



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: May 7, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: **ZM10-005/CV10-004** - 6014 Sandy Springs Circle, *Applicant: First Allied Ohio Corporation*, To modify condition 2.a.of petition Z97-0080 to show the location of the existing freestanding signs, with concurrent variances.

MEETING DATE: For Submission onto the May 18, 2010, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Petition

APPROVAL BY CITY MANAGER: JFM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 5/18/10

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: AM

REMARKS:

To: John McDonough, City Manager

From: Nancy J. Leathers, Director of Community Development 

Date: May 6, 2010 For Submission onto the May 18, 2010 City Council meeting

Agenda Item: **ZM10-005/CV10-004 6010 Sandy Springs Circle**, Request for a zoning modification to the conditions of Fulton County zoning case Z97-0080.

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL of the request for a zoning modification to the conditions of Fulton County zoning case Z97-0080

Background:

The site is located on the west side of Sandy Springs Circle at the intersection of Sandy Springs Circle and Hammond Drive. The subject property is zoned C-1 (Community Business District) under Fulton County zoning case 97Z-0080 and is located within the Suburban District of the Sandy Springs Overlay. The property has 8.62 acres, having approximate 800 feet of frontage along the westerly side of Sandy Springs Circle and 526.57 feet of frontage along the northerly side of Hammond Drive. The property is occupied with two buildings. Building #1 as identified on the site plan is occupied with an approximately 3,252 square foot bank, located on the southeast corner of the property and building #2 is occupied with approximately 69,740 square foot commercial retail center. The property was rezoned in 1997 from C-1 (Community Business District) and O-I (Office Institutional) to C-1 (Community Business District) Conditional to allow the construction of a free standing Eckerd drug store on the portions of the site that was zoned O-I (Office Institutional), pursuant to Z97-0080.

Discussion:

The applicant is requesting a zoning modification to condition 2.a. of the Fulton County zoning case Z97-0080 to amend the approved site plan as follows:

- 1 To add the location of the existing signs.

The applicant is also requesting concurrent variances from section 33.26.H.1.b as follows:

1. To allow two (2) additional free standing signs on a lot which has 800 linear feet of frontage along the west side of Sandy Springs Cir (Sign #1 & #3).
2. To allow a non monument sign on the bank parcel (Sign #1).
3. To increase the maximum height permitted for a monument sign from eight (8) feet to 14'-6" height on the most northern part of the main parcel (Sign #3).
4. To increase the maximum permitted square footage for a sign from sixty four (64) square feet to sixty five (65) square feet (Sign #3).

Concurrent Review:

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

- Building Division
- Development Division
- Fire Department
- Transportation Division

In addition, the following external departments were contacted for comment:

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Environment and Community Development
- Fulton County Department of Public Works
- Fulton County Department of Health and Wellness
- 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



Zoning Modification Petition No. ZM10-005/CV10-004

HEARING & MEETING DATES

Design Review Board	Community Zoning Information Meeting	Mayor and City Council Hearing
April 13, 2010	March 23, 2010	May 18, 2010

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Centre Court Shopping Center Atlanta, GA. L.P.	First Allied Ohio Corporation	Coleman Talley, LLP

PROPERTY INFORMATION

Address, Land Lot, and District	6010 Sandy Springs Cir Land Lot 89, District 17
Council District	3
Frontage	Approximately 829 feet of frontage along the west side of Sandy Springs Cir and Approximately 527 feet on the north side of Hammond Drive.
Area	The subject property has a total area of 8.6 acres.
Existing Zoning and Use	C-1 (Community Business District) conditional under Fulton County zoning case 97Z-0080, currently developed with a commercial retail center and with a bank.
2027 Comprehensive Future Land Use Map Designation	LWC (Living-Working Community)
Proposed Use	Shopping Center

INTENT

MODIFICATION OF CONDITIONS 2.A. OF Z97-0080 BY THE FULTON COUNTY BOARD OF COMMISSIONERS ON AUGUST 6, 1997 TO AMEND THE APPROVED SITE PLAN, WITH CONCURRENT VARIANCES.

The applicant is requesting a zoning modification to condition 2.a. of the Fulton County zoning case Z97-0080 to amend the approved site plan as follows:

- 1 To add the location of the existing signs.

The applicant is also requesting concurrent variances from section 33.26.H.1.b as follows:

1. To allow two (2) additional free standing signs on a lot which has 800 linear feet of frontage along the west side of Sandy Springs Cir (Sign #1 & #3).
2. To allow a non monument sign on the bank parcel (Sign #1).
3. To increase the maximum height permitted for a monument sign from eight (8) feet to 14'-6" height on the most northern part of the main parcel (Sign #3).
4. To increase the maximum permitted square footage for a sign from sixty four (64) square feet to sixty five (65) square feet (Sign #3).

Prepared by the City of Sandy Springs Department of Community Development for the Mayor & City Council Hearing on May 18, 2010

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
ZM10-005 - APPROVAL CONDITIONAL
CV10-004 #1 - APPROVAL CONDITIONAL
CV10-004 #2 - APPROVAL CONDITIONAL
CV10-004 #3 - DENIAL
CV10-004 #4 - DENIAL

DESIGN REVIEW BOARD RECOMMENDATION

The application was heard at the April 13, 2010 DRB meeting. The Board recommended APPROVAL of the modification Z97-0080, Concurrent Variance #1 (for sign #1) and Concurrent Variance #2 and DENIAL of Concurrent Variances #3 and #4 (5-0, Landeck, Gregory, Mobley, Westmoreland and Richard for; Lichtenstein Absent; Porter not voting).

Location Map



BACKGROUND

The site is located on the west side of Sandy Springs Circle at the intersection of Sandy Springs Circle and Hammond Drive. The property is zoned C-1 (Community Business District) under Fulton County zoning case 97Z-0080 and is located within the Suburban District of the Sandy Springs Overlay.

The subject site is currently developed as the Centre Court Shopping Center. The property is located on the northwest quadrant of the intersection of Sandy Springs Circle and Hammond Drive. The property has 8.62 acres, having approximate 800 feet of frontage along the westerly side of Sandy Springs Circle and 526.57 feet of frontage along the northerly side of Hammond Drive. The property is occupied with two buildings. Building #1 as identified on the site plan is occupied with an approximately 3,252 square foot bank, located on the southeast corner of the property and building #2 is occupied with approximately 69,740 square foot commercial retail center. The property was rezoned in 1997 from C-1 (Community Business District) and O-I (Office Institutional) to C-1 (Community Business District) Conditional to allow the construction of a free standing Eckerd drug store on the portions of the site that was zoned O-I (Office Institutional), pursuant to Z97-0080.

In summer of 2009 the tenant identified on sign # 3 vacated the property. The sign was declared to be an abandoned sign. As a result of the abandonment Code Enforcement gave notice to the owner to remove the sign. Because the tenant's lease was current the property owner did not have the right to remove the sign, instead the face of the sign was replaced with a blank face, pending the expiration of the lease.

The applicant wants to maintain the three existing signs on the property, along the east property line. Therefore, to do so this modification is necessary.

The Sandy Springs Zoning Ordinance provides for properties in the Sandy Springs Overlay District the following:

1. Monument Signs.

- a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of six (6) feet. Except for gas stations, changeable copy shall not be permitted.
- b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.
- c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.
- d. Notwithstanding the foregoing, monument signs on Roswell Road, Hammond Drive or Abernathy Road may be ten (10) feet in height.

The subject of this request is to maintain three existing signs along the east property line.

- Sign #1 an existing free standing sign eight (8) feet height, twenty nine (29) square feet of sign area, currently providing support to the bank and located above of a retaining wall near the intersection of Hammond Drive and Sandy Springs Circle.

- Sign #2 an existing multi-tenant panel sign approximately 112.813 square feet of sign area, 22.17 feet height, which provides support to the main building and located at the main entrance to the shopping center on Sandy Springs Circle.
- Sign #3 an existing free standing sign eight (8) feet height, twenty nine (29) square feet of sign area. This sign is providing support to a single anchor tenant in the shopping center that the front of the building is facing the parking lot.

