



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: July 2, 2014 for submission onto the July 15, 2014 City Council meeting

Agenda Item: **201300687 Abernathy Road, Mount Vernon Highway, Peachtree Dunwoody Road (17-0019-LL-059)** a request to rezone the subject property from O-I (Office and Institutional District) to MIX (Mixed Use District), with a Use Permit and concurrent variances.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

APPROVAL CONDITIONAL of a request to rezone the subject property from O-I (Office and Institutional District) to MIX (Mixed Use District), with a Use Permit and concurrent variances.

Discussion:

To rezone the subject property from O-I (Office and Institutional District) to MIX (Mixed Use District) to allow the development of 150,000 square feet of retail, 1,500,000 square feet of office, 250 room hotel, and 500 multi-family units, with a use permit to exceed the district height limit.

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

1. Variance from Section 4.23.1 to reduce the required forty (40) foot front landscape strip:
 - Abernathy Road as shown on site plan
 - Peachtree Dunwoody Road to 15 feet
 - Mount Vernon Highway to 15 feet
 - GA 400 as shown on site plan

	Proposed	Proposed Density
Retail	150,000 sf	10,482.18 sf/ac
Office	1,500,000 sf	104,821,80 sf/ac
Hotel	250 rooms	17.47 rooms/ac
Multi-Family	500 units	34.94 units/ac

PROPERTY INFORMATION

Address, Land Lot, and District	Abernathy Road, Mount Vernon Highway, Peachtree Dunwoody Road (17-0019-LL-059) Land Lot 19, District 17 th
Council District	4 (Gabriel Sterling)
Frontage	709.33' along the south side of Abernathy Road, 671.33' frontage along the west side of Peachtree Dunwoody Road, 911.13 north side of Mount Vernon Highway and 1022.72 along the east side of GA 400.
Area	14.31 acres
Existing Zoning and Use	O-I (Office and Institutional District) under Fulton County zoning case Z87-0128, currently undeveloped.
Overlay District	PCID (Perimeter Center Improvement District)
2027 Comprehensive Future	LWR (Live Work Regional)

Land Use Map Designation	Node 6: PCID (Perimeter Community Improvement District)
Proposed Zoning	MIX (Mixed Use District)

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner	Representative
Northpark Land Associates, L.L.L.P	Hines Interests Limited Partnership	Nathan V. Hendricks

HEARING & MEETING DATES

Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
April 22, 2014	May 29, 2014	June 19, 2014	July 15, 2014

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300687- APPROVAL CONDITIONAL

201300687 Use Permit - APPROVAL CONDITIONAL

201300687 Variance #1- APPROVAL CONDITIONAL

PLANNING COMMISSION- June 19, 2014

The petition was heard at the June 19, 2014 Planning Commission meeting. Squire moved to recommend approval seconded by Porter. The Commission recommended approval (5-0, Maziar, Porter, Frostbaum, Tart and Squire for; Nickles absent; and Duncan not voting), with staff's conditions, including most recent Public Works comments, and the 9 foot ceilings.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

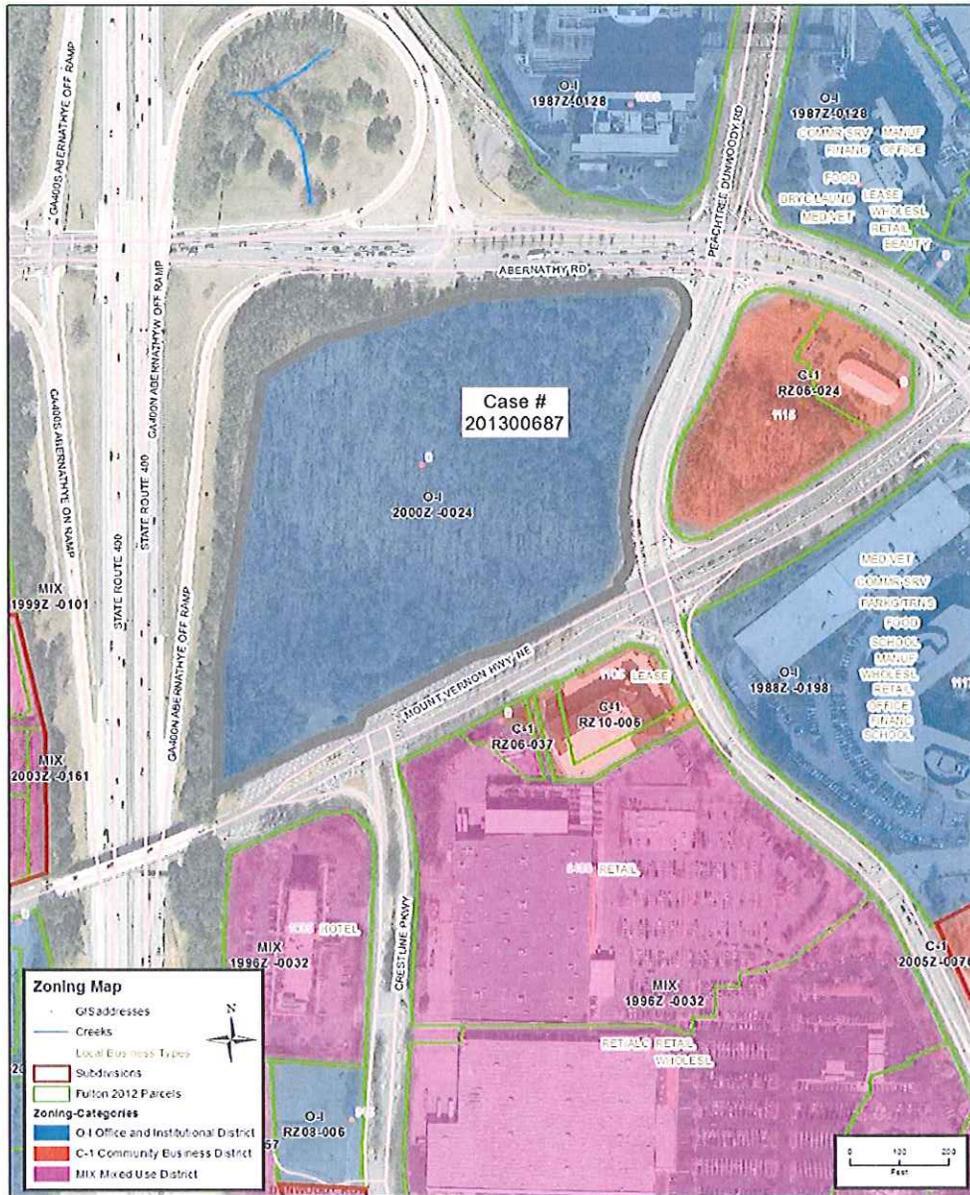
SUBJECT PETITION 201300687	Requested Zoning	Proposed Use	Land Area (Acres)	Units/Square footage	Density (Units per Acre)
	MIX	Retail Office Hotel Multi-Family	14.31	150,000 1,500,000 250 500	10,482.18 sf/ac 104,821.80 sf/ac 17.47 rooms/ac 34.94 units/ac

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	O-1 conditional Z87-128	Northpark Office Complex	10.18	856,530	84,138.52
East	C-1 conditional RZ06-024	Vacant Hotel/Restaurant	3.3903	285,500	84,210.84
South	C-1 conditional RZ10-006 RZ06-037	Self-storage facility to include retail and service commercial and general office	1.51	218,469	144,681
South	MIX, conditional Z96-0032	6400 Peachtree-Dunwoody Road - Home Depot/Costco	11.00	251,600	22,873
West	GA 400				

