



P&Z STAFF REPORT

Mayor & City Council Meeting, October 18, 2016

Case: **RZ16-0097 – 0 & 6555 Roswell Road**
 Staff Contact: Kristin Byars (kbyars@sandyspringsga.gov)
 Report Date: September 30, 2016

REQUEST
<p>To rezone the property located at 6555 Roswell Road from C-1 (Community Business District) and R-3 (Single Family Dwelling District) to TR (Townhouse Residential District) for the development of 31 townhome units, with the following concurrent variances:</p> <ol style="list-style-type: none"> 1. Variance from Section 103-72(b) of the Development Regulations to eliminate required interparcel access to the north; 2. Variance from Section 103-75(a)(1) of the Development Regulations to (a) reduce the easement along the private street from 50 feet to 44 feet, and (b) along the private alley from 50 feet to 40 feet; 3. Variance from Section 12B.8.C.1.b of the Zoning Ordinance to increase the maximum allowable front yard as measured from back of curb from 21 feet to 115 feet; 4. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required 25 foot buffer to 10 feet; 5. Variance from Section 12B.8.F.2.c.i. of the Zoning Ordinance to eliminate the requirement that a minimum of 60% of ground level facades visible from the right-of-way be transparent glazing.

APPLICANT		
Property Owners: V&V 6555 Roswell, LLC; FDJ Holdings F, LLC	Petitioner: InLine Communities, LLC	Representative: Nathan V Hendricks

SUMMARY
<p>This application is to rezone three parcels from C-1 (Community Business District) and R-3 (Single Family Dwelling District) to TR (Townhouse Residential District) for the development of 31 townhome units on a private drive. The property along Roswell Road is designated as Living Working Community in the Comprehensive Plan, and is located within the Main Street Overlay District, Downtown Redevelopment Character Area, and the Roswell Road and Vernon Woods Drive (Uptown) Node. The rear property, much of which is consumed by the Georgia Power Easement, is designated as R2-3 (2 to 3 units per acre) in the Comprehensive Plan.</p>

RECOMMENDATIONS	
Planning Commission	
Motion by Porter to APPROVE RZ16-0097 with staff conditions, deleting conditions 3.b, 3.c, and 3.g, and APPROVAL of concurrent variances 1-5. Seconded by Nickles.	Yes: Porter, Maziar, Nickles, Haggard No: None Absent: Johns Abstain: Frostbaum
Department of Community Development	
Staff recommends DENIAL of rezoning RZ16-0097, and DENIAL of concurrent variances 1-5.	

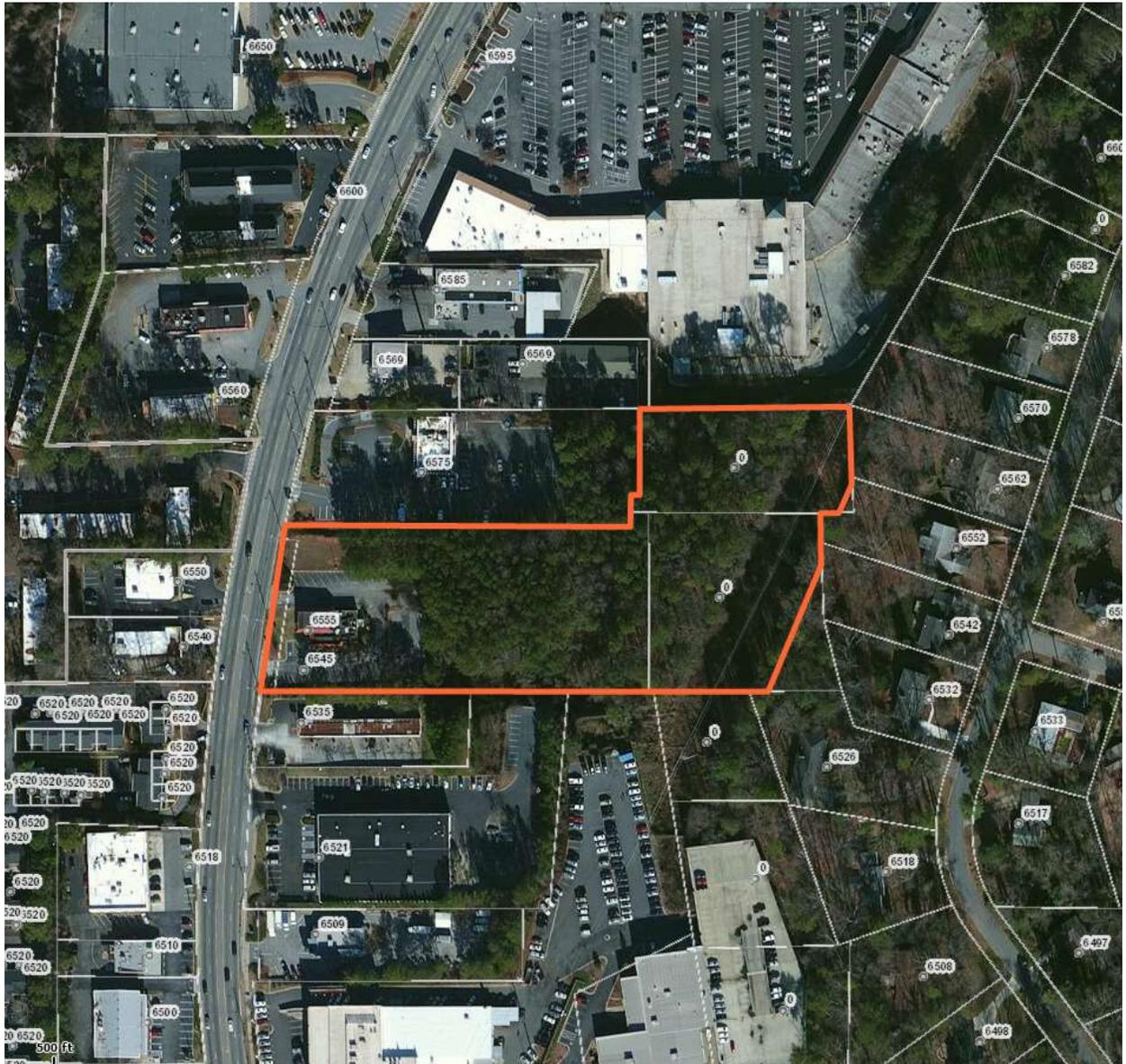
PROPERTY INFORMATION	
Location:	0 & 6555 Roswell Road Land Lots 88, District 17 Parcel #s 17 008800060300; 17 008800060052; 17 008800060292
Council District:	4; Gabriel Sterling
Road frontage:	Approximately 235 feet of frontage along Roswell Road
Acreage:	Approximately 4.427 acres
Existing Zoning:	C-1 (Community Business District) per 201303719 and R-3 (Single Family Dwelling District)
Existing Land Use:	Vacant Parcel
Overlay District:	Main Street District
Special Planning Area:	Downtown Redevelopment/Town Center Character Area; Node 9: Roswell Road and Vernon Woods Drive (Uptown)
Future Land Use Designation:	LWC (Living Working Community); R2-3 (2-3 units per acre)
Requested Zoning:	TR (Townhouse Residential District)

PROCESS			
Initial Community Meeting: June 27, 2016	Second Community Meeting: August 1, 2016	Planning Commission Hearing: September 15, 2016	Mayor and City Council Hearing: October 18, 2016

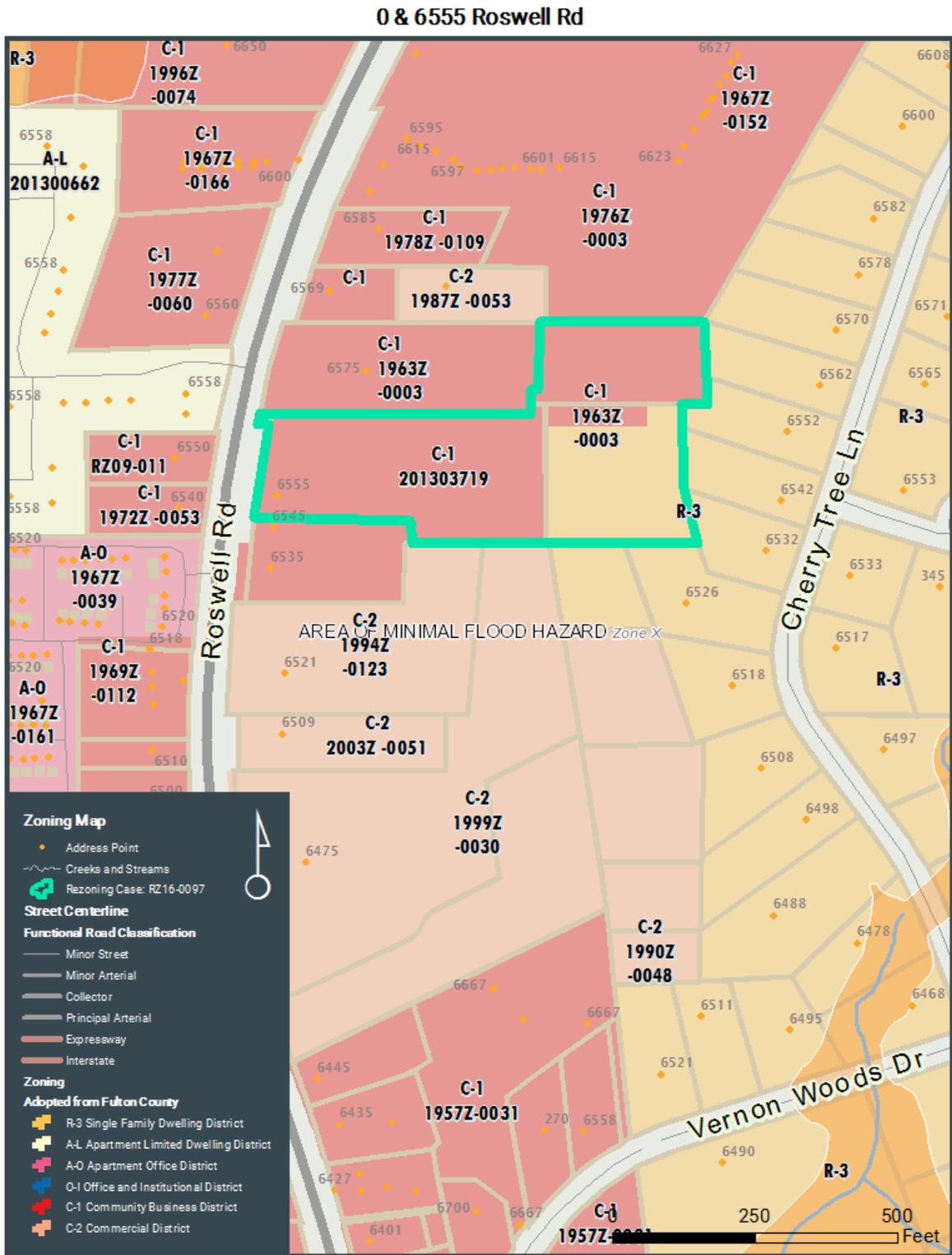
PROPOSED DEVELOPMENT
The development proposes 31 townhome units along a private drive similarly to its withdrawn predecessor, RZ15-0079. Three of the units face Roswell Road, although they are setback 115 feet from back of curb. A 4,450 square foot pocket park is proposed along Roswell Road, to be maintained by the homeowners association. A 2,200 square foot pocket dog park is proposed adjacent to the Zaxby's drive. Access to the property is being combined with the access point for Zaxby's, creating one full-access drive. Portions of the rear property, behind the Georgia Power Easement, are not being rezoned (from their existing R-3 designation) and will be dedicated to adjacent property owners.

EXISTING LAND USES AND ZONING OF PROPERTY IN THE VICINITY					
Location relative to subject property	Zoning/ Land Use	Address	Land Area (acres)	Total square footage or units	Density (sf/acre or units/acre)
North	C-1 (Community Business District) per 1963Z-0003 Restaurant (Steak 'n Shake)	6575 Roswell Road	0.8	3,710 sf	4,637.5 sf per acre
North	C-1 (Community Business District) (Take 5 Oil Change)	6569 Roswell Road	0.376	2,944 sf	7,829.787 sf per acre
East	R-3 (Single Family Dwelling District); Single Family Dwelling	6562 Cherry Tree Lane	0.606	1 unit	1.65 units per acre
East	R-3 (Single Family Dwelling District); Single Family Dwelling	6552 Cherry Tree Lane	0.6575	1 unit	1.521 units per acre
South	C-1 (Community Business District) per 201303719 Restaurant (Zaxby's)	6545 Roswell Road	0.459	4,228 sf	9,211.33 sf per acre
South	C-2 (Commercial District) per 1994Z-0123 (Pep Boys Auto)	6521 Roswell Road	2.5	21,838 sf	8,735.2 sf per acre
West	C-1 (Community Business District) per RZ09-011 (Metropolitan Clinic)	6550 Roswell Road	0.469995	5,583 sf	11,878.85 sf per acre
West	C-1 (Community Business District) per 1972Z-0053 (PROMOVE)	6540 Roswell Road	0.43	2,442 sf	5,679.07 sf per acre
West	A-L (Apartment Limited Dwelling District) per 201300662	6558 Roswell Road	7.7	Approved for 230 units	29.87 units per acre
PROPOSED DEVELOPMENT					
-	Existing: C-1 per 201303719 Proposed: TR	6555 Roswell Road	4.427	31 units	7 units per acre