The subjects of these variances are Sign #1 and Sign #3. Sign #2 is a legal nonconforming sign, which the applicant is not modifying.

The Department of Community Development has not received any public comment regarding this petition.

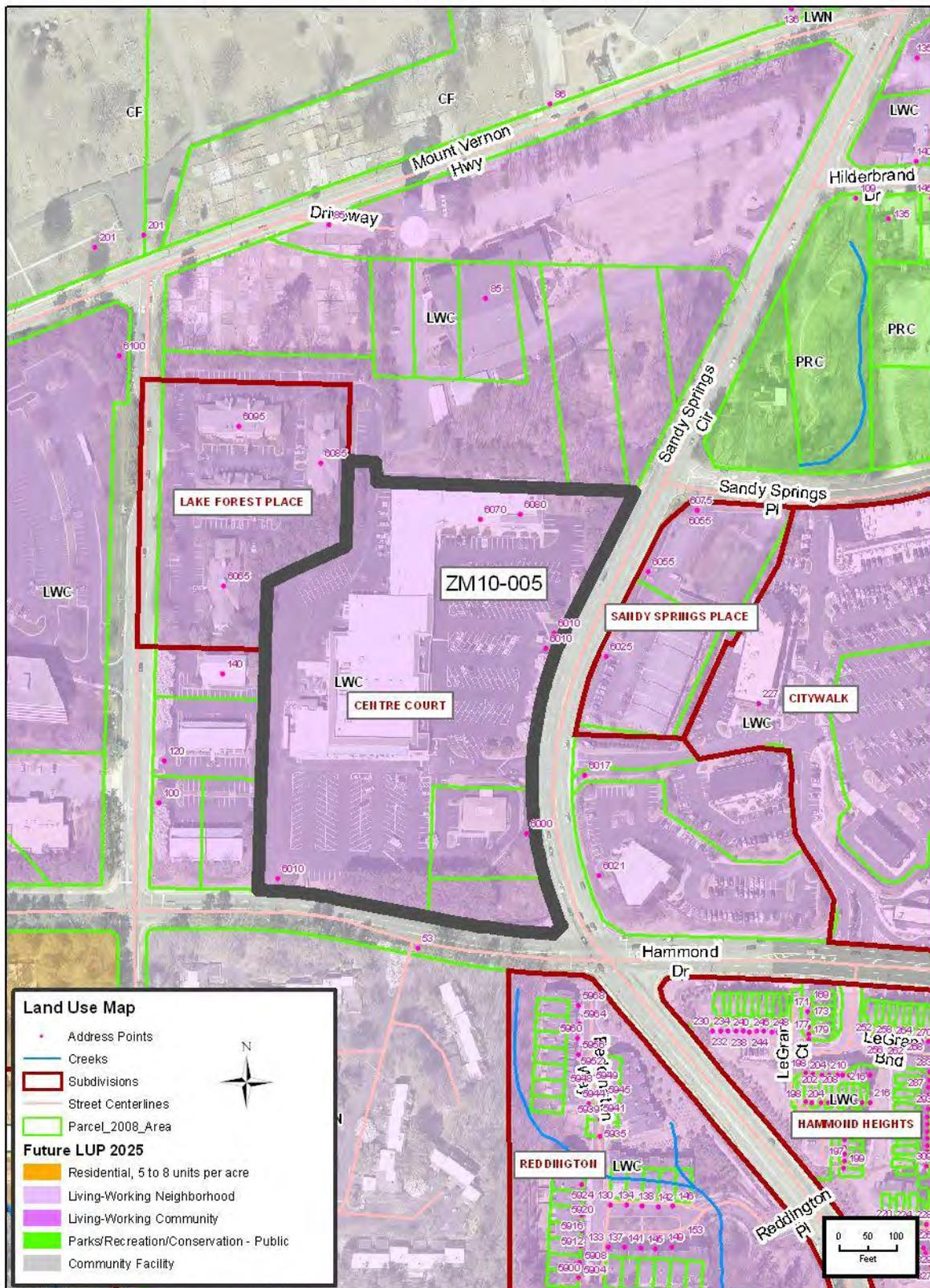
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION ZM10-005 CV10-004	Proposed Use		Land Area (Acres)	Square Footage	Density (Number of Units per Acre)
		Shopping Center/Office		8.6	374,616
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	O-I Conditional Z74-0134	Sandy Springs United Methodist Church	2.9951	130,448.61	43,554.0
North	C-1 Conditional Z80-0091	Sandy Springs United Methodist Church	0.9243	40,256.5	43,55305
North	R-4	Sandy Springs United Methodist Church	9.5	N/A	N/A
East	O-I Conditional Z03-0188	Heritage Sandy Springs parking lot	0.85	28 spaces	-----
East	C-1 Conditional Z85-0023	Shopping Center Group- 6025 Sandy Springs Cir.	1.0931	47,610.42	43,555.41
East	C-1 conditional Z92-0085	City Walk Shopping Center - 227 Sandy Springs Place	17.292	749,966.71	43,554.09
South	TR Z99-0106	Alston Atlanta Residential	5.2222	227,448.22	43,554.1

South	TR Z72-002	10 forest Place- 10 forest Pl	9.2440	402,613.36	42,649.72
West	O-I Conditional Z81-0050	Hammond One Twenty LLC- 120 Hammond Dr.	1.8154	79,069.69	43,554.97
West	O-I Conditional Z82-0043	Callum William M & Georgia V. 6095 Lake Forest Dr.	3.3750	146,994.55	43,553.94

Land Use Map

6010 Sandy Springs Place





**Notice of Zoning Modification - Sign-Centre Court Shopping Center (subject property)
Hammond Dr.**



**Notice of Zoning Modification - Sign-Centre Court Shopping Center (subject property)
Sandy Springs Circle**



**Existing Sign # 1 -Centre Court Shopping Center (subject property)
6010 Sandy Springs Circle**



**Existing Sign # 2 -Centre Court Shopping Center (subject property)
6010 Sandy Springs Circle**



**Existing Sign # 3 -Centre Court Shopping Center (subject property)
6010 Sandy Springs Circle**



**Existing Sign -Centre Court Shopping - Hammond Dr Center (subject property)
6010 Sandy Springs Circle**



Building #2 Centre Court Shopping Center

CN 08.06.09 Prepared by the City of Sandy Springs Department of Community Development for the Mayor & City Council Hearing on May 18, 2010

CN03.22.10

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**Building # 2
Southbound on Sandy Springs Cir.**



Bank Sign on retaining wall.



Sandy Springs United Methodist Church (North of subject property)



Heritage Parking lot (East of subject property)



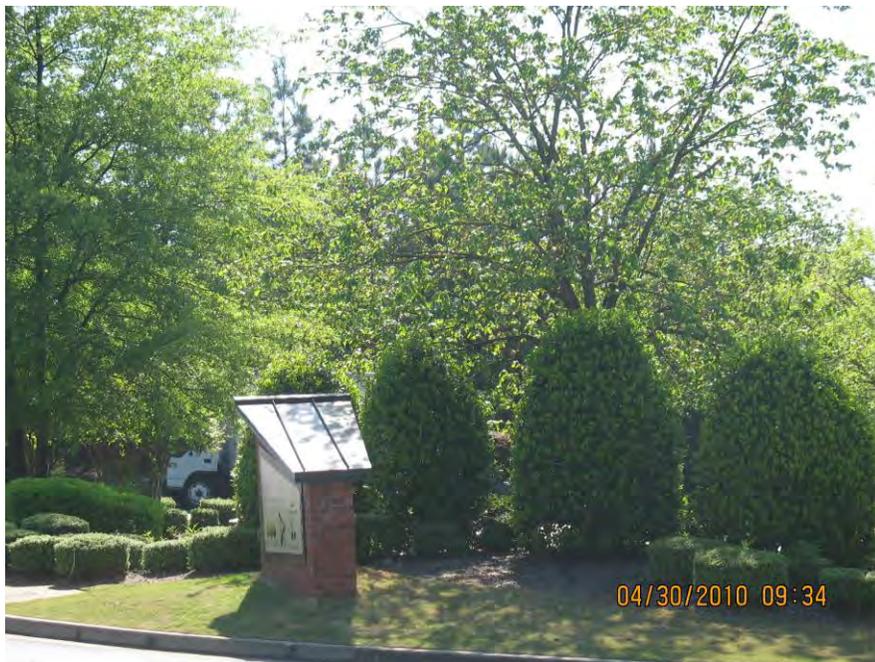
Sandy Springs Place (East of subject property)



