



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** December 11, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: **201403130** - 5900 Peachtree-Dunwoody Road, *Applicant: Regent Partners*, to modify conditions 1.d., 1.e., 1.f., 2.a., 4.c., 5.l., 5.n., and 6 of Z05-0079/U05-0016/CV05-0168 to allow for development of a mixed use project

MEETING DATE: For Submission onto the December 16, 2014, City Council Regular Meeting Agenda

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

See attached:

Memorandum
Zoning Modification

CITY MANAGER APPROVAL: _____

PLACED ON AGENDA FOR: **12/16/2014**

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: _____



To: John McDonough, City Manager
 From: Angela Parker, Director of Community Development 
 Date: December 5, 2014 for submission onto the December 16, 2014 City Council meeting
 Agenda Item: **201303130 5900 Peachtree Dunwoody Road**

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

DENIAL of a request to modify conditions 1.d, 1.e, 1.f, 2.a, 4.c, 5.l, 5.n, and 6 of Fulton County zoning case Z05-0079/U05-0016.

PROPERTY INFORMATION

Address, Land Lot, and District	5900 Peachtree Dunwoody Road Land Lot 17, District 17
Council District	5 (Tiberio "Tibby" DeJulio)
Frontage	874.39 feet of frontage along the west side of Peachtree Dunwoody Road and 613.08 feet of frontage along the south side of Hammond Drive.
Area	11.28Acres
Existing Zoning and Use	MIX (Mixed Use District) under Fulton County zoning case Z05-0079 currently developed with office buildings.
Overlay District	PCID (Perimeter Community Improvement District)
2027 Comprehensive Future Land Use Map Designation	LWR (Live Work Regional)
Proposed Zoning	MIX (Mixed Use District)

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Concourse Owner I,III, IV, LCC	Regent Partners	Morris Manning & Martin

Community Zoning Information Meeting
September 23, 2014

Mayor and City Council Hearing
December 16, 2014

DEPARTMENT OF COMMUNITY DEVELOPMENT COMMENTS

The applicant is requesting to modify conditions 1.d, 1.e, 1.f, 2.a, 4.c, 5.l, 5.n, and 6 of Fulton County zoning case Z05-0079/U05-0016 as follows:

1. Revise condition 1(d) to provide for a minimum heated floor area of 600 square feet;
2. Delete condition 1(e) requiring for sale units;
3. Revise condition 1(f) to replace the references to "condominium building" to residential "buildings";

COMMUNITY DEVELOPMENT

4. Modify condition 2(a) to reference the site plan included in this application and require compliance with conditions prior to “final” Certificate of Occupancy in lieu of first” Certificate of Occupancy;
5. Delete condition 4(c) requiring a traffic mitigation plan to reduce vehicular trips;
6. Delete condition 5(l) requiring demonstration of a discharge rate and velocity of the storm water runoff resulting from the development restricted to 75% of pre-development conditions for the 1-year frequency storm event, up to and including the 10-year frequency storm event;
7. Delete condition 5(n) regarding design of storm water management facility(ies)
8. Revise condition 6 to delete requirement to comply with 2005 DRI Notice of Decision.

Staff is of the opinion that the applicant’s request to remove of the condominium “for sale” requirement is inconsistent with the Comprehensive Plan. The Comprehensive Plan encourages a variety of housing types. Zoning entitlements are currently in place for approximately 3,060 multi-family “for rent” units in the immediate vicinity of the site. Condominium units would constitute an alternative multi-family unit type within the Perimeter Center area and would provide housing for another segment of the housing market in close proximity to this important employment center. Condominium, for sale units, would be consistent with the Comprehensive Plan policies that call for a variety of housing types in close proximity to jobs and services.

Additionally, the approved zoning conditions require a minimum heated floor area per dwelling unit of 750 square feet. This heated floor area minimum is slightly larger than the 700 square foot minimum three bedroom unit under the A-L (Apartment Limited District). This condition is consistent with the Comprehensive Plan Policy which recommends a range of housing sizes and costs, and would again introduce another housing type within the Perimeter Center area.

In summary, this request is inconsistent with the Comprehensive Plan. The approved zoning conditions that call for condominium “for sale” units and a minimum unit size of 750 square feet are consistent with the Comprehensive Plan policy that calls for a variety of housing types and sizes in transit-oriented live-work areas. Based on these reasons, the staff recommends **DENIAL** of this modification request.

SUBJECT PETITION 201403130	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Footage or Units per Acre)
	MIX	Concourse – Retail Office Residential	11.28	70,000 sf 181,913 sf 300 units	6,205.67 sf/ac 16,127.04 sf/ac 26.60 units/ac
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	C-1 Z96-0119	Publix Shopping Center – Retail/Office	9.29	99,628 sf	10,724.22 sf/ac
North	MIX 201400796	Commercial/ Office Hotel Multi-Family	15.3	753,000 160 385	45,490.20 sqft/ac 10.46 rooms/ac 25.16 units/ac
Northeast	MIX RZ11-006	Northwood Raven- 1150 Hammond Drive	±5.18	345	66.62 units/ac
East	MIX conditional 201400049	Palisades – 5901-5909 Peachtree-Dunwoody Road Office Commercial Hotel Residential units	22.96	627,000 sf 50,000 sf 200 room 645 units	27,308.36 sf/ac 2,177.70 sf/ac 8.71rooms/ac 28.10 units/ac
East	MIX conditional RZ08-014	Hammond Center – 1155 Hammond Drive Office Retail Restaurant Hotel Residential Units	7.22	20,000 sf 50,000 sf 20,000 sf 120 rooms 400 units	2,770.08 sf/ac 6,925.21sf/ac 2,770.08 sf/ac 16.62 rooms/ac 55.12 units/acre
South & West	O-I Z94-0129	Office	65.34	4,439,958 sf	67,952 sf/ac
Southwest	MIX RZ07-021	Lakeside- 5775 Glenridge Drive Office Restaurant	26.03	700,000sf 8,000 sf	26,893sf/ac 307.34 sf/ac