AERIAL IMAGE

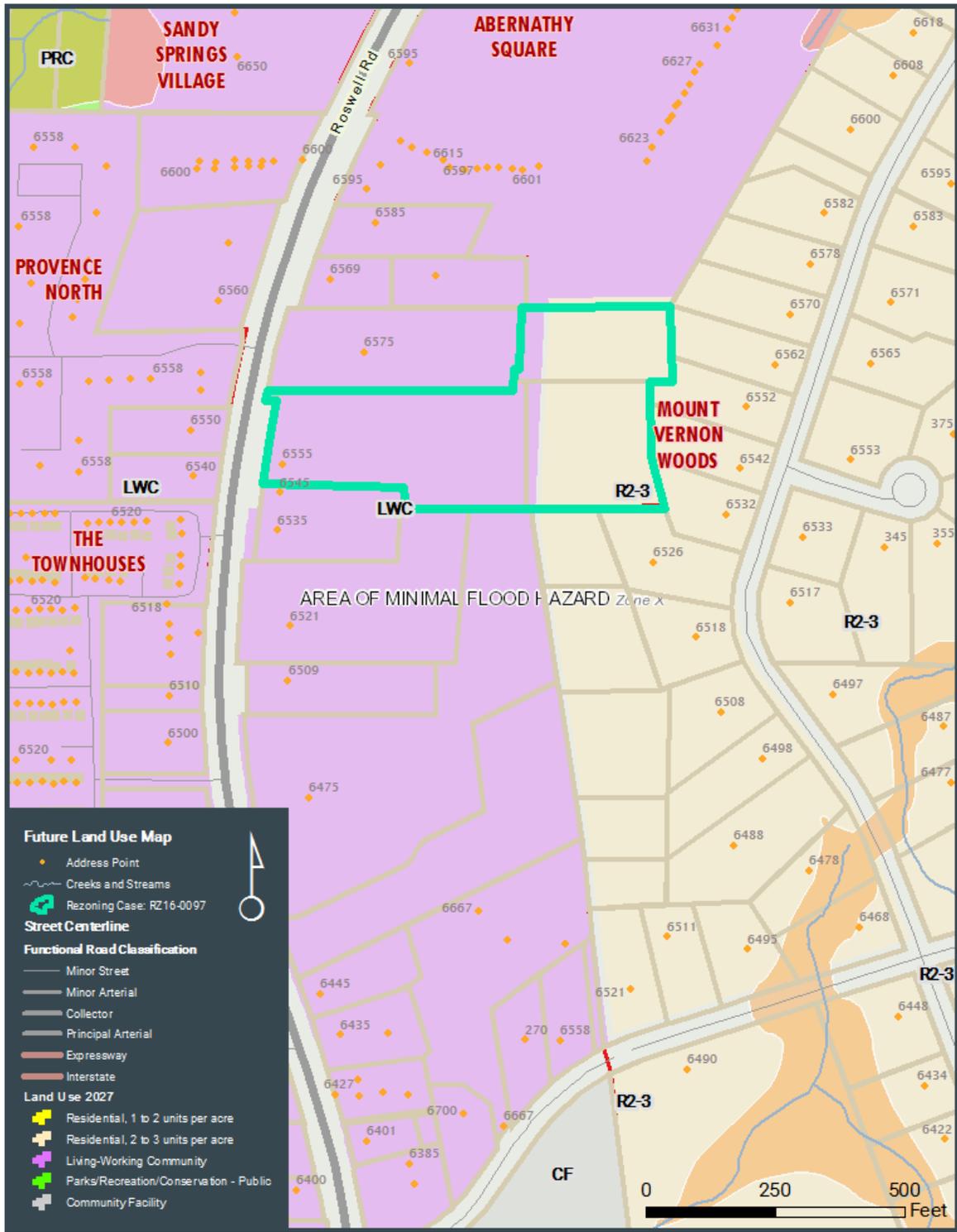


ZONING MAP



FUTURE LAND USE MAP

0 & 6555 Roswell Rd



ZONING IMPACT ANALYSIS

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

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

Finding: The immediately adjacent properties are zoned C-1 (Community Business District), C-2 (Commercial District), and R-3 (Single Family Dwelling District), utilized as fast food restaurants to the north and south, and single family homes to the east. Since the City was incorporated in 2005, the majority of rezoning cases south of Abernathy along Roswell Road have been to either commercial or mixed use districts. A 2013 rezoning for property along the western side of Roswell Road (6558 Roswell Road) was exclusively for apartments at a density of 29.8 units per acre, although only approximately 150 feet of the property has frontage along Roswell Road.

The proposed townhome use, lack of commercial uses, and lesser density (approximately 7 units per acre) are not consistent with properties along the Roswell Road corridor. While the proposed townhouse use might be a reasonable transition toward the single family dwellings on the eastern property line, a mixed use development could more appropriately incorporate transitional commercial, residential, and other uses from Roswell Road toward the adjacent single family residences.

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

Finding: The property is adjacent to fast food restaurants on the northern and southern boundaries, and single family dwellings on the eastern boundary. The proposal would not likely adversely affect the use or usability of adjacent or nearby property.

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

Finding: The property is currently zoned C-1 (Community Business District) per 201303719 and R-3 (Single Family Dwelling District). However, the 2013 Zaxby's rezoning ties the approval to a site plan showing no uses other than the fast food building. Any proposed use would require either a rezoning or zoning modification.

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

Finding: The proposed development combines the entrances for the subject parcels and its southern neighbor, Zaxby's, reducing existing safety hazards. The new drive would be required to meet minimum site distance requirements and all other design guidelines of the Development Regulations. The proposal would not likely result in a use which would cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. However, variances to eliminate interparcel access may impede the future goals set for Roswell Road and encourage additional trips onto the road rather than through interparcel connections. See page 11 of this report for comments from Public Works.

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

Finding: A portion of the rear property is designated as R2-3 (2-3 units per acre). Much of this portion of the property is located within the Georgia Power Easement, or is being dedicated to adjacent property owners. The remainder of the property is designated as Living Working Community, which recommends that the corresponding zoning district be MIX, with a residential *component* of up to 20 units per acre and a minimum of 15% open and green space. Node 9: Roswell Road and Vernon Woods Drive (Uptown) specifies that the area should incorporate a mix of less dense office and residential uses, although it is not *always* necessary to develop both office and residential uses on a single parcel. It further recommends that residential density should be 20 units per acre or less with a maximum building height of four (4) stories and at least 10% of the site being maintained as open space. The elimination of individual curb cuts and increased interparcel access is encouraged and supported.

The vision for the Downtown Redevelopment/Town Center Character Area encourages redevelopment into compact, pedestrian friendly mixed-use centers with predominantly commercial uses in pedestrian retail districts. As appropriate, transitional residential neighborhoods should be integrated into redevelopment projects that front on the road corridor. Urban intensities are encouraged, with mixed uses throughout and high levels of connectivity among uses and development. The character is encouraged to follow the principles of new urbanism, potentially including walkability, connectivity, diversity, mixed housing, quality architecture and urban design, sustainability, quality of life, etc.

The MIX district of the Zoning Ordinances mandates that multi-structure developments have a residential component and *at least* two of the following: retail, service commercial, office, or institutional uses. Even if staff were to consider the partially interconnected Zaxby's site as contributing to a mixed-use character, the site would not qualify as mixed-use by the Zoning Ordinance. With creative site planning, a medium intensity mixed-use development proposal that better complies with the policies and intent of the Comprehensive Plan could be feasible on site.

F. 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: Comments from the City's Stormwater Services notes that the applicant should accommodate the adjacent property stormwater flows across the property. The proposed development would be required to meet all facets of the Development Regulations, Tree Protection Ordinance, and Stream Buffer Regulations, and would therefore likely not permit a use considered environmentally adverse to the natural resources, environment, and citizens of Sandy Springs.

CONCURRENT VARIANCES CONSIDERATIONS

Per article 22.3.1. Variance Considerations of the Zoning Ordinance, concurrent variances shall only be granted upon showing that:

1. The application of the Zoning Ordinance would create an unnecessary hardship, and not merely an inconvenience to the petitioner; or
2. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;

Further, the application shall demonstrate that:

3. Such conditions are not the result of action or inaction of the current property owner; and
4. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and
5. The variance request would result in development that is consistent with the general intent of the Zoning Ordinance, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.

Request No.1: (Sec. 103-72(b) of the Development Regulations) Variance to eliminate required interparcel access to the north.

Finding: The applicant proposes to provide gated access, only accessible by those residing in the development. Based upon the City’s adopted plans, Public Works does not support the elimination of the interparcel connection to the north. Interparcel access should be provided and kept open for public use. The interparcel connection shall be designed to public street standards and maintain a 50-foot right-of-way or private easement. Policies adopted in the Sandy Springs Comprehensive Plan (p. 16), Transportation Master Plan (p. 154), and City Center Master Plan all support creating alternative travel routes to Roswell Road/SR 9.

Additionally, there is no hardship due to the size, shape, or topography of the lot that would prevent un-gated, full interparcel access with the property to the north. The applicant could make reasonable use of the property without the installation of a gate.

Staff recommends **DENIAL**

Request No.2: (Sec. 103-75(a)(1) of the Development Regulations) Variance to (a) reduce the easement along the private street from 50 feet to 44 feet, and (b) along the private alley from 50 feet to 40 feet.

Finding: Public Works will permit private streets to have a common easement of 44 feet for the interior streets; however, the interparcel access street shall maintain a right-of-way or common easement of 50 feet and be open to the public. However, there is no hardship due to the size, shape, or topography of the site that prevents full easement widths along the private street and alley. Requiring full easement widths as specified by the City’s Development Regulations does not create an unnecessary hardship for the developer.

Staff recommends **DENIAL**

Request No.3: (Sec. 12B.8.C.1.b of the Zoning Ordinance) Variance to increase the maximum allowable front yard as measured from back of curb from 21 feet to 115 feet.

Finding: The Zoning Ordinance erroneously measures the maximum yard from back of curb, making it impossible for any applicant on Roswell Road to meet the requirement. Properties along Roswell Road have approximately 55 feet of right-of-way from centerline. The Zoning

Ordinance designates a 21 foot maximum yard as measured from the back of curb, which is typically impossible to meet. However, the Ordinance provides a provision for increasing building setbacks to a maximum of 35 feet to accommodate outdoor space needed for plazas, dining, art, fountains, bicycle parking, gathering and seating places, gazebos or similar uses. There is no justification of hardship due to the size, shape, or topography of the lot to allow the maximum yard to be increased by 94 total feet.

Staff recommends **DENIAL**

Request No.4: (*Sec. 4.23.1 of the Zoning Ordinance*) Variance to reduce the required 25 foot buffer to 10 feet.

Finding: The variance request would permit units 20 and 21. Although zoned as R-3 (Single Family Residential), the adjacent property is currently developed with a surface parking lot. The request would not likely be detrimental to the public good, safety, or welfare, but there is no demonstrated hardship due to the size, shape, or topography of the lot to prevent the applicant from maintaining the required buffer adjacent to residentially zoned property.

Staff recommends **DENIAL**

Request No.3: (*Sec. 12B.8.F.2.c.i. of the Zoning Ordinance*) Variance to eliminate the requirement that a minimum of 60% of ground level facades visible from the right-of-way be transparent glazing.

Finding: The Main Street Overlay is not truly designed to address single family or townhome developments, as the intent of the overlay is to create a mixed-use, pedestrian environment. Staff finds that the proposed development and zoning district are inconsistent with the intent of the Comprehensive Plan and the Zoning Ordinance, and thusly any claimed hardship is self-imposed by the applicant. A more appropriate use on site would likely not require a variance to the transparent glazing requirements.

Staff recommends **DENIAL**

COMMENTS FROM OTHER PARTIES

Public works:

For the project street frontages, the following provides a summary of existing transportation conditions:

- Roswell Road/SR 9 is classified as a Principal Arterial Street. The posted speed limit is 35 mph, and the average daily traffic is 33,600 vehicles per day (GDOT, 2015 estimate)
- Work within the right-of-way is subject to Georgia Department of Transportation (GDOT) review and approval.
- MARTA operates weekday and weekend service with Bus Route 87 along Roswell Road at this location.
- The property frontage is included in the Sandy Springs Main Street Overlay District which includes a 9-foot wide sidewalk, brick paver band, pedestrian lighting, brick paver accents at lighting, and landscaping per Article 12 of the Zoning Ordinance.

Public Works has identified the following Projects from City-adopted Plans in the project vicinity:

North Fulton Comprehensive Transportation Plan

- BP202: SR 9 (or parallel roadway) bicycle route designation from Forsyth County to City of Atlanta. Enhance bike/ped facilities along this corridor (or along a nearby parallel facility where development on SR 9 precludes), creating a continuous north-south route.

Transportation Master Plan

- A6: Develop improvement concepts to implement access management techniques along Roswell Road throughout city to include signal spacing, interparcel access, backside connections, and medians where appropriate.
- A9: Work with property owners to establish interparcel connectivity in Downtown Sandy Springs and along Roswell Road and other commercial corridors.

Public Works advises that Capital Improvement Project (CIP) T-0012 was completed in 2015, which included 6-foot wide sidewalks, 2-foot landscape strip, pedestrian lighting, and landscaping along the property frontage. CIP T-0044 will add adaptive signal timing and wireless detection to Roswell Road/SR 9 from the City of Atlanta to Abernathy Road. Construction is anticipated in 2016.

Public Works acknowledges that the Site Plan received August 31, 2016 is conceptual in nature. However, any future development site plan shall meet all requirements of Articles 11 and 12 of the Development Ordinance at time of permitting. Public Works notes the following areas for potential non-compliance in review of proposed zoning site plan. Due to the incomplete nature of the plans for zoning approval, the comments reflect only what is apparent on the Site Plan.

Street Design, §103-70, §103-74, §103-76

All private streets shall be designed and constructed to public street standards, and the minimum design speed is 25 mph. The maximum length of a dead-end street is 600 feet.

Access and Driveways

Access shall meet separation and sight distance requirements of §103-73 and §103-77, respectively. Site shall meet minimum uninterrupted ingress/egress distance as provided for by the GDOT Regulations for Driveway and Encroachment Control, which is a minimum of 100 feet or 1/5 of lot depth to 200 feet. Proposed internal access shall meet sight distance. Applicant shall provide traffic engineering data to support proposed entrance configuration with more than lane of traffic entering Roswell Road/SR 9. Any proposed gating shall meet requirements of Section §103-73(g).

