



Case No.:   
 Planner's initials: \_\_\_\_\_

PROJECT INFORMATION SHEET

<b>PROPERTY</b>	Address(es): 8763, 8765, 8800 and 8877 Roswell Road	
	Parcel Tax ID: 06 0367 LL0658; LL0666; LL0625; and LL0617	
	Land Lot(s): 367	Land District(s): 6
	Total acreage: 13.67	Council district: 2
	Current zoning: C-1	Current use: Commercial
	Overlay district: Suburban	Future land use: LWR

<b>APPLICATION</b>	Purpose of the application: Rezone from C-1 to C-1 with concurrent variances	
	Check all that apply:	
	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Modification <input type="checkbox"/> Use permit(s) <input checked="" type="checkbox"/> Concurrent variance(s)	
	Detailed request (include Code/Ordinance Section No. for concurrent variances):	
	Rezone to allow a proposed grocery store. Concurrent variances are requested for parking, reduction of the required zoning buffer and improvement setback, to eliminate the 5' landscape strip on the proposed property line and provide an alternate roof design in lieu of the one required by the Overlay.	
	Petitioner: SRPF A/North River, LLC	
	Petitioner's address: 1180 West Peachtree Street, Suite 2200, Atlanta, Georgia 30309	
	Phone: (404) 962-8600	Email: william.stark@streamrealty.com

<b>OWNER</b>	Property owner: SRPF A/North River, LLC	
	Owner's address: 1180 West Peachtree Street, Suite 2200, Atlanta, Georgia 30309	
	Phone: (404) 962-8600	Email: william.stark@streamrealty.com
	Signature (authorizing initiation of the process): <i>Jamie White - Attorney for Owner/Applicant</i>	
	<i>If the property is under contract and the owner is unavailable to sign, provide a copy of the contract</i>	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date:
CM1 date, time, and location:	
<b>ADDITIONAL INFORMATION NEEDED:</b>	
RECEIVED 08/02/2016 PLANNING AND ZONING	



Case No.:   
 Planner's initials: \_\_\_\_\_

APPLICATION FORM

APPLICATION	<b>Purpose of the application:</b>
	Redevelop a portion of the site with a grocery store and retain the existing shopping center.
	<b>Check all that apply:</b>
	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Modification <input type="checkbox"/> Use permit(s) <input checked="" type="checkbox"/> Concurrent variance(s)
	<b>Detailed request (include Zoning Ordinance section No. for concurrent variances):</b>
	This application requests to rezone from C-1 to C-1 to change existing conditions to allow partial demolition of improvements and construction of a new grocery store. Concurrent variances are requested from Section 18.2.1 to reduce parking, from Section 4.23.1.B to reduce the 50 foot zoning buffer and 10' improvement setback for existing encroachments, from Section 4.23.1 to eliminate the required 5' landscape strip on either side of the proposed subdivision line and from Section 12B.9.D.3.b to allow the proposed roof in lieu of standing seam metal slate, concrete roof tiles or composition shingles.

COMMUNITY MEETING 1 REPORT	<b>Date and location of CM1:</b> March 2, 2016 at Stars and Strikes - 8767 Roswell Road
	<b>Beginning time:</b> 7:00 PM <b>End time:</b>
	<b>Summary of concerns discussed:</b>
	There was also a second CMI, held at the same location and time on March 21st. There were a small number of people at each, all of whom were supportive of efforts to revitalize the Center. The only concern expressed was whether the new store would block visibility of billboard located off-site to the north.
	<b>Does the application address the concerns discussed at the CM1?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>Explain:</b> Visibility question will be answered by a rendering to be provided.

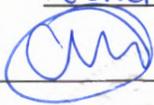
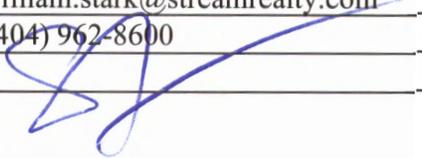
- TO BE FILLED OUT BY P&Z STAFF -

<b>Application date:</b>	<b>Planning Commission date:</b>
<b>CM2 date and time:</b>	<b>Mayor and City Council date:</b>
<b>OFFICIAL REQUEST (FOR PUBLICATION):</b>	



AUTHORIZATION FORM – PART I

A- If the applicant is also the owner of the subject property, fill out the following section:

Owner sates under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: SRPF A/North River, LLC	Sworn and subscribed before me this <u>29</u> <sup>th</sup> day of <u>February</u> 20 <u>16</u>
Address: 1180 W. Peachtree Street, Suite 2200	
City, State, Zip Code: Atlanta, Georgia 30309	Notary public: 
Email address: william.stark@streamrealty.com	Seal:          Commission expires: <u>8/14/2018</u>
Phone number: (404) 962-8600	
Owner's signature: 	

B- If the applicant is *not* the owner of the subject property, fill out the following section and check the appropriate statement:

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner ( <i>attach a copy of the contract</i> ); or <input type="checkbox"/> He/she has an option to purchase the subject property ( <i>attach a copy of the contract</i> ); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply ( <i>attach a copy of the lease</i> )	
Applicant's name:	Sworn and subscribed before me this
Company name:	
Address:	<u>      </u> <sup>th</sup> day of <u>      </u> 20 <u>      </u>
City, State, Zip Code:	Notary public: _____
Email address:	Seal:          Commission expires:
Phone number:	
Applicant's signature:	



DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council?  Yes  No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:

Table with 4 columns: Name of Government Official, Total Dollar Amount, Date of Contribution, Enumeration and Description of Gift Valued at \$250.00 or more.

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: Simon Arpiarian, Authorized Signatory for SR PF A / North River, LLC
Signature: [Handwritten Signature] Date: 5/30/16

Note: Each party involved in the application must sign an individual copy of this form.

**LETTER OF INTENT AND VARIANCE RESPONSE**  
***8763, 8765, 8800 and 8877 Roswell Road***

This Application proposes to rezone a 13.67 acre tract of real property located on Roswell Road C-1 zoning district to the C-1 zoning district for a change in conditions. The site is currently zoned C-1 pursuant to approval of applications 1971Z-0004 and 2004Z-0112. The 1971 application approved the existing shopping center improvements. The 2004 application provided for a 2,935 square foot outparcel retail service commercial or office use on a portion of the property. The property is currently improved with the North River Shopping Center which includes approximately 113,000 square foot and a 2,935 square foot outparcel bank building. The applicant proposes to demolish a portion of the 113,000 square foot building and the outparcel building to construct a new 35,962 square foot grocery store. The remaining shopping center building will consist of approximately 93,703 square feet. The grocery store parcel is anticipated to be subdivided from the balance of the shopping center for the operator of the grocery store.

In addition to rezoning, this Application also seeks the following concurrent variances: (i) variance from Section 18.2.1 to reduce the required parking from 469 parking spaces to 434 parking spaces for the shopping center and from 180 spaces to 99 spaces for the grocery store; (ii) variance from Section 4.23.1.B and E to allow the existing encroachments of the access drive and building in the 50' rear zoning buffer and 10' improvement setback; (iii) variance from Section 4.23.1.A to eliminate the required 5' landscape strip along either side of the proposed property line between the shopping center and the grocery store; and (iv) variance from Section 12.B.9.D.3.b to allow TPO, an alternative roof design material on the grocery store in lieu of the required seam metal slate, concrete roof tiles or composition singles.

The Sandy Springs Zoning Ordinance permits a variance for variances (i), (ii) and (iii) upon a showing that: (a) the application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or (b) there are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties. This Application meets both criteria.

The majority of the improvements on the subject property were developed in the 1970s and 1980s. The construction of the grocery store will net an additional 13,780 square feet of commercial use on the property. Currently on site there are 568 parking spaces serving the shopping center, the majority of which are not utilized. A large portion of the shopping center is occupied by a bowling alley which has differing peak parking usage than the balance of the retail uses. To require additional parking that will not be utilized creates an unnecessary hardship. Upon redevelopment parking will be shared between the grocery store and the balance of the shopping center which will accommodate 533 total shared parking spaces on the entire 13.67 acre property. The size of the parcel and the large size of the shopping center and the proposed grocery store generates a very high parking requirement relative to the actual usage of the existing parking lot.

The existing improvements on the site, including the area being redeveloped do not observe the 50' zoning buffer and 10' improvement setback required under the existing zoning ordinance. It is possible that the existing improvements predate the current zoning buffer requirements. To require the Applicant to meet the currently applicable zoning buffer and improvement setback would require a reconfiguration of the entire east side of the property and the existing building, which currently provides for loading and service at the rear of the building along the eastern property line. The proposal to redevelop a portion of the property will improve and help revitalize the existing blighted shopping center. Meeting the 50' zoning buffer and 10' improvement setback given the encroachment by the existing improvements would place a significant hardship on the proposed redevelopment of the lot. No new encroachments into this area are proposed.