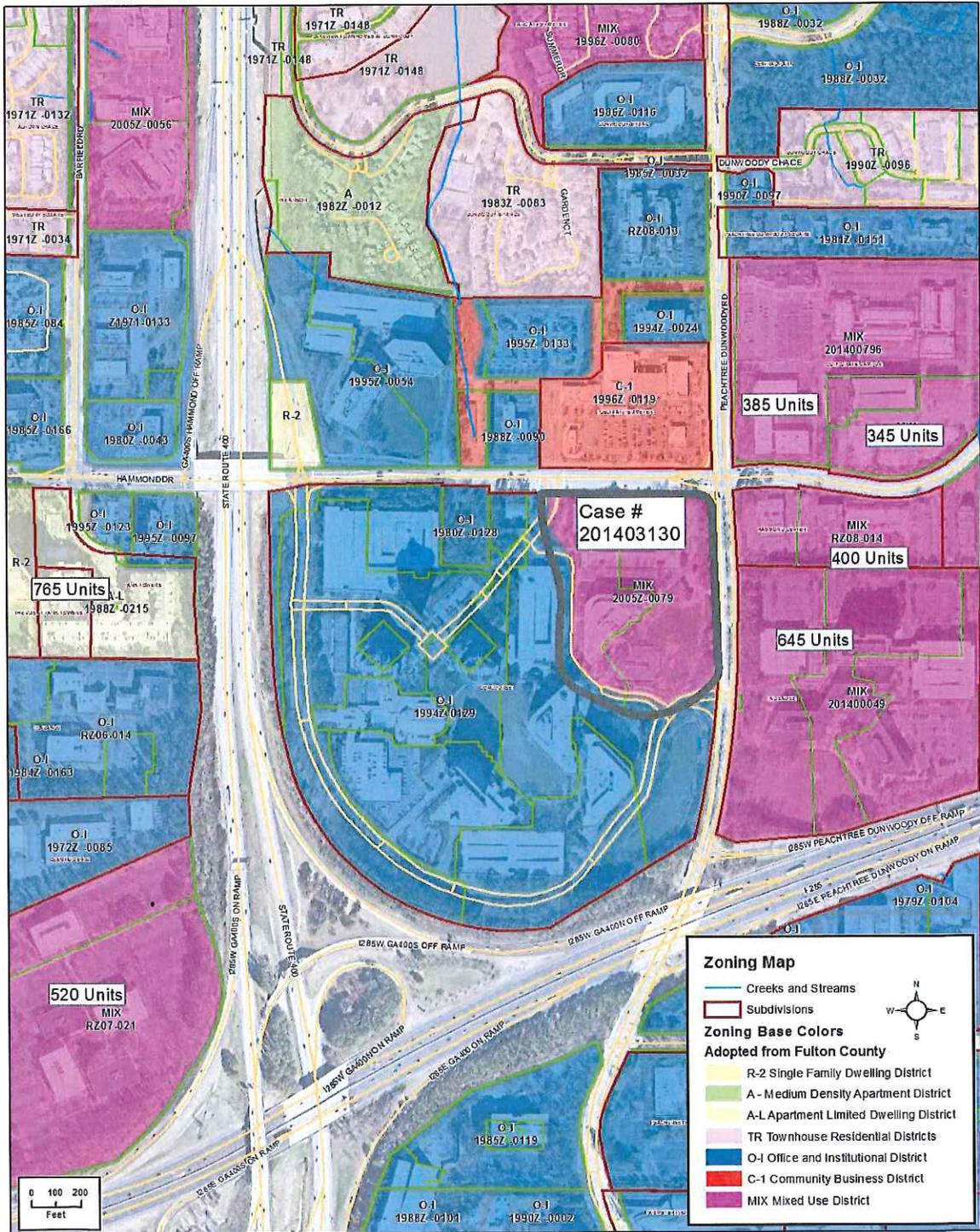
Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting December 16, 2014

		Residential		520 units	19.98 units/ac
West	A-L Z88-0215	Park Towers 789 & 795 Hammond Drive Residential Hotel	10.2	765 units 200 rooms	75 units/ac 19.61 rooms

Indicates approved multi-family rental properties (3,060 units)

