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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** May 18, 2010

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** V10-014 - Peachtree-Dunwoody Road, Applicant: City of Sandy Springs, Relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to allow installation of a sidewalk related to the T-0026 Peachtree Dunwoody Road Intersection Improvement capital improvement project.

**MEETING DATE:** For Submission onto the June 1, 2010, City Council Regular Meeting Agenda

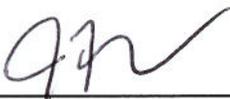
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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Variance Petition

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**APPROVAL BY CITY MANAGER:**                                          APPROVED

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

**PLACED ON AGENDA FOR:**                     6/1/10                    

**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: May 11, 2010 for submission onto the June 1, 2010 City Council meeting

Agenda Item: **V10-014 Peachtree-Dunwoody Road (Public Right-of-Way in front of 7340 and 7350 Peachtree-Dunwoody Road)**, Primary Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to Allow Encroachments into the Seventy-five (75) Foot Buffer and Setback Requirements

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

**APPROVAL CONDITIONAL** of the request for a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to allow encroachments into the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback).

***Background:***

For the Peachtree-Dunwoody Road Intersection Improvement Project (T-0026), the Public Works Department has requested a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to allow encroachments into the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback).

***Discussion:***

T-0026 Peachtree Dunwoody Road Intersection Improvement will add turn lanes at the intersection of Peachtree-Dunwoody Road and Spalding Drive. The project also includes installation of sidewalk to enhance pedestrian access and safety. This section of Peachtree-Dunwoody Road is currently the only length without sidewalk between the North Springs MARTA Station and Spalding Drive. There is an approximately 300 foot section of the project that is impacted by the required stream buffer.

***Alternatives:***

The City Council could choose not to approve the variance and not allow the encroachment for this area of the intersection improvement project.



Variance Petition No. V10-014

**HEARING & MEETING DATES**

**Mayor and City Council Hearing**

June 1, 2010

**APPLICANT/PETITIONER INFORMATION**

Property Owner	Petitioner	Representative
City of Sandy Springs	City of Sandy Springs	Public Works Department

**PROPERTY INFORMATION**

<b>Address, Land Lot(s), and District</b>	Peachtree-Dunwoody Road (Public Right-of-Way in front of 7340 and 7350 Peachtree-Dunwoody Road) Land Lot 22, District 17
<b>Council District</b>	4
<b>Frontage</b>	Approximately 300 feet of frontage along the west side of Peachtree-Dunwoody Road.
<b>Existing Zoning and Use</b>	Public Right-of-Way (unzoned)
<b>Overlay District</b>	N/A
<b>2027 Comprehensive Future Land Use Map Designation</b>	N/A

**INTENT**

For the Peachtree-Dunwoody Road Intersection Improvement Project (T-0026), the Public Works Department has requested a primary variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to allow encroachments into the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback).