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting July 15, 2014

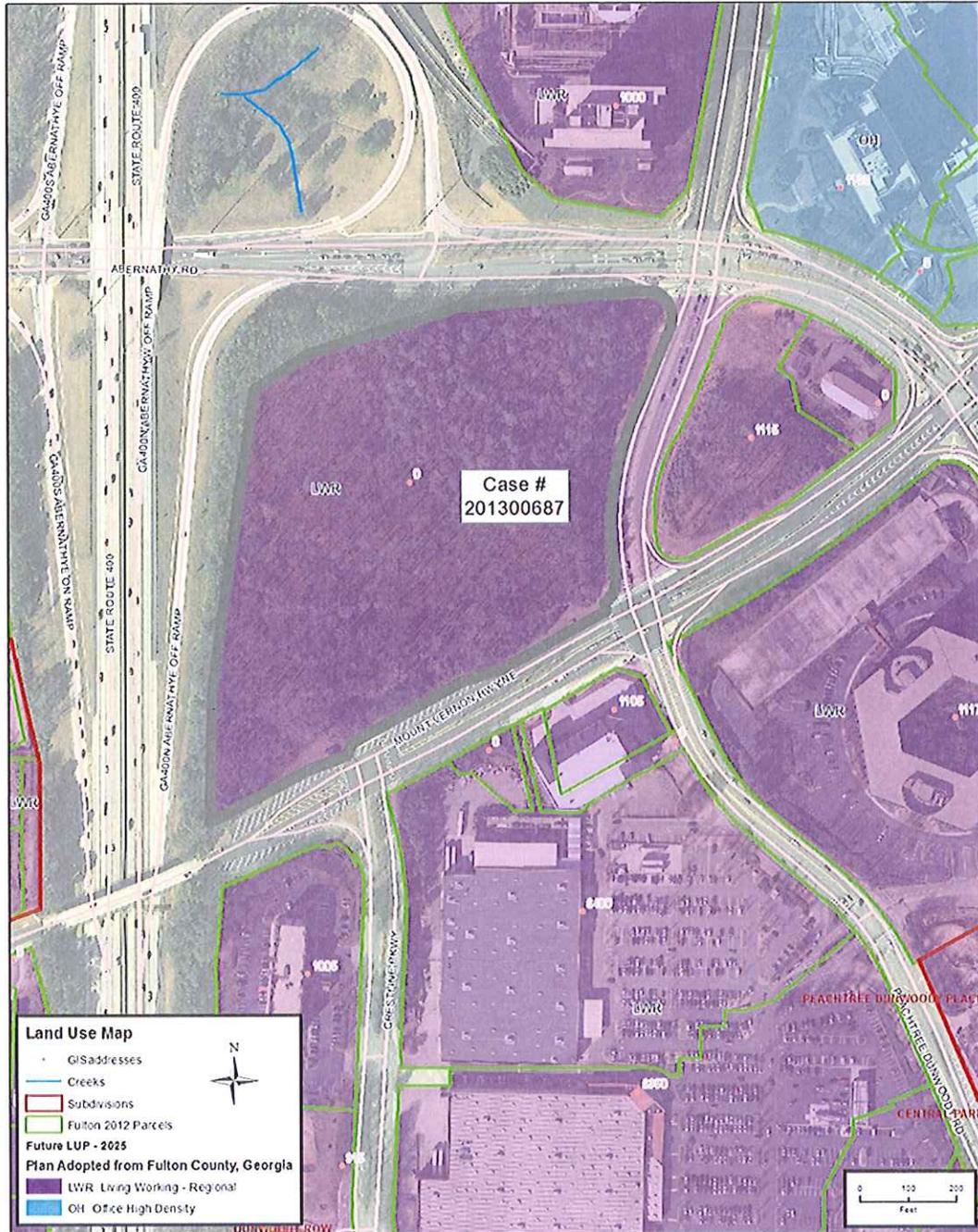
Zoning Map

Mount Vernon Hwy NE



Future Land Use Map

Mount Vernon Hwy NE



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 a mixture high density uses.

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 property is surrounded by high density office and retail uses and the additional multi-family would create a mixture of housing types, especially workforce housing for the area.

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 proposed use is consistent with the intent of the Comprehensive Plan and the Future Land Use Map designation of Live Work Regional (LWR) and the recommended density of above 20 units per acre for residential and above 25,000 square feet an acre for commercial. The applicant is proposing the following:

	Proposed	Proposed Density
Retail	150,000 sf	10,482.18 sf/ac
Office	1,500,000 sf	104,821.80 sf/ac
Hotel	250 rooms	17.47 rooms/ac
Multi-Family	500 units	34.94 units/ac

Additionally, other plan policies that staff considered in developing the recommendation for

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 variance 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 reduce the required forty (40) foot front landscape strip:
 - Abernathy Road: variable as shown on site plan
 - Peachtree Dunwoody Road to 15 feet
 - Mount Vernon Highway to 15 feet
 - GA 400: variable as shown on site plan

Findings:

Staff is of the opinion that the request to reduce the forty (40) foot front landscape strips to allow the encroachments as shown on the site plan received by the Department of Community Development dated June 5, 2014 is in harmony with the intent on the Zoning Ordinance. The property has four road frontages. The applicant is proposing that the retail building and a multi-family building will be located along this encroachment. This will pull these buildings closer to Peachtree Dunwoody Road and Mount Vernon Highway and will create a more walkable and pedestrian-friendly access from the surrounding area. The encroachments along GA 400 and Abernathy Road are for the perimeter access drive. The access drive will provide a better traffic flow throughout the site and fire access. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

USE PERMIT CONSIDERATIONS

The applicant is requesting a use permit to exceed the district height of sixty (60) feet.

The applicant is requesting a use permit to allow a twenty-five (25) and fifty (50) story office buildings, twenty-five (25) story multi-family building, and a twenty-five (25) story hotel.

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 proposed use is consistent with the intent of the Comprehensive Plan and the Future Land Use Map designation of Live Work Regional (LWR) and the recommended density. The Plan recommends density of above 20 unit/acre and over 25,000 square feet per acre. The applicant is requesting the following densities:

and over 25,000 square feet per acre. The applicant is requesting the following densities:

	Proposed	Proposed Density
Retail	150,000 sf	10,482.18 sf/ac
Office	1,500,000 sf	104,821.80 sf/ac
Hotel	250 rooms	17.47 rooms/ac
Multi-Family	500 units	34.94 units/ac

The applicant is requesting a use permit to exceed the district required sixty (60) foot height limit to allow a twenty-five (25) and fifty (50) story office buildings, twenty-five (25) story multi-family building, and a twenty-five (25) story hotel, The adjacent office buildings are approximately sixteen (16) stories with a proposed twenty-six (26) story building. The request to exceed the sixty (60) feet is consistent with the buildings in the surrounding area. The Node 6: PCID (Perimeter Community Improvement District - Live Work Regional only) states that building height should not be limited in this area. Additionally, other plan policies that staff considered in developing the recommendation for this proposal are the creation of a mixture of housing types, especially workforce housing for the area.

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.

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 not result in a use that will cause an excessive or burdensome use of the existing infrastructure. The application has an approved Development of Regional Impact (DRI). The application was reviewed by the Georgia Regional Transportation Authority (GRTA) and the Atlanta Regional Commission (ARC). Both organizations recommended approval of the project. Additionally, the proposed project is within 500 feet of a MARTA transit station.

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

Findings: The total parking required:

	Required
Multi-Family	818
Commercial	5,035*
Total	4,974 (15% MARTA Reduction)

*75,000 square of restaurant was included in this calculation.

F. The amount and location of open space;

Findings: The applicant is proposing 23.26% green space where 15% is required and 5.2% open space where 5% is required.

G. Protective screening;

Findings: The applicant is not proposing protective screening. The project is surrounded by roads on all side and is not adjacent to any residential properties. Additionally, the area is currently developed with high rise and high density developments.

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 shows the following ingress and egress points:
 Abernathy Road: one (1) right in right out
 Peachtree Dunwoody Road: one (1) right in right out
 Mount Vernon Highway: three (3): one (1) right in right out, two (2) full access

DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on May, 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>Abernathy Road is classified a Principal Arterial and has a posted speed limit of 45 mph, Mt. Vernon Highway is classified a Collector and has a posted speed of 35 mph, and Peachtree Dunwoody Road is classified a Minor Arterial and has a posted speed of 35 mph.</p> <p>Show Georgia DOT right-of-way reservation strip along the SR 400 frontage.</p> <p>Regarding all street frontages:</p> <ul style="list-style-type: none"> • Mt. Vernon Highway, Peachtree Dunwoody Road, and Abernathy Road are included in the Sidewalk Master Plan network. • As part of the Perimeter Community Improvement Design District, Abernathy Road has been designated as a Thoroughfare, Mt. Vernon Highway and Peachtree Dunwoody Road as an Avenue, and Crestline Parkway as a Street. All street designations include typical sections with elements including bicycle lanes, wide sidewalks, street trees and landscape/planting strips, street furniture, and street lighting. • ADA-compliant paths shall be provided from sidewalk network on all frontages to site arrival point(s).
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	<ul style="list-style-type: none"> • Frontage on all streets shall include width to accommodate full-depth bicycle lanes to meet latest AASHTO standards. <p>The following transportation projects have been identified in prior plans:</p> <ul style="list-style-type: none"> • The Sandy Springs Transportation Master Plan has recommended the following improvements: Project C13: <u>Sidewalks, bicycle Lanes, and intersection improvements on Mt. Vernon Highway</u>; Projects D2, D6, E17: <u>Peachtree Dunwoody Road complete street including automobile, pedestrian, transit, bicycle, and landscaping/aesthetic components</u>. • Perimeter CID (PCID) plans have recommended the following: PCID LCI 10-year Update: Project T-28: <u>Trail system on Mt Vernon Highway</u>; • PCID LCI supplemental study: Commuter Trails System Master Plan: Project A06: <u>Side path for Abernathy Road</u>, Projects A15/A17: <u>Side paths for Mt Vernon Highway</u>, Project A38: <u>Side path for Peachtree Dunwoody Road</u>. <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"> • All private streets shall be constructed to public street standards (Development Ordinance, Section 103-70). • Right-of-way dedication may be required for all street frontages based on roadway laneage or streetscape improvements which is the greater of required street classification right-of-way width, 11 feet behind back of curb or one foot behind sidewalk. <p>The following traffic improvements shall be provided to accommodate development-generated traffic:</p> <ul style="list-style-type: none"> • Installation of pedestrian signal at northbound GA 400 ramp and Abernathy Road. • Construction of additional northbound left turn lane on Peachtree Dunwoody Road to Abernathy Road westbound and accompanying overhead signs. • Construction of southbound left turn lane from Peachtree Dunwoody Road to eastbound Mt. Vernon Highway. • Construction of dual left turn lanes from eastbound Mt. Vernon Highway to northbound Peachtree Dunwoody Road. • Restriping of the Mt. Vernon Highway bridge over GA 400 to three 10.5-foot lanes to provide two westbound lanes and one eastbound lane. • Construction of the westbound right turn lane on Mt. Vernon Highway from GA 400 to end of existing taper at Barfield Road. • Construction of the maximum length of left turn lane on eastbound Mt. Vernon Highway to Driveway #1. • Construction of grade separated pedestrian crossing across Peachtree Dunwoody Road at Abernathy Road.
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PUBLIC INVOLVEMENT

Public Comments (See additional comments attached)

- Traffic
- Not allowing the road to be closed
- Number of 3 bedroom units/ mixture of units
- Access to MARTA
- Install a pedestrian island in the center of Peachtree Dunwoody

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 in conformity with the intent of the Comprehensive Plan Policies. The proposed densities are within the ranges suggested by the Future Land Use Map. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the rezoning petition and the associated use permit and concurrent variances.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from O-I (Office and Institutional 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.

- I. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a density of 104,821.80 square feet per acre or 1,500,000 square feet, whichever is less.
 - b. Commercial uses at a density of 10,482.18 square feet per acre or 150,000 square feet, whichever is less.
 - c. Residential uses at a density of 34.94 units per acre or 500 units, whichever is less.
 - d. Hotel use at a density of 17.47 rooms per acre or 250 rooms, whichever is less.
 - e. To a maximum building height of one (1) 25 stories and one (1) 50 stories office building as shown on the site plan received by the Department of Community Development dated June 5, 2014.
 - f. To a maximum building height of 25 stories for the 500 unit multi-family building as shown on the site plan received by the Department of Community Development dated June 5, 2014.
 - g. To a maximum building height of 25 stories for the 250 room hotel as shown on the site plan received by the Department of Community Development dated June 5, 2014.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 5, 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. All project improvements required by Georgia Regional Transportation Authority (GRTA) and outlined in the Notice of Decision dated March 28, 2013.
 - b. No vehicular access shall be permitted along the Abernathy Road frontage.
 - c. Installation of pedestrian signal at northbound GA 400 ramp and Abernathy Road.
 - d. At the time of construction of the proposed driveway on Peachtree Dunwoody Road, applicant shall provide the following transportation improvements:
 - i. Construction of a southbound left turn lane from Peachtree Dunwoody Road to eastbound Mt. Vernon Highway.
 - ii. Construction of an enhanced pedestrian crossing of Peachtree Dunwoody at Mt. Vernon Highway to provide connection to the Sandy Springs MARTA Station.
 - iii. Construction of an enhanced pedestrian crossing of Peachtree Dunwoody at Abernathy Road to provide connection to the Sandy Springs MARTA Station.
 - e. At the time of construction of proposed full access driveway on Mt. Vernon Highway at Crestline Drive, applicant shall provide the following transportation improvements:
 - i. Construction of the maximum length of left turn lane on eastbound Mt. Vernon Highway to full access driveway.
 - f. At the time of construction of proposed right-in/right-out driveway on Mt. Vernon Highway, applicant shall provide the following transportation improvements:
 - i. Restriping of the Mt. Vernon Highway bridge over GA 400 to three 10.5-foot lanes to provide two westbound lanes and one eastbound lane.
 - ii. Construction of a westbound right turn lane on Mt. Vernon Highway from GA 400 to end of existing taper at Barfield Road.
 - g. At the time of construction of 2/3 build-out of the office density (1,000,000 SF), applicant shall provide the following transportation improvements:
 - i. Construction of additional northbound left turn lane on Peachtree Dunwoody Road to Abernathy Road westbound and accompanying overhead signs.

- ii. Construction of dual left turn lanes from eastbound Mt. Vernon Highway to northbound Peachtree Dunwoody Road.
 - iii. Construction of Abernathy Road frontage pedestrian/bicycle sidepath and pedestrian crossing/signal at northbound GA 400 ramp and Abernathy Road.
- h. The minimum design standards are:

Minimum front yard:

GA 400: As shown on site plan received by the Department of Community Development dated June 5, 2014

Abernathy Road: As shown on site plan received by the Department of Community Development dated June 5, 2014

Peachtree Dunwoody Road: 15 feet

Mount Vernon Road: 15 feet

Minimum heated floor area per dwelling unit: 500 square feet

Minimum internal setbacks, separations, landscaping and buffering between uses is as shown on the site plan which shall comply with the local governing building codes.

- i. All units shall be individually metered and/or sub metered.
- j. Interior ceiling heights should be a minimum of nine (9) feet.
- k. No less than 15% of the site shall be maintained as green space and 5% as open and/or green space.
- l. To reduce the forty (40) foot front landscape strips to allow for the encroachments as shown on the site plan received by the Department of Community Development dated June 5, 2007 (CV201400687).

Attachments

- Letter of Intent dated received March 5, 2014
- Site Plan dated received June 5, 2014
- GRTA Notice of Decision dated March 28, 2013
- Site Pictures
- Additional comments from the Fulton County Department of Water Resources, Fulton County Department of Health Services , Fulton County School System Impact Report
- Letters of Opposition (15)

- ii. Construction of dual left turn lanes from eastbound Mt. Vernon Highway to northbound Peachtree Dunwoody Road.
 - iii. Construction of Abernathy Road frontage pedestrian/bicycle sidepath and pedestrian crossing/signal at northbound GA 400 ramp and Abernathy Road.
- h. The minimum design standards are:

Minimum front yard:

GA 400: As shown on site plan received by the Department of Community Development dated June 5, 2014

Abernathy Road: As shown on site plan received by the Department of Community Development dated June 5, 2014

Peachtree Dunwoody Road: 15 feet

Mount Vernon Road: 15 feet

Minimum heated floor area per dwelling unit: 500 square feet

Minimum internal setbacks, separations, landscaping and buffering between uses is as shown on the site plan which shall comply with the local governing building codes.

- i. All units shall be individually metered and/or sub metered.
- j. Interior ceiling heights should be a minimum of nine (9) feet.
- k. No less than 15% of the site shall be maintained as green space and 5% as open/green
- l. To reduce the forty (40) foot front landscape strips to allow for the encroachments as shown on the site plan received by the Department of Community Development dated June 5, 2007 (CV201400687).

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LETTER OF INTENT

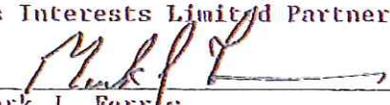
The property contains approximately 14.3 acres and is bounded by Georgia Highway 400 on the west, Abernathy Road on the north, Peachtree Dunwoody Road on the east and Mount Vernon Highway on the south and is commonly known as Buildings 100-300 Northpark (the "Property").

