010 City Council meeting 

Agenda Item: **RZ10-003**, Request to rezone the subject property from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District) to allow the properties to be under a single zoning district (R-3) and to continue to be developed to R-3 standards.

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL of the request to rezone the subject property from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District) to allow the properties to be under a single zoning district (R-3) and to continue to be developed to R-3 standards.

Background:

The City is requesting to rezone from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District) to allow the properties to be under a single zoning district (R-3) and to continue to be developed to R-3 standards.

Discussion:

Each of the subject properties is zoned both R-2 and R-3 (Single-family Dwelling Districts). The City is requesting to rezone from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District) to allow the properties to be under a single zoning district (R-3) and to continue to be developed to R-3 standards.

NOTE: For parcels where R-2 is the largest component, homes could not be replaced at the R-2 development standards which they were originally developed under during the 1960s.

Concurrent Review:

The staff held a Focus Meeting on April 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 (*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
- Fulton County Emergency Management



Rezoning Petition No. RZ10-003

HEARING & MEETING DATES			
Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
March 23, 2010	April 28, 2010	May 20, 2010	June 15, 2010
APPLICANT/PETITIONER INFORMATION			
Property Owners		Petitioner	Representative
Felton, Scovil, Johnson, Rupnow, & Ray		City of Sandy Springs	City of Sandy Springs
PROPERTY INFORMATION			
Address, Land Lot, and District	465, 475, 485, 490, & 500 Tanacrest Drive Land Lot 131, District 17		
Council District	3		
Frontage and Area	560 feet of frontage along the north and south side of Tanacrest Drive. The subject properties have a total area of 2.18 acres (94,783 square feet).		
Existing Zoning and Use	R-2 (Single-family Dwelling District) and R-3 (Single-family Dwelling District) under zoning case Z63-045. The subject properties are currently developed as single-family residences.		
2027 Comprehensive Future Land Use Map Designation	R2 to 3 (Residential 2 to 3 units per acre), Protected Neighborhood.		
Proposed Zoning	R-3 (Single-family Dwelling District)		

INTENT

INITIATION TO REZONE THE SUBJECT PROPERTIES FROM R-2 & R-3 (SINGLE-FAMILY DWELLING DISTRICTS) TO R-3 (SINGLE-FAMILY DWELLING DISTRICT).

Each of the subject properties is zoned both R-2 and R-3 (Single-family Dwelling Districts). The City is requesting to rezone from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District) to allow the properties to be under a single zoning district (R-3) and to continue to be developed to R-3 standards.

NOTE: For parcels where R-2 is the largest component, homes could not be replaced at the R-2 development standards which they were originally developed under during the 1960s.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ10-003 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION

RZ10-003 - APPROVAL CONDITIONAL

The petition was heard at the May 20, 2010 Planning Commission meeting. The Commission Recommended approval subject to staff conditions. Approved (4-0, Duncan, Pond, Thatcher, and Rubenstein for; Maziar, Rupnow, and Tart absent).

Location Map

465, 475, 485, 490, 500 Tanacrest Drive



BACKGROUND

The City is requesting to rezone from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District) to allow the properties to be under a single zoning district (R-3) and to continue to be developed to R-3 standards.

