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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** November 13, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:**    **201402052** - 120 & 130 West Wieuca Road, *Applicant: JW Homes, LLC*, to rezone the subject property from A-O (Apartment Office District) conditional to A (Medium Density Apartment District) for the construction of a townhouse development, with concurrent variances

**MEETING DATE:** For Submission onto the November 18, 2014, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
Rezoning Material

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CITY MANAGER APPROVAL: \_\_\_\_\_

PLACED ON AGENDA FOR: **11/18/2014**

CITY ATTORNEY APPROVAL REQUIRED:    (  ) YES    (    ) NO

CITY ATTORNEY APPROVAL: \_\_\_\_\_



To: John McDonough, City Manager  
From: Angela Parker, Director of Community Development   
Date: November 6, 2014 for submission onto the November 18, 2014 City Council meeting  
Agenda Item: 201402052 120 and 130 West Wieuca Road

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**APPROVAL CONDITIONAL** of a request to rezone the subject property from A-O (Apartment-Office District) to A (Medium Density Apartment District) to allow the development of 26 townhome units., with concurrent variances.

*The applicant submitted a revised site plans on November 4, 2014. The revised site plan reflects the changes recommended by Planning Commission and Staff. Additionally, the Cherokee Park Civic Association submitted additional conditions that the applicant has agree to add to the conditions of zoning.*

**Request:**

Additionally, the applicant is requesting six (6) concurrent variances from the Zoning Ordinance and Stream Buffer Protection Ordinance as follows:

1. Variance from Section 7.3.3.B of the Zoning Ordinance to reduce the required front yard setback from forty (40) feet to fifteen (15) feet.
2. Variance from Section 7.3.3.C of the Zoning Ordinance to reduce the required side yard setback from twenty-five (25) feet to zero (0) feet.
3. Variance from Section 7.3.3.D of the Zoning Ordinance to reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet.
4. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the twenty-five (25) foot buffer and ten (10) foot improvement setback to a ten (10) foot landscape strip along the north and west property lines.
5. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line.
6. Variance from Section 109.225 of the Stream Buffer Protection Ordinance to allow encroachment into the seventy-five (75) impervious surface setback and fifty (50) foot undisturbed buffer.

**MAYOR AND CITY COUNCIL- October 21, 2014**

The Council recommended deferral to the November 18, 2014 Mayor and City Council Meeting to allow the applicant to submit one site plan and allow staff time to review the revised site plan.

**PLANNING COMMISSION RECOMMENDATION- September 18, 2014**

Tart moved to recommend deferral seconded by Maziar. The Commission recommended approval (6-0, Maziar, Frostbaum, Tart, Porter, Nickles and Squire for; and Duncan not voting), of all variances, revised site plan showing 25 units dated September 18, 2014, pervious surface is required on all driveways and sidewalks located in the stream buffer and driveway/internal road in the following areas: Units 1, 2, 7, 8, 11-14 and 24, 25, and with staff conditions.

COMMUNITY DEVELOPMENT

**PROPERTY INFORMATION**

Address, Land Lot, and District	120 and 130 West Wieuca Road Land Lot 94, District 17 <sup>th</sup>
Council District	6 (Andy Bauman)
Frontage	57' along the north side of West Wieuca Road
Area	2.03 acres
Existing Zoning and Use	A-O (Apartment-Office District) pursuant to Fulton County case Z65-0030, currently developed with two office buildings.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	LWN (Live Work-Neighborhood)
Proposed Zoning	A (Medium Density Apartment District)

**APPLICANT/PETITIONER INFORMATION**

Property Owner Rees Five Four Two, LLC	Petitioner JW Homes, LLC	Representative Pete Hendricks
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**HEARING & MEETING DATES**

Community Zoning Information Meeting June 24, 2014	Community Developer Resolution Meeting July 31, 2014 August 28, 2014	Planning Commission Hearing September 18, 2014	Mayor and City Council Hearing October 21, 2014 November 18, 2014
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**PLANNING COMMISSION RECOMMENDATION- September 18, 2014**

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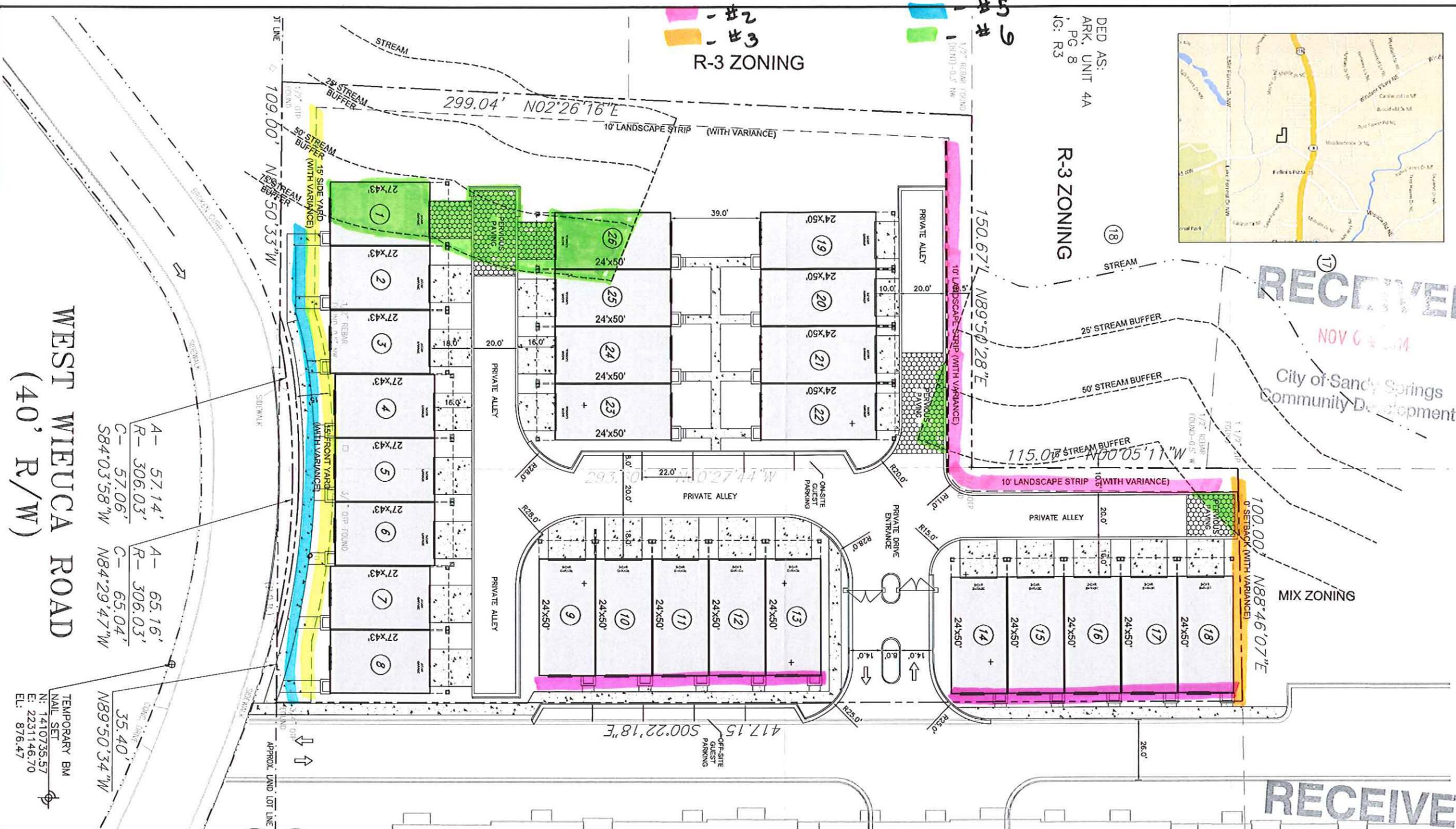
**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

SUBJECT PETITION 201402052	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage/ Units	Density (Square Footage per Acre)
	A	Townhomes	2.03	26 units	12.81 units/ac

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage/ units	Density (Square Feet or Units Per Acre)
North & East	MIX	4600 Roswell Road Gateway	21.246	30,000 Office 90,000 Retail 630 Residential	1,412.03 sf/acre 4,236.10 sf/ac 29.65 units/ac

South	City of Atlanta				
West	R-3	4555, 4565, 4575, 4585 Mystic Drive Single Family Homes	4.4	4	±0.91 units/ac

**Zoning Map**



WEST WIEUCA ROAD  
(40' R/W)

A- 57.14'  
R- 306.03'  
C- 57.06'  
S84°03'58"W

A- 65.16'  
R- 306.03'  
C- 65.04'  
N84°29'47"W

35.40'  
N89°50'34"W

TEMPORARY BM  
NAIL SET  
N: 1410735.57  
E: 2231146.70  
EL: 876.47

- LEGEND:**
- I.P.F. - IRON PIN FOUND
  - C.T.P. - CORRODED TOP PIN FOUND
  - R.B.F. - REBAR PIN FOUND
  - R.B.S. - REBAR PIN SET
  - O.T.F. - OPEN TOP FOUND
  - A.I.F. - ANGLE IRON FOUND
  - D.C.M.F. - CONCRETE MONUMENT FOUND
  - P/L - PROPERTY LINE
  - N/W - NOW OR FORMERLY
  - C/L - CENTER LINE
  - L.L.L. - LAND LOT LINE
  - W.H. - WATER MANHOLE
  - G.V. - GATE VALVE
  - W.M.H. - WATER MANHOLE
  - W. - WATER MAIN
  - D.I.P. - DUCTILE IRON PIPE
  - P.C. - POLYETHYLENE CHLORIDE PIPE
  - P.P. - POWER POLE
  - S.P. - SERVICE POLE
  - T.P. - TELEPHONE POLE
  - D.P.B. - POWER TRANSFORMER BOX
  - T.R. - TELEPHONE RISER
  - E. - ELECTRICAL LINE
  - T.C. - TELEPHONE CABLE
  - G.M. - GAS MAIN
  - C.M.P. - CORRUGATED METAL PIPE
  - B.C.C.M.P. - BUTYLATED COATED CORRUGATED METAL PIPE
  - R.C.P. - REINFORCED CONCRETE PIPE
  - C. - CATCH BASIN
  - J.B. - JUNCTION BOX
  - S.W.H. - STORM DRAIN MANHOLE
  - D.I. - DROP INLET
  - E.P. - EDGE OF PAVEMENT
  - B.C. - BACK OF CURB
  - C. - CONTIGUOUS
  - A.P.L. - APPROXIMATE PROPERTY LINE
  - C.O. - CLEAN OUT
  - M.B. - MALIBOX
  - U.C.M. - UNDERGROUND CABLE MARKER
  - B.S.W.H. - BELLSOUTH MANHOLE
  - F.C.M. - FIBER OPTIC CABLE MARKER
  - M.H. - MOBILE HOME
  - D.S.T. - DISTURBED
  - P.O.B. - POINT OF BEGINNING
  - P.O.C. - POINT OF COMMENCEMENT
  - C.L.F. - CHAIN-LINK FENCE
  - S.S.E. - SANITARY SEWER EASEMENT
  - G.W. - GUY WIRE
  - D.E. - DRAINAGE EASEMENT
  - A.T.M. - AUTOMATED TELLER MACHINE
  - D.Y.L. - DOUBLE YELLOW LINE
  - U.G.T. - UNDERGROUND TELEPHONE
  - W.I.L. - SOLID WHITE LINE
  - E.C. - EDGE OF CONCRETE
  - T.P. - TAX PARCEL NUMBER
  - I.E. - INVERT ELEVATION
  - A.K.A. - ALSO KNOWN AS
  - T.B.M. - TEMPORARY BENCH MARK