The Property is presently zoned to the O-I Classification pursuant to Z87-128 and the Applicant requests a rezoning to the MIX Classification for the development of office/service/retail/commercial/hotel/residential and accessory uses as follows: 1,500,000 square feet of office, 150,000 square feet of retail, a 250 room hotel and 500 units of For Rent residential. Additionally, pursuant to Article 19.4.5., the Applicant requests a Use Permit to exceed the height limitation in the MIX District for office buildings of 25 and 50 stories, a 25 story hotel and a 25 story building for the For Rent Residential. Further, given the unique burdening factors of the shape of the Property and its being confined by being bounded on all four sides by roads and highways bearing significant volumes of traffic, the Applicant requests a Concurrent Variance pursuant to Article 4.23.1. to allow the reduction of the required landscape strips along Georgia Highway 400, Abernathy Road, Peachtree Dunwoody Road and Mount Vernon Highway as shown on the Site Plan filed simultaneously herewith. To require the Applicant to comply with this development standard would place a substantial hardship on the Applicant and the approval of this Concurrent Variance would not be harmful to the health, safety and welfare of the general public. Further, the approval of this concurrent Variance would be in harmony with the policies and intent of the Zoning Ordinance. It is to be noted that the Sandy Springs Comprehensive Land Use Plan places the Property under the Live/Work Regional designation. The development of the Property as proposed by the Applicant and as described above not only complies with the policies and intent of the Live/Work Regional designation but also with the mix of zonings and developments on surrounding and nearby properties. The location of the Property with immediate and direct access to the MARTA Station creates the very live/work/play environment and pedestrian engagement intended and envisioned for this area. Accordingly, this Application for Rezoning, Use Permit and Concurrent Variance is entirely appropriate and the appropriateness of this Application for Rezoning, Use Permit and Concurrent Variance and the constitutional assertions of the Applicant are more particularly described 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, Use Permit and Concurrent Variance be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.

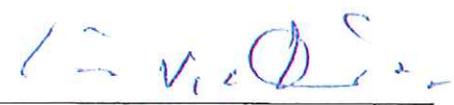
APPLICANT:

Hines Interests Limited Partnership

By: 

Mark J. Ferris

Its: Managing Director


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 Use Permit and 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.

JUN 05 2014

City of Sandy Springs Community Development

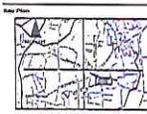
Project
100 NorthPark
Sandy Springs, Georgia

Prepared for
Hinos Interests Limited Partnership
Five Rainia Drive
Atlanta, Georgia 30348
Contact name: Clark Peris
P: 404 879 2907
Contract No: 12,14063.00

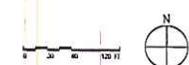
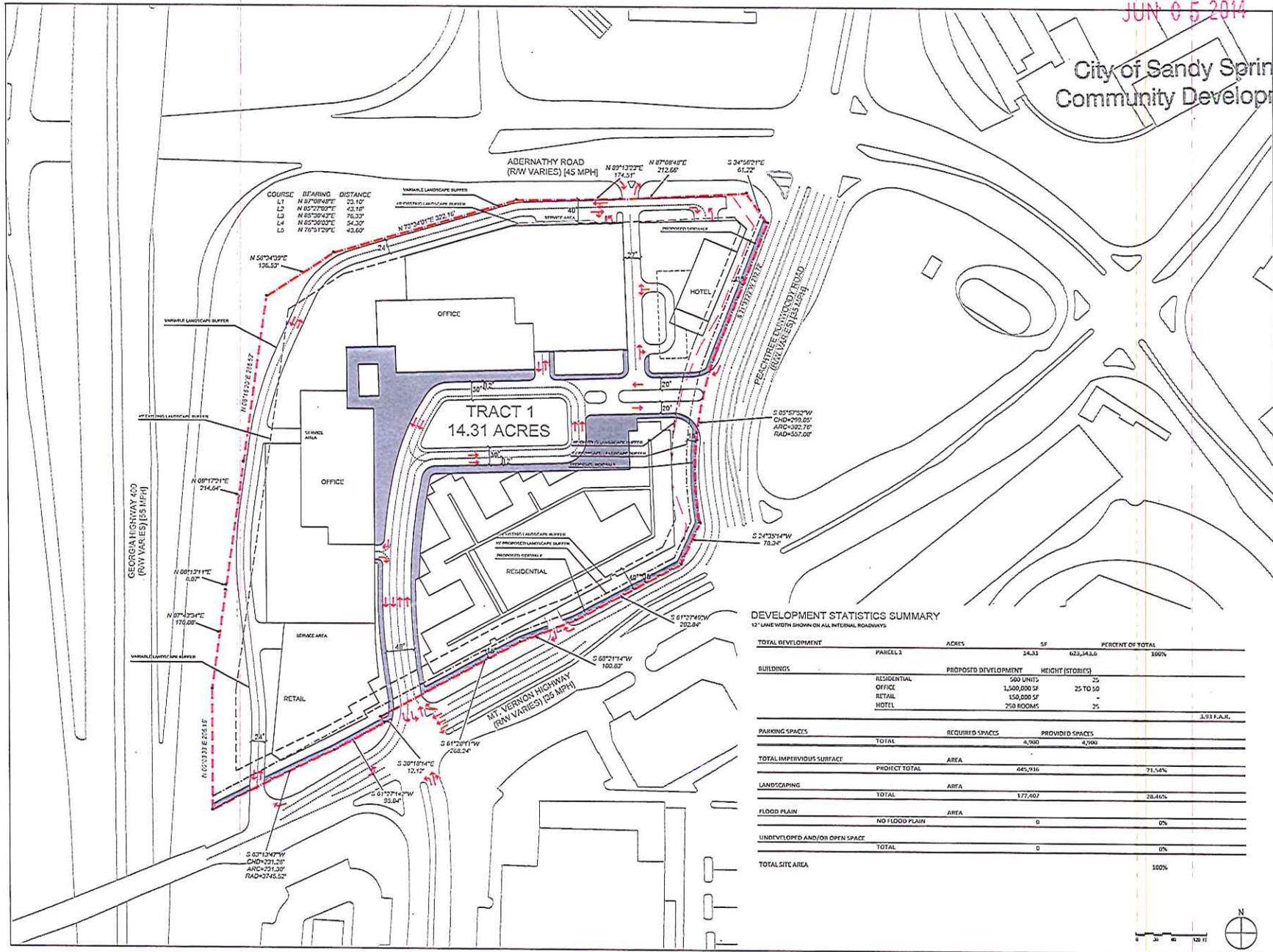


HOK
Consulting Engineers, Inc.
3723 Claise Street, N.W.
Washington, D.C. 20007 USA
P: +1 202 339 8700 F: +1 202 339 8800

Kimley-Horn and Associates, Inc.
817 West Peachtree Street, NW
Atlanta, Georgia 30309
Project name: 100 NorthPark
Plan No: 12,14063.00



LOCATION MAP



Drawn by: GREGG Prepared by: L. GREENE
Project No: 12,14063.00

Scale: 1" = 30'
Title: Concept Plan and Planning Context



NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Sonny Deriso, GRTA
Bob Voyles, GRTA
Dick Anderson, GRTA
Lara Hodgson, GRTA
Al Nash, GRTA
Ken Stewart, GRTA

To: Mayor Eva Galambos, City of Sandy Springs
(via electronic mail and certified mail) Mark Ferris, Hines Interests LP

From: Jannine Miller, GRTA Executive Director

Copy: Kirk Fjelstul, GRTA
(via electronic mail) Laura Beall, GRTA
Jon West, DCA
Jon Tuley, ARC
Mike Lobdell, GDOT Dist 7
Greg Floyd, MARTA
Linda Abaray, City of Sandy Springs
Don Mabry, Simpson Housing LLLP
John Walker, Kimley-Horn & Associates

Date: March 28, 2013

Re: DRI #2334 Northpark

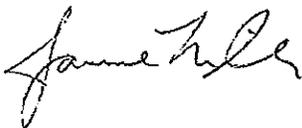
**Notice of Decision for
Request for Expedited Review of
DRI 2334 Northpark**

The purpose of this notice is to inform Northpark (the Applicant), the City of Sandy Springs (the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 2334 Northpark (the DRI Plan of Development). GRTA has completed an Expedited Review for the DRI Plan of Development pursuant to sections 3-101, 3-102.E and 3-102.F of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria. The DRI Plan of Development as proposed is **approved without conditions** by Expedited Review.

