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## CITY COUNCIL AGENDA ITEM

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**TO:** Mayor & City Council                      **DATE:** July 11, 2013

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** 201300397 - 6890 Peachtree Dunwoody Road, *Applicant: Javad Oskoei*, to rezone from O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District), with concurrent variances to allow 19 residential units

**MEETING DATE:** For Submission onto the July 16, 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:                     JFM                     APPROVED

PLACED ON AGENDA FOR:                     7/16/2013                    

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES      (  ) NO

CITY ATTORNEY APPROVAL:                     SM                    

REMARKS:



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

A handwritten signature in black ink, appearing to be "AP", is written over the name Angela Parker.

Date: July 2, 2013 for submission onto the July 16, 2013 City Council meeting

Agenda Item: 201300397 6890 Peachtree Dunwoody Road a request to rezone the subject property from O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District) with a concurrent variance to allow for the development of 19 multi-family units.

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*Department of Community Development Recommendation:*

**APPROVAL CONDITIONAL** of the request to rezone the subject property from O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District) with a concurrent variance to allow for the development of 19 multi-family units.

*Background:*

The subject site is located in the west side of Peachtree Dunwoody Road. The properties are currently zoned O-I (Office and Institutional District). The property contains approximately .97 acres and is developed with a vacant office building.

*Discussion:*

The applicant is requesting to rezone the subject property to O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District) with a concurrent variance to allow for the development of 19 multi-family units.

The petition was heard at the June 20, 2013 Planning Commission Meeting. The Planning Commission recommend approval (5-0, Nickels, Squire, Maziar, Porter and Tart for; Frostbaum absent; Duncan not voting) of the application and withdrawal of the variance, with staff's conditions.



**Rezoning Petition No. 201300397**

**HEARING & MEETING DATES**

<b>Community Zoning Information Meeting</b>	<b>Community Developer Resolution Meeting</b>	<b>Planning Commission Hearing</b>	<b>Mayor and City Council Hearing</b>
February 26, 2013	March 28, 2013 April 9, 2013	April 18, 2013 June 20, 2013	May 21, 2013 July 16, 2013

**APPLICANT/PETITIONER INFORMATION**

<b>Property Owners</b>	<b>Petitioner</b>	<b>Representative</b>
First Citizen Bank	Javad Oskoei	Nathan V. Hendricks

**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	6890 Peachtree Dunwoody Road Land Lot 20, District 17
<b>Council District</b>	4
<b>Frontage:</b>	Approximately 244 feet.
<b>Area:</b>	.97 acres
<b>Existing Zoning and Use</b>	O-I (Office and Institutional District) under Fulton County zoning case Z98-0044 developed with an office building at a density of 2,069.07 square feet/acre.
<b>Overlay District</b>	N/A
<b>2027 Comprehensive Future Land Use Map Designation</b>	R12-20 (12 to 20 units per acre)
<b>Proposed Zoning</b>	A-L (Apartment Limited Dwelling District) proposed 19 units at a density of 19.59 units/acre

**INTENT**

To rezone the subject property from O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District) with a concurrent variance to allow for the development of 19 multi-family units.

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

1. Variance from Section 109-225 a. b. 1 and 2 of the Stream Buffer Protection Ordinance to reduce the twenty-five (25) foot impervious surface setback to seven (7) feet to allow for the construction of a multi-family building, where necessary to accommodate the portion of the encroachment only.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**201300397 – APPROVAL CONDITIONAL  
201300397 Variance #1- WITHDRAWAL**

**PLANNING COMMISSION RECOMENDATION**

**201300397 – APPROVAL CONDITIONAL  
201300397 Variance #1- WITHDRAWAL**

The application was heard at the June 20, 2013 Planning Commission meeting. The Planning Commission **recommended approval** (5-0, Nickels, Squire, Maziar, Porter and Tart for; Frostbaum absent; Duncan not voting) with staff's conditions.

**MAYOR AND CITY COUNCIL**

The application was heard at the May 21, 2013 Mayor and City Council Meeting. The Council Deferred the case to the June 20, 2013 Planning commission meeting and the July 16, 2013 Mayor and City Council Meeting.

The applicant has resubmitted a site plan on June 7, 2013 moving the majority of the building outside the twenty-five (25) foot impervious setback, which would reduce the twenty-five (25) foot impervious surface setback to seven (7) feet (proposed building encroachment of eight (8) feet and limits of disturbance of ten (10) feet for a total encroachment of eighteen (18)

feet). The applicant has also relocated the fire access drive and the driveway to meet site distance.

