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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** August 14, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:**    **201401601** - 5950 Mitchell Road, *Applicant: Rockhaven Homes*, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 16-lot subdivision, with concurrent variances

**MEETING DATE:** For Submission onto the August 19, 2014, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
Rezoning Application

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**APPROVAL BY CITY MANAGER:**                                          **APPROVED**

**PLACED ON AGENDA FOR:** **08/19/2014**

**CITY ATTORNEY APPROVAL REQUIRED:**    (  ) **YES**            (    ) **NO**

**CITY ATTORNEY APPROVAL:**                                         

**REMARKS:**



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: August 1, 2014 for submission onto the August 19, 2014 City Council meeting

Agenda Item: **201401601 5950 Mitchell Road** a request to rezone the subject property from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for the development of 16 single family lots, with concurrent variances.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**APPROVAL CONDITIONAL** of a request to rezone the subject property from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for the development of 15 single family lots, with concurrent variances.

**Discussion:**

To rezone the subject property from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for the development of 16 single family lots.

Additionally, the applicant is requesting one (1) concurrent variance from the Zoning Ordinance as follows:

1. Variance from section 6.6.3.F. to reduce minimum lot width from seventy (70) feet to the following:
  - Lot 2- sixty-eight (68) feet
  - Lot 3- fifty-seven (57) feet
  - Lot 4- sixty-one (61) feet
  - Lot 5- forty-nine (49) feet

**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	5950 Mitchell Road Land Lot 123, District 17 <sup>th</sup>
<b>Council District</b>	3 (Graham McDonald)
<b>Frontage</b>	402.67 feet along Mitchell Road
<b>Area</b>	5.09 acres
<b>Existing Zoning and Use</b>	R-1 (Single Family Dwelling District) developed with a Single Family Home.
<b>Overlay District</b>	N/A
<b>2027 Comprehensive Future Land Use Map Designation</b>	R2-3 (2 to 3 units per acre)
<b>Proposed Zoning</b>	R-4 (Single Family Dwelling District)

**APPLICANT/PETITIONER INFORMATION**

Property Owner	Petitioner	Representative
Anne F. Goldthwaite	Rockhaven Homes, LLC	Nathan V. Hendricks
<b>Community Zoning Information Meeting</b> May 27, 2014	<b>Community Developer Resolution Meeting</b> June 26, 2014	<b>Planning Commission Hearing</b> July 17, 2014
		<b>Mayor and City Council Hearing</b> August 19, 2014

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**201401601-APPROVAL CONDITIONAL  
201401601 Variances #1 WITHDRAWAL**

**PLANNING COMMISSION RECOMMENDATION- July 17, 2014**

The petition was heard at the July 17, 2014 Planning Commission meeting. Frostbaum moved to recommend deferral seconded by Squire. The Commission deferral (5-0, Maziar, Porter, Frostbaum, Tart, and Squire for; Nickles absent and Duncan not voting), to September 18th Planning Commission and October 21st Mayor and City Council to allow the applicant to revise the site plan for the staff and neighbors to review.

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

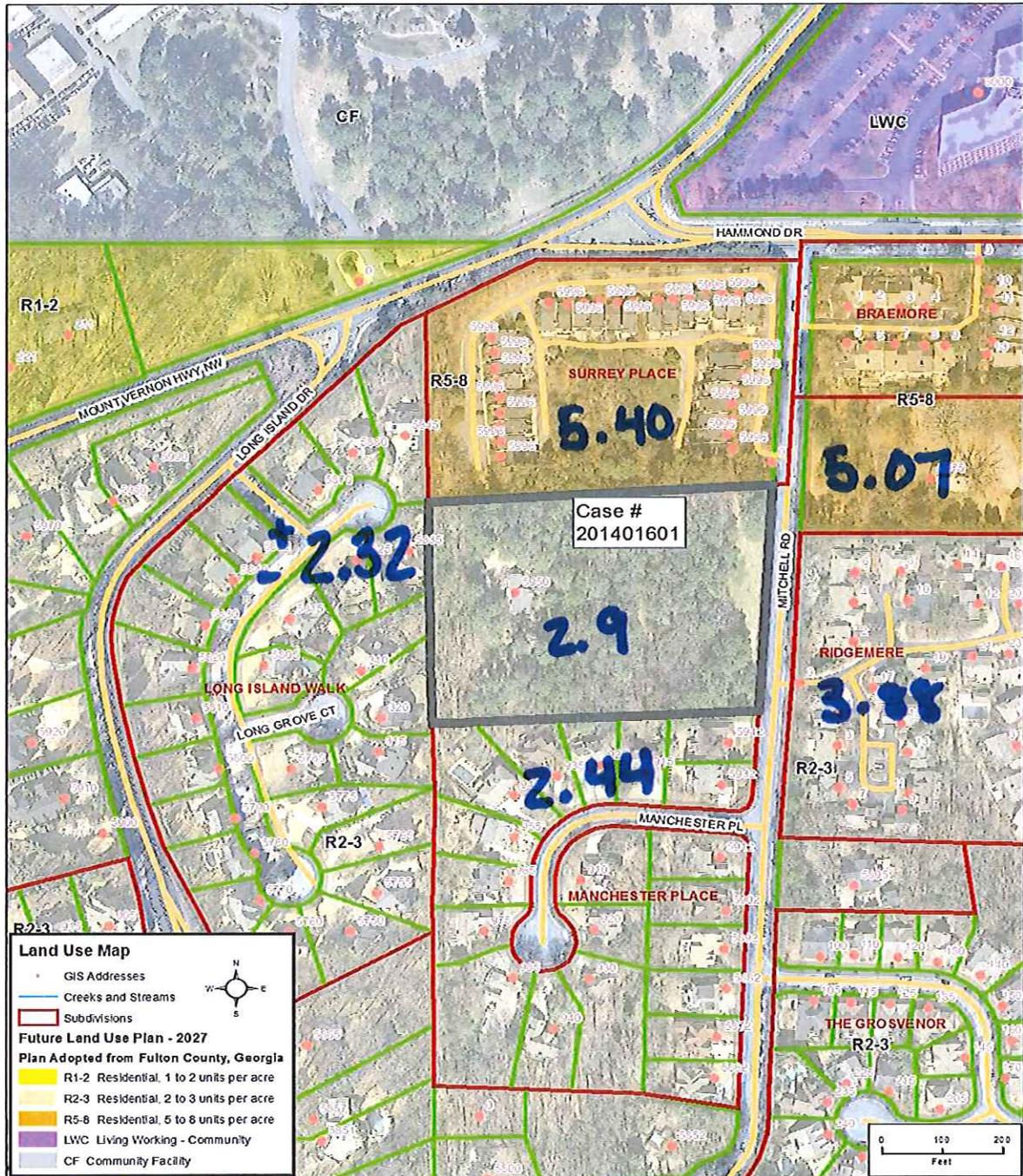
<b>SUBJECT PETITION 201401601</b>	<b>Requested Zoning</b>	<b>Proposed Use</b>	<b>Land Area (Acres)</b>	<b>Units</b>	<b>Density (Units per Acre)</b>
	R-4	Single Family	5.09	15	2.94 units/ac

<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	TR Conditional Z81-0016	Townhomes (Surry Place)	5.37	29 units	5.40 units/ac
East	R-5A Conditional RZ12-004	Fee-simple Single-family Dwellings	2.365	12 units	5.07 units/ac
East	CUP Conditional Z81-133	Single-family Dwellings (Ridgemere)	11.34	44 units	3.88 units/ac
South	R-4 Conditional Z82-0135	Single Family Dwelling (Manchester Place)	8.2	20 units	2.44 units/ac
West	R-4A Conditional Z89-0019	Single Family Dwelling	±10.78	25 units	±2.32 units/ac



### Future Land Use Map

5950 Mitchell Road



**ZONING IMPACT ANALYSIS**

To rezone the subject property from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for the development of 16 single family lots.

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: TR (Townhouse Residential District) to the north; R-5A (Single Family Dwelling District) and CUP (Community Unit Plan) to the east; R-4 (Single Family Residential) to the south; and R-4A (Single Family Residential) to the west.

*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 will not have an adverse impact on the use or usability of adjacent or nearby properties because the use would be consistent with adjacent properties. The proposal is for a density of 2.94 units per acre. The proposed density is consistent with the Comprehensive Plan density of 2-3 units per acre. The proposal also provides a transition from the north where the density is above 5 units per acre and east where densities are 5.07 units per acre and 3.88 units per acre.

*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 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.

*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 consistent with the future land use plan, which designates the property as R2-3 (2 to 3 unit per acre). The applicant is proposing 2.94 units per acre. The proposal is consistent with the surrounding properties. The property provides a transition from the higher density properties to the north and east to the slightly lower densities to the south and west.

*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.

*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 including a stormwater management system.

#### **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 one (1) concurrent variance 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 6.6.3.F. to reduce minimum lot width from seventy (70) feet to the following:
  - Lot 2- sixty-eight (68) feet
  - Lot 3- fifty-seven (57) feet
  - Lot 4- sixty-one (61) feet
  - Lot 5- forty-nine (49) feet

Findings:

*Staff is of the opinion that the request to reduce the lot width for lots 2, 3, 4, and 5 is not in harmony with the intent of the Zoning Ordinance and could be a detriment on adjacent properties. The lots have been laid out by the developer and could be designed to meet lot width. Additionally, the site does not exhibit any extraordinary or extreme topography to justify the variance request. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.*

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on June 4, 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).

Transportation Planner	<p>Mitchell Road is classified a minor street and has a posted speed limit of 25 mph. (Note that zoning site plan has street incorrectly labeled as Mitchell Street).</p> <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> <ul style="list-style-type: none"> <li>• Street design shall meet design and construction standards, §103-70.</li> <li>• Street frontage along Mitchell Road shall be widened to uniform lane width of 12 feet, §103-73(n).</li> <li>• The minimum cul-de-sac radius is 50 feet, §103-74(c).</li> <li>• The minimum right-of-way for Mitchell Road is 50 feet (existing right-of-way is not show). Applicant shall dedicate right-of-way along entire property front of 25 feet from street centerline, 11 feet behind back of curb, or one foot behind sidewalk, whichever is greater, §103-75(a). Ten foot right-of-way miters are required at Mitchell Road and proposed street §103-75(b).</li> <li>• The corner lots shall have access on Mitchell Road.</li> <li>• Proposed street and driveways shall meet intersection sight distance of §103-77(f).</li> </ul> <p>All existing and proposed street frontages shall meet curb and gutter requirements §103-79.</p>
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**PUBLIC INVOLVEMENT***Public Comments*

- Separate list of questions from one of the neighbor's included in the file – copy was given to Pete & Brad at the meeting, and the developer has committed to following up with the comments in writing at a later date
- Brad basically went through the concerns on the list, which you will be getting in writing soon
- Erosion concerns during construction – BMPS & additional
- Creek on the property? Met with Michael Barnett and it was determined it was not a creek, not a stream
- Topography, running towards neighbors, would owner/developer deal with that?
- Proposed changes in topography throughout the life of the development?
- Retention pond – fenced, underground, what will it look like?
- Gated community?
- Concern about removal of trees, particularly between the street and the edge of the development
  - Magnolias

- Removal of trees in the required and proposed buffers?
  - How will they deal with changes in topography?

#### **CONCLUSION TO FINDINGS**

It is the opinion of the staff that the proposal is in conformity with the Future Land Use Map. The proposed density of 2.71 units per acre falls within the range recommended by the Future Land Use Map. The proposal does meet the intent of the Comprehensive Plan Policies. The proposal is consistent with policies to develop similar densities to adjacent properties. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL of the rezoning petition and WITHDRAWAL of the concurrent variance.

Should the Mayor and City Council decide to rezone the subject property from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District), the staff recommends the approval be subject to the R-4 regulations in the Sandy Springs Zoning Ordinance and the Sandy Springs Code of Ordinances.

