



P&Z STAFF REPORT

Mayor and City Council Meeting: October 18, 2016

Case: **RZ16-0100 – 120 West Wieuca Road**
Staff Contact: Paul Leonhardt (pleonhardt@sandyspringsga.gov)
Report Date: October 6, 2016

REQUEST

To **rezone** from A (Medium Density Apartment District) to A (Medium Density Apartment District) to allow for the construction of 25 townhouse units, to allow 11 of 25 previously approved townhouses to be constructed with a height exceeding the conditioned 40-foot height limit, and to allow all driveways to have lengths less than the previously conditioned 18 feet.

The application is substantially similar to the rezoning case 201402052, approved by Mayor and City Council in November 2014. The applicant is requesting to re-establish the existing zoning and maintain all zoning conditions, except for the following two zoning conditions:

- Condition 3d: Driveway depth shall have a depth of a minimum of eighteen (18) feet and be approved as shown on the site plan dated November 4, 2014.
- Condition 3j: Residential units shall have a height limit of forty (40) feet.

APPLICANT

Property Owner: Pulte Group	Petitioner: Pulte Group	Representative: Nathan V. Hendricks III
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SUMMARY

Mayor and City Council approved the rezoning for the project and the concurrent variances the applicant requested in the 2014 rezoning case. As conditions, Mayor and City Council required the applicant to provide 18-foot driveways and established a height limit of 40 feet. While preparing to apply for building permits, the applicant determined they cannot meet the driveway and height conditions. While these are both conditions typically altered through the Zoning Modification process, heights cannot be altered through that process, requiring the applicant to apply for a rezoning. Therefore, the applicant is requesting approval of the rezoning request with the same conditions as the original zoning approval without the references to driveway length and building height. For those dimensions, the applicant requests the general code requirements to apply, which allow a building height of up to 45 feet and no minimum length for driveways.

RECOMMENDATIONS	
Planning Commission	
Motion by Haggard, seconded by Maziar to recommend APPROVAL of the rezoning, and to recommend APPROVAL of eliminating Condition 3j regarding the building height.	Yes: Haggard, Maziar, and Nickles No: Porter Absent: Johns Abstain: Frostbaum
Motion by Haggard, seconded by Nickles to recommend APPROVAL of the rezoning, and to recommend DENIAL of eliminating Condition 3e regarding the driveway length.	Yes: Haggard, Maziar, and Porter No: Maziar Absent: Johns Abstain: Frostbaum
Department of Community Development	
Staff recommends DENIAL of RZ16-0100.	

PROPERTY INFORMATION	
Location:	120 & 130 West Wieuca Road Land Lot 0094, District 17 Parcel 17009400010455 & 17009400030149
Council District:	6; Bauman
Road frontage:	Approximately 60 feet of frontage along the north side of West Wieuca Road Approximately 420 feet of frontage along the private street to the east.
Acreage:	Approximately 2.0 acres
Existing Zoning:	A (Medium Density Apartment District)
Existing Land Use:	Undeveloped lot
Overlay District:	-
Special Planning Area:	Windsor Parkway Node
Future Land Use Designation:	LWN (Living Working Neighborhood)
Requested Zoning:	A (Medium Density Apartment District)

PROCESS			
Initial Community Meeting: June 28, 2016	Second Community Meeting: July 28, 2016	Planning Commission: September 15, 2016	Mayor and City Council: October 18, 2016

PROPOSED DEVELOPMENT
Mayor and City Council approved the project with rezoning case 201402052 and stipulated several conditions concerning the design of the development (see the attached approval letter). Condition 3d, requires the driveways to be at least 18 feet deep. This depth is sufficient to accommodate a parked car in its entirety without encroaching into the street. Condition 3j requires a height limit of 40 feet instead of the district maximum height of 45 feet for the A-District.

Subsequently, the applicant applied and received a land disturbance permit to install the site infrastructure, as well as building permits for units 9, 10, 11, 12, and 13. These units 9 through 13 are currently under construction.

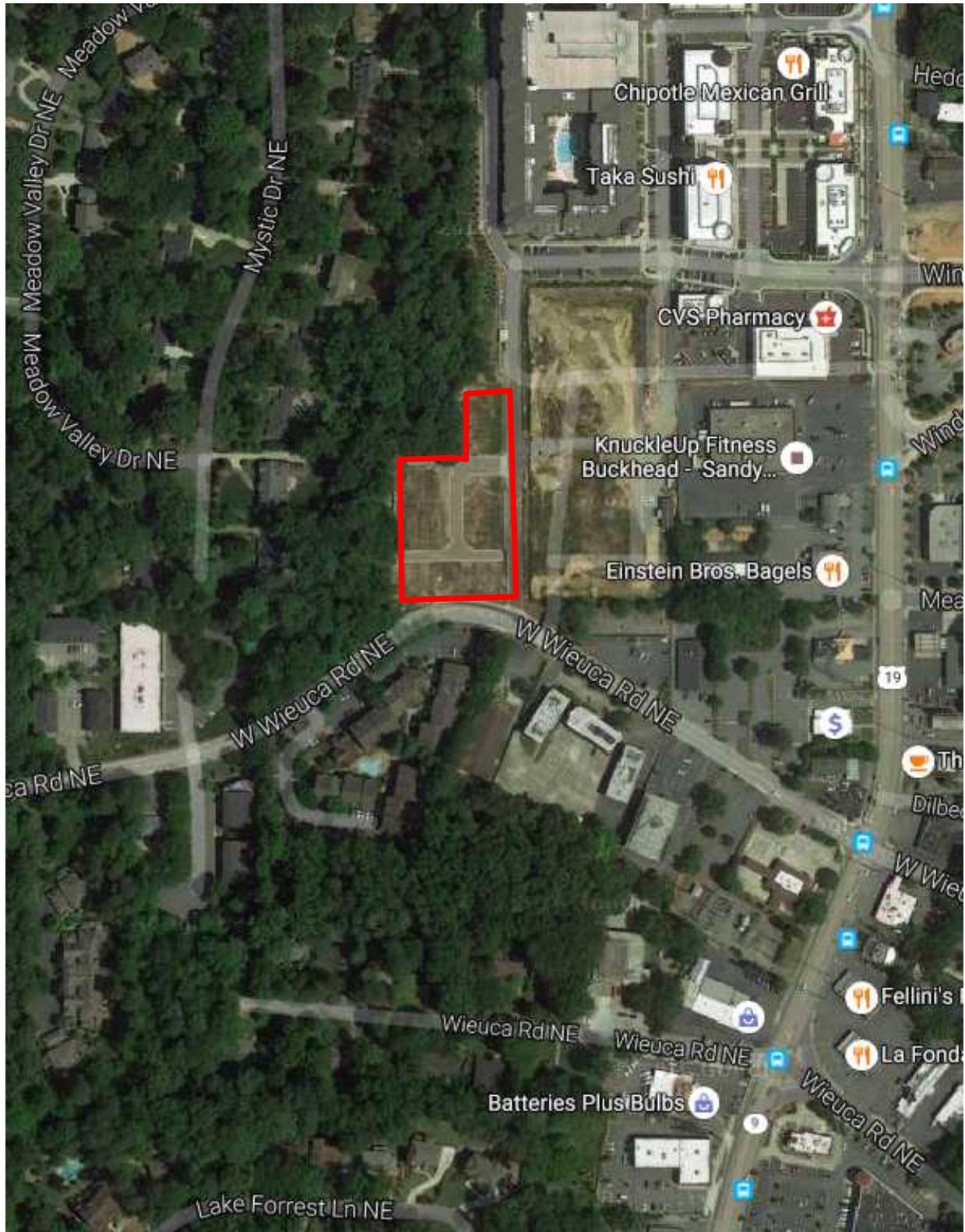
Due to topographic issues, the applicant is unable to meet zoning condition 3.j, which limits the building height to 40 feet with their proposed townhouse design for units 1-8 and 19-21. Instead, the applicant proposes to have condition 3j rescinded and to allow the underlying 45-foot height requirement for the A-District to govern.

In addition, the applicant proposes to eliminate zoning condition 3.d, which requires driveways to be at least 18 feet long. Instead, they propose various lengths between 15 and 17 feet.

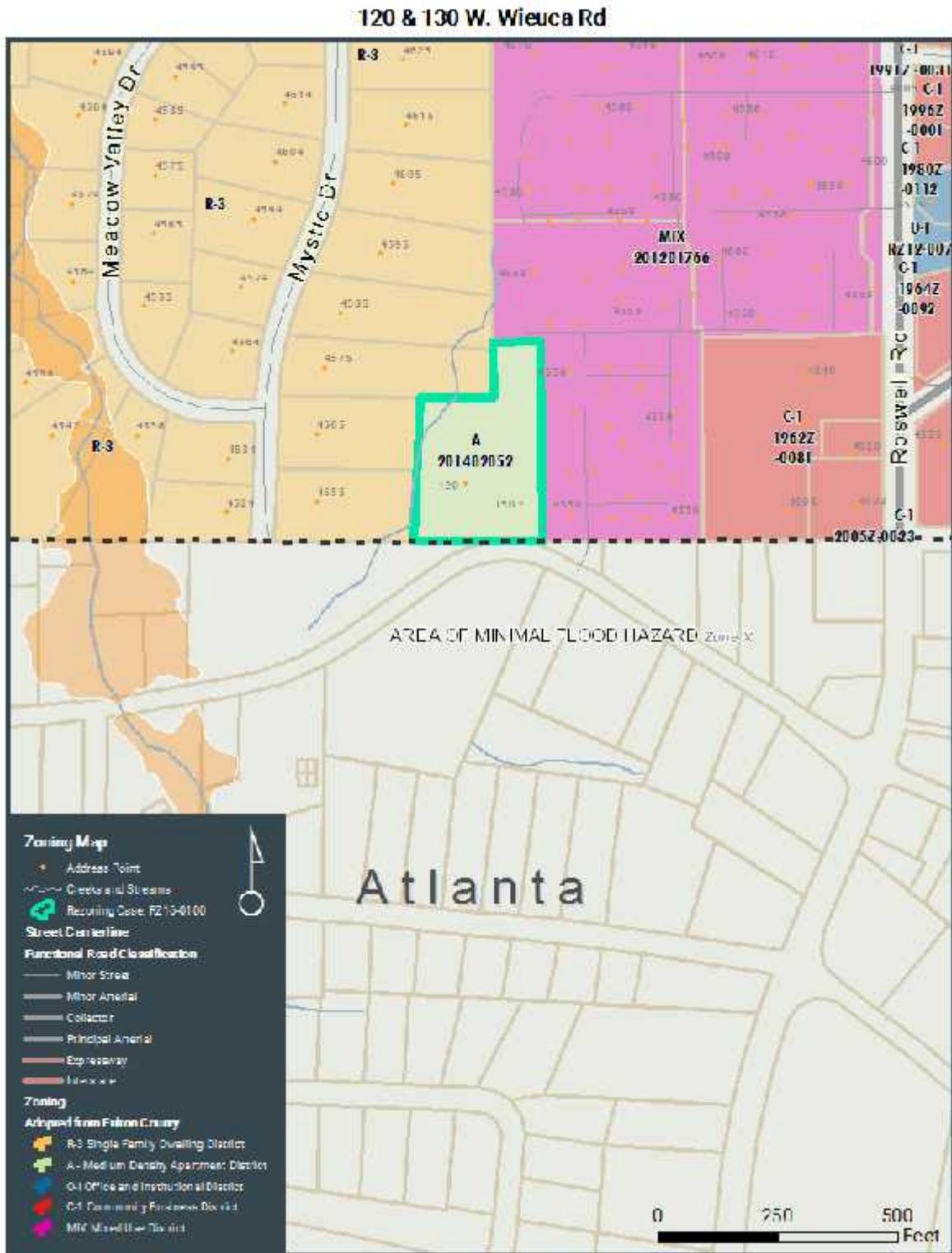
At the September 15, 2016 Planning Commission hearing, the applicant asserted that a scrivener’s error may have caused the conditions for the original 2014 zoning case to be recorded erroneously and that the associated acceptance letter may be erroneous as well. After a review of the case file, Staff could not find conclusive evidence for or against the applicant’s claim. A copy of the applicable documents, is attached with this staff report.

EXISTING LAND USES AND ZONING OF PROPERTY IN THE VICINITY					
Location relative to subject property	Zoning	Use	Land Area (acres)	Total square footage or units	Density (sf/acre or units/acre)
North & East	MIX	Gateway Mixed Use Development	21.2 acres	30,000 sf office, 90,000 sf retail, 630 dwelling units	29.7 du/acre and 5,600 sf/acre
South	City of Atlanta	Chastain Park Apartments	-	-	-
West	R-3 (Single Family Dwelling District)	4555, 4565, 4575, 4585 Mystic Drive Single-Family Homes	4.4 acres	-	0.9 units / acre
PROPOSED DEVELOPMENT					
-	A (Medium Density Apartment District)	Townhouse development	2.0 acres	25 dwelling units	12.5 units / acre

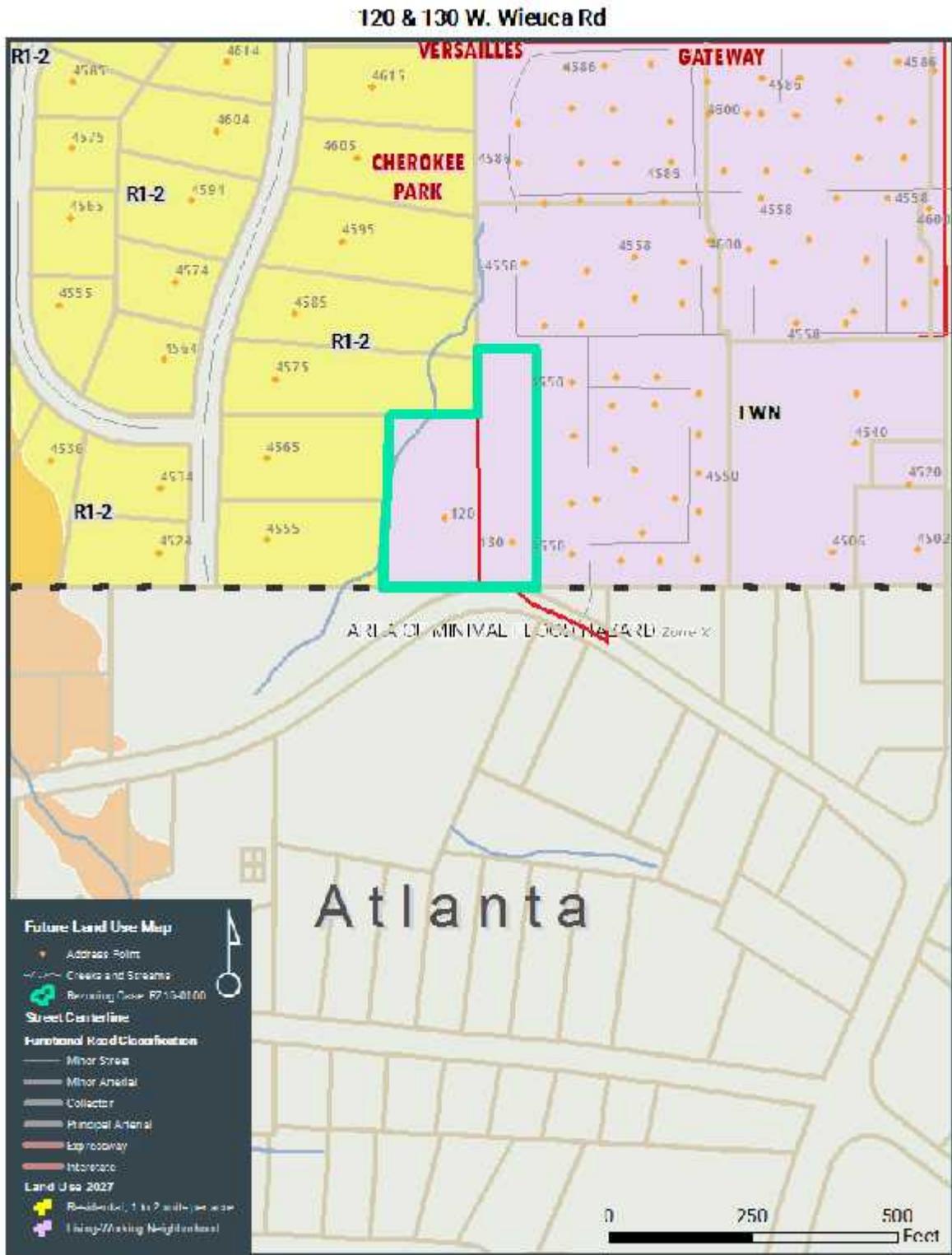
AERIAL IMAGE



ZONING MAP



FUTURE LAND USE MAP



ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, 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 subject parcel is surrounded by the Gateway mixed-use development to the north and east, commercial and multi-family uses to the South, and single-family residential properties to the west. To transition between these different intensities of use requires a sensitivity towards density and massing. Townhouses at a density of 12.8 dwelling units per acre as proposed are a suitable use of the property. This rezoning application does not affect the present use or density.