### PLANNING COMMISSION RECOMMENDATION

#### 201202498 –DEFERRAL

#### 201202498 Variance #1- DEFERRAL

The application was heard at the April 18, 2013 Planning Commission meeting. The Planning Commission **Recommended Deferral** (4-0, Duncan, Frostbaum, Nickels and Squire for; Maziar, Porter and Tart absent) to the June 20, 2013 Planning Commission and July 16, 2013 Mayor and City Council. The deferral was at the request of the applicant to revise the proposed site plan.

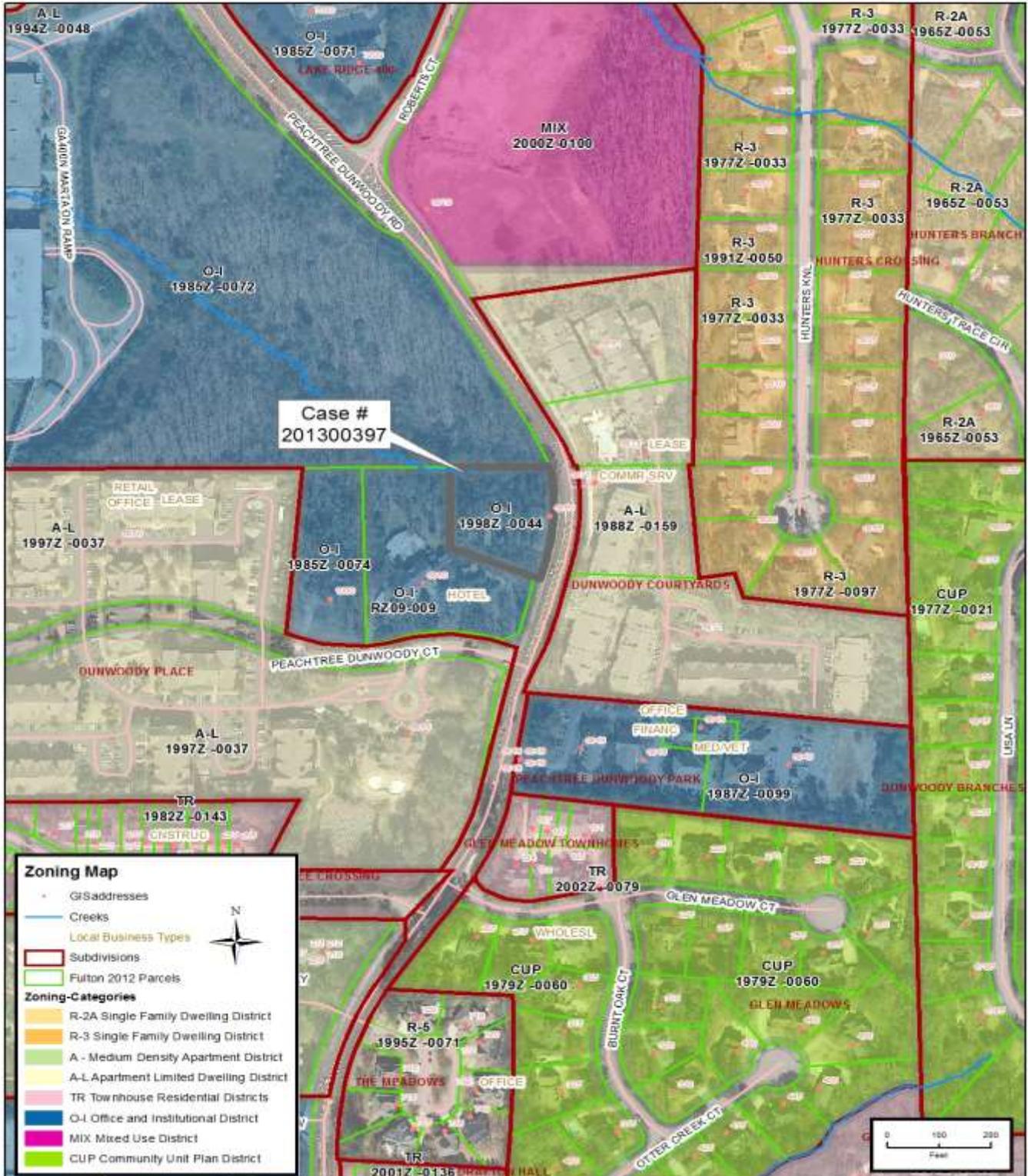
### EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION 201300397	Requested Zoning	Proposed Use	Land Area (Acres)	Units	Density (Square Footage per Acre)
	A-L	Multi-Family	.97	19	19.59 units/ ac