Right-of-Way

The required right-of-way for Roswell Road is 110 feet. Applicant shall dedicate 55 feet from centerline along entire property frontage, 11 feet behind back of curb, or 1 foot behind sidewalk, whichever is greater. The minimum right-of-way for all proposed streets is 50 feet. The right-of-way for new public streets or the easement/common area for new private streets must be located a minimum of 50 feet from any peripheral property line adjoining residentially zoned property, §103-75.

Pedestrian and Bicycle Access

The property frontage is included in the Sandy Springs Main Street Overlay District which includes a 9-foot wide sidewalk, brick paver band, pedestrian lighting, brick paver accents at lighting, and landscaping per Article 12 of the Zoning Ordinance. The City completed a 6-foot sidewalk in 2015. All new streets are required to have five-foot sidewalks with a two-foot landscape strip behind back of curb on both sides of the street.

Traffic Control

All signing and pavement marking must be designed and installed in conformance with the latest edition of the Manual on Uniform Traffic Control Devices, §103-82.

Stormwater Services notes that applicant should accommodate the adjacent property stormwater flows across the property.

Public Works Comments on Requested Variances

1. Variance from Section 103-72(b) of the Development Regulations to eliminate required interparcel access to the north
 - Based on the City's adopted plans, Public Works does not support the elimination of the interparcel connection to the north. Interparcel access shall be provided and kept open for public use. The interparcel connection shall be designed to public street standards and maintain a 50-foot right-of-way or private easement. Policies adopted in the Sandy Springs Comprehensive Plan, Transportation Master Plan, and City Center Master Plan all support creating alternative travel routes to Roswell Road/SR 9.
 - Comprehensive Plan
 - "Sandy Springs will prepare and implement a comprehensive approach to reshape and redevelop suburban-style, auto-oriented land use patterns along Roswell Road into more compact, mixed-use, pedestrian friendly places that are well served by bicycle, pedestrian, and public transit facilities, relieved from traffic congestion by a defined grid network of streets,

and anchored by civic and institutional land uses, including a new Sandy Springs City Hall.”
Page 16

- “Policy 4: Provide a grid system of streets within downtown and elsewhere to disperse traffic over several roads. Connectivity of the roadway network can provide additional options for travel in congested areas. A well-developed grid allows dispersion of traffic over several roads. Over time, the various routes tend towards providing similar travel time. In a less comprehensive fashion, additional roadway connections can provide multiple paths for travelers to use in accessing the main roadway, reducing congestion at critical intersections. It can also provide an alternative to travel on congested arterials for those making local trips to destinations along a busy arterial corridor.” Page 154
2. Variance from Section 103-75(a)(1) of the Development Regulations to reduce the easement along the private street from 50 feet to 44 feet, and along the private alley from 50 feet to 40 feet;
 - Public Works will permit private streets to have a common easement of 44 feet for the interior streets; however, the interparcel access street shall maintain a right-of-way or common easement of 50 feet and be open to the public.
 3. Variance from Section 12B.8.C.1.b of the Zoning Ordinance to increase the maximum allowable front yard as measured from back of curb from 20 feet to 115 feet;
 - Public Works has no comment on this variance request.
 4. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required 25 foot buffer to 10 feet.
 - Public Works has no comment on this variance request.

Recommended Conditions

Applicant shall grant an access easement to the City for a future multiuse trail within the rear utility easement.

Applicant shall maintain interparcel access to the south property and provide interparcel access to the north property. Interparcel access shall not be gated.

The minimum driveway depth for residential drives is 18 feet.

Arborist: No comments received at this time.

Building: The circulation plan with front-loaded garages is still a poor solution. According to the site plan, the sidewalks are not continuous; the ped/ADA path is mainly across expansive driveways, which do not appear to meet ADA/PROWAG standards. The circulation plan also does not adequately allow for interparcel access that could ultimately become part of a district-wide street network. It should be reorganized to accommodate such future development.

The three residences facing Roswell Road are still set much too far back. They do not conform to the overlay standards or the existing residential development pattern in this part of Roswell Road (the site would probably accept 3 more buildings, if they were moved up).

The plans and elevations do not agree and the elevations are deceiving; the plans show that this street will be another cluttered garagescape, not the suburban idyll the elevations imply.

Fire: The proposed development will require an additional fire hydrant internally to support the development. The gate will also require a Knox dual key gate switch and 6" bottom clearance for fire house placement.

Site: No comment at this time.

MARTA: This proposal is located along Route 87 Roswell Rd/Morgan Falls. MARTA does not have any concerns about the development proposal.

Fulton County Schools:

Home School	Projected Under/Over Capacity					
	Without Development			With Development		
Spalding Drive Charter ES	-184	to	-160	-184	to	-157
Ridgeview Charter MS	-109	to	-41	-109	to	-40
Riverwood Charter HS	175	to	267	175	to	269

Fulton County Department of Health and Wellness:

EHS Comments:

The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed 31-unit townhome development to public water and public sanitary sewer available to the site.

Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.

EJ and General Public Health Comments:

Since there are not typically any adverse impacts to the general public from residential uses, the Fulton County Department of Health and Wellness does not anticipate any significant effects to the health of humans by allowing the request to rezone from C-1 to TR for the development of a 31-unit townhome development provided that there are not any existing hazards on the property.

Public Services and Utilities:

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

WATER:

Anticipated water demand: 270 gallons per day (gpd) per townhome residential unit x 31 townhome units = 8,370 gallons per day (gpd).

This project is within the City of Atlanta water jurisdiction.

SEWER:

Basin: Marsh Creek

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

Anticipated sewer demand: 7,533 gallons per day

There is a wastewater manhole adjacent to the northeast property corner of the 2.76 acre tract (6555 Roswell Road) (sewer manhole # SMMA1008900) within the right of way of Roswell Road located in Land Lot 88, District 17 that can service this development.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

PUBLIC PARTICIPATION

The applicant hosted an initial community meeting on June 27, 2016 at the Sandy Springs United Methodist Church. Approximately four (4) community members were present. A second community meeting was held on August 1, 2016 at City Hall. Approximately six (6) community members were present. Issues include screening, activities within the Georgia Power easement, and building materials.

RECOMMENDATIONS

PLANNING COMMISSION

The Planning Commission recommends **APPROVAL** of RZ16-0097 with staff conditions, removing conditions 3.b, 3.c, and 3.g, and **APPROVAL** of concurrent variances 1-5.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Due to its inconsistency with the Comprehensive Plan and lack of interparcel access to the north, staff recommends **DENIAL** of RZ16-0097, and **DENIAL** of concurrent variance requests 1-5.

However, should the Mayor & City Council choose to consider the horizontal mix of uses outside of the subject parcels (alongside the proposed residential development) as being of a mixed-use character, and find the proposal to be in harmony with the intent of the Comprehensive Plan, staff recommends that any approval be subject to the following conditions:

1. To abide by the following:
 - a. To the conceptual site plan prepared by Planners and Engineers Collaborative, dated August 30, 2016, and received by the Department of Community Development on August 31, 2016;
 - b. To the conceptual Tree Replacement Plan prepared by Planners and Engineers Collaborative, dated August 23, 2016, and received by the Department of Community Development on August 23, 2016. Plantings exceeding the minimum established in the plan shall be encouraged;
2. To restrict the use of the subject property as follows:
 - a. To a maximum of 31 townhome units;
3. To the following site development standards:
 - a. Interparcel access and combined entryway shall be required between the subject property and the property to the south at 6545 Roswell Road (Parcel # 17 008800060250);
 - b. The development shall provide interparcel access to the adjacent property to the north at 6575 Roswell Road (Parcel # 17 008800060037);
 - c. Interparcel access shall not be gated;
 - d. An access easement shall be granted to the City for a future multiuse trail within the rear utility easement;
 - e. A minimum of 35% of ground level facades visible from the right-of-way shall be transparent glazing;
 - f. No vinyl siding shall be used;
 - g. Ribbon or “Hollywood” style driveways must be used for all townhome units accessed via the private street.

To approve the following concurrent variances:

2. (a) Variance from Section 103-75(a)(1) of the Development Regulations to reduce the easement along the private street from 50 feet to 44 feet;
3. Variance from Section 12B.8.C.1.b of the Zoning Ordinance to increase the maximum allowable front yard as measured from back of curb from 21 feet to 115 feet;
4. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required 25 foot buffer to 10 feet;

5. Variance from Section 12B.8.F.2.c.i. of the Zoning Ordinance to eliminate the requirement that a minimum of 60% of ground level facades visible from the right-of-way be transparent glazing.

To deny the following concurrent variances:

1. Variance from Section 103-72(b) of the Development Regulations to eliminate required interparcel access to the north;
2. (b) Variance from Section 103-75(a)(1) of the Development Regulations to reduce the easement along the private alley from 50 feet to 40 feet.

The applicant submitted a set of conditions on September 30, 2016, generated through his discussions with neighborhood representatives. The additional conditions are as follows:

1. At least seventy percent (70%) of exterior materials shall consist of masonry, brick or hard stucco on every building elevation. Windows and doors are excluded from the calculations.
2. The narrowest or any side elevation of each building shall include no less than four (4) windows and a mix of architectural elements.
3. Pedestrian lighting shall be installed along the road and drive and shall be similar to the Zoning Ordinance Section 12(1).5.D. or another style from Georgia Power.
4. Bat boxes will be constructed near the detention pond.
5. The detention pond and common area near the detention pond shall be treated regularly for mosquitos.
6. The rear of units 16-19 shall be composed of brick, other than windows, doors, decks, and architectural elements.



Case No.:

RZ16-0097

Planner's initials: _____

PROJECT INFORMATION SHEET

PROPERTY	Address(es):	6555 ROSWELL ROAD, 0 Roswell Road	
	Parcel Tax ID:	17-0088-0006-0300, 17-0088-0006-0052	
	Land Lot(s):	88	Land District(s): 17th
	Total acreage:	4.38	Council district: 4
	Current zoning:	C-1, R-3	Current use: Undeveloped
	Overlay district:	Main Street	Future land use: Living Working Community

APPLICATION	Purpose of the application:	Rezone from C-1 to TR for Urban townhome development		
	Check all that apply:	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Modification <input type="checkbox"/> Use permit(s) <input checked="" type="checkbox"/> Concurrent variance(s)		
	Detailed request (include Code/Ordinance Section No. for concurrent variances):	Rezone C-1 parcel and R-3 parcel to TR to construct 31 urban townhomes for-sale product. Current use is a vacant tract with large section of cleared land. Improve streetscape and provide mixture of uses on Roswell Road by introducing residential. CONVAR. 12.8.8, F. 2.C. I. 60% GLAZING ON MAIN FLOOR w/c VIEW OF PUBLIC STREET.		
	Petitioner:	In Line Communities, LLC - Bryan Musolf		
	Petitioner's address:	48 Atlanta St Marietta, GA 30064		
	Phone:	404-895-0913	Email:	brym@inlinemunities.com

OWNER	Property owner:			
	Owner's address:			
	Phone:		Email:	
	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:	5/25/16	Anticipated application date:	
CMI date, time, and location:			
ADDITIONAL INFORMATION NEEDED:			

* CONVAR. 12.8.8, F. 2.C. I. 60% GLAZING ON MAIN FLOOR w/c VIEW OF PUBLIC STREET.



Case No.: _____
 Planner's initials: _____

APPLICATION FORM

APPLICATION	Purpose of the application: <u>Rezone approximate 4.625 acre undeveloped parcel from C-1 & R-3 to TR for a 31 unit attached townhome community.</u>
	Check all that apply: <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Modification <input type="checkbox"/> Use permit(s) <input checked="" type="checkbox"/> Concurrent variance(s)
	Detailed request (include Zoning Ordinance section No. for concurrent variances): <u>Applicant</u>
	<u>requests a rezoning from C-1 & R-3 for the approximate 4.625 acre undeveloped parcel at 6555 Roswell Road to TR for a 31 unit attached townhome community. Pursuant to Article 12B8.C.1.a. Applicant requests a Concurrent Variance to exceed the allowed maximum front yard as shown on the Site Plan and pursuant to Article 12B8.F.2.c.i to delete the requirement for 60% glazing on the main floor of the units in view of Roswell Road.</u>
	<u>This request complies with the Live/Work Community designation under the Land Plan as well as the Main Street Overlay District to which the is subject as the their respective policies and intent.</u>

COMMUNITY MEETING 1 REPORT	Date and location of CM1: <u>Sandy Springs United Methodist Church</u> <u>86 Mount Vernon Highway, Sandy Springs</u>
	Beginning time: <u>6:30 p.m.</u> End time: <u>7:45 p.m.</u>
	Summary of concerns discussed: <u>1. Discussion of planting/landscaping along the easterly Property line in the area of the Georgia Power Easement.</u>
	<u>2. Neighbors contiguous and to the east do not want the Applicant to grant to the City an access easement for a future multiuse trail along the easterly portion of the Property.</u>
	<u>3. Proposed development explained by the Applicant and that the townhomes would be three stories with a minimum heated floor area of 2,400 square feet.</u>
Does the application address the concerns discussed at the CM1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Explain: <u>1. The Applicant agreed to meet with the neighbors contiguous and to the east to coordinate a planting/landscaping plan along the easterly portion of the Property and to have it filed with the Application so as to be enforceable.</u>	
<u>2. Applicant agreed to let the Staff know of the concerns of the neighbors to the east not wanting the Applicant to grant to the City an access easement for a future multiuse trail along the easterly portion of the Property.</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):	



AUTHORIZATION FORM - PART I

A- If the applicant is also the owner of the subject property:
Fill out the following section and have it notarized.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: <u>FDJ Holdings I LLC</u>	Sworn and subscribed before me this <u>30</u> th day of <u>June</u> 20 <u>16</u> Notary public: <i>Linda C Turner</i> Seal: Linda C Turner NOTARY PUBLIC Fulton County, GEORGIA My Comm. Expires 02/16/2020 Commission expires:
Address: <u>6667 Vernon Woods Drive</u> <u>Suite B24</u>	
City, State, Zip Code: <u>Sandy Springs, GA 30328</u>	
Email address: <u>bradjsst@gmail.com</u>	
Phone number: <u>(770) 552-8552</u>	
Owner's signature: <i>[Signature]</i>	

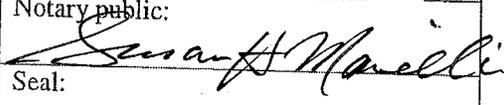
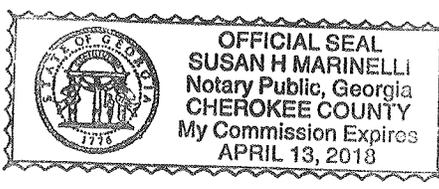
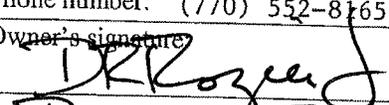
B- If the applicant is *not* the owner of the subject property:
Fill out the following section, check the appropriate statement and have it notarized.

