



SANDY SPRINGS
GEORGIA

PLANNING COMMISSION

CITY HALL · STUDIO THEATER
1 GALAMBOS WAY, SANDY SPRINGS, GEORGIA 30328

Reed Haggard, Chair
Andy Porter, Vice Chair
Elizabeth Kelly
Kevin King
Dave Nickles
Andrea Settles
Karen Trylovich

Wednesday, September 22, 2021

Regular Meeting

6:00 p.m.

I. Call to Order

II. Roll Call and General Announcements

III. Approval of Meeting Agenda

IV. Approval of Meeting Minutes

August 18, 2021 Minutes

V. Cases

- A. **2021-1986** **CA21-0001**
6669 Peachtree Dunwoody Road

Request for a Comprehensive Plan Character Area Map Amendment from Protected Neighborhood to Perimeter Center.

- B. **2021-1987** **CA21-0002**
5180 Roswell Road

Request for a Comprehensive Plan Character Area Map Amendment from Neighborhood Village to Commercial/Mixed Use.

- C. **2021-** **TA21-0004**

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance. The City will make reasonable accommodations for those persons.

1 Galambos Way, Sandy Springs, Georgia 30328 • 770-730-5600 • SandySpringsGA.gov



SANDY SPRINGS

GEORGIA

1988

An Ordinance to amend the following Development Code Division and Section:

Div. 7.2. Allowed Use Table

Sec. 7.4.1. Civic

VI. Ongoing Business

VII. New Business

VIII. Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance. The City will make reasonable accommodations for those persons.

1 Galambos Way, Sandy Springs, Georgia 30328 • 770-730-5600 • SandySpringsGA.gov



SANDY SPRINGS

CITY CLERK'S OFFICE

PLANNING COMMISSION MINUTES

CITY HALL · STUDIO THEATER
1 GALAMBOS WAY, SANDY SPRINGS, GEORGIA 30328

Reed Haggard, Chair
Andy Porter, Vice Chair
Elizabeth Kelly
Kevin King
Dave Nickles
Andrea Settles
Karen Trylovich

Wednesday, August 18, 2021

Regular Meeting

6:00 p.m.

Call to Order

The Chair called the meeting to order at 6:00pm.

Roll Call and General Announcements

Members Present: Andrea Settles, Elizabeth Kelly, Andy Porter, Karen Trylovich, Reed Haggard
Members Absent: Dave Nickles and Kevin King

During the roll call, a moment of silence was held in recognition of the passing of Planning Commissioner, and friend, Mr. Kevin King.

Approval of Meeting Agenda

A motion was made by Commissioner Elizabeth Kelly, seconded by Commissioner Andrea Settles, to approve the Meeting Agenda.

Passed Yes 4, No 0, Abstained 0

Yeas: Elizabeth Kelly, Andy Porter, Andrea Settles, Karen Trylovich

Nays: None

Approval of Meeting Minutes

A motion was made by Commissioner Andrea Settles, seconded by Commissioner Karen Trylovich, to approve the May 19, 2021 Planning Commission Minutes.

Passed Yes 4, No 0, Abstained 0

Yeas: Elizabeth Kelly, Andy Porter, Andrea Settles, Karen Trylovich

Nays: None

Cases

A.

U21-0004

7800 Mount Vernon Road

Request for a Conditional Use Permit for a government facility (Fire Station 5).



SANDY SPRINGS

CITY CLERK'S OFFICE

A motion was made by Commissioner Andrea Settles, seconded by Commissioner Elizabeth Kelly, to recommend approval of U21-0004.

Passed Yes 4, No 0, Abstained 0

Yeas: Elizabeth Kelly, Andy Porter, Andrea Settles, Karen Trylovich

Nays: None

Ongoing Business

New Business

Adjournment

The Chair adjourned the meeting at 6:40pm.



SANDY SPRINGS

CITY CLERK'S OFFICE

PLANNING COMMISSION MINUTES

CITY HALL · STUDIO THEATER
1 GALAMBOS WAY, SANDY SPRINGS, GEORGIA 30328

Reed Haggard, Chair
Andy Porter, Vice Chair
Elizabeth Kelly
Kevin King
Dave Nickles
Andrea Settles
Karen Trylovich

Wednesday, August 18, 2021

Regular Meeting

6:00 p.m.

Call to Order

The Chair called the meeting to order at 6:00pm.

Roll Call and General Announcements

Members Present: Andrea Settles, Elizabeth Kelly, Andy Porter, Karen Trylovich, Reed Haggard
Members Absent: Dave Nickles and Kevin King

During the roll call, a moment of silence was held in recognition of the passing of Planning Commissioner, and friend, Mr. Kevin King.

Approval of Meeting Agenda

A motion was made by Commissioner Elizabeth Kelly, seconded by Commissioner Andrea Settles, to approve the Meeting Agenda.

Passed Yes 4, No 0, Abstained 0

Yeas: Elizabeth Kelly, Andy Porter, Andrea Settles, Karen Trylovich

Nays: None

Approval of Meeting Minutes

A motion was made by Commissioner Andrea Settles, seconded by Commissioner Karen Trylovich, to approve the May 19, 2021 Planning Commission Minutes.

Passed Yes 4, No 0, Abstained 0

Yeas: Elizabeth Kelly, Andy Porter, Andrea Settles, Karen Trylovich

Nays: None

Cases

A.

U21-0004

7800 Mount Vernon Road

Request for a Conditional Use Permit for a government facility (Fire Station 5).



SANDY SPRINGS

CITY CLERK'S OFFICE

A motion was made by Commissioner Andrea Settles, seconded by Commissioner Elizabeth Kelly, to recommend approval of U21-0004.

Passed Yes 4, No 0, Abstained 0

Yeas: Elizabeth Kelly, Andy Porter, Andrea Settles, Karen Trylovich

Nays: None

Ongoing Business

New Business

Adjournment

The Chair adjourned the meeting at 6:40pm.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Planning Commission Meeting, September 22, 2021

Case: **CA21-0001 – 6669 Peachtree Dunwoody Road (Parcel # 17 0020 LL0175)**
Staff Contact: Matthew Anspach (MAnspach@SandySpringsga.gov)
Report Date: September 14, 2021

REQUEST

Request for a Comprehensive Plan Character Area Map Amendment from Protected Neighborhood to Perimeter Center.

