





To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

Date: June 7, 2013 for submission onto the June 18, 2013 City Council meeting

Agenda Item: 201300662 6558 Roswell Road a request to rezone the subject property from A-O (Apartment Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment-Limited Dwelling District) to allow for the development 295 apartments at a density of 35.72 units per acre.

*Department of Community Development Recommendation:*

DEFERRAL of a request to rezone the subject property from A-O (Apartment Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment-Limited Dwelling District) to allow for the development 295 apartments at a density of 35.72 units per acre.

*Background:*

The subject site is located in the west side of Roswell Road. The properties are currently zoned A-O (Apartment Office District) and R-3 (Single Family Dwelling District). The property contains approximately 7.699 acres.

Existing			
Units	Density	Height	Bedrooms
112	14.55 units/ac	2 Stories	216

Proposed			
Units	Density	Height	Bedrooms
275	35.72 units/ac	4 Stories	381

*Discussion:*

The case was heard at the March 28, 2013 Design Review Board meetings. The Board **Recommendation for Approval** (6-0, Porter, Ealick-Anderson, Richard, Landeck, Mobley, and Roberts; Lichtenstein not voting; absent) subject to the following conditions: 1)

- 1) Complex should be limited to one (1) and two (2) bedroom units, with no three (3) bedroom units;
- 2) Density should be more in line with that of the Comprehensive Land Use Plan, with twenty (20) units per acre, but could be increased by twenty (20) percent;
- 3) Exterior of all buildings should be limited to brick, stone, hard coat stucco, and hardiplank, with no wood;
- 4) Ceiling heights should be nine (9) feet;

- 5) The required fifty (50) foot buffer and ten (10) foot improvement setback shall remain intact;
- 6) Applicant should conduct a traffic study;
- 7) The proposed six (6) foot aluminum fence should be a condition of approval;
- 8) A landscape plan should be submitted to ensure significant buffering and plantings;
- 9) An elevation for Roswell Road that shows a shorter building, at the roofline closest to the street, should be submitted;
- 10) Lighting installed adjacent to neighboring residential developments shall be shielded and positioned to minimize impacts to neighboring landowners.

The case was heard at the May 16, 2013 Planning Commission meeting. The Planning Commission **Recommend Deferral** (6-0, Frostbaum, Nickels, Squire, Maziar, Porter and Tart for; Duncan not voting) to the June 20, 2013 Planning Commission meeting, to allow the applicant time to work with the neighbors.



**Rezoning Petition No. 201300662**

**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>
March 28, 2013	April 25, 2013	May 16, 2013	June 18, 2013

**APPLICANT/PETITIONER INFORMATION**

<b>Property Owners</b>	<b>Petitioner</b>	<b>Representative</b>
Roswell Road Redevelopment, LLC	Cortland Development, LLC	Nathan V. Hendricks

**PROPERTY INFORMATION**

<b>Address, Land Lot, and District</b>	6558 Roswell Road Land Lot 88, District 17
<b>Council District</b>	3
<b>Frontage:</b>	Approximately 772.55 feet along the west side of Roswell Road (SR9)
<b>Area:</b>	7.699 acres
	A-O (Apartment Office District) and R-3 (Single Family Dwelling District)

**Existing Zoning and Use**

Units	Density	Height	Bedrooms
112	14.55 units/ac	2 Stories	216

<b>Overlay District</b>	Main Street District
<b>2027 Comprehensive Future Land Use Map Designation</b>	Live Work Community (LWC), Node 9: Roswell Road and Vernon Woods (Uptown)
	A-L (Apartment Limited Dwelling District)

**Proposed Zoning**

Units	Density	Height	Bedrooms
275	35.72 units/ac	4 Stories	381

**INTENT**

To rezone the subject property from A-O (Apartment Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment-Limited Dwelling District) to allow for the development 295 Apartments at a density of 35.72 units per acre.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**201300662 - APPROVAL CONDITIONAL**

**DESIGN REVIEW BOARD RECOMMENDATION**

**Recommendation for Approval** (6-0, Porter, Ealick-Anderson, Richard, Landeck, Mobley, and Roberts; Lichtenstein not voting; absent) subject to the following conditions:

- 1) Complex should be limited to one (1) and two (2) bedroom units, with no three (3) bedroom units;
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- 8) A landscape plan should be submitted to ensure significant buffering and plantings;
- 9) An elevation for Roswell Road that shows a shorter building, at the roofline closest to the street, should be submitted;
- 10) Lighting installed adjacent to neighboring residential developments shall be shielded and positioned to minimize impacts to neighboring landowners.

**PLANNING COMMISSION RECOMMENDATION**

**201300662 -DEFERRAL**

Recommend Deferral (6-0, Frostbaum, Nickels, Squire, Maziar, Porter and Tart for; Duncan not voting) to the June 20, 2013 Planning Commission meeting, to allow time for the applicant to meet with the neighborhood.

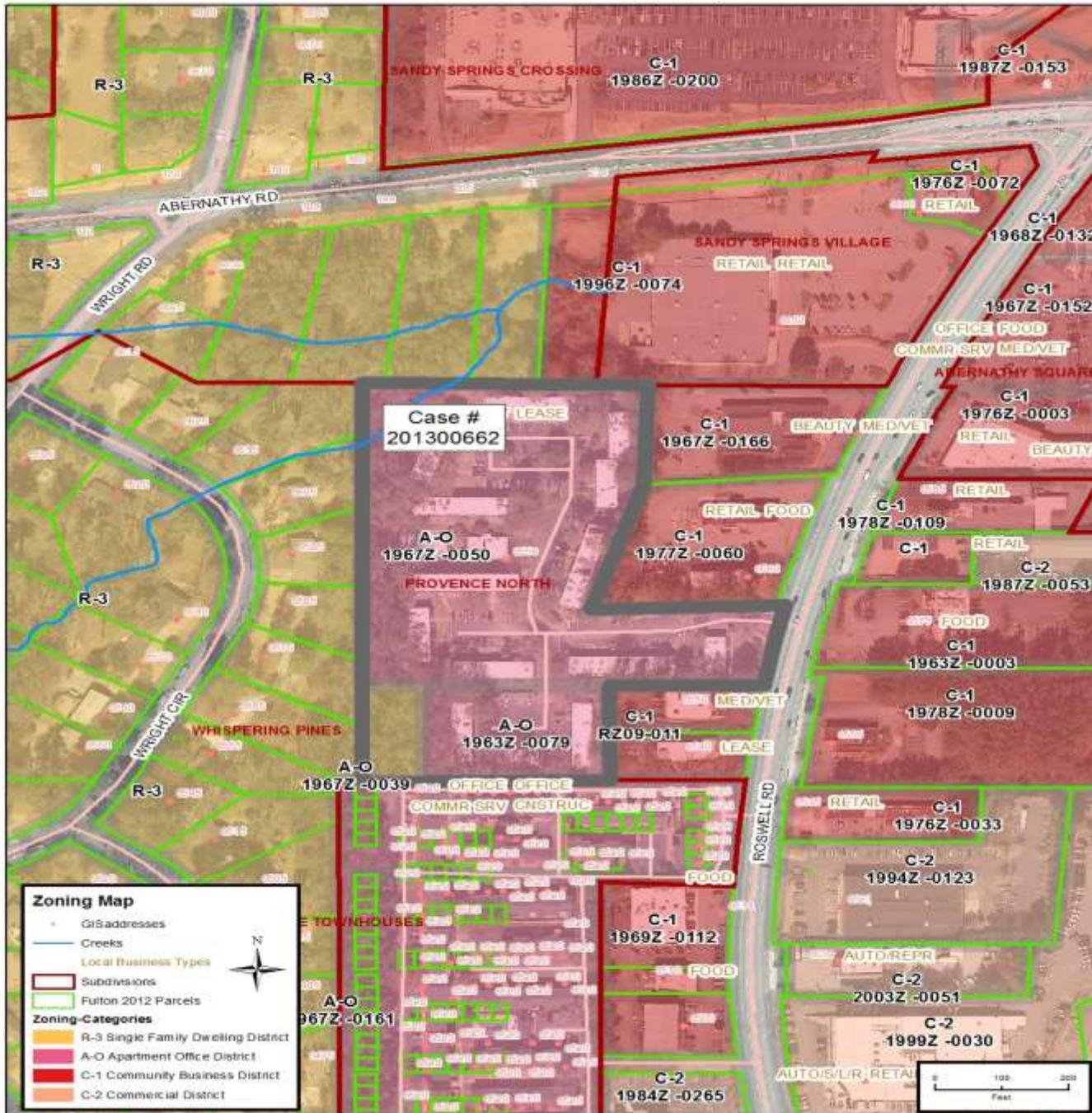
**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