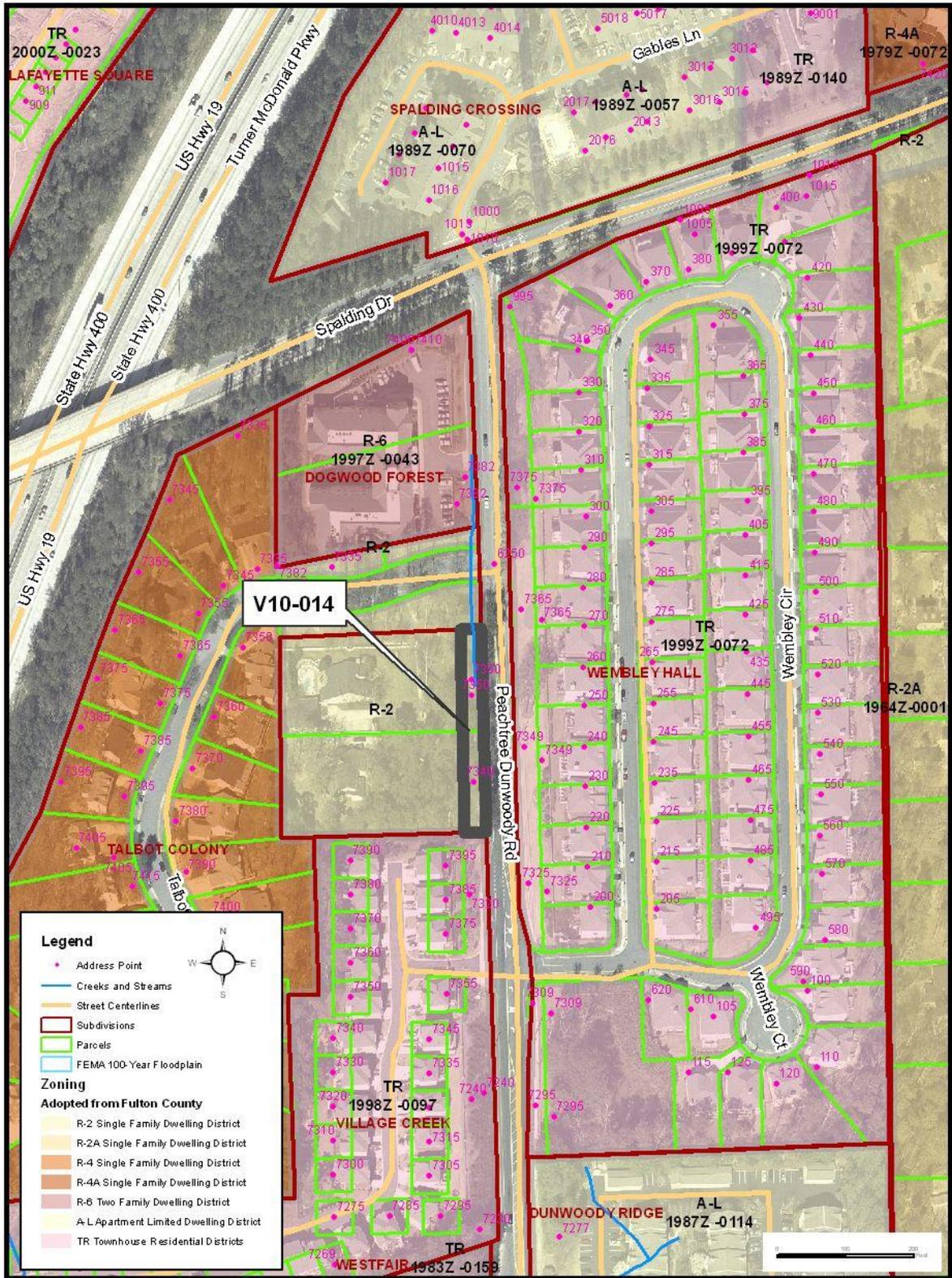
T-0026 Peachtree Dunwoody Road Intersection Improvement will add turn lanes at the intersection of Peachtree-Dunwoody Road and Spalding Drive. The project also includes installation of sidewalk to enhance pedestrian access and safety. This section of Peachtree-Dunwoody Road is currently the only length without sidewalk between the North Springs MARTA Station and Spalding Drive. There is an approximately 300 foot section of the project that is impacted by the required stream buffer.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**V10-014 - 1) APPROVAL CONDITIONAL**

# Parcel Map

## 7340 and 7350 Peachtree Dunwoody Road



**CITY OF SANDY SPRINGS  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
VARIANCE ANALYSIS**

**Findings of Fact**

The applicant is requesting variances from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the 75 foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to zero (0) feet.

The existing roadway currently has a similar encroachment due to the stream being exposed in some areas and piped in others immediately adjacent to the right-of-way. The existing area of encroachment into the 50 foot undisturbed natural buffer is 6,412 square feet. The T-0026 project would add 2,480 square feet to this encroachment. Additionally, the project would add 8,303 square feet of encroachment into the 25 foot impervious surface setback.

<b>Buffer Requirement</b>	<b>Current Encroachment (square feet)</b>	<b>Proposed Encroachment (square feet)</b>
25 foot state/city buffer	3,843	7,186
50 foot undisturbed natural buffer	6,412	8,892
25 foot impervious surface setback	0	8,303
<b>TOTAL</b>	10,255	24,381

The Public Works Department has provided a memorandum (Exhibit 1) detailing the project and proposed mitigation. Additionally, the department has provided a site plan (Exhibit 2) depicting the areas of existing and proposed encroachments.

**Standards for Consideration**

**Stream Buffer Protection Ordinance**

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

**(3) Variances will be considered only in the following cases:**

*a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.*

Finding:

The stream buffer covers the entirety of this portion of the T-0026 project. Relief from this requirement would not be a detriment to the public as the existing roadway is currently located in the stream buffer. Staff is of the opinion that the physical conditions

in the immediate area of the project prevent land development unless a buffer variance is granted. Based on these reasons, staff is of the opinion this condition has been satisfied.

*b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.*

Finding:

The stream buffer covers the entirety of this portion of the T-0026 project. The project would not be able to be completed without relief from the stream buffer requirements. Staff is of the opinion that there is an unusual circumstance when the minimum buffer requirement is strictly applied and that an extreme hardship would be created. Based on these reasons, staff is of the opinion this condition has been satisfied.

