



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** December 12, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: **201302883** - 180 Allen Road & 185 Cliftwood Drive, *Applicant:*
Fulton-Allen Road Associates, LLC, to rezone from O-I (Office &
Institutional District) conditional to A-L (Apartment Limited District)
for the development of a 248-unit apartment building, with
concurrent variances

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

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER: JPM APPROVED

PLACED ON AGENDA FOR: 12-17-2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SMJ

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: **201302883 180 Allen Road and 185 Cliftwood Drive** a request to rezone the subject property from O-I (Office and Institutional District), C-1 (Community Business District) and A-O (Apartment Office District) to A-L (Apartment-Limited Dwelling District) to allow the development of 248 multifamily dwelling units, with concurrent variances.

Department of Community Development Recommendation:

APPROVAL CONDITIONAL of a request to rezone the subject property from O-I (Office and Institutional District), C-1 (Community Business District) and A-O (Apartment Office District) to A-L (Apartment-Limited Dwelling District), with concurrent variances.

Background:

The subject site is located on the north side of Allen Road and the south side of Cliftwood Drive. The property is currently zoned O-I (Office and Institutional District), C-1 (Community Business District) and A-O (Apartment Office District) and is developed with two (2) office buildings. The property contains approximately 4.2606 acres.

Discussion:

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) C-1 (Community Business District) and A-O (Apartment Office District) to A-L (Apartment-Limited Dwelling District) to allow the development of 248 multifamily dwelling units.

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

1. Variance from 4.23.1 to allow retaining walls to be located in the landscape strip fronting Allen Road
2. Variance from 12. B.8.A.7 to allow parking between the sidewalk and the building on the Cliftwood Drive frontage.
3. Variance from 12.B.8.C.2.b to increase the maximum building setback on Cliftwood Drive from 40 feet to 230 feet.
4. Variance from Section 12B.8.F.2.b.v to increase the maximum length of the building adjacent to the street from 200 feet to 218 feet.
5. Variance from Section 12B.8.F.2 c. i to reduce the 60% transparent glazing on the ground floor façade to 20.75%.
6. Variance from Section 12B.8.F.c.ii to increase the minimum window distance from 10 feet to 17 feet.

The petition was heard at the November 21, 2013 Planning Commission meeting. The Commission recommended approval (5-0 Tart, Porter, Nickles, Frostbaum and Squire for; Maziar absent; Duncan not voting) of the zoning petition and concurrent variances with the remaining conditions recommended by staff and the following condition: To allow fifteen (15) three (3) bed room units.

The petition was heard at the September 24, 2013 Design Review Board meeting. The Board recommended approval (5-0, Bartlett, Ealick-Anderson, Landeck, Mobley, and Richard; Lichtenstein not voting.)



Rezoning Petition No. 201302883

HEARING & MEETING DATES

Design Review Board Meeting	Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
September 24, 2013	September 24, 2013	October 24, 2013	November 21, 2013	December 17, 2013

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Fulton-Allen Road Associates, LLC	Fulton-Allen Road Associates, LLC	Jessica Hill

PROPERTY INFORMATION

Address, Land Lot, and District	180 Allen Road and 185 Cliftwood Drive Land Lot 90, District 17
Council District	3
Frontage:	Approximately 291 feet along the north side of Allen Road and 111.18 along the south side of Cliftwood Drive
Area:	4.2606 acres
Existing Zoning and Use	O-I (Office and Institutional District), C-1 (Community Business District) and A-O (Apartment Office District)
Overlay District	Main Street District
2027 Comprehensive Future Land Use Map Designation	Live Work Regional (LWR), Node 7: Roswell Road and I-285 (Downtown)
	A-L (Apartment Limited Dwelling District)

Proposed Zoning

Units	Density	Height
248	58.21 units/ac	5 Stories

INTENT

To rezone the subject property from O-I (Office and Institutional District), C-1 (Community Business District) and A-O (Apartment Office District) to A-L (Apartment-Limited Dwelling District).

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

- Variance from 4.23.1 to allow retaining walls to be located in the landscape strip fronting Allen Road
- Variance from 12. B.8.A.7 to allow parking between the sidewalk and the building on the Cliftwood Drive frontage.
- Variance from 12.B.8.C.2.b to increase the maximum building setback on Cliftwood Drive from 40 feet to 230 feet.
- Variance from Section 12B.8.F.2.b.v to increase the maximum length of the building adjacent to the street from 200 feet to 218 feet.
- Variance from Section 12B.8.F.2 c. i to reduce the 60% transparent glazing on the ground floor façade to 20.75%.
- Variance from Section 12B.8.F.c.ii to increase the minimum window distance from 10 feet to 17 feet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201302883 – APPROVAL CONDITIONAL
201302883 Variance #1 – APPROVAL CONDITIONAL
201302883 Variance #2- DENIAL

201302883 Variance #3 - DENIAL
201302883 Variance #4 – APPROVAL CONDITIONAL
201302883 Variance #5 – APPROVAL CONDITIONAL
201302883 Variance #6 – APPROVAL CONDITIONAL

PLANNING COMMISSION- November 21, 2013

The petition was heard at the November 21, 2013 Planning Commission meeting. The Commission recommended **approval** (5-0 Tart, Porter, Nickles, Frostbaum and Squire for; Maziar absent; Duncan not voting) of the zoning petition and concurrent variances with the remaining conditions recommended by staff and the following condition: To allow fifteen (15) three (3) bed room units.

