

**U07-012/CV07-025**

**590 Mt. Vernon Highway NE**

***Mt. Vernon Presbyterian School***

*JIF  
APP (u-d)*





To: John McDonough, City Manager

From: Nancy J. Leathers, Director of Community Development

Date: November 5, 2007 For Submission onto the onto the November 20, 2007 City Council meeting

Agenda Item: **U07-012/CV07-025** 590 Mount Vernon Highway, Request use permit to allow for the continued use of off-site classrooms on the existing Northside Independent Methodist Church site

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

**APPROVAL CONDITIONAL** of the request for a use permit to allow for the continued use of off-site classrooms on the existing Northside Independent Methodist Church site (Section 19.4.40.B.3, *School, Private or Special*).

**Background:**

The site is located on the north side of Mount Vernon Highway at the intersection with Glenridge Drive. The property is zoned R-2 (Single Family Dwelling District) conditional under Fulton County use permit cases U04-0021 and is currently developed with a church and an educational building. The subject property is located within the Urban District of the Sandy Springs Overlay District.

**Discussion:**

The site plan submitted depicts a two-story, 8,600 square foot church building and a three-story, 14,400 square foot educational building along the north side of the subject property. The applicant is proposing to use the existing educational building and/or modular buildings as off-site classrooms for the Mount Vernon Presbyterian School located on the property to the north and west. The applicant is proposing that these off-site classrooms be used to serve a maximum of 150 students.

**Concurrent Review:**

The staff held a Focus Meeting on September 5, 2007 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 (*comments received*)
- Fulton County Department of Public Works
- Fulton County Environmental Health Services
- 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 (*comments received*)



**Rezoning Petition No. U07-012/CV07-025**

**HEARING & MEETING DATES**

<b>Design Review Board Meeting</b>	<b>Community Zoning Information Meeting</b>	<b>Community Developer Resolution Meeting</b>	<b>Planning Commission Hearing</b>	<b>Mayor and City Council Hearing</b>
August 28, 2007	August 28, 2007	September 26, 2007	October 18, 2007	November 20, 2007

**APPLICANT/PETITIONER INFORMATION**

<b>Property Owners</b>	<b>Petitioner</b>	<b>Representative</b>
Northside Independent Methodist Church, Inc.	Mount Vernon Presbyterian School	Nathan V. Hendricks, III

**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	590 Mount Vernon Highway Land Lot 36, District 17
<b>Council District</b>	3
<b>Frontage and Area</b>	334.42 feet of frontage along the north side of Mount Vernon Highway and 300.15 feet of frontage along the west side of Glenridge Drive. The subject property has a total area of 3.53 acres.
<b>Existing Zoning and Use</b>	R-2 (Single Family Dwelling District) conditional under U04-0021, currently developed with a church and an educational building.
<b>Interim 2025 Comprehensive Future Land Use Map Designation</b>	Community Facility (CF)
<b>Proposed Use</b>	Off-site Classrooms adjacent to Mount Vernon Presbyterian School main campus

**INTENT**

**USE PERMIT TO ALLOW FOR THE CONTINUED USE OF OFF-SITE CLASSROOMS ON THE EXISTING NORTHSIDE INDEPENDENT METHODIST CHURCH SITE (SECTION 19.4.40.B.3, SCHOOL, PRIVATE OR SPECIAL)**

The applicant, Mt. Vernon Presbyterian School, is requesting a use permit to allow for the continued use of off-site classrooms on the existing Northside Independent Methodist Church site. The existing use permit approved under Fulton County case U04-0021 was for a period not to exceed three (3) years while the main school building and campus were being constructed on the property to the north and west of the church property. Under the current use permit petition, the applicant is requesting that the off-site classrooms be allowed to remain indefinitely either in the form of modular classrooms and/or through the use of an existing educational building on the church site, as the completion date for construction of the main campus is unknown. The applicant intends the off-site classrooms to be used by a maximum of 150 students.

The applicant is also requesting five (5) concurrent variances as follows:

1. To delete the required twenty-five (25) foot undisturbed buffer and ten (10) foot improvement setback along the north and west property lines to allow the existing parking lot and drive to remain (Section 4.23.1, *Minimum Landscape Strips and Buffers*).
2. To delete the required fifty (50) foot undisturbed buffer and ten (10) foot improvement setback along the rear (west) property line to allow the existing parking lot and drive to remain (Section 4.23.1, *Minimum Landscape Strips and Buffers*).

3. To delete the Sandy Springs Overlay District streetscape standards along the Mount Vernon Highway and Glenridge Drive frontages of the subject property (Section 12B, *Sandy Springs Overlay District*).
4. To delete the required 100-foot use setback adjacent to residentially zoned property to the north and west (Section 19.4.40.B.3, *School, Private or Special*).
5. To allow the existing parking lot to be within fifty (50) feet of the adjacent residentially zoned property to the north and west (Section 19.4.40.B.5, *School, Private or Special*).

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**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION****U07-0012 - APPROVAL CONDITIONAL****CV07-025 #1 - APPROVAL****CV07-025 #2 - APPROVAL****CV07-025 #3 - APPROVAL****CV07-025 #4 - APPROVAL****CV07-025 #5 - APPROVAL**

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**DESIGN REVIEW BOARD RECOMMENDATION**

The application was heard at the August 28, 2007 Design Review Board meeting. The Board recommended approval of the rezoning and concurrent variances (6-0, Lichtenstein, Mobley, Landeck, Gregory, Porter, and Westmoreland for; Rizzo absent) subject to the following conditions:

1. The special use permit for any temporary modular classrooms will expire five years from the date of approval.
2. At the time that the permanent building is renovated for continued educational use, the Sandy Springs Overlay District streetscape standards shall be conformed to.

