

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development



Date: December 4, 2012 for submission onto the December 18, 2012 City Council meeting

Agenda Item: **RZ12-004 5975 Mitchell Road**, a request to rezone the subject property from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District)

Department of Community Development Recommendation:

APPROVAL CONDITIONAL of the request to rezone the subject property from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) to allow **twelve (12)** single family dwelling units and the requested concurrent variances.

The petition was heard at the October 16, 2012 Mayor and City Council meeting. The Council deferred the petition to the November 15, 2012 Planning Commission Meeting and the December 18, 2012 Mayor and City Council meeting to allow time for the applicant to properly re-post the sign (6-0, Paulson, Fries, Collins, Sterling, DeJulio, and McEnergy for; Galambos not voting).

Planning Commission Recommendation:

The petition was heard at the November 15, 2012 Planning Commission meeting. The Commission recommended approval subject to staff conditions (6-0, Frostbaum, Maziar, Pond, Squire, Tart and Rubenstein for; Duncan not voting).

Background:

The site is located on the east side of Mitchell Road, about 250 feet south of the intersection of Hammond Drive and Mitchell Road. The property is zoned R-1 (Single-family dwelling District) currently developed with a vacant church and accessory structure(s).

Discussion:

The applicant intends to rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District). Following the Planning Commission meeting, the applicant submitted a site plan further reducing the number of lots requested to twelve (12) from thirteen (13). NOTE: Variance #1 has been modified to lessen the request from a setback reduction of forty (40) feet to thirty (30) feet to a reduction of forty (40) feet to thirty-five (35) feet.

Additionally, the applicant is requesting four (4) concurrent variances as follows:

1. Variance from Section 6.9.3.F. of the Zoning Ordinance to reduce the required forty (40) foot perimeter setback to thirty-five (35) feet along the north property line and twenty (20) feet along the south property line.
2. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required fourteen (14) foot interior building separation to ten (10) feet.

3. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required twenty (20) foot side yard setback adjoining a local street to five (5) feet for lots #4 and #8.
4. Variance from Section 6.9.3.G.1. of the Zoning Ordinance to reduce the required twenty (20) foot front yard setback to fifteen (15) feet.

Rezoning Petition No. RZ12-004/CV12-004

HEARING & MEETING DATES			
Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
March 27, 2012	April 26, 2012	May 17, 2012 July 19, 2012 September 20, 2012 November 15, 2012	June 19, 2012 August 21, 2012 October 16, 2012 December 18, 2012

APPLICANT/PETITIONER INFORMATION		
Property Owners	Petitioner	Representative
St. James Anglican Church	Arrowhead Real Estate Partners, LLC	Planners and Engineers Collaborative

PROPERTY INFORMATION	
Address, Land Lot, and District	5975 Mitchell Road Land Lot 123, District 17
Council District	3
Frontage and Area	244 feet of frontage along the east side of Mitchell Road. The subject property has a total area of 2.365 acres (103,019 SF).
Existing Zoning and Use	R-1 (Single-family dwelling District) currently developed with a vacant church and accessory structure(s).
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	R5 to 8 (Residential 5 to 8 units per acre), Urban Residential.
Proposed Zoning	R-5A (Single Family Dwelling District)

INTENT

TO REZONE THE SUBJECT PROPERTY FROM R-1 (SINGLE-FAMILY DWELLING DISTRICT) TO R-5A (SINGLE FAMILY DWELLING DISTRICT), WITH CONCURRENT VARIANCES.

The applicant intends to rezone from R-1 (Single-family dwelling District) to R-5A (Single Family Dwelling District).

Additionally, the applicant is requesting four (4) concurrent variances as follows:

1. Variance from Section 6.9.3.F. of the Zoning Ordinance to reduce the required forty (40) foot perimeter setback to thirty-five (35) feet along the north property line and twenty (20) feet along the south property line.
2. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required fourteen (14) foot interior building separation to ten (10) feet.
3. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required twenty (20) foot side yard setback adjoining a local street to five (5) feet for lots #4 and #8.
4. Variance from Section 6.9.3.G.1. of the Zoning Ordinance to reduce the required twenty (20) foot front yard setback to fifteen (15) feet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
RZ12-004 - APPROVAL CONDITIONAL

CV12-004 #1 - APPROVAL CONDITIONAL
 CV12-004 #2 - APPROVAL CONDITIONAL
 CV12-004 #3 - APPROVAL CONDITIONAL
 CV12-004 #4 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION - May 17, 2012

The petition was heard at the May 17, 2012 Planning Commission meeting. The Commission recommended deferral to the June 21, 2012 Planning Commission meeting (4-0, Frostbaum, Maziar, Tart and Rubenstein for; Duncan not voting; Pond and Squire absent).

MAYOR AND CITY COUNCIL ACTION - June 19, 2012

The petition was heard at the June 19, 2012 Mayor and City Council meeting. The Council deferred the petition to the July 19, 2012 Planning Commission and August 21, 2012 City Council meetings to allow the applicant additional time to address concerns raised by surrounding neighbors (6-0, Paulson, Fries, Collins, Sterling, DeJulio, and McEnery for; Galambos not voting).

Subsequently, staff received information disputing the authority of the group which signed the application to give the developer permission to file the rezoning petition. Due to the issue that has been raised, both staff and the applicant in conjunction with the City Attorney requested that the petition be held until the September 20, 2012 Planning Commission and October 16, 2012 City Council meetings to allow time for the dispute to be addressed.

PLANNING COMMISSION RECOMMENDATION - July 19, 2012

The petition was heard at the July 19, 2012 Planning Commission meeting. The Commission recommended deferral to the September 20, 2012 Planning Commission Meeting and the October 16, 2012 Mayor and City Council meeting (6-0, Frostbaum, Maziar, Pond, Squire, Tart and Rubenstein for; Duncan not voting).

MAYOR AND CITY COUNCIL ACTION - August 21, 2012

The petition was heard at the August 21, 2012 Mayor and City Council meeting. The Council deferred the petition to the September 20, 2012 Planning Commission Meeting and the October 16, 2012 meetings to allow the applicant additional time to address authority issue related to the petition being filed (6-0, Paulson, Fries, Collins, Sterling, DeJulio, and McEnery for; Galambos not voting). Following the August 21, 2012 City Council meeting, the two church groups were still unable to resolve the authority issue that generated the request for deferral.

PLANNING COMMISSION RECOMMENDATION - September 20, 2012

The petition was heard at the September 20, 2012 Planning Commission meeting. The Commission recommended approval subject to staff conditions (4-0, Tart, Frostbaum, Rubenstein and Squire for; Pond and Maziar absent; Duncan not voting).

MAYOR AND CITY COUNCIL ACTION - October 16, 2012

The petition was heard at the October 16, 2012 Mayor and City Council meeting. The Council deferred the petition to the November 15, 2012 Planning Commission Meeting and the December 18, 2012 Mayor and City Council meeting to allow time for the applicant to properly re-post the sign (6-0, Paulson, Fries, Collins, Sterling, DeJulio, and McEnery for; Galambos not voting).

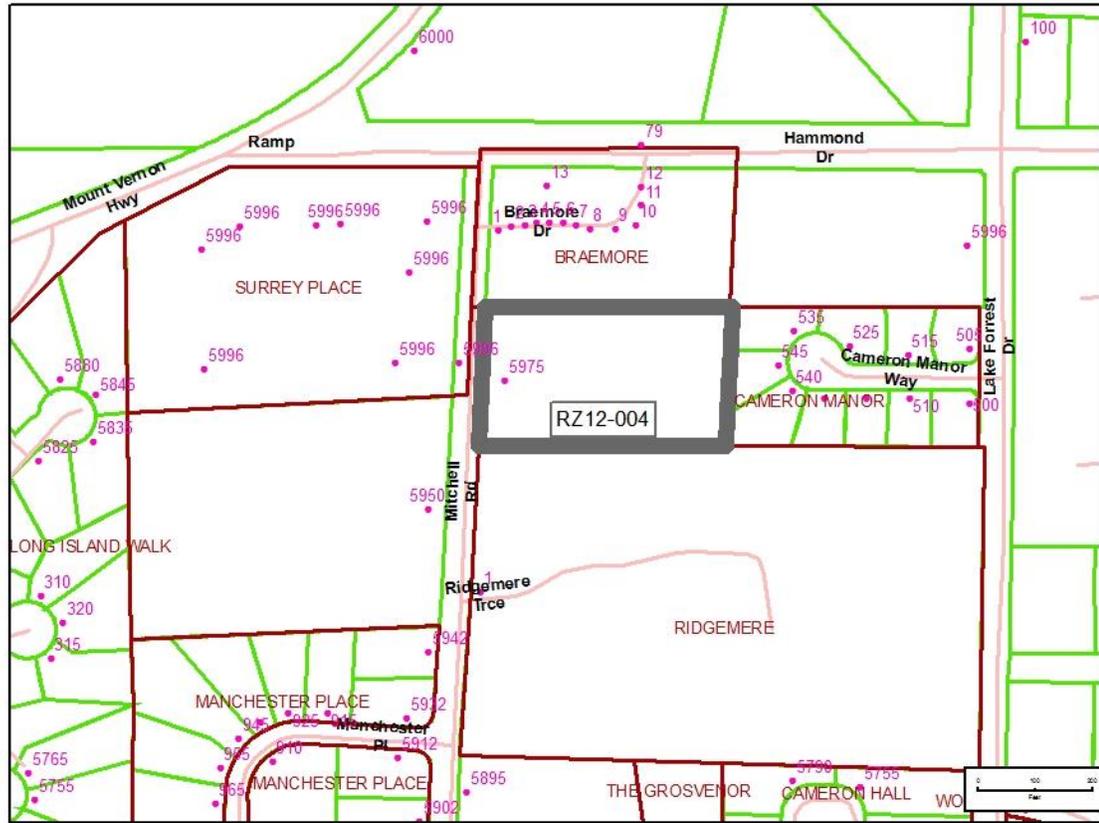
PLANNING COMMISSION RECOMMENDATION - November 15, 2012

The petition was heard at the November 15, 2012 Planning Commission meeting. The Commission recommended approval subject to staff conditions (6-0, Frostbaum, Maziar, Pond, Squire, Tart and Rubenstein for; Duncan not voting).

Following the Planning Commission meeting, the applicant submitted a site plan further reducing the number of lots requested to twelve (12) from thirteen (13).

Location Map

5975 Mitchell Road



BACKGROUND

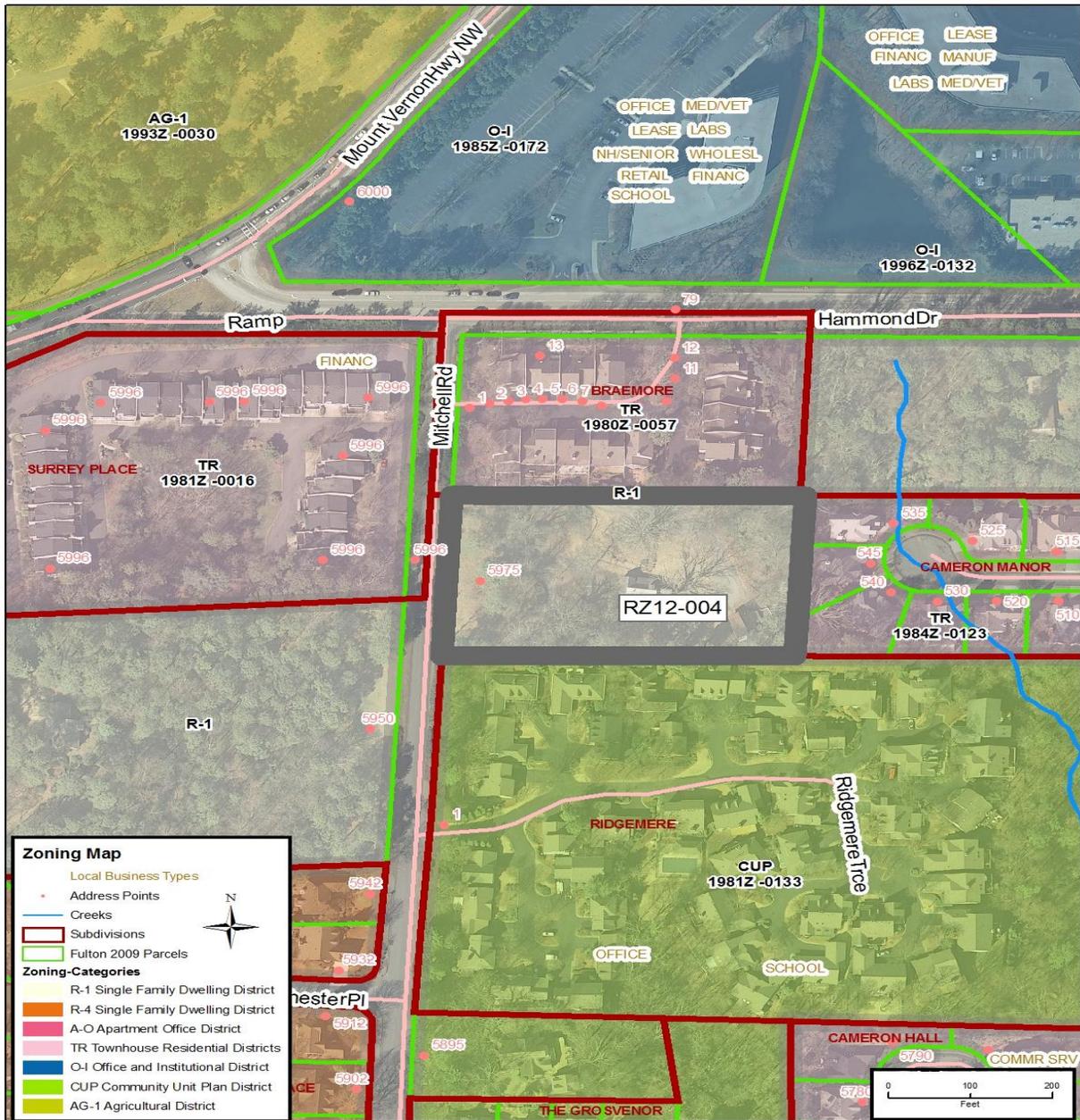
The site is located on the east side of Mitchell Road, about 250 feet south of the intersection of Hammond Drive and Mitchell Road. The property is zoned R-1 (Single-family dwelling District) currently developed with a vacant church and accessory structure(s).

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ12-004/CV12-004	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
	R-5A	Fee-simple Single-family Dwellings	2.365	12 units	5.07 units/acre
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	TR Z80-057	Townhomes (Braemore)	2.45	15 units	6.12 units/acre
East	TR Z84-123	Fee-simple Single-family Dwellings (Cameron Manor)	2.53	10 units	3.95 units/acre
South	CUP Z81-133	Single-family Dwellings (Ridgemere)	11.34	44 units	3.88 units/acre
West	R-1	5950 Mitchell Rd. Single-family Home	5.05	1 unit	0.20 units/acre
West	TR Z81-016	Townhomes (Surry Place)	5.37	29 units	5.40 units/acre

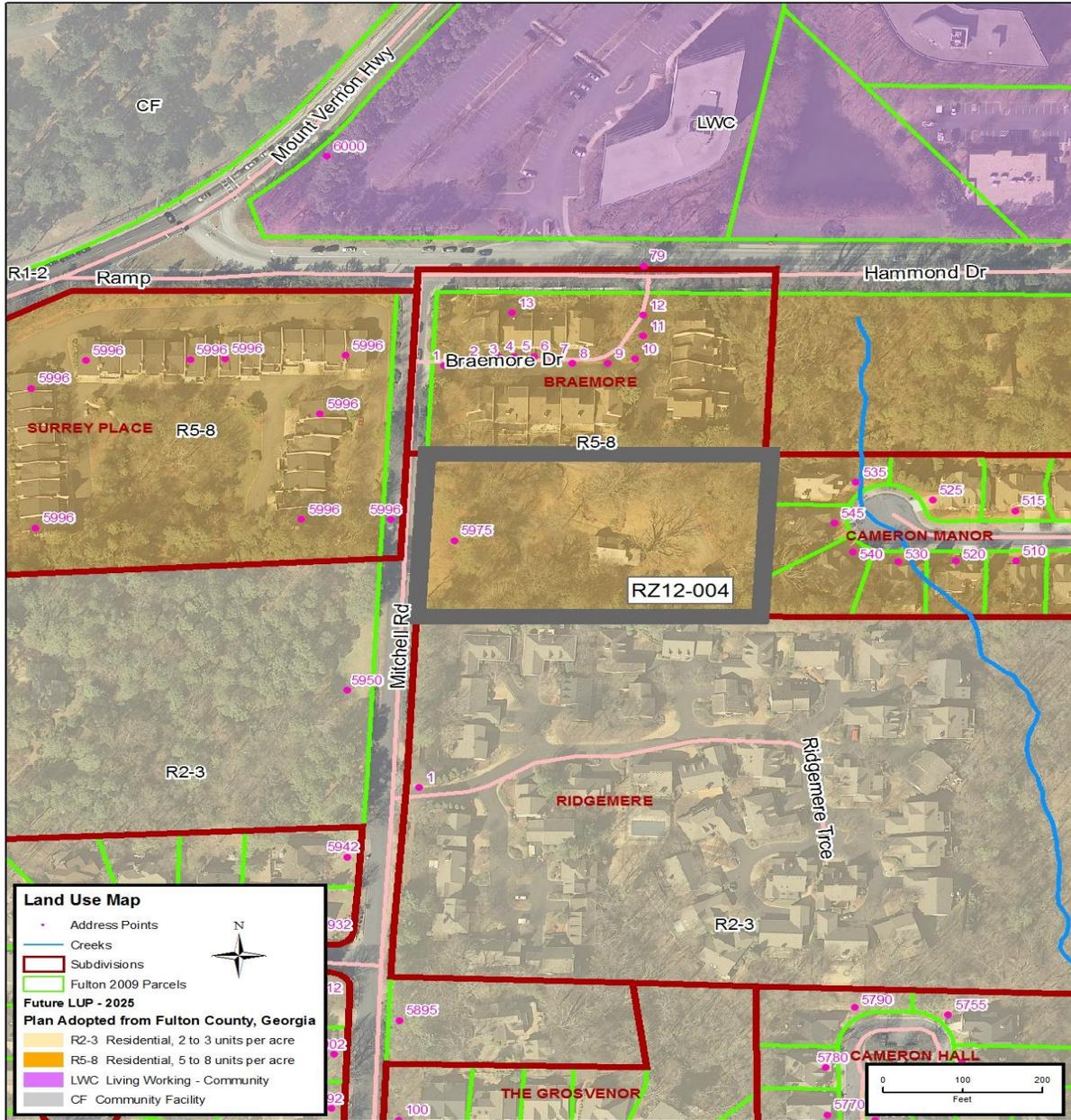
Zoning Map

5975 Mitchell Road



Future Land Use Map

5975 Mitchell Road





Subject Property



Subject Property



Subject Property



Subject Property



Subject Property



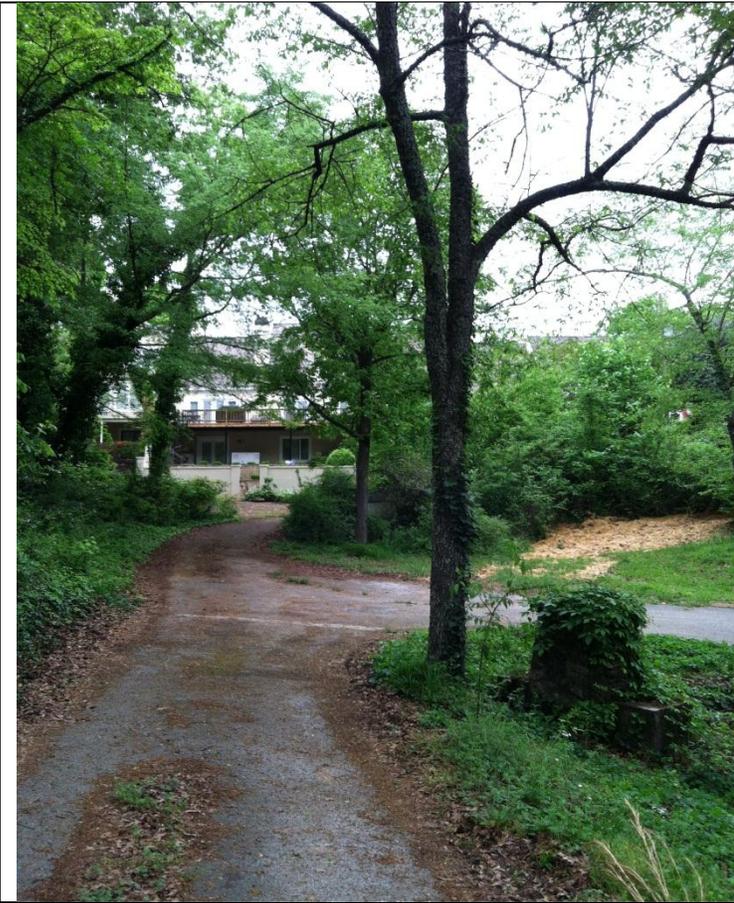
Subject Property



Subject Property



North of Subject Property



North of Subject Property



North of Subject Property



East of Subject Property (toward Cameron Manor)



South of Subject Property



South of Subject Property



South of Subject Property



West of Subject Property



West of Subject Property



West of Subject Property (Surrey Place)



Sign

SITE PLAN ANALYSIS

The site plan submitted shows the existing Church and Barn and shows the proposed **twelve (12)** lot subdivision. The subject property is 2.365 acres and appears to be wooded and sloped toward the east and south.

PARKING

Section 18.2.1, *Basic Off-street Parking Requirements*, requires a minimum amount of 52 parking spaces (2 per unit) for overall project, and 56 spaces are provided.