**(5) The following factors will be considered in determining whether to issue a variance:**

*a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*

Finding:

The project limits fall completely within in the stream buffer area as shown on the site plan provided by the Public Works Department (Exhibit 2).

*b. The locations of all streams on the property, including along property boundaries;*

Finding:

The stream buffer covers the entirety of this portion of the T-0026 project as shown on the site plan provided by the Public Works Department (Exhibit 2).

*c. The location and extent of the proposed buffer or setback intrusion;*

Findings:

The existing area of encroachment into the 50 foot undisturbed natural buffer is 6,412 square feet. The T-0026 project would add 2,480 square feet to this encroachment. Additionally, the project would add 8,303 square feet of encroachment into the 25 foot impervious surface setback.

*d. Whether alternative designs are possible which require less intrusion or no intrusion;*

Findings:

The Public Works Department has considered alternative designs and has determined that the current proposal will have the least impact on the stream buffer as outlined in the memorandum provided (Exhibit 1).

*e. The long-term and construction water quality impacts of the proposed variance;*

Findings:

Best Management Practice (BMP) will be required during the construction project. The City will monitor the sites BMPs.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Findings:

Staff is of the opinion that issuance of the variance is at least as protective of the natural resources and environment as the existing site conditions.

**Department Comments**

The following departmental comments have been provided:

<b>BUILDING AND DEVELOPMENT DIVISION</b>	Sandy Springs Building Officer	<ul style="list-style-type: none"> <li>There are no building requirements that need to be addressed at this time.</li> </ul>																	
	Sandy Springs City Engineer	<ul style="list-style-type: none"> <li>Obtain state stream buffer variance and comply with any conditions included in variance.</li> </ul>																	
	Sandy Springs Chief Arborist	<ul style="list-style-type: none"> <li>Prior to the issuance of a land disturbance permit a State Buffer Variance will be required.</li> <li>The existing vegetation on the east side of the feature will be cleared due to the proximity of the feature to the right of way. This understory consists of: Japanese Privet, Cherokee Rose, Hazel Alder, Elaeagnus, and Arrow Bamboo. Tree to be removed:</li> </ul> <table border="1" data-bbox="771 1150 1474 1381"> <thead> <tr> <th>Name</th> <th>Quantity</th> <th>Sizes (dbh in inches)</th> </tr> </thead> <tbody> <tr> <td>Tulip Poplar</td> <td>5</td> <td>16, 12, 26, 2, 16</td> </tr> <tr> <td>Red Maple</td> <td>9</td> <td>18, 12, 4, 10, 18, 20, 6, 12, 4</td> </tr> <tr> <td>Sycamore</td> <td>1</td> <td>22</td> </tr> <tr> <td>Pine</td> <td>2</td> <td>18, 26</td> </tr> <tr> <td>Sweetgum</td> <td>5</td> <td>8, 6, 8, 12,8</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>There is a group of pines 2" -5" in diameter that will be removed.</li> </ul>	Name	Quantity	Sizes (dbh in inches)	Tulip Poplar	5	16, 12, 26, 2, 16	Red Maple	9	18, 12, 4, 10, 18, 20, 6, 12, 4	Sycamore	1	22	Pine	2	18, 26	Sweetgum	5
Name	Quantity	Sizes (dbh in inches)																	
Tulip Poplar	5	16, 12, 26, 2, 16																	
Red Maple	9	18, 12, 4, 10, 18, 20, 6, 12, 4																	
Sycamore	1	22																	
Pine	2	18, 26																	
Sweetgum	5	8, 6, 8, 12,8																	
<b>FIRE DEPT.</b>	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> <li>There are no fire requirements that need to be addressed at this time.</li> </ul>																	
<b>TRANSPORTATION</b>	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> <li>See attached memorandum (Exhibit 1).</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>																	

## **Conclusion**

Staff has reviewed the request relative to the variance standards contained in Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the requested variance.