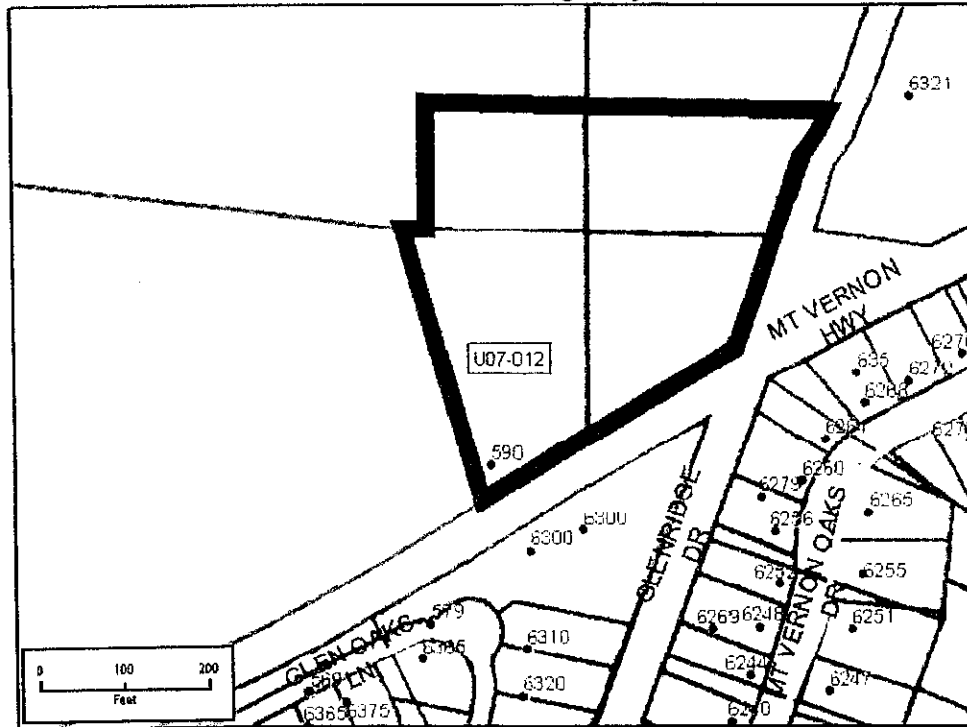
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**PLANNING COMMISSION RECOMMENDATION**

The petition was heard at the October 18, 2007 Planning Commission hearing. The Commission recommended approval of the petition subject to staff conditions (4-0-1, Wiley, Duncan, Maziar, and Rubenstein for; Boyken abstaining; Rupnow not voting; Thatcher absent). Mr. Boyken found that the modular classrooms should not be approved, but if permitted they should be located on the actual school property.

Location Map

590 Mt Vernon Highway

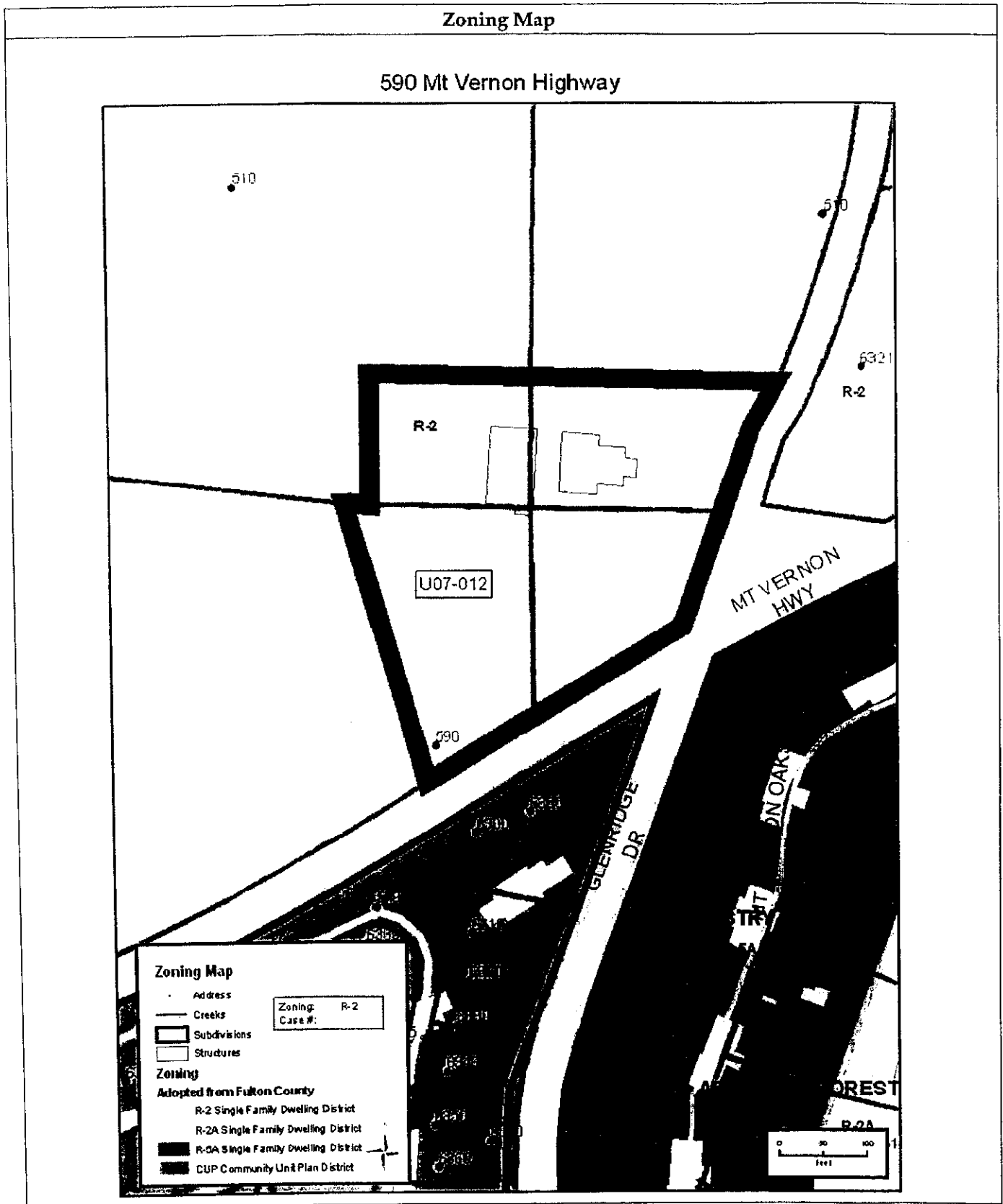


**BACKGROUND**

The site is located on the north side of Mount Vernon Highway at the intersection with Glenridge Drive. The property is zoned R-2 (Single Family Dwelling District) conditional under Fulton County use permit cases U04-0021 and is currently developed with a church and an educational building. The subject property is located within the Urban District of the Sandy Springs Overlay District.

