



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Planning Commission Meeting, May 19, 2021

Case: **RZ21-0002 – 6096 Barfield Road**
Staff Contact: Alexandra Horst (AHorst@SandySpringsga.gov)
Report Date: May 12, 2021

REQUEST

Request for a Zoning Map Amendment (Rezoning) from OX-3 (Office Mixed Use, 3 stories maximum height) to PR-3 (Perimeter Residential, 3 stories maximum height).

APPLICANT

Property Owner: Keel Funds Barfield LLC (contact: Chris Carlton)	Petitioner: PEG Extended Stay Conversion Fund LP (contact: Jeremy Endicott)	Representatives: Jessica Hill and Henry Bailey
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SUMMARY

The Applicant requests a Zoning Map Amendment (Rezoning) of 6096 Barfield Road from the OX-3 District to the PR-3 District. The Applicant proposes to repurpose the existing executive suites hotel into multi-unit residences while keeping the present number of buildings and units the same. Units would be adaptively reused, repaired, and renovated; landscaping, amenity space, and common areas would be updated; and no new construction would occur.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval with a Condition** of **Zoning Map Amendment (Rezoning)** RZ21-0002.

MATERIALS SUBMITTED AND REVIEWED**Materials:**

1. “*Avia Lofts Sandy Springs: 6096 BARFIELD RD, ATLANTA, GA,*” prepared by PEG COMPANIES, dated February 2021, received February 24, 2021
2. Application, received March 2 and March 30, 2021

Plans:

1. “*ALTA/NSPS LAND TITLE SURVEY FOR PEG COMPANIES,*” prepared by Site Design, Inc., signed and sealed by Thomas A. Sherard, P.L.S., dated February 16, 2021, received March 2, 2021

PROPERTY INFORMATION

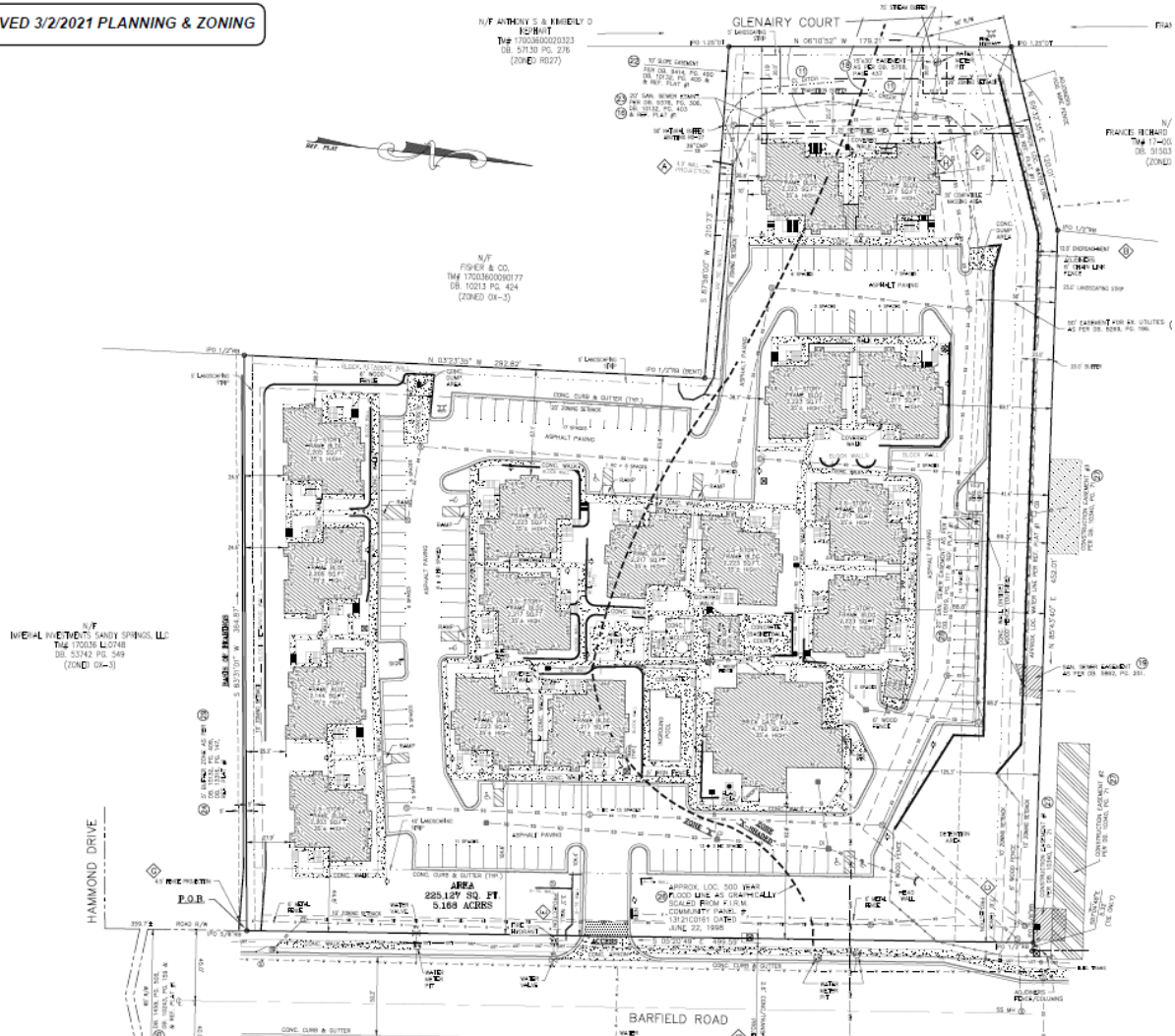
Location:	6096 Barfield Road (Parcel # 17 0036 LL0755)
Council District:	3 – Chris Burnett
Road frontage:	Approximately 499.80 feet of frontage on Barfield Road; Approximately 53.5 feet on Glenairy Court (not frontage)
Acreage:	Approximately 5.17 acres
Current Zoning: Existing Land Use:	OX-3 (Office Mixed Use, 3 stories maximum height) Executive Suites Hotel
Character Area:	Perimeter Center

PROCESS

Initial Community Meeting (CMI): February 22, 2021	Second Community Meeting (CMII): March 24, 2021	Planning Commission Hearing: May 19, 2021	Mayor and City Council Hearing: June 15, 2021
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EXISTING CONDITIONS SURVEY (received March 2, 2021) (full size Existing Conditions Survey in Package)
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RECEIVED 3/2/2021 PLANNING & ZONING



PROPOSED DEVELOPMENT

6096 Barfield Road is currently in the OX-3 District but the Perimeter Center Character Area. Thus, no Comprehensive Plan Character Area Map Amendment is required prior to a Zoning Map Amendment (Rezoning) application. During The Next Ten planning process, the City preemptively designated the subject parcel, as well as 750 & 800 Hammond Drive and properties to the west of Barfield Road, as Perimeter Center.

The 5.17-acre subject property is currently developed with an executive suites hotel, the Hawthorn Suites by Wyndham Atlanta Perimeter Center, including 17 buildings, a pool, sport court, and other features and improvements. According to the Fulton County Tax Assessors, the improvements were built in 1987. The Applicant states that there are 128 hotel rooms (96 studios and 32 two-bedroom units) onsite. Recent Tripadvisor Traveler Reviews on the Hawthorn Suites Hawthorn Suites by Wyndham Atlanta Perimeter Center webpage from March and April 2021 are all negative, with comments such as, “This was the worst experience of my life,” “Needs upgrade and cleaning,” “Worst hotel I’ve ever stayed in!,” “Room was filthy!!!,” “Worst Experience,” and “Very disappointed.”

The Applicant proposes to repurpose the executive suites hotel into Class B multi-unit residences, keeping the existing number of buildings and units the same. Units would be adaptively reused, repaired, and renovated, landscaping, amenity space, and common areas would be updated, and no new construction would occur. There would be 128 units, 96 of which would be studio, and 32 of which would have two (2) bedrooms, with rents expected to be in the range of \$1,000-\$1,250 per month. The Workforce Housing Income Limits and Maximums, as provided by the U.S. Department of Housing and Urban Development (HUD) for 2021, at 80% of the Fulton County Area Median Income (AMI) for people living in Efficiency and Two (2) Bedroom Units, are \$1,208 and \$1,552, respectively. Thus, the Applicant’s proposal accurately constitutes workforce housing.

Per the Applicant, “If the Zoning Map Amendment is approved, the existing hotel will be renovated, keeping the same number and configuration of units. No new construction is proposed. The building exteriors will be refreshed and repaired. Landscaping will be updated. The amenity and common areas, which include a fitness center, pool and lounge and picnic areas, will be refreshed and upgraded. The building interiors will be renovated to add new flooring, updated cabinets, lighting and paint and washer and dryer units.” In regard to parking, there are currently 139 vehicle parking spaces onsite. There is no minimum number of vehicle parking spaces required in Perimeter Center, but the maximum for multi-unit residential is 1.1 vehicle parking spaces per bedroom. For 160 bedrooms in 128 units, the vehicle parking maximum equals 176 parking spaces, which the Applicant does not exceed.

It should be noted that a site plan is not required for a Zoning Map Amendment. The goal with Rezonings is to consider the appropriateness of the proposed change in regards to the potential allowed uses within the proposed zoning district, rather than the specifics of a future development.

The following images show the existing conditions of and around 6096 Barfield Road.











The following image shows the adjacent Westbury Square single unit attached residences beyond the fence.



The following image shows the adjacent Sheraton Atlanta Perimeter North Hotel beyond the wall.



The following shows the buildings at the adjacent 750 Hammond Drive, beyond the trees and landscaping.



The following image is from the adjacent Westbury Square, looking towards the subject property.



The following three images are from Glenairy Court where it dead ends into subject property. 733 Glenairy Court, immediately adjacent to the subject property, was on the market for \$1,649,900 and is under contract.





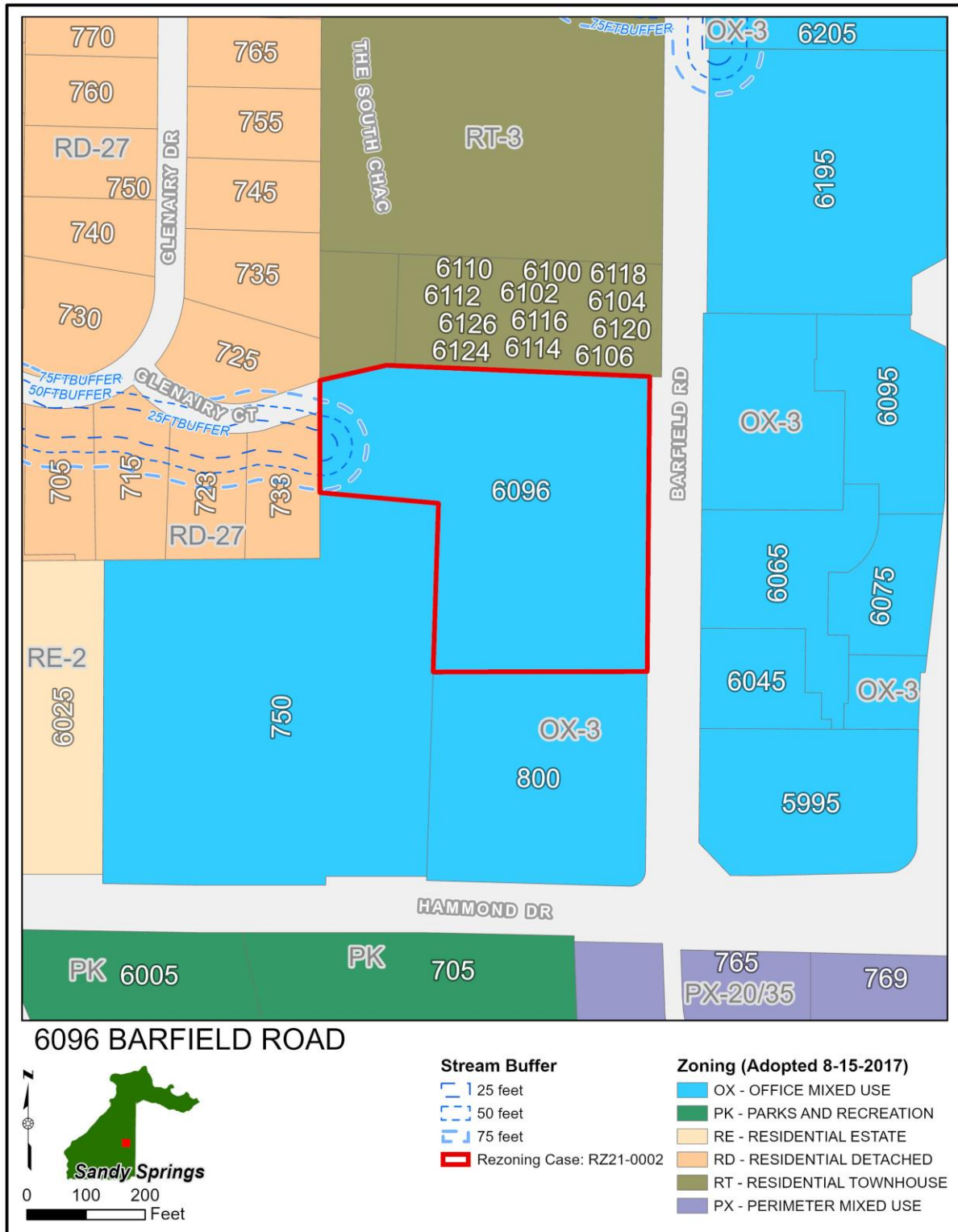
(All photographs by Alexandra Horst, April 18, 2021)

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
Northwest / North	RT-3 / Undeveloped	0 Barfield Road (Parcel # 17 0036 LL0441)	0.60
North / Northeast	RT-3 / Single Unit Attached Residences	6100-6128 Barfield Road (Westbury Square)	1.96
Northeast / East	OX-3 / Office, Medical	6085 Barfield Road	1.69
East	OX-3 / Office	6065 Barfield Road	1.52
East / Southeast	OX-3 / Office, Medical	6045 Barfield Road	0.73
South	OX-3 / Hotel, Office	800 Hammond Drive	2.96
South / Southwest / West	OX-3 / Office, Medical, Personal Service	750 Hammond Drive	7.44
West	RD-27 / Single Unit Detached Residence	733 Glenairy Court	0.67
PROPOSED DEVELOPMENT			
--	PR-3 / Multi-Unit Residences	6096 Barfield Road	5.37

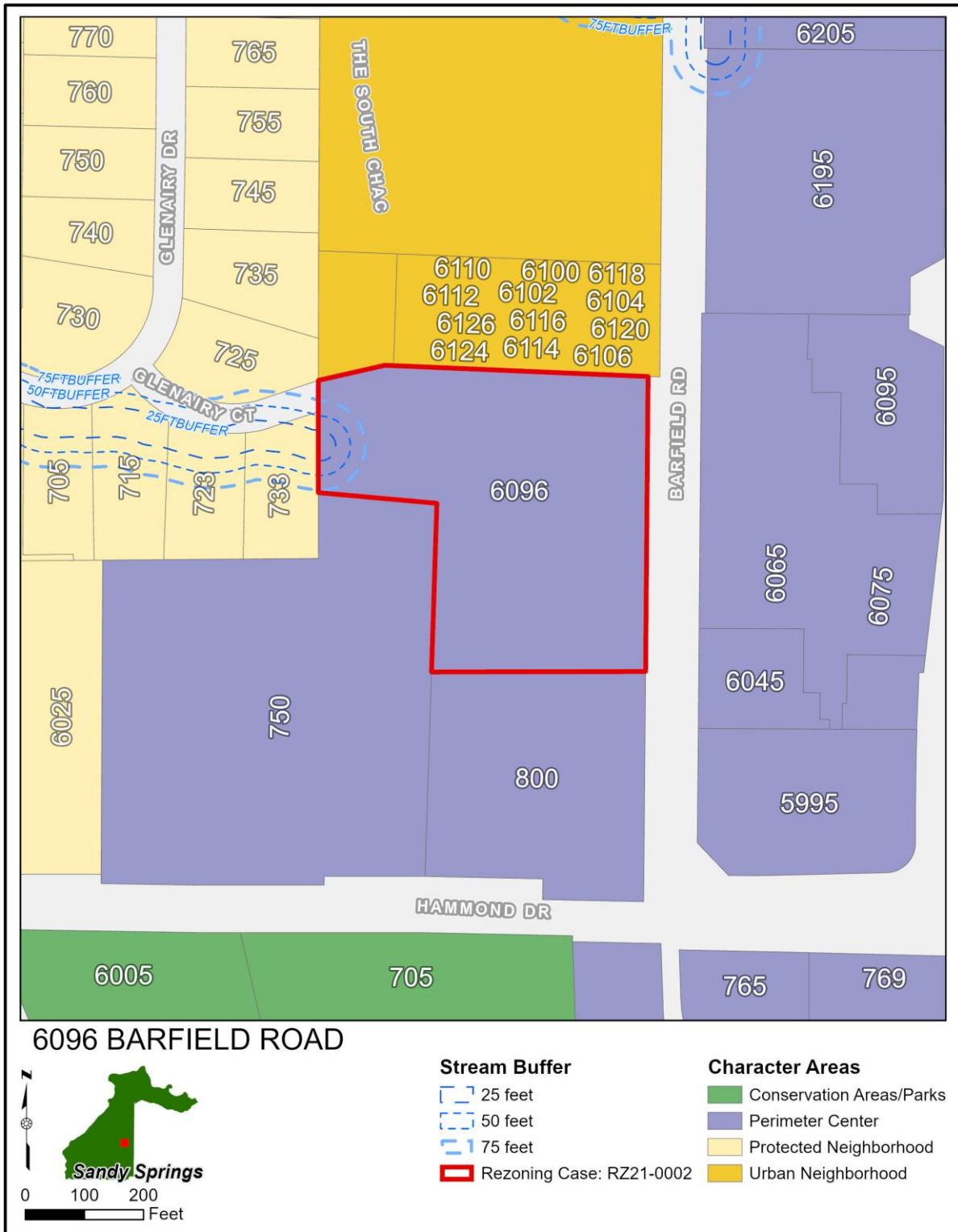
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



ZONING MAP AMENDMENT (REZONING) CONSIDERATIONS

Per Sec. 11.3.6.C. of the Development Code, the following list of approval criteria for a Zoning Map Amendment (Rezoning) provides guidance for making decisions on approval:

1. *The Zoning Map Amendment corrects an error or meets the challenge of some changing condition, trend or fact.*

Finding: The proposed Zoning Map Amendment does not correct an error. However, during The Next Ten planning process, the City preemptively designated the subject parcel, as well as 750 & 800 Hammond Drive and properties to the west of Barfield Road, as Perimeter Center, even though they are in the OX-3 District. Therefore, the Rezoning would remedy the inconsistency between the zoning district and Character Area for 6096 Barfield Road, as the PR-3 District is a Perimeter Center District. Among the Perimeter Center Districts, Perimeter Residential (PR-) is the least intensive and more restrictive in terms of allowed uses than are PX- and PM-. PR- is intended for residential living in attached single unit and multi-unit residences.

2. *The Zoning Map Amendment substantially conforms with the Comprehensive Plan.*

Finding: The proposed Zoning Map Amendment substantially conforms with The Next Ten Comprehensive Plan. The Next Ten prioritizes a balanced community, increased supply of housing and housing choices, workforce and mixed income housing, new housing in mixed use areas, quality of place, and a transformed Perimeter Center “into a vibrant, human-scaled and connected live-work district...This should include integration of residential uses,...” all of which the Rezoning would do. The Perimeter Center Character Area is described as “transitioning over time to include a greater mix of land uses, more housing options,...” including multifamily residential. Thus, the proposed Rezoning is consistent with the vision of The Next Ten.

3. *The Zoning Map Amendment substantially conforms with the stated purpose and intent of this Development Code.*

Finding: The proposed Zoning Map Amendment conforms with the purpose and intent of the Development Code. The purpose of the Development Code is to guide the City’s future growth in alignment with the vision set forth by The Next Ten. The Development Code was created to help foster more predictable development results and a higher-quality public realm. The Development Code is intended to encourage reinvestment, mixed use redevelopment, and diverse housing options, all of which the proposed Rezoning would do.

4. *The Zoning Map Amendment will reinforce the existing or planned character of the area.*

Finding: The proposed Zoning Map Amendment will reinforce the existing and planned character of the area. During The Next Ten planning process, the City preemptively designated the subject parcel, as well as 750 & 800 Hammond Drive and properties to the west of Barfield Road, as part of the Perimeter Center Character Area. Therefore, the Rezoning would remedy the inconsistency between the zoning district and Character Area for 6096 Barfield Road, as the PR-3 District is a Perimeter Center District.

5. *The subject property is appropriate for the development allowed in the proposed district and the use and development of adjacent properties.*

Finding: The subject property is appropriate for allowed uses in PR-, including multi-unit residential. This area contains a mix of zoning districts.

6. *There are substantial reasons why the property must not be used according to the existing zoning.*

Finding: There are not substantial reasons why the subject properties must not be used according to the existing zoning.

7. *There is a need for the proposed use at the proposed location.*

Finding: Based on the vision for Perimeter Center outlined in The Next Ten, there is a need for the proposed use at the proposed location. The Applicant requests a Zoning Map Amendment (Rezoning) from OX-3 to PR-3 to repurpose the existing executive suites hotel onsite into multi-unit residences, which would increase housing supply and choices, a stated goal of The Next Ten.

8. *The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.*

Finding: Staff does not anticipate substantial changes in the ability of the City and other service providers to provide sufficient public facilities and services and to maintain sufficient levels of service to existing development. According to the City Engineer, the proposed use does not trigger a traffic study. See Comments from Other Parties below and the Package for more information.