SUBJECT PETITION 201300397	Requested Zoning	Proposed Use	Land Area (Acres)	Units	Density (Square Footage per Acre)
	A-L	Multi-Family	7.699	295	38.32 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	R-3	Abernathy Greenway	-	-	-
North	C-1 Z1996-0074	6650 Roswell Road Sandy Springs Village	4.013	±40,368	±10,059 sf/ acre
Northeast	C-1 conditional Z67-0166	6600 Roswell Road Commercial	1.311	17,820	±13,592 sf/ acre
Northeast	C-1 conditional Z77-0060	6550 Roswell Road Taco Bell / Midas	1.55	7,374	±4,757 sf/ acre
East	C-1 conditional Z63-0003	6575 Roswell Road	.8035	3,710	±4,617 sf/ acre
Southeast	C-1 conditional RZ09-011	6550 Roswell Road Medical Office	.47	5,583	±11,878 sf/ acre
Southeast	C-1 conditional Z72-0053	6540 Roswell Road	.43	2,442	±5,679 sf/ acre
South	A-O Z67-0039	6520 Roswell Road	7.64	116 Units	15 units/ acre
West	R-3	6565, 6575, 6585, 6595, 6605, 6615 Wright Cir	±2.93	6	±2.04 units/ acre

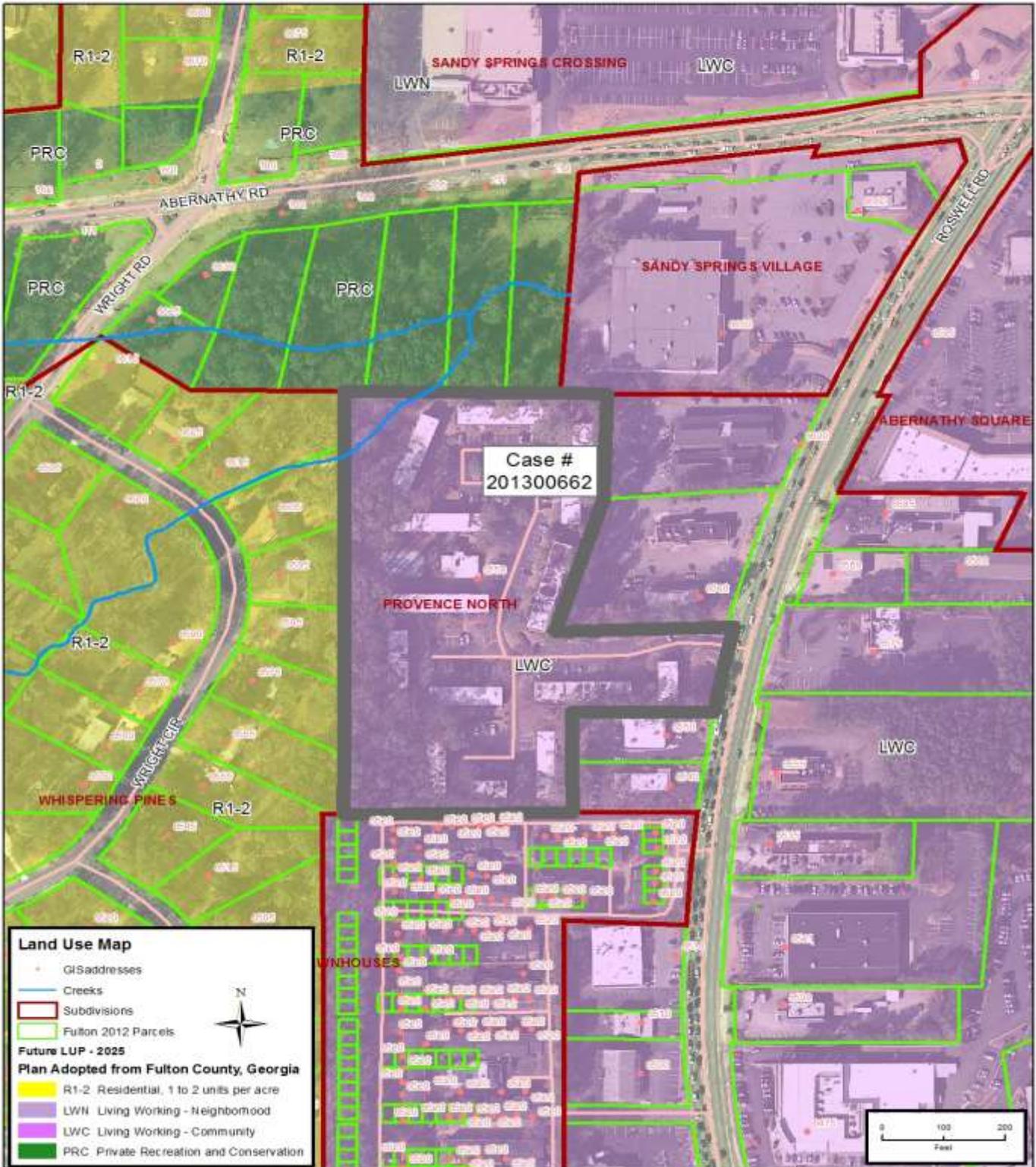
# Zoning Map

## 6558 Roswell Road (SR 9)



# Future Land Use Map

## 6558 Roswell Road (SR 9)



## ZONING IMPACT ANALYSIS

The applicant's intent is to rezone the subject property from A-O (Apartment Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment-Limited Dwelling District).

Units	Density	Height	Bedrooms
275	35.72 units/ac	4 Stories	381

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 surrounding area consists of: Abernathy Greenway and retail/commercial uses to the north, retail/commercial uses to the east, townhomes to the south and residential single family to the west. The proposed use provides appropriate transition from the commercial corridor along Roswell Road to the single family neighborhood to the west.

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 if approved with recommended conditions will not have an adverse impact on the use or usability of adjacent or nearby properties because the use would be consistent with the recommended density of 20 units/acre in the Live-Work Community, Node 9, Roswell Road and Vernon Woods (Uptown). The proposal is for a density of 35.72 units/acre. Staff has recommended a density of 20 units per acre based on the redevelopment policies of the Comprehensive Plan.

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 driveway should align with the driveway located on the opposite side of the street. The existing site does not have a stormwater management system and encroaches into the stream buffer. The proposed development will be required to meet all current City codes and ordinances, which will require a stormwater management system and includes the removal of existing stream buffer encroachments. The Fulton County school impact report is attached.

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 if approved with recommended conditions is consistent with the intent of the future land use plan, which designates the property as LWC (Live-Work Community), Node 9: Roswell Road and Vernon Woods (Uptown). The proposed density of 35.72 units/acre does not fall into the range suggested by the Comprehensive Plan. The density recommendation for Node 9 is 20 units/acre. Per the Comprehensive Plan, this

Node is designated for a residential density of 20 units per acre or less and a maximum building height of four stories. The Plan calls for a minimum of 15% of the site to be maintained as open and green space. The plan further notes that achievement of maximum densities the project should be supported by the elimination of or consolidation of curb cuts, providing inter-parcel access and meeting or exceeding recommended open space. The applicant is proposing 28% open space and green space totaling 18%, which is just slightly above the minimum designated in the plan. As such, the staff is recommending a density of 20 units per acre consistent with the Comprehensive Plan designation. Staff is recommending a density of 20 units per acre.

Existing units	Proposed Units	Existing Density	Proposed Density	Comprehensive Plan
112	275	Residential – 14.55 units/ac Height- 2 stories	Residential – 35.72 units/ac Height- 4 stories	<b>LWC (Node 9)</b> Residential- 20 unit/ac or less Height- 4 stories

**Node 9: Roswell Road and Vernon Woods Drive (Uptown)**

Boundaries:

- Properties with frontage along Roswell Road, from the north side of Sandy Springs Circle to the south, to those properties immediately abutting the Abernathy Road/Roswell Road intersection on the north, but not including those properties.

Vision:

1. The area is characterized by narrow lots with frontage on Roswell Road.
2. The assemblage of multiple properties is not necessarily encouraged in this area; however, the elimination of individual curb cuts and increased interparcel access is supported.
3. The area should incorporate a mix of less dense office and residential uses; however, it is not necessary to develop both office and residential uses on a single parcel.

Guidelines and Policies:

1. Residential density should be 20 units per acre or less. Commercial and office densities should be 25,000 square feet per acre or less. There should be a maximum building height of four (4) stories. At least 10% of a site shall be maintained as open space.
2. An ability to achieve maximum densities should be supported by the elimination of consolidate of curb cuts, providing interparcel access, and meeting or exceeding recommended open space.

*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 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. Additionally, the encroachments into the stream buffer will be reduced.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on April 3, 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).