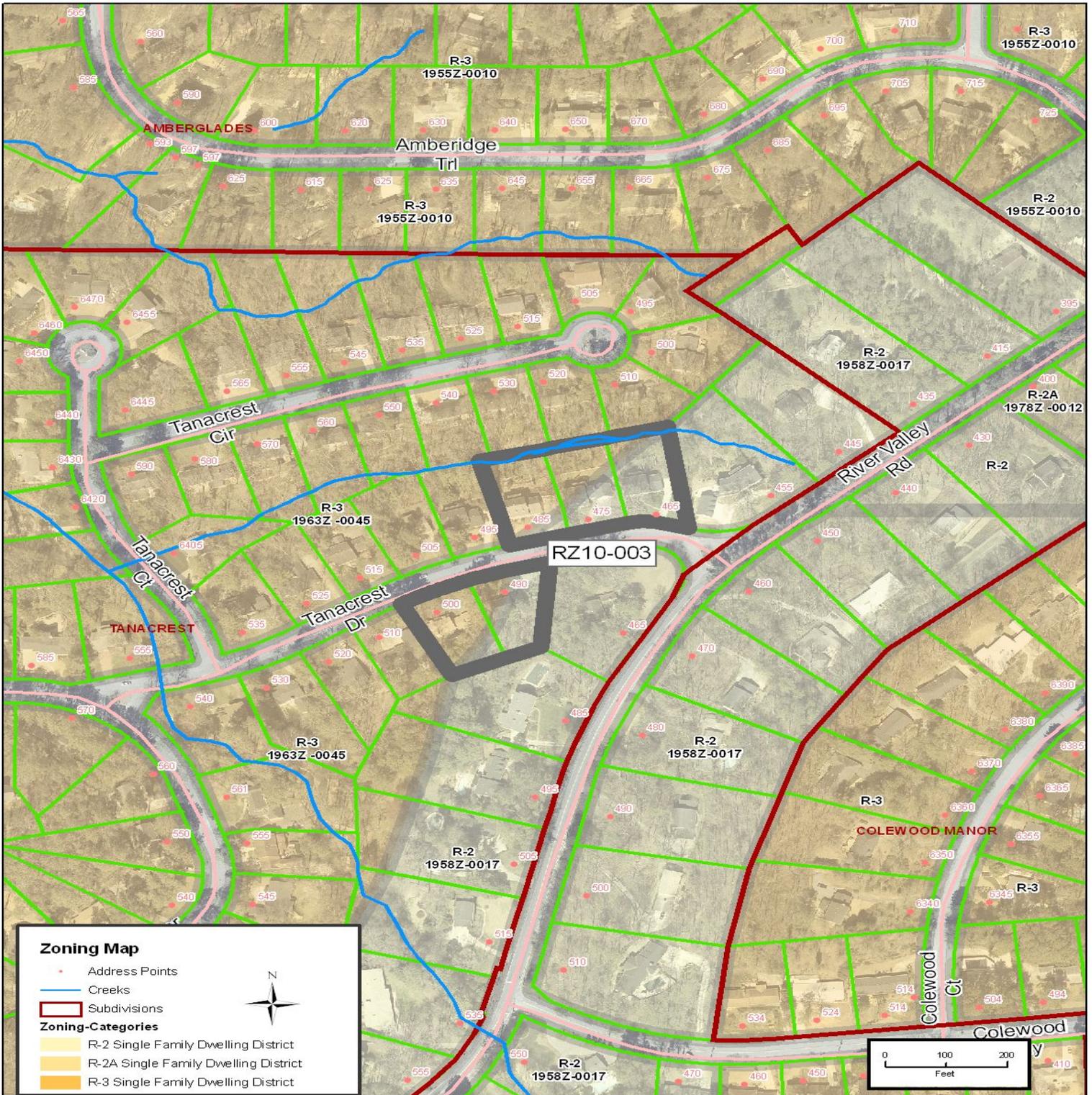
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Units per Acre)
RZ09-012/CV09-020	R-3	Single-Family Residential (Tanacrest Subdivision)	2.18 (5 lots)	5 Units	2.29 Units/ Acre
Location in relation to subject property					
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	R-3 Z63-045	Single-Family Residential (Tanacrest Subdivision)	1.70 (4 lots)	4 Units	2.35 Units/ Acre
East	R-2	Single-Family Residential (455 & 465 River Valley Road)	2.03 (2 lots)	2 Units	0.99 Units/ Acre
South	R-2	Single-Family Residential (485 River Valley Road)	1.07 (1 lot)	1 Units	0.94 Units/ Acre

West	R-3 Z63-045	Single-Family Residential (Tanacrest Subdivision)	0.81 (2 lots)	2 Units	2.47 Units/ Acre
------	----------------	--	------------------	---------	------------------

