

January 4, 2017

**VIA HAND DELIVERY AND EMAIL**

Alexandra Horst  
City of Sandy Springs Department of Community Development  
7840 Roswell Road  
Building 500  
Sandy Springs, GA 30350

Jessica L. Hill  
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Re: *North River RZ16-0090*

Dear Alexandra:

Enclosed are the following items to amend the above captioned application pursuant to the discussions with the Planning and Zoning staff throughout December:

1. Existing conditions site plan with topo;
2. Proposed redevelopment site plan with topo;
3. Existing conditions site plan without topo;
4. Proposed redevelopment site plan without topo;
5. Phasing site plan;
6. Site plan for the new grocery store only;
7. Parking calculation;
8. Revised letter of intent reflecting the updated parking calculations and addition of a variance for the sidewalk at the rear of the site; and
9. Updated elevations of the proposed grocery store.

Also enclosed is an electronic copy of all the enclosed items. Please amend the above captioned application with the enclosed items.

Very Truly Yours,

Jessica L. Hill

Enclosures

## LETTER OF INTENT AND VARIANCE RESPONSE

January 4, 2017

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 overall required parking on the combined shopping center and grocery store tract from 628 required spaces to 570 parking spaces provided (i.e., 160 spaces to 95 spaces for the grocery store tract only); (ii) variance from Section 4.23.1.B, D, E and F 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.D to encroach in the rear 50' zoning buffer to allow a proposed sidewalk from the public right of way along the existing drive; (iv) 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 (v) 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 559 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 570 total shared parking spaces on the entire 13.67 acre property. The applicant is restriping the entire shopping center to maximize the parking available per code. 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 applicant is required by code to provide a sidewalk from the existing North River Parkway curb cut to the improvements on the property. As noted above the existing access drive is within the 50' zoning buffer. Adding the sidewalk required by the current code necessitates a variance to the regulations.

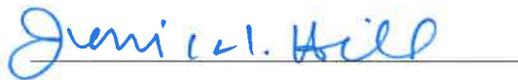
The requirement for a 5' landscape strip along the proposed property line between the grocery store and the balance of the shopping center creates an unnecessary hardship given the integration of the grocery store into the balance of the shopping center framework. The access and parking for the development 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) - (iv) 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, including the existing access drive to North River Parkway, 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

North River Shopping Center Parking Calculations-Existing Parking Required

CES 4648.03

12/15/2016

Revised 1/3/2017

**Existing Parking Calculations**

Use	Floor Space Square Footage (Square Feet)	Required Parking Based On Use	Required No. of Parking Spaces
Restaurant:	4000 SF	10/1000 SF	40
Bowling Alley:	50931 SF		
	24 Bowling Lanes	5.02/Lane	120
	4500 SF Restaurant	10/1000 SF	45
	10000 SF Arcade	5/1000 SF	50
Bank:	2968 SF	5/1000 SF	15
Office:	750 SF	3/1000 SF	2
Retail:	1875 SF	5/1000 SF	9
	9400 SF	5/1000 SF	47
	3120 SF	5/1000 SF	16
	6500 SF	5/1000 SF	33
	3125 SF	5/1000 SF	16
Vacant:	4375 SF	5/1000 SF	22
	1875 SF	5/1000 SF	9
	3125 SF	5/1000 SF	16
	2810 SF	5/1000 SF	14
	1650 SF	5/1000 SF	8
	7028 SF	5/1000 SF	35
	1370 SF	5/1000 SF	7
	1680 SF	5/1000 SF	8
	1120 SF	5/1000 SF	6
	2480 SF	5/1000 SF	12
	2880 SF	5/1000 SF	14
	2600 SF	5/1000 SF	13
	2800 SF	5/1000 SF	14
		<b>Total Spaces Required</b>	<b>572</b>
		<b>Existing Parking Provided</b>	<b>559</b>

\*\*Total parking required is based on aggregated unrounded numbers rather than rounded figures.

North River Shopping Center Parking Calculations-Proposed Parking Required

CES 4648.03

12/15/2016

Revised 1/3/2017

**Proposed Conditions Parking Calculations**

Use	Floor Space Square Footage (Square Feet)	Required Parking	Based On Use	Required No. of Parking Spaces
Restaurant:	4000 SF		10/1000 SF	40
Bowling Alley:	50931 SF			
		24 Bowling Lanes	5.02/Lane	120
		4500 SF Restaurant	10/1000 SF	45
		10000 SF Arcade	5/1000 SF	50
Office:	750 SF		3/1000 SF	2
Retail:	1875 SF		5/1000 SF	9
	9400 SF		5/1000 SF	47
	3120 SF		5/1000 SF	16
Grocery:	35962 SF		5/1000 SF	180
	4 ELECTRICAL VEHICLE CHARGING STATIONS (EVCS)		-5 spaces/ 1 EVCS	-20
Vacant:	4375 SF		5/1000 SF	22
	1875 SF		5/1000 SF	9
	3125 SF		5/1000 SF	16
	2810 SF		5/1000 SF	14
	1650 SF		5/1000 SF	8
	7028 SF		5/1000 SF	35
	1370 SF		5/1000 SF	7
	2600 SF		5/1000 SF	13
	2800 SF		5/1000 SF	14
			<b>Total Spaces Required</b>	<b>628</b>
			<b>Total Spaces Provided</b>	<b>570</b>

\*\*Total parking required is based on aggregated unrounded numbers rather than rounded figures.