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

Finding: A height increase of up to five feet would add to the proposed development’s visual impact over the adjacent residences. Due to existing topography, the adjacent residential subdivision’s elevation is several feet below the applicant’s property. The additional height the applicant is requesting includes units 1 and 19, which are closest the two closest townhouses to the adjacent Cherokee Park subdivision.

The reduced driveway length may lead to parked cars encroaching into the development’s private drive aisles. Due to the reduced approved street width of 20 feet, any reduction in driveway length will impact the safe passage of vehicles within the development and may impact the ability of emergency vehicles to access the units.

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

Finding: Staff is of the opinion that the subject property has a reasonable economic use as currently zoned. The applicant could provide altered design alternatives that could meet the zoning conditions. These architectural changes would not impact the number of units.

D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Finding: The proposed changes do not affect the use of existing streets, transportation facilities, utilities, or schools.

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

Finding: While the applicant will maintain the proposed use and density, the height increase is in conflict with the policies and intent of the land use plan. The Future Land Use Plan designates the subject parcel as a LWN (Living-Working Neighborhood). LWNs are intended to “be

compatible neighbors to lower density residential neighborhoods”. In Table 1.6, the Comprehensive Plan recommends a two-story height limit and a residential density of up to 5 units per acre in LWN Districts. At 12.8 dwelling units per acre and three stories plus attic, the development as approved in 2014 is significantly more intense than what is recommended by the Comprehensive Plan. An increase in height of up to five feet would add to what is already in excess of what is recommended based on the intent of the adopted land use plan.

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

Finding: Typically, the City requires private streets to be 24 feet wide to accommodate fire trucks and to allow for safe vehicular circulation patterns. During the rezoning process, the applicant negotiated a compromise where the internal streets are 20 feet wide, while the driveways are at least 18 feet long to accommodate parked vehicles at a 90-degree angle with no overhang into the street. A new Chevrolet Suburban is approximately 18.7 feet long, a regular cab Ford F-150 is approximately 19 feet long, and a Chevrolet Tahoe is approximately 17 feet long. Neither of those vehicles could be parked without overhang into the street with the proposed 15- to 17-foot driveways and the narrow 20-foot streets cannot accommodate on-street parking.

To illustrate a worst-case scenario: Units 4 and 22 are on opposite sides of the private street to the Southwest of the property and they will have 15- and 16-foot driveways respectively. If two 19-foot vehicles are parked only one foot away from the garage door, they will each hang over four feet into the street. The resulting free-and-clear width 11 feet as opposed to the minimum 20 feet agreed on in the rezoning process and the 24 feet desired by the City Fire Marshall and the City Public Works department. Emergency vehicles would potentially not be able to navigate the development and fender-benders are to be expected during the day-to-day navigation in such narrow surroundings.

For emergency access, the City Fire Department requires a turnaround for streets longer than 150 feet. The internal north-south street is approximately 170 feet long between the development entrance and its termination at the southernmost east-west street. To complete a successful turn with a fire truck, the Fire Department requires 20-foot drivable width in the intersection area. In the proposed configuration, this width would be encroached by 3 feet at unit 6. This would prohibit the Fire Department to conduct a safe turnaround, and could lead to property damage to City equipment and private property.

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: Staff estimates no additional negative impacts as a result of the proposed changes.

COMMENTS FROM OTHER CITY DEPARTMENTS

Transportation:

In response to the request to remove the zoning condition requiring the depth of driveways to be 18', it is not recommended to allow any driveways shorter than 18' due to reasons of safety and operations. From a safety perspective:

The roadway width that the driveways intersect is only 20' wide from face-of-curb to face-of-curb. The requirement for fire lanes is a minimum of 20' unobstructed width. The typical length of parking space to accommodate a vehicle is 18'. If a driveway is shorter than 18', there is a risk that portions of a vehicle will protrude into the roadway and reduce the available width below the minimum 20' for fire access. Assuming a worst case situation, if vehicles in driveways directly across from each other both had vehicles encroaching into the 20' roadway, then the available width for fire access would be reduced even further. This type of situation can slow down emergency response times and make access more difficult.

From an operations perspective:

The minimum roadway width for this type of development is 10' lanes, excluding curb and gutter. With a gutter width of 18", the minimum total roadway width from face-of-curb to face-of-curb is 23'. The roadways on the plans are 20', including the gutter width. This reduction in effective roadway width means an increased difficulty in navigating the site, and an increase in risk of fender-bender/property-damage-only type crashes. The concern for efficient traffic flow internal to the sight is not significant or note-worthy.

Building:

The removal of the zoning condition should not be an issue, as the district height limit is 45'. Additionally, the Gateway Phase II apartment building, which is directly across the recently-constructed street extending from Wieuca Road to the main Gateway complex, will be 5 stories and over 55' tall.

It should be noted that, as 4-story buildings, these townhouses will fall under the Building Code and not the Residential Code.

Fire:

The SSFR has statutory and administrative requirements for fire apparatus access roads in IFC Sec. 503 and IFC Appendix D.

These articles state that those roads are to be a minimum of 20 feet of unobstructed width. There are also requirements for an approved turnaround (per IFC Appendix D) where any dead end fire apparatus access road is longer than 150 feet. There are required radii for turns along such fire apparatus access roadways.

IFC Appendix D105 covers “aerial fire apparatus access roads” which increase the minimum width to 26 feet of unobstructed width. SSFR operates four aerial fire apparatus whereby this section would be pertinent but apparently was not applied upon initial application of this project. These expanded width roads apply where “the highest roof surface exceeds 30 feet.”

There is a reasonable expectation that vehicles parked in driveways do not extend into the road space, thereby reducing the ability of fire apparatus to safely negotiate or set-up for firefighting operations. Fire apparatus access roads require “unobstructed width” and that would include vehicles in driveways not encroaching into the fire apparatus access road.

COMMENTS FROM OTHER PARTIES

Fulton County Environmental Health Services Division:

The Environmental Health Services Division of the Department of Health and Wellness will require that the owner/developer comply, as appropriate, with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation specifically

- o ARTICLE III – SMOKEFREE AIR
- o ARTICLE IV - DRINKING WATER SUPPLY
- o ARTICLE V -FOOD SERVICE
- 9 ARTICLE VII - NUISANCES
- o ARTICLE IX-RAT CONTROL
- o ARTICLE X - SOLID WASTE
- o ARTICLE XI - SEW AGE DISPOSAL
- o ARTICLE XII - SWIMMING POOLS & NATURAL BATHING BEACHES
- o ARTICLE XIII - TOURIST ACCOMMODATIONS

Fulton County Environmental Justice Program

The Fulton County Department of Health and Wellness does not anticipate any adverse impacts to the health of humans or the environment by allowing the rezoning from A (Medium Density Apartment District) conditional to A conditional with all existing conditions from rezoning case 201402052 excluding condition 30) regarding 40' maximum building height.

PUBLIC PARTICIPATION

The applicant hosted an initial Community Meeting on June 28, 2016. Two community members attended. The main concern was the height of the buildings from the yards of the adjacent residences. On July 28, 2016, the applicant held a second Community Meeting. No community members attended the meeting

As of September 8, 2016, staff has received no letters in support or in opposition to the development.

RECOMMENDATIONS

Planning Commission

Planning Commission recommends **APPROVAL** of RZ16-0100, **APPROVAL** of the applicant's request to eliminate Condition 3j regarding the building height, and **DENIAL** of the applicant's request to eliminate Condition 3d regarding the driveway length, subject to Staff's recommended conditions.

Department of Community Development

Staff finds that the proposal is not in conformity with the policies and the intent of the Comprehensive Plan and would create unsafe vehicular circulation conditions. Therefore, staff recommends **DENIAL** of RZ16-0100.

Should the Mayor and City Council instead approve zoning case RZ16-0100, staff recommends to maintain the existing conditions, but to eliminate Condition 3d regarding the driveway length and Condition 3j regarding the building height, as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Townhouses at a density of 12.3 units per acre or 25 units, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan drafted by McFarland-Dyer & Associates and dated September 6, 2016, received by the Department of Community Development on September 7, 2016. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance 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. Shared access streets shall be designed and constructed to public street standards.
 - b. Shared access street with Development of Regional Impact (DRI) 2290, Chastain Mixed Use. As such, the Georgia Regional Impact (GRTA) DRI conditions from the Notice of Decision (NOD) dated January 30, 2013 shall apply to the West Wieuca Road access.
 - c. Shared access street shall align with proposed apartment building on the east side of access road within the Sandy Springs Gateway project.
 - d. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet as measured from the property line shown on the site plan drafted by McFarland-Dyer & Associates and dated September 6, 2016, received by the Department of Community Development on September 7, 2016.

- e. To reduce the required side yard setback from twenty-five (25) feet to zero (0) feet.
- f. To reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet.
- g. To reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line.
- h. To reduce the stream buffer to allow the encroachments as shown on the site plan drafted by McFarland-Dyer & Associates and dated September 6, 2016, received by the Department of Community Development on September 7, 2016
- i. There shall be no common trash dumpsters. Trash shall be picked up from individual units one day per week.
- j. Building lighting shall not be located above the first floor except Coach lights at the back doors of units which shall be screen and directed downward.
- k. Building exterior treatments shall be brick and/or stone.
- l. The Owner/Developer shall provide adequate right of way frontage along West Wieuca Road for installation by a third party of a left hand turn lane northbound into the Gateway Project being developed by JLB Partners. (This is the same left hand turn lane required by GRTA, page 3 of its Notice of Decision for DRI 2290 Chastain mixed use dated Jan 30, 2013 for the JLB Gateway project).

NOTE: WATER SERVICE LINES AND CONCRETE WALKS INTERNAL TO THE SUBDIVISION ARE SHOWN PER THE PERMITTED CONSTRUCTION DOCUMENTS.
 NOTE: CITY OF SANDY SPRINGS, FULTON COUNTY AND CITY OF ATLANTA PERSONEL AND/OR AGENTS SHALL HAVE FREE AND TOTAL ACCESS TO AND ACCROSS ALL EASEMENTS.

LOT CURVE CHART

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	23.96'	558.39'	N 74°55'52" W	23.96'
C2	33.64'	217.79'	N 80°35'06" W	33.60'
C3	30.82'	477.67'	N 86°51'28" W	30.81'
C4	44.06'	292.10'	S 86°58'22" W	44.02'
C5	40.55'	147.41'	S 74°46'15" W	40.42'

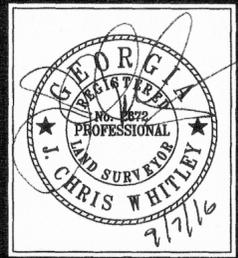
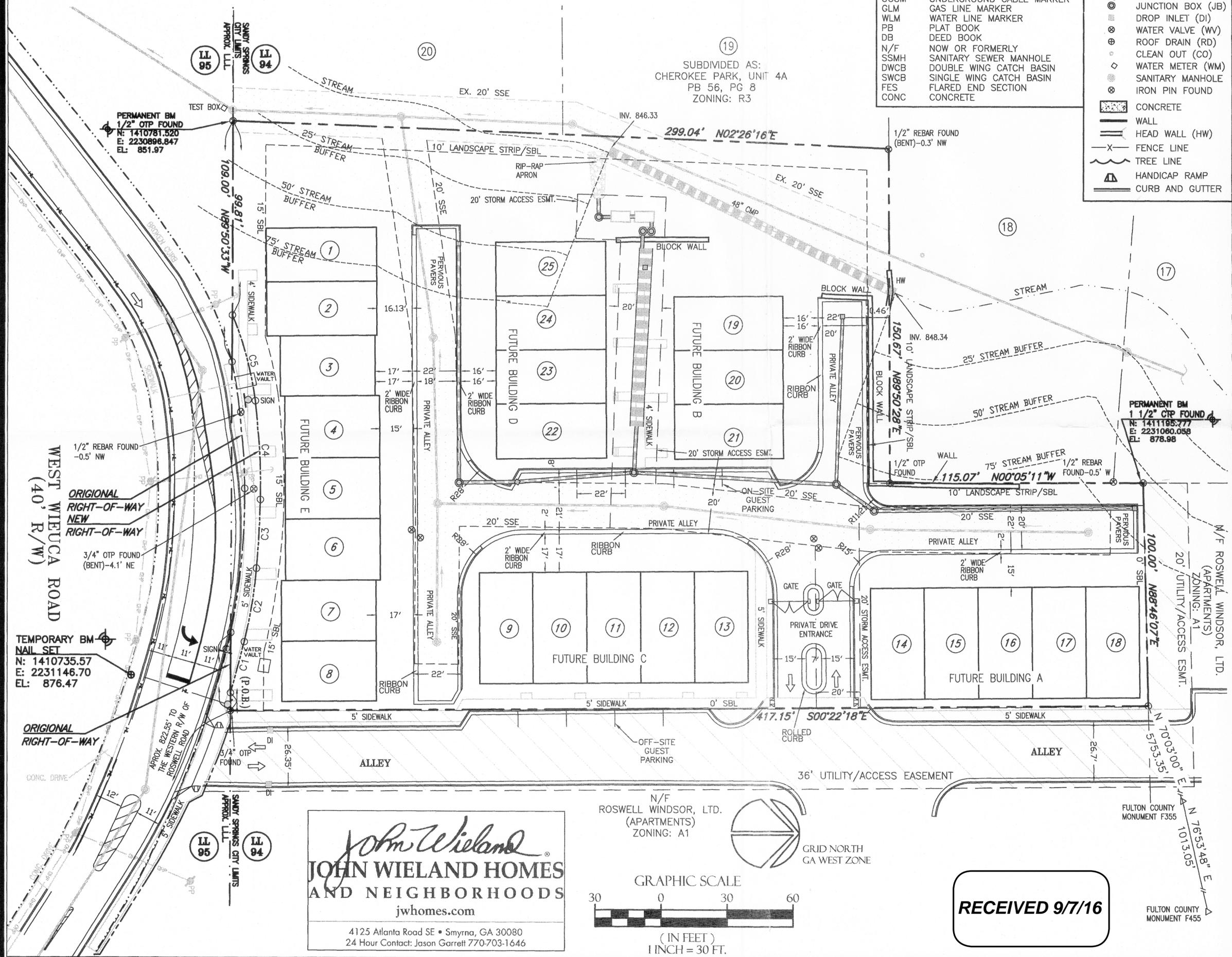
ABBREVIATIONS

INV	INVERT ELEVATION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
FFE	FINISHED FLOOR ELEVATION
TBM	TEMPORARY BENCHMARK
GV	GAS VALVE
UGCM	UNDERGROUND CABLE MARKER
GLM	GAS LINE MARKER
WLM	WATER LINE MARKER
PB	PLAT BOOK
DB	DEED BOOK
N/F	NOW OR FORMERLY
SSMH	SANITARY SEWER MANHOLE
DWCB	DOUBLE WING CATCH BASIN
SWCB	SINGLE WING CATCH BASIN
FES	FLARED END SECTION
CONC	CONCRETE

LEGEND

	UTILITY POLE (PP)
	GUY WIRE
	LIGHT POLE (LP)
	FLAG POLE (FP)
	FIRE HYDRANT (FH)
	SIGN
	JUNCTION BOX (JB)
	DROP INLET (DI)
	WATER VALVE (WV)
	ROOF DRAIN (RD)
	CLEAN OUT (CO)
	WATER METER (WM)
	SANITARY MANHOLE
	IRON PIN FOUND
	CONCRETE
	WALL
	HEAD WALL (HW)
	FENCE LINE
	TREE LINE
	HANDICAP RAMP
	CURB AND GUTTER

SUBDIVIDED AS:
 CHEROKEE PARK, UNIT 4A
 PB 56, PG 8
 ZONING: R3



MDA
 MCFARLAND-DYER & ASSOCIATES
 474 SILVER PEAK PARKWAY SUWANEE, GEORGIA 30024
 PHONE (770) 932-6550 FAX (770) 932-6551
 WWW.COMDA.NET

DATE	DESCRIPTION
9-6-2016	SITE PLAN

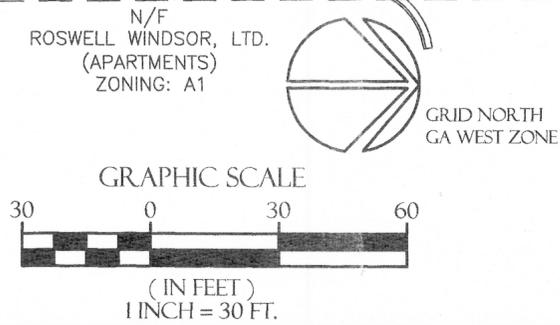
JOB NO: 14-0509
 DRAWN BY: JH
 CHECKED BY: MP
 SURVEYED BY: CD

