



Case No.:

Planner's initials: _____

PROJECT INFORMATION SHEET

RECEIVED 06/07/2016
PLANNING & ZONING

PROPERTY	Address(es): 5775 Peachtree Dunwoody Road	
	Parcel Tax ID: 170017LL0840	
	Land Lot(s): 17	District(s): 17
	Total acreage: 18,86354 acres	Council district: 5
	Current zoning: O-I	Current use: Office
	Overlay district: PCID	Future land use: Mixed Use

APPLICATION	Purpose of the application:	
	Check all that apply:	
	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Modification <input checked="" type="checkbox"/> Use permit(s) <input checked="" type="checkbox"/> Concurrent variance(s)	
	Detailed request (include Code/Ordinance Section No. for concurrent variances):	
	Rezoning from O-I to MIX for a mixed use development. Obtain a use permit to increase allowable height, and allow nursing school. Obtain concurrent variances for stream buffer parking during construction and landscape strip per 4.23.1	
	Applicant: TSO PDP LP	
	Applicant's address: 1401 Peachtree Street, Suite 400, Atlanta, Georgia 30309	
Phone: 404-872-3990		
Email:		

OWNER	Property owner: TSO PDP LP	
	Owner's address: 1401 Peachtree Street, Suite 400, Atlanta, Georgia 30309	
	Phone: 404-872-3990	
	Email:	
	Signature (authorizing initiation of the process) <i>Jenifer Hill - counsel for applicant</i>	
<i>If the property is under contract and the owner is unavailable to sign, provide a copy of the contract</i>		

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date:
ADDITIONAL INFORMATION NEEDED:	



APPLICATION FORM

Case No.:

Planner's initials:

RECEIVED 06/07/2016
PLANNING & ZONING

APPLICATION	Purpose of the application: Redevelopment of site with a mixed use project
	Check all that apply: <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Modification <input checked="" type="checkbox"/> Use permit(s) <input checked="" type="checkbox"/> Concurrent variance(s)
	Detailed request (include Zoning Ordinance section No. for concurrent variances):
	Rezone from O-I to MIX with use permits to increase height (Section 19.4.5) and to allow school use (Section 19.4.40) and variances to allow stream buffer encroachments (Section 109.225(a)(1) and (2), reduce the landscape strip (Section 4.23.1) and reduce parking during construction (Section 18.2.1) for existing uses.

COMMUNITY MEETING I REPORT	Date and location of CMI: March 22, 2016 @ 5775 Peachtree Dunwoody Road
	Beginning time: 6:00 pm End time: 6:45 pm
	Summary of concerns discussed:
	How will it connect to MARTA?
	Which buildings will remain?
	Will through access from Peachtree Dunwoody be preserved?
	What will phasing be?
	Will you widen Lake Hearn?
	How much is surface parking reduced?
	Can you tie into existing fly-over bridge?
Does the application address the concerns discussed at the CMI? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Explain:	
The application addresses the concerns expressed except the request to connect to the existing fly-over bridge.	

- 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:

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: TSO PDP LP	Sworn and subscribed before me this <u>14</u> th day of <u>April</u> 20 <u>16</u>
Address: 1401 Peachtree Street, Suite 400	
City, State, Zip Code: Atlanta, Georgia 30309	Notary public: <i>Christie L Nash</i>
Email address: <u>boyc@simpson.org.com</u>	Seal: 
Phone number: 404-872-3990	
Owner's signature: <i>[Signature]</i> <i>PRESIDENT of General Partner</i>	

B- If the applicant is *not* the owner of the subject property, fill out the following section and check the appropriate statement:

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:	Sworn and subscribed before me this
Company name:	
Address:	<u> </u> th day of <u> </u> 20 <u> </u>
City, State, Zip Code:	Notary public:
Email address:	Seal:
Phone number:	
Applicant's signature:	
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: Carl Westmoreland or Jessica Hill
Company: Morris, Manning & Martin, LLP
Address: 1600 Atlanta Financial Center 3343 Peachtree Road, NE
City, State, Zip Code: Atlanta, Georgia 30326
Email address: CWestmoreland@mmmlaw.com Jhill@mmmlaw.com
Phone number: (404) 233-7000
Agent's signature: <i>Jessica Hill</i>
Applicant's signature: <i>A. Paul Green</i>

Sworn and subscribed before me this <u>14</u> th day of <u>April</u> 20 <u>16</u>
Notary public: <i>Christie L Nash</i>
Seal:  Commission Expires <u>March 2, 2020</u>



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:

Table with 4 columns: 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: A. BOYD SIMPSON
Signature: [Handwritten Signature]
Date: 4/14/2016

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

LETTER OF INTENT AND VARIANCE RESPONSE

June 7, 2016

This Application proposes to rezone 18.86 acres of real property located at 5775 Peachtree Dunwoody Road from the O-I zoning district to the MIX zoning district. The site is currently improved with four buildings that include office uses and the Chamberlain College of Nursing, a nursing school. The property is currently entitled for 1,532,295 square feet of office development, a 350 room hotel with restaurant and 50,000 square feet of retail use pursuant to Fulton County zoning case Z94-0103. This Application proposes to retain and renovate three of the existing buildings which will contain 343,487 square feet, of which 88,000 square feet is nursing school use following renovation. The balance of the property will be redeveloped with 240,000 square feet of new office (495,487 square feet total office including the renovated existing office), a 160,000 square foot, 200 key hotel, a 335,000 square feet of multifamily consisting of 335 units and 30,000 square feet of retail/restaurant use. The existing 88,000 square feet of nursing school use will remain. The proposal reduces the existing approved density by 583,808 square feet (excluding hotel SF) and 150 hotel rooms. A direct pedestrian connection to the existing Medical Center MARTA station will be added in the center of the development to encourage MARTA ridership to and from the site. Overall the proposal reflects uses more complementary to the expanding medical uses in the area.

The development standards proposed pursuant to Section 8.2.3 of the MIX district are as follows:

- (a) Minimum Front Yard = 0' on Peachtree Dunwoody Road and 20' on Lake Hearn Drive (subject to PCID standards for streetscape);
- (b) Minimum Side Yard = 10'
- (c) Minimum Rear Yard = 10'
- (d) Minimum Internal Setbacks, Separations, Landscaping Buffering Between Uses = 0'
- (e) Minimum Heated Floor Area per Dwelling Unit = 550 square feet

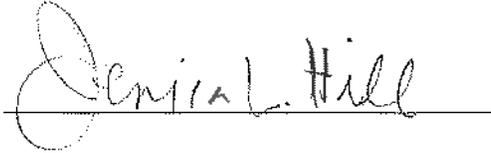
Pursuant to Section 19.4.5, a use permit is hereby requested to increase the allowable height from 60 feet to the following:

- (a) 100 feet (8 stories) for the hotel;
- (b) 275 feet (18 stories) for the new office with attached parking;
- (c) 98 feet (6 stories) for existing office C (currently approved per 94U-050 and 94U-051);
- (d) 94 feet (6 stories with basement for existing office D (currently approved per 94U-050 and 94U-051);
- (e) 90 feet (5-8 stories) for the multifamily building with attached parking; and

Pursuant to Section 19.4.40, a use permit is request to allow a school use, specifically a nursing school to be located within the development. The nursing school is currently in operation on the property and has been in operation on the site for more than five years.

In addition to rezoning, this Application also seeks the following concurrent variances:
(a) variance from Section 109.225(a)(1) to allow an encroachment of 4,940 square feet into the 50' undisturbed natural vegetative stream buffer; (b) variance from Section 109.225(a)(2) to

allow an encroachment of 7,302 square feet into the 25 foot pervious setback; (c) variance from Section 4.23.1 to reduce the required landscape strip from 10 feet to 0 feet along the Peachtree Dunwoody Road frontage to accommodate a right of way dedication and streetscape and also along the south property line as noted on the site plan to accommodate an existing water vault and a multi-purpose path; and (d) variance from Section 18.2.1 to reduce the required parking during construction by 20% to reflect a reduction from 1,026 required parking spaces to 821 provided parking spaces to allow the existing buildings to continue to operate during construction.

A handwritten signature in cursive script that reads "Jessica L. Hill". The signature is written in black ink and is positioned above a solid horizontal line.

Jessica L. Hill
Attorney for Applicant

**IMPACT ANALYSIS
FORM – B**

Analyze the impact of the proposed rezoning:

- 1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The adjacent and nearby property is used for a mix of uses including office, medical office, hospital, retail, hotel, and residential development. The Medical Center MARTA station is immediately adjacent to the site and a new pedestrian connection to the MARTA station is being added to the development as a part of this project. The existing and proposed mix of uses including office, nursing school, hotel, commercial and residential uses is appropriate based on the nearby development.

- 2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?**

Adjacent and nearby properties are already developed with a high intensity mix of uses which is likely attributed to the location in the PCID and the proximity to Interstate 285 and Georgia 400. The presence of St. Joseph's Hospital and Northside Hospital near the site generates a significant amount of medical related uses in the immediate area. If approved, the rezoning will allow a complementary mix of uses to incorporate into the existing development fabric, specifically the hotel and residential uses proposed. The proposal also reduces the allowable density by 583,808 square feet (excluding hotel) and an additional 150 hotel rooms, which will benefit the use and usability of the adjacent and nearby property.

- 3. Does the property to be rezoned have a reasonable economic use as currently zoned?**

The property has a reasonable economic use as zoned, however, the existing predominantly office development zoned in 1994 is not reflective of more recent development trends. A diversification of uses beyond the hotel and office uses currently allowed will provide a more economically viable development for the relatively large development site.