#### **Attachments**

- Letter of Intent received May 2, 2014
- Site Plans dated received July 17, 2014
- Original Site Plan dated receive May 2, 2014
- Site Photographs
- Additional comments from the Fulton County Department of Water Resources, Fulton County School System, City of Atlanta Watershed Management, Fulton County Health and Wellness.
- Letters of Opposition (35)

LETTER OF INTENT

The property contains approximately 5.09 acres and is located on the westerly side of Mitchel Road south of its intersection with Hammond Drive and is presently zoned to the R-1 Classification.

The Applicant requests a rezoning to the R-4 Classification for the development of a 16 lot single family detached residential subdivision. This results in a density of 3.15 units per acre. The homes will have a minimum of 2,500 square feet of heated floor area exclusive of garages. Given the narrow and confining shape of the Property which is a hardship unique to the Property, the Applicant requests a Concurrent Variance to reduce the required minimum lot width from 70 feet to 60 feet for lots 2, 3, 4, and 5 as shown on the site plan submitted simultaneously herewith. It is to be noted that these lots are along the northerly Property line adjacent to the Townhome-Residential (TR) zoning and development which is contiguous to the north. This Concurrent Variance is requested to the requirements of Article 6.6.3.F. The approval of this Concurrent Variance will not have any adverse affect on the health, safety and welfare of the general public as it is internal to the proposed development. The Comprehensive Land Use Plan May suggests residential development at a density range of 2 to 3 units per and given the proximity of this proposed development to the referenced TR zoning and development contiguous and to the north, this zoning proposal complies with the policies and intent of the zoning ordinance. Accordingly, this Application for Rezoning and Concurrent Variance is entirely appropriate and the appropriateness of this Application for Rezoning and Concurrent Variances and the consitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

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

**RECEIVED**

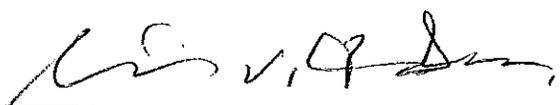
MAY 08 2014

City of Sandy Springs  
Community Development

APPLICANT:

Rockhaven Homes, LLC

By:   
Brad Hughes  
Its: Vice President

  
Nathan V. Hendricks III  
Attorney for the Applicant

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

Exhibit "A"

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.

LAW OFFICE  
NATHAN V. HENDRICKS III  
6085 LAKE FORREST DRIVE, SUITE 200  
ATLANTA, GEORGIA 30328

July 17, 2014

OFFICE (404) 255-5161  
TELECOPIER (404) 255-3899

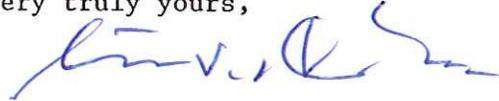
Ms. Patrice S. Dickerson  
Manager of Planning & Zoning  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

Re: 201401601

Dear Patrice:

The Applicant has submitted this date a revised Site Plan reflecting the correct acreage being 5.09 acres and not the 5.9 acres mistakenly stated on the Site Plan originally submitted. The Applicant further requests that the Concurrent Variance be withdrawn which results in the Applicant requesting a total of 15 lots and not the 16 lots originally requested. The request for 15 lots based on the correct amount of 5.09 acres results in a density of 2.95 units per acre which fully conforms with the suggestion of the Comprehensive Land Plan for residential development at a density range to 2 to 3 units per acre. Please let me know if you have any questions.

Very truly yours,



Nathan V. Hendricks III  
Attorney for the Applicant

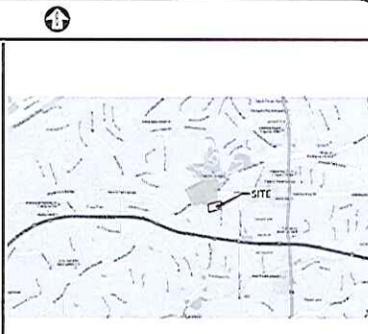
NVH:sks

**RECEIVED**  
JUL 17 2014  
City of Sandy Springs  
Community Development

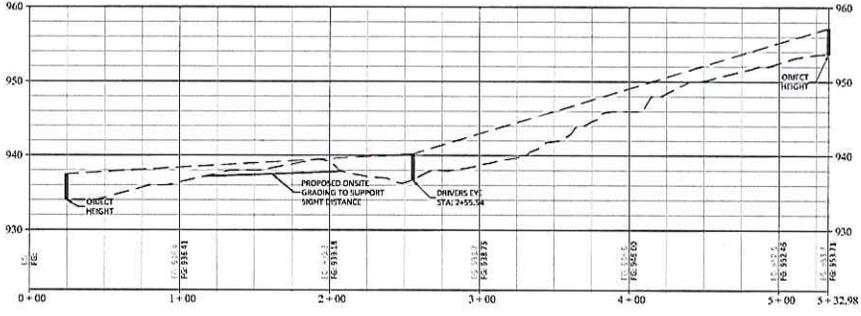
# MAPS



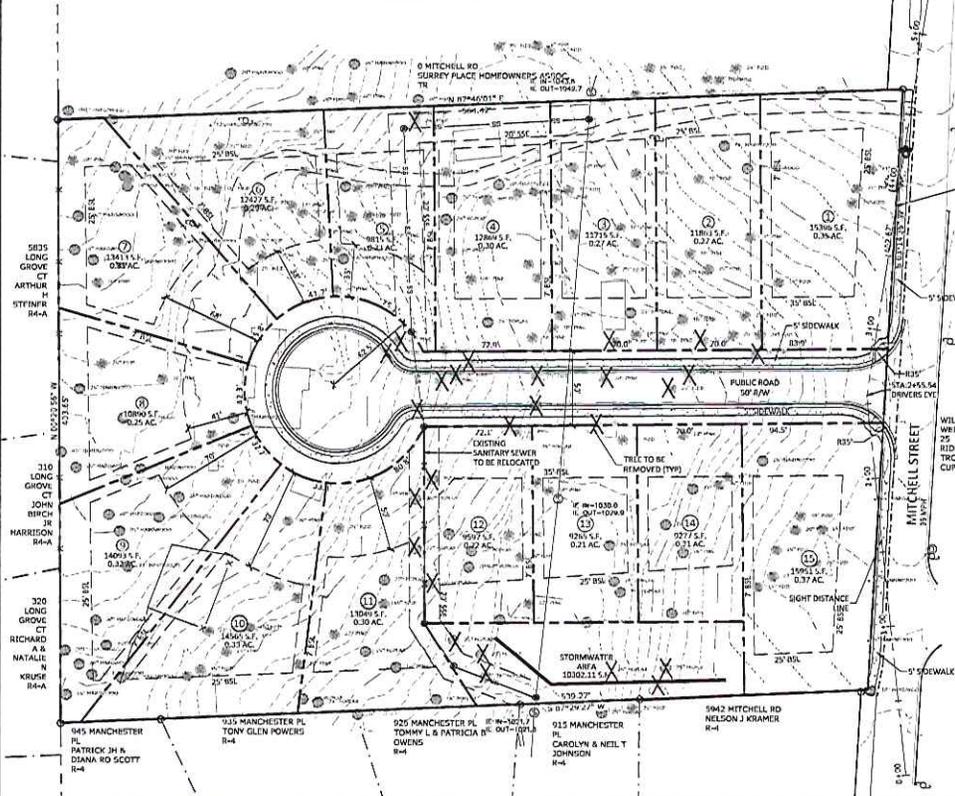
THIS SITE NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE PER FEMA FLOOD PANELS # 13121C0142F, DATED 9-18-13. FEMA MAP



LOCATION MAP SCALE: NTS



SIGHT DISTANCE PROFILE  
1" = 5'



5975 MITCHELL RD  
SAINT JAMES  
ANGLICAN CH IN C  
R-1

DEVELOPMENT STATISTICS SUMMARY TABLE WITH PERCENTAGE (%) OF TOTAL SITE COVERAGE

TOTAL SITE AREA:	5.09 ACRES (221,720 SF)	
BUILDINGS:	50,000 SF (APPROXIMATE FUTURE HOMES)	25.3%
PARKING SPACES:	TO BE PROVIDED IN GARAGES	0%
IMPERVIOUS SURFACE:	19,000 SF (DRIVEWAY & SIDEWALKS)	41.7%
LANDSCAPING:	45,000 SF (APPROXIMATE)	21.3%
FLOOD PLAIN:	NA	0%
REMAINING LOT AREA:	28,810 SF	11.9%
TOTAL:		100.0%

THE SITE IS CURRENTLY WOODED. TREES WITHIN THE FOOTPRINT OF THE DEVELOPMENT WOULD BE REMOVED.

- SYMBOLS**
- IRON PIN FINDING
  - IRON PIN SET
  - CONCRETE MONUMENT
  - LAND LOT SYMBOL
  - SIGN
  - MAILBOX
  - HEADWALL
  - DOUBLE WING CATCH BASIN
  - SINGLE WING CATCH BASIN
  - CURB INLET
  - DIAPH INLET
  - PEDESTAL INLET
  - UTILITY POLE
  - GUY WIRE
  - LIGHT POLE
  - TRAFFIC SIGNAL POLE
  - UTILITY MANHOLE (UTILITY SPECIFIED)
  - UTILITY METER BOX (UTILITY SPECIFIED)
  - UTILITY VALVE (UTILITY SPECIFIED)
  - SANITARY SEWER CLEANOUT
  - FIRE HYDRANT
  - PLUG / CAP

- LINE TYPES**
- LAND LOT LINE
  - - - PROJECT PROPERTY LINE
  - · - · - ADJOINING PROPERTY LINE
  - · - · - UNDISTURBED BUFFER
  - · - · - SETBACK
  - · - · - FENCE
  - · - · - CHAINLINK FENCE
  - · - · - DECORATIVE FENCE (WOOD / VINYL)
  - · - · - GUARDRAIL
  - · - · - CREEK CENTERLINE
  - · - · - OVERHEAD TELEPHONE
  - · - · - NATURAL GAS
  - · - · - UNDERGROUND POWER
  - · - · - OVERHEAD POWER
  - · - · - SANITARY SEWER
  - · - · - WATER MAIN

**SITE DATA**

OWNER/DEVELOPER: ROCKHAVEN HOMES, LLC  
11 LUMPKIN STREET, SUITE 200  
LAWRENCEVILLE, GA 30046  
PHONE: 404-294-6216

ENGINEER/SURVEYOR: SOUTHEASTERN ENGINEERING, INC.  
2410 SANDY SPRINGS ROAD  
MARIETTA, GA 30066  
PHONE: 770-221-2936

BOUNDARY: FIELD RUN SURVEY BY SEI, DATED APRIL, 29, 2014

TAX PARCEL ID: 17-0123-L0197

TOPOGRAPHY: FIELD RUN SURVEY BY SEI, DATED APRIL, 29, 2014

SITE AREA: 5.09 AC

NUMBER OF LOTS: 15

DENSITY: 15 LOTS / 5.09 ACRES = 2.95 UNITS PER ACRE

CURRENT ZONING: R1 RESIDENTIAL

PROPOSED ZONING: R4 RESIDENTIAL

FLOOD INFO: THIS SITE NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE PER FEMA FLOOD PANELS # 13121C0142F, DATED 9-18-13.