DESIGN REVIEW BOARD RECOMMENDATION -September 24, 2013

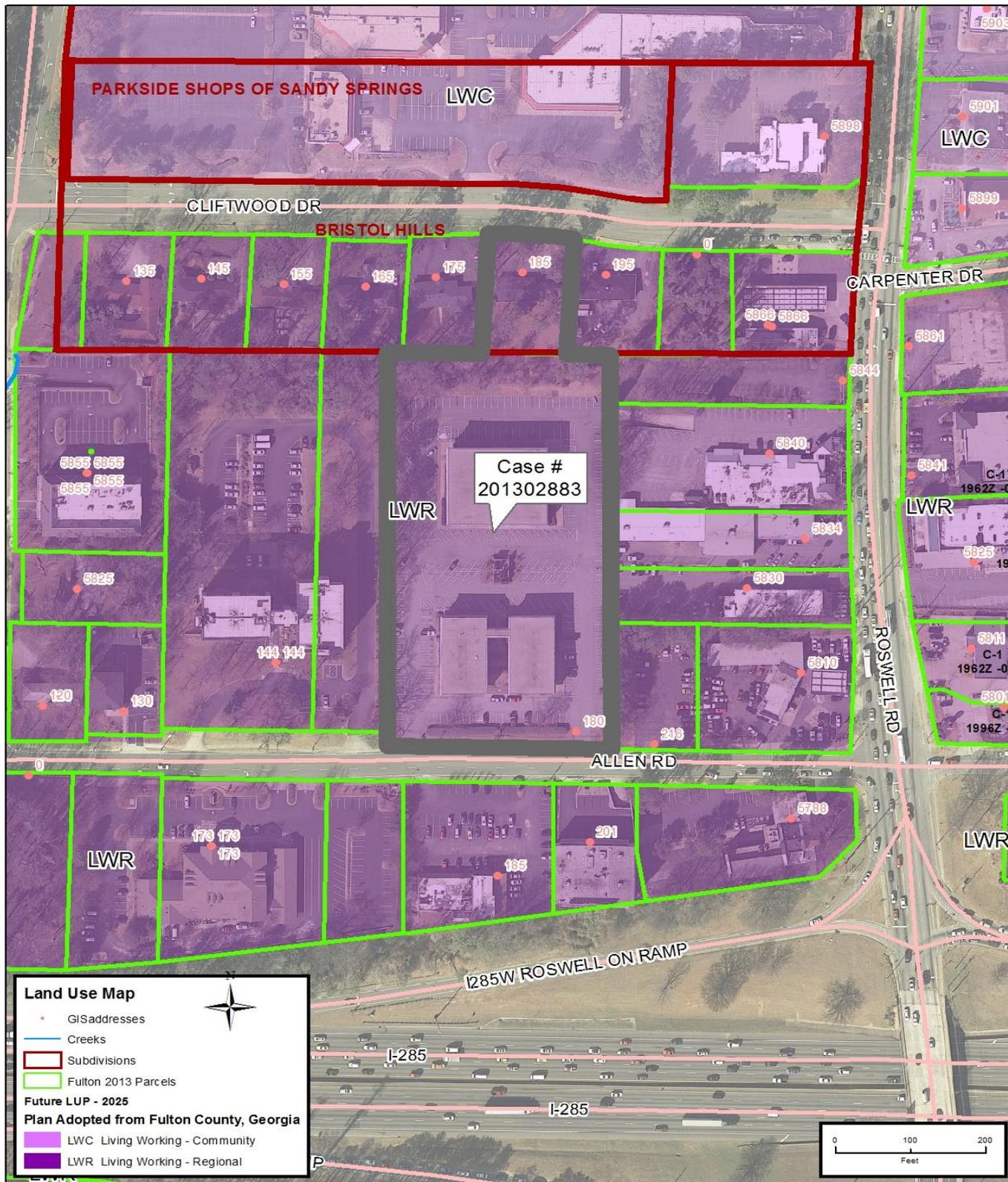
The petition was heard at the September 24, 2013 Design Review Board meeting. The Board recommended **approval** (5-0, Bartlett, Ealick-Anderson, Landeck, Mobley, and Richard; Lichtenstein not voting.)

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

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	C-1 Z86-0132	Parkside Shops of Sandy Springs	13.151	200,000	15,208 sf/acre
Northwest	C-1 RZ12-001	165 Cliftwood Drive	0.396	2,193	5,537.88
Northwest	C-1 Z94-0006	175 Cliftwood Drive	0.40	1,807	4,517.5 sf/ac
Northeast	C-2 Z87-0069	195 Cliftwood Drive	.4	3,680	±9,200 sf/acre
East	C-1 Z69-0042	5844 Roswell Road	0.5	-	-
East	C-1 Z64-0056	5840 Roswell Road	1.1	6,043	±5,493.63 sf/acre
East	C-1 Z64-0057	5834 & 5830 Roswell Road	1.2	18,504	±15,420 sf/acre
East	C-1 Z62-0024	5810 Roswell Road NAPA Automotive repair	.9	6,238	±6,981.11 sf/acre
East	C-1 Z74-0124	216 Allen Road	0.46	-	-
South	C-1 Z74-0102	201 Allen Road	±0.43	41,582	±96,702.33 sf/acre
South	C-1 Z69-0119	185 Allen Road	.88	15,300	17,386.36 sf/acre
South	C-1 RZ08-021	173 Allen Road Funeral Home	2.32	23,717	10,222.84 sf/acre
West	A-L Z81-0129	144 Allen Road	3.629	100 units	27.56 units/acre

Future Land Use Map

180 Allen Road and 185 Cliftwood Drive



ZONING IMPACT ANALYSIS

The applicant's intent is to rezone the subject property from O-I (Office and Institutional District), C-1 (Community Business District) and A-O (Apartment Office District) to A-L (Apartment-Limited Dwelling District).

Units	Density	Height
248	58.21 units/ac	5 Stories

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.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby properties. The surrounding area consists of commercial, office and residential uses. Many of the uses along Allen Road and Cliftwood Road are transitional in nature and operating in structures that were formerly single family homes. As the existing multi-family development directly to the west is five stories, the proposed height of five stories is appropriate.

However, the proposal does not comply with policies set forth in the Comprehensive Plan Node 7: Roswell Road and I-285 (Downtown) or the City Center Master Plan adopted by the Mayor and City Council on December 18, 2012. The petition does not incorporate the consolidation of properties and the collective redevelopment of multiple properties to encourage and perpetuate economic vitality, increased green space, and an improved transportation system. Additionally, the petition does not include the north south connectivity recommended by the City Center Master Plan's street network policy. The driveway running from Allen Road to Cliftwood Drive is proposed to be limited to residents of the complex only.

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

Finding: The staff is of the opinion that the proposal, as submitted, will have an adverse effect on the use and usability of adjacent and nearby properties. The Comprehensive Plan supports the consolidation and the collective redevelopment multiple properties. This Plan policy is grounded in the fact that many of the properties along Allen and Cliftwood Road are small parcels that were formerly used as single family residences and will be redeveloped in the future. This proposal will negatively impact the future development potential of the parcels directly to the north on Cliftwood Drive.

Additionally, this proposal does not provide the public north/south access as per the City Center Master Plan approved by the City Council on December 18, 2012. The transportation network approved as a part of the Master Plan serves to facilitate traffic flow and walkability, both key components to the success of City Center. In several meetings with the applicant many months prior to the filing of this petition, staff underscored the importance of an enhanced street network in the City Center area and the need for north south public access through the subject property. Not only will the failure to provide this north south access negatively impact properties along Allen Road, but it also is in conflict with the policies of the Comprehensive Plan that call for the a grid system of streets, and the installation of sidewalks to provide alternative travel options with emphasis on connections within downtown Sandy Springs.

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

Finding: 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.*

Finding: The staff is of the opinion that the proposal will result in an excessive burdensome use of the existing transportation network, particularly during peak hours. The Roswell Road Corridor is currently very congested during peak hours, this project will contribute significantly to this existing congestion.

The Comprehensive Plan and the City Center Master Plan and the requirements of the Zoning Ordinance all support connectivity and walkability in this area. This transportation grid system is core to the dispersal of traffic over several roads and to the enhancement of transportation options. This project, as proposed, is in conflict with those documents and as a result, will negatively impact the transportation network in the City Center Area.

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

Finding: The staff is of the opinion that this use is consistent with the Comprehensive Plan. However, the development, as proposed, is inconsistent with many of the policies of the Comprehensive Plan and the City Center Master Plan. The Main Street District of the Zoning Ordinance establishes regulations that serve to implement the Comprehensive Plan and the City Center Master Plan. The inconsistency in this project, as proposed, with the Council approved Plans is underscored by the number of variances to the Zoning Ordinance that have been requested.