Sandy Springs Place (East of subject property)



Sandy Springs City Walk (East of subject property)



Sandy Springs City Walk (East of subject property)



Bridals by Lori
Sandy Springs City Walk (East of subject property)



Aston Atlanta Residential (South of subject property)



Forest Place (South of subject property)



Forest Place (South of subject property)



Lake Forest Place (West of subject property)



Lake Forest Place (West of subject property)



Lake Forest Place (West of subject property)



6095 Lake Forest Dr (West of subject property)



Vegetation on front of the bank



View from east side of Sandy Springs Cir.



Northbound on Sandy Springs Cir



View from east side of Sandy Springs Circle looking west.



View of the bank building from south property lane.



South property lane

APPLICANT'S INTENT

The applicant is requesting a zoning modification to condition 2.a. of the Fulton County zoning case Z97-0080 to amend the approved site plan as follows:

- To add the location of two (2) additional signs along the Sandy Springs Circle road frontage.

The applicant wishes to replace the approved site plan with a modified site plan in order to add the approximate location of the two (2) additional signs for the Centre Court Shopping Center.

*Staff is of the opinion the request to amend the approved site plan is warranted and will not adversely affect adjacent or nearby properties. Therefore, the staff recommends **APPROVAL CONDITIONAL** of this modification of this condition.*

VARIANCE CONSIDERATIONS

The applicant is also requesting concurrent variances from Section 33.26.H.1.b of the Zoning Ordinance as follows:

1. To allow two (2) additional free standing signs on a lot which has 800 linear feet of frontage along the west side of Sandy Springs Cir (Sign #1 & #3).
2. To allow a non monument sign on the bank parcel (Sign #1).
3. To increase the maximum height permitted for a monument sign from eight (8) feet to 14'-6" height on the most northern part of the main parcel (Sign #3).
4. To increase the maximum permitted square footage for a sign from sixty four (64) square feet to sixty five (65) square feet (Sign #3).

The applicant is requesting to be allowed two additional signs along the Sandy Springs Circle frontage stating that the signs have been an important component of the success of the Centre Court Shopping Center.

Sign #1 is a sign that provides identification to the bank which is located at the top of a retaining wall. The sign is obscured by the trees along the retaining wall, and only visible to the southbound traffic on Sandy Springs Cir. The bank has two wall signs on the west and east elevation respectively. Which are only partially seen by the east bound traffic and after entering the immediate grounds of the bank. The existing 8', 29 square foot sign at the top of the retaining wall, directs the travelers to enter the access point adjacent to the bank.

Section 33.12.D. The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

Variance Parts 1 (Sign #1) & 2

1. **The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.**

Findings:

Staff is of the opinion that the topography of the lot does not enable the ground and wall signs to be seen from the adjoining public road. The property has significant topographic challenges with no part of the Center except the bank's roof top visible from the intersection of Hammond Drive and Sandy Springs Circle. The topography creates many challenges for using signage effectively to promote vehicular and pedestrian awareness. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

2. **The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.**

Findings:

Staff is of the opinion that relief from this ordinance requirement will not compromise the public health, safety or welfare because the proposed sign will be out of the right-of-way.

The purpose of the sign ordinance is to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety as it may be affected by distracting signs. The site has mature trees and shrubbery along the perimeter of the property blocking the visibility of the building and most parts of the center. While the free standing sign has visibility from the southbound traffic on Sandy Springs Circle, the sign is completely obscured by the vegetation from any other angle of the intersection of Hammond Drive and Sandy Springs Circle. A motorist traveling northbound does not have sufficient time to identify the business and adequately determine access locations. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

Due to the topographic and the natural features of the lot the bank wall signs are not visible from the northbound and southbound traffic on Sandy Springs Circle or Hammond Drive. Therefore, placing a free standing sign for the bank will improve visibility. Therefore, based on these reasons the staff recommends **APPROVAL CONDITIONAL** of this concurrent variance.

Sign #3 is an existing 14'-6" high, 64.4 square foot free standing sign located at the northern-most corner of the property. The free standing sign was dedicated to the Rite Aid Pharmacy & Drug Store. When the business closed the sign was to be removed as the sign was not longer allowed. The applicant states that his sign is dedicated to provide the needed visibility to sustain the current uses and attract a viable user for the vacant space so that the center can continue its previous record of success. The applicant also proposes to convert this sign into a monument sign.

The applicant states in the letter of intent that the success of these retail shops is influenced by how visible they are to potential customers driving by the center.

Section 33.12.D. The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

Variance Parts 1 (Sign #3), 3 & 4

1. **The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.**

Findings:

The Staff has found that there are no compatible properties in the surrounding area with three free standing signs along the same street frontage. Staff is of the opinion that despite the topographic changes of the lot, the natural features and curving road, the applicant has not presented a justification to place a third sign on the property. Therefore, this criterion has not been met.

2. **The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.**

The natural features of the lot do not present any challenges to justify the approval of a third sign. The property has a 22.17 foot high, 112.8 square feet tenant panel sign(sign #2) in which all the tenants within building #2 are advertized. Therefore, this criterion has not been met.

The Staff is unaware of any hardship unique to the property advertised which would warrant special consideration to allow three free standing signs along the same road frontage. Therefore, based on these reasons the staff recommends **DENIAL** of these requests.

DEPARTMENT COMMENTS

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

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Assistant Director of Building and Permitting	▪ No Comments
	Sandy Springs Development Plan Review Engineer	▪ No Comments
	Sandy Springs Landscape Architect/ Arborist	▪ No Comments
FIRE DEPT.	Sandy Springs Fire Protection Engineer	▪ No Comments
TRANSPORTATION	Sandy Springs Transportation Planner	▪ No Comments
	Georgia Department of Transportation	▪ No Comments

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

STAFF RECOMMENDATION

Staff recommends **APPROVAL CONDITIONAL** of the zoning modification and concurrent variances request as follows: **APPROVAL CONDITIONAL** of variance Part 1 & 2 for sign #1 and **DENIAL** of variance Part 1, 3 & 4 for sign #3. The staff also recommends that the conditions of Z97-0080 be modified to be read as follows. Where these revisions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 8,944.74 gross square feet per acre zoned or a total of 77,732 square feet, whichever is less, but excluding fast food restaurants, service stations, commercial amusements and billboards.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the ~~development Services Department~~ **of Community Development** on ~~June 10, 1997~~ **August 4, 2009**. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning ~~Resolution~~ **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 the first Certificate of Occupancy.
3. To the owner's agreement to the following site development considerations:
 - a. Provide for the reduction of all landscape strips and buffers to the extent to allow existing structures to remain.
 - b. No more than the existing exit/entrances on Hammond Drive. Curb cut location and alignment are subject to the approval of the ~~Fulton County~~ **Sandy Springs** Traffic Engineer.
 - c. No more than the existing exit/entrances on Sandy Springs Circle. Curb cut location and alignment are subject to the approval of the ~~Fulton County~~ **Sandy Springs** Traffic Engineer.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
 - a. Reserve for the ~~Fulton County~~ **City of Sandy Springs** along the necessary property frontage of the following roadways, prior to the approval of a land disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation bisects the required landscape strip of buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

45 feet from the centerline of Hammond Drive
 - b. Dedicate at no cost to ~~Fulton County~~ **Sandy Springs** along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-

way, and dedicate at no cost to ~~Fulton County~~ **Sandy Springs** such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

55 feet from the centerline of Sandy Springs Circle.