**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

<b>SUBJECT PETITION</b>	<b>Proposed Use</b>		<b>Land Area (Acres)</b>	<b>Square Footage</b>	<b>Density (Square Feet per Acre)</b>
<b>U07-012 CV07-025</b>	Off-site Classrooms		3.53	14,400	4,079.32
<b>Location in relation to subject property</b>	<b>Zoning</b>	<b>Use</b>	<b>Land Area (Acres)</b>	<b>Square Footage or Number of Units</b>	<b>Density (Square Feet or Units Per Acre)</b>
North & West	R-2 conditional U03-0009	Mount Vernon Presbyterian School - 510 Mount Vernon Highway	30.20	225,000	7,450.34
East	R-2	First Baptist Church of Sandy Springs - 6321 Glenridge Drive	6.93	N/A	---
South	R-5A conditional Z01-0011 Z01-0019	Mount Vernon Oaks subdivision	4.99 3.45	24 19	5
South	CUP conditional Z98-0032	Glenwick subdivision	3.195	28	8.75









Photograph 1. Northside Independent Methodist Church - 590 Mount Vernon Highway (subject property).



Photograph 2. Notice of Use Permit Petition Sign.



Photograph 3. 5856 Riverside Drive (northwest of subject property).



Photograph 4. First Baptist Church of Sandy Springs (east of subject property).



Photograph 5. Mount Vernon Oaks subdivision (south of subject property).

## SITE PLAN ANALYSIS

The site plan submitted depicts a two-story, 8,600 square foot church building and a three-story, 14,400 square foot educational building along the north side of the subject property. The applicant is proposing to use the existing educational building and/or modular buildings as off-site classrooms for the Mount Vernon Presbyterian School located on the property to the north and west. The applicant is proposing that these off-site classrooms be used to serve a maximum of 150 students.

## PARKING AND TRAFFIC IMPACT ANALYSIS

The applicant indicates the site to be accessed by two (2) existing curb cuts along Mount Vernon Highway and Glenridge Drive. Section 18.2.1, *Basic Off-Street Parking Requirements*, requires one (1) parking space per thirty (30) square feet of gross building area in the largest assembly area for churches. At a minimum the site is required to have a total of 71 parking spaces to accommodate the site, which have been provided. Additionally, the applicant will accommodate additional required parking on for the off-site classrooms on the Mount Vernon Presbyterian School site to the north and west.

## LANDSCAPE PLAN ANALYSIS

The applicant has requested variances to the required landscape strips and buffers to allow the existing drives and parking to remain. Additionally, the applicant has requested variances to the Sandy Springs Overlay District streetscape requirements to allow the existing landscaping and site improvements to remain.

The Sandy Springs Design Review Board recommended approval of these variances, except that at the time the existing educational building is renovated that the streetscape be installed according to the standards of the Zoning Ordinance.

## ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known wetlands, streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within any floodplains.

## CONCURRENT VARIANCE ANALYSIS

The applicant is also requesting five (5) concurrent variances as follows:

1. To delete the required twenty-five (25) foot undisturbed buffer and ten (10) foot improvement setback along the north and west property lines to allow the existing parking lot and drive to remain (Section 4.23.1, *Minimum Landscape Strips and Buffers*).

The applicant has indicated that this variance is necessary in order to maintain the existing drive and parking area. Additionally, the applicant has indicated that there will be no detriment to the public should this variance be granted as the only property affected is that owned by the applicant, Mount Vernon Presbyterian School.

*The staff is of the opinion that the variance request to delete the required buffer and improvement setback along the property lines shared with the Mount Vernon Presbyterian School are in harmony with the intent of the Zoning Ordinance and will cause no detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

2. To delete the required fifty (50) foot undisturbed buffer and ten (10) foot improvement setback along the rear (west) property line to allow the existing parking lot and drive to remain (Section 4.23.1, *Minimum Landscape Strips and Buffers*).

The applicant has indicated that this variance is necessary in order to maintain the existing drive and parking area. Additionally, the applicant has indicated that there will be no detriment to the public should this variance be granted as the only property affected is that owned by the applicant, Mount Vernon Presbyterian School.

*The staff is of the opinion that the variance request to delete the required buffer and improvement setback along the property lines shared with the Mount Vernon Presbyterian School are in harmony with the intent of the Zoning Ordinance and will cause no detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

3. To delete the Sandy Springs Overlay District streetscape standards along the Mount Vernon Highway and Glenridge Drive frontages of the subject property (Section 12B, *Sandy Springs Overlay District*).

The applicant has indicated that this variance is necessary in order to maintain the existing site improvements along the frontage of the property.

*The staff is of the opinion that the variance request to delete the required streetscape standards along the property frontages can be made to be in harmony with the intent of the Zoning Ordinance and will cause no detriment to the public, until such time that the buildings on the site are renovated as recommended by the Design Review Board. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request subject to the condition recommended by the Design Review Board.*

4. To delete the required 100-foot use setback adjacent to residentially zoned property to the north and west (Section 19.4.40.B.3, *School, Private or Special*).

The applicant has indicated that this variance is necessary in order to maintain the buildings on the site. Additionally, the applicant has indicated that there will be no detriment to the public should this variance be granted as the only property affected is that owned by the applicant, Mount Vernon Presbyterian School.

*The staff is of the opinion that the variance request to delete the required use setback along the property lines shared with the Mount Vernon Presbyterian School are in harmony with the intent of the Zoning Ordinance and will cause no detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

5. To allow the existing parking lot to be within fifty (50) feet of the adjacent residentially zoned property to the north and west (Section 19.4.40.B.5, *School, Private or Special*).