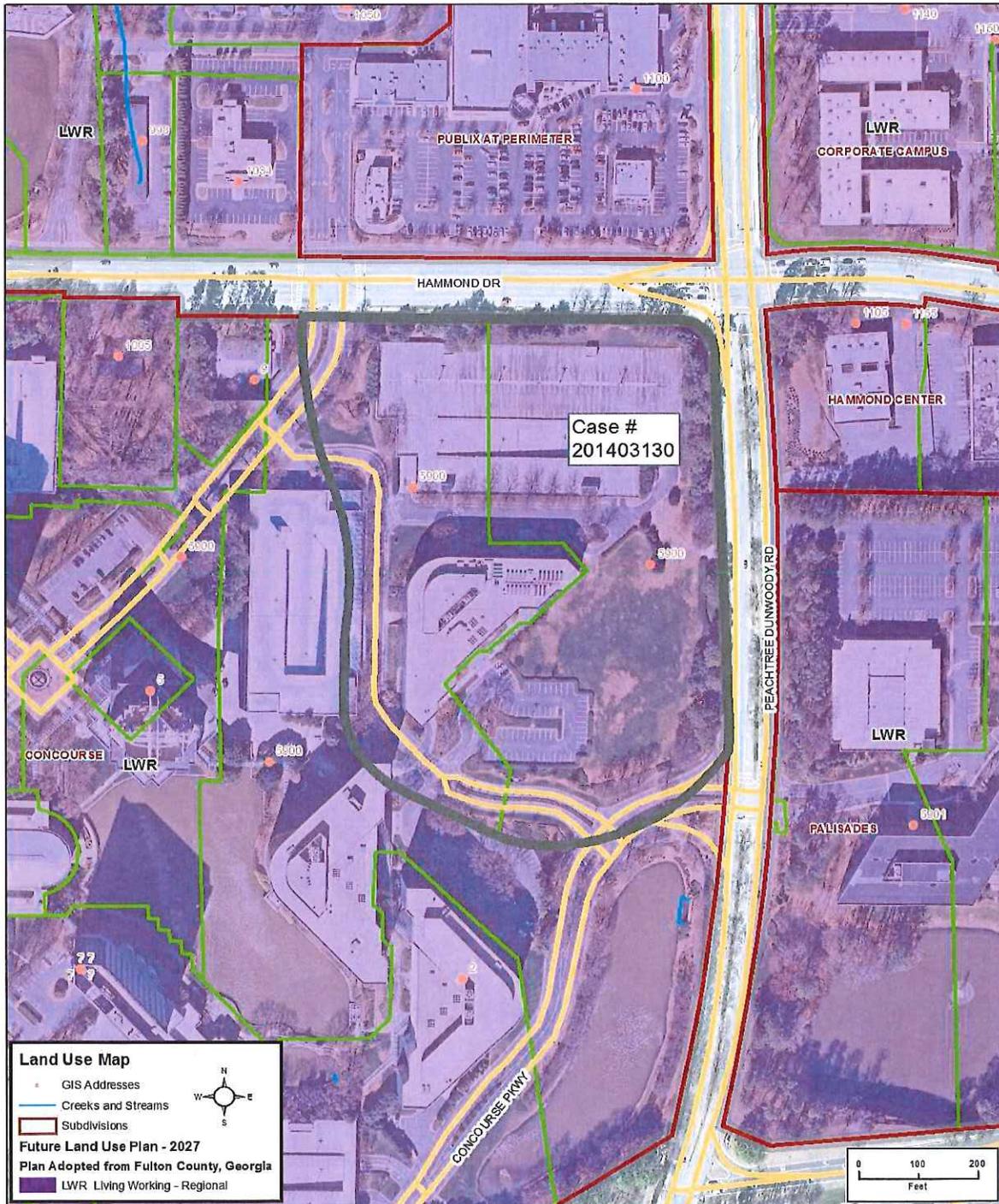
Zoning Map

5900 Peachtree Dunwoody Road



Future Land Use Map

5900 Peachtree Dunwoody Road



DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on October 1, 2014 at which the following departments had comments. The staff has received additional comments from Fulton County Department of Water Resources, Fulton County Health and Wellness, and Fulton County Schools (see attachments).