30 feet from the centerline of Hammond Drive.

- c. Improve roadways along the entire property frontage with curb and gutter per ~~Fulton County~~ **Sandy Springs** standards or as may be required by the Georgia Department of Transportation.
 - d. Provide a deceleration lane for each project entrance or as may be required by the ~~Fulton County~~ **Sandy Springs** Traffic Engineer.
 - e. Provide a left turn lane for each project entrance or as may be required by the ~~Fulton County~~ **Sandy Springs** Traffic Engineer.
5. To the owner's agreement to abide by the following:
- a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit ~~with the Development Services Department~~, to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. To contact the Director of ~~Public Works~~ **Community Development**, prior to the application for a Land Disturbance Permit ~~with the Development Services Department~~, to arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton ~~County~~ **City** Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - c. At the time of submittal for a Land Disturbance Permit and after the approval of the Preliminary Plat, the engineer/developer is required to provide written documentation verifying on-site evaluation and any other necessary downstream constraints.
 - d. Provide documentation (cross-section etc.) as to the existing conditions for all natural streams/creeks within the boundary of the project. Show, by documentation, the appropriate erosion protection of the stormwater conveyance system.
 - e. The developer/engineer is responsible to demonstrate to the ~~County~~ **City** by engineering analysis, that the developed land use (proposed development) stormwater runoff conditions are controlled at the maximum pre-developed land use level, so that downstream properties/conveyance systems are not impacted or aggravates existing flooding/drainage nor creates new drainage/flooding problems off-site.
 - f. Upon receiving zoning, rezoning or a special use approval from the ~~County~~ **City** and prior to submitting for a Land Disturbance Permit, the developer/engineer shall contact and submit to the ~~Stormwater Management Section of the Public Works Department~~ **Department of Community Development** a stormwater concept plan. The stormwater concept plan shall be a

preliminary drawing describing the proposed location of storage facilities, discharge path of storage facilities, downstream and upstream constraints and other matters with potential stormwater implementations. The stormwater concept plan shall be submitted to the County City when the design engineer determines the preliminary location, type of stormwater facilities or at approximately 35% project completion.

- g. To allow an additional free standing sign along the west side of Sandy Springs Circle frontage for building "A" as identified on the site plan dated received March 02, 2010 and located at the southeast corner of the parcel (Sign #1)(CV10-004-Part 1).
- h. To allow a non monument sign not to exceed 29 square feet of sign area, eight (8) fee height for building "A" as identified on the site plan dated received March 02, 2010 and located at the southeast corner of the parcel (Sign #1)(CV10-004-Part 2).

Attachments

Letter of Intent dated received March 02, 2010.

Site Plan received March 02, 2010.

Zoning Plan dated received March 02, 2010.

Photographs of proposed signs dated received March 02, 2010

Constitutional Objections received March 02, 2010.

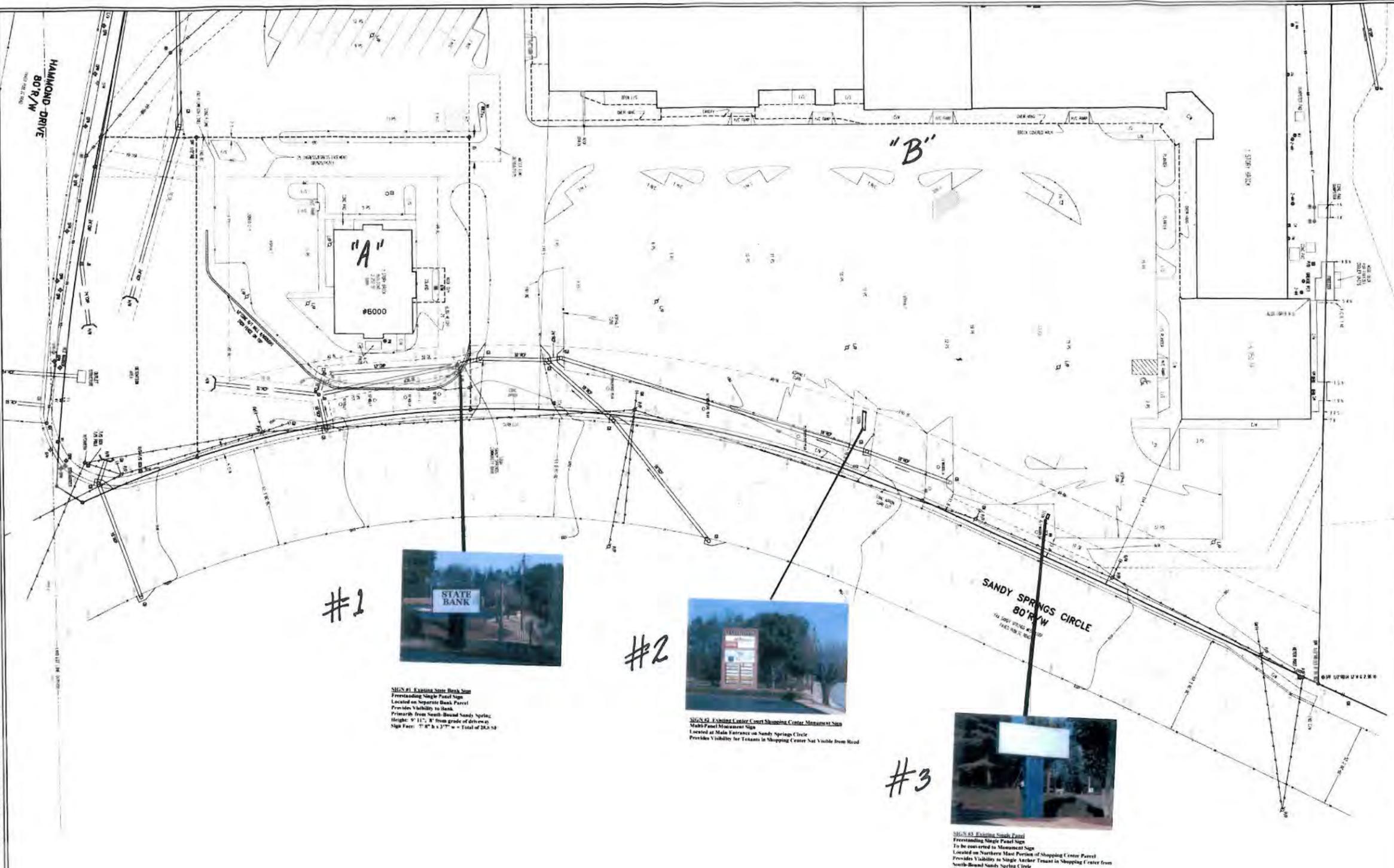
Comment Letter from Fulton County Department of the Environment and Community Development dated April 5, 2010.

