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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** December 12, 2013

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** **201302885** - 183 Mystic Place, *Applicant: Alan N. Larsen*, to rezone from O-I (Office & Institutional District) conditional to O-I (Office & Institutional District) for the development of an office building, with concurrent variances

**MEETING DATE:** For Submission onto the December 17, 2013, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
Rezoning Petition

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APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 12-17-2013

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES (  ) NO

CITY ATTORNEY APPROVAL: 

REMARKS:



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: December 3, 2013 for submission onto the December 17, 2013 City Council meeting

Agenda Item: **201302885 183 Mystic Place** a request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow the development of 6,000 square foot Ambulatory Surgery Center., with concurrent variances.

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***Department of Community Development Recommendation:***

**APPROVAL CONDITIONAL** of a request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow the development of 6,000 square foot Ambulatory Surgery Center.

***Background:***

The subject site is located on the south side of Mystic Place. The property is currently zoned O-I (Office and Institutional District) and is developed an office buildings. The property contains approximately 25,600 square feet (.59 acres).

***Discussion:***

The applicant is requesting to rezone the subject property O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow the development of 6,000 square foot Ambulatory Surgery Center.

Additionally, the applicant is requesting five (5) concurrent variances from the Zoning Ordinance:

1. Variance from Section 18.2.1 to reduce the required parking from 24 spaces to 17 spaces.
2. Variance from Section 18.2.1 to delete the parking lot landscaping requirement.
3. Variance from Section 4.23.1 to delete the landscape strip on the east side of the property to allow the existing driveway.
4. Variance from 4.23.1 to delete the 10 foot improvement on the west property line to allow for the existing parking lot, new sidewalk and construction of the proposed building.
5. Variance from Section 12B.4 to delete the suburban overlay streetscape requirement.

The petition was heard at the November 21, 2013 Planning Commission meeting. The Commission recommend **approval** (5-0 Tart, Porter, Nickles, Frostbaum and Squire for; Maziar absent; Duncan not voting) subject to staff's conditions except 3.a.

The petition was heard at the November 12, 2013 Design Review Board meeting. The Board made a recommendation for **approval** (5-0, Bartlett, Landeck, Mobley, and Roberts for; Ealick-Anderson recused; Lichtenstein not voting.)

The petition was heard at the September 24, 2013 Design Review Board meeting. The Board made a recommendation for **deferral** (4-0, Bartlett, Landeck, Mobley and Richard; Ealick-Anderson recused; Lichtenstein not voting.) to allow the applicant time to meet with the neighbors.



## Rezoning Petition No. 201302885

PROPERTY INFORMATION	
<b>Address, Land Lot, and District</b>	183 Mystic Place Land Lot 94, District 17 <sup>th</sup>
<b>Council District</b>	6
<b>Frontage</b>	127.93 feet along the south side of Mystic Place
<b>Area</b>	25,600 Square Feet (.59 Acres)
<b>Existing Zoning and Use</b>	O-I (Office and Institutional District) under Fulton County zoning case Z85-0027, currently developed with an office
<b>Overlay District</b>	Suburban Overlay District
<b>2027 Comprehensive Future Land Use Map Designation</b>	LWN (Live Work Neighborhood) Node 2A: Long Island Drive/Franklin Road
<b>Proposed Zoning</b>	O-I (Office and Institutional District)

APPLICANT/PETITIONER INFORMATION		
<b>Property Owner</b> Alan N. Larsen	<b>Petitioner</b> Buckhead Plastic Surgery, ASC	<b>Representative</b> Todd Cohen

HEARING & MEETING DATES				
<b>Design Review Board Meeting</b>	<b>Community Zoning Information Meeting</b>	<b>Community Developer Resolution Meeting</b>	<b>Planning Commission Hearing</b>	<b>Mayor and City Council Hearing</b>
September 24, 2013 November 12, 2013	September 24, 2013	October 24, 2013	November 21, 2013	December 17, 2013

### INTENT

To rezone the subject property O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow the development of 6,000 square foot Ambulatory Surgery Center.

Additionally, the applicant is requesting five (5) concurrent variances from the Zoning Ordinance:

1. Variance from Section 18.2.1 to reduce the required parking from 24 spaces to 17 spaces.
2. Variance from Section 18.2.1 to delete the parking lot landscaping requirement.
3. Variance from Section 4.23.1 to delete the landscape strip on the east side of the property to allow the existing driveway.
4. Variance from 4.23.1 to delete the 10 foot improvement on the west property line to allow for the existing parking lot, new sidewalk and construction of the proposed building.
5. Variance from Section 12B.4 to delete the suburban overlay streetscape requirement.

### DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

**201302885- APPROVAL CONDITIONAL**  
**201302885 Variance #1 - APPROVAL CONDITIONAL**  
**201302885 Variance #2- APPROVAL CONDITIONAL**  
**201302885 Variance #3 - APPROVAL CONDITIONAL**  
**201302885 Variance #4 – APPROVAL CONDITIONAL**  
**201302885 Variance #5 - APPROVAL CONDITIONAL**

**PLANNING COMMISSION-November 21, 2013**

The petition was heard at the November 21, 2013 Planning Commission meeting. The Commission made a recommendation for **approval** (5-0 Tart, Porter, Nickles, Frostbaum and Squire for; Maziar absent; Duncan not voting) subject to staff's conditions except 3.a.

**DESIGN REVIEW BOARD RECOMMENDATION- November 12, 2013**

The petition was heard at the November 12, 2013 Design Review Board meeting. The Board made a recommendation for **approval** (5-0, Bartlett, Landeck, Mobley, and Roberts for; Ealick-Anderson recused; Lichtenstein not voting.)

**DESIGN REVIEW BOARD RECOMMENDATION -September 24, 2013**

The petition was heard at the September 24, 2013 Design Review Board meeting. The Board made a recommendation for **deferral** (4-0, Bartlett, Landeck, Mobley and Richard; Ealick-Anderson recused; Lichtenstein not voting.) to allow the applicant time to meet with the neighbors.