The applicant has indicated that this variance is necessary in order to maintain the existing parking area. Additionally, the applicant has indicated that there will be no detriment to the public should this variance be granted as the only property affected is that owned by the applicant, Mount Vernon Presbyterian School.

*The staff is of the opinion that the variance request to delete the required parking setback along the property lines shared with the Mount Vernon Presbyterian School are in harmony with the intent of the Zoning Ordinance and will cause no detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting on September 5, 2007 at which the following departmental comments were provided:

<b>BUILDING AND DEVELOPMENT DIVISION</b>	Sandy Springs Engineering Plan Reviewer	<ul style="list-style-type: none"> <li>There are no development requirements that need to be addressed at this time.</li> </ul>
	Sandy Springs Building Plan Reviewer	<ul style="list-style-type: none"> <li>The structure in question must comply with all of the Applicable building codes adopted by the City of Sandy Springs and an approval from the State of Georgia (DCA) Department of community affairs for the trailer use.</li> </ul>
	Sandy Springs Landscape Architect/ Arborist	<ul style="list-style-type: none"> <li>There are no landscape requirements that need to be addressed at this time.</li> </ul>
<b>FIRE DEPT. T.</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 Department of Transportation, Planning Engineer	<ul style="list-style-type: none"> <li>There are no transportation requirements that need to be addressed at this time.</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>

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

**PUBLIC INVOLVEMENT**Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held August 28, 2007 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held September 26, 2007 at the Sandy Springs City Hall

Public Comments

There has been no public comment received regarding the petition.

Notice Requirements

The petition was advertised in the Daily Report on October 9, 2007 and October 23, 2007. The applicant posted a sign issued by the Department of Community Development along the frontages of Mount Vernon Highway and Glenridge Drive on September 7, 2007.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant will be required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on November 20, 2007. The Public Participation Report must be submitted on or before November 13, 2007.

**USE PERMIT CONSIDERATIONS**

The applicant is requesting a use permit to allow off-site classrooms to remain indefinitely either in the form of modular classrooms and/or through the use of an existing educational building on the church site, for use by a maximum of 150 students (Section 19.4.40.B.3, *School, Private or Special*).

Per Article 19.2.4, *Use Permit Considerations*, the City Council shall consider each of the following:

*A. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;*

**Finding:** The applicant is proposing to use modular buildings and/or an existing educational building as off-site classrooms for a maximum of 150 students. The staff is of the opinion that the proposal is consistent with the Future Land Use Map, which designates the property as Community Facility (CF). The CF land use designation recommends uses such as government, public safety, recreation, park, hospital, healthcare, library, and cultural facilities. Both the church and school use would be classified under the community facility designation.

*B. Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;*

**Finding:** The staff is of the opinion that the proposed church and school uses are suitable in view of the existing character of the surrounding neighborhood. Therefore, based on these reasons the staff recommends **APPROVAL CONDITIONAL** of the use permit request.

*C. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;*

**Finding:** The staff is of the opinion that the proposed use would not violate any local, state, and/or federal statutes, ordinances, or regulations.

*D. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;*

Finding: The staff does not anticipate that the proposal will have a significant impact on the surrounding transportation system.

*E. The location and number of off-street parking spaces;*

Finding: The applicant is required to provide and has provided 71 parking spaces to serve the site. In addition shared parking will be achieved on the Mount Vernon Presbyterian School property owned by the applicant to the north and west.

*F. The amount and location of open space;*

Finding: The applicant has requested variances to the required landscape strips and buffers to allow the existing drives and parking to remain. Additionally, the applicant has requested variances to the Sandy Springs Overlay District streetscape requirements to allow the existing landscaping and site improvements to remain.

The Sandy Springs Design Review Board recommended approval of these variances, except that at the time the existing educational building is renovated that the streetscape be installed according to the standards of the Zoning Ordinance.

*G. Protective screening;*

Finding: The applicant to maintain the existing trees and landscaping on the site.

*H. Hours and manner of operation;*

Finding: The applicant has indicated hours of operation for the classrooms as 7:30 a.m. to 5:00 p.m.

*I. Outdoor lighting; and*

Finding: The applicant has indicated that the existing outdoor lighting on the site will be maintained.

*J. Ingress and egress to the property.*

Finding: The applicant proposes to maintain the existing curb cuts for the site along Mount Vernon Highway and Glenridge Drive.

#### CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposed off-site classroom use is suitable in view of the existing character of the surrounding neighborhood and the subject property's proximity to the Mount Vernon Presbyterian School property. Additionally, the proposal meets the recommended designation as set forth by the Future Land Use Map. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the use permit petition to allow off-site classrooms to remain indefinitely either in the form of modular classrooms and/or through the use of an existing educational building on the church site, for use by a maximum of 150 students.



**STAFF RECOMMENDED CONDITIONS**

The staff recommends **APPROVAL CONDITIONAL** of the use permit to allow off-site classrooms to remain indefinitely either in the form of modular classrooms and/or through the use of an existing educational building on the church site, for use by a maximum of 150 students. Where these conditions 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. To off-site classrooms in the existing 14,400 square foot educational building. At the time that said building is renovated for continued educational use, the Sandy Springs Overlay District streetscape standards shall be conformed to. Said streetscape plan shall be subject to the approval of the Design Review Board; *or*,

To one (1) off-site modular classroom building and one (1) off-site modular administration building as shown on the location plan received by the Department of Community Development dated October 17, 2007, which shall be removed five years from the date of Mayor and City Council approval. The location and type of said modular buildings shall be subject to the approval of the Design Review Board.

- b. To a maximum of 150 students.
- c. The hours of operation shall be limited to 7:30 a.m. to 5:00 p.m.

2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Community Development dated August 31, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning 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 a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

- a. To delete the required twenty-five (25) foot undisturbed buffer and ten (10) foot improvement setback along the north and west property lines to allow the existing parking lot and drive to remain (CV07-025).
- b. To delete the required fifty (50) foot undisturbed buffer and ten (10) foot improvement setback along the rear (west) property line to allow the existing parking lot and drive to remain (CV07-025).
- c. To delete the Sandy Springs Overlay District streetscape standards along the Mount Vernon Highway and Glenridge Drive frontages of the subject property until such time the existing educational building is renovated for continued classroom use (CV07-025).
- d. To delete the required 100-foot use setback adjacent to residentially zoned property to the north and west (CV07-025).