The requirement for a 5' landscape strip along the proposed property line between the grocery store and the balance of the shopping center creates an unnecessary hardship given the integration of the grocery store into the balance of the shopping center framework. The access and parking for the development will be shared between the shopping center and the grocery store. Typically a landscape strip is imposed for the protection of the adjacent neighbor, however, in this circumstance, the landscape strip in the middle of an existing access drive and parking area is detrimental to both parties. Further, the parcel is a very large tract of land. Granting the variance will allow the subdivision of the property to accommodate the construction and sale of a portion of the property to the grocery store owner.

In addition, the Application for the variances requested in (i), (ii) and (iii) must demonstrate that: (c) such conditions are not the result of action or inaction of the current property owner; (d) the variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and (e) the variance request would result in development that is consistent with the general intent of the Zoning Ordinance, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.

The variances requested are to facilitate redevelopment of a portion of the center and to bring into compliance existing encroachments that likely predate the applicable requirement causing the encroachment. The subject property is in need of revitalization and the incorporation of a grocery store on the site will enhance the development. The minimum variance has been requested to make reasonable use of the property. The proposal is consistent with the general intent of the Zoning Ordinance. As discussed, (i) the parking proposed is anticipated to be sufficient based on actual usage of parking at the shopping center, (ii) the existing improvements from the 1970s encroach into the applicable buffer and improvement setback but are not proposed to change, and (iii) requiring a landscape strip in the middle of a proposed shared access and parking area is unnecessary. The Comprehensive Plan supports significant commercial development on the site and implementation of the proposal with the variances requested will not be detrimental to the public good, safety and welfare.

Section 12.B.3.C of the Overlay provides that a variance to the Overlay District standards may be granted for an alternative design that (a) complies with the goals of the Sandy Springs Overlay District described in Section 12.B.1 of the ordinance and (b) provides a quality of development as high or higher than required by this ordinance. As demonstrated by the elevations, the building design is dynamic with a unique sloping roof that creates visual interest from the street. The aesthetic appeal of the proposal is consistent with the purpose and intent of the Sandy Springs Overlay District. Given the height of the building and the subtle curve of the roof, the visibility of the roof material is limited. TPO is considered highly sustainable and can meet or exceed US EPA Energy Star specifications for roof materials. It has superior solar reflectivity, thereby reducing heat absorption and lowering energy usage by the building. Further, TPO is 100% recyclable which reduces “end of cycle” impacts. The Applicant contends that the quality of the grocery store roof and facade will be as high or higher than the quality required by the Overlay District, however, an accommodate is needed to achieve the design.



Jessica L. Hill, Esq.  
Attorney for Applicant

**IMPACT ANALYSIS  
FORM – B**

**Analyze the impact of the proposed rezoning:**

- 1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The adjacent properties located north and south of the site on Roswell Road are improved with commercial uses, including a restaurant and a BP gas station. The property across Roswell Road is improved with the River Ridge office park. To the east of the site is an aging apartment complex fronting on Winding River Drive. The zoning request made in this application does not change the existing use of the property. In addition the use of the adjacent and nearby property as not changed in many years from its predominantly commercial and office nature. The zoning change requested allows the demolition of a portion of an existing shopping center and an existing commercial outparcel to develop a 35,962 square foot grocery store. Approximately 22,182 square feet will be demolished to add the grocery store. The zoning proposal is consistent with the existing use of the property and properties around the site. The proposed use is suitable.

- 2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?**

As noted, adjacent and nearby properties are already developed primarily with commercial and office uses. The multifamily use to the east has been adjacent to the existing commercial use since the 1970s and 1980s. This zoning proposal to allow the reconfiguration of the improvements on the site to add a grocer to the retail fabric will adversely impact the use or usability of the adjacent or nearby property.

- 3. Does the property to be rezoned have a reasonable economic use as currently zoned?**

The property has a reasonable value as zoned, however, the existing entitlements limit the development on the site to the existing shopping center configuration. The proposal to demolish the commercial outparcel and a portion of this large shopping center will revitalize this currently depressed shopping center

- 4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?**

The proposal adds a net amount of approximately 13,780 square feet of commercial use to the property. Given the large size of the existing shopping center and the relatively low traffic volumes on this portion of Roswell Road compared to its capacity, the addition of 13,780 square feet is not anticipated to provide any significant impact on streets, transportation facilities or utilities. The nature of the commercial use will not have any impact on schools.