**Recommended Condition(s)**

Should the Mayor and City Council choose to approve the request, staff recommends the following condition(s):

- 1) To the following stream buffer encroachments as shown on the site plan received by the Department of Community Development on May 4, 2010:

<b>Buffer</b>	<b>Area of Encroachment (square feet)</b>
25 foot state/city buffer	7,186
50 foot undisturbed natural buffer	8,892
25 foot impervious surface setback	8,303
<b>TOTAL</b>	<b>24,381</b>

**ATTACHMENTS:**

Exhibit 1 - Memorandum from the Public Works Department dated received May 4, 2010

Exhibit 2 - Site Plan dated received May 6, 2010

Photographs of Project Area dated received May 4, 2010



Exhibit 1

**RECEIVED**

MAY 04 2010

City of Sandy Springs  
Community Development

TO: Nancy Leathers, Community Development Director  
FROM: Thomas Black, Public Works Director *TL*  
DATE: May 4, 2010  
ITEM: Stream Buffer Variance for T-0026 Peachtree-Dunwoody Road Intersection Improvement

Staff is requesting that the Mayor and City Council grant a variance to the City Stream Buffer Ordinance to allow for the installation of sidewalk as part of the T-0026 Peachtree-Dunwoody Road Intersection Improvement Project.

T-0026 Peachtree Dunwoody Road Intersection Improvement will add turn lanes at the intersection of Peachtree-Dunwoody Road and Spalding Drive. The project will increase capacity at the intersection, significantly improving the operations and safety of the intersection. As part of the design process, residents and officials identified a portion along the western side of Peachtree Dunwoody as needing sidewalk. This section is currently the only length along the western side of Peachtree Dunwoody without sidewalk between the North Springs MARTA Station and Spalding Drive. Additionally, requests have been received from the adjacent assisted living facility for sidewalk installation to allow their residents safe access and a walkable path.

The stream was originally identified as a drainage ditch, but has subsequently been determined to be an unnamed tributary to Marsh Creek by both City officials and our design consultants. Public Works has applied for a State stream buffer variance from the Georgia Environmental Protection Division. The project, as designed, would encroach into both the City's and the State's 25' undisturbed buffer. The total area of encroachment within the 25' State and City buffer is 7186 square feet. This is for construction of sidewalk and curb and gutter on the western side of Peachtree Dunwoody Road, which is itself currently within the 25' buffer at this location.

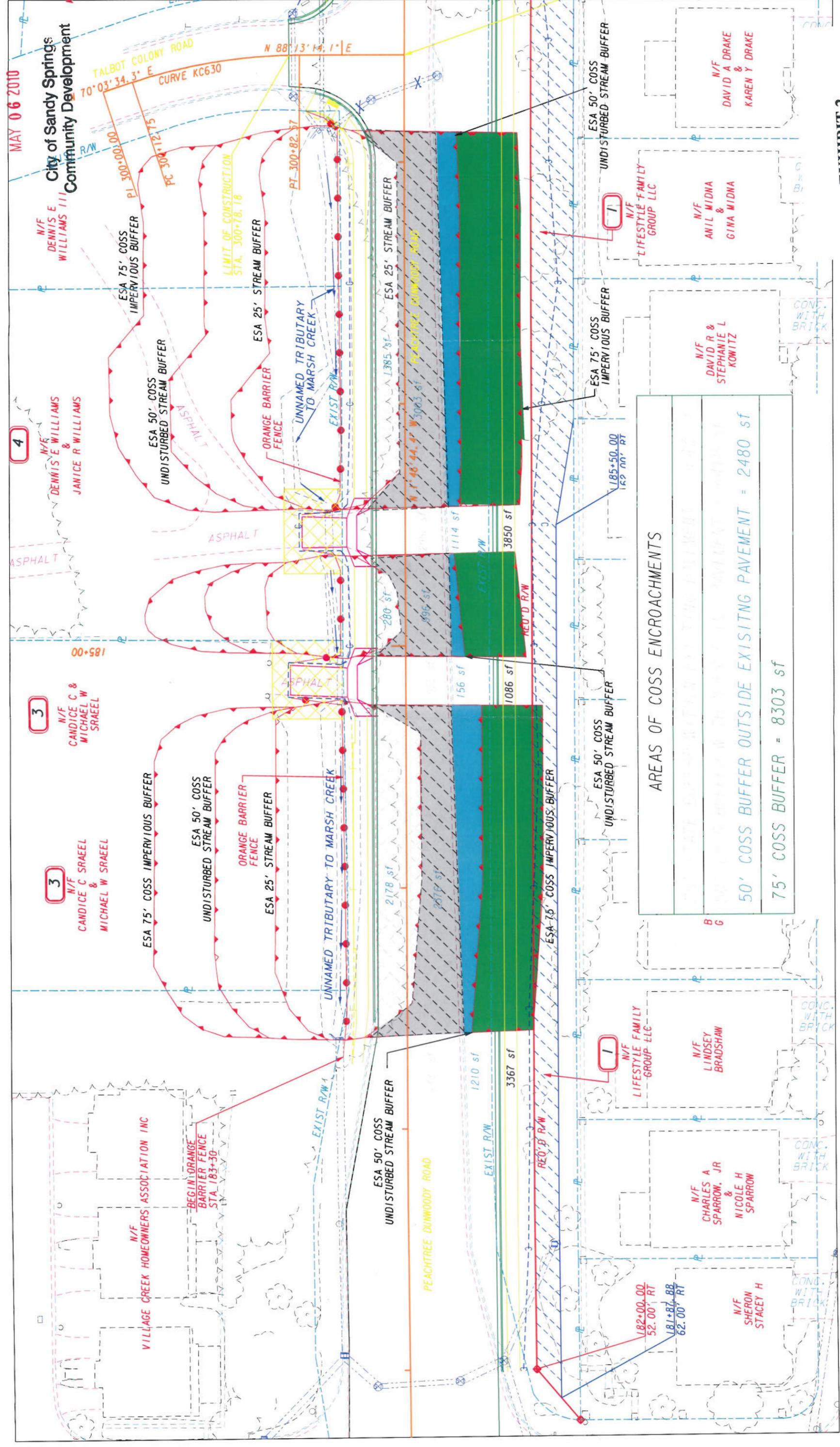
The roadway expansion on the eastern side of Peachtree-Dunwoody Road will also encroach into the City's 50' undisturbed buffer and 75' impervious buffer. Currently, the entire width of Peachtree-Dunwoody Road is located within the 50' undisturbed buffer. The project calls for an additional lane on the eastern side of the road. This will add additional pavement, new curb and gutter, and relocated sidewalk. The project will add a total of 2480 square feet of encroachment into the 50' undisturbed buffer and 8303 square feet of encroachment into the 75' impervious buffer.