LANDSCAPE ANALYSIS

It appears the entire subject property will have to be graded. This grading will affect the majority of existing vegetation; however, the Tree Conservation Ordinance will have to be followed.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The reporting on all items of the analysis stated either positive, minimal, or no environmental issues, with the exception of the following: There are slopes exceeding 25% and there are large trees growing on the property. Additionally, it is unknown if there exists any Archeological/Historic value within the subject property. The report, in its entirety, is within the case file as a matter of record.

DEPARTMENT COMMENTS

The staff held a Focus Meeting on April 4, 2012 at which the following departmental comments were provided:

BUILDING & DEVELOPMENT DIVISION	Sandy Springs Building Officer	<ul style="list-style-type: none"> The requested 10' building separation will be required to follow the Sandy Springs Ordinances and International Building Code requirements including fire safety.
	Sandy Springs Chief Engineer	<ul style="list-style-type: none"> Development shall not increase size of basin draining onto any adjacent property. Prior to permitting development, provide analysis of downstream conveyance conditions and capacities along the downstream conveyances between the project site and the point at which the project site drainage basin area is no greater than 10% of the total drainage basin area. Development shall provide stormwater management facilities as necessary to avoid exceeding capacity of downstream conveyances for up to a 100yr storm event. In addition, for interested parties to be able to evaluate impact of rezoning, it appears reasonable in this case to require a grading plan, tree conservation plan, and a stormwater management plan and report/study for the development.
	Chief Environmental Compliance Officer	<p>If the MCC decides to approve the application the following conditions could be added:</p> <ul style="list-style-type: none"> The current layout does not provide room for the existing Landmark trees to be saved. Extreme site modifications would be required to make concessions for the existing trees. Therefore, to allow the current configuration, locations of installed large canopy trees to be appropriate to provide sufficient root and canopy growth as determined by the City Arborist. Additional trees to meet the canopy requirement and/or canopy mitigation trees that cannot be installed on the site shall be paid into the tree fund. Stormwater management area to be planted to provide a water quality element and provide aesthetic value to the adjacent properties. Any necessary Buffers shall be planted to buffer standards with evergreen plant material at a planted height of 8'.
CODE ENFORCEMENT	Officer	<ul style="list-style-type: none"> There are no maintenance code violations.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> The requested 10' building separation will be required to follow the Sandy Springs Ordinances and International Building Code requirements including fire safety. Please ensure that there is a fire hydrant within 500' from the most remote corner of the furthest house.
TRANSPORTATION	Sandy Springs Transportation Planner	<ul style="list-style-type: none"> Construct sidewalks on Mitchell Road street frontage and provide pedestrian circulation (sidewalks/access) within development, including pedestrian access to sidewalk/street.

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

The staff has not received any additional comments from the Fulton County Board of Education.

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 27, 2012 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 26, 2012 at the Sandy Springs City Hall

Public Comments (also see attached letters)

Community concerns from the CZIM includes the following:

- Mature trees removed
Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Tree Conservation Ordinance.
- Effective drainage and drainage facility location
Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Development Regulations Ordinance.
- Front setback not being met
Staff Comment: Addressed in variance analysis below.
- The need for sidewalks on Mitchell Rd.
Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Development Regulations Ordinance.
- Too much density and type of product and price point compared to surrounding properties
Staff Comment: The applicant has revised the petition from 7.95 units per acre to 5.49 units per acre.
- Building Heights
Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Zoning Ordinance.
- Buffering to adjoining properties
Staff Comment: The Zoning Ordinance does not require buffers between single family residential uses.
- Location of utilities
Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Development Regulations Ordinance.
- Historical significance of property
Staff Comment: The City does not have a historic preservation ordinance. Additionally, the subject site is not listed on any state or federal historic registers.
- Negative impact to traffic in the area
Staff Comment: The Public Works Department has reviewed the petition and does not anticipate a significant impact on the surrounding transportation system.

Community concerns from the CDRM includes the following:

- Preservation of landmark trees on the property

Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Tree Conservation Ordinance.

- Reduce total number of lots proposed to a maximum of 10-13
Staff Comment: The applicant's most recent site plan reduces the development to a total of 13 lots.
- Justification of hardship for setback variances
Staff Comment: Addressed in variance analysis below.
- Impact, especially visual, on adjacent properties due to proximity of new homes
Staff Comment: Addressed in variance analysis below.
- Screening between new and existing homes
Staff Comment: The Zoning Ordinance does not require buffers between single family residential uses.
- General concerns over the amount of grading and impervious surface proposed, potential draining issues, and stormwater facility maintenance
Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Development Regulations Ordinance.
- Construction type
Staff Comment: The applicant has provided examples of the proposed homes (please see the following link to the developer's website for examples <http://columnsgroup.com/properties.htm>).
- Height of proposed homes adjacent to Cameron Manor
Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Zoning Ordinance.
- Impact and/or replacement of retaining wall adjacent to Cameron Manor
Staff Comment: The retaining wall in question is not located on the property that is the subject of this petition. However, if the petition is approved, this item will be addressed at time of permitting through Development Regulations Ordinance.
- Historic value of property and potential to save wishing well
Staff Comment: The City does not have a historic preservation ordinance. Additionally, the subject site is not listed on any state or federal historic registers.
- Traffic impact to surrounding area
Staff Comment: The Public Works Department has reviewed the petition and does not anticipate a significant impact on the surrounding transportation system.
- Braemore residents are concerned over the proposed building height of the homes
Staff Comment: If the petition is approved, this item will be addressed at time of permitting through Zoning Ordinance.

Notice Requirements

The petition was advertised in the Sandy Springs Neighbor on May 9, 2012 and May 18, 2012. The applicant posted a sign issued by the Department of Community Development along the frontage of Mitchell Road on April 13, 2012.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant will be required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 19, 2012. The Public Participation Report was submitted on or before June 12, 2012.

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 surrounding area consists of: Single-family uses and Townhomes (to the north, east, south, and west). The proposal allows for a proper transition between these areas. Additionally, the applicant has revised the plan so that the proposed density is more consistent with the properties in the immediate area (see page 3 of this report).

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 will not have an adverse impact on the use or usability of adjacent or nearby property.

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.

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 Future Land Use Map, which designates the property as Residential 5 to 8 units per acre (R5-8), Urban Residential. The density proposed by the applicant is 5.07 units/acre and falls within the 5 to 8 units per acre.

The R5-8 residential category allows for a range of dwelling types, which can include detached, single-family homes, and duplexes, with prospects for lower density townhouses and apartments within planned developments. These areas are served by public water and sewer. This category has limited application in Sandy Springs – a large area north of Morgan Falls Road west of Roswell Road, an area within the Huntcliff master planned community, and other smaller sites that are transitional between lower density residential neighborhoods and live-work designations. This future land use category is implemented with the following zoning districts:

- R-6, Two Family Dwelling, 9,000 square foot lot size (4.84 Units Per Acre)
- R-5, Single Family Dwelling, 7,500 square foot lot size (5.8 Units Per Acre)
- NUP, Neighborhood Unit Plan (single-family dwellings only, up to 5 Units Per Acre)
- CUP, Community Unit Plan (if limited to 8 Units Per Acre)

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 may permit a use which could be considered

environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

VARIANCE CONSIDERATIONS

Article 22 of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

- A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,
- B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,
- C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

The applicant is requesting four (4) concurrent variances as outlined below. The applicant has indicated that these variances are being requested to “allow the applicant to develop the property in a reasonable and industry-standard manner and in keeping with the development contiguous to the north, south, and east and resultingly to overcome the hardship of the narrow and confining shape of the property which condition is unique to the property”. Additionally, the applicant states that approval of these variances “would be in harmony with the policy and intent of the Zoning Ordinance and would not cause a detriment to the health, safety, and welfare of the general public while requiring compliance with the referenced development standards...would cause an extreme hardship”.

1. Variance from Section 6.9.3.F. of the Zoning Ordinance to reduce the required forty (40) foot perimeter setback to thirty-five (35) feet along the north property line and twenty (20) feet along the south property line.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and with the residential developments along the north and south property lines. The following are the existing conditions with regard to setbacks along the adjoining property lines: North (Braemore) – a 10 foot landscape strip is required and provided; South (Ridgemere) – the existing spacing ranges from 10 feet to 25 feet. The original plan submitted by the applicant detailed a townhome development that did not require any variances and showing a forty (40) foot perimeter setback being met. However, the surrounding neighborhoods requested that the applicant instead propose a single family development. In order to accommodate the neighbors’ requests and to be able to have building envelopes that are of a size to develop homes that are similar to the adjacent single family neighborhoods, the applicant is now seeking the setback reduction variances outlined. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of this variance request.*

2. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required fourteen (14) foot interior building separation to ten (10) feet.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance. The requested 10’ building separation will be required to follow the Sandy Springs Ordinances and International Building Code requirements including fire safety, pursuant to the comments received from the Sandy Springs Fire Protection Engineer. The original plan submitted by the applicant detailed a townhome development that did not require any variances. However, the surrounding neighborhoods requested that the applicant instead propose a single family development. In order to accommodate the neighbors’ requests and to be able to have building envelopes that are of a size to develop homes that are similar to the adjacent single family neighborhoods, the applicant is now seeking the setback reduction variances outlined. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of this variance request.*

3. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required twenty (20) foot side yard setback adjoining a local street to five (5) feet for lots #4 and #8.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance. Due to the size of the property and the need to accommodate the street for the single family development, the applicant is requesting a setback reduction variance along the street side of these two lots. In order to address the neighbors' request for a single family development rather than a townhome development and to be able to have building envelopes that are of a size to develop homes that are similar to the adjacent single family neighborhoods, the applicant is now seeking the setback reduction variances outlined. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of this variance request.*

4. Variance from Section 6.9.3.G.1. of the Zoning Ordinance to reduce the required twenty (20) foot front yard setback to fifteen (15) feet.

*The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance. Due to the size of the property and the need to accommodate the street for the single family development, the applicant is requesting a setback reduction variance along the street frontage of the proposed lots. In order to address the neighbors' request for a single family development rather than a townhome development and to be able to have building envelopes that are of a size to develop homes that are similar to the adjacent single family neighborhoods, the applicant is now seeking the setback reduction variances outlined. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of this variance request.*

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 a use and density that is consistent with abutting and nearby properties and provides appropriate transition. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of this petition and the associated concurrent variances.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from R-1 (Single-family dwelling District) to R-5A (Single Family 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. To a total of twelve (12) Single Family Dwelling Units at a density of no more than 5.07 units per acre, 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 December 4, 2012. 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 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. Variance from Section 6.9.3.F. of the Zoning Ordinance to reduce the required forty (40) foot perimeter setback to thirty-five (35) feet along the north property line and twenty (20) feet along the south property line.
 - b. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required fourteen (14) foot interior building separation to ten (10) feet.
 - c. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required twenty (20) foot side yard setback adjoining a local street to five (5) feet for lots #4 and #8.
 - d. Variance from Section 6.9.3.G.1. of the Zoning Ordinance to reduce the required twenty (20) foot front yard setback to fifteen (15) feet.

Attachments

Revised Site Plan Received December 4, 2012

Site Plan Received June 26, 2012

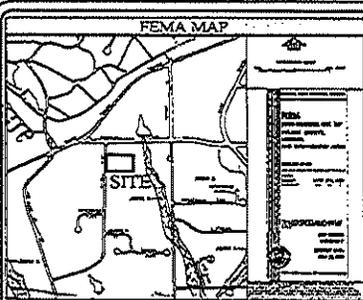
Letters of Intent Received May 9, 2012 and March 13, 2012 and

Applicant Zoning Impact Analysis received March 13, 2012

Letters of Support & Opposition Dated Received as indicated

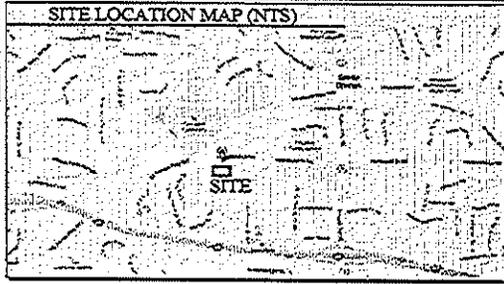
RECEIVED

DEC 04 2012



VARIANCES

AREA PROTECTION NETWORK	North Sandy Springs
DEVELOPMENT INTENSITY	Medium Density Residential
FRONT YARD SETBACK	Minimum 5' to 10' Setback
REAR YARD SETBACK/ADJACENT INTERNAL STREET	Minimum 5' to 10' Setback
FRONT YARD SETBACK/ADJACENT	Minimum 5' to 10' Setback



SITE DATA

TOTAL SITE AREA	2.365 ACRES
ZONING	City of Sandy Springs Community Development
EXISTING BUILDING	12,000 SQ. FT.
PROPOSED BUILDING	12,000 SQ. FT.
EXISTING DRIVEWAY	100 FT. WIDE
PROPOSED DRIVEWAY	100 FT. WIDE
EXISTING SIDEWALK	100 FT. WIDE
PROPOSED SIDEWALK	100 FT. WIDE
EXISTING PARKING	10 SPACES
PROPOSED PARKING	10 SPACES

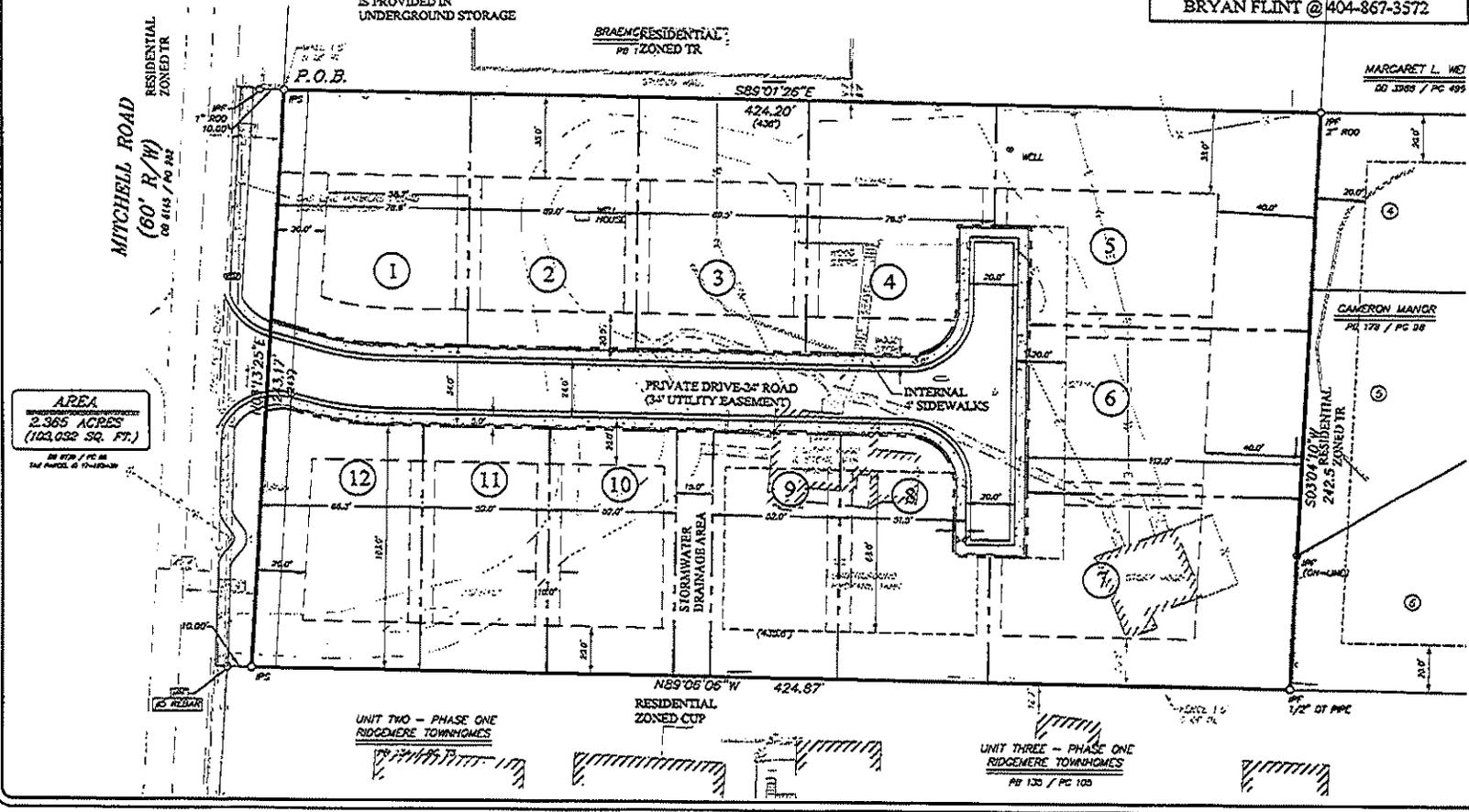
1. SITE ADDRESS: 5975 MITCHELL ROAD, SANDY SPRINGS, GEORGIA

NOTE: STORMWATER MANAGEMENT IS PROVIDED IN UNDERGROUND STORAGE

24 HOUR CONTACT: BRYAN FLINT @ 404-867-3572

Mitchell Road - Sandy Springs
 A Major Planned Residential Community
 ARROWWOOD REAL ESTATE PARTNERS, LLC
 10000 MITCHELL ROAD, SANDY SPRINGS, GA 30076
 (404) 867-3572

PLANNERS AND ENGINEERS COLLABORATIVE
 10000 MITCHELL ROAD, SANDY SPRINGS, GA 30076
 (404) 867-3572



REVISIONS:

NO.	DATE	DESCRIPTION
1	02/20/12	PRELIMINARY
2	02/20/12	REVISED PER COMMENTS
3	02/20/12	REVISED PER COMMENTS
4	02/20/12	REVISED PER COMMENTS
5	02/20/12	REVISED PER COMMENTS
6	02/20/12	REVISED PER COMMENTS
7	02/20/12	REVISED PER COMMENTS
8	02/20/12	REVISED PER COMMENTS
9	02/20/12	REVISED PER COMMENTS
10	02/20/12	REVISED PER COMMENTS
11	02/20/12	REVISED PER COMMENTS
12	02/20/12	REVISED PER COMMENTS
13	02/20/12	REVISED PER COMMENTS
14	02/20/12	REVISED PER COMMENTS
15	02/20/12	REVISED PER COMMENTS
16	02/20/12	REVISED PER COMMENTS
17	02/20/12	REVISED PER COMMENTS
18	02/20/12	REVISED PER COMMENTS
19	02/20/12	REVISED PER COMMENTS
20	02/20/12	REVISED PER COMMENTS

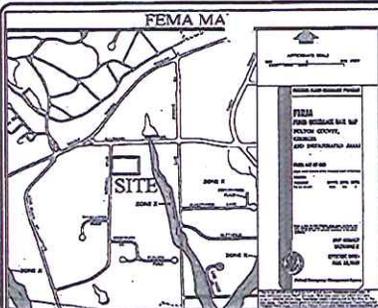
REZONING SITE PLAN

SCALE: 1" = 20'

DATE: February 30, 2012

PROJECT: 12002.00

1



VARIANCES

15-5A FRONT YARD SETBACK	Reduce from 40' to 30' (North Side-30', South Side-20')
SIDE YARD SETBACK	Reduce from 7' to 5' (5' on East Side, 5' on West Side)
ONE YARD SETBACK ON ADJACENT PROPERTY	Reduce from 5' to 3' (3' on East Side, 3' on West Side)
FRONT YARD SETBACK	Reduce from 10' to 5' (5' on East Side, 5' on West Side)

1. SITE ADDRESS: 5975 MITCHELL ROAD, SANDY SPRINGS, GEORGIA



SITE DATA:

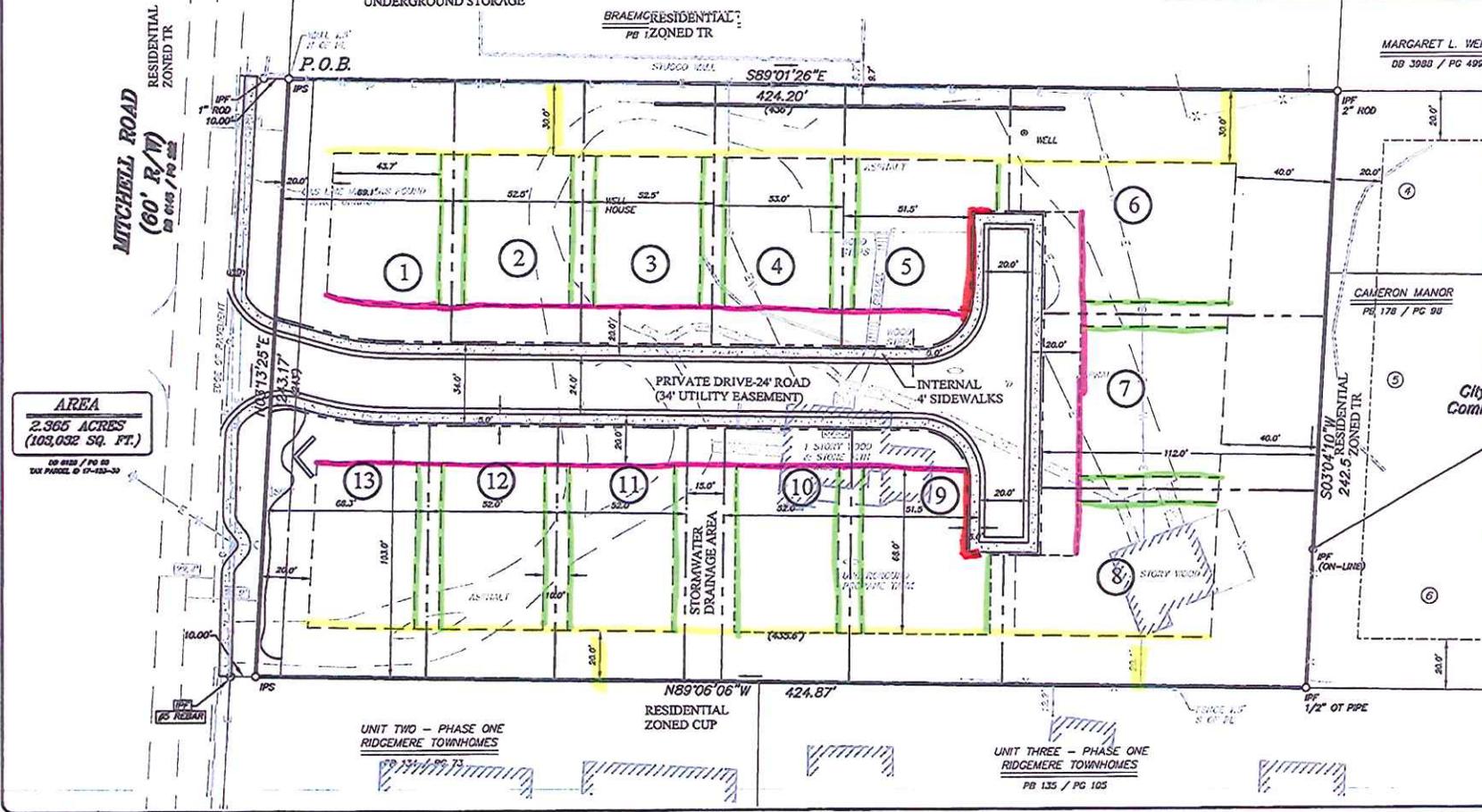
TOTAL SITE AREA	2.365 ACRES
ZONING	R-4 RESIDENTIAL
EXISTING ZONING	R-4 RESIDENTIAL
PROPOSED ZONING	R-4A RESIDENTIAL
ZONING JURISDICTION	SANDY SPRINGS
DEVELOPMENT TYPE	
MAX. HEIGHT	19 FEET
SINGLE FAMILY HOMES	13 LOTS
SINGLE FAMILY DENSITY	3.49 UNITS/AC.
MIN. FLOOR AREA	850 sq ft
PROPERTY SETBACKS - DETACHED SINGLE FAMILY	
FRONT YARD SETBACK	20 FEET (SEE SDC)
SIDE SETBACK	5 FEET (VARIANCE 67)
REAR SETBACK	10' Between Structures
PERIMETER SETBACK	40' FEET
PARKING CALCULATIONS	VARIANCE (VARIANCE 67)
REQUIRED PARKING (2.5 SP. PER UNIT)	35 SPACES
TOTAL SPACES PROVIDED	32 SPACES (1 Car Garage/Driveway)

24 HOUR CONTACT:
BRYAN FLINT @ 404-867-3572

NOTE:
STORMWATER
MANAGEMENT
IS PROVIDED IN
UNDERGROUND STORAGE

Mitchell Road - Sandy Springs
A Master Planned Residential Community
FOR
ARROWHEAD REAL ESTATE PARTNERS, LLC
350 PEEBLES COCKEY
NORCROSS, GEORGIA 30092
PHONE: 404-867-3572

PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING & LANDSCAPE ARCHITECTURE & CIVIL ENGINEERING & SURVEYING
375 WASHINGTON COURT • NORCROSS, GEORGIA 30092 • 770-443-9374 • WWW.PAECOLLABORATIVE.COM



AREA
2.365 ACRES
(103,032 SQ. FT.)
CG 8122 / PG 53
TAX PARCEL ID 17-122-33

REVISIONS:

NO.	DATE	BY	DESCRIPTION
01	4-12-2012	EDC	Change from R-4 zoning to R-4A zoning
02	4-12-2012	EDC	Revised Plan Per Community
03	4-12-2012	EDC	Revised Plan Per Community
04	6-20-2012	EDC	Revised Plan Per Community

Received
JUN 26 2012
City of Sandy Springs
City Development
Department

REZONING SITE PLAN

SCALE: 1" = 20'
DATE: February 30, 2012
PROJECT: 12022.00

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

1
SHEET

RECEIVED

MAY 9 2012

FIRST AMENDMENT TO APPLICATION FOR REZONING AND CONCURRENT VARIANCES

PERMITS

IN RE:)

Arrowhead Real Estate Partners, LLC)
APPLICANT)

Application Number: RZ12-004/CV12-004

PROPERTY:)

Received

2.365 Acres on the Easterly Side)
of Mitchell Road commonly known as)
5975 Mitchell Road)
Sandy Springs, Georgia 30328)

MAY 09 2012

*City of Sandy Springs
Community Development
Department*

Now comes Arrowhead Real Estate Partners, LLC (the "Applicant" hereunder) who does hereby modify and amend the above referenced Application for Rezoning and Concurrent Variances and associated Letter of Intent as follows:

1.

The Site Plan originally filed with the Application has been modified and amended and the original and first modified and amended Site Plans are hereby deleted and there is substituted and placed in lieu thereof the Site Plan filed on May 3, 2012.

2.

The Concurrent Variances originally requested as associated with the request for rezoning to the TR Classification are hereby deleted and there is substituted and placed in lieu thereof the four (4) Concurrent Variances more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof. These Concurrent Variances are requested in order to allow the Applicant to develop the Property in a reasonable and industry standard manner and in keeping with the developments contiguous and to the north, south and east and resultingly to overcome the hardship of the narrow and confining shape of the Property which condition is unique to the Property. The approval of these Concurrent Variances would be in harmony with the policy and intent of the Zoning Ordinance and would not cause detriment to the health, safety and welfare of the general public while requiring compliance with the referenced development standards which are the subject of the Concurrent Variance requests would cause an extreme hardship upon the Applicant.

3.

The original rezoning request of the Applicant was to allow the development of the Property under the TR Classification for 19 townhomes which resulted in a density of 7.95 units per acre. After meeting with the surrounding community

representatives, the Applicant modified its request to seek a rezoning of the Property under the R-5A Classification for the development of 15 detached single family homes which resulted in a density of 6.34 units per acre. Applicant's current modified Site Plan reflects a request for 14 lots which results in a density of 5.72 units per. The Sandy Springs Comprehensive Land Use Plan Map suggests residential develop on the Property at a density range of 5 to 8 units per acre. Therefore the request of the Applicant to rezone the Property at a density of 5.72 units per acre is at the low end of the suggested density range for the Property and is entirely appropriate. Further, the requested 20 foot rear yard setback requested matches the 20 foot rear yard setback of Cameron Manor contiguous and to the east and the perimeter setback request of a reduction from 40 feet to 20 feet is entirely appropriate given the distance of homes in the Braemore Townhome Development contiguous and to the north and the Ridgemere Townhome Development contiguous and to the south being some approximate 10 feet from the Applicant's northerly and southerly Property lines. Further, the Applicant does commit that the homes shall have a minimum heated floor area of 2,500 square feet and shall range up to approximately 3,500 square feet. All of these factors further evidence the appropriateness of this Application for Rezoning and Concurrent Variances and the appropriateness of this Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "B" attached hereto and by reference thereto made a part hereof.

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


Nathan V. Hendricks III
Attorney for the Applicant

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

Received
MAY 09 2012
City of Sandy Springs
Community Development
Department

Exhibit "A"

CONCURRENT VARIANCES

1. Variance from Section 6.9.3.F. of the Zoning Ordinance to reduce the required forty (40) foot perimeter setback to twenty (20) feet, and
2. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required fourteen (14) foot interior building separation to ten (10) feet, and
3. Variance from Section 6.9.3.G.2. of the Zoning Ordinance to reduce the required twenty (20) foot side yard setback adjoining a local street to ten (10) feet for lot #1, and
4. Variance from Section 6.9.3.G.1. of the Zoning Ordinance to allow the required twenty (20) foot front yard setback to be measured from the back of curb.

Received

MAY 09 2012

*City of Sandy Springs
Community Development
Department*

Exhibit "B"

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.

Received

MAY 09 2012

*City of Sandy Springs
Community Development
Department*

MITCHELL ROAD -- TR TOWNHOME ZONING
SANDY SPRINGS
Georgia

LETTER OF INTENT:

Applicant: Arrowhead Real Estate Partners, LLC

ESA Revision Number:
Phone Number: 404-867-3572

The intent of the zoning proposal is to rezone the existing church site that is currently zoned R-1 to be zoned TR -- Townhome Residential community. The proposed site is to support residential housing of 7.95 units/acre that complies with the comprehensive land use plan of 5 to 8 units per acre for this site. See below for the Sandy Springs Comprehensive Land Use Map. The site is a 2.4 acre parcel that is currently partially developed as an existing church that is in a worn condition as exists today. The site has moderate tree coverage on the site with a few large diameter trees throughout. The site is moderately sloping from east and west toward the middle of the site and its low point is located on the southern portion of the site.

The TR zoning was determined by the applicant and the staff to be the best suited for the proposed development, the TR district allows both townhome attached product and detached single family product to be constructed on the site at a maximum density of 8 units/acre. The surrounding developments are similar to this proposal. The surrounding area has townhomes and single-family homes that help compliment the proposal of residential housing. Access to the site is located off Mitchell Road, which appears to be a 50' right of way. The entrance is to have access directly across from an existing townhome community. The proposal is to construct a private road system within the community with easements on the road for public utilities and private utilities to be constructed to support the proposal.

There will be a few concurrent variances filed with the application to adjust setbacks in order to construct the community with townhomes that interact with the streetscape and single-family homes to comply with the TR zoning and its surroundings. The site is bordered by residential zoning and to the south by a CUP development. The overall zoning fits within the comprehensive land use plan and will provide a good residential model for the surrounding area. The site will have low impacts to traffic in the area; the site is a small site with a small number of townhomes and detached product allowed to fit on this site. The site can support from a planning prospective units that would exceed the 8 units / acres threshold, however the applicant wanted to comply with the plan and limit the number to a maximum of 8 units /acre based on surrounding conditions.

Received
MAR 13 2012
City of Sandy Springs
Community Development
Department

Received
~~MAR 06 2012~~
City of Sandy Springs
Community Development
Department

RZ12-004

MITCHELL ROAD -- TR TOWNSHIP ZONING
SANDY SPRINGS
Georgia

IMPACT ANALYSIS
FORM -- B

17-12-004

Received

MAR 19 2012

City of Sandy Springs
Community Development
Department

Applicant Arrowhead Real Estate Partners, LLC

USA Revision Number:
Phone Number 404-607-3572

Analyze the Impact of the proposed rezoning:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
 - a. The proposed use is compatible with the surrounding zonings, (is similar in type of product with the townhomes and single family detached in the area.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
 - a. The proposal does not affect the existing use, the church is not in use and is in poor condition as exists on the property. The proposed zoning fits much better with the surrounding area by providing the same type of uses that surround the property and the area.
3. Does the property to be rezoned have a reasonable economic use as currently zoned?
 - a. The property does not have a reasonable use as currently zoned. The existing church is not the highest and best use for the area and the property. The surrounding area proves this by having similar uses all around the site and in nearby subdivisions.
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?
 - a. The use will not cause an excessive use, the comprehensive land use map calls for the density that is being proposed. This fits well with what is in the area and provides housing that will not have an excessive impact on the road network. The zoning utilized in the area are sufficient to support the density proposed. The proposal will enhance the surrounding area by providing nice upscale housing.
5. Is the rezoning proposal in conformity with the policies and intent of the land use plan?
 - a. Yes, the site is fully in compliance with the land use plan. The land use plan calls for residential zoning for the site to be from B to D units / acre. The proposal is to construct and zone residential housing below D units / acre, which complies not only with the area surrounding the site, but also the land use plan by Sandy Springs.
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?
 - a. The surrounding area around the church has been developed in accordance with the land use plan. The site as exists is not the highest and best use as shown in the land use plan. The support should be provided for the zoning based on the land use plan and the surrounding area.
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs?
 - a. The proposed use is in compliance with the environment, the resources and area of Sandy Springs; this can be seen from the aerial image of the surrounding uses being similar.

SUPPORT

Dickerson, Patrice

From: Jerry Erbesfield <jerry@erbesfield.com>
Sent: Sunday, December 02, 2012 10:17 PM
To: Collins, William "Chip"; jmdonough@sandysprings.gov; Galambos, Eva; Paulson, John; Fries, Dianne; Sterling, Gabriel; McEnery, Karen; DeJulio, Tibby; Dickerson, Patrice bryanflint@att.net
Cc:
Subject: FW: 5975 Mitchell Road zoning opposition flyer
Attachments: Planning commission mtg 11-15-12 5975 Mitchell Road-2.docx

Other than our initial opposition to the rezoning of the 5975 Mitchell Road property, which was prior to the Arrowhead Properties and Ridgemere settling on the current proposal and Arrowhead's accommodation of Ridgemere's needs, I have respectfully not continued to send email messages and documentation to the Mayor and City Council regarding the Ridgemere Board's position. I do however feel that it is important now to communicate that Ridgemere has for some time fully supported Arrowhead Properties rezoning variance request.

The below message was sent by me to the Residents of Ridgemere and I have copied it to the Patrice Dickerson and the city's leaders to ensure that you are aware of the Ridgemere Board of Directors full support of the rezoning variance request by Arrowhead Properties.

I have also attached the statement that was made on the behalf of Ridgemere to the Zoning Commission at its 11-15-2012

Please be sure that the below email message and the attached 11-15-2012 Zoning Commission statement is included in the record before the December 4th deadline for the 5975 Mitchell Road zoning matter that is to be decided by the City Council at its December 18, 2012 City Council meeting.

Due to my desire minimize ill-will by opposing persons, I will greatly appreciate it if this part of the message and my email address is omitted from any possible public access or display. A reply to confirm that the below message and attached document has been included for the record will also be appreciated.

Thanks for the service to the community that you all provide.

Happy holidays to you and yours,

Jerry

Jerry Erbesfield
President
Ridgemere HOA

From: Jerry Erbesfield
Sent: Sunday, December 02, 2012 8:11 PM
To: Ridgemere Homeowner
Subject: 5975 Mitchell Road zoning opposition flyer

Happy holidays!

Today flyers were put into all Ridgemere Homeowner's mailboxes by a resident of the Braemore subdivision (on the corner of Mitchell and Hammond). These flyers ask Ridgemere residents to oppose the rezoning of the property next door at 5975 Mitchell Road. As most of you are already aware, the Ridgemere Board fully supports the rezoning due to multiple benefits to Ridgemere and we ask you to please support your HOA Board and do not respond to the requests in the flyer to oppose the rezoning. The flyer also contains inaccurate information regarding the developer and the issues.

This matter has been ongoing for several months now. I and other Board members have been directly involved. The Board in-fact voted to fully support the developer and the rezoning of the property due to the multiple benefits that development of this property will bring to Ridgemere and its residents.

As often occurs in such rezoning matters, neighbors are unfortunately sometimes pitted against neighbors. Some might feel they benefit from such a proposed zoning change and some may not. In this case, Ridgemere benefits to a great degree while Braemore and possibly Cameron Manor, the other two directly adjoining properties, feel as if they don't, though their reasoning is clearly debatable.

Approval of the rezoning provides considerable potential financial and physical plant benefits for the Ridgemere subdivision and its residents including, among other things, improvements directly to our property, not to mention the increase in Ridgemere's property values a proposed quality development of \$500,000 to \$600,000 homes located directly next door to us could potentially bring.

If the church doesn't sell the property, as the flyer says they voted not to do, then the city's approval of the rezoning won't harm the church group whatsoever. Nothing will change for the church, or the property, should the church not sell and continue as a church, that is IF they don't actually sell. There is however nothing in writing that prevents this current church group from selling the property. If they do eventually sell, then the agreement the developer has with the group is simply that the developer will have the first right to buy and then to develop the property.

A few of the other related issues: 1) The contracted sales price was \$750,000.00 and control of that is what's really at stake in this matter, 2) as most of us have witnessed over time, the property has existed in a deteriorated state and has been virtually abandoned for several years. In-fact, until this zoning matter came to light early this year, Ridgemere could not determine who the responsible property owner was to try to get the (still open) issues addressed, 3) there are serious pre-existing drainage issues that directly affect Ridgemere. The developer has provided a written and enforceable agreement to Ridgemere committing to correct the drainage issues as well as to provide a 20 year indemnification insurance policy against future run-off water drainage issues. We have no such protection with the current property owners and cannot get such an agreement from them. The current group claiming ownership clearly does not have the financial resources to make the type of very expensive water run-off drainage issue corrections that are necessary. It could be years before they do, if ever.

There are multiple other details and issues involved but it is impossible to recount them all and the details of the many months of negotiations and dealing with the city, the developer and the two groups claiming ownership, in this message. Accordingly, we respectfully ask that all Ridgemere homeowners please continue to support the HOA Board by allowing it to continue to appropriately do its job by representing the best interests of the Ridgemere subdivision to the conclusion of this matter. Please DO NOT respond to the flyer, write to the city in opposition or oppose the rezoning.

Thank you in advance for your anticipated cooperation in this important matter.

Appreciatively, on the behalf of the Ridgemere Board,

Jerry

Jerry Erbesfield
President
Ridgemere HOA

November 15, 2012

Statement by Jerry Erbesfield, President, Ridgemere HOA

The Ridgemere Board of Directors continues to unanimously support the rezoning petition of Arrowhead Properties for the 5975 Mitchell Road property. We ask the zoning commission to please approve the rezoning recommendation. The outcome of the rezoning decision, one way or the other, will at least remove the cloud of the zoning matter from the equation and start helping the surrounding neighborhoods finally put this unpleasant and divisive matter behind us.

The Ridgemere Board's intent is not to take sides against any of our neighbors. The Arrowhead development however carries with it multiple overriding positive benefits for Ridgemere and its homeowners including the correction of the serious drainage, code and other issues that currently exist on the property and that directly affect Ridgemere. It is simply a business matter that the Ridgemere Board believes is in its best interests to support.

Supporting the proposed rezoning request should not be viewed by anybody in any way as a lack of support for the church group lead by Warden William Lundquist. To the contrary, Ridgemere welcomes the church group as our neighbors and we hope they are successful in actually carry out the wonderful sounding plans Mr. Lundquist has for the property and that he has personally voiced to me and others.

Warden Lundquist has told me his group wishes to make the area into a park like setting, open to the neighbors, bringing it up to an appearance in keeping with the standards of the surrounding neighborhoods and with the city's codes. Warden Lundquist has also said, in no uncertain terms, that they absolutely will NOT sell the property and that they plan to put the property into a permanent land trust to conserve the property in that state long term. With Warden Lundquist's group in control of the property, I can only assume that is what will occur regardless of if Arrowhead's rezoning request might be approved or not.

Likewise, Arrowhead will also be able to move forward if the rezoning request is approved and if they were to eventually end up with ownership of the property.

Due to those factors, in the end, there is really no harm, no foul to anyone if the requested zoning variances are approved. The positive will be that we can all move on and not have to keep revisiting this matter.

Regardless of the zoning or ownership issues, in the end, Ridgemere's expectation is that the property will be brought up to an acceptable condition, in a timely manner, so that the issues mentioned will not continue to negatively affect Ridgemere.

OPPOSITION

Sandy Sweeny
535 Cameron Manor Way- NW
Sandy Springs, Georgia 30328
404-821-6668

Honorable Mayor Eva Galambos and City Council Members
City of Sandy Springs
7840 Roswell Road
Sandy Springs, Georgia

Date: November 1, 2012

Dear Honorable Mayor and City Council Members:

As a resident and business owner in Sandy Springs involved in a re-zoning case, I have had the opportunity to observe elected officials and the politics that govern the City of Sandy Springs. Zoning and development have become a very personal and all-consuming part of my life.

While I am for progress and development, I believe there should be limits. Yes, I know we as a nation are in bad economic state and the City needs revenue from Developers but it is the citizens who are paying dearly when regulations and processes are blatantly pushed aside or ignored in the name of progress. Where do we draw the line?

Time and time again, in every corner of our city, there are concerned citizens passionately fighting the encroaching developers and the city to protect their property and investment. Over and over again, despite the original zoning laws set forth by the City officials themselves, they are easily changed in favor of the Developer with little concern for the residents. Processes like the notification of all residents have been flawed and presented issues in many zoning cases yet nothing is done to correct the issue leaving residents wondering what happened after the property is rezoned. I have personally attended many Planning Commission and City Council meetings. After observing the expressions and actions of certain members of the Planning Commission and City Council, I am discouraged. I have watched tearful residents plead to save their land and homes only to see eyes roll or members doze off uninterested. As a citizen, it makes me wonder if we have a voice at all.

The Future Land Use Plan that acts as a guideline to development in Sandy Springs and request for re-zoning, is overly broad, obscure, and needs re-evaluated. Each zoning issue should be carefully examined with residents in mind and not just the Developers and City's interest. There should be regulations that prevent easy re-zoning. If a property can be re-zoned with minimum effort regardless of how it affects the citizens, environment or surrounding areas, why have zoning regulations at all? When there is no hardship proven by a Developer for a variance changed, it is changed anyway. I have witnessed small acreage lots being developed with housing projects that are overly dense and not in harmony with surrounding neighborhood

regardless of the consequences. Historical "pre" and "post" Civil War buildings and giant old trees are demolished taking away a part of history and beauty for future generations to enjoy. It is hard to believe that Sandy Springs does not have a law that prevents this type of tragedy or protect these entities. In addition, residents are forced to spend countless hours attending meetings, writing emotional letters and doing everything possible to preserve their investments only to have their concerns fall of uncaring politicians and deaf ears. Sooner or later, everyone in this city will be faced with having to protect their property in a re-zoning issue. There seems to be no end in sight as to the quest for revenue and progress. In the end, we all pay with higher taxes, increased crime, noise pollution, traffic congestion, destruction of the environment and wildlife, run-off and drainage issue and an over-developed city.