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	O-I conditional Z85-0072	MARTA – 7010 Peachtree-Dunwoody Road	27.70	1,074,760	38,800sqft/ac
East	A-L conditional Z88-0159	Dunwoody Courtyard apartments – 6871 Peachtree-Dunwoody Road	8.50	240 units	28.23 units/acre
Southeast	O-I conditional Z87-0099	Peachtree-Dunwoody Park office park – 6849 Peachtree-Dunwoody Road	4.0213	50,000 square feet	12,557 sf/acre
South & West	O-I	6860 Peachtree Dunwoody Road Place of Worship	2.01	7,430	3,696.52 sf/acre
South	A-L conditional Z97-037	Dunwoody Place apartments – 6850 Peachtree-Dunwoody Road	17.81	398 units	22.35 units/acre
West	O-I conditional Z85-074	Office/Residence	1.16	4,500 sf Or 1 unit	3,879.31 sf/acre Or 0.862 units/acre

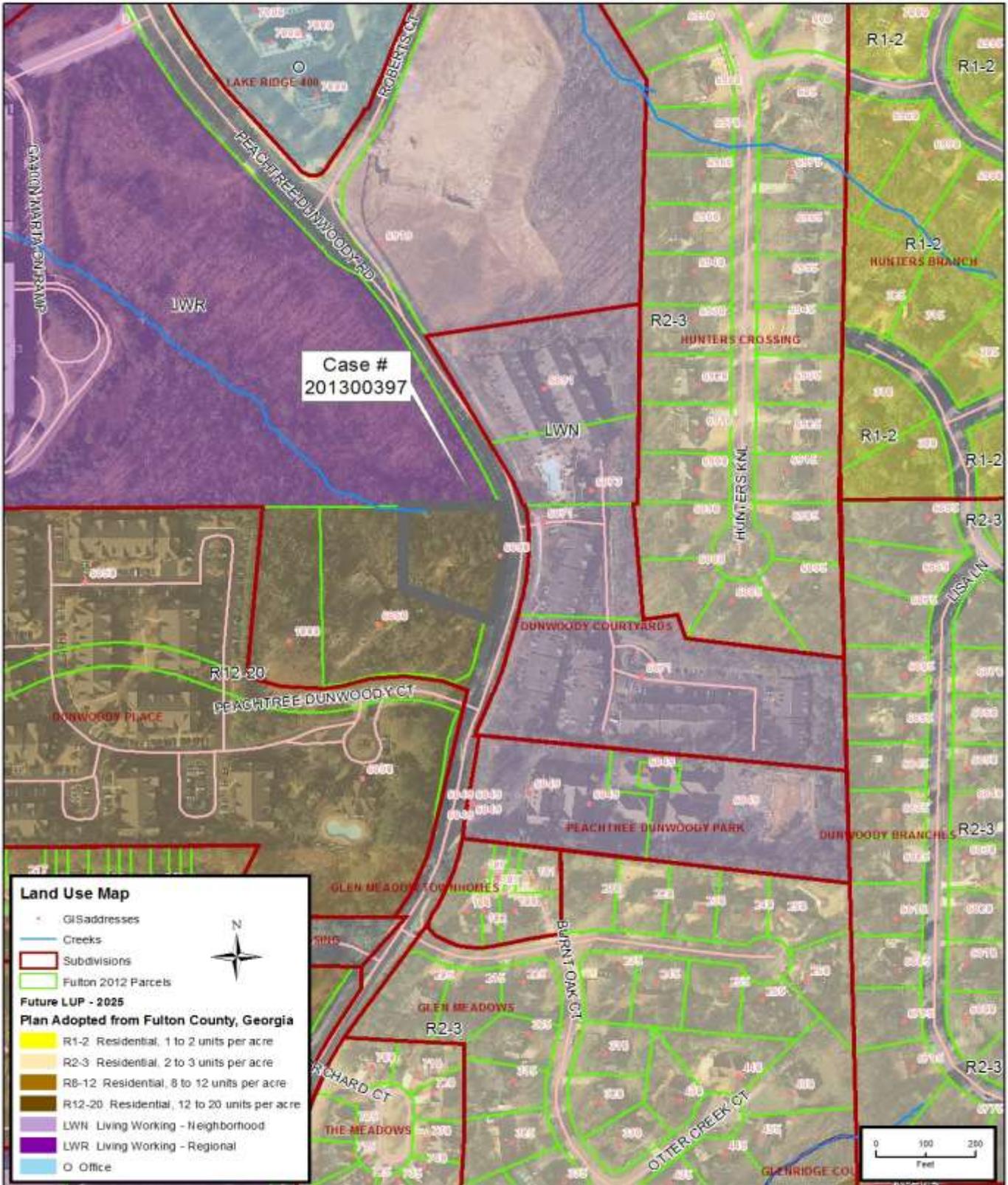
# Zoning Map

## 6890 Peachtree Dunwoody Road



# Future Land Use Map

## 6890 Peachtree Dunwoody Road



## ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: 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 proposal meets the comprehensive plans density range of 12-20 units per acre. The surrounding area consists of: A Marta Station, Apartments, Office and Institutional uses.