**5. Is the rezoning proposal in conformity with the policies and intent of the land use plan?**

The land use plan designates the property as Living Working Regional which recommends significant development on the site. The proposal is consistent with the land use recommendation by the City of Sandy Springs.

**6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?**

The Applicant recently acquired the subject property and is seeking to revitalize this declining shopping center. Part of that revitalization requires renovation and redevelopment of portions of the site, which is currently precluded by the 1971 and 2004 zoning conditions.

**7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs?**

No.

August 1, 2016

**Environmental Site Analysis (Sec. 28.4.3.1)**

- a. Conformance with the Comprehensive Plan: How the proposed rezoning or land use conforms to the City's Comprehensive Plan;

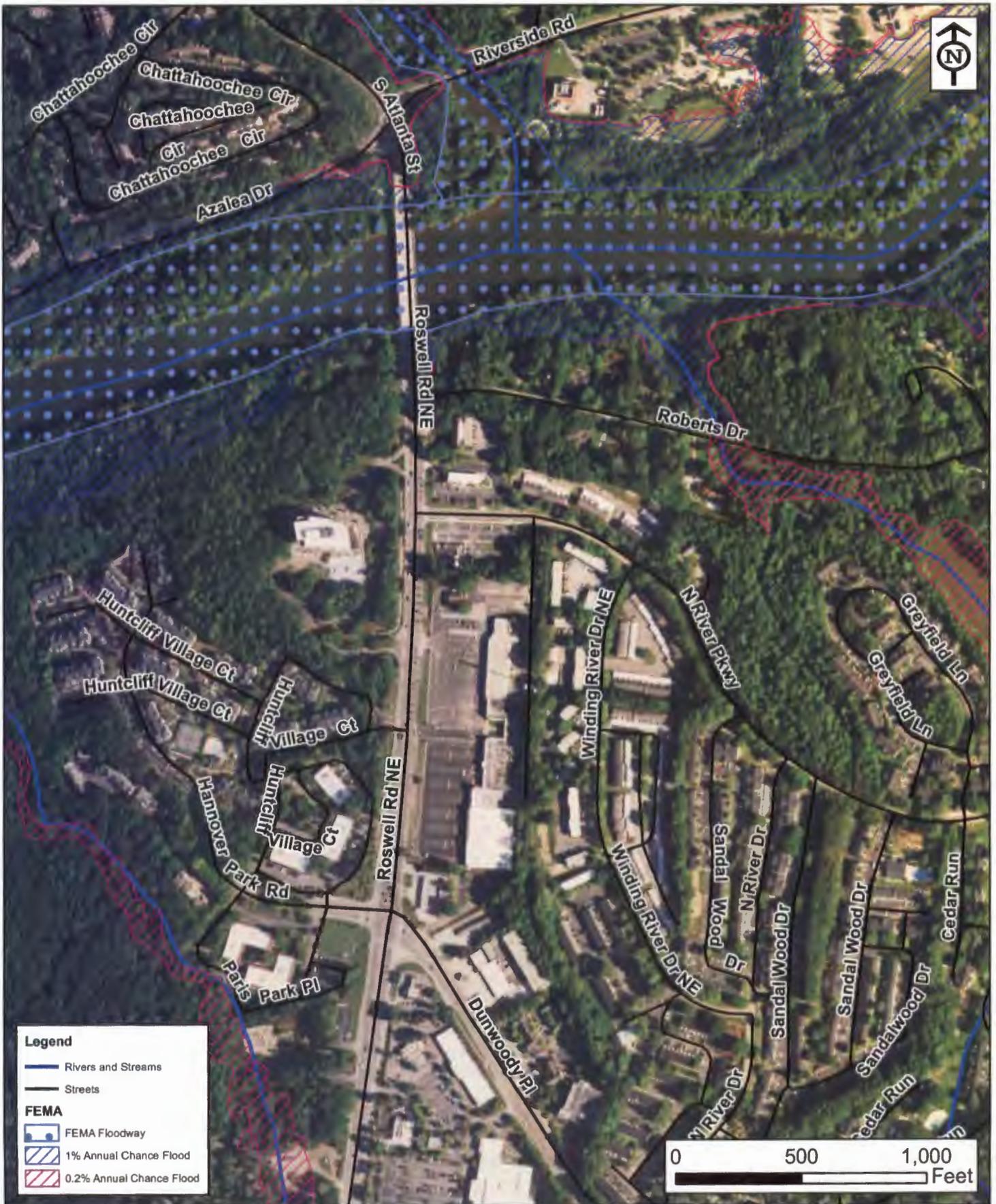
*The City's Comprehensive Plan designates the property as Living Working Regional (LWR). The LWR designation supports high intensity/density development and allows commercial density over 25,000 square feet per acre. The LWR category provides for at least 20% of the site to be open space with 15% being greenspace. The proposal is consistent with the recommendations in the Comprehensive Plan.*