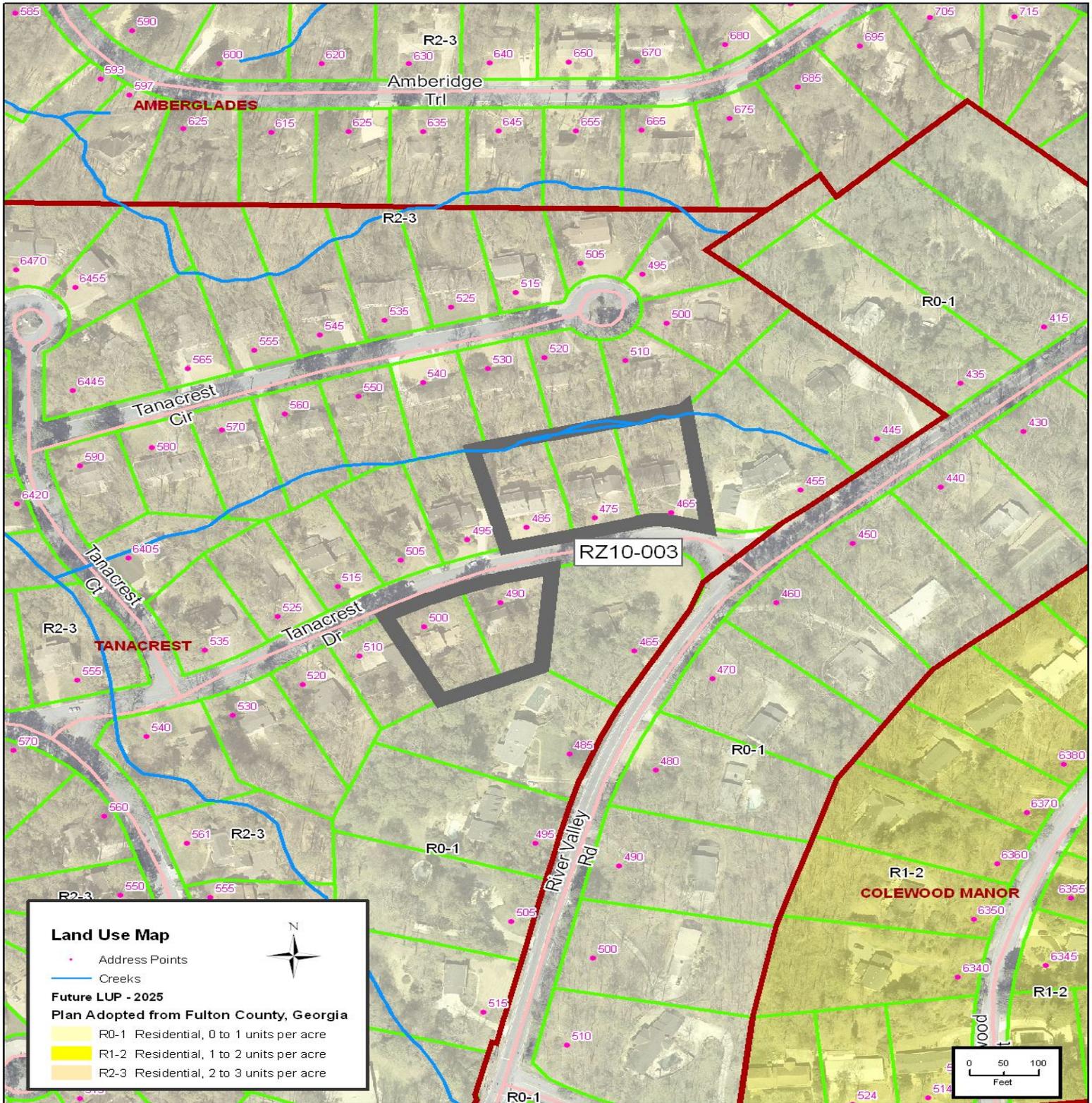
Zoning Map

465, 475, 485, 490, 500 Tanacrest Drive



Future Land Use Map

465, 475, 485, 490, 500 Tanacrest Drive





485 Tanacrest Drive



Sign for 485



475 Tanacrest Drive



Sign for 475



465 Tanacrest Drive



Sign for 465



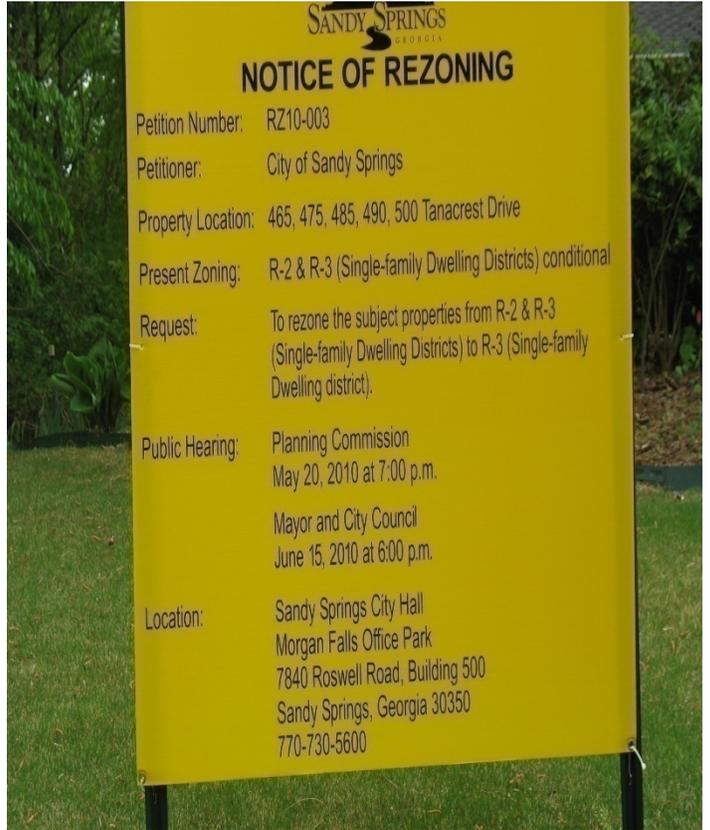
500 Tanacrest Drive



Sign for 500



490 Tanacrest Drive



Sign for 490

SITE PLAN ANALYSIS

The site plan submitted shows the subject properties to be dual zoned R-2 & R-3, meeting the development standards required under the R-3 zoning district, including minimum lot area as follows:

- #465: 19,980 S.F.
- #475: 18,360 S.F.
- #485: 18,382 S.F.
- #490: 18,621 S.F.
- #500: 19,440 S.F.

NOTE: The minimum lot area required for the R-3 zoning district is 18,000 S.F. and the minimum lot area required for the R-2 zoning district is 43,560 S.F. (1 acre).

PARKING AND TRAFFIC IMPACT ANALYSIS

Section 18.2.1, *Basic Off-street Parking Requirements*, requires a minimum amount of parking spaces for Single-family residences as follows:

- 2 spaces per dwelling unit.

The subject properties meet the aforementioned parking requirement.

LANDSCAPE PLAN ANALYSIS

The subject properties appear to be well landscaped having homes built within the buildable area, leaving the remaining unimproved area as green space.

ENVIRONMENTAL SITE ANALYSIS

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

DEPARTMENT COMMENTS

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

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

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

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 23, 2010 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 28, 2010 at the Sandy Springs City Hall

Public Comments (no attached letters)

Community input includes the following:

- Concerns over potential redevelopment
(Staff notes the subject lots will not change and would be redeveloped to R-3 standards)
- Concerns over increased density
(Staff notes the existing density will not change)

Notice Requirements

The petition will be advertised in the Daily Report on May 13, 2010 and May 27, 2010. The applicant posted a sign issued by the Department of Community Development along the frontage of East Belle Isle Road on April 9, 2010.

Public Participation Plan and Report

The applicant will meet the Public Participation Plan requirements. The applicant will be required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 15, 2010. The Public Participation Report must be submitted on or before June 8, 2010.

ZONING IMPACT ANALYSIS

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

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

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of single-family residences.

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

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

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

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

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

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

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

Finding: The staff is of the opinion that the owner/developer's proposal to rezone from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District) to allow the properties to be singularly zoned as R-3 is in conformity with the Comprehensive Plan or Future Land Use Map, which designates the property as R2 to 3 (Residential 2 to 3 units per acre), Protected Neighborhood. Additionally, the subject properties currently meet the development standards required under the R-3 zoning district. Further, the surrounding area consists of single-family residences with an appropriate transition from more intense zoned R-3 properties to less intense R-2 properties, primarily located on River Valley Road.