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or	
<input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or	
<input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name: <u>Bryan Musolf-Principal</u>	Sworn and subscribed before me this <u>30</u> th day of <u>June</u> 20 <u>16</u> Notary public: <i>[Signature]</i> Seal: Commission expires:
Company name: <u>InLine Communities, LLC</u>	
Address: <u>48 Atlanta Street</u>	
City, State, Zip Code: <u>Marietta, GA. 30060</u>	
Email address: <u>bryan@inlinecommunities.com</u>	
Phone number: <u>(404) 895-0913</u>	
Applicant's signature: <u>InLine Communities, LLC</u> By: <i>[Signature]</i> Bryan Musolf Principal	

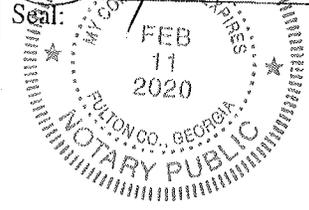
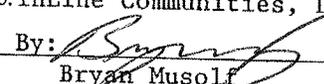
SANDY SPRINGS GEORGIA

AUTHORIZATION FORM - PART I

A- If the applicant is also the owner of the subject property:
Fill out the following section and have it notarized.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: V & V 6555 Roswell LLC	Sworn and subscribed before me this 28 th day of June 20 16 Notary public:  Seal:  Commission expires:
Address: 540 Indigo Drive	
City, State, Zip Code: Roswell, GA. 30075	
Email address: rozierdr@gmail.com	
Phone number: (770) 552-8165	
Owner's signature:  DAVID R. ROZIER JR.	

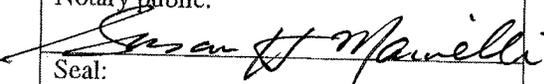
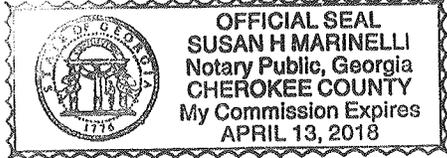
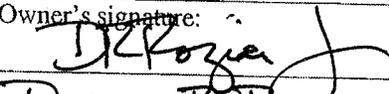
B- If the applicant is *not* the owner of the subject property:
Fill out the following section, check the appropriate statement and have it notarized.

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name: Bryan Musolf-Principal	Sworn and subscribed before me this 30 th day of June 20 16 Notary public:  Seal:  Commission expires:
Company name: InLine Communities, LLC	
Address: 48 Atlanta Street	
City, State, Zip Code: Marietta, GA. 30060	
Email address: bryan@inlinecommunities.com	
Phone number: (404) 895-0913	
Applicant's signature: InLine Communities, LLC By:  Bryan Musolf Principal	

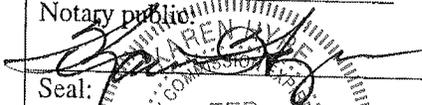
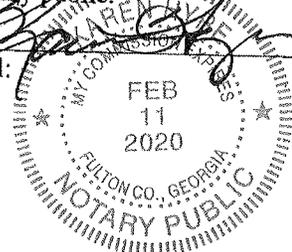
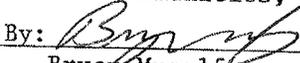
SANDY SPRINGS GEORGIA

AUTHORIZATION FORM – PART I

A- If the applicant is also the owner of the subject property:
Fill out the following section and have it notarized.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: <u>V & V Sandy Springs LLC</u>	Sworn and subscribed before me this <u>28th</u> day of <u>June</u> 20 <u>16</u> Notary public:  Seal: <div style="border: 1px solid black; padding: 5px; text-align: center;">  </div>
Address: <u>540 Indigo Drive</u>	
City, State, Zip Code: <u>Roswell, GA. 30075</u>	
Email address: <u>rozierdr@gmail.com</u>	
Phone number: <u>(770) 552-8165</u>	
Owner's signature:  <u>DAVID R. ROZIER JR.</u>	
Commission expires:	

B- If the applicant is *not* the owner of the subject property:
Fill out the following section, check the appropriate statement and have it notarized.

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name: <u>Bryan Musolf-Principal</u>	Sworn and subscribed before me this <u>30th</u> day of <u>June</u> 20 <u>16</u> Notary public:  Seal: <div style="border: 1px solid black; padding: 5px; text-align: center;">  </div>
Company name: <u>InLine Communities, LLC</u>	
Address: <u>48 Atlanta Street</u>	
City, State, Zip Code: <u>Marietta, GA. 30060</u>	
Email address: <u>bryan@inlinecommunities.com</u>	
Phone number: <u>(404) 895-0913</u>	
Applicant's signature: <u>InLine Communities, LLC</u> By:  <u>Bryan Musolf</u> Principal	Commission expires:



AUTHORIZATION FORM – PART II

If an agent or attorney will represent the owner and/or the applicant, fill out the following section:

Agent's name: Nathan V. Hendricks III
Company: Nathan V. Hendricks III Attorney-at-Law
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>N.V. Hendricks III</i>
Applicant's signature: InLine Communities, LLC

By: *Bryan Musolf*
Bryan Musolf
Principal

Sworn and subscribed before me this
27 th day of June 2016
Notary public: <i>Karen Hyre</i>
Seal: 
Commission expires:



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:

V & V 6555 Roswell LLC
V & V Sandy Springs LLC
FDJ Holdings I LLC

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: V & V 6555 Roswell LLC
Signature: <i>DRoyce J</i> Date: June 28, 2016

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



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:

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Name: V & V Sandy Springs LLC
Signature: <i>D. P. [Signature]</i> Date: June 28, 2016

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



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:
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FDJ Holdings I LLC

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Name:	FDJ Holdings I LLC	
Signature:		Date: June 28, 2016

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



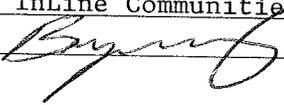
DISCLOSURE OF CONTRIBUTION FORM

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:
V & V 6555 Roswell LLC
V & V Sandy Springs LLC
FDJ Holdings I LLC

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: InLine Communities, LLC (APPLICANT)
Signature:  Date: June 27, 2016

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



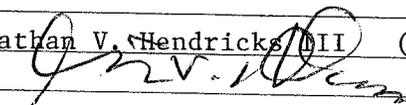
DISCLOSURE OF CONTRIBUTION FORM

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:
V & V 6555 Roswell LLC
V & V Sandy Springs LLC
FDJ Holdings I LLC

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:	Nathan V. Hendricks III (ATTORNEY FOR THE APPLICANT)
Signature:	 Date: June 27, 2016

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

LETTER OF INTENT

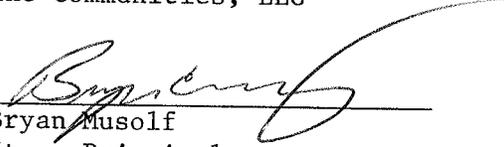
The property contains approximately 4.625 acres and is located on the east-erly side of Roswell Road south of its intersection with Abernathy Road (the "Property"). The Property is currently zoned to the C-1 and R-3 Classifications.

The Applicant requests a rezoning to the TR(Townhome-Residential) Classi-fication for the development of a thirty-one (31) unit fee simple attached town-home community. The Property will be governed and controlled by a Mandatory Homeowners Association which have the control over exterior maintenance and upkeep of all units as well as the landscaping for the entire development. The Property is currently undeveloped. The Applicant proposes that the townhomes will be three stories and contain a minimum heated floor area of 2,400 square feet. As noted on the Site Plan, there is a pocket park planned for the north-west corner of the Property. The Property is designated under the Sandy Springs Comprehensive Land Plan as Live/Work Community which suggests residential develop-ment at up to 20 units per acre. The Property is also subject to the Main Street Overlay District. The request of the Applicant for the thirty-one (31) townhomes results in a density of 6.7 units per acre which is obviously at the low end of the density range under that recommended for residential development under the Live/Work Community designation. Further, in reviewing the zoned and developed properties to the north under the C-1 and C-2 Classifications and to the south similarly under the C-1 and C-2 Clsssification, this request for "For Sale" residential development brings to the corridor the mix of uses suggested under the Land Plan. Due to the proximity of the intended development to Roswell Road, the Applicant requests a two part Concurrent Variance as more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof. The hardship for each of the requested Concurrent Variance is more par-ticularly stated and set forth on the attached Exhibit "A". Now, therefore, this Application for Rezoning and Concurrent Variances is entirely appropriate and the appropriateness of this Application for Rezoning and Concurrent Variances is more particularly stated and set forth on Exhibit "B" which is attached hereto and by reference thereto made a part hereof.

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

APPLICANT:

InLine Communities, LLC

By: 
Bryan Musolf
Its: Principal


Nathan V. Hendricks III
Attorney for the Applicant

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

LEGAL DESCRIPTION – OVERALL

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 88 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

Commencing from a point at the Southern Right-of-Way of Abernathy Rd (Right-of-Way Varies) and the Southeastern Right-of-Way of Roswell Rd a.k.a. State Route 9 (Right-of-Way Varies);

Thence leaving said intersection, South 24 degrees 06 minutes 21 seconds West, a distance of 1093.49 feet to an iron pin set, said pin being the TRUE POINT OF BEGINNING;

Thence leaving the Southeastern Right-of-Way of Roswell Rd a.k.a. State Route 9 (Right-of-Way Varies), North 88 degrees 53 minutes 02 seconds East, a distance of 456.23 feet to an iron pin set; Thence North 00 degrees 50 minutes 12 seconds West, a distance of 16.32 feet to an iron pin set; Thence North 00 degrees 50 minutes 12 seconds West, a distance of 28.32 feet to an iron pin found; Thence South 89 degrees 56 minutes 15 seconds East, a distance of 11.96 feet to a point; Thence North 00 degrees 51 minutes 34 seconds East, a distance of 112.91 feet to an iron pin found; Thence South 89 degrees 44 minutes 40 seconds East, a distance of 295.70 feet to an iron pin set; Thence South 00 degrees 42 minutes 03 seconds East a distance of 98.30 feet to a point; Thence South 24 degrees 01 minutes 38 seconds West a distance of 42.57 feet to a point; Thence South 89 degrees 24 minutes 41 seconds West a distance of 28.63 feet to an iron pin found; Thence South 01 degrees 03 minutes 13 seconds West a distance of 40.74 feet to a point; Thence South 00 degrees 42 minutes 10 seconds East a distance of 24.21 feet to a point; thence South 24 degrees 01 minutes 38 seconds West a distance of 191.15 feet to a point; Thence South 89 degrees 15 minutes 51 seconds West a distance of 22.21 feet to a point; Thence North 89 degrees 25 minutes 29 seconds West, a distance of 129.82 feet to an iron pin set; Thence South 88 degrees 54 minutes 09 seconds West, a distance of 235.36 feet to an iron pin found; Thence North 00 degrees 55 minutes 00 seconds West, a distance of 31.46 feet to an iron pin found; Thence South 88 degrees 49 minutes 40 seconds West, a distance of 237.48 feet to a point; Thence North 84 degrees 33 minutes 40 seconds West, a distance of 47.82 feet to a PK nail set on the Southeastern Right-of-Way of Roswell Rd a.k.a. State Route 9 (Right-of-Way Varies); Thence continuing along said Right-of-Way, 150.78 feet along an arc of a curve to the right, said curve having a radius of 2,551.36 feet and a chord bearing and distance of North 09 degrees 11 minutes 07 seconds East 150.76 feet to a point; Thence continuing along said Right-of-Way, 35.84 feet along an arc of a curve to the right, said curve having a radius of 2,542.71 feet and a chord bearing and distance of North 11 degrees 16 minutes 54 seconds East 35.84 feet to an iron pin set, said pin being the TRUE POINT OF BEGINNING.

Said tract containing 4.427 acres.

Exhibit "A"

The developable area of the Property as shown on the Site Plan is immediately proximate to the east side of Roswell Road and in order to provide the interparcel access to the property contiguous and to the south of the Property as desired by the Staff of the Community Development Department, it is necessary to provide the area for access along the westerly most portion of the Property thus creating a real and significant burden and hardship upon the Applicant to comply with the maximum front yard setback required under Article 12B.C.1.a and thus the Applicant requests that this maximum front yard setback be exceeded as shown on the Site Plan. Also Article 12B8.F.c.i. requires a 60% glazing on the main floor of units in view of Roswell Road, being a public road, which requirement was clearly intended for nonresidential development. Thus the Applicant requests that this requirement be deleted. 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 and the application of these two referenced Articles to this particular Property given its proximity to Roswell Road and the further burdening constraints of topography along the northerly Property line moving generally in an easterly direction place an additional hardship on the Applicant which is unique to the Property and is substantial. The approval of these Concurrent Variances would not create any harm to the health, safety and welfare of the general public. Further, the approval of these Concurrent Variances would comply with the following general purposes and intent of the Zoning Ordinance (Art. II, Sec.1):

1. Promoting the health and general welfare.
2. Encouraging such distribution of population and such classification of land uses and utilization as will facilitate economic and adequate provisions for transportation, communications, roads, airports, water supply, drainage, sanitation, education, recreation and other public requirements.
3. Promoting desirable living conditions.
4. Protecting property against blight and depreciation.
5. Encouraging the most appropriate use of land throughout the City of Sandy Springs.