DATE	11-11-09
PROJECT	TOPOGRAPHIC SURVEY FOR
CLIENT	FULTON COUNTY, GEORGIA
SCALE	AS SHOWN
DRAWN BY	W. J. BROWN
CHECKED BY	W. J. BROWN
DATE	11-11-09

W. J. BROWN ENGINEERS, INC.
 1000 W. WOODBRIDGE DRIVE
 ALBANY, GEORGIA 31707-2000
 PHONE: (770) 240-0000
 FAX: (770) 240-0001

02/15/10 ~ DRAFT

TOPOGRAPHIC SURVEY FOR
 FIRST ALLIED CORPORATION, WOODS OVIATT, GILMAN, LP
 LEHMAN BROTHERS BANK, FSB ITS SUCCESSORS AND ASSIGNS
 STROCK & STROCK & LAYAN
 FIRST AMERICAN TITLE INSURANCE COMPANY
 LAND LOT 89 ~ 17TH DISTRICT
 LOCATED IN
 FULTON COUNTY, GEORGIA



#1



SIGN #1 Existing State Bank Sign
 Freestanding Single Panel Sign
 Located on Separate Bank Parcel
 Provides Visibility to Bank
 Primarily from South-Bound Sandy Springs
 Height: 11' 8" from grade of driveway
 Sign Face: 7' 8" x 3' 7" = Total of 28.4 SF

#2

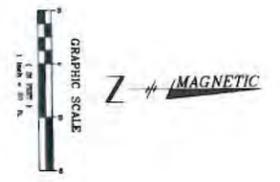


SIGN #2 Existing Leaning Court Shopping Center Monument Sign
 Multi-Panel Monument Sign
 Located at Main Entrance on Sandy Springs Circle
 Provides Visibility for Tenants in Shopping Center Not Visible from Road

#3



SIGN #3 Existing Single Panel Sign
 Freestanding Single Panel Sign
 To be converted to Monument Sign
 Located on Northern Most Portion of Shopping Center Parcel
 Provides Visibility to Single Anchor Tenant in Shopping Center from South-Bound Sandy Springs Circle
 Height: 14' 8"
 Sign Face: 11' 5" x 5' 8" = Total of 66.4 SF



RECEIVED

MAR 2 2010

City of Sandy Springs
 Community Development

RECEIVED

MAR 02 2010

City of Sandy Springs
Community Development



#1

7M10-1105 *live in the moment / DRAM MC*

EXISTING FREESTANDING BANK SITE SIGN
8' h 28.8 s/f : view toward subject property an
Sandy Springs Circle

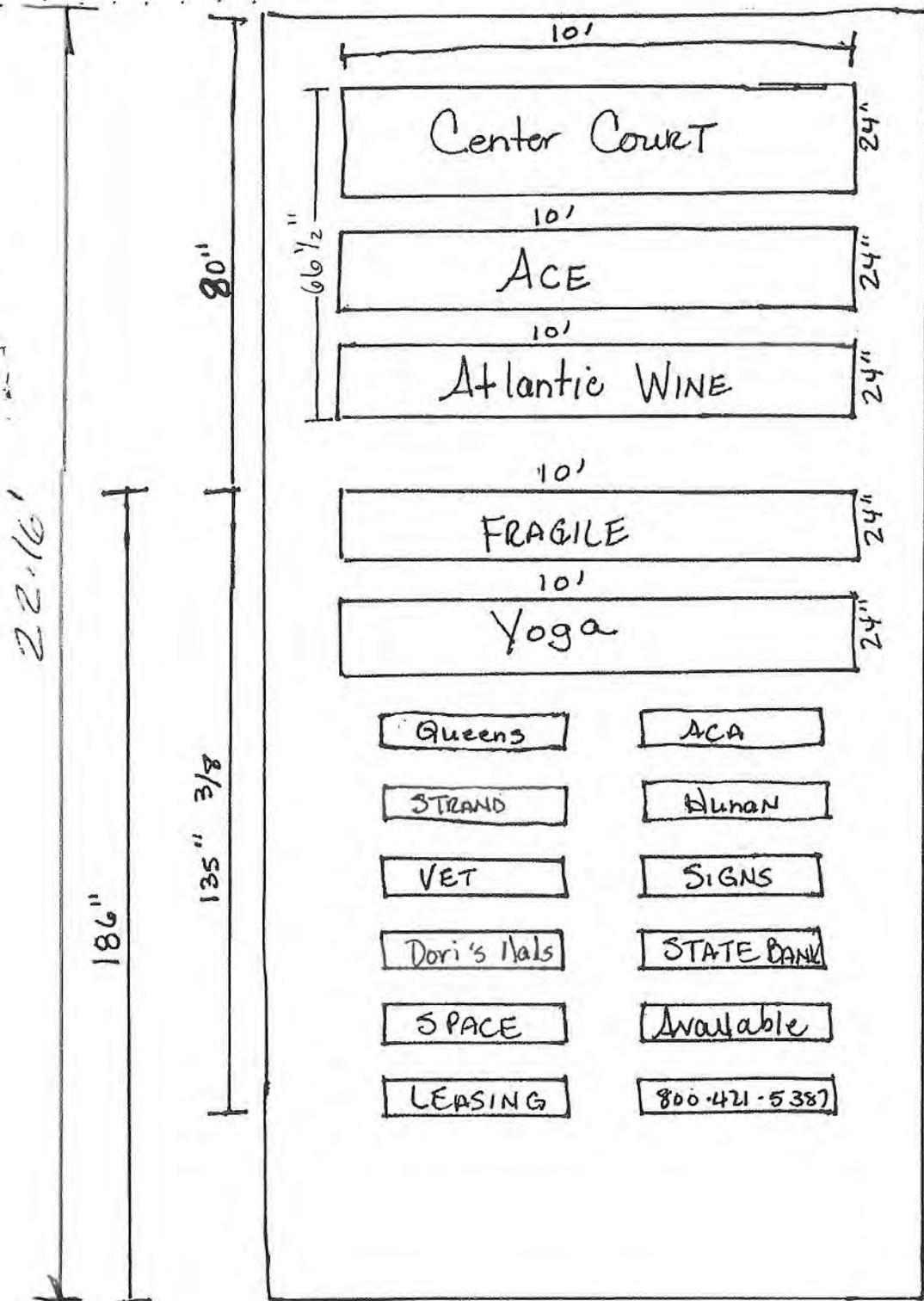
21410-005 / 21410-004 / DERB10-005



City of Sandy Springs
Community Development

RECEIVED
11/02/2010
City of Sandy Springs
Community Development
EXISTING FREESTANDING SIGN
14'6" h 65 s/f : to be converted into
monument sign

12'0



22'16'

80"

186"

135" 3/8

12'0

48" x 10 1/2"

48" x 12"

#2

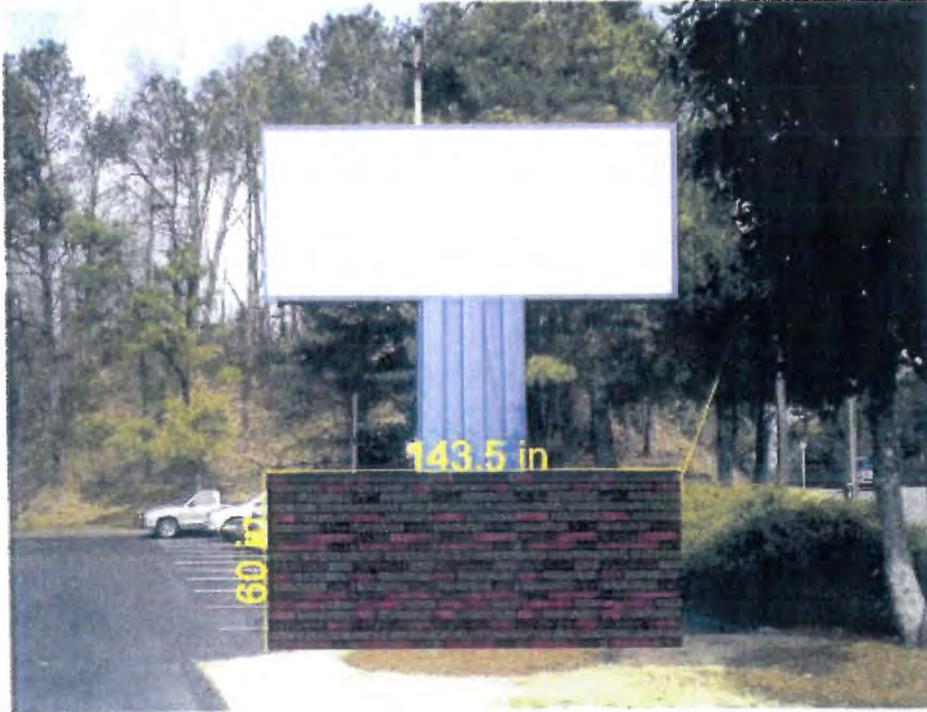
112.813

22.17'

