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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:** **201402368** - 4967 & 4969 Roswell Road, *Applicant: Dewberry Capital*, to rezone the subject property from C-1 (Community Business District) conditional to MIX (Mixed Use District) for the construction of a mixed commercial and multifamily dwelling unit development, with a use permit to exceed the maximum district height and 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: October 6, 2014 for submission onto the October 16, 2014 Planning Commission meeting  
Agenda Item: 201402368 4967 and 4969 Roswell Road

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**DENIAL** of a request to rezone the subject property from C-1(Community Business District) conditional to MIX (Mixed Use District) to allow the development of 231 multi-family units and 80,700 square feet of commercial/daycare, with concurrent variances.

*The applicant is requesting to **withdrawal** the use permit request and concurrent variance number 3 to delete the streetscape requirements.*

*Since the Planning Commission meeting the applicant has submitted the follow items:*

- *Increased number of units from 220 to 231.*
- *Increased square footage from 64,700 to 80,700*
- *Requested a withdrawal of the use permit and streetscape variance.*
- *Revised the site plan to show usable green space on the property.*
- *Revised elevation drawings*
- *Provided a height comparison of surrounding properties.*
- *Cross section of the development.*

**Discussion:**

To rezone the subject property from C-1(Community Business District) conditional to MIX (Mixed Use District) to allow the development of 200 multi-family units and 80,700 square feet of commercial/daycare (21,700 new retail, 39,000 existing retail, 20,000 daycare), with a use permit to exceed the district height.

Additionally, the applicant is requesting four (4) concurrent variances from the Zoning Ordinance as follows:

1. Variance from Section 4.23.1 to allow the existing parking to remain in the twenty-five (25) foot buffer and the ten (10) foot improvement setback.
2. Variance from Section 4.23.1 to reduce the fifty (50) foot buffer and ten (10) foot improvement setback along the south property line to a ten (10) foot landscape strip.
3. Variance from 12.B.4 to delete the streetscape requirement.
4. Variance from 18.2.1 to reduce the required parking from 5 spaces per 1000 to 4 spaces per 1000.

**PLANNING COMMISSION RECOMMENDATION- October 16, 2014**

Frostbaum moved to recommend deferral seconded by Porter. The Commission recommended **denial** (3-1, Frostbaum, Porter, and Nickles for; Tart abstained; Maziar and Squire absent; and Duncan not voting) per staff's recommendation.

**COMMUNITY DEVELOPMENT**

**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	4967 and 4969 Roswell Road Land Lot 93, District 17 <sup>th</sup>
<b>Council District</b>	5 (Tiberio "Tibby" DeJulio)
<b>Frontage</b>	369.68 feet of frontage along the east side of Roswell Road and 277.75 feet of frontage along the south side of Belle Isle Road
<b>Area</b>	6.37 acres
<b>Existing Zoning and Use</b>	C-1 (Community Business District) under Fulton County zoning case Z71-0122 currently developed with commercial buildings.
<b>Overlay District</b>	Suburban Overlay District
<b>2027 Comprehensive Future Land Use Map Designation</b>	LWN (Live Work Neighborhood) Node 3: (Belle Isle Node)
<b>Proposed Zoning</b>	C-1 (Community Business District)

**APPLICANT/PETITIONER INFORMATION**

<b>Property Owner</b> Belle Isle Square, LLC	<b>Petitioner</b> Dewberry Capital	<b>Representative</b> Kent Brown
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**HEARING & MEETING DATES**

<b>Community Zoning Information Meeting</b> July 22, 2014	<b>Community Developer Resolution Meeting</b> August 28, 2014	<b>Planning Commission Hearing</b> October 16, 2014	<b>Mayor and City Council Hearing</b> November 18, 2014
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**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES**

<b>SUBJECT PETITION 201402368</b>	<b>Requested Zoning</b>	<b>Proposed Use</b>	<b>Land Area (Acres)</b>	<b>Units/Square Footage</b>	<b>Density (Units per Acre)</b>
	MIX	Multi-family Commercial/Daycare	6.37	231 80,700	36.26 units/ac 12,668.76 sf/ac

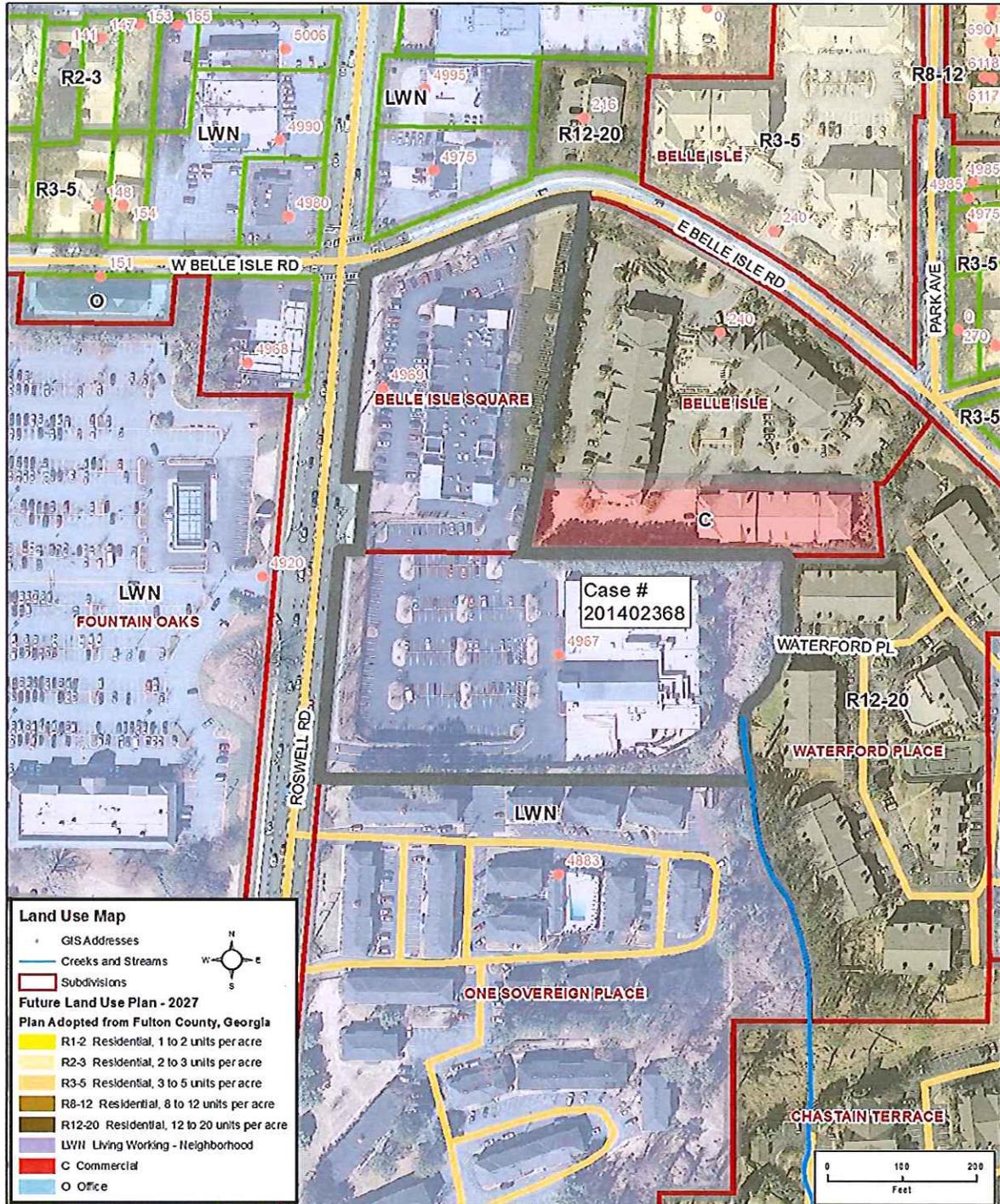
<b>Location in relation to subject property</b>	<b>Zoning</b>	<b>Use</b>	<b>Land Area (Acres)</b>	<b>Square Footage or Number of Units</b>	<b>Density (Square Feet or Units Per Acre)</b>
North	C-2 Conditional Z82-103	Five Star Auto Care @ 4975 Roswell Road	0.56	5,229 S.F.	9337.5 sf/ac
North	C-2 Conditional RZ09-013	Veterinary Clinic 216 Belle Isle Road	0.519	3,080 S.F.	5,934.5 sf/ac
East	A-L Conditional Z88-067	Apartments (Belle Isle Apts.)	4.96	126 Units	25.4 units/ac
East	A-L Conditional	Waterford Place East Belle Isle	±5.26	±180 units	±34.22 units/ac

	Z88-0018				
South	A-O Z64-0094 A-L Z66-0046	One Sovereign Place Apartments 4883 Roswell Road	±11.4	172 units	±15.09 units/ac
West	C-1 Conditional Z88-0084 None (rear)	Fountain Oaks Shopping Center 4920 Roswell Road	13.42	164,573	12,263.26 sf/ac
West	C-1 Conditional Z69-0134	Gas Station 4968 Roswell Road	0.612	2,134	3,486.93 sf/ac



Future Land Use Map

4967 and 4969 Roswell Road (SR9)



## ZONING IMPACT ANALYSIS

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:

*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 similar uses. The area consists of C-2 (Commercial District) to the north; A-L (Apartment Limited Dwelling District) to the east; A-O (Apartment-Office District) and A-L (Apartment Limited Dwelling District) to the south; and C-1 (Community Business District) to the west. Additionally, the applicant is proposing the apartments above and behind the commercial use.

*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 use is consistent with adjacent properties. However, the proposed increase in density would generate more vehicle trips than currently exist today. The proposed density is considerably higher than the Comprehensive Plan recommends and the existing development. The applicant is proposing 36.26 units per acre where 5 units per acre of residential is recommended. The applicant is also proposing 12,668.76 square feet per acre of commercial where 10,000 square feet per acre is recommended. The applicant has not provided enough of the incentives outlined in the Comprehensive Plan policies to increase height and density above that recommended by the Comprehensive Plan.

*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.

*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 could result in a use which will cause an excessive or burdensome use of the existing infrastructure. The increase in housing where none exists today could cause an excessive burdensome to the school system. Additionally, the increase in traffic will add to an already taxed Roswell Road. The proposed development will be required to meet all current City codes and ordinances, which will require a stormwater management system. Fulton County Schools has provided a rezoning impact statement (see attached).