**DEVELOPMENT STATISTICS**

BUILDING FOOTPRINTS: 33,858 SF (35%)  
PARKING: 926 SF (1%)

TOTAL LOT COVERAGE: 31,814 SF (33%)  
OTHER IMPERVIOUS AREA: 27,210 (31%)  
TOTAL LOT IMPERVIOUS AREA: 59,024 (67%)

FLOOD PLAIN: 0 SF (0%)  
LANDSCAPING: 17,352 SF (20%)  
UNDEVELOPED AND/OR OPEN SPACE: 12,153 SF (13%)  
TOTAL SITE AREA: 68,539 SF (2.03 ACRES)

PARKING SPACES: 67 (2 CARS PER GARAGE + 5 GUEST)

**BUFFER ENCROACHMENTS**

STREAM BUFFER CATEGORY	PRE-DEVELOPED IMPERVIOUS (SF)	POST-DEVELOPED IMPERVIOUS (SF)
25' STATE BUFFER	16	0
50' UNDISTURBED BUFFER	1924	203
75' IMPERVIOUS BUFFER	2331	3173
<b>TOTAL AREA</b>	<b>4871</b>	<b>3376</b>

- VARIANCE REQUEST**
- Variance to Section 7.3.3 b to reduce Front Yard from 40' to 15'
  - Variance to Section 7.3.3 c to reduce Side Yard adjacent to the MIX zoned property to the east from 25' to 0'
  - Variance to Section 7.3.3 d to reduce the Rear Yard adjacent to the M/X zoned property to the north from 25' to 0'
  - Variance to Section 4.23.1 to reduce the 25' Buffer an 10' Landscape Strip adjacent to the R-3 zoned property to the north and west to a 10' Landscape Strip
  - Variance to Section 4.23.1 to reduce the Landscape Strip along the frontage from 40' to 0', and to reduce the Landscape Strip adjacent to the MIX zoned property from 10' to 0'
  - Variance to reduce the Stream Buffer from 75' to 25'

**NOTE: PRIVATE ALLEYS AND DRIVES AS DEPICTED ON THIS SITE PLAN SHALL NOT HAVE TO CONFIRM TO PUBLIC ROAD STANDARDS**

**SITE DATA**

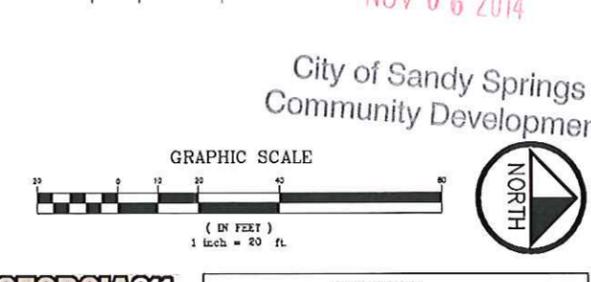
LOT ADDRESS: 120 & 130 WEST WIEUCA ROAD  
LOT AREA: 2.03 ACRES (88,539 SF)  
ZONING: A-MEDIUM DENSITY APARTMENT DISTRICT  
MAX DENSITY: 14 UNITS PER ACRE  
PROPOSED USE: 26 SINGLE FAMILY ATTACHED TOWNHOMES  
DENSITY: 12.8 UNITS/AC

SETBACKS:  
FRONT YARD: 15' (VARIANCE FROM 40')  
SIDE YARD: 0' TO MIX ZONING (VARIANCE FROM 25')  
SIDE YARD: 10' TO R-3 ZONING (VARIANCE FROM 25')  
REAR YARD: 0' TO R-3 ZONING (VARIANCE FROM 25')  
REAR YARD: 0' TO MIX ZONING (VARIANCE FROM 25')

MAX HEIGHT: 45 FEET  
MAX LOT COVERAGE: 40% (BUILDING FOOTPRINTS & PARKING)

SANITARY AND DOMESTIC WATER ARE AVAILABLE IN RIGHT-OF-WAY OF WIEUCA ROAD

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS ESTABLISHED BY FEMA FLOOD INSURANCE RATE MAP PANEL NUMBER 131210141F DATED SEPT. 18, 2013.



**GEORGIA811**  
Utilities Protection Center, Inc.

Know what's below  
Call 811 or (800) 282-7411  
Before You Dig

**\*\*\*CAUTION\*\*\***

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

**RECEIVED**  
NOV 06 2014  
City of Sandy Springs  
Community Development

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NOV 06 2014  
City of Sandy Springs  
Community Development

**GEORGIA REGISTERED PROFESSIONAL ENGINEER**  
WILLIAM B. PATTON

**paradigm Engineering Services, Inc.**  
Seven Dunwoody Park  
Atlanta, GA 30338  
(770) 605-6030  
www.ParadigmEng.com

Project No. P-1414  
Design By: WBD  
Drawn By: LF  
Checked By: WBD  
Date: 11/2/14  
Scale: 1" = 20'

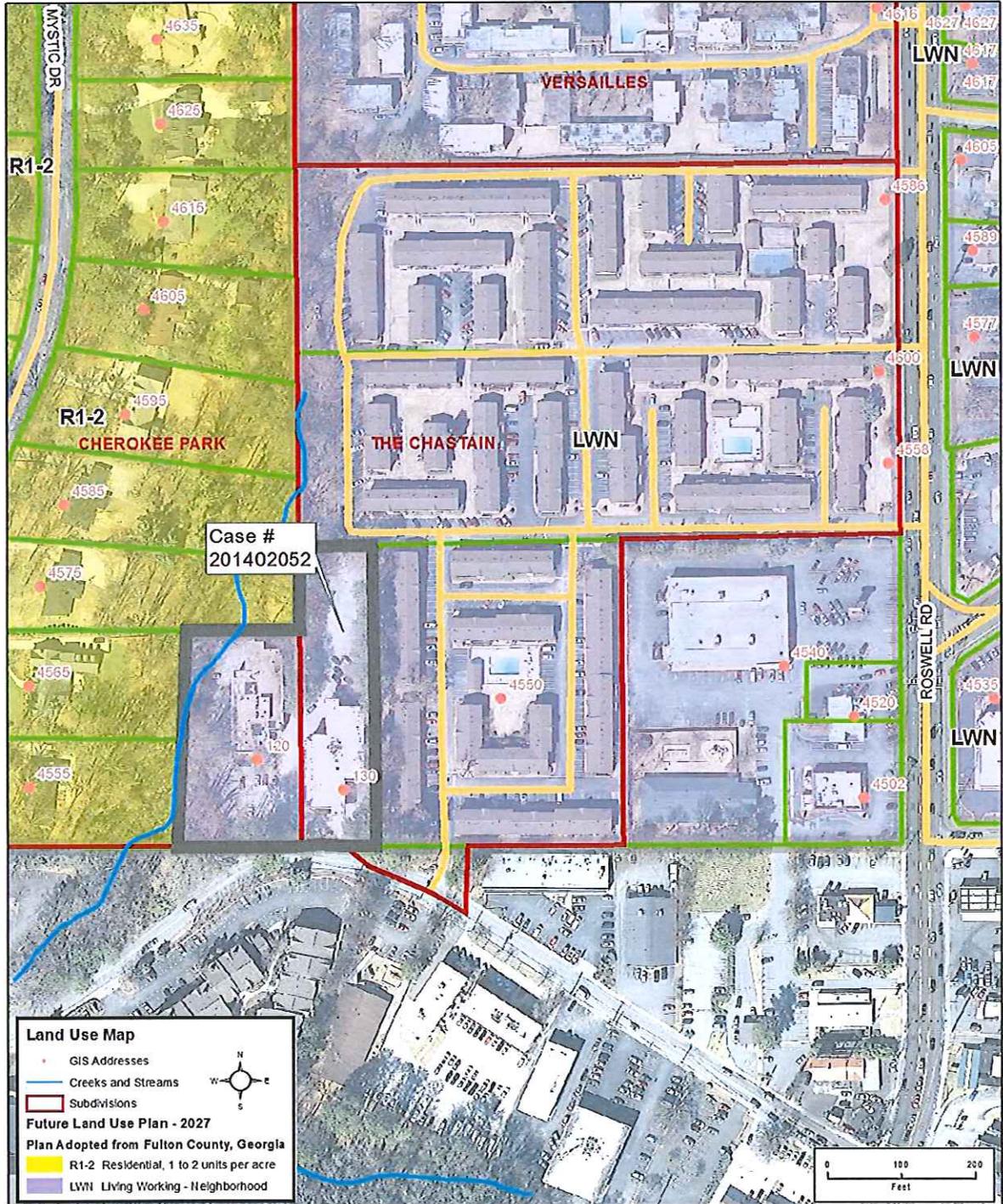
**JOHN WIELAND HOMES AND NEIGHBORHOODS**  
JWHomes.com  
4125 Alhambra Road SE • Smyrna, GA 30080  
24 Hour Contact: 800.228.2313

**SITE PLAN**  
WEST WIEUCA (CONCEPT 15.1)  
120 & 130 WEST WIEUCA ROAD  
LAND LOT 94, 17TH DISTRICT  
FULTON COUNTY, GEORGIA

Drawing No. **C2.0**



120, 130 W. Wieuca Road



ZONING IMPACT ANALYSIS

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting November 18, 2014

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

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*A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Findings: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of MIX (Mixed Use District) to the North and east; R-3(Single Family Dwelling District) to the north and west; and a daycare and apartment zoning to the south.

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*B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Findings: The staff is of the opinion that the proposal if approved could have an adverse impact on the use or usability of adjacent or nearby properties. The Future Land Use map recommends LWN (Live Work Neighborhood). The proposed density of 12.81 is not consistent with the Comprehensive Plan density of 5 units per acre recommended in the LWN (Live Work Neighborhood) designation. The application meets land use policies set forth in the Comprehensive Plan for living working areas. The surrounding properties consist of a variety of housing, office and retail uses. The proposal does provide a transition from the more intense MIX zoning (north and east) to the single family uses (north and west)

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*C. Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.*

Findings: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

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*D. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Findings: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure. The proposed development will be required to meet all current City codes and ordinances, which will require a stormwater management system.

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*E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

Findings: The staff is of the opinion that the proposed use is consistent with the intent of the Comprehensive Plan. The Comprehensive Plan category for these properties is Live Work Neighborhood (LWN) and the recommended density is up to 5 units per acre for residential. The applicant is proposing a density of 12.81 units per acre. However, the proposal provides a transition from the more intense apartment, office and commercial uses along Roswell Road. They have also provided 13% green space where 5% is required. The proposal consolidates two (2) lots. Residential uses are encouraged in Node 1: Windsor Parkway Node.

## Node 1: Windsor Parkway Node

### Vision

1. Area is currently characterized by old apartments, shopping centers and narrow lots fronting Roswell Road that abut predominantly single-family neighborhoods.
2. Consolidation of smaller lots should be encouraged to accommodate a more consistent character in terms of architecture and uses, and provide for an elimination or reduction of curb cuts along Roswell Road.
3. Development should be the least intense of the Live-Work land use classifications and characterized by low-rise building types.
4. Developments should be designed to protect existing single and multifamily neighborhoods along the east and west boundaries of the Node.