This property is designate as LWR (Live-Work Regional), Node 7: Roswell Road and I-285 (Downtown) in the Comprehensive Plan. The vision, guidelines and policies in the Comprehensive Plan for this node are noted below.

Node 7: Roswell Road and I-285 (Downtown)

Vision:

1. The area should be dedicated for high density commercial, office, and residential uses.
2. This area should be considered for some of the highest densities in the City.
3. Consolidation of properties and the collective redevelopment of multiple properties should be encouraged in the area to perpetuate economic vitality, increased green space, and an improved transportation system.

Guidelines and Policies:

1. Residential density should be above 20 units per acre. Commercial and office densities should be above 25,000 square feet per acre. Building heights should not be limited in this area. At least 15% of a site shall be maintained as open and green space.
2. Densities and heights of a significant nature should not be supported on properties less than four (4) acres in size. Increased levels of open and green space, limiting direct vehicular access to Roswell Road, and improving the area's transportation network shall be important considerations for the highest densities and building heights.
3. The transition of densities and heights to levels similar to those in the Town Center area should be considered on the northern boundary of the area along Cliftwood Drive and Carpenter Drive.
4. Automobile-oriented uses should be discouraged from this area.

As noted previously, this petition does not incorporate the consolidation of properties/collective redevelopment of multiple properties. While a lot along Cliftwood Drive is included as a part of the development, this property serves to provide access to the traffic signal on Roswell Road. This parcel is not incorporated into the overall development in a manner that positively impacts the Cliftwood Drive streetscape. In that regard, proposal is inconsistent with the Comprehensive Plan, the City Center Master Plan and with the Main Street section of the Zoning Ordinance.

The Comprehensive Plan calls for significant densities and heights on parcels of 4 acres or larger. Without the lot that serves to provide access to Cliftwood Drive, the project acreage would total approximately 3.8 acres, below the minimum size specified in the Comprehensive Plan that warrants a significant increase in development density. The proposed density of 58.21 units per acre is calculated using the overall site acreage, including the lot on Cliftwood Drive. As a result the effective mass of the buildings on the lot is actually higher than the 58.21 units per acre. Either way, the project density is, by far, the highest density in the immediate area.

As mentioned previously, this proposal is inconsistent with the Comprehensive Plan and the City Center Master Plan regarding the consolidation of properties, interparcel access, connectivity and installation of a grid network. The applicant proposes a walled, fenced, island styled development that has no connectivity to adjacent parcels. This type development is inconsistent with the City Center Master Plan and will negatively impact the implementation of the City Center Master Plan.

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.

Finding:

The City Center Master Plan, approved by the Mayor and City Council in late 2012, provides further definition of the policies cited in the Comprehensive Plan for this area. This project, as proposed, is in conflict with portions of both of those Plans.

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.

Finding:

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 existing site does not have a stormwater management system, encroachments into the stream buffer, and has very little green space. The proposal will be required to meet all current City Codes including, but not limited to stormwater management system, replanting of required buffers, landscape strips, interparcel access to eliminate curb cuts, and streetscape.

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.*

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

1. Variance from 4.23.1 to allow a retaining walls to be located in the landscape strip fronting Allen Road

Findings:

Staff is of the opinion that the request to allow a retaining walls to be located in the landscape strip fronting Allen Road is in harmony with the intent on the Zoning Ordinance and would not cause a detriment to the public. The proposed walls has been terraced with so the for (4) foot high portion of the wall is located in the landscape strip. The applicant is proposing a trellis above the first terrace to soften the effects of the wall. Additionally, there will be 10 feet of

landscaping. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

2. Variance from 12. B.8.A.7 to allow parking between the sidewalk and the building on the Cliftwood Drive frontage.

Findings:

Staff is of the opinion that allowing parking between the sidewalk and the building would not be in harmony with the intent of the Zoning Ordinance. The intent of the zoning ordinance is to create a walkable area within the Main Street District, by pulling buildings closer to the street and providing parking behind the building. Because this is the main entrance to the property a parking area between the sidewalk and the building would discourage walkability within the Main Street. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.

3. Variance from 12.B.8.C.2.b to increase the maximum building setback on Cliftwood Drive from 40 feet to 230 feet.

Findings:

Staff is of the opinion that the increasing the maximum building setback to 230 feet from Cliftwood Drive is in not in harmony with the intent of the Zoning Ordinance. The intent of the zoning ordinance is to create a walkable area within the Main Street District, by pulling buildings closer to the street. Having the main entrance to the property setback so far from the street would discourage walkability within the Main Street. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.

4. Variance from Section 12B.8.F.2.b.v to increase the maximum length of the building adjacent to the street from 200 feet to 218 feet.

Findings:

Staff is of the opinion that increasing the maximum building length from 200 to 218 feet is in harmony with the intent of the Zoning Ordinance and would not cause a detriment to the general public. The proposed structure is broken up into three sections on each side. The south façade will be broken into sections that are 77 feet, 64 feet, and 77 feet. The façade sections are differentiated by vertical and horizontal plane changes to reduce the feel and scale of the building façade. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

5. Variance from Section 12B.8.F.2 c. i to reduce the 60% transparent glazing on the ground floor façade to 20.75%.

Findings:

Staff is of the opinion that the reduction in glazing from 60% to 20.75% is in harmony with the intent of the Zoning Ordinance and would not cause a detriment to the general public for areas that are not adjacent to street frontages. However, the 60% glazing should be met along the Allen Road frontage (south) and internal property line on the east. Staff's recommended conditions detail these limitations. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL of this variance request.

6. Variance from Section 12B.8.F.c.ii to increase the minimum window distance from 10 feet to 17 feet.

Findings:

Staff is of the opinion that increasing the minimum window distance from 10 feet to 17 feet is in harmony with the intent of the zoning ordinance and would not cause a detriment to the general public that are not adjacent to street frontages. However, the minimum window distance should be met along the Allen Road frontage (south) and internal property line on the east. Staff's recommended conditions detail these limitations. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL 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 the Fulton County Board of Education, Fulton County Department of Water Resources, Fulton County Department of Health Services (see attachments).

Transportation Planner	<ul style="list-style-type: none"> ▪ Cliftwood Drive and Allen Road are included in the Sidewalk Master Plan and are within the Main Street Overlay District. The Main Street Overlay District requires a minimum of one bicycle parking space for every 20 automobile spaces. The City Center Master Plan (adopted Dec. 2012) recommended the following streetscape and cross-section for Allen Road and Cliftwood Drive: 2 travel lanes with on street parking and streetscape. The recommended minimum total right-of-way for this section is 74 feet and includes a 6 foot sidewalk with 12 foot landscape strip (next to residential development) or a 10 foot sidewalk with an 8 foot landscape strip (next to commercial development), parking lane, and travel lane. In addition, new north-south local streets were envisioned to connect between Allen Road and Cliftwood Drive. ▪ Site plan should include pedestrian circulation throughout site as well as ADA access from sidewalk to all site arrival points. ▪ Development Ordinance requirements include: <ul style="list-style-type: none"> ○ Right-of-way dedication 30 feet along the entire property frontage of Allen Road and Cliftwood Drive, 11 feet behind back of curb, or 1 foot
Georgia Department of Transportation	<ul style="list-style-type: none"> ▪ There are no GDOT requirements that need to be addressed at this time.