Somewhere along the line, many of our City officials have forgotten the reason they were elected to office and that is to "serve" the citizens and make this city a better place to live. It is time we make a change with the way this city is governed by electing officials that care about the citizens. I am not saying that all City Council members are bad, crooked or uncaring but there are a few and the residents are taking notice. I intend to send this letter to anyone who will hear my voice. I hope everyone who reads this letter will take a step, get involved and vote. If they are not motivated to do so now, they will be soon. It is only a matter of time before they will be hit with a re-zoning issue next to their property too.

Regarding the rezoning case of the Mitchell Street property, concessions were made by the Developer (40ft setback-no variance) for Cameron Manor. Because of this and a commitment to Ridgemere (to work together to achieve the concessions for our subdivisions), you should know that the position of Cameron Manor is not to oppose the current 13 home plan submitted by the developer. However, this is quite different from supporting it or being satisfied with the accommodations. Our first preference is to see the church prevail in its ownership battle and the land to remain in its natural state with an active congregation and all residents in the surrounding subdivisions enjoying the property. If the land must be developed, then we would prefer the plan shown to us by the **developer with 8 homes and no variances which would satisfy ALL of the affected neighborhoods.** With a variance change, Braemore and Surrey Place would be adversely affected because they have not received the same concessions as Cameron Manor and Ridgemere. In addition, we all remain very concerned about precedence, density, run-off and drainage issues on such a small lot of land. The 8 home plan that the Arrowhead has shown to the homeowners would eliminate most of these concerns too.

In closing, I hope that you will hear the heart felt plea of a concerned citizen that is truly terrified over the amount of the zoning and development in this City and give careful consideration to the residents before making a decision to re-zone the Mitchell property or any property in the future.

Sincerely,

Sandy Sweeny

CC:
ATT:

Dear Mayor Galambos , City Council Members and Sandy Springs

City Planning Commission:

For months I have voiced my concern objecting to the destruction of a hidden treasure, a historic gem, a place of God, a property which by its very existence requires preservation, a natural phenomenon of an almost by-gone era, a site for citizens, and above all for my children, grandchildren, and yours, which should be preserved as a sanctuary, a site that has been hidden away, surrounded by urban sprawl, forgotten or undiscovered by people who may have passed it every day.

St. James Anglican, Catholic, Episcopal Church is hidden by magnificent trees, which somehow preserve animal life, birds, wild, overgrown shrubs undisturbed in their natural growth. One tree, a single oak of 600 years of age, shelters a cottage remodeled, but with evidence of its original vintage, still standing and marked with crosses denoting its holy use, not by many, but by a faithful band of people who drop to their knees to pray to their God.

The City of Sandy Springs is distinguished by the numerous churches, synagogues, places of religious observance representing a remarkable multitude of religions. Many encompass historic cemeteries, a tribute to the citizens of the area who subscribe to a variety of doctrines, but somehow with similar beliefs, prayers and observances. How then has this community, this new City of Sandy Springs, the city that built and dedicated the Sandy Springs Heritage Center, now neglect and stand ready to obliterate the home and the history, the values and the rights of an extraordinary site, important to the representation of constitutional rights to the practice of religion in our United State of America?

These values were upheld by my uncle from Brunswick, Georgia, a son of the South who served in the US Navy in the Second World War. They allowed my Grandfather to come to this land I love to serve in the first orthodox synagogue in Macon, Georgia, in the year 1907 and previously preside in

Chattanooga, Tennessee. This is the reason why, as a Jewish woman, a mother and grandmother, this Bubbe is trying to save my neighbor, The St. James Anglican Church on Mitchell Road.

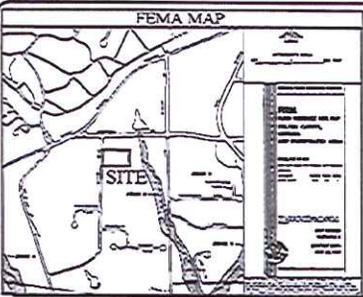
"Don't people have a right to sale their property?" This according to the mayor and many Council members the major reason for any rezoning of this church property, which it evidence points to was part of the Mitchell properties! I and many other neighbors and citizens of Sandy Springs have repeatedly said No. Not, that is in a tiny oasis in the dessert of development in a hollow presenting major, probable drainage problems. Not where a historic well marks the property's approximate age. Not where historic trees abound and a obviously ancient barn marks the use of the property for agrarian use. You will find if you see the rezoning notice this unique site wway down in a hollow, As we say in the South. Please check it out and see for yourself if Sandy Springs should destroy this small vestige of history, religion and natural haven where trees and prayers reach majestically to the heavens above.

Charlotte Glyck Marcus

Mother- Grandmother - Citizen

5996 Mitchell Rd. NW

Sunday Spring, GA 30328



VARIANCES

NEW YARD SETBACK	Yard Setback From 20' to 15' Side Lot 4.8 FT
REAR YARD SETBACK ADJUSTMENT	Yard Setback From 20' to 15' Side Lot 4.8 FT
FRONT SETBACK ADJUSTMENT	Yard Setback From 20' to 15' Side Lot 4.8 FT



SITE DATA:

TOTAL NET AREA	2.365 ACRES
ZONING	R-4 RESIDENTIAL
PROPOSED ZONING	R-4 RESIDENTIAL
ZONING SUBSECTION	SANDY SPRINGS
DEVELOPMENT TYPE	RESIDENTIAL
MAX. HEIGHT	10 FEET
TOTAL FAMILY UNITS	8 UNITS
SINGLE FAMILY DENSITY	1.8 UNITS/ACRE
MIN. FLOOR AREA	900 SQ. FT.
MINIMUM SETBACKS - UNPAVED STREET FRONT YARD	20 FEET (From POB)
REAR SETBACK	15 FEET (From POB)
FRONT SETBACK	15 FEET (From POB)
ADJACENT SETBACK	15 FEET (From POB)
MINIMUM SIDEWALKS	5 FEET
MINIMUM DRIVEWAY	10 FEET
MINIMUM DRIVEWAY	10 FEET
PROPOSED PARKING (2 PER UNIT)	16 SPACES
TOTAL TRAILS PROVIDED	12 SPACES (2 Car Owners/Driver)

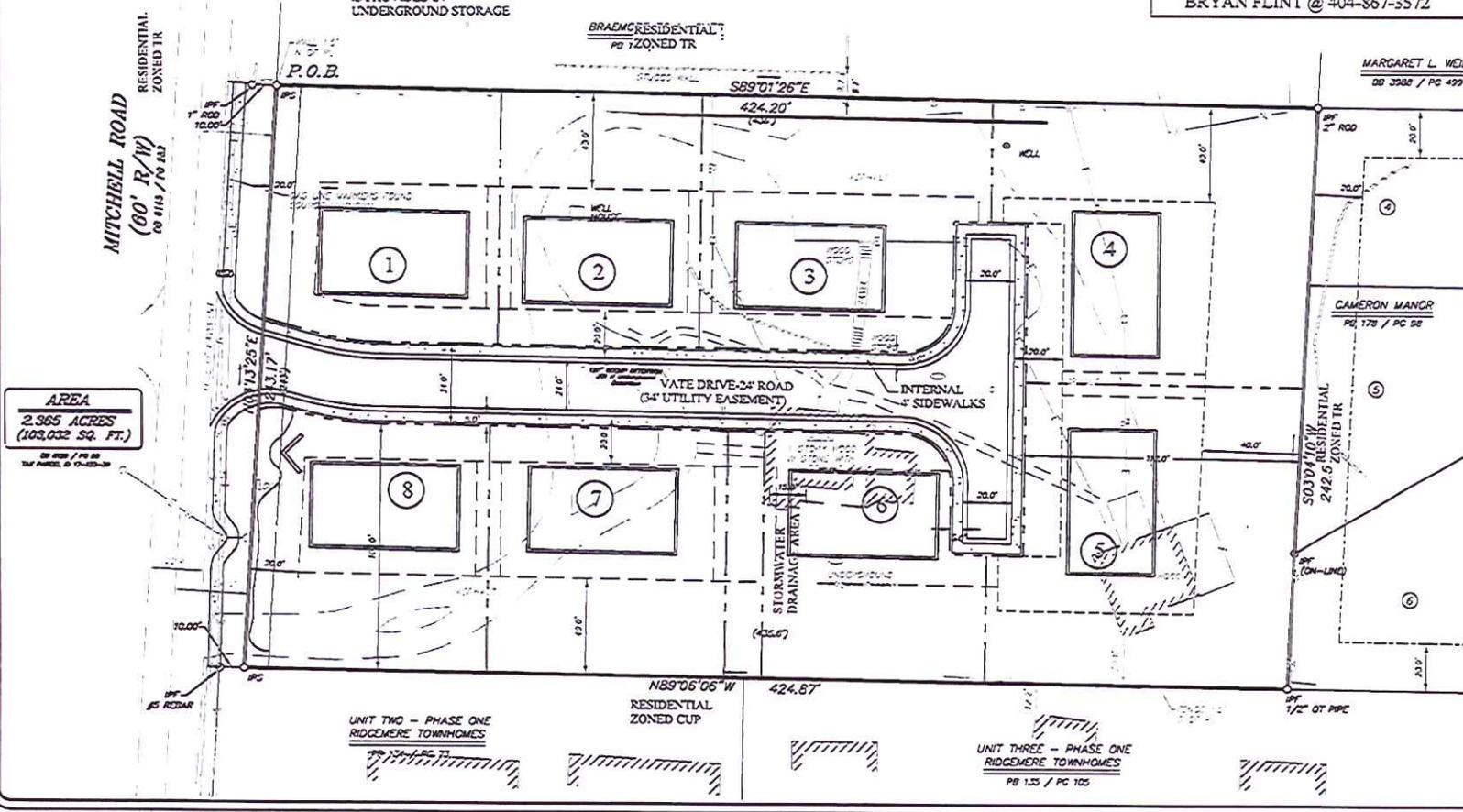
1. SITE ADDRESS: 5975 MITCHELL ROAD, SANDY SPRINGS, GEORGIA

NOTE: STORMWATER MANAGEMENT IS PROVIDED IN UNDERGROUND STORAGE

24 HOUR CONTACT:
BRYAN FLINT @ 404-867-3572

Mitchell Road - Sandy Springs
 A Division of Residential Real Estate Services, LLC
 1000 WOODBRIDGE DRIVE, SUITE 100
 SANDY SPRINGS, GA 30076
 (404) 478-1111

PLANNERS AND ENGINEERS COLLABORATIVE
 THE PROVIDER SOLUTIONS
 1000 WOODBRIDGE DRIVE, SUITE 100
 SANDY SPRINGS, GA 30076
 (404) 478-1111



REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	02/20/12	BFL	CONCEPTUAL SITE EXHIBIT

CONCEPTUAL SITE EXHIBIT

SCALE: 1" = 20'
 DATE: February 20, 2012
 PROJECT: 12022-00

THESE PLANS ARE ONLY VALID IF CORRECTLY SEaled AND SIGNED BY THE ARCHITECT.

1

Dickerson, Patrice

From: bonny@wemarshall.com
Sent: Thursday, November 01, 2012 4:26 PM
To: Dickerson, Patrice
Subject: Deadline today

Importance: High

Dear Ms Dickerson:

Please submit the following email to the Sandy Spring City Planning Commission and City Council Members regarding the rezoning of the Mitchell Road property. I understand today is the deadline.

I would ask for their support of our stance of opposition toward the current 13 home site plan with all of its concurrent variances. Further, I would ask for their support for the approval of R5A with no variances. The developer has shown no extreme hardship. The developer's hardship is self-imposed to maximize density.

Thank you for your time.

Bonny Marshall
13 Braemore Drive, NW

Dickerson, Patrice

From: Ed Thomasson <edthomasson@bellsouth.net>
Sent: Thursday, November 01, 2012 2:56 PM
To: Dickerson, Patrice
Subject: 5975 Mitchell Road Rezoning
Attachments: Exhibit A 6-12-2012-40 ft-Setbacks.pdf

Dear Sandy Springs Council,

I am a resident of Surrey Place in Sandy Springs and am concerned about RZ12-004/CV12-004 - 5975 Mitchell Road, Applicant: St. James Anglican Church, Inc., Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances application currently being considered by the Sandy Springs City Council.

I, along with many other Surrey Place homeowners, have been to the majority of the planning and council meetings concerning this application and have routinely signed in and have indicated we were not in favor of the current rezoning request for this piece of property.

Although most of my neighbors and I in Surrey Place would prefer this property to remain as is, we understand that developing property is how Sandy Springs is going to grow and prosper. What I don't understand is why a property should be rezoned with all the variances that the developer is requesting yet he can obviously build on the property without any variances based on his plan with 8 homes – see attachment.

What are the hardships that the builder is encountering requiring reduced setbacks other than not being able to make a higher profit? Is the developer making a greater profit more important than the surrounding neighborhoods losing their privacy without proper setbacks, privacy buffers and likely potential negative surface drainage issues? These surrounding neighborhoods of Braemore, Cameron Manor, Surrey Place and Ridgemere could lose more of their property value than which has already been lost as a result of the mortgage crisis if the current application is approved.

My husband and I support the efforts of the church members who do not want to sell the property and want to continue to worship at this location. We do not support the current zoning application but would support a development with R-5A zoning with NO variances if the property has to be rezoned.

Thank you.

Emily Thomasson
5996 Mitchell Road, #28
Sandy Springs, GA 30328
404-303-9240

Dickerson, Patrice

From: Emily Thomasson <emilythomasson@bellsouth.net>
Sent: Monday, October 22, 2012 5:38 PM
To: Collins, William "Chip"
Cc: Dickerson, Patrice; Ginny Green; Nancy Coffey; Katherine Marshall; Jack Sikes; Ed Schweers; Charlotte Marcus; jeffmitchell@live.com; 'Sandy Sweeny'
Subject: Mitchell Road Rezoning Request
Attachments: Exhibit A 6-12-2012-40 ft-Setbacks.pdf

Dear Councilman Collins,

I am a resident of Surrey Place in Sandy Springs and am concerned about RZ12-004/CV12-004 - 5975 Mitchell Road, Applicant: St. James Anglican Church, Inc., Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances application currently being considered by the Sandy Springs City Council.

I, along with many other Surrey Place homeowners, have been to the majority of the planning and council meetings concerning this application and have routinely signed in and have indicated I was not in favor of the current request of the zoning change for this piece of property.

Although most of my neighbors and I in Surrey Place would prefer this property to remain as is, we understand that developing property is how Sandy Springs is going to grow and prosper. What I don't understand is why a property should be rezoned with all the variances that the developer is requesting yet he can obviously build on the property without any variances based on his plan with 8 homes – see attachment.

What are the hardships that the builder is encountering requiring reduced setbacks other than not being able to make a higher profit? Is the developer making a greater profit more important than the surrounding neighborhoods losing their privacy without proper setbacks, privacy buffers and likely potential negative surface drainage issues? These surrounding neighborhoods of Braemore, Cameron Manor, Surrey Place and Ridgemere could lose more of their property value than which has already been lost as a result of the mortgage crisis if the current application is approved.

My husband and I do not support the current zoning application but would support an Arrowhead development accepted zoning allowing eight homes and no variances.

Thank you.

Emily Thomasson
5996 Mitchell Road, #28
Sandy Springs, GA 30328
404-303-9240

Dickerson, Patrice

From: Ginny Green <vpgreenservices@yahoo.com>
Sent: Monday, October 22, 2012 8:48 AM
To: Collins, William "Chip"; Dickerson, Patrice
Cc: jeffmitchell@live.com
Subject: Surrey Place Opposes Church Development on Mitchell Road

Dear Chip and Patrice,

I am the President of the Surrey Place Association and I want to state emphatically that the members of the Board along with a sizeable number of our residents support Braemores and Cameron Manor's position. Charlotte Marcus is one of our residents who has spoke passionately at some of the town hall meetings about preserving the tree canopy and the church. Members of the Board have attended every meeting to show our strong opposition to the developer's proposals. We only support a development with no variances and that is appropriate for the piece of property. We are very concerned about additional traffic especially with an entrance directly across from the Surrey Place entrance.

Surrey Place never received any notification of the public meetings which puts us at an extreme disadvantage if we are not aware of developments and issues in our community.

Cordially,
Ginny Green
VPGreen Services
5996 Mitchell Road #22
Atlanta, GA 30328
Cell: 404-277-7649
Home: 404-257-9659
Email: vpgreenservices@yahoo.com

Dickerson, Patrice

From: Ginny Green <vpgreenservices@yahoo.com>
Sent: Thursday, November 01, 2012 3:16 PM
To: Dickerson, Patrice
Subject: I oppose the density of the development on Mitchell Road

Dear Sirs,

I am the President of the Surrey Place Homeowners Association and have attended several of the meetings concerning the development of the church property directly across the street from our townhomes

I would support approval of R5A zoning with no variances. The developer has shown no extreme hardship. His hardship is self imposed to maximize density. Maximum density, mature tree removal, water run off - this kind of development is not what the city of Sandy Springs was created for. It seems the city council is more interested in the developer than our community and the life style that we had expected and voted for in making Sandy Springs our own city.

Ginny Green
VPGreen Services
5996 Mitchell Road #22
Atlanta, GA 30328
Cell: 404-277-7649
Home: 404-257-9659
Email: vpgreenservices@yahoo.com

Dickerson, Patrice

From: Glyn Philpot <gsphilpot@gmail.com>
Sent: Thursday, November 01, 2012 4:48 PM
To: Dickerson, Patrice
Subject: 5975 Michhell Rd Sandy Springs

Dear Sir,

As the owner of 9 Braemore Drive, directly backing onto the proposed development of 13 homes, I strongly object to this high density with much reduced setbacks from the boundaries of the normal R5A.

It is out of proportion and out of context with the surrounding existing developments and will mean the destruction of many beautiful old oak trees in this very special part of Sandy Springs.

Regards Glyn Philpot

Dickerson, Patrice

From: karen <kpickerill@nyc.rr.com>
Sent: Sunday, October 21, 2012 11:33 PM
To: Collins, William "Chip"; McLendon, Cecil; Dickerson, Patrice
Subject: Improper Procedures Regarding Notification of Properties Abutting Proposed Mitchell Road Episcopal Church Rezoning

Representative Collins, Mister Macedon and Ms Dickerson

I am a homeowner in the Ridgemere Subdivision that is adjacent to the Episcopal Church property on Mitchell Road. The Episcopal Church property has been the subject of various requests for rezoning and for a associated variances that are inconsistent with the adjoining neighborhoods,

As an economist and consultant who has worked with various Federal, State, County and City governments for more than 25 years, I am appalled at the seemingly willful flaunting of Sandy Springs' own procedures as demonstrated by the Planning Commission, and the Mayor's lack of response to affected property owners' concerns. Item 11 of the Sandy Springs Rezoning & Use Permit & Concurrent Variance Application requires notification of the affected parties, but unfortunately, Sandy Springs government apparently doesn't find it necessary to follow a reasonable notification process. An ad in a newspaper or incorrect information (i.e. incorrect meeting dates), posted on a sign on the Episcopal Church is not sufficient notice. Due to the nature of my job, I travel frequently and do not subscribe to the local newspaper. The information posted on the sign on the property subject to the rezoning was incorrect or incomplete. No one in my subdivision ever received notice from Sandy Springs or from the developer as to the nature of the rezoning and the variances being requested!

Why were the residents of the Ridgemere subdivision, which abuts the Episcopal Church property's southern border, not notified of this significant and deleterious proposed change in property usage? Did the members of the Planning Commission think it is not necessary to follow procedure? What about the rights of affected property owners? Has anyone analyzed the impact of these proposed changes on the property values of the homes in the adjoining subdivisions? Any one who has a basic understanding of housing values knows that if you significantly increase density and allow variances that are inconsistent with the adjoining neighborhoods, the values of adjoining properties are adversely affected.

You can be certain that in the next election, I will not be supporting any of the elected officials that were involved in this farce.

Please contact me either via telephone or via mail if you have any questions about this message, and please contact me regarding any meetings of the Planning Commission that pertain to the proposed rezoning of the Episcopal Church property on Mitchell Road.

Dr. Karen Pickerill
P.O. Box 76662
Atlanta GA 30358
Mobile 646 482 1639

Staff, zoning commission and council, please review the below pictures of trees and setbacks.

Please consider requiring both a 40 foot setback and Green Giant Arborvitae buffer trees that are 10-14 feet tall planted 4-6 feet apart to ensure visual privacy for both communities.

In addition, please require the developer to replace on site any trees and bushes damaged from soil disturbance and compaction within the first 3 years as many trees will not show immediate damage.

Note: the below pictures are the buffer standard of 8 feet tall evergreens suggested by your chief environmental compliance officer. It does not protect privacy as you can see right through the buffer.

The following pictures were taken standing 10 feet from the tree line. The homes setback 25 and 35 feet from tree line. Trees are 8-10 feet tall planted 6 feet apart. The location for verification is Eastside Baptist Church, Marietta Georgia, parking lot of new addition and adjacent homes.

Building setback 35 feet from trees. Trees are 8-10 feet tall and 6 feet apart.



Building setback 25 feet from trees. Trees are 8-10 feet tall and 6 feet apart.



Building setback 35 feet. Trees are 8-10 feet tall and 6 feet apart. (Panorama below distorts distance)



Building setback 35 feet. Trees are 8-10 feet tall and 6 feet apart. (Panorama below distorts distance)



Building setback 35 feet from trees. Trees are 8-10 feet tall and 6 feet apart.



Again, please consider requiring both a 40 foot setback and Green Giant Arborvitae buffer trees that are 10-14 feet tall planted 4-6 feet apart to ensure visual privacy for both communities.

RECEIVED

NOV 05 2012

City of Sandy Springs
Community Development

Dear Mayor Galombos and City Council members:

For months I have voiced my concern objecting to the destruction of a hidden treasure, a historic gem, a place of God, a property which by its very existence requires preservation, a natural phenomenon of an almost by-gone era, a site for citizens, and above all for my children, grandchildren, and yours, which should be preserved as a sanctuary, a site that has been hidden away, surrounded by urban sprawl, forgotten or undiscovered by people who may have passed it every day.