*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 proposal is not consistent with the policies and intent of the Land Use Plan. The proposed density is considerably higher than the Comprehensive Plan recommends and the existing development. The applicant has not provided enough of the incentives outlined in the Comprehensive Plan to increase height and density above that recommended by the Comprehensive Plan.

Existing Density	Proposed	Comprehensive Plan
Multi-family – None Commercial- 11,572 sf/ac Height- 2 Stories	Multi-family- 36.26 units/ac Commercial- 12,668.76 sf/ac Height- 4 Stories	Residential – 5 units/ac or less Commercial -10,000 sf/ac Height- 2 stories LWN (Node 3)

The project is inconsistent with the following polices set forth in the comprehensive plan:

### **Node 3: Belle Isle Node**

#### Vision

1. Area is currently characterized by lots fronting Roswell Road that abut single-family neighborhoods with a few multifamily developments on the east and west sides of Roswell Road.
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. 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;
  - 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 Belle Isle Road.
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.

#### **VARIANCE CONSIDERATIONS**

Article 22 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 four (4) 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 4.23.1 to allow the existing parking to remain in the twenty-five (25) foot buffer and the ten (10) foot improvement setback.

Findings:

*Staff is of the opinion that the request to allow the existing parking to remain in the twenty-five (25) foot buffer would not be in harmony with the intent of the Zoning Ordinance. The applicant should bring the site into compliance with current regulation upon the redevelopment of the site. Additionally, if the application is denied the legal non-conforming conditions may remain. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.*

2. Variance from Section 4.23.1 to reduce the fifty (50) foot buffer and ten (10) foot improvement setback along the south property line to a ten (10) foot landscape strip.

**Findings:**

*Staff is of the opinion that the request to reduce the fifty (50) foot buffer and ten (10) foot improvement setback along the south property line to a ten (10) foot landscape strip is not in harmony with intent of the Zoning Ordinance. The site does exhibit exceptional conditions pertaining to that property because of topography. However, the topography does not constitute a hardship as it pertains to this variance request. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.*

3. Variance from 12.B.4 to delete the streetscape requirement and allow the existing conditions to remain.

**Findings:**

*Staff is of the opinion that the request to delete the streetscape requirement and allow the existing conditions to remain is not in harmony with the intent on the Zoning Ordinance. The existing sidewalk is inadequate to promote safe walkability and could cause a detriment to the public. Additionally, the site does display some topographical challenges, but none which would support the deletion of the suburban streetscape requirements. The applicant has requested a withdrawal of this variance request. Therefore, based on these reasons, the staff recommends WITHDRAWAL of this variance request.*

4. Variance from 18.2.1 to reduce the required parking from 5 spaces per 1000 to 4 spaces per 1000.

**Findings:**

*Staff is of the opinion that the request to reduce the required parking from 5 spaces per 1000 to 4 spaces per 1000 is not in harmony with the intent on the Zoning Ordinance. The site does display some topographical challenges, but none which would support the parking reduction. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.*

### **USE PERMIT CONSIDERATIONS**

The applicant is requesting a use permits to exceed the district height of sixty (60) feet or four (4) stories to sixty-nine (69) feet, six (6) inches

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

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

**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 use is consistent with adjacent properties. However, the proposed increase in density would generate more vehicle trips

than currently exist today. The proposed density is considerably higher than the Comprehensive Plan recommends and the existing development. The applicant has not provided enough of the incentives outlined in the Comprehensive Plan to increase height and density above that recommended by the Comprehensive Plan.

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

**Findings:** The staff is of the opinion that the proposed use is compatible with the land uses and zoning districts within the vicinity of the property. The surrounding area consists of commercial uses to the north and west. Apartments to the east and south.

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

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

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

**Findings:** The staff is of the opinion that the proposal will result in a use that will cause an excessive or burdensome use of the existing infrastructure. The proposal would increase traffic on an already taxed portion of Roswell Road, with no alternative street networking systems. Additionally the applicant is asking for a variance to eliminate the streetscape requirements and allow the existing five (5) foot sidewalk to remain.

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

**Findings:** The total parking required:

	Required	Proposed
Commercial	109	91
Daycare	27	27
Multi-family	304	304
<b>Total</b>	<b>440</b>	<b>422</b>

\*Parking variance has been requested

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

**Findings:** The applicant is proposing 33.2% green space /open where 10% is required.

*G. Protective screening;*

**Findings:** The applicant is not proposing protective screening. The proposal will be added into the current commercial development.

*H. Hours and manner of operation;*

**Findings:** The standard/typical hours and manner of operation would be consistent with other mixed use developments.

*I. Outdoor lighting; and*

Findings: Any modification to or addition of outdoor lighting will be required to meet the minimum requirements of the Zoning Ordinance.

*J. Ingress and egress to the property*

Findings: The proposal has two (2) ingress and egress points on Roswell Road and one (1) on Belle Isle Road. Additionally, the applicant is requesting a variance from the Suburban Overlay District streetscape to allow the existing five (5) foot sidewalk to remain.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on August 6, 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).

<p><b>Transportation Planner</b></p>	<p>Roswell Road/SR 9 is classified a Principal Arterial street. SR 9 access and encroachment is subject to Georgia Department of Transportation approval. East Belle Isle Road is classified a minor street.                  Posted Speed limit: 35 mph, Roswell Road; 25 mph, East Belle Isle Road                  Average daily traffic volume: 32,220 vehicles per day (vpd) north of site (2010) on Roswell Road                  Frontages of both Roswell Road and Belle Isle Road are included in the Suburban Overlay District. Roswell Road is included in the Sidewalk Master Plan network.  <b>Transportation Master Plan Recommendations:</b>                  Project A6: Implement access management techniques along Roswell Road to include signal spacing, interparcel access, backside connections, and medians where appropriate.                  Project C5: Provide streetscape improvements along Roswell Road from I-285 to the City of Atlanta.  <b>Roswell Road Corridor LCI Plan Recommendations:</b>                  Project T-2: Roswell Road Node Improvements; Includes sidewalk/ streetscape improvements, traffic signal upgrades, and mid-block crosswalks.                  Project T-7: Neighborhood Street Enhancement for East Belle Isle Road includes sidewalks, bikeable shoulders, and staggered traffic calming measures such as speed humps, bulb outs, and landscaped medians.</p> <p>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 zoning site plan, please note the following:                  A Traffic Impact Study is required for mixed-use generating 300 peak hour trips, §103-73(p).                  Proposed driveways shall meet requirements of §103-73 and sight distance §103-77.                  Traffic volumes on Roswell Road meet Sandy Springs requirements for auxiliary lanes. §103-73(h). Proposed driveways shall meet separation and spacing requirements of §103-73(k). The proposed north driveway on Roswell Road does not align with driveway on the opposite side of Roswell Road, resulting in an offset</p>
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	<p>conflict.</p> <p>Access shall provide minimum uninterrupted ingress/egress based on peak hour volumes §103-73(d) for Belle Isle Road and GDOT Regulations on Driveway and Encroachment Control (minimum 100', maximum 200', or not less than 1/5 of lot depth) for Roswell Road.</p> <p>Interparcel access shall be provided to southern property, §103-72.</p> <p>ADA pedestrian access shall be provided at access locations, §103-73(o).</p> <p>MARTA bus shelter accommodation may be required, §103-74(l).</p> <p>The minimum right-of-way dedication for Roswell Road is 55 feet from centerline, 11 feet from back of curb or 1 foot from back of sidewalk, whichever is greater along entire property frontage; the minimum right-of-way dedication for East Belle Isle Road is 30 feet from centerline, 11 feet from back of curb or 1 foot from back of sidewalk, whichever is greater along entire property frontage; a 20' right-of-way miter is required at the intersection of Roswell Road and East Belle Isle Road, §103-75.</p> <p>Frontage shall meet requirements for curb and gutter and sidewalks, §103-79 and §103-80.</p>
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## **PUBLIC INVOLVEMENT**

### *Public Comments*

- Density is too high
- Height on Roswell is too high and Land Use Node recommends 2 stories
- Building design is institutional
- Stacking problem at Belle Isle Road/ Roswell Road intersection.

## **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. It is the opinion of the staff that the proposal is not in conformity with the intent of the Comprehensive Plan Policies. The proposed density is outside the ranges suggested by the Future Land Use Map. Therefore, based on these reasons, the staff recommends **DENIAL** of the rezoning petition and the associated concurrent variances.

<b>STAFF RECOMMENDED CONDITIONS</b>
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Should the Mayor and City Council decide to rezone the subject property from C-1 (Community Business District) to MIX (Mixed Use 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. Residential units at density of 5 units per acre or 31 units, whichever is less.
  - b. Commercial at a density of 10,000 square feet per acre or 63,700 square feet, whichever is less.
2. To the owners agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated November 6, 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. Interior ceiling heights should be a minimum of nine (9) feet.
  - b. All units shall be individually metered and/or submetered.
  - c. Intra-parcel access shall be provided along the south property line location shall be subject to the approval of the Public Works Department at time of LDP.
  - d. Not less than 33% of the site shall be maintained as Green Space.

#### Attachments

- Letter of Intent dated received November 6, 2014
- Site Plan dated received November 6, 2014
- Site Plan dated received July 1, 2014
- Elevations dated received November 6, 2014
- Renderings dated received November 6, 2014
- Terrace units dated received November 6, 2014
- Cross sections dated received November 6, 2014
- Perspectives dated received November 6, 2014
- Additional comments from the City of Atlanta, Fulton County Schools, Fulton County Sewer Department, and Fulton County Health Department.
- Letter of Opposition (8)
- Letter of Support (1)

**City of Sandy Springs  
Community Development**

**Letter of Intent, Revised November 3, 2014  
Rezoning Petition No. 201402368**

4967 and 4969 Roswell Road

The Applicant, Dewberry Capital, files this Rezoning Permit and Concurrent Variance request seeking the re-development of 4967 and 4969 Roswell Road to add a Multi-Family/Retail Mixed-Use building over a parking podium. The rezoning is requested from C-1 to MIX.

Dewberry Capital plans to construct a 4/5 story, 239,800sf multi-family building over a podium parking deck along with a new Retail portion (21,700sf) and a Daycare portion (20,000sf) along Roswell Road. The proposed building is 4 stories along Roswell Road and 5 stories at the rear of the site. The podium parking deck is not visible along Roswell Road as it is below grade and becomes partially above grade at the rear of the site due to the dramatic drop in grade from front to rear of site. The 4 story front along Roswell Road is set over 60 feet behind the building setback line. An existing Retail building (39,000sf) on the site will be retained and the existing parking layout will be partially reconfigured. Access to the site will consist of the three existing entrances/exits which currently serve the site, two along Roswell Road and one along Belle Isle Road.