This decision will become final and no further review will be required, unless: (1) a request for review by the Land Development Committee is submitted to the Executive Director within five (5) calendar days of receipt of this notice pursuant to Section 2-502 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, or (2) an appeal by the Applicant is submitted to the Executive Director within ten (10) working days of receipt of this notice pursuant to Section 2-202(G), or (3) an appeal by the local government is submitted to the Executive Director within five (5) calendar days of receipt of this notice pursuant to Section 2-501. If GRTA staff receives a request for review or an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal or request for Expedited Review at its May 8, 2013 regular meeting.

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes revised site plan prepared by HOK dated and received by GRTA on March 27, 2013 and the transportation analysis dated March 2013 prepared by Kimley-Horn and Associates and received by GRTA on March 11, 2013. The review also includes confirmation from Atlanta Regional Commission received by GRTA on March 28, 2013 that the Livable Centers Initiative (LCI) criterion has been met.

Approval of the above referenced DRI by expedited review shall not constitute GRTA approval of any subsequent material modifications to the proposed DRI by the local government such that the proposed DRI is no longer eligible for approval by expedited review.



Jannine Miller
Executive Director
Georgia Regional Transportation Authority







Akbar, Abdul

From: Abaray, Linda <LAbaray@SandySpringsga.gov>
Sent: Tuesday, April 15, 2014 12:04 PM
To: Abaray, Linda
Cc: Allen, Colleen
Subject: Sandy Springs Preliminary Zoning Agenda- April
Attachments: 201300687 Letter of Intent.pdf; 201300687 Site Plan 3.5.13.pdf; 201401133 Site Plan.pdf; 201401133 LOI.pdf; 201401164 LOI & Site Plan.pdf; 201401170 LOI & Site Plan.pdf; 201401173 Letter of Intent & Site Plan.pdf; 201401257 LOI & Site Plan.pdf

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

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

Agenda Item		Council District	Meeting Dates
Rezoning			
1.	201300687 Abernathy Road, Mount Vernon Highway, Peachtree Dunwoody Drive <i>Applicant: Hines Interest Limited Partnership</i> ▪ To rezone the subject property from O-I (Office and Institutional District) to MIX (Mixed Use District), with a use permit and concurrent variances.	4	CZIM - 4/22/14 CDRM - 5/29/14 PC- 6/19/14 MCC- 7/15/14
2.	201401133 305 Carpenter Drive <i>Applicant: Masoud Zahedi</i> ▪ To rezone the subject property from A-L (Apartment Limited Dwelling District) to A-L (Apartment Limited Dwelling District) to allow multi-family, with concurrent variances.	5	CZIM - 4/22/14 CDRM - 5/29/14 PC- 6/19/14 MCC- 7/15/14
3.	201401164 8730 Roswell Road <i>Applicant: Centric Development, LLC</i> ▪ To rezone the subject property from AG-1 (Agricultural District) and O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District), with concurrent variances.	2	CZIM - 4/22/14 CDRM - 5/29/14 PC- 6/19/14 MCC- 7/15/14
4.	201401170 400 Carpenter Drive <i>Applicant: Holt Persinger</i> ▪ To rezone the subject property from C-1 (Community Business District) to A-L (Apartment Limited Dwelling District), with concurrent variances.	6	CZIM - 4/22/14 CDRM - 5/29/14 PC- 6/19/14 MCC- 7/15/14
5.	201401173 5188 & 5208 Roswell Road, 141,151,161,171 Mt. Paran Road <i>Applicant: Halpern Enterprises, Inc</i> ▪ To rezone the subject property from O-I (Office and Institutional District) and R-3 (Single Family Dwelling District) to MIX (Mixed Use District), with concurrent variances.	6	CZIM - 4/22/14 CDRM - 5/29/14 PC- 6/19/14 MCC- 7/15/14
6.	201401257 220 and 230 Sandy Springs Place	3	CZIM - 4/22/14 CDRM - 5/29/14

COMMENTS ON PUBLIC SERVICES AND UTILITIES

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

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 100 gallons per day (gpd) per 1,000 square feet (sq.) x 1,500,000 (office space) sq. ft. = 150,000 gallons per day (gpd) plus 100 gpd per 1,000 (retail space) sq. ft. x 150,000 sq. ft. = 15,000 gpd plus 270 gallons per day (gpd) per housing unit x 500 units = 135,000 gallons per day plus 100 gallons per day (gpd) per hotel room (with a hotel restaurant) x 250 hotel rooms = 25,000 gpd for a total daily water usage = 325,000 gpd.

This project is within the City of Atlanta water jurisdiction.

SEWER:

Basin: Marsh Creek

Treatment Plant: R.L. Sutton (Cobb County)

Anticipated sewer demand: 292,500 gallons per day

There is a wastewater manhole (12 inch sewer line) within the northeast property boundary near the southwest corner intersection of Abernathy Road and Peachtree Dunwoody Road (sewer manhole # SMMA0526935) located in Land Lot 19, District 17.

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

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

- 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"

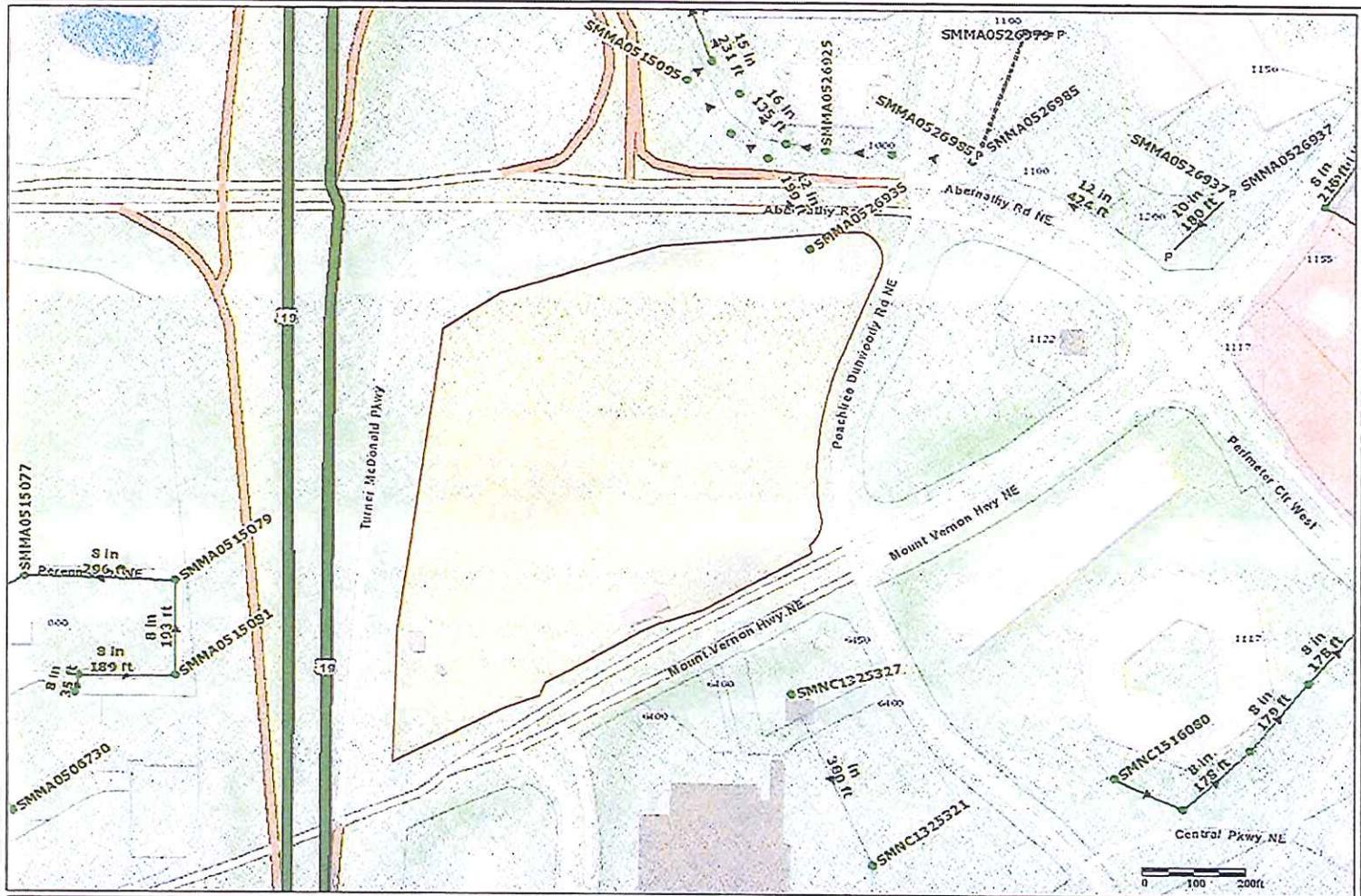
18" - 24"