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.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies and the Future Land Use Map, as the proposal involves a use and density that is consistent with abutting and nearby properties. Therefore, based on these reasons, the staff recommends **APPROVAL** **CONDITIONAL** of this petition.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to approve the petition to rezone from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District) to allow the properties to be singularly zoned as R-3, the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owners' agreement to restrict the use of the subject properties as follows:
 - a. To Single-family residential and associated accessory uses.
2. To the owners' agreement to abide by the following:
 - a. To the size and configuration of the subject lots as currently approved and shown on the site plan received by the Department of Community Development on March 2, 2010.
3. To the property owners' agreement to provide the following site development standards:
 - a. To reduce the zoning regulations to the extent necessary for the existing legal non-conforming (grandfathered) structure(s) to comply.

Attachments

- Site Plan(s) dated received March 2, 2010
- Letter Fulton County Dept. of the Environment and Community Development received April 8, 2010
- Resolution by the Planning Commission to request the Mayor and City Council initiate a rezoning petition approved January 21, 2010.
- Letter Fulton County Dept. of Health Services received May 5, 2010

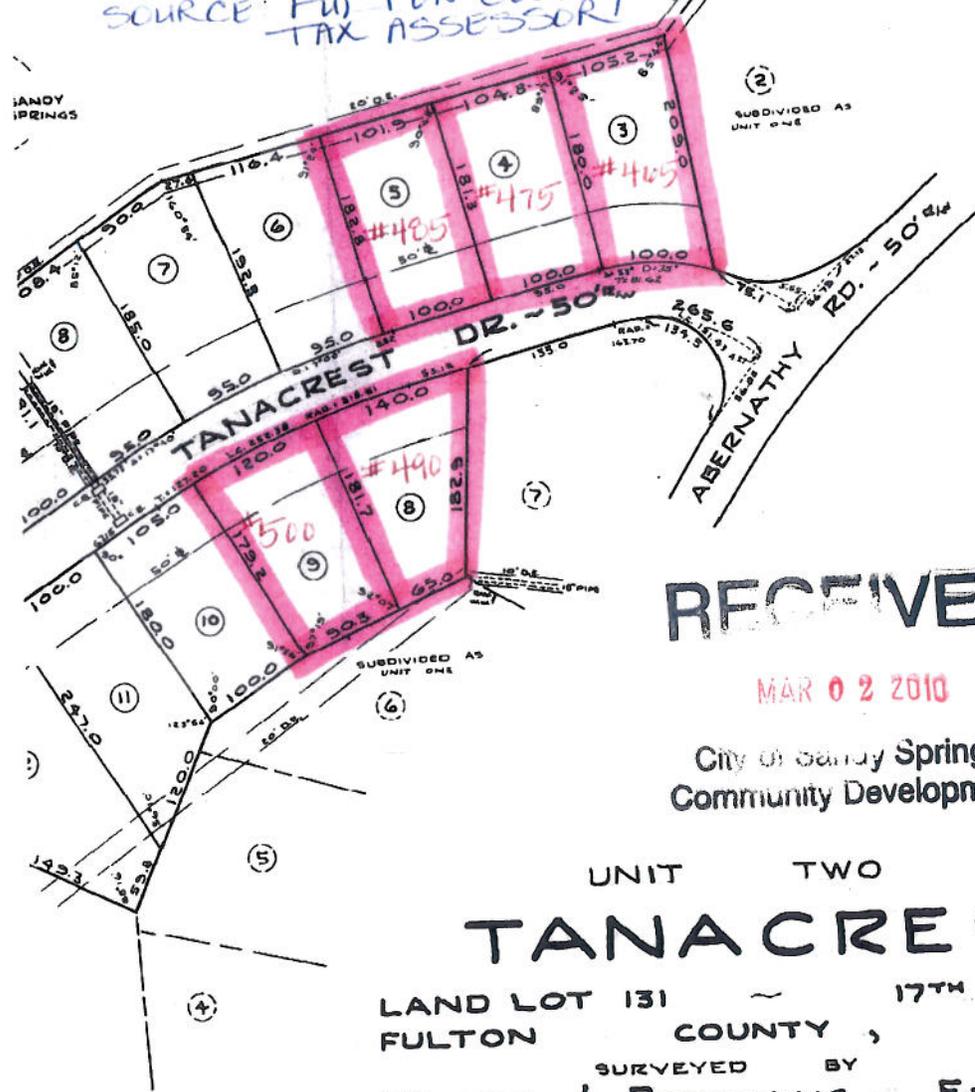
MAP	LOT	AREA (SF)
	465	19,980
	475	18,360
	485	18,382
	490	18,621
	500	19,440