- 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?**

The scale of the development triggers a Development of Regional Impact review which will assess the impact on streets and transportation facilities. The project has existing access to Lake Hearn Drive and Peachtree Dunwoody Road. The adjacency to the Medical Center MARTA station and the proposed pedestrian connection from the interior of the site to the MARTA station will help alleviate transportation impacts. No excessive burden is anticipated on utilities. There will be a minor impact on schools due to the introduction of a residential use; however, the Applicant does not anticipate it to be overly burdensome based on the nature of the residential use.

5. Is the rezoning proposal in conformity with the policies and intent of the land use plan?

The land use plan designates the property as Living Working Regional and the proposal is also consistent with the City's Interim Development Guidelines approved in December, 2015.

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?

The subject property is an ideal location for urban mixed use development based on the proximity to I-285, Georgia 400 and the Medical Center MARTA station. The existing natural challenges on the site, including the existing wetlands and lake make the site more suitable for a lesser intensive development than the existing zoning conditions accommodate.

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.

USE PERMIT CONSIDERATIONS
Building Height

- A. Whether the proposed Use is consistent with the Comprehensive Plan and/or other plans adopted by the City Council;

The proposed building heights exceeding the allowable 60' in the MIX district for the proposed mix of uses is consistent with the existing Living Working Regional Comprehensive Plan designation. Specifically, Node 6 (PCID) provides that building heights should not be limited in this area. The identified vision for Node 6 provides for parcels around the Medical Center MARTA station to be high density developments incorporating a mix of land uses including residential, commercial and institutional uses. This project satisfies all of these criteria.

Further, the proposal is consistent with the Interim Development Guidelines adopted by the City Council on December 15, 2015. Specifically the proposal provides a mix of uses that incorporates a significant amount of office, retail and hotel use, in addition to the residential development proposed. The proposal includes vertical and horizontal mixed use. Pedestrian circulation adjacent to and throughout the site is emphasized.

- B. Whether the proposed Use is compatible with land Uses and Zoning Districts in the vicinity of the Property for which the Use Permit is proposed;

The existing land uses in the area include a variety of office, medical office, hospital, commercial, hotel and residential uses. Due to the proximity to I-285, building heights in the area are above 60 feet. The development in the immediate area supports the requested heights.

- C. Whether the proposed Use may violate local, state and/or federal statutes, ordinances or regulations governing land Development;

No violation of local, state or federal statute, ordinance or regulation will occur based on the increase in height.

- D. The effect of the proposed Use on traffic flow, vehicular and pedestrian, along the Adjoining Streets;

The increase in height improves the traffic flow within the site by expanding the uses vertically rather than horizontally. As a result of the increase in height there is more area available to be preserved and utilized for pedestrian and vehicular circulation and open space.

- E. The location and number of off-Street Parking Spaces;

Parking for the office building is provided in a combination of deck and surface parking. The exact location and number of off street parking spaces is identified on the site plan included in the Application.

F. The amount and location of Open Space;

Approximately 40 percent of the site will be pervious. The existing lake and significant buffer on the eastern property line provide for more than the 20% open space recommended in the Comprehensive Plan. The exact amounts and location of open space is identified on the site plan included in the Application.

G. Protective Screening;

No protective screening is necessitated based on the proposal.

H. Hours and manner of operation;

The development will maintain a 24 hour presence based on the mix of uses. The increased height will not impact the hours and manner of operation.

I. Outdoor lighting; and

Outdoor lighting is not impacted by the increased height of the proposed buildings. Exterior lighting will be designed in a manner sensitive to adjacent properties.

J. Ingress and egress to the Property.

The increase in height creates more opportunities on the ground level for ingress and egress as well as circulation within the site. The increase in height will have a beneficial impact on ingress and egress.

Compliance With Article 19

The proposal meets the two standards for school use provided in Section 19.4.5 which require submission of a site plan identifying open space and arrangement of buildings and requires exterior sources of illumination to be shielded from adjoining residences.

USE PERMIT CONSIDERATIONS
School

- A. Whether the proposed Use is consistent with the Comprehensive Plan and/or other plans adopted by the City Council;

The existing nursing school use to remain within the site is consistent with the existing Living Working Regional Comprehensive Plan designation. Specifically, Node 6 (PCID) provides for parcels around the Medical Center MARTA station to be high density developments incorporating a mix of land uses including institutional uses. The inclusion of the nursing school balances the mix of uses in the site.

- B. Whether the proposed Use is compatible with land Uses and Zoning Districts in the vicinity of the Property for which the Use Permit is proposed;

The existing land uses in the area include a variety of uses. The proximity of the development to St. Joseph's Hospital and Northside Hospital and a concentration of medical office buildings make the nursing school use compatible with existing surrounding uses.

- C. Whether the proposed Use may violate local, state and/or federal statutes, ordinances or regulations governing land Development;

No violation of local, state or federal statute, ordinance or regulation will occur based on the increase in height.

- D. The effect of the proposed Use on traffic flow, vehicular and pedestrian, along the Adjoining Streets;

The nursing school use generates a high volume of students traveling to and from the site on a daily basis throughout the day. Given that the use is existing and has been in operation of the site for more than five years, no change in the existing traffic flow, vehicular or pedestrian, is anticipated by approval of this use permit. The proximity to the Medical Center MARTA station also provides a convenient alternative mode of transportation to the site.

- E. The location and number of off-Street Parking Spaces;

Parking is provided in a combination of deck and surface parking. The exact location and number of off street parking spaces is identified on the site plan included in the Application.

F. The amount and location of Open Space;

Approximately 40 percent of the site will be pervious. The existing lake and significant buffer on the eastern property line provide for more than the 20% open space recommended in the Comprehensive Plan. The exact amounts and location of open space is identified on the site plan included in the Application.

G. Protective Screening;

No protective screening is necessitated based on the proposal.

H. Hours and manner of operation;

The development will maintain a 24 hour presence based on the mix of uses. The existing nursing school use does not impact or otherwise expand the hours and manner of operation.

I. Outdoor lighting; and

No special lighting is necessary or proposed to accommodate the nursing school use.

J. Ingress and egress to the Property.

Vehicular and pedestrian ingress and egress to the property is provided from Peachtree Dunwoody Road and Lake Hearn Drive. A direct pedestrian connection is proposed to connect the development to the adjacent Medical Center MARTA station. Further, a multi-use trail is proposed within the development with the potential to connect to properties to the east.

Compliance With Article 19

The proposal meets the 10 standards for school use provided in Section 19.4.40, many of which are not applicable to this type of business related school use in a nonresidentially zoned environment.

VARIANCE RESPONSE

This Application requests the following concurrent variances:

- (a) Variance from Section 109.225(a)(1) to allow an encroachment of 4,940 square feet into the 50' undisturbed natural vegetative stream buffer;
- (b) Variance from Section 109.225(a)(2) to allow an encroachment of 7,302 square feet into the 25 foot pervious setback;
- (c) Variance from Section 4.23.1 to reduce the required landscape strip from 10 feet to 0 feet along the west and south property lines to accommodate the widening of Peachtree Dunwoody Road and required streetscape and as noted on the site plan to accommodate a water vault and a multi-purpose path; and
- (d) Variance from Section 18.2.1 to reduce the required parking during construction by 20% to reflect a reduction from 1,026 required parking spaces to 821 provided parking spaces to allow the existing buildings to continue to operate during construction.

Stream Buffer Variances:

A. Requirements

Pursuant to Section 109.225(b) (3), stream buffer variances will be considered only in the following cases: (a) when a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted; (b) unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship. The requested stream buffer request meets both criteria.

As demonstrated on the buffer variance exhibit included in the application, there is a lake on the property that imposes stream buffers along portions of the bank. The existing improvements currently encroach 3,022 square feet into the 50 foot undisturbed buffer and 6,863 square feet into the 25 foot pervious setback. This Application requests to encroach 4,940 square feet into the 50 foot undisturbed buffer and 7,302 square feet into the 25 foot pervious setback. Two of the existing buildings encroach into the stream buffer. One is remaining and one is being demolished and improved with the restaurant and retail plaza. Requiring compliance with the buffer requirements would prevent development of the site and also create an extreme hardship based on the existing encroachments. Further, the Applicant proposes to enhance the pedestrian connection throughout the site, including between the existing building and proposed restaurant/retail plaza. Portion of this pedestrian connection are in the stream buffer which is unavoidable given then location of the existing buildings in the stream buffer and the finger shape of the lake with portions that do impose a stream buffer and portions that do not impose a stream buffer.

B. Additional Information

1. The survey, site plan and stream buffer exhibit submitted respond to items 1-3 and 6-7 identified in the application.
2. The documentation of unusual hardship is documented in (A) above.

3. A development proposal without any buffer impacts is impossible so an alternative plan has not been provided. There are two buildings that encroach into the buffer. Demolition of those buildings to remove the encroachment would require the buffers to be disturbed. The stream buffer variance requested is a product of improving areas already existing as impervious buffer impacts and enhancing the pedestrian experience.
4. No mitigation is proposed because there are no mitigation opportunities on site.

Landscape Strip and Parking Variances:

The Sandy Springs Zoning Ordinance generally permits a variance upon a showing that: (1) the 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; (2) the application of a particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or (3) conditions resulting from an existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road. The proposed variances meet the first and/or the second criteria.