PUBLIC INVOLVEMENT

Public Comments

- None

CONCLUSION TO FINDINGS

The Comprehensive Plan supports the proposed use of the subject property. The development plan, as proposed is inconsistent with the Comprehensive Plan, City Center Master Plan and the Main Street District of the Zoning Ordinance. Staff's recommended conditions seek to incorporate measures that address these inconsistencies. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the rezoning petition.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from O-I (Office and Institutional District), C-1 (Community Business District) and A-O (Apartment Office District) to A-L (Apartment-Limited Dwelling 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. Multi-Family Units and associated accessory uses at a density of 58.21 units per acre or 248 units, whichever is less.
 - b. Said property shall be limited to one (1) and Two (2) bedroom units, with no three (3) bedroom units.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on September 19, 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 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 elevation plan received by the Department of Community Development on September 18, 2013. Said elevations 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 elevations plans to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for Building Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:
 - a. Reserve for the City of Sandy Springs the necessary property to constructed of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the City Center Master Plan Street Network. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Eighteen (18) feet from the interior east property line, subject to the approval of the Director of Community Development.
 - b. Exterior of all buildings should be limited to brick, stone, hard coat stucco, and hardiplank, with no wood.
 - c. Interior ceiling heights should be a minimum of nine (9) feet.
 - d. All units shall be individually metered and/or submetered.
 - e. Variance from 4.23.1 to allow a retaining walls to be located in the landscape strip fronting Allen Road (CV-201302883 #1)

- f. Variance from Section 12B.8.F.2.b.v to increase the maximum length of the building adjacent to the street from 200 feet to 218 feet.(CV-201302883 #4)
- g. Variance from Section 12B.8.F.2 c. i to reduce the 60% to 20.75% transparent glazing on the ground floor façade along the north and west elevations. (CV-201302883 #5)
- h. Variance from Section 12B.8.F.c.ii to increase the minimum window distance from 10 feet to 17 feet along the north and west elevations. (CV-201302883 #6)

Attachments

- Letter of Intent received September 19, 2013
- Site Plan dated received September 19, 2013
- Elevations dated received September 18, 2013
- Site Photographs
- Additional comments from the Fulton County Board of Education, Fulton County Department of Water Resources
- Conditioned submitted by the neighbors

RECEIVED

SEP 19 2013

LETTER OF INTENT AND VARIANCE RESPONSE

City of Sandy Springs
Community Development

This Application proposes to rezone a 4.26 acre tract located on Allen Road and Cliftwood Drive near the intersection with Roswell Road from O-I, C-1 and A-O to the A-L zoning district. The site is currently improved with existing office buildings developed in the 1970s. Upon approval of this Application, the site would be redeveloped with 248 multifamily rental units. The multifamily units would be located in two buildings, each with five stories plus a basement, with parking accommodated in a central parking deck as shown on the site plan.

In addition to rezoning, this Application also seeks the following concurrent variances: (a) variance from Section 12.B.8.F.2.b.v to increase the maximum building length from 200' to 218' on the north and south property boundaries; (b) variance from Section 12.B.8.F.2.c.i to reduce the required glazing percentage from 60% to an average of 20.75%; (c) variance from Section 12.B.8.F.2.c.ii to increase the maximum window distance from 10' to 17'; (d) variance from Section 12.B.8.C.2.b to increase the maximum building setback from 40' to 230' on Cliftwood Drive; (e) variance from Section 4.23.1 to allow retaining walls in the required landscape strip fronting Allen Road; and (f) variance from Section 12.B.8.A.7 to allow parking between the building and the street along the Cliftwood Drive frontage.

The Sandy Springs Zoning Ordinance permits a variance upon a showing that: (1) the 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; (2) the application of a 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 (3) conditions resulting from an existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road. The proposed variances meet the first and second criteria.

The proposed building is 218' on the north and south ends of the building which exceeds the 200' maximum width set forth in the Main Street Overlay District. The building facades, however, are broken up into three sections. The north façade has façade sections that are 32', 154' and 32' in length. The south façade has façade sections that are 77', 64' and 77' in length. The façade sections are differentiated by changes in the vertical and horizontal planes to reduce the feel and scale of the building's façade. The articulation of the building along the north and south facades is in harmony with the general purpose and intent of the Zoning Ordinance and of the section restricting façade length.

The ground level façades do not meet the 60% transparent glazing requirement imposed by the Main Street Overlay District. Generally, the requirement for 60% transparent glazing is more conducive to retail and other commercial development rather than residential developments. The leasing and main entry has been oriented to the Cliftwood Drive façade and will incorporate traditional storefront glazing. Functionality and security concerns necessitate a reduction in the required percentage, particularly for the ground floor units.

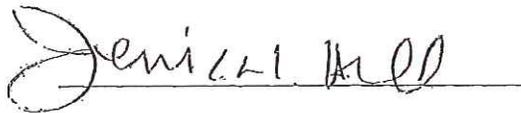
The windows facing Allen Road and Cliftwood Drive are spaced at a maximum distance of 17' rather than the 10' required by the Main Street Overlay District. As with the previous variance, functionality and security concerns necessitate additional distance between windows

due to the location of units on the ground level. The interior design of units dictates window spacing and location.

The building setback along Cliftwood Drive exceeds the 40' allowable setback. The property shape and along the Cliftwood Drive frontage and configuration necessitates the requested variance. The Cliftwood Drive frontage is significantly more narrow than the balance of the property. Further the property is a double frontage lot, which enhances the hardship by requiring the Applicant to stretch the building from property line to property line. The proposal meets the maximum setback requirements along Allen Road. Due to the property shape and configuration, requiring the Applicant to meet the maximum setback along Cliftwood Drive would impose an unnecessary hardship, particularly given the satisfaction of the maximum setback requirement along Allen Road.

The Applicant also seeks a variance to allow retaining walls to be located in the required landscape strip on Allen Road. The proposed walls have been terraced with landscaping so that the minimum height of wall is located in the landscape strip, with the taller walls being located outside the landscape strip. A decorative trellis is proposed above the first terrace to soften the effect of the retaining wall. In addition, a right-of-way dedication is required along the Allen Road frontage to meet the City of Sandy Springs standards, which necessitates the variance requested. Without the dedication, the walls would be located outside the required landscape strip.

The proposed development includes seven surface parking spaces off the circular drive entrance from Cliftwood Drive. These parking spaces will provide convenient, accessible parking for the leasing office. The balance of the parking for the development will be accommodated in the parking deck located in the center of the project. The parking is set back over 75 feet from the Cliftwood Drive right-of-way and is part of the main entrance to the development. Opportunities for surface parking to service the leasing office are limited given the narrow shape of the site, as well as the two road frontages abutting the site. The recessed location of the parking is in harmony with the intent of the zoning ordinance.