<p>Transportation Planner</p>	<p>The Perimeter CID (PCID) is preparing plans for providing dual left turns from northbound Peachtree Dunwoody Road to westbound Hammond Drive in concept. In addition, the PCID is preparing a concept to add bicycle and pedestrian accommodations to Peachtree Dunwoody Road that includes a two-way cycle track in addition to a sidewalk.</p> <p><u>Background Information:</u></p> <ul style="list-style-type: none"> • Hammond Drive and Peachtree Dunwoody Road are classified a Minor Arterial streets with 35mph posted speed limit. • Average daily traffic volumes: 34,090 on Hammond Drive and 32,630 on Peachtree Dunwoody Road (2013) in vicinity of site. • Frontages are included in the Perimeter Community Improvement Overlay District and included in the Sidewalk Master Plan network. The Overlay District requires wider sidewalks and streetscape. <p><i>DRI 883 Transportation Conditions</i></p> <ul style="list-style-type: none"> • No additional access to Peachtree Dunwoody Road or Hammond Drive is permitted. • Sidewalks shall be provided adjacent to external roadway. • Bicycle racks shall be provided at each multi-family residential building and retail spaces. <p><u>Planned Projects:</u></p> <p><i>Perimeter CID 10-Year Livable Centers Initiative Update:</i></p> <ul style="list-style-type: none"> • Hammond Drive Multi-Modal Improvements from GA 400 to DeKalb County Line: Includes widening from 4 to 6 lanes and improved facilities for bicyclists and pedestrians (Project T-10) • Peachtree-Dunwoody Road Multi-Modal Improvements and Intersection Improvement Program from I-285 to Abernathy Road (Project T-19) <p><i>Perimeter CID Commuter Trails System Plan:</i></p> <ul style="list-style-type: none"> • Hammond Drive Sidepath EB from SR 400 to Peachtree Dunwoody Rd (Project A18) • Peachtree Dunwoody Road Sidepath SB from I-285 to Hammond Drive (Project A21) <p><i>At the time of the Land Disturbance Permit, the site shall meet requirements of Articles 11 and 12 of the Development Ordinance. Based on a review of the proposed site plan and development, please note the following:</i></p> <ul style="list-style-type: none"> • A Traffic Impact Study is required that provides trip generation and
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	<p>driveway loading, §103-73(p).</p> <ul style="list-style-type: none"> • Traffic volumes on Hammond Drive and Peachtree Dunwoody Road meet requirements for auxiliary lanes. §103-73(h). A deceleration lane is required at southbound Peachtree Dunwoody Road. • Access shall provide minimum uninterrupted ingress/egress and any future gate shall meet minimum setback requirements, §103-73(d), §103-72(g). • ADA pedestrian access shall be provided at access locations, §103-73(o). • The minimum right-of-way dedication for Hammond Drive and Peachtree Dunwoody Road is 11 feet from back of curb or 1 foot from back of sidewalk, whichever is greater along entire property frontage, §103-75. <p>Frontage shall meet requirements for curb and gutter and sidewalks, §103-79 and §103-80</p>
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STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to approve the modification the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise 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 6,205.68 gross square feet per acre zoned or a total of 70,000 square feet, whichever is less, but excluding convenience stores with gas pumps, commercial amusement, and freestanding fast food restaurants.
- b. Office and accessory uses at a maximum of 16,127 gross square feet per acre zoned or a total of 181,913 total square feet.
- c. No more than ~~650~~ 300 total dwelling units at a maximum density of 57.63 dwelling units per acre based on the total acreage zoned, whichever is less. Approved unit total are not guaranteed. The developer is responsible through site engineering (at the time of application for Land Disturbance Permit) to demonstrate that all units within the approved development meet or exceed all development standards of ~~Fulton County~~ Sandy Springs. The total unit yield of the subject site shall be determined by the final engineering.
- d. The minimum heated floor area per dwelling unit shall be ~~750~~ 600 square feet.
- e. ~~All dwelling units shall be for sale to individual owners.~~
- f. Limit the height of the two high-rise sections of the ~~condominium buildings~~ residential building to no more than 30 stories or 350 feet above grade whichever is less as shown on the site plan referenced in condition 2.a. The remaining portion of the two the ~~condominium buildings~~ residential building shall not exceed the lesser of 8 stories or 90 feet above grade

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- g. Existing office building shall not be increased in height above 4 stories.
2. To the owner's agreement to abide by the following:
- a. To revised site plan received by the Department of Environmental and Community Development on ~~August 19, 2005~~ **September 2, 2014**. Said Site Plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete a concept review procedure prior to the application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the ~~first~~ **final** Certificate of Occupancy.
 - b. All common areas shall be accessible via dedicated roadway, easement, sidewalk, trails, etc. and shall be maintained by a sole mandatory business owners/condominium association, who's proposed documents of incorporation shall be submitted to the Director of the Department of ~~Environmental and~~ Community Development for review and approved prior to the recording of the first final plat. Said association maybe comprised of individual associations operating under a single entity.
 - c. To file a declaration for condominium association with the State of Georgia.
3. To the owner's agreement to abide by the following:
- a. The minimum building setbacks are:
 - 20 feet along Hammond Drive (front yard)
 - 20 feet along Peachtree Dunwoody Road (side corner)
 - 0 feet along the west property line
 - 0 feet along the north property line
 - b. Delete the 10-foot landscape strip along all internal property lines.
 - c. No structure shall be higher than 6 stories within the 40 feet from right-of-way of Peachtree Dunwoody Road.
 - d. No structure shall be higher than 15 stories within 60 feet from right-of-way of Peachtree Dunwoody Road.
4. To the owner's agreement to provide the following traffic requirements dedications and improvements:
- a. Dedicate at no cost to Fulton County along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following right-of-way, and dedicate at no cost to ~~Fulton County~~ the **City of 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 allowing the necessary construction easements while the right-of-way are being improved:

55 feet from the centerline of Hammond Drive

55 feet from the centerline of Peachtree Dunwoody Road

- b. The developer shall be responsible for complying with the requirements of the document entitled ~~“Fulton County Driveway Manual” adopted by the Fulton County Board of Commissioners on May 18, 2005~~ **Sandy Springs Development Regulations.**
 - e. ~~Provide a Traffic Impact Mitigation Plan to reduce the number of vehicular trips generated by the development at the Land Disturbance Permit phase.~~
5. To the owner’s agreement to abide by the following:
- a. Prior to submitting the application for a (LDP) with the Department of Environment and Community Development, Development Review Division, arrange to meet with the ~~Fulton County~~ **Sandy Springs** Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for Land Disturbance Permit.
 - b. Prior to submitting the application for a LDP, arrange an on-site evaluation of existing specimen trees/stand, buffers, and tree protection zone within the property boundaries with the ~~Fulton County~~ **Sandy Springs** Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for LDP.
 - c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Public Works Department, Water Services Division and arrange to meet on-site with an engineer from the Surface Water Management Program (SWMP), who is responsible for review of the Water Concept Plan submittals.
 - d. Prior to the submitting the application for an LDP, the developer and/or engineer shall submit to the SWMP, through the Development Review Division, a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the of-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at the point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. The critical capacity point shall be selected based upon the engineer’s field observation, professional judgment, and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year water surface

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elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable off-site drainage easement to accommodate the 100-year storm flow through impacted properties. Where Fulton County has completed a model of the basin, it shall be used by the developer in the analyses.

- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at the point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow across an external property line be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Public Works **Community Development**. This condition will not apply when the storm water management facility is designed and approved to discharge directly to a stream or watercourse.
- f. A draft of the Inspection and Maintenance Agreement required by Fulton County Code Section 26-278 shall be submitted to the Department of Public Works with the Storm Water Concept Plan.
- g. The inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structure shall be inspected, photographed, and cleaned, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document for use by the owner and/or any professional retained by the owner, to plainly describe the basic operational function of the facility(ies), including a description of a permanent marker post(s) which shall indicate the level of sediment which, if exceeded, requires sediment removal. The inspection and Maintenance Agreement shall require an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not function as described in the design guidance document (described above), and if they do not, a description of the specific action to be taken to allow the facilities to function as intended.
- h. The required Inspection and maintenance Agreement shall be recorded with the Clerk of the Superior Court prior to the issuance of an LDP, Grading Permit or Building Permit associated with the development.
- i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
- j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be

submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in the applicable documents for a land disturbance permit.

- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, and provide details on the Storm Water Management Plan of the post-development channel bank protection measures.
- l. ~~The developer/engineer shall demonstrate to the County City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy five percent (75%) of pre-development conditions for the 1-year frequency storm event, up to and including the ten (10) year frequency storm event.~~
- m. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water not conveyed to such facilities, subject to the approval of the Director of ~~Public Works~~ **Community Development**. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flow from any disturbed portion of the developed property shall be allowed only with the approval of the Director of ~~Public Works~~ **Community Development**. Other than minimal incidental flow shall be specifically approved by the Director of ~~Public Works~~ **Community Development**. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flow from developed lots or parcels, individual residences or building structures.
- n. ~~Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection, in accordance with the Georgia State Storm Water manual, except that the duration of release for water quality treatment shall be 48 hours.~~
- o. The developer/engineer is responsible to submit along with the application for Land Disturbance Permit (LDP) a floodplain hydrology and hydraulic study. This floodplain study shall establish the onsite pre-development 100-year storm frequency Base Flood Elevation (BFE) of the floodplain. The LDP storm water management plan shall graphically depict the pre-development floodplain horizontal boundaries and flood plain elevations.
- p. The developer/builder shall demonstrate to the County **City** that each lot and building site on which the 100-year floodplain is established, complies with the County's **City's** flood plain lowest floor elevation requirement, prior to the inspection and approval of the foundation for the structure under construction. The FEMA Elevation Certificate shall be utilized to demonstrate that the top of the structure lowest floor elevation complies with County **City** requirements.
- q. The developer/builder shall demonstrate to the County **City** permitting Department, at the time of application for a building permit, that each lot encroaching into the 100-year flood plain has the buildable area required by County **City** code.

6. Comply with Georgia Regional Transportation Authority (GRTA) "Notice of Decision" dated September 12, 2005 November 13, 2014, for DRI #883, Concourse III, IV, and VIII.

Attachments

- Letter of Intent dated received September 2, 2014
- Site Plan dated received September 2, 2014
- GRTA Notice of Decision dated November 13, 2014
- Additional comments from the Fulton County Department of Water Resources, Fulton County Sewer Department, and Fulton County Schools

201403130

RECEIVED

SEP 02 2014

Letter of Intent for Modification
2005Z-0079/2005U-0016/2005VC-0168

City of Sandy Springs
Community Development

This application requests modification of the following conditions identified in the approval for applications 2005Z-0079/2005U-0016/2005VC-0168:

1. Revise condition 1(d) to provide for a minimum heated floor area of 600 square feet;
2. Delete condition 1(e) requiring for sale dwelling units;
3. Revise condition 1(f) to replace the references to "condominium buildings" to "residential buildings";
4. Modify condition 2(a) to reference the site plan included in this application and require compliance with conditions prior to "final" Certificate of Occupancy in lieu of "first" Certificate of Occupancy;
5. Delete condition 4(c) requiring a traffic mitigation plan to reduce vehicular trips;
6. Delete condition 5(l) requiring demonstration of a discharge rate and velocity of the storm water runoff resulting from the development restricted to 75% of pre-development conditions for the 1-year frequency storm event, up to and including the 10-year frequency storm event;
7. Delete condition 5(n) regarding design of storm water management facility(ies); and
8. Revise condition 6 to delete requirement to comply with 2005 DRI Notice of Decision.

This application assumes that in addition to the requests made above, that if approved, the modification will also automatically update the following: (a) change the references from Fulton County to City of Sandy Springs; (b) correct condition 3(a) to reference a 0 setback on the south property line rather than north as a scrivener's error; and (c) delete conditions 5(r), 5(s) and 5(t) due to the location of the subject property outside the floodplain per current FEMA map #13121C0161F dated 9/18/2013.