Exhibit "B"

APPROPRIATENESS OF APPLICATION
AND
CONSTITUTIONAL ASSERTIONS

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

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

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

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

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

**IMPACT ANALYSIS
FORM B**

Applicant:

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? Yes. This zoning proposal brings the "For Sale" residential use to the east side of Roswell Road as suggested under the Live/Work Community designation in an area that has properties to the north zoned and developed under C-1 and properties to the south zoned and developed under C-2.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No. This zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property as it is less intense than the zonings and developments contiguous and to the north and south as referenced above.
3. Does the property to be rezoned have a reasonable economic use as currently zoned? No. As presently zoned there is no Site Plan for the Property and it is not conditioned to a particular use or a particular density.
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No. This zoning proposal will not result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools as it is less intense than the zoning and developments contiguous and to the north and south above referenced.
5. Is the zoning proposal in conformity with the policies and intent of the land use plan? Yes. This zoning proposal conforms with the policies and intent of the Live/Work Community designation under the Comprehensive Land Use Plan as well as the Main Street Overlay District to which the Property is subject.
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal? Yes. As stated above, this zoning request brings the desired mix of uses to this area on the east side of Roswell Road which as referenced above is zoned and developed under the C-1 District to the north and the C-2 District to the south.
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs? No. This zoning proposal will not permit a use that could be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs.

Attach additional sheets as needed.

**ENVIRONMENTAL SITE ANALYSIS (ESA)
FORM – A**

APPLICANT: INLINE COMMUNITIES

ESA FOR 6555 ROSWELL RD

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map, which supports the project's conformity to the Plan. Evaluate the proposed project to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

RESPONSE:

The proposed project is a 31 townhome residential community. The existing site is a commercial site on Roswell Road.

Below is the Sandy Springs comprehensive zoning and land use plan for this site and its surrounding areas. In addition, below is a Fulton County GIS map showing the topography for this area. The proposal is to construct 31 townhome units in the City of Sandy Springs.

The proposed project is in compliance with the comprehensive land use plan as seen below. The area is full of commercial both retail and restaurant uses, some office, and surrounded by residential behind. The existing site is cleared land with a road on the front and medium trees on the back of the site with a stormwater facility to serve the site.

The intent of this area is to have a mixture of uses for the Roswell Road corridor. Currently the corridor has some new mixed use projects that are coming online up the street from the site. This immediate area is full of existing retail and restaurant uses. The part of this section of Roswell Road that is missing from the area is the residential uses. Across the street there is a residential for rent new facility that is being constructed and a condo development. All other uses on this project side of the road are commercial. By adding this proposed townhome development the site and area is being provided with a true mixed use concept for this area. This will provide for sale residential with the retail and restaurant uses. The heights and space of the site and buildings will match surrounding areas. There is a lot of sloping topography to this area.

The site is currently zoned C-1 Community Business and R-3A Single Family Dwelling District as shown on the Sandy Springs Land use Plan (portion shown on the following page).



Zoning Districts

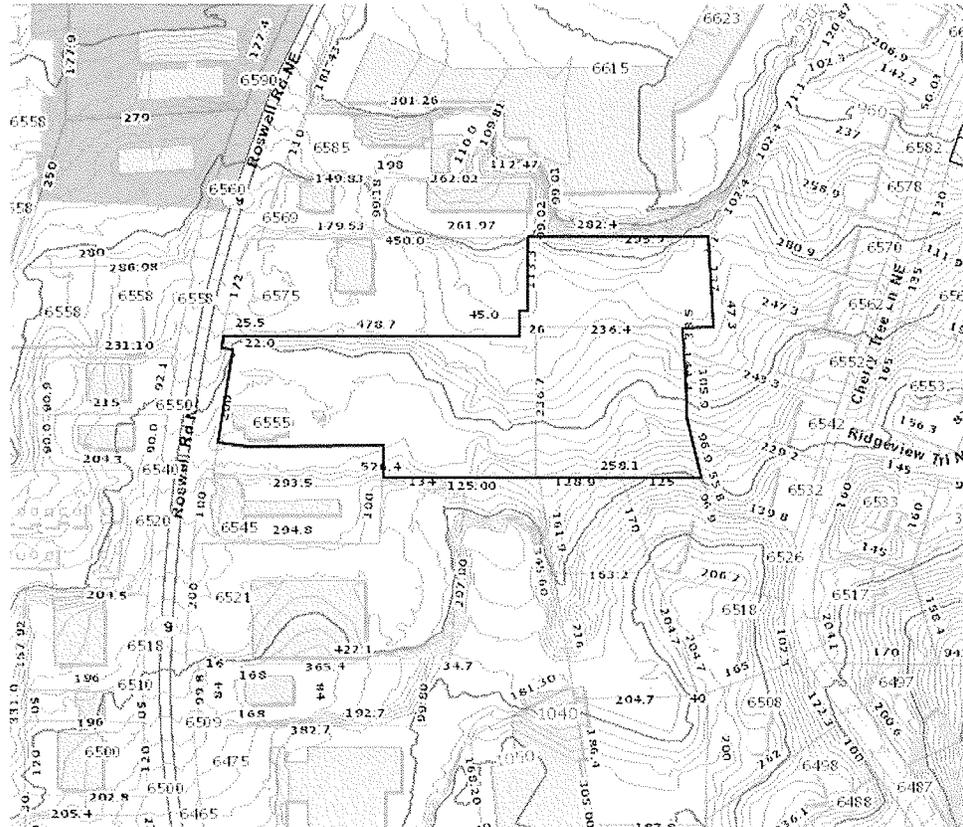
Adopted from Fulton County

	R-1 Single Family Dwelling District		O-I Office and Institutional District
	R-2 Single Family Dwelling District		C-1 Community Business District
	R-2A Single Family Dwelling District		C-2 Commercial District
	R-3 Single Family Dwelling District		MIX Mixed Use District
	R-3A Single Family Dwelling District		CUP Community Unit Plan District
	R-4 Single Family Dwelling District		NUP Neighborhood Unit Plan District
	R-4A Single Family Dwelling District		M-1 Light Industrial District
	R-5 Single Family Dwelling District		AG-1 Agricultural District
	R-5A Single Family Dwelling District		Sandy Springs Overlay District
	R-6 Two Family Dwelling District		Landlots
	A - Medium Density Apartment District		Highways
	A-L Apartment Limited Dwelling District		MARTA Rail
	A-1 Apartment Dwelling District		MARTA Stations
	A-O Apartment Office District		
	TR Townhouse Residential Districts		

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect and environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

a. **Wetlands**

According to the National Wetlands Inventory Maps, there are no jurisdictional wetlands on the property. The figure below shows Fulton County GIS with no known wetlands displayed. This was also confirmed from walking the site and looking at the features of the site in the low area.



b. **Floodplain:**

There is no FEMA regulated Special Flood Hazard Area (SFHA) onsite according to FEMA FIRM Panel 13121C0142F. Effective 9/18/2013.

c. **Streams / Stream Buffers:**

There are no streams onsite according to City of Sandy Springs GIS.

d. **Slopes exceeding 25 percent over 10 ft vertically:**

There are slopes exceeding 25 percent over a 10ft rise in elevation on the Southern end of the property. This area will remain undisturbed as seen on the plan.

e. **Vegetation:**

The site currently has moderate vegetation on the site. The front section of the site has been cleared and dirt mounded up. A roadway runs through the front of the site. The trees in the very back of the site across the power line will remain as a buffer to the neighbors. The middle portion of the site is mostly pine trees with moderate cover.

- f. **Wildlife species:**
There are no known protected species on the site that are known and was not observed from the site visit. The site is similar to surrounding developments
 - g. **Archeological / Historic Site:**
There are no historic structures on the site as the applicant is aware.
3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site features that may be impacted.
- a. **Environmentally sensitive areas:**
The property does not have sensitive areas since the front has been graded, the back has had a stormwater facility installed and there is a large power line easement that runs through the back of the site. There is one area between the residential neighbors and the powerline that is full of good growth trees that we would consider a sensitive area and we are not intending on disturbing these trees.
 - b. **Protection of Water Quality:**
The site will be designed to protect water quality. It will be treated in an above ground master stormwater facility located at the northeast corner of the site. The facility will be designed to meet current stormwater standards and regulations.
 - c. **Minimize impacts on existing infrastructure:**
The proposal is to utilize the existing utilities in the area. There is water located in Roswell Road, there is sewer located at the Western corner of the site and throughout the site, and there are proposed detention facilities for the site to control stormwater. The site will be residential in a commercial area as mixed use as the land use map suggests, and surrounding areas are currently making the site fit well with the existing infrastructure. The traffic impact with the residential proposal is much lower than if this site was fully developed as commercial.
 - d. **Minimize archeological / historical areas:**
The site does not have significant historical features.
 - e. **Minimize environmentally stressed communities;**
The site is being designed to do just this. The site is to be in compliance with all the surrounding developments, therefore minimizing stress on communities by complying with the adjacent uses. The residential uses of this proposal are within walking distance of services and commercial needs limiting automobile uses and increasing walkability.
 - f. **Creation and preservation of green space and open space.**
The site being zoned to a residential district will be supplying open space and green space for the community. We are providing above the required regional green space and open space. The surrounding area has open space that has developed since it was developed, and this site is intended to do the same. A portion of the site is a stormwater facility, the back portion is buffering and a green power line easement. The front of our site is being set aside as a park area for the units to front on.
 - g. **Protection of Citizens from negative impacts on lighting and noise:**
Lighting and noise will not be an issue on the site since the proposal is for residential uses interior to the site. The proposed lighting is to be environmentally sensitive lighting and will have covers to keep the light from bleeding onto adjacent properties. Being a residential zoning, noise would not be a problem on the site.
 - h. **Protection of Parks and Rec Green Space:**

The site will provide additional residence to help protect green space and add residents to utilize the parks and recreation areas nearby.

i. Minimization of Impacts to Wildlife habitats:

The site does not have known wildlife species on the site that are protected or in abundance for this site. The site is in compliance with the surrounding uses, making it similar to the habits found in those neighborhoods.

Byars, Kristin

From: Bryan Musolf <bryan@inlinecommunities.com>
Sent: Tuesday, August 23, 2016 10:01 AM
To: Alex Phillips
Cc: Byars, Kristin; Kenneth Wood
Subject: Re: Roswell Road Variances.

Thanks Alex... Id like you to begin work today with Georgia Power for an easement to put landscaping and fencing in the easement.

Thank You,

Bryan Musolf
InLine Communities, LLC
404-895-0913
48 Atlanta St
Marietta GA 30060



On Aug 23, 2016, at 9:58 AM, Alex Phillips <aphillips@pecatl.com> wrote:

Kristin,

Revised site plan and buffer plan attached.

- ? We have removed the side porch in the easement, there will be no variance request required.
- ? I have our engineering team putting a sight distance profile together right now. There will not be an issue with this as we are relocating the driveway between two DOT approved driveways.
- ? We will be asking for a concurrent variance to restrict intra-parcel access to allow for gates at the entrance.
- ? We have removed all landscaping from the Georgia Power Easement.

Thanks,
Alex

From: Byars, Kristin [<mailto:KByars@SandySpringsga.gov>]
Sent: Tuesday, August 23, 2016 9:06 AM
To: Alex Phillips; Bryan Musolf
Cc: Kenneth Wood
Subject: RE: Roswell Road Variances.

Good morning,

A few things from a quick glance at the plan:

- Per our discussion, no encroachments are allowed into easements. I would discourage that as a concurrent variance request, but you are still showing the encroachments on this site plan. Let me know how you would like to proceed.
- Have you demonstrated that the new drive will meet sight distance requirements?
- Did you confirm with Ruben that a gated access alley could qualify as your interparcel access? He indicated to me that it would not. Please let me know if you will need to add another concurrent variance.
- Have you discussed the landscaping plan with Georgia Power? As a reminder, any approval will likely be tied to that plan so please be sure it is feasible.

Thanks,

Kristin Byars
Planner, City of Sandy Springs
770.206.1536 (direct) | 770.730.5600 (main)
7840 Roswell Road, Bldg 500
Sandy Springs, GA 30350

From: Alex Phillips [<mailto:aphillips@pecatl.com>]
Sent: Tuesday, August 23, 2016 8:53 AM
To: Bryan Musolf <bryan@inlinecommunities.com>; Byars, Kristin <KByars@SandySpringsga.gov>
Cc: Kenneth Wood <kwood@pecatl.com>
Subject: RE: Roswell Road Variances.

Kristin,

Please find the site plan with the revised easement notes.

Alex

From: Bryan Musolf [<mailto:bryan@inlinecommunities.com>]
Sent: Monday, August 22, 2016 5:13 PM
To: kbyars@sandyspringsga.gov
Cc: Kenneth Wood; Alex Phillips
Subject: FW: Roswell Road Variances.

Kristin, below are the list of variances, please let me know if you think we're missing anything here.

Thank You,

Bryan Musolf
InLine Communities, LLC
404-895-0913
48 Atlanta St
Marietta, GA 30060



From: Alex Phillips [<mailto:aphillips@pecatl.com>]
Sent: Monday, August 22, 2016 5:00 PM
To: Bryan Musolf <bryan@inlinecommunities.com>

Cc: Kenneth Wood <Kwood@pecatl.com>

Subject: Roswell Road Variances.

Bryan,

Variances requests.

- 1) Variance front setback maximum from back of curb to 102.6' from 20', this is requested due to the hardship of the property line being located 26' from the back of curb. To make this a more functional setback area the plan proposes a publicly accessible park in the setback area along Roswell Road.
- 2) Variance the side yard buffer adjacent to the R-3 zone from 20' to 10' keeping the 10' improvement strip for planting. This area of the buffer is adjacent to unbuildable R-3 land due to the location and proximity to the 100' overhead electrical utility easement. Screening is still desired and therefore some buffer and improvement strip is still acceptable.
- 3) Variance alley width to 20' lanes and 40' access easement.