The proposed plan includes an increase in the overall green space on the site, a reduction in stormwater run-off, and a walking trail/dog park around the north, east and south perimeter of the site (which proposes connectivity to each of the three surrounding apartment communities).

Dewberry Capital is seeking Concurrent Variances for the following:

- Allow existing parking to remain in the 25' buffer and 10' setback on the eastern property line.
- Reduce the 50' buffer & improvement setback along the southern property line, and therefore allow the existing landscape buffer and retaining wall to remain.
- Retail parking requirement requested to remain at 4 spaces/1000sf, as existing retail, and supported by concessions for 231 on-site residences and an additional 900 plus existing residences within a 5 minute walk distance.

The Applicant respectfully requests that the Application for Rezoning and the Concurrent Variances be granted.

Sincerely,

Dewberry Capital  
One Peachtree Pointe  
1545 Peachtree Street, Suite 250  
Atlanta, GA 30309



Kent D. Brown, V.P. Development

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JUL 01 2014

City of Sandy Springs  
Community Development

LETTER OF INTENT

The Applicant, Dewberry Capital, files this Rezoning Permit and Concurrent Variance request seeking an addition of a Multi-Family/Retail building over podium parking located at 4969 Roswell Road.

Dewberry Capital plans to construct a 5 story 239,800 sq. ft. multi-family building over a podium parking deck along with a new retail portion (21,700 sf) and a Daycare portion (4,000 sf) along Roswell Road. An existing retail building (39,000 sf) on the site will be retained and the existing parking layout will be reconfigured. Access to the site will consist of three existing entrances/exits which currently serve the site. Two entrance/exit drives currently exist along Roswell Road and one entrance/exit drive is on Belle Isle Road.

Dewberry Capital is seeking a Concurrent Variances for the following:

- Allow existing parking to remain in the 25' buffer and 10' setback on the eastern property line
- Reduce the 50' buffer & improvement setback along the southern property line.
- Retail parking – to reduce to 4 spaces/1000 sf
- Potential Streetscape variance

Also asking for a use permit for the following:

- Increase in height of proposed building

The Applicant restfully requests that the Application for the Rezoning, the Concurrent Variances and the Use Permit be granted.

Sincerely,

Dewberry Capital

One Peachtree Pointe

1545 Peachtree Street, Suite 300

Atlanta, GA. 30309



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# RECEIVED

NOV 06 2014

City of Roswell  
Community Development

**Development Statistics Summary Chart**

TOTAL AREA OF THE SITE:	8.16 ACRES - 100%
EXISTING IMPERVIOUS SURFACE:	4.56 ACRES - 71.2%
TOTAL IMPERVIOUS SURFACE:	4.25 ACRES - 66.8%
BUILDING FOOTPRINTS (INCLUDES GARAGE & COVINGS):	2.83 ACRES - 34.6%
SURFACE PARKING AND DRIVE AREAS:	1.88 ACRES - 31.1%
OTHER IMPERVIOUS AREA:	0.52 ACRES - 8.3%
LANDSCAPING AND/OR OPEN SPACE:	2.11 ACRES - 33.2%
LANDSCAPING:	1.91 ACRES - 30.1%
STORMWATER AREA:	0.2 ACRES - 3.1%

**Development Reference:**

PROPERTY: 100% DEVELOPMENT  
11770 ROSWELL ROAD, SUITE 200  
ALPHARETTA, GEORGIA 30009  
PROJECT NO: 100% DEVELOPMENT  
11770 ROSWELL ROAD, SUITE 200  
ALPHARETTA, GEORGIA 30009  
404-253-1400  
ENGINEER: FULLERTON AND ASSOCIATES, INC.  
14 INDUSTRIAL STREET, SUITE 200  
ALPHARETTA, GEORGIA 30009  
770-441-4282

**Parking Tabulations:**

**Existing:**

RETAIL BUILDING TO REMAIN	35,000 SF
RETAIL PARKING FOR EXISTING/RETAIL	150
EXISTING PARKING FOR OFFICE	100
<b>Proposed:</b>	
PARKING SPACES REQUIRED (RETAIL):	77
4 SPACES/1,000 SF	
PARKING SPACES REQUIRED (OFFICE):	38
1.7 SPACES/WORKER + 1 SPACE/24 EMPLOYEES (2,000 SF = 18 EMPLOYEES)	
PARKING SPACES REQUIRED (RESIDENTIAL):	318
1.48 SPACES/RESIDUAL UNIT (12)	168
1.25 SPACES/1-BEDROOM UNIT (12)	150
1.25 SPACES/2-BEDROOM UNIT (20)	250
TOTAL EXISTING UNITS: 231	
<b>TOTAL PARKING SPACES REQUIRED:</b>	<b>593</b>
RETAIL SPACES REQUIRED:	587
MANIPULATOR SPACES REQUIRED:	12 (2% OF TOTAL)
<b>PARKING SPACES PROVIDED (RETAIL):</b>	<b>243</b>
(RETAIL = 4 SPACES/1,000 SF)	
<b>PARKING SPACES PROVIDED (OFFICE):</b>	<b>38</b>
<b>PARKING SPACES PROVIDED (RESIDENTIAL):</b>	<b>318</b>
<b>TOTAL PARKING SPACES PROVIDED:</b>	<b>589</b>
STANDARD PARKING SPACES PROVIDED:	587
MANIPULATOR PARKING SPACES PROVIDED:	12 (2.00% OF TOTAL)
<b>BIKEVUE SPACES PROVIDED:</b>	<b>30</b>
<b>BIKEVUE SPACES PROVIDED:</b>	<b>30</b>

**Site Data:**

AREA FOOTPRINTS	ACRES	% OF SITE
EXISTING RETAIL FOOTPRINT (20,333 SF)	2.34	28.6%
EXISTING OFFICE FOOTPRINT (28,532 SF)	3.49	42.8%
PROPOSED RESIDENTIAL BUILDING (1,872 SF)	0.23	2.8%
(INCLUDES GARAGE & COVINGS)		
<b>TOTAL BUILDING FOOTPRINT:</b>	<b>2.83</b>	<b>34.6%</b>
EXISTING PARKING/DRIVE/TRAFFIC AREAS	2.11	25.9%
EXISTING PARKING/DRIVE/TRAFFIC AREAS TO BE REMOVED	0.52	6.4%
PROPOSED PARKING & DRIVE AREAS	0.87	10.7%
<b>TOTAL PARKING &amp; DRIVE AREAS:</b>	<b>1.88</b>	<b>23.1%</b>
<b>TOTAL OTHER IMPERVIOUS AREAS:</b>	<b>0.52</b>	<b>6.3%</b>
<b>TOTAL IMPERVIOUS AREA:</b>	<b>4.25</b>	<b>52.0%</b>
<b>TOTAL LANDSCAPING COVERAGE AREA:</b>	<b>1.91</b>	<b>23.4%</b>
<b>OTHER AREAS, PAVED ETC.:</b>	<b>0.20</b>	<b>2.5%</b>
<b>TOTAL SITE AREA:</b>	<b>8.16</b>	<b>100%</b>

**Zoning Data:**

**CURRENT ZONING:** C-1 WITH CONDITIONS (2 07-12)

**SETBACKS:**

- FRONT 40 FOOT SET ALONG BELLE ISLE ROAD
- SDC 40 FOOT SET ALONG ROSWELL ROAD
- SDC 24 FOOT SET AND 31 FOOT MIN LANDSCAPE STRIP PROPERTY LINE
- SDC 25 FOOT SET AND 8 FOOT MIN GRASSY STRIP WITHIN 15 AND 8 FOOT LANDSCAPE STRIP ADJACENT TO NEIGHBORING PROPERTIES ALONG THE SOUTH EAST PROPERTY LINE ADJACENT TO THE DEVELOPER'S FILE ADJACENTMENTS
- REAR 24 FOOT SET AND 8 FOOT MIN GRASSY STRIP WITHIN 15 AND 8 FOOT LANDSCAPE STRIP ADJACENT TO NEIGHBORING PROPERTIES ALONG ADJACENT PROPERTY TO THE SOUTH

**SITE ACCESS:**

- NO MORE THAN 2 ENTRANCE/EXIT ALONG ROSWELL ROAD
- NO MORE THAN 1 ENTRANCE/EXIT ALONG EAST BELLE ISLE ROAD

**General Notes:**

THE DEVELOPMENT DOES NOT REQUIRE ANY PROVIDED INDICATION OF ANY PUBLIC RIGHT-OF-WAYS.