APPLICANT

Property Owner: Michael T. Austin	Petitioner: Gary R. Hammond, Jr. (Landbridge Development)	Representative: Gary R. Hammond Jr.
--------------------------------------	---	--

SUMMARY

The Applicant requests a Comprehensive Plan Character Area Map Amendment of **6669 Peachtree Dunwoody Road (Parcel # 17 0020 LL0175)** from the Protected Neighborhood Character Area to the Perimeter Center Character Area.

RECOMMENDATION

Department of Community Development

Staff recommends **Denial** of **Comprehensive Plan Character Area Map Amendment CA21-0001**.

MATERIALS SUBMITTED AND REVIEWED**Materials:**

1. “PURCHASE AND SALE AGREEMENT,” received July 19, 2021
2. Application, received July 19, 2021

Plans:

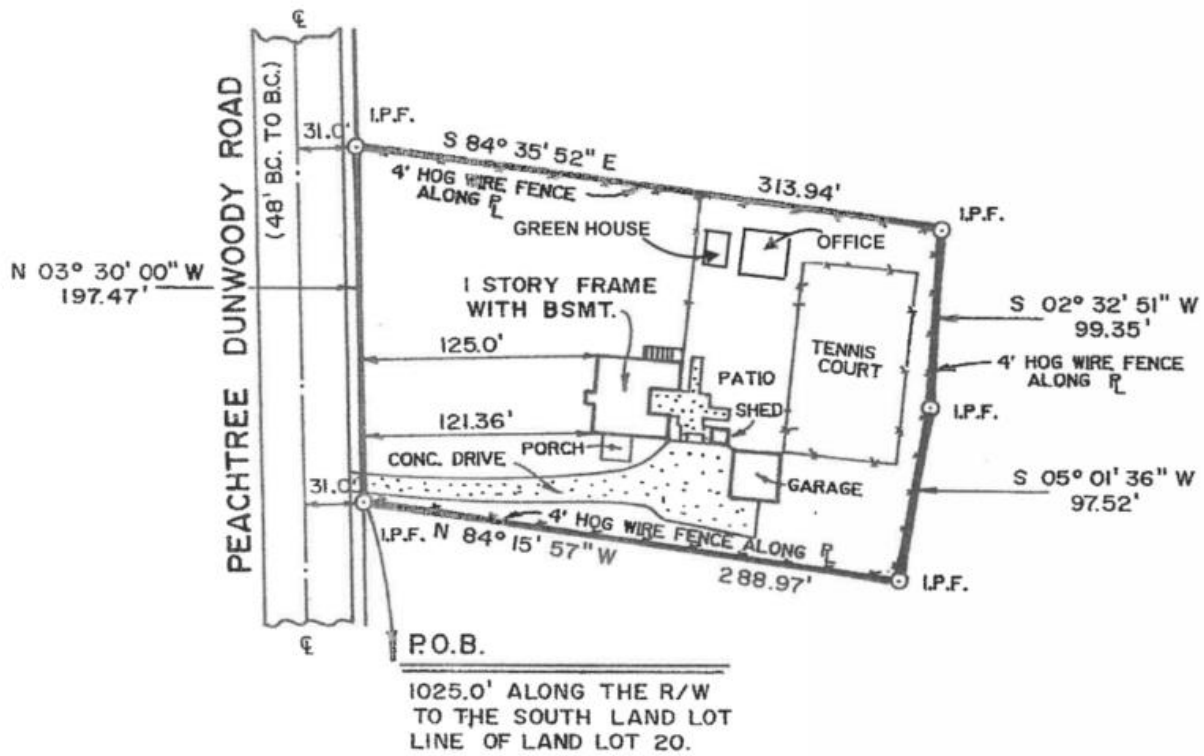
1. “REFERENCE SURVEY FOR: NORTHPARK ASSOCIATES II, LTD,” prepared by Georgia Land Surveying Co. Inc. Land Surveyors, signed and sealed by David A. Burre, R.L.S., dated February 22, 1994, received July 19, 2021

PROPERTY INFORMATION

Location:	6669 Peachtree Dunwoody Road (Parcel # 17 0020 LL0175)
Council District:	4 – Jody Reichel
Road frontage:	Approximately 200 feet of frontage on Peachtree Dunwoody Road
Acreage:	Approximately 1.27 acres
Current Zoning: Existing Land Uses:	RE-1 (Protected Neighborhood) Single Unit Residential
Previous Zoning Cases:	N/A
Character Area:	Protected Neighborhood

PROCESS

Initial Community Meeting (CMI): June 21, 2021	Second Community Meeting (CMII): July 29, 2021	Planning Commission Hearing: September 22, 2021	Mayor and City Council Hearing: October 19, 2021
---	---	--	---



PROPOSED DEVELOPMENT

No site plan is required for a Character Area Map Amendment. The goal with Character Area Map Amendments is to consider the proposed Character Area and land use change, rather than the specifics of a future development.

The following images show the existing conditions of 6669 Peachtree Dunwoody Road (Parcel # 17 0020 LL0175):