EXISTING SIGN

Centre Court Sign

A. Brick 60"h x 143.5"h x 17" deep



ZM10-005-
C210-004
DRB10-005

B. Brick 120"h x 143.5"h x 17" deep



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1 MAY 09 2010

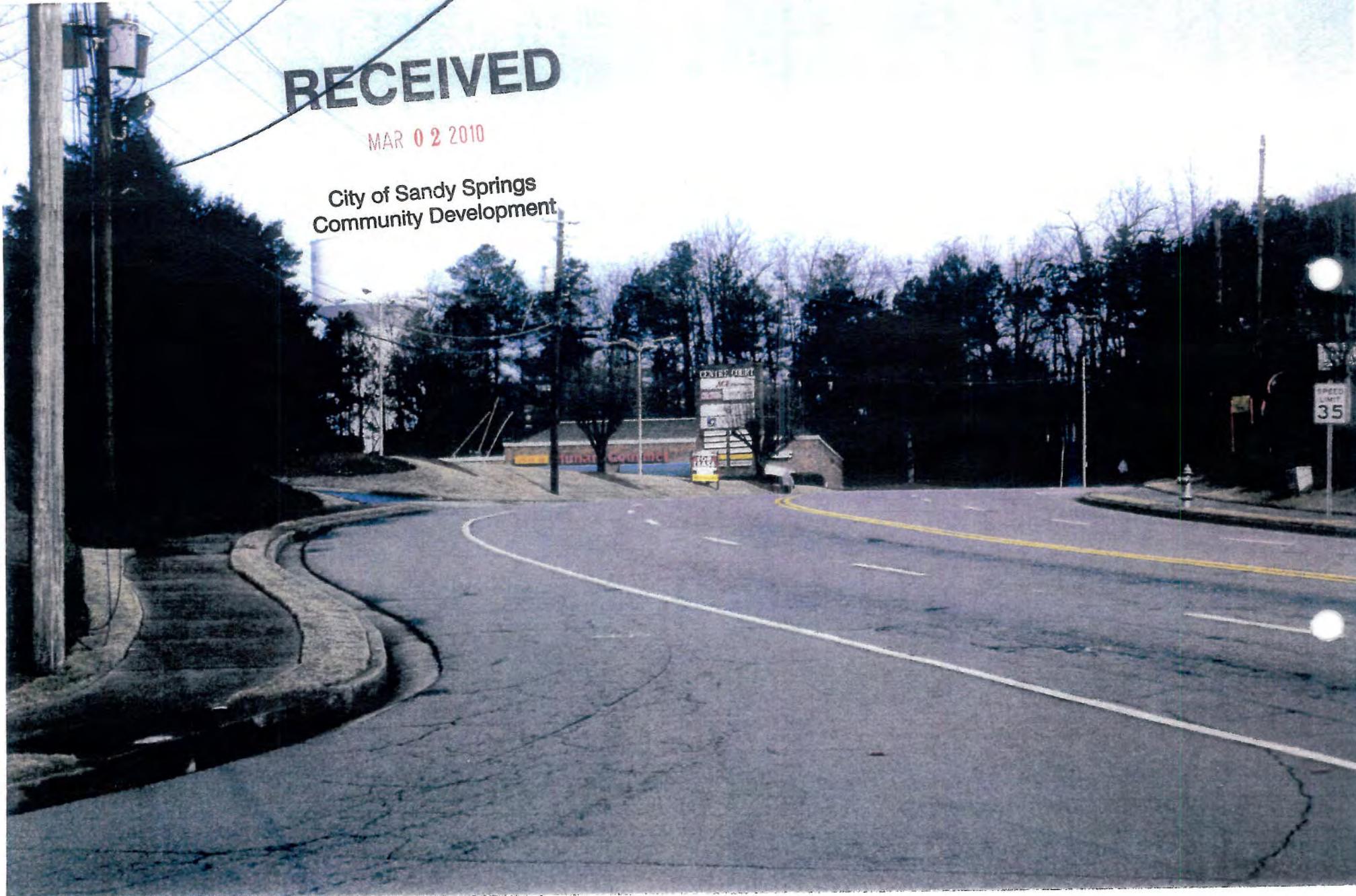
City of Sandy Springs
Community Development

ZN10-005 / 2110-004 / DRB10-005

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Community Development



VIEW FROM INTERSECTION OF NORTHBOUND
SANDY SPRINGS CIRCLE & HAMMOND DRIVE

2110 W. SANDY SPRINGS RD / DR 1310-005

CENTRE COURT

ACE Hardware

ATLANTIC WINE & SPIRITS Tasting Room

fragile

360 YOGA

Dresses ALTERATIONS | **REI**

BEACH FESTIVAL | **HAIR STUDIO**

WEDDING | **Sandy Springs Signs**

Dor's Nail Salon | **STATE BANK**

SPACE AVAILABLE

LEASING (800) 421-5327

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11/13/21

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EXISTING MONUMENT SIGNAGE AT MAIN ENTRANCE TO SHOPPING CENTER ON SANDY SPRINGS CIRCLE

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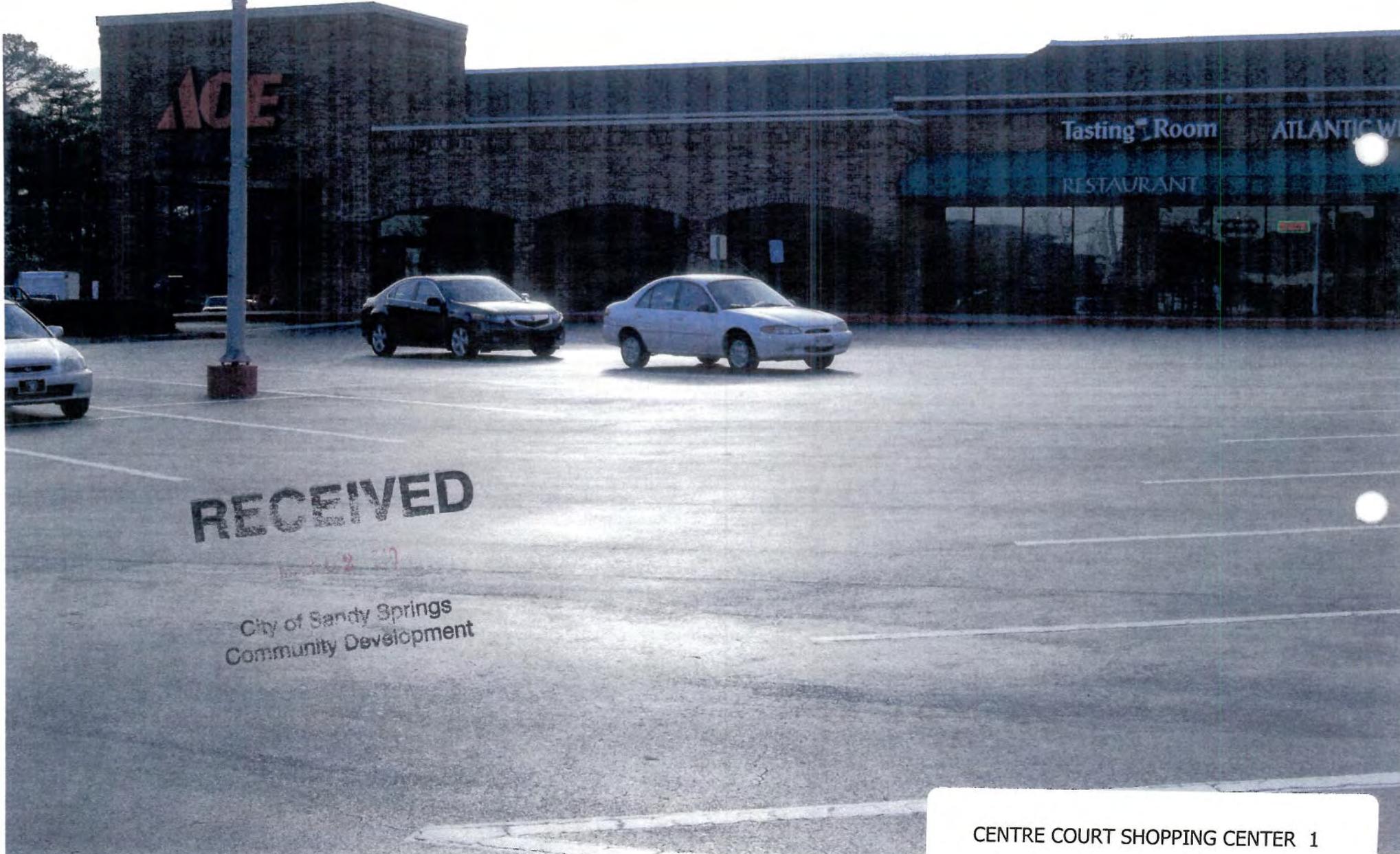
City of Sandy Springs
Community Development