Alex Phillips, ASLA, ISA, TRAQ

Division Manager

Root Zone Tree Consultants

350 Research Court

Peachtree Corners, GA 30092

678-684-6202

A Division of PEC

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<1515000A-Site-Zone-1 Site.pdf>

<1515000A-TPR BUFFER.pdf>

<1515000A-TPR REPLACEMENT.pdf>

SITE DATA:

TOTAL SITE AREA: 4.341 +/- ACRES

ZONING

EXISTING ZONING: C-1 COMMUNITY BUSINESS
 PROPOSED ZONING: TR TOWNHOUSE RESIDENTIAL
 ZONING JURISDICTION: CITY OF SANDY SPRINGS

DEVELOPMENT SUMMARY

TOTAL RESIDENTIAL LOTS: 31 LOTS
 TOTAL SITE DENSITY: 7.14 LOTS/ACRE

SETBACK SUMMARY

FRONT YARD MAXIMUM FROM BACK OF CURB: 20 FEET
 FRONT YARD AT PROPERTY LINE: 27 FEET
 FRONT YARD (VARIANCE): 115 FEET
 SIDE YARD: 7 FEET
 SIDE YARD (ADJACENT TO STREET): 15 FEET
 REAR YARD: 25 FEET
 MINIMUM DEVELOPMENT FRONTAGE: 35 FEET

BUFFER ADJACENT TO R-3 ZONE SUMMARY

SIDE YARD BUFFER (VARIANCE FROM 20 FEET): 10 FEET
 SIDE YARD IMPROVEMENT SETBACK: 10 FEET
 REAR YARD BUFFER: 40 FEET
 REAR YARD IMPROVEMENT SETBACK: 10 FEET

MAIN STREET OVERLAY DISTRICT STANDARDS

YARDS ADJACENT TO PUBLIC STREET:

MINIMUM YARD (BUILDINGS UP TO FOUR FLOORS): 12 FEET
 MAXIMUM YARD (BUILDINGS UP TO FOUR FLOORS): 21 FEET
 MINIMUM SIDE YARD: 5 FEET - 0 FEET (IF NO WINDOWS ON SIDE WALL)

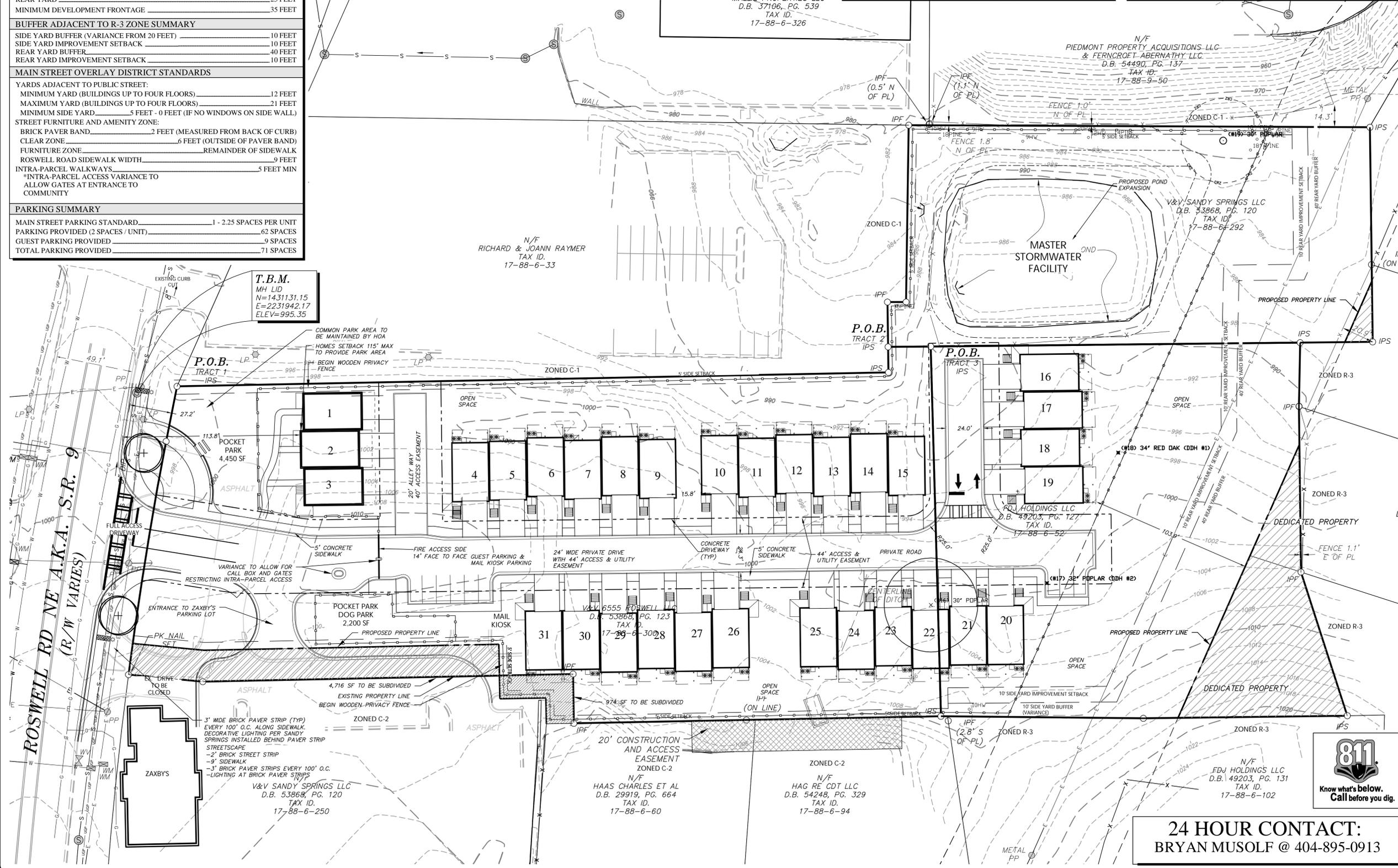
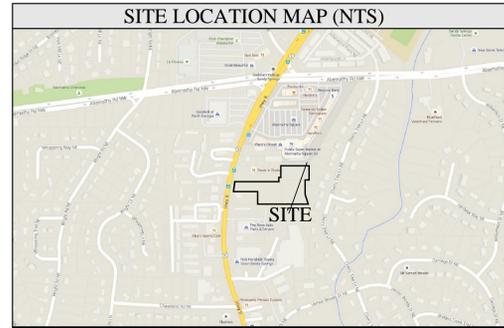
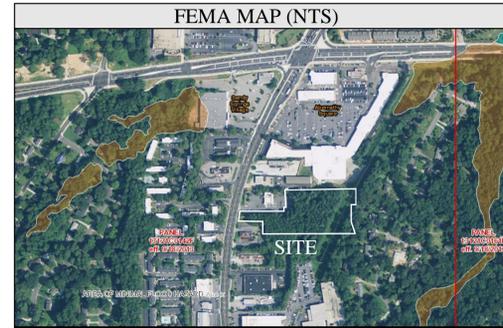
STREET FURNITURE AND AMENITY ZONE:

BRICK PAVEMENT BAND: 2 FEET (MEASURED FROM BACK OF CURB)
 CLEAR ZONE: 6 FEET (OUTSIDE OF PAVEMENT BAND)
 FURNITURE ZONE: REMAINDER OF SIDEWALK
 ROSWELL ROAD SIDEWALK WIDTH: 9 FEET
 INTRA-PARCEL WALKWAYS: 5 FEET MIN
 *INTRA-PARCEL ACCESS VARIANCE TO ALLOW GATES AT ENTRANCE TO COMMUNITY

PARKING SUMMARY

MAIN STREET PARKING STANDARD: 1 - 2.25 SPACES PER UNIT
 PARKING PROVIDED (2 SPACES / UNIT): 62 SPACES
 GUEST PARKING PROVIDED: 9 SPACES
 TOTAL PARKING PROVIDED: 71 SPACES

- MAIN STREET OVERLAY NOTES:**
- SIDEWALK WIDTHS ALONG ROSWELL ROAD MAY BE TAPERED BETWEEN STREETScape TYPES
 - SIDEWALK PATHS ALONG ROSWELL ROAD SHALL BE CONTINUED ACROSS ENTIRE LENGTH OF ALL CONCRETE APRONS AND SHALL BE TEXTURED TO MATCH THE APPEARANCE OF SIDEWALK MATERIALS IN COLOR, TEXTURE AND DESIGN.
 - WHERE RIGHTS-OF-WAY ARE INSUFFICIENT TO ACCOMMODATE THE REQUIRED SIDEWALK AND PLANTED STRIP ALONG ROSWELL ROAD, THE STREETScape MAY BE LOCATED OUTSIDE THE RIGHT-OF-WAY, IF APPROPRIATE EASEMENTS ARE GRANTED TO SANDYSPRINGS.
 - SITE AND PARKING LOT LIGHTS SHALL NOT BE SODIUM VAPOR LIGHTS (HIGH PRESSURE SODIUM); ALL LIGHTING SHALL BE THE SAME TYPE.
 - NO BUILDING, SIGN, STRUCTURE OR OBJECT, TREE OR OTHER LANDSCAPE FEATURE SHALL BE INSTALLED, BUILT, OR ALLOWED TO GROW WHICH WILL IMPERE VISIBILITY AT STREET CORNERS, DRIVEWAYS AND/OR INTERSECTIONS, PURSUANT TO AASHTO STANDARDS FOR SIGHT TRIANGLES.
 - INTRA-PARCEL WALKWAYS CROSSING PARKING LOTS SHALL BE DISTINGUISHED FROM PARKING LOTS BY THE USE OF COLORS, TEXTURE, USE OF DIFFERENT MATERIALS, DIFFERENCE IN RISE ABOVE THE PARKING LOT OR A COMBINATION OF THESE MEANS, TO MINIMIZE AUTO-PEDESTRIAN CONFLICT.
 - PEDESTRIAN LIGHTING SHALL BE INSTALLED WHEN NEW OR UPGRADED SIDEWALKS ARE CONSTRUCTED, AND SHALL BE IN ACCORDANCE WITH CURRENT PUBLIC WORKS STANDARDS.



6555 Roswell Road at Abernathy Road
 A MASTER PLANNED RESIDENTIAL DEVELOPMENT

FOR
InLINE COMMUNITIES
 48 ATLANTA STREET
 MARIETTA, GEORGIA 30060
 CONTACT: BRYAN MUSOLF
 PHONE: 404-895-0913

"WE PROVIDE SOLUTIONS"
PLANNERS AND ENGINEERS COLLABORATIVE
 SITE PLANNING LANDSCAPE ARCHITECTURE CIVIL ENGINEERING LAND SURVEYING
 350 RESEARCH COURT NORCROSS, GEORGIA 30092 (770)451-2241 FAX: (770)451-3915 WWW.PEACATL.COM

CITY OF SANDY SPRINGS
 FULTON COUNTY
 GEORGIA

LAND LOT(S): 88
 17th DISTRICT

REVISIONS:

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SHEET TITLE
MASTER ZONING SITE PLAN

SCALE: 1" = 30'
 DATE: AUG 30, 2016
 PROJECT: 15150.00A

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

GEORGIA
 REGISTERED PROFESSIONAL ENGINEER
 No. 37098
 BRYAN MUSOLF

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000066476 EXP. 6/22/2018

811
 Know what's below. Call before you dig.

24 HOUR CONTACT:
 BRYAN MUSOLF @ 404-895-0913

Z1
 SHEET



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InLINE COMMUNITIES

6555 ROSWELL ROAD AT ABERNATHY

**PLANNERS AND ENGINEERS
COLLABORATIVE**



S I T E R E N D E R I N G

0 8 / 0 1 / 2 0 1 6

TREE PROTECTION NOTES:

- 6" CHAINLINK FENCE TO BE INSTALL AROUND ALL LANDMARK TREES TO BE SAVED ON SITE AND REMAIN DURING CONSTRUCTION.
- AFTER DEMO IS COMPLETE MOVE 6" CHAIN LINK FENCE TO EDGE OF CRZ (CRITICAL ROOT ZONE) OF ALL LANDMARK TREES.
- NO UTILITIES TO BE REMOVED FROM WITHIN THE CRZ OF ANY LANDMARK TREE ON SITE. ALL UTILITIES TO BE CUT, FILLED AND CAPPED OUTSIDE THE CRZ OF LANDMARK TREES. THIS INCLUDES SEWER LINES, STORM DRAINS, POWER CABLES, WATER LINES AND TELECOMMUNICATIONS CABLES.



PLANT SCHEDULE							
RECOMPMPENSE AND SITE DENSITY TREES							
SYMBOL	KEY	QUANTITY	PERCENTAGE	BOTANICAL / COMMON	SQ FT	TOTAL SF	CONT
AS	14	34%	Acer saccharum 'Commemoration' / Commemoration Sugar Maple	1500	21000	B & B	3" CAL
AG	9	22%	Amelanchier x grandiflora 'Autumn Brilliance' / Serviceberry	250	2250	B & B	2" CAL
CT	2	5%	Cotinus obovatus / American Smoke Tree	N/A	N/A	B & B	2" CAL
QP	9	22%	Quercus phellos / Willow Oak	1500	13500	B & B	3" CAL
UP	7	17%	Ulmus parvifolia 'Everclear' / Everclear Lacebark Elm	1500	10500	B & B	2" CAL
TOTAL	41				47250		
BUFFER TREES							
SYMBOL	KEY	QUANTITY	PERCENTAGE	BOTANICAL / COMMON	SQ FT	TOTAL SF	CONT
IN	21	38%	Ilex x 'Nellie R. Stevens' / Nellie R. Stevens Holly	250	5250	B & B	1.5" CAL
MG	22	40%	Magnolia grandiflora 'Little Gem' / Dwarf Southern Magnolia	250	5500	B & B	1.5" CAL
GG	12	22%	Thuja x 'Green Giant' / Green Giant Arborvitae	250	3000	B & B	1.5" CAL
TOTAL	55				13750		

SITE DENSITY CALCULATIONS:

SITE DATA
 AREA OF SITE 4.625 ACRES

SITE CANOPY COVERAGE REQUIREMENTS:
 30% CANOPY REQUIREMENT FOR RESIDENTIAL
 4.625 AC X 30% = 1.38 ACRES CANOPY COVERAGE REQUIRED
 1.38 ACRES = 60,112 SF REQUIRED

LANDMARK TREE CANOPY COVERAGE REQUIREMENTS:
 *LANDMARK TREES REMOVED SHALL BE REPLACED WITH CANOPY POTENTIAL OF 150% OF TREE CANOPY REMOVED.

