



## APPLICATION

REZONING, USE PERMIT, ZONING MODIFICATION AND CONCURRENT VARIANCE

**Application checklist:**

Page No.	Item	Completed/ Included in Submittal*
1	Project Information Sheet	<input checked="" type="checkbox"/>
2 - 4	Detailed process and instructions	N/A
5	Application Form	<input checked="" type="checkbox"/>
6 - 8	Authorization and Disclosure forms	<input checked="" type="checkbox"/>
	Additional requirements:	
9	Letter of Intent	<input checked="" type="checkbox"/>
9	Zoning Impact Analysis	<input checked="" type="checkbox"/>
9	Use Permit Analysis	<input type="checkbox"/> N/A
10	Concurrent Variance Analysis	<input checked="" type="checkbox"/>
11	Environmental Site Analysis	<input checked="" type="checkbox"/>
12	Environmental Impact Report	<input type="checkbox"/> or N/A <input checked="" type="checkbox"/>
12	Traffic Impact Study	<input type="checkbox"/> or N/A <input checked="" type="checkbox"/>
12	Development of Regional Impact	<input type="checkbox"/> or N/A <input checked="" type="checkbox"/>
12	Chattahoochee River Corridor Certificate	<input type="checkbox"/> or N/A <input checked="" type="checkbox"/>
12	Public Participation Report	N/A
13 - 14	Survey, Site Plan and Legal Description Checklist	<input checked="" type="checkbox"/>
15	Meeting schedule	N/A
16	Fee schedule	N/A
17	Sign specifications	N/A
18	Sign-in sheet suggested format	N/A

**Provide also:**

All the documents electronically (CD/DVD, thumb drive or via email) Note: The Legal Description must be in a Word document	<input checked="" type="checkbox"/>
Site plan: one (1) copy on 11"x17" and two (2) full-scale copies	<input checked="" type="checkbox"/>
Sign-in sheet completed at CM1	<input checked="" type="checkbox"/>

The Director reserves the right to request additional information deemed necessary to analyze the request.

Incomplete applications will not be accepted.

Planner's initials: \_\_\_\_\_



Case No.:   
 \_\_\_\_\_  
 Planner's initials: \_\_\_\_\_

PROJECT INFORMATION SHEET

<b>PROPERTY</b>	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

<b>APPLICATION</b>	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. 12.0.0. F. 2.C. I. 60% GLAZING MAXIMUM FRONT YD. #		
	Petitioner:	In Line Communities, LLC - Bryan Musolf		
	Petitioner's address:	48 Atlanta St Marietta, GA 30064		
	Phone:	404-895-0913	Email:	brym@inlinemunities.com

<b>OWNER</b>	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:			
<b>ADDITIONAL INFORMATION NEEDED:</b>			

\* CONVAR. 12.0.0. F. 2.C. I. 60% GLAZING ON MAIN FLOOR w/c VIEW OF PUBLIC STREET.



Case No.:   
   
 Planner's initials: \_\_\_\_\_

APPLICATION FORM

<b>APPLICATION</b>	Purpose of the application: <u>Rezone approximate 4.625 acre undeveloped parcel from C-1 &amp; 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 &amp; 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>

<b>COMMUNITY MEETING 1 REPORT</b>	Date and location of CM1: <u>Sandy Springs United Methodist Church</u>
	Beginning time: <u>6:30 p.m.</u> 86 Mount Vernon Highway, Sandy Springs      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: 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.

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.

- TO BE FILLED OUT BY P&Z STAFF -

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



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> <sup>th</sup> day of <u>June</u> 20 <u>16</u> Notary public: <i>Linda C Turner</i> Seal:  <b>Linda C Turner</b> <b>NOTARY PUBLIC</b> <b>Fulton County, GEORGIA</b> <b>My Comm. Expires</b> <b>02/16/2020</b> 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>	

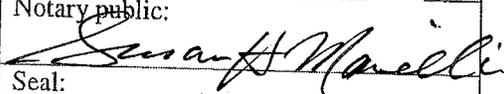
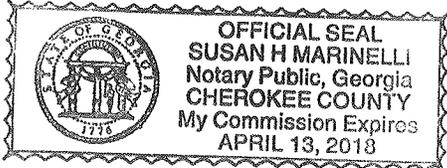
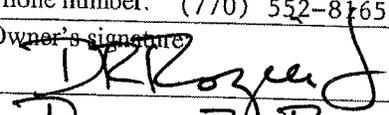
B- If the applicant is *not* the owner of the subject property:  
Fill out the following section, check the appropriate statement and have it notarized.

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> <sup>th</sup> 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> <b>Bryan Musolf</b> <b>Principal</b>	

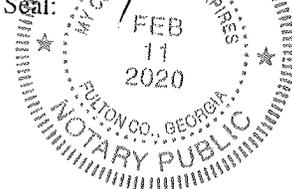
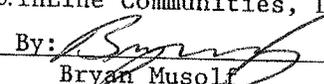
# SANDY SPRINGS GEORGIA

## 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 <sup>th</sup> 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.	

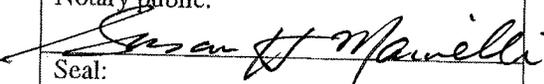
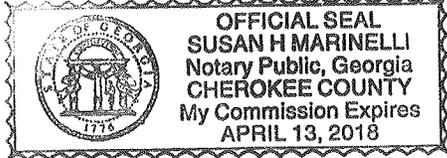
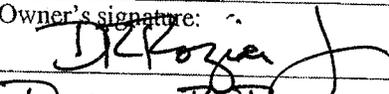
B- If the applicant is *not* the owner of the subject property:  
Fill out the following section, check the appropriate statement and have it notarized.