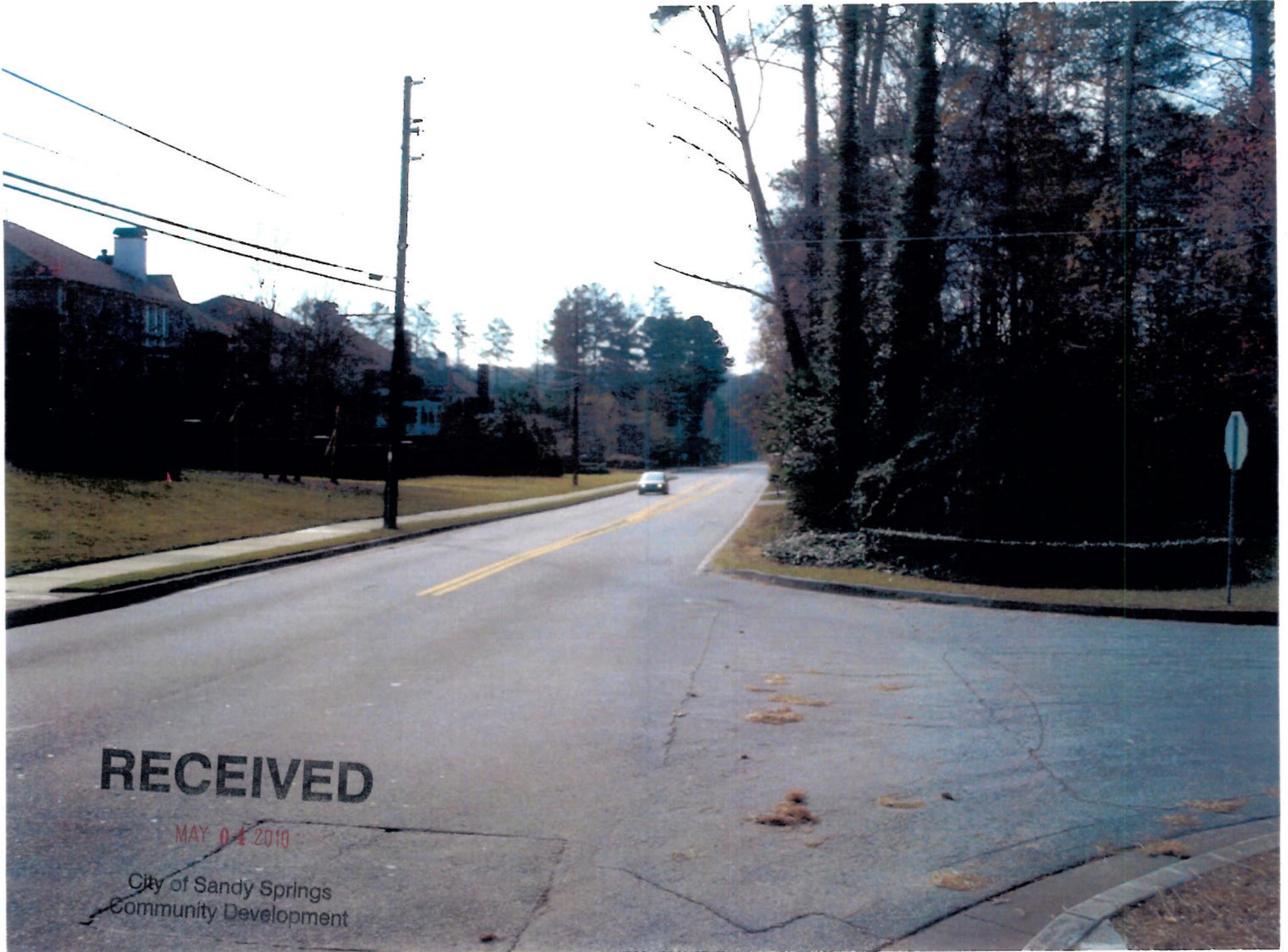
Public Works has attempted to mitigate the impact of the encroachment through our design process. Our designers removed previously planned roadway expansion on the western side of the road once the feature was determined to be a stream. The project proposes to construct the sidewalk with a monolithic pour gravity wall. This construction technique, while more expensive than typical sidewalk installation, will limit our encroachment by eliminating additional grading