Transportation Planner	<ul style="list-style-type: none"> <li>▪ Proposed driveway shall align with driveway across the street to avoid left turning conflicts. Proposed driveway shall meet sight distance requirements of Section 103-77 of the Development Ordinance. Proposed deceleration lane does not appear to meet standard. Acceleration lane north of property shall be removed and deceleration lane added that meets requirements of Section 103-73. Driveway shall maintain at least 100 feet of uninterrupted ingress/egress from the edge of the travel lane on Roswell Road. ADA-compliant path shall be provided from sidewalk to sight arrival point(s). Overlay district requires bicycle parking. Note that work within the right-of-way shall require a Georgia DOT encroachment permit.</li> <li>▪ The City is constructing CIP project T-0012 along property frontage. Applicant should coordinate with Public Works regarding T-0012 construction which is slated for 2013.</li> </ul>
Site Development	<ul style="list-style-type: none"> <li>▪ Development shall comply with the Georgia Stormwater Management Manual Stormwater Runoff Quality Standard by providing practices that treat the water quality volume by infiltration and/or evapotranspiration.</li> </ul>
Fire	<ul style="list-style-type: none"> <li>▪ Fire sprinklers are required by Chapter 22 of the City Ordinance.</li> <li>▪ Fire Hydrants will be required by the IFC.</li> </ul>
Code Enforcement	<ul style="list-style-type: none"> <li>▪ 6558 Roswell Road- The fence needs to be replaced or repaired between the property and the neighboring homes. This was a complaint from a neighboring homeowner. A notice of violation was issued to the new owner with a compliance date of 4/15/2013</li> </ul>
Georgia Department of Transportation	<ul style="list-style-type: none"> <li>▪ There are no GDOT requirements that need to be addressed at this time.</li> </ul>

## PUBLIC INVOLVEMENT

### Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 28, 2013 at the Sandy Springs City Hall
- Community/Developer Resolution Meetings held April 25, 2013 at the Sandy Springs City Hall

### Public Comments

#### **Opposition**

- Density is too high
- Rear elevation/ cross section
- Single renter
- Evergreen plantings to screen view from the residential properties
- Noise
- Guidelines for residence
- Provide access to the park
- Rain Garden an swells to handle stormwater along the edge of the parking lot
- Pull stormwater detention away from stream buffer
- Landscape islands with rain gardens

### Notice Requirements

The petition will be advertised on May 8, 2013 (Sandy Springs Neighbor) and May 3, 2013 (Sandy Springs Reporter). The applicant posted a sign issued by the Department of Community Development along the frontages of Peachtree Dunwoody Road on April 12, 2013.

### Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 18, 2013.

## CONCLUSION TO FINDINGS

The Comprehensive Plan clearly supports the redevelopment of older, obsolete apartment complexes. The Plan notes that the designation of areas in in the Living Working Category was done so to encourage redevelopment. It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies. However, the proposed density of 35.72 units per acre is significantly higher than the 20 units per acre designated for this property in the Comprehensive Plan. As such, staff is recommending a density of 20 units per acre. 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 A-O (Apartment Office District) and R-3 (Single Family Dwelling 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 20 units per acre or 150 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 March 12, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall align with driveway across the street to avoid left turning conflicts.

### Attachments

- Letter of Intent received March 12, 2013
- Site Plan dated received March 12, 2013
- Elevations dated received March 12, 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
- Letters of Opposition

LETTER OF INTENT

201800662

The property contains approximately 7.699 acres and is located on the westerly side of Roswell Road just south of its intersection with Abernathy Road and is commonly known as 6558 Roswell Road, Sandy Springs, Georgia 30328 (the "Property").

The Property is presently zoned to the R-3 and A-0 Classifications and is developed as an apartment complex containing 112 large units. The Property is terribly stressed and aged and with one building being vacant due to previous fire damage. The Applicant requests a rezoning to the A/L Classification for the development of 275 high end built to condominium grade units which shall be a mix of one and two bedroom units. The units shall be individually metered with 9 foot ceilings, granite or comparable grade counter tops and stainless fronts to appliances. The amenity package consists of a swimming pool and club house. The buildings shall provide drive under parking thus reducing the amount of surface parking required. Also it is to be noted on the Site Plan submitted simultaneously herewith a 50 foot natural undisturbed buffer along the west Property line. The Property is designated on the Sandy Springs Comprehensive Land Use Plan in a Live/Work Community area. The suggested level of residential density under this designation is up to 20 units per acre and the density requested by the Applicant of 35.72 units per acre exceeds this level. However, the residential Community proposed by the Applicant displaces an apartment complex essentially in a blighted condition which proposed redevelopment is in keeping with the policies and intent of the City of Sandy Springs for such areas. It is also to be noted on the Site Plan that the amount of green and open space exceeds that suggested for the Live/Work Community designation and meets that suggested under the Live/Work Regional designation. Accordingly, this Application for Rezoning is entirely appropriate and the appropriateness of this Application for Rezoning and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

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

**RECEIVED**

MAR 04 2013

City of Sandy Springs  
Community Development

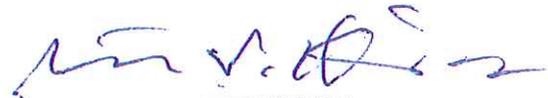
APPLICANT:

Cortland Development LLC

By:



Steven J. DeFrancis  
Its: CEO



Nathan V. Hendricks III  
Attorney for the Applicant

6085 Lake Forrest Drive  
Suite 200  
Sandy Springs, Georgia 30328

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.

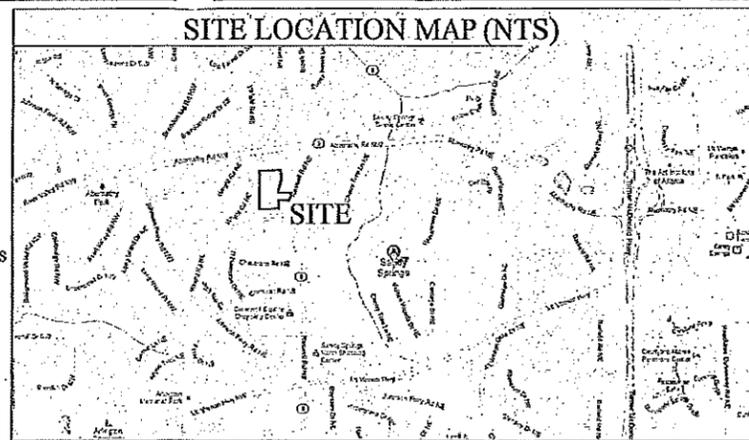
A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph 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.

**ZONING NOTES:**

- ZONING NOTES:
1. THE PROPOSED DEVELOPMENT IS TO HAVE UNDERGROUND DETENTION & WATER QUALITY SYSTEM FOR STORMWATER PROTECTION
  2. THE SITE IS SERVICED FOR WATER AND SANITARY SEWER BY FULTON COUNTY.
  3. GAS AND ELECTRIC UTILITIES ARE LOCATED IN THE RIGHT OF WAY OF ROSWELL ROAD.
  4. THERE IS A STREAM LOCATED ON THE SITE, NO WETLANDS FOUND.
  5. THE EXISTING SITE CONSISTS OF 112 MULTI-FAMILY LARGE FLOOR PLAN UNITS THAT ARE AGED APARTMENT UNITS THAT WILL BE DEMOLISHED.

24 HOUR CONTACT:  
JIM KNIGHT @ 404-290-6778

**SITE LOCATION MAP (NTS)**



**SITE DATA:**

TOTAL SITE AREA	7.699 ACRES
ZONING	
EXISTING ZONING	A-O Apartment / Office & R-3
PROPOSED ZONING	A-1 LIMITED DWELLING MAIN STREET OVERLAY CITY OF SANDY SPRINGS
ZONING JURISDICTION	CITY OF SANDY SPRINGS
DEVELOPMENT TYPE	
TOTAL MULTI-FAMILY UNITS	275 UNITS
TOTAL DENSITY	35.72 UNITS/AC
MAX. HEIGHT	60 FEET/4 Stories
MAX. LOT COVERAGE	70% OF TOTAL LAND
MIN. HEATED FLOOR AREA BY CODE	PER UNIT
1-BEDROOM	500 SF
2-BEDROOM	600 SF
EFFICIENCY	400 SF
SETBACK AND BUFFER SUMMARY	
FRONT YARD SETBACK	40 FEET
FRONT YARD LANDSCAPE STRIP	40 FEET
SIDE YARD SETBACK	20 FEET
REAR YARD SETBACK	20 FEET
REAR BUFFER AGAINST LESS RESTRICTIVE	50 FEET / 10 FT Improvement
SIDE BUFFER AGAINST LESS RESTRICTIVE	25 FEET / 10 FT Improvement
STREAM BUFFER	50' Undisturbed / 25' Impervious
STATISTICS SUMMARY	
TOTAL AREA OF SITE	7.699 AC / 335,368.4 SF
BUILDING AREA	75,718 SF / 22.58%
TOTAL PARKING (1.4-1.84 / 2-2B4)	53,622 SF / 15.99%
STREETS AND SIDEWALKS	75,238 SF / 22.44%
TOTAL IMPERVIOUS SURFACE	214,080 SF / 63.8%
LANDSCAPING AND OPEN SPACE	121,288.4 SF / 36.2%
FLOOD PLAIN	N/A-see FEMA Map
TOTAL GREEN SPACE	18.1 % (60,634.8 SF)
TOTAL OPEN SPACE	28.0 % (93,881.0 SF)
PARKING SUMMARY	
MAIN STREET OVERLAY REQUIRED	1 SPACE PER UNIT
PARKING REQUIRED	275 SPACES
PARKING PROVIDED	366 SPACES 1.33 SP / UNIT