St. James Anglican Episcopal Catholic Church is hidden by magnificent trees, which somehow preserve animal life, birds, wild, overgrown shrubs undisturbed in their natural growth. One tree, a single oak of 600 years of age, shelters a cottage remodeled, but with evidence of its original vintage, still standing and marked with crosses denoting its holy use, not by many, but by a faithful band of people who drop to their knees to pray to their God.

The City of Sandy Springs is distinguished by the numerous churches, synagogues, places of religious observance representing a remarkable multitude of religions. Many encompass historic cemeteries, a tribute to the citizens of the area who subscribe to a variety of doctrines, but somehow with similar beliefs, prayers and observances. How then has this community, this new City of Sandy Springs, the city that built and dedicated the Sandy Springs Heritage Center, now neglect and stand ready to obliterate the home and the history, the values and the rights of an extraordinary site, important to the representation of constitutional rights to the practice of religion in our United States of America?

These values were upheld by my uncle from Brunswick, Georgia, a son of the South who served in the US Navy in the Second World War. They allowed my Grandfather to come to this land I love to serve in the first orthodox synagogue in Macon, Georgia, in the year 1907 and previously preside in Chattanooga, Tennessee. This is the reason why, as a Jewish woman, a mother and grandmother, this Bubbe is trying to save my neighbor, The St. James Anglican Church on Mitchell Road.

"Don't people have a right to sell their property?" This according to the mayor and many Council members the major reason for any rezoning of this church property, which evidence points to was part of the Mitchell properties! I and many other neighbors and citizens of Sandy Springs have repeatedly said No. Not, that is in a tiny oasis in the dessert of development in a hollow presenting major, probable drainage problems. Not where a historic well marks the property's approximate age. Not where historic trees abound and a obviously ancient barn marks the use of the property for agrarian use. You will find if you see the rezoning notice this unique site way down in a hollow, as we say in the South. Please check it out and see for yourself if Sandy Springs should destroy this small vestige of history, religion and natural haven where trees and prayers reach majestically to the heavens above.

Charlotte Glyck Marcus

Mother- Grandmother - Citizen

5996 Mitchell Rd. NW

Sandy Spring, GA 30328

Abaray, Linda

From: Dickerson, Patrice
Sent: Monday, November 05, 2012 9:48 AM
To: Abaray, Linda
Subject: Fw: St James Anlican Episcopal Catholic Church rezoning

RECEIVED

NOV 05 2012

City of Sandy Springs
Community Development

Please include in Mitchell Road. First of several...

From: Charlotte Marcus [mailto:charleyann@bellsouth.net]
Sent: Friday, November 02, 2012 05:57 PM
To: Dickerson, Patrice
Cc: hhinson@mindspring.com <hhinson@mindspring.com>; charlotte G Marcus <charleyann@bellsouth.net>
Subject: RE: St James Anlican Episcopal Catholic Church rezoning

Ms Dikerson (Patrice),

I was unable to send my message myself as my computer skills are poor, plus had a small surgery today, Tuesday. I know I was quite irate on the phone. This church Zoning seems to have a special meaning and concern for me. Helen is a dear and sometimes helps with my editing. She and her husband, a retired Methodist minister live in Surrey Place near my condo in another Surrey Place building.

The computer messed up the lay out of what Helen sent for me. This is first time I've had to get back to you. If the letters are not yet given to proper recipients, wondered if you can take out what you have from me and replace it with a properly spaced one. I had my surgery today and only just now was able to send this request. I took the liberty to explain why I am so anxious to see that this property is saved. By the way I and Piney Grove was located on a dirt road on Canterbury Road NE off Lenox Road,

The fact is that I saved or got a church, Piney Grove Baptist nominated for eligibility for National Historic Preservation. This church with a historic cemetery with many graves marked only with stones without name, It was threatened when 400 was being built and MARTA was attempting to take land for its use. The state historic preservation Dept. examined the property and found evidence of a former school. This property dated back to slavery, a part of a plantation and at last will be cleaned up and marked when the records of the Church. I have most of the original documents along with other historic properties. By the way there are many special ancient trees.

The members were my neighbors and friends and I intervened. Ironically when I got the rezoning notice from Sandy Springs, I went to Kimberly Brigance who I engaged for a lecture at Dorothy Benson Sr. Center several years back. That day she went with me to St James and was awed by the site. I had mentioned it previously and she had not ever seen the property.

Maybe now, you might understand my ververant attachment to St James. For years I have used it as a personal retreat as do many of my neighbors.

Thank you for all you do for Sandy Springs.

Charlotte G. Marcus

--- On Fri, 11/2/12, Dickerson, Patrice <PDickerson@SandySpringsga.gov> wrote:

From: Dickerson, Patrice <PDickerson@SandySpringsga.gov>
Subject: RE: St James Anlican Episcopal Catholic Church rezoning
To: "Helen Hinson" <hhinson@mindspring.com>
Cc: "charleyann@bellsouth.net" <charleyann@bellsouth.net>
Date: Friday, November 2, 2012, 2:24 PM

Thanks, Helen! I talked to Ms. Marcus yesterday.

Patrice

From: Helen Hinson [<mailto:hhinson@mindspring.com>]
Sent: Friday, November 02, 2012 2:17 PM
To: Dickerson, Patrice
Cc: charleyann@bellsouth.net
Subject: RE: St James Anlican Episcopal Catholic Church rezoning

Patrice, thanks for letting me know. I should have indicated at the beginning of the message that it was written by Charlotte Marcus (charleyann@bellsouth.net) although I am in total agreement with her letter. She, however, has the ability to express it in a much more meaningful way. Helen Hinson

-----Original Message-----

From: "Dickerson, Patrice"
Sent: Nov 2, 2012 8:45 AM
To: Helen Hinson
Subject: RE: St James Anlican Episcopal Catholic Church rezoning

Helen, thank you for your comments. They will be added to the file and forwarded to the Planning Commission & City Council.

Patrice

From: Helen Hinson [<mailto:hhinson@mindspring.com>]
Sent: Thursday, November 01, 2012 9:09 PM
To: Dickerson, Patrice
Subject: Fw: St James Anlican Episcopal Catholic Church rezoning

----- Original Message -----

From: [Helen Hinson](#)

To: pdickerson@sandyspringsga.org

Sent: Thursday, November 01, 2012 8:49 PM

Subject: St James Anlican Episcopal Catholic Church rezoning

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Dickerson, Patrice

From: GMHOFF@aol.com
Sent: Thursday, November 01, 2012 3:38 PM
To: Dickerson, Patrice
Cc: jeffmitchell@live.com; sandy.sweeny@yahoo.co.uk; bonny@wemarshall.com
Subject: Rezoning 5075 Mitchell Road

Dear Ms. Dickerson,

Here is a short outline of all the requirements the owners of St. James Anglican Church, Inc. and the rezoning petitioner failed to do, as per Sandy Springs Rezoning, Use Permit & Concurrent Varlance Application . I would appreciate if you could add that to the file.

1. Application Form (page 8): Section IV, Part 1 *If there are multiple owners each must complete a separate Part 1 and include in the application.* St. James Anglican Church, Inc. is a corporation owned by the members of the congregation. The owners did not fill out Part 1 separately. My information is that only Kasume Thakore signed the application, affidavits of some members of the congregation were submitted at a later time.
2. Site Plan: Item 4 (page 2): *Site Plans must meet the minimum requirements specified in Article 28.5.2 and must include a Development Statistic Summary Chart (as shown below.)* Neither the original site plan nor subsequent revised site plans had Total Impervious Surface (squ. feet and %) or Landscaping (squ. feet and %.)
3. Public Notice (pages 5 and 13): Community Zoning Information Meeting (CZIM). *Signs posted along the frontage of properties subject to rezoning and/or use permit notify area residents of the Community Zoning Information Meeting (CZIM).* There was no sign posted for the CZIM in March.
4. Planning Commission and Mayor and City Council Public Hearing Notice (page 6): *Applicants are required to post signs in conspicuous places along the property's public street frontage no later than 20 days before the Planning Commission Hearing. Failure to post the signs properly, in accordance with instructions given to applicant at the time of filing, will result in delaying action on the petition* The September and October hearings were posted one day before the hearing date.
5. In the instructions given to applicant it says under 6. *If signs are not posted by the deadline, the applicant will be removed from the agenda.* This did not happen .
6. Deferred Decisions (page 6) *If the Planning Commission or Mayor and City Council defer a petition, it is the applicant's responsibility to contact the Zoning Administrator at 770-730-5600 to pick up new signs and re-post the property 20 days prior to the next hearing date. When the petition is deferred by the Mayor and City Council for less than 20 days, posting an updated sign is not required.* The applicant should have replaced the old sign since the deferral was for more than 20 days. Instead someone just wrote over the old sign one (1) day before the hearing.
7. Adjacent Property Owner Notice (page 6): *By U.S. Mail, notices are sent to all property owners within 300 feet of properties subject to rezoning...* Not all property owners within 300 feet did receive notification.

With my thanks for your patience,

Sincerely

Lisa D. Hoff
12 Braemore Drive, NW
Sandy Springs, GA 30328
Tel.: 404-255-1054
Email: gmhoff@aol.com

Dickerson, Patrice

From: Bignault, Mary B. <MBignault@onebeacontech.com>
Sent: Thursday, November 01, 2012 4:21 PM
To: Dickerson, Patrice
Subject: No Variances

Patrice,
I'm sure you are receiving lots of emails but I would like to just add to the opposition for variances.

Planning Commission

I purchased in Sandy Springs for the very reason that I believed Sandy Springs would hear the residents. I am all too aware of how Fulton county in the past would regularly allow inappropriate zoning and variances.

My understanding was the Sandy Springs would change that.

Please do not allow variances on this property (5995 Mitchell Road). As the neighborhood exists, the density is under 5 per acre and I wish it to stay that way. Further, this property backs to my privacy deck. I would hope to have the 40 foot setback that is part of this zoning and what I expected when I made my purchase here. Development can still happen profitably without this unnecessary variance.

Thank you for your consideration.

Mary Bignault CIC, Vice President, **OneBeacon Technology Insurance**
mbignault@onebeacontech.com
tel: 781.332.7757 | cel: 770.310.8854 | onebeacontech.com

.....
A Member of OneBeacon Insurance Group



Please send (cc to me):
NewBusiness@OneBeacon.com
Endorsements@OneBeacon.com
CLossruns@OneBeacon.com
Billing Inquiries, & Other Questions: CommercialCS@OneBeacon.com

Confidentiality notice:

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Thank you.

Dickerson, Patrice

From: chascobern@aol.com
Sent: Thursday, November 01, 2012 6:20 PM
To: Collins, William "Chip"; Dickerson, Patrice
Subject: Zoning - Mitchell Road - Angelican Church Property

I have been a resident of the Ridgemere subdivision since 1999. My property in Ridgemere is one of those which abuts the Anglican Church property on Mitchell Road. I am asking you to support our stance of opposing the current home site plan of 13 homes with concurrent variances. Please give all serious consideration and approval of the R5A zoning with no variances. We feel the developer has demonstrated no hardship except that which is self imposed just to maximize density. We are trying to maintain the quality of our neighborhood for the betterment of the Sandy Springs community.

Thank you,
Marti Matthews
10 Ridgemere Trace
Atlanta, GA 30328

Dickerson, Patrice

From: Coffer, Nancy <NCoffe@care.org>
Sent: Thursday, November 01, 2012 1:44 PM
To: Dickerson, Patrice
Subject: Mitchell Road Rezoning Request

Dear Councilman Collins,

I am a resident of Surrey Place in Sandy Springs and am concerned about RZ12-004/CV12-004 - 5975 Mitchell Road, Applicant: St. James Anglican Church, Inc., Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances application currently being considered by the Sandy Springs City Council.

I, along with many other Surrey Place homeowners, have been to the majority of the planning and council meetings concerning this application and have routinely signed in and have indicated I was not in favor of the current request of the zoning change for this piece of property.

Although most of my neighbors and I in Surrey Place would prefer this property to remain as is, we understand that developing property is how Sandy Springs is going to grow and prosper. What I don't understand is why a property should be rezoned with all the variances that the developer is requesting yet he can obviously build on the property without any variances based on his plan with 8 homes – see attachment.

What are the hardships that the builder is encountering requiring reduced setbacks other than not being able to make a higher profit? Is the developer making a greater profit more important than the surrounding neighborhoods losing their privacy without proper setbacks, privacy buffers and likely potential negative surface drainage issues? These surrounding neighborhoods of Braemore, Cameron Manor, Surrey Place and Ridgemere could lose more of their property value than which has already been lost as a result of the mortgage crisis if the current application is approved.

Nancy W. Coffer
5996 Mitchell Road, NW #17
Sandy Springs, GA 30328
404.861.5938

Dickerson, Patrice

From: Richard <atlynkee@bellsouth.net>
Sent: Thursday, November 01, 2012 1:21 PM
To: Dickerson, Patrice
Cc: atlcpa@bellsouth.net; Sandy Sweeny; jeffmitchell@live.com
Subject: Mitchell street Re-zoning

Good afternoon

As a resident of Cameron Manor subdivision, I do not see that the Mitchell street property needs to be re-zoned for more than 13 homes at the most.

The developer has failed to demonstrate any hardship other than to his wallet.

Please protect homeowners who already live in the neighborhood by preventing any zoning that will permit more than 13 homes or townhomes.

This developer should not be the only winner in this matter.

Please deny any zoning request in excess of 13 homes.

If possible these homes should have a size or price limit of \$400,000.

Please remember another zoning matter in Sandy Springs that the developer got the zoning and built an unneeded development.

Serrano complex was approved but not really needed. Developer wanted to rent units. Sandy springs zoning said build only to sell. Development went into foreclosure. Developer wanted to rent. Sandy springs said no. Now these unsold units have dropped to cheap prices and they are available for rent or for sale.

Land does not need to be developed if the developer only wants to cram small homes which will hurt those who have already spend their hard earned savings on their homes.

Please deny any re-zoning for 13 or more smaller homes.

Thank you

Richard Gay

500 Cameron Manor Way

Sandy Springs, Ga 30328

Sent from my iPad

Honorable Mayor and City Council Members,

The residents of Braemore request that the City deny the variance request submitted by Arrowhead Development.

We are submitting as part of public record Exhibit A, which is a site plan given by Developer to the affected neighborhoods, drawn to scale and showing all building footprints and required setbacks for him to enjoy the benefits from this parcel of land.

As you can see, the Developer has demonstrated that there are no exceptional or extraordinary circumstances or conditions applicable to the property that would prevent him from its intended use, which is to build single family, detached homes.

You can see clearly in Exhibit A that the Developer can build 8 large, single family homes without relief from the current zoning ordinance. We believe this is what nature fits on the property. This proposed plan was unanimously and overwhelmingly approved by all affected neighborhoods. However, the Developer refuses to submit this rendition because, and I quote, "The plan is not as financially attractive as building 13 homes."

It is clear from the City's zoning ordinance that for a variance to be approved, the following MUST BE true:

- A. Some unique physical characteristic of the property prevents the beneficial use of the property if the ordinance is strictly enforced;
- B. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot or parcel is possible without a variance;
- C. Granting relief from the ordinance will not be detrimental to other surrounding properties.

In this instant case, NONE OF THE ABOVE IS TRUE! To the contrary, the OPPOSITE IS TRUE.

The Developer has shown in its own site plan that NO UNUSUAL PECULIARITY OF THE LAND EXISTS; NO HARDSHIP CAN BE ESTABLISHED and the reduced setback WILL INFRINGE ON THE RIGHTS OF BRAEMORE RESIDENTS TO ENJOY THE TRANQUILITY OF THEIR OWN PROPERTY.

Accordingly, the City cannot in good faith approve the Developer's plan for 13 homes when he has shown in Exhibit A that no relief from the Zoning Ordinance is needed. By approving the Developer's variance request and allowing him to build 13 homes, would be in direct conflict with the spirit and intent of the zoning ordinance and would clearly demonstrate that the City Council is prejudicial in granting a special privilege to the Developer that is not otherwise required or allowed by ordinance.

See attached Arrowhead plan with 40 foot setbacks

Excerpt from October Council speech

RE: RZ12-004 5975 Mitchell Road - St. James Church

Honorable Mayor and Council,

We would like to thank you and staff for honoring our concern about the recent improper signage/advertising and we appreciate the suggested deferral request.

The majority of neighbors in the Mitchell Road area hope that we can discuss and clear up two concerns tonight so that in the future if necessary we can spend our time focusing on our site plan and comprehensive land use concerns. If you honor this request, we believe it may save valuable time.

These 2 concerns are taken from the opposition council package #2 and # 3.

1. Numerous errors on the application.

- a. The church is not closed.
- b. The petitioners own statement sent to the city on September 12th 2012 clearly show that on February 9, 2012 she did not have authority to sign this rezoning petition. The city continues to ignore this and states that they have a valid petition from Arrowhead and Kasum Thakore. Please review a few pages (see attachment) from this letter. Other statements from this group are carbon copies and planning staff should have this for your review.

Please note the petitioner admits having a meeting 10 days after the fact (February 18th) not before. In addition, a corporate resolution or a copy of the actual minutes and votes from this meeting on February 18th were not included. I reviewed these February 18th minutes that Bryan Flint possesses in early July. These minutes do not show a vote.

However, more importantly the discrepancies in this timeline show that the contract and rezoning petition signed by Kasum Thakore on February 9th should be null and void as she did not follow proper non-profit procedures as required by law. **You have to have authority to act before you act** or it breaks the corporate veil of the non profit and the contract/petition is invalid.

- c. There is a major title issue and ownership dispute that is publicly known.

What is the city's policy and procedure on incorrect rezoning petitions? Neighbors would like to better understand the reasoning of why this petition has not been dismissed. And why the

city does not require the petitioner to reapply once they correct any misrepresentations, errors or title issues.

Our community believes that it is important for our elected officials to require true facts and information in these petitions. Staff and council use this information to make important decisions. This has nothing to do with which group owns the Church.

We are asking the city to examine whether the petitioner presented a truthful and correct application.

We respectfully ask council to discuss this important issue tonight so that we may better understand. We also ask that you vote NO on this rezoning or dismiss this erred petition and have the developer and petitioner come back later once they have these items corrected and/or title issues cleaned.

Additionally, we have also presented an eight home plan given by Arrowhead to our community "exhibit A" that clearly shows that this property can be used without variances and in accordance with the required zoning ordinances. This has always been the majority of neighbors desire ... "if something must be built, build within the zoning ordinance with no variances". Arrowhead has no hardship. More information can be found on this issue in your council package. If this is enough information and it is appropriate, please do not defer and vote NO tonight on their 13 home site plan with requested variances.

We respectfully request this so that neighbors can enjoy their upcoming holidays without the additional stress, meetings, and uncertainty hanging over us.

Again, thank you for your service to our community.

If there must be a deferral

However, if this must be deferred tonight we would like to ask that the city and petitioner totally clean up these missteps of proper notification. Our neighbors request that we start from the beginning asking the city to properly mail out the required postcard notifications to everyone.

This would also clean up the improper notification by the developer/petitioner and enable them to send out their required notification to our community that was not done for the second community meeting.

Our feedback from staff is that this is unnecessary. However, we would like council's point of view on this. Staff feels the signage is sufficient. We believe most people driving keep their eyes on the road. They are not looking for a rezoning sign next to an existing church sign that has probably been there since the seventies.

Below are excerpts from emails from neighbors in Ridgemere, Cameron Manor, and Surrey Place stating that they did not receive notification. This is a small sample of people whom were notified by neighbors somewhere in the process and that we have their email addresses. We believe from this small sample that there is a very large number of neighbors still that have not been notified.

Sandy

Please let Jeff know that nanci and I did not receive any notification

Thanks

Richard and Nanci Gay

I HAVE NOT RECEIVED A NOTICE. Helen Hinson

I have not received any notice from Arrowhead. I have forgotten if I got a notice mailed by city of Sandy Springs or if neighbors informed me.

Katherine Marshall

We received no notification for this rezoning from the city or the developer.

Thank You,

Linda

Sent from my iPhone

We received the mailed notification from the city in March but did not receive one from Arrowhead.

Thanks for everything you're doing!

Emily

I did not receive a notification from either

Ginny Green

VPGreen Services

5996 Mitchell Road #22

Atlanta, GA 30328

Thx, Jeff. Did NOT receive either correspondence and would not be aware of them if not for this email from you. Take care, **Ellis Firestone #31 Ridgemere Trace**

I did not receive any notification from the developer with regard to the meeting in April.

Thank you.

Bonny Marshall

Hi Jeff, per your request here is what I could find in my files.

In mid-March we received a card which announced the following meetings:

Community Zoning 3/27/12

Planning Commission 5/17/12

Mayor and Council 6/19/12

Lisa Hoff (Braemore)

STATE OF GEORGIA
COUNTY OF WINNEB

AFFIDAVIT OF Kusum Thakore

1.

COMES NOW, KUSUM THAKORE who after being duly sworn, deposes and states the following:

2.

My name is KUSUM THAKORE I am over the age of majority, suffer no legal disabilities, and am otherwise competent to testify in this matter. The facts set forth herein are given of my own personal knowledge.

3.

On February 18, 2012, St. James Anglican Church, Inc. held a meeting to elect Church officials for 2012 and to conduct official church business. I was present at that meeting.

4.

On February 18, 2012, the following Members of St. James Anglican Church, Inc. were present, which Members constituted a quorum of the entire Membership pursuant to the Bylaws:

- Vincent Thakore
- Kusum Thakore
- Jacqueline Thakore
- Mark Uko
- Peter Uko
- Claudette Black
- Jamarri Rollocks
- Naomi Worley (present through Proxy given to Bishop Vincent Thakore)

5.

The Membership elected the Board of Vestry and appointed the following Officers for the 2012 calendar year:

- Senior Warden and CEO – Kusum Thakore
- CFO (Treasurer) – Naomi Worley, with Claudette Black to assist as necessary
- Secretary – Mark Uko
- Registered Agent – Bishop Vincent Thakore

6.