**PLANNING COMMISSION**

**201302885- TBD**

**201302885 Variance #1 - TBD**

**201302885 Variance #2- TBD**

**201302885 Variance #3 - TBD**

**201302885 Variance #4 – TBD**

**201302885 Variance #5 – TBD**

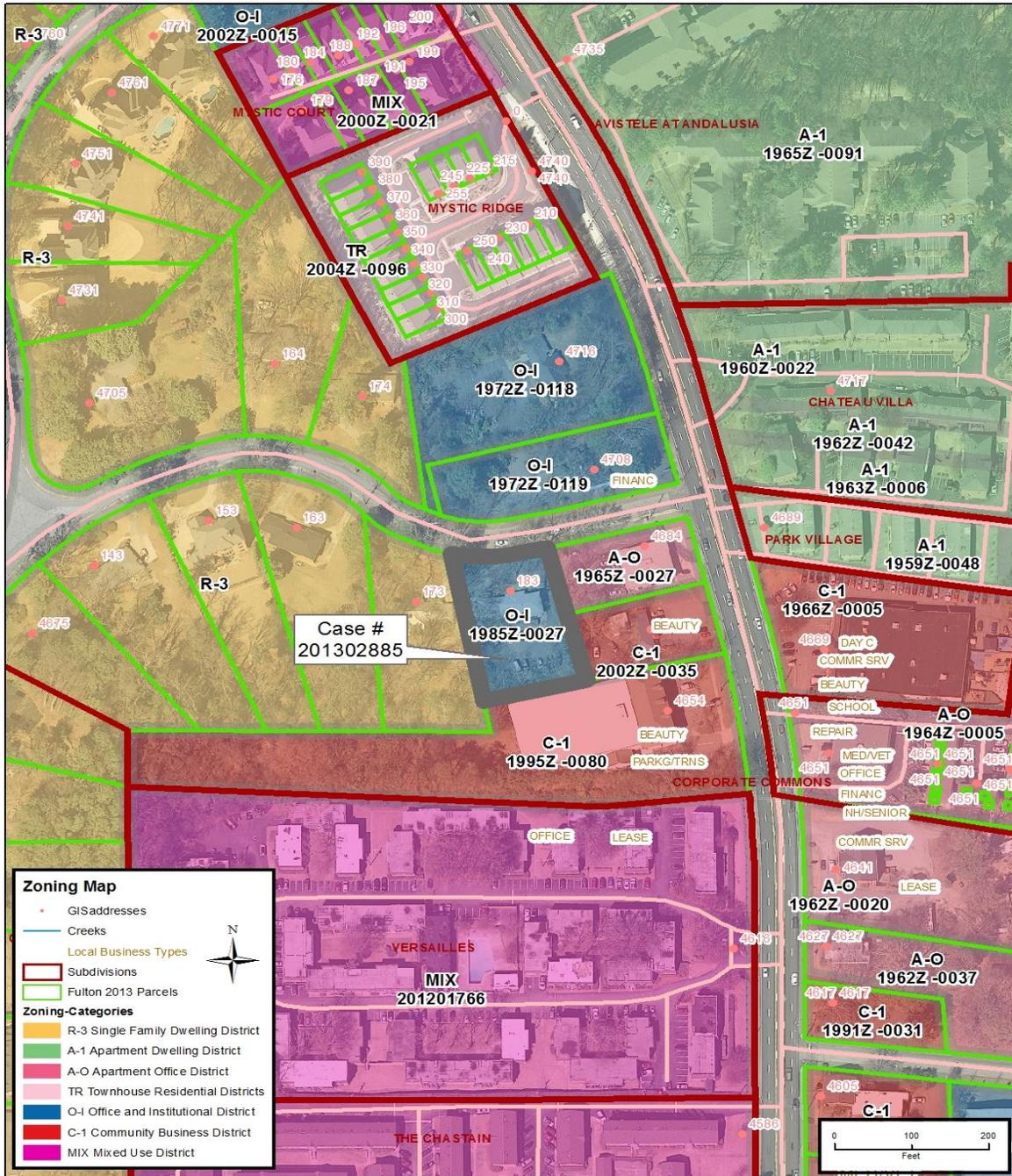
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES					
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SUBJECT PETITION 201302537	Requested Zoning	Proposed Use	Land Area (Acres)	Units	Density (Units per Acre)
	O-I	Office	0.59	6,000 sqft	10,169.49 sqft/ac

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-I Z72-0119	4708 Roswell Road Office	±0.6	±1,652	±2,753.3 sqft/ac
North	R-3	174 Mystic Place Single Family Residential	0.69	1	1.45 units/ac
East	A-O Z65-0027	4584 Roswell Road Office	±0.439	±5,811	±13,236 sqft/ac
East	C-1 Z02-0035	4674 Roswell Road Commercial	0.44	2,239	5,088.8 sqft/ac
South	C-1 Z95-0080	4554 Roswell Road Self-Storage	2.191	77,950	35,594 sqft/ac
West	R-3	173 Mystic Place Single Family Residential	0.9	1	1.11 units.ac