### Guidelines and Policies

1. Developments should be consistent with the standards that apply to the Live-Work Neighborhood land use classification (see Table 1.5), which includes:
  - a. Residential density should be 5 units per acre or less;
  - b. Commercial and office densities should be 10,000 square feet per acre or less;
  - c. Total square feet per tenant should be 30,000 square feet or less;
  - d. Maximum building height should be 2 stories; and
  - e. At least 10% of the site shall be green/open space, with 5% of the site reserved as green space and remaining 5% as open or green space.
2. Commercial and retail uses should be confined and concentrated around the intersection of Roswell Road and Windsor Parkway.
3. Office and residential uses are encouraged in the other developable areas of this Node.
4. Projects should incorporate appropriate transitions to existing neighborhoods through reductions in height, the incorporation of less intense uses, the use of compatible architecture, the utilization of traditional or natural materials, and the incorporation of open and green space.
5. Automobile oriented uses shall be discouraged.
6. Density and/or height bonuses, beyond the recommendations of the Comprehensive Plan, may be approved by the Mayor and City Council for the development or redevelopment of assembled properties comprising 5 or more acres. The approval of bonuses will be based on the merits of the project relative to whether it provides desirable attributes that meet or exceed the goals and objectives of the Comprehensive Plan. Such goals may include, but not be limited to:
  - a. Providing significant green space that exceeds the minimums established in Table 1.5.
  - b. The elimination of multiple curb cuts along Roswell Road.
  - c. The use of more neighborhood-scale architecture and design in accordance with new urbanism principles.

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F. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

Findings: The staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

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G. *Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.*

Findings: The staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs. The proposal will be required to meet all current City codes.

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#### **VARIANCE CONSIDERATIONS**

Article 22 Appeals, of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,*
2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or*

The applicant is requesting six (6) concurrent variances as outlined below. The applicant has indicated that the variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not result in any harm to the health, safety and welfare of the general.

1. Variance from Section 7.3.3.B of the Zoning Ordinance to reduce the required front yard setback from forty (40) feet to fifteen (15) feet.

Findings:

*Staff is of the opinion that the request to reduce the forty (40) foot front landscape strip to fifteen (15) foot is in harmony with the intent on the Zoning Ordinance and would not cause a detriment to the public.*

*Buildings constructed closer to the street create more walkability. The property is located next to a large mixed use development and within walking distance to Chastain Park. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

2. Variance from Section 7.3.3.C of the Zoning Ordinance to reduce the required side yard setback from twenty-five (25) feet to zero (0) feet (east property line).

Findings:

*Staff is of the opinion that the reduction of the required 25 foot setback is in harmony with the intent of the Zoning Ordinance. The request is adjacent to the entrance and internal drive to the mixed use development. Moving the buildings closer to the internal drive promotes walkability and pulls the*

*buildings away from the residentially zoned properties to the west. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

3. Variance from Section 7.3.3.D of the Zoning Ordinance to reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet.

**Findings:**

*Staff is of the opinion that the request to reduce the twenty-five (25) foot rear yard setback to zero (0) is in harmony with the intent on the Zoning Ordinance and would not cause a detriment to the public. The location of the reduction is adjacent to the more intense mixed use property. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

4. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the twenty-five (25) foot buffer and ten (10) foot improvement setback to a ten (10) foot landscape strip along the north and west property lines.

**Findings:**

*Staff is of the opinion that the reduction of the required twenty-five (25) foot buffer and ten (10) foot improvement setback are in harmony with the intent of the Zoning Ordinance. The applicant is replacing an existing parking lot with a smaller driveway and increase the green space and planting from the existing use. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

5. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line.

**Findings:**

*Staff is of the opinion that the reduction of the required forty (40) foot landscape strip to zero (0) on the West Wieuca Road frontage and the east property line is in harmony with the intent of the Zoning Ordinance. Buildings constructed closer to the street create more walkability. The property is located next to a large mixed use development and within walking distance to Chastain Park and would not be a detriment to the general public. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

6. Variance from Section 109.225 of the Stream Buffer Protection Ordinance to allow encroachment into the seventy-five (75) impervious surface setback and fifty (50) foot undisturbed buffer.

**Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:**

Sec. 109-225. Land development requirements.

(b) Variance procedures. Variances from subsection (a) of this section may be granted in accordance with the following provisions:

(3) Variances will be considered only in the following cases:

a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.

**Finding:**

The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffer covers approximately 20% of the property with a stream running north to south along the western side of the property. Based on these reasons, staff is of the opinion this condition has been satisfied.

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

**Finding:**

Staff notes the stream buffer covers approximately 20% of the property's buildable area. The applicant is removing an existing driveway which covers the majority of the site. The applicant has an overall reduction of 1,495 square feet of impervious surface on the site. The applicant is also constructing an underground stormwater detention system which currently does not exist on the property. The applicant's proposed encroachments are as follows:

	0-25' State Buffer	25'-50' Undisturbed	50'-75' Impervious Setback
<b>Existing Encroachments</b>	16sf	1,924 sf	2,931 sf
<b>Proposed Encroachments</b>	0 sf	203 sf	3,173 sf
<b>Reduction/ Increase</b>	-16 sf	-1,721 sf	+ 242
<b>Total Site reduction</b>	1,495 sf		

All encroachments are labeled on the site plan dated received November 4, 2014. There is an overall reduction of 1,495 square feet of impervious surface in the stream buffer. Based on these reasons, staff is of the opinion this condition not has been satisfied.

(5) The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

**Finding:**

The property is rectangular in shape. The property slopes from east to west approximately eighteen (18) feet. Staff is of the opinion that the property does not exhibit extraordinary and exceptional conditions related to its topography.

b. The locations of all streams on the property, including along property boundaries;

**Finding:**

All streams on the property have been identified on the site plan. The stream buffer covers approximately 20% of the property with a stream running north to south along the western side of the property.

c. The location and extent of the proposed buffer or setback intrusion;

**Findings:**

All buffer and setback intrusions have been identified on the site plan. The applicant is proposing to construct townhomes and driveway in the stream buffers.

- d. Whether alternative designs are possible which require less intrusion or no intrusion;

**Findings:**

Alternative designs have been discussed with the staff regarding the proposed building and driveway location. The applicant has added pervious paver in location where driveways encroach into the stream buffer. Therefore, staff is of the opinion this condition has not been satisfied.

- e. The long-term and construction water quality impacts of the proposed variance;

**Findings:**

The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.

- f. Whether issuance of the variance is at least as protective of natural resources and the environment.

**Findings:**

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition. There is an overall reduction of 1,495 square feet of impervious surface in the stream buffer. The applicant is proposing to remove all impervious surfaces out of the 0 to 25 foot state buffer.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on July 9, 2014 at which the following departments had comments. The staff has received additional comments from the Fulton County Board of Education and Fulton County Department of Water Resources (see attachments).

<b>Transportation Planner</b>	<p>The West Wieuca Roadway frontage is within the corporate boundaries of the City of Atlanta. Applicant will need to obtain right-of-way/encroachment permit from the City of Atlanta for the proposed driveway. Applicant shall provide study for driveway lineage for outbound movement.</p> <p><b><u>Recommended Conditions:</u></b></p> <ul style="list-style-type: none"> <li>The shared access streets shall be designed and constructed to public street standards.</li> <li>Applicant has proposed shared access street with Development of Regional Impact (DRI) 2290, Chastain Mixed Use. As such, the Georgia Regional Impact (GRTA) DRI conditions from the Notice of Decision (NOD) dated January 30, 2013 shall apply to the West Wieuca Road access.</li> </ul> <p>At time of Land Disturbance Permit, site shall meet requirements of Articles 11 and 12 of the Development Ordinance. Based on review of the zoning site plan, please note the following:</p>
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	<ul style="list-style-type: none"> <li>• Street design shall meet design and construction standards, §103-70.</li> <li>• Private streets shall be constructed to public street standards, §103-72.</li> <li>• Gate setback and design shall meet requirements of §103-72(g).</li> <li>• Minimum street spacing for 25 mph is 200 feet and internal streets shall be aligned to avoid offsets, §103-73</li> <li>• Dead-end streets greater than 150-feet long shall provide turnaround §103-74(c).</li> <li>• The minimum right-of-way or shared easement for new local streets is 50 feet, and the minimum pavement width per lane is 10 feet §103-75.</li> <li>• The minimum roadway radii for local street intersections is 25 feet, §103-77.</li> <li>• Proposed drives and intersections shall meet sight distance requirements of §103-77.</li> <li>• Sidewalks are required on both sides of the street and main driveway, §103-80.</li> <li>• As shown, the narrowness of the proposed driveways conflict with the ingress-egress of the drive aisles.</li> <li>• Site shall provide a shared driveway ingress-egress easement.</li> </ul> <p>A pedestrian gate shall be provided at entrance to shared driveway.</p>
<b>Fire/Building</b>	A fire department turn-around is required at all roads with a dead end of 150' or more

**PUBLIC INVOLVEMENT**

*Public Comments*

- Guest Parking
- Condition of existing pipe which stream buffer runs through
- Going up not out with density
- Not right project for the site
- Wieland not doing well with Best Management Practices (BMP) on other sites
- Lower Height of Townhomes
- Replanting and treatment of buffer
- Plans for neighboring properties
- Cross Section from Cherokee Park properties
- Noise and light pollution
- Stream buffer
- Density is driving stream buffer variance
- Un-piping the stream
- Remove unit from stream buffer
- Traffic on West Wieuca
- Site Distance

**CONCLUSION TO FINDINGS**

The Comprehensive Plan clearly supports a variety of housing types and uses. The Plan notes that the designation of areas in the Living Working Category was done to encourage redevelopment. Although, the proposed density is higher than the ranges suggested by the Future Land Use Map, it is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies. Therefore, based on these reasons; the staff recommends **APPROVAL CONDITIONAL** of the rezoning petition and the concurrent variances.

<b>STAFF RECOMMENDED CONDITIONS</b>
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Should the Mayor and City Council decide to rezone the subject property from A-O (Apartment Office District) to A (Medium Density Apartment District), 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. Townhouses at a density of 12.81 units per acre or 26 units, whichever is less.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated November 4, 2014. 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. The applicant shall be required to complete the concept review procedure prior to application for 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. Shared access streets shall be designed and constructed to public street standards.
  - b. Shared access street with Development of Regional Impact (DRI) 2290, Chastain Mixed Use. As such, the Georgia Regional Impact (GRTA) DRI conditions from the Notice of Decision (NOD) dated January 30, 2013 shall apply to the West Wieuca Road access.
  - c. Shared access street shall align with proposed apartment building on the east side of access road within the Sandy Springs Gateway project.
  - d. Driveway depth shall have a depth of a minimum of eighteen (18) feet.
  - e. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet. (CV201402052 #1)
  - f. To reduce the required side yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #2)
  - g. To reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #3)
  - h. To reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line. (CV201402052 #5)

- i. To reduce the stream buffer to allow the encroachments as shown on the site plan dated November 4, 2014 (CV201402052 #6)
- j. Residential units shall have a height limit of forty (40) feet.
- k. There shall be no common trash dumpsters. Trash shall be picked up from individual units one day per week.
- l. Building lighting shall not be located above the first floor except Coach lights at the back doors of units which shall be screen and directed downward.
- m. Building exterior treatments shall be brick and/or stone.

#### **Attachments**

- Letter of Intent dated received June 3, 2014
- Site Plans November 4, 2014
- Site Plan dated received September 11, 2014
- Proposed West Wieuca Development
- Additional comments from the Fulton County Department of Water Resources, Fulton County Department of Health Services, Fulton County School System Impact Report and City of Atlanta water
- Conditions and site plans submitted by Cherokee Park Civic Association
- Public Comment Letter of opposition (3)

LETTER OF INTENT

The property contains approximately 2.03 acres and is located on the northerly side of West Wieuca Road to the west of its intersection with Roswell Road (the "Property"). The Property is presently zoned to the A-0 Classification.