AREA BREAKDOWN: TOTAL SINGLE FAMILY LOT AREA: 183,985 SF (72%)  
STORMWATER AREA: 11,663 SF (4%)  
RIGHT OF WAY AREA: 61,338 SF (24%)

DEVELOPMENT STANDARDS:  
MIN. LOT SIZE: 9,000 S.F.  
MIN. LOT WIDTH AT FRONT SETBACK LINE: 70'  
CONCURRENT VARIANCE REQUESTED TO ALLOW 60'  
WIDTH ADJACENT TO TOWNHOME ZONING)  
MIN. LOT FRONTAGE: 35'  
MAX HOUSE HEIGHT: 40'  
MIN. OPEN SPACE: 10%  
MIN. FRONT BUILDING SETBACK: 35'  
MIN. SIDE BUILDING SETBACK: 7' ADD. TO INTERIOR LOT

**RECEIVED**  
 City of Sandy Springs  
 Community Development  
 JUL 17 2014  
 GRAPHIC SCALE  
 1" = 40 ft.



DATE	ISSUE DESCRIPTION

ROCKHAVEN HOMES, LLC  
 111 LUMPKIN STREET, SUITE 200  
 LAWRENCEVILLE, GA 30046  
 PHONE: 770-221-2936

**SITE PLAN**

5950 MITCHELL ROAD  
 PROJECT LOCATED AT:  
 11197 MITCHELL STREET  
 SANDY SPRINGS, GA, FULTON COUNTY



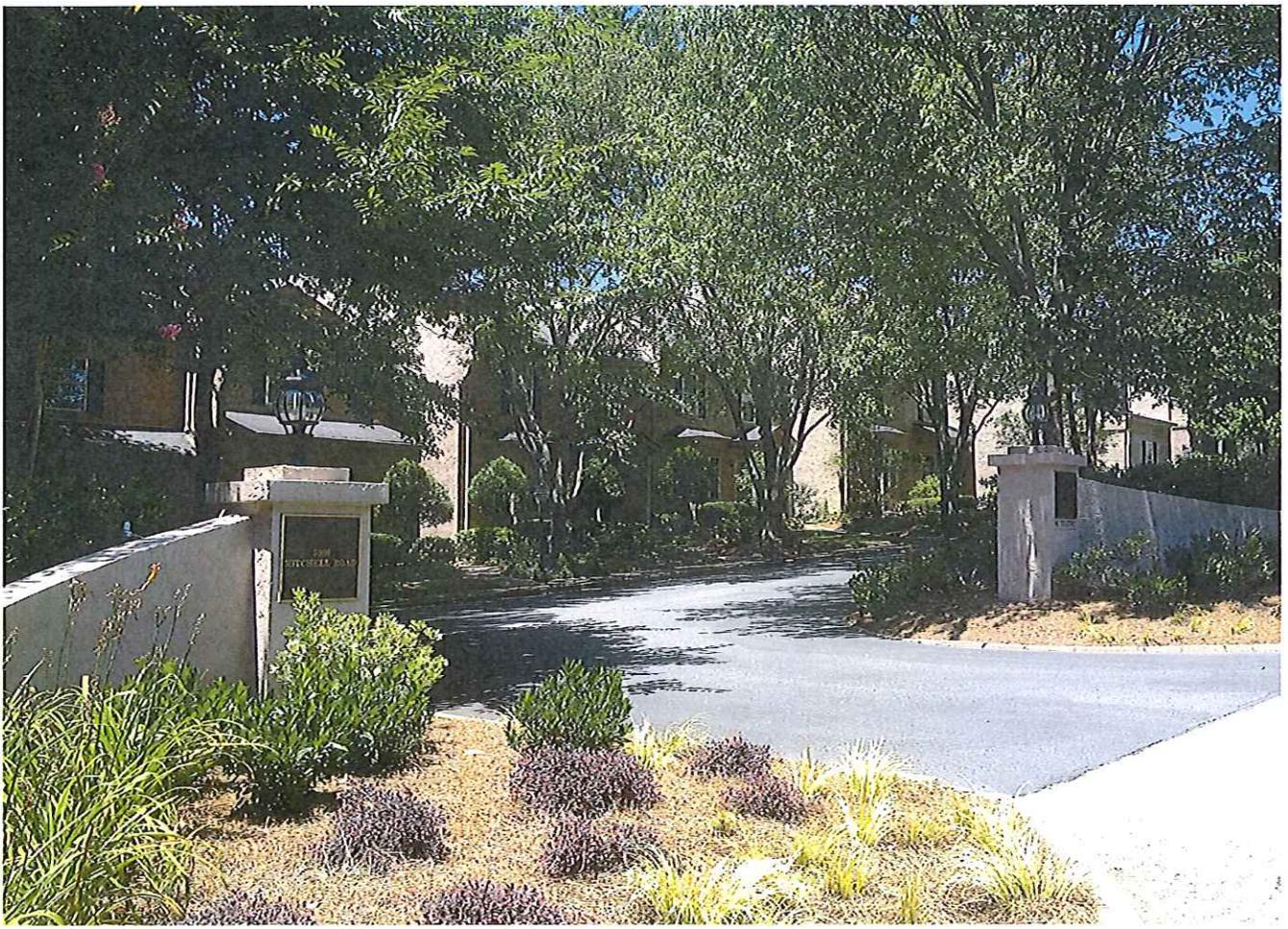
Project No.: 008-14-055  
 Drawn By: CTP  
 Issue Date: 03.13.14



THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVICTION 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. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO VERIFY EXISTING UTILITY CAPACITY PRIOR TO INITIATING DESIGN. THE ENGINEER MAKES NO GUARANTEE, EITHER EXPRESSED OR IMPLIED, REGARDING EXISTING UTILITY LOCATION, CAPACITY OR CONDITION.











## Abaray, Linda

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**From:** Steve Brown <[smbrown56@icloud.com](mailto:smbrown56@icloud.com)>  
**Sent:** Sunday, July 06, 2014 11:07 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Road

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Hi Linda, we at Ridgemere are very concerned over the proposed R-4 zoning and variances requested by Rockhaven. We do not understand why Rockhaven would request a different density level than the surrounding subdivisions Manchester and Long Island, which is approximately 2.4 homes per acre. We agree with others in our community that the zoning should be R2-3, with no variances. At the June 26 meeting, Rockhaven was unable to explain what hardships they found that call for a variance. We strongly believe that there is no reason to deviate from the Sandy Springs Future Land Use Designation of R2-3 with a maximum density of 2.42 homes per acre, 35' setbacks and 100' lot width. We have numerous other issues with the project, but density is at the forefront. We DO NOT support the R-4 zoning. We urge you to consider our community's deep concern over this matter.

Thank you!

Steve Brown  
President Ridgemere HOA  
770-548-9514  
[smbrown56@icloud.com](mailto:smbrown56@icloud.com)  
<http://www.ridgemere.org>

## Abaray, Linda

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**From:** Slobodien, Elana R <elana.r.slobodien@jpmorgan.com>  
**Sent:** Monday, July 07, 2014 9:29 AM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Road

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Hi Linda,

I hope you had a wonderful 4<sup>th</sup> of July weekend. By way of introduction, my family and I live at 915 Manchester Place and I am very concerned over the proposed R-4 zoning and variances requested by Rockhaven on the 5950 Mitchell Road property as our property is adjacent to that property.

I do not understand why Rockhaven would request a different density level then the surrounding subdivisions Manchester and Long Island, which is approximately 2.4 homes per acre. I strongly feel that the zoning should be R2-3, with no variances. At the June 26 meeting, Rockhaven was unable to explain what hardships they found that call for a variance. I strongly believe that there is no reason to deviate from the Sandy Springs Future Land Use Designation of R2-3 with a maximum density of 2.42 homes per acre, 35' setbacks and 100' lot width.

We are also concerned about the Flora and Fauna in that area and hope the city will do the right thing to protect the natural environment.

I am confident that the City of Sandy Springs will support the existing neighbors and neighborhood, as we stand together on this topic, and I greatly appreciate that.

Thank you,

Elana Slobodien

**Elana R Slobodien** | Vice President | Global Corporate Banking | **J.P. Morgan**, 3475 Piedmont Road N.E., 18<sup>th</sup> Floor, Atlanta, Georgia 30305 | T: 404-926-2678 | F: 404-926-2656 | C: 609-502-2635 | [elana.r.slobodien@jpmorgan.com](mailto:elana.r.slobodien@jpmorgan.com)

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**Abaray, Linda**

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**From:** Jeff Mitchell <jeffmitchell@live.com>  
**Sent:** Sunday, July 06, 2014 9:32 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Road

Hello Linda,

I hope all is well and that you had a great 4th of July weekend.

I live in Braemore. I am writing this email in support of my neighbors on Mitchell Road. I agree with their stated concerns and positions.

1. **No Variances!! No R4 zoning!!**
2. I favor like they do the current R2-3 Future Land use plan and ask for every protection that that provides us.

Per Sandy Springs' own Future Land Use Designation, we believe this means: R3 or R3A zoning, minimum 18,000 sf lots, Maximum Density of 2.42 units per acre, 35 foot rear setbacks, 100 minimum lot width.

3. **Density should not be greater than 2.42 homes per acre** to be in harmony with Manchester Place, Long Island Walk and the suggested density within the R2-3 Future Land Use designation.

4. **I also support my neighbors individual requests and needs. I believe they deserve to keep their best quality of life as they see fit.** (ie.. better rear setbacks, larger lot sizes, better detention pond design and/or placement, more green space, and sidewalks along the Mitchell Road... etc.)

A few years ago we had a very unpopular rezoning on the Church property across the street crammed through with heavy neighborhood opposition. False and misleading statements by the developer, mistakes on the application, signage and notice violations, along with overwhelmingly disapproval of neighbors along this corridor were ignored. The rezoning was pushed through and approved anyway.

Please do all you can do as the city to protect our neighbors along Mitchell Road.

Thanks for your time and service to our community,

Jeff Mitchell

## **Abaray, Linda**

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**From:** Hal Whiteman <HWhiteman@dcplaw.com>  
**Sent:** Monday, July 07, 2014 10:06 AM  
**To:** Abaray, Linda  
**Subject:** Rockhaven variance applicaiton, 5950 Mitchell Road

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Linda

I live on Manchester Place. Our subdivision borders the 5950 Mitchell Road property. My wife and I strongly oppose the variance being sought by Rockhaven to have that property rezoned to R-4. The developer has failed to demonstrate any hardship that would demand a variance from the Land Use Plan's R2-3. We do not understand why Rockhaven would request a different density level then the surrounding subdivisions Manchester and Long Island, which is approximately 2.4 homes per acre. We agree with others in our community that the zoning should be R2-3, with no variances. The density on our street is 2.3, 15 homes on 6.5 acres. The 5950 Mitchell road property is immediately adjacent to our subdivision and should not be allowed any greater density. Thanks for your consideration

**Hal & Pat Whiteman**  
985 Manchester Place  
Sandy Springs, GA 30328  
404-926-3654 (direct)  
404-365-0134 (fax)

## **Abaray, Linda**

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**From:** janeschweers6@comcast.net  
**Sent:** Monday, July 07, 2014 10:10 AM  
**To:** Abaray, Linda  
**Subject:** rockhaven

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My husband is quite ill so we are not at meetings. We are opposed to the variance the developers are requesting. Why should they have a plan that goes against all Sandy Springs has been guided by for years. Please do not allow it to continue.

We are not so sick we can't vote  
jane c schweers

Staff, zoning commission and council, please review the below pictures of trees and setbacks.

**Please consider requiring both a 35 foot setback and Green Giant Arborvitae buffer trees that are 10-14 feet tall planted 4-6 feet apart to ensure visual privacy for both communities.**

In addition, please require the developer to replace on site any trees and bushes damaged from soil disturbance and compaction within the first 3 years as many trees will not show immediate damage.

**Note:** the below pictures are the buffer standard of 8 feet tall evergreens suggested by your chief environmental compliance officer. It does not protect privacy as you can see right through the buffer.

The following pictures were taken standing 10 feet from the tree line. The homes setback 25 and 35 feet from the tree line. Trees are 8-10 feet tall planted 6 feet apart. The location for verification is Eastside Baptist Church, Marietta Georgia, parking lot of the new addition and adjacent homes.

Building setback 35 feet from trees. Trees are 8-10 feet tall and 6 feet apart.



Building setback 25 feet from trees. Trees are 8-10 feet tall and 6 feet apart.