The developer proposes to reduce the required 10' landscape strip along Peachtree Dunwoody Road to accommodate a proposed right of way dedication on Peachtree Dunwoody Road to further the transportation improvement goals in the City of Sandy Springs. The additional right of way accommodated on Peachtree Dunwoody Road and the installation of a new streetscape along this corridor mitigate the impact of the elimination of the landscape strip. The reduction in the landscape strip along portions of the south property line abutting the MARTA station is to accommodate an existing water vault and a 10' multiuse path that extends throughout the project and provides a possible future connection to the east to the proposed road between Lake Hearn Drive and Johnson Ferry Road. The adjacency to the MARTA mitigates the necessity for a landscape strip along this property line. Also, the proposal is to accommodate an existing condition and to provide for a multi-purpose path through the development for future connection to other developments, which will benefit the public welfare. The proposal to reduce the landscape strip is in harmony with the general purpose and intent of the Zoning Ordinance.

The proposal to reduce parking by 20% during construction of the balance of the development is in harmony with the general purpose and intent of the Zoning Ordinance. The property is adjacent to the Medical Center MARTA station which provides convenient alternative transportation options for parties that will access the site during construction. Further, during peak periods the existing uses on the site do not utilize the full parking facilities available. Reducing the parking during construction is in harmony with the general purpose and intent of the zoning ordinance.

The property has wetland, floodplain, lake, and stream buffer constraints that limit the available areas to provide additional parking on the property during construction. Included in this Application is a copy of a site plan showing the parking available during construction for the existing buildings, prior to construction of the first parking deck. The proposal would remove existing surface parking temporarily while a new parking deck is constructed, however, reducing the required parking on a temporary basis is preferable to further encroachment into buffer and other protected areas. Based on the current utilization of the parking for the existing uses, the adjacency to the Medical Center MARTA station and the proposed connectivity improvements to

improve convenience of access, the developer anticipates the parking proposed during construction will be appropriate to accommodate the interim parking needs on a temporary basis.

SANDY SPRINGS GEORGIA

ENVIRONMENTAL SITE ANALYSIS (ESA) FORM A

Provide a complete Environmental Site Analysis document fully addressing all items as required in Sections 1 through 3 below. Attach this Form A to the front of the completed Environmental Site Analysis document (and any subsequent revisions) prior to submission.

ESA Revision Number: _____

Applicant: TSO PDP LP Phone Number: (404) 872-3990

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.

The proposed project consists of the addition of a hotel, restaurant and retail spaces, (2) parking structures, an office building, and a multifamily component. The site currently consists of four office buildings, which also include a nursing school, and surface parking.

The proposed mixed use development is complemented by the surrounding existing properties which consist of: an office/medical office to the north, hospital / medical office use to the west, connection to the Medical Center MARTA Station to the south, and single family residential use to the east.

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 with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.



-  Living-Working Neighborhood
-  Living-Working Community
-  Living-Working Regional

The project conforms to the "Living-Working Regional" land use category as it consists of a Mixed Use development that will have a significant concentration on employment.

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 an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

a. Wetlands

- U.S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
- Georgia Geologic Survey (404-656-3214)
- Field observation and subsequent wetlands delineation/survey if applicable

The site contains an open surface water feature that is located on the northern portion of the property, and would be characterized as a jurisdictional body of water. Additionally, there are (3) areas classified as jurisdictional wetlands on the property that contain hydrology, hydrophytic vegetation, and hydric soils sufficient to be regulated by Section 404 of the Clean Water Act. Two (2) of these wetlands, located along the eastern boundary of the site will not be disturbed as part of this program.

The wetland that will be disturbed is an isolated 869 SF area situated up gradient of the open water pond inlet. This area has no surface connection to the pond or other waters, and as such would be considered isolated. Approval from the United States Army Corps of Engineers (USACE) through the Section 404 Nationwide Permit process will be sought for unavoidable impacts to this wetland.

b. Floodplain

- Federal Emergency Management Agency (<http://www.FEMA.org>)
- Field observation and verification

A section on the easternmost portion of the site is currently classified a "Zone AE" per the FEMA FIRM maps, meaning that it is location within a 100 year floodplain. The majority of site is currently classified as "Zone X" per the FEMA FIRM maps, meaning that it is not located within a 100 year floodplain. The portion of the site classified as "Zone AE" is not proposed to be impacted as part of this development.

c. Streams/stream buffers

- Field observation and verification

Buffers exist along a portion of the existing open-water feature for the extents that are not bordered with either a retaining wall section or a rip rap shelf. The buffered and non-buffered sections of the open water pond have been confirmed by the City Arborist. The buffer impact associated with an improved pedestrian foot bridge is an activity that is exempt from buffer encroachment permitting. There are two stream channels that originate below the storm drain outfalls along the eastern boundary of the property. The northern stream receives water from the open water pond and is carried in a concrete channel for approximately 35 feet. In accordance with City code, the concrete channel would not be buffered. The

southern stream also flows through a concrete channel for approximately 30 feet before it converges into the above mentioned, undisturbed wetlands. This section of stream would also not be buffered.

All other buffer impacts are in portions of the site that are already impervious. Please see the buffer variance exhibit for means of quantifying existing and proposed impacts.

- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
- United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification

There are 5 areas on site exceeding a 25% slope for greater than 10' in height. The first is along the western property line where the grades slopes down from the back of existing sidewalk down into the existing office surface parking area. This area will be integrated into the proposed hotel footprint. The second area is interior to the site and abutting the northern portion of the property where the grades slopes down from the back of existing sidewalk to the existing surface water feature. There will be no redevelopment in this area at this time, so this slope will be left as is. The third area is interior to the site where the grades slopes up from the back of existing sidewalk to the existing surface water feature. There will be no redevelopment in this area at this time, so this slope will be left as is. The fourth area is along the southern property line where the grades slopes up from the back of the existing curb to the face of the existing retaining wall abutting the Medical Center MARTA Station. This area will be redeveloped and integrated in the proposed parking structures. The fifth area is along the southern/eastern property line where the grades slopes up from the back of existing surface parking to the existing MARTA tracks. A portion of this area will be impacted with the development a proposed parking structure.

e. Vegetation

- United States Department of Agriculture, Nature Resource Conservation Service
- Field observation

Existing vegetation on site consists of maintained landscape areas adjacent to the existing buildings and surface parking. The proposed redevelopment will follow the City of Sandy Springs landscaping requirements and the tree conservation ordinance for those portions of the site affected.

f. Wildlife Species (including fish)

- United States Fish and Wildlife Service
- Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
- Field observation

The open water pond and its surroundings are home to several species of common bird and waterfowl. During site investigations, Canada geese were observed around the pond and common passerine bird species (i.e Red cardinal, Cedar waxwing, and Caroline chickadee) were noted in the planted tree species located on the east side of the pond. The proposed project does not intend to permanently disturb either the pond or the trees planted to the east of the pond. As such, there is no expectation that wildlife habitats would be negatively impacted.

g. Archeological/Historical Sites

- Historic Resources Survey
- Georgia Department of Natural Resources, Historic Preservation Division
- Field observation and verification

According to a review of the Georgia Natural, Archaeological, and Historic Resources Geographic Information System (GNAHRGIS), there are no known cultural resources on the proposed project site. There is only one listed site within a mile of the proposed project. This site, located approximately ¼ mile to the south is outside of the project's view shed, and will be unaffected by the proposed project.

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 feature(s) that may be impacted.

a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

In order to help protect the environmentally sensitive areas on site, the following practices will be implemented:

- *Make reasonable efforts during construction in accordance with Georgia Erosion Control Manual to minimize the effects of sediment runoff.*
- *Treat on site stormwater runoff for water quality in accordance with the Georgia Stormwater manual prior to discharge into the stream along the eastern property boundary.*

b. Protection of water quality

During site construction stormwater runoff will be treated in accordance with Georgia Erosion Control Manual. After construction is completed the site will treat on site stormwater runoff for water quality in accordance with Georgia Stormwater Manual. This will be done using a combination of stormwater detention vaults.

c. Minimization of negative impacts on existing infrastructure

N/A

d. Minimization on archeological/historically significant areas

N/A

e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

N/A

f. Creation and preservation of green space and open space

Existing green space on the easternmost portion of the proposed site will not be impacted as part of the development. The existing pond also provided recreational open space let will protected and have the opportunity to be enjoyed in a greater fashion with the proposed program.

g. Protection of citizens from the negative impacts of noise and lighting

All construction activities will be in accordance with the City of Sandy Springs Noise Ordinance. All proposed site lighting will attempt to minimize any adverse impacts on the neighboring properties.

h. Protection of parks and recreational green space

The existing pond also provided recreational open space let will protected and have the opportunity to be enjoyed in a greater fashion with the proposed program.

i. Minimization of impacts to wildlife habitats

The proposed project does not intend to permanently disturb either the pond or the trees planted to the east of the pond. As such, there is no expectation that wildlife habitats would be negatively impacted.