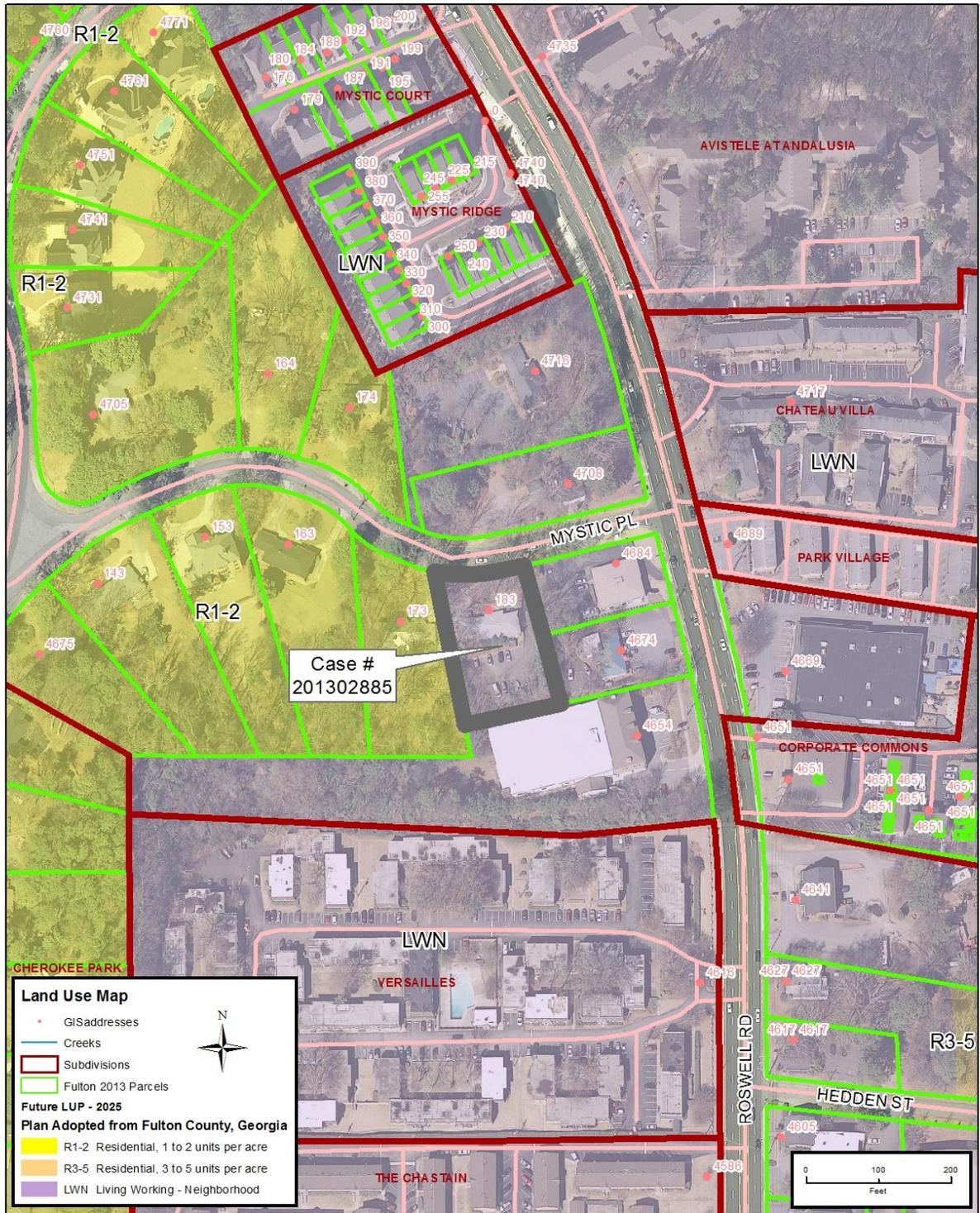
### Zoning Map

183 Mystic Place



Future Land Use Map

183 Mystic Place



## ZONING IMPACT ANALYSIS

To rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow for the development of 6,000 square foot Ambulatory Surgery Center.

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 structure is proposed to be constructed adjacent to the commercial uses along Roswell Road and designed to have a residential feel.

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 is staying consistent in appearance with the adjacent residential properties and providing a transition from the more intense commercial uses along Roswell Road. The proposed building will appear as a 1 story building from Mystic Place to blend into the surrounding neighborhood. The proposed driveway is circular with one (1) handicap parking space. The applicant is proposing to eliminate sidewalks from the front of the property to create more of a front yard, consistent with the neighboring properties. The proposed density of 10,169.49 square feet per acre is slightly higher than the Comprehensive Plan recommended density of 10,000 square feet per acre. However, the density falls within the range of the surrounding properties.

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 Future Land Use Map. The Future Land Use Map designation of Live Work neighborhood (LWN) and recommends a density 10,000 square feet. The applicant is requesting a slightly higher density of 10,169.49 square feet/acre. However, the request falls within the range of the surrounding densities. The proposed building will appear as a 1 story building from Mystic Place to blend into and to provide a transition in to the neighborhood. The proposed request is in harmony with the Comprehensive Plan policies on densities being consistent with surrounding developments, including the following:

## Node 2a: Long Island Drive/Franklin Road Node

### Guidelines and Policies

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

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

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

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

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

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<b>VARIANCE CONSIDERATIONS</b>
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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 five (5) concurrent variances as outlined below. The applicant has indicated that the variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not result in any harm to the health, safety and welfare of the general.

1. Variance from Section 18.2.1 to reduce the required parking from 24 spaces to 17 spaces.

**Findings:**

*Staff is of the opinion that the reduction from 24 spaces to 17 spaces is in harmony with the intent of the zoning ordinance. The applicant has shown that there is adequate parking for staff and patients of the operation. The applicant is also reducing parking spaces to reestablish the 25 foot buffer along the west property line. The reduction in parking will also allow the applicant to create a circular driveway to keep with the residential feel of the neighborhood. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

2. Variance from Section 18.2.1 to delete the parking lot landscaping requirement.

**Findings:**

*Staff is of the opinion that the deletion of the parking lot landscaping is in harmony with the intent of the Zoning Ordinance. The existing parking lot has mature trees surrounding it in the rear and the 25 buffer will be reestablished along the east side of the property. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

3. Variance from Section 4.23.1 to delete the landscape strip on the east side of the property to allow the existing driveway.

**Findings:**

*Staff is of the opinion that the request to delete the 10 foot landscape strip east property lines is in harmony with the intent on the Zoning Ordinance and would not cause a detriment to the public. Additionally, the topography of the property will not permit the relocation of the driveway. The applicant is proposing to use the existing driveway to access the rear parking lot. The existing driveway currently encroaches into the landscape strip. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.*

4. Variance from 4.23.1 to delete the 10 foot improvement setback on the west property line to allow for the existing parking lot, new sidewalk and construction on the proposed building.

**Findings:**

Staff is of the opinion that the deletion of the 10 foot improvement setback on the west property line is in harmony with the intent on the Zoning Ordinance and would not cause a detriment to the public. The applicant is proposing to reestablish the 25 foot buffer along the west property line. A portion of the existing parking lot would remain in the 10 foot improvement setback. The setback is designed to protect bordering trees along the buffer. Since there currently are not any bordering trees due to the existing conditions the deletion on the setback would not harm the buffer. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

- 5. Variance from Section 12B.4 to delete the suburban overlay streetscape requirement.

**Findings:**

Staff is of the opinion that deleting the Suburban Street Overlay district streetscape requirement would be in harmony with the intent of the zoning ordinance. It provides a transition into the neighborhood by stopping the streetscape at the commercial properties on Roswell Road. The proposed structure will have the characteristics of a single family home and 6 foot sidewalks, lighting and trees along the frontage would create a more commercial feel transitioning into the residential area. However, a five (5) foot sidewalk is recommended. Therefore, based on these reasons, the staff recommends APPROVAL 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 October 2, 2013 at which the following departments had comments. The staff has received additional comments from Fulton County Department of Water Resources (see attachments).

<b>Transportation Planner</b>	<ul style="list-style-type: none"> <li>• The parcel is included in the Suburban Overlay District. The sidewalk proposed along the frontage would leave a gap in sidewalk network between parcel and Roswell Road.</li> </ul> <p>The Development Ordinance requirements include:</p> <ul style="list-style-type: none"> <li>• Right-of-way dedication for Mystic Place is 30 feet along entire property frontage or 11 feet behind back of curb, whichever is greater (§103-75).</li> <li>• Sight-distance for driveway (§103-77).</li> </ul>
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**PUBLIC INVOLVEMENT**

Public Comments

- The neighborhood would not like any sidewalk installed along the frontage of the property. The neighborhood does not currently have sidewalks and it will not help with the transition.
- Sidewalk to no where

**CONCLUSION TO FINDINGS**

It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies. The proposal is within the allowable density of the Comprehensive Plan and also provides a transition from the commercial use on Roswell Road to the single family uses along Mystic Place. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL of the rezoning petition and concurrent variances.