The Applicant requests a rezoning to the A (Apartment) Classification for the development of 27 townhomes which shall be "For Sale" residences. Given the narrow shape of the Property and its size and the presence of a stream crossing the northwest corner and side of the Property which burdening conditions are significant and unique to the Property, the Applicant requests a six (6) part Concurrent Variance as 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 not cause any harm to the health, safety and welfare of the general public and conversely will enable the Applicant to deliver residential ownership to the housing stock of the City of Sandy Springs. The Property is designated under the Sandy Springs Comprehensive Land Plan to be in the Live/Work Neighborhood area. While the density of 13.3 units per acre is higher than that suggested under the Live/Work Neighborhood designation, the zoning proposal of the Applicant does conform with the City's stated policy for revitalization of older developed properties the end result of which will be to increase the stock of homeownership in the City. Therefore, this Application for Rezoning and Concurrent Variances is entirely appropriate and the appropriate of this Application for Rezoning and Concurrent Variances 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.

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

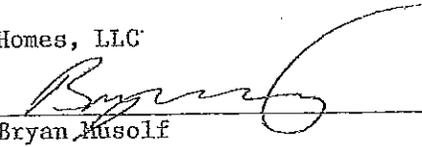
201402052  
RECEIVED

JUN 03 2014

City of Sandy Springs  
Community Development

APPLICANT:

JW Homes, LLC

By:   
Bryan Musolf  
Its: Director of Land Acquisitions

  
Nathan V. Hendricks III  
Attorney for the Applicant

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

Exhibit "A"

CONCURRENT VARIANCES:

1. Pursuant to Article 109.225, allow encroachment into the Stream Buffer as shown on the Site Plan submitted simultaneously herewith. It is to be noted that there shall be removed from the stream buffer more impervious area than what is proposed to be constructed therein.
2. Pursuant to Article 7.3.3.B., reduce the front yard setback from 40 feet to 15 feet.
3. Pursuant to Article 7.3.3.C., reduce the side yard setback along the east Property line from 25 feet to 0 feet.
4. Pursuant to Article 7.3.3.D., reduce the rear yard setback along the north Property line adjacent to property zoned to the MIX Classification from 25 feet to 0 feet.
5. Pursuant to Article 4.23.1., reduce the 25 foot buffer and 10 foot improvement setback to a 10 foot landscape strip along the north and east Property lines adjacent or property zoned to the R-3 Classification.
6. Pursuant to Article 4.23.1., reduce the 40 foot landscape strip to 0 feet along the Property frontage on West Wleuca Road and reduce the 10 foot landscape strip to 0 feet along the east Property line adjacent to Property zoned to the MIX Classification.

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 rezone the Property 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 rezoning of the subject Property 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 in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property 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.





# PROPOSED WEST WIEUCA DEVELOPMENT

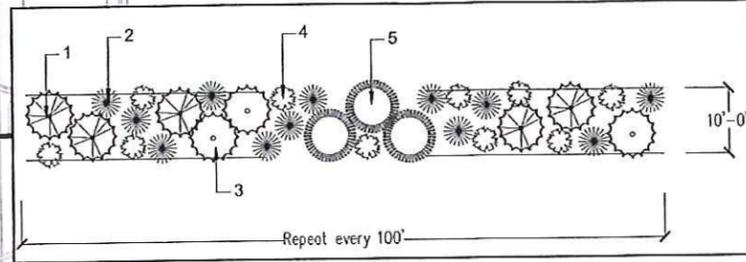
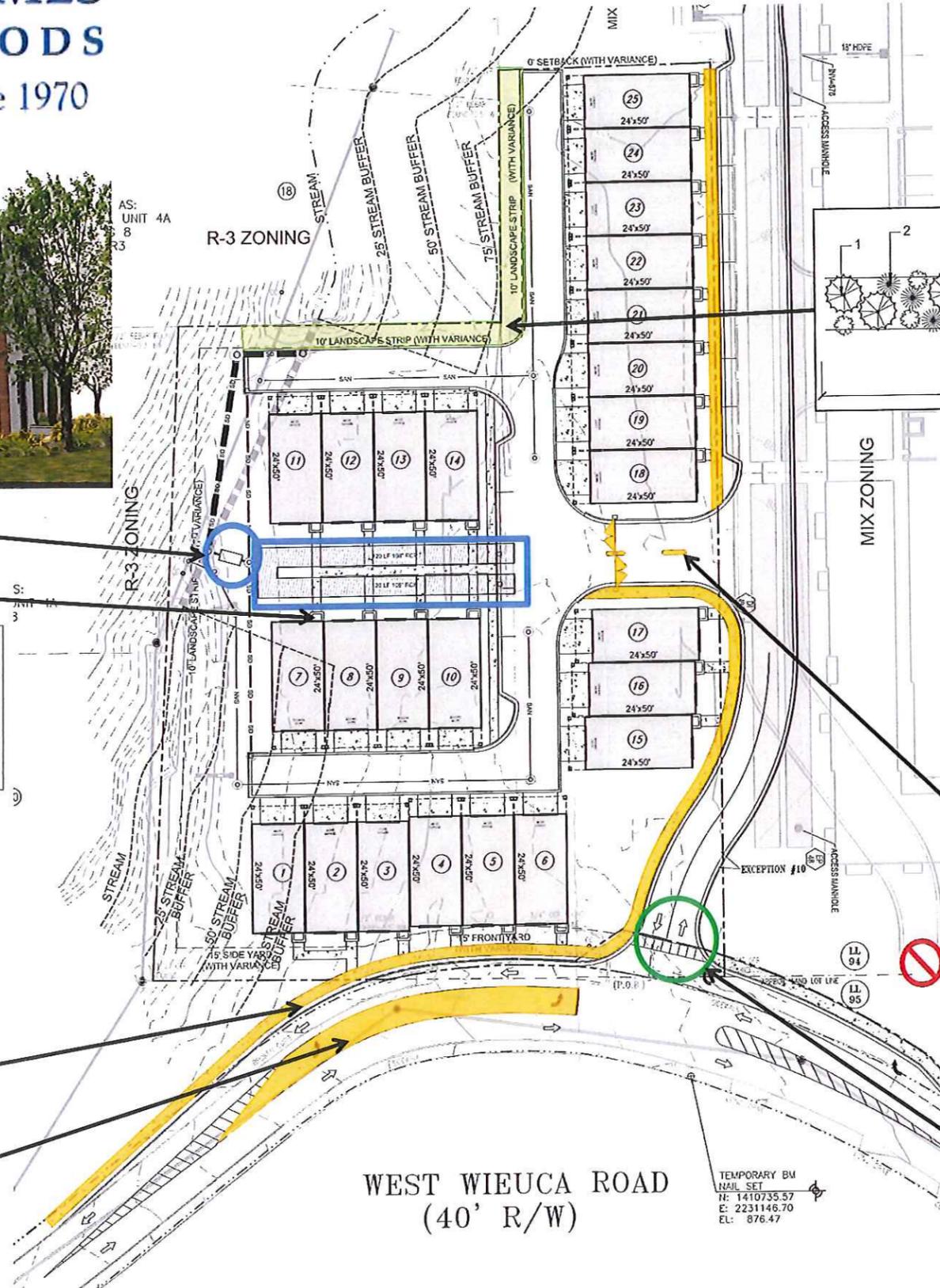
*John Wieland*  
**JOHN WIELAND HOMES  
 AND NEIGHBORHOODS**  
 The Signature of Confidence Since 1970



1-Cryptomeria

2-Deodar Cedar

3-Brackens Magnolia



SYM	#	SIZE	NAME
1	5	8-10'	Brackens Beauty Magnolia
2	12	#7	Loblolly Pine
3	3	8-10'	Deodar Cedar
4	10	#7	Waxleaf Ligustrum
5	3	10-12'	Cryptomeria

**CRYSTAL STREAMS WATER QUALITY DEVICE**

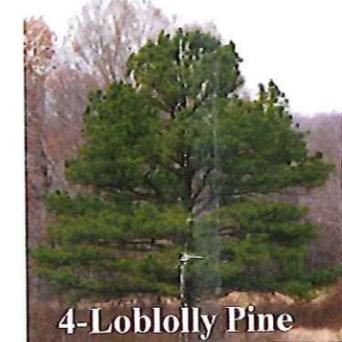
**15K OF UNDERGROUND DETENTION STORAGE**

IN THE EXISTING DEVELOPMENT THERE IS 66K SQFT OF IMPERVIOUS SURFACE WITH NO WATER QUALITY OR DETENTION FACILITY. IN THE PROPOSED DEVELOPMENT THERE WILL BE 55K SQFT OF IMPERVIOUS SURFACE WITH WATER QUALITY AND DETENTION.