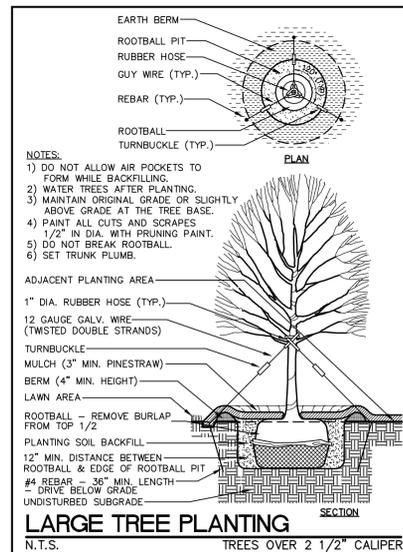
LANDMARK TREE CANOPY REMOVED ON SITE 1,500 SF
 15% OF LANDMARK TREE REMOVED 2,250 SF
 LANDMARK TREE CANOPY PROVIDED 2,250 SF
 SAVED SITE CANOPY COVERAGE 1,500 SF
 EXISTING LANDMARK CANOPY COVERAGE + 18,000 SF
 TOTAL SAVED CANOPY COVERAGE 19,500 SF

REPLACEMENT CANOPY PLANTED ON SITE:
 LANDMARK REPLACEMENT CANOPY PROVIDED 2,250 SF
 SITE REPLACEMENT CANOPY PROVIDED 58,750 SF
 SAVED CANOPY COVERAGE + 19,500 SF
 TOTAL REPLACED AND SAVED CANOPY 80,500 SF

REPLACEMENT CANOPY PROVIDED: 80,500 SF
 REPLACEMENT CANOPY REQUIRED: 62,500 SF

*CANOPY COVERAGE IS MET ON SITE
 **AS PER SECTION 109-366 (1)D OF THE CITY OF SANDY SPRINGS TREE CONSERVATION ORDINANCE, WHEN PROPOSED CONSTRUCTION CAUSES THE CANOPY TO FALL BELOW THE MINIMUM CANOPY REQUIREMENT, AN ASSESSED VALUE OF \$300 PER 1,000 SF OF CANOPY SHALL BE USED TO DETERMINE THE PAYMENT FOR THE DEFICIENT CANOPY. IN ADDITION, TREES MUST BE INSTALLED ON SITE TO MEET THE MINIMUM CANOPY.

**62,500 SF OF DEFICIENT CANOPY/ 1,000 SF = 62.5 X \$300 = \$18,750.00 PAYMENT TO THE SANDY SPRINGS TREE FUND.



6555 Roswell Road at Abernathy Road
 A MASTER PLANNED RESIDENTIAL DEVELOPMENT

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REVISIONS:

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TREE REPLACEMENT PLAN

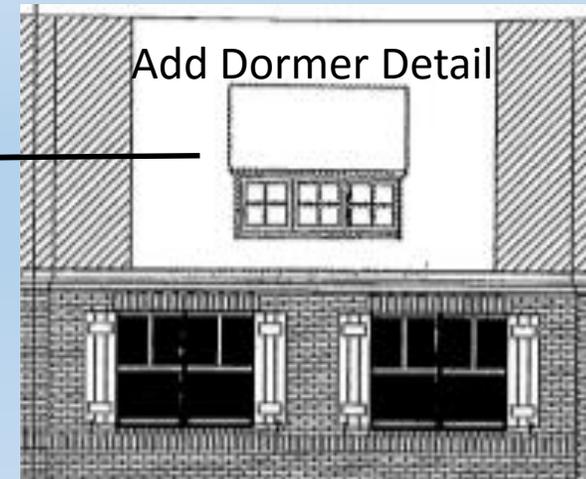
SCALE: 1" = 30'
 DATE: AUG 23, 2016
 PROJECT: 15150.00A

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



24 HOUR CONTACT:
 BRYAN MUSOLF @ 404-895-0913





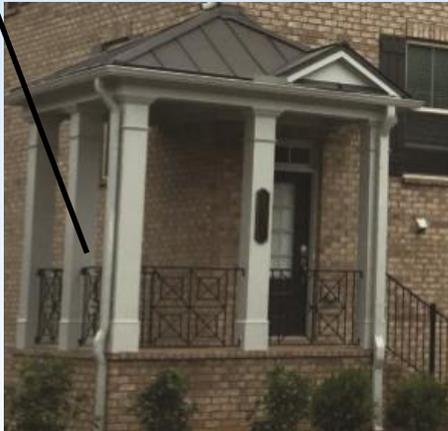
Add Cedar Shake to Gable offset

Change Handrail Detail to photo For wrapped corner porches



6555 Roswell Rd
Proposed Elevations facing Roswell Rd

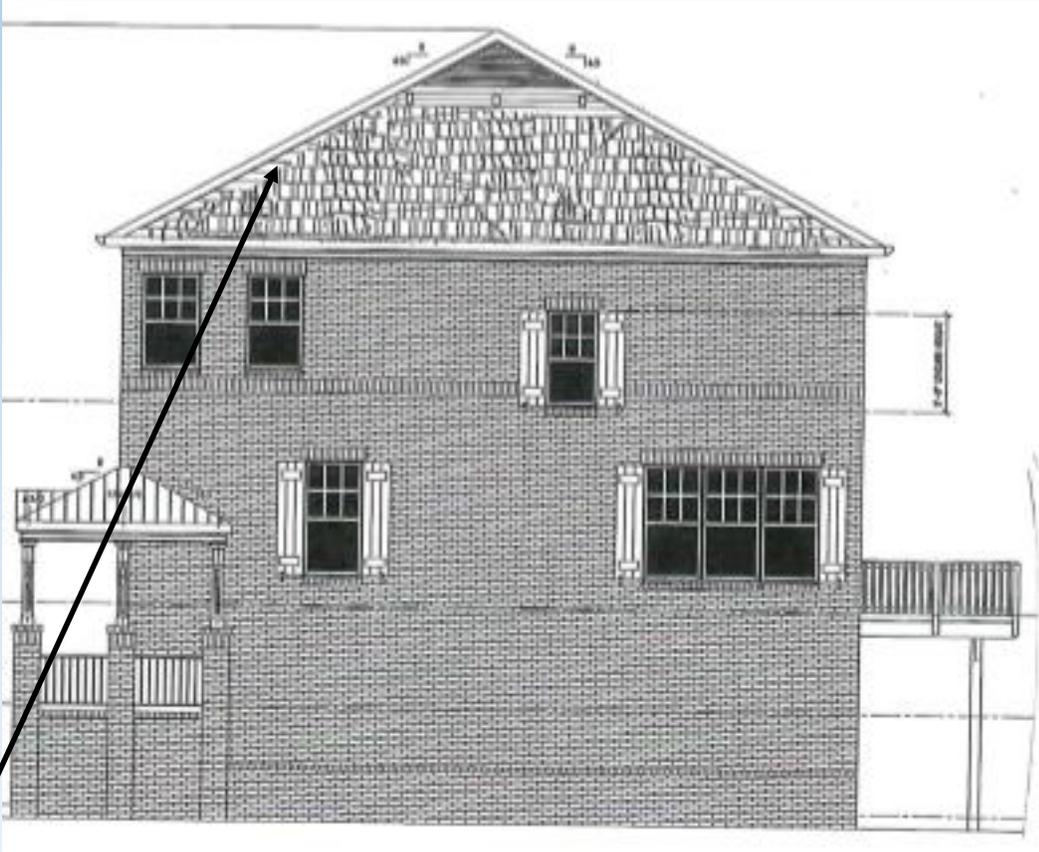




Change Handrail
Detail to photo

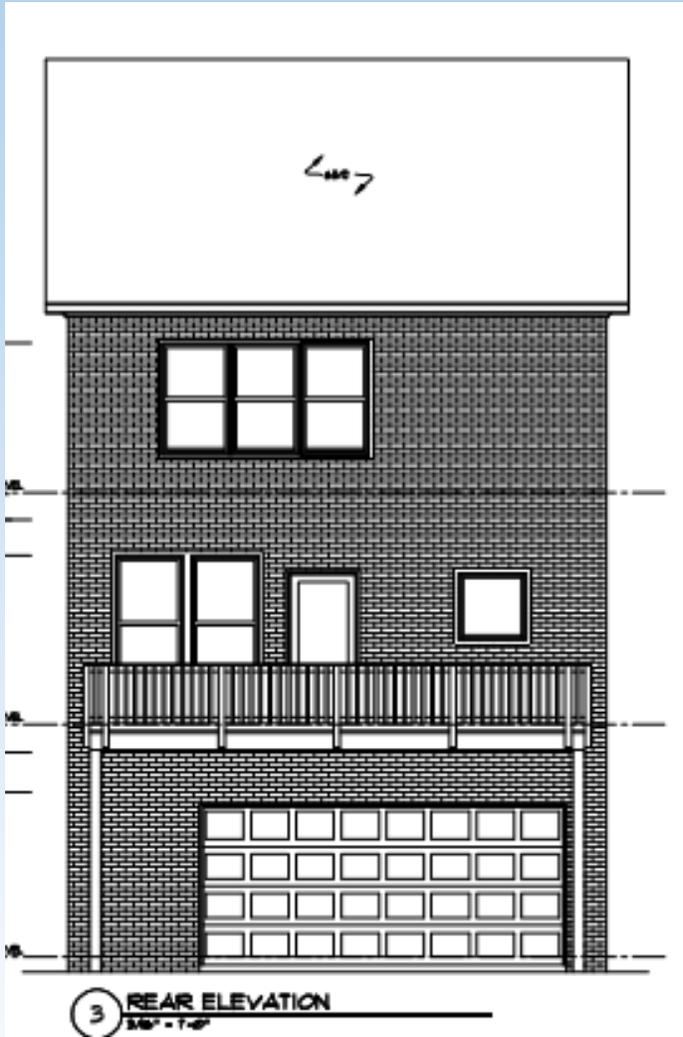
6555 Roswell Rd
Proposed Elevations, internal neighborhood

6555 Roswell Rd Proposed Side Elevations



Overhang with brackets, change gable material to Cedar Shake

6555 Roswell Rd Proposed Rear Elevations



Rezoning Impact Statement

8/26/2016

PETITION: RZ16-0097

Proposed Residential Units

JURISDICTION: Sandy Springs

<u>Single-family detached</u>	<u>Townhouses</u>	<u>Apartments</u>	<u>Condominiums</u>
0	31	0	0

HOME SCHOOL	PROJECTED BASELINE ENROLLMENT ^A		GADOE CAPACITY	EST. # NEW FCS STUDENTS GENERATED		DISPLACED STUDENTS	PROJECTED UNDER/OVER CAPACITY ^B					
								WITHOUT DEV		WITH DEV		
Spalding Drive Charter ES	391	to 415	575	0	to 3	0	-184	to	-160	-184	to	-157
Ridgeview Charter MS	1,091	to 1,159	1,200	0	to 1	0	-109	to	-41	-109	to	-40
Riverwood Charter HS	1,500	to 1,592	1,325	<u>0</u>	to <u>2</u>	<u>0</u>	175	to	267	175	to	269
TOTAL				0	to 6	0						

Insufficient historical data to run report?:

HS REGION: Riverwood Charter HS	<u>AVERAGE - 1 STD DEV</u>		<u>AVERAGE + 1 STD. DEV.</u>		
One single-family detached unit generates:	0.015335	to	0.230777		elementary school students
	0.000000	to	0.058614		middle school students
	0.008733	to	0.135595		high school students
One townhouse unit generates:	0.000092	to	0.105384		elementary school students
	0.000000	to	0.029711		middle school students
	0.011411	to	0.067193		high school students
One apartment unit generates:	0.000000	to	0.214489		elementary school students
	0.000000	to	0.125253		middle school students
	0.000000	to	0.207097		high school students
One condominium unit generates:	0.000000	to	0.317124		elementary school students
	0.000000	to	0.067385		middle school students
	0.000000	to	0.140487		high school students

(Note: Empty/null values indicate insufficient historic data)

AVERAGE OPERATIONAL COST PER STUDENT (FY14):

TOTAL COST:\$12,286	PORTION LOCAL REVENUE SOURCES: \$8,209	PORTION STATE AND OTHER REVENUE SOURCES: \$4,077
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^A Projected enrollment for the 2016-17 school year based on forecasted enrollment.
^B Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.
* State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.
** Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.



DEPARTMENT OF HEALTH AND WELLNESS

Office of the Director

99 Jesse Hill Jr. Drive S.E.

Atlanta, Georgia 30303

Telephone (404) 613-1205 - Fax (404) 730-1294

September 1, 2016

Kristin Byars
City of Sandy Springs
Department of Community Development
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

RE: Zoning Comments for September 2016

Dear Ms. Byars:

The following are comments by the Environmental Health Services (EHS) Division and the Environmental Justice (EJ) Program of the Fulton County Department of Health and Wellness. These comments are in reference to the zoning petitions which were previously received from your office.