between the sidewalk and stream. We will additionally take any remedial measures as required by the state Environmental Protection Division.

The most significant mitigation effort will be the installation and improvement of the storm sewer system. Currently the western side of the road in this location does not have curb and gutter. Storm water runoff flows directly from the street into the stream, with any attendant chemical or particulate pollution. The stream is located less than 10' from edge of the roadway, so what small amount of vegetation is present currently has little chance of filtering impurities from the runoff. The storm water conveyance system proposed as part of this project will eliminate direct runoff from the road into the street, capturing and filtering such waters as required by State law and City ordinance.

Attached are design drawings and pictures of the immediate vicinity.





**RECEIVED**

MAY 04 2010

City of Sandy Springs  
Community Development



City of Sandy Springs  
Community Development



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MAY 04 2010

City of Sandy Springs  
Community Development



**RECEIVED**

MAY 04 2009

City of Sandy Springs  
Community Development





TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

DATE: April 6, 2010, for Submission onto the Agenda of the April 20, 2010, City Council Meeting

ITEM: Stream Buffer Variance for T-0026 Peachtree Dunwoody Road Intersection Improvement

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***Public Works Department's Recommendation:***

Staff recommends that the Mayor and City Council grant a variance to the City Stream Buffer Ordinance to allow for the installation of sidewalk as part of the T-0026 Peachtree Dunwoody Road Intersection Improvement Project.

***Background:***

T-0026 Peachtree Dunwoody Road Intersection Improvement will add turn lanes at the intersection of Peachtree Dunwoody Road and Spalding Drive. The project will increase capacity at the intersection, significantly improving the operations and safety of the intersection. As part of the design process, residents and officials identified a portion along the western side of Peachtree Dunwoody as needing sidewalk. This section is currently the only length along the western side of Peachtree Dunwoody without sidewalk between the North Springs MARTA Station and Spalding Drive. Additionally, requests have been received from the adjacent assisted living facility for sidewalk installation to allow their residents safe access and a walkable path.

***Discussion:***

The project, as designed, would encroach into both the City's and the State's 25' undisturbed buffer. Peachtree Dunwoody Road itself is actually within the 25' buffer at this location. Public Works has applied for a State stream buffer variance from the Georgia Environmental Protection Division. The stream was originally identified as a drainage ditch, but has subsequently been determined to be an unnamed tributary to Marsh Creek by both City officials and our design consultants.