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 <sup>th</sup> 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	

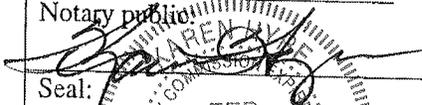
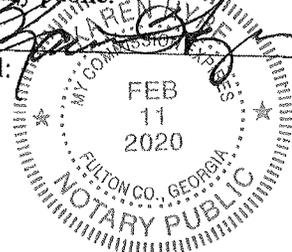
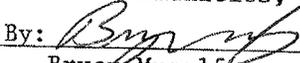
# SANDY SPRINGS GEORGIA

## 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 &amp; V Sandy Springs LLC</u>	Sworn and subscribed before me this  <u>28<sup>th</sup></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>30<sup>th</sup></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:

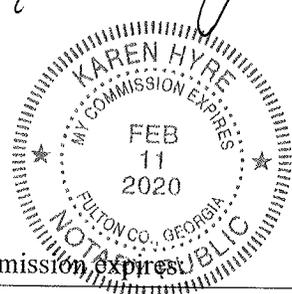


AUTHORIZATION FORM – PART II

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 <sup>th</sup> 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>[Handwritten 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

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Name: V & V Sandy Springs LLC
Signature: <i>D. P. Poyner Jr.</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

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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.



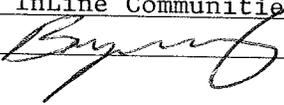
DISCLOSURE OF CONTRIBUTION FORM

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:
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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

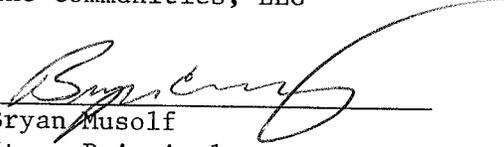
The property contains approximately 4.625 acres and is located on the east-erly side of Roswell Road south of its intersection with Abernathy Road (the "Property"). The Property is currently zoned to the C-1 and R-3 Classifications.

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

## 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

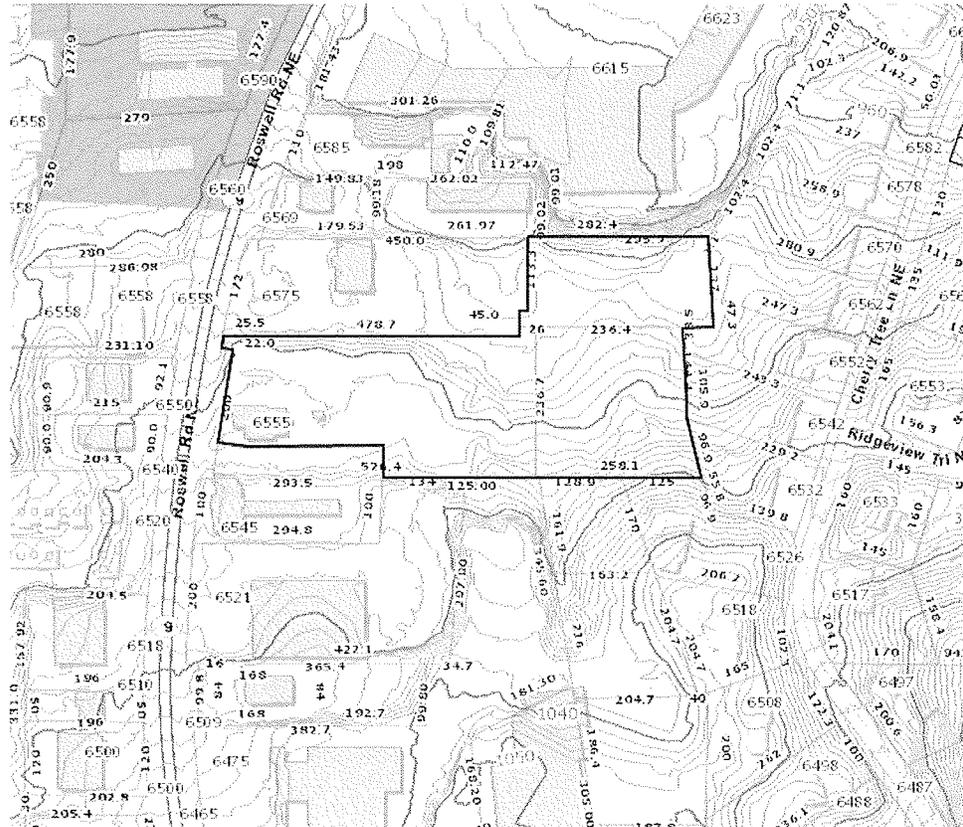
### Adopted from Fulton County

 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.

## 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 43 minutes 57 seconds East, a distance of 137.00 feet to an iron pin set;

Thence South 89 degrees 24 minutes 41 seconds West, a distance of 46.52 feet to an iron pin set;

Thence South 01 degrees 03 minutes 13 seconds West, a distance of 40.74 feet to an iron pin found;

Thence South 00 degrees 42 minutes 10 seconds East, a distance of 105.77 feet to an iron pin found;

Thence South 17 degrees 57 minutes 45 seconds East, a distance of 96.34 feet to an iron pin set;

Thence South 89 degrees 15 minutes 51 seconds West, a distance of 130.76 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 4.625 acres.