**SURVEY DESCRIPTION OF PROPERTY
(PEACHTREE-DUNWOODY PAVILION)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 17 OF THE 17TH DISTRICT, CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LAND LOT 17 (SAID LINE BEING COMMON TO LAND LOTS 16 & 17) AND THE EASTERLY RIGHT-OF-WAY LINE OF PEACHTREE DUNWOODY ROAD (VARIABLE R/W), FROM THE POINT OF BEGINNING THUS ESTABLISHED, PROCEED THENCE NORTHWESTERLY AND NORTHEASTERLY ALONG THE EASTERLY AND NORTHEASTERLY RIGHT-OF-WAY LINE OF PEACHTREE DUNWOODY ROAD THE FOLLOWING COURSES AND DISTANCES: 1) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AN ARC DISTANCE OF 68.53 FEET (SAID ARC HAVING A CHORD DISTANCE OF 68.52 FEET ON A BEARING OF NORTH 13°48'41" WEST AND A RADIUS OF 1469.80 FEET) TO A POINT; 2) THENCE NORTH 12°28'30" WEST A DISTANCE OF 98.02 FEET TO A POINT; 3) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AN ARC DISTANCE OF 232.52 FEET (SAID ARC HAVING A CHORD DISTANCE OF 230.91 FEET ON A BEARING OF NORTH 11°14'58" EAST AND A RADIUS OF 570.08 FEET) TO A POINT; 4) THENCE NORTH 22°56'03" EAST A DISTANCE OF 66.48 FEET TO A POINT; 5) THENCE NORTH 67°03'57" WEST A DISTANCE OF 7.80 FEET TO A POINT; 6) THENCE NORTH 30°27'40" EAST A DISTANCE OF 25.77 FEET TO A POINT; 7) THENCE NORTH 23°09'24" EAST A DISTANCE OF 49.40 FEET TO A POINT; 8) THENCE NORTH 22°47'26" EAST A DISTANCE OF 45.05 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY LINE OF LAKE HEARN DRIVE (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF LAKE HEARN DRIVE (VARIABLE R/W) THE FOLLOWING COURSES AND DISTANCES: 1) NORTH 89°39'45" EAST A DISTANCE OF 479.66 FEET TO A POINT; 2) THENCE SOUTH 00°20'15" EAST A DISTANCE OF 8.50 FEET TO A POINT; 3) THENCE NORTH 89°39'45" EAST A DISTANCE OF 577.53 FEET TO A POINT; 4) THENCE SOUTH 45°24'46" EAST A DISTANCE OF 15.56 FEET TO A POINT; 5) THENCE NORTH 89°35'14" EAST A DISTANCE OF 140.00 FEET TO A POINT; 6) THENCE SOUTH 88°07'20" EAST A DISTANCE OF 125.10 FEET TO A POINT; 7) THENCE NORTH 89°35'14" EAST A DISTANCE OF 75.00 FEET TO A POINT; 8) THENCE SOUTH 00°24'46" EAST A DISTANCE OF 5.00 FEET TO A POINT; 9) THENCE NORTH 89°49'53" EAST A DISTANCE OF 8.41 FEET TO A POINT ON THE EASTERN LINE OF LAND LOT 17 (SAID LINE IS COMMON TO THE WESTERN LINE OF LAND LOT 329 OF THE 18TH DISTRICT DEKALB COUNTY, GEORGIA, (KNOWN AS THE COUNTY LINE); THENCE DEPARTING SAID RIGHT-OF-WAY OF LAKE HEARN DRIVE AND RUNNING SOUTHERLY ALONG THE EASTERN LINE OF LAND LOT 17 (THE COUNTY LINE) SOUTH 00°25'25" WEST A DISTANCE OF 502.36 FEET TO A POINT; THENCE DEPARTING SAID LAND LOT LINE AND RUN ALONG THE ARC OF A CURVE TO THE RIGHT AN ARC DISTANCE OF 142.63 FEET (SAID ARC HAVING A CHORD DISTANCE OF 142.54 FEET ON A BEARING OF SOUTH 77°27'10" WEST AND A RADIUS OF 1114.91 FEET); THENCE SOUTH 08°52'56" EAST A DISTANCE OF 6.50 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AN ARC DISTANCE OF 86.07

141104-A

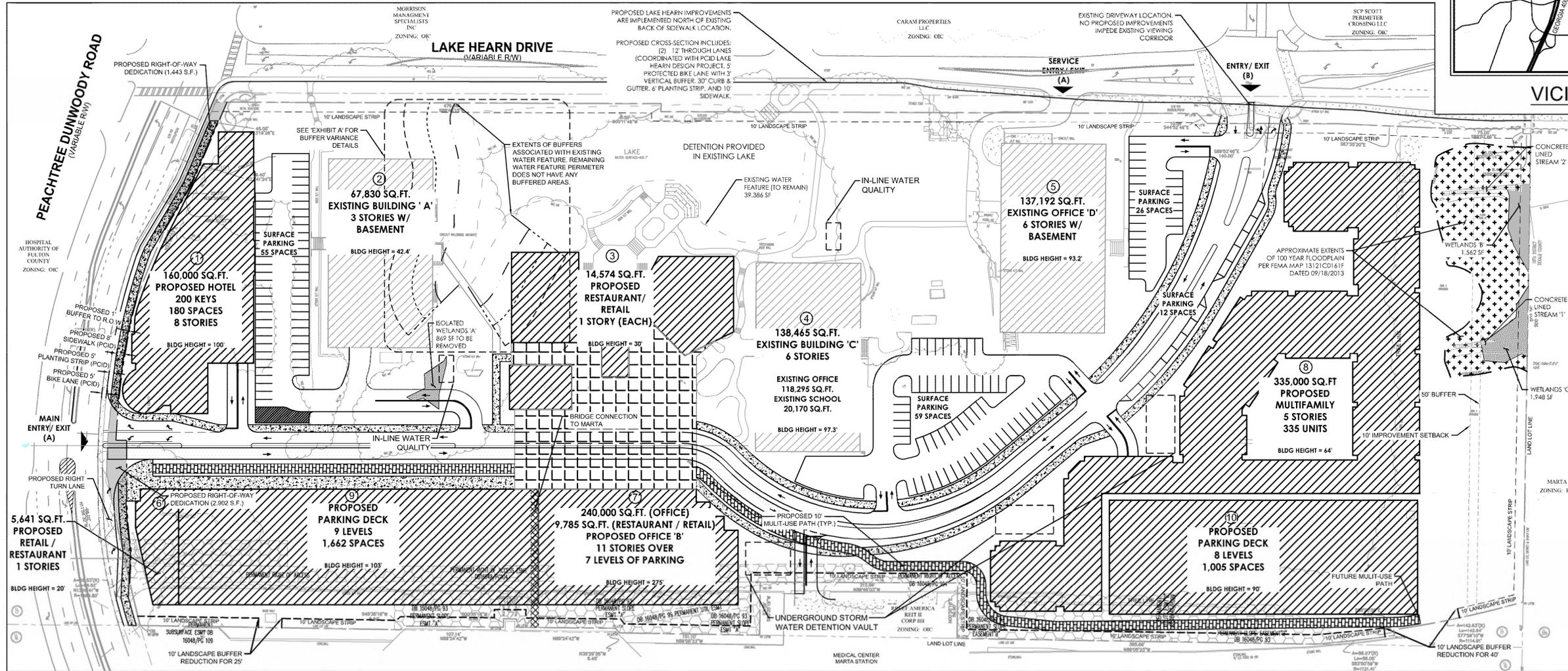
FEET (SAID ARC HAVING A CHORD DISTANCE OF 86.05 FEET ON A BEARING OF SOUTH 83°18'59" WEST AND A RADIUS OF 1121.41 FEET) TO A POINT ON THE SOUTH LINE OF LAND LOT 17 (SAID LINE IS COMMON TO THE NORTH LINE OF LAND LOT 16); THENCE WESTERLY ALONG THE SOUTH LINE OF LAND LOT 17 NORTH 89°37'25" WEST A DISTANCE OF 385.66 FEET TO A POINT; THENCE DEPARTING SAID LAND LOT LINE AND RUN NORTH 00°03'18" EAST A DISTANCE OF 59.90 FEET TO A POINT; THENCE SOUTH 89°41'57" WEST A DISTANCE OF 212.66 FEET TO A POINT; THENCE SOUTH 00°03'18" WEST A DISTANCE OF 57.38 FEET TO A POINT ON THE SOUTH LINE OF LAND LOT 17; THENCE WESTERLY ALONG THE SOUTH LINE OF LAND LOT 17 NORTH 89°37'25" WEST A DISTANCE OF 151.10 FEET TO A POINT; THENCE DEPARTING SAID LAND LOT LINE AND RUN NORTH 36°01'36" WEST A DISTANCE OF 6.45 FEET TO A POINT; THENCE NORTH 89°56'42" WEST A DISTANCE OF 107.14 FEET TO A POINT; THENCE NORTH 00°03'18" EAST A DISTANCE OF 8.88 FEET TO A POINT; THENCE NORTH 89°56'42" WEST A DISTANCE OF 14.00 FEET TO A POINT; THENCE SOUTH 00°03'18" WEST A DISTANCE OF 8.88 FEET TO A POINT; THENCE NORTH 89°56'42" WEST A DISTANCE OF 107.14 FEET TO A POINT; THENCE SOUTH 45°03'18" WEST A DISTANCE OF 5.50 FEET TO A POINT ON THE SOUTH LINE OF LAND LOT 17; THENCE WESTERLY ALONG THE SOUTH LINE OF LAND LOT 17 NORTH 89°37'25" WEST A DISTANCE OF 280.29 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PEACHTREE DUNWOODY ROAD AND THE **POINT OF BEGINNING**; SAID PROPERTY CONTAINING 18.86354 ACRES OR 821,696 SQUARE FEET.

THIS DESCRIPTION IS INTENDED TO DESCRIBE ALL THAT PROPERTY DESCRIBED IN THE TITLE COMMITMENT IDENTIFIED AS FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE COMMITMENT NUMBER 1128.0014(O) EFFECTIVE DATE MARCH 4, 2015.