**Redevelopment of Provence North-6558 Roswell Rd**  
A MASTER PLANNED TOWHOME REDEVELOPMENT COMMUNITY

FOR  
**CORTLAND PARTNERS**  
3424 PEACHTREE ROAD NE  
SUITE 300  
ATLANTA, GEORGIA 30326  
PHONE: 404-290-6778

CITY OF SANDY SPRINGS  
FULTON COUNTY  
GEORGIA

**"WE PROVIDE SOLUTIONS"**  
**PLANNERS AND ENGINEERS COLLABORATIVE**  
SITE PLANNING & LANDSCAPE ARCHITECTURE & CIVIL ENGINEERING & LAND SURVEYING  
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**REVISIONS:**

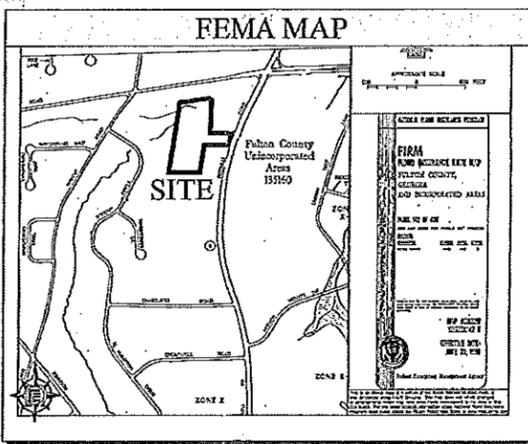
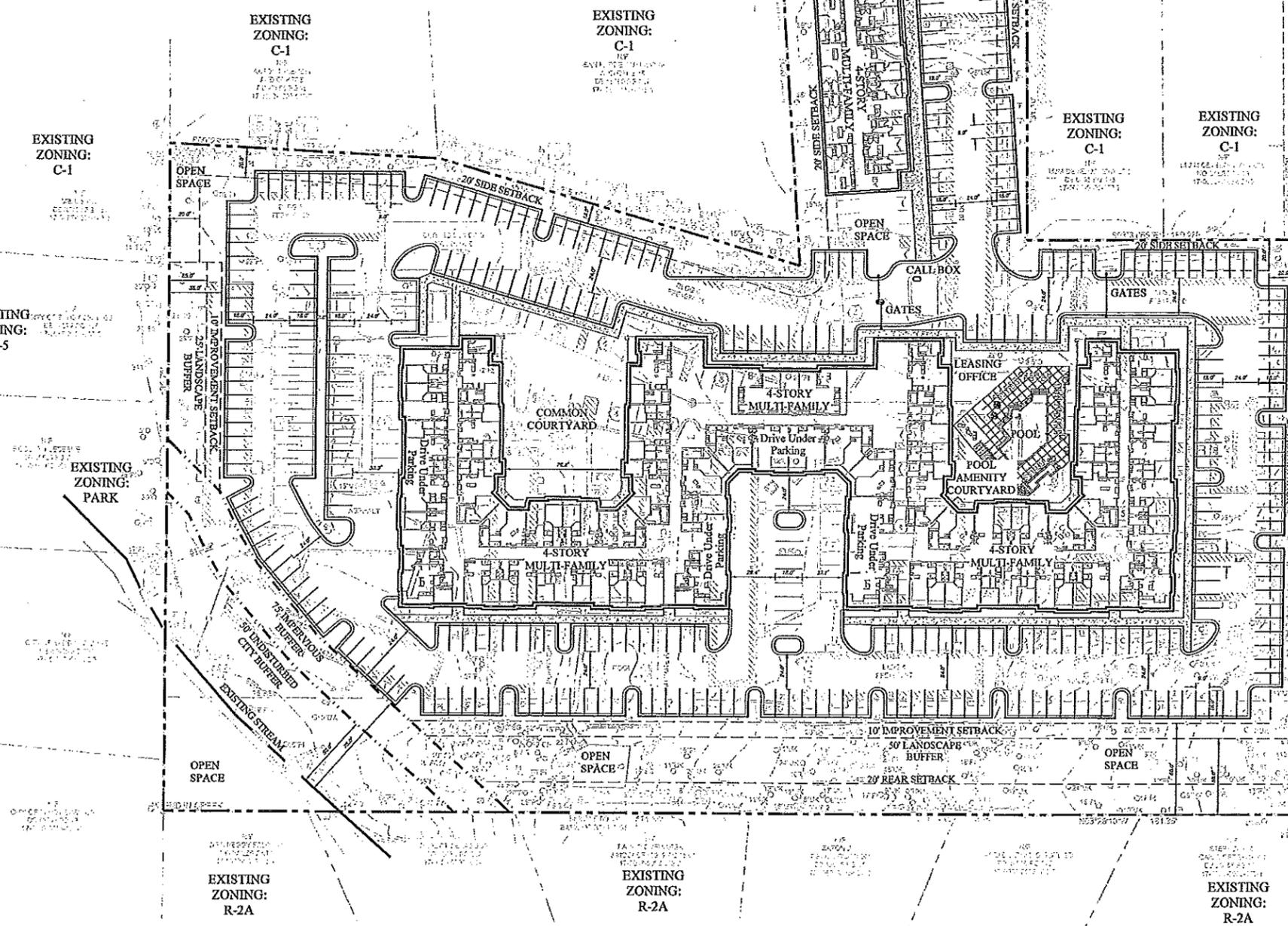
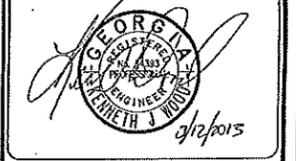
NO.	DATE	BY	DESCRIPTION
1	02-12-2013	JW	AS-BUILT BUILDING LAYOUT/DETAILS

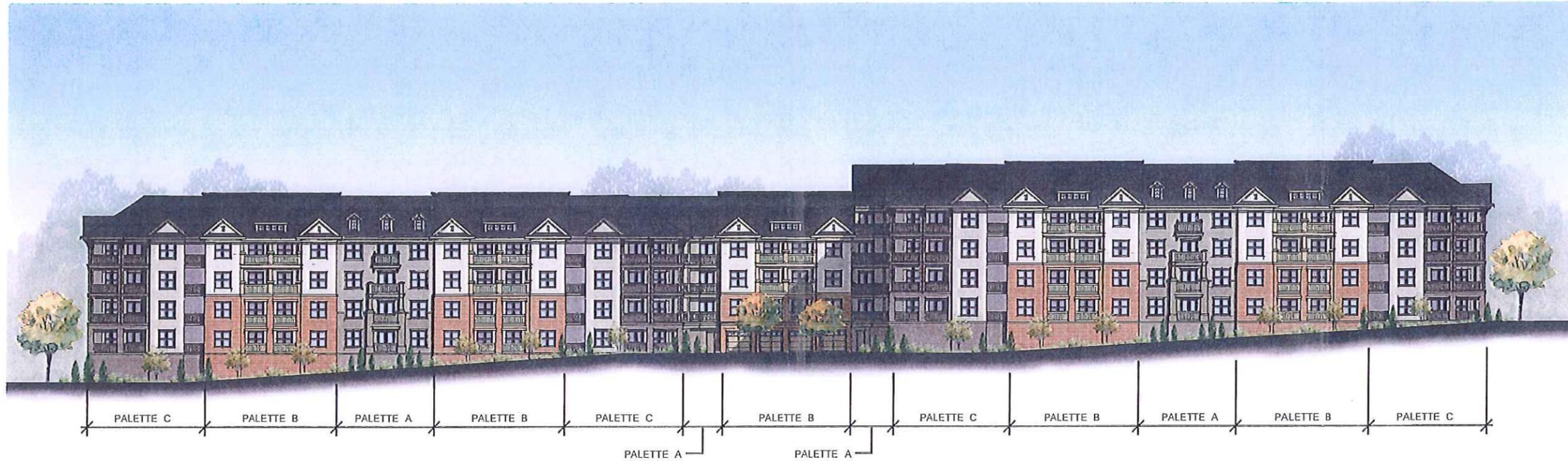
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**SHEET TITLE**  
**REZONIG SITE PLAN**