***Alternatives:***

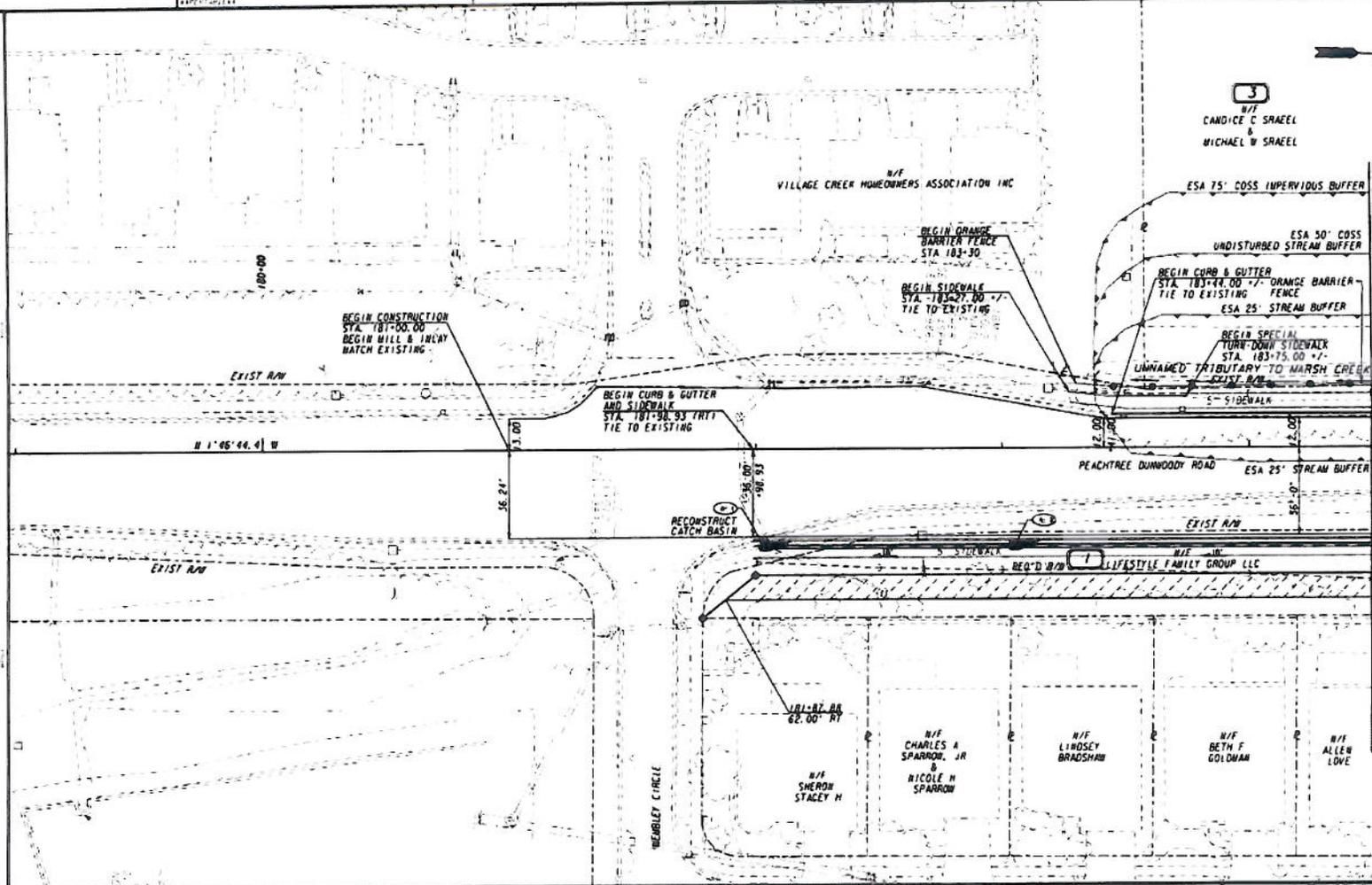
The Council can decide not grant a variance, which will eliminate all proposed sidewalk construction between Talbot Colony Road and the existing sidewalk at Village Creek.

***Financial Impact:***

The project is currently budgeted to include the proposed sidewalk construction. Denial of this variance would mean a reduction in the overall construction cost of T-0026.

***Attachments:***

T-0026 Peachtree Dunwoody Road Intersection Improvement Plan Sheets (2 pages)



3

N/W CANDICE C SRAEL & MICHAEL W SRAEL

MATCH LINE STA. 189+50  
SEE SHEET T3-02

PROPERTY AND EXISTING R/W LINE	---
REQUIRED R/W LINE	---
CONSTRUCTION LIMITS	---
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	---
EASEMENT FOR CONSTR OF SLOPES	---
EASEMENT FOR CONSTR OF DRIVES	---

ESA  
ORANGE BARRIER FENCING

**Kimley-Horn and Associates, Inc.**  
 Engineering, Planning, and Environmental Consultants  
 Suite 600 3759 Holcomb Bridge Road  
 Norcross, Georgia 30071