<b>STAFF RECOMMENDED CONDITIONS</b>
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Should the Mayor and City Council decide to rezone the subject property from O-I (Office and Institutional District) to Office and Institutional District), the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Office and associated accessory uses at a maximum density of 10,169.49 gross square feet per acre or 6,000 gross square feet, whichever is less.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on October 25, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete 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 the first Certificate of Occupancy.
  - b. To the rendering received by the Department of Community Development on October 25, 2013. Said rendering is conceptual only, final building design shall have a residential appearance subject to the Director of Community Development.
3. To the owner's agreement to provide the following site development standards:
  - a. A five (5) foot sidewalk shall be required along the property frontage prior to the issuance of any certificates of occupancy.
  - b. Variance from Section 18.2.1 to reduce the required parking from 24 spaces to 17 spaces. (CV-201302885 #1)
  - c. Variance from Section 18.2.1 to delete the parking lot landscaping requirement. (CV-201302885 #2)
  - d. Variance from Section 4.23.1 to delete the landscape strip on the east side of the property to allow the existing driveway. (CV-201302885 #3)
  - e. Variance from Section 4.23.1 to delete the 10 foot improvement setback on the west property line to allow for the existing parking lot, new sidewalk and construction on the proposed building. (CV-201302885 #4)
  - f. Variance from Section 12B.4 to delete the suburban overlay streetscape requirement (CV-201302537 #5)

#### **Attachments**

- Letter of Intent dated received August 30, 2013
- Site Plan dated received October 25, 2013
- Rendering dated received October 25, 2013
- Site Photographs
- Additional comments from the Fulton County Department of Water Resources
- Letter of Support

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Meeting November 21, 2013

RECEIVED

SEP. 03 2013

Rezoning for 183 Mystic Place NE, Atlanta, GA 30342

Item #7 – Letter of Intent

City of Sandy Springs  
Community Development

The requested rezoning of the above referenced address is from current O-I zoning conditioned on the existing building exterior remaining as-is to O-I with a new 7,000sf building. The site is 0.59 acres with a one-story building with basement. Total current building size is approximately 4,000sf. The site has a front driveway access from Mystic Place and inter-parcel access with the adjacent site to the East. The site also has 20 parking spaces in the back or South side of the building.

The intent is to remove the existing one-story building with basement level and build a new one-story building with basement in the same location with a total of 7,000sf. The proposed new building would be 3,500sf per floor. The intent is for the top floor to be used for an Ambulatory Surgery Center. The lower or basement level will be for lease. The existing driveway will be replaced with a new parking area with access to Mystic Place to accommodate six total parking spaces, including one handicap space and a turn around. Two of the existing parking spots in the lower level parking will be converted to one handicap parking space. The improved site will have a total of 25 parking spaces or a total of 3.6 spaces/1,000sf of building area. It is anticipated the tenant on the top floor will only utilize 8 spaces daily, to 17 will remain available for the lower 3,500sf.

The following concurrent variances will be required:

1. (Article/Section 4.23.21): Encroachment in to 10' Improvement Setback on the West side of the property for the existing parking lot to remain where-is, the proposed building be built where existing building is located, a new sidewalk from Mystic Place to the proposed building and a new walkway and stairs on the west side of the building.
  - a. If granted, this would be in harmony with the current conditional zoning of the site and will be of no detriment to the public.
2. (Article/Section 18.2.1): Reduce the required parking count for the property by 10.7% from 28 spaces required to 25 spaces. The planned tenant for the upper floor will only required 8 parking spaces per day. This will allow the remaining 17 parking spaces for the lower 3500sf.
  - a. If granted this will reduce possible increased traffic in the future by restricting parking and would enhance the overall look of the property, while keeping in harmony with the general purpose of the zoning.
3. (Article/Section 4.23.21): Eliminate the Improvement Strip on the East side of the property at the existing connecting driveway area. Existing vegetation to the South of the connecting drive to remain as the requirement for the Improvement Strip. Area to the North of the existing connecting driveway to be planted as required for the Improvement Strip.
  - a. Due to the extreme topography of the site, it is imperative to keep the connecting driveway and will also reduce the need for parking fronting mystic place. If the

Item #7 – Letter of Intent

existing driveway is not allowed to remain in place, it would place an unnecessary hardship on the owner.

4. (Article/Section 18.2.1): Eliminate the required landscape islands in the existing parking lot to maintain the quantity of 20 parking spaces given the existing tree growth and buffer area on the south side of the existing parking.
  - a. Due to the existing topography and shape of the lot, not allowing this variance would cause an undue hardship for the owner and is in keeping with the current conditional zoning with no detriment to the public.
5. (Article/Section 4.23.21): Allow for the existing parking lot to continue to encroach 16' into the 25' Natural Buffer.
  - a. Due to the existing topography and shape of the lot, not allowing this variance would cause an undue hardship for the owner and is in keeping with the current conditional zoning with no detriment to the public.
6. (Article/Section 4.23.21): Allow the proposed new sidewalk on West side of building to encroach 6' into the 25' zoning buffer in lieu of the current sidewalk which encroaches 14' into the buffer.
  - a. Due to the existing topography and shape of the lot, not allowing this variance would cause an undue hardship for the owner and is in keeping with the current conditional zoning with no detriment to the public.

Item #7 – Letter of Intent

The Future Land Use designation is LWN (Live Work Neighborhood) and the property is located in Node 2a: Long Island Drive/Franklin Road Node. See the recommendations and policies below.

Designation	Sandy Springs	Sandy Springs	Sandy Springs
	LW Neighborhood	LW Community	LW/Regional
1. Residential	Up to 5 units/acre	Up to 20 units/acre*	Over 20 units/acre
2. Commercial/Office Density	10,000 sf /acre	25,000 sf /acre	Over 25,000 sf/acre
3. Total Square feet/tenant	30,000 sf limit	100,000 sf limit	Case-by-case
4. Height Limit	2 story	4 story**	8 story***
5. Minimum Open and Green Space Components	10% -- 5% must be green space, the remaining 5% may be open space or green space	15% -- 10% must be green space, the remaining 5% may be open space or green space	20%**** -- 15% must be green space, the remaining 5% may be open space or green space

\* Except at Powers Ferry Node where a maximum 10 units per acre is recommended.

\*\* Except in Town Center where heights are allowed to be six stories maximum. See Town Center assemblage policy for height incentives and bonuses.

\*\*\* Except at I-285/Roswell Road node where heights are not proposed to be limited. Other permitted height variations apply to the PCID and can be found under the Land Use Policies in Chapter 5; on the east side of Roswell Road, north of Dunwoody Place, heights at this node are proposed to be limited to a maximum of 15 stories.