A handwritten signature in black ink, appearing to read "Jessica L. Hill", written over a horizontal line.

Jessica L. Hill, Attorney for Applicant

201302883

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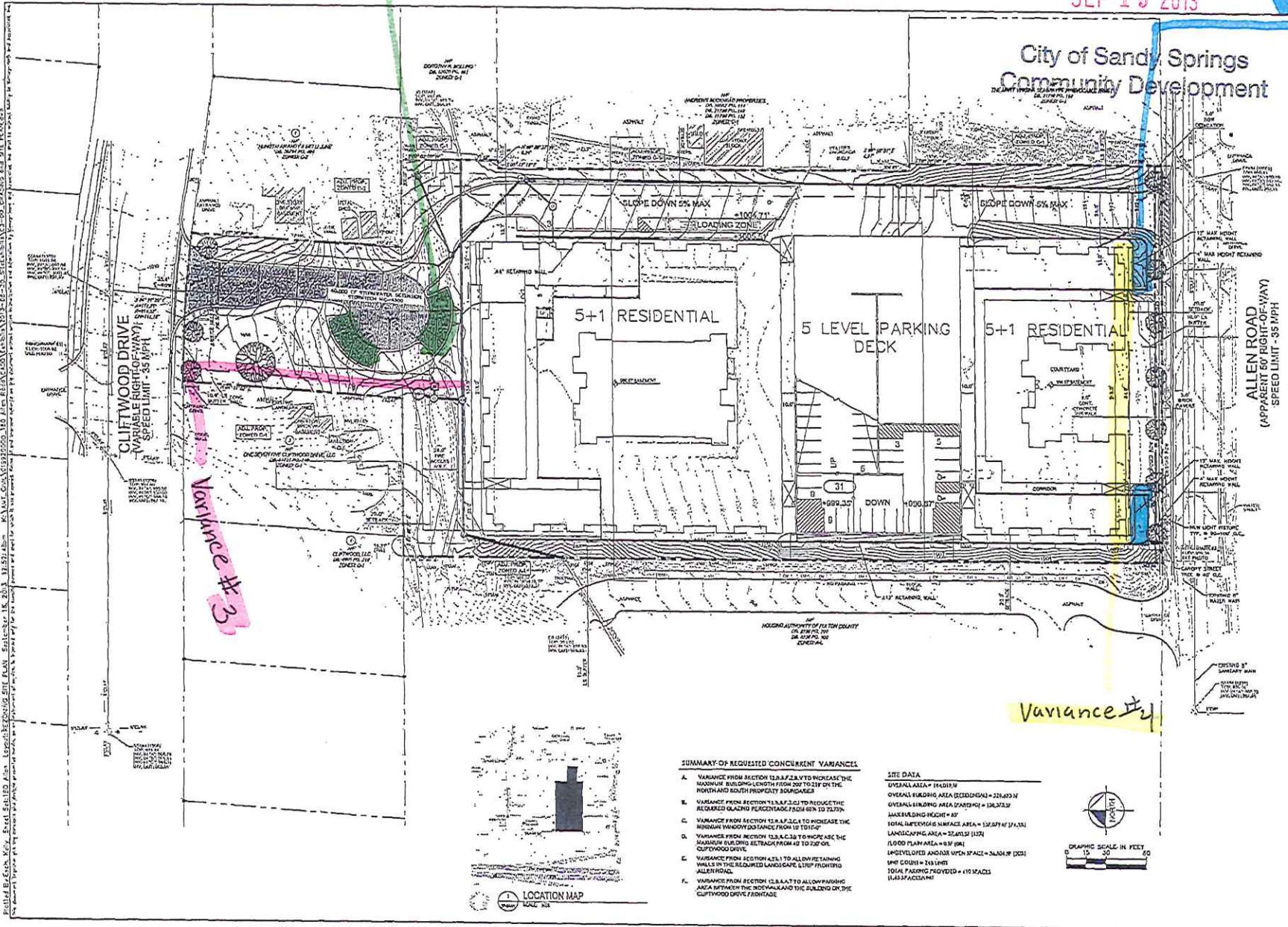
SEP 19 2013

Variance #1

Variance #2

Variance #3

Variance #4



City of Sandy Springs
Community Development

5+1 RESIDENTIAL

5 LEVEL PARKING DECK

5+1 RESIDENTIAL

ALLEN ROAD
(APPARENT 50' RIGHT-OF-WAY)
SPEED LIMIT - 35 MPH

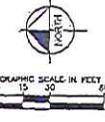
CLIFFWOOD DRIVE
VARIABLE RIGHT-OF-WAY
SPEED LIMIT - 35 MPH

SUMMARY OF REQUESTED CONCURRENT VARIANCES

- A. VARIANCE FROM SECTION 12B.F.2.1.V.1 TO INCREASE THE MAXIMUM BUILDING LENGTH FROM 200 TO 215' ON THE HORTLAND SOUTH PROPERTY HOUSING AREA
- B. VARIANCE FROM SECTION 12B.F.2.2.C.1 TO REDUCE THE REQUIRED GRADING PERCENTAGE FROM 6% TO 7.5%
- C. VARIANCE FROM SECTION 12B.F.2.2.C.2 TO INCREASE THE MINIMUM WALKWAY WIDTH FROM 15' TO 16'
- D. VARIANCE FROM SECTION 12B.F.2.2.C.3 TO INCREASE THE MAXIMUM BUILDING RETRACTION FROM 40 TO 70' ON CLIFFWOOD DRIVE
- E. VARIANCE FROM SECTION 12B.F.2.2.C.4 TO ALLOW RETAINING WALLS IN THE REQUIRED LANDSCAPE STRIP FRONTING ALLEN ROAD
- F. VARIANCE FROM SECTION 12B.F.2.2.C.5 TO ALLOW PARKING AREA BETWEEN THE SIDEWALK AND THE BUILDING ON THE CLIFFWOOD DRIVE FRONTAGE

SITE DATA

OVERALL AREA = 14,611 SQ FT
OVERALL BUILDING AREA (EXCLUDING) = 321,675 SQ FT
OVERALL BUILDING AREA (INCLUDING) = 134,272 SQ FT
MAX BUILDING HEIGHT = 85'
TOTAL INTERIOR SURFACE AREA = 12,077 SF (12,151)
LANDSCAPING AREA = 22,412 SF (11%)
FLOOR PLAN AREA = 837 (84)
UNDEVELOPED LAND/ASPH OPEN SPACE = 3,648 SF (25%)
WET COVER = 248 (24)
TOTAL PAVING PROVIDED = 410 STAGES
11.63 SF/ACRE/FT



NO. PROJECT	01322700	DATE	7/1/13	SCALE	AS SHOWN	DESIGNED BY	AK	CHECKED BY	AK
REZONING SITE PLAN									
180 ALLEN RD APARTMENTS									
PREPARED FOR ARRIS REALTY PARTNERS									
SANDY SPRINGS, GA									
SHEET NUMBER C3-00									
REVISIONS	NO.	DATE	BY	DESCRIPTION					

Kimley-Horn
and Associates, Inc.