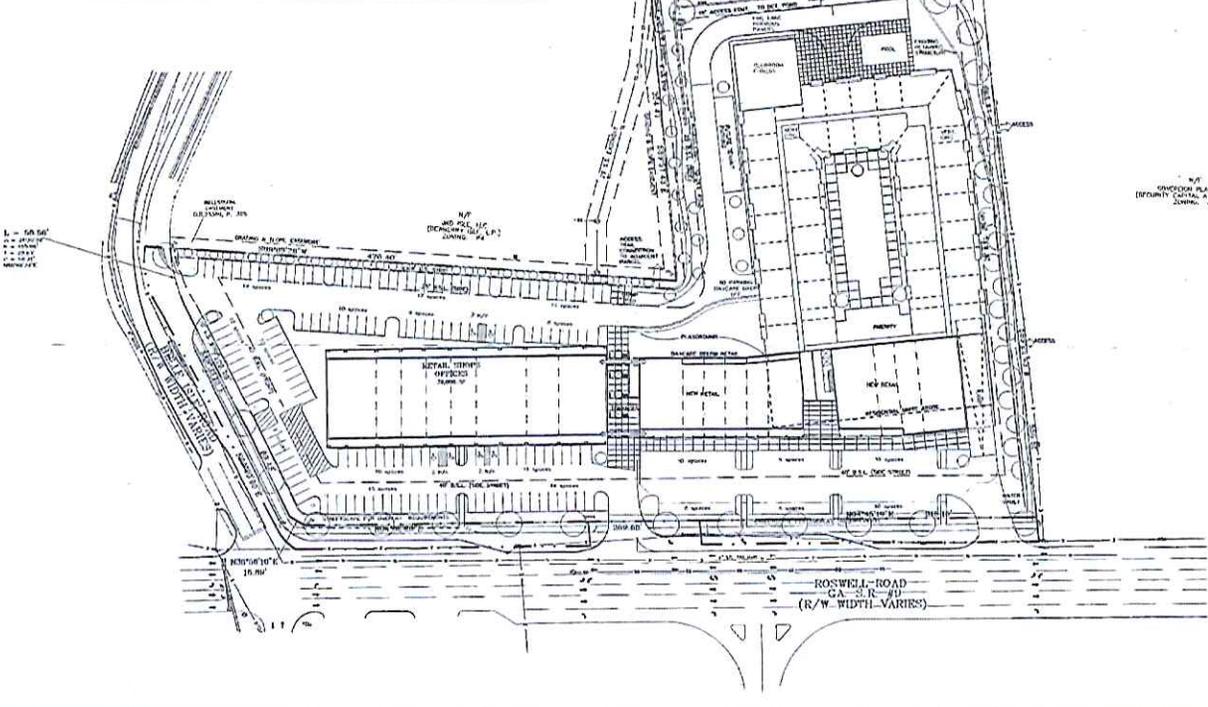
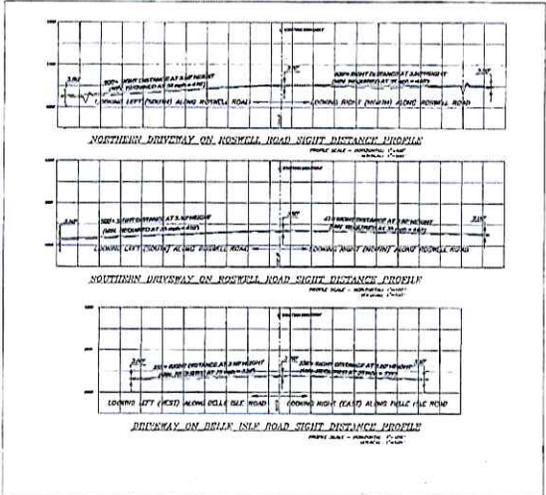
NO PUBLIC DRAINAGE OR LANDSCAPING ELECTRICAL OR MECHANICAL TRANSDUCERS/CONDUIT LINES EXISTING ON THE PROPERTY.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN FOR FLOOD INSURANCE RATE MAP NUMBER 130200404E, DATED 8/24/2010.

THE SITE CONTAINS NO EXISTING AND/OR PROPOSED WETLANDS.

THIS PROJECT IS SERVED BY PUBLIC GRAVITY SEWER (THE NEW COUNTY).

THIS PROJECT IS SERVED BY A PUBLIC WATER SYSTEM (CITY OF ATLANTA).



SHEET NO. 14

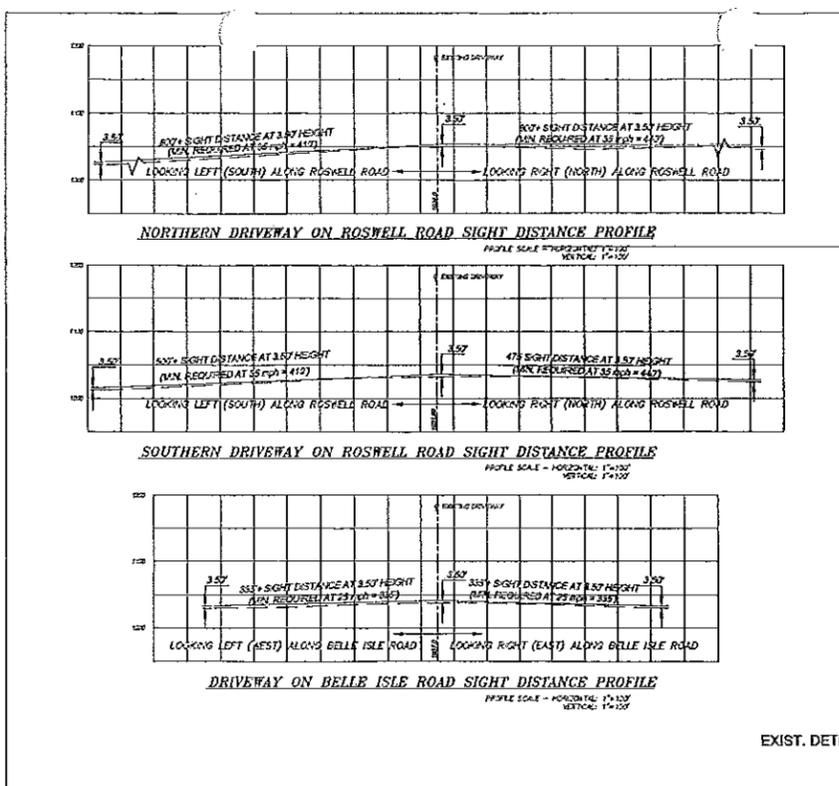
ZONING PLAN

Belle Isle  
Prepared for  
Dewberry Capital

KIMLEY-HORN  
A PROFESSIONAL CORPORATION

SHEET NUMBER  
ZP-1





### Development Statistics Summary Chart

TOTAL AREA OF THE SITE:	6.38 ACRES - 100%
BUILDINGS:	238,600 SF RES. + 76,700 SF RETAIL/DAYCARE
BUILDING FOOTPRINT:	1.78 ACRES - 27.7%
PARKING SPACES:	422 SPACES - 1.72 ACRES - 27.0%
TOTAL IMPERVIOUS SURFACE:	3.54 ACRES - 55.6%
LANDSCAPING:	2.37 ACRES - 37.4%
FLOODPLAIN:	0 SF - 0%
STORMWATER AREA:	0.2 ACRE - 3.1%
UNDEVELOPED AND/OR OPEN SPACE:	2.82 ACRES - 44.3% (INCLUDES LANDSCAPING)

### Development Reference

**OWNER/DEVELOPER:** DEWBERRY CAPITAL ONE PEACHTREE PONTE 1545 PEACHTREE STREET, SUITE 300 ATLANTA, GEORGIA 30303 404-535-7294

**ARCHITECT:** LORD, AED, SARGENT 1175 PEACHTREE STREET, NE, SUITE 2400 ATLANTA, GEORGIA 30381 404-535-1400

**ENGINEER:** KIMLEY-HORN AND ASSOCIATES, INC. 10 ROSWELL STREET, SUITE 210 ALPHARETTA, GEORGIA 30009 770-919-4280

### Parking Tabulations:

<b>EXISTING:</b>	
RETAIL BUILDING TO REMAIN:	39,000 SF
PARKING FOR RETAIL (COUNT UNCHANGED):	155
<b>PROPOSED:</b>	
PARKING SPACES REQUIRED (RETAIL):	91
4 SPACES/1000 SF (21,700 SF)	
PARKING SPACES REQUIRED (DAYCARE):	27
1.7 SPACES/1000 SF + 1 SPACE /4 EMPLOYEES (14,000 SF + 12 EMPLOYEES)	
PARKING SPACES REQUIRED (RESIDENTIAL):	304
1.25 SPACES/ STUDIO UNIT (55) +	23
1.25 SPACES/1 BEDROOM UNIT (99) +	124
1.75 SPACES/ 2 BEDROOM UNIT (55) +	97
<b>TOTAL PARKING SPACES REQUIRED:</b>	<b>422</b>
HANDICAP SPACES REQUIRED:	9 (2% OF TOTAL)
PARKING SPACES PROVIDED (RETAIL):	91
(21,700 - 4 SPACES/1000)	
PARKING SPACES PROVIDED (DAYCARE):	27
PARKING SPACES PROVIDED (RESIDENTIAL):	304
<b>TOTAL PARKING SPACES PROVIDED:</b>	<b>422</b>
STANDARD PARKING SPACES PROVIDED:	413
HANDICAP PARKING SPACES PROVIDED:	9 (2.13% OF TOTAL)
BICYCLE SPACES REQUIRED:	22
BICYCLE SPACES PROVIDED:	22

### Site Data:

AREA FOOTPRINTS	ACRE	% OF SITE
EXISTING RETAIL FOOTPRINT (60,532 SF)	1.39 ac.	21.9%
EX BLDG TO BE REMOVED (35,532 SF)	(0.84 ac.)	(13.2%)
PROPOSED RESO/RETAIL BUILDING (52,500 SF)	1.21 ac.	19.0%
(33,150 SF + 14,350 SF - ground level)		
<b>TOTAL BUILDING FOOTPRINT</b>	<b>1.78 ac.</b>	<b>27.7%</b>
EXISTING PKG/DRIVE/STALK AREAS	3.11 ac.	48.8%
EXISTING PKG/DRIVE/STALK TO BE REMOVED	(2.00 ac.)	(31.4%)
PROPOSED PARKING & DRIVE AREAS	0.81 ac.	9.6%
<b>TOTAL PARKING &amp; DRIVE AREAS</b>	<b>1.72 ac.</b>	<b>27.0%</b>
OTHER EX IMPERVIOUS AREAS (I.E. WALLS)	0.05 ac.	0.8%
OTHER EX IMP AREAS TO BE REMOVED	(0.01 ac.)	(0.01%)
PROPOSED OTHER IMPERVIOUS AREAS	0.01 ac.	0.01%
<b>TOTAL OTHER IMPERVIOUS AREAS</b>	<b>0.06 ac.</b>	<b>0.9%</b>
<b>TOTAL IMPERVIOUS AREA</b>	<b>3.54 ac.</b>	<b>55.6%</b>
TOTAL LANDSCAPE COVERAGE AREA	2.37 ac.	37.4%
OTHER AREAS, ROAD ETC.	0.45 ac.	7.0%
<b>TOTAL SITE AREA</b>	<b>6.38 ac.</b>	<b>100%</b>

### Zoning Data:

**CURRENT ZONING:** C-1 WITH CONDITIONS (Z 97-122)

**SETBACKS:**

- FRONT 40 FOOT BSL ALONG BELLE ISLE ROAD
- SIDE 40 FOOT BSL ALONG ROSWELL ROAD
- SIDE 25 FOOT BSL ON 35 FOOT WIDE LANDSCAPE STRIP PLANTED TO BUFFER STANDARDS ALONG THE EAST PROPERTY LINE
- SIDE 25 FOOT BSL ON 6 FOOT HIGH GRAVUE FENCE INTERIOR TO AN 8 FOOT LANDSCAPE STRIP PLANTED TO BUFFER STANDARDS ALONG THE NORTH AND EAST PROPERTY LINES ADJACENT TO THE DEWBERRY ISLE APARTMENTS
- REAR 25 FOOT BSL ON 8 FOOT HIGH GRAVUE FENCE INTERIOR TO A 10 FOOT LANDSCAPE STRIP PLANTED TO BUFFER STANDARDS ALONG ADJACENT PROPERTY TO THE SOUTH

**SITE ACCESS:**

- NO MORE THAN 2 ENTRANCES/EXITS ALONG ROSWELL ROAD
- NO MORE THAN 1 ENTRANCE/EXIT ALONG EAST BELLE ISLE ROAD

### General Notes:

THE DEVELOPMENT DOES NOT REQUIRE ANY PROPOSED DEDICATION OF ANY PUBLIC RIGHT-OF-WAYS.