STATE
BANK

EXISTING FREESTANDING BANK SITE SIGN
8' h 28.8 s/f : view toward subject property an
Sandy Springs Circle

ZM10-005, 10/10-000/DRB10-005

ZM10-005 / CV10-006 / DRB10/005



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CENTRE COURT SHOPPING CENTER 1

2/10-005/10.0.009/10.10-005



CENTRE COURT SHOPPING CENTER 2

ZM10-005 / CV10-004 / DEB10-005



CENTRE COURT SHOPPING CENTER 3

ZK-110-0109 / 10070-004 / DRB10-005



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HAMMOND DRIVE LOOKING NORTH TOWARD
BANK BUILDING IN CENTRE COURT SHOPPING
CENTER

ZM10-005 / EV10-004 /
D&B10-005

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35

SANDY SPRINGS CIRCLE TRAVELING
SOUTHBOUND, APPROACHING CENTRE COURT
SHOPPING CENTER 1

LRB10-005

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SANDY SPRINGS CIRCLE TRAVELING
SOUTHBOUND, APPROACHING CENTRE COURT
SHOPPING CENTER 2

ZH12-005 (1012-001)

DA 610-005

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SANDY SPRINGS CIRCLE TRAVELING
SOUTHBOUND, APPROACHING CENTRE COURT
SHOPPING CENTER 3

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ZM10-005/
@V10-004/j
DRR10-005

SANDY SPRINGS CIRCLE TRAVELING SOUTHBOUND, APPROACHING CENTRE COURT SHOPPING CENTER 4



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ZM10-005 / CV10-004 / DRB 10-005

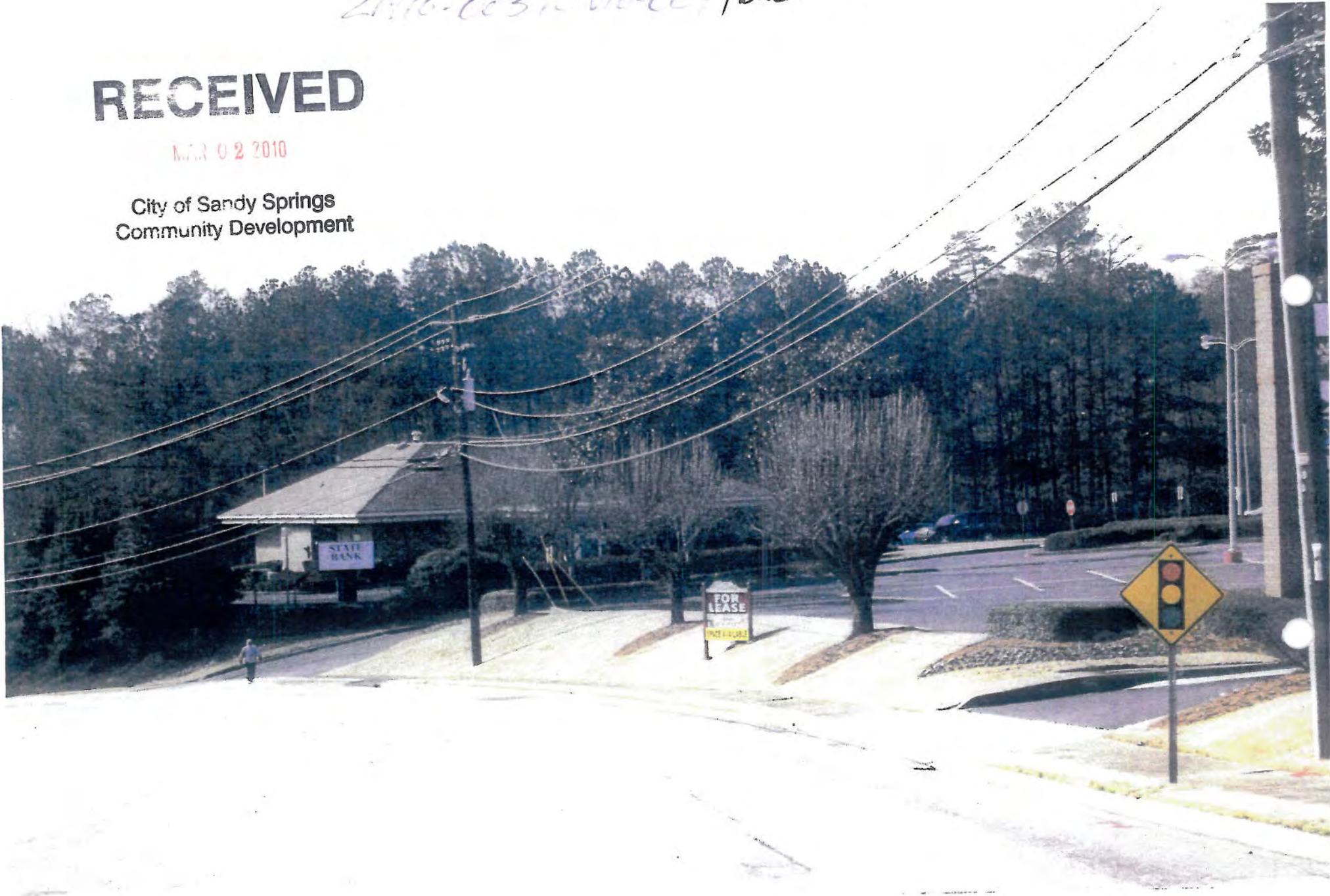
SANDY SPRINGS CIRCLE TRAVELING SOUTH
IN FRONT OF CENTRE COURT SHOPPING
CENTER AT BANK SITE ENTRANCE 5

ZM10-005, 2/10-004 / DRB10-005

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Community Development



VIEW FROM SOUTHBOUND
SANDY SPRINGS CIRCLE

**LAW OFFICES
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ESTABLISHED 1937

VALDOSTA OFFICE

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VALDOSTA, GEORGIA 31601
P. O. BOX 5437 (31603)
TELEPHONE 229-242-7562
FACSIMILE 229-333-0885

VIA: HAND DELIVERY

March 2, 2010

Ms. Cristina Nelson
Senior Planner/Sign Coordinator
City of Sandy Springs
7840 Roswell Rd
Building 500
Sandy Springs, GA 30350

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City of Sandy Springs
Community Development

ZAK-COS, 2/12/10
DRB 10-005

RE: Letter of Intent for Application for a Zoning Modification for the Approximately 8.60950 +/- Acre Property, Currently Zoned C-1c, Known as Centre Court Shopping Center, Located at 6014 Sandy Springs Circle, Sandy Springs, Georgia, Land Lot, 89, 17th District, Tax Parcel #37-1435352 (the "Subject Property")

Dear Ms. Nelson,

I am writing on behalf of First Allied Corporation, the Property Owner and Applicant for this Application to modify the Site Plan to allow three (3) existing signs to remain on the Subject Property fronting on Sandy Springs Circle, and to allow concurrent variances relating to these signs.