Building setback 35 feet. Trees are 8-10 feet tall and 6 feet apart. (Panorama below distorts distance)



Building setback 35 feet. Trees are 8-10 feet tall and 6 feet apart. (Panorama below distorts distance)



Building setback 35 feet from trees. Trees are 8-10 feet tall and 6 feet apart.



Again, please consider requiring both a 35 foot setback and Green Giant Arborvitae buffer trees that are 10-14 feet tall planted 4-6 feet apart to ensure visual privacy for both communities.

Development Staff, Planning Commission, Mayor & City Council:

Sandy Springs was voted in to a city by this constituency because of their promises to hear the community and their needs. We all have seen what the disregard of Fulton County for the Sandy Springs area has left us with.

We, the community, ask that you honor this promise you made, and recommend a zoning in harmony and within the R2-3 Land use plan. R3 or R3A are suggested and their maximum density of 2.42 is in harmony with the bordering neighborhoods of Manchester Place and Long Island Walk.

As seen in your Future Land Use Designation/Zoning District classification Comparison Table the requested R4 zoning is more in harmony with a R3-5 designation and higher densities. We feel Rockhaven's request to reduce the minimum **18,000** square foot lot size in R3 or R3A to a minimum **9,000** square foot lot size (R4) along with additional variances (to maximize density) is not in harmony with the surrounding neighborhoods or the land use classification that our planners protected us with.

**WE as a community strongly favor the current R2-3 Future Land use plan and ask for every protection that that provides us.**

Per Sandy Springs' Future Land Use Designation/Zoning classification table, we believe the suggested zoning should be: R3 or R3A zoning, minimum 18,000 sf lots, **Maximum Density of 2.42** units per acre, 35 foot rear setbacks, 100 foot minimum lot width, etc...

Rockhaven has not demonstrated a hardship that prevents them from reasonable use of the property within the current land use or suggested zoning ordinance.

The variances and R4 zoning, if authorized, would create a development project that is so overcrowded and unattractive that it would be out of character with the surrounding neighborhood of single family homes. The inadequate buffer and setbacks would be intrusive to neighbors and infringe upon privacy. It is not appropriate for this particular property.

As we stated before, we had no control of what Fulton County had previously done. And as you are aware did not always have Sandy Springs best interest at heart. It is now up to Sandy Springs to protect our neighborhood.

1. **WE do not support** the requested R4 zoning or the variances. **(No Variances!!)** We feel R4 is overzoning. It is not suggested or compatible within R2-3 Future Land Use Plan.
2. WE as a community **strongly favor** the current R2-3 Future Land use plan and ask for every protection that that provides us.

Per Sandy Springs' Future Land Use Designation/Zoning classification table, we believe the suggested zoning should be: R3 or R3A zoning, minimum 18,000 sf lots, **Maximum Density of 2.42** units per acre, 35 foot rear setbacks, 100 foot minimum lot width, etc...

3. We do not support Rockhaven Homes request for a minimum 9,000 sf lots.
4. We want a development and will support a development within this corresponding R3 or R3A zoning.
5. We support our neighbor's request for relief, better rear setbacks, larger lot sizes, better detention pond design and/or placement, more green space, and sidewalks along the Mitchell Road.



**TABLE 1.5: CITY OF SANDY SPRINGS  
FUTURE LAND USE DESIGNATION/ZONING DISTRICT CLASSIFICATION COMPARISON TABLE  
UNOFFICIAL - FOR USE AS A GUIDE ONLY**

Future Land Use	Recommended Density	Corresponding Zoning District	Minimum Lot Area per Unit	Maximum Density Allowed by Zoning (Units per Acre)
R0-0.5 Residential	0 to 0.5 units per acre	R-1	2 acres	0.50
R0.5-1 Residential	0.5 to 1 units per acre	R-2	1 acre	1.00
		AG-1	1 acre or 3 acres See Zoning Ordinance	0.50 or 0.33 See Zoning Ordinance
		R-2A	27,000 sq. ft.	1.61
R1-2 Residential	1 to 2 units per acre	R-3	18,000 sq. ft.	2.42
R2-3 Residential	2 to 3 units per acre	R-3A	18,000 sq. ft.	2.42
		R-4A	12,000 sq. ft.	3.63
R3-5 Residential	3 to 5 units per acre	R-4	9,000 sq. ft.	4.94
		R-6	9,000 sq. ft.	4.84
		CUP (single family)	See Zoning Ordinance	5.00 See Zoning Ordinance
		NUP	4,000 sq. ft.	5.00
		R-5	7,5000 sq. ft.	5.81
		MHP	See Zoning Ordinance	5.50 See Zoning Ordinance
R5-8 Residential	5 to 8 units per acre	R-5A	4,000 sq. ft.	10.89
		CUP (multifamily)	See Zoning Ordinance	9.00 See Zoning Ordinance
		TR	2,000 sq. ft.	9.00
R8-12 Residential	8 to 12 units per acre	A	See Zoning Ordinance	14.00
R12-20 Residential	12 to 20	A-L	See Zoning Ordinance	See Zoning Ordinance
R20+ Residential	Over 20 units per acre	O-I	See Zoning Ordinance	See Zoning Ordinance
BP Business Park	--	O-I	See Zoning Ordinance	See Zoning Ordinance
O Office	--		See Zoning Ordinance	See Zoning Ordinance
OH Office High Density	--		See Zoning Ordinance	See Zoning Ordinance
LWN Live Work-Neighborhood	Residential-up to 5 units/acre Commercial/Office-up to 10,000 sf/acre	MIX	See Zoning Ordinance	See Zoning Ordinance
LWC Live Work-Community	Residential-up to 20 units/acre Commercial/Office-up to 25,000 sf/acre		See Zoning Ordinance	See Zoning Ordinance
LWR Live Work-Regional	Residential-over 20 units/acre Commercial/Office-over 25,000 sf/acre		See Zoning Ordinance	See Zoning Ordinance
C Commercial	--	C-1	See Zoning Ordinance	See Zoning Ordinance
		C-2	See Zoning Ordinance	See Zoning Ordinance
I Industrial	--	M-1A	See Zoning Ordinance	See Zoning Ordinance
		M-1	See Zoning Ordinance	See Zoning Ordinance
		M-2	See Zoning Ordinance	See Zoning Ordinance
PR Private Recreational	--	--	--	--
PRC Public Rec & Conservation	--	--	--	--

**CITY OF SANDY SPRINGS ZONING DISTRICT REQUIREMENTS**  
**UNOFFICIAL - FOR USE AS A GUIDE ONLY**

District	Symbol	Lot Frontage (Feet)	Maximum Height		Minimum Yards (Feet)				Minimum Lot Area Per Unit	Maximum Density (Units per Acre)	Minimum Lot Width (Feet)	Area (Sq. Ft.)	
			Stories	Feet	Front	Side Corner	Side	Rear				1 Story	2 Story
Single Family	R-1	35		40	60	40	25	50	2 Acres	0.50	200	1,800	2,000
Single Family	R-2	35		40	60	30	15	40	1 Acre	1.00	150	1,600	1,800
Single Family	SUB-A*	35	2-1/2	35	60	30	15	40	1 Acre	---	150	1,200	1,320
Single Family	SUB-B*	35	2-1/2	35	60	30	15	40	See ZO	---	150	850	
Agricultural	AG-1	35		40	60	40	25	50	1 Acre or 3 Acres See ZO	0.50 or 0.33	100	No Minimum	
Single Family	R-2A	35		40	60	30	15	40	27,000 sq. ft.	1.61	120	1,700	1,800
Single Family	R-3	35		40	50	20	10	35	18,000 sq. ft.	2.42	100	1,200	1,320
Single Family	R-3A	35		40	50	20	10	35	18,000 sq. ft.	2.42	100	1,600	1,800
Single Family	SUB-C*	35	2-1/2	35	50	20	10	35	18,000 sq. ft.	---	100	1,000	1,100
Single Family	R-4A	35		40	35	20	7	25	12,000 sq. ft.	3.63	85	1,200	1,320
Single Family	R-4*	35		40	*35	20	7*	*25	9,000 sq. ft.	4.84*	70*	1,000	1,100
Single Family	R-5	35		40	20	15	5	20	7,500 sq. ft.	5.81	60	650	1,100
Single Family	R-5A	20		40	P = 40 I = 20	P = 40 I = 20	P = 40 I = See ZO	P = 40 I = 20	4,000 sq. ft.	10.89	None	850	
Two Family	R-6	35		40	25	20	7	20	9,000 sq. ft.	4.84	70	1,000	1,100
Community Unit Plan	CUP	35/20**	See Zoning Ordinance										
Neighborhood Unit Plan	NUP	35/20**		40	P = 40 I = See Zoning Ordinance	P = 40	P = 40	P = 40	4,000 sq. ft.	5.00	See Zoning Ordinance		
Mobile Home Park	MHP	200	2-1/2	35	See Zoning Ordinance								
Townhouse	TR	35/20**		40	P = 40 I = See Zoning Ordinance	P = 40	P = 30	P = 35	2,000 sq. ft.	9.00	20	1100 sq. ft.	
Medium Density Apartment	A	35	3	45	40	40	25	25	2,000 sq. ft.	14.00	200	See Zoning Ordinance	
Apartment Limited	A-L	35	4	60	40	40	20	20	See Zoning Ordinance				
Office & Institutional	O-I	100/35***	4	60	40	40	20	25	See Zoning Ordinance				
Mixed Use	MIX	35/20**		60	See Zoning Ordinance								
Community Business	C-1	35	4	60	40	40	See Zoning Ordinance						
Commercial	C-2	35	4	60	40	40	See Zoning Ordinance						
Industrial Park	M-1A	35	4	60	30	See Zoning Ordinance							
Light Industrial	M-1	35	See ZO		40	See Zoning Ordinance							
Heavy Industrial	M-2	35	See ZO		40	See Zoning Ordinance							
*Inactive District													
**1st Number is Development Frontage; 2nd Number is Lot Frontage											ZO = Zoning Ordinance		
***1st Number is for O&I Uses; 2nd Number is for Residential Uses											P = Perimeter Setback		
											I = Interior Setback		

### Densities in the Mitchell Road corridor

This community is located on the high traffic, corner parcel of Hamond, Mount Vernon, and Mitchell Road

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Surry Place    Townhomes    5.37 acres    29 homes    5.40 density  
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Both of these communities are on the petitioner's Western and Southern boundaries.

Manchester Place    Single family    8.2 acres    20 homes    2.43 density

Long Island Walk    Single family    10.5 acres    25 homes    2.38 density

Even though, there are some higher densities along the high traffic street of Hammond, the rest of this **protected neighborhood** (Mitchell and Long Island corridor) have been designated R2-3 within Sandy Springs comprehensive land use plan.

As you can see from the above information, the petitioners request for 9,000 sf lots and 16 units on 5.9 acres (**2.71 density**) is extreme and out of harmony with the surrounding neighborhood. In addition the requested, R4 zoning is 2 steps above the suggested R3/R3A zoning under the future land use plan.

Again, this shows another developer trying to put 5 pounds of nails into a 3 pound box at a detriment to our protected neighborhood.

We could not help what Fulton County did. This is why we became a city. Some of these neighbors were hardworking foot soldiers in the long battle for cityhood. Please do not let us down now.

We believe that the density on this property should be no higher than **2.42** thus matching both Manchester Place and Long Island Walk.

Excerpt from Graham McDonald email, the June 13, 2014 week in review:

## **Building and Land Development**

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700 Trimble Walk Lane (**Rockhaven Homes, LLC**) — A Stop Work Order was issued for no silt fence maintenance, the need to apply temporary vegetation, no maintenance on construction exit, and no approved site plan on site.

700 Trimble Walk Lane (**Rockhaven Homes, LLC**) A Citation was issued for failure to properly install and maintain Best Management Practices (BMP), and subcontractors working on the house while the project is under a Stop work Order.

700 Trimble Walk Lane (MTZ Brick & Stone Masonry, inc.) — A six count Citation was issued for crew members performing stone masonry work while the project is under a Stop work Order.