Project: 180 Allen Road, Sandy Springs, GA. Prepared by: Kimley-Horn and Associates, Inc. Date: 7/1/13. Scale: As Shown. Designer: AK. Checker: AK.

SURVEY NOTES

INFORMATION FOR THE CLIENT AND OTHERS CONCERNING THE SURVEY AND THE RESULTS THEREOF. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.

TITLE NOTES

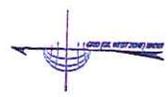
ADDITIONAL TO THE SURVEY, THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.



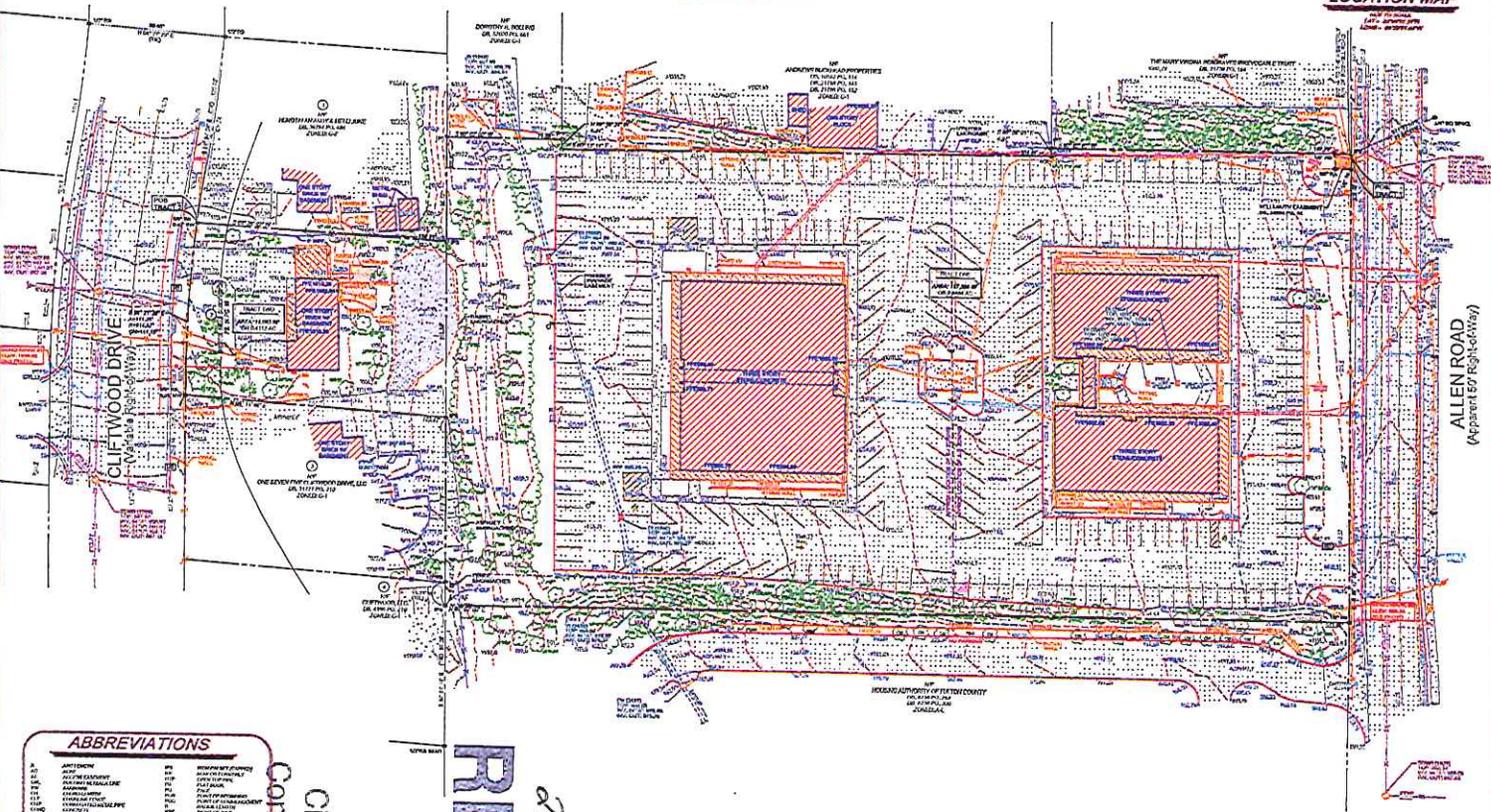
BENCHMARK #1



BENCHMARK #2



LOCATION MAP



SITE INFORMATION

TRACT:	TRACT #1
TAX PARCEL ID:	TRACT #1
ADDRESS:	TRACT #1
AREA:	TRACT #1
PERMITS:	TRACT #1
UTILITIES:	TRACT #1

REFERENCE MATERIAL

- 1. ALL INFORMATION IS BASED ON THE BEST AVAILABLE RECORDS.
- 2. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.

TREE LEGEND

Symbol	Tree Type
Symbol	Tree Type
Symbol	Tree Type

ABBREVIATIONS

Symbol	Abbreviation
Symbol	Abbreviation
Symbol	Abbreviation

LEGEND

Symbol	Description
Symbol	Description
Symbol	Description

UTILITY CONTACTS

Utility Type	Contact Information
Utility Type	Contact Information
Utility Type	Contact Information

SURVEYORS CERTIFICATE

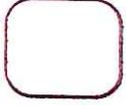
THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.

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20130928

SEP 03 2013

City of Sandy Springs
Community Development



TerraMark
Professional Surveyors, Inc.
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
Phone: 404.525.1111
www.terra-mark.com

Area	Area	Area	Area	Area	Area

BOUNDARY AND TOPOGRAPHIC SURVEY FOR
KIMLEY HORN AND ASSOCIATES
ECI CAPITAL, INC & AGRIS REALTY PARTNERS
LOCATED IN
LAND LOT 80, 17TH DISTRICT
(CITY OF SANDY SPRINGS)
FULTON COUNTY, GEORGIA









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

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

COMMENTS ON PUBLIC SERVICES AND UTILITIES

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

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 270 gallons per day (gpd) per apartment unit x 248 units = 66,960 gallons per day (gpd).

This project is within the City of Atlanta water jurisdiction.