- e. To allow the existing parking lot to be within fifty (50) feet of the adjacent residentially zoned property to the north and west (CV07-025).

**Attachments**

Letter of Intent dated received August 7, 2007

Applicant Use Permit Considerations dated received August 7, 2007

Site Plan dated received August 31, 2007

Modular Location plan dated received October 17, 2007

Comment Letter from the Fulton County Emergency Services Department dated received September 6, 2007

Comment Letter from the Fulton County Department of Environment and Community Development dated received September 13, 2007

LETTER OF INTENT

The property contains approximately 3.53 acres and is located at the northwest corner of the intersection of Glenridge Drive and Mount Vernon Highway (the "Property"). The Property is zoned to the R-2 Classification.

The Applicant requests a Use Permit for the purpose of providing off-site classrooms for its Private School being constructed and developed on other property of the Applicant contiguous and to the north and west of the Property. These additional classrooms shall be provided for in the renovation of the Existing Education Building shown on the Site Plan, temporary modular units or a combination of both in order to accommodate up to 150 students. Due to the constraints of the existing road and parking area on the Property the Applicant requests a five (5) part Concurrent Variance with the first three requests applying to these existing conditions. Further, given the Applicant's ownership of and development of the property contiguous and to the north and west, requests four and five are most reasonable. The Concurrent Variances are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof. The approval of these Concurrent Variances will be in harmony with the general purpose and intent of the Zoning Ordinance and will not cause any detriment to the health and welfare of the general public while strict application of the referenced Articles of the Zoning Ordinance as to this particular Property would create an unnecessary hardship on the Applicant. It is to be noted that the Applicant is using the Property currently exactly as being requested under this Application pursuant to 2004U-0021 NFC and 2004VC-0202 NFC which were approved for a period not to exceed three (3) years. Due to the fact that the completion of the Private School of the Applicant on its other property above referenced shall not occur until some number of years in the future, the need has become apparent that the additional classrooms approved and for which continued use is being requested hereunder are necessary for an undetermined time in the future. This Application for Use Permit and Concurrent Variances complies with the policies and intent of the Zoning Ordinance and the appropriateness of this Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "B" attached hereto and by reference thereto made a part hereof.

**RECEIVED**

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City of Sandy Springs  
Community Development

Now, therefore, the Applicant requests that this Application for Use Permit and Concurrent Variances be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.

APPLICANT:

Mount Vernon Presbyterian School, Inc

By: David W. Barclift  
David W. Barclift  
Its: Chairman

Nathan V. Hendricks III  
Nathan V. Hendricks III  
Attorney for the Applicant

6085 Lake Forrest Drive  
Suite 200  
Atlanta, Georgia 30328  
(404) 255-5161

Exhibit "A"

CONCURRENT VARIANCE REQUEST(S):

- REQUEST 1): To delete the required 25-foot undisturbed buffer and 10-foot improvement setback along the north and west property lines to allow the existing road to remain pursuant to Article 4.23.1.
- REQUEST 2): To delete the required 50-foot undisturbed buffer and 10-foot improvement setback along the rear (west) property line to allow the existing parking lot to remain pursuant to Article 4.23.1.
- REQUEST 3): To delete the required 20-foot landscape strip along Glenridge Drive and 10-foot landscape strip along Mounq Vernon Highway to allow the existing parking lot to remain pursuant to Article 4.23.1.
- REQUEST 4): To delete the required 100-foot use setback adjacent to the approved school property to the north and the west pursuant to Article 19.4.40.B 3.
- REQUEST 5): To allow parking within 50-feet of adjacent residentially zoned property pursuant to Article 19.4.40.B.5.

Exhibit: "B"

APPROPRIATENESS OF APPLICATION  
AND  
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Sandy Springs City Council to approve this Use Permit Application as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of this Application subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any approval of this Use Permit without the simultaneous approval of the Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Article 19.2.4. Use Permit Considerations.

1. WHETHER THE PROPOSED USE IS CONSISTENT WITH THE COMPREHENSIVE LAND USE PLAN AND/OR ECONOMIC DEVELOPMENT REVITALIZATION PLANS ADOPTED BY THE CITY COUNCIL:

The proposed use is consistent with the intent and following policies of the Comprehensive Plan: Blend institutional uses into existing residential neighborhoods in order to mitigate potential adverse effects.

2. COMPATIBILITY WITH LAND USES AND ZONING DISTRICTS IN THE VICINITY OF THE PROPERTY FOR WHICH THE USE PERMIT IS PROPOSED:

The Applicant has a Use Permit for its other Property contiguous and to the west and north for a Private School and Recreational Fields. This proposed Use Permit requests that the temporary Use Permit and Concurrent Variances approved pursuant to 2004U-0021 NFC and 2004VC-0202 NFC be permanent for the up to 150 students approved as the completion of Applicant's build out for its entire campus on its other Property referenced is some time out in the future. Given the approval of the Use Permit for a Private School and Recreational Fields on Applicant's other property referenced, this request is compatible with land uses and zoning districts in the vicinity of the Property for which this Use Permit is proposed.

3. WHETHER THE PROPOSED USE MAY VIOLATE LOCAL, STATE AND/OR FEDERAL STATUTES, ORDINANCES OR REGULATIONS GOVERNING LAND DEVELOPMENT.

The proposed use does not violate any known statutes, ordinances or regulations governing land development.

4. THE EFFECT OF THE PROPOSED USE ON TRAFFIC FLOW, VEHICULAR AND PEDESTRIAN, ALONG ADJOINING STREETS.

The proposed use will not generate a significant increase in traffic as has been demonstrated during Applicant's use of the Property under the existing Use Permit referenced which was temporary in duration.

5. THE LOCATION AND NUMBER OF OFF-STREET PARKING SPACES:

As shown on the Site Plan.