PETITION	ZONING COMMENTS
RZ16-0095/U16-0024 5780 Peachtree Dunwoody Rd, 960 & 1000 Johnson Ferry Rd (Northside Hospital)	<p><u>EHS Comments:</u></p> <ul style="list-style-type: none">• The Fulton County Department of Health and Wellness will require that the owner/developer connect the proposed development to public water and public sanitary sewer which is available to the site.• Since this proposed development constitutes a premise where people work, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.• This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.• If this proposed development includes a food service establishment, as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.• This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

PETITION	ZONING COMMENTS
	<p><u>EJ and General Public Health Comments:</u></p> <ul style="list-style-type: none"> 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 request to rezone from O-1 to O-I to construct a parking deck and expansion of the main hospital building.
<p>RZ16-0092/U16-0021/ U16-025/DRI 2590 5775 Peachtree Dunwoody Rd (Peachtree Dunwoody Pavilion)</p>	<p><u>EHS Comments:</u></p> <ul style="list-style-type: none"> The Fulton County Department of Health and Wellness will require that the owner/developer connect the proposed development to public water and public sanitary sewer which is available to the site. Since the existing site is served by public water and public sanitary sewer, the Fulton County Department of Health and Wellness does not anticipate any health issues related to drinking water and sewage disposal provided in the buildings to be renovated so long as a review and inspection are conducted to require the availability of an adequate number of facilities for the proposed use and addition. Since this proposed development constitutes a premise where people work, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy. This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air. Since this proposed development includes a food service establishment, as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening. If this development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening. Since proposed development is a tourist accommodation as defined in the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XIII – Tourist Accommodations, the Fulton County Department of Health Services requires that the owner or contractor submit

PETITION	ZONING COMMENTS
	<p>plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a tourist accommodation permit prior to opening.</p> <ul style="list-style-type: none"> • This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval. • If there are existing structures that will be demolished, this department is requiring that they be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition. <p><u>EJ and General Public Health Comments:</u></p> <ul style="list-style-type: none"> • If the request to rezone from O-1 to MIX to a mixed-use development including office (new and existing), a hotel and a residential building is allowed, the Fulton County Department of Health and Wellness recommends that the owner/developer be required to adhere to rules and regulations of pertinent federal, state, and local jurisdictions and take the necessary actions to mitigate or avoid any potential negative impacts resulting from this project.
<p>RZ16-0097 0, 6555 Roswell Road</p>	<p><u>EHS Comments</u></p> <ul style="list-style-type: none"> • The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed townhome development to public water and public sanitary sewer available to the site. • Since this proposed development constitutes a premise where people work or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy. • This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval. <p><u>EJ and General Public Health Comments</u></p> <ul style="list-style-type: none"> • 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 C-1 and R-3 to TR for the construction of a 31-unit townhome development.
<p>RZ16-0100 120, 130 W. Wieuca Road</p>	<p><u>EHS Comments</u></p> <ul style="list-style-type: none"> • 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

PETITION	ZONING COMMENTS
	<ul style="list-style-type: none"> ○ ARTICLE III – SMOKEFREE AIR ○ ARTICLE IV – DRINKING WATER SUPPLY ○ ARTICLE V – FOOD SERVICE ○ ARTICLE VII – NUISANCES ○ ARTICLE IX – RAT CONTROL ○ ARTICLE X – SOLID WASTE ○ ARTICLE XI – SEWAGE DISPOSAL ○ ARTICLE XII – SWIMMING POOLS & NATURAL BATHING BEACHES ○ ARTICLE XIII – TOURIST ACCOMMODATIONS <p><u>EJ and General Public Health Comments</u></p> <ul style="list-style-type: none"> • 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 3(j) regarding 40' maximum building height.

If you have any questions related to the EHS comments, you may contact Ellis “Eli” Jones at 404-613-1337 or by e-mail at Ellis.Jones@fultoncountyga.gov. All questions related to the broader public health and/or environmental justice comments should be directed to me by telephone at 404-613-1491 or e-mail at Monica.Robinson@fultoncountyga.gov.

Sincerely,



Monica M. Robinson, B.S., M.B.A.
 Environmental Planner
 Environmental Justice Program

CC: Ellis “Eli” Jones, Deputy Director EHS
 Paul Leonhardt, City of Sandy Springs
 Catherine Mercier-Baggett, City of Sandy Springs

Byars, Kristin

From: Bryan Musolf <bryan@inlinecommunities.com>
Sent: Friday, September 30, 2016 10:18 AM
To: Byars, Kristin
Cc: Ronda Smith Mountaire Springs; 'Matt LaMarsh (LaMarsh.matt@gmail.com)'; 'Pete Hendricks (nvh@cobbandhyre.com)'
Subject: 4555 Roswell, additional conditions

Kristin,

Hope all is well. Below are the list of additional conditions we are interested in putting forth as a show of cooperation with the adjacent neighbors and Council for Neighborhoods:

1. No Vinyl Siding Shall be used
2. At least seventy percent (70%) of exterior materials shall consist of masonry, brick or hard stucco on every building elevation. Windows and doors are excluded from the calculations.
3. Then narrowest or any side elevation of each building shall include no less than four (4) windows and a mix of architectural elements.
4. Pedestrian lighting shall be installed along the road and drive and shall be similar to the Zoning Ordinance Section 12(1).5.D. or another style from Georgia Power.
5. Bat boxes will be constructed near the detention pond.
6. The detention pond and common area near the detention pond shall treated regularly for mosquitos.
7. The rear of units 16-19 shall be composed of brick, other than windows, doors, decks, and architectural elements.

Thank You,

Bryan Musolf
InLine Communities, LLC
404-895-0913
48 Atlanta St
Marietta, GA 30060



RECEIVED

By Kristin.Byars at 8:34:37 AM, 9/27/2016

TO: Sandy Springs City Council
DATE: September 16, 2016
FROM: Lowell Hester, Mallie Properties, LLC.
RE: Inline Communities

As a property owner adjoining the proposed Inline Communities' 31 townhomes, I would like to express my opinion that the plan will be an asset to our city. The rendering that I saw appeared to be upscale and would attract productive up and coming residents to increase the tax base and create more patrons for local businesses.

Regards,

Lowell H. Hester

A handwritten signature in blue ink that reads "Lowell H. Hester, member". The signature is written in a cursive style.

cc: Inline Communities

Byars, Kristin

From: Madeline Wallace
Sent: Wednesday, September 14, 2016 1:26 PM
To: Byars, Kristin
Cc: bryan@inlinecommunities.com
Subject: FW: Rezoning Case RZ16-0097 – The development of 31 Townhomes on Roswell Rd.

Katie –

Please see email below with our support of the townhome development.

Thank you!

Kindest Regards,

Madeline K. Wallace



Sr. Property Manager
LEED Green Associate
Seven Oaks Management, LLC

From: Madeline Wallace
Sent: Tuesday, September 13, 2016 12:12 PM
To: 'cossplanningcommission@sandyspringsga.gov' <cossplanningcommission@sandyspringsga.gov>
Subject: Rezoning Case RZ16-0097 – The development of 31 Townhomes on Roswell Rd.

To whom it may concern,

This email is in reference to the development of 31 Townhomes on Roswell Rd.

Our rear property line is adjacent to this proposed development and we will be directly impacted by any development on this empty site.

We support this Rezoning Case and ask that you recommend it for approval to the City Council.

We would rather have high end townhomes than another fast food restaurant or retail/auto industry business entity in this location in order to keep property values up, and keep foot traffic out, avoiding additional bright flood lights shining directly into our homes, and a total lack of privacy behind our home.

This high-end townhome development will increase the residential portion of the "mixed-use" ratio and will provide new housing options on Roswell Rd in addition to the multiple 6 to 7 story condominium/apartment buildings that are currently under construction.

This section of Roswell Rd experiences heavy traffic (it is close to the Roswell Rd & Abernathy Rd intersection). We do not believe there is another development option for this site that will have less of a traffic impact.

The developer of this project has met with us to go over the landscaping plan to ensure new screening is added and that there is adequate distance between the townhome development and our home on Cherry Tree Lane.

We believe townhomes are the best option for the development of this land for us, our Neighborhood and our City.

We are asking for your support to recommend Approval for Rezoning case RZ16-0097 to the City Council.

Sincerely,

Madeline & Mark Wallace
6552 Cherry Tree Lane
Sandy Springs, GA 30328

Byars, Kristin

From: Bryan Musolf <bryan@inlinecommunities.com>
Sent: Monday, September 12, 2016 5:35 PM
To: Byars, Kristin
Cc: 'Pete Hendricks (nvh@cobbandhyre.com)'; Kenneth Wood
Subject: FW: Rezoning- Roswell Road Town-homes

Kristin, Please make sure this one gets to the Commissioners also. It's my understanding he got a bounce back that said it did not go through.

Thank You,

Bryan Musolf
InLine Communities, LLC
404-895-0913
48 Atlanta St
Marietta, GA 30060



From: Elie Engler [mailto:engler50@gmail.com]
Sent: Monday, September 12, 2016 1:59 PM
To: cossplanningcommission@sandyspringsga.gov
Subject: Rezoning- Roswell Road Town-homes

Planning Commission members,

My name is Elie Engler and I live at 6542 Cherry Tree Ln. My home is directly behind the proposed town-home project on Roswell Road. The request is for 31 town-homes and to re-zone the property to TR.

Please understand my background is not in real estate so if I use the incorrect terminology I apologize. After several council meetings/hearing meeting and meetings with the developer inlinecommunities I would like to add my two cents.

My wife and I believe this would be a great thing for Roswell Rd., Sandy Springs, the community, and let's be honest most importantly us. The town-homes will be directly behind our home but based on the current plan they are planning on building a fence and putting up significant amounts of trees to protect our views and privacy. I cannot think of a better option to put in this location that would have as much respect to screening as the current plan.

I will be at the meeting Thursday to voice my opinion as well and what I hope is that even though the the city planners have denied the plan I hope you disagree and approve the rezoning and the building of these town-homes.

If you would like to speak with me regarding anything please feel free to contact me by email or by phone 404-290-6134.

Thank you for your time, Elie

Byars, Kristin

From: Bryan Musolf <bryan@inlinecommunities.com>
Sent: Monday, September 12, 2016 5:34 PM
To: Byars, Kristin
Cc: 'Pete Hendricks (nvh@cobbandhyre.com)'; Kenneth Wood
Subject: FW: Staff Report

Kristin,

Can you please make sure this gets to the Planning Commission?

Thank You,

Bryan Musolf
InLine Communities, LLC
404-895-0913
48 Atlanta St
Marietta, GA 30060



From: Steve VanTil [mailto:svantil@gmail.com]
Sent: Monday, September 12, 2016 5:31 PM
To: Bryan Musolf <bryan@inlinecommunities.com>
Cc: nita.vantil@gmail.com; Wallace Mark <mark.wallace@spartantech.net>; madelinezell@yahoo.com; engler50@gmail.com
Subject: Re: Staff Report

Thanks Bryan.

Neighbors, I have sent the following to the e-mail Bryan provided. Steve

Sandy Springs Planning Commissioners,

This letter is pertaining to Rezoning Case RZ16-0097 – The development of 31 Townhomes on Roswell Rd.

We have lived in our home on Cherry Tree Lane for 17 years. Our rear property line is adjacent to this proposed development and we will be directly impacted by any development on this empty site.

We support this Rezoning Case and ask that you recommend it for Approval to the City Council.

Our reasons for supporting this project are:

- Townhomes (with low density and low building height) will provide the best transition to the Mount Vernon Woods neighborhood. Our neighborhood has been in existence for over 60 years has mostly medium size traditional homes.
- The east side of Roswell Rd between Abernathy Rd. and Mount Vernon Highway has no residential developments. This high-end townhome development will increase the residential portion of the “mixed-use” ratio and will provide new housing options on Roswell Rd in addition to the multiple 6 to 7 story condominium/apartment buildings that are currently under construction.
- This section of Roswell Rd experiences heavy traffic (it is close to the Roswell Rd & Abernathy Rd intersection). I do not believe there is another development option for this site that will have less of a traffic impact than 31 townhomes.
- The developer of this project has worked with us to save current trees, ensure new screening is added and that there is adequate distance between the townhome development and our home on Cherry Tree Lane. I believe the screening will be much less if a commercial building or large residential/retail building is allowed on this site.

We believe townhomes are the best option for the development of this land for us, our Neighborhood and our City.

We are asking for your support to recommend Approval for Rezoning case RZ16-0097 to the City Council.

Sincerely,

Steve and Nita Van Til

6532 Cherry Tree Lane

Sandy Springs, GA 30328

On Mon, Sep 12, 2016 at 9:51 AM, Bryan Musolf <bryan@inlinecommunities.com> wrote:

Sorry it took me a few days to get you this info, below is the Planning Commissioners email address.

Begin forwarded message:

From: "Byars, Kristin" <KByars@SandySpringsga.gov>

Date: September 12, 2016 at 8:04:13 AM EDT

To: Bryan Musolf <bryan@inlinecommunities.com>
Cc: "nvh@cobbandhyre.com" <nvh@cobbandhyre.com>
Subject: RE: Staff Report

Bryan—The email address for the Planning Commissioners is cossplanningcommission@sandyspringsga.gov.

Thanks,

Kristin Byars

Planner, City of Sandy Springs

[770.206.1536](tel:770.206.1536) (direct) | [770.730.5600](tel:770.730.5600) (main)

7840 Roswell Road, Bldg 500

Sandy Springs, GA 30350

From: Bryan Musolf [<mailto:bryan@inlinecommunities.com>]
Sent: Monday, September 12, 2016 8:00 AM
To: Byars, Kristin <KByars@SandySpringsga.gov>
Cc: nvh@cobbandhyre.com
Subject: Re: Staff Report

Kristin, can you please send me the email addresses for the Planning Commission members?

I can't locate it on the sandy springs website.

Thank You,

Bryan Musolf

InLine Communities, LLC

[404-895-0913](tel:404-895-0913)

48 Atlanta St

Marietta GA 30060

On Sep 9, 2016, at 9:06 AM, Byars, Kristin <KByars@SandySpringsga.gov> wrote:

Bryan and Pete—

Note that the staff report has been posted for RZ16-0097. See the agenda with attachments here:
<http://www.sandyspringsga.org/city-services/urban-development/planning-and-zoning/planning-boards-commissions-and-community-meetings/planning-commission>.

Thanks,

Kristin Byars

Planner, City of Sandy Springs

[770.206.1536](tel:770.206.1536) (direct) | [770.730.5600](tel:770.730.5600) (main)

7840 Roswell Road, Bldg 500

Sandy Springs, GA 30350

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