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FINAL PLAT FOR:
WEST WIEUCA TOWNHOMES
 LL 94, 17TH DISTRICT
 CITY OF SANDY SPRINGS
 FULTON COUNTY, GEORGIA

SITE PLAN
 SHEET 1 OF 1

John Wieland
JOHN WIELAND HOMES AND NEIGHBORHOODS
 jwhomes.com
 4125 Atlanta Road SE • Smyrna, GA 30080
 24 Hour Contact: Jason Garrett 770-703-1646



RECEIVED 9/7/16

FULTON COUNTY MONUMENT F355
 N 16°53'48" E 101.305'
 FULTON COUNTY MONUMENT F455



UNIT 1 & 19
Brookhaven

UNIT 2 & 20
Brookhaven

UNIT 3 & 21
Charlotte

UNIT 4
Charlotte

UNIT 5
Charlotte

UNIT 6
Charlotte

UNIT 7
Charlotte

UNIT 8
Charlotte

① Front Elevation
1/16" = 1'-0"



② Rear Elevation
1/16" = 1'-0"

RECEIVED 9/7/16

NBHD: WTW-T-005
UNIT: 0001-0008
CUSTOM: YES / NO

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9/6/2016
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Brookhaven
Front & Rear Elevation

4125 ATLANTA ROAD SE, SAVANNA, GA 30080
770.995.1400

SHEET
P2



NBHD: WTW-T-005
 UNIT: 0001-0008
 CUSTOM: YES / NO

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Brookhaven
 Perspectives

John Wieland
 JOHN WIELAND HOMES
 AND NEIGHBORHOODS
 4125 ATLANTA ROAD SE, SPYRMA, GA 30080
 770.996.1400

SHEET
 P1

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① Front Elevation
1/16" = 1'-0"



② Rear Elevation
1/16" = 1'-0"

NBHD: WTW-T-005
UNIT: 0001-0008
CUSTOM: YES / NO

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Brookhaven
Front & Rear Elevation

John Wieland
JOHN WIELAND HOMES
AND NEIGHBORHOODS
4125 ATLANTA ROAD SE, SUYRMA, GA 30080
770.996.1400

SHEET
P2

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1 Right Elevation
 1/8" = 1'-0"

NBHD: WTW-T-005
 UNIT: 0001-0008
 CUSTOM: YES / NO

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Brookhaven
 Right Elevation

John Wieland
 JOHN WIELAND HOMES
 AND NEIGHBORHOODS
 4125 ATLANTA ROAD SE, SPYRINA, GA 30080
 770.996.1400

SHEET
 P3

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① Left Elevation
 1/8" = 1'-0"

NBHD: WTW-T-005
 UNIT: 0001-0008
 CUSTOM: YES / NO

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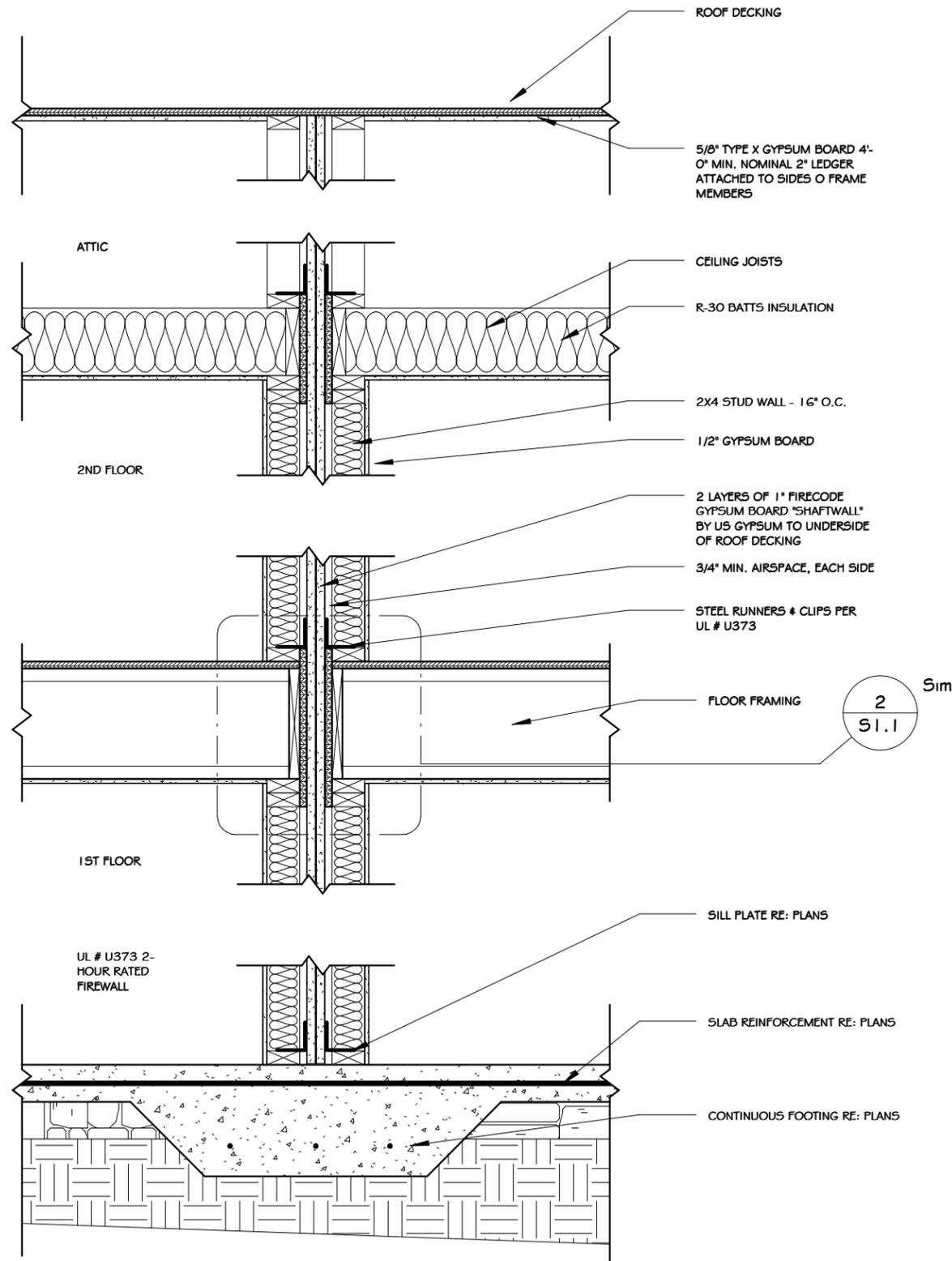
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Brookhaven
 Left Elevation

John Wieland
 JOHN WIELAND HOMES
 AND NEIGHBORHOODS
 4125 ATLANTA ROAD SE, SPYRINA, GA 30080
 770.996.1400

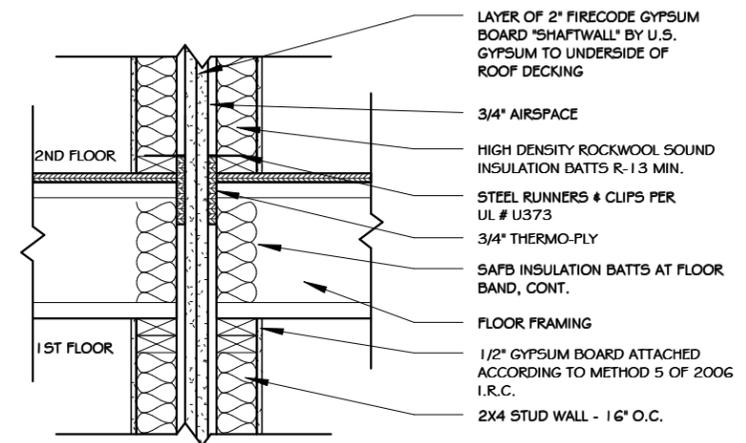
SHEET
 P5

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① Typ. Party Wall Section - 2 Hour Wall I
3/4" = 1'-0"

② Typ. Party Wall Section at Floor2
3/4" = 1'-0"



*DETAIL AT TYPICAL FRAMED FLOOR/WALL UL # U373 2-HOUR FIRE RATED WALL

NOTE: PLANS PRINTED ON 24x36 PAPER WILL BE TWICE THE NOTED SCALE.

NBHD: WTW-T-005
UNIT: 0001-0008
CUSTOM: YES / NO

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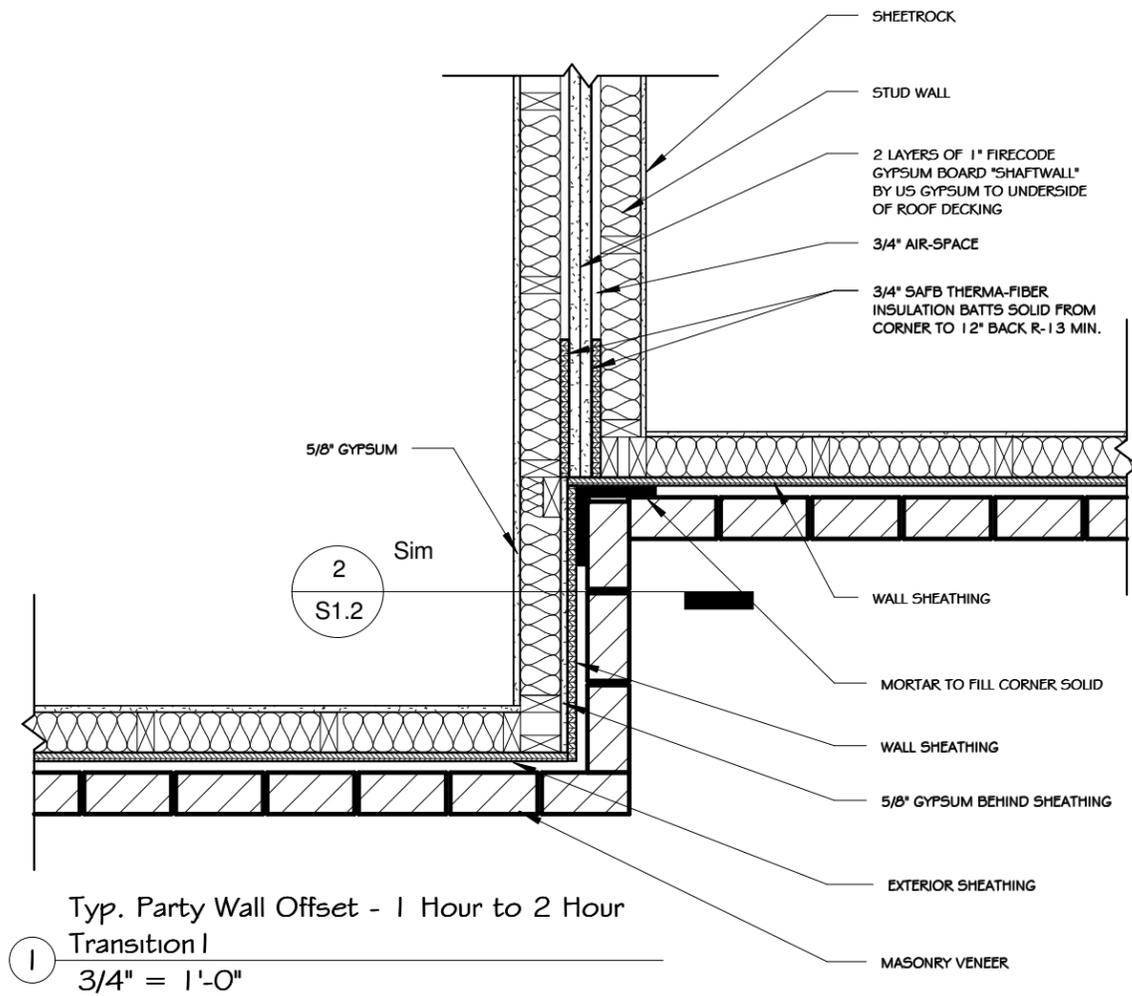
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Brookhaven
Details

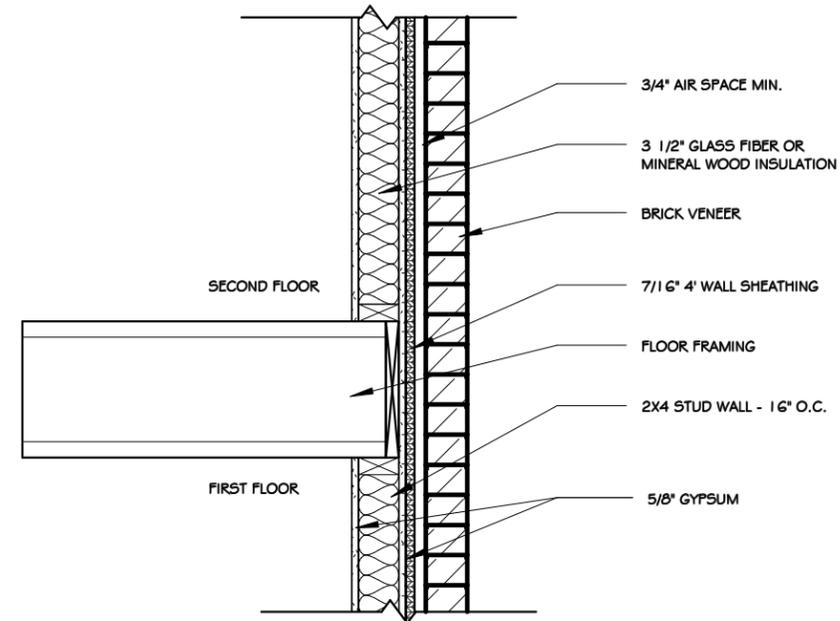
John Wieland
JOHN WIELAND HOMES
AND NEIGHBORHOODS
4125 ATLANTA ROAD SE, SMYRNA, GA 30080
770.996.1400

SHEET
S1.1

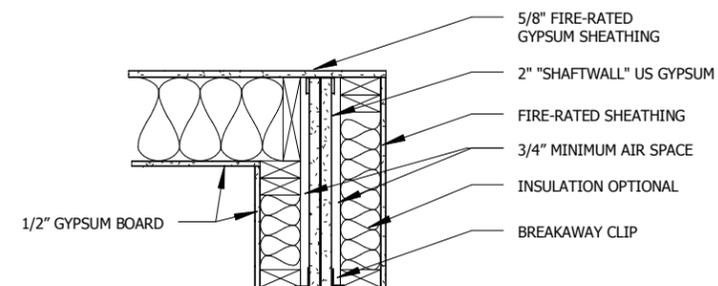
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1 Typ. Party Wall Offset - 1 Hour to 2 Hour Transition I
3/4" = 1'-0"



2 Typ. Exterior Wall Section Offset - 1 Hour
3/4" = 1'-0"
UL#356



3 Typ. Party Wall Roof Offset - 2 Hour
3/4" = 1'-0"

NOTE: NO PENETRATIONS W/ IN 4' OF FIREWALL

NOTE: PLANS PRINTED ON 24x36 PAPER
WILL BE TWICE THE NOTED SCALE.