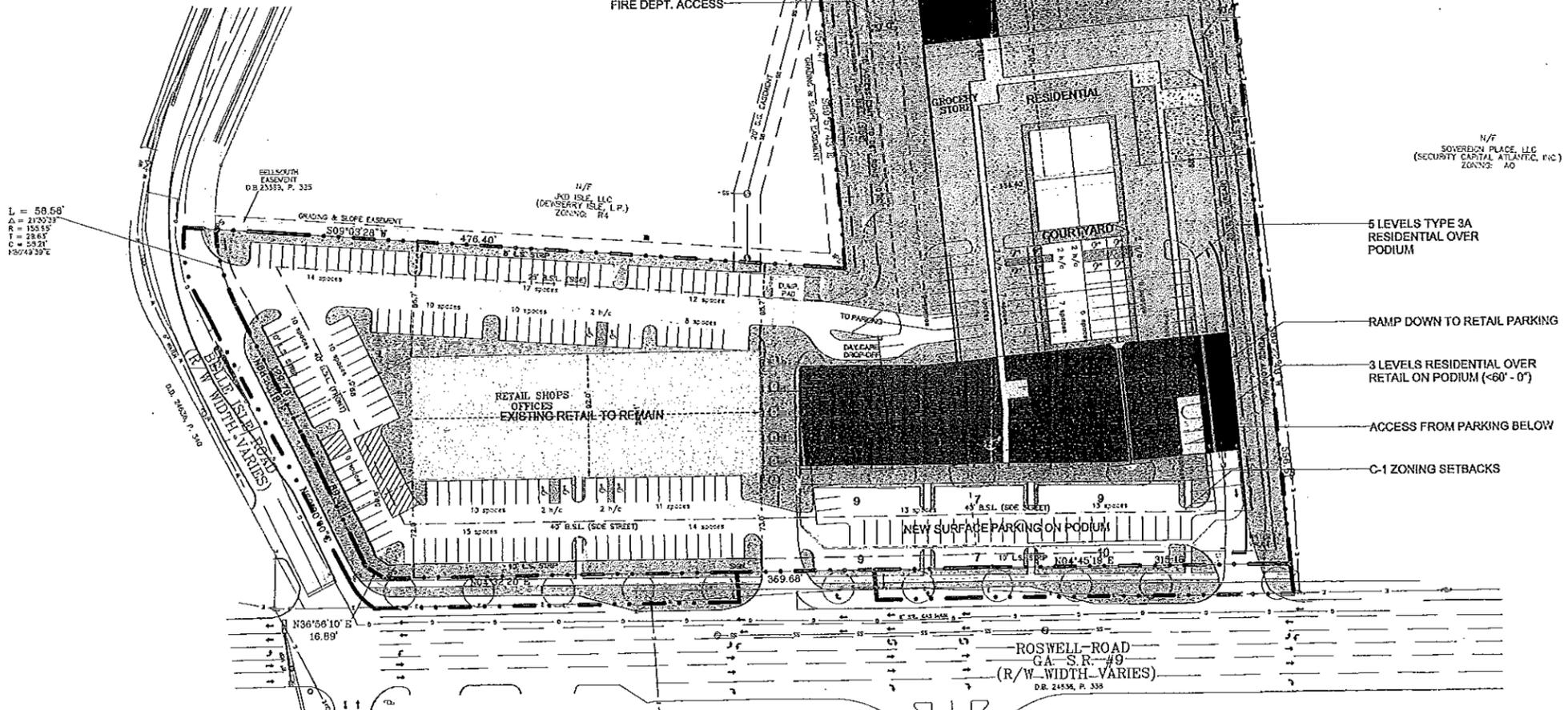
NO PUBLIC OVERHEAD OR UNDERGROUND ELECTRICAL OR FUEL-GAS TRANSMISSION/CONDUIT LINES EXISTING ON THE PROPERTY.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP NUMBER 1312100144F, DATED 9/18/2014.

THE SITE CONTAINS NO EXISTING AND/OR PROPOSED WETLANDS.

THIS PROJECT IS SERVED BY PUBLIC GRAVITY SEWER (FULTON COUNTY).

THIS PROJECT IS SERVED BY A PUBLIC WATER SYSTEM (CITY OF ATLANTA).



THIS DOCUMENT, TOGETHER WITH THE ATTACHED AND SEPARATE DRAWINGS, IS HEREBY CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO THE CITY OF SANDY SPRINGS, GEORGIA, FOR REVIEW AND APPROVAL. ANY CHANGES TO THIS DOCUMENT SHALL BE MADE IN WRITING AND APPROVED BY THE CITY OF SANDY SPRINGS, GEORGIA, AND THE ARCHITECT AND ENGINEER. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DOCUMENT.

**Kimley-Horn and Associates, Inc.**  
10 ROSWELL STREET, SUITE 410, ALPHARETTA, GA 30609  
PHONE: 770-919-4280 FAX: 770-919-1670  
WWW.KIMLEY-HORN.COM

DATE: 11/14/14  
SCALE: AS SHOWN  
DRAWN BY: [Name]  
CHECKED BY: [Name]

ZONING PLAN

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BELLE ISLE

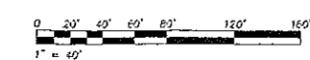
DEWBERRY CAPITAL

SANDY SPRINGS

CITY OF SANDY SPRINGS  
Community Development

SHEET NUMBER

ZP-1



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Community Development

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BRICK 02 / METAL PANEL / CEMENTITIOUS PANEL 02 / CEMENTITIOUS PANEL 01 / WINDOWS / ARCHITECTURAL CANOPY / AWNING / ALUMINUM STOREFRONT / GLASS / CEMENTITIOUS PANEL 01 / ARCHITECTURAL STEEL



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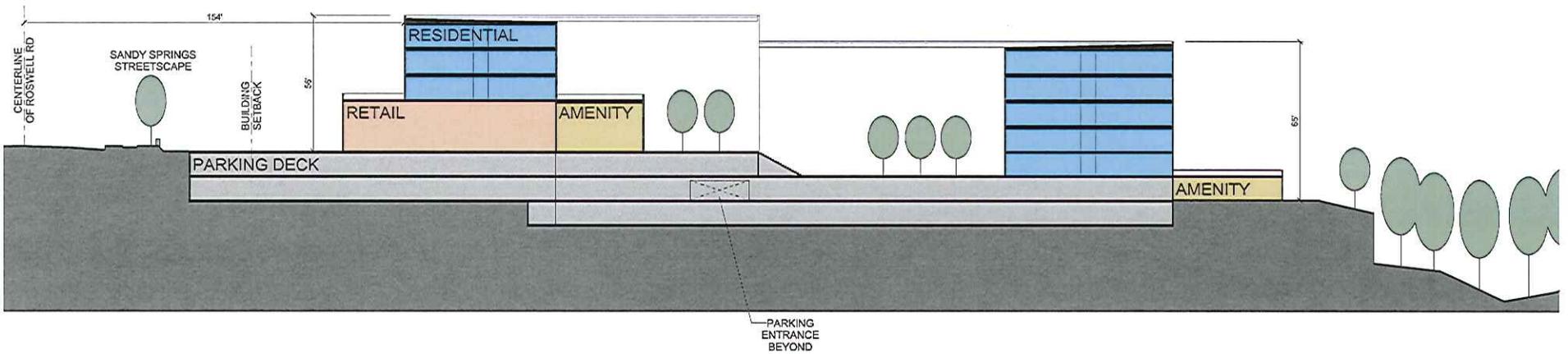
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Dewberry Belle Isle Sandy Springs

project: 10286-00

Perspective View

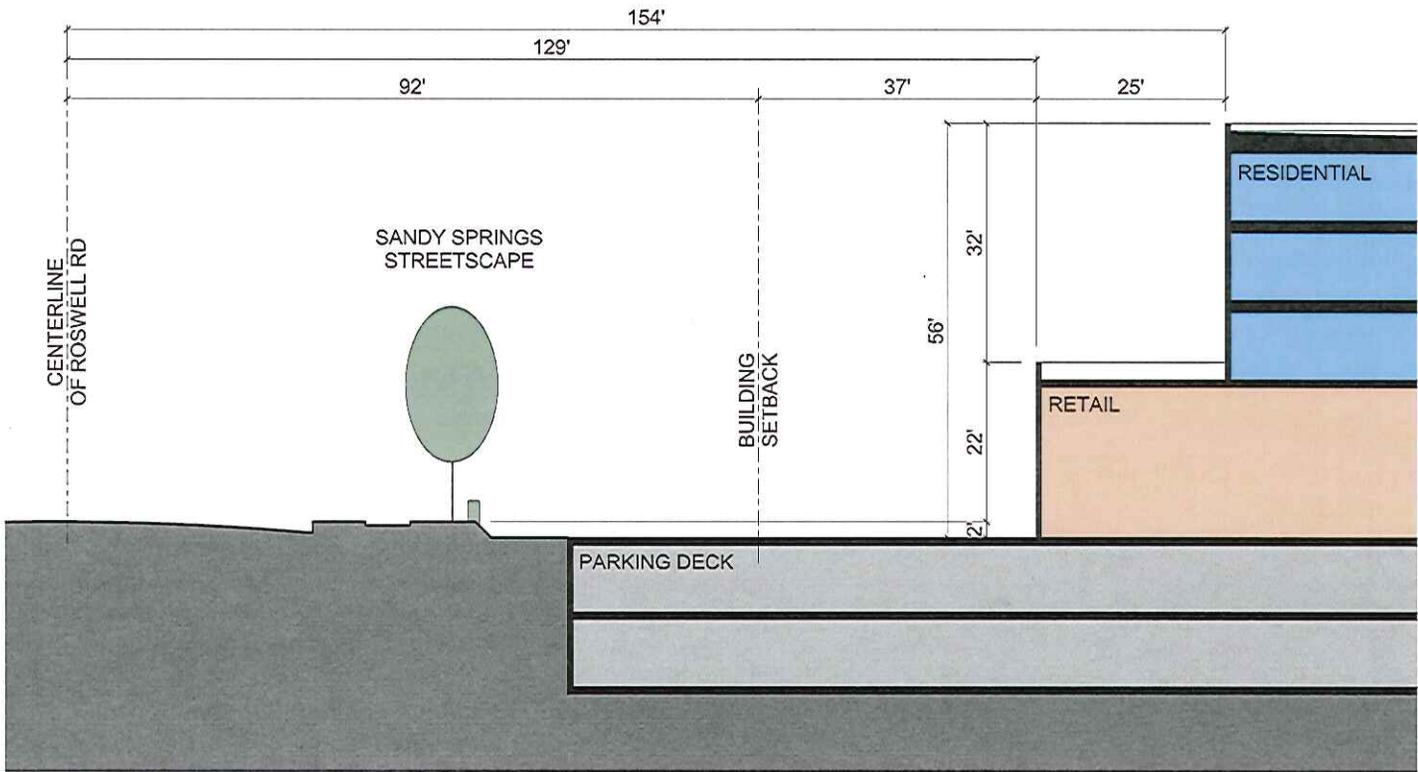
11.03.2014

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SARGENT





**MEMORANDUM**

**TO:** Linda Abaray, Senior Planner  
 City of Sandy Springs, Department of Community Development

**FROM:** Monica Robinson, B.S., M.B.A., Environmental Planner  
 Department of Health and Wellness, Office of the Director