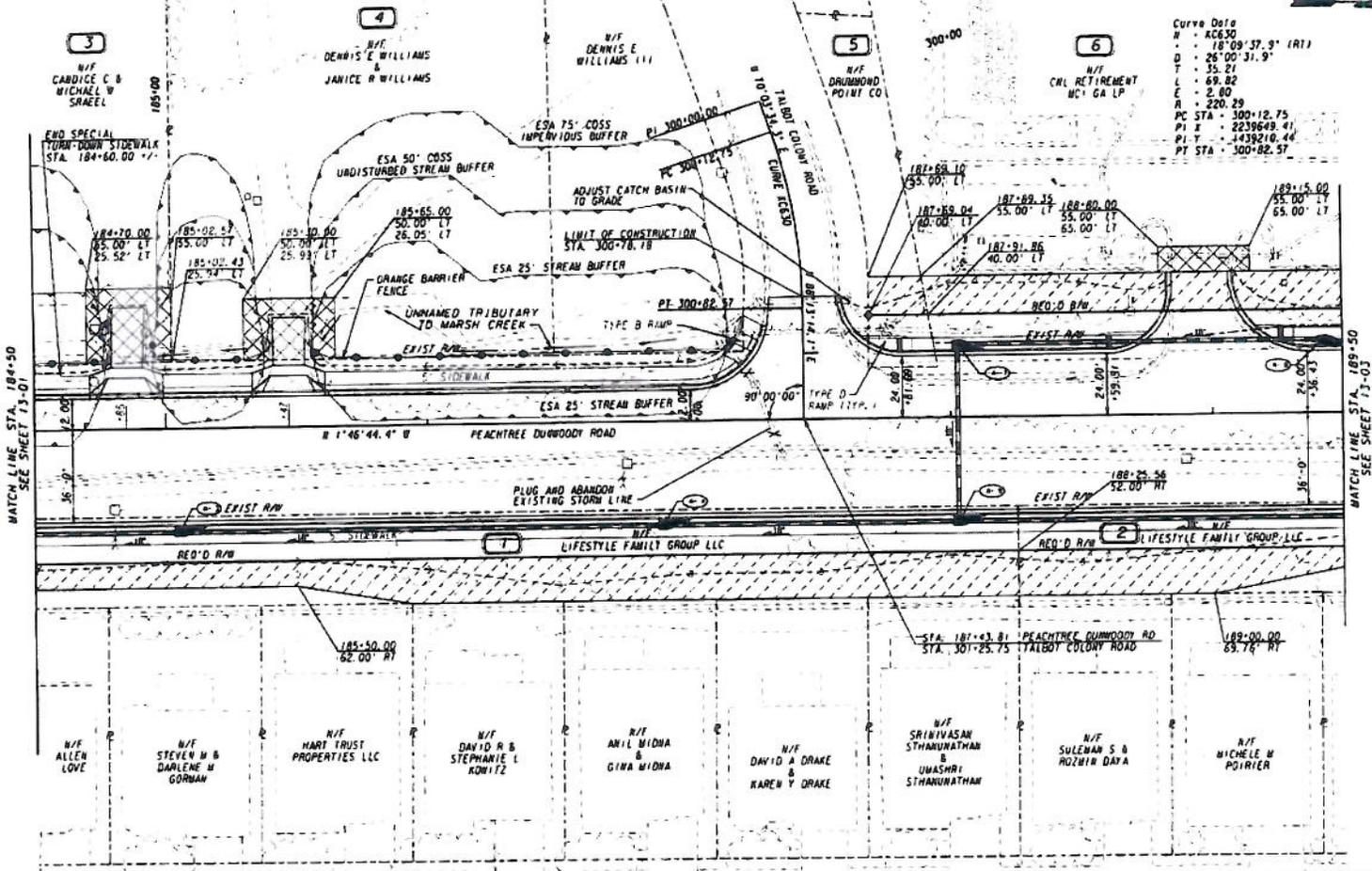


REVISION DATES

CITY OF SANDY SPRINGS  
DEPARTMENT OF TRANSPORTATION

**MAINLINE PLAN**

13-01



Curve Data  
 H = AC630  
 D = 18'09".37.9' (RT)  
 O = 26'00".31.9'  
 L = 35.21  
 T = 69.82  
 E = 2.80  
 R = 220.29  
 PC STA = 300+12.75  
 PI X = 2239649.41  
 PI Y = 1439216.44  
 PT STA = 300+82.37

PROPERTY AND EXISTING R/W LINE  
 REQUIRED R/W LINE  
 CONSTRUCTION LIMITS  
 EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES  
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ESA  
 ORANGE BARRIER FENCING

Kimley-Horn and Associates, Inc.  
 Engineering, Planning, and Environmental Consultants  
 Suite 600 2160 Inverness Bridge Road  
 Norcross, Georgia 30071



REVISION DATES

CITY OF SANDY SPRINGS  
 DEPARTMENT OF TRANSPORTATION

MAINLINE PLAN