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 would not have an adverse impact on the use or usability of adjacent or nearby properties because the use is consistent with adjacent and nearby properties.

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 not result in a use which will cause an excessive or burdensome use of the existing infrastructure. However, the proposed development entrance does not meet the current site distance standards (Section 103-77 of the Development Ordinance). The traffic counts along Peachtree Dunwoody Road meet the thresholds to provide a left turn and a deceleration lane for the proposed project. Also, the driveway should align with the driveway located on the opposite side of the street.

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 the proposed use is consistent with the intent of the future land use plan, which designates the property as R12-20 (Residential 12 to 20 units per acre). The proposed density of 19.59 units an acre does fall into the range suggest by the comprehensive plan. However, the site restriction with the stream buffer and site distance create a challenge to fit 19.59 units an acre on the site. The proposal is increasing the amount of impervious surface in the 50 foot stream buffer by 1,275 square feet and the 75 foot stream impervious setback by 3,697 square feet.

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

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

Finding: The staff is of the opinion that the proposal could permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs. The proposal is increasing the amount of impervious surface in the 50 foot stream buffer by 1,275 square feet and the 75 foot impervious setback by 3,697 square feet. The applicant is providing underground detention on the site, but no other stormwater mitigation to handle the encroachment into the stream buffer.

## VARIANCE CONSIDERATIONS

Section 109.225 of the Sandy Springs Stream Buffer Protection Ordinance provides the following:

Sec. 109-225. Land development requirements.

(b) *Variance procedures.* Variances from subsection (a) of this section may be granted in accordance with the following provisions:

**(3) Variances will be considered only in the following cases:**

*a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted.*

Finding:

*The property's shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffer covers approximately fifty (50) percent of the property. The parcel slopes from south to north towards the stream. The site has a change in elevation of fifty (58) feet. Based on these reasons, staff is of the opinion this condition has been satisfied.*

*b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.*

Finding:

*Staff notes the stream buffer covers approximately fifty (50) percent of the buildable area of the lot. An extreme hardship is presented when strict adherence to the minimal buffer requirement is followed. The applicant has submitted a new plan significantly reducing the encroachment into the twenty-five (25) foot impervious setback. Based on these reasons, staff is of the opinion this condition has been satisfied.*

**(5) The following factors will be considered in determining whether to issue a variance:**

*a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*

Finding:

*The property is rectangular in shape. The parcel slopes from south to north towards the stream. The site has a change in elevation of fifty (58) feet. Staff is of the opinion that the property does exhibit extraordinary and exceptional conditions related to its size, shape, or topography.*

*b. The locations of all streams on the property, including along property boundaries;*

Finding:

*All streams on the property have been identified on the site plan. The stream comes out of a headwall on the*

*northeast portion of the site and runs east to northwest a crossed the site.*

*c. The location and extent of the proposed buffer or setback intrusion;*

**Findings:**

*The proposed building would reduce the required 25 foot impervious surface setback to seven (7) feet (proposed building encroachment of eight (8) feet and limits of disturbance of ten (10) feet for a total encroachment of eighteen (18) feet). All buffer and setback intrusions have been identified on the site plan.*

*d. Whether alternative designs are possible which require less intrusion or no intrusion;*

**Findings:**

*Alternative designs have been discussed with the staff regarding the proposed building location. Therefore, staff is of the opinion this condition has been satisfied.*

*e. The long-term and construction water quality impacts of the proposed variance;*

**Findings:**

*The applicant will be required to use Best Management Practice (BMP) during the construction of the house. The City will monitor the sites BMPs.*

*f. Whether issuance of the variance is at least as protective of natural resources and the environment.*

**Findings:**

*Staff is of the opinion that issuance of the variance is not as protective of the natural resources and environment as the existing site condition.*

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on March 6, 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 and Fulton County Department of Planning and Community Services (see attachments).