SOURCE: FULTON COUNTY TAX ASSESSOR

RECEIVED

MAR 02 2010

City of Sandy Springs
Community Development



RECEIVED

MAR 02 2010

City of Sandy Springs
Community Development

UNIT TWO

TANACREST

LAND LOT 131 ~ 17TH DISTRICT
FULTON COUNTY, GEORGIA

SURVEYED BY
WATTS & BROWNING, ENGINEERS
AUGUST 26, 1964 SCALE: 1" = 100'



NOTE: IRON PINS AT ALL LOT CORNERS

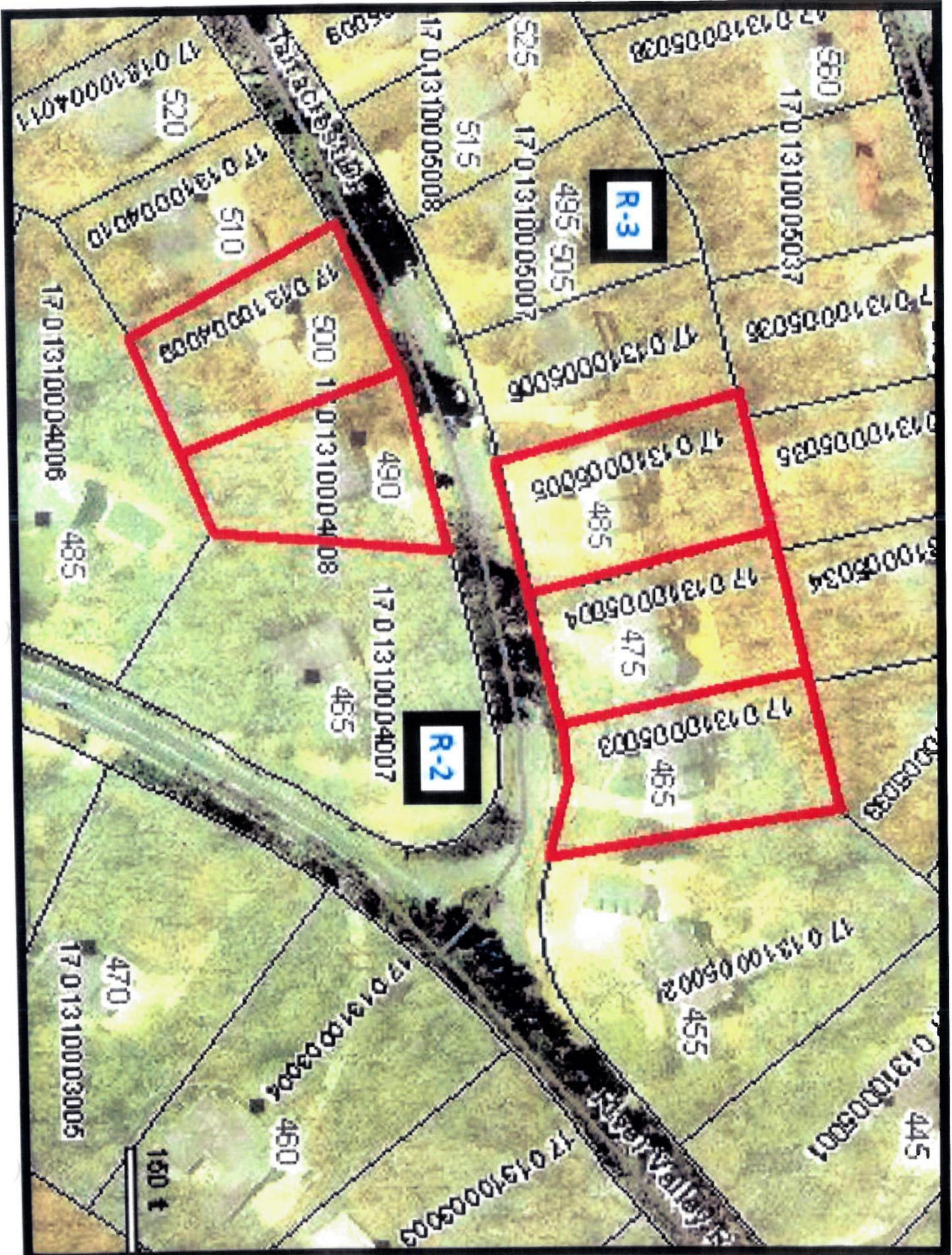
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.