9. *The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.*

Finding: Though there is some hydrology in the area, the proposed Zoning Map Amendment would not likely impact the natural environment more than it is currently impacted. The Applicant proposes only to repurpose the existing executive suites hotel onsite into multi-unit residences.

10. *The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.*

Finding: Staff does not anticipate that the proposed Zoning Map Amendment would have a substantial adverse impact on properties in the vicinity of the subject property. In fact, it may be beneficial for the area for the existing executive suites hotel onsite, which garners negative comments, to be repurposed into multi-unit residences.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

No comment provided.

Sandy Springs Transportation Engineer:

No comment provided.

Sandy Springs City Engineer:

No comment provided.

Sandy Springs Chief Environmental Compliance Officer:

No comment provided.

Sandy Springs Arborist:

No comment provided.

Sandy Springs Sustainability Manager:

The repurposing of an existing building falls in line with sustainable development.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

No issues with Rezoning; however, Applicant should be aware that the proposed change in use of the building/complex can, and probably will, trigger upgrades to the building and complex. This could include retrofit of sprinkler systems, fire alarm systems, addition of additional hydrants onsite, etc.

MARTA:

No comment provided.

Fulton County Schools:

Comments provided. See Package.

Fulton County Board of Health:

No comment provided.

Fulton County Public Services and Utilities:

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

WATER AND WASTEWATER (SEWER):**WATER:**

Anticipated water demand: 270 gallons per day (gpd) per apartment unit x 128 multi-unit housing units = **34,560** gallons per day (gpd). Note: This is a conversion of an existing Residence Inn extended stay hotel into multi-unit housing.

This project is within the City of Atlanta water jurisdiction.

SEWER:

Basin: Nancy Creek

Treatment Plant: Plant: R.M. Clayton (City of Atlanta)

Anticipated sewer demand: **31,104** gallons per day

There are fourteen wastewater manholes within the property boundaries of the 5.37 acre tract (6096 Barfield Road) (sewer manholes # **SMNC1312780** to # **SMNC1312100**) along an 8 inch sanitary sewer line located in Land Lot **36**, District **17** that can service this development.

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

PUBLIC PARTICIPATIONCommunity Meeting I

There were approximately 27 in-person and virtual attendees, including the Applicant team, the President of the Sandy Springs Council of Neighborhoods (SSCN), and a reporter at the Initial Community Meeting on February 22, 2021, held both in person and virtually. Questions and topics discussed included the proposed project, similar projects done by the Applicant, workforce housing, the subject property, the proposed multi-unit residences and operations, etc.

Community Meeting II

There were approximately 23 in-person and virtual attendees, including the Applicant team and the President of SSCN at the Second Community Meeting on March 24, 2021, held both in person and virtually. Questions and topics discussed included the proposed project, survey, property, nearby communities, noise, security, parking, property management, etc. The Applicant team and attendees discussed scheduling a site walk. Though attendees advocated for a vehicular entry gate, gated public or private streets are not allowed.

Correspondence Received

Some nearby property owners and an adjacent property manager submitted public comments about the proposed Zoning Map Amendment in writing. Concerns regarded rental units, decreased property values, increased crime and traffic, setbacks, fencing and parking on and maintenance of the subject property, noise, and the dead end of Glenairy Court into the subject property. Requests regarded keeping the existing use onsite, a site walk, fencing, gating, maintenance, planting, and lighting and noise limitations. The adjacent property manager's and some nearby property owners' comments were in opposition to the proposed Zoning Map Amendment.

There was additional correspondence about a site walk.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
Following review, and based on the findings, Staff recommends Approval with a Condition of Zoning Map Amendment (Rezoning) RZ21-0002, request for a Zoning Map Amendment (Rezoning) from OX-3 (Office Mixed Use, 3 stories maximum height) to PR-3 (Perimeter Residential, 3 stories maximum height), subject to the following condition: 1. To provide a minimum of 20% of the rental multi-unit residential units as workforce housing at a rate of 80% Area Median Income (AMI) or less, ensured upon a 20-year Land Use Restriction Agreement (LURA), to be written and signed.



Avia Lofts Sandy Springs

6096 BARFIELD RD, ATLANTA, GA

February 2021





Firm Overview

FROM HUMBLE BEGINNINGS

From a homegrown startup to a sophisticated commercial real estate development and investment firm. PEG earned its respected reputation over the course of many years by refining its way of doing business. PEG crafts sophisticated, contemporary properties by preserving the resourceful thinking and homegrown values that shaped founder Cameron Gunter's upbringing on a dairy farm in Southern Idaho. Despite PEG's continued present-day expansion and national recognition, the principles of Gunter's farm life heritage continue to influence many of PEG's processes, including day-to-day operations, decisions around strategic growth, and how PEG partners with the communities where it builds.

RECEIVED 2/24/2021 PLANNING & ZONING



HIGHLIGHTS

PEG Capital Partners is the investment management arm of PEG Companies (“PEG”), a diversified real estate services platform specializing in opportunistic and value-add strategies since 2003.



RECEIVED 2/24/2021 PLANNING & ZONING

Experience Highlights

\$1.2B

Real Estate Developed

7.2M

Total Square Feet

4,939

Hospitality Keys

2,836

Multifamily Units

19

States/Provinces Entered

As of December 31, 2019

BROAD NETWORK OF PARTNERS

Successful projects stem from strong relationships. PEG Companies focuses on implementing early and constant collaboration with its valued partners at all levels. PEG's unique advantages include its leadership team's significant insight into city planning and entitlement processes; strong relationships with industry and community partners; and a strategic combination of acquisition, rehabilitation, and development capabilities. These advantages have enabled PEG to produce attractive returns for investors over long periods of time.



REPUTATION FOR EXCELLENCE



Milagro Apartments
Salt Lake City, Utah



AC Hotel by Marriott
Salt Lake City, Utah



Hoopes Vision Office
Draper, Utah

2019

NAIOP Utah Developer of the Year
Honoring CEO Cameron Gunter

2019

CCIM Excellence Finalist
Developer of the Year

2019

CCIM Specialty Project of the Year
AC Hotel by Marriott Salt Lake City

2018

Associated Builders & Contractors
Excellence in Construction Award
Village on Main Street

2018

Best Project by Marriott
Courtyard by Marriott Prince George

2017

CCIM Excellence Finalist
Developer of the Year

2016

INT'L Interior Design Association's
Best Interior Designer Award
Wilmington Flats

2016

CCIM Excellence Finalist
Developer of the Year

2016

Hyatt Developer of the Year
Hyatt Place Park City

2012

Associated Builders & Contractors
Excellence in Construction Award
Sienna Villas Apartments

2010

Provo City Mayor's Award
Zion Bank Regional Financial Center

A PEG STRATEGY SINCE 2018

Since 2018, PEG has been acquiring well-located, first-generation extended stay hotels for potential conversion into Class B apartments. PEG currently owns and operates 13 of these extended stay hotels across the US with an additional two properties under contract.

PEG Portfolio – Conversion Properties

Residence Inn	Smyrna, GA	Conversion Asset
Residence Inn	Sacramento, CA	Conversion Asset
Residence Inn	Santa Fe, NM	Conversion Asset
Residence Inn	St. Louis, MO	Conversion Asset
Residence Inn	Chicago, IL	Conversion Asset
Residence Inn	St. Petersburg, FL	Conversion Asset
Residence Inn	Boston, MA	Conversion Asset
Residence Inn	Atlanta, GA	Conversion Asset
Residence Inn	Boulder, CO	Conversion Asset
Residence Inn	Dallas, TX	Conversion Asset
Residence Inn	Philadelphia, PA	Conversion Asset
Hawthorn Suites	Kissimmee, FL	Conversion Asset
Residence Inn	Buffalo, NY	Conversion Asset
Habitat Suites	Austin, TX	Conversion Asset
Hawthorn Suites	Overland Park, KS	Conversion Asset
Cloverleaf Suites	Overland Park, KS	Conversion Asset



Hawthorn Suites by Wyndham Atlanta Perimeter Center

PROPOSED ZONING CHANGE

PEG Companies proposes the rezone of the Hawthorn Suites Atlanta Perimeter Center hotel. The property was originally built as a Generation 1 Residence Inn by Marriott but has since been down flagged to a Hawthorn Suites. PEG plans to renovate the property and convert the use from hospitality to multi unit housing. After reviewing the comprehensive plan of the city, PEG has decided to apply for the PR-3 zoning.

Current zoning: OX-3: Office Mixed Use

- 3 stories maximum height

Proposed zoning: PR-3: Perimeter Residential

- 3 stories maximum height



NEIGHBORHOOD BENEFITS

- Infusion of private investment
- Refreshed landscaping & exteriors
- Reduces crime in the area
- Minimizes the risk of property going vacant
- Provides workforce housing (nurses, firefighters, police officers, etc.)
- Occupants will be residents that pass a background and credit check rather than transient hotel guests



RECENT REVIEWS OF HAWTHORN SUITES ATLANTA PERIMETER

Recent Reviews:

D9319VKbeatriza

Trip type:
Business

VERY BAD EXPERIENCE!!!

●○○○○○ Feb 11, 2021

Very bad experience! The room had not been cleaned, the bed was noticeable that it had not been changed and only the covers were stretched, it smelled of messy grime,... [more »](#)

Amytravelswithwes
Surgoinville,
Tennessee

Trip type:
Business

Sh-t show.

●○○○○○ Jan 18, 2021

The staff partied in the room above us. The music was blaring at 5am. My husband went to pack the car. He passed a guy coming from the room upstairs.... [more »](#)

S7735businesstravel
Carrollton, Georgia

Trip type:
Business

Horrible and getting worse! Stay elsewhere!

●○○○○○ Jan 13, 2021

I have stayed at this property several times, and each time got worse. It is in a terrible state of disrepair, dirty, and run down. Additionally, every time I stayed,... [more »](#)

jabrank37
Candler, North
Carolina

Horrible place

●○○○○○ Jan 11, 2021

Horrible place. Disgusting, food and spoons underneath mattress, tv didn't work. No towels or toilet paper. We left immediately to another hotel. Customer service was rude. Never even made an... [more »](#)

AmeriCaz
Atlanta, Georgia

Trip type:
Couples

Low Standards

●○○○○○ Dec 16, 2020

Not a well-maintained property. We checked out early as we just couldn't bear to stay any longer. Property looked good online but the room was filthy, especially the flooring, mattress... [more »](#)

FLOOR PLAN EXAMPLES

Marriott Residence Inn – First Generation*

Studio – 490 SF



Marriott Residence Inn – First Generation*

1 BR – 790 SF



*The floor plans above are only general examples of an extended stay layout

EXPECTED UPDATES

- **Exteriors**
 - Refresh landscaping
 - Paint exteriors
 - Fix siding
 - Update signage
- **Amenity and Common Area Upgrades**
 - Upgrade fitness center
 - Add remote working spaces
 - Add resident lounge area
 - Replace grills and picnic areas
 - Clean spa and pool area
- **Renovate Interiors**
 - New flooring
 - Update kitchen cabinets
 - Add washer/dryer units
 - Update lighting
 - Repaint



CURRENT EXTERIOR PHOTOS



CURRENT EXTERIOR PHOTOS

RECEIVED 2/24/2021 PLANNING & ZONING



CURRENT LANDSCAPING

RECEIVED 2/24/2021 PLANNING & ZONING



KITCHEN

RECEIVED 2/24/2021 PLANNING & ZONING



LIVING ROOM

RECEIVED 2/24/2021 PLANNING & ZONING



Studio Living Room



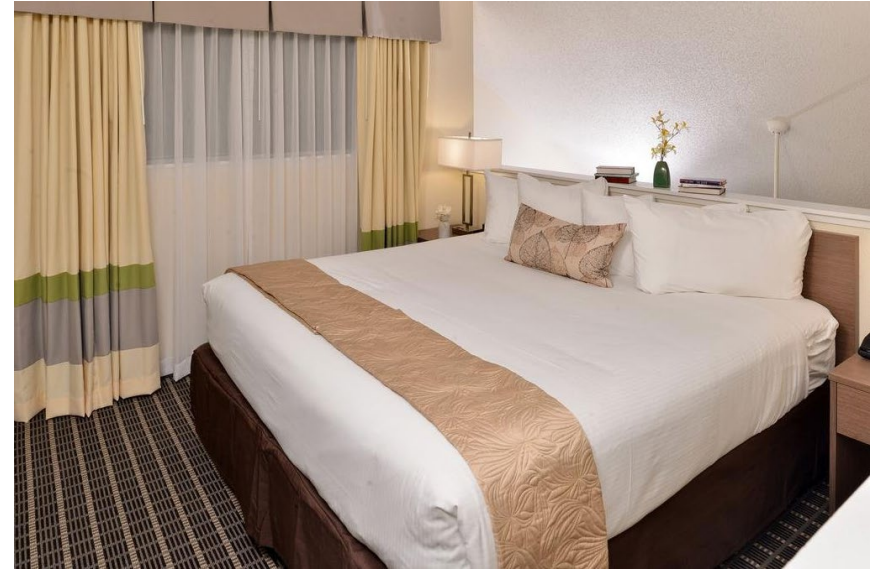
Two-bedroom Living Room

BEDROOM

RECEIVED 2/24/2021 PLANNING & ZONING



Twin Studio Bedroom & Living Space



Two Bedroom Loft Bedroom

BATHROOM

RECEIVED 2/24/2021 PLANNING & ZONING





Comparable Property Renovation



KITCHEN EXISTING & RENDERINGS

RECEIVED 2/24/2021 PLANNING & ZONING



LIVING ROOM EXISTING & RENDERINGS



BEDROOM EXITING & RENDERING

RECEIVED 2/24/2021 PLANNING & ZONING



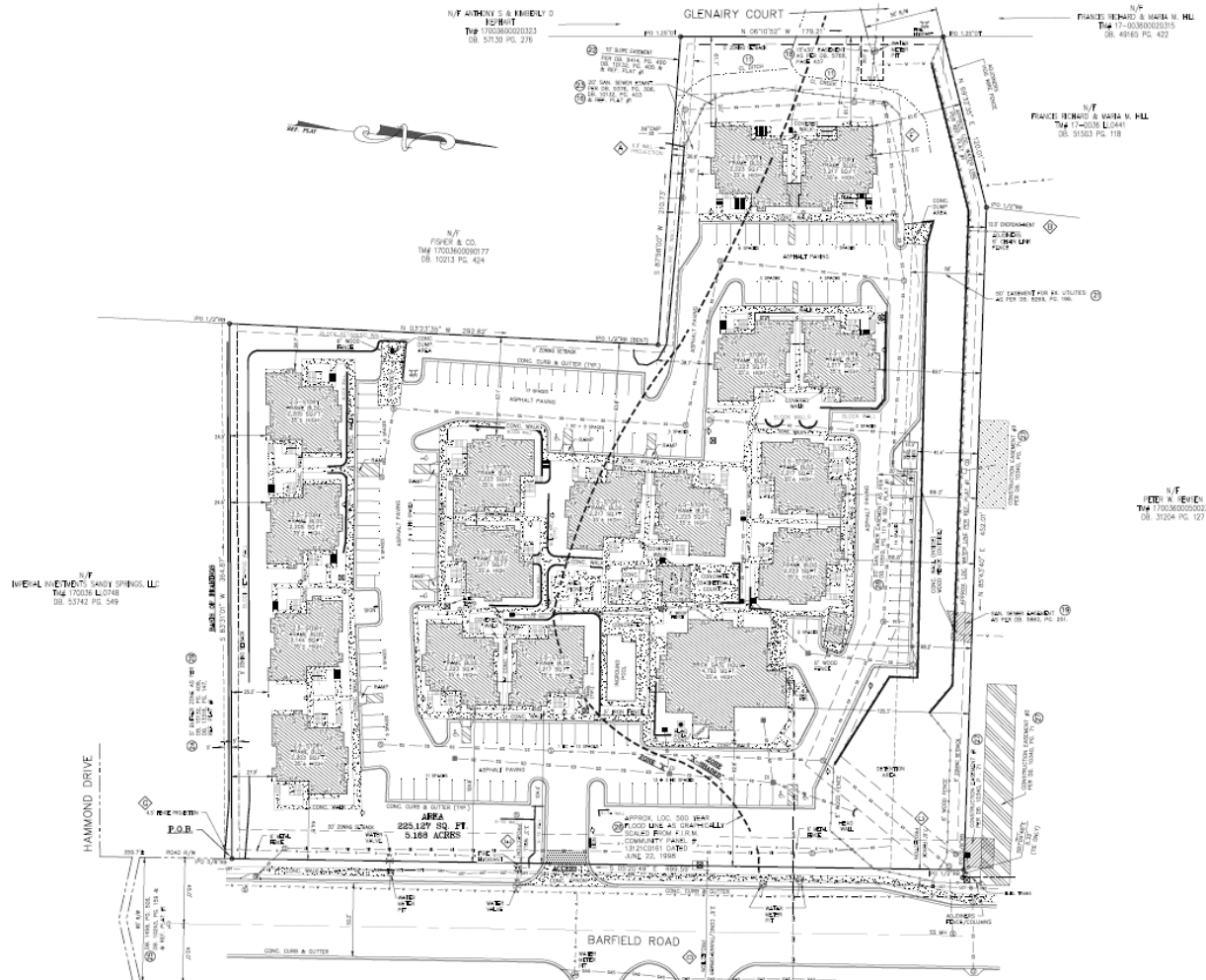
BATHROOM EXISTING & RENDERINGS

RECEIVED 2/24/2021 PLANNING & ZONING



UPDATED SITE PLAN

RECEIVED 2/24/2021 PLANNING & ZONING







SANDY SPRINGS™
GEORGIA

Case No.: RZ21-0002

Planner's initials: **AH**

APPLICATION

ZONING MAP AMENDMENT (REZONING) & CONDITIONAL USE PERMIT

Application Checklist:

Page No.	Item	Completed/ Included in Submittal
2	Project Information Sheet	☐
3-6	Detailed Process and Instructions	N/A
7	Application Form	☐
8-10	Authorization and Disclosure Forms	☐
11	Letter of Intent	☐
11	Zoning Impact Analysis	☐ or N/A ☐
11-12	Conditional Use Analysis	☐ or N/A ☐
12	Traffic Impact Study	☐ or N/A ☐
12	Development of Regional Impact	☐ or N/A ☐
12	Chattahoochee River Corridor Certificate	☐ or N/A ☐
12-13	8½" x 11" copy of Survey	☐
12-13	8½" x 11" copy of Site Plan	☐ or N/A ☐
12-13	11" x 17" copy of Survey	☐
12-13	11" x 17" copy of Site Plan	☐ or N/A ☐
12-13	Two (2) full-scale copies of Survey	☐
12-13	Two (2) full-scale copies of Site Plan	☐ or N/A ☐
12	8½" x 11" copy of Legal Description (must be in Word format)	☐
	11" x 17" copy of Elevations and/or Sections	☐ or N/A ☐
14	Meeting Schedule	N/A
15	Fee Schedule	N/A
15	Fee Payment	☐
16	Sign Specifications	N/A
17	Sign-In Sheet Template	N/A
4	Summary of and Sign-In Sheet Completed at CMI	☐
	All documents in electronic form (email)	☐

The Director reserves the right to request additional information deemed necessary to analyze the request. Incomplete applications will not be accepted.

Planner's initials: **AH**



SANDY SPRINGS™
GEORGIA

Case No.: RZ21-0002
Planner's initials: AH

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 6096 Barfield Road NE	
	Parcel Tax ID(s): 17-0036-LL-075-5	
	Total acreage: 5.17 acres	Council District: 3
	Current zoning: OX-3	Current use: Extended Stay Hotel
	Character Area: Perimeter Center	

APPLICATION	Purpose of the Application: Zoning Map Amendment - Perimeter Residential-3 (PR-3)		
	Check all that apply:		
	☒ Zoning Map Amendment (Rezoning)	☐ Conditional Use Permit	
	Detailed request: Petitioner seeks to rezone the property from OX-3 to Perimeter Center - 3 to accommodate the adaptive re-use of the property from the current extended stay hotel into mult-unit housing. The existing buildings will remain and no additional units will be added.		
	Petitioner: PEG Extended Stay Conversion Fund LP		
	Petitioner's address: 180 N University Avenue #200, Provo, UT 84601		
	Attn: Jeremy Endicott		
Phone:		Email:	

OWNER	Property owner: Keel Funds Barfield, LLC	
	Owner's address: 3715 Northside Pkwy, Building 100, Suite 300, Atlanta, Georgia 30327	
	Phone:	Email:
	Signature (authorizing initiation of the process): <i>[Signature]</i>	
	If the property is under contract, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-Application Meeting date: 1/25/2021	Anticipated Application date: 3/2/2021
CMI date, time, and location: 2/22/2021 at 6PM at Atlanta Marriott Perimeter Center, 246 Perimeter Center Parkway NE, Atlanta, GA 30346 With Zoom/Call-In option	
ADDITIONAL INFORMATION NEEDED:	
SUBMITTAL ITEMS WAIVED BY DIRECTOR:	



SANDY SPRINGS™
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Case No.: RZ21-0002
Planner's initials: **AH**

APPLICATION FORM

APPLICATION	Purpose of the Application: Zoning Map Amendment from OX-3 to Perimeter Residential-3 (PR-3)
	Check all that apply: ☒ Zoning Map Amendment (Rezoning) ☐ Conditional Use Permit
	Detailed request: Petitioner seeks to rezone the the property from OX-3 to Perimeter Residential-3 (PR-3) to accommodate the adaptive re-use of the property from the current extended stay hotel into mult-unit housing. The existing buildings will remain and no additional units will be added.