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- |                              |  |
|------------------------------|--|
| Transportation Planner       | <ul style="list-style-type: none"> <li>▪ Applicant met with Public Works staff on January 16, 2013. Staff advised applicant at that time that access for 6890 would be required to meet driveway and access requirements of Section 103-73 including:</li> <li>▪ Horizontal and vertical sight distance in accordance with the provisions contained in Section 103-77.</li> <li>▪ Deceleration and left turn lanes. The daily traffic volume on Peachtree Dunwoody Road of 13,340 vehicles per day (2010 count) exceeds the thresholds for deceleration lanes and left turn lanes of 8,000 vpd and 6,000, respectively.</li> <li>▪ Separation and spacing. Driveway should align with other driveway located on the opposite side of the street.</li> <li>▪ The minimum required right-of-way along the Peachtree Dunwoody Road frontage is 80 feet, 40 feet as measured from the centerline or one foot from the back of sidewalk, whichever is greater.</li> <li>▪ Project location frontage is on the City of Sandy Springs Sidewalk Master Plan network. Transportation Master Plan projects D2/D6/E17 recommended modifying Peachtree Dunwoody Road from Abernathy Road to Spalding Drive to provide pedestrian facilities, transit access, bicycle lanes, and landscaping/aesthetic components.</li> </ul> |
| Landscape Architect/Arborist | <ul style="list-style-type: none"> <li>▪ The proposed detention should mitigate the effects of the additional impervious.</li> </ul>   |
-

- There are no GDOT requirements that need to be addressed at this time.

## PUBLIC INVOLVEMENT

### Public Comments

#### Opposition

- Density is too high
- Trash enclosure is in the stream buffer
- Building height is too high
- Concern about increase in traffic
- Property access
- Cut and Fill of land
- Locate the driveway on the south property line to remove it from the stream buffer
- Handle detention with swells and rain gardens (City of Atlanta Stormwater Code)

## CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies, as the proposal involves density that is consistent with abutting and nearby properties. However, the increased amount of impervious surface into the stream buffer is not in harmony with the intent of the Ordinance. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of this petition and **WITHDRAWAL** of the associated concurrent variance.

## STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from O-I (Office and Institutional 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 19.59 units per acre or 19 units, 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 June 20, 2013. Said site plan must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall dedicate 80 feet of right-of-way along entire property frontage of Peachtree Dunwoody Road or, 40 feet as measured from the centerline or one foot from the back of sidewalk, whichever is greater, to the City of Sandy Springs.

**Attachments**

- Letter of Intent received February 8, 2013
- Site Plan dated received June 20, 2013
- Site Plan dated received May 13, 2013
- Site Plan dated received February 27, 2013
- Topography & Tree Plan dated received February 8, 2013
- Revised Site Distance plan dated received May 13, 2013
- Site Photographs
- Additional comments from the Fulton County Board of Education, Fulton County Department of Water Resources, Fulton County Department of Health Services and Fulton County Department of Planning and Community Services

201300397

RECEIVED

FEB 08 2013

LETTER OF INTENT

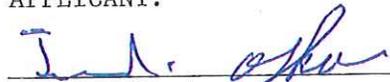
City of Sandy Springs  
Community Development

The subject property contains approximately 0.94954 acres on the westerly side of Peachtree Dunwoody Road just to the south of the MARTA North Springs Station and is known as 6890 Peachtree Dunwoody Road, Sandy Springs, Georgia 30328, (the "Property"). The Property is currently zoned to the O-I Classification.

The Applicant requests a rezoning to the A/L (Apartment Limited) Classification for the development of 19 multifamily units which are intended to be "For Sale" Units. The building within the Units are to be constructed will be four (4) stories over parking. Each Unit will be two bedrooms and containing approximately 1,162 square feet of heated floor area. The Property will be gated. The Property suffers from hardships which are unique to the Property and consist of a lot that is restricted in its shape with severe constraints of topography dropping sharply to a stream at the northerly end of the Property. Accordingly, in order to overcome this series of hardships, the Applicant requests a Concurrent Variance pursuant to Article 109-225(a)&(b)(1)&(2) to reduce the 25' impervious stream to 0' as shown on the Site Plan and to reduce the Sandy Springs 25' Natural Undisturbed Buffer to 10' as shown on the Site Plan. The approval of this Concurrent Variance will not result in any harm to the health, safety and welfare of the general public while conversely requiring the Applicant to comply with the Stream Buffer without the relief requested would place an undue hardship on the Applicant. The approval of this Concurrent Variance would be in harmony with the policies and intent of the Zoning Ordinance. Sandy Springs' Comprehensive Land Use Plan suggests residential development of the Property at a density range of 12 to 20 units per acre with which the Applicant's Rezoning Request complies. Additionally, this Rezoning Request is compatible with the zonings and developments immediately around the Property with A/L zoning and development at 28.23 units per acre directly across Peachtree Dunwoody to the east, O-I zoning and use to the north, west and south and additional multifamily zoning and development further to the west. Accordingly, this Application for Rezoning and Concurrent Variance is entirely appropriate and the appropriateness of this Application for Rezoning and Concurrent Variance and the constitutional assertions of the Applicant are more particularly set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

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

APPLICANT:

  
\_\_\_\_\_  
Javad Oskoei

  
\_\_\_\_\_  
Nathan V. Hendricks III  
Attorney for the Applicant

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

Exhibit "A"

APPROPRIATENESS OF APPLICATION  
AND  
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.