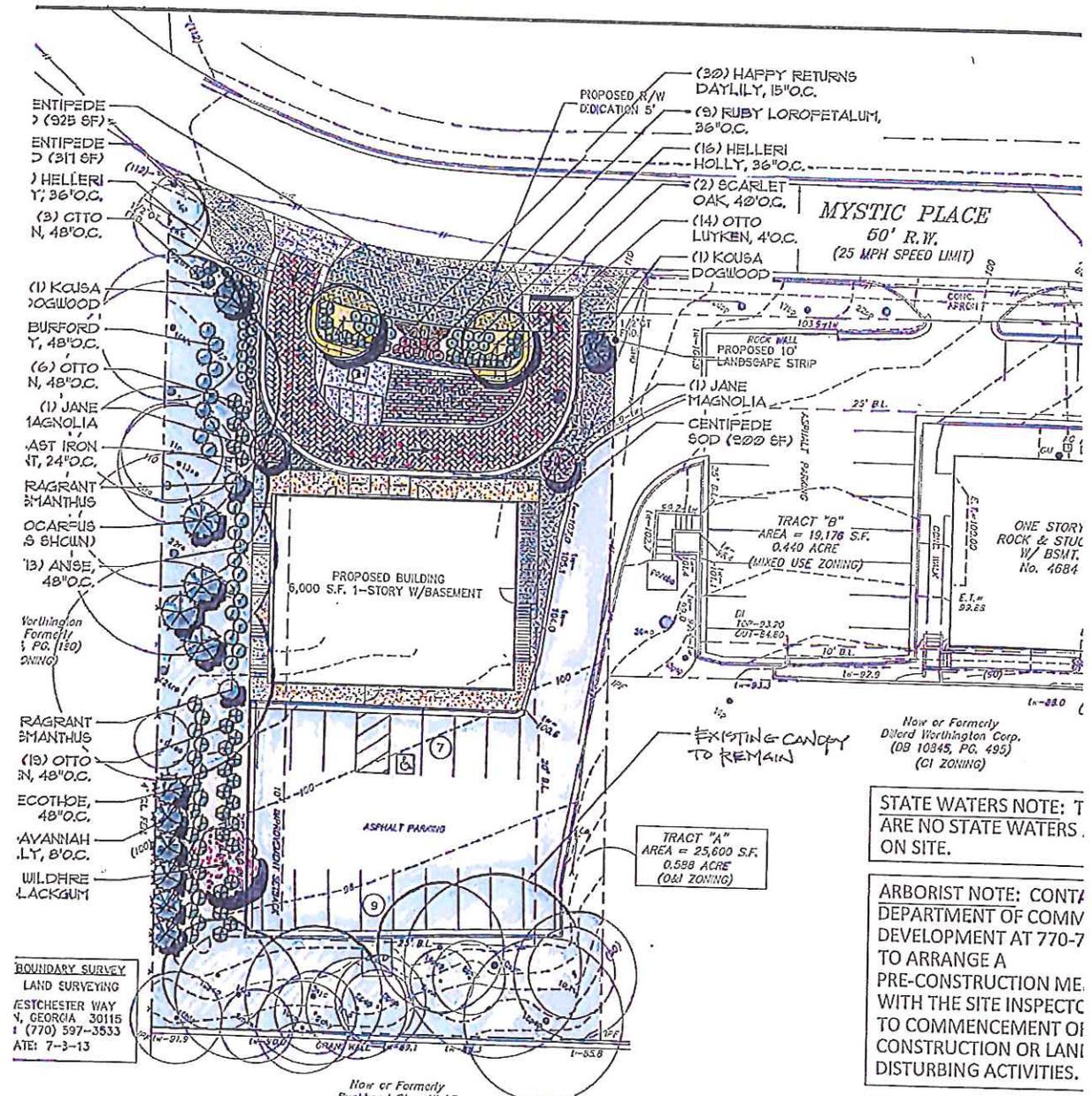
\*\*\*\* Except at Dunwoody Place Node where minimum open and green space components are required to be a minimum of 30% with 25% required to be green space and the remaining 5% may be open space or green space.

Item #7 – Letter of Intent

Guidelines and Policies

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





Now or Formerly Dilord Worthington Corp. (DB 10345, PG. 495) (C1 ZONING)

Now or Formerly Buckhead Star All LP (DB 20690, PG. 1) (C1 ZONING)

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EXISTING SITE ZONING = O&I  
 PROPOSED ZONING = O&I (CONDITIONAL)  
 OVERLAY DISTRICT = SUBURBAN  
 FRONT BL = 40 FEET  
 REAR BL = 25 FEET  
 SIDE BL = 20 FEET  
 ZONING BUFFER (WEST SIDE) = 25 FEET  
 IMPROVEMENT SETBACKS ON SIDE YARDS = 10 FEET

PROPOSED BUILDING AREA = 6,000 S.F.  
 BUILDING AREA ALLOWED 10,000 S.F./ACRE = 5,578 S.F.  
 PARKING REQUIRED = 4 SP / 1,000 S.F. (14,000)  
 PARKING PROPOSED = 17 SPACES (INCLUDES 2 HANDICAP SPACES)

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

TOTAL AREA OF SITE (TRACT A)	= 0.59 ACRES
TOTAL AREA OF SITE AFTER R/W DEDICATION	= 0.57 ACRES = 100%
BUILDING FOOTPRINT	= 3,500 S.F. (14.00%)
PARKING SPACES (EXIST AND PROP)	= 9,776 S.F. (39.37%)
TOTAL IMPERVIOUS SURFACE	= 15,015 S.F. (60.47%)
LANDSCAPING	= 3,300 S.F. (13.29%)
FLOOD PLAIN	= 0 S.F. (0%)
UNDEVELOPED AND/OR OPEN SPACE	= 6,514 S.F. (26.24%)

ACCORDING TO THE CURRENT "F.L.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13121C 0144 E, DATED JUNE 22, 1989, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

NO WETLANDS OR STATE WATERS EXIST ON SITE.

STATE WATERS NOTE: THERE ARE NO STATE WATERS ON SITE.

ARBORIST NOTE: CONTACT DEPARTMENT OF COMMUNITY DEVELOPMENT AT 770-770-7707 TO ARRANGE A PRE-CONSTRUCTION MEETING WITH THE SITE INSPECTOR TO COMMENCEMENT OF CONSTRUCTION OR LAND DISTURBING ACTIVITIES.

SOIL VOLUME NOTE: SOIL VOLUMES EXCEED MINIMUM REQUIREMENTS FOR ALL PLANTED TREES.

GENERAL NOTES:

1. THE DEPOSITION OF STORM WATER THROUGH LANDSCAPE STRIPS IS REQUIRED.
2. ALL SPECIES WITHIN REQUIRED LANDSCAPE STRIPS SHALL BE ECOLOGICALLY COMPATIBLE WITH THE ADJACENT WATERSHED.
3. ALL PLANT MATERIALS ARE SUBJECT TO APPROVAL BY THE ARBORIST.
4. REQUIRED TREES SHALL BE PLANTED IN FEBRUARY. THE SURVIVAL OF TREES FOR THE FIRST YEAR SHALL BE GUARANTEED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.
5. TREES PLANTED WITHIN LANDSCAPE STRIPS SHALL BE A MINIMUM OF 3 FULL GROWING SEASONS OLD AT THE TIME OF PLANTING.
6. A COMMERCIAL APPLICATOR LICENSE IS REQUIRED BY THE COUNTY FOR THE APPLICATION OF PESTICIDES NECESSARY FOR NOXIOUS PLANT CONTROL.

BOUNDARY SURVEY  
 LAND SURVEYING  
 ESTCHESTER WAY  
 4, GEORGIA 30115  
 1 (770) 597-3533  
 DATE: 7-3-13

UNDERGROUND UTILITIES SHOWN HEREON ARE FROM MARKINGS AND UNKNOWN ORIGINAL. DELTA LAND SURVEYING, LLC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THIS INFORMATION.