3/22 Petition meetings - CMI sign in sheet

<u>Name</u>	<u>Email</u>
Trevor Pitt	Trevor.Pitt@Whiting-Turner.com
SHEILA KOESTNER	SHEILA.G.KOESTNER@CGI.COM
Dee Schultz	dschultz2@northatlanta peds.com
Math Weiss	mweiss83@gmail.com
Hugh Scott	hughscott@skcr.com
Catherine Mercer-Baggett	
Cecilia Leal	CosS
Adam Allman	aallman@regentfabrics.com
RONDA SMITH	msna_email@yahoo.com
TRISHA THOMPSON	trisha-thompson.fox@comcast.net
NICK CAULSON	NICKCA@9mail.com

Drawing name: K:\P\PRJ019122001_PD Pavilion\CAD\Exhibits\201603-21 Rezoning Site Plan.dwg REZONING SITE PLAN May 31, 2016 2:10pm by: dretkzittrauer
This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of any information on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

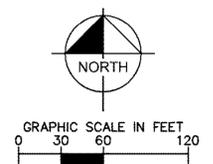


PEACHTREE DUNWOODY PAVILION:	
GROSS SITE AREA:	18.86 ACRES (821,542 SF)
BUILDING 1 - PROPOSED HOTEL (8 STORIES) (180 PARKING SPACES):	160,000 SQ. FT.
BUILDING 2 - EXISTING BUILDING 'A' (3 STORIES W/ BASEMENT):	67,830 SQ. FT. (SCHOOL)
BUILDING 3 - PROPOSED RESTAURANT/RETAIL (1 STORY (EACH)):	14,574 SQ. FT.
BUILDING 4 - EXISTING BUILDING 'C' (6 STORIES):	118,295 SQ. FT. (OFFICE) + 20,170 (SCHOOL) = 138,465 SQ. FT.
BUILDING 5 - EXISTING OFFICE 'D' (6 STORIES W/ BASEMENT):	137,192 SQ. FT.
BUILDING 6 - PROPOSED RETAIL / RESTAURANT (1 STORIES):	5,641 SQ. FT.
BUILDING 7 - PROPOSED OFFICE 'B' (11 STORIES OVER 7 STORIES OF PARKING):	240,000 SQ. FT. (OFFICE) AND 9,785 SQ. FT. (RESTAURANT / RETAIL)
BUILDING 8 - PROPOSED MULTIFAMILY (5 STORIES):	335,000 SQ. FT.
TOTAL SITE DEVELOPMENT: 1,108,487 SQ. FT.	

DEVELOPMENT SUMMARY CHART:			
PROPERTY SIZE:	18.86 ACRES (821,524 SF)		
LAND LOT:	17		
DISTRICT:	17th		
BUILDINGS:	SQUARE FEET	SITE COVERAGE	
TOTAL (GROSS):	1,108,487 SF		
TOTAL SURFACE AREA:	306,885 SF	37.4%	
PARKING SPACES:	QUANTITY	FEET	SITE COVERAGE
TOTAL SURFACE PRKG:	152	47,179 SF	5.7%
TOTAL STRUCTURED PRKG:	2,867	INCL. IN BUILDING COVERAGE	
TOTAL IMPERVIOUS SURFACE:	SQUARE FEET	SITE COVERAGE	
	492,221 SF	59.6%	
LANDSCAPING / GREEN SPACE UNDISTURBED AREA:	SQUARE FEET	SITE COVERAGE	
	37,683 SF	4.6%	
	281,620 SF	35.5%	
FLOOD PLAIN:	SQUARE FEET	SITE COVERAGE	
	20,563 SF	2.5%	
COMMON AREA:	SQUARE FEET	SITE COVERAGE	
	177,455 SF	21.6%	

DEVELOPMENT SUMMARY CHART:	
ZONING:	O-1 CONDITIONAL MIX WITH CONCURRENT VARIANCES
CURRENT:	
PROPOSED:	
BUILDING SETBACKS:	
FRONT YARD (PEACHTREE DUNWOODY ROAD):	PER SITE PLAN = 0'
SIDE YARD (LAKE HEARN DRIVE):	PER SITE PLAN = 30'
SIDE YARD (MARTA):	PER SITE PLAN = 10'
SIDE YARD (COUNTY LINE):	PER SITE PLAN = 50'
LANDSCAPE BUFFERS:	
FRONT YARD (PEACHTREE DUNWOODY ROAD):	PER SITE PLAN = 0'
SIDE YARD (LAKE HEARN DRIVE):	PER SITE PLAN = 10'
SIDE YARD (MARTA):	PER SITE PLAN = 10'
SIDE YARD (COUNTY LINE):	PER SITE PLAN = 10'
POSTED SPEED LIMITS:	
PEACHTREE DUNWOODY ROAD:	35 MPH
LAKE HEARN DRIVE:	35 MPH
MAJOR ELECTRICAL / PETROLEUM TRANSMISSION LINES:	NONE
STORMWATER MANAGEMENT FACILITIES:	STORMWATER WILL BE HANDLED VIA A COMBINATION OF THE EXISTING STORMWATER DETENTION FACILITIES LOCATED BELOW GRADE.
WETLANDS:	YES
FEMA FLOOD ZONE:	AE
STREAM BUFFERS:	SEE BUFFER VARIANCE EXHIBIT
DOMESTIC WATER PROVIDER:	CITY OF ATLANTA
SANITARY SEWER PROVIDER:	FULTON COUNTY
DRIVEWAY SIGHT DISTANCE:	SEE SIGHT DISTANCE EXHIBIT

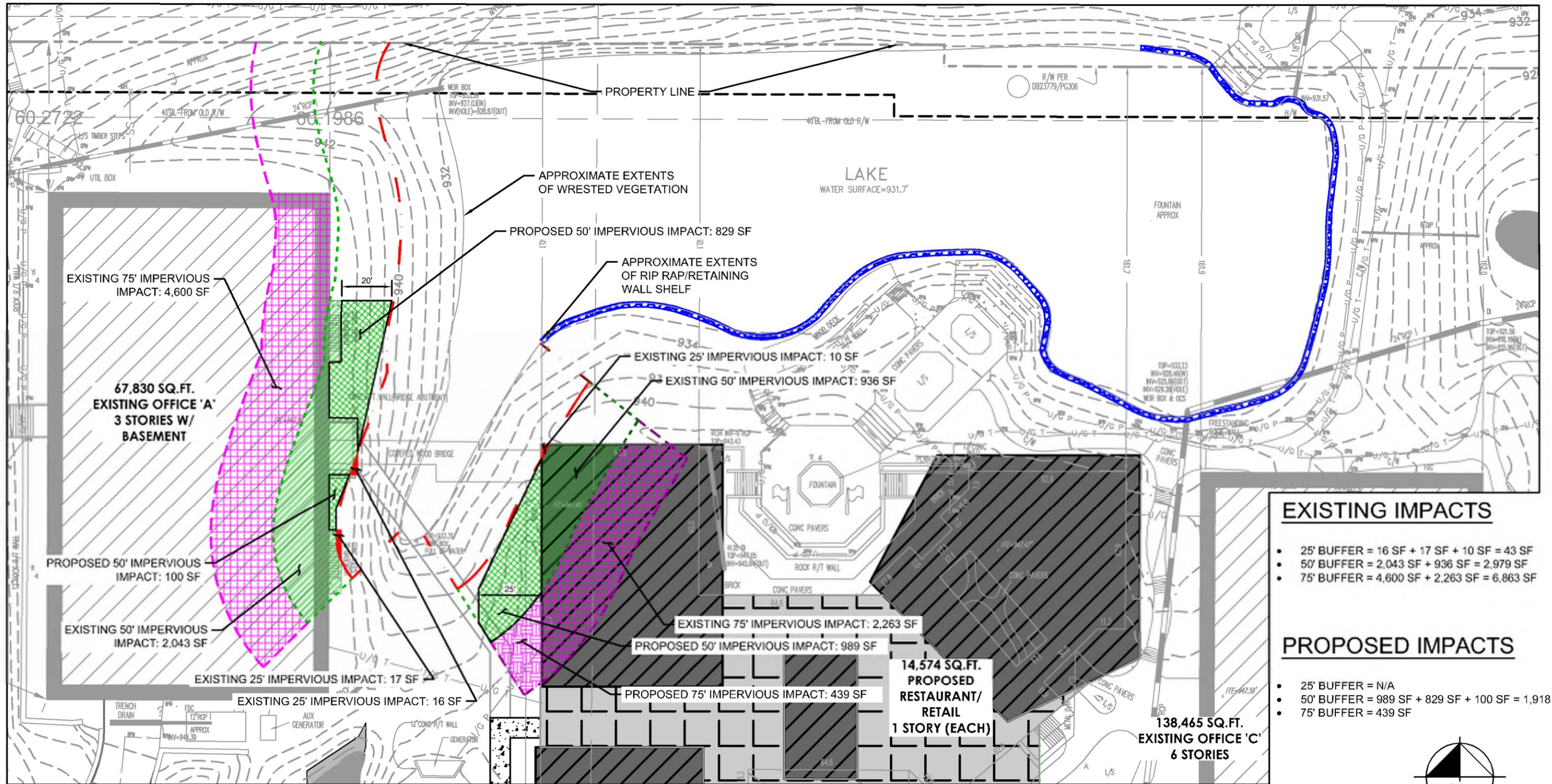
SITE PLAN LEGEND:	
	EXISTING PROPERTY LINE
	LANDSCAPE BUFFER LINE
	EXISTING CURB & GUTTER
	EXISTING FENCE
	EXISTING EASEMENT