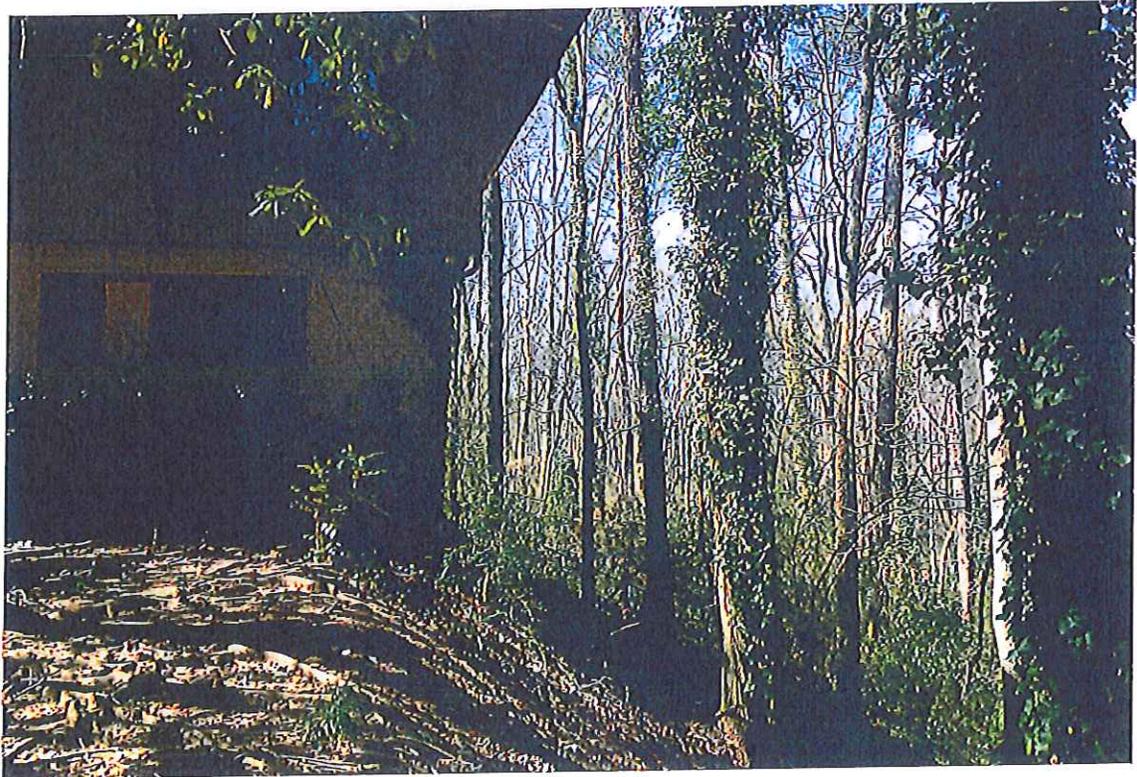


















## MEMORANDUM

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

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

**DATE:** March 8, 2013

**SUBJECT:** Zoning Comments for 201300353 & 201300397

AGENDA ITEM	ZONING COMMENTS
201300353	<p>This proposed full-service doggy daycare facility must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>The Fulton County Department of Health and Wellness requires that this facility be served by public water and public sanitary sewer.</p> <p>This Department recommends that the internal plumbing is inspected and is required to meet applicable laws deeming it adequate for the occupancy and intended use.</p> <p>This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>This Department recommends that the owner/operator utilize proper dog waste disposal methods so has not to cause an environmental or human health hazard.</p>
201300397	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed 19 multi-family units to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>If this proposed development includes a public swimming pool as defined in the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health Services permit to operate the pool prior to opening.</p> <p>If this proposed development includes an outside refuse container and dumpster pad, this department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p>