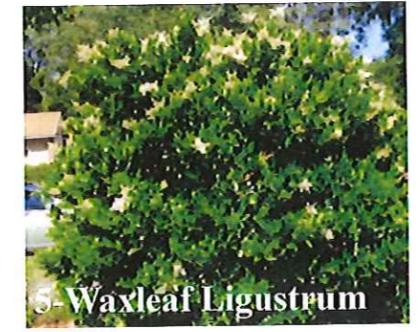


**INSTALLATION OF NEW SIDEWALK CONNECTING TO GATEWAY AND CHASTAIN**

**ADDITION OF LEFT HAND TURN LANE. REDUCES TRAFFIC STACKING ON WEST WIEUCA.**



4-Loblolly Pine



5-Waxleaf Ligustrum



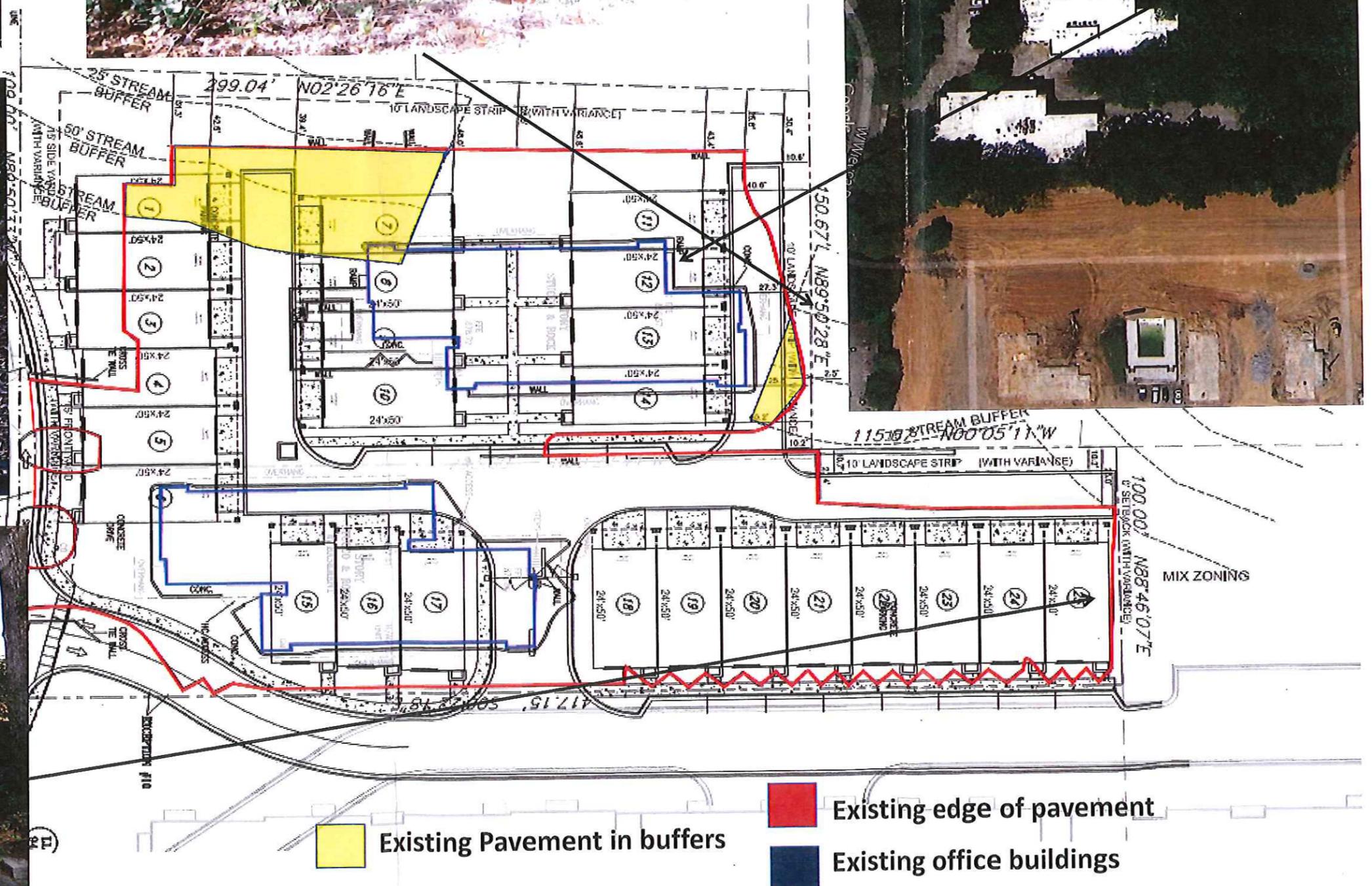
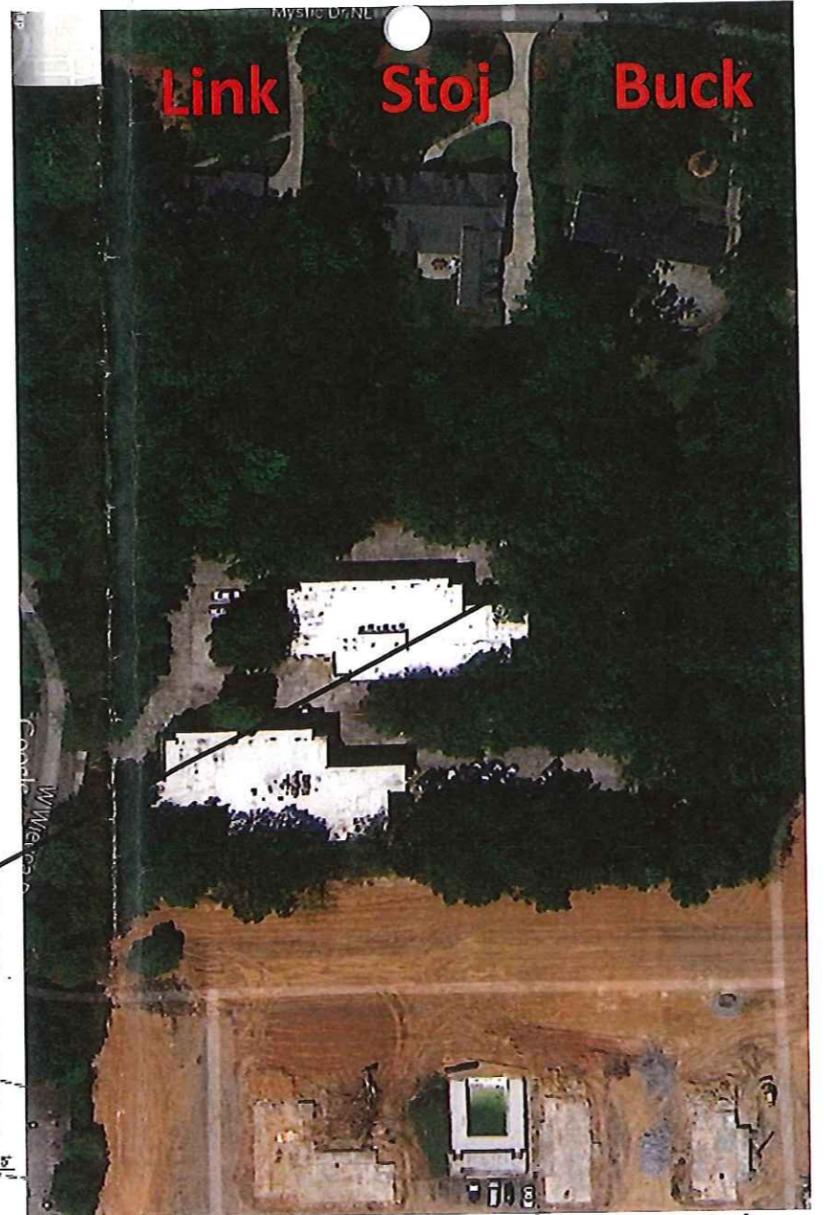
**GATED ENTRY TO NEIGHBORHOOD**

**SINGLE ENTRANCE TO GATEWAY AND PROPOSED SUBDIVISION**

**TRAFFIC: 25 TH UNITS. AVERAGE OF 2 RESIDENTS PER UNIT.**

**WEST WIEUCA ROAD (40' R/W)**

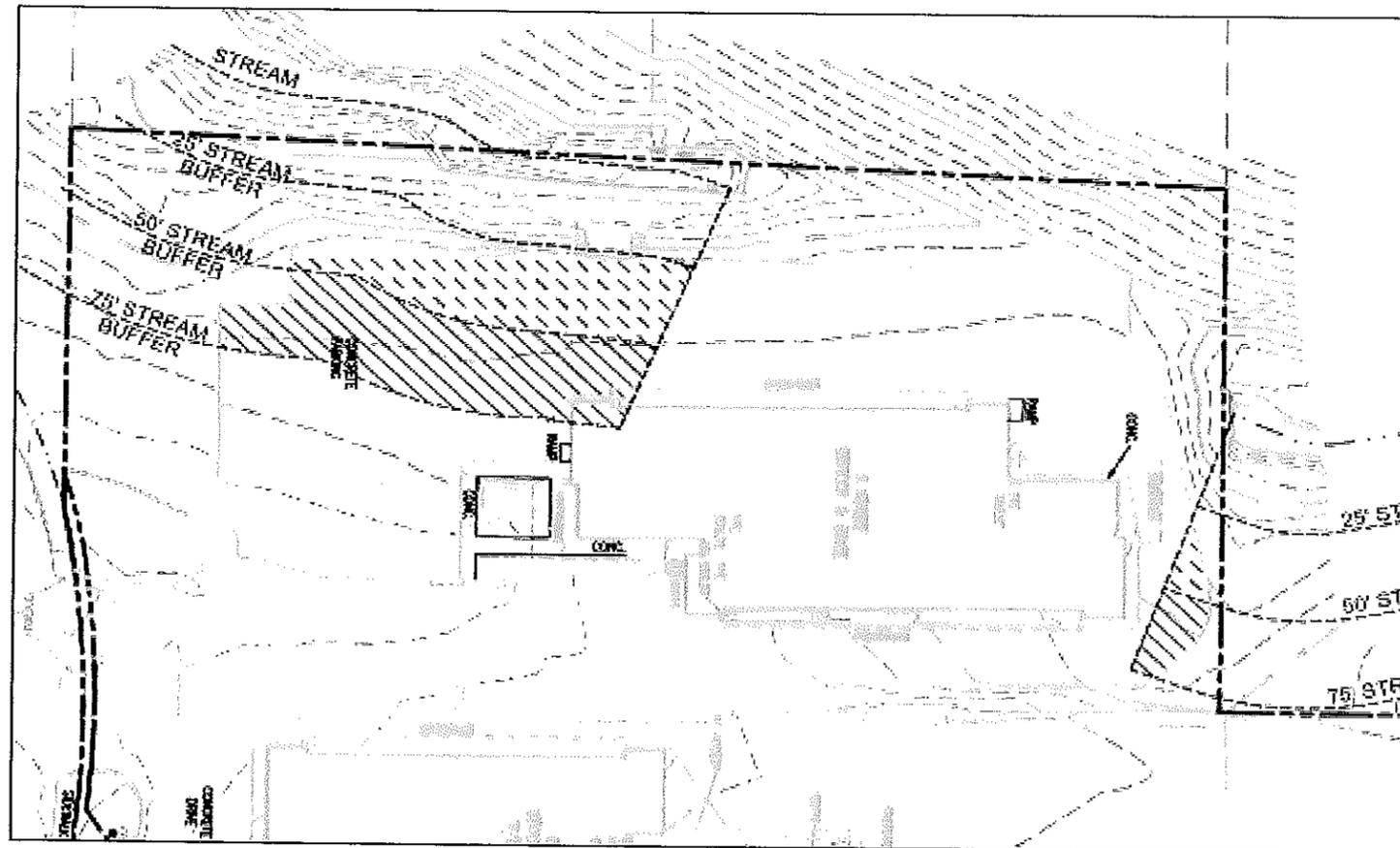
TEMPORARY BM  
 MARK SET  
 N: 1410735.57  
 E: 2231146.70  
 EL: 876.47