GEORGIA811.
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 2015 KIMLEY-HORN AND ASSOCIATES, INC. 10 ROSWELL STREET, SUITE 210 ALPHARETTA, GEORGIA 30009 PHONE: (770) 939-4280 WWW.KIMLEY-HORN.COM	SCALE:	DMZ	DMZ	LHF
	DRAWN BY:	DESIGNED BY:	CHECKED BY:	
	 THE SIMPSON ORGANIZATION 1431 PEACHTREE STREET, SUITE 400 ATLANTA, GA 30309 PHONE: 404-253-6363 FAX: 404-875-7836			
	PROJECT:	PEACHTREE DUNWOODY PAVILION 5775 PEACHTREE DUNWOODY ROAD SANDY SPRINGS, FULTON COUNTY, GA		
	TITLE:	REZONING SITE PLAN		
DATE:	05/03/2016			
PROJECT NO.:	019122001			
SHEET NUMBER:	1 OF 3			
REVISIONS:	NO.	DATE	BY	

K:\ALP_PRJ\019122001_PD Pavilion\CAD\Exhibit\2016-03-16 Buffer Definition for Variance.dwg Layout1 Apr 25, 2016 2:51pm by: derek.zittrauer



EXISTING IMPACTS

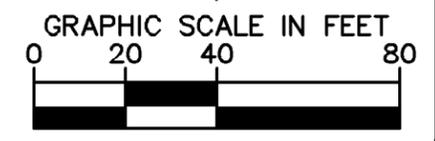
- 25' BUFFER = 16 SF + 17 SF + 10 SF = 43 SF
- 50' BUFFER = 2,043 SF + 936 SF = 2,979 SF
- 75' BUFFER = 4,600 SF + 2,263 SF = 6,863 SF

PROPOSED IMPACTS

- 25' BUFFER = N/A
- 50' BUFFER = 989 SF + 829 SF + 100 SF = 1,918 SF
- 75' BUFFER = 439 SF

- 25' GA EPD BUFFER
- 50' UNDISTURBED NATURAL VEGETATIVE BUFFER
- 75' BUFFER IN WHICH IMPERVIOUS COVER IS PROHIBITED

Buffer/setback impacted	Existing encroachment	Proposed encroachment	Change (sq. ft and %)
0' - 25'	43 sq. ft	43 sq. ft	0 sq. ft (0%)
25' - 50'	2,979 sq. ft	4,897 sq. ft	1,918 sq. ft (39.2%)
50' - 75'	6,863 sq. ft	7,302 sq. ft	439 sq. ft (6.0%)



Kimley»Horn
 10 ROSWELL STREET, SUITE 210 ALPHARETTA, GEORGIA 30009
 PHONE: (770) 619-4280 | www.kimley-horn.com

TITLE:
BUFFER VARIANCE EXHIBIT

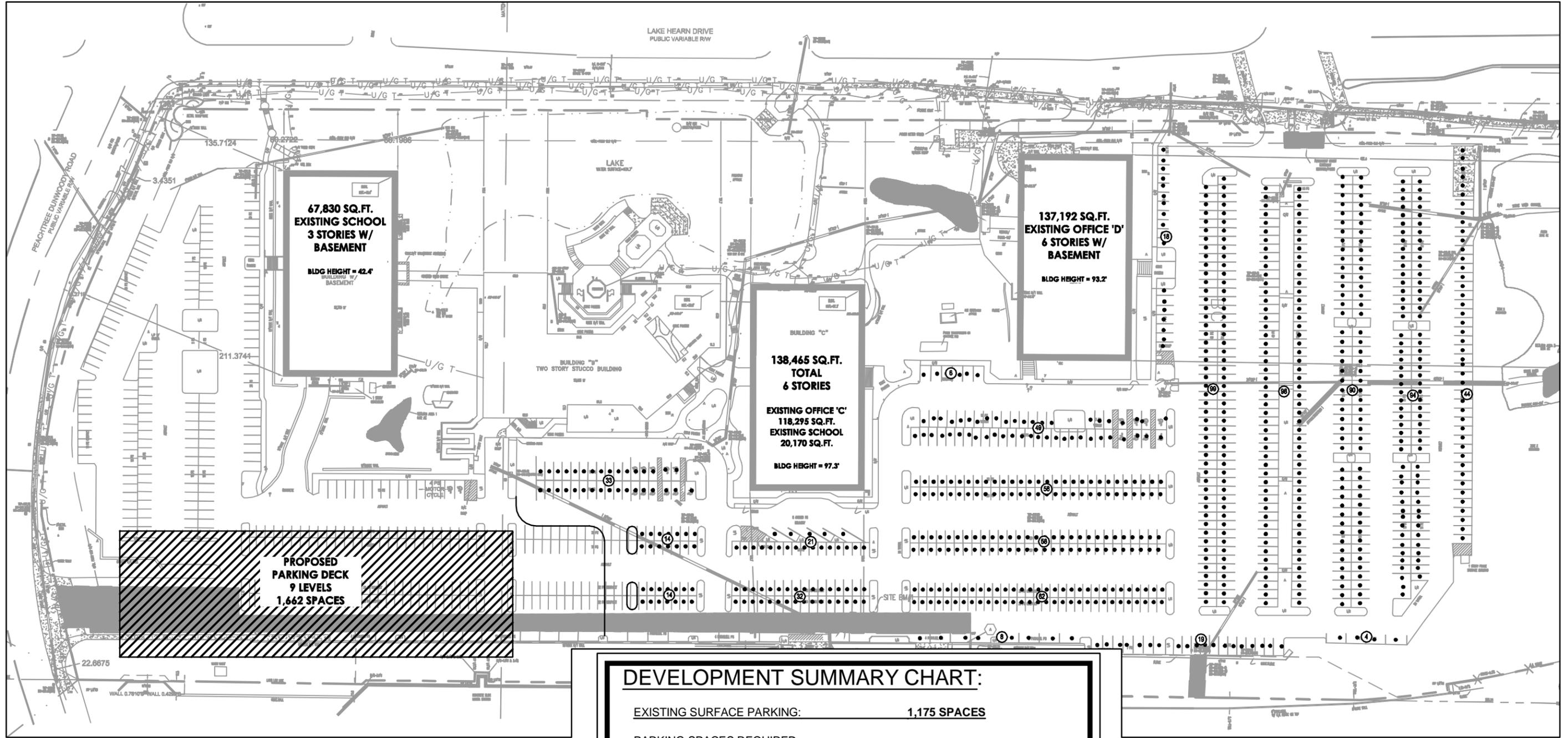
PROJECT:
PD PAVILION

CLIENT:
THE SIMPSON ORGANIZATION

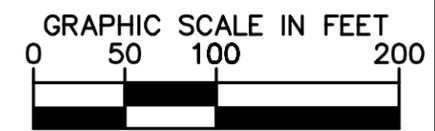
JOB NUMBER: 019122001
 SCALE: 1" = 40'
 DATE: 04/25/2016
 SHEET:
EXHIBIT A

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC., 2016

K:\ALP_PRJ\019122001_PD Pavilion\CAD\Exhibits\2016-04-25 Parking Variance Exhibit\2016-05-10 Parking Variance Exhibit.dwg Layout1 May 10, 2016 1:44pm by: derek.zittrauer



DEVELOPMENT SUMMARY CHART:	
EXISTING SURFACE PARKING:	1,175 SPACES
PARKING SPACES REQUIRED	
AFTER BUILDING B DEMOLITION:	88,000 S.F (5.0 /1,000 S.F) + 250,000 S.F (3.0/1,000 S.F) + 5,487 S.F (2.8/1000 S.F) = 1,206 SPACES
15% MARTA REDUCTION:	1,206 SPACES * 85% = 1026 SPACES
PARKING PROVIDED DURING CONSTRUCTION OF PROPOSED PARKING DECK:	821 SPACES
(1026 SPACES - 821 SPACES) / 1026 =	20.0% REDUCTION



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 10 ROSWELL STREET, SUITE 210 ALPHARETTA, GEORGIA 30009
 PHONE: (770) 619-4280 | www.kimley-horn.com

TITLE:
**PARKING VARIANCE
 EXHIBIT**

PROJECT:
PD PAVILION

CLIENT:
THE SIMPSON ORGANIZATION

JOB NUMBER: 019122001
 SCALE: 1" = 100'
 DATE: 05/03/2016
 SHEET:
EXHIBIT B



RECEIVED 07/25/2016
PLANNING & ZONING

July 20, 2016

VIA FEDERAL EXPRESS

Catherine Mercier-Baggett
City of Sandy Springs Department of Community Development
7840 Roswell Road
Building 500
Sandy Springs, GA 30350

Jessica L. Hill
404-504-7754
jhill@mmmlaw.com
www.mmmlaw.com

Re: ***Peachtree Dunwoody Pavilion RZ16-0092/U16-0021/U16-0025
5775 Peachtree Dunwoody Road***

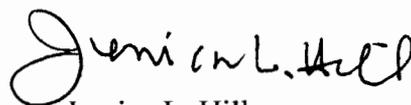
Dear Catherine:

Enclosed are the following items to amend the above captioned application pursuant to various discussions both internal and with staff regarding the application submittal:

1. Revised letter of intent and variance response;
2. Revised parking variance exhibit demonstrating parking during construction;
3. Wetlands and floodplain exhibit demonstrating hardships in developing the site and providing interparcel access;
4. Revised site plan;
5. Revised legal description;
6. Parking analysis providing the parking required by code and proposed parking;
7. Mitigation opportunity exhibit providing details for the stream buffer variance request;
8. Current renderings; and
9. Revised survey.

Also enclosed is an electronic copy of all the enclosed items. Please amend the above captioned application with the enclosed items.