COMMUNITY MEETING I REPORT	Date and location of CMI: February 22, 2021 at 246 Perimeter Center Parkway, NE, Atl, GA 30346.
	Beginning time: 6:00PM End time: 7:00PM
	Summary of concerns discussed: See attached summary.
	Does the Application address the concerns discussed at the CMI? ☒ Yes ☐ No
	Explain: See attached responses.

- TO BE FILLED OUT BY P&Z STAFF -

Application date: 3/2/2021	Tentative Planning Commission date: 5/19/2021
CMI date and time: 3/24/2021, 6:00 PM	Tentative Mayor and City Council date: 6/15/2021
OFFICIAL REQUEST (FOR PUBLICATION):	
Request for a Zoning Map Amendment (Rezoning) from OX-3 to PR-3	

ZM21-002 - CM1 Issues and Responses

February 22, 2021

What are the expected monthly rental rates?

Response: \$1,000-\$1,250

When are you planning to start this project?

Response: As soon as zoning is complete.

What is a "Class B" apartment product?

Response: Apartment class is an industry term. Descriptions can be found online, however, generally they are older properties that are well maintained and offered at a more attainable price point than new construction.

What are the planned length of leases?

Response: A 12 month lease is standard, however, leases may be as few as 8 months and as long as 16 months depending on the circumstance.

What are plans for on site security?

Response: There will not be an on site security guard. In the event crime is an issue in the area, this may be reassessed.

Will washers and dryers be provided in each unit?

Response: Yes.

Would you be allowing children to live in an apartment or is this age restricted?

Response: The community will not be age restricted.

How will you avoid students?

Response: It is unlikely that students will meet the income requirements to rent a unit.

What are the income and credit requirements?

Response: PEG will follow up with the property management company and provide in the second neighborhood meeting.

How will you prevent 5 people living in a studio?

Response: The leases will include limits on the number of occupants.

Does the rent include all utilities?

Response: No, utilities are not included.

Will a property manager live on site?

Response: No.

How does your company manage the property and address tenant defaults?

Response: The property management company will operate the property as an apartment complex. There will be one full time property manager and a full time maintenance supervisor.

Are pets allowed?

Response: Yes.

Will you lease only to individuals or will leases also be accommodated to organizations for use by employees or the people they serve?

Response: Leases will be entered with individuals.

Do you buy and hold properties or are you looking to renovate and flip this property?

Response: The property is being acquired using a fund with a life of at least seven years. Whether the property is sold after conversion will depend on the market.

Autumn Chace Questions

1. What is PEG Companies experience with this type of project?

Response: PEG has acquired 13 of these extended stay hotels across the US intended for conversion based on when their franchise flags expire. Two of these extended stay hotels are located in North Atlanta.

2. What is the status of PEG Companies similar purchases of the Buckhead and Smyrna properties?

Response: The rezone has been completed in Buckhead. Construction is expected to begin in the next few years. The hotel in Smyrna has a few years left on the franchise flag. The entitlement process will begin nearer to the end of the Marriott flag life.

3. Has the property already been purchased or is the sale contingent upon the rezoning application being approved?

Response: The property has not been purchased yet.

4. What Class of apartments are planned (A/B/C)? And are all planned to be of the same Class or will there be a mix?

Response: All Class B.

5. Please confirm the number of units and type of units (studio, 2 bedrooms).

Response: 128 units – 96 Studios and 32 Two Bedrooms

6. When would renovations begin and when would units begin to be occupied?

Response: Addressed above.

7. Please describe the planned renovations to exterior and interior.

Response: Please see the slides presented at the neighborhood meeting and published by the city of Sandy Springs regarding this property.

8. How will the units be furnished? Please describe.

Response: Using the existing furniture on the property.

9. What is your target market and target rental range?

Response: We are targeting workforce housing.

10. There are already many brand new apartments in close proximity on Hammond Drive/Peachtree Dunwoody Road as well as Abernathy Road/Barfield Road. What is the compelling rental value proposition for people to select this property vs. one of the newer apartment complexes?

Response: These are not new apartment and would not compete with Class A housing like mentioned.

11. What steps will PEG Companies take to ensure that this apartment complex will not become problematic for this property and the surrounding community like when it was temporarily attempted to shift to a rental community in 2014?

Response: The illegal use of this property as student housing in the past is a different scenario. Our property management company operates class A and B multifamily across the US. Due to income, credit and criminal history requirements in the lease application, we do not expect a similar situation to occur on this property.

12. Your Application stated that this would be a "long-term lease" community- does this mean a minimum 1 year initial lease term? What are your lease terms?

Response: Already addressed.

13. Is there a full perimeter fence?

Response: Yes but there is not a gate.

14. Will the community be gated?

Response: The current plans do not anticipate one.

15. Who will manage the property? How will it be managed?

Response: PEG Property Group. It will be managed as a typical apartment complex.

16. Will there be 24 hour on-site security?

Response: Already addressed.

17. Can the 'thresholds' for what PEG Companies accepts for the Background Checks and Credit Checks be shared? Are all renters subject to the same reviews and thresholds, regardless of lease term?

Response: Already addressed. Yes all renters are required to sign a lease and qualify based on the same terms.

18. Who has PEG Companies worked with on the rezoning application from the City of Sandy Springs? (first, last names)

Response: Alexandra Horst.



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AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the Authorization Form.

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: Keel Funds Barfield, LLC	Sworn and subscribed before me this <u>2nd</u> day of <u>March</u> 20 <u>21</u> Notary public: <u>Stacy Emerine</u> Seal: Commission expires: <u>01-23-2025</u>
Address: 3715 Northside Pkwy, Building 100, Suite 300	
City, State, Zip Code: Atlanta, Georgia 30327	
Email address: [REDACTED]	
Phone number: [REDACTED]	
Owner's signature: <u>[Signature]</u> , Mgr.	

B- If the Applicant is *not* the current owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

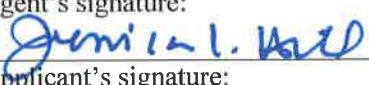
Applicant states under oath that:	
☐ He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or ☒ He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or ☐ He/she has an estate of years which permits the Applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name: PEG Extended Stay Conversion Fund LP	Sworn and subscribed before me this <u>15th</u> day of <u>March</u> 20 <u>21</u> Notary public: <u>Stacy Emerine</u> Seal: Commission expires: <u>01-23-2025</u>
Company name: Same as Applicant	
Address: 180 N University Avenue #200	
City, State, Zip Code: Provo, UT 84601	
Email address: [REDACTED]	
Phone number: [REDACTED]	
Applicant's signature: <u>[Signature]</u>	

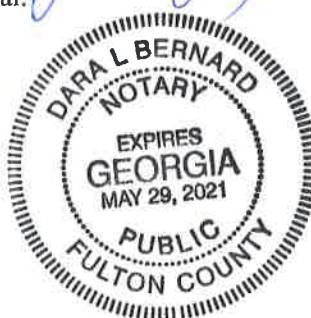


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GEORGIA

AUTHORIZATION FORM – PART II

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

Agent's name: Jessica Hill, Esq. or Henry Bailey, Esq.
Company: Morris, Manning & Martin, LLP
Address: 3343 Peachtree Road, N.E., Suite 1600
City, State, Zip Code: Atlanta, Georgia 30326
Email address: jhill@mmmlaw.com or hbailey@mmmlaw.com
Phone number: 404-233-7000
Agent's signature: 
Applicant's signature: See attached

Sworn and subscribed before me this
<u>10</u> th day of <u>February</u> 20 <u>21</u>
Notary public: 
Seal: 
Commission expires:



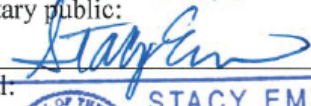
SANDY SPRINGS™

GEORGIA

AUTHORIZATION FORM – PART II

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

Agent's name: Jessica Hill, Esq. or Henry Bailey, Esq.	
Company: Morris, Manning & Martin, LLP	
Address: 3343 Peachtree Road, N.E., Suite 1600	
City, State, Zip Code: Atlanta, Georgia 30326	
Email address: jhill@mmmlaw.com or hbailey@mmmlaw.com	
Phone number: 404-233-7000	
Agent's signature:	See attached
Applicant's signature:	

Sworn and subscribed before me this	
1 st day of	March 20 21
Notary public:	
	
Seal:	
Commission expires: 01-23-2025	



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GEORGIA

DISCLOSURE OF CONTRIBUTION FORM

Within the two (2) years immediately preceding the filing of this 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:

N/A - Applicant does not have ownership interest

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: Craig Dingham on behalf of PEB Extended Stay Conversion Fund LP

Signature: [Signature] Date: 3/1/2021

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



SANDY SPRINGS™

GEORGIA

DISCLOSURE OF CONTRIBUTION FORM

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

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

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

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

Name: <i>Chris Pariten</i>
Signature: <i>[Signature]</i> Date: <i>3/2/2021</i>

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



SANDY SPRINGS™
GEORGIA

DISCLOSURE OF CONTRIBUTION FORM

Within the two (2) years immediately preceding the filing of this 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:

N/A - Execution on behalf of Applicant attorney

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:	Jessica Hill on behalf of Mel's Manning, Martin LLP	
Signature:	Jessica L. Hill	Date: 2/10/21

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



March 1, 2021

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

City of Sandy Springs
c/o Planning and Zoning Division
1 Galambos Way
Sandy Springs, Georgia 30328

Re: RZ21-0002 – 6096 Barfield Road Letter of Intent for Zoning Map Amendment

To Whom It May Concern:

This Zoning Map Amendment application requests the change in zoning of a 5.17 acre property from OX-3 to PR-3 to accommodate the adaptive reuse of the existing buildings for multi-unit housing. The property was originally developed as a Residence Inn in the 1980s and is currently operating as a Hawthorn Suites extended stay hotel. There are 128 existing hotel rooms which consist of 96 studios and 32 two bedroom units with full kitchens. If the Zoning Map Amendment is approved, the existing hotel will be renovated, keeping the same number and configuration of units. No new construction is proposed. The building exteriors will be refreshed and repaired. Landscaping will be updated. The amenity and common areas, which include a fitness center, pool and lounge and picnic areas, will be refreshed and upgraded. The building interiors will be renovated to add new flooring, updated cabinets, lighting and paint and add washer and dryer units.

Best,

Jessica L. Hill

Zoning Impact Analysis

1. The Zoning Map Amendment corrects an error or meets the challenge of some changing condition, trend or fact.

The proposed Zoning Map Amendment meets the challenge of changing facts with respect to the property and the immediate area. Due to the pandemic, the hospitality industry has been adversely impacted. In many instances, this adverse impact has resulted in a pivot away from hospitality uses, like the one currently operating on the property. This Zoning Map Amendment allows for the property to meet the challenge of the fact that hospitality uses are transitioning to alternate uses.

Even with the recent diminishment in value of properties improved with hospitality uses, the value of the subject property and its ongoing operation is still significantly higher than other properties in the area being sold for redevelopment. The current value of the current operation the property will limit the potential for a redevelopment of the property as currently zoned.

More broadly, the property is located near the intersection of Barfield Road and Hammond Drive. Beginning immediately north of the subject property and continuing up to Mt. Vernon Hwy, the entire west side of Barfield Road contains residential uses. The east side of Barfield Road is nearly all office or commercial space. The proposed Zoning Map Amendment, would be aligned with the current development fabric in the area by allowing the adaptive re-use of the extended stay hotel to a less transient multi-unit project. If approved, with the exception of the Sheraton Hotel at the corner of Barfield and Hammond, the entire west side of Barfield Road would be residential use. This creates a transition of intensity moving east to west from Barfield Road to the single-family neighborhoods located west of the property.

2. The Zoning Map Amendment substantially conforms with the Comprehensive Plan.

The proposed Zoning Map Amendment to Perimeter Residential-3 (PR-3) substantially conforms with the Comprehensive Plan. The property has a Perimeter Center character area designation within the Comprehensive Plan. The Perimeter Center designation has the stated intent and purpose of creating “live-work” environments by providing housing choices that are within comfortable walking distance to transit and employment centers. The area the property is located in is just across GA-400 from the “largest employment center in the southeast” per the Comprehensive Plan. If the Zoning Map Amendment request is granted, an additional housing choice would be added to the “Hammond Node”, as such area is defined in the Comprehensive Plan.

3. The Zoning Map Amendment substantially conforms with the stated purpose and intent of this Development Code.

The stated intent of the Development Code in Section 1.1.5 specifically accommodates the provision of standards for compatible transitions of use, building scale and height between existing

and new development. The proposal to rezone the property from OX-3 to PR-3 would downzone the property to allow for a compatible transition of use from the office and hospitality uses located to the south and east to the residential uses to the north and west. The current OX-3 zoning district permits several uses, like restaurant and retail uses that are incompatible with the residential properties to the north and west. Due to the adaptive re-use of the existing buildings and the three story height limit in the PR-3 zoning district, the change in zoning will not adversely impact building scale or height. Further, the Development Code provides for the promotion of diverse housing options along the City's major corridors and within its nodes. This Zoning Map Amendment proposal, if approved, would allow for a multi-unit development with an attainable price point to add to the existing single family and townhome uses in the Hammond Node.

4. The Zoning Map Amendment will reinforce the existing or planned character of the area.

The Zoning Map Amendment will reinforce the existing and planned character of the area. As noted above, the property is located in the Perimeter Center future land use area and is also located within the Hammond Node. The area contains several multi-unit developments along with many office and commercial uses. Further, the recreational needs of the area are supported by Hammond Park, which is immediately south of Hammond Drive. Together, the existing and planned uses, including the use proposed by this Zoning Map Amendment application, creates the live-work node that is aligned with the planned character of the area.

5. The subject property is appropriate for the development allowed in the proposed district and the use and development of adjacent properties.

The subject property is appropriate for the development. The use and development of adjacent properties include the residential townhomes immediately north of the property; the Sheraton Hotel immediately south of the property; Hammond Park, which is located farther south immediately across Hammond Drive; office and commercial uses are located directly east across Barfield Road; and single-family residential neighborhoods are located west of the property. The proposal to downzone the property from OX-3 to PR-3 to allow a residential use on the property will provide a better transition to the residential uses to the north and west than the current zoning or use provides.

6. There are substantial reasons why the property must not be used according to the existing zoning.

The property is currently zoned OX-3, which is not directly aligned with the Comprehensive Plan for the area. The current zoning does not permit all of the types of development contemplated by the future land use plan for this area generally and specifically for the Hammond Node. The Hammond Node focuses on the creation of additional residential, hotel and some limited retail uses, complementing the multifamily residential construction already underway in the area. The stated intent of the OX-3 zoning district is for office and related commercial uses and does not

permit multi-unit uses. To achieve the intended results under the Comprehensive Plan for the area, the property would be better served by a change to a Perimeter Center zoning district, like PR-3.

7. There is a need for the proposed use at the proposed location.

There is a need for the proposed use at the proposed location considering the proximity to a significant employment center. Further, a recent study by HR&A Advisors for the City of Sandy Springs determined that there is a shortage of affordably priced housing options, both for sale and for rent, in the City of Sandy Springs. Rezoning the property to allow multi-unit housing would add a multi-unit rental option at an attainable price for the workforce within the employment center.

8. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

The property is currently developed and is already serviced by existing facilities and infrastructure. The proposed adaptive re-use of the property will not increase the number of units on the property. The levels of service currently provided to the existing development are unlikely to be significantly impacted, if at all. Although the change from a hotel use to a residential use may have an impact on schools, the impact is expected to be minimal given that the majority of the units are studios.

9. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

The Zoning Map Amendment will not impact the natural environment. The proposed project will only adaptively re-use the existing improvements. There will be no new construction on the property that would impact the natural environment.

10. The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.

The Zoning Map Amendment will not adversely impact property in the vicinity. In fact, the zoning map amendment will be aligned with the property in the vicinity and is likely to have a positive impact on the area. As it exists today, the property is developed with a Hawthorn Suites Extended Stay Hotel. The nature of hotel uses creates a transient population in that location with varying levels of turnover. With the proposed adaptive re-use of the property to a multi-unit development, the transient nature of the population will be reduced and the stability of the neighborhood will be enhanced. Further, the request to rezone from OX-3 to PR-3 is a downzoning of the property. OX-3 does not permit multi-unit housing but it does permit the following uses which are not allowed in the proposed PR-3 district: colleges; places of assembly; recreational facilities; adult establishments; indoor animal care; daycares; office; hotel; personal service establishments;

restaurants and retail uses. The proposed PR-3 zoning district will benefit property in the vicinity of the subject property, particularly the residentially zoned properties to the north and west.

LEGAL DESCRIPTION

ALL THAT CERTAIN, PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN LAND LOT 36 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING SHOWN AS 5.168 ACRE ACCORDING TO A PLAT OF SURVEY ENTITLED "ALTA/NSPS LAND TITLE SURVEY FOR STROME ALPHA FUND, L.P., A CALIFORNIA LIMITED PARTNERSHIP, PREPARED BY SITE DESIGN, INC. AND DATED FEBRUARY 2, 2017 WITH THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN OLD 5/8" REBAR LOCATED ON THE WESTERN RIGHT OF WAY OF BARFIELD ROAD AND THE JOINT CORNER OF IMPERIAL INVESTMENTS SANDY SPRINGS, LLC PROPERTY, NOW OR FORMERLY, SAID IRON PIN BEING 359.7 FEET +/- FROM THE NORTHERN RIGHT OF WAY OF HAMMOND DRIVE, THENCE TURNING AND LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE IMPERIAL INVESTMENTS SANDY SPRINGS, LLC PROPERTY SOUTH 83 DEGREES 31 MINUTES 01 SECOND WEST 364.87 FEET TO AN IRON PIN OLD 1/2" REBAR LOCATED ON THE LINE OF FISHER & CO. PROPERTY, NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG THE FISHER & CO. LINE NORTH 03 DEGREES 23 MINUTES 35 SECONDS WEST 292.82 FEET TO AN IRON PIN OLD 1/2" REBAR (BENT), THENCE TURNING AND RUNNING SOUTH 87 DEGREES 58 MINUTES 00 SECONDS WEST 210.73 FEET TO AN IRON PIN OLD 1.25" OPEN TOP IRON PIN LOCATED ON THE LINE OF ANTHONY S & KIMBERLY D KEPHART PROPERTY, NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG SAID ANTHONY S & KIMBERLY D KEPHART PROPERTY NORTH 06 DEGREES 10 MINUTES 52 SECONDS WEST 179.21 FEET TO AN IRON PIN OLD 1.25" OPEN, SAID LINE ALSO BEING LOCATED AT THE EASTERN END OF GLENAIRY COURT, SAID PROPERTY IRON PIN BEING THE JOINT CORNER OF FRANCIS RICHARD & MARIA M HILL PROPERTY, NOW OR FORMERLY AND OTHER FRANCIS RICHARD & MARIE M HILL PROPERTY, NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG SAID OTHER FRANCIS RICHARD & MARIA M HILL PROPERTY NORTH 69 DEGREES 32 MINUTES 35 SECONDS EAST 120.01 FEET TO AN IRON PIN OLD 1/2" REBAR AT THE JOINT CORNER OF OTHER FRANCIS RICHARD & MARIA M HILL PROPERTY, NOW OR FORMERLY, THENCE TURNING AND RUNNING ALONG THE SAID OTHER FRANCIS RICHARD & MARIA M HILL PROPERTY NORTH 85 DEGREES 43 MINUTES 40 SECONDS EAST 452.01 FEET TO AN IRON PIN OLD 5/8" REBAR IRON PIN LOCATED ON THE WESTERN RIGHT OF WAY OF BARFIELD ROAD, THENCE TURNING AND RUNNING ALONG SAID RIGHT OF WAY SOUTH 05 DEGREES 20 MINUTES 49 SECONDS EAST 499.59 FEET TO THE POINT OF BEGINNING.

[illegible]



Date: February 5, 2021

Petitioner: PEG Extended Stay Conversion Fund LP

Subject: Notice of First Community Meeting

Case Number: Zoning Map Amendment (Rezoning) RZ21-0002

Dear Neighbor,

You are receiving this notice because you own property within 500' of 6096 Barfield Road. My company is proposing to purchase the property. We are seeking a Zoning Map Amendment (Rezoning) from OX-3 (Office Mixed Use, 3 stories maximum height) to PR-3 (Perimeter Residential, 3 stories maximum height) to renovate and repurpose the existing buildings from the current Hawthorn Suites, extended stay hotel use to a multi-unit residential development. 6096 Barfield Road is currently in the Perimeter Center Character Area.

You are invited to participate in the First Community Meeting we are hosting on February 22, 2021 at 6:00 PM at the Atlanta Marriott Perimeter Center, 246 Perimeter Center Parkway NE, Atlanta, GA 30346. You may attend in person, or join via Zoom if you prefer not to attend in person.

The Zoom meeting information is:

<https://zoom.us/j/98325253168?pwd=UnZBbHdVb1NsaXdwVnBkYmRldXhsUT09>

Meeting ID: 983 2525 3168

Passcode: 813233

One tap mobile

+19294362866,,98325253168#,,, *813233# US (New York)

+13017158592,,98325253168#,,, *813233# US (Washington, D.C.)

The purpose of this meeting is to discuss our proposed project and receive feedback from the community. This meeting is one of the first steps in the process. There will be a Second Community Meeting, to be scheduled after we file an official Application, and two (2) public hearings in the upcoming months.

Information is also posted on the City website at <http://spr.gs/rz21-0002>.

If you would like more information, feel free to contact me at [REDACTED] or [REDACTED]. I look forward to discussing with you.

Sincerely,

A handwritten signature in black ink that reads "Jeremy Endicott".