UNDERGROUND UTILITY LEGEND

- GAS LINE
- UNDERGROUND COMMUNICATION
- UNDERGROUND POWER
- UNDERGROUND POWER FOR LIGHT POLES
- WATER LINE
- SANITARY SEWER

LEGEND

- IPF = 1/2" REBAR FND.
- IPS = 1/2" REBAR SET
- R.W. = RIGHT OF WAY
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- L.L.L. = LAND LOT LINE
- C.L. = CENTERLINE
- OT = CRIMP TOP PIPE
- OT = OPEN TOP PIPE
- CMP = CORRUGATED METAL PIPE
- RCP = REINFORCED CONCRETE PIPE
- DI = DROP INLET
- JB = JUNCTION BOX
- MH = MANHOLE
- CB = CATCH BASIN
- BK = BENCHMARK
- PP = POWER POLE
- FH = FIRE HYDRANT
- CMF = CONCRETE MONUMENT FND.
- B.C. = BACK OF CURB
- E.P. = EDGE OF PAVEMENT
- FEN = FENCE
- O.S. = OVERHEAD ELEC. SERVICE LINE
- BL = BUILDING LINE
- UL = UNDERGROUND POWER LINE TRANSFORMER

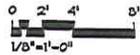
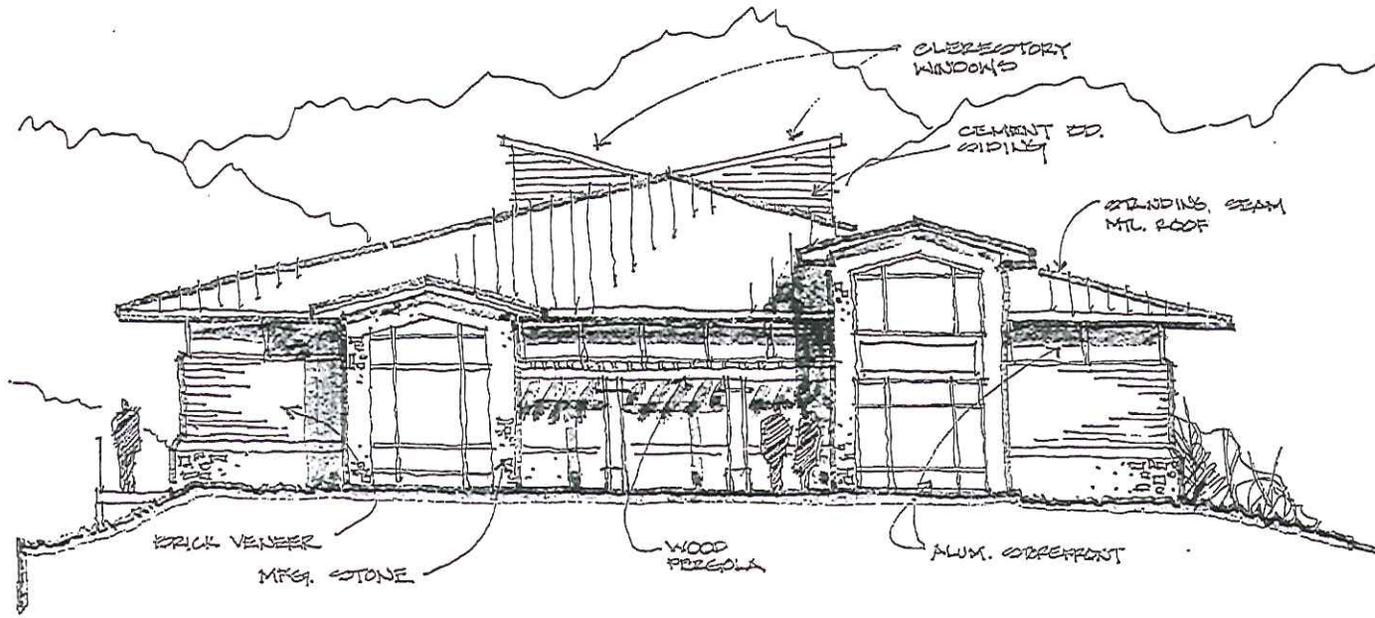






RECEIVED

City of Sandy Springs  
Community Development



BUCKHEAD PLASTIC SURGERY

CONCEPTUAL ELEVATION "B" - 183 MYSTIC PLACE, SANDY SPRINGS

Professional Design Group, LLC  
A PROFESSIONAL GROUP ASSOCIATES COMPANY

OCTOBER 24, 2013









**Akbar, Abdul**

**From:** Abaray, Linda <LABaray@sandyspringsga.gov>  
**Sent:** Thursday, September 12, 2013 3:41 PM  
**To:** Akbar, Abdul; Brenan Stearns (Stearns@fultonschools.org); J Stephens; JTuley@atlantaregional.com; Robinson, Monica; Paret Smith; Beck, Randy; Tim Taylor; Toby Carr; Tom Mahaffey; trishathompsonfox@comcast.net  
**Subject:** Sandy Springs Preliminary Zoning Agenda  
**Attachments:** Focus 201302865.pdf; Focus 201302885.pdf; Focus 201302883.pdf; Focus 201302856.pdf

All:

Please be advised, the material details the zoning petitions received on or before the September 3, 2013 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](mailto:labaray@sandyspringsga.gov)

Agenda Item	Council District	Meeting Dates
<b>Rezoning</b>		
<del>1. 201302883 180 Allen Road &amp; 185 Cliftwood Applicant: Arris Realty Partners To rezone from O-I (Office and Institutional District), C-1 (commercial Business District) and A-O (Apartment Office District) to A-L (Apartment Limited Dwelling District) to construct a 248 apartment units.</del>	<del>3</del>	<del>DRB- 9/24/13 CZIM - 9/24/13 CDRM- 10/24/13 PC-11/21/13 MCC - 12/17/13</del>
2. 201302885 183 Mystic Place Applicant: Todd Cohen To rezone from O-I (Office and Institutional District) to O-I (Office and Institutional District) to construct an Ambulatory Surgery Center.	6	DRB- 9/24/13 CZIM - 9/24/13 CDRM- 10/24/13 PC-11/21/13 MCC - 12/17/13
<b>Use Permit</b>		
<del>3. 201302865 700 Mount Vernon Highway Applicant: Congregation B'Nai Torah To allow for a preschool and synagogue.</del>	<del>4</del>	<del>DRB- 9/24/13 CZIM - 9/24/13 CDRM- 10/24/13 PC-11/21/13 MCC - 12/17/13</del>
<b>Zoning Modification</b>		
<del>4. 201302856 7365 Talbot Colony Applicant: Rafael Celedon To reduce the 25 foot buffer to 0 to allow construction of a tree house, sunroom and existing shed.</del>	<del>4</del>	<del>CZIM - 9/24/13 MCC - 11/19/13</del>

## 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 sq. ft. x 7,000 square day = 700 gallons per day

This project is within the City of Atlanta water jurisdiction.