6. THE AMOUNT AND LOCATION OF OPEN SPACES:

As shown on the Site Plan.

7. PROTECTIVE SCREENING:

The Property is bordered to the north and west by the referenced other property of the Applicant and to the east by Glenridge Drive and to the south by Mount Vernon Highway. The current lack of screening is not an issue for the surrounding residentially zoned property because the properties are not used residential properties. Thus, the current landscape strips and buffers provide sufficient protective screening for the proposed Private School.

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12/16/10  
City of Sandy Springs  
Community Development

8. HOURS AND MANNER OF OPERATION:

The proposed hours of operation would be 7:30 a.m. to 5:00 p.m. Monday through Friday. The proposed hours and manner of operation will not impede the use of the surrounding properties nor create any significant negative effects to the neighboring area.

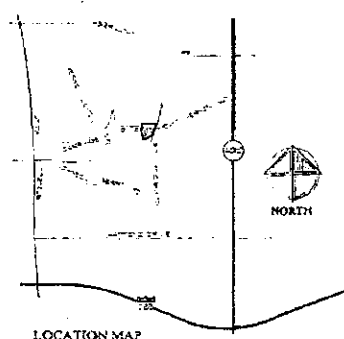
9. OUTDOOR LIGHTING:

Article 4.9 requires that sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot-candles along an adjoining residential property line. Given the distance of residential uses from the Property, any proposed outdoor lighting will not impede the use of the surrounding properties nor create any significant effect to the neighboring area. Applicant must demonstrate compliance with all outdoor lighting requirements.

10. INGRESS AND EGRESS TO THE PROPERTY:

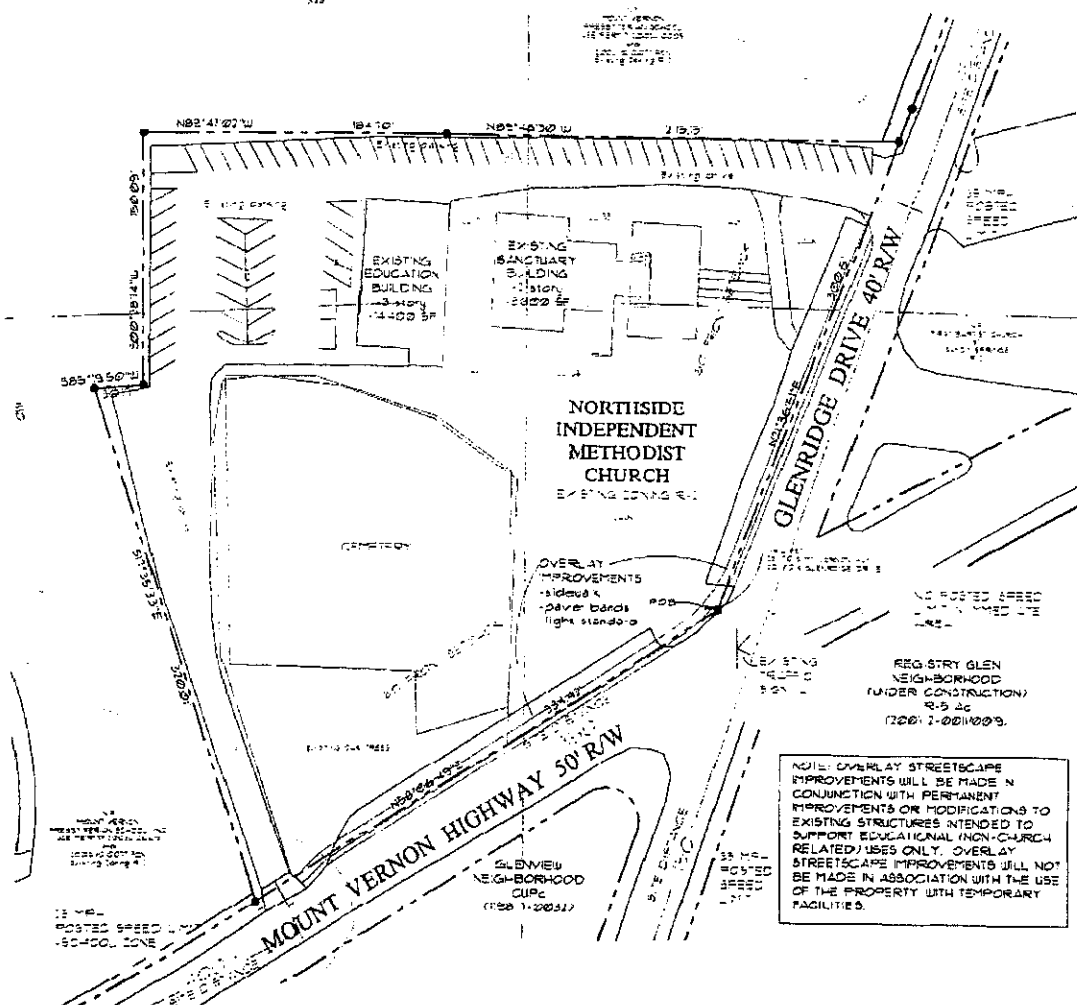
No new curb cuts to the site are required and the Applicant's Site Plan shows the existing curb cut at the northeast corner of the Property.





**SITE STATISTICS SUMMARY CHART - EXISTING CONDITIONS**

TOTAL AREA OF SITE	3.53 ACRES	153,770 SF	100%
BUILDINGS		23,000 SF	15%
PARKING SPACES - 71 SPACES		43,300 SF	28%
TOTAL IMPERVIOUS SURFACE		71,300 SF	46%
LANDSCAPING		82,270 SF	54%



**NORTHSIDE INDEPENDENT  
METHODIST CHURCH**

590 Mount Vernon Highway  
Sandy Springs, Georgia

**EXISTING SITE PLAN**

August 7, 2007

Revised: August 30, 2007

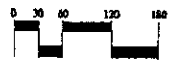
(parking stripes & overlay streetscape improvements)

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AUG 31 2007

City of Sandy Springs  
Community Development

- NOTES**
1. TOTAL SIZE OF EXISTING BUILDINGS - 23,000 Square Feet
  2. TOTAL PARKING SPACES - 71
  3. EXISTING ZONING - R-3
  4. TOTAL AREA OF SITE - 3.53 ACRES
  5. TWO EXISTING BUILDINGS LOCATED ON SITE  
Sanctuary Building - 2 stories, 8,600 square feet  
Education Building - 3 stories, 14,400 square feet
  6. PUBLIC WATER, EXISTING SEPTIC TANK
  7. NO WETLANDS EXIST ON THIS SITE.
  8. THIS SITE DOES NOT LIE IN THE 100-YEAR FLOOD LIMIT  
FEMA Flood Insurance Rate Map,  
number 13121C06181 E, dated June 27, 1998.