Front of parcel from Peachtree Dunwoody Road, facing east



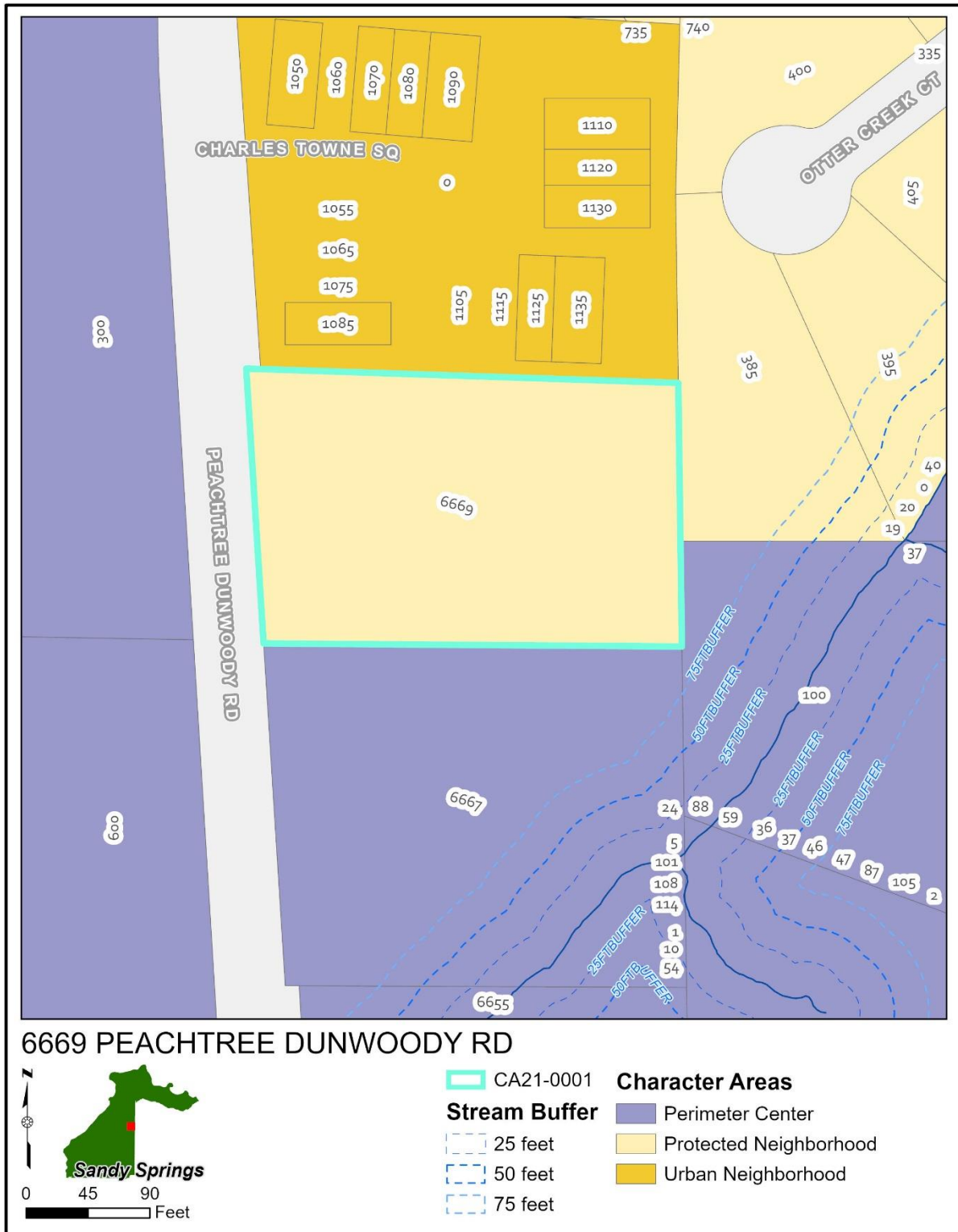
(All photographs by Matthew Anspach, September 14, 2021)

EXISTING CHARACTER AREAS, ZONING, AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Character Area / Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	Urban Neighborhood / RT-3 / Single unit attached residences	Drayton Hall Subdivision	1.90
Northeast	Protected Neighborhood / RD-12 / Single unit detached residence	385 Otter Creek Ct	0.62
Northeast	Neighborhood Village / RD-12 / Single unit detached residences	Glen Meadow Subdivision	Appx. 17
Southeast	Perimeter Residential / PR-3 / Multi Unit	100 Preston Woods Trl. MAA Mount Vernon (Preston Woods)	Appx. 11
South	Perimeter Mixed Use / PX-5 / Office	6655/6667 Peachtree Dunwoody Road (Newell Rubbermaid)	3.91
Southwest / West	Perimeter Mixed Use / PX-10/12	300/600 Embassy Row (Embassy Row)	12.83
PROPOSED DEVELOPMENT			
--	Perimeter Center / TBD / Multi-Unit	6669 Peachtree Dunwoody Road (Parcel # 17 0020 LL0175)	1.27