#### **SEWER:**

Basin: Nancy Creek

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

Anticipated sewer demand: 630 gallons per day

There is a wastewater manhole east of 183 Mystic Place approximately 300 feet away just north of the intersection of Mystic Place and Roswell Road (SMNC0416081) located in Land Lot 94, 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

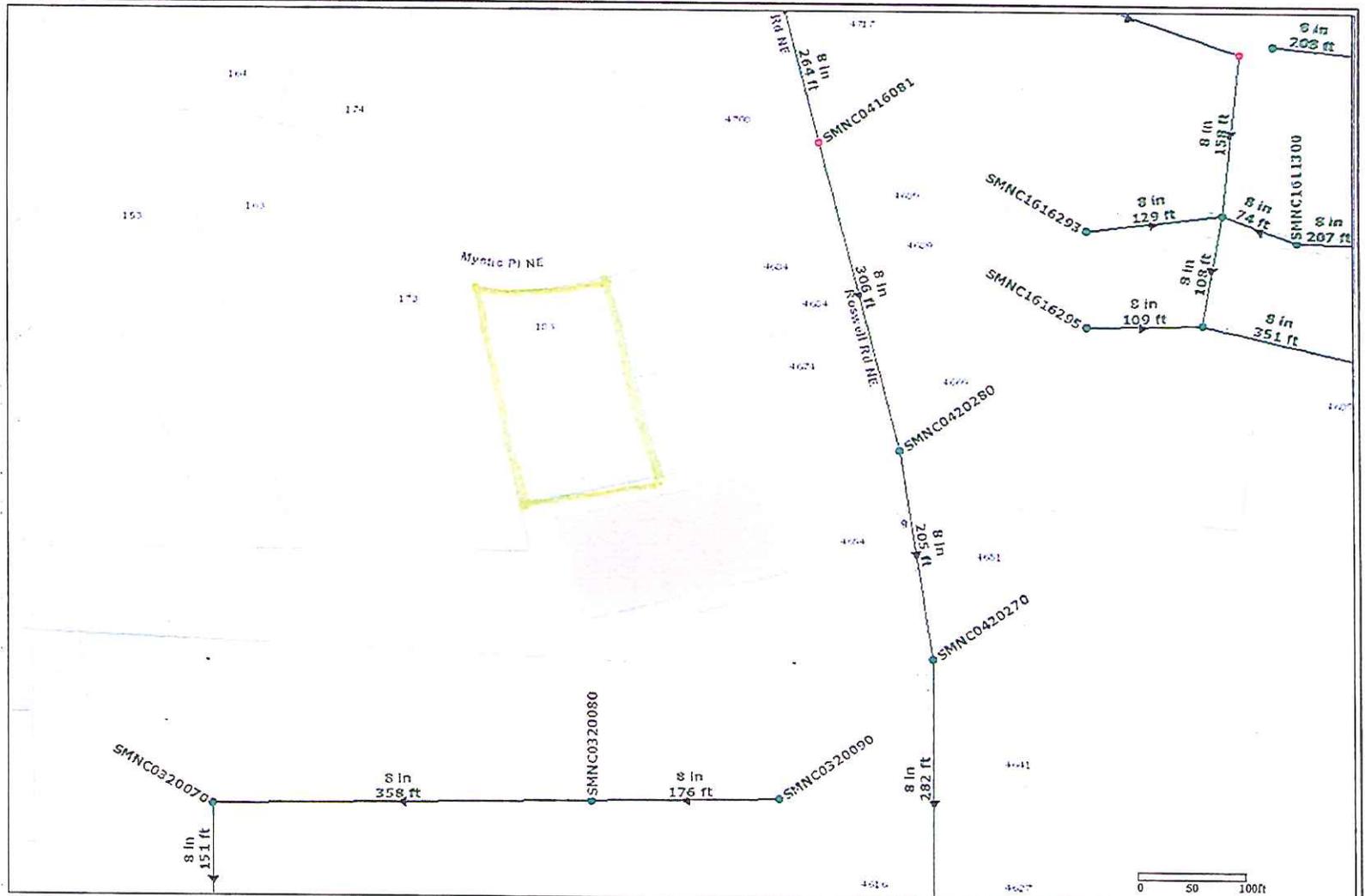
- UNK
- 4" - 6"
- 8"
- 10"
- 12" - 16"
- 18" - 24"
- 30" - 48"
- Greater than 48"

Waste Water Pipe

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

Address Points

Counties



183 Mystic Place  
 Fulton County, Georgia  
 9-30-2013

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
- ★ Re-Use
- ★ WasteWater
- ★ Water

- Waste Water System
- Private Manhole
- Pump Station
- Pump Station

- Manhole
- Accessible
- Not Assessed
- Problem
- Lined Pipe

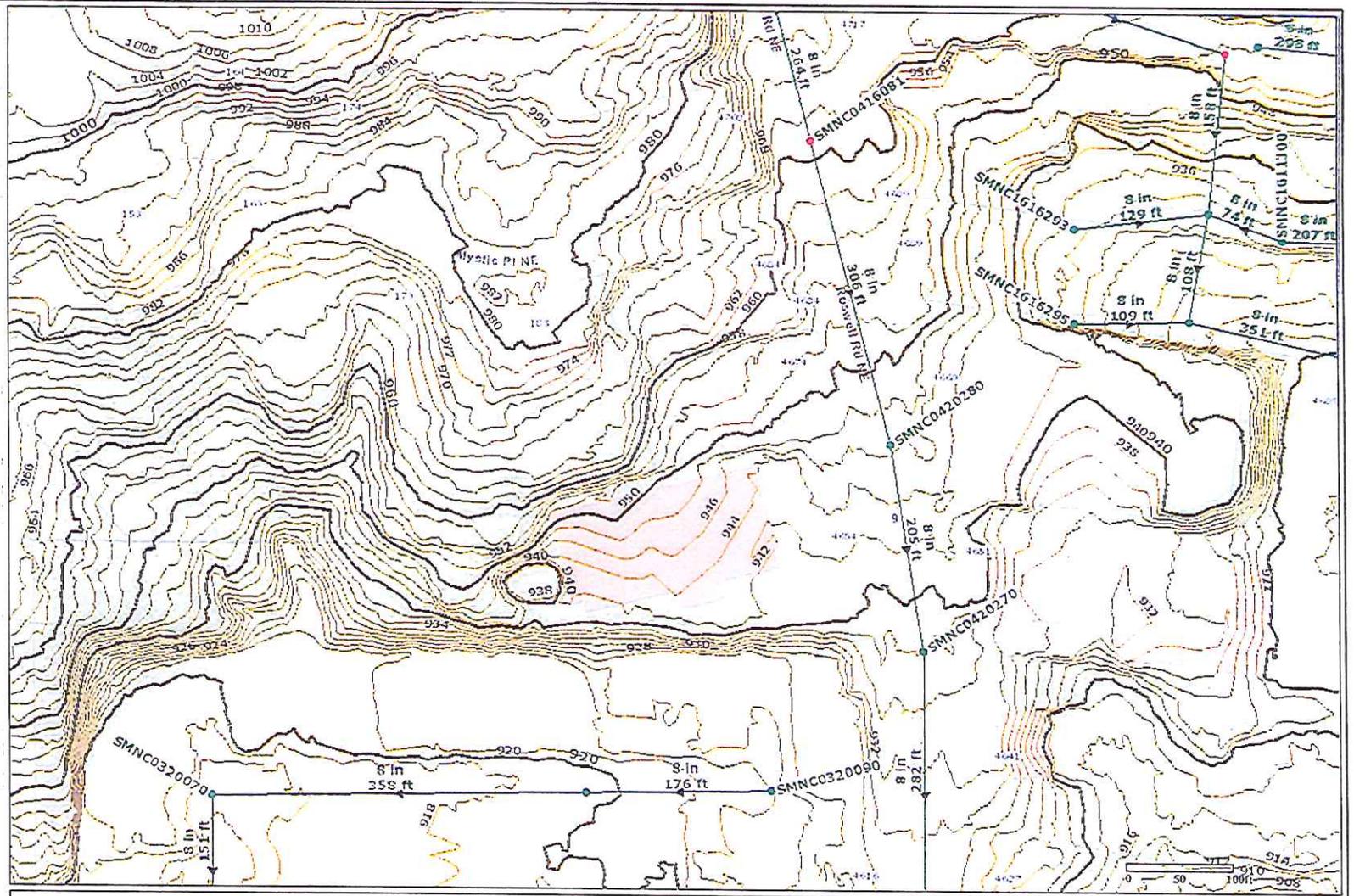
- Force Main
- Creek Crossing
- Waste Water Pipe Flow