**DATE:** August 15, 2014

**SUBJECT:** Zoning Comments for August 2014

<b>AGENDA ITEM</b>	<b>ZONING COMMENTS</b>
201402366	<p>If a plat is anticipated for this property, the Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of an exemption/minor plat development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water available to the site.</p> <p>If public sanitary sewer is available to the site, the Fulton County Department of Health and Wellness will require mandatory connection. As per Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XI – “Sewage Disposal”, public sanitary sewer is considered available if it is within 200 feet of the nearest property line of the development, such distances being measured along the appropriate natural drainage course (gravity flow).</p> <p>If public sewer is unavailable to the site, this Department requires that each lot be a minimum of 43,560 square feet and have 30,000 square feet minimum usable area to be considered for use of onsite sewage management system(s). This Department will require all necessary percolation and soil data, required plans, and supportive data be submitted for review and determined acceptable prior to preliminary plat and/or Land Disturbance Permit (LDP) approval.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>If this proposed development includes an existing individual onsite sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.</p> <p>If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.</p> <p>This department is requiring that existing structures that will be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p> <p>Research shows that childhood exposure to traffic exhaust when living near a freeway can lead to substantial deficits in lung function that can last a lifetime and can increase the risk of developing allergies and asthma. In addition, exposure to traffic noise increases blood pressure, and long-term exposure to air pollution is known to increase the risk of death from heart disease.</p>

AGENDA ITEM	ZONING COMMENTS
201402368	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>The commercial parts of this development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>If this proposed development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Department of Health Services permit to construct, modify, or renovate before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.</p> <p>This Department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p>
201402384	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed townhome and residential development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This department is requiring that existing structures that will be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p>

AGENDA ITEM	ZONING COMMENTS
201402388	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed gas station development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>This Department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>This Department is requiring that existing structures that will be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p> <p>This department encourages that the owner reduce any potential pollution of the air and soil by consistently following best practices and complying with all applicable mandates.</p>
201402339	<p>If this property is served by an onsite sewage management system(s), plans for the proposed pool and fence must be submitted to this department for review and approval.</p>
201402352	<p>If this property is served by an onsite sewage management system(s), plans for the proposed deck/patio modification must be submitted to this department for review and approval.</p>

## 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: 100 gallons per day (gpd) per 1,000 square feet (sq.) x 74,700 (retail / office space) sq. ft. = 7,470 gallons per day (gpd) plus 270 gallons per day (gpd) per housing unit x 220 units = 59,400 gallons per day for a total daily water usage = 66,870 gpd.

This project is within the City of Atlanta water jurisdiction.

#### **SEWER:**

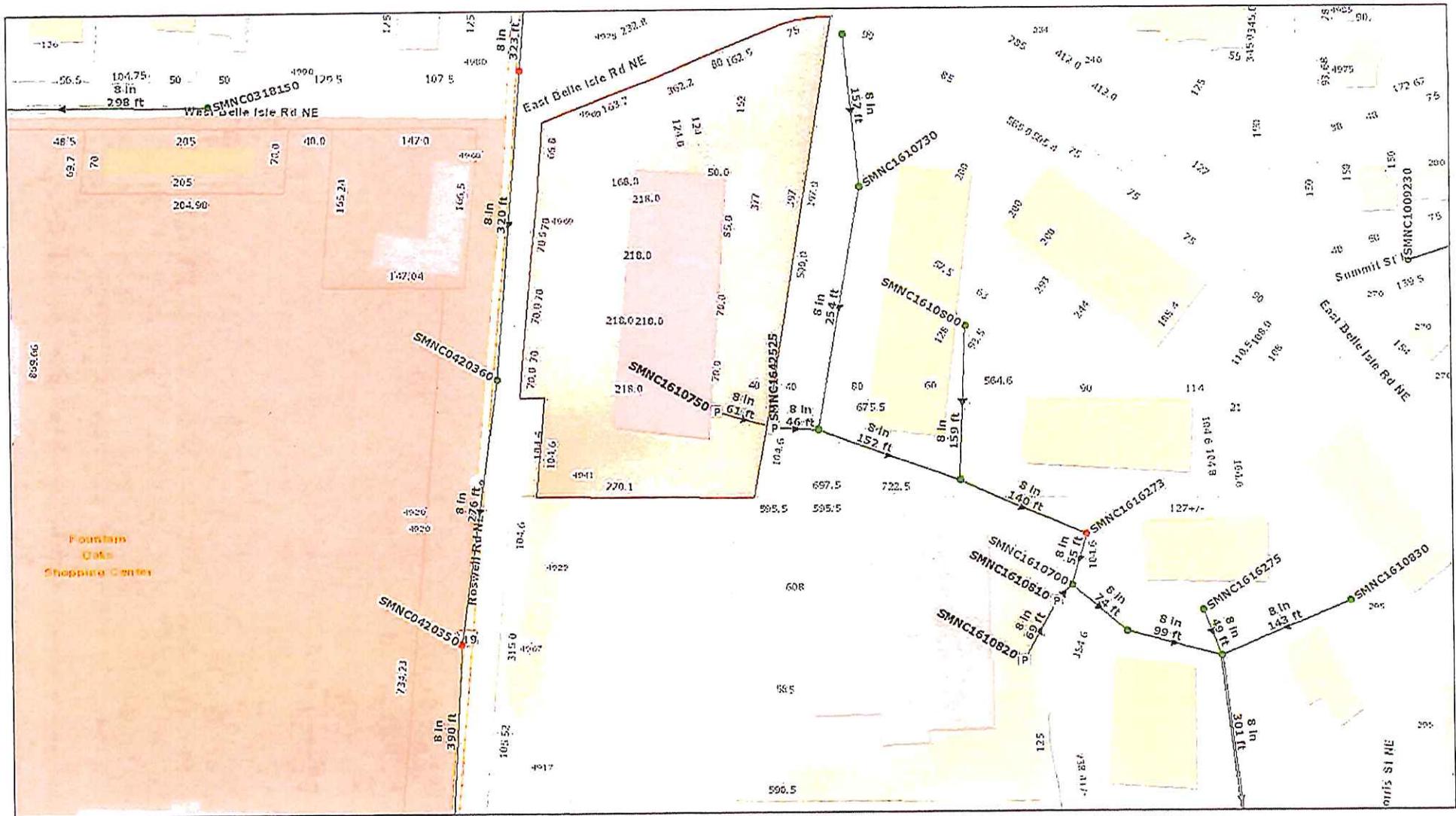
Basin: Nancy Creek

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

Anticipated sewer demand: 60,183 gallons per day

There are three sewer manholes within the eastern property boundary line of the within the 4.22 acre tract (4967 Roswell Road) (Sewer manholes # SMNC1610810, # SMNC1610820 and # SMNC1616273) and there is a sewer manhole within the eastern property boundary line of the within the 2.67 acre tract (4969 Roswell Road) (Sewer manhole # SMNC1610750) located in Land Lot 93, District 17 that can service the proposed retail, office and multi-family residential mixed use development.

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.



0 0.015 0.03 0.045 mi

Date: 8/19/2014

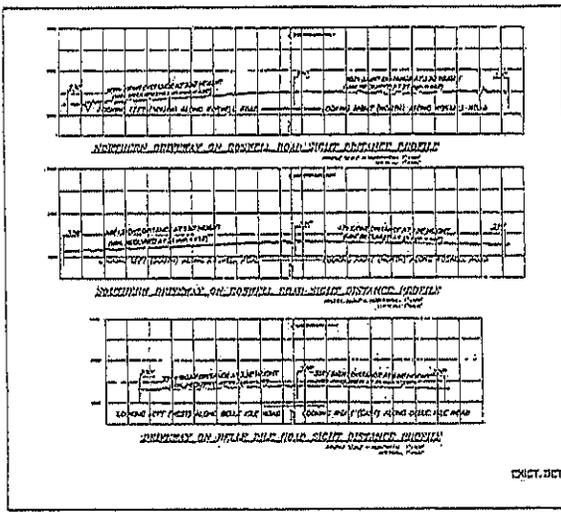
Map Doc: 17x11 (7/20/10)

### 4967 & 4969 Roswell Road

Fulton County provides the data on the map for your personal use "as is". The data is not guaranteed to be accurate, correct, or complete. The data is not intended to be used for any application where the accuracy of the data is critical to the safety of any person or property. Fulton County assumes no responsibility for any loss resulting from the use of this data, even if Fulton County is advised of the possibility of such loss.