The applicant proposes to develop 300 multifamily apartment units together with an endcap restaurant space of approximately 8,500 square feet. The existing 181,913 square foot office building and two level parking deck along Hammond Drive will remain. Currently the site is entitled for 70,000 square feet of newcommercial and 650 dwelling units in two 30 story towers plus the existing 181,913 square foot office building and parking deck. Changing the conditions would allow the development of a significantly less intensive development than the current entitlements permit

Request #1 – Minimum Heated Floor Area. The applicant is requesting to reduce the minimum heated floor area required from 750 square feet to 600 square feet. Since the imposition of the 750 square foot minimum limitation in 2005, the multifamily market has changed, with smaller units becoming more desirable, particularly in high density urban and mixed use markets such this one. Allowing some smaller units will enable the development to be consistent with market trends.

Requests #2 and #3 – Delete For Sale Requirement and "Condominium" References. At the time the property was zoned, the condominium market was flourishing and the majority of new multifamily units being developed, particularly in high density areas, were condominium units.

Today, requiring a for-sale product makes development of this property unfeasible. Removal of this condition is necessary to enable development on the site.

Request #4 – Adjust Timing for Compliance with Conditions to Final Certificate of Occupancy. Apartment construction is typically delivered in phases. As work is ongoing to comply with the conditions and develop the project, the applicant would like the opportunity to receive temporary certificates of occupancy.

Request #5 – Remove Traffic Impact Mitigation Plan Requirement. As a part of the 2005 zoning, the project went through a Development of Regional Impact that imposed very few transportation related conditions on the site. The improvements that were imposed have already been made. From a transportation perspective, there is very little, if anything, that can be done to reduce traffic to the site, particularly given that the property is part of an existing mixed use development.

Request #6 – Delete 75% Requirement for Discharge Rate and Velocity of Storm Water Runoff. At the time this condition was imposed, the property was located in unincorporated Fulton County. The current City of Sandy Springs code does not require storm water reduction to 75% of pre-condition levels. Further, there are not any preexisting storm water runoff issues created by the property or anticipated by the proposed development. The applicant would like to meet the required City of Sandy Springs requirements.

Request #7 – Delete Requirement for 48 Hour Release for Water Quality. Again, at the time this condition was imposed, the property was located in unincorporated Fulton County. The current City of Sandy Springs code requires a 24 hour release for water quality. The applicant would like to comply with the current City of Sandy Springs requirements.

RECEIVED

SEP 02 2014

City of Sandy Springs
Community Development



REVISED NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Sonny Deriso, GRTA
Bob Voyles, GRTA

Dick Anderson, GRTA
Al Nash, GRTA

To: Mayor Rusty Paul, City of Sandy Springs
(via electronic mail and certified mail) Nixon Jefferson, Regent Partners

From: Kirk Fjelstul, GRTA Acting Executive Director

Copy: Laura Beall, GRTA
(via electronic mail) Jon West, DCA
Jon Tuley, ARC
Mike Lobdell, GDOT District 7
Greg Floyd, MARTA

Linda Abaray, City of Sandy Springs
Kristen Wescott, City of Sandy Springs
Jessica Hill, Morris Manning & Martin
John Walker, Kimley-Horn and Associates

Date: November 13, 2014

Re: DRI #883 Concourse III, IV, and VIII

NOTE: This Revised Notice of Decision replaces the original Notice of Decision for DIR 883 issued on September 12, 2005. The purpose for the revision was to delete a condition requiring a minimum number of residential units.

**Revised Notice of Decision for
Request for Non-Expedited Review of
DRI #883 Concourse III, IV, and VIII**

The purpose of this notice is to inform Regent Partners (the Applicant), City of Sandy Springs (i.e., the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI #883 Concourse III, IV, and VIII (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless the local government has issued a permit for the construction of any part of the proposed DRI Plan of Development prior to the end of the ten-year period.

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the site development plan dated August 9, 2005, prepared by Pharr Engineering, Inc., titled "Concourse Master Plan" (Referred to as the "Site Plan" or the "DRI Plan of Development") and the analysis prepared by Street Smarts dated August 2005 and received by GRTA on August 10, 2005. Additional analysis was prepared by Street Smarts titled; "Concourse DRI 883 Additional Intersections Analysis" dated August 15, 2005 and received by GRTA on August 16, 2005. All materials submitted for the Request to Revise an Issued Notice of Decision, including a request from the City of Sandy Springs on October 21, 2014, a site plan prepared by GC&A dated July 31, 2014 and additional supporting information prepared by Kimley-Horn and Associates received on August 20, 2014 and Morris Manning & Martin received on October 16, 2014.

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, available from GRTA or on the Worldwide Web at <<http://www.grta.org/dri/home.htm>>. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its December 10, 2014 meeting.



Kirk Fjelstul
Acting Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

Conditions to GRTA Notice of Decision:

- Road Connectivity
 - There shall be no additional access to Peachtree-Dunwoody Road or Hammond Drive
- Pedestrian Facilities
 - Provide a sidewalk adjacent to the external roadway
 - Provide bicycle racks at each multi-family residential building and retail spaces

Proposed Roadway Improvements as Conditions to GRTA Notice of Decision:

The following improvements are required on and adjacent to *non-state* roads:

Hammond Drive at Peachtree Dunwoody Road

- Add dedicated right turn lanes on the northbound and westbound approaches.