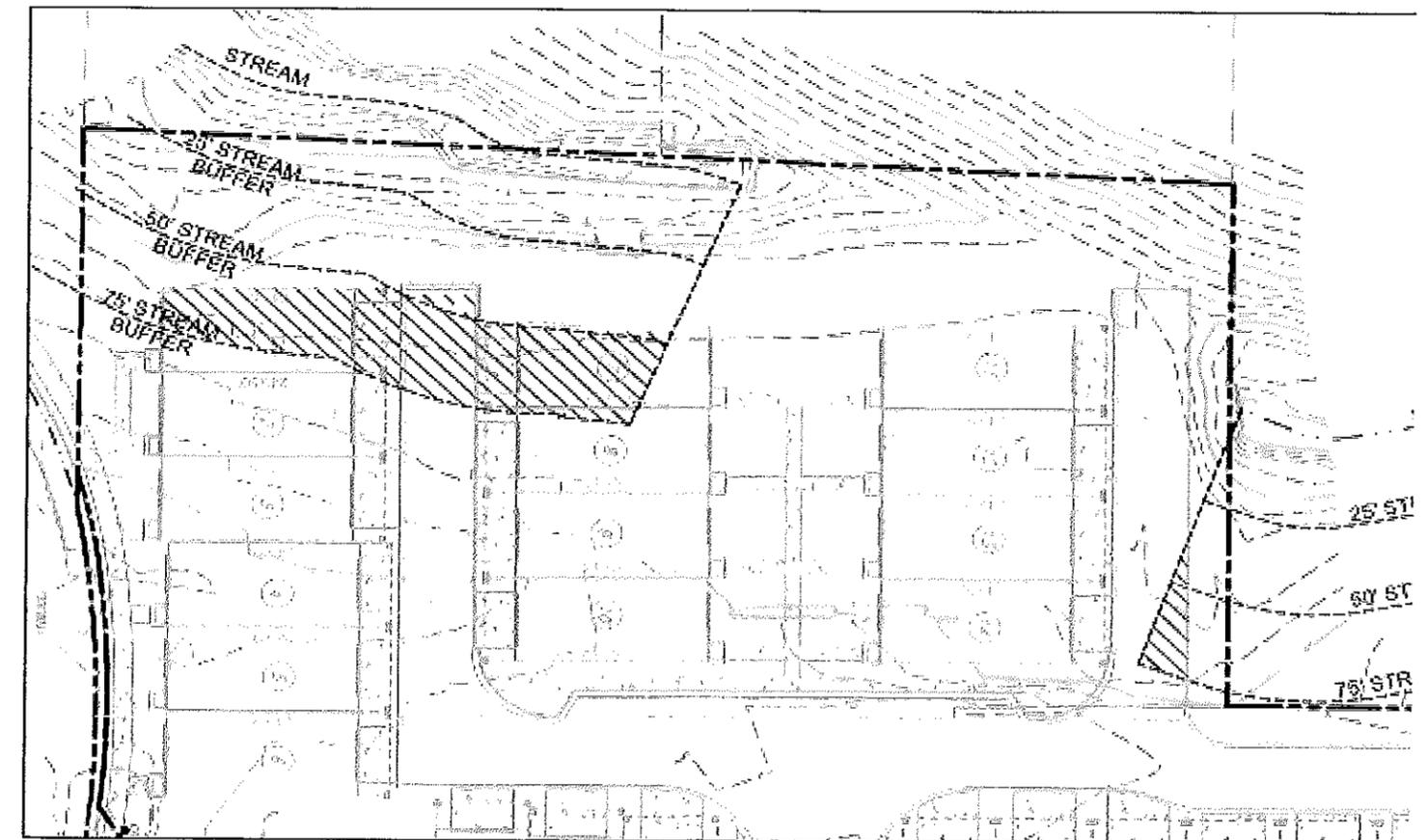
# IMPERVIOUS SURFACES REDUCED GREATLY

- Total Site: Impervious will be reduced by 26%
- Removes 100% impervious in 25' state buffer
- Reduces 50' buffer impervious impact by 85%
- Reduces 75' buffer impervious impact by 3.3%

- 50' buffer can be additionally reduced by 120 sqft with pervious pavers in driveways
- 75' Buffer can be additionally reduced by 684 sqft with pervious pavers in driveways



EXISTING BUFFER ENCROACHMENTS

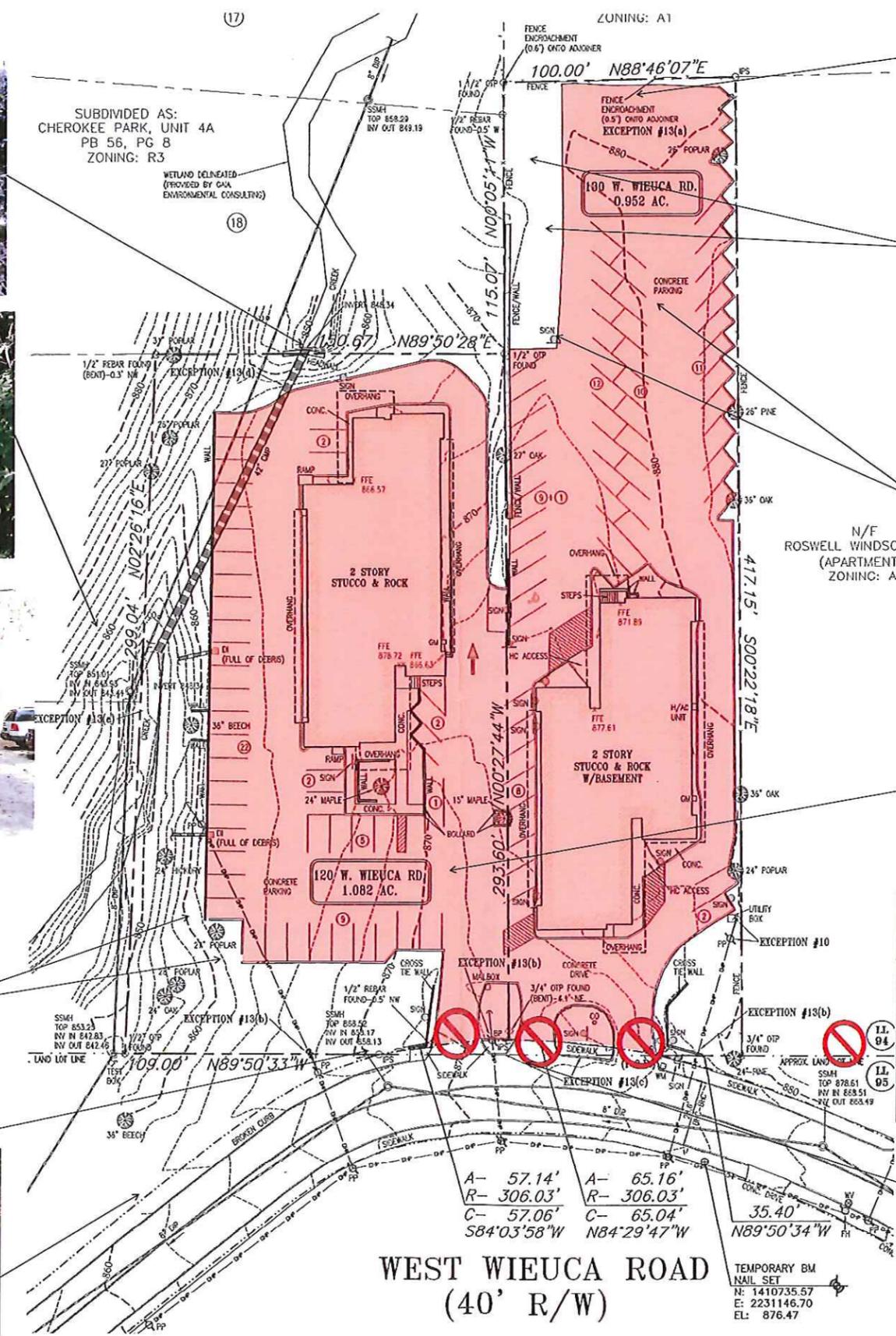


PROPOSED BUFFER ENCROACHMENTS

16 SF IMPERVIOUS WITHIN 25' STREAM BUFFER  
1,924 SF IMPERVIOUS WITHIN 50' STREAM BUFFER  
2,931 SF IMPERVIOUS WITHIN 75' STREAM BUFFER  
4,871 SF TOTAL IMPERVIOUS IN BUFFER

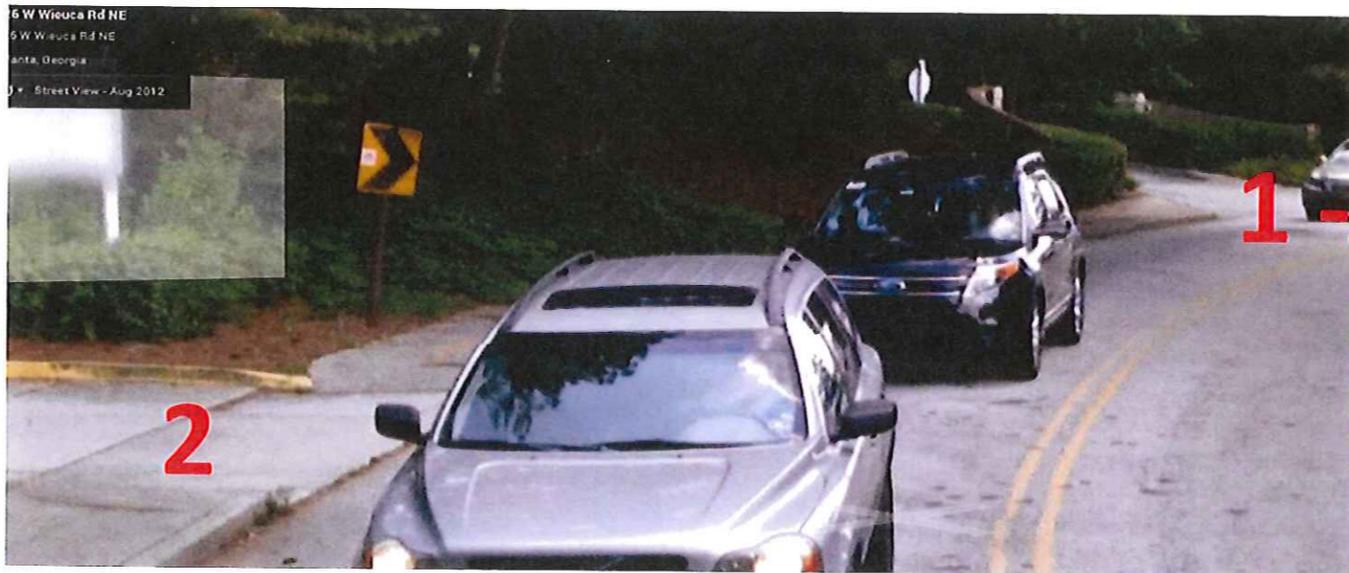
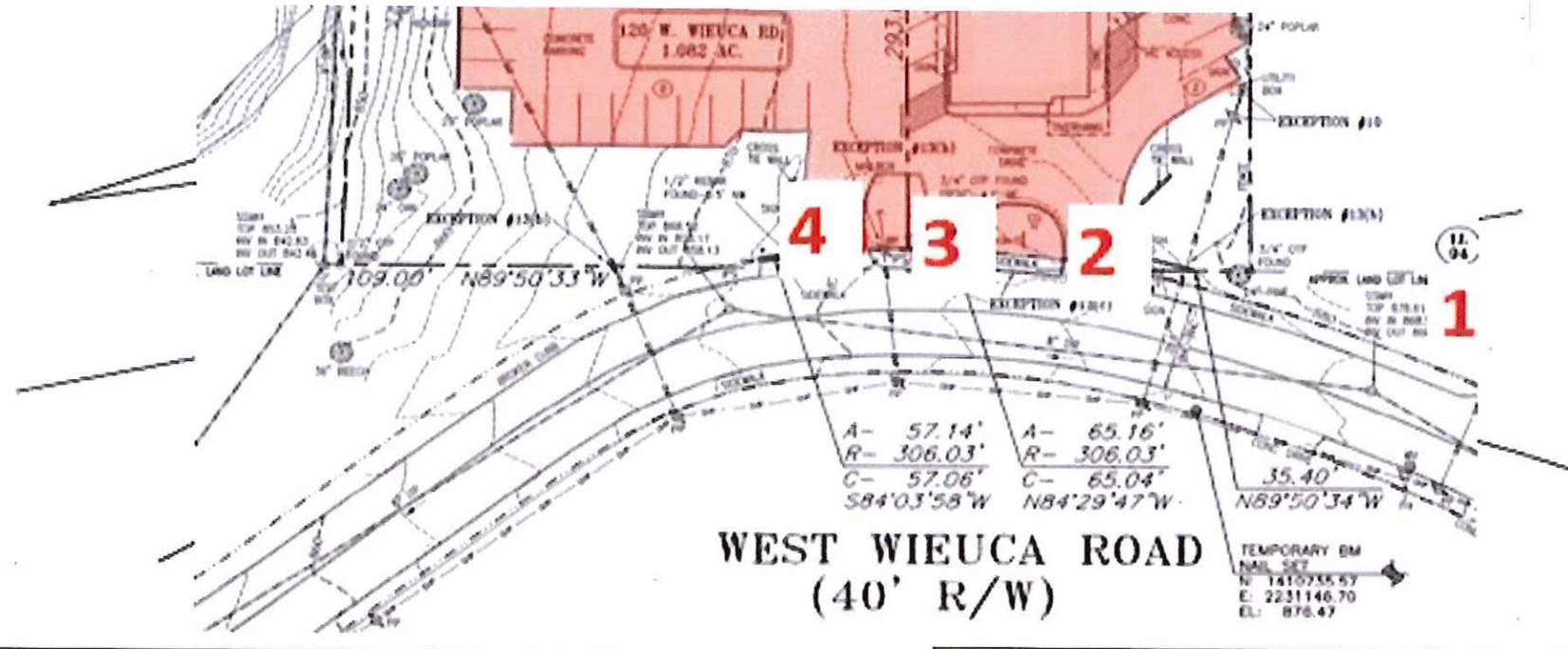
0 SF IMPERVIOUS WITHIN 25' STREAM BUFFER  
292 SF IMPERVIOUS WITHIN 50' STREAM BUFFER  
2,836 SF IMPERVIOUS WITHIN 75' STREAM BUFFER  
3,128 SF TOTAL IMPERVIOUS IN BUFFER

# EXISTING 120 & 130 WEST WIEUCA ROAD, NE



Traffic: 63 office units. Average 2.2 employees per office + Clients.