Prepared By:  
GIS Section  
Water Resources Department  
Fulton County Government



**Development Statistics Summary Chart**

TOTAL AREA OF THE SITE	6.26 ACRES = 1000
DEVELOPED	23300 SQ. FT. = 333.00 SQ. YARDS
BLINDING FOOTPRINT	127 ACRES = 17.71
PARKING SPACES	422 SPACES = 1.72 ACRES = 2487
TOTAL IMPAVED SURFACE	324 ACRES = 23.84
IMPAVED	227 ACRES = 32.81
ROADWAY	0.44 = 0.7
DRIVEWAY AREA	0.7 ACRES = 1.0
UNDEVELOPED W/OUT IMP. SPACE	7.87 ACRES = 112.7 (INCLUDES GREENSPACE)

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JUL 01 2014

City of Sandy Springs  
Community Development

**Development References:**

DESIGN	DESIGNER: [unreadable]
REPORT	100% [unreadable]
PROJECT	1115 [unreadable]
OWNER	[unreadable]

**Parking Tabulations:**

EXISTING	35000 SQ. FT.
PROPOSED	41
TOTAL	27
TOTAL SPACES REQUIRED	300
TOTAL SPACES PROVIDED	422
EXCESS	122

**Site Data:**

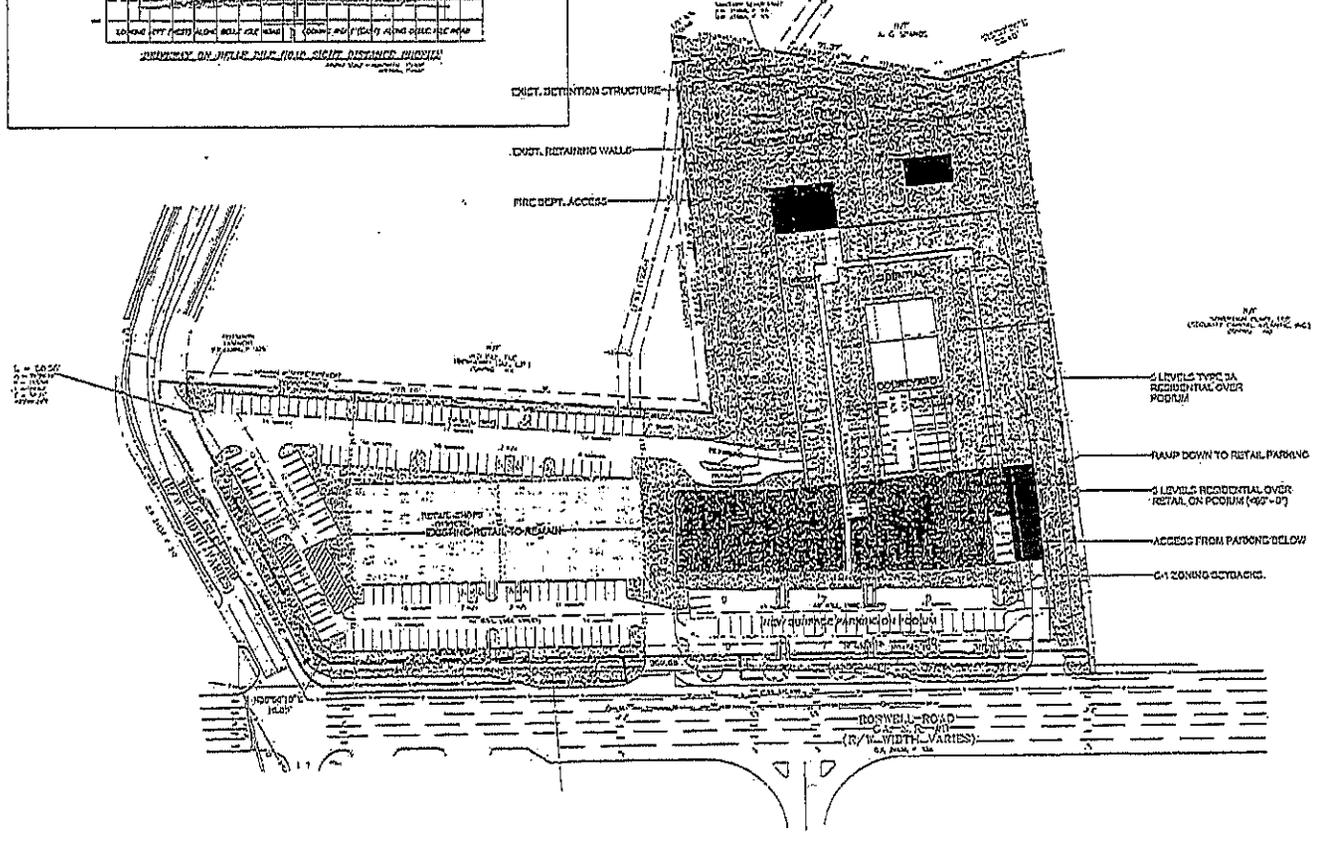
AREA	4000	3.00 AC.
EXISTING TOTAL FOOTPRINT	127	1.83 AC.
PROPOSED TOTAL FOOTPRINT	127	1.83 AC.
TOTAL BUILDING FOOTPRINT	127	1.83 AC.
EXISTING IMPAVED SURFACE	324	4.67 AC.
PROPOSED IMPAVED SURFACE	324	4.67 AC.
TOTAL IMPAVED SURFACE	324	4.67 AC.
TOTAL SITE AREA	6.26	89.7 AC.

**Zoning Data:**

- COMBINE ZONING: C-1 (COMMERCIAL) & R-1 (RESIDENTIAL)
- HEIGHT: 40 FEET INCLUDING BELLE ISLE ROAD
- USE: 25 FEET SETBACK FROM BELLE ISLE ROAD
- SETBACK: 25 FEET FROM BELLE ISLE ROAD
- ACCESS: NO MORE THAN 2 ENTRANCES FROM BELLE ISLE ROAD

**General Notes:**

- NO DEVELOPMENT SHALL BE CONSIDERED UNLESS ALL REQUIREMENTS OF THIS ZONING ORDINANCE ARE MET.
- NO PUBLIC UTILITIES OR UNDERGROUND UTILITIES SHALL BE LOCATED ON THE PROPERTY.
- THE PROPERTY SHALL BE MAINTAINED IN A SAFE AND SOUND CONDITION AT ALL TIMES.
- THE PROPERTY SHALL BE MAINTAINED IN A SAFE AND SOUND CONDITION AT ALL TIMES.



KINLEY-HORN  
and Associates, Inc.

ZONING PLAN

BELLE ISLE  
RESIDENTIAL  
DEVELOPMENT CAPITAL

SCALE: 1" = 20'

Property Profile for **4969 ROSWELL RD NE**

Property Tax Information

Tax Year	2014
Parcel ID	17 009300030439
Property Address	4969 ROSWELL RD NE
Owner	BELLE ISLE SQUARE ASSOC LLC
Mailing Address	1545 PEACHTREE ST # #250 ATLANTA GA 30309
Total Appraisal	\$4,666,500
Improvement Appraisal	\$1,062,000
Land Appraisal	\$3,604,500
Assessment	\$1,866,600
Tax District	59
Land Area	2.669995 ac
Property Class	Commercial Small Tracts
Land Use Class	Neighborhood Shopping Center
TAD	
CID	
<b>Zoning</b>	
Zoning Class	not available
Overlay District	
2030 Future Development	not available
<b>Political</b>	
Municipality	Sandy Springs
Commission District	4
Commission Person	Tom Lowe
Council District	not available
Council Person	not available
Voting Precinct	SS13A
Poll Location	Church of Atonement, 4945 High Point Rd Ne
<b>Congressional District</b>	
Congressional District	011
State Senate District	006
State House District	052
<b>School Zones</b>	
Elementary School	High Point
Middle School	Ridgeview
High School	Riverwood
<b>Other Information</b>	
Zip Code	30342
Census Tract	101.14
In Less Developed Census Tract	No

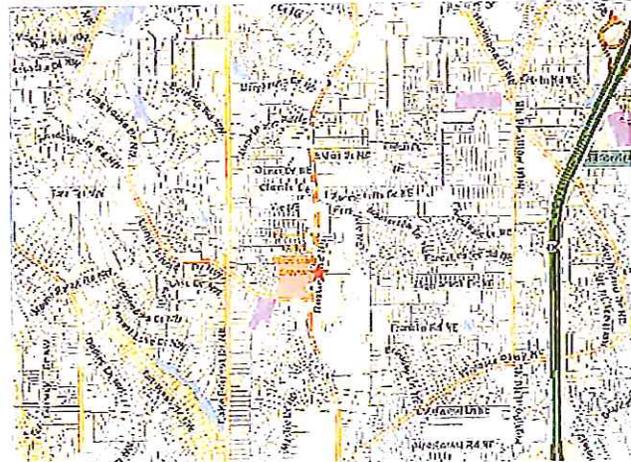
Oblique Aerial View (looking north)



Property Map



Vicinity Map



**Fulton County Schools - Rezoning Impact Statement**

7/28/2014

PETITION: 201402368  
 JURISDICTION: Sandy Springs

*Proposed Residential Units*

<u>Single-family detached</u>	<u>Townhouses</u>	<u>Apartments</u>	<u>Condominiums</u>
0	0	220	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 162	53 to 109	53 to 271		
Ridgeview Charter MS	1,161 to 1,233	1200	0 to 37	-39 to 33	-39 to 70		
Riverwood HS	1,553 to 1,649	1325	8 to 46	228 to 324	236 to 370		
<b>TOTAL</b>			8 to 245				

HS REGION: Riverwood HS	AVERAGE - 1 STD. DEV.		AVERAGE + 1 STD. DEV.		
<i>One single-family detached unit generates:</i>	0.013091	to	0.208131		<i>elementary school students</i>
	0.000000	to	0.056933		<i>middle school students</i>
	0.000000	to	0.162666		<i>high school students</i>
<i>One townhouse unit generates:</i>	0.007704	to	0.089494		<i>elementary school students</i>
	0.000000	to	0.039527		<i>middle school students</i>
	0.007502	to	0.107628		<i>high school students</i>
<i>One apartment unit generates:</i>	0.000000	to	0.737742		<i>elementary school students</i>
	0.000000	to	0.167478		<i>middle school students</i>
	0.036368	to	0.207204		<i>high school students</i>
<i>One condominium unit generates:</i>	0.000000	to	0.288299		<i>elementary school students</i>
	0.000000	to	0.053888		<i>middle school students</i>
	0.004129	to	0.100313		<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
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<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**

Jo Ann J. Macrina, PE  
COMMISSIONER

DEPARTMENT OF WATERSHED MANAGEMENT  
72 Marietta Street  
ATLANTA, GEORGIA 30303-3544

July 17 2014

**Linda Abaray**  
Senior Planner  
City of Sandy Springs  
7840 Roswell Road, Bldg. 500  
Sandy Springs, GA 30350

**Subject: Water Availability at 4967-4969 Roswell Rd.**

Dear Ms. Abaray

Our records indicate that there is an existing 12 inch water main along the west side of Roswell Rd. These water mains are 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 Ron Brown at 404-546-3289 or @ cell # 404 449-2528

Sincerely,

Ron Brown  
Field Engineer

Cc: Parett Smith

**Abaray, Linda**

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**From:** spike <spikeinc@yahoo.com>  
**Sent:** Wednesday, October 15, 2014 8:24 PM  
**To:** COSS Planning and Zoning  
**Subject:** Dewberry/Belle Isle

To whom it may concern,

I would like to express my concern over the Dewberry/Belle Isle proposal. The extreme density they are proposing along with the height is outrageous. Please deny this so that massive corporate development and tall buildings don't start taking over our beautiful neighborhoods. Thank you.