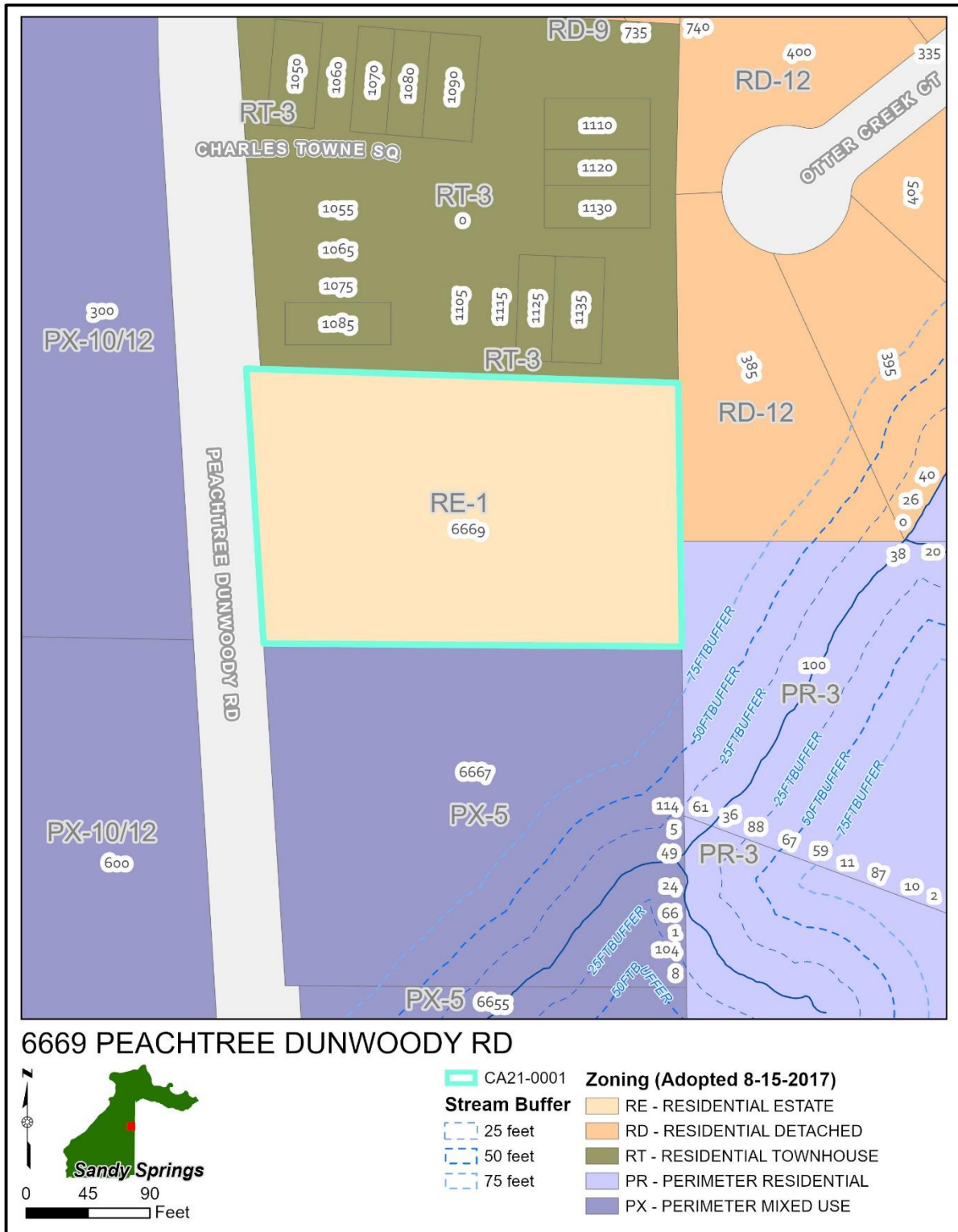
AERIAL IMAGE



CHARACTER AREA MAP



ZONING MAP



CHARACTER AREA MAP AMENDMENT CONSIDERATIONS

Per Sec. 11.3.6.B. of the Development Code, the following list of approval criteria for a Character Area Map Amendment provides guidance for making decisions on approval:

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

Finding: The proposed Amendment would not correct an error, but to some degree, would meet the challenge of the trend that is a more densely developed Peachtree Dunwoody Road in the general Perimeter area of Sandy Springs. It is Staff's belief that single unit residential at the property in question is not a future land use that would constitute a highest and best use.

2. *The Character Area Map Amendment substantially conforms with the remainder of the Comprehensive Plan.*

Finding: There are multiple properties under the Perimeter Center Character Area that abut the subject property. There are also multiple adjacent properties that fall under Urban and Protected Neighborhood Character Areas. The Next Ten Comprehensive Plan has initially recognized this property as under the Protected Neighborhood Character Area.

Even when considering the abundance of Perimeter Center in neighboring proximity to the property, this proposal would go from the least intense to the most intense character area in the City---in terms of intensity and variety of permitted, limited, and conditional uses within its varying zoning districts. For this reason, in Staff's view, the Amendment would not constitute substantial conformance with the remainder of the Next Ten. Staff does believe there are gentler land use transition options available.

3. *The Character Area Map Amendment will reinforce the existing or planned character of the area.*

Finding: As alluded to already, the property is bordered by multiple properties with the same character area as what is being requested. For this reason, Staff does concur that the Amendment would reinforce the existing character of the area, even if there may be more appropriate alternatives available to consider.

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

Finding: The parcel is in a very natural state as is, despite being developed with a single unit detached residence and the typical apparatus that is involved, as well as a tennis court to the very rear. Almost any proposal for redevelopment on the property would have a significant impact on the natural character of the very densely wooded property.

5. *The Character Area Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.*

Finding: As alluded to above, the significance in dissimilarity between the character of the property now and the potential character of the proposed request could certainly generate a significant adverse impact on some of the properties in the vicinity. With that said, at this stage in the zoning and development process, it would be hard to know the true impact(s) and its limits. Staff would simply reiterate that it is our view that there are more sensible and compatible land use transition options

available, based on the variety of adjacent properties' character areas and their varying development concentrations.

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 Perimeter Center designation would allow for a mix of uses and a higher density, which are in line with sustainability strategies.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

No comment provided.

Sandy Springs Economic Development:

No comment provided.

Sandy Springs Recreation & Parks:

No comment provided.

Fulton County Schools:

No comment provided.

Fulton County Public Services and Utilities:

No comment provided.

PUBLIC PARTICIPATION

Community Meeting I

There were approximately 32 in-person and virtual attendees, including the Applicant team, the President of the Sandy Springs Council of Neighborhoods (SSCN), at the Initial Community Meeting on June 21, 2021, held both in person and virtually. Topics discussed included what the height of the eventual development would be, what the applicants company, Landbridge Development typically develops, that the applicant does not develop townhomes, what the buffers required consisted of, whether there were other more appropriate Character Areas to pursue, tree protection, whether the development would include a parking deck, stormwater, flooding mitigation, next steps in the planning process with the City, how to comment on the case as a citizen, whether the applicant works with the government for low income housing, any relationships with members of Council, what rents would go for, and what size units would be proposed. The applicant offered his company's website as a way for the attendees to learn more about the type of developments they generally are involved in.

Community Meeting II

There were approximately 42 in-person and virtual attendees, including the Applicant team, the President of SSCN, at the Second Community Meeting on July 29, 2021, held both in person and virtually. Topics discussed included what the purpose of the request was, how many trees were being kept, how the amendment would affect traffic in the area, questions about required buffers, questions about what the applicant hoped to develop or build, whether the applicant could be offered an alternative zoning to his initial request, whether the applicant would build low income housing on the property, what was an appropriate development for the site, desire for greenspace or recreational space, and several other questions about the general intent of the request. The applicant reiterated several times that he is very limited in what he is able to be certain about in terms of what to propose for development based on the zoning case process in Sandy Spring.

Correspondence Received

50 comments were received via the Zoning Cases Map and email. One was in support.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Denial** of **Comprehensive Plan Character Area Map Amendment CA21-0001**, request for a Comprehensive Plan Character Area Map Amendment from Protected Neighborhood to Perimeter Center.