Jeremy Endicott

[REDACTED]



Certificate of Mailing — Firm

Name and Address of Sender Henry Bailey Morris, Manning & Martin, LLP 3343 Peachtree Road, NE, Suite 1600 Atlanta, Georgia 30326	TOTAL NO. of Pieces Listed by Sender 106	TOTAL NO. of Pieces Received at Post Office™	 U.S. POSTAGE PITNEY BOWES ZIP 30326 \$ 004.05 ⁰ 02 4W 0000373718 FEB. 05. 2021			
Postmaster, per (name of receiving employee)						
USPS® Tracking Number	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
Firm-specific Identifier						
1.	750 HAMMOND HOLDINGS LLC [REDACTED] [REDACTED] 30328					
2.	A&R PROPERTY GROUP LLC [REDACTED] [REDACTED] 30338					
3.	A209 B216 PEACHTREE WALK LLC [REDACTED] [REDACTED] 30097					
4.	ALEXANDRA HORST, CITY OF SANDY SPRINGS 1 GALAMBOS WAY SANDY SPRINGS GA 30328					
5.	ALLEN CAROLYN W & RICHARD C [REDACTED] [REDACTED] 30328					
6.	ALLGOOD KENNETH [REDACTED] [REDACTED] 30328					
7.	ALLGOOD KENNETH H [REDACTED] [REDACTED] 30328					
8.	BAILEY CORTNEY P & CARTER ELIZABETH [REDACTED] [REDACTED] 30328					
9.	BAILEY RYAN M & ALEXANDRA [REDACTED] [REDACTED] 30328					



U.S. POSTAGE >> PITNEY BOWES

ZIP 30326 \$ 006.75⁰
02 4W
0000373718 FEB 05 2021

RECEIVED 3/2/2021 PLANNING & ZONING

10.	BARFIELD MGT LLC [REDACTED] [REDACTED] 30327				
11.	BECK THOMAS JOHN & LINDA EDWARDS [REDACTED] [REDACTED] 30328				
12.	BENTON LOIS IRENE [REDACTED] [REDACTED] 30328				
13.	BLDG 7503 L L P [REDACTED] [REDACTED] 30328				
14.	BOURGEOIS PROPERTY HOLDINGS LLC [REDACTED] [REDACTED] 30080-6338				
15.	BOWEN THOMAS B [REDACTED] [REDACTED] 30328				
16.	BOWLES ANDREW EUGENE & BOWLES PATSY L [REDACTED] [REDACTED] 30328				
17.	BOWLES LINDA [REDACTED] [REDACTED] 30328				
18.	BRADLEY PRISCILLA & RUSSELL K [REDACTED] [REDACTED] 30328				
19.	BRYAN RICHARD KYLE [REDACTED] [REDACTED] 30328				
20.	BUCHMAN MAXINE [REDACTED] [REDACTED] 30328				
21.	BURCH LAUREN [REDACTED] [REDACTED] 30328				
22.	BURDETT BILLIE B [REDACTED] [REDACTED] 30328				
23.	CAIDWELL POPE KENTAVIOUS [REDACTED] [REDACTED] 30328				
24.	CALLS PROPERTY GROUP LLC [REDACTED] [REDACTED] 30338				

25.	CARLSON JUNE M [REDACTED] [REDACTED] 30328				
26.	CHOW LISA [REDACTED] [REDACTED] 30328-4262				
27.	CITY OF SANDY SPRINGS [REDACTED] [REDACTED] 30350				
28.	COPLIN RAYE HARRIS [REDACTED] [REDACTED] 30328				
29.	CUMMING JOHN BENJAMIN & CUMMING LISA J [REDACTED] [REDACTED] 30328				
30.	EISENSTEIN STEVEN IRA & LYNN DEBRA S [REDACTED] [REDACTED] 30328				
31.	ELLISON MICHAEL & KIVA W [REDACTED] [REDACTED] 30328				
32.	ENGLEBERT JEFFREY CLAYTON & ENGLEBERT HEATHER STEINER [REDACTED]				
33.	EUFINGER BRIAN J & EUFINGER SILVIA C [REDACTED] [REDACTED] 30328				
34.	FISHER & CO [REDACTED] [REDACTED] 30328				
35.	FISHER ALBERT CLAY [REDACTED] [REDACTED] 30328				
36.	FITE BILL G & FITE SUSAN S [REDACTED] [REDACTED] 32413				
37.	FORD ROBERT C [REDACTED] [REDACTED] 30328				
38.	FOX ANDREA N [REDACTED] [REDACTED] 30328				
39.	GEORGIA ASSN OF REALTORS INC [REDACTED] [REDACTED] 30328				



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 ZIP 30328 \$ 006.75⁰
 02 4W
 0000373718 FEB 05 2021

40.	GOLDMAN ROBERT P [REDACTED] [REDACTED] 30328				
41.	HARDY HOLDINGS LLC [REDACTED] [REDACTED] 30342				
42.	HARMONY 5 HOLDINGS LLC [REDACTED] [REDACTED] 30328				
43.	HARTRAMPF HOLDINGS LLC ET AL [REDACTED] [REDACTED] 30005				
44.	HECHT ERICA H [REDACTED] [REDACTED] 30328				
45.	HENNING LLC [REDACTED] [REDACTED] 30328				
46.	HILL RICHARD FRANCIS & HILL MARIA M [REDACTED] [REDACTED] 30328-4241				
47.	HINES BARBARA R REVOCABLE TRUST [REDACTED] [REDACTED] 30328				
48.	HOFFER KATHERINE M [REDACTED] [REDACTED] 30328				
49.	IMPERIAL INVESTMENTS SANDY SPRINGS LLC [REDACTED] [REDACTED] 30092				
50.	JARVIS AARON JAMES [REDACTED] [REDACTED] 30328				
51.	KARAZUL AS JOHN [REDACTED] [REDACTED] 30328				
52.	KAY R SHIRLEY LLC [REDACTED] [REDACTED] 30075				
53.	KEEL FUNDS BARFIELD LLC [REDACTED] [REDACTED] 30066				
54.	KEPHART ANTHONY S & KEPHART KIMBERLY D [REDACTED] [REDACTED] 30328				



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 ZIP 30326 \$ 006.75⁰
 02 4W
 0000373718 FEB 05 2021

55.	KERLEY EDWARD G & KATHLEEN M [REDACTED] [REDACTED] 30328				
56.	KIESSLER THOMAS J [REDACTED] [REDACTED] 30328-5596				
57.	MAIER RAIF & JULIE LYN [REDACTED] [REDACTED] 30328				
58.	MANRIQUE MARTHA [REDACTED] [REDACTED] 30328				
59.	MARCIA E BAIL LIVING TRUST THE [REDACTED] [REDACTED] 30328				
60.	MATNEY VALERIE [REDACTED] [REDACTED] 30328				
61.	MAYO PERIMETER RIDGE 5 LLC [REDACTED] [REDACTED] 30328				
62.	MILLS JEFFREY SHELTON [REDACTED] [REDACTED] 30328				
63.	MOST REVEREND GREGORY JOHN MANSOUR ET AL [REDACTED]				
64.	MOYE JOSEPH SR & MOYE TERESA L [REDACTED] [REDACTED] 30328				
65.	MULAR MELISSA [REDACTED] [REDACTED] 30328-4259				
66.	MYSEN SANDRA D [REDACTED] [REDACTED] 30328				
67.	NEW DAVID [REDACTED] [REDACTED] 30328				
68.	PAIMER GARY K [REDACTED] [REDACTED] 30328				
69.	PARAGON HAMMOND INC [REDACTED] [REDACTED] 30092				



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 ZIP 30326 \$ 006.75⁰
 02 4W
 0000373718 FEB 05 2021

70.	PASS ANASTASIA & JOHN ALLEN [REDACTED] 30328				
71.	PASTERNAK PETER J & HILTON THOMAS O [REDACTED] 30328				
72.	PERIMETER RIDGE OFFICE BUILDING 16 LLC [REDACTED] 30328				
73.	PIEDMONT DEVELOPMENTS & INVESTMENTS LLC [REDACTED] 30621				
74.	R F ABERNETHY PROPERTIES LLC [REDACTED] 30328				
75.	RADCLIFF PATTI K [REDACTED] 30328				
76.	REAL ESTATE BUILDING 4 LLC [REDACTED] 30342				
77.	REAL ESTATE SEVENTY FIVE ZERO LLC [REDACTED] 30342				
78.	REAMS RUSSELL STEPHEN JR [REDACTED] 30328				
79.	REMSFN PETER W [REDACTED] 30328				
80.	RONDA SMITH [REDACTED] 30328				
81.	ROSS LINDA [REDACTED] 30328				
82.	RUBENSTEIN ALAN S & JOAN R [REDACTED] 30328-4257				
83.	SANDERS MYNA [REDACTED] 30328				
84.	SCHNEIDERMAN BARBARA LONG [REDACTED] 30328				



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 ZIP 30328 \$ 006.75⁰
 02 4W
 0000373718 FEB 05 2021



ZIP 30326 \$ 006.75⁰
02 4W
0000373718 FEB 05 2021

85.	SHENWEI HOLDINGS LLC [REDACTED] 30068				
86.	SILVERBOARD SUSAN [REDACTED] 30328				
87.	SMITH DAVID JOHN & SMITH LORETTA BELL [REDACTED] 30328				
88.	SMITH SHERRI N [REDACTED] 30328				
89.	STACHLER ROBERT E II & REAVES KIMBERLY P [REDACTED] 30328				
90.	STELLA JOSEPH BENJAMIN & VOLANTE STELLA BARBARA [REDACTED]				
91.	STEPHEN ERIC MALONE REVOCABLE LIVING TR THE [REDACTED] 30328				
92.	TACIK LAURIE R [REDACTED] 30328				
93.	TAII WINDS PROPERTIES LLC [REDACTED] 30328				
94.	TEG HAMMOND LLC [REDACTED] 30328				
95.	THE ALVIN AND MARGIE GREENBERG JOINT AND SURVIVOR INSURANCE TRUST THE [REDACTED]				
96.	TRAN THI ANH PHUONG & LE TUNG LAM [REDACTED] 30328				
97.	TIKAONI EDWARD [REDACTED] 30328				
98.	UKEN KIMBERLY C [REDACTED] 30328				
99.	VAIDES SANDRA T [REDACTED] 30328				

100.	VAN NORDEN MELODY K [REDACTED] 30328				
101.	VINING ELSIE [REDACTED] 30328				
102.	WALENCIAK MATTHEW E & LINDSAY A [REDACTED] 30328				
103.	WARREN TRACY RYAN & DAVID R [REDACTED] 30328				
104.	WEINMAN REBECCA C & RICHARD A [REDACTED] 30328				
105.	WILLIAMS DOUGLAS J & CAROL J [REDACTED] 30328				
106.	WOLTERS JAMES A [REDACTED] 30328				



U.S. POSTAGE PITNEY BOWES
ZIP 30326 \$ 003.15⁰
Q2 4W
0000373718 FEB 05 2021



Feb 5, 2021 at 11:41:40 AM
 +33.920799, -84.360103 ±14.23m
 6096 Barfield Rd NE
 Fulton

Case RZ21-0002
 6096 Barfield Road
 Rezoning from OX-3 to PR-3

COMMUNITY MEETING 1
 FEBRUARY 22, 2021, at 6:00PM
 Atlanta Marriott Perimeter Center
 246 Perimeter Center Parkway NE
 Atlanta, GA 30346

Applicant
 PEG Extended Stay Conversion Fund LP
 801.369-3002

Virtual Option (Zoom)
<https://zoom.us/j/98325253168?pwd=UnZBbHdVb1NsaXdwVnBkYmRldXhsUT09>
 Meeting ID: 983 2525 3168 Passcode: 813233

One tap mobile:
 +10294362666,98325253168#,*913233# US
 (New York)
 +13017158592,98325253168#,*913233# US
 (Washington, D.C.)



Case RZ21-0002 – Community Meeting I
2/22/2021 at 6 PM at
Atlanta Marriott Perimeter Center
246 Perimeter Center Parkway, NE
Atlanta, GA 30346
With Zoom/Call-in option

[illegible]

ZOOM DIGITAL SIGN IN SHEET				
First Name	Last Name	Email	Registration Time	Approval Status
Keri	New		2/22/2021 17:54	approved
Linda	Edwards		2/22/2021 11:56	approved
David	Cawley		2/22/2021 15:14	approved
Mike E			2/22/2021 17:22	approved
Erik Van Name			2/22/2021 17:58	approved
Bob	Pepalis		2/22/2021 18:01	approved
Andrea	Fox		2/22/2021 17:52	approved
Alex	Murphy		2/22/2021 17:22	approved
Doug			2/22/2021 18:13	approved
Marcy	Cohen		2/22/2021 17:22	approved
raye			2/22/2021 17:55	approved
Jeanne Bourgeois			2/22/2021 18:07	approved
Rob	Stein		2/22/2021 8:36	approved
Russell	Reams		2/22/2021 17:57	approved
Melissa	Mular		2/21/2021 20:23	approved
Tony	Kephart		2/22/2021 18:00	approved
Brad	Gold		2/22/2021 17:29	approved
Tommy	Bowen		2/22/2021 17:59	approved

Jessica L. Hill

From: Amsberry, Jon <JAmsberry@SandySpringsga.gov>
Sent: Thursday, February 04, 2021 6:53 AM
To: Jessica L. Hill; Anspach, Matthew; Horst, Alexandra
Subject: Re: trip generation [MMM-mmmdms1.37648.141071]

CAUTION: External Email.

Ms. Hill,

Based on the 10th Edition of the ITE Trip Generation Manual, each use as described in your email would generate the following trips:

128 Room Suites Hotel (ITE #311)

Daily Trips: $4.46/\text{unit} \times 128 \text{ units} = 571$ Daily Trips

Peak Hour Trips (PM Peak): $0.60/\text{unit} \times 128 \text{ units} = 77$ Peak Hour Trips

128 Mid-Rise Multifamily Units (ITE #221)

Daily Trips: $5.49/\text{unit} \times 128 = 703$ trips

Peak Hour (PM Peak): $0.44/\text{unit} \times 128 \text{ units} = 56$ Peak Hour Trips

As such, your request as detailed in your email, does not trigger a traffic study.

Thank you.

Jon Amsberry, PE, CFM, MS4CECI

City Engineer

City of Sandy Springs

Phone: 770.206.1514 | Cell: 470.363.9519

1 Galambos Way, Sandy Springs, Georgia 30328

SandySpringsGA.gov | [Facebook.com/SandySpringsGA](https://www.facebook.com/SandySpringsGA) | [Twitter.com/SandySpringsGA](https://twitter.com/SandySpringsGA)

City Springs - CitySprings.com | [Facebook.com/CitySprings](https://www.facebook.com/CitySprings) | [Twitter.com/CitySprings](https://twitter.com/CitySprings) | [Instagram.com/VisitCitySprings](https://www.instagram.com/VisitCitySprings)

City Hall is located at 1 Galambos Way, Sandy Sprngs, Ga. 30328. The United States Postal Service (USPS) recognizes Sandy Springs as a legal mailing address. Residents and Businesses should use Sandy Springs in their mailing address. For business, to avoid confusion with adjacent cities and ensure proper sales tax application, please include "Sandy Springs" as the city in your business address and on websites.

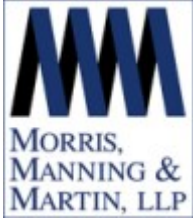
From: Jessica L. Hill <jhill@mmmlaw.com>
Sent: Wednesday, February 3, 2021 4:14:37 PM
To: Amsberry, Jon
Subject: trip generation [MMM-mmmdms1.37648.141071]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Amsberry,

I am working with an applicant in a proposed rezoning of 6096 Barfield Road (current Hawthorn Suites). The proposal would retrofit the existing 128 hotel suites into 128 multifamily units (96 studio and 32 two bedrooms). Would you be able to confirm whether the proposal generates 100 or more trips during the peak hour? I am trying to confirm if the zoning amendment application requires a traffic study.

Thank you for your assistance.



Jessica L. Hill

Partner

Direct: 404-504-7754

jhill@mmmlaw.com

1600 Atlanta Financial Center

3343 Peachtree Road, NE

Atlanta, GA 30326

mmmlaw.com



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AVIA Lofts Sandy Springs

6096 BARFIELD RD, ATLANTA, GA

March 2021



PROPOSED ZONING CHANGE

RECEIVED 3/30/2021 PLANNING & ZONING

PEG Companies proposes the rezone of the Hawthorn Suites Atlanta Perimeter Center hotel. The property was originally built as a Generation 1 Residence Inn by Marriott but has since been down flagged to a Hawthorn Suites. PEG plans to renovate the property and convert the use from hospitality to multi unit housing. After reviewing the comprehensive plan of the city, PEG has decided to apply for the PR-3 zoning.

Current zoning: OX-3: Office Mixed Use

- 3 stories maximum height

Proposed zoning: PR-3: Perimeter Residential

- 3 stories maximum height



NEIGHBORHOOD BENEFITS

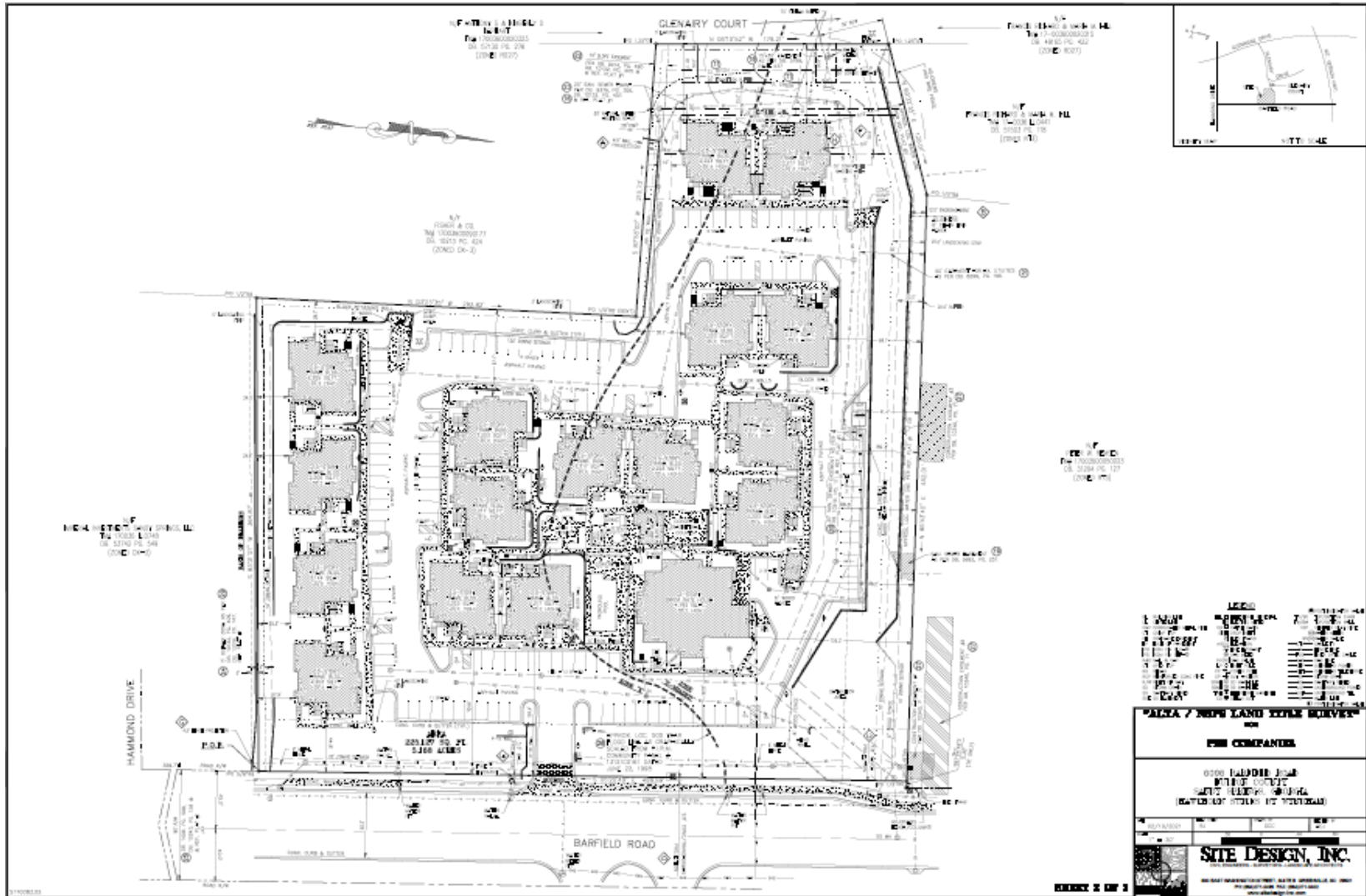
RECEIVED 3/30/2021 PLANNING & ZONING

- Infusion of private investment
- Refreshed landscaping & exteriors
- Reduces crime in the area
- Minimizes the risk of property going vacant
- Provides workforce housing (nurses, firefighters, police officers, etc.)
- Occupants will be residents that pass a background and credit check rather than transient hotel guests



UPDATED SITE PLAN

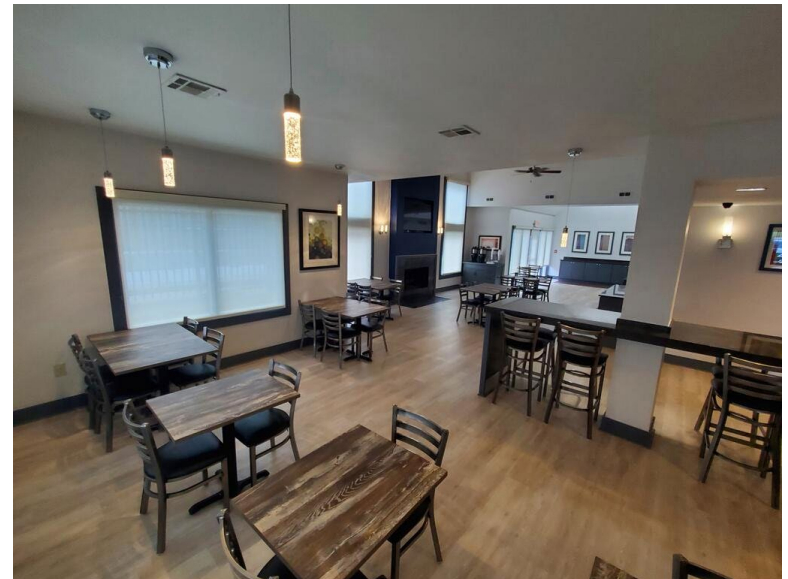
RECEIVED 3/30/2021 PLANNING & ZONING



EXPECTED UPDATES

RECEIVED 3/30/2021 PLANNING & ZONING

- Exteriors
 - Refresh landscaping
 - Paint exteriors
 - Fix siding
 - Update signage
- Amenity and Common Area Upgrades
 - Upgrade fitness center
 - Add remote working spaces
 - Add resident lounge area
 - Replace grills and picnic areas
 - Clean spa and pool area
- Renovate Interiors
 - New flooring
 - Update kitchen cabinets
 - Add washer/dryer units
 - Update lighting
 - Repaint



CURRENT UNIT INTERIORS

RECEIVED 3/30/2021 PLANNING & ZONING



CURRENT EXTERIOR PHOTOS

RECEIVED 3/30/2021 PLANNING & ZONING



CURRENT LANDSCAPING

RECEIVED 3/30/2021 PLANNING & ZONING





Property Management

ABOUT PEG PROPERTY GROUP

RECEIVED 3/30/2021 PLANNING & ZONING

PEG Property Group is a full-service real estate property management firm based in Provo, Utah. We manage every step of the process, from project conception and design, to the operation and sale. We are driven to be the property and property management company of choice for our residents, employees, and investors. We achieve this by way of exceptional service and comprehensive oversight of the asset, with a personal touch.