- b. Environmental Impacts: Indicate the presence or absence of the following and whether the proposed rezoning or land use will encroach or adversely affect any of the following:

*All site visits referenced in the table below were completed by an environmental consultant.*

Item	Within the property, the completed environmental review includes:
Wetlands	<ul style="list-style-type: none"> <li>No wetlands are shown on the U. S. Fish and Wildlife Service, National Wetlands Inventory.</li> <li>A site visit was completed and no wetlands were observed. An additional survey is not applicable.</li> </ul>
Floodplain	<ul style="list-style-type: none"> <li>No floodplains are shown on the Federal Emergency Management Agency (<a href="http://www.fema.org">http://www.fema.org</a>)</li> <li>A site visit was completed and no floodplains were observed.</li> </ul>
Streams and stream buffers	<ul style="list-style-type: none"> <li>No streams are shown on the USGS Topographic Map.</li> <li>A site visit was completed and no streams or buffered state waters were observed.</li> </ul>
Slopes exceeding 25% over a 10' rise	<ul style="list-style-type: none"> <li>No slopes greater than 2.5/1 are shown United States Geologic Survey Topographic Quadrangle Map</li> <li>Constructed slopes greater than 2.5/1 were observed during the site visit that are located adjacent to northbound lanes on Roswell Road and along sections of the southern boundary.</li> </ul>
Vegetation	<ul style="list-style-type: none"> <li>A site visit was completed and no protected or unique vegetation or vegetative habitat were observed.</li> </ul>
Wildlife species (including fish)	<ul style="list-style-type: none"> <li>The United States Fish and Wildlife Service IPAC was reviewed with the Michaux's Sumac (<i>Rhus michauxii</i>) listed in the general North Fulton County area.</li> <li>A site visit was completed and no suitable habitat for any protected species or individual protected species were observed, including species such as the Michaux's Sumac.</li> </ul>
Archeological and Historical Sites	<ul style="list-style-type: none"> <li>No properties within or adjoining the property were identified on the National Register of Historic Places online database.</li> <li>No historic structures were observed during the site visit that appeared to have the potential of being considered historic.</li> </ul>

- c. Project Implementation Measures: How the project implements each of the following measures, as applicable. Indicate the specific implementation measures requires to protect environmental site features that may be negatively impacted.
1. Protection of environmentally sensitive areas (floodplains, slopes exceeding twenty-five percent (25%), river corridors); Not Applicable -*Within the proposed development area, environmentally sensitive areas were not observed. Outside of the proposed development area, slopes exceeding 25% slopes are constructed slopes. The constructed 25% slopes are protected by the current proposed development plan because no work is proposed within these areas.*
  2. Protection of water quality; *Within the limits of the proposed Lidl development area, this project will conform to GA blue book requirements as well as the City of Sandy Springs Storm Water Quality regulation for reduction of total suspended solid release from the site. The current regulatory restraints of effluence of storm water runoff form the proposed site will be more stringent than those imposed historically with the existing development.*
  3. Minimization of negative impacts on existing infrastructure; *The proposed store's utility service lines will be integrated with the available utility lines already on site. Constant service to the remaining buildings will be maintained through pre-planned constructing practices.*
  4. Minimization of negative impacts on archeological/historically significant areas; Not Applicable -*archeological/historically significant areas were not observed during the site visit.*
  5. Minimization of negative impacts on Environmentally Stressed Communities; Not Applicable -*environmentally distressed communities were not observed during the site visit.*
  6. Creation and preservation of green space and open space; Not Applicable -*environmentally distressed communities were not observed during the site visit.*
  7. Protection of citizens from the negative impacts of noise and lighting; *The proposed development proposes to replace an existing bank and automobile service shop with a grocery store and therefor is expected to decrease potential nuisance noise from the existing condition.*
  8. Protection of parks and recreational green space; Not Applicable -*parks and recreational green space were not observed during the site visit.*
  9. Minimization of impacts to wildlife habitats. Not Applicable –*wildlife habitat was not observed during the site visit.*