Received

July 19, 2021 12:39 PM



7000 Peachtree Dunwoody Road
Suite 4-100
Atlanta, GA 30328
Phone: (770) 481-0853
Fax: (770) 481-0854

July 19, 2021

HAND DELIVERED

Ms. Ginger Sottile
Community Development Director
City of Sandy Springs
1 Galambos Way
Sandy Springs, GA 30328

RE: Letter of Intent
Character Area Map Amendment Request
Case CA21-0001

Dear Ms. Sottile:

Please find enclosed our Character Area Map Amendment request for property located at 6669 Peachtree Dunwoody Road, Sandy Springs, GA 30328 from Protected Neighborhood to Perimeter Center. As such, we do not have any requested zoning designation, use, or a conceptual site plan at this time. Because the Character Area Map Amendment process is independent of the zoning process, we respectfully request you consider our application on its own merits and, if approved, allow us to convey specificity in the future when a zoning designation is selected and applied for. We are not intending to be vague or evasive in any way. Rather, we are following the process as intended in the Sandy Springs Development Code.

The Subject Property is an approximate 1.3-acre lot with a house and accessory building zoned RE-1 and located in the Protected Neighborhood Character Area. The Character Areas surrounding the property are listed as:

- East (portion) - Perimeter Center (MAA Apartment Homes, frontage on Mount Vernon Highway)
- East (portion) - Protected Neighborhood (Glen Meadow Subdivision, frontage along Otter Creek Court, leading to Peachtree Dunwoody Road)
- West - Perimeter Center (frontage along Peachtree Dunwoody Road)
- South - Perimeter Center (frontage along Peachtree Dunwoody Road)
- North - Urban Neighborhood (frontage along Peachtree Dunwoody Road)

It is our understanding the Subject Property was zoned RE-1 and designated Protected Neighborhood during a previous city-wide future land use amendment process due to its existing use as single-unit residential lot adjacent to the Glen Meadow Subdivision. However, the Subject Property was included as part of the boundaries of the Perimeter Center Small Area Plan, indicating a change to Perimeter Center was contemplated for this parcel. Based on Sandy Springs Character

Ms. Ginger Sottile
July 19, 2021
Page Two

Areas and surrounding land uses, the change to Perimeter Center is appropriate and reasonable.
Please see attached Character Area Analysis.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Hammond, Jr.", with a large, stylized loop at the end.

enclosure(s) Character Area Map Amendment Application



SANDY SPRINGS™
GEORGIA

Case No.: CA21-0001

Planner's initials: *[Signature]*

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 6669 Peachtree Dunwoody Road, Sandy Springs, GA 30328	
	Parcel Tax ID(s): 170020 LL0175	
	Total acreage: 1.2672	Council District: 4
	Current zoning: RE-1	Current use: Single Unit Detached
	Character Area: Protected Neighborhood	

APPLICATION	Purpose of the Application: Character Area Map Amendment	
	Detailed request: We request the current Protected Neighborhood Character Area be changed to Perimeter Center Character Area.	
	Petitioner: Gary R. Hammond, Jr.	
	Petitioner's address: 7000 Peachtree Dunwoody Road, Suite 4-100, Atlanta, GA 30328	
	Phone: [REDACTED]	Email: [REDACTED]

OWNER	Property owner: Michael T. Austin <i>Michael T. Austin (owner)</i>	
	Owner's address: [REDACTED]	
	Phone: [REDACTED]	Email: [REDACTED]
	Signature (authorizing initiation of the process): <i>[Signature]</i>	
If the property is under contract, provide a copy of the contract		Gary Hammond Agent for Property Owner 2021.05.06 11:29:55 -04'00'

- TO BE FILLED OUT BY P&Z STAFF -

Pre-Application Meeting date:	Anticipated Application date: 7/2/2021
CMI date, time, and location: 6/21/2021, Embassy Suites by Hilton, 1030 Crown Pointe Parkway, Sandy Springs 30328	
ADDITIONAL INFORMATION NEEDED:	
SUBMITTAL ITEMS WAIVED BY DIRECTOR:	



SANDY SPRINGS™
GEORGIA

Case No.: CA21-0001

Planner's initials: JS

APPLICATION FORM

APPLICATION	Purpose of the Application: Character Area Map Amendment
	Detailed request: We request the current Protected Neighborhood Character Area to be changed to Perimeter Center Character Area.

COMMUNITY MEETING I REPORT	Date and location of CMI: June 21, 2021 Embassy Suites Georgian Room (1030 Crown Pointe Pkwy)	
	Beginning time: 6:00 PM	End time: 7:00 PM
	Summary of concerns discussed: See attached.	
	Does the Application address the concerns discussed at the CMI? ☒ Yes ☐ No	
	Explain: Because this is a CAMA it is not possible to address questions raised specific to site plan or zoning. One attendee asked about whether townhome use was considered, would likely result in an Urban Neighborhood Character Area selection. However, for reasons stated in this application, the applicant is requesting a change to Perimeter Center Character Area.	

- TO BE FILLED OUT BY P&Z STAFF -

Application date: 6/30/2021	Tentative Planning Commission date: 9/22/2021
CMII date and time: 7/29/2021	Tentative Mayor and City Council date: 10/19/2021
OFFICIAL REQUEST (FOR PUBLICATION):	



SANDY SPRINGS™

GEORGIA

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: Michael T. Austin	Sworn and subscribed before me this 29 th day of June 2021 Notary public: Seal: Wendy A Whittington NOTARY PUBLIC DEKALB COUNTY, GEORGIA My Commission Expires 03/16/2024 Commission expires:
Address: [REDACTED]	
City, State, Zip Code: Atlanta, GA 30328	
Email address: [REDACTED]	
Phone number: [REDACTED]	
Owner's signature:	

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

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

Applicant states under oath that:	
☐ 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 Previously submitted under separate cover. ☐ He/she has an estate of years which permits the Applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name: Gary R. Hammond, Jr.	Sworn and subscribed before me this 29 th day of June 2021 Notary public: Seal: Wendy A Whittington NOTARY PUBLIC DEKALB COUNTY, GEORGIA My Commission Expires 03/16/2024 Commission expires:
Company name: Landbridge Development, LLC	
Address: 7000 Peachtree Dunwoody Road Suite 4-100	
City, State, Zip Code: Atlanta, GA 30328	
Email address: [REDACTED]	
Applicant's signature:	



SANDY SPRINGS™
GEORGIA

DISCLOSURE OF CONTRIBUTION FORM

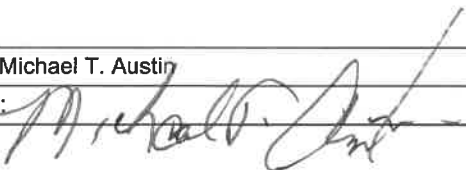
Within the two (2) years immediately preceding the filing of this Application, have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? ☐ Yes ☒ No

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: Michael T. Austin
Signature:  Date: 6/29/2021

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: Gary R. Hammond, Jr.