Suzanne Umberger  
160 Mount Paran Rd NE, Sandy

Springs, 30342

## Abaray, Linda

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**From:** Jane Kelley <janekelley@mindspring.com>  
**Sent:** Friday, October 03, 2014 4:00 PM  
**To:** DeJulio, Tibby; Sterling, Gabriel; Paulson, John; Bauman, Andy; Dishman, Ken; McDonald, Graham; Abaray, Linda; Paul, Rusty; Dickerson, Patrice; Parker, Angela  
**Cc:** Keith Kyle; Tom Atwater; Pam Atwater; Rupen Patel; edandms@aol.com; Kristen Beightol; Barbara Hingst; Gerald Dupre; Hilary Haddad; David Seidel; Jodi & John Webb; Lori Geary; bobby talbert  
**Subject:** Dewberry/Belle Isle Rezoning 201402368

Dear Sandy Springs Administration,

I am writing today representing my neighborhood: twelve homeowners on Windsor Park Place, plus the Windsor Place Townhome owners and residents on Hedden Street.

It's sad that we have to **fight over and over again** for "smart redevelopment" over the wishes of developers hoping to maximize their profits on properties. Our neighborhood is **NOT** against redevelopment, but we moved to Sandy Springs on purpose — to **AVOID** the **misguided zoning decisions** made by Fulton County before we became a city. Many of us were involved in the planning process, creation of the Comprehensive Use Plan, the Transportation Plan, and the Livable Cities Initiative — because we **CARE** about our neighborhoods and want to protect the quality of life we moved here for. We are in a poorer school district (High Point) because we **CHOOSE** to live in Sandy Springs over the City of Atlanta (Sarah Smith). We **LOVE** our neighborhood and what Sandy Springs has been able to accomplish in a short time.

Rezoning issues like this one (Dewberry/Belle Isle) and the Park 225/Franklin Rd rezoning are **threatening our neighborhood** and those nearby. My home is 3/4 of a mile from this property and some of my neighbors are far closer. We cannot understand why Sandy Springs would allow development only appropriate in LWR (Live Work Regional) areas of the City in a LWN (Live Work Neighborhood)!

**Five story buildings on Roswell Rd – and abutting residential property – are inappropriate for this location.** There is nothing that height on Roswell Rd within a mile north or south of this location if my eyesight is correct. And there is **not even any added greenspace** that will be viewable from Roswell Rd. to lessen the impact of the unreasonable heights.

If this gets approved, you will be dooming Sandy Springs forever — because Mr. Pete Hendricks -- and every real estate attorney in town -- will be using this case as a precedent for their unreasonable request.

Our neighborhood is already about to get an major traffic increase from the Gateway project. Until it is completed, we won't even know its impact for sure! Can we **PLEASE** not compound dense rezonings with ever more -- before we realize the impact of unbuilt -- but approved — rezonings?

**We BEG you to deny this application and protect our neighborhood!**

Thanks so much for your service!  
We realize your jobs are not easy ones.

Sincerely,  
Jane Kelley  
President, Windsor Park Community Association  
and a member of the High Point Civic Association

## Abaray, Linda

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**From:** Ed Buckley - ebuckley1990@kellogg.northwestern.edu <ejbuckley7@comcast.net>  
**Sent:** Friday, October 03, 2014 4:51 PM  
**To:** Abaray, Linda  
**Subject:** Rezoning Petition No. 201402368

I am writing in opposition of Rezoning Petition No. 201402368 relating to the property at 4967 and 4969 Roswell Road. There are no hardships at this location that should prompt approval of the requested variances. Additionally, the height and density of the apartment development requested are unacceptable. There is no existing blighted development in need of redevelopment that would support any density bonuses either.

I urge the Mayor and City Council to reject this rezoning petition.

Regards,

Ed Buckley  
105 Franklin Place NE  
Sandy Springs, GA 30342

## Abaray, Linda

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**From:** Kim Russell <kim@kim-russell.com>  
**Sent:** Saturday, October 04, 2014 10:53 AM  
**To:** Dishman, Ken; McDonald, Graham; Paulson, John; Sterling, Gabriel; Abaray, Linda; Bauman, Andy; DeJulio, Tibby; westfieldpark1958@gmail.com; Paul, Rusty; john@andrewsstembridge.com  
**Subject:** Dewberry application 201402368

Dear Linda, planning commission, city council and Mayor,

I am writing to you in regards to the above application. This application is asking for density and height that doesn't not conform to the current LWN node 2 comprehensive plan.

I believe that this is also in the current class C that the city announced a hold on redevelopment on that class of property.

Regardless if it is or not the height and density is too much. 67 feet tall at Roswell road and 90 at rear. The apartments behind the new development will be in the shadows. Another concern is the parking for the shopping center which is always full and uses the daycare parking lot.

Sandy Springs has several applications to develop or redevelop in this node, all developers are asking for variances in height, density and setbacks. None are showing a hardship for setback variances. Using the comprehensive plan that the city spent years to develop is the best way to develop southern Sandy Springs growth in a smart sustainable way.

I urge you to stick to the plan and defer this application. Please send the developer back to re-evaluate their application.

Kim Russell  
4865 Lansbury Dr, Sandy Springs

Kim Russell. Sent from my iPad

## Abaray, Linda

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**From:** Jennie Buckley <jbuckley216@comcast.net>  
**Sent:** Friday, October 03, 2014 5:04 PM  
**To:** Abaray, Linda; DeJulio, Tibby; Paul, Rusty; Paulson, John; Dishman, Ken; McDonald, Graham; Sterling, Gabriel; Bauman, Andy  
**Subject:** Development of 4967 and 4969 Roswell Road

Hello,

Earlier today I wrote to you expressing concerns about the proposed redevelopment of the corner of Franklin Road and Roswell Road. Please allow me to add to that my concern over the proposed redevelopment of 4967 and 4969 Roswell Road.

While I support continued improvement of existing properties along Roswell Road, this project does not seem to be a hardship case that would justify variance from the City's planning and zoning guidelines. Furthermore, I feel it is irresponsible to approve any variances or proposed development plans for this property without first understanding the real impact of the Gateway project and the Heights at Sandy Springs. Should all of these projects be constructed simultaneously, the City will not have an opportunity to control growth and manage to an acceptable pace or level that our infrastructure can support.

Please delay approval of this development and protect the high quality of our neighborhood.

Sincerely,  
Jennie Buckley  
105 Franklin Place  
Sandy Springs, GA 30342

## Abaray, Linda

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**From:** Jane Kelley <janekelley@mindspring.com>  
**Sent:** Thursday, September 04, 2014 2:07 PM  
**To:** Abaray, Linda; Dickerson, Patrice; DeJulio, Tibby; Sterling, Gabriel; Paulson, John; Bauman, Andy; Dishman, Ken; McDonald, Graham; Paul, Rusty  
**Cc:** Susan Yeosock; Trisha ThompsonFox; Bill Leffler; Bill Gannon; Norris Broyles; Thome, Julian; David Perez; Kim Russell; John Stenbridge; John Albanese; Ric Mayfield  
**Subject:** Dewberry Rezoning (201402368)

Planning and Zoning Staff, Planning Commissioners, Mayor and City Council,

I am writing today regarding the proposed Dewberry Rezoning (201402368).  
I represent my neighborhood, Windsor Park Place, just south of this rezoning.

We realize that this property has its topographic challenges, however **the density and building heights being proposed are totally out of line for this locale** (Live Work Neighborhood / Node 3 – incorrectly labelled LWC and Node 6 PCID in the Petition).

The applicant is requesting a density of **34 units/acre**, which is unrealistic for a LWN area. According to our Comp Plan, this density **belongs in a LiveWorkRegional** area serviced by rail transit or a major interchange. This density is **even above that of the Gateway project** on a much smaller property (only 6 acres versus 21) and **does not appear to take into account the 21,700sf of added retail or the 4,000sf for the Daycare in addition to the residences and the existing retail**. This property is adjacent on two sides to residential properties, not commercial.

We respectfully **object to both the density and the building heights** on Roswell Road. This will literally tower over everything else in the neighborhood. Certainly we can offer visibility on Roswell without having **5 stories on top of a grocery store all above the road!** That equates to approximately 7 residential stories above Roswell Road -- right at the street, where they are asking for buffer, setback and potential streetscape reductions.

Since the petitioner will be building above ground on Roswell Road, they should be **required to give the proper buffer, setback and streetscape**. There's no excuse not to. Again, we are being asked to accept **reduced buffers and setbacks** on the southern property line as well. I helped fight for our Comp Plan and regulations, please protect them! Variances should be granted only in extreme cases.

The applicant is also asking to reduce the **required parking**. Currently, there is significant overflow from the existing restaurants and stores onto this lower area at peak times. Please hold them to our City parking regulations.

I never dreamed when I moved to Sandy Springs that I would have to fight so hard to maintain my neighborhood. Our vision of Sandy Springs is being eroded with each rezoning in this area. **Please protect the residents from overdevelopment.**

We residents do not object to redevelopment. **We are fighting for smart and appropriate development.** We chose to live in Sandy Springs, not the City of Atlanta. Please prove us right.

## **Abaray, Linda**

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**From:** Susan Thompson <svathompson@yahoo.com>  
**Sent:** Thursday, November 06, 2014 8:46 PM  
**To:** Abaray, Linda  
**Subject:** Belle Isle Square rezoning

Dear Linda,

As a HighPoint neighbor who resides at 445 HighBrook Drive- the street that dead ends into Belle Isle and as a residential realtor who understands the value of improved developments in a neighborhood, I heartily support the rezoning of the above-referenced property. My belief is that continued upscale development of the Roswell Road corridor in this area will only serve to increase our property values.

I truly hope you approve this rezoning.

Susan Thompson  
Keller Williams of Buckhead  
404-915-9440