NBHD: WTW-T-005
UNIT: 0001-0008
CUSTOM: YES / NO

LD
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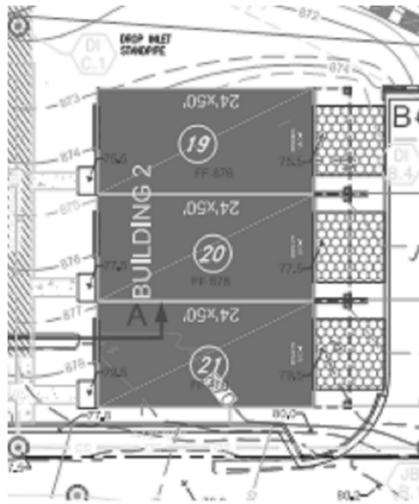
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Brookhaven
Details

John Wieland
JOHN WIELAND HOMES
AND NEIGHBORHOODS
4125 ATLANTA ROAD SE, SMYRNA, GA 30080
770.996.1400

SHEET
S1.2

FILE PATH: C:\MWHN-Fest-HDW\WTW-T-005-0001-0008\WTW-T-005-Full-Building.rvt



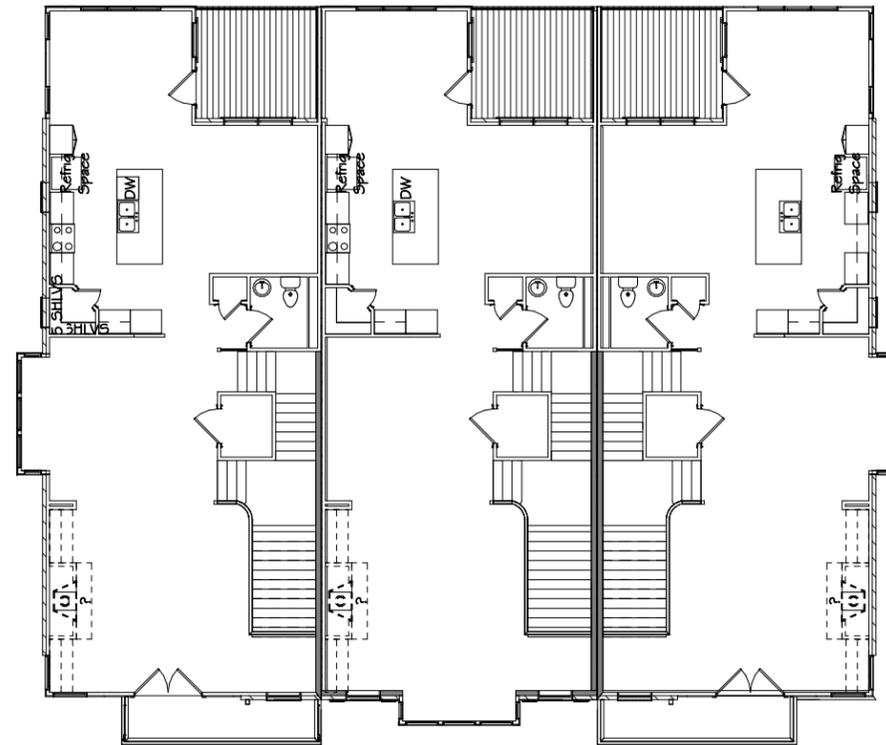
LEFT ELEVATION 'O'



ELEVATION 'O'
LOT 19
RH ENTRY
w/OPT. KEEPING
ROOM w/DECK

ELEVATION 'Q'
LOT 20
RH ENTRY
w/OPT. KEEPING
ROOM w/DECK

ELEVATION 'O'
LOT 21
LH ENTRY
w/OPT. KEEPING
ROOM w/DECK



ADD BAY OPTION TO LEFT ELEVATION

ADD BAY OPTION TO RIGHT ELEVATION



RIGHT ELEVATION 'O'

LEFT HAND GARAGE	NBHD:	xxx
	DRAWN BY:	JD
	CHECKED BY:	JWH
	LOT:	xxx

FLOT DATE:
4/14/2016
9:52:16 AM
REVISION DATE:
2016-04-04

BROOKHAVEN
WEST WEUCA - LOT 19-21 (BUILDING 2)

John Wieland
JOHN WIELAND HOMES
AND NEIGHBORHOODS
4125 ATLANTA ROAD SE, SMYRNA, GA 30080
770.986.2400

SHEET

120 West Wieuca – Legal Description

Tract One

All that tract or parcel of land lying and being in Land Lot 94 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

Begin at a point found at the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) said point being the southeasterly corner of Lot 22, Unit 4-A Cherokee Park subdivision as per plat recorded in Plat Book 56, Page 8, Fulton County, Georgia records being the TRUE POINT OF BEGINNING: thence commence southwesterly along the northerly right-of-way of West Wieuca Road along an arc of a curve having a radius of 306.06 feet (said arc being subtended by a chord having a chord bearing south 83 degrees 47 minutes 52 seconds west a chord length of 57.06 feet) and an arc distance of 57.14 feet; thence commence south 89 degrees 53 minutes 21 seconds West a distance of 109.00 feet to a rebar found; thence commence north 02 degrees 10 minutes 10 seconds east a distance of 299.04 feet to a rebar found; then commence north 89 degrees 34 minutes 23 seconds east a distance of 150.63 feet to an open top pipe found; thence commence south 00 degrees 44 minutes 12 seconds east a distance of 293.60 feet to a point at the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) where it intersects the southern land lot line of Land Lot 94 and the Point of Beginning, as per survey for REES 542, LLC dated May 7, 2006 prepared by McClung Surveying Services, Inc, Michael R. Noles GRLS 2646 the same being known as 120 West Wieuca Road, Sandy Springs, Georgia according to the current system of numbering in Sandy Springs, Georgia.

Tract Two

All that tract or parcel of land lying and being in Land Lot 94 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

Begin at a point found at the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) said point being the southeasterly corner of Lot 22, Unit 4-A Cherokee Park subdivision as per plat recorded in Plat Book 56, Page 8, Fulton County, Georgia records being the TRUE POINT OF BEGINNING: thence commence north 00 degrees 44 minutes 12 seconds west a distance of 293.60 feet to an open top pipe found; thence commence north 00 degrees 22 minutes 32 seconds west a distance of 114.93 feet to a crimp top found; thence commence north 88 degrees 25 minutes 11 seconds east a distance 100.00 feet to a rebar set; thence commence south 00 degrees 38 minutes 17 seconds east a distance of 417.15 feet to a crimp top found on the southern land lot line of Land Lot 94; thence commence south 89 degrees 53 minutes 21 seconds west at distance of 35.40 feet to a point on the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) where it intersects the southern land lot line of Land Lot 94; thence commence northwesterly along the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) along an arc of a curve having a radius of 306.03 feet (said arc being subtended by a chord having a chord bearing north 84 degrees 45 minutes 43 seconds west a chord length of 64.95 feet) and an arc distance of 65.07 feet to the Point of Beginning as per survey for REES 542, LLC dated May 7, 2006 prepared by McClung Surveying Services, Inc, Michael R. Noles GRLS 2646 the same being known as 130 West Wieuca Road, Sandy Springs, Georgia according to the current system of numberings in Sandy Springs, Georgia.



Case No.: **ZM16-0020**
 Planner's initials: _____

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 120 W. Wienca Road NE, Atlanta, GA 30342	
	Parcel Tax ID: 17-009400030149	
	Land Lot(s): 94	Land District(s): 17
	Total acreage: 2.0185	Council district: 6
	Current zoning: A-Medium Density Apartment	Current use: Townhomes
	Overlay district: N/A	Future land use: Townhomes

APPLICATION	Purpose of the application: Rezoning Modification	
	Check all that apply: <input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Modification <input type="checkbox"/> Use permit(s) <input type="checkbox"/> Concurrent variance(s)	
	Detailed request (include Code/Ordinance Section No. for concurrent variances): Removal of Condition "3(j)" from Rezoning 201402052 to delete the 40' minimum height requirement.	
	Petitioner: Palte Group dba John Wickland Homes and Neighborhoods	
	Petitioner's address: 2475 Northwinds Parkway - Suite 600 Alpharetta, GA 30009	
Phone: (770) 381-3450	Email: brian.chrsam@palte.com	

OWNER	Property owner: Palte Group	
	Owner's address: 2475 Northwinds Parkway - Suite 600 Alpharetta, GA 30009	
	Phone: (770) 381-3450	Email: brian.chrsam@palte.com
	Signature (authorizing initiation of the process): 	
	If the property is under contract and the owner is unavailable to sign, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date:
CMI date, time, and location:	
ADDITIONAL INFORMATION NEEDED:	



Case No.: 2M16-0020
 Planner's initials: _____

APPLICATION FORM

APPLICATION	Purpose of the application: <u>Rezoning</u>
	Check all that apply: <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Modification <input type="checkbox"/> Use permit(s) <input type="checkbox"/> Concurrent variance(s)
	Detailed request (include Zoning Ordinance section No. for concurrent variances): <u>Removal of Condition "3(j)" from Rezoning 201402052 to delete the 40' minimum height requirement.</u>

COMMUNITY MEETING 1 REPORT	Date and location of CM1: <u>Tuesday, June 28th - Sandy Springs City Hall (Council Auditorium)</u>
	Beginning time: <u>6:00 PM</u> End time: <u>6:30 PM</u>
	Summary of concerns discussed: <u>Neighbors expressed concern over privacy from the site and Roswell Road, side elevations of proposed townhome units, and building height of development.</u>
Does the application address the concerns discussed at the CM1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Explain: <u>Proposed townhome units will shield the neighboring properties from Roswell Road and the difference in elevation will help this further. Presented side elevation renderings. The current zoning (A-Medium Density Apartment) limits building height to 45' which the neighbors agreed was sufficient.</u>	

- TO BE FILLED OUT BY P&Z STAFF -

Application date:	Planning Commission date:
CM2 date and time:	Mayor and City Council date:
OFFICIAL REQUEST (FOR PUBLICATION):	



DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: <u>Brian Ehrson</u>
Signature:  Date: <u>7/1/2016</u>

Note: Each party involved in the application must sign an individual copy of this form.

June 30, 2016

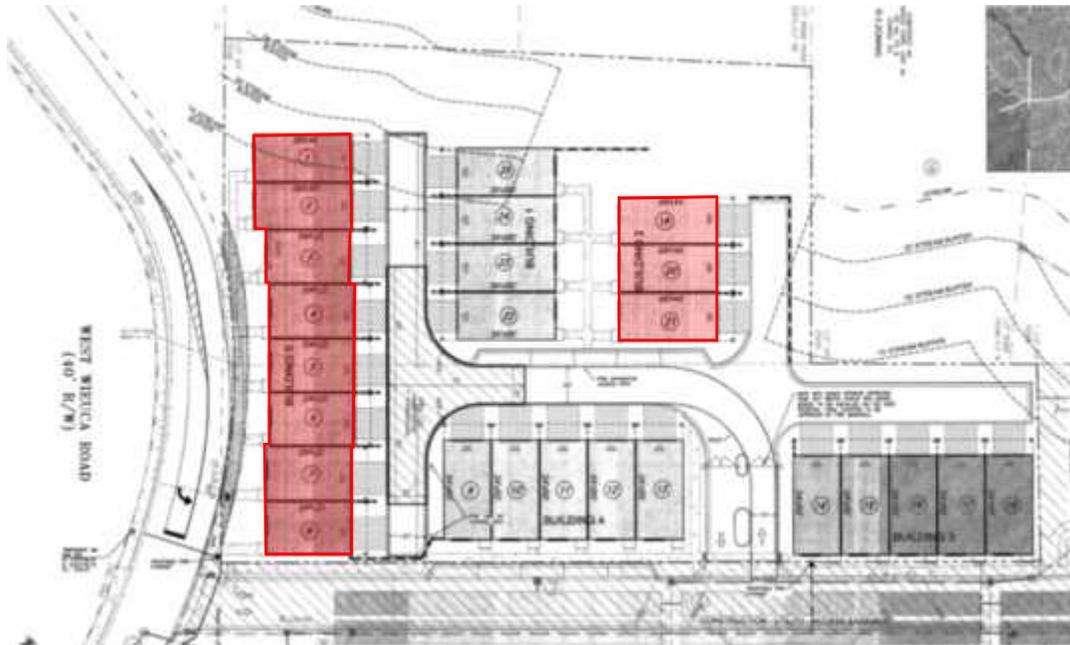
City of Sandy Springs
Attention: Cecilia Leal
7840 Roswell Road – Building 500
Sandy Springs, GA 30350

Subject: Letter of Intent – 120 West Wieuca Road Rezoning

Dear Ms. Leal:

John Wieland Homes and Neighborhoods is seeking the rezoning of its 120 West Wieuca project. This property, containing approximately 2.03 acres, is located on the northerly side of West Wieuca Road to the west of its intersection with Roswell Road, parcel ID # 17-009400030149. The project has been approved by the City of Sandy Springs for 25 Brookhaven townhomes, which are 4-story, 24' wide, and approximately 3,750 square feet.

The Property is currently zoned "A-Medium Density Apartment" with a 40' height restriction in the zoning conditions. The Applicant is requesting this rezoning to remove this 40' height restriction, though the site will still be under the "A-Medium Density Apartment" zoning's 45' height restriction. The City of Sandy Springs measures building height "from the mean of the grade to the mean of the roof line" but as the civil designs have progressed two of the five buildings come into conflict with the 40' height restriction. The two buildings (Building 2 and Building 5) that need the restriction removed are on the west side of the project and are on the lower grade side of the property.





As the site slopes, the average grade around these two buildings is lower than the other three creating the discrepancy in building height. The roof line of these buildings is actually lower than the roof lines of Building 3 and Building 4 that meet the building height restriction, but the adjacent grade is slightly lower creating the issue. As designed, the mean of the roof line of these two buildings is approximately 43' to the mean of the surrounding grade, falling within the 45' height restriction of the base zoning category.

Thank you for your consideration and attention to this matter.

Sincerely,

Jeff Kingsfield, 6/30/2016

Jeff Kingsfield

Vice President of Homebuilding Operations
John Wieland Homes and Neighborhoods
4125 Atlanta Road, Smyrna, GA 30080
(404) 787-6544
jeff.kingsfield@jwhomes.com



Subject: **Zoning Impact Analysis – Rezoning 120 W. Wieuca Road**

Address the following in detail:

- J Whether the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.
No issue. Rezoning is just in regards to the height limit.
- J Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
No issue. Rezoning is just in regards to the height limit.
- J Whether the property to be affect by the proposed rezoning has a reasonable economic use as currently zoned.
No issue. Rezoning is just in regards to the height limit.
- J Whether the proposed rezoning will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.
No issue. Rezoning is just in regards to the height limit.
- J Whether the proposed rezoning is in conformity with the policies and intent of the City's Comprehensive Plan.
No issue. Rezoning is just in regards to the height limit.
- J 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 proposed rezoning.
No issue. Rezoning is just in regards to the height limit.
- J Whether the proposed rezoning will permit a land use which can be considered Environmentally Adverse to the natural resources, environment, and citizens of the City.
No issue. Rezoning is just in regards to the height limit.



ENVIRONMENTAL SITE ANALYSIS

120 & 130 West Wieuca Road
for
John Wieland Homes and Neighborhoods

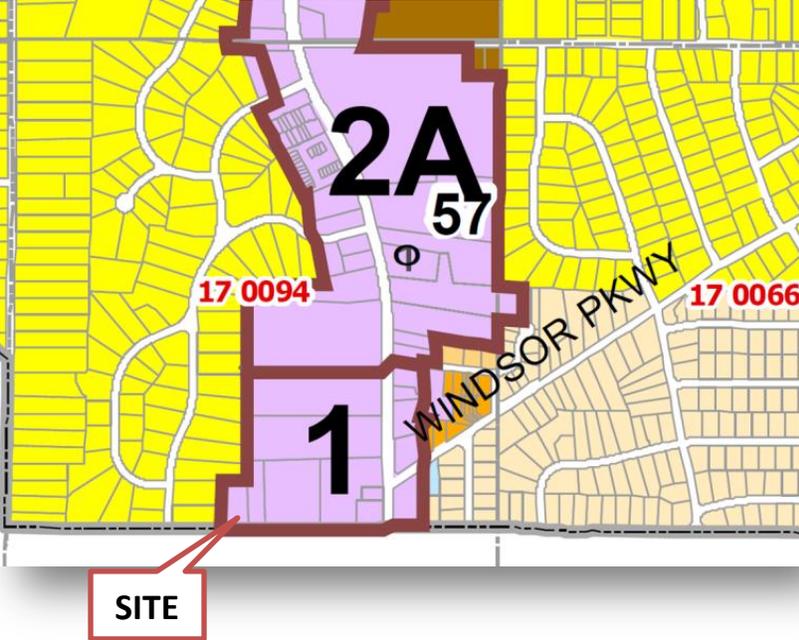
CONFORMANCE WITH THE COMPREHENSIVE PLAN

The analyzed property is a 2.03 acre parcel fronting West Wieuca Road along the southern border of the City of Sandy Springs. The property is currently developed with two 2-story office buildings and surface parking. The topography of the site falls from east to west. Along the western property line there is a steep embankment that leads to stream that resides on the neighboring property. In the north western corner of the property, the stream passes through the property and under the existing parking lot in an existing storm drainage pipe. A portion of the stream buffer around the bordering creek is imposed on the western side of the property. A large portion of the stream buffer is currently impacted with the existing asphalt parking lot.