Very Truly Yours,


Jessica L. Hill

LETTER OF INTENT AND VARIANCE RESPONSE

July 12, 2016

This Application proposes to rezone 18.86 acres of real property located at 5775 Peachtree Dunwoody Road from the O-I zoning district to the MIX zoning district. The site is currently improved with four buildings that include office uses and the Chamberlain College of Nursing, a nursing school. The property is currently entitled for 1,532,295 square feet of office development, a 350 room hotel with restaurant and 50,000 square feet of retail use pursuant to Fulton County zoning case Z94-0103. This Application proposes to retain and renovate three of the existing buildings which will contain 343,487 square feet, of which 88,000 square feet is nursing school use, following renovation. The balance of the property will be redeveloped with 240,000 square feet of new office (495,487 square feet total office including the renovated existing office), a 160,000 square foot, 200 key hotel, a 335,000 square feet of multifamily consisting of 335 units and 30,000 square feet of retail/restaurant use. The existing 88,000 square feet of nursing school use will remain. The proposal reduces the existing approved density by 583,808 square feet (excluding hotel SF) and 150 hotel rooms. A direct pedestrian connection to the existing Medical Center MARTA station will be added in the center of the development to encourage MARTA ridership to and from the site. Overall the proposal reflects uses more complementary to the expanding medical uses in the area.

The development standards proposed pursuant to Section 8.2.3 of the MIX district are as follows:

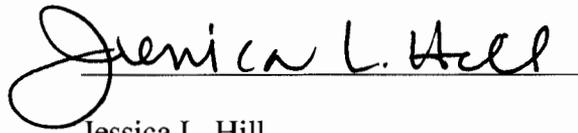
- (a) Minimum Front Yard = 0' on Peachtree Dunwoody Road and 0' on Lake Hearn Drive (subject to PCID standards for streetscape);
- (b) Minimum Side Yard = 10'
- (c) Minimum Rear Yard = 10'
- (d) Minimum Internal Setbacks, Separations, Landscaping Buffering Between Uses = 0'
- (e) Minimum Heated Floor Area per Dwelling Unit = 550 square feet

Pursuant to Section 19.4.5, a use permit is hereby requested to increase the allowable height from 60 feet to the following:

- (a) 100 feet (8 stories) for the hotel;
- (b) 275 feet (18 stories) for the new office with attached parking;
- (c) 100 feet (6 stories) for existing office C (currently approved per 94U-050 and 94U-051);
- (d) 100 feet (6 stories with basement for existing office D (currently approved per 94U-050 and 94U-051);
- (e) 90 feet (5-8 stories) for the multifamily building with attached parking (maximum height of 70 feet for the residences and a maximum of 90 feet for the shared parking deck); and

Pursuant to Section 19.4.40, a use permit is request to allow a school use, specifically a nursing school to be located within the development. The nursing school is currently in operation on the property and has been in operation on the site for more than five years.

In addition to rezoning, this Application also seeks the following concurrent variances: (a) variance from Section 109.225(a)(1) to allow an encroachment of 4,940 square feet into the 50' undisturbed natural vegetative stream buffer; (b) variance from Section 109.225(a)(2) to allow an encroachment of 7,302 square feet into the 25 foot pervious setback; (c) variance from Section 4.23.1 to reduce the required landscape strip from 10 feet to 0 feet along the Peachtree Dunwoody Road frontage to accommodate a right of way dedication and streetscape and also along the south property line as noted on the site plan to accommodate an existing water vault; (d) variance from Section 18.2.1 to reduce the required parking during construction by 20% to reflect a reduction from 1,026 required parking spaces to 821 provided parking spaces to allow the existing buildings to continue to operate during construction; and (e) variance from Section 103-72(b) to eliminate the requirement for interparcel access to the adjacent property to the east of the site.

A handwritten signature in black ink that reads "Jessica L. Hill". The signature is written in a cursive style and is positioned above a horizontal line.

Jessica L. Hill
Attorney for Applicant

VARIANCE RESPONSE

This Application requests the following concurrent variances:

- (a) Variance from Section 109.225(a)(1) to allow an encroachment of 4,940 square feet into the 50' undisturbed natural vegetative stream buffer;
- (b) Variance from Section 109.225(a)(2) to allow an encroachment of 7,302 square feet into the 25 foot pervious setback;
- (c) Variance from Section 4.23.1 to reduce the required landscape strip from 10 feet to 0 feet along the west and south property lines to accommodate the widening of Peachtree Dunwoody Road and required streetscape and as noted on the site plan to accommodate a water vault;
- (d) Variance from Section 18.2.1 to reduce the required parking during construction by 20% to reflect a reduction from 1,026 required parking spaces to 821 provided parking spaces to allow the existing buildings to continue to operate during construction; and
- (e) Variance from Section 103-72(b) to eliminate the requirement for interparcel access to the adjacent property to the east of the site

Stream Buffer Variances:

A. Requirements

Pursuant to Section 109.225(b) (3), stream buffer variances will be considered only in the following cases: (a) when a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this article is derived prevents land development unless a buffer variance is granted; (b) unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship. The requested stream buffer request meets both criteria.

As demonstrated on the buffer variance exhibit included in the application, there is a lake on the property that imposes stream buffers along portions of the bank. The existing improvements currently encroach 3,022 square feet into the 50 foot undisturbed buffer and 6,863 square feet into the 25 foot pervious setback. This Application requests to encroach 4,940 square feet into the 50 foot undisturbed buffer and 7,302 square feet into the 25 foot pervious setback. Two of the existing buildings encroach into the stream buffer. One is remaining and one is being demolished and improved with the restaurant and retail plaza. Requiring compliance with the buffer requirements would prevent development of the site and also create an extreme hardship based on the existing encroachments. Further, the Applicant proposes to enhance the pedestrian connection throughout the site, including between the existing building and proposed restaurant/retail plaza. Portion of this pedestrian connection are in the stream buffer which is unavoidable given then location of the existing buildings in the stream buffer and the finger shape of the lake with portions that do impose a stream buffer and portions that do not impose a stream buffer.

B. Additional Information

1. The survey, site plan and stream buffer exhibit submitted respond to items 1-3 and 6-7 identified in the application.

2. The documentation of unusual hardship is documented in (A) above.
3. A development proposal without any buffer impacts is impossible so an alternative plan has not been provided. There are two buildings that encroach into the buffer. Demolition of those buildings to remove the encroachment would require the buffers to be disturbed. The stream buffer variance requested is a product of improving areas already existing as impervious buffer impacts and enhancing the pedestrian experience.
4. The application submittal includes a mitigation opportunity exhibit detailing the mitigation proposed for the stream buffer encroachments.

Landscape Strip, Parking and InterParcel Access Variances:

The Sandy Springs Zoning Ordinance generally permits a variance upon a showing that: (1) the 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; (2) the application of a particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or (3) conditions resulting from an existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road. The proposed variances meet the first and/or the second criteria.

The developer proposes to reduce the required 10' landscape strip along Peachtree Dunwoody Road to accommodate a proposed right of way dedication on Peachtree Dunwoody Road to further the transportation improvement goals in the City of Sandy Springs. The elimination of the landscape strip on Peachtree Dunwoody Road will enable the buildings along that frontage to be closer to the street to active the proposed new streetscape. The additional right of way accommodated on Peachtree Dunwoody Road and the installation of a new streetscape along this corridor mitigate the impact of the elimination of the landscape strip. The reduction in the landscape strip along portions of the south property line abutting the MARTA station is to accommodate an existing water vault. The adjacency to the MARTA mitigates the necessity for a landscape strip along this property line. Further, the existing encroachment is minimal and would create an unnecessary hardship if it was to be removed. The proposal to reduce the landscape strip is in harmony with the general purpose and intent of the Zoning Ordinance.

The proposal to reduce parking by 20% during construction of the balance of the development is in harmony with the general purpose and intent of the Zoning Ordinance. The property is adjacent to the Medical Center MARTA station which provides convenient alternative transportation options for parties that will access the site during construction. Further, during peak periods the existing uses on the site do not utilize the full parking facilities available. Reducing the parking during construction is in harmony with the general purpose and intent of the zoning ordinance.

The property has wetland, floodplain, lake, and stream buffer constraints that limit the available areas to provide additional parking on the property during construction. Included in this Application is a copy of a site plan showing the parking available during construction for the existing buildings, prior to construction of the first parking deck. The proposal would remove existing surface parking temporarily while a new parking deck is constructed, however, reducing the required parking on a temporary basis is preferable to further encroachment into buffer and

other protected areas. Based on the current utilization of the parking for the existing uses, the adjacency to the Medical Center MARTA station and the proposed connectivity improvements to improve convenience of access, the developer anticipates the parking proposed during construction will be appropriate to accommodate the interim parking needs on a temporary basis.