Signature:

Date:

6/29/2021

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

ADDITIONAL REQUIREMENTS

Letter of Intent		Enclosed
Address the following in detail, on a separate sheet: 1. Requested Character Area Map Amendment 2. Factual information about the property		
Character Area Analysis (Sec. 11.3.6.B.)		Enclosed
Provide a written analysis of the impact of the proposed Character Area Map change with respect to each of the approval criteria in Sec. 11.3.6. Address the following in detail, on a separate sheet: 1. The Character Area Map Amendment corrects an error or meets the challenge of some changing condition, trend or fact. 2. The Character Area Map Amendment substantially conforms with the remainder of the Comprehensive Plan. 3. The Character Area Map Amendment will reinforce the existing or planned character of the area. 4. The Character Area Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation. 5. The Character Area Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.		
Chattahoochee River Corridor Certificate		Not Applicable
Required for properties located within the Chattahoochee River Corridor (within 2,000' of the Chattahoochee River)		
Contact Lindsay Walker, City Arborist, at (770) 206-1568 or lwalker@sandyspringsga.gov		
Survey		**See attached survey and approval for Character Area Map Amendment**
Provide one (1) copy printed on 11" x 17" paper and two (2) copies printed to scale no larger than 30" x 42"; also include in the electronic package. Note: the 8.5x11" is to scale		
The survey must include, at a minimum, the following:		
Basic Information	☐ Legal description (metes and bounds; should also be submitted as a separate document) ☐ Key and/or legend, site location map with North arrow, and scale ☐ Boundary survey of the subject property, which includes dimensions along property lines that match the metes and bounds of the subject property's written legal description, and clearly indicate the point of beginning ☐ Acreage of the subject property ☐ Location of the subject property's land lot lines and identification of land lots ☐ Current zoning district of the subject and adjacent properties ☐ Topography on the subject and adjacent properties within 200' to assess runoff effects ☐ Location of overhead and underground electrical and pipeline transmission/conveyance lines ☐ Building setback lines and build-to zones, transitions, buffers, etc.	
Roads	☐ Existing dedicated and reserved rights-of-way of all streets on and adjacent to the subject property ☐ Posted speed of existing streets	

Existing Improvements	☐ Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property ☐ Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400' of the subject property ☐ Development Statistics Summary Chart with % of total site coverage: ○ Total area of site (acres and sq. ft.) ○ Building footprints (sq. ft. and %) ○ Parking spaces (number and %) ○ Lot coverage (sq. ft. and %)
Environmental	☐ 100-year floodplain horizontal limits and flood zone designations as shown on survey or Federal Emergency Management Agency Flood Insurance Rate Maps ☐ State waters and associated buffers ☐ Stormwater management facilities ☐ Community wastewater facilities, including preliminary areas reserved for septic drain fields and points of access ☐ Availability of water and sanitary sewer system ☐ Trees and open space on the subject property ☐ Wetlands

Note: No site plan is required for a Comprehensive Plan Character Area Map Amendment. Proposed future development or specific use of the property should not be discussed in detail during this process. However, intent based on what is permitted in the zoning districts in the requested Character Area should be discussed, as well as general appropriateness for the general area.

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

6669 Peachtree Dunwoody Road
Character Area Map Amendment Application

Character Area Analysis:

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

The Subject Property is designated Protected Neighborhood Character Area, which was likely an interim designation assigned to the Subject Property in the past due to its current use as single unit detached home and location adjacent to the Glen Meadows Subdivision. However, the parcel was also included in the boundaries of the Perimeter Center Small Area Plan. A Protected Neighborhood Character Area does not reflect the current situation of adjacent properties and property along Peachtree Dunwoody Road (North - Urban Neighborhood; South - Perimeter Center; West - Perimeter Center; East - Protected Neighborhood and Perimeter Center). This parcel is surrounded primarily by high density uses on its sides, making it unsuitable for future single-unit detached residential development. Updating the Character Area to Perimeter Center will allow the property to apply for a zoning designation that matches the current trends in the market and immediate vicinity and fulfill the expectation that it would one day be developed as similarly situated property, in accordance with the Perimeter Center Small Area Plan.

2. The Character Area Map Amendment substantially conforms with the remainder of the Comprehensive Plan.

The Character Area Map Amendment request to change from Protected Neighborhood to Perimeter Center will allow for land uses that are consistent with the Perimeter Center Study Area and Perimeter Center Small Area Plan. The Subject Property is located in the Perimeter Center Study Area and is identified on the map for future residential use between two and five stories, and a use, such as housing, that will be able to utilize the infrastructure that has been put into place in the Perimeter Center District. This site is situated along frontage that has sidewalks that connect to Sandy Springs Employment Centers, Transportation (MARTA Stations along Peachtree Dunwoody Road), and Community Amenities. This allows the Subject Property to be developed comparably to the neighborhood.

According to the Perimeter Center Character Area Description, “the area will remain a thriving and diversified employment center while transitioning over time to include a greater mix of land uses, more housing options, and a connected multimodal transportation network that maximizes opportunities to travel by transit, walking, and bicycling.” The Subject Property is ideally situated to take advantage of existing infrastructure and proximity to nearby employment, shopping, and public transportation. Compatible land uses are identified as mixed, multi-family, retail, office, and hotel.

3. The Character Area Map Amendment will reinforce the existing or planned character of the area.

The Subject Property touches the Perimeter Center Character Area on three sides and was part of the boundaries for the study for the Perimeter Center Small Area Plan. Amending the Character Area to Perimeter Center will allow for a future use consistent with neighboring properties. Peachtree Dunwoody Road has been trending towards different and more intense uses for two decades. Between Abernathy Road and Spalding Drive, the subject is one of few stand-alone, single-unit lots remaining; and, it is at the southern end of this stretch of road where

Character Area Analysis (Continued):

surrounding uses are the most intense. Along Peachtree Dunwoody Road within view of the subject are several five to 17 story office buildings. About one-half mile north of the subject are newly constructed four- and five-story apartment and condominium buildings.