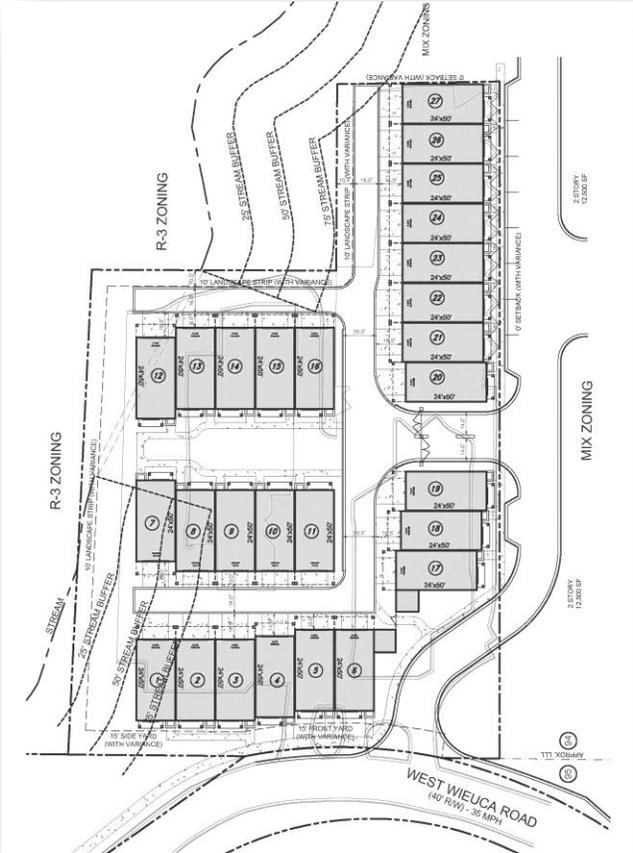
The requested zoning category for this property is A-Medium Density Apartment District which will allow for a maximum of 14 units an acre. The proposed project consist of 27 single family attached home in 5 buildings which accounts for 13.3 units per acre. All of the units will have alley access garages. The exterior units front West Wieuca and the shared access drive with the proposed Gateway development. The internal units front a central park space. The proposed development improvements do encroach in portions of the existing stream buffer, but in a reduced overall amount. The stormwater detention will be handled in the Gateway development master detention facility.

The site is located in the *Living-Working Neighborhood* category of the 2027 Comprehensive Plan, and resides in the Windsor Parkway Land Use Node. This category calls for a maximum of 5 units per acre. While the proposed development is in excess of the land use guideline, the adjacent property to the east which is also in the *Living-Working Neighborhood* category was recently rezoned to the MIX coning category. The adjoining Gateway development will have a significantly higher density that that recommended by the *Living-Working Neighborhood* category and a density that is much greater than the proposed density of this development. This development will act as a step down density barrier from the proposed Multi-family development in the Gateway project and complies with the City's desire for revitalization of older developments in need of upgrade, which when redeveloped, will add ownership residences to the housing stock in the City of Sandy Springs.

2027 Comprehensive Plan



Proposed Site Plan



ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

- a. *Wetlands*: There are no wetlands on the site according to the US Fish and Wildlife Services, and National Wetlands Inventory.
- b. *Floodplain*: There is no floodplain on the site according to FEMA Flood Insurance Rate Map Panel Number 13121C0144F, dated September 18, 2013.
- c. *Streams/Stream Buffers*: There are stream buffers present on the property due to an offsite stream located along the western property line. The existing development does extend into all segments of the stream buffer. No detention or water quality is currently provided for the existing development improvements. With this proposed development, all existing improvements with in the stream buffers will be removed. Proposed improvements will be constructed in portions of the previously impacted buffer areas, but at a much reduced volume. The stormwater generated by the proposed development improvements will pass through a water quality device prior to release in the adjacent stream.
- d. *Slopes Exceeding 25%*: A portion of the property along the western property does have slops exceeding 25%. This is the area that drops off to the adjoining stream. This slope appears to have been placed for the construction of the office building parking lot. The edge of the existing parking lot abuts the top of the slope bank. The proposed townhome buildings will be constructed a safe distance away from this slope.
- e. *Vegetation*: The majority of the property is covered by existing buildings and a parking lot. There are is a presence of existing trees along the outside edges of the parking lot. Many of the existing trees to the west and north of the property will remain in the proposed development.
- f. *Wildlife Species*: No endangered species have been located on the site.
- g. *Archeological/Historical Sites*: No historical sites of record are located on the property according the Georgia Department of Natural Resources and Historical Preservation Division.

PROJECT IMPLEMENTATION MEASURES

- a. *Protection of environmentally sensitive areas:* The environmentally sensitive area of the property is along the western side of the property in the slope leading to the adjoining stream. The proposed development will reduce the impervious area located in the stream buffer.
- b. *Protection of water quality:* The existing development does not have and stormwater detention or water quality. The proposed storm water runoff will be attenuated with the master detention facility in the Gateway development. The proposed development storm water will pass through a water quality device prior to release into the adjoining stream.
- c. *Minimization of negative impacts on existing infrastructure:* There are two 2-story office buildings on the property that are connected to the sanitary and water utilities in West Wieuca. The proposed 27 townhome units will also access utilities in West Wieuca. The proposed use will be similar to that experienced by the office development
- d. *Minimization of Archeological/Historically significant areas:* There are no areas to be impacted.
- e. *Minimization of negative impact on environmentally stressed communities:* There are no environmentally stressed communities impacted by this proposed development.
- f. *Creation and preservation of green space:* A central green space will be created for the development occupants. The existing vegetative areas to the west and north of the property will remain undeveloped and as an open space.
- g. *Protection of citizens from the negative impacts of noise and lighting:* With the change in use from office to residential there will be a reduction in the peak traffic flow hence a reduction in vehicular noise. The parking lot lighting from the office facility will also be removed.
- h. *Protection of parks and recreational green space:* There are no existing parks or recreational green space that will be impacted with the proposed development.
- i. *Minimization of impacts to wildlife habitats:* The existing natural vegetative areas to the west and north of the property will remain undeveloped.

PUBLIC PARTICIPATION PLAN REPORT
FORM E

Applicant: PulteGroup

Petition No. RZ16-0100

Date: September 29, 2016

1. The following parties were notified of the requested rezoning/use permit:
See Exhibit "A" attached hereto and by reference thereto made a part hereof.

2. The following meetings were held regarding this petition: (Include the date, time and meeting location.)
Community Meeting 1-June 28, 2016 at 6:00 p.m.-Sandy Springs City Hall
Community Meeting 2-July 28, 2016 at 6:00 p.m.-Sandy Springs City Hall
Planning Commission Hearing-September 15, 2016 at 6:00 p.m.-Sandy Springs City Hall

3. The following issues and concerns were expressed:
See Exhibit "B" attached hereto and by reference thereto made a part hereof.

4. The applicant's response to issues and concerns was as follows:
See Exhibit "B" attached hereto and by reference thereto made a part hereof.

5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.
See Exhibit "C" attached hereto and by reference thereto made a part hereof.

RECEIVED

SEP 30 2016

City Of Sandy Springs
Community Development

Owner	Address	City	State	Zip Code
John Stoj & Kimberely Haluski	4565 Mystic Drive	Sandy Springs	GA	30342
James Morgan	4614 Mystic Drive NE	Sandy Springs	GA	30342
Douglas Kraft	4720 Hickory Bend Drive NW	Acworth	GA	30102
Nancy & Stephen Buck	4575 Mystic Drive	Sandy Springs	GA	30342
Carolyn Schutz	4624 Mystic Drive	Sandy Springs	GA	30342
George Carroll	4524 Mystic Drive	Sandy Springs	GA	30342
Robert Meinzen	4635 Mystic Drive	Sandy Springs	GA	30342
Elizabeth & William Brodnax	4555 Meadow Valley Drive NE	Sandy Springs	GA	30342
Roswell Windsor LTD	P.O. Box 450233	Atlanta	GA	31145
Sharon & Peter Pathak	4565 Meadow Valley Drive NE	Sandy Springs	GA	30342
Therese & Gary Jacobs	4625 Mystic Drive	Sandy Springs	GA	30342
Ronnie Salle	4595 Mystic Drive	Sandy Springs	GA	30342
Leslie Laird & Johnny Boring	4564 Meadow Valley Drive NE	Sandy Springs	GA	30342
D Roberts	4574 Meadow Valley Drive NE	Sandy Springs	GA	30342
Martha & Hal Boyles	2975 Boles Farm Lane	Duluth	GA	30096
Rudine & Terrell Davis	4585 Mystic Drive NE	Sandy Springs	GA	30342
Kelly Lawrence	4615 Mystic Drive NE	Sandy Springs	GA	30342
Asher Benator & Albert Tenenbaum	3665 Clairmont Road - Suite F	Chamblee	GA	30341
Kelly Watson & Julia Wallace	4585 Meadow Valley Drive	Sandy Springs	GA	30342
S Croft	4604 Mystic Drive	Atlanta	GA	30066
Lawrence & Joan Cook Revocable Living Trust	4542 Meadow Valley Drive NE	Atlanta	GA	30342
Luis Echemendia	4594 Mystic Drive	Sandy Springs	GA	30342
Linda & Malcom Cameron	4605 Mystic Drive NE	Sandy Springs	GA	30342
Patrick & James Morgan	4605 Meadow Valley Drive	Atlanta	GA	30342
Megan Morris & Michael Ramsey	4534 Mystic Drive NW	Atlanta	GA	30342
Margaret Warren	2787 Atwood Drive	Atlanta	GA	30305
Julie & Gary George	4584 Meadow Valley Drive	Sandy Springs	GA	30342
Chris Heisler Properties, LLC	4617 Roswell Road	Sandy Springs	GA	30342
PBD Family Limited Partnership, LLP	6450 Roswell Road	Atlanta	GA	30328
Forrest Adair	4540 Jolyn Place	Sandy Springs	GA	30342
Jennifer Gonzales	4510 Jolyn Place	Atlanta	GA	30342
Gregory & Hunber Grove	1075 W Conway Drive NW	Atlanta	GA	30327
Helene Schmatz Revocable Trust	515 Riverhill Drive	Atlanta	GA	30328
Michelle March & Stphen Jovanelly	4530 Jolyn Place	Sandy Springs	GA	30342
Harriet & Michael Hinson	4006 Wieuca Road	Atlanta	GA	30340
Nicole & Jonathan Gray	258 Meadowbrook Drive	Sandy Springs	GA	30342
Jill Mauro	280 Windsor Parkway	Sandy Springs	GA	30342
Reef Time, LLC	259 Windsor Parkway NE	Sandy Springs	GA	30342
Dale Massey	4605 Roswell Road	Sandy Springs	GA	30342
Keith Meade	4520 Jolyn Place	Sandy Springs	GA	30342
Susan Smith	284 Windsor Parkway	Sandy Springs	GA	30342
Waltrust Properties, Inc.	P.O. Box 901	Deerfield	IL	60015
Andrew Smith	4589 Roswell Road	Sandy Springs	GA	30342
Nancy Clamp	528 Windsong Point Lane	Columbia	SC	29212
Susan Heard	286 Windsor Parkway NE	Sandy Springs	GA	30342
Castillo Properties, LLC	5075 Roswell Road NE - Suite D	Atlanta	GA	30342
Ingrid Link	4555 Mystic Drive	Atlanta	GA	30342
Richard Schweitzer	4595 Meadow Valley Drive NE	Sandy Springs	GA	30342
Kathleen & John Mason	265 Millertown Road	Temple	GA	30179
Celine & Arthur Reynolds	4574 Mystic Drive	Sandy Springs	GA	30342

Cassandra & Steven Hulett	4536 Meadow Valley Drive	Sandy Springs	GA	30342
Trisha Thompson	145 River North Drive NW	Sandy Springs	GA	30328
Linnea Vance	7840 Roswell Road - Building 500	Sandy Springs	GA	30350
Ronda Smith	76 Long Island Place	Sandy Springs	GA	30328

120 W Wieuca Community Meeting #1 Notes

Time: June 28, 2016 @ 6:00 PM
Location: Sandy Springs City Hall
7840 Roswell Road – Building 500
Sandy Springs, GA 30350

Notes:

- Jeff Kingsfield gave a brief explanation of site plan and height issue (Sandy Springs method of measuring height)
- Questions/Concerns?
 - Concern over previous adjacent apartment development – taller than what residents had thought
 - Concern over privacy – presented renderings of THs and explained that privacy should not be an issue
 - Jeff Kingsfield suggested comparing resident property sea level measurements to JWHN site plan
 - Resident was unaware of future 5-story apartment building
 - Another resident stated they would rather have THs in place of the apartment
 - Is there a height number that we would feel comfortable as a maximum?
 - Both sides agreed upon the base zoning height of 45'
- Explained future rezoning process and public meeting schedule, passed out contact information

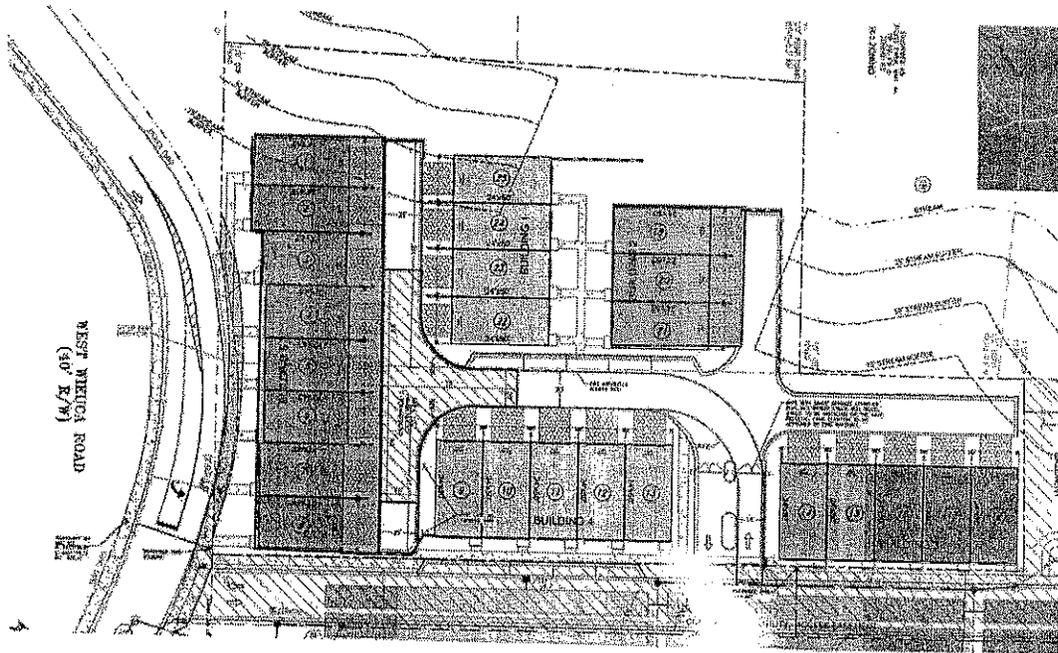
RE: John Wieland Homes and Neighborhoods
120 West Wieuca Road
CASE #: ZM16-0020
Variance to Height Requirement

Public Meeting: June 28 at 6:00pm at the Council auditorium at Sandy Springs City Hall
7840 Roswell Road, Building 500, Sandy Springs, GA 30350

Dear Neighbor,

We are having a public meeting on June 28th to discuss our city home project on 120 W. Wieuca, just west of Roswell Road on the north side of West Wieuca. In our zoning of this project, we agreed to a building height restriction of 40'. As we have progressed with our civil designs, we have a conflict with this restriction on two of our buildings.

The City of Sandy Springs measures building height "from the mean of the grade to the mean of the roof line." Although this is a common practice, it is not consistent across municipalities. In our project, the grading is such that three of our buildings meet the restriction based on the definition but two buildings do not.



We are seeking to delete this restriction to allow all of our buildings to be built as designed. The two buildings that need the restriction removed are on the west side of the project (Building 2 and Building 5) and are lower side of the property. As the site slopes, the average grade around these two buildings is lower than the other three creating the discrepancy in building height. The roof line of these building is actually lower than the roof lines in building 3 and 4 that meet the restriction, but the adjacent grade is slightly lower creating the issue.

As designed, the mean of the roof line of these two buildings is approximately 43' to the mean of the surrounding grade. Our meeting on June 28th is designed to provide you ample opportunity to ask questions regarding this issue as we seek to gain approval to remove this zoning restriction. If you have any questions regarding this issue or this project, feel free to contact me directly to discuss at 404-787-6544.

Thank you in advance for your consideration and attention to this matter.

Jeff Kingsfield

Vice President of Homebuilding Operations
John Wieland Homes and Neighborhoods
4125 Atlanta Road, Smyrna GA 30080
404-787-6544
Jeff.kingsfield@jwhomes.com

Community Meeting 2
Sign-In-Sheet

In speaking with Paul Leonhardt of the Staff of the Community Development Department, no one other than a representative of the Applicant and a Staff Member of the Community Development Department came to the Community Meeting 2 at City Hall on July 28, 2016 and accordingly there is not a Sign-In-Sheet.