The applicant proposes to eliminate the opportunity for interparcel access between the subject property and the property to the east of the site. This application includes exhibits that show the presence of floodplain and wetlands on the northern half of the eastern property line that would preclude interparcel access. This application also includes topographical information that demonstrates the grade changes by 42 feet between proposed multifamily building at the eastern edge of the site and the eastern property line. Further, the eastern property line topography drops by 74 feet from the southern property edge to the middle of the eastern property line moving south to north. The severe topography and floodplain issues along the eastern property line preclude the opportunity for interparcel access. From

Peachtree Dunwoody Pavilion - Master Plan

DRI Program Requirements
12-Jul-16

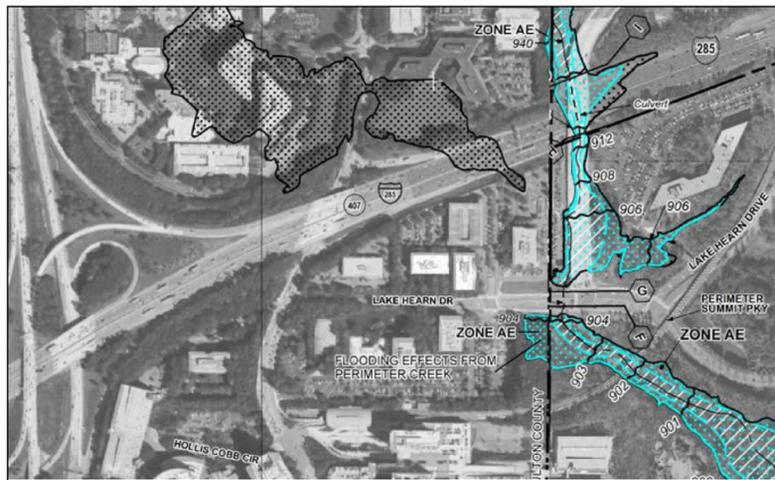
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DRI PROGRAM					PARKING REQUIRED			
					SANDY SPRINGS CRITERIA			
		FAR	HEIGHT	QUANTITY	UNIT	RATE	MIN. REQUIRED	W/ MARTA REDUCTION 15%
OFFICE								
	Building B (Proposed)	0.2921	275 feet	240,000		3/1,000 for 250,000 SF	750	638
	Building C (partial school)	0.1440	100 feet	118,295				
	Building D	0.1670	100 feet	137,192		2.8/1,000 for >250,000 SF	687	584
OFFICE SUB TOTAL				495,487	SF		1,437	1,222
SCHOOLS	Building A + part of C	0.1071		88,000	SF	5/1,000	440	374
RETAIL/RESTAURANT								
Endcap	A	0.0087	20 feet	7,108		10/1,000	71	60
Lakeview Pavilions	B	0.0062	30 feet	5,118		10/1,000	51	44
	C	0.0028	30 feet	2,311		10/1,000	23	20
	D	0.0012	30 feet	1,001		10/1,000	10	9
	E	0.0075	30 feet	6,144		10/1,000	61	52
	Additional	0.0101		8,318		10/1,000	83	71
RETAIL SUB TOTAL				30,000	SF		300	255
HOTEL	160,000	0.1947	100 feet	200	KEYS	1.25	250	213
MULTI FAMILY	335,000	0.4077	70 feet	335	UNITS	60/40@1.75/1.25	519	441
TOTAL NEW CONSTRUCTION				765,000				
TOTAL PROGRAM (SF)				1,108,487	SF	TOTAL PARKING REQUIRED	2,947	2,505

TOTAL FAR 1.3490
TOTAL SITE ACRES 18.86354

PARKING PROVIDED	HEIGHT	
WEST GARAGE (9 LEVELS)	103 feet	1,736
EAST GARAGE (8 LEVELS)	90 feet	905
SURFACE		138
HOTEL	100 feet	130
TOTAL PARKING PROVIDED		2,909

COMBINED FEMA PANELS:

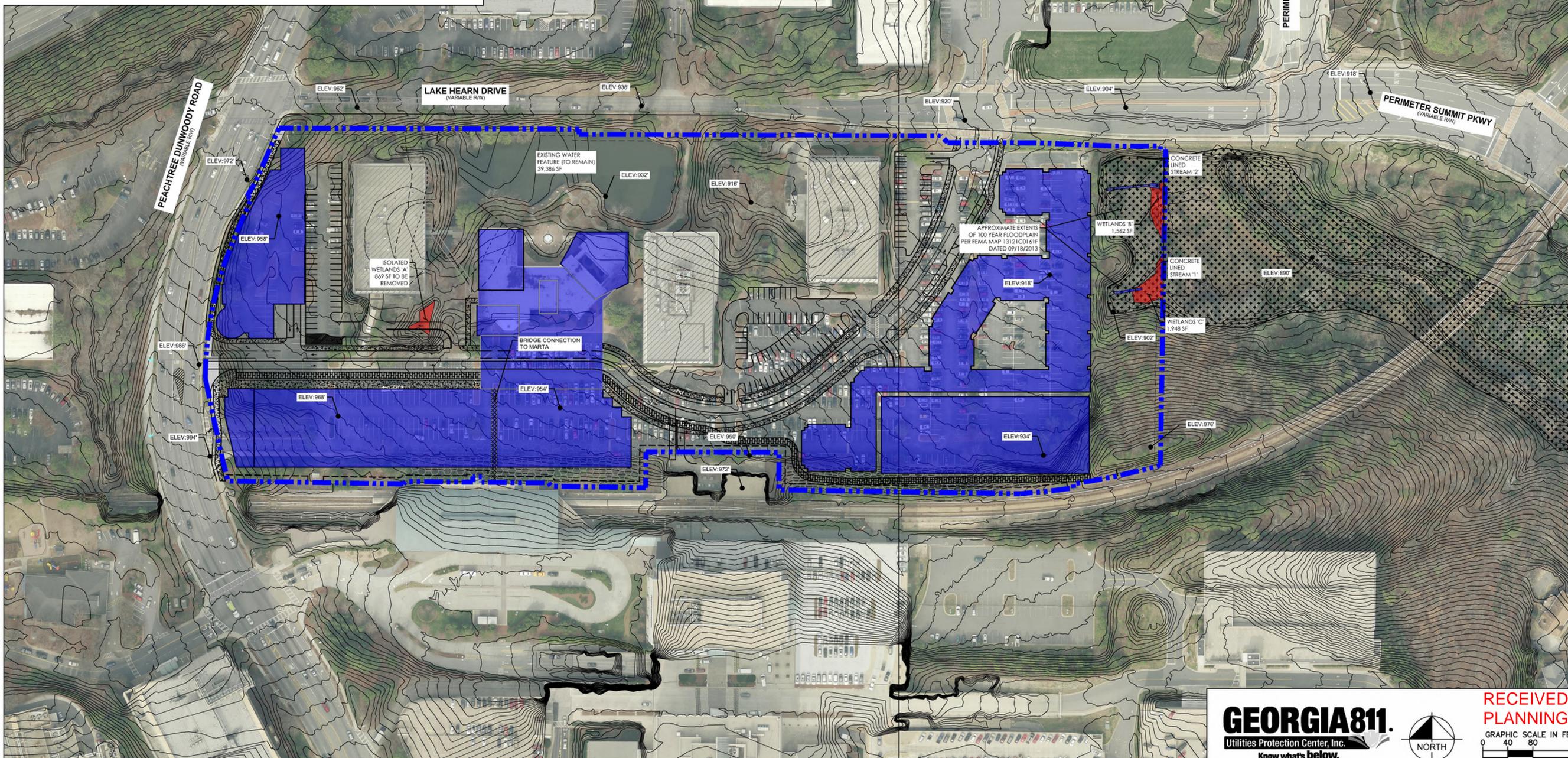


NOTES:

1. AERIAL PHOTOGRAPHY SHOWN HEREON IS FROM PICTOMETRY AND WAS SAVED ON 02/23/2016.
2. CONTOURS SHOWN HEREON ARE FROM FULTON COUNTY GIS (2' INTERVALS)

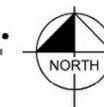
LEGEND:

- FIELD VERIFIED WETLANDS
- FLOODPLAIN PER FEMA MAP DATED: 09/19/
- PROPOSED BUILDING FOOTPRINT

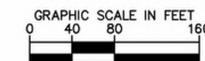


PDP OVERALL EXHIBIT

GEORGIA811.
 Utilities Protection Center, Inc.
 Know what's below.
 Call before you dig.



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06/09/2016

Kimley»Horn

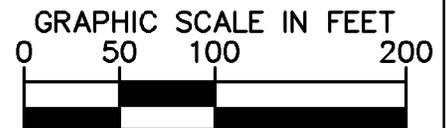
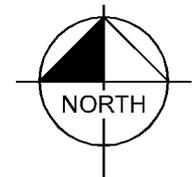


MITIGATION NOTES

- MITIGATION AREAS WILL RESULT IN THE REMOVAL OF INVASIVE SPECIES, SUCH AS ENGLISH IVY (HEDERA HELIX) AND THE PLANTING OF NATIVE RIPARIAN SPECIES:
 CANOPY: RIVER BIRCH (BETULA NIGRA), RED MAPLE (ACER RUBRUM), SYCAMORE (PLATANUS OCCIDENTALIS), OVERCUP OAK (QUERCUS IYRATA), BLACK WILLOW (SALIX NIGRA)
 MIDSTORY: HORNBEAN (CARPINUS CAROLINIANA), VIRGINIA SWEETSPIRE (ITEA VIRGINICA), ELDERBERRY (SAMBUCUS CANADENSIS)
 GROUND LAYER: RIVER OATS (CHASMANTHIUM LATIFOLIUM), SWITCHGRASS (PANICUM VARIGATUM), BLUESTEM (ANDROPOGON GERARDII)

- THE PROPOSED REPLANTING WILL COMPLY WITH FEDERAL MITIGATION GUIDELINES OF PLANTING 308 WOODY STEMS PER ACRE.
- CANOPY TREES WILL BE PLANTED ON 15 FT CENTERS AND MID-STORY TREES/SHRUBS WILL BE PLANTED ON 10-FT CENTERS.
- GROUND LAYER PLANTINGS WILL BE INTERSPERSED TO COVER THE AREAS BETWEEN WOODY PLANTINGS.
- A DETAILED DESIGN LAYOUT WILL BE PREPARED DURING THE LDP PROCESS FOR CONTRACTOR USE.

MITIGATION OPPORTUNITY EXHIBIT



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06/15/2016