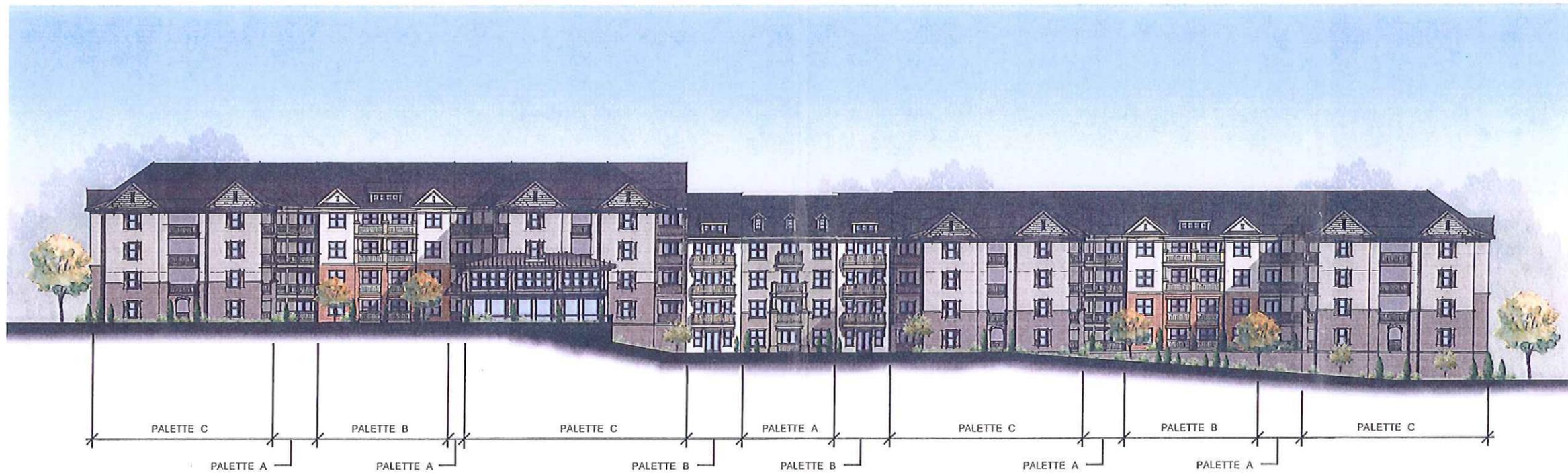
SCALE: 1" = 40'  
DATE: February 12, 2013  
PROJECT: 13043.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.





WEST ELEVATION

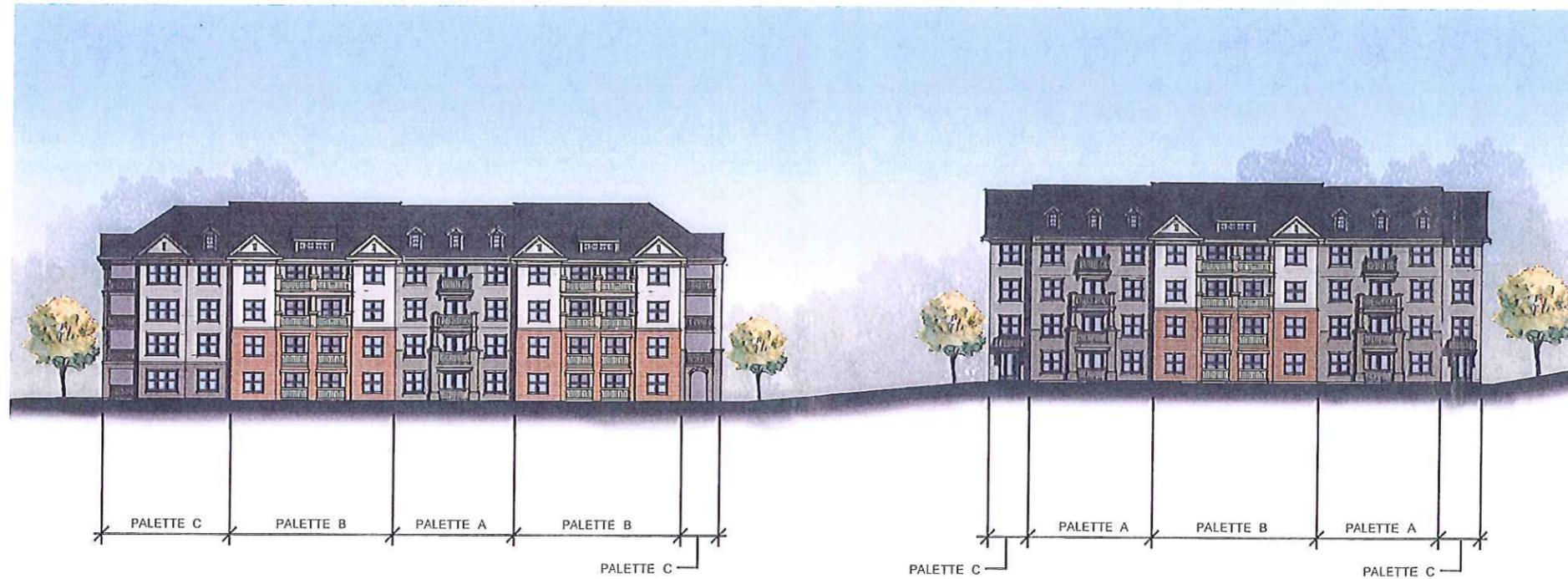


EAST ELEVATION

SCHEMATIC ZONING ELEVATIONS

201300662  
 RECEIVED  
 MAR 12 2013

City of Sandy Springs  
 Community Development



SOUTH ELEVATION



NORTH ELEVATION

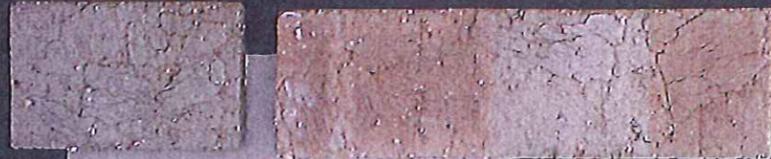
201300662  
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MAR 18 2013

City of Sandy Springs  
Community Development

SCHEMATIC ZONING ELEVATIONS

PALETTE C



CHEROKEE BRICK - SAND HILL



SW 7515 - HOMESTEAD BROWN SW 7508 TAVERN TAUPE

PALETTE B



CHEROKEE BRICK - BENGAL BLEND

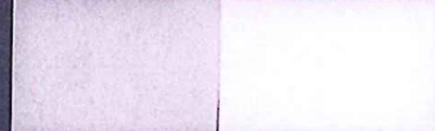


SW 6108 - LATTE SW 6140 - MODERATE WHITE

PALETTE A



CHEROKEE BRICK - AUTUMN SMOKE



SW 7039 - VIRTUAL TAUPE SW 7038 - TONY TAUPE

WINDOW FRAMES



MEDIUM BRONZE

DARK BRONZE



ROOFING

OAK RIDGE SHINGLES - FLAGSTONE

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City of Sandy Springs  
Community Development