During the February 18, 2012 Meeting, Bishop Vincent Thakore discussed the contract to sell the Church property that had been executed with Arrowhead Real Estate, LLC. The Membership confirmed its desire to sell the Church property at 5975 Mitchell Road due to the lack of funds to maintain the building and property and because the current structures are not believed to be safe. All Members at the meeting voted to sell the Church property consistent with the Contract between the Church and Arrowhead Real Estate, LLC for a price no less than \$800,000.00.

7.

The Board of Vestry also voted unanimously in favor of selling the Church property consistent with the Contract between the Church and Arrowhead Real Estate, LLC.

8.

The Membership of the Church approved the sale to benefit all Members, as the funds will be utilized for ministry and to secure a safe and appropriate facility for worship.

9.

The contract to sell the property between the Church and Arrowhead Real Estate, LLC was properly approved by the Members of the Church and the Board of Vestry and was signed by Vincent Thakore, Kusum Thakore, and Mark Uko on behalf the Church and with the full support of the Membership. Senior Warden Kusum Thakore was vested with authority to fulfill the Church's obligations in the contract which included signing a Rezoning Application.

10.

All of the actions taken to sell the Church property at 5975 Mitchell Road, including the execution of the Lot Purchase and Sale Agreement and filing of the Rezoning Application were approved, ratified, or otherwise completed with the full support and approval of the Church Membership and Board of Vestry. Any allegations to the contrary are inaccurate.

11.

It remains my desire that the Church sell the property as set forth in the Contract with Arrowhead Real Estate, LLC.

12.

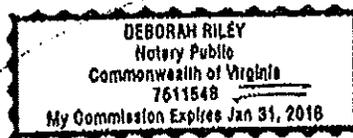
I am also aware that on or about May 15, 2012, Kusum Thakore executed a 2nd Amendment to the Purchase Contract reducing the purchase price to \$750,000.00 due to the reduced number of lots available for building. The 2nd Amendment was executed with full authority of the Members and Board of Vestry, and I am in agreement to sell the property for \$750,000.00.

FURTHER AFFIANT SAYETH NOT.

Kusum Thakore

Sworn to and subscribed before me
This 24 th day of August, 2012.

Deborah Riley
Notary Public
My commission expires:



Neighbors are overwhelmingly against these concurrent variances

The majority of neighbors from all the affected neighborhoods are not in favor of this current 13 home plan with concurrent variances. Even in the Ridgemere neighborhood where the HOA board has worked out an agreement with the developer some affected neighbors do not favor the current plan with variances.

However, neighbors agree if something must be built on this property do so without variances. Citizens from all neighborhoods overwhelmingly approve R5A zoning with no variances and the plan presented by Arrowhead (exhibit A). This plan shows that the developer can clearly build within the current zoning ordinances design to protect neighborhoods.

Cameron Manor and Ridgemere have densities of 3.9 units per acre. Even though zoning theory seems to say that Braemore is 15 units. The actual density for Braemore is 4.81 with 13 units.

The facts and reality of the situation is that if allowed this 13 unit 5.5 density development would be the highest density on the block. This church property is not a high traffic corner parcel. This is an interior parcel further into a neighborhood. Allowing this transitional property to increase to 5.5 instead of decreasing to something 4.8 density or below will not provide a proper transition.

The requested variances will cause financial and quality of life harm to homes in Braemore, Ridgemere, and Surrey Place. It has been proven that the closer new buildings are built to backyards and bedrooms windows the more the detrimental effect increases.

We have heard Arrowhead claims a hardship of a narrow lot. This is a normal lot size and dimension for the acreage. This is proven by Arrowhead themselves with their own plan (exhibit A). This lot does not conform to the definition of a land hardship. We believe the problem arises when the developer tries to maximize density on an incorrectly labeled recommended 5-8 density land use plan.

This extreme hardship declared by Arrowhead is self imposed.

Neighbors believe that zoning ordinances designed to protect neighborhoods with their calculated setback requirements should trump recommended land use plan densities. We have found that other municipalities have proven this to be true. We ask that our officials protect our neighborhoods also. This is why Sandy Springs was voted in to existence.

We love our city and our proud citizens. We respectfully ask that you abide by the primary duty of the Comprehensive Land Use Plan and Zoning Ordinance and protect our neighborhoods.

Please see attached comments from neighbors.

REVISED

June 19 and 21st Statement

Dear Honorable Mayor and City Council (June 19th) or (Planning Commission on the 21st), my name is Char Fortune. I am a resident of Cameron Manor, the subdivision behind and below the Mitchell property. I am here today to represent the prevailing views of the 10 homeowners in Cameron Manor Way affected by this new development. The Cameron Manor Way residents are unanimous in our opposition to the proposed plan submitted by the Petitioner for the following reasons:

1. He has NOT demonstrated ANY special conditions that exist on the land that creates a hardship thus making it too difficult to comply with the code's normal requirements. The property is neither unusual topographically nor by shape, nor is there anything extraordinary about the piece of property itself to warrant a zoning variance.
2. The proposed development is OVERLY DENSE and NOT IN CONFORMITY WITH SURROUNDING NEIGHBOURHOODS.
3. The Petitioner has HAS PROVIDED a plan that clearly demonstrates that he IS ABLE make reasonable use of the land within the current zoning ordinance by building 8 homes. We are in support of this type of development and conveyed to the Petitioner that we would work with him on a solution to get 1-2 more homes on the property; however, he has declined this offer.
4. The variances are against the public interests as evidenced by the outpouring of letters from the surrounding communities that City has received in opposition to the Petitioner's plan.

In closing, we ask the Commission/Council to deny the Petitioner's request for variances. The Sandy Springs Zoning Ordinance clearly states that a hardship variance, if approved, must relate to the unusual circumstances of the property, not the Petitioner's convenient use of the land. In this instant case, the Petitioner has shown no special hardship that would prevent him from making reasonable use of the land within the current zoning ordinance. The Petitioner has, in fact, produced a plan which clearly shows that he is able to meet the dimensional standards of the land use ordinance; however, he has chosen not to progress this because he states he wants to maximize his economic return on the property. A potential for economic loss, or something less than the maximum potential economic return to the property user, are not considered hardships by the definition of the Sandy Springs Zoning Ordinance.

Thank you in advance for your support of our position.

FW: Improper Procedures Regarding Notification of Properties Abutting Proposed Mitchell Road Episcopal Church Rezoning

From: Jeff Mitchell (jeffmitchell@live.com)
Sent: Thu 11/01/12 11:41 AM
To: jeffmitchell@live.com (jeffmitchell@live.com)

> Date: Sun, 21 Oct 2012 23:33:09 -0400
> From: kpickerill@nyc.rr.com
> To: ccollins@sandyspringsga.gov; cmclendon@sandyspringsga.gov; pdickerson@sandyspringsga.gov
> Subject: Improper Procedures Regarding Notification of Properties Abutting Proposed Mitchell Road Episcopal Church Rezoning

> Representative Collins, Mister Macedon and Ms Dickerson

> **I am a homeowner in the Ridgemere Subdivision** that is adjacent to the Episcopal Church property on Mitchell Road. The Episcopal Church property has been the subject of various requests for rezoning and for associated variances that are inconsistent with the adjoining neighborhoods,

> As an economist and consultant who has worked with various Federal, State, County and City governments for more than 25 years, I am appalled at the seemingly willful flaunting of Sandy Springs' own procedures as demonstrated by the Planning Commission, and the Mayor's lack of response to affected property owners' concerns. Item 11 of the Sandy Springs Rezoning & Use Permit & Concurrent Variance Application requires notification of the affected parties, but unfortunately, Sandy Springs government apparently doesn't find it necessary to follow a reasonable notification process. An ad in a newspaper or incorrect information (i.e. incorrect meeting dates), posted on a sign on the Episcopal Church is not sufficient notice. Due to the nature of my job, I travel frequently and do not subscribe to the local newspaper. The information posted on the sign on the property subject to the rezoning was incorrect or incomplete. No one in my subdivision ever received notice from Sandy Springs or from the developer as to the nature of the rezoning and the variances being requested!

> Why were the residents of the Ridgemere subdivision, which abuts the Episcopal Church property's southern border, not notified of this significant and deleterious proposed change in property usage? Did the members of the Planning Commission think it is not necessary to follow procedure? What about the rights of affected property owners? Has anyone analyzed the impact of these proposed changes on the property values of the homes in the adjoining subdivisions? **Any one who has a basic understanding of housing values knows that if you significantly increase density and allow variances that are inconsistent with the adjoining neighborhoods, the values of adjoining properties are adversely affected.**

> You can be certain that in the next election, I will not be supporting any of the elected officials that were involved in this farce.

> Please contact me either via telephone or via mail if you have any questions about this message, and please contact me regarding any meetings of the Planning Commission that pertain to the proposed rezoning of the Episcopal Church property on Mitchell Road.

> **Dr. Karen Pickerill**

Surrey Place Opposes Church Development on Mitchell Road

From: **Ginny Green** (vpgreenservices@yahoo.com)
Sent: Mon 10/22/12 8:48 AM
To: ccollins@sandyspringsga.gov (ccollins@sandyspringsga.gov); pdickerson@sandyspringsga.gov (pdickerson@sandyspringsga.gov)
Cc: jeffmitchell@live.com (jeffmitchell@live.com)

Dear Chip and Patrice,

I am the President of the Surrey Place Association and I want to state emphatically that the members of the Board along with a sizeable number of our residents support Braemores and Cameron Manor's position. Charlotte Marcus is one of our residents who has spoke passionately at some of the town hall meetings about preserving the tree canopy and the church. Members of the Board have attended every meeting to show our strong opposition to the developer's proposals. We only support a development with no variances and that is appropriate for the piece of property. We are very concerned about additional traffic especially with an entrance directly across from the Surrey Place entrance.

Surrey Place never received any notification of the public meetings which puts us at an extreme disadvantage if we are not aware of developments and issues in our community.

Cordially,
Ginny Green
VPGreen Services
5996 Mitchell Road #22
Atlanta, GA 30328
Cell: 404-277-7649
Home: 404-257-9659
Email: vpgreenservices@yahoo.com

Thank you- City Council Meeting

From: **Sandy Sweeny** (sandy.sweeny@yahoo.co.uk)

Sent: Thu 10/18/12 4:47 PM

To: egalambos@sandyspringsga.gov (egalambos@sandyspringsga.gov); Karen McEnery (KMcEnery@SandySpringsga.gov); Jmdonough@sandyspringsga.gov (jmdonough@sandyspringsga.gov); jpaulson@sandyspringsga.gov (jpaulson@sandyspringsga.gov); tdejulio@sandyspringsga.gov (tdejulio@sandyspringsga.gov); dfries@sandyspringsga.gov (dfries@sandyspringsga.gov); William " Chip" Collins (CCollins@SandySpringsga.gov)

Cc: Lisa Hoff (GMHOFF@aol.com); Philip Sweeny (psweeny@coca-cola.com); Jeff Mitchell (jeffmitchell@live.com); DaHushPup@aol.com (DaHushPup@aol.com); Jack Florek (jflorek4@yahoo.com); Bonny Marshall (bonny@wemarshall.com); Charlotte Marcus (charleyann@bellsouth.net); Emily Thomasson (emilythomasson@bellsouth.net); atlcpa@bellsouth.net (atlcpa@bellsouth.net); rafisch (rafisch@bellsouth.net); Linda Gordon (lindagordon@bellsouth.net); hgatl@comcast.net (hgatl@comcast.net); huntws2@gmail.com (huntws2@gmail.com); John Hunt (jhuntws2@gmail.com); huntws2@gmail.com (huntws2@gmail.com); imbarb545@aol.com (imbarb545@aol.com); Char fortune (charfortune@comcast.net); ARTHUR ELLEN LAVALLEE (ajel2@comcast.net); Kimberly Brigance (kbrigance@heritagesandysprings.org); Mary B. Bignault (MBignault@onebeacontech.com); Vicky Cooper (masonmarlee@gmail.com); cindy.smaney@accenture.com (cindy.smaney@accenture.com); Dorcas Winton (dorcawinton@harrynorman.com); Denise Willet (denisewillet@aol.com); Cindy (cindyman@comcast.net); Beth Frettoloso (bfrett3@gmail.com); Lynn Patacca (lpatacca123@hotmail.com); Morgan Nathan (morganbnathan@yahoo.com); Sr. of St. James Anglican Church (SeniorWarden@saintjamesanglicanchurch.org); Melissa J. Perignat (mperignat@hznw.com); ninahuman@aol.com (ninahuman@aol.com); patty@watershedallianceofsandysprings.org (patty@watershedallianceofsandysprings.org); Toni Richardson (tonikbr@gmail.com); Mark Harper (markharper80@gmail.com); Jason and Miriam Harper (savoryandsweetco@yahoo.com); Melissa Carder (dmcarder3@yahoo.com); Bobby Paul Carder (thecarders2@verizon.net); Chi Le (lanchi2000@yahoo.com); coachkenwoods@yahoo.com (coachkenwoods@yahoo.com)

Dear Honorable Mayor and City Council Members,

Good afternoon. I want to personally thank you for listening to the concerns of the opposition in the RZ12-004-5975 Mitchell Street rezoning case at Tuesday's City Council meeting.

As a resident of Cameron Manor and a business owner in the City of Sandy Springs, I have been involved in the re-zoning case pertaining to the Mitchell Street/Saint James Anglican Church property from the beginning. I have had the opportunity to observe elected officials and the politics that govern this city over the last nine months not only with this case but with other request for zoning in this city too. Zoning and development have become a very personal and all-consuming part of my life.

I, like many others, appreciate that Mrs. McEnery, Mr. Paulson and Mr. Sterling raised questions as to the validity of the statements made by Jeff Mitchell of Braemore and prompted a decision to defer. While Mr. Mitchell may not be the most eloquent speaker, he is very smart, has done his homework and is no "Lone Ranger" in his stance. The investigation into his claims will show substantial evidence that notification procedures

were not followed properly and all the discrepancies pertaining to the zoning request/church are valid. In addition, the information and affidavits provided to all of you from the attorney representing Sanjay Thakore(individual claiming to own the property) were inaccurate and misleading. I have personally walked the property and seen the inside of the church. It is a nice old historic church that obviously has been operating for a long time and not rat infested or dilapidated as indicated. I would encourage you to read the history and bi-laws of a Congregational Anglican Church to fully understand the legal ramifications of Mr. Thakore's actions.

The citizens in all subdivisions surrounding the area are watching city officials and their ruling on this property very carefully. If city council members would visit the Mitchell property or the neighboring subdivisions in this case, they would have a better understanding of the issues surrounding the rezoning and why there has been so much opposition.

I have always been "pro-development" and understand the need for progress. However, there should be limits so that a city can remain balanced. It is my personal opinion that in it's quest for revenue, this city is being overdeveloped with little consideration for it's citizens and their rights. I have spoken with residents everywhere with the same opinion. Rezoning issues such as hardship and density are constantly determined by a piece of paper and common sense is ignored. There should be more resistance by the City to these zoning changes. If there is no proven hardship, the Developer must build within the current zoning restrictions. Policies regulating density or hardship should not to a change quickly to accommodate a Developer. If a plan is presented that is overly dense, the density should be reduced instead of cramming an over-sized development on an undersized lot. More developers can and should build within the current zoning restrictions. Old trees and buildings should not be destroyed without consideration of their value to history, the canopy or surrounding area. Soon, there will be no green space left for future generations to enjoy. Sandy Springs will be nothing more than concrete jungle like midtown. In the end, all citizens will suffer with increased crime, noise, taxes, traffic congestion, and devalued properties.

I would like to extend an opportunity to meet with each of you in my home so that we can discuss these issues and view this case from a different perspective. Maybe, if you visualize what is at stake, you will have a better understanding of the case from the outside and not just what you see on a piece of paper inside. I look forward to your response.

Kind regards,

Sandy Sweeny
535 Cameron Manor
404-821-6668

Mitchell Road Rezoning Request

From: **Emily Thomasson** (emilythomasson@bellsouth.net)
Sent: Mon 10/22/12 5:37 PM
To: CCollins@SandySpringsga.gov
Cc: PDickerson@SandySpringsga.gov; Ginny Green (vpgreenservices@yahoo.com); Nancy Coffey (ncoffer@care.org); Katherine Marshall (kmarshall4960@gmail.com); Jack Sikes (mcnaught7588@att.net); Ed Schweers (edwardschweers2916@comcast.net); Charlotte Marcus (charleyann@bellsouth.net); jeffmitchell@live.com; 'Sandy Sweeny' (sandy.sweeny@yahoo.co.uk)
1 attachment
Exhibit A 6-12-2012-40 ft-Setbacks.pdf (422.8 KB)

Dear Councilman Collins,

I am a resident of Surrey Place in Sandy Springs and am concerned about RZ12-004/CV12-004 - 5975 Mitchell Road, Applicant: St. James Anglican Church, Inc., Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances application currently being considered by the Sandy Springs City Council.

I, along with many other Surrey Place homeowners, have been to the majority of the planning and council meetings concerning this application and have routinely signed in and have indicated I was not in favor of the current request of the zoning change for this piece of property.

Although most of my neighbors and I in Surrey Place would prefer this property to remain as is, we understand that developing property is how Sandy Springs is going to grow and prosper. What I don't understand is why a property should be rezoned with all the variances that the developer is requesting yet he can obviously build on the property without any variances based on his plan with 8 homes - see attachment.

What are the hardships that the builder is encountering requiring reduced setbacks other than not being able to make a higher profit? Is the developer making a greater profit more important than the surrounding neighborhoods losing their privacy without proper setbacks, privacy buffers and likely potential negative surface drainage issues? These surrounding neighborhoods of Braemore, Cameron Manor, Surrey Place and Ridgemere could lose more of their property value than which has already been lost as a result of the mortgage crisis if the current application is approved.

My husband and I do not support the current zoning application but would support an Arrowhead development accepted zoning allowing eight homes and no variances.

October 16th council package

Many neighbors in the Mitchell Road corridor feel that the St. James rezoning petition with its concurrent variances should be denied for one or all of the reasons below.

1. The developer has shown that he can build within the required zoning ordinances.

The developer has presented to the affected neighborhoods a site plan (8 home 40 foot setback) clearly showing that they can build within the required zoning ordinances.

2. Improper notification by the City of Sandy Springs and the developer/petitioner.

a. The city of Sandy Springs department of planning and zoning did not give proper notification to the community of the rezoning. There were major mistakes in the mailing. The majority of neighbors were not notified properly by mail (Cameron Manor, Surrey Place, Ridgemere). A small group was notified personally and attended these first meetings.

b. In addition, we believe that the developer is required to send out his own mailed notification for the CZIM. **This was never done.**

In today's busy society and with the transition in technology from our greatest generation to this one, these mailed notices are very important. We believe there are numerous residents who are still not aware of this rezoning because they do not have email and/or not connected with this small group. In addition, we do not believe it is our responsibility to notify every one. It is the city's and developer's responsibility. Both of these notification issues were brought to staff's attention by different people. Nothing was done. We assumed they hoped that this would go away and there would be no need to start over with proper notification. We understand this thought process. However, with this being of such importance to everyone in our community and the rezoning precedence that would be set if approved. We feel that this needs to be addressed properly and that decision explained to your constituency.

3. Error filled application.

- a. The church is not closed.
- b. The other groups own statements sent to the city of Sandy Springs clearly show that even within their own group. The person signing the February 9th rezoning petition and sales contract did not have authority to do so. Their dates do not match up. In addition, there is no mention that they even attended church these past years and are members in good standing or why the members who actually attend were not invited to this February 18th meeting.

It is amazing to everyone that hears this story that the city total ignores this. Everyone from the department of planning, September planning commission (4-0 vote), and the city attorney continue to allow this petition to continue and push this through.

Citizens now assume that anyone can rezone any property in the city as long as it fits within the comprehensive land use plan. They do not even have to own the property. They do not have to tell the truth or even have proper authority on the rezoning application. All they have to do is get their signature notarized and say that they think their statements are truthful and they think they may or may not own the property. Once they are in the system everyone including council has to approve the petition because the land use plan says so.

Citizens that we have spoken to cannot believe that there is no policy that would kick out these rezoning petitions and make the petitioner reapply once they are corrected and any misrepresentations, errors or title issues are cleared up. There is no accountability for developers.

In the example above, the St. James group wanting to sale has clearly shown in their own statements (letter and avadavats sent to planning staff) that they did not have proper authority on the date that they presented this rezoning petition. This has nothing to do with which group owns the Church.

We are asking the city to examine whether they presented a truthful and correct application.

4. There are numerous discrepancies on the comprehensive land use plan.

We believe the 5-8 density was an error or that people were asleep at the wheel. It has been proven numerous times by this developer that this higher zoning does not naturally fit on the property without numerous variances. With other discrepancies in the Mitchell Road area, we believe that there may have been a lack of proper care to the Sandy Springs land use plan concerning this area and property. If approved with the variances, this development would have the highest density on our block.

November 2012 speech to planning commission

Planning Commission Members:

Sandy Springs was voted in to a city by this constituency because of their promises to hear the community and their needs. We, ask that you honor this promise you made, and recommend R-5A zoning with no variances and a density no higher than 4.2 thereby preserving our neighborhood.

Arrowhead has not demonstrated a hardship that prevents them from reasonable use of the property within the current zoning ordinances.

The variances, if authorized, would create a development project that is so overcrowded and unattractive that it would be out of character with the surrounding neighborhood. The inadequate buffer and setbacks would be intrusive to neighbors and infringe upon privacy.

1. There are no special circumstances or conditions that prevent the Developer from building a development that is in strict conformity with the provisions of the Zoning Ordinance;
2. Arrowhead will say they have compromised by offering concessions from the original plan. However, Our community's, main concerns of perimeter setbacks, density and proper tree buffers were never addressed.
3. As a high end quality townhome community, it has always been Braemore's position that we could care less whether they were high quality

townhomes or high quality single family homes just build them at least 40 feet from our backyard and bedroom windows with proper privacy buffers.