Attachment B – Required Elements of the DRI Plan of Development

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the “Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.
- All of the “Roadway Improvements as Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.

Attachment C – Required Improvements to Serve the DRI

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a "Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI."

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

Section 1.

Hammond Drive at Peachtree Dunwoody Road

- Add dedicated right turn lanes on the northbound and westbound approaches.

Section 2.

Hammond Drive at Glenridge Drive

- Install an additional eastbound receiving lane on Hammond Drive to allow free right-turn movements from the northbound Glenridge Drive.

Hammond Drive at Barfield Road

- Install a dedicated westbound right-turn lane on Hammond Drive
- Introduce a southbound right-turn overlap phase.

Fulton County Schools - Rezoning Impact Statement

11/5/2014

PETITION: 201403130

Proposed Residential Units

JURISDICTION: Sandy Springs

<u>Single-family detached</u>	<u>Townhouses</u>	<u>Apartments</u>	<u>Condominiums</u>
0	0	300	0

HOME SCHOOL	CURRENT ENROLLMENT ^A	GADOE CAPACITY	ESTIMATED # NEW STUDENTS GENERATED	PROJECTED UNDER/OVER CAPACITY ^B	
				WITHOUT DEV	WITH DEV
High Point ES	803	850	5 to 194	-47	-42 to 147
Ridgeview Charter MS	1,102	1200	0 to 63	-98	-98 to -35
Riverwood Charter HS	1,551	1325	6 to 72	226	232 to 298
TOTAL			11 to 329		

HS REGION: Riverwood Charter HS	AVERAGE - 1 STD DEV		AVERAGE + 1 STD. DEV.	
<i>One single-family detached unit generates:</i>	0.011618	to	0.234504	<i>elementary school students</i>
	0.000000	to	0.071573	<i>middle school students</i>
	0.002532	to	0.147522	<i>high school students</i>
<i>One townhouse unit generates:</i>	0.006694	to	0.103282	<i>elementary school students</i>
	0.000000	to	0.029924	<i>middle school students</i>
	0.013470	to	0.082704	<i>high school students</i>
<i>One apartment unit generates:</i>	0.017346	to	0.647094	<i>elementary school students</i>
	0.000000	to	0.209417	<i>middle school students</i>
	0.020138	to	0.24105	<i>high school students</i>
<i>One condominium unit generates:</i>	0.000000	to	0.380842	<i>elementary school students</i>
	0.000000	to	0.08986	<i>middle school students</i>
	0.000000	to	0.153862	<i>high school students</i>

(Note: Empty/null values indicate insufficient historic data)

AVERAGE OPERATIONAL COST PER STUDENT (FY14):		
TOTAL COST: \$12,286	PORTION LOCAL REVENUE SOURCES: \$8,209	PORTION STATE AND OTHER REVENUE SOURCES: \$4,077

^A Based on first-month enrollment count for 2014-15 school year
^B Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.
* State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.
** Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.

Abaray, Linda

From: Beck, Randy <Randy.Beck@fultoncountyga.gov>
Sent: Thursday, October 23, 2014 3:30 PM
To: Abaray, Linda
Subject: RE: Sandy Springs Preliminary Zoning Agenda- September

Thank you for the opportunity to review your upcoming zoning agenda for the December 16, 2014 Mayor and City Council meeting. The Fulton Department of County Planning and Community Services has no additional comment to make.

Randy Beck, Director
Department of Planning & Community Services
5440 Fulton Industrial Boulevard
Atlanta, GA 30336
Tel: 404-612-8053
FAX: 404-893-6375

Think Green! Save energy and trees - print only when necessary.

From: Abaray, Linda [<mailto:LBaray@SandySpringsga.gov>]
Sent: Thursday, September 18, 2014 4:46 PM
To: Abaray, Linda
Subject: Sandy Springs Preliminary Zoning Agenda- September

All:

Please be advised, the material details the zoning petitions received on or before the September 2, 2014 submittal deadline. We are writing to solicit your comments with regard to these applications. Please forward a response in writing detailing your comments, or lack thereof to the attention of the Linda Abaray. Correspondence may be sent to the following address:

City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350
labaray@sandyspringsga.gov

Agenda Item		Council District	Meeting Dates
Rezoning			
1.	201403165 5737 Lake Forrest Drive <i>Applicant: Rockhaven Homes</i> <ul style="list-style-type: none">To rezone the subject property from CUP (Community Unit Plan District) to R-2A (Single Family Dwelling District) to develop three (3) single	6	CZIM – 9/23/14 CDRM – 10/30/14 PC- 11/20/14 MCC- 12/16/14

	family lots, with concurrent variances.		
2.	201403178 0 Wyndham Drive (17-0127-0001-043) <i>Applicant: HSC Intown, LLC</i> <ul style="list-style-type: none"> To rezone the subject property from R-3 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to increase the size of the existing lot, with concurrent variances. 	3	CZIM – 9/23/14 CDRM – 10/30/14 PC- 11/20/14 MCC- 12/16/14
3.	201403227 6337 Roswell Road <i>Applicant: Quintus Development</i> <ul style="list-style-type: none"> To rezone the property from C-1 (community Business District), R-3 (Single Family Dwelling District) and R-4 (Single Family Dwelling District) to MIX (Mixed Use District) 	4	CZIM – 9/23/14 CDRM – 10/30/14 PC- 11/20/14 MCC- 12/16/14
Zoning Modifications			
4.	201403130 5900 Peachtree Dunwoody Road <i>Applicant: Regent Partners</i> <ul style="list-style-type: none"> To modify conditions 1.d, 1.e, 1.f, 2.a, 4.c, 5.l, 5.n, and 6 of Fulton County zoning case Z05-0079/U05-0016, with concurrent variances. 	5	CZIM – 9/23/14 MCC- 11/20/14