30" - 48"

Greater than 48"

Address Points

waterservices_pub DBO BASEMAP_County



Fulton County, Georgia
5-6-2014

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



- Treatment Plant
- ★ Boilie
- ★ Waste Water
- ★ Water
- Waste Water System
- Private Mainline
- Pump Station
- Manhole
- Accessible
- Not Accessible
- Problem
- Lined Pipe
- Force Main
- Check Choking
- Waste Water Pipe Flow
- UNSC
- 4" - 6"
- 8"
- 12" - 16"
- 18" - 24"
- 30" - 42"
- Greater than 60"
- Waste Water Pipe
- UNSC
- 4" - 6"
- 8"
- 12" - 16"
- 18" - 24"
- 30" - 42"
- Greater than 60"
- Topography
- 2ft Contour
- 10ft Contour
- Address Text



0 PEACHTREE DUNWOODY RD (Parcel ID: 17 0019 LL0590)
 Fulton County, Georgia
 5-6-2014

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



Property Profile for **0 PEACHTREE DUNWOODY RD**

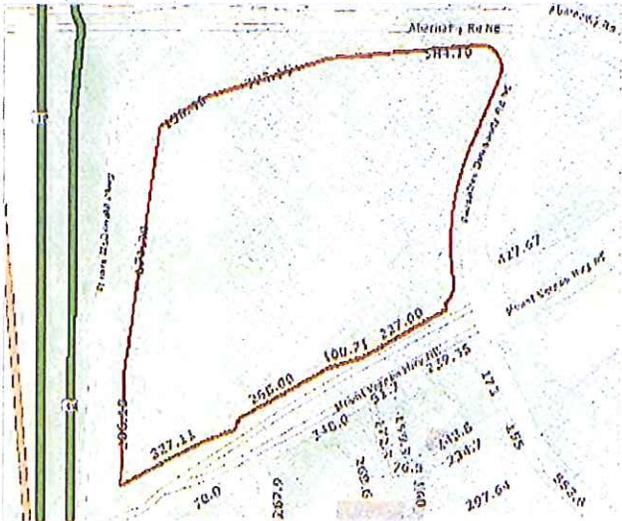
Property Tax Information

Tax Year	2014
Parcel ID	17 0019 LL0590
Property Address	0 PEACHTREE DUNWOODY RD
Owner	NORTHPARK LAND ASSOC LTD
Mailing Address	P.O. BOX 450233 ATLANTA GA 31145 0233
Total Appraisal	\$5,744,400
Improvement Appraisal	\$0
Land Appraisal	\$5,744,400
Assessment	\$2,297,760
Tax District	59B
Land Area	16.048989 ac
Property Class	Commercial Large Tracts
Land Use Class	Vacant Commercial Land
TAD	
CID	Fulton Perimeter CID
Zoning	
Zoning Class	not available
Overlay District	
2030 Future Development	not available
Political	
Municipality	Sandy Springs
Commission District	4
Commission Person	Tom Lowe
Council District	not available
Council Person	not available
Voting Precinct	SS29A
Poll Location	1st Baptist Ch. Sandy Springs, 650 Mt Vernon Hwy
Congressional District	006
State Senate District	032
State House District	080
School Zones	
Elementary School	Woodland
Middle School	Sandy Springs
High School	North Springs
Other Information	
Zip Code	30328
Census Tract	101.22
In Less Developed Census Tract	No

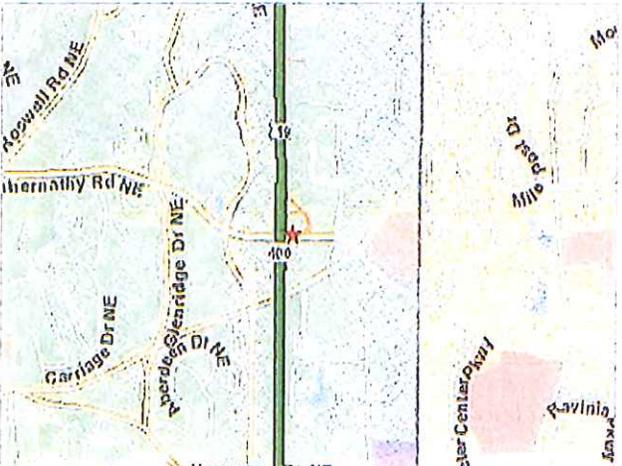
Oblique Aerial View (looking north)



Property Map



Vicinity Map



Abaray, Linda

From: Tochie Blad <tblad1@comcast.net>
Sent: Friday, May 30, 2014 11:07 AM
To: Abaray, Linda
Subject: Letter on Hines Project for June P.C.

RECEIVED

MAY 30 2014

City of Sandy Springs
Community Development

7320 Hunters Branch Dr.
Sandy Springs, GA 30328

Dear Mayor and City Council,

After attending the developer resolution meeting and having extensively worked with Hines on their original proposal last year, I want to express my concern over their half baked mixed use development proposed at Mt. Vernon Hwy. and Peachtree Dunwoody Rd. which allows both retail and multi-family housing to the mix of their office zoning from the mid 1980's. The original zoning had the entire parcel from GA 400 to the Marta station including the Kessler hotel property with a CLOSED section of Peachtree Dunwoody for better Marta access. The dense office project zoning remains on the land and they are adding retail and multi-family to the mix but with little or no connectivity to Marta now that the section of Peachtree Dunwoody has re-opened in the 1990's. They need to do a better job of connecting to MARTA and making this transit oriented in order to justify the mixed use zoning.

Hines is moving forward with their mixed use development even though the GDOT right of way issues have yet to be resolved.(Hines withdrew their application last June 2013 due to GDOT objections to the plan). Hines says if GDOT moves forward with their condemnation of land to accommodate the collector distributor lanes, they can easily shift their plan. Has staff confirmed the remaining Right of way issues and will Hines assertion that plans may be shifted not cost us more as taxpayers when the right of way is acquired?

At the Resolution meeting, improved pedestrian access to cross Peachtree Dunwoody Rd. was requested along with keeping impact fees paid by the developer to improve roads in the immediate area. (Cox Communications impact fees from their Peachtree Dunwoody Rd. development went to pay for the Windsor Pkwy. roadway improvements). Neighbors want impact fees spent in the area they were intended for which is the key to preventing gridlock in an already congested streets. The project will generate 15,000 car trips daily. We ask that this plan not move forward until the GDOT issues are resolved and more connectivity to the MARTA station is established.

Sincerely,

Tochie A. Blad

Abaray, Linda

RECEIVED

APR 22 2013

City of Sandy Springs
Community Development

From: dfett@comcast.net
Sent: Friday, April 19, 2013 12:33 PM
To: COSS Planning and Zoning
Cc: Jeff Biggs
Subject: Proposed development at Abernathy and Peachtree Dunwoody

I am against this for the following reason:

1. Too many apartments, therefore traffic would be more of an issue than it already is.
2. Trees/woody environment would be destroyed which is one of the best things this area has going for it.

Debbie Moscato
Owner, 901 Hollyfax Cir - The Oaks of Dunwoody condos
404.558.0817 cell

RECEIVED

Abaray, Linda

From: White, Christy <Christy.White@sutherland.com>
Sent: Saturday, April 20, 2013 10:53 AM
To: COSS Planning and Zoning
Cc: joew.chamberlain@gmail.com
Subject: Rezoning Developments - Peachtree Dunwoody Road and Abernathy Road

APR 22 2013

City of Sandy Springs
Community Development

To whom it may concern:

I live in the Oaks of Dunwoody, a small condo development on the north end of Peachtree Dunwoody Road (just south of MARTA) which has been here since 1983. I understand that there are two proposed rezoning ordinances being proposed. I'd like to express my concerns about these projects.