PEG Property Group was created to provide exceptional investment property management a step above. At the present time, PEG Property Group manages 1,831 multi-family units and 614,569 square feet of Commercial (retail, restaurant, industrial and office) properties in Utah, Nevada, South Dakota, Texas, Kansas, Florida, and New York. PEG additionally provides consulting services for multi-family and commercial projects outside its direct management, and consults on design and management efficiencies for projects in various development stages.

PEG Property Group aligns itself with ownership objectives in maintaining the property to quality standards, which supports leasing efforts and provides a positive environment in the local community, drive property performance, and enhance property value.

PEG Property Group Mission

To be the property and property management company of choice for our residents, employees, and investors.

Core Values

Trust

Hard Work

Progressive

Optimistic

Loyal

MANAGED PORTFOLIO

RECEIVED 3/30/2021 PLANNING & ZONING

Our diverse portfolio and collective track record have given us ample experience to succeed in various climates, locations, markets conditions, class of assets, investment return goals, and more.



PEG's heavy focus on leasing and marketing has created an environment where occupancy is strong, rents are more-fully collected, and resident satisfaction is high.

Avg. Occupancy
(once stabilized)

94.1%

YTD
Collections

99.3%

Resident
Reviews



PEG properties rate 4.6
on avg.

J Turner
Research



Two PEG properties
made the ORA Elite
1% list in 2019 and
2020.

AVIA LOFTS SANDY SPRINGS – OPERATION STANDARDS

- **PROPERTY MANAGEMENT:** There will be an onsite property manager and maintenance supervisor.
- **LEASE TERM:** Once renovated, 12 months is the standard lease term. Leases may be as short as 8 months or as long as 16 months. Longer leases are easier to manage, incentivizing PEG to encourage longer leases. Rent price increase significantly for shorter lease terms.
- **OCCUPANCY:** TWO PERSON MAXIMUM OCCUPANCY PER BEDROOM.
- **INCOME REQUIREMENT:** Applicants must have a combined gross income of at least 2.5 times the monthly rent. All sources of other income must be verifiable if needed to qualify for a rental unit.
- **EMPLOYMENT VERIFICATION:** Lease holders must have stable and verifiable employment or, if unemployed or retired, other sources of other income must be verifiable if needed to qualify for a rental unit.
- **CREDIT REQUIREMENTS:** A credit report will be processed on each applicant. Based on their overall risk score, their application will be approved or declined.
- **CRIMINAL HISTORY:** Criminal records must contain no convictions for misdemeanors for crimes involving violence, assault or battery, drugs, firearms; felonies within the past seven years and no sexual offenses ever. In the event a record comes back "adjudication withheld", "nol-prosses", or "adjudication deferred", further documentation may be required and applicant may be denied on this basis.
- **SUBLEASING:** Not allowed

RECEIVED 3/30/2021 PLANNING & ZONING

WELCOME TO AVIA

RECEIVED 3/30/2021 PLANNING & ZONING

AVIA is a brand of re-envisioned apartment living communities. These communities were formerly extended stay hotels, converted to apartments at attainable rents, and having some of the best amenities in each market. Most of these conversions begin with renovations to uplift their appearance and benefits to residents, which includes new flooring, paint, cabinets, fixtures, quartz countertops, stainless steel appliances, washer/dryer, and new/updated amenities.

AVIA

BEFORE



AFTER



WELCOME TO AVIA

RECEIVED 3/30/2021 PLANNING & ZONING

AVIA in Atlanta would mean a new addition to the growing family of AVIA Apartments. Our AVIA portfolio of properties can currently be found in Florida, New York, Texas, and Kansas.



3020 Reedy Creek Blvd
Kissimmee, FL
aviareedycreek.com



500 East Highland Blvd
Austin, TX
aviasanctuary.com



100 Maple Road
Amherst, NY
avialofts.com



11400 College Blvd
Overland Park, KS
aviacollegeblvd.com

Appendix

RECEIVED 3/30/2021 PLANNING & ZONING

RECENT REVIEWS OF HAWTHORN SUITES ATLANTA PERIMETER

Recent Reviews:

D9319VKbeatriza

Trip type:
Business

VERY BAD EXPERIENCE!!!

●○○○○○ Feb 11, 2021

Very bad experience! The room had not been cleaned, the bed was noticeable that it had not been changed and only the covers were stretched, it smelled of messy grime,... [more »](#)

Amytravelswithwes
Surgoinsville,
Tennessee

Trip type:
Business

Sh-t show.

●○○○○○ Jan 18, 2021

The staff partied in the room above us. The music was blaring at 5am. My husband went to pack the car. He passed a guy coming from the room upstairs..... [more »](#)

S7735businesstravel
Carrollton, Georgia

Trip type:
Business

Horrible and getting worse! Stay elsewhere!

●○○○○○ Jan 13, 2021

I have stayed at this property several times, and each time got worse. It is in a terrible state of disrepair, dirty, and run down. Additionally, every time I stayed,... [more »](#)

jabrank37
Candler, North
Carolina

Horrible place

●○○○○○ Jan 11, 2021

Horrible place. Disgusting, food and spoons underneath mattress, tv didn't work. No towels or toilet paper. We left immediately to another hotel. Customer service was rude. Never even made an... [more »](#)

AmeriCaz
Atlanta, Georgia

Trip type:
Couples

Low Standards

●○○○○○ Dec 16, 2020

Not a well-maintained property. We checked out early as we just couldn't bear to stay any longer. Property looked good online but the room was filthy, especially the flooring, mattress... [more »](#)



RECEIVED 3/30/2021 PLANNING & ZONING

** Customer reviews of the hotel from the property website*

FLOOR PLAN EXAMPLES

RECEIVED 3/30/2021 PLANNING & ZONING

Marriott Residence Inn – First Generation*

Studio – 490 SF



Marriott Residence Inn – First Generation*

2 BR – 790 SF



*The floor plans above are only general examples of an extended stay layout

Comparable Property Renovation



KITCHEN EXISTING & RENDERINGS

RECEIVED 3/30/2021 PLANNING & ZONING



LIVING ROOM EXISTING & RENDERINGS

RECEIVED 3/30/2021 PLANNING & ZONING



BEDROOM EXITING & RENDERING

RECEIVED 3/30/2021 PLANNING & ZONING



BATHROOM EXISTING & RENDERINGS

RECEIVED 3/30/2021 PLANNING & ZONING





Firm Overview

FROM HUMBLE BEGINNINGS

From a homegrown startup to a sophisticated commercial real estate development and investment firm. PEG earned its respected reputation over the course of many years by refining its way of doing business. PEG crafts sophisticated, contemporary properties by preserving the resourceful thinking and homegrown values that shaped founder Cameron Gunter's upbringing on a dairy farm in Southern Idaho. Despite PEG's continued present-day expansion and national recognition, the principles of Gunter's farm life heritage continue to influence many of PEG's processes, including day-to-day operations, decisions around strategic growth, and how PEG partners with the communities where it builds.

RECEIVED 3/30/2021 PLANNING & ZONING



HIGHLIGHTS

PEG Capital Partners is the investment management arm of PEG Companies (“PEG”), a diversified real estate services platform specializing in opportunistic and value-add strategies since 2003.



RECEIVED 3/30/2021 PLANNING & ZONING

Experience Highlights

\$1.2B

Real Estate Developed

7.2M

Total Square Feet

4,939

Hospitality Keys

2,836

Multifamily Units

19

States/Provinces Entered

As of December 31, 2019

BROAD NETWORK OF PARTNERS

RECEIVED 3/30/2021 PLANNING & ZONING

Successful projects stem from strong relationships. PEG Companies focuses on implementing early and constant collaboration with its valued partners at all levels. PEG's unique advantages include its leadership team's significant insight into city planning and entitlement processes; strong relationships with industry and community partners; and a strategic combination of acquisition, rehabilitation, and development capabilities. These advantages have enabled PEG to produce attractive returns for investors over long periods of time.



REPUTATION FOR EXCELLENCE

RECEIVED 3/30/2021 PLANNING & ZONING



Milagro Apartments
Salt Lake City, Utah



AC Hotel by Marriott
Salt Lake City, Utah



Hoopes Vision Office
Draper, Utah

2019

NAIOP Utah Developer of the Year
Honoring CEO Cameron Gunter

2019

CCIM Excellence Finalist
Developer of the Year

2019

CCIM Specialty Project of the Year
AC Hotel by Marriott Salt Lake City

2018

Associated Builders & Contractors
Excellence in Construction Award
Village on Main Street

2018

Best Project by Marriott
Courtyard by Marriott Prince George

2017

CCIM Excellence Finalist
Developer of the Year

2016

INT'L Interior Design Association's
Best Interior Designer Award
Wilmington Flats

2016

CCIM Excellence Finalist
Developer of the Year

2016

Hyatt Developer of the Year
Hyatt Place Park City

2012

Associated Builders & Contractors
Excellence in Construction Award
Sienna Villas Apartments

2010

Provo City Mayor's Award
Zion Bank Regional Financial Center



A PEG STRATEGY SINCE 2018

Since 2018, PEG has been acquiring well-located, first-generation extended stay hotels for potential conversion into Class B apartments. PEG currently owns and operates 13 of these extended stay hotels across the US with an additional two properties under contract.

PEG Portfolio – Conversion Properties

Residence Inn	Smyrna, GA	Conversion Asset
Residence Inn	Sacramento, CA	Conversion Asset
Residence Inn	Santa Fe, NM	Conversion Asset
Residence Inn	St. Louis, MO	Conversion Asset
Residence Inn	Chicago, IL	Conversion Asset
Residence Inn	St. Petersburg, FL	Conversion Asset
Residence Inn	Boston, MA	Conversion Asset
Residence Inn	Atlanta, GA	Conversion Asset
Residence Inn	Boulder, CO	Conversion Asset
Residence Inn	Dallas, TX	Conversion Asset
Residence Inn	Philadelphia, PA	Conversion Asset
Hawthorn Suites	Kissimmee, FL	Conversion Asset
Residence Inn	Buffalo, NY	Conversion Asset
Habitat Suites	Austin, TX	Conversion Asset
Hawthorn Suites	Overland Park, KS	Conversion Asset
Cloverleaf Suites	Overland Park, KS	Conversion Asset

RECEIVED 3/30/2021 PLANNING & ZONING



ZM21-002 - CMII Issues and Responses
March 24, 2021

What do you plan to do about the standing water and trash in and around the retention area along the northern property line? The standing water creates mosquito issues and the trash and debris have been built up for some time that is exposed once the water resides.

Response: We will work with you [Tommy Bowen] to figure out a solution as it is in both our benefit to ensure the area is clean.

Would you all care to walk that portion of the site to see what it looks like together?

Response: We'd be happy to set up a walkthrough of the site with our construction manager. We'll connect after the meeting to figure out schedules.

What do you plan to do about the falling fence and trash at the dead-end street on the eastern property line?

Response: No game plan established yet as we understood it to be off our property. We will look at that area when we do the walk-around that is to be scheduled.

Will there be a full-time maintenance/management person living on site?

Response: We encourage our maintenance/management personnel to stay on site but we do not mandate it as they have families of their own.

What are the hours of operation for the amenities?

Response: The amenities will close nightly at 10pm.

Will there be people outside with loud music coming from their vehicles as they wax and clean them and will there be parties late into the night?

Response: We have strict community rules that will prohibit these type of activities in addition to a nightly patrol on site.

Will there be a commitment to a security patrol?

Response: Yes we will have after hours security patrol available.

What is the total number of parking spaces on the property?

Response: 139 spaces.

What is the bedroom mix?

Response: 1 bedroom and 2 bedroom units. Some of the one bedroom are studio apartments.

How many occupants can be in a bedroom?

Response: 2 occupants per bedroom.

What if all of the occupants have cars?

Response: The residents will have to figure out who gets to use the parking registration. Patrol will tow vehicles that do not display the proper registration tag.

We know there will be parking issues and there will be people parking across the street and on nearby lots. Is there anything you can do to add parking?

Response: There is a parking maximum on the property but we'll look at restriping and other ways to accommodate additional parking within the maximum.

How will you prevent short term rentals like AirBnB and VRBO?

Response: We check the short-term rental sites frequently and our resident screening policy does a really good job of preventing it.

You previously stated that a 12 month lease is standard; however, leases may be as few as 8 months and as long as 16 months depending on the circumstance. It would give the Community great comfort if not more than 20% would be leased for no shorter than a minimum of 8 months, with remaining 80% minimum term of 12+ months. Will PEG Companies commit to this request?

Response: 12 month leases are the standard but in some instances we will fluctuate the lease term to time up with other ending leases.

What is your minimum credit threshold level?

Response: 2 and one half times tenant income.

The response to a question in your application states that Leases will be entered with individuals. Will you commit to not allowing subletting of leases? Will you commit to not entering into leases with individuals who plan to use the apartment for group housing/events?

Response: We will not allow subletting of leases. We will have limited leases for the purposes of corporate housing but there will be no block rentals.

Your application does not reference appliances being updated or refreshed. Would you commit to replacing the appliances with stainless steel or similar at time of initial renovation?

Response: The appliances were replaced recently and are stainless steel. We'll replace as need be depending on the condition of the appliances during the conversion.

Your application states that the amenities and common areas, which include a fitness center, pool and lounge and picnic areas will be renovated. Will PEG Companies commit to ongoing operations of these amenities?

Response: The amenities and common areas will be renovated and refreshed during the conversion.

You have stated that there is no plan for an entry gate. You've heard the Community's concerns about security and you want to make this a safe environment for your tenants. Are you willing to make this a gated Community?

Response: Entry gates are not permitted by the City of Sandy Springs on this property.

You've stated that there would be no onsite security management/overnight supervision/security patrol, however In the event crime is an issue in the area, this may be reassessed. What would cause PEG Companies to 'reassess' whether enhanced security measures are needed? Can you provide past examples of how this was handled?

Response: We will monitor the need for increased security just as we do in all of our properties.

While security cameras are not a substitute for on-site security, are you committed to having significant use of video security cameras throughout the Community?

Response: There will be security cameras on site that will constantly monitor.

The Community is concerned about remote/online property management. Will there be a local property management presence? How will you manage the property?

Response: Yes, there will be a local property manager on site.

What is your eviction management process?

Response: We engage local counsel that handles the eviction process.

How do you manage parking?

Response: Parking will be managed through a parking registration process. We will have security monitor the site for cars that are sitting or do not work and will have them removed.

What will be your ongoing renovation policy?

Response: We will renovate as needed but will not allow the property to not be operated to our standards at our other properties.

First Name	Last Name	Email	Registration Time	Approval Status
Keri	New		3/24/2021 18:02	approved
Jeremy	Endicott		3/24/2021 18:05	approved
Vhan			3/24/2021 18:07	approved
Jack	Peters		3/24/2021 17:59	approved
rebecca	remsne		3/24/2021 18:02	approved
Tyler	Mahoney		3/24/2021 18:16	approved
Elaine Clein			3/24/2021 17:59	approved
Alex	Murphy		3/24/2021 17:17	approved
deanna.degidio			3/24/2021 17:42	approved
Doug			3/24/2021 18:28	approved
Constantine	Gavrilidis		3/24/2021 18:28	approved
Curt	Friedberg		3/24/2021 17:58	approved
Ronda Smith		president@sandyspringscouncil.org	3/24/2021 17:56	approved
Jeremy Endicott			3/24/2021 18:04	approved
Rob Auten			3/24/2021 17:17	approved
Melissa	Mular		3/21/2021 22:51	approved

**Case RZ21-0002 – Community Meeting II
3/24/2021 at 6 PM at
Sandy Springs City Hall
With Zoom/Call-in option**

[illegible]

Case RZ21-0002 – Community Meeting II
3/24/2021 at 6 PM at
Sandy Springs City Hall
With Zoom/Call-in option

[illegible]

Rezoning Impact Statement

4/2/2021

PETITION: RZ21-0002

Proposed Residential Units

JURISDICTION: Sandy Springs

<u>Single-family detached</u>	<u>Townhouses</u>	<u>Apartments</u>	<u>Condominiums</u>
0	0	128	0

HOME SCHOOL	PROJECTED BASELINE ENROLLMENT ^A		GADOE CAPACITY	EST. # NEW FCS STUDENTS GENERATED		PROJECTED UNDER/OVER CAPACITY ^B			
						WITHOUT DEV		WITH DEV	
High Point ES	631	to 671	850	0	to 5	-219	to -179	-219	to -174
Ridgeview Charter MS	1,069	to 1,135	1,200	0	to 1	-131	to -65	-131	to -64
Riverwood Charter HS	1,706	to 1,812	1,900	0	to 3	-194	to -88	-194	to -85
TOTAL				0	to 9			Insufficient historical data to run report?: ☐	

HS REGION: Riverwood Charter HS		AVERAGE - 1 STD DEV		AVERAGE + 1 STD. DEV.	
One single-family detached unit generates:		0.000000	to	0.311743	elementary school students
		0.000000	to	0.087768	middle school students
		0.000000	to	0.227567	high school students
One townhouse unit generates:		0.000000	to	0.718703	elementary school students
		0.000000	to	0.225094	middle school students
		0.000000	to	0.484535	high school students
One apartment unit generates:		0.000000	to	0.040015	elementary school students
		0.000000	to	0.007828	middle school students
		0.000000	to	0.025466	high school students
One condominium unit generates:		0.000000	to	0.57759	elementary school students
		0.000000	to	0.173642	middle school students
		0.000000	to	0.289132	high school students
(Note: Empty/null values indicate insufficient historic data)					

^A Forecasted enrollment for the 2021-22 school year

^B Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.

* State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.

** Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.

COMMENTS ON PUBLIC SERVICES AND UTILITIES

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

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 270 gallons per day (gpd) per apartment unit x 128 multi-unit housing units = **34,560** gallons per day (gpd). Note: This is a conversion of an existing Residence Inn extended stay hotel into multi-unit housing.

This project is within the City of Atlanta water jurisdiction.