### **Numerous violations and ignoring a Stop Work Order**

Does RockHaven respect our laws and neighbors?

Is Sandy Springs holding them accountable?

Questions/concerns for Rockhaven Homes – 5950 Mitchell Road

Delivered June 26<sup>th</sup>, 2014 - Questions still not answered

1. Last month, you mentioned having a meeting with the community to discuss this development, did that happen?
2. Last month, you mentioned that you were doing a pricing study? You stated that homes would sell for around 1 million dollars. Is the study finished? What is your expected price range?
3. Why did you choose R4 zoning instead of conforming to Sandy Springs Future Land Use plan?
4. What is your hardship for requesting the concurrent variances?
5. Can you provide us with a site plan that shows this development using the Future Land Use R2-3. (ie.. R-3 zoning)
6. Many neighbors are concerned about the loss of our tree canopy and sound barriers. Are there any trees that you are willing to save by developing with less density?
7. Many neighbors are concerned about the continued loss of natural tracts of undeveloped land and trees. There are not enough neighborhood parks in Sandy Springs. Would you be willing to provide more green space on the development?
8. We want the best setbacks possible. Can we get 35-40 feet setbacks from our back yards?
9. Do you have a plan to minimize all of the creatures living on the property from coming into our backyards? (ie copperheads, rodents, etc..)
10. John Weiland was just approved for large development on Allen Road. What measures are you taking to help alleviate the watershed problems that already exist further downstream on Lake Forrest?
11. From the closing date on the property please give us a timeline from pre development to selling homes? How long preplanning? How long land disturbance? How long building homes? Are you building all homes at once or will they be spread out? Are you selling homes or lots?
12. Every neighbor that we spoke with supports a development that conforms to the future land use plan (R2-3) with no or limited variances. Will you develop the property within that future zoning classification?

Additional community questions for Rockhaven... week of July 4th.

1. Do you have elevations for the community to review?
2. Do you have a land disturbance plan for review? How close will you come to the property line? Will there be any retaining walls?
3. Do you have a landscape plan for the community to review? What will tree screen and/or buffers look like on my property line?
4. What is your landscape and maintenance plans in regards to the retention pond? Will there be a fountain to move the water around?
5. Will you put in writing that you will do sidewalks along Mitchell Road?
6. Please disclose all violations/citations that Rockhaven and any of their subcontractors/builders have received within the past 3 years.
7. Are you the homebuilder and the developer?
8. Please provide references of your homebuilders? Please provide references as you the developer from neighbors in other communities?
9. Some neighborhood children asked. What will happen to the bunnies currently living on the property?

Please answer as soon as possible and forward through the city's contact list.

## Abaray, Linda

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**From:** Penelope Malone <pjmalone33@bellsouth.net>  
**Sent:** Thursday, July 03, 2014 3:52 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Road rezoning matter

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The area of Lake Forrest Drive immediately adjacent to the I-285 overpass is at a critical juncture. As a resident of Lake Forrest Drive for 20+ years, we want our street to remain residential and not overbuilt with commercial or overly dense residential uses. The City of Sandy Springs established a land use plan (the "Plan"). I ask that the City adhere to the requirements of the Plan **as established by the City Council** and NOT grant any variances to the Plan for the 5950 Mitchell development.

Thank you.

Penelope Malone and John Champion  
4655 Lake Forrest Drive  
Atlanta GA 30342

## Abaray, Linda

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**From:** Katherine Marshall Flack <kmarshall4960@gmail.com>  
**Sent:** Wednesday, July 02, 2014 7:05 PM  
**To:** Abaray, Linda  
**Subject:** Mitchell Rd. Rezoning

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Dear Linda,

I am a homeowner in Surrey Place at 5996 Mitchell Rd., property which adjoins the proposed rezoning development. I am opposed to the rezoning of the property next to us to R 4, and see no reason for the request for hardship variances. I do support the current R 2-3 Future Land Use plan with the protection it offers us:

Minimum 18,000 sf lots,  
Maximum density 2.42 units per acre  
35' rear setbacks  
100' minimum lot width

On our nice residential street, I definitely want to curb any overdevelopment, and feel the City should adhere to the land use plan it developed and not give unnecessary variances.

Thank you for your consideration.

Katherine Flack  
5996 Mitchell Rd. NW # 27  
Atlanta, GA 30328

**Abaray, Linda**

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**From:** Curtis J Hertwig <curtis@wanana.com>  
**Sent:** Thursday, June 26, 2014 4:00 PM  
**To:** COSS Planning and Zoning  
**Subject:** 5950 Mitchell

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To the Planning & Zoning Committee:

I live in 5996 Mitchell Rd #1 and my windows look out onto the subject property. I would be very disappointed if, at a minimum, the Future Land Use plan is not followed here and this lot is zoned for anything more dense than R2-3.

My preference would be that the lot is left as it is.

I am unable to make the meeting tonight, but my neighbors and I are in agreement. Do not pack in houses and stick with the Future Land Use plan.

Curtis J Hertwig  
5996 Mitchell Rd #1  
Sandy Springs, GA 30328  
404-869-3274

**Abaray, Linda**

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**From:** Patsy <winniesmom@hotmail.com>  
**Sent:** Friday, June 27, 2014 11:20 AM  
**To:** COSS Planning and Zoning  
**Cc:** Tommy Owens  
**Subject:** Re-zoning of Goldthwaite Mitchell Road property

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My husband, Tommy Owens, and I live at 925 Manchester PL. with the above noted property immediately behind us. We are very concerned with the development of this property for a number of reasons, including affect on property values, loss of privacy, traffic on Mitchell and Hammond and environmental impact. It is the latter I address today. We were the first residents of Manchester Place in 1984. We have 2 large catch-basins or storm drains on our property...one in the back yard and one in the front. Our builder told us they were necessary to catch water run-off due to the flood plain on the adjoining property (Goldthwaite). Sure enough, after a moderate rain we have a mini Niagara Falls in the back basin. It is my understanding that nothing can be built on a flood plain...for obvious reasons. Even the clearing of trees and vegetation could drastically increase water run-off. This is an issue that most residents are unaware of but is very concerning. We hope it is one that is considered when decisions are made as to density of development. We believe R2-3 is the only appropriate one. Thank you for your consideration. (We did not attend the meeting last night due to discrepancies in the time it was occurring). Patricia Owens

## Abaray, Linda

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**From:** The Turners <adkturn@bellsouth.net>  
**Sent:** Sunday, June 29, 2014 3:30 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Rd Rezoning Petition 201401601

Dear Ms. Abaray: This is a followup to the June 26 community/developer resolution meeting for the proposed development above. We reside in the Long Island Walk subdivision that will directly border the new project. As I said at the meeting we are not anti-development, however, when I asked Mr. Hughes and his attorney Mr. Hendricks what is the hardship that compels them to request a variance from R1 to R4, leapfrogging the Future Land Use Plan designation of no greater than R2-3, *they never answered the question.*

Reading Mr. Hendricks' arguments in his brief "Appropriateness of Application and Constitutional Arguments", I hear only legal overreach with accusations of "capricious", "arbitrary" (and even "unconstitutional") if his client is not allowed to have the R4 variance. How resisting this precedence creep -- which ultimately will make Sandy Springs more congested, higher-taxed and degrade the quality of life for all surrounding areas -- is unconstitutional, arbitrary or capricious, is beyond me.

From what I've heard and seen, this seems to be another case of a developer trying to squeeze more houses into an area than the comprehensive land use plan allows, for no other reason than he can double the density of R2-3. I've lived in Atlanta for most of the past 30 years, and in Sandy Springs for a total of 8 years, and wish for the city to maintain a strong stance on variances just like this one.

I firmly believe Sandy Springs holding to a maximum variance of R2-3 for 5950 Mitchell Road, and turning down the request for R4, is a fair and equitable compromise between the developer and immediate residents like myself who will be directly impacted by the 17-19 new homes on this plot, if the R4 is granted. Mr. Hughes projected selling prices in the \$900,000 range. A friend of ours recently sold their Heard's Ferry Road home on a 2-acre lot for \$1.2 million. Would someone willing to pay in excess of \$1 million for a 2-acre lot, be willing to pay a comparable price for a home on .21 acres (9,265 sq. feet)?

Once again I wish to emphasize the applicants at the meeting never answered the question, "What is the hardship that compels Rockhaven Homes LLC to want an R4 variance?"

Thank you for your time and attention. With regards,

David Turner  
Kathy Turner



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 11, 2014

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

**Subject: Water Availability at # 5950 Mitchel Road, Sandy Springs, Georgia**

Dear Linda

Our records indicate that there is an existing 8 inch water main along the west side of Mitchel Road which starts from Hammond Drive. This water main is located between 3 feet and 4 feet behind the curb. 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  
Bureau of Engineering  
City of Atlanta

## 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 lot x 16 lots = 4,320 gallons per day (gpd)

This project is within the City of Atlanta water jurisdiction.

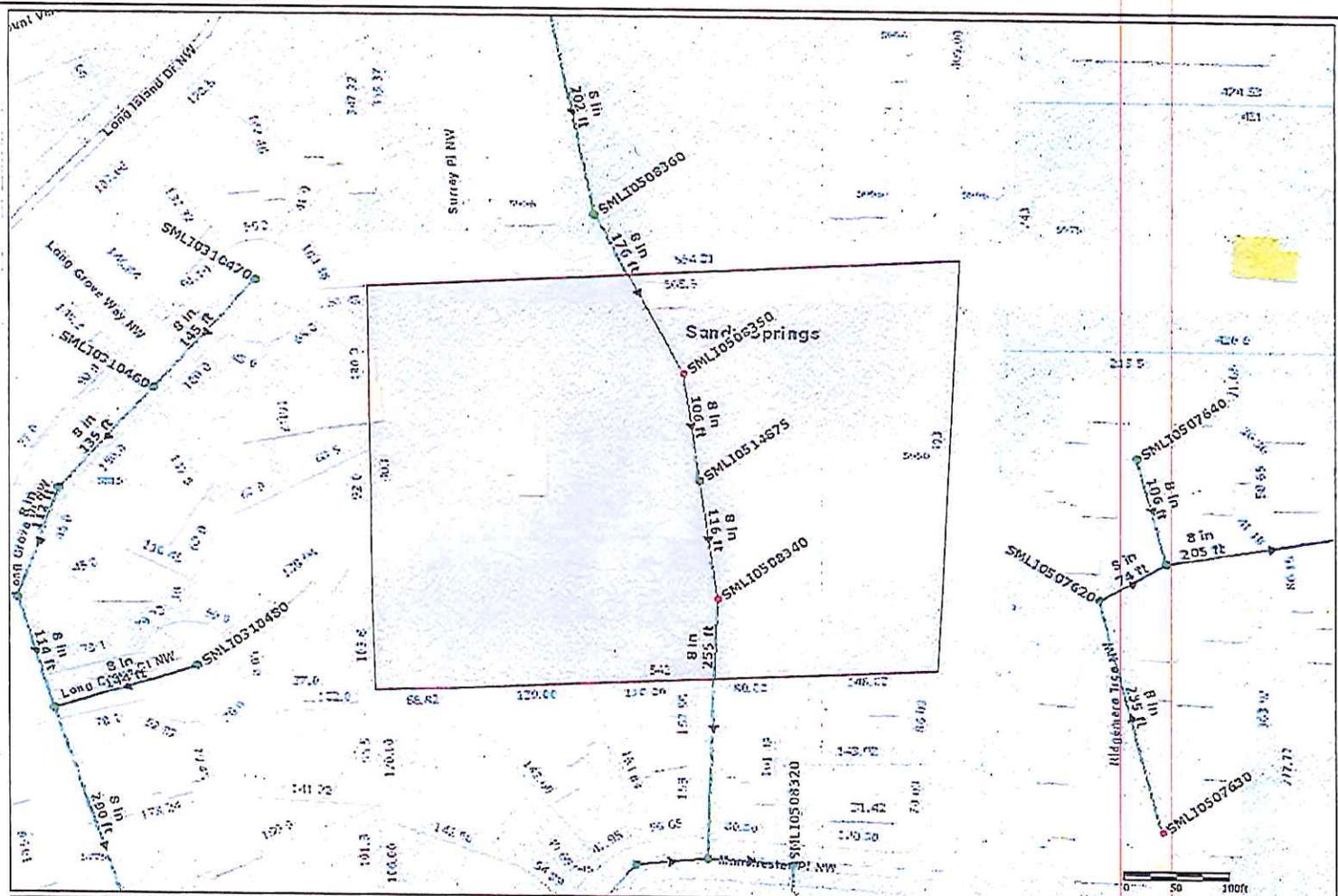
#### **SEWER:**

Basin: Long Island Creek  
Treatment Plant: R.L. Sutton (Cobb County)  
Anticipated sewer demand: 3,888 gallons per day

There are three wastewater manholes within the central part of the 5.00 acre tract (5950 Mitchell road) flowing from the north to the south (sewer manhole # SMLI0508350, # SMLI0514875, # SMLI0508340) located in Land Lot 123, District 17.