NORTH

SCALE IN FEET

**COLLINS  
COOPER  
CARUSI  
Architects**

1000 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404.525.1100  
www.collinscoopercarusi.com



**NORTHSIDE INDEPENDENT  
METHODIST CHURCH FOR  
MOUNT VERNON**

PROJECT NUMBER: 0000

DATE: 06/27/2005

RELEASED FOR CONSTRUCTION

SCALE: AS-1

DATE: 06/27/2005

PROJECT NUMBER: 0000

DATE: 06/27/2005

PROJECT NUMBER: 0000

DATE: 06/27/2005

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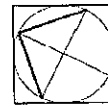
DATE: 06/27/2005

PROJECT NUMBER: 0000

DATE: 06/27/2005

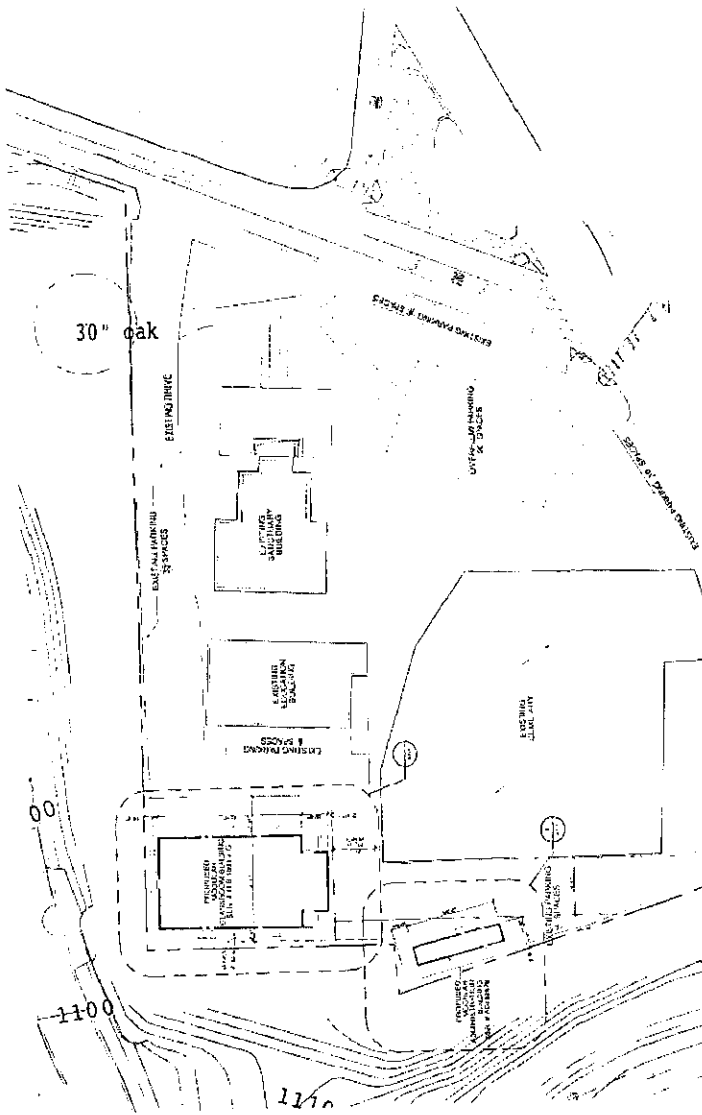
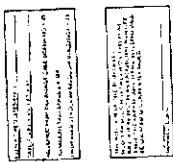
PROJECT NUMBER: 0000