Also, from what we understand, the primary duty of the Comprehensive Land Use plan and zoning ordinances are to protect our neighborhoods. We cannot see how giving the requested density and concurrent variances achieve this. Staff and your own Comprehensive plan explain that the land use density range is recommended not the law. We assume that this is not law and only a recommendation for cases such as this.

The facts are that Braemore's density is 4.81, Ridgemere's density is 3.88, Cameron Manor's density is 3.95 Even the averaged density of 4.21 is much lower than the developer request for 5.5 density.

We understand the need for a Land Use plan. However, we strongly feel that there is an error in this plan concerning this property with the suggested density of 5-8 units per acre.

Likewise, this attempt of transitional zoning is not in harmony with the surrounding communities that have densities in the high 3's. Some of the discrepancies' are:

1. The Cameron Manor development is included in this 5-8 but has a density in the high 3's and the Ridgemere subdivision on the property's southern border has a future land use of 2-3.

2. The other single family home across the street from this church (also zoned R1) is recommended R2-3.

3. After further analysis from numerous constituents, we have concluded that none of the higher density zoning districts (R5, R5A, R6, TR) really fit on this property without major variances and harm to neighbors. This future land use clearly does not naturally fit on this site or conform with adjacent subdivisions.

4. In addition, only 2 small churches are in the 5-8. This high density recommendation entices developers to take advantage of the weaknesses of these smaller churches for profit.

We wonder why other churches are protected with lower densities. 21 churches on the future land use plan have a density of 2-3 units per acre or less.

We believe that some people may have been asleep at the wheel when this map was adopted. These discrepancies were over looked because of the high traffic corner property at Hammond and Lake Forest.

It really makes a nice and easy box. I guess they assumed that everything would stay status quo... the church stay a church and nobody would tear down existing neighborhoods just to gain a little more density. Makes sense but this small mistake on the Land Use plan has now come back to haunt and detrimentally affect our neighborhood.

In addition, we have a plan from the developer showing they can build 8 homes with room to spare without any variances in the R5A zoning. **We believe that with concessions on the interior setback in addition to Ridgemere HOA's agreeable 20 foot variance this number could increase to 10 or 11 homes.**

Both these options conform much better with surrounding neighborhoods, density, and the natural fit of the land.

Please remember that the Land use plan says recommended not required.

Zoning application

We also have concerns of why we even have to be here tonight to fight so hard just to protect our neighborhoods.

There are major discrepancies on the rezoning application. One that the church was never closed as stated. Some members that I have met have been attending for over 20 years. I met them personally during Sunday services this past January. The church was not closed.

More importantly other neighbors easily found discrepancies in the rezoning application date (publicly found online February 9th) and this other group's own statement of a supposed meeting voting and giving authority on February 18th.

This was done after the fact weeks later and seems backwards.

This clearly shows that this applicant had no authority on the date the application was submitted.

The current Braemore density is incorrect on the staff report. Please see attached plat or Fulton county GIS. Braemore is 2.7 acres and 13 units.

Densities in the Mitchell Road corridor

Both of these communities are located on high traffic corner parcels of Hammond Road

Braemore	Townhomes	2.7 acres	13 homes	4.81 density
Surry Place	Townhomes	5.37 acres	29 homes	5.40 density

Both of these communities are on the petitioner's Eastern and Southern boundaries.

Cameron Manor	Single family	2.53 acres	10 homes	3.95 density
Ridgemere	Single family	11.34 acres	44 homes	3.88 density

Both of these communities are across the street and within 320 feet of this property.

5950 Mitchell	Single family	5.05 acres	1 home	0.20 density
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Currently zoned R1, Future Land Use is 2-3 density

Manchester Place	Single family	8.3 ac est.	20 homes	2.4 density est.
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Lancaster, Grosvenor, and Cameron Hall all have densities between 4.0 - 4.5 homes per acre but are developed on much larger properties (4-8 acres).

Long Island Walk and Manchester Place have densities that are much lower.

As you can see from the above information, the petitioners request for 14 units on 2.365 acres (density of 5.92) is extreme and out of harmony with the surrounding neighborhood.

We believe that the density on this property should be no higher than 4.2 thus matching both Cameron Manor and Ridgemere. This would allow proper buffers and setbacks to surrounding neighbors.

Please support your constituents by voting for **R-5A zoning with no variances and a density of no more than 4.2.**

Dickerson, Patrice

From: Sandy Sweeny <sandyksweeny@gmail.com>
Sent: Monday, December 03, 2012 11:24 PM
To: Dickerson, Patrice
Cc: psweeny@coca-cola.com; atlcpa@bellsouth.net; GMHOFF@aol.com; DaHushPup@aol.com; atlynkee@bellsouth.net; Linda Gordon; kpickerill@nyc.rr.com; rafisch@bellsouth.net; huntws2@gmail.com; hgatl@comcast.net; dorcas.winton@harrynorman.com; imbarb545@aol.com; charfortune@comcast.net; charleyann@bellsouth.net; jeffmitchell@live.com; mperignat@honzw.com; emilythomasson@bellsouth.net; bonny@wemarshall.com; esmith@honzw.com; jflorek4@yahoo.com; Charlette Marcus; mbignault@onebeacon.com
Subject: Question

Patrice,

Please post:

I noticed last night while reading the information on the Sandy Springs website that the zoning application from Arrowhead posted states the set back for Cameron Manor is 20ft. When did this change? I sent an email to you before the last PC meeting verifying the plan submitted to the City and the 40ft setback for Cameron Manor. You stated this was correct. Is what is stated on the zoning application different than the site plan? Which is it? 20ft or 40ft? Can you clarify? I was told that Arrowhead now has a 12 home plan. Has that been submitted? What are the setbacks for the surrounding subdivisions?

Can I obtain a copy of the original zoning application? Is there a new application with the rightful owners of the church now that the dispute over ownership is settled?

Also, I noticed a letter from Arrowhead threatening to sue if he zoning is not approved. This seems to be a tactic used by Developers(Pete Hendricks) that gets results. It has happened several times and zoning has been approved. We are all watching to see what the City does this time given the fact the original contract is invalid, the new and rightful owners are not selling the property and the multitude of errors / policy violations that have been made with this case.

Thank you.

Kind regards,

Sandy Sweeny

Sent from my iPad

Dickerson, Patrice

From: Richard <atlynkee@bellsouth.net>
Sent: Tuesday, December 04, 2012 7:48 AM
To: Dickerson, Patrice
Cc: atlcpa@bellsouth.net; Sandy Sweeny
Subject: Mitchell Street zoning

As a resident of Cameron manor subdivision, I have been surprised how this zoning case has been handled by the city of sandy springs.

The applicant has been permitted to almost run this application in violation of city rules and regulations.

The applicant has not followed notice requirements, has negotiated with an invalid party and has still been successful to date.

Due to these errors we respectfully request that this zoning application be denied.

Any first year law student would love the opportunity to sue the city for approval of this zoning application.

If the zoning is approved with all these errors the city will open itself up to possible legal actions.

Please deny this request.

Thank you

Richard Gay

500 Cameron Manor Way

Sandy Springs, Ga 30328

Atlcpa@bellsouth.net

Sent from my iPad

Dickerson, Patrice

From: janecsweers6@comcast.net
Sent: Tuesday, December 04, 2012 8:19 AM
To: Dickerson, Patrice
Subject: St James

As a resident of Surrey Place, my husband and I are very interested in the zoning remain as it is. We do not want and we do not need any development to take place. There is plenty of housing for sale around here for someone who wants to live in this area. Surrey Place is not always notified in a timely manner of these negotiations but we are very interested in it remaining as is.

jane c sweers
#29 Surrey Place

Dickerson, Patrice

From: donna wilensky <dlfw00@yahoo.com>
Sent: Monday, December 03, 2012 7:41 PM
To: Paulson, John; Fries, Dianne; McEnerny, Karen; Dickerson, Patrice; Galambos, Eva; DeJulio, Tibby; Sterling, Gabriel
Subject: Please deny the rezoning request for 5975 Michell Rezoning

The potential consequences from this rezoning would have a definitive negative effect upon many property values in the surrounding subdivisions. The traffic and noise levels would prove hazardous along with many other detrimental after effects. There are several errors and discrepancies with the petition and with the city's notification process. Please do not continue to ignore these issues that have been brought to your attention.

Donna Filler-Wilensky
404-405-6142

Dickerson, Patrice

From: Lynn Lindskoog <llindskoog@yahoo.com>
Sent: Monday, December 03, 2012 9:18 PM
To: Dickerson, Patrice
Subject: Rezoning of the St. James Anglican Church, Inc. - Mitchell Road, Sandy Springs

As a resident of Sandy Springs and neighbor of the St. James Anglican Church since November 1988, I am begging you **NOT** to approve the rezoning request from Arrowhead Real Estate Partners, LLC. My request is for many reasons, of which at the very top of the list, is the fact we have such few quaint buildings remaining. Secondly, the traffic that would come to this area is more than is needed in light of what we presently deal with at Hammond Drive & Mitchell Road.....most of us can barely make a left turn off Mitchell, onto Hammond, without taking our life in our hands. It's becoming worse than Buckhead!

Thirdly, this lovely church recently gained a new warden and the congregation is growing and does not wish to sell their precious home.

Fourth, it was my understanding that when Sandy Springs was formed the City Council and Mayor would do everything within its power and control to maintain a "community" feel to it. By approving the rezoning, I believe you would be contradicting what was intended to be a reality and we would lose yet another important part of our history.

Thank you for the opportunity to present my wishes as a Sandy Springs resident, and a neighbor who lives within 1/16th of a mile of St. James Anglican Church. I reside in The Grosvenor subdivision (145 Grosvenor Place).

Lynn Lindskoog

(404) 312-4381/cell

(404) 252-5909/home

Dickerson, Patrice

From: Lena Hinton <lenahardin1@gmail.com>
Sent: Monday, December 03, 2012 6:28 PM
To: Dickerson, Patrice
Subject: Zoning hearing Mitchell road rezoning

Ms. Dickerson - my name is Lena Hinton, and I am a homeowner at Braemore. My property is directly impacted by this proposed rezoning as my home backs directly to the Anglican Church property. I must say that I find it incredible that a vote is taking place when the developer has admitted that the original sales contract is invalid. Their hope is that the "big money" the developer has and will throw at this, will bankrupt the church and force a sale. The congregation voted just last week that they do not want to sell. They are good neighbors and have been. If Sandy Springs wants to keep an environmentally strong footprint (all of the hardwoods are to be chopped down if the developer gets their way with small new ones added in place) and a community where homes have proper spacing, then I hope this rezoning will be denied. Thank you for your consideration, Lena Hinton

Sent from my iPad

Dickerson, Patrice

From: Glyn Philpot <gsphilpot@gmail.com>
Sent: Monday, December 03, 2012 4:53 PM
To: Dickerson, Patrice
Subject: Mitchell Road

Dear Mr.Dickerson,

Further to my e-mail to you of the 1st November 2012,I would urge the Zoning Department at their meeting on the 18th December to turn down the application for re-zoning of St James Anglican Church .

My understanding is that the Wardens of the Church have turned down the contract with Arrowhead Real Estate Partners,and do not wish the property to be re-zoned re-developed but to continue as an active church,as it always has been over the years.

The home my wife and I have lived in for the past 15 years has a common boundary with the church property,and would be seriously effected by the proposed development of some 13 homes,necessating the distruction of a number of very fine old oak trees with the church itself.

I hope that you will consider my objections to this re-zoning.

Yours faithfully

Glyn Philpot 9 Braemore Drive Atlant Ga 30328

Dickerson, Patrice

From: John Sikes <mcnaught7588@att.net>
Sent: Monday, December 03, 2012 4:54 PM
To: Dickerson, Patrice

Dear Ms. Dickerson,
I live at 5996 Mitchell Rd, unit 20, directly across the street from the St. James Anglican Church.
I think the rezoning for the use of the Arrowhead group should be denied.
Thank you, John Sikes

Dickerson, Patrice

From: Lilly <lillyatl@gmail.com>
Sent: Monday, December 03, 2012 3:11 PM
To: Dickerson, Patrice
Subject: Rezoning St. James Anglican Church

TO:
Patrice Dickerson
Manager of Planning and Zoning
Department of Community Development
City of Sandy Springs

From:
Leon and Judy Cohen
220 Grosvenor Place
Sandy Springs, Ga

Patrice Dickerson:

As a neighbor of the St. James Anglican Church on Mitchell Road, this household would like to see you totally dismiss and deny the rezoning request of Arrowhead Real Estate Partner.

Leon and Judy Cohen

Dickerson, Patrice

From: bonny@wemarshall.com
Sent: Monday, December 03, 2012 2:02 PM
To: Dickerson, Patrice
Subject: MITCHELL ROAD REZONING

Importance: High

Patrice, it is my understanding that on December 16, at 6:00 p.m., the Mayor and City Council will vote on the Rezoning of the St. James Anglican Church, Inc. property. Arrowhead Real Estate Partners, LLC, want to have the 2+ acres rezoned for 13 homes. Although Arrowhead has recognized that the original sales contract with the former Bishop's (now defrocked) family is invalid, it continues to push the rezoning in the hope that the property will be rezoned and ready for demolition and development if the congregation runs out of money and has to sell. As of this date, the Church has a new warden and the congregation continues to grow. Just a few weeks ago, the congregation voted not to sell.

I would ask for the dismissal or denial of this rezoning request.

Sincerely,

Bonny Marshall

Dickerson, Patrice

From: amy helton <amy_helton@bellsouth.net>
Sent: Tuesday, December 04, 2012 11:27 AM
To: Dickerson, Patrice
Subject: Denial for Rezoning St. James Church

Ms. Dickerson,

I am asking that the city of Sandy Springs please, please deny the rezoning of the St. James Anglican Church on Mitchell Road.

Mitchell Road is already very heavily traveled and there are no sidewalks and many speeders. My child's bus stop is at Hammond Drive and Mitchell Road, making her commute very hazardous. More traffic is the LAST thing Mitchell Road needs.

Thank you for your consideration,

Amy Helton
910 Manchester Place

Dickerson, Patrice

From: Wolff, Charlie R <Charlie.Wolff@bcbsga.com>
Sent: Tuesday, December 04, 2012 4:42 PM
To: Dickerson, Patrice
Subject: Zoning for St James Church, 5975 Mitchell Road

To: Patrice Dickerson
City of Sandy Springs, Department of Community Development

Dear Patrice Dickerson

This communication is to strongly express my view that the City of Sandy Springs Council should DENY the rezoning petition for the St James Church site at 5975 Mitchell Road.

Our neighborhood is primarily comprised of single family homes and cluster homes and its character will be significantly impaired if a developer is permitted to build high density housing on the St James Church site. We do not want additional traffic on Mitchell Road, nor do we desire the value of our houses to be reduced by such a development. The development should be restricted to R5A with NO variations; since any variations granted may be used as a precedent for future development of other parcels of land in our neighborhood.

If you would, please kindly acknowledge receipt of this objection, and confirm that you will include it in any papers that are prepared for the Mayor and Councillors who will deliberate this matter. Thank you for your consideration.

Sincerely,

Charles R Wolff
5895 Mitchell Road
Sandy Springs
678.592.2521
chaswolff@gmail.com

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a couple of things from Ed:

1. Please raise the link to the top of the list on the right menu bar.
2. Please consider putting the logo and link and text introduction into the narrative area at least for a month or so
3. On the excel spreadsheet itself, please drop the first sentence to the last, so the instructions begin with the second seconds
3. Can something be done to speed up the download. If my download time is typical, people are going to criticize this as Permits Slow (it wasn't this way before for me)
5. Why does a person have to wait a day? Is this just an interim step? If so, then we should say this. If not, why wait a day?

Dickerson, Patrice

From: Scott, Kelly <Kelly.Scott@JamestownLP.com>
Sent: Tuesday, December 04, 2012 3:47 PM
To: Dickerson, Patrice
Subject: Zoning St James Church on Mitchell Road

Dear Ms. Dickerson,

I am writing to express strongly my view that the City of Sandy Springs Council should DENY the rezoning petition for the St James Church site at 5975 Mitchell Road.

Our neighborhood is comprised of substantial single family homes and cluster homes and its character will be seriously impaired if a developer is permitted to build high density housing on the St James Church site. We do not want more traffic on Mitchell Road, and we don't want the value of our houses to be reduced by such a development. The development should be restricted to R5A with NO variations; since any variations granted could be used as a precedent for future development of other parcels of land in our neighborhood.

Please acknowledge receipt of this objection, and confirm that you will include it in any papers that are prepared for the Mayor and Councillors who will deliberate this matter.

Best,

Kelly Scott Wolff

Homeowner on Mitchell Road

NOTICE: If you have received this communication in error, please destroy all electronic and paper copies and notify the sender immediately. Mistransmission is not intended to waive confidentiality or privilege. Jamestown reserves the right, to the extent permitted under applicable law, to monitor electronic communications. This communication is sent subject to terms available at the following link: <http://www.jamestownproperties.com/Root/Terms-and-Conditions.aspx>. If you cannot access this link, please notify Jamestown by replying to the sender and Jamestown will send the terms to you. By messaging with Jamestown you consent to the foregoing.

December 4, 2012

A variance should not become status quo.

Honorable Mayor and Council, please review the below points. We are asking that you **deny** this rezoning petition.

What is the developer's Hardship? This has never been fully explained.

Narrow lot?

We strongly believe that anyone with common sense would look at 5975 Mitchell Road would say that it is a normal sized lot. For an example, take a look at 5895 Mitchell Road (the historic Mitchell house) on your map. Everyone would agree, that is a narrow lot.

What is the definition (or calculation) for a narrow lot?

This self-imposed hardship becomes an issue only when the developer tries to maximize density on a property that was incorrectly suggested to be a 5-8 density. The actual density (not zoned density) of Braemore is 4.81. Ridgmere and Cameron Manor is 3.9. If allowed this would create the highest density on our block with a development that does not naturally fit on the site.

Signage violation

We have documented that the Petitioner/developer clearly violated the ordinance and did not update signage. As stated in the zoning ordinance **the petition should be denied**

The failure of a petitioner or agent on two (2) consecutive occasions to post notice as provided in this Section in connection with a petition shall be considered willful disregard of the petitioner's obligation to comply with this Zoning Ordinance. In such event, the petition shall be denied and shall be subject to all provisions herein relating to denied petitions.

Failure 1: June council deferral to August council meeting.

Failure 2: August council deferral to October council meeting.

December 4, 2012

This shows 2 consecutive occasions that the petitioner failed to post notice. We documented that Sandy Springs staff (Patrice Dickerson and Doug Trettin) posted signage notice for these meetings not the petitioner.

Invalid application?

Our community is still waiting on an answer and explanation of the city's position concerning the documentation discovering that Kasum Thakore did not have proper authority when she signed and submitted the rezoning petition in February 2012.

The petitioners own statement sent to the city on September 12th 2012 clearly show that on February 9, 2012 she did not have authority to sign this rezoning petition. The city continues to ignore this and states that they have a valid petition from Arrowhead and Kasum Thakore. Please review a few pages (attached) from this letter. Other statements from this group are carbon copies and planning staff should have this for your review. Please note the petitioner admits having a meeting 10 days after the fact (February 18th) **not before**. In addition, a corporate resolution or a copy of the actual minutes and votes from this meeting on February 18th were not included. I reviewed these February 18th minutes that Bryan Flint possesses in early July. These minutes do not show a vote.

More importantly the discrepancies in this timeline show that the contract and petition signed by Kasum Thakore on February 9th should be null and void as she did not follow proper non-profit procedures as required by law. **You have to have authority to act before you act** or it breaks the corporate veil and the contract/petition is invalid.

What is the city's policy and procedure on incorrect rezoning petitions? Neighbors would like to better understand the reasoning of why this petition has not been dismissed. And why the city does not require the petitioner to reapply once they correct any misrepresentations, errors or title issues.

Our community believes that it is important for our elected officials to require true facts and information in these petitions. **This has nothing to do with which group owns the Church.**

We are asking the city to examine whether the petitioner presented a truthful and correct application.

Sandy Springs position?: "At the time we accepted the application we believed it to be correct"... read between the lines (it does not matter that we found it to be incorrect and have misrepresentations later.) The only thing our community asked these past months was to dismiss the application and

December 4, 2012

require the petitioner to do things properly, correct these mistakes and reapply later. **This seemed fair to us but denied with no explanation.**

Exhibit "A" site plan

Neighbors have documented and submitted to Sandy Springs a site plan created and given to neighbors by the developer showing there is no hardship and that they can use this land without the requested variances. As neighbors' main issue is the perimeter setbacks, we believe the developer could increase the density of this plan by 1 or 2 homes with internal relief. We believe there is legal precedence in Georgia concerning this issue.

Misrepresentations in staff report

Staff report states that "that the original (townhome) plan.... did not require any variances. **This is not true.** Please view the March 13th application and original plan. You will see that it requests numerous variances in order to maximize density.

Staff report states "surrounding neighborhoods requested a single family development." **This is not true.** Only a couple people from the Ridgemere HOA board requested this. It has been clearly documented that the main issue for Braemore, Cameron Manor, and Surrey Place was to build what you can with in the zoning setback requirements **with no variances** (40 feet from our bedrooms and back yards).

We are told that some of these are only "technicalities". **Does this mean that Sandy Springs will not honor their own rules and laws?** This is the city's criteria in order to assess a party's compliance with or violation of rezoning ordinances and procedures.

Hard work from concerned citizens researching and studying our beloved city ordinances and rules in an effort to protect themselves and their property should not be ignored and easily brushed aside.