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
  - Manhole
    - Accessible
    - Not Assessed
    - Problem
  - Lined Pipe
  - Force Main
  - Creek Crossing
  - 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
  - Address Points



waterservices\_pnh.DDO.BASEMAP\_County

5950 Mitchell Road  
 Fulton County, Georgia  
 6-13-2014

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

Waste Water System

- Private Manhole

- Pump Station
- Pump Station

- Manhole
- Accessible
- Not Assessed
- Problem

- Lined Pipe

- Force Main

- Creek Crossing

Waste Water Pipe Flow

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

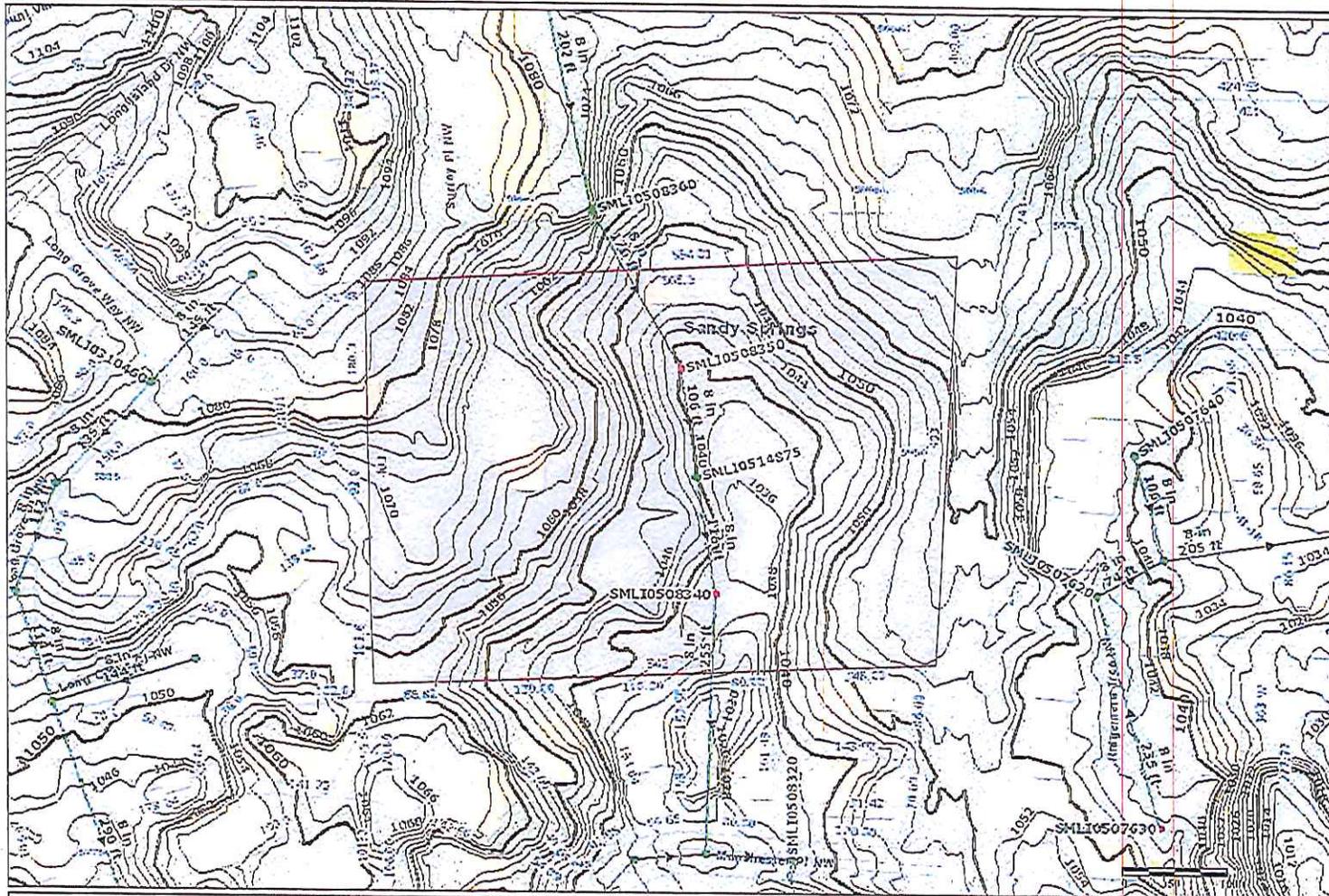
Waste Water Pipe

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

Topography

- 2ft Contour
- 10ft Contour

Parcel Dimensions



5950 Mitchell Road  
 Fulton County, Georgia  
 6-13-2014

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Property Profile for **5950 MITCHELL RD**

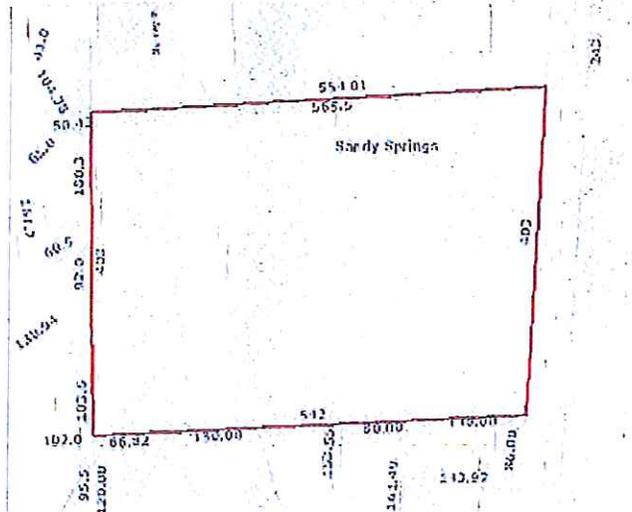
Property Tax Information

Tax Year	2014
Parcel ID	17 0123 LL0197
Property Address	5950 MITCHELL RD
Owner	GOLDTHWAITE ANNE F
Mailing Address	300 JOHNSON FERRY RD NE #B814 ATLANTA GA 30328 4162
Total Appraisal	\$258,000
Improvement Appraisal	\$160,100
Land Appraisal	\$97,900
Assessment	\$103,200
Tax District	59
Land Area	5 ac
Property Class	Residential Small Tracts
Land Use Class	Residential 1 family
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	SS31
Poll Location	Sandy Springs Christian Ch, 301 Johnson Ferry Rd
Congressional District	006
State Senate District	006
State House District	052
<b>School Zones</b>	
Elementary School	Heards Ferry
Middle School	Ridgeview
High School	Riverwood
<b>Other Information</b>	
Zip Code	30328
Census Tract	102.05
In Less Developed Census Tract	No

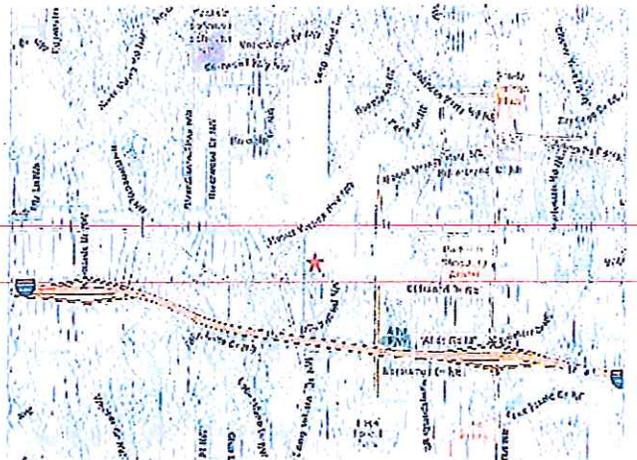
Oblique Aerial View (looking north)



Property Map



Vicinity Map





## 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:** June 9, 2014

**SUBJECT:** Zoning Comments for June 2014

AGENDA ITEM	ZONING COMMENTS
201401601	<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 will be considered available to this residential development if it is within 1,000 feet of the nearest property line, such distance 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>
201401611	<p>The Fulton County Department of Health and Wellness recommends that the sanitary facilities are inspected, an adequate number of facilities are available for the proposed use in the addition, and that the building is connected to public water and public sanitary sewer, if not already connected.</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>
201401628	<p>The Fulton County Department of Health and Wellness requires that a 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>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>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
201401682	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed townhome 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 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>

## Abaray, Linda

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**From:** Ellen Laddin <ellenladdin@gmail.com>  
**Sent:** Thursday, July 03, 2014 2:44 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Rezoning

1. WE do not support the requested R4 zoning or the variances. (No Variances!!) We feel R4 is overzoning. It is not suggested or compatible within R2-3 Future Land Use Plan.
  2. WE strongly favor the current R2-3 Future Land use plan and ask for every protection that that provides us. Per Sandy Springs' Future Land Use Designation/Zoning classification table, we believe the suggested zoning should be: R3 or R3A zoning, minimum 18,000 sf lots, Maximum Density of 2.42 units per acre, 35 foot rear setbacks, 100 foot minimum lot width, etc...
  3. We do not support Rockhaven Homes request for a minimum 9,000 sf lots.
  4. We want a development and will support a development within this corresponding R3 or R3A zoning.
  5. We support our neighbors request for relief, better rear setbacks, larger lot sizes, better detention pond design and/or placement, more green space, and sidewalks along the Mitchell Road.
- We request that Sandy Springs adhere to the land use plan and do not give any variances.

Thanks so much,

Ellen & Darryl Laddin  
Sandy Springs, GA

## Abaray, Linda

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**From:** Hayley Storc <hayleystorc@gmail.com>  
**Sent:** Thursday, July 03, 2014 1:34 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Road

We do not want to set another VARIANCE CREEP precedence in the neighborhood.

1. WE do not support the requested R4 zoning or the variances. (No Variances!!) We feel R4 is overzoning. It is not suggested or compatible within R2-3 Future Land Use Plan.
2. WE as a community strongly favor the current R2-3 Future Land use plan and ask for every protection that that provides us.

Per Sandy Springs' Future Land Use Designation/Zoning classification table, we believe the suggested zoning should be: R3 or R3A zoning, minimum 18,000 sf lots, Maximum Density of 2.42 units per acre, 35 foot rear setbacks, 100 foot minimum lot width, etc...

3. We do not support Rockhaven Homes request for a minimum 9,000 sf lots.
4. We want a development and will support a development within this corresponding R3 or R3A zoning.
5. We support our neighbors request for relief, better rear setbacks, larger lot sizes, better detention pond design and/or placement, more green space, and sidewalks along the Mitchell Road.

We request that Sandy Springs adhere to the land use plan and do not give any variances.

Thank you for your attention!