SEWER:

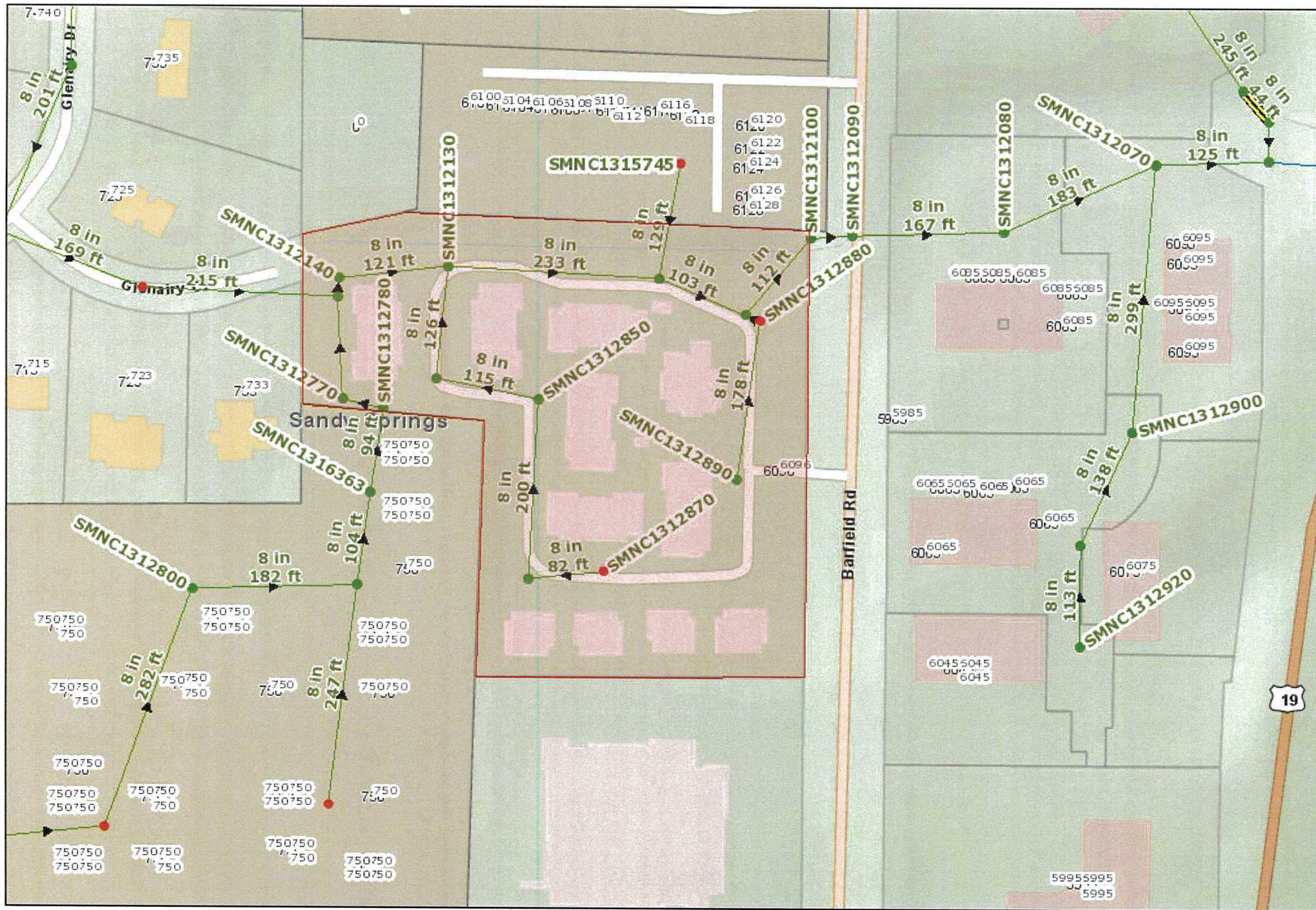
Basin: Nancy Creek

Treatment Plant: Plant: R.M. Clayton (City of Atlanta)

Anticipated sewer demand: **31,104** gallons per day

There are fourteen wastewater manholes within the property boundaries of the 5.37 acre tract (6096 Barfield Road) (sewer manholes # **SMNC1312780** to # **SMNC1312100**) along an 8 inch sanitary sewer line located in Land Lot **36**, District **17** that can service this development.

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



6096 Barfield Road

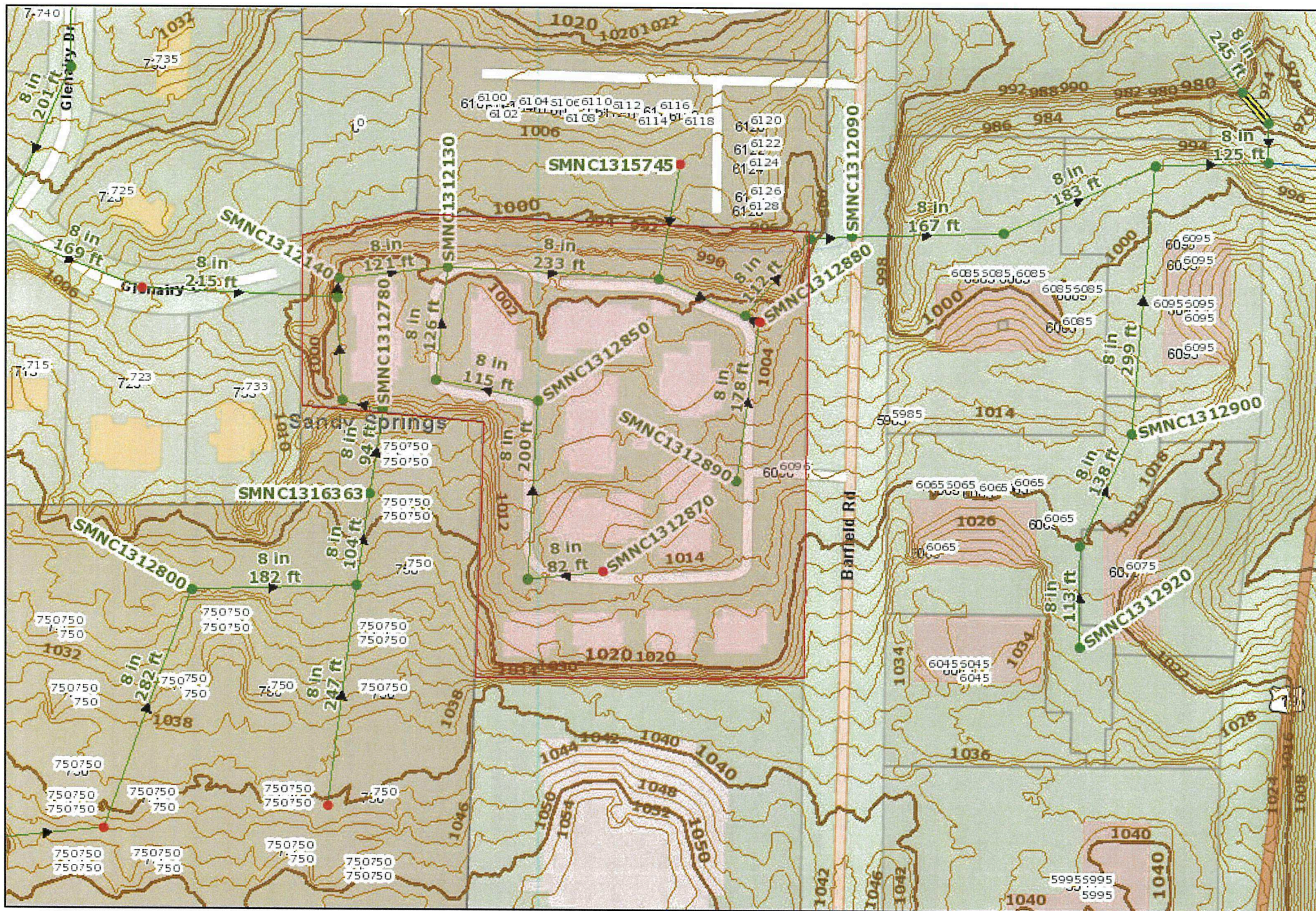
Date: 4/14/2021

Map Size: 8.5x11 (LETTER)

Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility for losses resulting from the use of these data, even if Fulton County is advised of the possibility of such loss.



Prepared By:
GIS Section
Water Resources Department
Fulton County Government



0 0.025 0.05 0.075 mi

Date: 4/14/2021

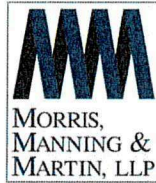
Map Size: 8.5x11 (LETTER)

6096 Barfield Road

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Prepared By:
GIS Section
Water Resources Department
Fulton County Government



March 1, 2021

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

City of Sandy Springs
c/o Planning and Zoning Division
1 Galambos Way
Sandy Springs, Georgia 30328

Re: RZ21-0002 – 6096 Barfield Road Letter of Intent for Zoning Map Amendment

To Whom It May Concern:

This Zoning Map Amendment application requests the change in zoning of a 5.17 acre property from OX-3 to PR-3 to accommodate the adaptive reuse of the existing buildings for multi-unit housing. The property was originally developed as a Residence Inn in the 1980s and is currently operating as a Hawthorn Suites extended stay hotel. There are 128 existing hotel rooms which consist of 96 studios and 32 two bedroom units with full kitchens. If the Zoning Map Amendment is approved, the existing hotel will be renovated, keeping the same number and configuration of units. No new construction is proposed. The building exteriors will be refreshed and repaired. Landscaping will be updated. The amenity and common areas, which include a fitness center, pool and lounge and picnic areas, will be refreshed and upgraded. The building interiors will be renovated to add new flooring, updated cabinets, lighting and paint and add washer and dryer units.

Best,

Jessica L. Hill

VICINITY MAP

NOT TO SCALE



SITE DESIGN, INC.
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS

800 EAST WASHINGTON STREET, SUITE B GREENVILLE, SC 29601
PH: (864) 771-0496 FAX: (864) 771-0452
WWW.SITEDSIGN.COM



SANDY SPRINGS™

GEORGIA

Case No.: RZ21-0002

Planner's initials: AH

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 6096 Barfield Road NE	
	Parcel Tax ID(s): 17-0036-LL-075-5	
	Total acreage: 5.17 acres	Council District: 3
	Current zoning: OX-3	Current use: Extended Stay Hotel
	Character Area: Perimeter Center	

APPLICATION	Purpose of the Application: Zoning Map Amendment - Perimeter Residential-3 (PR-3)		
	Check all that apply:		
	☒ Zoning Map Amendment (Rezoning) ☐ Conditional Use Permit		
	Detailed request: Petitioner seeks to rezone the property from OX-3 to Perimeter Center - 3 to accommodate the adaptive re-use of the property from the current extended stay hotel into multi-unit housing. The existing buildings will remain and no additional units will be added.		
	Petitioner: PEG Extended Stay Conversion Fund LP		
	Petitioner's address: 180 N University Avenue #200, Provo, UT 84601		
Attn: Jeremy Endicott			
Phone:		Email:	

OWNER	Property owner: Keel Funds Barfield, LLC	
	Owner's address: 3715 Northside Pkwy, Building 100, Suite 300, Atlanta, Georgia 30327	
	Phone:	Email:
	Signature (authorizing initiation of the process): <i>[Signature]</i>	
	If the property is under contract, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-Application Meeting date: 1/25/2021	Anticipated Application date: 3/2/2021
CMI date, time, and location: 2/22/2021 at 6PM at Atlanta Marriott Perimeter Center, 246 Perimeter Center Parkway NE, Atlanta, GA 30346 With Zoom/Call-In option	
ADDITIONAL INFORMATION NEEDED:	
SUBMITTAL ITEMS WAIVED BY DIRECTOR:	

Property Profile for **6096 BARFIELD RD****Property Tax Information**

Tax Year	2021
Parcel ID	17 0036 LL0755
Property Address	6096 BARFIELD RD
Owner	KEEL FUNDS BARFIELD LLC
Mailing Address	833 CAMPBELL HILL ST SUITE 100 MARIETTA GA 30066
Total Appraisal	\$10,920,500
Improvement Appraisal	\$5,483,400
Land Appraisal	\$5,437,100
Assessment	\$4,368,200
Tax District	59
Land Area	5.37 ac
Property Class	Commercial Small Tracts
Land Use Class	Luxury Budget Motel
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Sandy Springs
Commission District	3
Commission Person	Lee Morris
Council District	District 3
Council Person	Chris Burnett
Voting Precinct	SS08B
Poll Location	Hammond Park Gym, 705 Hammond Drive Ne
Congressional District	006
State Senate District	006
State House District	052

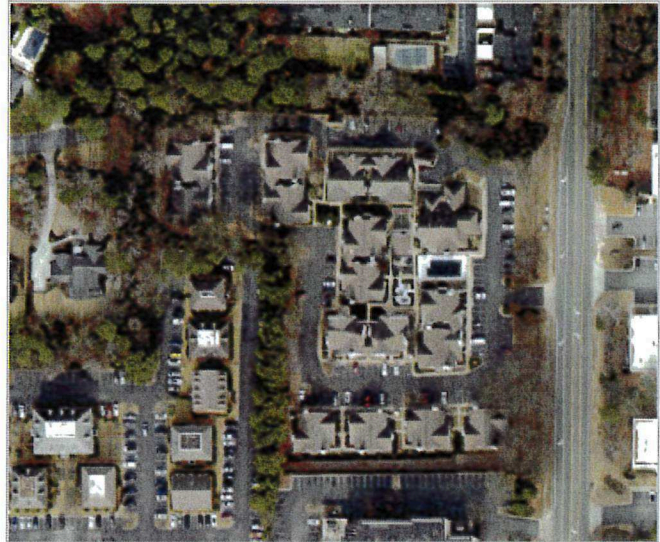
School Zones

Elementary School	High Point
Middle School	Ridgeview
High School	Riverwood

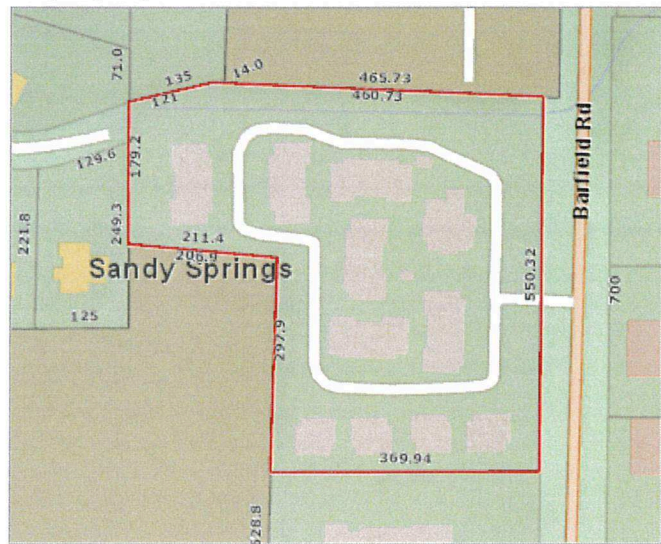
Other Information

Zip Code	30328
Census Tract	101.10
In Less Developed Census Tract	No

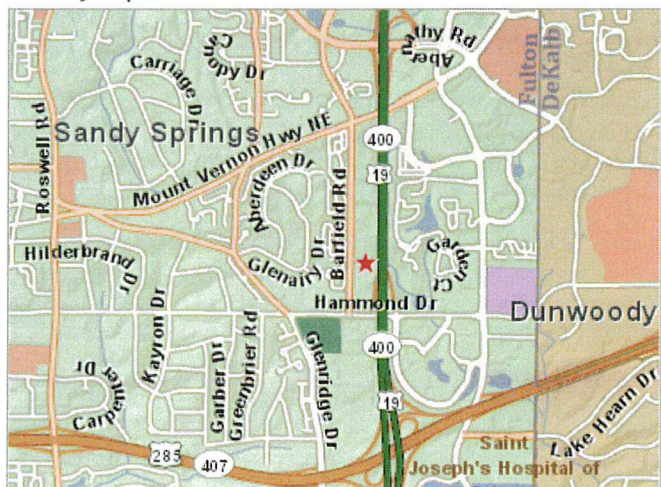
Aerial View



Property Map



Vicinity Map





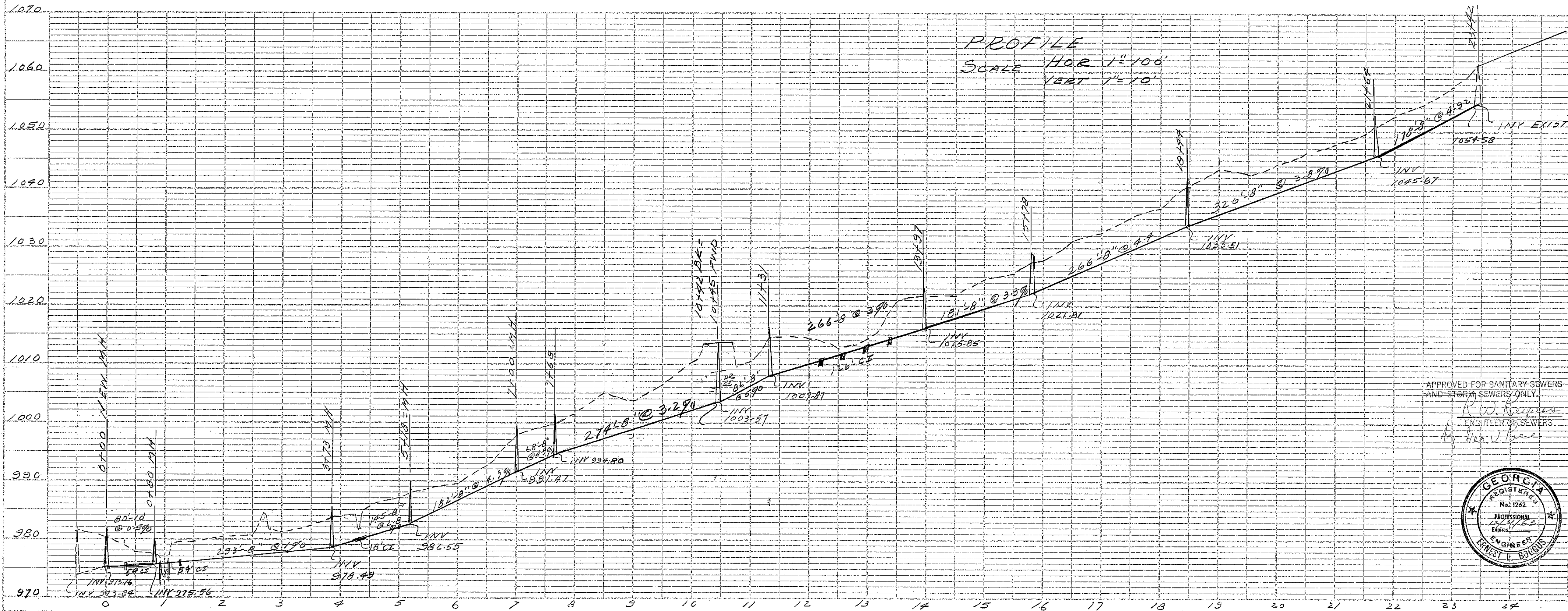
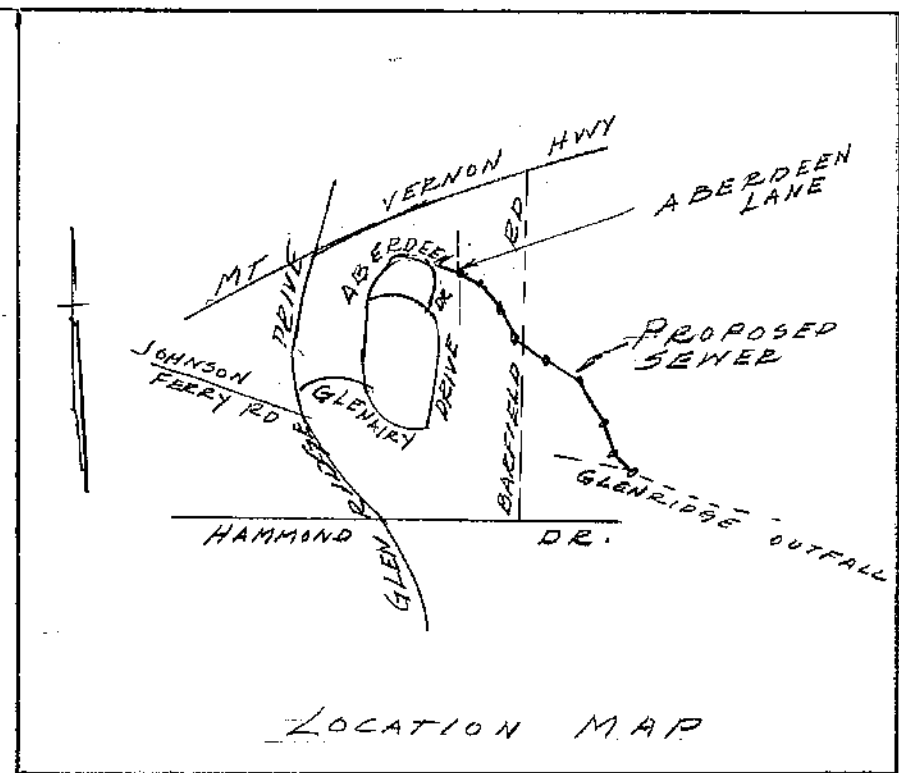
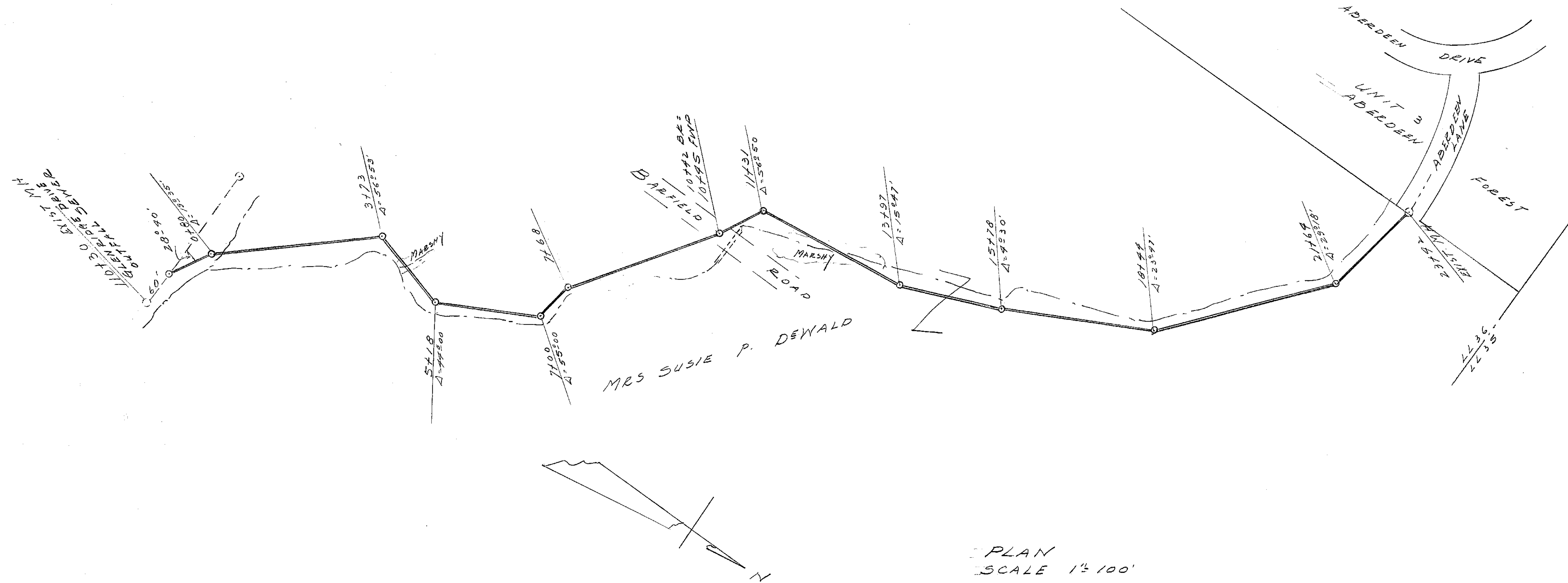
6096 Barfield Rd