This rezoning is extremely unpopular with all neighbors except a couple people on Ridgemere's HOA board. We have documented that the super majority in our community including neighbors in Cameron Manor, Braemore, Surrey Place, and even numerous neighbors in Ridgemere do not approve of these requested variances and density. **We would accept R5A zoning with no variances.**

December 4, 2012

It concerns neighbors that every time our community discovers an error or discrepancy against this very unpopular rezoning and bring it to our beloved city's attention it is pushed aside and bare minimum requirements are allowed in favor of this developer.

However, when we continually request a valid reason and explanation of "what is the developer's hardship to allow a variance?" and present a plan from the developer showing himself that he can build within R5A with no variances. We are told that staff will not look at this or take this into consideration because it was not officially presented to staff by the developer. **Why have community input?**

In addition, we continually get very short answers from staff like *"read the report"*, *"we have a valid rezoning application"*, *"notification requirements have been satisfied"* etc... without any reasoning or explanation of their decisions while at the same time this developer continues to receive a lot of flexibility.

We thought the community development staff **which our tax dollars pay for** is supposed to protect our neighborhoods and theoretically are supposed to create a fair and level playing field for both citizens and developers. Even though staff has been aware of how unpopular and controversial this has been for everyone in our community, we now discover that they have been fighting against citizens and covering for this developer by ignoring their own rules and updating the signage since June. **This has really disheartened neighbors that the city they voted into existence would do this to them.**

We would love to have logical explanations as to the reasoning behind these decisions. Is the city is so scared to be sued by a developer that they cannot do what is right thus having to sacrifice their constituency? Are citizens' rights and protections gone today? With all of these allowed variances, what is the true zoning ordinance? How come our elected officials cannot be protected by their decisions to do what citizens want... aggressive pro-business in commercial districts while fervently protecting existing neighborhoods?

I think many citizens still may not be happy but we would at least somewhat better understand the why.

Thank you. Please deny this petition.

Dickerson, Patrice

From: Emily Thomasson <emilythomasson@bellsouth.net>
Sent: Tuesday, December 04, 2012 4:26 PM
To: Galambos, Eva; McEnery, Karen; Collins, William "Chip"; Fries, Dianne; Sterling, Gabriel; jmdonough@sandysprings.gov; Paulson, John; DeJulio, Tibby
Cc: Dickerson, Patrice; sandyksweeny@gmail.com; jeffmitchell@live.com
Subject: RZ12-004/CV12-004 Application

Dear Sandy Springs Council,

I am a resident of Surrey Place in Sandy Springs and am concerned about RZ12-004/CV12-004 - 5975 Mitchell Road, Applicant: St. James Anglican Church, Inc., Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances application currently being considered by the Sandy Springs City Council.

I, along with many other Surrey Place homeowners, have been to the majority of the planning and council meetings concerning this application and have routinely signed in and have indicated we were not in favor of the current rezoning request for this piece of property.

It is my understanding that the initial application for the rezoning request was not signed by an authorized representative of the church. The same church representative also signed the sales contract between Arrowhead so that contract would be invalid. So my question to you is why is the property still being considering for rezoning if the party requesting the rezoning was not authorized to do so? This is very disturbing to think that property in Sandy Springs can be rezoned without proper authorization.

My husband and I **do not** support the current rezoning request and request the City Council to deny the current request for rezoning as originally submitted.

Thank you.

Emily Thomasson
5996 Mitchell Road, #28
Sandy Springs, GA 30328
404-303-9240

Dickerson, Patrice

From: Patrick Scott <pjscott945@aol.com>
Sent: Tuesday, December 04, 2012 1:21 PM
To: Dickerson, Patrice
Subject: Zoning St James Church, 5975 Mitchell Road

To: Patrice Dickerson
City of Sandy Springs, Department of Community Development

Dear Patrice Dickerson

I am writing to express strongly my view that the City of Sandy Springs Council should DENY the rezoning petition for the St James Church site at 5975 Mitchell Road.

Our neighborhood is comprised of substantial single family homes and cluster homes and its character will be seriously impaired if a developer is permitted to build high density housing on the St James Church site. We do not want more traffic on Mitchell Road, and we don't want the value of our houses to be reduced by such a development. The development should be restricted to R5A with NO variations; since any variations granted could be used as a precedent for future development of other parcels of land in our neighborhood.

I would be obliged if you would kindly acknowledge receipt of this objection, and confirm that you will include it in any papers that are prepared for the Mayor and Councillors who will deliberate this matter. .

Yours truly

Patrick Scott
Chair, Manchester Place/Mitchell Road Homeowners Group
945 Manchester Place NW
Sandy Springs, GA 30328-4848
404 271 1386

Dickerson, Patrice

From: Tommy Owens <towenstnt@hotmail.com>
Sent: Tuesday, December 04, 2012 1:30 PM
To: Dickerson, Patrice
Cc: Patsy Owens
Subject: Rezoning of Mitchell site

My wife and I have lived at 925 Manchester Pl. for 25 plus years. In fact, we were the first to move it to that street. This neighborhood is a true example of how a Sandy Springs neighborhood should be....quiet, personable, friendly, cooperative, warm and just plain fun to be a part of. Having witnessed the growth of other additions, that have kept the same atmosphere. Traffic has increased, but by a manageable amount. Rezoning would definitely impact the entire sense of neighborhood, and would impact this important Sandy Springs in a severely negative manner.

I hope you will vote against this zoning change.

Sincerely,

Dr. and Mrs. Tommy L. Owens

Dickerson, Patrice

From: GMHOFF@aol.com
Sent: Tuesday, December 04, 2012 2:01 PM
To: Dickerson, Patrice; sandyksweeny@gmail.com; jeffmitchell@live.com
Cc: atlcpa@bellsouth.net; dahushpup@aol.com; atlynkee@bellsouth.net; lindasgordon@bellsouth.net; kpickerill@nyc.rr.com; rafisch@bellsouth.net; huntws2@gmail.com; hgatl@comcast.net; dorcas.winton@harrynorman.com; imbarb545@aol.com; charfortune@comcast.net; charleyann@bellsouth.net; mperignat@hznw.com; emilythomasson@bellsouth.net; esmith@hznw.com; jflorek4@yahoo.com; chareyann@bellsouth.net; seniorwarden@saintjamesanglicanchurch.org; trishathompsonfox@comcast.net; MBignault@OneBeacon.com; fraserdante@mindspring.com; lhalpern@bellsouth.net; doughoerner@hotmail.com; lenahardin1@gmail.com; lwbisquit@mindspring.com; bonny@wemarshall.com; ga.mimi@yahoo.com; gsphilpot@gmail.com
Subject: RZ12-004/CV12-004

Madame Mayor, City Council Members,

On December 18 you will decide whether to approve or reject the rezoning request, [RZ12-004/CV12-004](#), by Mrs. Kusum Thakore as seller of the property located at 5975 Mitchell Road and Arrowhead Real Estate Partners, LLC as the buyer and petitioner for the rezoning.

The latest site plan submitted by the petitioner and approved by the Planning Commission has two non-compliances with the City Ordinances.

Art. 12.6.3 Surface Drainage Easement shall be no less than 20 feet wide. In Arrowhead's plan the Stormwater Drainage Area is marked as 15 feet wide.

Art. 11.5.3 Dead end streets more than 150 feet in length shall provide a cul-de-sac turnaround. Alternative turnarounds may be provided as approved by the Fire Marshall and the Public Works Director. Arrowhead's site plan provides for a 20-foot-wide (this includes curb and water runoff channel) Hammerhead turnaround. Since T-shaped turnarounds require vehicles to make a three-point-turn to drive out, I request that before approving this rezoning and site plan, you require the petitioner to obtain approval by the Sandy Springs Fire Marshal for this narrow turnaround, especially in view that there certainly will be vehicles parked on the street at all times.

My objection is not just based on my personal interest, but on the general interests of our community. Your approval of the request in its present form will signal to other developers that you do not apply City Ordinances as presently enforced but that "anything goes in Sandy Springs."

Sincerely,

Lisa Hoff
12 Braemore Drive, NW
Sandy Springs, GA 30328

Dickerson, Patrice

From: Hal Whiteman <HWhiteman@dcplaw.com>
Sent: Tuesday, December 04, 2012 2:03 PM
To: Dickerson, Patrice
Subject: Rezoning, Mitchell Road

Dear Ms. Dickerson

I want to make a comment about the proposed rezoning of 5975 Mitchell Road.

For 8 years, I have lived on Manchester place, a street that is off Mitchell Road. I run and/or walk on Mitchell almost daily. Many of my neighbors do this as well. The traffic volume is outrageous. I am therefore completely against the proposed rezoning of the St James Anglican church property. There is simply no room for additional vehicular traffic on that road. The rezoning to allow the density requested should therefore be denied. Further, I was never provided with the notice of the intended application for variance as required by law.

Hal Whiteman
Attorney at Law
14 Piedmont Center
3535 Piedmont Road
Suite 900
Atlanta, GA 30305
404-926-3654

Dickerson, Patrice

From: Richard Grimm <rgrimm78@gmail.com>
Sent: Tuesday, December 04, 2012 2:17 PM
To: Dickerson, Patrice
Subject: 5975 Mitchell Rd Zoning

Hello Patrice,

I'm a long time resident of the neighborhood near 5975 Mitchell Rd. I would like to respectfully request that the rezoning application for this property be denied. I'm not in the real estate business so maybe there are some things I don't understand, but it seems to me that if a property cannot be redeveloped so as not to negatively impact the existing surrounding neighborhoods without a lot of exceptions then the price of the property is too high. I hope the city of Sandy Springs will put the welfare of its residents and existing neighborhoods above the need of the developer to "maximize" its return. It can still make a profit even if its not the maximum profit.

Richard Grimm
965 Manchester Place
Sandy Springs, Ga 30328

Dickerson, Patrice

From: Sandy Sweeny <sandyksweeny@gmail.com>
Sent: Tuesday, December 04, 2012 3:11 PM
To: Perignat, Melissa J.
Cc: Dickerson, Patrice; Jeff Mitchell; psweeny@coca-cola.com; atlcpa@bellsouth.net; Lisa Hoff; dahushpup@aol.com; atlynkee@bellsouth.net; lindasgordon@bellsouth.net; kpickerill@nyc.rr.com; rafisch@bellsouth.net; huntws2@gmail.com; hgatl@comcast.net; dorcas.winton@harrynorman.com; imbarb545@aol.com; charfortune@comcast.net; charleyann@bellsouth.net; emilythomasson@bellsouth.net; bonny@wemarshall.com; Smith, Ellen W.; jflorek4@yahoo.com; chareyann@bellsouth.net; mary bignault; seniorwarden@saintjamesanglicanchurch.org; trishathompsonfox@comcast.net
Subject: Re: Response -Another Question

Patrice,

Please post:

I asked you in an earlier email hat it would take to stop this zoning. You stated you could not answer the question. I know the answer. Below is a letter from the Church attorney. As a part of the agreement, the Church could not oppose the zoning or challenge the validity of the old contract.

The application on file is signed by Kusum Thakore (SEE ATTACHED) who is no longer the party in this action and moreover, knowingly and willingly falsified and made false, fictitious and fraudulent statements to the City representatives concerning this Application. The City cannot approve an Application with the knowledge that was filed under fraudulent means. The Petitioner is aware that the Application on file is fraudulent further underscoring its nullity.

The City's approval of Application **RZ12-004/CV12-004** knowing that it was obtained under false pretenses would be analogous to sanctioning any and all applications made to the City with false information. Accordingly, we motion that the City Council reject this application and request that the Petitioner resubmit with the signatures of the rightful owner(s) of St. James Anglican Church.

Kind regards,

Sandy Sweeny

Sent from my iPad

On Dec 4, 2012, at 2:03 PM, "Perignat, Melissa J." <mperignat@honzw.com> wrote:

All:

As the attorneys for St. James Anglican Church, Inc., we are writing to clarify what appears to be some misunderstandings respecting the settlement agreement reached between the Church and FBC Properties, LLC, the successor in interest to Arrowhead Real Estate, LLC. Pursuant to the terms of the settlement agreement, notwithstanding the suspect signature on the rezoning petition, the Church has agreed not to oppose or otherwise challenge FBC Properties, LLC's efforts to rezone the property or the validity of the rezoning petition. Further, pursuant to the settlement agreement, the current contract to sell the property to FBC Properties, LLC will be terminated, and the Church will grant FBC Properties, LLC an option to purchase the property if the Church decides to sell the property to a private purchaser in the next 5 years. Contrary to the statements in several of the previous emails, in the settlement agreement, the Church is not ratifying the purchase contract or the rezoning application, and FBC Properties, LLC is not admitting that the purchase contract and the rezoning petition are void for lack of authority.

Best,

Melissa Perignat

Attorneys for St. James Anglican Church, Inc.

Melissa J. Perignat | Attorney | Holt Ney Zatzoff & Wasserman, LLP

100 Galleria Parkway, Suite 1800 | Atlanta, Georgia 30339

Main 770.956.9600 | **Direct** 770.661.1219 | **Fax** 770.956.1490

Email mperignat@honzw.com | **Website** www.honzw.com

From: Dickerson, Patrice [<mailto:PDickerson@SandySpringsga.gov>]

Sent: Tuesday, December 04, 2012 12:40 PM

To: Jeff Mitchell; sandyksweeny@gmail.com

Cc: psweeny@coca-cola.com; atlcpa@bellsouth.net; Lisa Hoff; dahushpup@aol.com; atlynkee@bellsouth.net; lindasgordon@bellsouth.net; kpickerill@nyc.rr.com; rafisch@bellsouth.net; huntws2@gmail.com; hqatl@comcast.net; dorcas.winton@harrynorman.com; imbarb545@aol.com; charfortune@comcast.net; charleyann@bellsouth.net; Perignat, Melissa J.; emilythomasson@bellsouth.net; bonny@wemarshall.com; Smith, Ellen W.; jflorek4@yahoo.com; chareyann@bellsouth.net; mary bignault; seniorwarden@saintjamesanglicanchurch.org; trishathompsonfox@comcast.net

Subject: RE: Response -Another Question

Jeff, the City Attorney has addressed the items you mention at the Council meetings as I indicated to Sandy. For further clarification, you will need to contact Mr. Willard directly.

Patrice

From: Jeff Mitchell [<mailto:jeffmitchell@live.com>]
Sent: Tuesday, December 04, 2012 12:24 PM
To: Dickerson, Patrice; sandyksweeny@gmail.com
Cc: psweeny@coca-cola.com; atlcpa@bellsouth.net; Lisa Hoff; dahushpup@aol.com;
atlynkee@bellsouth.net; lindasgordon@bellsouth.net; kpickerill@nyc.rr.com; rafisch@bellsouth.net;
huntws2@gmail.com; hgatl@comcast.net; dorcas.winton@harrynorman.com; imbarb545@aol.com;
charfortune@comcast.net; charleyann@bellsouth.net; mperignat@hznw.com;
emilythomasson@bellsouth.net; bonny@wemarshall.com; esmith@hznw.com; jflorek4@yahoo.com;
chareyann@bellsouth.net; mary bignault; seniorwarden@saintjamesanglicanchurch.org;
trishathompsonfox@comcast.net
Subject: RE: Response -Another Question

Patrice,

Respectfully, the invalid application where Kasum Thakore signed the petition and attested to the validity weeks before getting authority by her group. The city has both the original petition and a signed avadavat from Kasum showing this. The city has used the validity of this original petition to move forward saying that on the day you received this petition you believed it to be true. However, Sandy Springs and our neighbors now have documentation that show that Kasum (by her own statement) did not have authority on that day to submit a valid rezoning petition.

This is not a city decision on which group owns the church. It should be a city decision on the validity of the petition. This request is coming from hardworking neighbors that have taken the time to better understand our beloved city's own rules and regulations. We are using everthing that we can that makes commmon sense inorder to protect our neighborhood from this overwhelmingly unpopular rezoning.

Councilwoman Mc Enerny also requested a legal opinion and reasoning behind that opinion concerning this issue. We still have not received any explanation or decision from our email request to the city attorney. Has her questions been answered?

Are you saying that this opinion has came back and that the city attorney is of the opinion that basic Georgia corporate and non-profit law does not apply here?

This separate and specific issue has never been answered by the city at any time. Please do not try to blend it with the ownership issue. The city has 2 conflicting documents and timelines. Please investigate and show us specifically whether the documentation that community development has on file show a valid petition.

All we have ever asked for is that this be dismissed and the developer/petitioner clean things up and correct these mistakes then come back with a valid and correct petition. We believed this to be fair to everyone. The petitioner made some mistakes now they should correct them before moving forward. What precendence is this creating?

> From: PDickerson@SandySpringsga.gov
> To: sandyksweeny@gmail.com
> CC: psweeny@coca-cola.com; atlcpa@bellsouth.net; GMHOFF@aol.com; DaHushPup@aol.com;
atlynkee@bellsouth.net; lindasgordon@bellsouth.net; kpickerill@nyc.rr.com; rafisch@bellsouth.net;
huntws2@gmail.com; hgatl@comcast.net; dorcas.winton@harrynorman.com; imbarb545@aol.com;
charfortune@comcast.net; charleyann@bellsouth.net; jeffmitchell@live.com; mperignat@hznw.com;
emilythomasson@bellsouth.net; bonny@wemarshall.com; esmith@hznw.com; jflorek4@yahoo.com;
chareyann@bellsouth.net; mbignault@onebeacon.com; jerbesfield@FMLS.com;
SeniorWarden@saintjamesanglicanchurch.org; trishathompsonfox@comcast.net
> Subject: RE: Re:Response -Another Question
> Date: Tue, 4 Dec 2012 16:36:40 +0000
>

> As I have indicated previously, pursuant to the direction from the City Attorney as discussed at the past Council meetings on this case, the City does not have the ability to address the authority issue between the church members. Additionally, the City has not been made aware by any members of the church or their attorneys about changes to the contract. As such, the case will move forward as scheduled.

>

> Patrice

>

>

> -----Original Message-----

> From: Sandy Sweeny [<mailto:sandyksweeny@gmail.com>]

> Sent: Tuesday, December 04, 2012 11:27 AM

> To: Dickerson, Patrice

> Cc: psweeny@coca-cola.com; atlcpa@bellsouth.net; GMHOFF@aol.com; DaHushPup@aol.com; atlynkee@bellsouth.net; Linda Gordon; kpickerill@nyc.rr.com; rafisch@bellsouth.net; huntws2@gmail.com; hgatl@comcast.net; dorcas.winton@harrynorman.com; imbarb545@aol.com; charfortune@comcast.net; charleyann@bellsouth.net; jeffmitchell@live.com; mperignat@hznw.com; emilythomasson@bellsouth.net; bonny@wemarshall.com; esmith@hznw.com; jflorek4@yahoo.com; Charlette Marcus; mbignault@onebeacon.com; Jerry Erbesfield; Sr. Warden of St. James Anglican Church; Trisha Thompson

> Subject: Re:Response -Another Question

>

> Patrice,

>

> Thank you. How can the City move forward with the original application that has the invalid signature of Kasum Thakore and a dissolved contract between the two parties?

>

> Kind regards,

>

> Sandy Sweeny

> Sent from my iPad

>

> On Dec 4, 2012, at 9:37 AM, "Dickerson, Patrice" <PDickerson@SandySpringsga.gov> wrote:

>

>> Good morning, Sandy!

>>

>> The setback from Cameron Manor is 40 feet (see attached site plan). I'm not sure what you were reading on the website.

>>

>> As of now Arrowhead has not submitted a new plan.

>>

>> See attached scan of the application. There is not a new application.

>>

>> The constitutional assertions letters submitted with land use petitions are commonplace and have no bearing on the City's actions (we can be sued with or without such assertions letters).

>>

>> Let me know if you need anything else.

>>

>> Thanks!

>>

>> Patrice

>>

>>

>> -----Original Message-----

>> From: Sandy Sweeny [<mailto:sandyksweeny@gmail.com>]

>> Sent: Monday, December 03, 2012 11:24 PM

>> To: Dickerson, Patrice

>> Cc: psweeny@coca-cola.com; atlcpa@bellsouth.net; GMHOFF@aol.com; DaHushPup@aol.com; atlynkee@bellsouth.net; Linda Gordon; kpickerill@nyc.rr.com; rafisch@bellsouth.net;

huntws2@gmail.com; hgatl@comcast.net; dorcas.winton@harrynorman.com; imbarb545@aol.com; charfortune@comcast.net; charleyann@bellsouth.net; jeffmitchell@live.com; mperignat@hznw.com; emilythomasson@bellsouth.net; bonny@wemarshall.com; esmith@hznw.com; jflorek4@yahoo.com; Charlette Marcus; mbignault@onebeacon.com

> > Subject: Question

> >

> > Patrice,

> >

> > Please post:

> >

> > I noticed last night while reading the information on the Sandy Springs website that the zoning application from Arrowhead posted states the set back for Cameron Manor is 20ft. When did this change? I sent an email to you before the last PC meeting verifying the plan submitted to the City and the 40ft setback for Cameron Manor. You stated this was correct. Is what is stated on the zoning application different than the site plan? Which is it? 20ft or 40ft? Can you clarify? I was told that Arrowhead now has a 12 home plan. Has that been submitted? What are the setbacks for the surrounding subdivisions?

> > Can I obtain a copy of the original zoning application? Is there a new application with the rightful owners of the church now that the dispute over ownership is settled?

> >

> > Also, I noticed a letter from Arrowhead threatening to sue if he zoning is not approved. This seems to be a tactic used by Developers(Pete Hendricks) that gets results. It has happened several times and zoning has been approved. We are all watching to see what the City does this time given the fact the original contract is invalid, the new and rightful owners are not selling the property and the multitude of errors / policy violations that have been made with this case.

> >

> > Thank you.

> >

> > Kind regards,

> >

> > Sandy Sweeny

> >

> > Sent from my iPad

> >

> >

> >

> > This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

> > <rz12004siteplanalt062612FINAL.pdf>

> > <RZ12-004Application.pdf>