**Kimley»Horn**

**CDP MAP**

P000691 – Sandy Springs North River  
Sandy Springs, Fulton County, GA

## SURVEY LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 367 & 368 of the 6<sup>th</sup> District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an Iron Pin Found (1/2" Rebar w/t yellow cap) on the easterly right of way of Roswell Road (a.k.a. U.S. 19/ S.R. 9) (Variable R\W), said point being located a distance of 158.70 feet from the intersection of said right of way and the northeasterly right of way of Dunwoody Place (Variable R\W), THENCE continuing along said right of way Roswell Road the following courses and distances: North 05 degrees 40 minutes 27 seconds East a distance of 200.41 feet to an Iron Pin Set; THENCE North 04 degrees 49 minutes 14 seconds East a distance of 212.93 feet to an Iron Pin Set; THENCE South 85 degrees 38 minutes 13 seconds East a distance of 10.51 feet to an Iron Pin Found (3/8" Rebar); THENCE North 03 degrees 49 minutes 04 seconds East a distance of 150.23 feet to an Iron Pin Set; THENCE North 87 degrees 47 minutes 31 seconds West a distance of 10.02 feet to an Iron Pin Set; THENCE North 04 degrees 12 minutes 48 seconds East a distance of 101.70 feet to an Iron Pin Set; THENCE along a curve to the left with a radius of 10742.12 feet and an arc length of 470.85 feet, said curve having a chord bearing of North 02 degrees 37 minutes 05 seconds East and a chord distance of 470.81 feet to an Iron Pin Found (1/2" Rebar); THENCE leaving said right of way South 87 degrees 40 minutes 03 seconds East a distance of 387.51 feet to a Nail Found; THENCE North 02 degrees 35 minutes 13 seconds East a distance of 223.10 feet to an Iron Pin Set on the southerly right of way of North River Parkway (60' R\W); THENCE along said right of way a curve to the right with a radius of 950.00 feet and an arc length of 80.24 feet, said curve having a chord bearing of South 81 degrees 34 minutes 21 seconds East and a chord distance of 80.22 feet to an Iron Pin Found (1/2" Rebar); THENCE leaving said right of way South 02 degrees 37 minutes 13 seconds West a distance of 215.00 feet to an Iron Pin Found (1/2" Rebar); THENCE South 03 degrees 32 minutes 42 seconds West a distance of 734.53 feet to an Iron Pin Set; THENCE South 07 degrees 32 minutes 09 seconds West a distance of 502.90 feet to an Iron Pin Found (3/8" Rebar); THENCE South 63 degrees 02 minutes 20 seconds West a distance of 412.18 feet to an Iron Pin Set on the northeasterly right of way of Dunwoody Place; THENCE along said right of way North 29 degrees 45 minutes 10 seconds West a distance of 52.25 feet to an Iron Pin Found (1" Rebar); THENCE leaving said right of way North 63 degrees 06 minutes 59 seconds East a distance of 126.00 feet to an Iron Pin Found (1/2" Rebar); THENCE North 02 degrees 47 minutes 42 seconds East a distance of 166.92 feet to an Iron Pin Found (1" Rebar); THENCE North 83 degrees 45 minutes 17 seconds West a distance of 113.48 feet to an Iron Pin Found (1" Rebar); THENCE North 63 degrees 10 minutes 27 seconds West a distance of 52.65 feet to the POINT OF BEGINNING.

Said tract contains 595.420 square feet or 13.67 acres.

3/21

Stream meeting

CM1

<u>Name</u>	<u>Email</u>
Robert Willey	Robert Willey at Gmail 1. com
Bill Anderson	anderson@abcga.org
Craig Gilchrist SS Council N'wards	<del>gilchrist@</del> gilchrist1525@gmail.com
JOHN RUCH, SANDY SPRINGS REPORTER	JOHN RUCH @ REPORTS@SANDSPRINGS.NET
Catherine Mercier-Baggett	City of Sandy Springs