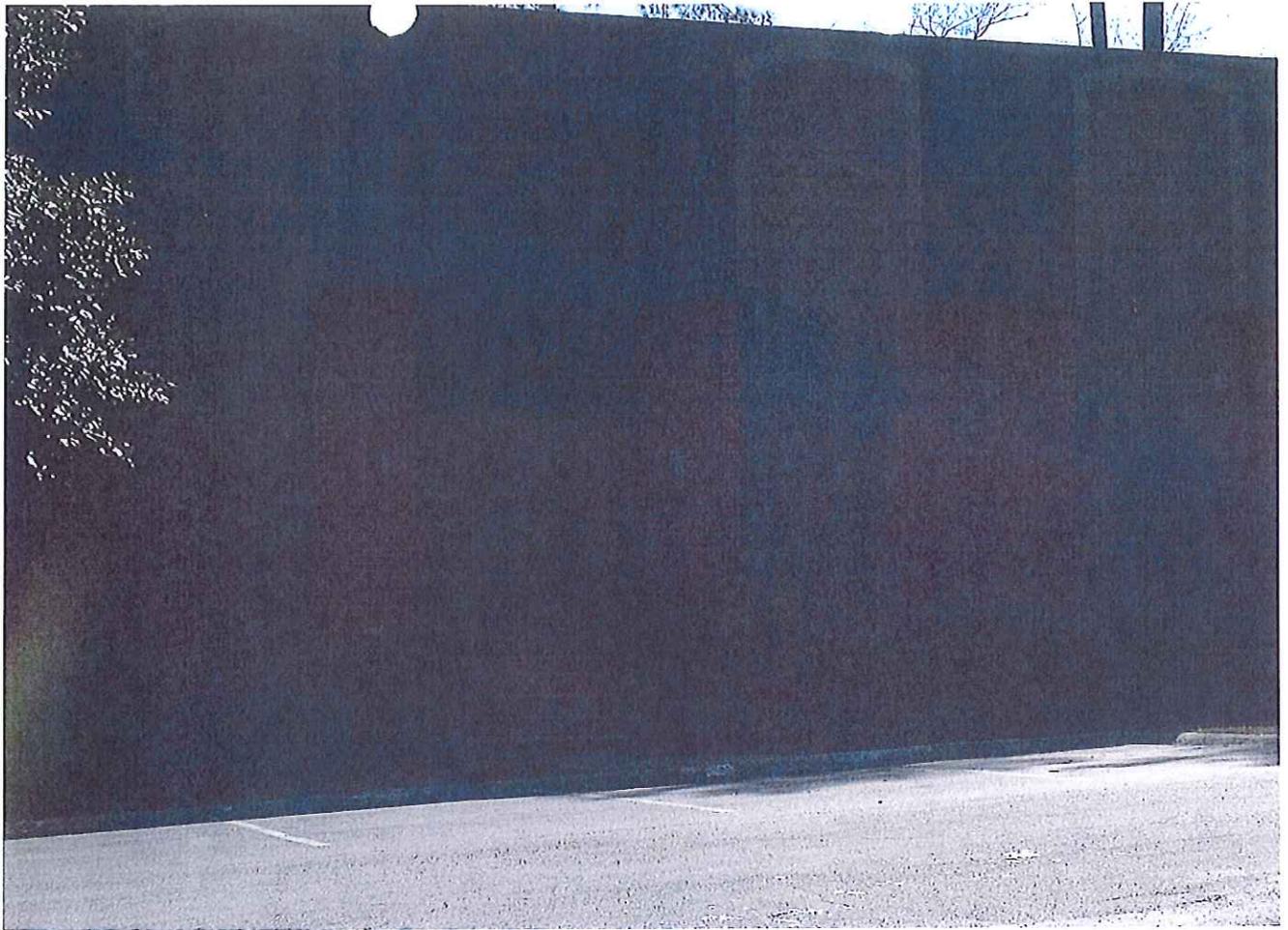
MATERIAL BOARD











## Rezoning Impact Statement Fulton County School System

PETITION: 201300662

JURISDICTION: Sandy Springs

USE	# UNITS
SF	0
TR / Condo	0
MF	295

HOME SCHOOL	ESTIMATED # STUDENT GENERATED		CAPACITY <sup>A</sup>	PROJECTED ENROLLMENT <sup>B</sup>		PROJECTED UNDER/OVER CAPACITY <sup>C</sup>		# PORTABLE CLASSROOMS	CAN FACILITY MEET DEMAND?*
Spalding Drive Charter ES	92	to 193	575	507	to 539	-68	to -36	2	NO
Ridgeview MS	18	to 36	1200	1,070	to 1,136	-130	to -64	0	YES
Riverwood HS	30	to 53	1325	1,652	to 1,754	327	to 429	3	NO
TOTAL	140	to 282							

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

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

<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 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



**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:** April 10, 2013

**SUBJECT:** Zoning Comments for May 2013

<b>AGENDA ITEM</b>	<b>ZONING COMMENTS</b>
201800662	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed 4-story, multi-family building to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people walk, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>Since 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>This department is requiring that solid waste plans indicating the number and location of 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>

AGENDA ITEM	ZONING COMMENTS
201300677	<p>If a plat required for recording, the plat must be reviewed and approved regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>If public sanitary sewer is available to the site, the Fulton County Department of Health and Wellness will require mandatory connection. Public sanitary sewer is considered available if it is within 200 feet of the nearest property line or within 500 feet of the dwelling, such distances being measured along the appropriate natural drainage course (gravity flow).</p> <p>If public sewer is unavailable to the site, this Department will require that each lot be a minimum of 43,560 square feet and have 30,000 square feet minimum usable area to be considered for use of onsite sewage management systems. This Department will require all necessary percolation and soil data, required layouts, and supportive data be submitted for review and determined acceptable prior to preliminary plat and/or Land Disturbance Permit (LDP) approval.</p> <p>Since public water is available to the site, the Department of Health and Wellness will require mandatory connection.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This department is requiring that 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> <p>If the site includes an existing individual onsite sewage management system(s) and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County Code of Ordinance and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XI – Sewage Disposal.</p> <p>If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article IV – Drinking Water.</p>

<b>AGENDA ITEM</b>	<b>ZONING COMMENTS</b>
201300687	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people walk, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This proposed mixed-use development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</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>This department is requiring that solid waste plans indicating the number and location of refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>Research shows that childhood exposure to traffic exhaust when living near a freeway can lead to substantial deficits in lung function that can last a lifetime and can increase the risk of developing allergies and asthma. In addition, exposure to traffic noise increases blood pressure, and long-term exposure to air pollution is known to increase the risk of death from heart disease.</p>
	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed office building to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people walk, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This proposed development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>This department is requiring that solid waste plans indicating the number and location of refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p>

## 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 275 units = 74,250 gallons per day plus 500 gallons per day (gpd) per clubhouse, total daily water usage = 74,750 gpd.

This project is within the City of Atlanta water jurisdiction.

#### **SEWER:**

Basin: Marsh Creek  
Treatment Plant: R.L. Sutton (Cobb County)  
Anticipated sewer demand: 67,275 gallons per day

There are eight wastewater manholes within the property boundaries of 6558 Roswell Road (sewer manhole # SMMA1008520 to sewer manhole # SMMA1008590) located in Land Lot 88, 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.

All:

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

Agenda Item		Council District	Meeting Dates	Staff Recommendation	Planning Commission Recommendation
Rezoning					
1.	201300662  6558 Roswell Road  <i>Applicant: Cortland Development, LLC</i>  To rezone from A-O (Apartment-Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment Limited Dwelling District) to redevelop a 295 unit apartment complex.	3	CZIM – 3/28/13  CDRM- 4/25/13  PC-5/16/13  MCC – 6/18/13	TBD	TBD
2.	201300677  4040 Spalding Drive  <i>Applicant: Highgrove Homes, LLC</i>  To rezone from AG-1 (Agricultural District) to R3-A (Single Family Dwelling District) to develop 3 single family lots.	1	CZIM – 3/28/13  CDRM- 4/25/13  PC-5/16/13  MCC – 6/18/13	TBD	TBD
3.	201300687 (DRI)**  Tax Parcel 17-0019 LL-059 (Abernathy Road, Peachtree Dunwoody Road, Mount Vernon	4	CZIM – 3/28/13  CDRM- 4/25/13  PC-TBD	TBD	TBD

Treatment Plant

- ☆ Re-Use
- ☆ Wastewater
- ☆ Water

Waste Water System

Private Manhole

- Accessible
- Not Accessed
- Problem

Pump Stations

- Pump Station

Lined Pipe

Force Main

Creek Crossing

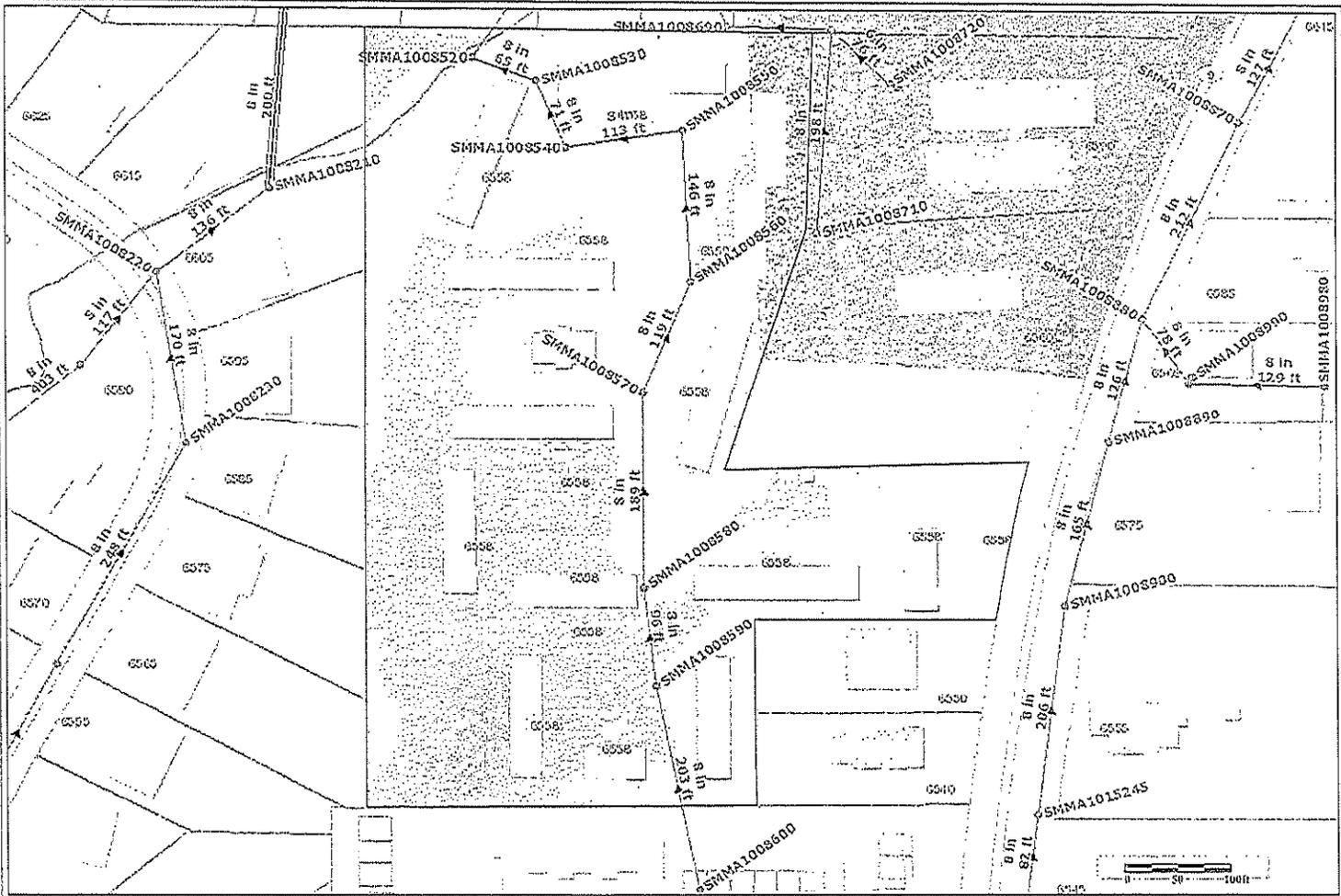
Waste Water Pipe Flow

- 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"