**** Meeting Codes: CZIM - Community Zoning Information Meeting; CDRM - Community/Developer Resolution Meeting; PC - Planning Commission; MCC - Mayor and City Council**

Thanks!

Linda Abaray
Senior Planner
City of Sandy Springs
7840 Roswell Road, Bldg. 500
Sandy Springs, GA 30350
O. 770-206-1577

sandyspringsga.gov

twitter.com/sandyspringsga - Follow for Breaking News and Traffic Alerts

facebook.com/CoSSGA - Like for Community News and Discussions

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Akbar, Abdul

From: Abaray, Linda <LAbaray@SandySpringsga.gov>
Sent: Monday, October 20, 2014 3:24 PM
To: Abaray, Linda
Subject: Sandy Springs Preliminary Zoning Agenda- October

All:
 Please be advised, the material details the zoning petitions received on or before the September 2, 2014 submittal deadline. We are writing to solicit your comments with regard to these applications. Please forward a response in writing detailing your comments, or lack thereof to the attention of the Linda Abaray. Correspondence may be sent to the following address:

City of Sandy Springs
 Department of Community Development
 Planning and Zoning Division
 7840 Roswell Road, Building 500
 Sandy Springs, Georgia 30350
labaray@sandyspringsga.gov

Additional, information for each case can be found at the following link: <http://www.sandyspringsga.gov/City-Departments/Community-Development/Divisions/Planning-and-Zoning/CZIM/2014/2014-09-24>

Agenda Item		Council District	Meeting Dates
Rezoning			
1.	201403165 5737 Long Island Drive <i>Applicant: Rockhaven Homes</i> <ul style="list-style-type: none"> To rezone the subject property from GUP (Community Unit Plan District) to R-2A (Single Family Dwelling District) to develop three (3) single family lots, with concurrent variances. 	6	CZIM – 9/23/14 CDRM – 10/30/14 PC- 11/20/14 MCC- 12/16/14
2.	201403178 0 Wyndham Drive (17-0127-0001-043) <i>Applicant: HSC Intown, LLC</i> <ul style="list-style-type: none"> To rezone the subject property from R-3 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to increase the size of the existing lot, with concurrent variances. 	3	CZIM – 9/23/14 CDRM – 10/30/14 PC- 11/20/14 MCC- 12/16/14
3.	201403227 6337 Roswell Road <i>Applicant: Quintus Development</i> <ul style="list-style-type: none"> To rezone the property from C-1 (community Business District), R-3 (Single Family Dwelling District) and R-4 (Single Family Dwelling District) to MIX (Mixed Use District) 	4	CZIM – 9/23/14 CDRM – 10/30/14 PC- 11/20/14 MCC- 12/16/14
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4.	201403130 5900 Peachtree Dunwoody Road <i>Applicant: Regent Partners</i> <ul style="list-style-type: none"> To modify conditions 1.d, 1.e, 1.f, 2.a, 4.c, 5.l, 5.n, and 6 of Fulton County zoning case Z05-0079/U05-0016, with concurrent variances. 	5	CZIM – 9/23/14 MCC- 11/20/14

COMMENTS ON PUBLIC SERVICES AND UTILITIES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the City of Sandy Springs and the Fulton County Plan Review process prior to the commencement of any construction activity.

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 270 gallons per day (gpd) per housing unit x 300 units = **81,000** gallons per day plus 15 gpd per 15 square feet (restaurant space) x 8,500 sq. ft. = **8,500** = for a **total daily water usage = 89,500 gpd.** (Note: This is an addition to the Concourse development that currently contains an existing 181,913 square foot office building,)

This project is within the City of Atlanta water jurisdiction.

SEWER:

Basin: Nancy Creek
Treatment Plant: R.M. Clayton (City of Atlanta)
Anticipated sewer demand: **80,550** gallons per day

There are five sewer manholes within the southwestern property boundary of the 5.0 acre tract (Sewer manhole # SMNC1315570 to # SMNC1316339, 8 inch sewer line) and there are two sewer manholes within the southern property boundary (Sewer manhole # SMNC1311870 and # SMNC1311880, 36 inch sewer line) located in Land Lot **17**, District **17** that can service the proposed mixed use development at 5900 Peachtree Dunwoody Road.

Because of the size of this development, Fulton County Government is requesting that the developer pay to have a downstream analysis performed on the impact on the Fulton County sewer system by the sewer discharge of this proposed project. The contact for the Department of Water Resources of Fulton County Government to further coordinate this request will be with either Lamar Lambert (404-612-7470) or Ray Wooten (404-612-7547).

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