## Rezoning Impact Statement Fulton County School System

PETITION 201300397

*USE # UNITS*

JURISDICTION: Sandy Springs

SF	0
TR / Condo	0
MF	19

HOME SCHOOL	ESTIMATED # STUDENTS GENERATED	CAPACITY <sup>A</sup>	CURRENT ENROLLMENT <sup>B</sup>	CURRENT UNDER/OVER CAPACITY <sup>C</sup>	# PORTABLE CLASSROOMS	CAN FACILITY MEET DEMAND?***
Woodland ES	3 to 4	1000	914	-86	4	YES
Sandy Springs MS	1 to 1	875	893	18	4	NO
North Springs HS	1 to 2	1775	1,644	-131	0	YES
TOTAL	5 to 7					

<b>HS REGION:</b> North Springs HS	AVERAGE	AVERAGE + 1 STD. DEV.	
<i>One single family unit generates:</i>	0.062697	0.149245	<i>elementary school students per unit</i>
	0.01111	0.033453	<i>middle school students per unit</i>
	0.050219	0.101519	<i>high school students per unit</i>
<i>One multifamily or apartment unit generates:</i>	0.146447	0.224431	<i>elementary school students per unit</i>
	0.032978	0.056267	<i>middle school students per unit</i>
	0.061185	0.100275	<i>high school students per unit</i>
<i>One residential town home unit generates:</i>	0.060807	0.122144	<i>elementary school students per unit</i>
	0.017584	0.039382	<i>middle school students per unit</i>
	0.034729	0.065516	<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

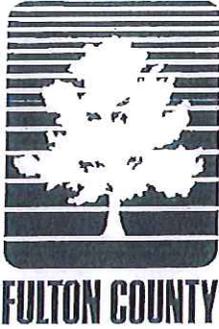
<sup>A</sup> Updated Georgia Department of Education state capacity.

<sup>B</sup> Enrollment is the official 20-day student count for the 2012-13 school year.

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

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

\*\* Impact based on 2012-13 school boundaries. Does not take portables into account.



Department of Planning and Community Services  
Fulton County Government Service Center at Fulton Industrial  
5440 Fulton Industrial Boulevard  
Atlanta, GA 30336

February 21, 2013

Linda Abaray, Senior Planner  
City of Sandy Springs  
Department of Community Development  
Planning and Zoning Division  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

Dear Ms. Abaray:

I am in receipt of your zoning package soliciting comments on the upcoming City of Sandy Springs zoning agenda for the April Planning Commission and May Mayor and City Council Meetings. I have reviewed all items within the package and find none of them have a significant impact on Unincorporated Fulton County. Thank you for the opportunity to review the requests.

Sincerely,

A handwritten signature in blue ink that reads "Randy Beck". The signature is fluid and cursive.

Randy Beck, Director  
Planning and Community Services

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 housing unit x 19 units = 5,130 gallons per day

This project is within the City of Atlanta water jurisdiction.

**SEWER:**

Basin: Marsh Creek

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

Anticipated sewer demand: 4,617 gallons per day

There is a wastewater manhole 90 feet east of the northeast property corner of 6890 Peachtree Dunwoody Road (SMMA0602770) located in Land Lot 20, 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.

SMMA0602770




 Prepared by Fulton County Department of  
 Environment and Community Development  
 Support Services Division  
 Geographic Information System

Fulton County provides the data within this page for your personal use "as is".  
 The data is not guaranteed to be accurate, correct, or complete.



Date: 01\_23\_05



**Akbar, Abdul**

**From:** Abaray, Linda <LAbaray@sandyspringsga.gov>  
**Sent:** Wednesday, February 20, 2013 2:41 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:** City of Sandy Springs Preliminary Zoning Agenda  
**Attachments:** 201300353 6445 Roswell Rd -Focus.pdf; 201300397 6890 Peachtree Dunwoody Rd-Focus.pdf

All:

Please be advised, the material details the zoning petitions received on or before the February 5, 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)

Zoning Agenda				
Agenda Item	Council District	Meeting Dates**	Staff Recommendation	Planning Commission Recommendation
<b>Rezoning:</b>				
1. <del>201300353 6445 Roswell Road Applicant: Lindsay Warren ▪ To rezone from C-1 (Commercial Business District) to C-2 (Commercial District) with a Use Permit and concurrent variances.</del>	4	<del>CZIM - 2/26/13 CDRM- 3/28/13 PC-4/18/13 MCC - 5/21/13</del>	TBD	TBD
2. 201300397 6890 Peachtree Dunwoody Road Applicant: Javad Oskoei ▪ To rezone from O-1 (Office and Institutional District) to A-L (Apartment Limited Dwelling District), with concurrent Variances	4	CZIM - 2/26/13 CDRM- 3/28/13 PC-4/18/13 MCC - 5/21/13	TBD	TBD