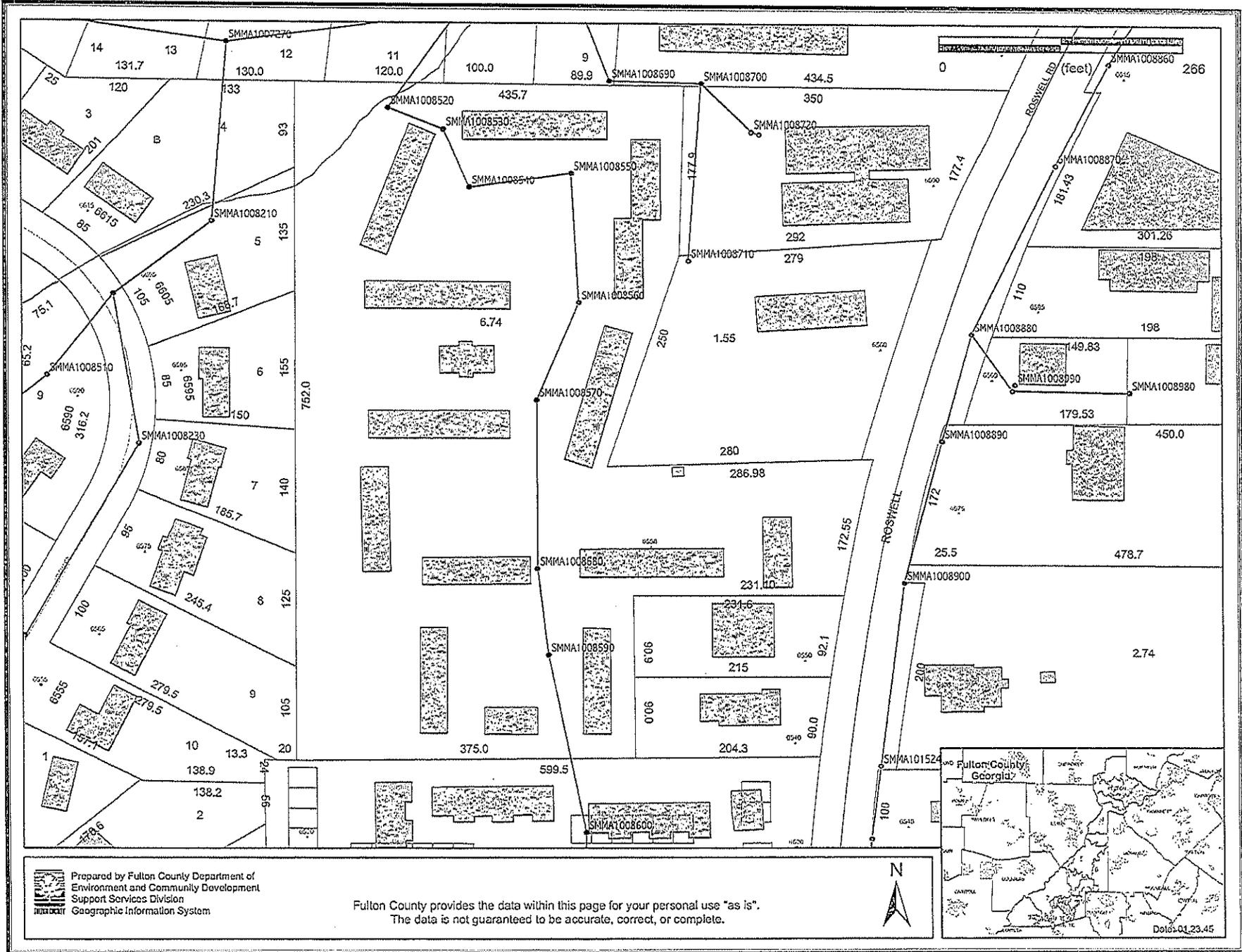
Counties



**6558 ROSWELL RD.**  
 Fulton County, Georgia  
 3-25-2013

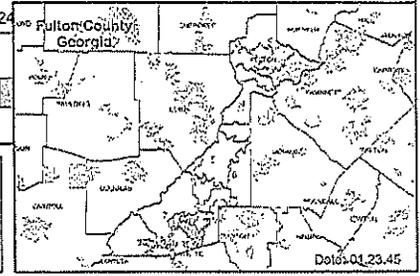
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 Prepared by Fulton County Department of  
 Environment and Community Development  
 Support Services Division  
 Geographic Information System

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LETTER OF INTENT

201800662

The property contains approximately 7.699 acres and is located on the westerly side of Roswell Road just south of its intersection with Abernathy Road and is commonly known as 6558 Roswell Road, Sandy Springs, Georgia 30328 (the "Property").

The Property is presently zoned to the R-3 and A-0 Classifications and is developed as an apartment complex containing 112 large units. The Property is terribly stressed and aged and with one building being vacant due to previous fire damage. The Applicant requests a rezoning to the A/L Classification for the development of 275 high end built to condominium grade units which shall be a mix of one and two bedroom units. The units shall be individually metered with 9 foot ceilings, granite or comparable grade counter tops and stainless fronts to appliances. The amenity package consists of a swimming pool and club house. The buildings shall provide drive under parking thus reducing the amount of surface parking required. Also it is to be noted on the Site Plan submitted simultaneously herewith a 50 foot natural undisturbed buffer along the west Property line. The Property is designated on the Sandy Springs Comprehensive Land Use Plan in a Live/Work Community area. The suggested level of residential density under this designation is up to 20 units per acre and the density requested by the Applicant of 35.72 units per acre exceeds this level. However, the residential Community proposed by the Applicant displaces an apartment complex essentially in a blighted condition which proposed redevelopment is in keeping with the policies and intent of the City of Sandy Springs for such areas. It is also to be noted on the Site Plan that the amount of green and open space exceeds that suggested for the Live/Work Community designation and meets that suggested under the Live/Work Regional designation. Accordingly, this Application for Rezoning is entirely appropriate and the appropriateness of this Application for Rezoning and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

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

### Property Profile for 6558 Roswell Rd

**Property Tax Information**

Tax Year 2012  
 Parcel ID 17 008800091131  
 Property Address 6558 Roswell Rd  
 Owner Kellam Provence North Llc  
 Mailing Address P.o. Box 450233 Atlanta Ga 31145 0233  
 Total Appraisal \$5,500,000  
 Improvement Appraisal \$3,100,000  
 Land Appraisal \$2,400,000  
 Assessment \$2,200,000  
 Tax District 59  
 Land Area 7.73 ac  
 Property Class Commercial Small Tracts  
 Land Use Class Apt Garden Class B  
 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 5503  
 Poll Location Lake Forest Elementary School,  
 5920 Sandy Springs Cir  
 Congressional District 006  
 State Senate District 032  
 State House District 052

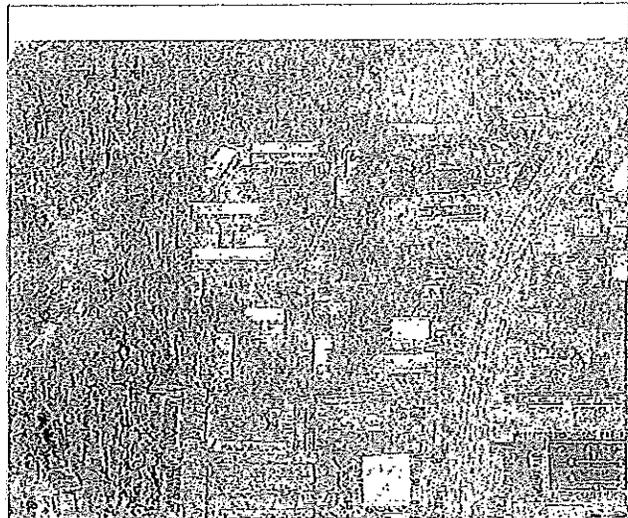
**School Zones**

Elementary School Spalding Drive Charter  
 Middle School Ridgeview  
 High School Riverwood