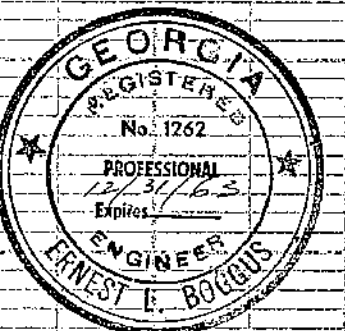
02/04/2021

PLAN
SCALE 1" = 100'

PROFILE
SCALE 1" = 10'



APPROVED FOR SANITARY SEWERS
AND STORM SEWERS ONLY.
By *R.W. Rupp*
ENGINEER OF SEWERS



Approved July 9, 1963
(Date)
Fulton County Public Works Dept.
By *[Signature]*

AS BUILT
PLAN & PROFILE
OUTFALL SEWER
TO SERVE
UNIT 3, ABERDEEN FOREST
LAND LOT 36-17TH DIST
FULTON COUNTY
SCALE AS SHOWN JULY 1963 AUG 64
MADE FOR FULTON COUNTY BY
ERNEST L. BOGARDUS P.E. SUE
GA REG. NO. 1722-1963

Date, Time	Your Name	Your Zip	Your Comments
2/22/2021, 10:01 AM	Julia Levy	30328	We do not need another residential rental building in the area. Crime has already gone up in with the EVA across the street - shootings, stabbing a and murder most recently. The additional traffic this will bring into that specific corner will be horrendous during more normal times- the barfield/Hammond intersection is typically a tremendous nightmare- a long term rental building will only increase that during peek traffic times. Please keep the property as a hotel.
2/22/2021, 2:57 PM	Russell Reams, Jr.	30328	My name is Russell Reams and have been a resident of Sandy Springs for nine years. My wife and I find it incredibly disheartening to hear that our community is again facing the prospect of a property a few hundred feet away being converted to a residential rental community. It was just a few years ago we lived through a similar experience which resulted in a sharp increase in crime and the corresponding drop in home values that followed. It took several years for the situation to be resolved, and hten it was only after the fatal shooting of a resident and legal action by the City of Sandy Springs. There are numerous well documented studies which track the trend of rental communities resulting in dramatic increases in crime and decreases in the surrounding residential property values. While I'm not a zoning expert, my layperson's reading indicates the proposed property cannot meet the requirements set forth in Sandy Springs regulations. This neighborhood is not zoned for this type of property for good reason and I strenuously object to it being rezoned. In Autumn Chace we maintain a safe community and have already lived through the negative consequences this rezoning request entails. The least of these problems was the theft of packages from our homes and lead up to the horror of a fatal shooting just hundreds of feet from our homes. I and my neighbors strongly ask our city officials and leader ot not subject us to this terrible experience again. Sincerely, Russell Reams, DBA
3/24/2021, 12:33 PM	Curt Friedberg	30328	My name is Curt Friedberg and i am on the board of Aberdeen Forest HOA. We have concerns about the setbacks and fencing separating the subject property from our community. When students were living at the hotel, many people would jump the fence and cut through Aberdeen. Also we are unclear who is supposed to maintain the signs, railing and general aesthetics of the end of Glenairy Ct NE (pictures sent under separate cover). Lastly there looks like there is some erosion under one of the fence panels that is damaging the integrity of the fence. We would ask that any development would include a more substantial fence, clean up and addition of plantings in the set backs (vs. low ground cover that we have now), and guidelines to limit any new lighting or new noise that would be generated by the increased density on this property.
3/24/2021, 12:47 PM	Curt Friedberg	30328	Ms. Horst, I tried multiple times to access the comments section to upload pictures and the links were broken. In speaking with Jason Green (who was very helpful) he pointed me to a web comments section and suggested that I email you the pictures. In summary: - I am the President of Aberdeen Forest HOA and reside at - Who is to maintain the end of Glenairy Ct (red signs and railing) that is all overgrown - Can additional larger plantings be added to the set back as now there is just a lot of ground coverage and trash - Fence has significant erosion and looks like part is ready to fall into the creek - Can a more substantial fence be installed to prevent people from hopping the fence and using our neighborhood as a cut through? When student were living in the hotel, they would hop the fence and use our community as a cut through. - Who is responsible for maintaining the creek which is now filled with trash and debris - How are they going to handle the parking and trash given this property has not serviced that many people in a very long time - We have noticed an increase in crime at many of the apartment communities in Sandy Springs and want to ensure that an out of town management company has the ability to oversee and cure issues as they come up I will try to attend in person, but otherwise will be virtual this evening. Thanks, Curt

5/4/2021, 11:27 PM	Melissa Mular	30328	Hello, Alexandra and Ginger. I have been trying to add the following Public Comment for the rezoning of the property at 6096 Barfield Road, RZ21-0002, however the website keeps returning the error, " commentAddFailed". Can you please manually add the comment for me to the public record for recording? Thank you in advance. I represent the Autumn Chace Home Owners Association on Barfield Road and with our attorney Rob Stein, we have been working very closely with PEG Companies' representatives (mainly Alex Murphy and Matt Hansen) , Ronda Smith from the Sandy Springs Council of Neighborhoods, and representatives from nearby, impacted residential Communities (Westbury Square Town Homes, Aberdeen Forest), and Perimeter Ridge Office Park. Alex and PEG Companies have been very responsive and transparent throughout the zoning application process; they have been very approachable which has been much appreciated. They have listened to our concerns and have been operating in Good Faith. We have been working collaboratively on the following open issues: a) installation and operation of a security gate to ensure the security for the surrounding residential Communities and also of the Applicant's property; b) lease terms to secure longer term, less transient occupants; c) upkeep and maintenance of perimeter boundaries with residential properties (Westbury Square, Aberdeen Forest); and d) overall concern regarding adequate parking. The main concern for Autumn Chace is maintaining the security of the neighborhood and not returning to the disturbance and disruption of life that resulted when The Hub was in operation 2012-2013. We firmly believe that a) and b) offer strong mitigations to ensure security of the surrounding Communities, as well as the Applicant's property, and request that these two concerns be prioritized and implemented as part of the Zoning process. The upkeep and maintenance of the property boundaries makes good sense from a neighborly perspective--it's the right thing to do--but it is the City that must decide what action is needed with respect to the overgrown areas, especially the dry retention pond bordering Westbury Square and creek with the natural area bordering Aberdeen Forest. While there is a question of adequate parking capacity, there are ways to manage the parking and the surrounding residential Communities are unlikely to be impacted by overflow. PEG Companies understands the concerns and is working to increase the number of parking spaces as well as defining policies to manage parking. The property is being down-zoned, which is more desirable, from a Community perspective, than many other uses supported by the current zoning. PEG Companies is looking to invest in the property which has not been maintained in recent years--a better maintained and managed property is an improvement over the current state. We would want this Community to be a good neighbor and help keep our neighborhood as a desirable, safe haven in the heart of a vibrant, growing urban area. We look forward to continuing the collaboration with PEG Companies and are hopeful that we will reach agreements to address the concerns that will be supported by the City. Melissa Mular
5/10/2021, 11:45 AM	John Dryman	30328	I manage an adjacent property and we have a real problem in regards to this rezoning. Please have someone from the Planning Department call me to discuss it. My number is . Thanks John Dryman, Property Manager, Perimeter Ridge Office Park, 750 Hammond Drive

5/10/2021, 9:10 PM	John Dryman	30328	The building owners of Perimeter Ridge Office Park ("PROP") are against the rezoning of the Hawthorn Suites property ("HS Property"). -There is no security fence between PROP and the HS Property. -There are 128 units containing 160 bedrooms but only 139 parking spaces. The HS Property management states that they will only give out 128 parking permits. It is not possible that there will only be one car per unit -Most likely, the unpermitted cars of the residents of the HS Property will try to park in the PROP parking lot and walk through the hedges to their units -The HS Property management states that they will have a security patrol car driving through their parking lot every night but that is not a requirement for the rezoning and will be of no benefit to PROP. - The closest PROP building to the the HS Property contains a sleep clinic which had a real problem with the noise from the HS Property when it was a dorm - The owners of PROP would like the zoning denied and at least, have the requirement that a fence be installed between the two properties to prevent access between them. Thanks for your consideration
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SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Planning Commission Meeting, May 19, 2021

Case: **TA21-0001 – Div. 9.2. State Waters Buffer Protection**
Staff Contact: Alexandra Horst (ahorst@sandyspringsga.gov) / Catherine Mercier-Baggett (cmercier-baggett@sandyspringsga.gov)
Report Date: May 10, 2021

PURPOSE

An Ordinance to amend the following Development Code Division: Div. 9.2. State Waters Buffer Protection.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Text Amendment** TA21-0001.

PROCESS

Planning Commission Hearing:
May 19, 2021

Mayor and City Council Hearing:
June 15, 2021

PROPOSED AMENDMENT

~~Strike-through red:~~ Text to be removed

Blue: Text to be added

Sec. 9.2.2. – Applicability

C. Exemptions

The following specific activities are exempt from this Division. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one of the following:

- a. A stream crossing by a driveway, transportation route or utility line;
- b. Public water supply intake or public wastewater outfall structures;
- c. Intrusions necessary to provide access to a property;
- d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

- e. ~~Unpaved foot trails and paths;~~ Trails and paths, paved or unpaved, provided that:
- i. They are maintained by the City of Sandy Springs or its designee, and
 - ii. Their alignment and construction minimize intrusion into the buffer and impervious surface setback, and they disturb land no more than 25' in width during grading and construction, unless approved by the Director due to drainage, topography, other physical conditions, or other reasons deemed acceptable to the Director, and
 - iii. They are no more than 14' in width, and
 - iv. Associated gathering spaces, such as sitting areas and viewing platforms, do not exceed 350 square feet each, and
 - v. The disturbed buffers are stabilized and restored to the maximum possible extent, in accordance with the standards set forth in the Restoration Standards in the City of Sandy Springs Technical Manual.
- f. Activities to restore and enhance stream bank stability, vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

Existing regulations can be found here:

https://library.municode.com/ga/sandy_springs/codes/development_code?nodeId=ART9ENPR_DIV.9.2STWABUPR.

BACKGROUND

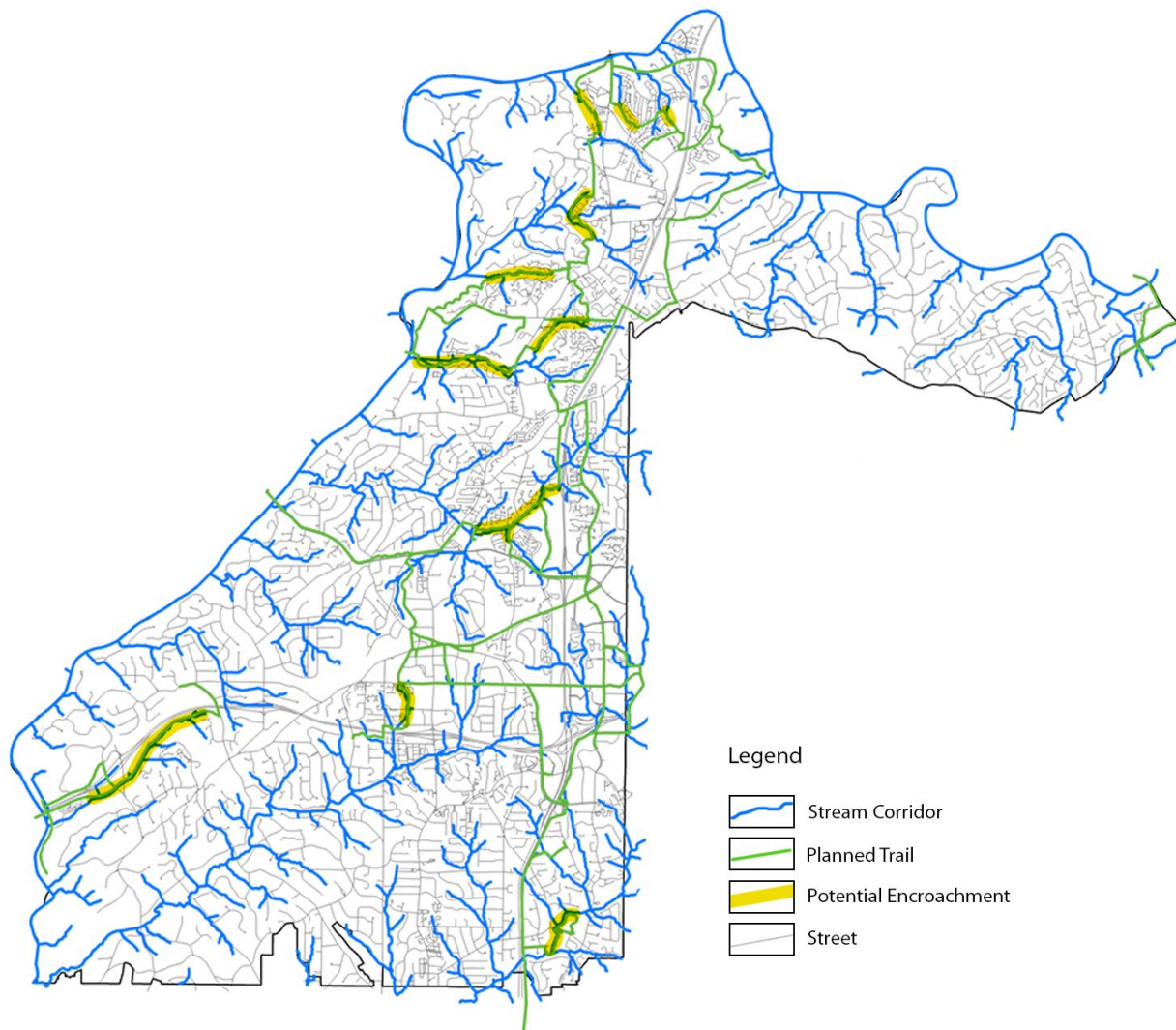
The regulation of stream corridors is necessary in order to maintain undisturbed soil and vegetation, which are essential for erosion control, water quality, and providing wildlife habitat. The State regulates the first 25' from state waters, as measured from the point of wrested vegetation, running parallel to the stream (O.C.G.A.12-7-6(a)(15)(A)). The City requires the continuation of the undisturbed, vegetated buffer for an additional 25' and an impervious surface setback for an additional 25'.

Because the City is almost built out, stream corridors and the floodplain are often the only remaining land to accommodate off-road recreational trails. Text Amendment TA21-0001 proposes to amend Div. 9.2. of the Sandy Springs Development Code to allow for trails and paths in the City's buffer and impervious surface setback. The proposed language would simplify the implementation of the 2019 *Sandy Springs Trail Master Plan* (<https://www.sandyspringsga.gov/home/showpublisheddocument/21757/637073611409630000>).

Several encroachments into the City's buffer and impervious setback are anticipated, as illustrated in the map below.

The intent of this Amendment is to allow for limited encroachments for public trails into the City's buffer and impervious surface setback by right, without requiring plans to go through the Stream Buffer Variance process with the Board of Appeals. The Amendment would apply solely to City regulations. Intrusions into the 25' State buffer would still require a Variance from the State.

MAP OF ANTICIPATED AREAS OF ENCROACHMENT FOR *TRAIL MASTER PLAN* IMPLEMENTATION



DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, Staff recommends **Approval** of **Text Amendment** TA21-0001, An Ordinance to amend the following Development Code Division: Div. 9.2. State Waters Buffer Protection.

Div. 9.2. - State Waters Buffer Protection

Sec. 9.2.1. - Findings and Purposes

- A. **Findings** The Community Development Department of the City finds that buffers adjacent to state waters provide numerous benefits, including:
1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.
 2. Removing pollutants delivered by urban stormwater runoff.
 3. Reducing erosion and controlling sedimentation.
 4. Protecting and stabilizing stream banks.
 5. Providing for infiltration of stormwater runoff.
 6. Maintaining base flow of streams.
 7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
 8. Providing tree canopy to shade streams and promote desirable aquatic habitat.
 9. Providing riparian wildlife habitat.
 10. Furnishing scenic value and recreational opportunity.
 11. Providing opportunities for the protection and restoration of greenspace.
- B. **Purposes** The purpose of this Division is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:
1. Create buffer and setback zones along state waters within the City for the protection of water resources; and
 2. Minimize land development within such buffers and setbacks by establishing buffer and setback requirements and by requiring authorization for any such activities.

Sec. 9.2.2. - Applicability

- A. **Generally** This Division applies to all land development activity on property containing a state waters buffer as defined in Article 12 and an additional impervious surface setback. In this Division, "setback" refers to the additional 25' impervious surface setback described in Sec. 9.2.4.A.2. These requirements are in addition to, and do not replace or supersede, any other applicable buffer and setback requirements established under state law, and approval of or exemption from these requirements does not constitute approval of or exemption from buffer and setback requirements established under state law or from other applicable local, state or federal regulations.
- B. **Legal Nonconforming Structures** This Division does not apply to the following existing structures:
1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before December 12, 2005.
 2. Existing development and ongoing land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer and setback requirements.
 3. A variance from the requirements of the Sandy Springs portion of any state waters buffer or additional impervious surface setback (see Sec. 9.2.4) is not required for:

- a. Repair or replacement in kind of any legally approved principal structure located in the buffer that existed prior to December 12, 2005, provided that the footprint of the pre-2005 structure is not exceeded and engineering analysis indicates that no rise in flood elevation will occur. All required permits are still necessary prior to construction.
 - b. Repair or replacement of any structure or improvement located in the 25' impervious setback and approved prior to December 12, 2005, provided that the area of imperviousness in square feet remains the same or is reduced, and that the new structure or improvement is not located any closer to the 50' buffer than the existing one.
 - c. Removal of a principal or accessory structure or otherwise reducing the amount of impervious surface in the state waters buffer or the setback, provided the state waters buffer is restored using native vegetation in accordance with revegetation standards in "Buffer Zone," starting on page 6-15 of the GSWCC's Manual for Erosion and Sediment Control in Georgia: 2016 Edition.
 - d. All required permits are still necessary prior to demolition and/or construction.
- C. **Exemptions** The following specific activities are exempt from this Division. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.
1. Activities for the purpose of building one of the following:
 - a. A stream crossing by a driveway, transportation route or utility line;
 - b. Public water supply intake or public wastewater outfall structures;
 - c. Intrusions necessary to provide access to a property;
 - d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - e. ~~Unpaved foot trails and paths;~~
 Trails and paths, paved or unpaved, provided that:
 - i. They are maintained by the City of Sandy Springs or its designee, and
 - ii. Their alignment and construction minimize intrusion into the buffer and impervious surface setback, and they disturb land no more than 25' in width during grading and construction, unless approved by the Director due to drainage, topography, other physical conditions, or other reasons deemed acceptable to the Director, and
 - iii. They are no more than 14' in width, and
 - iv. Associated gathering spaces, such as sitting areas and viewing platforms, do not exceed 350 square feet each, and
 - v. The disturbed buffers are stabilized and restored to the maximum possible extent, in accordance with the standards set forth in the Restoration Standards in the City of Sandy Springs Technical Manual.
 - f. Activities to restore and enhance stream bank stability, vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
 2. Public sewer line easements paralleling the stream, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption must not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses as specifically cited in paragraph 1 above.

3. Land development activities within a right-of-way existing on December 12, 2005 or approved under the terms of this Division.
4. Within an easement of any utility existing on December 12, 2005 or approved under the terms of this Division, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this Division, the person performing it must report such work to the City on the next business day after commencement of the work. Within 10 days, the person must apply for a permit and perform such work within such time period as may be determined by the City to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer or setback that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for 3 years after the end of the activities that intruded on the buffer or setback.
7. Projects defined in O.C.G.A. § 12-7-17(3) as minor land-disturbing activities that are exempt from the Georgia Erosion and Sedimentation Act: "Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion."