These two rezoning applications will **dramatically increase/impact the amount of traffic** at the intersection of Peachtree Dunwoody Road and Abernathy Road. We already have police officers assisting at the intersection of Peachtree Dunwoody Road/Abernathy Road and also with the ingress and egress from the Art Institute. Because of all the office buildings in the area, during the weekday evenings, the traffic on Abernathy Road all the way to Ashford-Dunwoody Road is horrendous. There simply are too many people trying to get on and off 400.

Every weekday morning (8:00 am), I leave my complex turning left to head to MARTA, there is traffic blocking my entrance which is caused due to backed up for the Peachtree Dunwoody Road Abernathy Road traffic light. This light is more than a half mile away. I have heard of possible widening of Peachtree Dunwoody Road. I feel this would be a mistake for several reasons (i) this will make it more difficult for many residence living on Peachtree Dunwoody Road to exit and enter their homes/subdivisions; (ii) the road has several curves which would be dangerous to have multiple lanes; (iii) widening this road will cause people to feel they can go faster than 35 mph.

I will reiterate, **if you allow either of these two rezoning applications to go forward, it will dramatically increase/impact the amount of traffic at the intersection of Peachtree Dunwoody Road and Abernathy Road and this area simply cannot take any more traffic.**

Christy L. White

Sutherland Asbill & Brennan LLP
999 Peachtree Street, NE, Suite 2300 | Atlanta, GA 30309-3996
404.853.8646 direct | 404.853.8806 facsimile
christy.white@sutherland.com | www.sutherland.com

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Abaray, Linda

From: Abaray, Linda
Sent: Thursday, April 18, 2013 9:41 AM
To: 'rbmay2@comcast.net'
Cc: Parker, Angela
Subject: RE: Comments and Questions

Ms. Remsen,

Thank you for your comments. I will add them to the official file and include them in the packages being forwarded to the Planning Commission and Mayor and City Council. Please see the application schedule below. If you have any additional concerns please don't hesitate to call.

Meeting	Date	Time
Design Review Board	April 23 rd	9 a.m.
Community Developer Resolution Meeting	April 25 th	8 p.m.
Planning Commission	May 16 th	7 p.m.
City Council	June 18 th	6 p.m.

Linda Abaray
Senior Planner
City of Sandy Springs
7840 Roswell Road, Bldg. 500
Sandy Springs, GA 30350
O. 770-206-1577
F. 770-206-1562

From: rbmay2@comcast.net [rbmay2@comcast.net]
Sent: Tuesday, April 16, 2013 11:02 AM
To: afterhours1@sandyspringsga.org; AfterHours2
Subject: Comments and Questions

Rebecca

This email is about the rezoning at Abernathy. I was disappointed to see the Mayor in favor of this. I feel our quality of life is being threatened by overbuilding. In the past two years my area along Barfield Rd. as seen forest area and wildlife habitat destroyed by (1) MacManions off Glenridge Dr. (2) a parking lot at the Hammond Dr. rec. center (3) the Ga 400 half diamond on Hammond Dr. (4) another project at Perimeter. Do we really need another office park? It was a sickening sight to see all the trees being ripped up day after day. Our once beautiful green spaces are being overdeveloped. I doubt my comments will make any difference, but my hope is that someone will at least delay this project and consider how it will forever change the character of the neighborhoods around it.. ...Thanks Rebecca May Remsen

Rebecca
6102 Barfield Rd.

Sandy Springs , Ga. 30328
(404) 313-3235

rbmay2@comcast.net

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RECEIVED

APR 12 2013

City of Sandy Springs
Community Development

Abaray, Linda

From: Samantha Faklaris <samanthafaklaris@gmail.com>
Sent: Friday, April 12, 2013 8:38 AM
To: COSS Planning and Zoning
Cc: Sterling, Gabriel
Subject: Sandy Springs Proposed Development - case #'s 20130687 & 201300689

Hi SS Zoning Committee

We are Sandy Springs residents of the Branches - we've lived in the community for 10 years and love it. We are writing because we know you are considering developments on Ptree Dunwoody at Abernathy as well as the Robert's property.

Our family urges you NOT to consider raising the current limits for more density and apartments. As someone in our neighborhood so properly said - the plans are there for a reason and you shouldn't budge on it. We certainly don't need more apartments in our area - that will have an affect on our schools and lead to an even more transient population. Our three girls attend Woodland Elem and that is the last thing our school needs - we are constantly trying to improve the image of the school in our community - the fact that we have so many "apartment kids" attending currently is why so few families from our community send their children to what we consider a WONDERFUL school with INCREDIBLE educators. Please don't dilute our population more with more apartments.

I could go on & on about this subject - b/c I am so passionate about having more neighborhood families attend our school - but I'll limit my thoughts to that unless you would like more information....smiley face

Thanks for your consideration
Samantha

RECEIVED

APR 09 2013

City of Sandy Springs
Community Development

Abaray, Linda

From: DON & LESLEY SCHAEFFER <lssatl@bellsouth.net>
Sent: Monday, April 08, 2013 9:43 PM
To: COSS Planning and Zoning
Cc: Sterling, Gabriel
Subject: development at Abernathy, Peachtree-Dunw, & Mt.Vernon

To whom it concerns,

I oppose any development beyond what the Comprehensive Land Use Plan designates on the above project and any further development of apartments. I do not support straying from the current guidelines to develop this parcel of land. Nor do I believe that the current condition of the Mt Vernon Rd bridge crossing 400 could support a major development at this location.

I drive through this area regularly taking and retrieving my children (who attend Mt. Vernon Presbyterian School) as we live in The Branches neighborhood. My daily life is in the environs of Dunwoody and Sandy Springs and I believe there are already plenty of apartments and retail spaces!! Companies that put in apartment complexes should be required to upgrade and support the local public school to which the children living in said apartments would go!

I think a small/medium size boutique hotel with a little bit of retail would be a nice change to the other local hotel offerings. But what I REALLY would like to see is a corner market/grocery store where I could stop and pick up a few essentials (fruit, veggies, milk, lunch meat, etc.) on my way to or from MVPS - now that would help my life and a lot of other commuters traveling through that area.

But please, stick to the Comprehensive Land Use Plan - DO NOT GO LARGER!!!!!!!!!!!!

Sincerely,
Lesley Schaeffer

Abaray, Linda

RECEIVED

From: Jay Schmitt <Jay.Schmitt@sba-inc.com>
Sent: Wednesday, April 03, 2013 11:25 AM
To: COSS Planning and Zoning
Cc: Sterling, Gabriel
Subject: Sandy Springs Case Numbers 20130687 & 201300689

APR 03 2013

City of Sandy Springs
Community Development

I am writing to express my concern over the developers' requests for more density in their apartment developments than allowed by the Comprehensive Land Use Plan.

The Plan is there for a reason, and the city should not grant one-off exceptions to the Plan.
If there is a need to revise the Plan, it should be done through formal channels and agreed to by everyone.

Thanks very much.

Jay Schmitt
Hunters Branch Drive – Sandy Springs

Jay Schmitt, A.S.A. | Strategic Benefits Advisors, Inc.
2392 Mt. Vernon Road-Suite 200 | Atlanta | GA | 30338
☎ 770.551.8989 Extension # 13 | ☎ 770.551.8481 | ✉ Jay.Schmitt@sba-inc.com

Abaray, Linda

From: Gordon Kay <gkay@mindspring.com>
Sent: Sunday, March 31, 2013 12:01 PM
To: COSS Planning and Zoning
Cc: Tochie Blad
Subject: Developments on Abernathy-Peachtree Dunwoody

RE: Developments on Abernathy-Peachtree Dunwoody

The majority of residents in our new Sandy Springs continue to believe that our current zoning regulations are too liberal now. Why then would the new city officials even consider allowing a developer to exceed the current zoning regulations, unless the developers believe we don't mean what we say or that we are money hungry.

I certainly hope the City won't revert back to past practices of allowing apartments to out-pace residential ownership.

We can hardly drive in this area now. Don't make it worse.

Gordon Kay
gkay@mindspring.com

Abaray, Linda

From: Liz Miller <lizemery@yahoo.com>
Sent: Monday, April 01, 2013 8:45 AM
To: COSS Planning and Zoning
Cc: Sterling, Gabriel
Subject: reference case #'s 20130687 & 201300689.