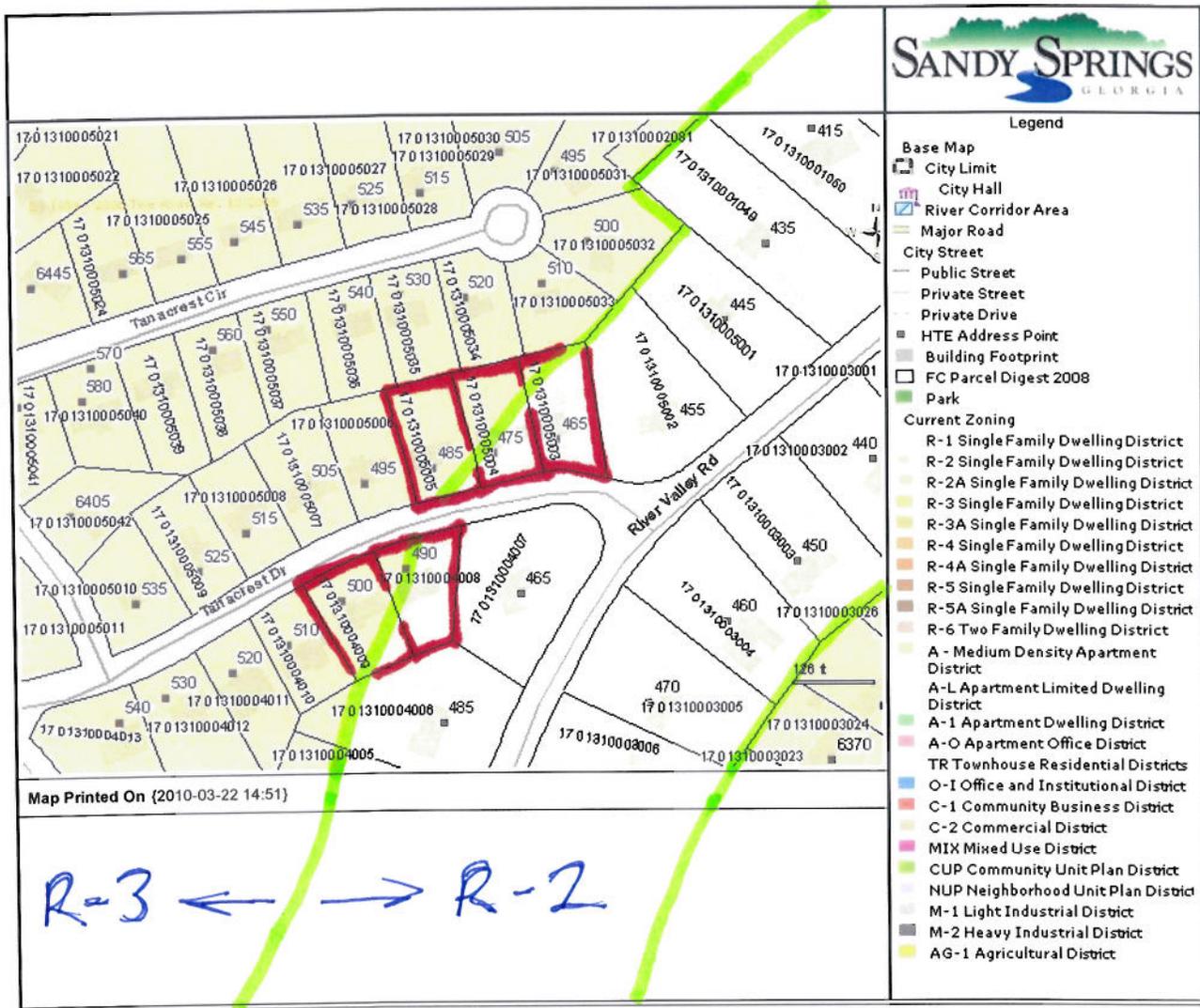
BY: *A.W. Browning*
REGISTERED LAND SURVEYOR 440
REGISTERED CIVIL ENGINEER 1812