DATE: 06/27/2005



SHEET TITLE  
SITE PLAN  
LOCATION PLAN  
**AS-1**

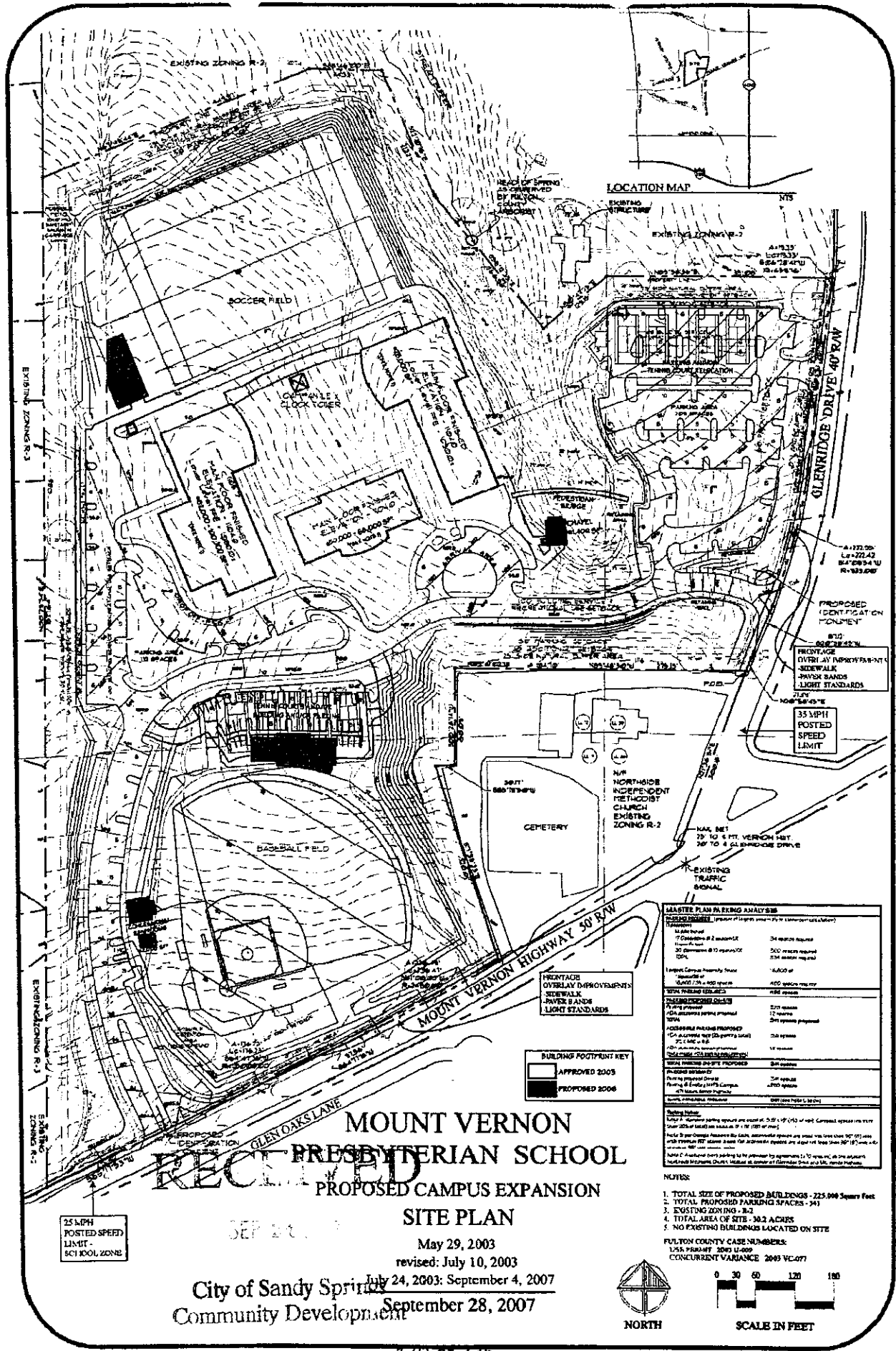
Northside Independent Methodist Church For  
Mount Vernon Presbyterian School  
Fulton County, Georgia  
**06/27/2005 ISSUED FOR PERMIT DOCUMENTS**



**1** SITE PLAN  
SCALE: 1/8" = 1'-0"

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06/27/2005  
City of Sandy Springs  
Community Development Department





**RECEIVED**  
**MOUNT VERNON PRESBYTERIAN SCHOOL**  
**PROPOSED CAMPUS EXPANSION**  
**SITE PLAN**

City of Sandy Springs  
 Community Development  
 May 29, 2003  
 revised: July 10, 2003  
 July 24, 2003; September 4, 2007  
 September 28, 2007

**MASTER PLAN PARKING ANALYSIS**

EXISTING CONDITIONS (portion of largest parcel per a 1-acre parcel unit)	
Lot Area	34 acres
70% Coverage @ 2 spaces/acre	504 spaces required
30% Coverage @ 10 spaces/acre	500 spaces required
20%	254 spaces required
Existing Campus Assembly Space	~6,000 sq ft
Capacity	400 spaces required
<b>TOTAL PROPOSED CHANGES</b>	1,000 spaces
Parking Proposed	570 spaces
On-street parking proposed	12 spaces
20%	240 spaces proposed
<b>ADDITIONAL PARKING PROPOSED</b>	240 spaces
On-street parking (20 spaces/acre)	240 spaces
7% Coverage @ 30 spaces/acre	18 spaces
On-street parking (20 spaces/acre)	18 spaces
<b>TOTAL PROPOSED CHANGES PROPOSED</b>	810 spaces
Parking Proposed	570 spaces
On-street parking (20 spaces/acre)	240 spaces
7% Coverage @ 30 spaces/acre	18 spaces
On-street parking (20 spaces/acre)	18 spaces
<b>TOTAL PROPOSED CHANGES PROPOSED</b>	810 spaces

- NOTES:**
- TOTAL SIZE OF PROPOSED BUILDINGS - 225,000 Square Feet
  - TOTAL PROPOSED PARKING SPACES - 341
  - EXISTING ZONING - R-2
  - TOTAL AREA OF SITE - 36.2 ACRES
  - NO EXISTING BUILDINGS LOCATED ON SITE
- FULTON COUNTY CASE NUMBERS:  
 1-558 PERMIT 2003 U-009  
 CONCURRENT VARIANCE 2003 VC-077
- 0 30 60 120 180  
 SCALE IN FEET

**Emergency Services Department**

130 Peachtree St., S.W.

Suite 3147

Atlanta, GA 30303

**Alfred R. Moore**  
Director

Emergency Communications/911  
Telephone: 404/730-7900  
FAX: 404/730-7909

Atlanta-Fulton county  
Emergency Management Agency  
Telephone: 404/730-5600

October 1, 2007

Nancy J. Leathers, AICP, Director of Community Development  
City of Sandy Springs  
Department of Community Development  
Planning and Zoning Division  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

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OCT 05 2007

Re: Memorandum dated September 25, 2007  
Preliminary Zoning Agenda

**City of Sandy Springs  
Community Development**

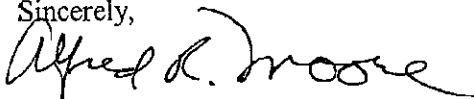
Dear Ms. Leathers:

A review conducted by the Emergency Services Department staff revealed the following:

1. If zoning petitions are approved, there will be an increase in E9-1-1 call volume. The increase may negatively affect the department's call answering speed and service level.
2. Increased traffic volume without road improvements may increase response time of emergency response vehicles thereby reducing effective delivery of emergency services.
3. Addressing of all proposed properties identified within the petitions should comply with the City of Sandy Springs' addressing standards or Fulton County's Addressing Standards to reduce the likelihood of delay in response time.

If I can assist you further in this matter, please contact me at 404-730-7900.

Sincerely,



Alfred R. Moore  
Director