# CURRENTLY 4 CURB CUTS EXIST AT WEST WIEUCA CURVE



## 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 residential townhouse unit x 27 townhouse units = 7,290 gallons per day (gpd).

This project is within the City of Atlanta water jurisdiction. Please note that in Fulton County Government water service areas that for townhouse developments individual water meters are required for each individual unit.

#### **SEWER:**

Basin: Nancy Creek

Treatment Plant: R.M. Clayton (City of Atlanta)

Anticipated sewer demand: 6,561 gallons per day

There is a wastewater manhole within the right of way of West Wieuca Road just south of the southern property line of the 1.077 acre tract (120 West Wieuca Road) (sewer manhole # SMNC0320150) and there are two wastewater manholes just west of the western property line of the 1.077 acre tract (120 West Wieuca Road) (sewer manhole # SMNC0319960 and sewer manhole # SMNC0319970) that are located in Land Lot 94, District 17 that can service this location.

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.

- Treatment Plant
- ★ Re-Use
  - ★ Waste Water
  - ★ Water

Waste Water System

- Private Manhole
- Pump Station
- Rain Gauge
- Flow Alert
- Flow Monitor
- Yes (Billing)
- No (Billing)
- Manhole
- Accessible
- Not Assessed
- Problem

Lined Pipe

- Force Main

Creek Crossing

- Stream

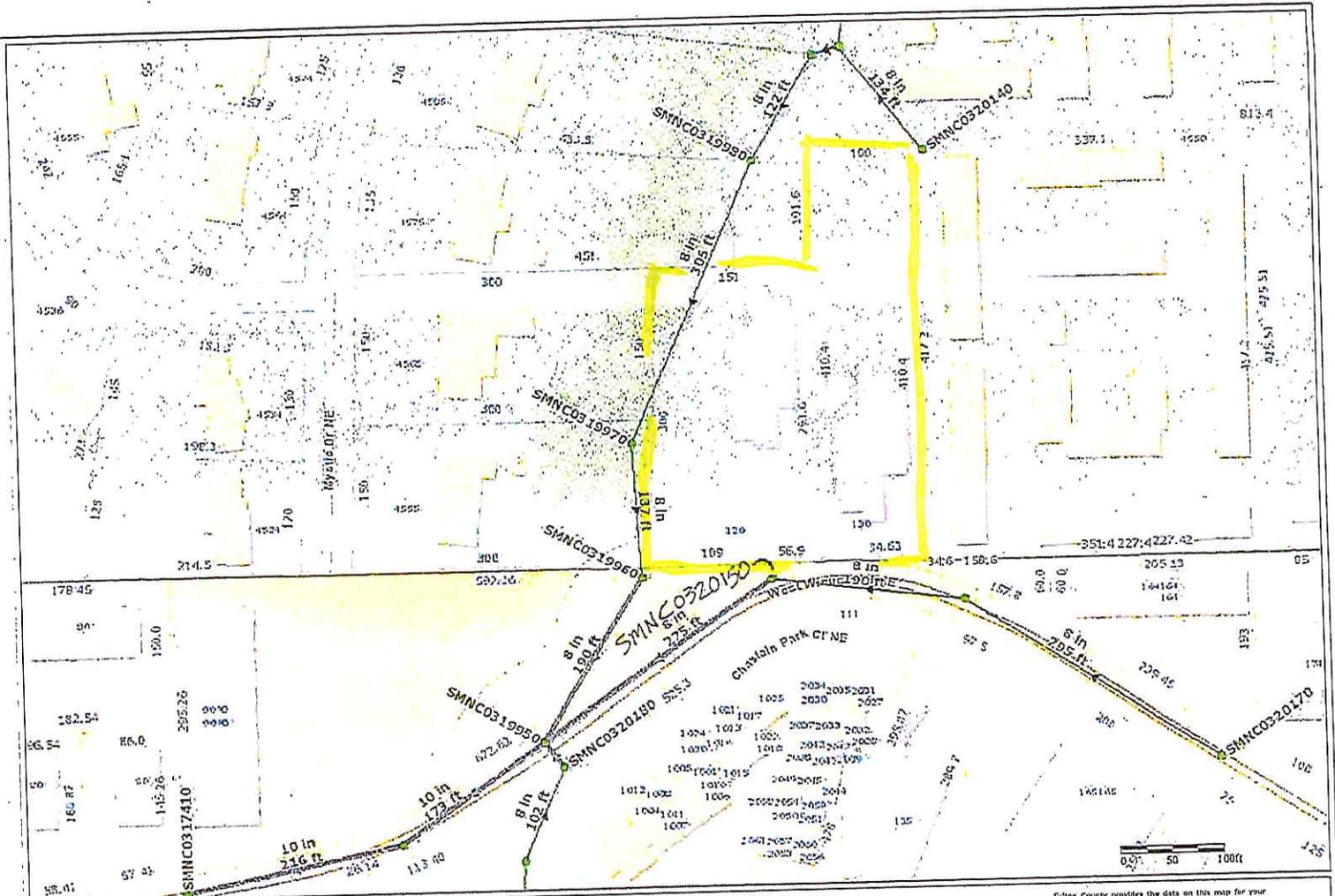
Waste Water Pipe Flow

- UNK
- 4" - 6"
- 8"
- 10"
- 12" - 16"
- 18" - 24"
- 30" - 48"
- Greater than 48"

Waste Water Pipe

- UNK
- 4" - 6"
- 8"
- 10"
- 12" - 16"
- 18" - 24"
- 30" - 48"
- Greater than 48"

Parcel Dimensions



120 & 130 WEST WIEUCA RD.  
 Fulton County, Georgia  
 7-17-2014

Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility for losses resulting from the use of these data, even if Fulton County is advised of the possibility of such losses.



- Treatment Plant
- Re-Use
- Waste Water
- Water

- Waste Water System
- Private Manhole

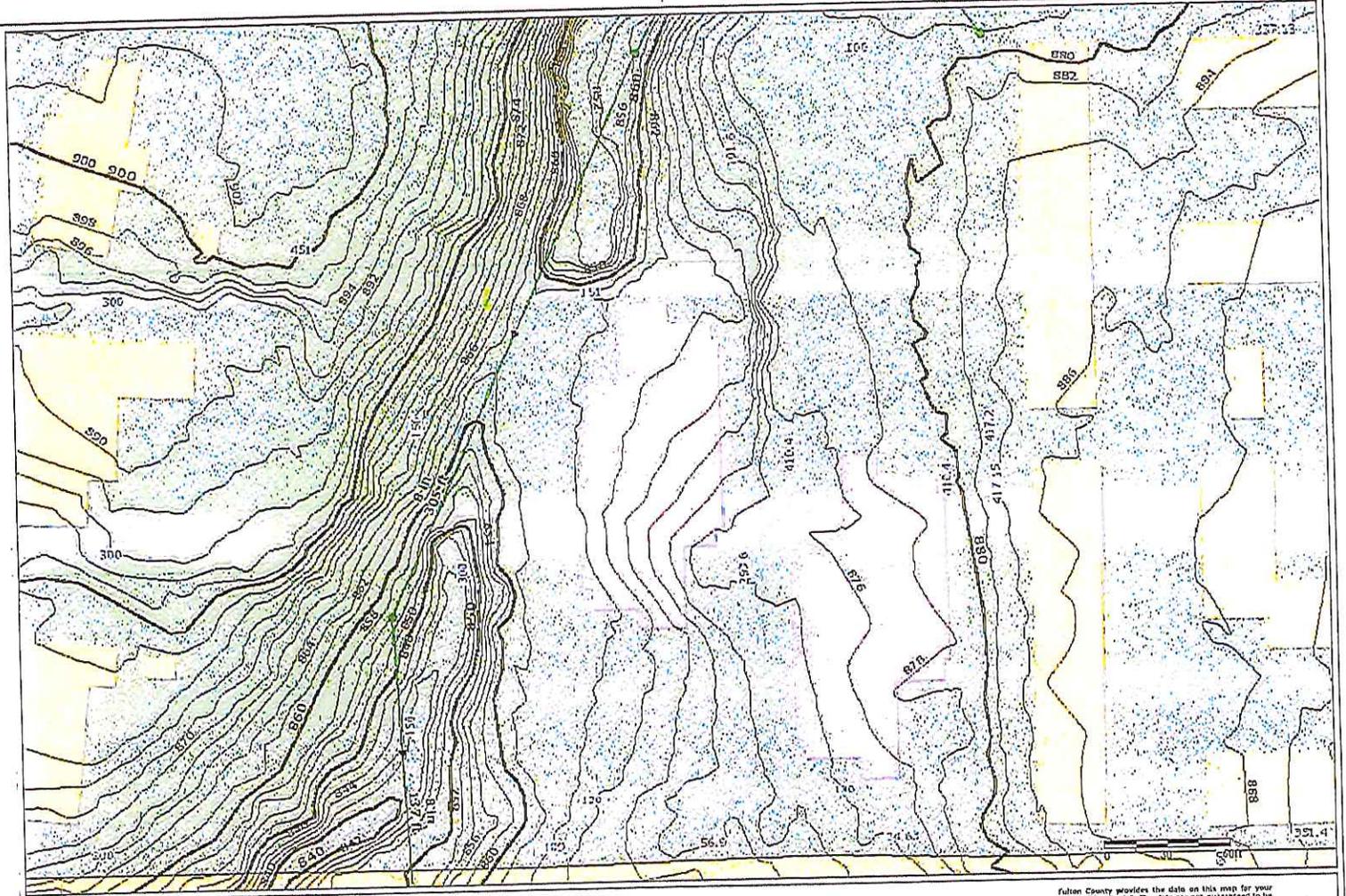
- Pump Station
- Rain Gauge
- Flow Alert

- Flow Monitor
- Manhole
- Lined Pipe

- Force Main
- Creek Crossing

- Waste Water Pipe Flow
- LNK
- 4" - 6"
- 8"
- 10"
- 12" - 16"
- 18" - 24"
- 30" - 38"
- Greater than 48"

- Waste Water Pipe
- LNK
- 4" - 6"
- 8"
- 10"
- 12" - 16"
- 18" - 24"
- 30" - 38"
- Greater than 48"