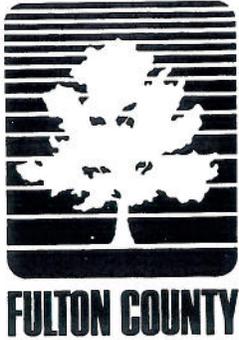


In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.
A.W. Browning #440









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

RECEIVED

APR 08 2010

April 5, 2010

City of Sandy Springs
Community Development

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 May Planning Commission and June Mayor and City Council Meetings. I have reviewed all items within the package and find none of them have a significant impact on Unincorporated Fulton County. Thank you for the opportunity to review the requests.

Sincerely,

Randy Beck,
Deputy Director, E&CD

1 **A RESOLUTION BY THE CITY OF SANDY SPRINGS PLANNING COMMISSION TO**
2 **REQUEST THAT THE MAYOR AND CITY COUNCIL INITIATE A REZONING**
3 **PETITION**
4

5
6 **WHEREAS**, the Tanacrest Subdivision was platted and developed as an R-3 (Single
7 Family Dwelling District) subdivision in the 1960's under the Fulton County Zoning Ordinance;
8 and
9

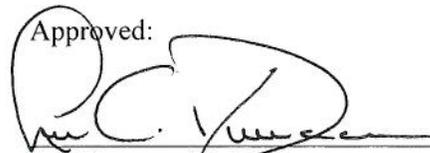
10 **WHEREAS**, the City of Sandy Springs Zoning Map indicates that five (5) lots within the
11 Subdivision are shown as zoned R-2 (Single Family Dwelling District) all or in part; and
12

13 **WHEREAS**, it appears that this discrepancy may be a Scrivener's error; and
14

15 **WHEREAS**, the attached plat shows these five (5) lots with street addresses at 465, 475,
16 485, 490, and 500 Tanacrest Drive.
17

18 **NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of
19 Sandy Springs requests that the Mayor and City Council initiate an action that will rezone the
20 above listed five (5) lots to the R-3 (Single Family Dwelling District) zoning classification.
21

22 **APPROVED AND ADOPTED** on this the 21st day of January, 2010.
23

24 Approved:
25 
26
27 Lee Duncan, Chair
28

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 
Department of Health Services, Director's Office

DATE: April 30, 2010

SUBJECT: **Zoning Comments for May 20, 2010 Planning Commission**

AGENDA ITEM	ZONING COMMENTS
RZ09-013/ CV09-021	Fulton County Department of Health Services does not anticipate any health problems with the proposed zoning change provided that any future development meet all applicable laws, regulations, and ordinances.
RZ10-003	Fulton County Department of Health Services does not anticipate any health problems with the proposed rezoning of subject properties provided that there are not any onsite sewage management systems or onsite water supply systems on the properties.
ZM10-003	The Fulton County Department of Health Services does not anticipate any health problems with this proposal to reduce the required minimum rear yard setback.
ZM10-005/ CV10-004	The Fulton County Department of Health Services does not anticipate any health problems with the proposed zoning modification and concurrent variances for signage placement.

RECEIVED

MAY 05 2010

City of Sandy Springs
Community Development