The Applicant is the Owner of Centre Court Shopping Center, an approximately 69,740 +/- square foot commercial retail center with an approximately 3,252 +/- square foot bank in an outparcel located at the northwestern corner of the intersection of Hammond Drive and Sandy Springs Circle. The Subject Property was rezoned by Fulton County in 1997 from O&I and C-1 to C-1 Conditional pursuant to case (97Z 0080 FCN) to incorporate the existing outparcel into the overall site plan and allow a commercial use to operate on that site. The Applicant acquired the Property in 2002 when all existing structures, including the existing signage were located in the current locations. Standard property due diligence conducted by the Applicant prior to their purchase confirmed that there were no zoning code violations at that time.

Since then, the City of Sandy Springs was incorporated and the Sign Ordinance was updated no longer allowing the type or number of signs located along the frontage of Sandy Springs Circle. Specifically, the Property has a total of three (3) signs fronting along Sandy Springs Circle: (1) an existing 8' high, 28.8 +/- square foot free-standing sign for the bank outparcel which is located at the top of the retaining wall, situated adjacent to the entrance and supporting the bank site; (2) an existing multi-tenant monument sign located at the main entrance to the Subject Property; and (3) an existing 14' 6"

high, 64.4 +/- square foot, free-standing sign at the northern-most corner of the Property near the right-of-way proposed to be converted to a monument sign if approved. A rendering of the proposed monument sign is enclosed. Also, please see photographs of each sign included on the Site Plan and in the materials submitted with this Application.

In the Fall of 2009, the Rite Aid Pharmacy & Drugstore vacated their space in the Center. While a lease was consummated with a Kosher Deli, the free-standing sign dedicated to that space was cited when the panel advertised "Kosher Deli coming soon". At that time, the Applicant became aware that the existing sign was no longer authorized under the Sandy Springs Sign Ordinance and would have to be removed upon the expiration of the Rite Aid lease (February 2010) unless a variance was obtained. During the same time frame, the State Bank located in the outparcel was taken over by the FDIC and the Sandy Springs Community Bank began operations there. Similarly, the Bank and the Owner became aware that the existing free-standing sign on the bank parcel was no longer authorized under the existing Sandy Springs Ordinance.

Thereafter, the Kosher Deli cancelled their lease based on the unavailability of their primary signage along Sandy Springs Circle. The bank began their new operations and pursued efforts with the Owner to keep their existing sign and discussions ensued with a number of other struggling retail users in the center. The situation was clear, the Owner was looking at a successful shopping center with serious concerns about the continued viability and the need for immediate relief to propel this Property through these challenging times. The Applicant is committed to continuing to provide the needed visibility to sustain the current uses and attract a viable user for the vacant space so the center can continue its previous record of success.

The signs have been an important component of the success of the Centre Court Shopping Center in the past due allowing the shops to be visible to travelers passing by despite the dramatic topographic changes, curving roadway and heavy vegetation along the right-of-way approaching the site. The Property has significant topographic challenges, with no part of the Center except the Bank's rooftop visible from the intersection of Hammond Drive and Sandy Springs Circle, located 20 +/- feet below the bank site. This hardship is exasperated by the significantly changing grades on the curving roadway approaching the site from both the north and south along Sandy Springs Circle. For travelers approaching from the north, a steep hill reaches its peak at the northern edge of the property where a heavy tree line blocks the primary monument sign allowing only the two existing free standing signs to be visible. From the south, no shops are visible until a vehicle is directly in front of the Center and well beyond the bank's primary entrance.

Please see the enclosed photographs of the Subject Property showing the changing grades with particular note to the extreme changes occurring for a vehicle traveling 35 MPH along the roadway approaching and passing the site. Additionally, the site has mature trees and shrubbery along the perimeter of the property and the roadway, further blocking visibility of any of the uses in the center for approaching cars. While the primary monument sign stands visibly for a passenger who is immediately in front of the property, the two additional freestanding signs provide needed visibility for cars approaching the site over the steep grade changes so that there is ample opportunity to safely slow and enter the site from the roadway.

The bank, is a separate out-parcel on the southern-most portion of the Property and has no other signage visible for passengers traveling north or south-bound on Sandy Springs Circle. The existing 8', 28.8 square foot sign at the top of the retaining wall supporting the bank building is the only signage visible for the bank from Sandy Springs Circle and is critical to the bank's success. Additionally, the bank's sign directs travelers to enter the access point adjacent to the Bank parcel instead of haphazardly driving across a parking lot to reach the location.

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Community Development

DRB10-005

In an effort to continue to ameliorate the site conditions which have existed since long before the Applicant acquired this property, First Allied seeks to allow the three existing signs to remain with a commitment to enhance the existing 64.4 s/f free-standing sign on the northern most portion by adding a brick finish to convert the sign to a monument sign, in keeping with the spirit and intent of the current Sandy Springs Circle. The Applicant is requesting a modification of the Site Plan to allow three existing signs including the following Concurrent Variances:

1. Allow three existing signs along the Sandy Springs Circle right-of-way;
2. Allow 1 existing, 8' high, 28.8 s/f free-standing sign to remain on the bank parcel; and
3. Allow 1 existing, 14' 6" high, 64.4 s/f free-standing sign to remain and to be converted to a monument sign.

The requested modification and variance meets and exceeds the standards established for affording relief. As indicated above in detail, along with the supporting materials provided herewith, the natural features including the topography and vegetation of the lot and the right of way leading to the site, creates an undue hardship not brought on by the Owner and impairs the visibility of the shops and the existing monument sign adversely impacting the viability of the Shopping Center and creating unsafe driving conditions for those passing by and patrons of the Center.

We look forward to working with the City of Sandy Springs and respectfully request that the Planning Department and City Council approve the modification and concurrent variances as requested. Should you have any questions, please feel free to contact me directly at the number above.

With best regards, I am,

Sincerely,



Wendy S. Butler, Esq.

Cc: Alan Ripley, First Allied
Gigi Best, Paralegal

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2-12-10-005
DRB10-005

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MAR 08 2010

City of Sandy Springs
Community Development

CONSTITUTIONAL OBJECTIONS

The Zoning Resolution of City of Sandy Springs, Georgia (the "Zoning Resolution") lacks adequate standards for the Mayor and City Council to exercise its powers to zone and rezone. The standards are not sufficient to contain the discretion of the Mayor and City Council and its designees and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council and its designees, the Fifth and Fourteenth Amendments of the Constitution of the United States as well as Article I, Section III, Paragraph 1; and Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia, 1983, are violated.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983, gives the Mayor and City Council power to zone, which power must be fairly exercised. The Zoning Resolution of City of Sandy Springs, Georgia and the Ordinance violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

The Zoning Resolution presently in effect, zoning this property C-1c is contrary to the best interest of the health, safety and welfare of the citizens of City of Sandy Springs, Georgia, and constitutes an arbitrary and capricious act and is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia - 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia - 1983; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia - 1983, together with the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

The Zoning Resolution presenting in effect, zoning this property as C-1c, and the Ordinance are unconstitutional in that it renders this property unusable and destroys its marketability, and such zoning therefore constitutes a taking of property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth

Z 112-005 11-11-11

Amendments to the United States Constitution and Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to grant the application for a zoning modification to modify the site plan and to allow concurrent variances (the "Application") would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia - 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia - 1983; and the due process and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States.

Failure to grant the Application as requested or to grant the Application with conditions, would be contrary to the best interest of the health, safety and welfare of the citizens of Fulton, Georgia and would further constitute an arbitrary and capricious act and constitute a violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia - 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia - 1983; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia - 1983, together with the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

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City of Sandy Springs
Community Development

ZA110-0857-100
DRB10-005



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

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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