D. **Minor Land Disturbing Activities** The following land-disturbing activities are examples of projects not specifically listed in O.C.G.A. § 12-7-17(3) that would be considered minor land-disturbing activities and are, therefore, exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:

1. Elevated structures such as decks, gazebos, patios, walkways, viewing platforms or open picnic shelters, provided that:
 - a. The floor or decking is built in a pervious manner to allow for the infiltration of stormwater;
 - b. No more than 100 square feet of footprint of the elevated structure extends into or over the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);
 - c. No grading, cutting, filling or similar land-disturbing activities occurring as a part of the site preparation, construction or subsequent development;
 - d. The structure is built on posts, concrete blocks or similar supports;
 - e. Permanent protective vegetative cover remains or protective measures (for example, mulch or gravel) are installed within the footprint of the elevated structure to prevent post-construction soil erosion;
 - f. A natural canopy is left in sufficient quantity to keep shade on the streambed; and
 - g. No concrete or asphalt slabs, pads or foundations are constructed or placed as a part of the site preparation, construction or subsequent development.
2. A pervious ground-level walkway approach to a dock or similar structure, provided that:
 - a. No more than 100 square feet of the constructed walkway extends into the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);
 - b. No grading, cutting, filling or similar land-disturbing activities occur as a part of the site preparation, construction or subsequent development;
 - c. No concrete or asphalt slabs, pads, supports or foundations are constructed or placed as a part of the site preparation, construction or subsequent development; and

- d. All ground preparation and walkway material placement is completed with the use of hand-held equipment.
- 3. Restoration of buffer area after the removal of an existing structure, provided that the buffer area must be replanted with native vegetation.
- 4. Maintenance or repair of existing structures, the failure of which would result in a threat to human health or state waters, such as sewer lines, water lines, dams or gas lines. Total disturbance must be less than 100 square feet.
- 5. Placement of rock riprap within the buffer not to exceed 100 square feet on any one property, provided that:
 - a. The placement of the riprap does not result in soil disturbance outside the placement area; and
 - b. No grading, cutting, filling or similar land-disturbing activities occur as part of the site preparation, construction or subsequent development.
- E. **Activities Not Considered Minor** The following land-disturbing activities are examples of projects that are not considered minor land-disturbing activities and are, therefore, not exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:
 - 1. Any land-disturbing activity utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer;
 - a. Paving with poured or prefab concrete or asphalt;
 - b. Any project or combination of projects occurring within the same calendar year on the same property resulting in more than 100 square feet of any elevated structures or pervious ground level walkways within or extending into the buffer;
 - c. Construction of a barbeque pit on a concrete or asphalt slab or pad within the buffer;
 - d. Construction of a ground-level patio within the buffer;
 - e. Construction of a swimming pool within the buffer;
 - f. Construction of a decorative or structural retaining wall within the buffer;
 - g. Construction of a new seawall with land-disturbing activities occurring within the buffer; and
 - h. Backfilling any new seawall construction within the buffer.
- F. **Prohibited Activity** Any land development activity within a buffer established under this Division or any impervious cover within a setback established under this Division is prohibited unless a variance is granted pursuant to Sec. 9.2.4.B and Sec. 11.6.2.

Sec. 9.2.3. - Inspections

- A. The Department may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and must make a final inspection following completion of the work. The permittee must assist the Department in making such inspections. The Department has the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Division, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.
- B. No person may refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Sec. 9.2.4. - Land Development Requirements

- A. **Buffer and Setback Requirements** All land development activity subject to this Division must meet the following requirements:
1. An undisturbed natural vegetative buffer is maintained for 50 feet, measured horizontally, on all banks of the state waters as measured from the point of wrested vegetation.
 2. All impervious surfaces are prohibited from an additional setback of 25', measured horizontally from the 50' undisturbed buffer.
 - a. The purpose of the setback is to prohibit all newly proposed impervious surfaces and to prevent increases in stormwater runoff caused by grading or other land disturbance activities within the impervious surface setback.
 - b. Land development activities in the impervious surface setback may be approved by the Director if they maintain or decrease the existing stormwater runoff rates.
 3. No septic tanks or septic tank drain fields are permitted within the buffer or the setback. Septic tanks and septic tank drain fields must be coordinated with the Fulton County Health Department and comply with its regulations.
- B. **Variance Procedures** Variances from paragraph A. above may be granted in accordance with the following provisions:
1. Where a parcel was platted prior to December 12, 2005, and its shape, topography or other existing physical condition prevents land development consistent with this Division, and the City finds and determines that the requirements of this Division prohibit the otherwise lawful use of the property by the owner, the Board of Appeals may grant a variance from paragraph A. above, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.
 2. The Board of Appeals will follow the procedure set forth in Sec. 11.6.2.
 3. Variances will be considered only in the following cases:
 - a. When a property's shape, topography or other physical conditions existing on December 12, 2005 prevents land development unless a buffer or setback variance is granted.
 - b. Unusual circumstances when strict adherence to the minimal buffer and setback requirements in this Division would create an extreme hardship.
 4. Variances will not be considered when actions of any property owner of a given property after December 12, 2005 have created conditions of a hardship on that property.
 5. At a minimum, a variance request must include the following information:
 - a. A site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer and setback to be affected is accurately and clearly indicated;
 - d. Documentation of unusual hardship should the buffer and setback be maintained;
 - e. At least one alternative plan that does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - f. A calculation of the total area and length of the proposed intrusion;
 - g. A stormwater management site plan, if applicable; and

- h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- 6. The following factors will be considered in determining whether to issue a variance:
 - a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - b. The locations of all state waters, wetlands, floodplain boundaries and other natural features on the property, including along property boundaries, as determined by field survey;
 - c. The location and extent of the proposed buffer or setback intrusion;
 - d. Whether alternative designs are possible which require less intrusion or no intrusion;
 - e. The long-term and water quality impacts of the proposed variance; and
 - f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Sec. 9.2.5. - Compatibility with Other Buffers

- A. This Division is not intended to interfere with, abrogate or annul any other chapter, rule or regulation, statute or other provision of law. The requirements of this Division should be considered minimum requirements, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment are considered to take precedence.
- B. Additional standards that apply and will be enforced by the City are as follows:
 - 1. Metropolitan River Protection Act and Chattahoochee Corridor Plan:
 - a. Requires a 50-foot undisturbed vegetative buffer;
 - b. Requires a 150-foot impervious surface setback on the Chattahoochee and its impoundments; and
 - c. Requires a 35-foot undisturbed vegetative buffer (all measured from the edge of the water) on perennial tributary streams in a corridor extending 2,000 feet from either bank of the river and its impoundments.
 - d. The corridor extends from Buford Dam to the downstream limits of the Atlanta region (Douglas and Fulton Counties). Streams in the basin of the Corridor are required to be protected by buffers, but no required width is specified. (O.C.G.A. § 12-5-440 et seq.)
 - 2. DNR Part 5 Criteria for small (under 100 square miles) water supply watersheds:
 - a. Authorized under O.C.G.A. § 12-2-8, these criteria require 100-foot undisturbed buffers and 150-foot setbacks on all perennial streams within seven miles upstream of a public water supply reservoir or public water supply intake.
 - b. Beyond 7 miles, the required buffer is 50 feet and the required setback is 75 feet. Equivalent protection measures may be adopted with approval from the state Department of community affairs and the Department of natural resources (DCA and DNR).
 - 3. DNR Part 5 Criteria for river protection authorized under the Metropolitan River Protection Act, these criteria require a 100-foot buffer along rivers with average annual flows of greater than 400 cubic feet per second (cfs) excepting the portion of the Chattahoochee referenced in subsection (1) of this section. The buffer is measured from the top of the stream bank.
 - 4. Other such state and federal regulations as may be adopted from time to time. While the requirements of this Division are intended to apply to all state waters in the City, special conditions may exist that require greater protection. Nothing in this Division should be construed as

preventing the establishment of wider and/or more restrictive buffers and setbacks as required under any other existing or future legislation. In addition, nothing in this Division should be construed as preventing the establishment of wider buffers or setbacks for purposes of protecting greenspace, preserving habitat or other goals that may not be specifically mandated by legislation.

Sec. 9.2.6. - Additional Information Requirements

Any permit applications for property requiring buffers and setbacks under this Division must include the following:

A. A site plan showing:

1. The location of all state waters on the property;
2. Limits of required state waters buffers and required setbacks on the property;
3. Buffer zone topography with contour lines at no greater than five-foot contour intervals;
4. A tree survey;
5. Detailed plans of all proposed land development in the buffer and setback and of all proposed impervious cover within the setback.

B. A description of all proposed land development within the buffer and setback.

C. Any other documentation that the City may reasonably deem necessary for review of the application and to ensure that this Division is addressed in the approval process.

D. All buffer and setback areas must be recorded on the final plat of the property following plan approval.

Sec. 9.2.7. - Responsibility

Neither the issuance of a development permit nor compliance with the conditions of the permit, nor with the provisions of this Division relieves any person from any responsibility otherwise imposed by law for damage to persons or property; nor will the issuance of any permit under this Division serve to impose any liability upon the City, its officers or employees, for injury or damage to persons or property.

Sec. 9.2.8. - Violations, Enforcement and Penalties

In addition to the provisions of Div. 11.8, the following provisions apply.

A. Violations Any action or inaction which violates the provisions of this Division or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in paragraph C. of this section does not prevent such equitable relief.

B. Notice of Violation

1. If the City determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Division, the Director will issue a written notice of violation to the applicant or other responsible person.
2. Where a person is engaged in activity covered by this Division without having first secured the appropriate permit for the work, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site.
3. The notice of violation must contain:
 - a. The name and address of the owner or the applicant or the responsible person;

- b. The address or other description of the site upon which the violation is occurring;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Division and the date for the completion of such remedial action;
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
- f. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient).

C. Penalties

1. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.
2. Before taking any of the following actions or imposing any of the following penalties, the City must first notify the applicant or other responsible person in writing of its intended action, and provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) to cure the violation.
3. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City may take any one or more of the following actions or impose any one or more of the following penalties:
 - a. Stop work order. The Department may issue a stop work order that is served on the applicant or other responsible person. The stop work order will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
 - b. Withhold certificate of occupancy. The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
 - c. Suspension, revocation or modification of permit. The City may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
 - d. Civil penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the City deems appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

- e. Criminal penalties. For intentional and flagrant violations of this Division, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in (appropriate municipal, magistrate or recorders) court to answer charges for such violation. Upon conviction, such person is guilty of a violation of this Code. Each act of violation and each day upon which any act of violation occurs constitutes a separate violation of this Code.

STATE OF GEORGIA
CITY OF SANDY SPRINGS

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND SECTION 9.2.2.C. EXEMPTIONS OF THE SANDY SPRINGS DEVELOPMENT CODE AS FURTHER DESCRIBED BELOW; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Sandy Springs is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Sandy Springs previously adopted and amended the Development Code and has identified text amendments necessary to the proper implementation of The Next Ten Comprehensive Plan; and

WHEREAS, the Mayor and City Council have conducted a properly-advertised Public Hearing prior to adoption of this Ordinance in accordance with the Zoning Procedures Act.

NOW THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF SANDY SPRINGS HEREBY ORDAIN AS FOLLOWS:

SECTION I: The City of Sandy Springs Development Code is hereby amended by replacing Sec. 9.2.2.C.1.e by the following:

- e. Trails and paths, paved or unpaved, provided that:
 - i. They are maintained by the City of Sandy Springs or its designee, and
 - ii. Their alignment and construction minimize intrusion into the buffer and impervious surface setback, and they disturb land no more than 25' in width during grading and construction, unless approved by the Director due to drainage, topography, other physical conditions, or other reasons deemed acceptable to the Director, and
 - iii. They are no more than 14' in width, and
 - iv. Associated gathering spaces, such as sitting areas and viewing platforms, do not exceed 350 square feet each, and
 - v. The disturbed buffers are stabilized and restored to the maximum possible extent, in accordance with the standards set forth in the Restoration Standards in the City of Sandy Springs Technical Manual.

SECTION III: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of the City of Sandy Springs Development Code, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION IV: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION V: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VI: This Ordinance shall become effective immediately upon adoption.

APPROVED AND ADOPTED this the XXXth day of XXXX, 2021.

Approved:

Russell K. Paul, Mayor

Attest:

Raquel Gonzalez, City Clerk

(Seal)

Div. 7.2. - Allowed Use Table

[illegible]

Model Home	P	P	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	L	L	Sec. 7.8.5
Other Temporary Structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 7.9.9
Temporary Fireworks Retail Sales	—	—	—	—	—	—	—	—	—	—	A	—	—	—	—	A	—	—	—	Sec. 7.9.8
Temporary Office	—	—	—	—	—	—	—	—	A	A	A	A	A	A	—	A	A	A	A	Sec. 7.9.7
Party House	—	—	—	—	—	—	—	—	A	A	A	A	A	A	—	A	—	A	—	Sec. 7.9.6.C

KEY: P Permitted | L Limited Use | C Conditional Use Permit | A Administrative Use Permit | — Not Permitted

Sec. 7.9.6. - Special Events

A. Special Event

1. See Section 50, Article IV of the City Code of Ordinances for requirements for special events not specifically defined below.

B. Party House

1. **Defined** A single unit detached, single unit attached, or multi-unit dwelling, including all accessory structures and the dwelling unit's curtilage, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar large-scale gatherings where a fee is charged for the use of the dwelling unit, whether or not the attendees are charged entry to the event; or parties, ceremonies, receptions or similar large-scale gatherings where attendees are charged entry. Criteria for approval shall be outlined in the administrative use permit application as established by the Director of Community Development.
2. **Basic Use Standards**
 - a. It is unlawful for a party house event to occur in the city without having first obtained a permit for such event.
 - b. An application shall be subject to review of the director of the Community Development Department to determine compliance with the City's zoning requirements. Administrative exceptions are subject to the approval of the City Manager.
 - c. All permits are temporary and shall not vest in the holder any permanent property rights in a permit.
 - d. Unless specifically provided otherwise, a party house event is subject to and must comply with any and all other applicable ordinances of the City.
 - e. The location of a party house must comply with all existing zoning requirements of the City, and there must be sufficient lawful parking available.
 - f. Party house use shall be prohibited within 150 feet of a property zoned RE, RD, PK, CON, RU, RT, RM, RX, PR, or a property used for residential purposes measured from property line to property line.

Sec. 11.5.4. - Other Permits

H. Administrative Use Permit

1. Intent Administrative use permits are intended to be used where complex or unusual technical determinations are involved and/or in conjunction with temporary uses and structures where the matter is not of such a nature as to require public notice and hearing. Such permits shall be processed by the community development department

2. Authority The Director shall be responsible for processing administrative use permits, making or causing to be made all necessary studies and referrals, and deciding thereon.

3. Conditions In granting administrative use permits, such conditions may be attached as are deemed necessary in the particular case to protect the public interest and surrounding properties. Such conditions shall generally be of a nature as stated below, in addition to policy or regulations specific to the use otherwise required by the City:

- a. Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- b. Off-street parking and loading areas where required, with particular attention to the items in a. above.
- c. Refuse and service areas.
- d. Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
- e. Hours and manner of operations.
- f. Length of time regarding the duration of such permit, if any.
- g. Tree preservation and replacement in accordance with the requirements of the City of Sandy Springs Tree Conservation Ordinance (Div. 9.3.).

4. Applications A property owner, or any other person with notarized written consent of the property owners, may file with the Director an application for an administrative use permit on such property, provided that such permit is generally authorized in the district in which such purpose is so designated.

The application shall be filed on a form provided for such purposes and shall be accompanied by plans, reports or other information, exhibits or documents as may reasonably be required by the Director to make the necessary findings in the case.

5. Action by Director The Director shall examine the application and supporting materials for conformance with the requirements and stated intent of this Code, make such referrals as are called for in the circumstances of the case, and within 30 days (unless a longer period is mutually agreed upon) decide on the application.

The Director may issue the permit as applied for, issue a permit conditional upon changes to the application, set forth in writing, as necessary to assure conformance with the requirements and stated intent of this Code, or deny the application, with written reasons for such denial.

6. Withdrawal of application An application for an administrative use permit may be withdrawn at any time without limitation on resubmittal.

7. Appeals of decision made by the Director Appeals of decisions made by the Director shall be submitted to the Board of Appeals, as provided in Sec. 11.6.3.

8. Appeals of decision made by the Board of Appeals Appeals of a decision made by the Board of Appeals under the provisions of this section shall be as provided for in Sec. 11.6.3.

DRAFT



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Planning Commission Meeting, May 19, 2021

Case: **TA21-0002 – (Party House)**
 Staff Contact: Matthew Anspach (manspach@sandyspringsga.gov)
 Report Date: May 10, 2021

PURPOSE

An Ordinance to amend the following Development Code Article and Division:
 Art. 7. Use Provisions
 Div. 11.5. Other Permits

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Text Amendment** TA21-0002.

PROCESS

Planning Commission Hearing:
 May 19, 2021

Mayor and City Council Hearing:
 June 15, 2021

PROPOSED AMENDMENT

~~Strike-through red:~~ Text to be removed

Blue: Text to be added

7.2. - Allowed Use Table

Allowed Use Table	Protected Neighborhood				Urban Neighborhood				Corridors & Nodes								Perimeter Center			
Use Category: Specific Use	R E	R D	P K	CO N	R U	R T	R M	R X	ON -	OX -	CX -	SX -	TX -	CS -	IX -	CC -	PR -	PX -	PM -	Definitio n/ Standard s
Temporary Uses																				

Goat/Sheep Yard Maintenance	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 7.8.4
Mobile Temporary Uses																				
Cell on Wheels (COWs) Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 7.8.2
Mobile Services	L	L	L	L	L	L	L	L	A	A	A	A	A	A	A	A	A	A	A	Sec. 7.9.11
Other Temporary Uses	L	L	L	L	L	L	L	L	A	A	A	A	A	A	A	A	A	A	A	Sec. 7.9.10
Temporary Structures																				
Donation Bin or Trailer	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 7.8.3
Manufactured Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 7.8.1
Model Home	P	P	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	L	L	Sec. 7.8.5
Other Temporary Structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 7.9.9

Temporary Fireworks Retail Sales	—	—	—	—	—	—	—	—	—	—	A	—	—	—	—	A	—	—	—	Sec. 7.9.8
Temporary Office	—	—	—	—	—	—	—	—	A	A	A	A	A	—	A	A	A	A	A	Sec. 7.9.7
Party House	—	—	—	—	—	—	—	—	A	A	A	A	A	A	—	A	—	A	—	Sec. 7.9.6.C

EY: P Permitted | L Limited Use | C Conditional Use Permit | A Administrative Use Permit | — Not Permitted

Sec. 7.9.6. - Special Events

A. Special Event

1. See Section 50, Article IV of the City Code of Ordinances for requirements for special events not specifically defined below.

B. Party House

1. **Defined** A single unit detached, single unit attached, or multi-unit dwelling, including all accessory structures and the dwelling unit's curtilage, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar large-scale gatherings where a fee is charged for the use of the dwelling unit, whether or not the attendees are charged entry to the event; or parties, ceremonies, receptions or similar large-scale gatherings where attendees are charged entry. Where an Administrative Use Permit is required for a party house the criteria for approval shall be outlined in the Administrative Use Permit application as established by the Director of Community Development.
2. **Basic Use Standards**
 - a. Party house provided that the use shall be prohibited within 150 feet of a property zoned RE, RD, PK, CON, RU, RT, RM, RX, PR, or a property used for residential purposes measured from property line to property line.
 - b. It unlawful for a Party House Event to occur in the city without having first obtained a permit for such event.
 - c. All Permits are temporary and shall not vest in the holder any permanent property rights in a permit.
 - d. The location of a Party House must comply with all existing zoning requirements of the City, and there must be sufficient lawful parking available. An application shall be subject to review of the director of the Community Development Department to determine compliance with the City's zoning requirements. Administrative exceptions are subject to the approval of the City Manager.
 - e. Unless specifically provided otherwise, a Party House event is subject to and must comply with any and all other applicable ordinances of the City.

Sec. 11.5.4. – Other Permits

H. **Administrative Use Permit**

1. Intent Administrative use permits are intended to be used where complex or unusual technical determinations are involved and/or in conjunction with temporary uses and structures where the matter is not of such a nature as to require public notice and hearing. Such permits shall be processed by the community development department

2. Authority The Director shall be responsible for processing administrative use permits, making or causing to be made all necessary studies and referrals, and deciding thereon.

3. Conditions In granting administrative use permits, such conditions may be attached as are deemed necessary in the particular case to protect the public interest and surrounding properties. Such conditions shall generally be of a nature as stated below, in addition to policy or regulations specific to the use otherwise required by the City:

a. Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.

b. Off-street parking and loading areas where required, with particular attention to the items in a. above.

c. Refuse and service areas.

d. Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.

e. Hours and manner of operations.

f. Length of time regarding the duration of such permit, if any.

g. Tree preservation and replacement in accordance with the requirements of the City of Sandy Springs Tree Conservation Ordinance (Div. 9.3.).

4. Applications A property owner, or any other person with notarized written consent of the property owners, may file with the Director an application for an administrative use permit on such property, provided that such permit is generally authorized in the district in which such purpose is so designated.

The application shall be filed on a form provided for such purposes and shall be accompanied by plans, reports or other information, exhibits or documents as may reasonably be required by the Director to make the necessary findings in the case.

5. Action by Director The Director shall examine the application and supporting materials for conformance with the requirements and stated intent of this Code, make such referrals as are called for in the circumstances of the case, and within 30 days (unless a longer period is mutually agreed upon) decide on the application.

The Director may issue the permit as applied for, issue a permit conditional upon changes to the application, set forth in writing, as necessary to assure conformance with the requirements and stated intent of this Code, or deny the application, with written reasons for such denial.

6. Withdrawal of application An application for an administrative use permit may be withdrawn at any time without limitation on resubmittal.

7. Appeals of decision made by the Director Appeals of decisions made by the Director shall be submitted to the Board of Appeals, as provided in Sec. 11.6.3.

8. Appeals of decision made by the Board of Appeals Appeals of a decision made by the Board of Appeals under the provisions of this section shall be as provided for in Sec. 11.6.3.

Existing regulations can be found here:

https://library.municode.com/ga/sandy_springs/codes/development_code

BACKGROUND
Finding congruency between maintaining the integrity of residential areas and allowing for the hosting of large parties can be a challenging undertaking. The commercialization of residences into large gathering places, or effectively ‘party houses’ cause disturbances in our neighborhoods that are not in keeping with our City Codes and in a larger sense, the vision of our Next Ten Comprehensive Plan. Unsanctioned party house events are an ever increasing reality in the City of Sandy Springs. This Text Amendment proposal is an effort to more successfully curb these large commercial parties from showing up in residential neighborhoods, creating nuisances, straining public resources and infrastructure, and even creating various dangers to the public.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
Following review, Staff recommends Approval of Text Amendment TA21-0002, An Ordinance to amend the following Development Code Article and Division: Art. 7. Use Provisions Div. 11.5. Other Permits