SEWER:

Basin: Long Island Creek

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

Anticipated sewer demand: 60,264 gallons per day

There is a wastewater manholes along the front of 180 Allen Road (sewer manhole # **SMLI0405210**) and there is a wastewater manholes along the front of 185 Cliftwood Drive (sewer manhole # **SMLI0507910**) located in Land Lot 90, 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

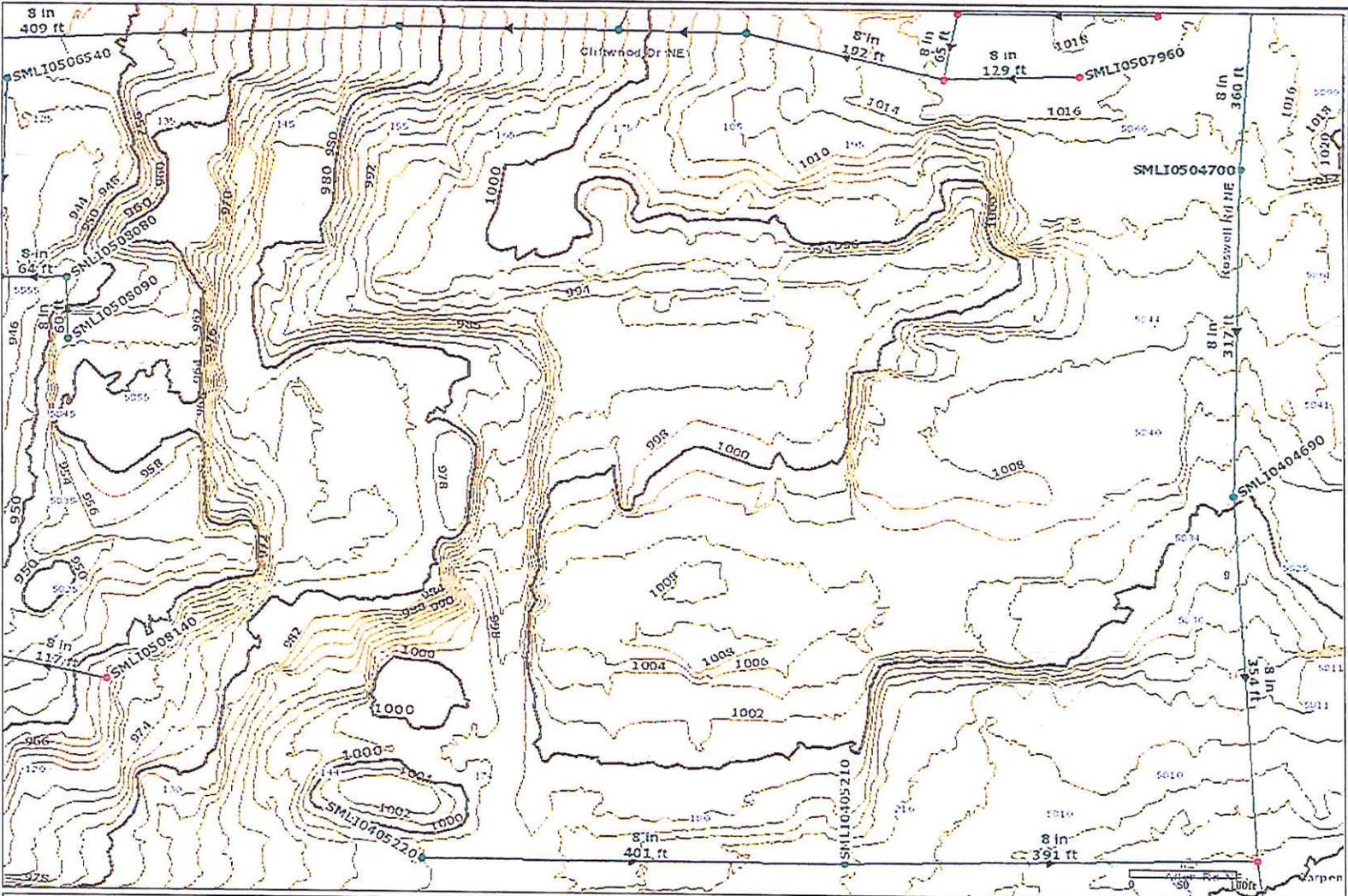
- UNK
- 4" - 6"
- 8"
- 10"
- 12" - 16"
- 18" - 24"
- 30" - 48"
- Greater than 48"

Topography

- 2Ft Contour
- 10Ft Contour

Address Points

County



180 ALLEN RD
 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.



Property Profile for **185 CLIFTWOOD DR**

Property Tax Information

Tax Year 2013
 Parcel ID 17 009000030283
 Property Address 185 CLIFTWOOD DR
 Owner SHORE ALLEN ROAD PARTNERS LTD
 Mailing Address 3756 LAVISTA RD TUCKER GA 30084
 Total Appraisal \$273,300
 Improvement Appraisal \$184,600
 Land Appraisal \$88,700
 Assessment \$109,320
 Tax District 59
 Land Area 0.405647 ac
 Property Class Residential Lots
 Land Use Class Residential 1 family
 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 SS31
 Poll Location Sandy Springs Christian Ch, 301 Johnson Ferry Rd

Congressional District 006
 State Senate District 006
 State House District 052

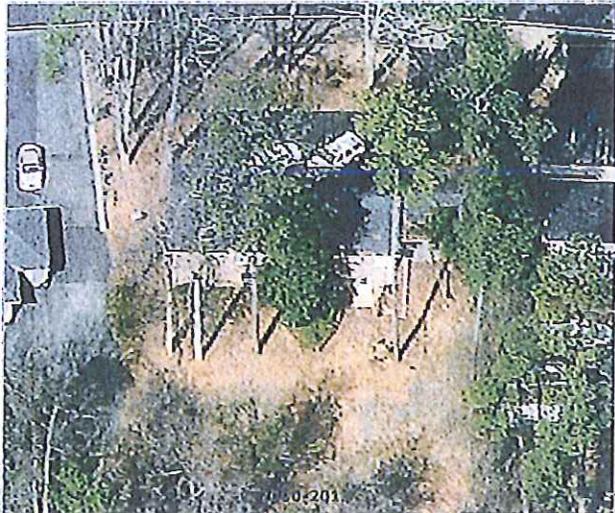
School Zones

Elementary School Lake Forest
 Middle School Ridgeview
 High School Riverwood

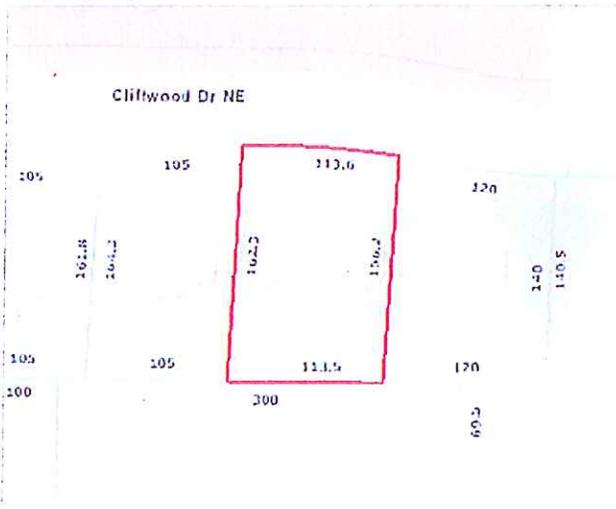
Other Information

Zip Code 30328
 Census Tract 102.05
 In Less Developed Census Tract No

Oblique Aerial View (looking north)