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

- Topography
- 2Ft Contour
- 10Ft Contour

- Address Points
- County



183 Mystic Place  
 Fulton County, Georgia  
 9-30-2013

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Property Profile for **183 MYSTIC PL**

**Property Tax Information**

Tax Year	2013
Parcel ID	17 009400020561
Property Address	183 MYSTIC PL
Owner	MYSTIC PLACE LLC
Mailing Address	11082 BELL RD DULUTH GA 30097
Total Appraisal	\$382,800
Improvement Appraisal	\$227,900
Land Appraisal	\$154,900
Assessment	\$153,120
Tax District	59
Land Area	0.606932 ac
Property Class	Commercial Lots
Land Use Class	Residential on Commercial Land
TAD	
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	SS13B
Poll Location	Church of Atonement, 4945 High Point Rd Ne

Congressional District	011
State Senate District	006
State House District	052

**School Zones**

Elementary School	High Point
Middle School	Ridgeview
High School	Riverwood

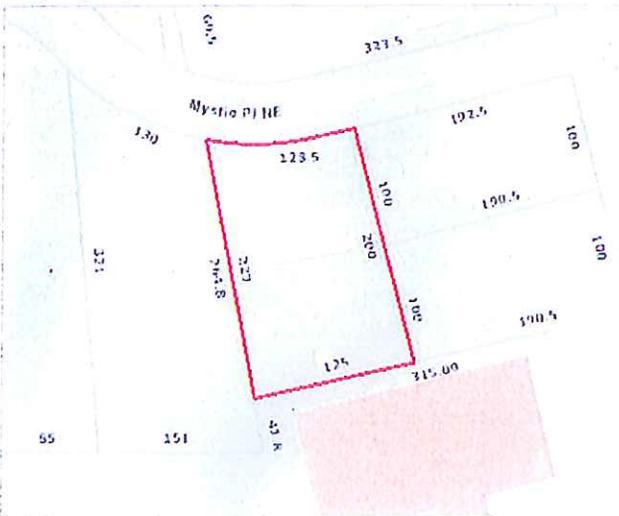
**Other Information**

Zip Code	30342
Census Tract	102.11
In Less Developed Census Tract	No

Oblique Aerial View (looking north)



Property Map



Vicinity Map



Cherokee Park  
CIVIC ASSOCIATION

RECEIVED  
DEC 06 2013  
City of Sandy Springs  
Community Development  
December 4, 2013

Mayor and City Council  
City of Sandy Springs

RE: 201302885 – 183 Mystic Place - To rezone from O-I (Office & Institutional District) to O-I (Office & Institutional District) for development of an office building.

The Cherokee Park Civic Association (CPCA) representing the residential neighborhood directly abutting 183 Mystic Place, have been working cooperatively with Todd A. Cohen, President – SK Project Consulting representing Applicant-Alan N. Larsen over the past several months to modify the proposed re-development of 183 Mystic Place with the goal of reaching a compromise on the proposed development plans whereby CPCA could support the application. We appreciate the willingness Mr. Cohen representing Dr. Larsen has shown in addressing our neighborhoods concerns, and we have jointly agreed to the following list of modifications outlined below.

Applicant has agreed to:

- 1) Completely re-established the 25 foot buffer between the new building and 173 Mystic Place (including removal of existing parking that encroaches into the buffer today).
- 2) They have agreed to establish significant additional landscape plantings in the 25 buffer between the new building and 173 Mystic Place as represented in the Landscaping Plan on pages 15-16 of the Planning Commission package.
- 3) Modified the plan for the front area of the property to eliminate parking and to establish a neighborhood friendly circular drive created with brick pavers.
- 4) They have agreed to plant large Oaks within the center of the circular drive to replace trees removed from the front area of the property.
- 5) They have represented in their current proposal, the neighborhoods desired removal of the Suburban Street Overlay and continue support the neighborhoods desire to have all sidewalks eliminated, including the five (5) foot sidewalk recommended by the Sandy Spring City Staff (discussed below).
- 6) They have agreed to provide the north-western corner of the property for the neighborhood to use for a neighborhood marker.
- 7) Opposed the staff recommendation related to requiring a 5 foot sidewalk in front of the property. (Removal of sidewalk requirements was approved by Planning Commission on November 25, 2013).
- 8) No on-street parking allowed (New Zoning Requirement)
- 9) Lower level of building will be leased as professional or medical office space only (New Zoning Requirement)

# Cherokee Park

## CIVIC ASSOCIATION

Based upon the agreed items outlined above, the Cherokee Park Civic Association Board has voted unanimously to support approval of the 183 Mystic Drive application at the December 17, 2013 Sandy Springs Mayor and City Council meeting.

The CPCA Board would like to recommend that the Mayor and City Council add items 8 and 9 above as new Zoning Requirements. Additionally, the CPCA Board would like to encourage the Mayor and City Council to reject the Sandy Springs Staff recommendation of the five (5) foot sidewalk in front of this property. The Board unanimously opposes this sidewalk, which is viewed as a "sidewalk to nowhere", since there are no sidewalks existing or planned within the neighborhood and there are no sidewalks on either abutting property.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Joseph Heins', with a long horizontal flourish extending to the right.

Joseph Heins  
President  
Cherokee Park Civic Association