120 & 130 WEST WIEUCA RD.  
 Fulton County, Georgia  
 7-17-2014

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Topography

Property Profile for **120 WEST WIEUCA RD**

Property Tax Information

Tax Year: 2014  
 Parcel ID: 17 009400030149  
 Property Address: 120 WEST WIEUCA RD  
 Owner: REES FIVE FOUR TWO LLC  
 Mailing Address: 120 W WIEUCA RD NE STE 202  
 ATLANTA GA 30342 3249  
 Total Appraisal: \$1,210,500  
 Improvement Appraisal: \$483,300  
 Land Appraisal: \$727,200  
 Assessment: \$484,200  
 Tax District: 59  
 Land Area: 1.077295 ac  
 Property Class: Commercial Lots  
 Land Use Class: Office Bldg (Low Rise > 4) Class C  
 TAD:  
 CID:

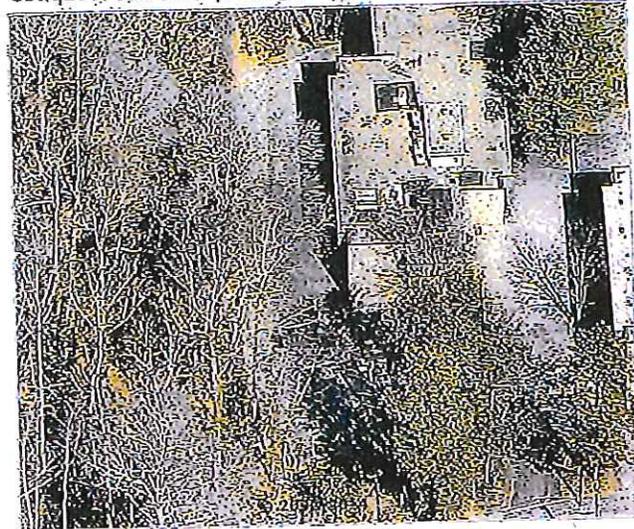
Zoning: not available  
 Zoning Class: not available  
 Overlay District: not available  
 2030 Future Development: not available

Political  
 Municipality: Sandy Springs  
 Commission District: 4  
 Commission Person: Tom Lowe  
 Council District: not available  
 Council Person: not available  
 Voting Precinct: SS13B  
 Poll Location: Church of Atónement, 4945 High Point Rd Ne  
 Congressional District: 011  
 State Senate District: 006  
 State House District: 052

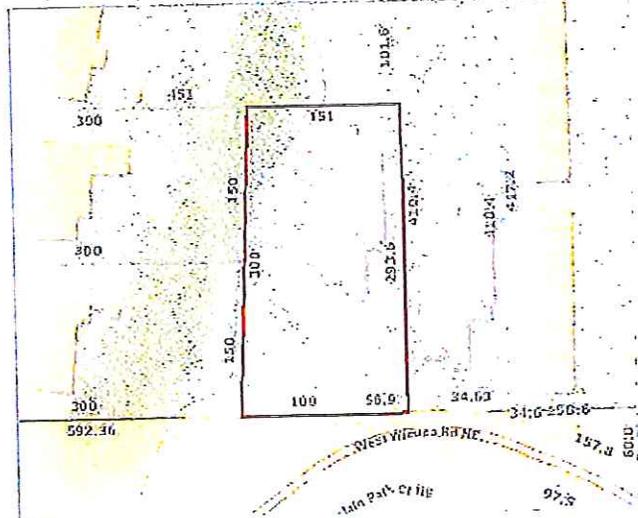
School Zones  
 Elementary School: High Point  
 Middle School: Ridgeview  
 High School: Riverwood

Other Information  
 Zip Code: 30342  
 Census Tract: 102.11  
 In Less Developed Census Tract: No

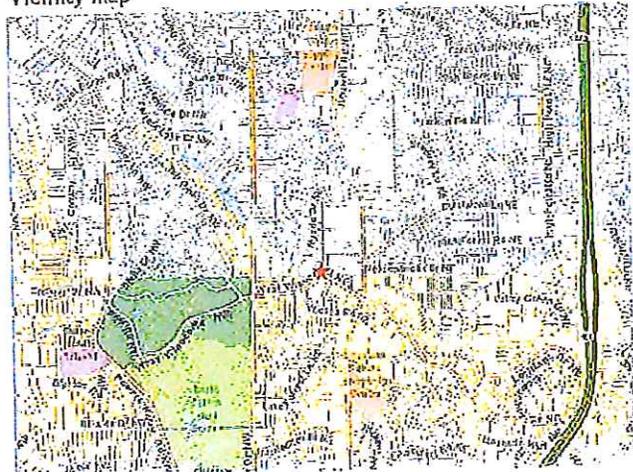
Oblique Aerial View (looking north)



Property Map



Vicinity Map



**Fulton County Schools - Rezoning Impact Statement**

PETITION: 201402052

*Proposed Residential Units*

JURISDICTION: Sandy Springs

Single-family detached

Townhouses

Apartments

Condominiums

0

27

0

0

HOME SCHOOL	PROJECTED BASELINE ENROLLMENT <sup>A</sup>	GADOE CAPACITY	ESTIMATED # NEW STUDENTS GENERATED	PROJECTED UNDER/OVER CAPACITY <sup>B</sup>			
				WITHOUT DEV		WITH DEV	
High Point ES	903 to 959	850	0 to 2	53	to 109	53	to 111
Ridgeview MS	1,161 to 1,233	1200	0 to 1	-39	to 33	-39	to 34
Riverwood HS	1,553 to 1,649	1325	0 to 3	228	to 324	228	to 327
<b>TOTAL</b>			0 to 6				

**HS REGION: Riverwood HS**

AVERAGE - 1 STD. DEV.

AVERAGE + 1 STD. DEV.

One single-family detached unit generates:

0.013091	to	0.208131
0.000000	to	0.056933
0.000000	to	0.162666

elementary school students  
middle school students  
high school students

One townhouse unit generates:

0.007704	to	0.089494
0.000000	to	0.039527
0.007502	to	0.107628

elementary school students  
middle school students  
high school students

One apartment unit generates:

0.000000	to	0.737742
0.000000	to	0.167478
0.036368	to	0.207204

elementary school students  
middle school students  
high school students

One condominium unit generates:

0.000000	to	0.288299
0.000000	to	0.053888
0.004129	to	0.100313

elementary school students  
middle school students  
high school students

(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

<sup>A</sup> Projected enrollment for the 2014-15 school year based on forecasted enrollment.

<sup>B</sup> 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.



Kasim Reed  
MAYOR

## CITY OF ATLANTA

55 TRINITY AVENUE SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-3544  
OFFICE 404-330-6081  
FAX 404-658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
Jo Ann J. Macrina, P.E.  
Commissioner

June 18, 2014

Linda Abaray ( Senior Planner )  
City of Sandy Springs  
7840 Roswell Road, Bldg. 500

**Subject: Water Availability at # 120 & 130 W. Wieuca Road, Sandy Springs, Georgia**

Dear Linda

Our records indicate that there is an existing 16 inch water main along the south side of W.Wieuca Road and continued passing Lake Forrest Drive. This water main is located 9 feet into the street. This water main is owned and maintained by the City of Atlanta.

To integrate into Atlanta Water System or rearrange water facilities, the developer must submit the following to the City of Atlanta-Bureau of Engineering Services:

1. A set of stamped engineering drawings showing their developmental objectives for review and approval.
2. The enclosed basis of design form to include all applicable information, with a copy of a City of Atlanta fire hydrant flow test. Contact the Bureau of Engineering Services office of Meter Application at 404-330-6091 for payment and scheduling for the flow test.
3. A two thousand dollar deposit (\$2000.00). Check must be payable to City of Atlanta.

Once the plans have been approved, the developer will then receive additional instructions regarding the process and procedures from the Bureau of Engineering Services.

Should additional information be needed, please contact me at 404-546-3268

Sincerely,

*Michael Nduka*

Michael Nduka  
Bureau of Engineering  
City of Atlanta

**DRAFT SUPPLEMENTAL CONDITIONS FOR 201402052**  
**As agreed to by the applicant and the Cherokee Park Civic Association**  
**November 1, 2014**

1. The tributary buffer as approved should be replanted to riparian buffer standards.
2. There shall be no common trash dumpsters. Trash will be picked up from individual units all at the same time, one day per week.
3. No security or other exterior building lighting shall be located above the first floor of any residential building except.—Coach lights at the back doors of units which shall be screened and directed downward.
4. Building exterior treatments shall be only brick and/or stone.

Note: Covenants will reflect the light standards in condition #3.



**Abaray, Linda**

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**From:** Buck Nancy S <NancyS.Buck@xlgroup.com>  
**Sent:** Tuesday, July 29, 2014 8:57 AM  
**To:** COSS Planning and Zoning  
**Subject:** July 31st Agenda Item # 201402052

Dear Planning Commission,

My name is Nancy Buck and my husband, Steve, and I live at 4575 Mystic Drive in Sandy Springs. Our property is directly behind the 2 office buildings on Wieuca Road (120 & 130) which are currently being considered for variances to build townhomes adjacent to the new Gateway. While we support the development of townhomes as opposed to apartments, we are adamantly against the variances they will be requesting regarding the stream buffers and increased density. The stream in question is inside our property line. If the variance is obtained, the new structures would be closer to our property line than the existing structures. If this property receives permission for higher density along with the higher density already approved for the Gateway project, the traffic in our area will become even more of a nightmare. We are also concerned the increase in density will directly affect our ability to enjoy our own back yard due to the increase in noise from the adjacent proposed townhome development. The current occupants are offices thus they do not affect the noise level in our neighborhood. My husband and I are extremely displeased that the city council passed the height variance and increased density for the Gateway apartments and urgently request that these requested variances are not supported by the council. We feel like we are under the old Fulton County regime where everything is approved in the interest of development.

Best Regards,

Nancy Buck

Nancy S. Buck  
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Cherokee Park Civic Association

Outstanding questions re: Rezoning Petition No. 201402052:

1. What is JWH's best proposal at this point for treating the tributary buffer (including how they plan to clean and replant the existing buffer area), including what they might suggest for the backs of your properties
2. Cross sections from the Cherokee Park residences to the portion of the JWH development nearest to us, to see what impact the height will have
3. How JWH plans to treat the air conditioning units & other noise makers?
4. What, exactly, will CPCA see of the tops of the JWH building(s) and how it will be treated?
5. Where are windows on the units which face Cherokee Park; to assess lighting?

Penelope Malone

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We would like to ask you to vote NO to Rezoning Petition No. 201402052. This property is located at 120-130 West Wieuca Road and presently has a couple of office buildings on the site. The developer wants to build 27 townhome units on this property and in order to do so, requires SIX variances to the stream buffer ordinance; front, side, back and every other kind of setback ordinances that are on the books.

Reasons for our opposition:

- West Wieuca Road, Lake Forrest Drive, and Roswell Road will be gridlocked with traffic from the massive development that is currently under construction at the Roswell Road/Windsor Parkway intersection. These roads are gridlocked TODAY.
- Allowing 27 townhomes completely changes the nature and types of traffic that will use West Wieuca Road, as well as affecting the quiet enjoyment of their property by homeowners on Mystic Drive, which abuts this proposed development. Townhomes mean traffic noise, patio noise, etc. 24/7 versus the 9 to 5 and exclusively indoor nature of office building traffic and use.
- The entrance/exit of this property is on a treacherous curve. In the 34 years we have lived on Lake Forrest Drive, we have seen MANY accidents on this curve. It's not a good location for continuous ingress/egress.
- Stream buffer ordinances and setbacks are laws put in place to protect current property owners. These laws should not be cast aside simply to enable a single developer to make a profit. The needs of the many outweigh the desires of a single person.

We could go on, but in short, this parcel of land should remain with its current zoning. Thank you for your consideration of our request.

Penelope Malone  
John Champion  
4655 Lake Forrest Drive  
Sandy Springs, GA 30342

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