December 1, 2014

Nathan V. Hendricks
6085 Lake Forrest Drive, Suite 200
Sandy Springs, GA 30328

Subject: Approval of Rezoning – 201402052 120 & 130 West Wieuca Road

Dear Mr. Hendricks:

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of properties owned by Rees Five Four Two, LLC at 120 & 130 West Wieuca Road. Rezoning petition 201402052 was approved to rezone from A-O (Apartment-Office District) to A (Medium Density Apartment District) by the Mayor and City Council at the November 18, 2014 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Townhouses at a density of 12.81 units per acre or 26 units, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated November 4, 2014. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance 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. Shared access streets shall be designed and constructed to public street standards.
 - b. Shared access street with Development of Regional Impact (DRI) 2290, Chastain Mixed Use. As such, the Georgia Regional Impact (GRTA) DRI conditions from the Notice of Decision (NOD) dated January 30, 2013 shall apply to the West Wieuca Road access.
 - c. Shared access street shall align with proposed apartment building on the east side of access road within the Sandy Springs Gateway project.
 - d. Driveway depth shall have a depth of a minimum of eighteen (18) feet. be approved as shown on the site plan dated November 4, 2014
 - e. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet as measured from the property line shown on the site plan dated November 4, 2014. (CV201402052 #1)
 - f. To reduce the required side yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #2)

- g. To reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #3)
- h. To reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line. (CV201402052 #5)
- i. To reduce the stream buffer to allow the encroachments as shown on the site plan dated November 4, 2014 (CV201402052 #6)
- j. Residential units shall have a height limit of forty (40) feet.
- k. There shall be no common trash dumpsters. Trash shall be picked up from individual units one day per week.
- l. Building lighting shall not be located above the first floor except Coach lights at the back doors of units which shall be screen and directed downward.
- m. Building exterior treatments shall be brick and/or stone.
- n. The Owner/Developer shall provide adequate right of way frontage along West Wieuca Road for installation by a third party of a left hand turn lane northbound into the Gateway Project being developed by JLB Partners. (This is the same left hand turn lane required by GRTA, page 3 of its Notice of Decision for DRI 2290 Chastain mixed use dated Jan 30, 2013 for the JLB Gateway project).

If it is necessary to submit plans for any permits associated with this property, please submit a copy of this letter as an attachment.

Please call me at (770) 730-5600 if you have any questions.

Sincerely,



Angela Parker
Director of Community Development

Certification of Approval	
I hereby certify that the subject case was approved by the Mayor and City Council of the City of Sandy Springs with the associated conditions on the above stated hearing date.	
	12/15/14
Michael Casey City Clerk	Date



FIRST AMENDMENT TO APPLICATION FOR REZONING
AND CONCURRENT VARIANCES

IN RE:)
PulteGroup)
APPLICANT)
PROPERTY:)
120 West Wieuca Road)
City of Sandy Springs)

Application Number: RZ16-0100

Now comes PulteGroup (the "Applicant" hereunder) who does hereby modify and amend the above referenced Application for Rezoning and Concurrent Vari-
ances and associated Letter of Intent as follows:

1.

The Site Plan originally submitted with the Application is hereby deleted and there is substituted and placed in lieu thereof the Site Plan filed simul-
taneously herewith.

2.

This Application for Rezoning and Concurrent Variances has been filed most primarily for the purpose of clarifying certain of the Conditions of Zoning ap-
plicable to the original zoning of this Property pursuant Rezoning Petition Num-
ber 201402052. Accordingly, the Applicant requests that those certain Concur-
rent Variances approved with and made a part of the within referenced previous
Rezoning Petition be made a part of and included in this current Application for
Rezoning and Concurrent Variances and those Concurrent Variances are more particu-
larly stated and set forth on Exhibit "A" attached hereto and by reference thereto
made a part hereof.

3.

Applicant specifically requests that Condition 3.j. of the previous Rezoning
Petition limiting the height of the residential units to forty (40) feet not be
made a part of the Conditions of Zoning for the pending Application. Certain of
the Residential Units as shown on Exhibit "B" attached hereto and by reference
thereto made a part hereof can not reasonably be construed under this height limi-
tation and need to be constructed under the height limitation of the A (Apartment)
Classification of forty-five (45) feet. In further support of this request are
elevations of the Residential Units referenced on the attached Exhibit "B" con-
firming that the A (Apartment) height limitation of forty-five (45) feet is not
exceeded.

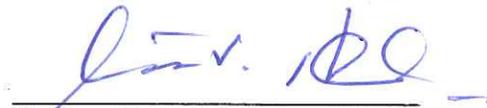
4.

Additionally, under the previous Rezoning Petition there appears Condition 3.d. which provided "driveway depth shall have a depth of a minimum of eighteen (18) feet be approved as shown on the site plan dated November 4, 2014." This Condition inadvertently did not reflect what had been intended through discussions between the Staff and the Applicant as reflected on the modified language at the time of the Mayor and City Council Hearing for the previous Rezoning Petition as shown on Exhibit "C" attached hereto and by reference thereto made a part hereof. Accordingly, the Applicant requests that the pending Application reflect a Condition as follows: "Driveway depth shall have a depth as shown on the Site Plan dated September 6, 2016."

5.

The Future Land Use Map recommends LWN (Live Work Neighborhood) for the Property. The Application meets land use policies set forth in the Comprehensive Plan for living working areas. The surrounding properties consist of a variety of housing, office and retail uses. The proposal does provide a transition from the more intense MIX zoning (north and east) to the single family uses (north and west). Therefore, this Application for Rezoning and Concurrent Variances is entirely appropriate and the appropriateness of this Application for Rezoning and Concurrent Variances and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "D" 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 modified and amended hereunder in order that the Applicant may 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

Exhibit "A"

1. Reduce the required front yard from forty (40) feet to fifteen (15) feet as measured from the property line shown on the Site Plan dated September 6, 2016 (CV201402050 #1).
2. Reduce the required side yard setback from twenty-five (25) feet to zero (0) feet (CV201402052 #2).
3. Reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet (CV201402052 #3).
4. Reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line (CV201402052 #5).
5. Reduce the stream buffer to allow the encroachment as shown on the Site Plan dated September 6, 2016 (CV201402052 #6).

NOTE: References to the date of the Site Plan under previous Rezoning Petition were "November 4, 2014". The applicable date under the pending Application for Rezoning and Concurrent Variances is September 6, 2016 as above stated.

120 W Wieuca - Building Heights

Exhibit "B"

	Unit	Front	Rear
Building	1	44'-9"	43'-10"
	2	41'-10"	43'-11"
	3	41'-5"	40'-10"
	4	39'-11"	40'-3"
	5	41'-5"	40'-10"
	6	41'-5"	40'-10"
	7	39'-11"	40'-3"
	8	41'-5"	40'-10"
Building	19	44'-9"	43'-10"
	20	41'-10"	43'-11"
	21	41'-5"	40'-10"

120 & 130 West Wieuca Road

ALTERNATIVE STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from A-O (Apartment Office District) to A (Medium Density Apartment 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. Townhouses at a density of 12.81 units per acre or 26 units, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated November 4, 2014. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance 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. Shared access streets shall be designed and constructed to public street standards.
 - b. Shared access street with Development of Regional Impact (DRI) 2290, Chastain Mixed Use. As such, the Georgia Regional Impact (GRTA) DRI conditions from the Notice of Decision (NOD) dated January 30, 2013 shall apply to the West Wieuca Road access.
 - c. Shared access street shall align with proposed apartment building on the east side of access road within the Sandy Springs Gateway project.
 - d. Driveway depth shall ~~have a depth of a minimum of eighteen (18) feet.~~ be approved as shown on the site plan dated November 4, 2014
 - e. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet as measured from the property line shown on the site plan dated November 4, 2014. (CV201402052 #1)
 - f. To reduce the required side yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #2)
 - g. To reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #3)
 - h. To reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line. (CV201402052 #5)
 - i. To reduce the stream buffer to allow the encroachments as shown on the site plan dated November 4, 2014 (CV201402052 #6)
 - j. Residential units shall have a height limit of forty (40) feet.

Exhibit "D"

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.



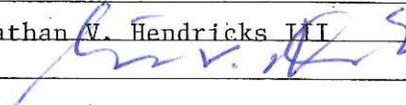
DISCLOSURE OF CONTRIBUTION FORM

Within the (2) years immediately preceding the filing of this zoning application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application: <u>PulteGroup</u>

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: <u>Nathan V. Hendricks III</u>
Signature:  Date: <u>September 6, 2016</u>

Note: Each party involved in the application must sign an individual copy of this form.



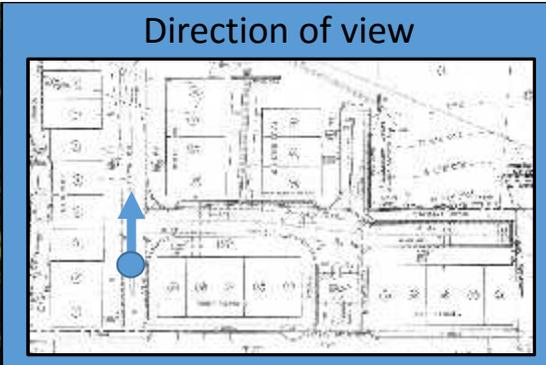
AUTHORIZATION FORM - PART II

C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name:	Nathan V. Hendricks III
Company:	Nathan V. Hendricks III
Address:	6085 Lake Forrest Drive Suite 200
City, State, Zip Code:	Sandy Springs, Georgia 30328
Email address:	nvh@cobbandhyre.com
Phone number:	(404) 255-5161
Agent's signature:	<i>[Signature]</i>
Applicant's signature:	PulteGroup
By:	<i>[Signature]</i>

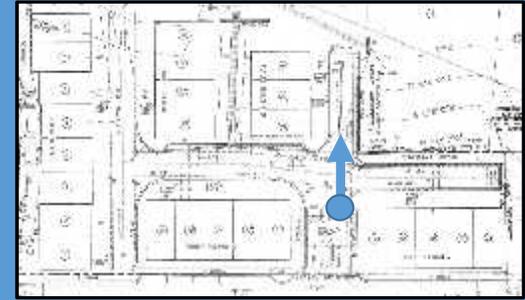
Sworn and subscribed before me this	
6 th day of September 2016	
Notary public:	<i>[Signature]</i>
Seal:	
Commission expires:	





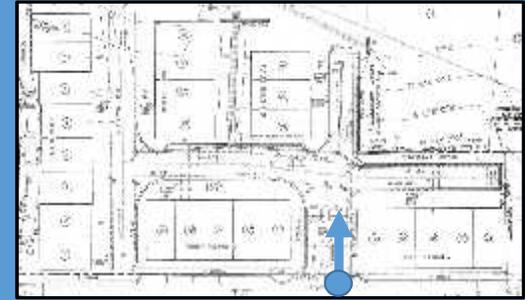


Direction of view



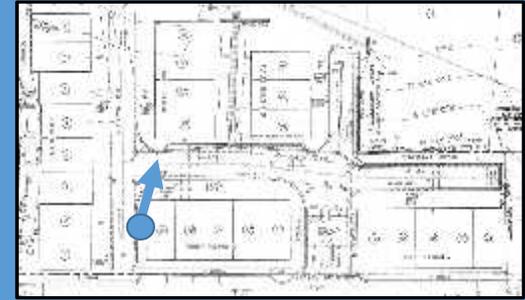


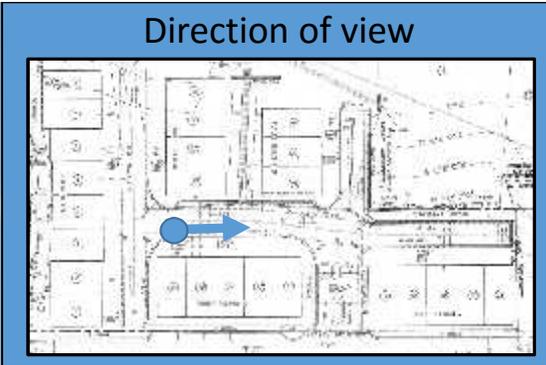
Direction of view

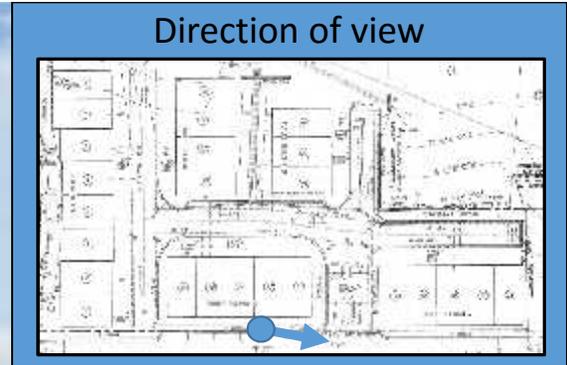




Direction of view









2014 STAFF REPORT

To: John McDonough, City Manager
From: Angela Parker, Director of Community Development
Date: November 6, 2014 for submission onto the November 18, 2014 City Council meeting
Agenda Item: **201402052 120 and 130 West Wieuca Road**

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

APPROVAL CONDITIONAL of a request to rezone the subject property from A-O (Apartment-Office District) to A (Medium Density Apartment District) to allow the development of 26 townhome units., with concurrent variances.

The applicant submitted a revised site plans on November 4, 2014. The revised site plan reflects the changes recommended by Planning Commission and Staff. Additionally, the Cherokee Park Civic Association submitted additional conditions that the applicant has agree to add to the conditions of zoning.

Request:

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

1. Variance from Section 7.3.3.B of the Zoning Ordinance to reduce the required front yard setback from forty (40) feet to fifteen (15) feet.
2. Variance from Section 7.3.3.C of the Zoning Ordinance to reduce the required side yard setback from twenty-five (25) feet to zero (0) feet.
3. Variance from Section 7.3.3.D of the Zoning Ordinance to reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet.
4. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the twenty-five (25) foot buffer and ten (10) foot improvement setback to a ten (10) foot landscape strip along the north and west property lines.
5. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line.
6. Variance from Section 109.225 of the Stream Buffer Protection Ordinance to allow encroachment into the seventy-five (75) impervious surface setback and fifty (50) foot undisturbed buffer.

MAYOR AND CITY COUNCIL- October 21, 2014

The Council recommended **deferral** to the November 18, 2014 Mayor and City Council Meeting to allow the applicant to submit one site plan and allow staff time to review the revised site plan.

PLANNING COMMISSION RECOMMENDATION- September 18, 2014

Tart moved to recommend deferral seconded by Maziar. The Commission recommended **approval** (6-0, Maziar, Frostbaum, Tart, Porter, Nickles and Squire for; and Duncan not voting), of all variances, revised site plan showing 25 units dated September 18, 2014, pervious surface is required on all driveways and sidewalks located in the stream buffer and driveway/internal road in the following areas: Units 1, 2, 7, 8, 11-14 and 24, 25, and with staff conditions.

PROPERTY INFORMATION	
Address, Land Lot, and District	120 and 130 West Wieuca Road Land Lot 94, District 17 th
Council District	6 (Andy Bauman)
Frontage	57' along the north side of West Wieuca Road
Area	2.03 acres
Existing Zoning and Use	A-O (Apartment-Office District) pursuant to Fulton County case Z65-0030, currently developed with two office buildings.
Overlay District	N/A
2027 Comprehensive Future Land Use Map Designation	LWN (Live Work-Neighborhood)
Proposed Zoning	A (Medium Density Apartment District)

APPLICANT/PETITIONER INFORMATION		
Property Owner Rees Five Four Two, LLC	Petitioner JW Homes, LLC	Representative Pete Hendricks

HEARING & MEETING DATES			
Community Zoning Information Meeting June 24, 2014	Community Developer Resolution Meeting July 31, 2014 August 28, 2014	Planning Commission Hearing September 18, 2014	Mayor and City Council Hearing October 21, 2014 November 18, 2014

PLANNING COMMISSION RECOMMENDATION- September 18, 2014

Tart moved to recommend deferral seconded by Maziar. The Commission recommended **approval** (6-0, Maziar, Frostbaum, Tart, Porter, Nickles and Squire for; and Duncan not voting), of all variances, revised site plan showing 25 units dated September 18, 2014, pervious surface is required on all driveways and sidewalks located in the stream buffer and driveway/internal road in the following areas: Units 1, 2, 7, 8, 11-14 and 24, 25, and with staff conditions.