APR 01 2013 8:45 AM
City of Sandy Springs
Community Development

I do not support the idea of adding more density to the area in the form of apartments. The Sandy Springs Comprehensive Land Use Plan was put in place for a reason. Let's not go back on our own reasoning.
Liz Miller

Sent from my iPhone



Abaray, Linda

From: elizabeth morrow <morrowe@yahoo.com>
Sent: Monday, April 01, 2013 8:42 AM
To: COSS Planning and Zoning
Cc: Sterling, Gabriel

City of Sandy Springs
Community Development

I am a homeowner in The Branches community and I am very concerned with the density issues we face in the Sandy Springs/Dunwoody/Perimeter area. In reference to case #'s 20130687 & 201300689 re:
Hines Development,
I oppose any development beyond what the Comprehensive Lane Use Plan designates on these 2 projects and any further development of apartments.

Respectfully,
Elizabeth Morrow

Abaray, Linda

From: Jane Turnbull <jane.s.turnbull@gmail.com>
Sent: Monday, April 01, 2013 7:09 AM
To: COSS Planning and Zoning
Cc: Sterling, Gabriel; Kris Turnbull
Subject: Case #'s 20130687 & 201300689

*City of Sandy Springs
Community Development*

I oppose any development beyond what the Comprehensive Lane Use Plan designates on these 2 projects and any further development of apartments.

Jane Turnbull
1100 Twin Branch Lane NE
Sandy Springs, GA 30328-1742

770-846-8700



Abaray, Linda

From: Chris Fielding <cfield35@yahoo.com>
Sent: Monday, April 01, 2013 4:28 PM
To: COSS Planning and Zoning
Cc: Sterling, Gabriel
Subject: Cases 20130687 & 201300689

City of San Antonio
Community Development

I strongly oppose any development beyond what the Comprehensive Lane Use Plan designates on these 2 proects and any further development of apartments. There are far too many traffic issues around the Abernathy/Ptree Dunwoody corridor to support greater density than the plan provides and apartments will add to transient population in our most valuable resource - our schools. Please reject any developer request for greater density.

Abaray, Linda

From: Bob Lynn <rclynn27@comcast.net>
Sent: Monday, April 01, 2013 11:28 AM
To: COSS Planning and Zoning
Cc: Sterling, Gabriel
Subject: Reference case #'s 20130687 & 201300689

RECEIVED
APR 1 2013

City of Sandy Springs
Community Engagement

I don't wish to burden you with a long detailed message ...

simply ... Sandy Springs has a Land Use Plan ... stick with it!

Robert Lynn
420 Hunters Crossing Dr.
30328

Abaray, Linda

RECEIVED

From: Zgutowicz, Andrew <andrew.zgutowicz@kurtsalmon.com>
Sent: Monday, April 01, 2013 11:38 AM
To: COSS Planning and Zoning
Subject: Case # 20130687 & 201300689 Hines Development

APR 01 2013
City of Sandy Springs
Community Development

I am a Sandy Springs resident and a neighbor in The Greater Banches.. This email is in regards to the recent conversation regarding development within the Peachtree Dunwoody/Mt Vernon corridor. In reference to the two separate projects proposed by Hines Development for District 4, case #'s 20130687 & 201300689, I strongly **OPPOSE** any development beyond what the Comprehensive Lane Use Plan designates on these 2 projects and any further development of apartments in this area.

Andrew Zgutowicz
Partner

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Abaray, Linda

From: Wescott, Kristen
Sent: Tuesday, March 26, 2013 6:03 PM
To: Abaray, Linda; Dickerson, Patrice
Subject: FW: GRTA LOU/SR for DRI 2334 Northpark

Fyi – Brad & I met with John this afternoon, and he was ok w/ comments.

From: Wescott, Kristen
Sent: Tuesday, March 26, 2013 4:29 PM
To: 'Laura Beall'
Cc: Coleman, Garrin; Edwards, Brad; Parker, Angela; Poole, Bryant
Subject: RE: GRTA LOU/SR for DRI 2334 Northpark

Laura,

Please see the following comments regarding draft GRTA Notice of Decision.

Mount Vernon Highway at Peachtree-Dunwoody Road

- Construct a southbound left-turn lane

Comments: Staff has observed an inconsistency in the traffic count for the intersection at Peachtree Dunwoody Road and Mt. Vernon Highway (Figure 6). For the AM (7:30-8:30am) and PM (4:45-5:45pm) Peak Hours, the traffic volumes for WB Mt. Vernon Highway to SB Peachtree Dunwoody Road are shown as 5 and 6 vehicles, respectively. A field check during AM Peak by staff on March 20, 2013 for 15-minute period indicated a turning count of 60 vehicles (times 4 = 240 vehicles).

Site Driveway #1 at Mt. Vernon Highway/Crestline Parkway

- Modify the existing northbound right-turn lane to create a shared through/right-turn lane
- Provide an eastbound left-turn lane and a westbound right-turn lane
- Construct the southbound approach exiting the site with two left turn lanes and a shared through/right-turn lane.

Site Driveway #2 at Mt. Vernon Highway

- Provide a westbound right-turn lane entering the site.
- Construct a southbound right-turn lane exiting the site onto Mt. Vernon Highway.

Site Driveway #3 at Mt. Vernon Highway

- Provide a westbound right-turn lane entering the site
- Construct a southbound right-turn lane exiting the site onto Mt. Vernon Highway

Comments: Prior discussions with applicant indicated that Site Driveway #3 would serve as a delivery driveway and fire access lane. Driveway appears to be located in the 40-foot landscape/right-of-way reservation area, which is a concern. Note that the intersection analysis for this driveway showed two westbound lanes on Mt. Vernon Road, but only one lane exists.

Site Driveway #4 at Peachtree-Dunwoody Road

- Construct a southbound shared through/right-turn lane entering the site
- Construct an eastbound right-turn lane exiting the site onto Peachtree-Dunwoody Road

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Abaray, Linda

From: jkdress@hotmail.com
Sent: Wednesday, June 11, 2014 4:42 PM
To: Abaray, Linda
Subject: questions for meeting

Ms.Abaray,

What will be done about the environment impact of pollution in our area Mt Vernon, Peachtree -Dunwoody & Abernathy? Emergency fire trucks, Ambulances,& police where will they have a lane to pass or a place for vehicles to move over for clear passage?

Judy Dressler

Sent from my HTC on the Now Network from Sprint!

Abaray, Linda

From: Tochie Blad <tblad1@comcast.net>
Sent: Friday, May 30, 2014 11:07 AM
To: Abaray, Linda
Subject: Letter on Hines Project for June P.C.

RECEIVED

MAY 30 2014

City of Sandy Springs
Community Development

7320 Hunters Branch Dr.
Sandy Springs, GA 30328

Dear Mayor and City Council,

After attending the developer resolution meeting and having extensively worked with Hines on their original proposal last year, I want to express my concern over their half baked mixed use development proposed at Mt. Vernon Hwy. and Peachtree Dunwoody Rd. which allows both retail and multi-family housing to the mix of their office zoning from the mid 1980's. The original zoning had the entire parcel from GA 400 to the Marta station including the Kessler hotel property with a CLOSED section of Peachtree Dunwoody for better Marta access. The dense office project zoning remains on the land and they are adding retail and multi-family to the mix but with little or no connectivity to Marta now that the section of Peachtree Dunwoody has re-opened in the 1990's. They need to do a better job of connecting to MARTA and making this transit oriented in order to justify the mixed use zoning.

Hines is moving forward with their mixed use development even though the GDOT right of way issues have yet to be resolved.(Hines withdrew their application last June 2013 due to GDOT objections to the plan). Hines says if GDOT moves forward with their condemnation of land to accommodate the collector distributor lanes, they can easily shift their plan. Has staff confirmed the remaining Right of way issues and will Hines assertion that plans may be shifted not cost us more as taxpayers when the right of way is acquired?

At the Resolution meeting, improved pedestrian access to cross Peachtree Dunwoody Rd. was requested along with keeping impact fees paid by the developer to improve roads in the immediate area. (Cox Communications impact fees from their Peachtree Dunwoody Rd. development went to pay for the Windsor Pkwy. roadway improvements). Neighbors want impact fees spent in the area they were intended for which is the key to preventing gridlock in an already congested streets. The project will generate 15,000 car trips daily. We ask that this plan not move forward until the GDOT issues are resolved and more connectivity to the MARTA station is established.

Sincerely,

Tochie A. Blad