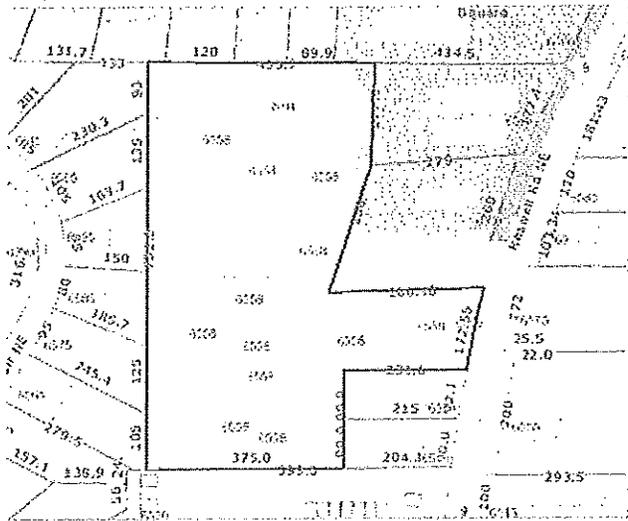
**Other Information**

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

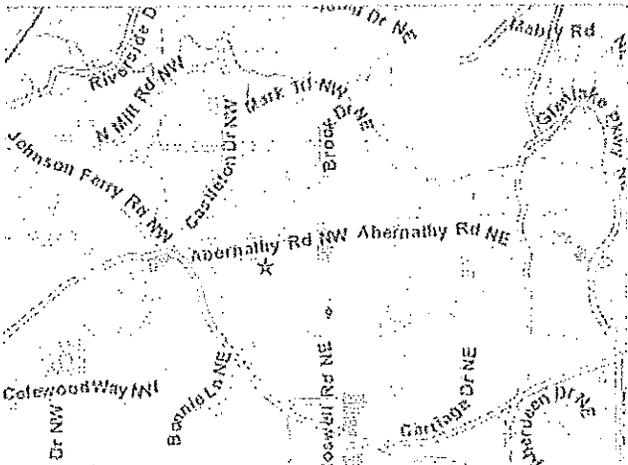
Oblique Aerial View (looking north)



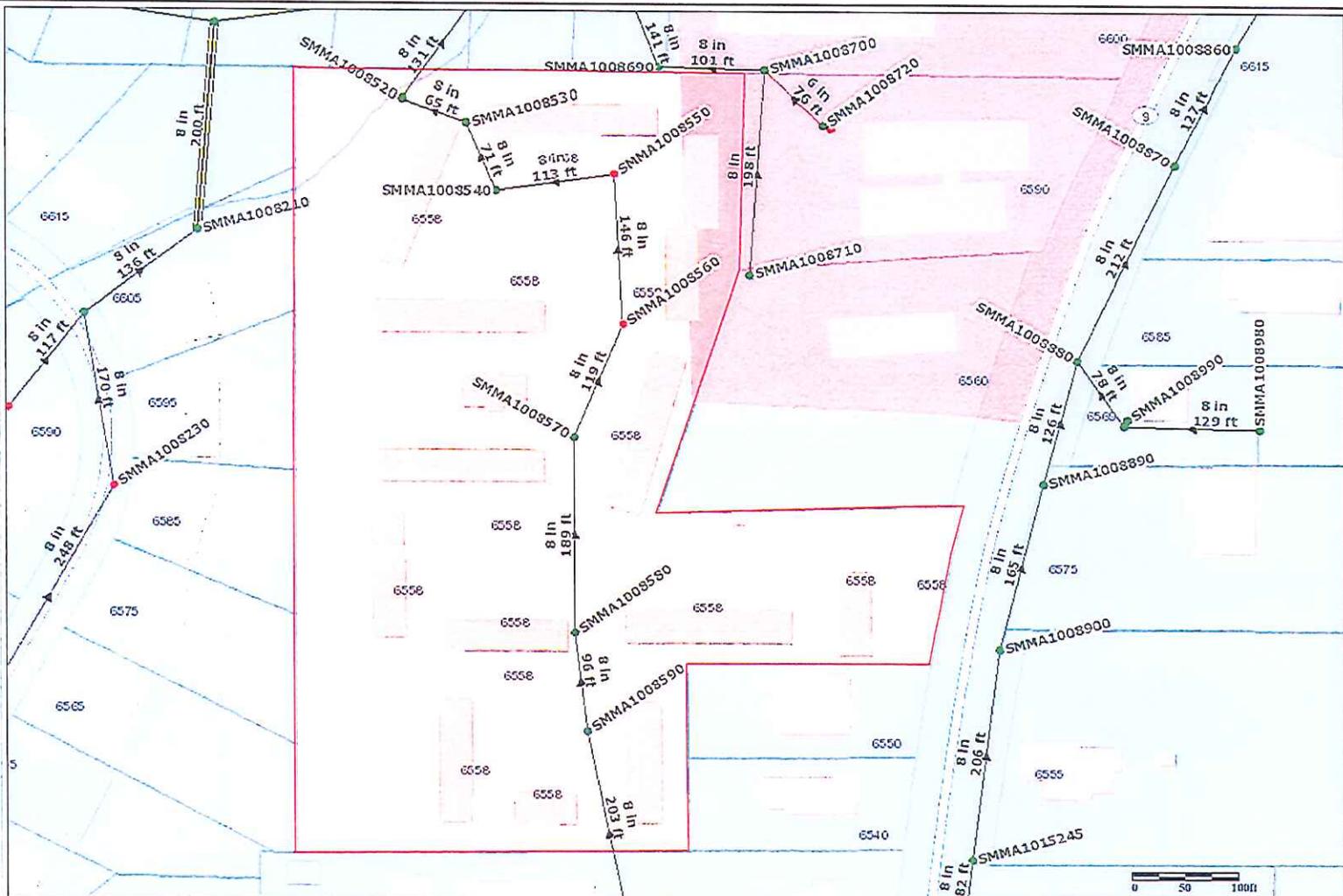
Property Map



Vicinity Map



- Treatment Plant
- ★ Re-Use
- ★ Waste Water
- ★ Water
- Waste Water System
- Private Manhole
- Manhole
- Accessible
- Not Assessed
- Problem
- Pump Station
- Pump Station
- Lined Pipe
- Force Main
- Creek Crossing
- Waste Water Pipe Flow
- UNGC
- 4" - 6"
- 8"
- 10"
- 12" - 16"
- 18" - 24"
- 30" - 48"
- Greater than 48"
- Waste Water Pipe
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- Greater than 48"
- Counties



6558 Roswell Road  
 Fulton County, Georgia  
 4-2-2013

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Abaray, Linda

RECEIVED

**From:** w.cleveland@att.net  
**Sent:** Friday, April 26, 2013 10:50 PM  
**To:** Abaray, Linda  
**Cc:** w.cleveland@att.net  
**Subject:** WHISPERING PINES COMMENTS

APR 30 2013

City of Sandy Springs  
Community Development

Linda,

i would like to take this opportunity to document the concerns that the Whispering Pines Board has regarding the Cortland apartment project on Roswell Road. The Whispering Pines Board recognizes that the Cortland project has several benefits , and if the project plan that was submitted to the city were anywhere near the land use plan, we probably could address the issues in a short period of time

However, the letter of intent that was submitted to the city was for 295 units or about 39 units per acre , or about 19 units per acre above the land use plan. The project that was submitted to the DRB was for 275 units or slightly above 35 units per acre. At the DRB meeting, Charlie Roberts , a long time Sandy Springs resident and a prominent developer, sided with the neighborhood on the issue of excessive density and offered a rise in the density from 20 units per acre to 25 units per acre , a motion which the neighborhood supported .

In a subsequent meeting between Cortland and the neighborhood, we indicated to Cortland that the basis of our concern was that such a deviation from the land use plan would set a precedent that would enable developers to virtually ignore the land use plan in the LCI AND City Center areas. We also informed Cortland that the neighborhood had contacted Chip Collins and sought the city's help in bridging the difference between the land use plan and the project financials .A feasibility report is due in several weeks.

We have suggested that the city consider freezing the property taxes for a period of 10-15 years in order to bridge the \$2.5 million dollar gap . In the event that it would not be possible to bridge the entire gap, we have suggested to the city that incentives that bring the density down to the 212-225 range would be acceptable. However, the neighborhood will not support increases in the density above that level. If significant reduction in density is achieved , then we would a corresponding reduction in the height to 3 floors instead of 4 floors.

We also have concerns regarding business continuity . On average , Cortland has indicated that they sell properties in the 3-5 year range. We have been pleased with Cortland's security screenings and we would like to have stipulations written into the zoning that the purchaser of the property will continue those screening measures.

The neighborhood also will be providing a more detailed explanation of some storm water modifications that we will be seeking.

Regards

Bill Cleveland  
Whispering Pines