Property Map



Vicinity Map



Property Profile for **180 ALLEN RD**

Property Tax Information

Tax Year 2013
 Parcel ID 17 009000020888
 Property Address 180 ALLEN RD
 Owner SHORE ALLEN ROAD PTNRS LTD
 Mailing Address 3756 LAVISTA RD # S-200 TUCKER GA 30084
 Total Appraisal \$2,500,000
 Improvement Appraisal \$1,099,600
 Land Appraisal \$1,400,400
 Assessment \$1,000,000
 Tax District 59
 Land Area 3.88999 ac
 Property Class Commercial Small Tracts
 Land Use Class Office Bldg (Low Rise > 4) Class C
 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 SS31
 Poll Location Sandy Springs Christian Ch, 301 Johnson Ferry Rd
 Congressional District 006
 State Senate District 006
 State House District 052

School Zones

Elementary School Lake Forest
 Middle School Ridgeview
 High School Riverwood

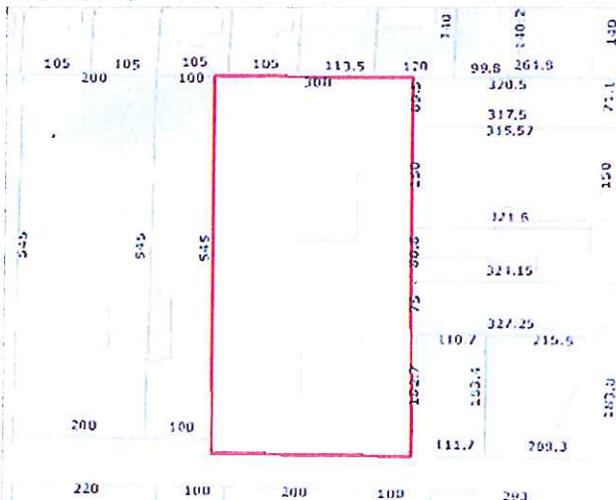
Other Information

Zip Code 30328
 Census Tract 102.05
 In Less Developed Census Tract No

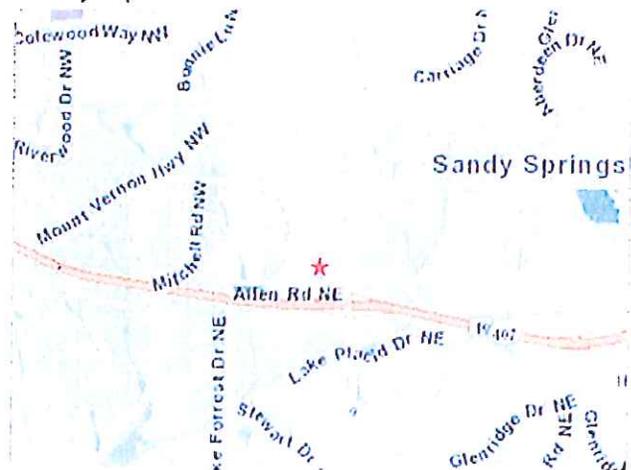
Oblique Aerial View (looking north)



Property Map



Vicinity Map



Rezoning Impact Statement Fulton County School System

PETITION 201302883

JURISDICTION: Sandy Springs

USE	# UNITS
SF	0
TR / Condo	0
MF	248

HOME SCHOOL	ESTIMATED # STUDENT GENERATED	CAPACITY ^A	PROJECTED ENROLLMENT ^B	PROJECTED UNDER/OVER CAPACITY ^C	# PORTABLE CLASSROOMS	CAN FACILITY MEET DEMAND? **
Lake Forest ES	77 to 163	850	928 to 986	78 to 136	4	NO
Ridgeview MS	15 to 30	1200	1,070 to 1,136	-130 to -64	0	YES
Riverwood HS	25 to 44	1325	1,652 to 1,754	327 to 429	3	NO
TOTAL	117 to 237					

HS REGION: Riverwood HS	AVERAGE	to	AVERAGE + 1 STD. DEV.	
<i>One single family unit generates:</i>	0.074927	to	0.172316	<i>elementary school students per unit</i>
	0.016288	to	0.049691	<i>middle school students per unit</i>
	0.057476	to	0.139399	<i>high school students per unit</i>
<i>One multifamily or apartment unit generates:</i>	0.311914	to	0.655484	<i>elementary school students per unit</i>
	0.059433	to	0.121822	<i>middle school students per unit</i>
	0.100613	to	0.178167	<i>high school students per unit</i>
<i>One residential town home unit generates:</i>	0.037075	to	0.082516	<i>elementary school students per unit</i>
	0.009549	to	0.025481	<i>middle school students per unit</i>
	0.05447	to	0.11755	<i>high school students per unit</i>

AVERAGE OPERATIONAL COST PER STUDENT:

TOTAL COST: \$na

PORTION LOCAL REVENUE SOURCES: \$tbd

PORTION STATE AND OTHER REVENUE SOURCES: \$tbd

^A Updated Georgia Department of Education state capacity.

^B Projected enrollment is for fall of the 2013-14 school year based on forecasted enrollment.

^C Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.

* State capacity indicates space. However due to the number of special programs at the school, portable classrooms may be needed to accommodate the instructional needs of the school.

** Impact based on 2013-14 school boundaries

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OCT 25 2013

City of Sandy Springs
Community Development

180 Allen Road & 185 Cliftwood Dr. Neighbor Conditions

1. All units shall be individually metered and/ or sub-metered.
2. Ceiling heights in the residential units shall be no less than 9' in height.
3. Exterior of all buildings shall be limited to brick, stone, hard coat stucco, fiber cement siding/trim, pvc (trim and windows only) or fiberglass (windows or doors). Wood shall be allowed as a trim element only.
4. Roof shingles shall be fiberglass asphalt architectural style shingle in dark gray, charcoal, black, dark brown, no green, white or red/brick color.
5. All permanent dumpsters and trash containers for the buildings as well as service areas will be located within the building or garage.
6. Any entrance gates on Allen Road or Cliftwood Drive shall be dark color ornamental style steel or aluminum.
7. Dark color vinyl dipped chain link fencing can be used were it will not front on Allen Road or Cliftwood Drive.
8. Parking deck exterior shall incorporate finished concrete surface, paint or a complementary building material. Parking deck should have a landscaped area at base to conceal as much as possible. Examples of acceptable concrete finishes are attached as Exhibit A and examples of unacceptable concrete treatments are attached as Exhibit B.
9. All HVAC and mechanical equipment shall be fully screened even it located on rooftops (i) unless the same are not visible form Allen Road, Roswell Road, or Cliftwood Road or (ii) Developer elects to use "wall pack" HVAC units.
10. All construction vehicles must enter and exit to Roswell Road. This shall be a clause in any applicable construction contract.
11. Retaining walls fronting on Allen Road or Cliftwood Road shall be modular block, brick or stone or concrete block faced with brick or stone.
12. All elevators shall be located within the interior of all buildings and parking garage footprints.
13. A pool shall be built as a resident amenity.