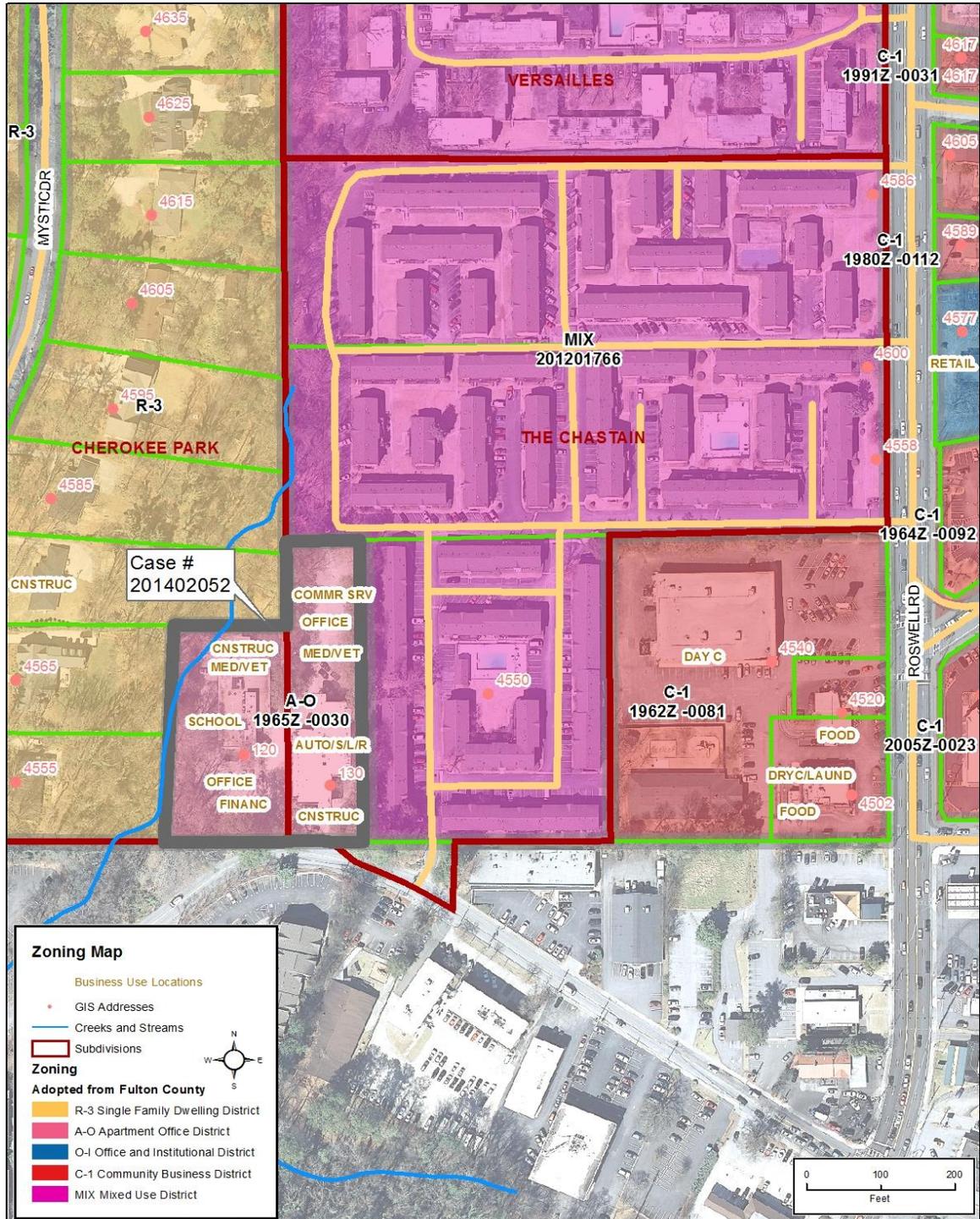
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY					
SUBJECT PETITION 201402052	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage/ Units	Density (Square Footage per Acre)
	A	Townhomes	2.03	26 units	12.81 units/ac

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage/ units	Density (Square Feet or Units Per Acre)
North & East	MIX	4600 Roswell Road Gateway	21.246	30,000 Office 90,000 Retail 630 Residential	1,412.03 sf/acre 4,236.10 sf/ac 29.65 units/ac

South	City of Atlanta				
West	R-3	4555, 4565, 4575, 4585 Mystic Drive Single Family Homes	4.4	4	±0.91 units/ac

Zoning Map

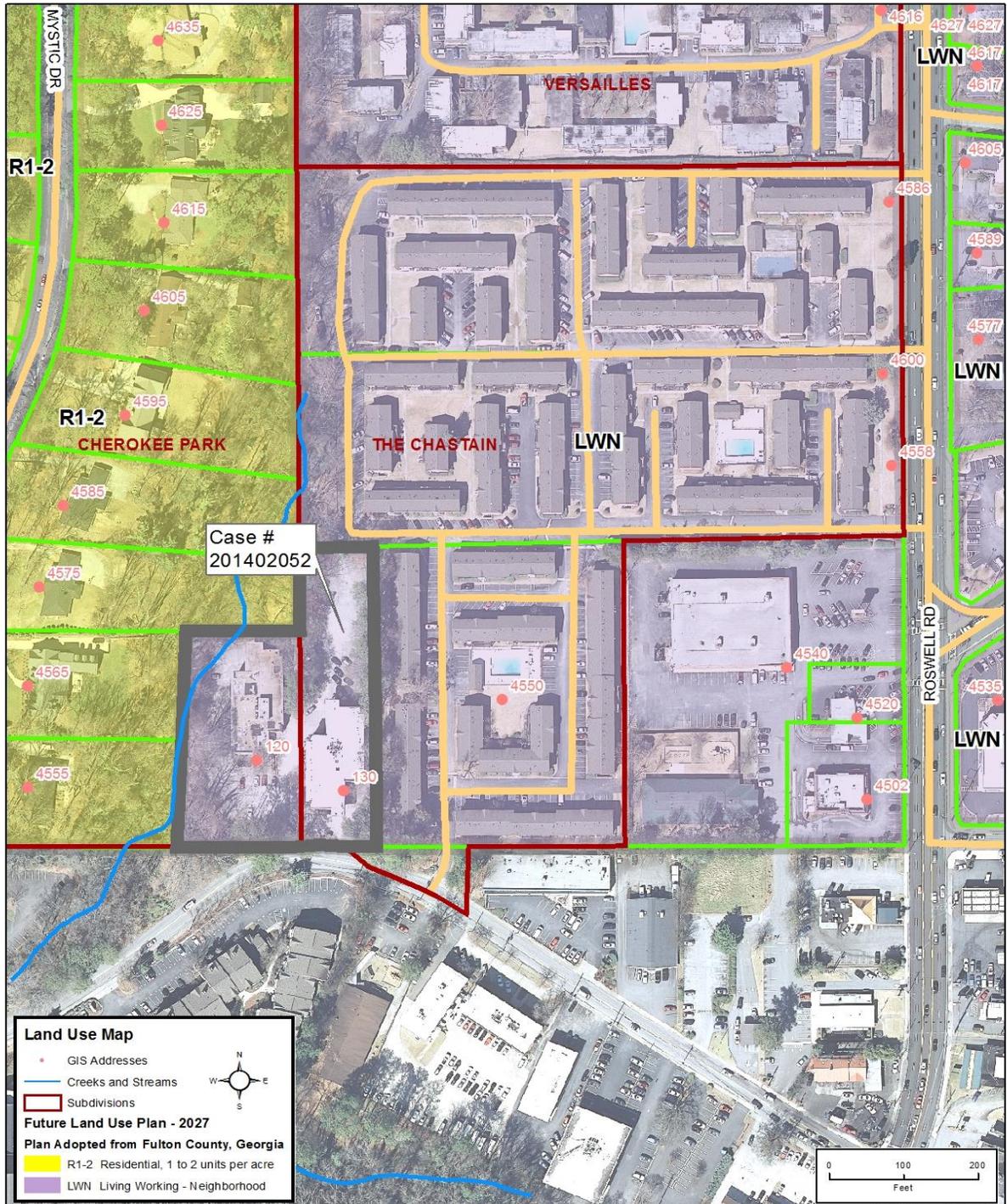
Lake Forrest Drive



Future Land Use Map

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting November 18, 2014

120, 130 W. Wieuca Road



ZONING IMPACT ANALYSIS

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Meeting November 18, 2014

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

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

Findings: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of MIX (Mixed Use District) to the North and east; R-3(Single Family Dwelling District) to the north and west; and a daycare and apartment zoning to the south.

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

Findings: The staff is of the opinion that the proposal if approved could have an adverse impact on the use or usability of adjacent or nearby properties. The Future Land Use map recommends LWN (Live Work Neighborhood). The proposed density of 12.81 is not consistent with the Comprehensive Plan density of 5 units per acre recommended in the LWN (Live Work Neighborhood) designation. The application meets land use policies set forth in the Comprehensive Plan for living working areas. The surrounding properties consist of a variety of housing, office and retail uses. The proposal does provide a transition from the more intense MIX zoning (north and east) to the single family uses (north and west)

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

Findings: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Findings: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure. The proposed development will be required to meet all current City codes and ordinances, which will require a stormwater management system.

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

Findings: The staff is of the opinion that the proposed use is consistent with the intent of the Comprehensive Plan. The Comprehensive Plan category for these properties is Live Work Neighborhood (LWN) and the recommended density is up to 5 units per acre for residential. The applicant is proposing a density of 12.81 units per acre. However, the proposal provides a transition from the more intense apartment, office and commercial uses along Roswell Road. They have also provided 13% green space where 5% is required. The proposal consolidates two (2) lots. Residential uses are encouraged in Node 1: Windsor Parkway Node.

Node 1: Windsor Parkway Node

Vision

1. Area is currently characterized by old apartments, shopping centers and narrow lots fronting Roswell Road that abut predominantly single-family neighborhoods.
2. Consolidation of smaller lots should be encouraged to accommodate a more consistent character in terms of architecture and uses, and provide for an elimination or reduction of curb cuts along Roswell Road.
3. Development should be the least intense of the Live-Work land use classifications and characterized by low-rise building types.
4. Developments should be designed to protect existing single and multifamily neighborhoods along the east and west boundaries of the Node.

Guidelines and Policies

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

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

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

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

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

VARIANCE CONSIDERATIONS

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

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,*
2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or*

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

1. Variance from Section 7.3.3.B of the Zoning Ordinance to reduce the required front yard setback from forty (40) feet to fifteen (15) feet.

Findings:

Staff is of the opinion that the request to reduce the forty (40) foot front landscape strip to fifteen (15) foot is in harmony with the intent on the Zoning Ordinance and would not cause a detriment to the public. Buildings constructed closer to the street create more walkability. The property is located next to a large mixed use development and within walking distance to Chastain Park. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

2. Variance from Section 7.3.3.C of the Zoning Ordinance to reduce the required side yard setback from twenty-five (25) feet to zero (0) feet (east property line).

Findings:

Staff is of the opinion that the reduction of the required 25 foot setback is in harmony with the intent of the Zoning Ordinance. The request is adjacent to the entrance and internal drive to the mixed use development. Moving the buildings closer to the internal drive promotes walkability and pulls the

buildings away from the residentially zoned properties to the west. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

3. Variance from Section 7.3.3.D of the Zoning Ordinance to reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet.

Findings:

Staff is of the opinion that the request to reduce the twenty-five (25) foot rear yard setback to zero (0) is in harmony with the intent on the Zoning Ordinance and would not cause a detriment to the public. The location of the reduction is adjacent to the more intense mixed use property. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

4. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the twenty-five (25) foot buffer and ten (10) foot improvement setback to a ten (10) foot landscape strip along the north and west property lines.

Findings:

Staff is of the opinion that the reduction of the required twenty-five (25) foot buffer and ten (10) foot improvement setback are in harmony with the intent of the Zoning Ordinance. The applicant is replacing an existing parking lot with a smaller driveway and increase the green space and planting from the existing use. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

5. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line.

Findings:

Staff is of the opinion that the reduction of the required forty (40) foot landscape strip to zero (0) on the West Wieuca Road frontage and the east property line is in harmony with the intent of the Zoning Ordinance. Buildings constructed closer to the street create more walkability. The property is located next to a large mixed use development and within walking distance to Chastain Park and would not be a detriment to the general public. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

6. Variance from Section 109.225 of the Stream Buffer Protection Ordinance to allow encroachment into the seventy-five (75) impervious surface setback and fifty (50) foot undisturbed buffer.

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

Sec. 109-225. Land development requirements.

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

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

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

Finding:

The property’s shape, topography, and physical conditions existed at the time of the adoption of the ordinance. Staff notes the stream buffer covers approximately 20% of the property with a stream running north to south along the western side of the property. Based on these reasons, staff is of the opinion this condition has been satisfied.

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

Finding:

Staff notes the stream buffer covers approximately 20% of the property’s buildable area. The applicant is removing an existing driveway which covers the majority of the site. The applicant has an overall reduction of 1,495 square feet of impervious surface on the site. The applicant is also constructing an underground stormwater detention system which currently does not exist on the property. The applicant’s proposed encroachments are as follows:

	0-25 ‘ State Buffer	25’-50’ Undisturbed	50’-75’ Impervious Setback
Existing Encroachments	16sf	1,924 sf	2,931 sf
Proposed Encroachments	0 sf	203 sf	3,173 sf
Reduction/ Increase	-16 sf	-1,721 sf	+ 242
Total Site reduction	1,495 sf		

All encroachments are labeled on the site plan dated received November 4, 2014. There is an overall reduction of 1,495 square feet of impervious surface in the stream buffer. Based on these reasons, staff is of the opinion this condition not has been satisfied.

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

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

Finding:

The property is rectangular in shape. The property slopes from east to west approximately eighteen (18) feet. Staff is of the opinion that the property does not exhibit extraordinary and exceptional conditions related to its topography.

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

Finding:

All streams on the property have been identified on the site plan. The stream buffer covers approximately 20% of the property with a stream running north to south along the western side of the property.

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

Findings:

All buffer and setback intrusions have been identified on the site plan. The applicant is proposing to construct townhomes and driveway in the stream buffers.

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

Findings:

Alternative designs have been discussed with the staff regarding the proposed building and driveway location. The applicant has added pervious paver in location where driveways encroach into the stream buffer. Therefore, staff is of the opinion this condition has not been satisfied.

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

Findings:

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

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

Findings:

Staff is of the opinion that issuance of the variance is as protective of the natural resources and environment as the existing site condition. There is an overall reduction of 1,495 square feet of impervious surface in the stream buffer. The applicant is proposing to remove all impervious surfaces out of the 0 to 25 foot state buffer.

DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on July 9, 2014 at which the following departments had comments. The staff has received additional comments from the Fulton County Board of Education and Fulton County Department of Water Resources (see attachments).

Transportation Planner	<p>The West Wieuca Roadway frontage is within the corporate boundaries of the City of Atlanta. Applicant will need to obtain right-of-way/encroachment permit from the City of Atlanta for the proposed driveway. Applicant shall provide study for driveway lineage for outbound movement.</p> <p><u>Recommended Conditions:</u></p> <ul style="list-style-type: none"> • The shared access streets shall be designed and constructed to public street standards. • Applicant has proposed shared access street with Development of Regional Impact (DRI) 2290, Chastain Mixed Use. As such, the Georgia Regional Impact (GRTA) DRI conditions from the Notice of Decision (NOD) dated January 30, 2013 shall apply to the West Wieuca Road access. <p>At time of Land Disturbance Permit, site shall meet requirements of Articles 11 and 12 of the Development Ordinance. Based on review of the zoning site plan, please note the following:</p>
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	<ul style="list-style-type: none"> • Street design shall meet design and construction standards, §103-70. • Private streets shall be constructed to public street standards, §103-72. • Gate setback and design shall meet requirements of §103-72(g). • Minimum street spacing for 25 mph is 200 feet and internal streets shall be aligned to avoid offsets, §103-73 • Dead-end streets greater than 150-foot long shall provide turnaround §103-74(c). • The minimum right-of-way or shared easement for new local streets is 50 feet, and the minimum pavement width per lane is 10 feet §103-75. • The minimum roadway radii for local street intersections is 25 feet, §103-77. • Proposed drives and intersections shall meet sight distance requirements of §103-77. • Sidewalks are required on both sides of the street and main driveway, §103-80. • As shown, the narrowness of the proposed driveways conflict with the ingress-egress of the drive aisles. • Site shall provide a shared driveway ingress-egress easement. <p>A pedestrian gate shall be provided at entrance to shared driveway.</p>
Fire/Building	<p>A fire department turn-around is required at all roads with a dead end of 150' or more</p>

PUBLIC INVOLVEMENT

Public Comments

- Guest Parking
- Condition of existing pipe which stream buffer runs through
- Going up not out with density
- Not right project for the site
- Wieland not doing well with Best Management Practices (BMP) on other sites
- Lower Height of Townhomes
- Replanting and treatment of buffer
- Plans for neighboring properties
- Cross Section from Cherokee Park properties
- Noise and light pollution
- Stream buffer
- Density is driving stream buffer variance
- Un-piping the stream
- Remove unit from stream buffer
- Traffic on West Wieuca
- Site Distance

CONCLUSION TO FINDINGS

The Comprehensive Plan clearly supports a variety of housing types and uses. The Plan notes that the designation of areas in the Living Working Category was done to encourage redevelopment. Although, the proposed density is higher than the ranges suggested by the Future Land Use Map, it is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies. Therefore, based on these reasons; the staff recommends **APPROVAL CONDITIONAL** of the rezoning petition and the concurrent variances.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from A-O (Apartment Office District) to A (Medium Density Apartment 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. Townhouses at a density of 12.81 units per acre or 26 units, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated November 4, 2014. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance 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. Shared access streets shall be designed and constructed to public street standards.
 - b. Shared access street with Development of Regional Impact (DRI) 2290, Chastain Mixed Use. As such, the Georgia Regional Impact (GRTA) DRI conditions from the Notice of Decision (NOD) dated January 30, 2013 shall apply to the West Wieuca Road access.
 - c. Shared access street shall align with proposed apartment building on the east side of access road within the Sandy Springs Gateway project.
 - d. Driveway depth shall have a depth of a minimum of eighteen (18) feet.
 - e. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet. (CV201402052 #1)
 - f. To reduce the required side yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #2)
 - g. To reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #3)
 - h. To reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line. (CV201402052 #5)

- i. To reduce the stream buffer to allow the encroachments as shown on the site plan dated November 4, 2014 (CV201402052 #6)
- j. Residential units shall have a height limit of forty (40) feet.
- k. There shall be no common trash dumpsters. Trash shall be picked up from individual units one day per week.
- l. Building lighting shall not be located above the first floor except Coach lights at the back doors of units which shall be screen and directed downward.
- m. Building exterior treatments shall be brick and/or stone.