Hayley Storc  
405 N. Errol Ct

## Abaray, Linda

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**From:** Bignault, Mary B. <MBignault@onebeacontech.com>  
**Sent:** Thursday, July 03, 2014 12:38 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Road

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1. WE do not support the requested R4 zoning or the variances. (No Variances!!) We feel R4 is overzoning. It is not suggested or compatible within R2-3 Future Land Use Plan.

2. WE as a community strongly favor the current R2-3 Future Land use plan and ask for every protection that that provides us.

Per Sandy Springs' Future Land Use Designation/Zoning classification table, we believe the suggested zoning should be: R3 or R3A zoning, minimum 18,000 sf lots, Maximum Density of 2.42 units per acre, 35 foot rear setbacks, 100 foot minimum lot width, etc...

3. We do not support Rockhaven Homes request for a minimum 9,000 sf lots.

4. We want a development and will support a development within this corresponding R3 or R3A zoning.

5. We support our neighbors request for relief, better rear setbacks, larger lot sizes, better detention pond design and/or placement, more green space, and sidewalks along the Mitchell Road.

We request that Sandy Springs adhere to the land use plan and do not give any variances.

Mary Bignault  
8 Braemore Drive, Sandy Springs, Ga 30328

[mbignault@onebeacontech.com](mailto:mbignault@onebeacontech.com)<mailto:mbignault@onebeacon.com>  
tel: 781.332.7757<tel:781.332.7757> | cel: 770.310.8854<tel:770.310.8854> |  
[onebeacontech.com](http://www.onebeacontech.com/)<<http://www.onebeacontech.com/>>

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Thank you.

## **Abaray, Linda**

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**From:** bonny@wemarshall.com  
**Sent:** Thursday, July 03, 2014 12:11 PM  
**To:** Abaray, Linda  
**Subject:** 5950 MITCHELL ROAD

**WE do not support** the requested R4 zoning or the variances. **(No Variances!!)** We feel R4 is overzoning. It is not suggested or compatible within R2-3 Future Land Use Plan.

2. WE as a community **strongly favor** the current R2-3 Future Land use plan and ask for every protection that that provides us.

Per Sandy Springs' Future Land Use Designation/Zoning classification table, we believe the suggested zoning should be: R3 or R3A zoning, minimum 18,000 sf lots, Maximum Density of 2.42 units per acre, 35 foot rear setbacks, 100 foot minimum lot width, etc...

3. We do not support Rockhaven Homes request for a minimum 9,000 sf lots.

4. We want a development and will support a development within this corresponding R3 or R3A zoning.

5. We support our neighbors request for relief, better rear setbacks, larger lot sizes, better detention pond design and/or placement, more green space, and sidewalks along the Mitchell Road.

We request that Sandy Springs **adhere to the land use plan and do not give any variances.**

**Thank you.**

**Bonny Marshall  
5995 Mitchell Road, Unit #13**

## Abaray, Linda

---

**From:** Philip Sweeny <psweeny@coca-cola.com>  
**Sent:** Thursday, July 03, 2014 11:52 AM  
**To:** Abaray, Linda  
**Cc:** Jeff Mitchell (jeffmitchell@live.com); Sandy Sweeny  
**Subject:** STOP THE VARIANCE CREEP on 5950 Mitchell Road

Hello Sandy Springs Zoning Commission:

We respectfully request and, as nearby neighbors of Manchester Place, Surrey Place, and Long Island Walk, we are in support of their position that the proposed R4 zoning of the above-captioned property amounts to over zoning. WE as a community **strongly favor the current R2-3 Future Land use plan and ask for every protection that that provides us.** As tax paying citizens, we expect the city to strictly adhere to the Sandy Springs' Future Land Use Designation/Zoning classification table, we believe the suggested zoning should be: R3 or R3A zoning, minimum 18,000 sf lots, Maximum Density of 2.42 units per acre, 35 foot rear setbacks, 100 foot minimum lot width, etc...

We support future development provided it complies with R3 or R3A zoning. Sandy Springs is a beautiful place to live. Please keep it this way by complying with our current zoning laws.

Thank you for your consideration.

---

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## Abaray, Linda

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**From:** Ginny Green <ggreen@homecareassistance.com>  
**Sent:** Monday, July 07, 2014 12:16 PM  
**To:** Abaray, Linda  
**Subject:** 5990 Mitchell Road

---

Dear Linda,

I am a homeowner at Surrey Place and am emailing you to say that I am strongly opposed to the density and variances that the developer for 5990 Mitchell Road is requesting.

One reason we voted to make Sandy Springs a city is to have a say in its development. I do not support the requested R4 zoning or variances. There is no hardship to the developer that would account for a R4 zoning or variance.

I am on the board for the Surrey Place Association and am speaking for the community to say that we **strongly favor** the current R2-3 Future Land use plan and ask for every protection that that provides us. Per Sandy Springs' own Future Land Use Designation, we believe this means: R3 or R3A zoning, minimum 18,000 sf lots, Maximum Density of 2.42 units per acre, 35 foot rear setbacks, 100 minimum lot width.

We also request an extra 5 feet or more setback or a 5 or 10 feet undisturbed buffer along our property line to protect the quality of life on Mitchell Road. The 5990 Mitchell Road development should be in harmony with Manchester Place and Long Island Walk. If city planners wanted higher density and higher zoning, they would have designated that when they created the land use plan with the R2-3 zoning and maximum 2.42 density.

We are also concerned about saving trees, the landscaping along Mitchell Rd, increased traffic, visitor parking, safety issues of cars getting on and off Mitchell Rd.

Thank you for your consideration.

Cordially,

Ginny Green  
Client Care Coordinator  
Home Care Assistance  
4890 Roswell Road #160  
Atlanta, GA 30342  
Cell: (404) 655-9501  
Office: (404) 355-9901  
Fax: (404) 467-8334

Website: [www.homecareassistance.com/content/Atlanta.html](http://www.homecareassistance.com/content/Atlanta.html)

Blog: [www.homecareassistance.com/content/home-care-blog.html](http://www.homecareassistance.com/content/home-care-blog.html)

Facebook: [www.facebook.com/pages/Atlanta-GA/Home-Care-Assistance-Atlanta/156844379289?ref=sgm](https://www.facebook.com/pages/Atlanta-GA/Home-Care-Assistance-Atlanta/156844379289?ref=sgm)

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## Abaray, Linda

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**From:** Renette Todd <rwtdnjct@bellsouth.net>  
**Sent:** Monday, July 07, 2014 3:33 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Road

Dear Ms. Abaray,

I would like to voice an opinion on the rezoning of the property at 5950 Mitchell Road. Please allow my voice to be heard.

The developers are not asking for more density of development than the city's long term land use plan recommends for this area, and it is *less dense* than the housing developments next door and across the street. I must think that the City land planners are knowledgeable about the future of the City of Sandy Springs, and that they know more than homeowners in the area.

Thank you,  
Renette Todd

## Abaray, Linda

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**From:** Nelson Kramer <njk@njik.com>  
**Sent:** Monday, July 07, 2014 3:29 PM  
**To:** Abaray, Linda  
**Subject:** 5950 Mitchell Rd  
**Attachments:** 2014-06-26 20.54.21.jpg

---

Linda--

I have owned my home at 5942 Mitchell Road for 30 years. It is contiguous to the proposed development at 5950 Mitchell Road. Like many of my neighbors I object to the R4 zoning application by Rockhaven Homes. I see no reason to deviate from the city planners' recommendation for R2-3 land use with a maximum of 2.42 homes per acre and 35 foot setbacks. R2-3 would create a neighborhood similar to the actual density of Long Island Walk and Manchester Place and would allow Rockhaven to address many of the other issues such as tree preservation, on street parking, traffic, and privacy concerns. I have visited another Rockhaven site currently under construction and even though they don't build to the 25' setback line the houses I saw essentially had no backyard. I would like to note that there is a 25' no disturb buffer zone on both sides of the property line in addition to the building setback between homes in Manchester Place and Long Island Walk. An R4 zoning would create a significant contrast in backyard quality of life between those homes and the Manchester Place/Long Island Walk homes bordering 5950 Mitchell Rd.

I would also like to voice a strong objection to location of the proposed retention pond. As shown on their plans it would be contiguous to my property and would become the dominant view from my back windows and deck. It does not even appear to have a set back as a normal lot would have. I believe that at a minimum it should be between lots in the new development with the same setbacks as any other lot, and it should have heavy, mature landscaping as a buffer. An even better solution would be to put it in the center of the development and build it as a water feature. It seems inappropriate to hide it away in the new subdivision and have that be at the neighboring homes expense (because of a drop in our homes resale value). On my recent visit to a new Rockhaven development I took a picture of their retention pond and that picture is both below and attached. I took this picture immediately after the Community/Developer Resolution meeting on Thursday, June 26, 2014. This looks terrible now and will look even worse after the weeds grow out of control. There is also the possibility/probability of odors, snakes, rodents, etc. This view would diminish the value of my home and that of my neighbors.

Thank you for your consideration.

--Nelson

Primary phone - 404-654-0007

[njik@njik.com](mailto:njk@njik.com)



## Abaray, Linda

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**From:** amy helton <amy\_helton@bellsouth.net>  
**Sent:** Monday, July 07, 2014 2:42 PM  
**To:** Abaray, Linda  
**Subject:** Mitchell Development

Dear Linda,

I reside at 910 Manchester Place and I am also requesting a R2 or R3 zoning for this lot. I believe Mr. Mitchell and Mr. Grimm have outlined all of my thoughts exactly on why this would be the best solution for our Mitchell Road neighborhoods and Sandy Springs as a whole.

Thank you for your consideration,

Amy Helton

## Abaray, Linda

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**From:** Richard Grimm <rgrimm78@gmail.com>  
**Sent:** Monday, July 07, 2014 2:24 PM  
**To:** Abaray, Linda  
**Cc:** Lynn Long; Nelson Kramer; Tony Powers; TOMMY OWENS; Joshi and Elana Slobodien; hwhiteman@dcplaw.com; amy helton; Rick and Judy Fritz; Patrick Scott; Jeff Mitchell  
**Subject:** 5950 Mitchell Rd

Hi Linda,

My name is Richard Grimm. My residence is 965 Manchester Place. I would like to add my voice to those objecting to the R4 zoning application by Rockhaven Homes at 5950 Mitchell Rd. Like the others, I see no reason to deviate from the city planners recommendation for R2-3 land use with a maximum of 2,42 homes per acre and 35 foot setbacks. R2-3 would create a neighborhood similar to the actual density of Long Island Walk and Manchester Place and would allow Rockhaven to address many of the other issues-tree preservation, on street parking, traffic, and privacy concerns. I have visited another Rockhaven site currently under construction and even though they don't build to the 25' setback line the houses I saw essentially had no backyard. I would like to note that there is a 25' no disturb buffer zone on both sides of the property line in addition to the building setback between homes in Manchester Place and Long Island Walk. An R4 zoning would create a significant contrast in backyard quality of life between those homes and the Manchester Place/Long Island Walk homes bordering 5950 Mitchell Rd. Thank you for your consideration.

## Abaray, Linda

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**From:** Steve Brown <[smbrown56@icloud.com](mailto:smbrown56@icloud.com)>  
**Sent:** Monday, July 07, 2014 2:39 PM  
**To:** Abaray, Linda  
**Cc:** McDonald, Graham  
**Subject:** Re: 5950 Mitchell Road...more

---

Linda...Sorry, bottom of first para should have read "risk of a serious accident without proper planning". Again, my apologies.

Thanks!