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

Report for Tax Digest 2010

Tax Digest 2010

Tax Digest 2010  
 Parcel Id Number 17 -0020-0001-001-7  
 Property Address 6890 PEACHTREE  
 DUNWOODY RD  
 Owner Name PDC LLC  
 Mailing Address 3390 PEACHTREE RD NE  
 STE 106  
 ATLANTA GA 30326 1108

Tax Digest Not Yet Complete  
Try earlier Digests for more info

Tax District 59 (Sandy Springs)  
 Market Value \$ 488,800  
 Assessment \$ 195,520

City of Atlanta Exemption Code  
 Fulton County Exemption Code

Land Assessment  
 Improvement Assessment  
 Land Size (acres) 0.960  
 Property Class R3  
 Landuse Class 101

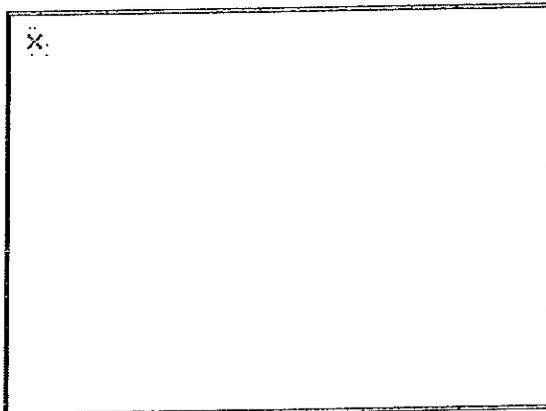
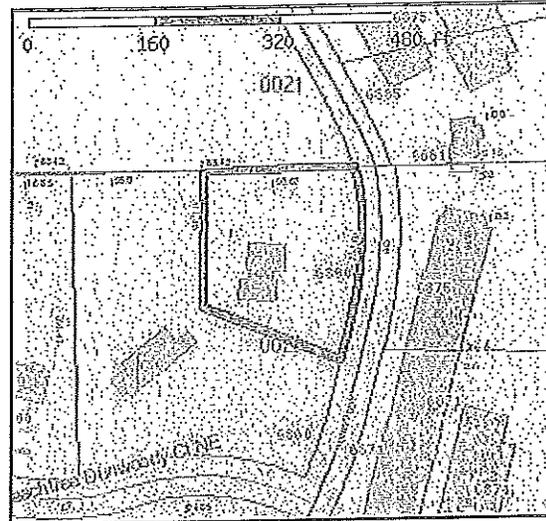
More info from [www.fultonassessor.org](http://www.fultonassessor.org)



Red markers indicate location of property in Fulton County



Information provided by the  
Fulton County Board of Assessors



click image to enlarge

201300397

RECEIVED

FEB 08 2013

LETTER OF INTENT

The subject property contains approximately 0.94954 acres and is located on the westerly side of Peachtree Dunwoody Road just to the south of Peachtree North Springs Station and is known as 6890 Peachtree Dunwoody Road, Sandy Springs, Georgia 30328. (the "Property"). The Property is currently zoned to the O-I Classification.

The Applicant requests a rezoning to the A/L (Apartment Limited) Classification for the development of 19 multifamily units which are intended to be "For Sale" Units. The building within the Units are to be constructed will be four (4) stories over parking. Each Unit will be two bedrooms and containing approximately 1,162 square feet of heated floor area. The Property will be gated. The Property suffers from hardships which are unique to the Property and consist of a lot that is restricted in its shape with severe constraints of topography dropping sharply to a stream at the northerly end of the Property. Accordingly, in order to overcome this series of hardships, the Applicant requests a Concurrent Variance pursuant to Article 109-225(a)&(b)(1)&(2) to reduce the 25' impervious stream to 0' as shown on the Site Plan and to reduce the Sandy Springs 25' Natural Undisturbed Buffer to 10' as shown on the Site Plan. The approval of this Concurrent Variance will not result in any harm to the health, safety and welfare of the general public while conversely requiring the Applicant to comply with the Stream Buffer without the relief requested would place an undue hardship on the Applicant. The approval of this Concurrent Variance would be in harmony with the policies and intent of the Zoning Ordinance. Sandy Springs' Comprehensive Land Use Plan suggests residential development of the Property at a density range of 12 to 20 units per acre with which the Applicant's Rezoning Request complies. Additionally, this Rezoning Request is compatible with the zonings and developments immediately around the Property with A/L zoning and development at 28.23 units per acre directly across Peachtree Dunwoody to the east, O-I zoning and use to the north, west and south and additional multifamily zoning and development further to the west. Accordingly, this Application for Rezoning and Concurrent Variance is entirely appropriate and the appropriateness of this Application for Rezoning and Concurrent Variance and the constitutional assertions of the Applicant are more particularly set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