Attachments

- Letter of Intent dated received June 3, 2014
- Site Plans November 4, 2014
- Site Plan dated received September 11, 2014
- Proposed West Wieuca Development
- Additional comments from the Fulton County Department of Water Resources, Fulton County Department of Health Services, Fulton County School System Impact Report and City of Atlanta water
- Conditions and site plans submitted by Cherokee Park Civic Association
- Public Comment Letter of opposition (3)

ALTERNATIVE STAFF RECOMMENDED CONDITIONS

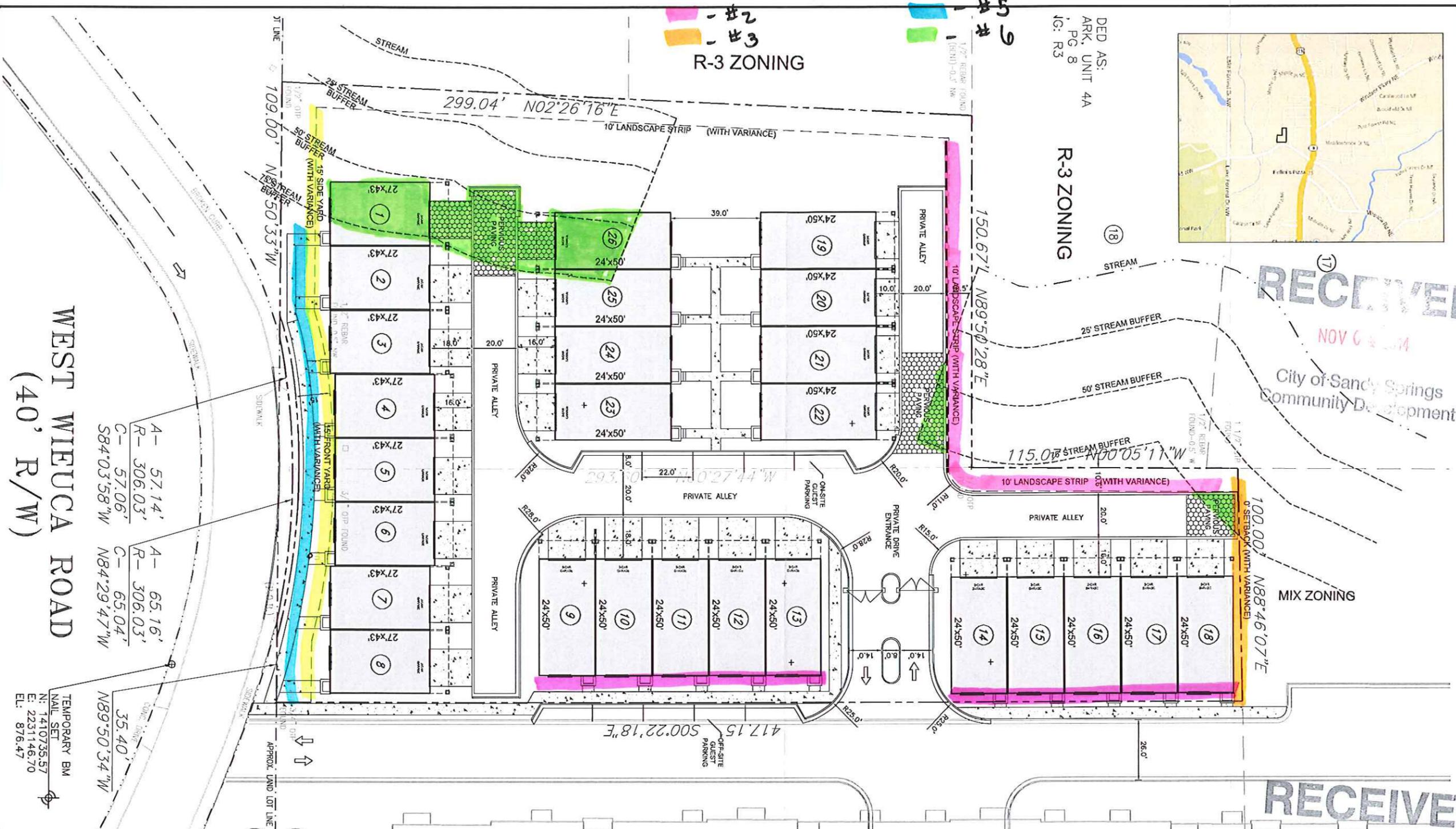
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 - c. Shared access street shall align with proposed apartment building on the east side of access road within the Sandy Springs Gateway project.
 - d. Driveway depth shall ~~have a depth of a minimum of eighteen (18) feet.~~ **be approved as shown on the site plan dated November 4, 2014**
 - e. To reduce the required front yard setback from forty (40) feet to fifteen (15) **feet as measured from the property line shown on the site plan dated November 4, 2014.** (CV201402052 #1)
 - f. To reduce the required side yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #2)
 - g. To reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #3)
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 - i. To reduce the stream buffer to allow the encroachments as shown on the site plan dated November 4, 2014 (CV201402052 #6)
 - j. Residential units shall have a height limit of forty (40) feet.

201402052

120 & 130 West Wieuca Road

- k. There shall be no common trash dumpsters. Trash shall be picked up from individual units one day per week.
- l. Building lighting shall not be located above the first floor except Coach lights at the back doors of units which shall be screen and directed downward.
- m. Building exterior treatments shall be brick and/or stone.
- n. The Owner/Developer shall provide adequate right of way frontage along West Weiuca Road for installation by a third party of a left hand turn lane northbound into the Gateway Project being developed by JLB Partners. (This is the same left hand turn lane required by GRTA, page 3 of its Notice of Decision for DRI 2290 Chastain mixed use dated Jan 30, 2013 for the JLB Gateway project).



WEST WIEUCA ROAD
(40' R/W)

A- 57.14'
R- 306.03'
C- 57.06'
S84°03'58"W

A- 65.16'
R- 306.03'
C- 65.04'
N84°29'47"W

35.40'
N89°50'34"W

TEMPORARY BM
NAIL SET
N: 1410735.57
E: 2231146.70
EL: 876.47

- LEGEND:**
- I.P.F. - IRON PIN FOUND
 - C.T.P. - CORRODED TOP PIN FOUND
 - R.B.F. - REBAR PIN FOUND
 - R.B.S. - REBAR PIN SET
 - O.T.F. - OPEN TOP FOUND
 - A.I.F. - ANGLE IRON FOUND
 - D.C.M.F. - CONCRETE MONUMENT FOUND
 - P/L - PROPERTY LINE
 - N/W - NOW OR FORMERLY
 - C/L - CENTER LINE
 - L.L.L. - LAND LOT LINE
 - B.F.H. - FIRE HYDRANT
 - G.V. - GATE VALVE
 - W.M.H. - WATER MAN HOLE
 - W. - WATER MAIN
 - D.I.P. - DUCTILE IRON PIPE
 - P.C. - POLYETHYLENE CHLORIDE PIPE
 - P.P. - POWER POLE
 - S.P. - SERVICE POLE
 - T.P. - TELEPHONE POLE
 - D.P.B. - POWER TRANSFORMER BOX
 - T.R. - TELEPHONE RISER
 - E. - ELECTRICAL LINE
 - T.C. - TELEPHONE CABLE
 - G.M. - GAS MAIN
 - C.M.P. - CORRUGATED METAL PIPE
 - B.C.C.M.P. - BUTYRATED COATED CORRUGATED METAL PIPE
 - R.C.P. - REINFORCED CONCRETE PIPE
 - C. - CATCH BASIN
 - J.B. - JUNCTION BOX
 - S.W.H. - STORM DRAIN MANHOLE
 - D.I. - DROP INLET
 - E.P. - EDGE OF PAVEMENT
 - B.C. - BACK OF CURB
 - CONTIGUOUS
 - A.P.L. - APPROXIMATE PROPERTY LINE
 - C.O. - CLEAN OUT
 - M.B. - MAILBOX
 - U.C.M. - UNDERGROUND CABLE MARKER
 - B.S.W.H. - BELLSOUTH MANHOLE
 - F.O.C.M. - FIBER OPTIC CABLE MARKER
 - M.B.H. - MOBILE HOME
 - DST. - DISTURBED
 - P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCEMENT
 - C.L.F. - CHAIN-LINK FENCE
 - S.S.E. - SANITARY SEWER EASEMENT
 - G.W. - GUY WIRE
 - D.E. - DRAINAGE EASEMENT
 - S.W.L. - SOLID WHITE LINE
 - D.Y.L. - DOUBLE YELLOW LINE
 - U.G.T. - UNDERGROUND TELEPHONE
 - A.T.M. - AUTOMATED TELLER MACHINE
 - E.C. - EDGE OF CONCRETE
 - T.P. - TAX PARCEL NUMBER
 - I.E. - INVERT ELEVATION
 - A.K.A. - ALSO KNOWN AS
 - T.B.M. - TEMPORARY BENCH MARK

DEVELOPMENT STATISTICS

BUILDING FOOTPRINTS: 33,858 SF (85%)
PARKING: 926 SF (1%)

TOTAL LOT COVERAGE: 31,814 SF (95%)
OTHER IMPERVIOUS AREA: 27,210 (81%)
TOTAL LOT IMPERVIOUS AREA: 59,024 (87%)

FLOOD PLAIN: 0 SF (0%)
LANDSCAPING: 17,352 SF (20%)
UNDEVELOPED AND/OR OPEN SPACE: 12,153 SF (14%)
TOTAL SITE AREA: 68,539 SF (2.03 ACRES)

PARKING SPACES: 67 (2 CARS PER GARAGE + 5 GUEST)

BUFFER ENCROACHMENTS

STREAM BUFFER CATEGORY	PRE-DEVELOPED IMPERVIOUS (SF)	POST-DEVELOPED IMPERVIOUS (SF)
25' STATE BUFFER	16	0
50' UNDISTURBED BUFFER	1924	203
75' IMPERVIOUS BUFFER	2331	3173
TOTAL AREA	4871	3376

- VARIANCE REQUEST**
- Variance to Section 7.3.3 b to reduce Front Yard from 40' to 15'
 - Variance to Section 7.3.3 c to reduce Side Yard adjacent to the MIX zoned property to the east from 25' to 0'
 - Variance to Section 7.3.3 d to reduce the Rear Yard adjacent to the M/X zoned property to the north from 25' to 0'
 - Variance to Section 4.23.1 to reduce the 25' Buffer an 10' Landscape Strip adjacent to the R-3 zoned property to the north and west to a 10' Landscape Strip
 - Variance to Section 4.23.1 to reduce the Landscape Strip along the frontage from 40' to 0', and to reduce the Landscape Strip adjacent to the MIX zoned property from 10' to 0'
 - Variance to reduce the Stream Buffer from 75' to 25'

NOTE: PRIVATE ALLEYS AND DRIVES AS DEPICTED ON THIS SITE PLAN SHALL NOT HAVE TO CONFIRM TO PUBLIC ROAD STANDARDS

SITE DATA

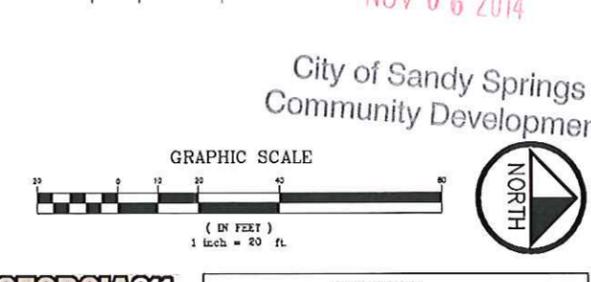
LOT ADDRESS: 120 & 130 WEST WIEUCA ROAD
LOT AREA: 2.03 ACRES (88,539 SF)
ZONING: A-MEDIUM DENSITY APARTMENT DISTRICT
MAX DENSITY: 14 UNITS PER ACRE
PROPOSED USE: 26 SINGLE FAMILY ATTACHED TOWNHOMES
DENSITY: 12.8 UNITS/AC

SETBACKS
FRONT YARD: 15' (VARIANCE FROM 40')
SIDE YARD: 0' TO MIX ZONING (VARIANCE FROM 25')
SIDE YARD: 10' TO R-3 ZONING (VARIANCE FROM 25')
REAR YARD: 0' TO R-3 ZONING (VARIANCE FROM 25')
REAR YARD: 0' TO MIX ZONING (VARIANCE FROM 25')

MAX HEIGHT: 45 FEET
MAX LOT COVERAGE: 40% (BUILDING FOOTPRINTS & PARKING)

SANITARY AND DOMESTIC WATER ARE AVAILABLE IN RIGHT-OF-WAY OF WIEUCA ROAD

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS ESTABLISHED BY FEMA FLOOD INSURANCE RATE MAP PANEL NUMBER 131210141F DATED SEPT. 18, 2013.



GEORGIA811
Utilities Protection Center, Inc.

Know what's below
Call 811 or (800) 282-7411
Before You Dig

*****CAUTION*****

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

paradigm
Engineering Services, Inc.
Seven Dunwoody Park
Atlanta, GA 30338
(770) 605-6030
www.ParadigmEng.com

Project No. P-1414	Date
Design By: WBD	Revision
Drawn By: LF	No
Checked By: WBD	
Date: 11/27/14	
Scale: 1" = 20'	

RECEIVED

NOV 06 2014

City of Sandy Springs
Community Development

John Wieland
**JOHN WIELAND HOMES
AND NEIGHBORHOODS**
jwhomes.com
4125 Alwood Road SE • Smyrna, GA 30080
24 Hour Contact: 800.228.2313

RECEIVED

NOV 06 2014

City of Sandy Springs
Community Development

SITE PLAN

WEST WIEUCA (CONCEPT 15.1)
120 & 130 WEST WIEUCA ROAD
LAND LOT 94, 17TH DISTRICT
FULTON COUNTY, GEORGIA

Drawing No. **C2.0**



December 1, 2014

Nathan V. Hendricks
6085 Lake Forrest Drive, Suite 200
Sandy Springs, GA 30328

Subject: Approval of Rezoning – 201402052 120 & 130 West Wieuca Road

Dear Mr. Hendricks:

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of properties owned by Rees Five Four Two, LLC at 120 & 130 West Wieuca Road. Rezoning petition 201402052 was approved to rezone from A-O (Apartment-Office District) to A (Medium Density Apartment District) by the Mayor and City Council at the November 18, 2014 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Townhouses at a density of 12.81 units per acre or 26 units, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated November 4, 2014. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance 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:
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 - c. Shared access street shall align with proposed apartment building on the east side of access road within the Sandy Springs Gateway project.
 - d. Driveway depth shall have a depth of a minimum of eighteen (18) feet. be approved as shown on the site plan dated November 4, 2014
 - e. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet as measured from the property line shown on the site plan dated November 4, 2014. (CV201402052 #1)
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- g. To reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet. (CV201402052 #3)
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- i. To reduce the stream buffer to allow the encroachments as shown on the site plan dated November 4, 2014 (CV201402052 #6)
- j. Residential units shall have a height limit of forty (40) feet.
- k. There shall be no common trash dumpsters. Trash shall be picked up from individual units one day per week.
- l. Building lighting shall not be located above the first floor except Coach lights at the back doors of units which shall be screen and directed downward.
- m. Building exterior treatments shall be brick and/or stone.
- n. The Owner/Developer shall provide adequate right of way frontage along West Wieuca Road for installation by a third party of a left hand turn lane northbound into the Gateway Project being developed by JLB Partners. (This is the same left hand turn lane required by GRTA, page 3 of its Notice of Decision for DRI 2290 Chastain mixed use dated Jan 30, 2013 for the JLB Gateway project).

If it is necessary to submit plans for any permits associated with this property, please submit a copy of this letter as an attachment.

Please call me at (770) 730-5600 if you have any questions.

Sincerely,



Angela Parker
Director of Community Development

Certification of Approval	
I hereby certify that the subject case was approved by the Mayor and City Council of the City of Sandy Springs with the associated conditions on the above stated hearing date.	
	<u>12/5/14</u>
Michael Casey City Clerk	Date