Steve Brown  
770-548-9514  
[smbrown56@icloud.com](mailto:smbrown56@icloud.com)

On Jul 7, 2014, at 2:15 PM, Steve Brown <[smbrown56@icloud.com](mailto:smbrown56@icloud.com)> wrote:

Hi Linda, a couple more thoughts. Not to get too dramatic, but right now Mitchell is like a human bowling alley. On many parts of Mitchell, there is no place for a pedestrian to safely get off the road. Mitchell is a prime cut through and best I can tell, the only thing that will make it safe for the MANY pedestrians is a sidewalk. Yes, we are getting speed humps, but that only slows the traffic down some, it does not remove the bullseye from our many walkers backs. With the potential greater density under any zoning, more cars will be added just making it more treacherous. I am hoping the planners can help with this. If Rockhaven builds, they have to put in a sidewalk, but that doesn't solve the problem. In addition, currently you literally have to pull through the crosswalk at the intersection of Mitchell and Hammond in order to see traffic coming from the left. This is crazy! I link this to the 5950 issue because more traffic means more risk of a serious accident with proper planning. I am copying our City Councilman, Graham, so he is aware of at least this issue.

In the July 26th meeting with Rockhaven, we expressed great concern that the many old, magnificent trees that are part of the look and feel of our neighborhood will be destroyed. We don't understand why a buffer of some sort, on all sides of the property cannot be established with at least some of the trees protected.

Thanks!

Steve Brown  
President - Ridgemere HOA  
770-548-9514  
[smbrown56@icloud.com](mailto:smbrown56@icloud.com)  
<http://www.ridgemere.org>

## Abaray, Linda

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**From:** Tony Powers <tonygpowers@bellsouth.net>  
**Sent:** Tuesday, July 08, 2014 8:53 AM  
**To:** Abaray, Linda  
**Cc:** <njk@njk.com>  
**Subject:** Fwd: 5950 Mitchell Rd

---

Linda,

I join Mr. Kramer's objection and those of my neighbors. I have owned the property at 935 Manchester Place for the last six years. My entire back property line adjoins the property at 5950 Mitchell. A change in zoning is unjustified under the code and the developer has not carried its burden. Moreover, the change would be severely detrimental to the value and my use and enjoyment of my home property and that of my neighbors. We need the full required setbacks to be observed, adequate tree lines required and the currently required density regulations to be maintained.

Manchester Place is a quiet residential street. The rezoning requested would change the character of the neighborhood to the detriment of the many long time residents all for the benefit of the developer. There is simply no need for a development of the type proposed at the location proposed.

We have not supported the Sandy Springs government to have it become the pawn of developers. Quite the opposite. Imagine it was your home 25 feet from the proposed project and a developer sought to cram in as many new dwellings it as it could. We are counting on you to be sure that this does not happen.

Tony G. Powers  
Attorney at Law  
Rogers & Hardin LLP  
(404) 420-4632 Office  
(404) 583-7919 Cell  
[tpowers@rh-law.com](mailto:tpowers@rh-law.com)

Begin forwarded message:

**From:** "Nelson Kramer" <[njk@njk.com](mailto:njk@njk.com)>  
**Date:** July 7, 2014 at 3:29:26 PM EDT  
**To:** <[labaray@sandyspringsga.gov](mailto:labaray@sandyspringsga.gov)>  
**Subject:** 5950 Mitchell Rd  
**Reply-To:** <[njk@njk.com](mailto:njk@njk.com)>

Linda--

I have owned my home at 5942 Mitchell Road for 30 years. It is contiguous to the proposed development at 5950 Mitchell Road. Like many of my neighbors I object to the R4 zoning application by Rockhaven Homes. I see no reason to deviate from the city planners' recommendation for R2-3 land use with a maximum of 2.42 homes per acre and 35 foot setbacks. R2-3 would create a neighborhood similar to the actual density of Long Island Walk and Manchester Place and would allow Rockhaven to address many of the other issues such as tree preservation, on street parking, traffic, and privacy concerns. I have visited another Rockhaven site currently under construction and even though they don't build to the 25' setback line the houses I saw essentially had no backyard. I would like to note that there is a 25' no disturb buffer zone on both sides of the property line in addition to the building setback between homes in

Manchester Place and Long Island Walk. An R4 zoning would create a significant contrast in backyard quality of life between those homes and the Manchester Place/Long Island Walk homes bordering 5950 Mitchell Rd.

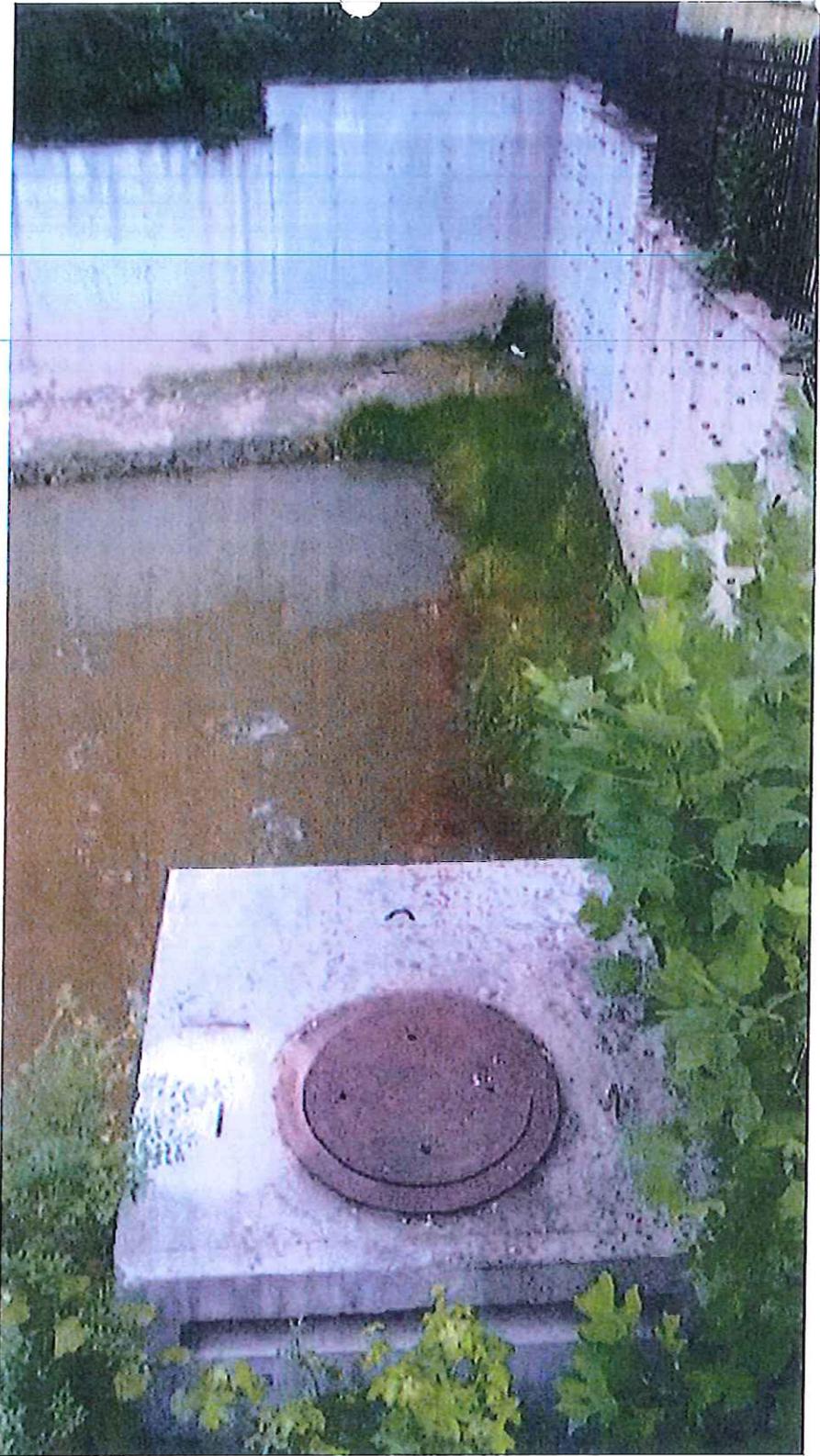
I would also like to voice a strong objection to location of the proposed retention pond. As shown on their plans it would be contiguous to my property and would become the dominant view from my back windows and deck. It does not even appear to have a set back as a normal lot would have. I believe that at a minimum it should be between lots in the new development with the same setbacks as any other lot, and it should have heavy, mature landscaping as a buffer. An even better solution would be to put it in the center of the development and build it as a water feature. It seems inappropriate to hide it away in the new subdivision and have that be at the neighboring homes expense (because of a drop in our homes resale value). On my recent visit to a new Rockhaven development I took a picture of their retention pond and that picture is both below and attached. I took this picture immediately after the Community/Developer Resolution meeting on Thursday, June 26, 2014. This looks terrible now and will look even worse after the weeds grow out of control. There is also the possibility/probability of odors, snakes, rodents, etc. This view would diminish the value of my home and that of my neighbors.

Thank you for your consideration.

--Nelson

Primary phone - 404-654-0007

[nj@nj.com](mailto:njk@nj.com)





## Abaray, Linda

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**From:** Rick & Judy Fritz <rgjm@bellsouth.net>  
**Sent:** Monday, July 07, 2014 6:11 PM  
**To:** Abaray, Linda  
**Cc:** jeffmitichell@live.com; rfritz122144@gmail.com  
**Subject:** 5950 Mitchell Road

Dear Linda,

My wife and I live at 5932 Mitchell Road, which is at the entrance to Manchester Place. We are very concerned about the proposed changes to the existing R2-3 zoning for the development by Rockhaven at 5950 Mitchell Road. We do not support the requested rezoning to R4 with variances. We have lived on Mitchell Road for fifteen years and see no reason why a developer thinks they can just come here and change the character of our neighborhood with higher density.

We strongly believe in the current R2-3 Future Land Use Plan and put our trust in the plan's every protection that it provides us and our neighbors. Our city's own Future Land Use Designation means that R3 or R3A zoning requires a minimum of 18,000 square foot lots, with a maximum density of 2.42 units per acre, 35 foot rear setbacks, and 100 foot minimum lot width. Our own community of Manchester Place has 15 homes on 6.5 acres, or 2.3 homes per acre. We think this is appropriate and see no reason the city should change the current zoning status of our neighborhood for a new high density development.

Our home faces Mitchell Road, so our backyard is adjacent to the side yard of our neighbor. Our backyard is where we get most of our outside-family enjoyment. Our grandchildren play there, we cook out there, and our herb garden is there. Our house is 43 feet from our backyard property line. We believe backyards are an important community asset and the new developments setbacks should at least be 35 feet in keeping with the R2-3 zoning and maximum density of 2.4 homes per acre.

Finally, we don't think Rockhaven needs any variances to develop the 5950 Mitchell Road property. The city's zoning plan provides those of us who live here with appropriate protection. The Future Land Use Plan is designed to protect our property values and our community's style of life. Adding variances and raising the zoning density is a breach of trust between residences and the city.

Thank you,  
Richard and Judy Fritz  
5932 Mitchell Road  
Sandy Springs, GA 30328

Richard Gay  
500 Cameron Manor Way  
Sandy Springs, GA 30328

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To Sandy Springs Department of Zoning

RE: Re-zoning request for 5950 Mitchell Road

Good Afternoon All,

1. **WE do not support** the requested R4 zoning or the variances. **(No Variances!!)** We feel R4 is overzoning. It is not suggested or compatible within R2-3 Future Land Use Plan.

2. WE as a community **strongly favor** the current R2-3 Future Land use plan and ask for every protection that that provides us.

Per Sandy Springs' Future Land Use Designation/Zoning classification table, we believe the suggested zoning should be: R3 or R3A zoning, minimum 18,000 sf lots, Maximum Density of 2.42 units per acre, 35 foot rear setbacks, 100 foot minimum lot width, etc...

3. We do not support Rockhaven Homes request for a minimum 9,000 sf lots.

4. We want a development and will support a development within this corresponding R3 or R3A zoning.

5. We support our neighbors request for relief, better rear setbacks, larger lot sizes, better detention pond design and/or placement, more green space, and sidewalks along the Mitchell Road.

We request that Sandy Springs adhere to the land use plan and do not give any variances.

Thank your in advance for your assistance.

Richard Gay  
Treasurer  
Cameron Manor HOA