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

The Subject Property is an approximate 1.3-acre lot with a single unit detached home. A change to the Perimeter Center Character Area will not significantly impact the natural environment. Any development will be required to follow the Sandy Springs Development Codes to ensure that any impacts to the natural environment comply with all laws and ordinances.

5. The Character Area Map Amendment will not have a significant adverse impact on property in the vicinity of the Subject Property.

The Subject Property, as a single-unit detached home, is out of character for the area. High density commercial and residential development are adjacent on all sides. The property was zoned RE-1 at the time of a major land use study in Sandy Springs and was expected to trend to high density development in the future. Although the Subject Property shares a portion of its rear property line with the Glen Meadows subdivision and its north property line with the Drayton Hall townhomes, Sandy Springs Ordinances provide for protecting adjoining neighborhoods with buffers, walls, restricted zones, and compatible zones.

Protected Neighborhoods are protected with Neighborhood Transition Zones. For Glen Meadows, the Transition Zone will be 85 feet with the first 30 feet being a vegetative buffer and a six-foot high wall set at the 30-foot line, followed by a 25-foot Restricted Use Zone (only accessory uses), followed by a 30-foot Compatible Massing Zone (no principal uses above two stories in height).

In addition, Drayton Hall will be protected by a District Boundary Buffer if the Perimeter Center Character Area is placed on the Subject Property (which will not be the case if Urban Neighborhood Character Area is selected). The District Boundary consists of a 20-foot wide vegetative buffer with a six-foot wall placed three feet off the common boundary line.

Case CA21-0001 Community Meeting 1

June 21, 2021, 6:00pm – Embassy Suites (1030 Crown Pointe Parkway)

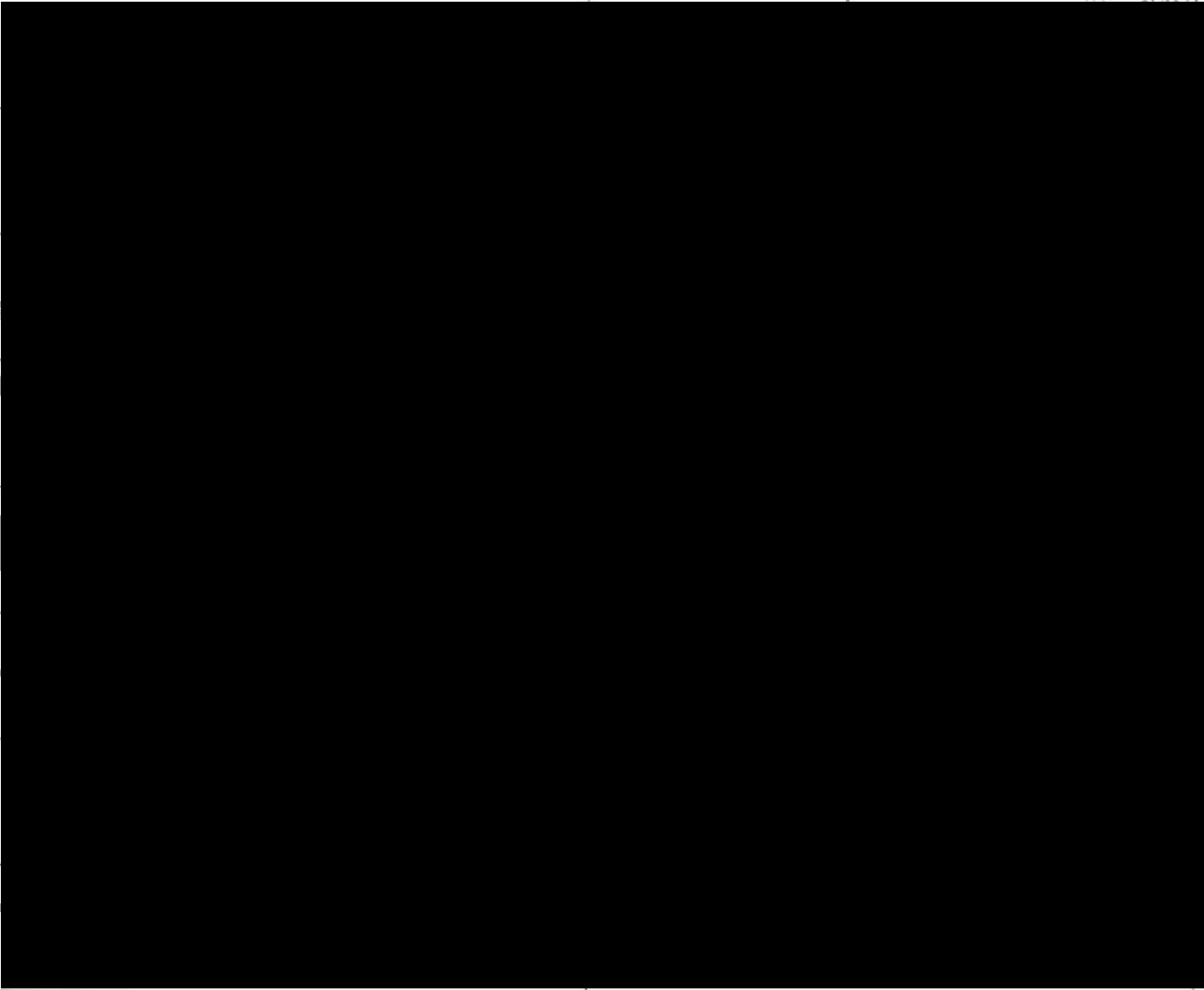
SUMMARY OF ATTENDANCE

Participants:

In Person	23
Virtual	15
LB Staff	<u>4</u>
Total:	42

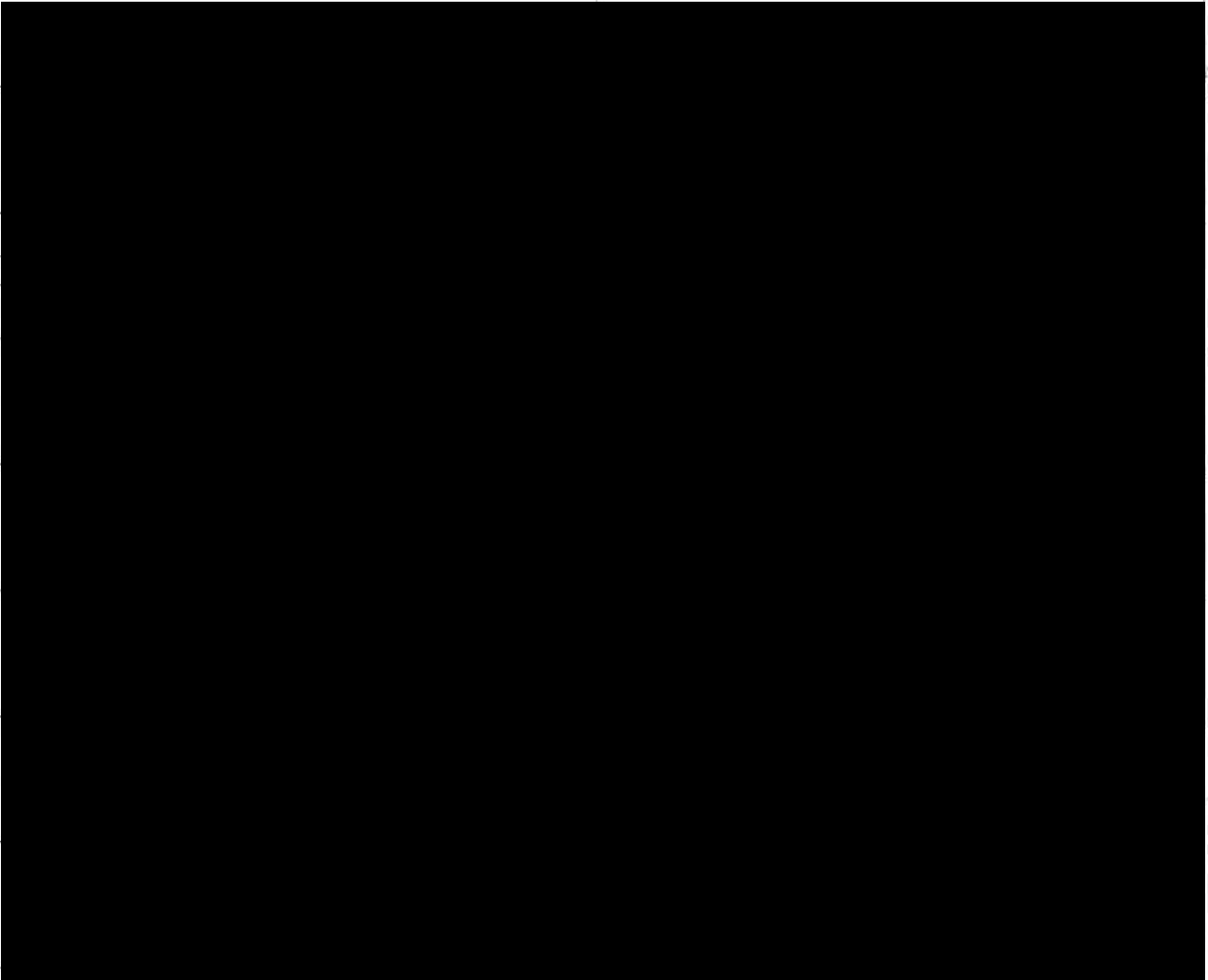
Case CA21-0001 Community Meeting 1

June 21, 2021, 6:00pm – Embassy Suites (1030 Crown Pointe Parkway)

<u>Name</u>	<u>Address</u>	<u>Email / Phone #</u>
Don Abernathy		
RAY MOSS		
Richard Golke		
MARIA V. SCHENOTTE		
Kellie Lowe		
Mitch Rolnick		
Mary Varus		
Ken & Kathy Kloster		

Case CA21-0001 Community Meeting 1

June 21, 2021, 6:00pm – Embassy Suites (1030 Crown Pointe Parkway)

Name	Address	Email / Phone #
Charles Palefsky		
Wayle Moss		
May Ann Brennan		
Matthew Anzack		
DEREK LANG		
Richard & Deborah Washington Amoroso		
Pat Smith		
William Clothier		

Case CA21-0001 Community Meeting 1

June 21, 2021, 6:00pm – Embassy Suites (1030 Crown Pointe Parkway)

<u>Name</u>	<u>Address</u>	<u>Email / Phone #</u>
Robert & Margaret Bugher		
Melissa Smith-Rooks		
Megan Hicks		
FUNDA SMITH		

Zoom Meeting - 6/21/2021 6:00
Virtual Attendance List

First Name	Last Name	Email	Registration Time	Approval S	Address	City	Zip/Postal Co	State/Provi	Phone
suzanne	Joly		6/21/2021 18:07	approved		Atlanta	30328	GA	
Chrissa	Hammond		6/21/2021 18:03	approved		Dunwoody	30338	GA	
Gary	Hammond		6/21/2021 17:41	approved	Suite 4-100	Atlanta	30328	GA	
Michael	Austin		6/21/2021 17:47	approved		Sandy Springs	30328	GA	
D'Anne	Hilsmier		6/21/2021 17:48	approved		Atlanta	30360	GA	
Natasha	Molina		6/21/2021 18:02	approved		Atlanta	30328	GA	
Susanna	Rohm		6/21/2021 17:59	approved		Atlanta	30328	GA	
Farina	Rabbi		6/21/2021 17:59	approved		Atlanta	30328-5705	GA	
Susanna	Rohm		6/21/2021 17:59	approved		Sandy springs	30328		
Miguel	Molina		6/21/2021 18:05	approved		Atlanta	30328	GA	
REBECCA	APTER		6/21/2021 17:56	approved		ATLANTA	30338	GA	
Robert	Nepute		6/21/2021 18:21	approved		Sandy Springs	30328-1207	GA	
Megan	Harris		6/21/2021 18:11	approved		Atlanta	30338	GA	
Jordan	Loyd		6/21/2021 18:01	approved		Atlanta	30328	GA	
Vicky	Sand		6/21/2021 17:59	approved		Sandy Springs	30328	GA	
Tochie	Blad		6/21/2021 18:03	approved		Sandy springs	30328	GA	
Charles	Kontz		6/21/2021 16:22	approved		Sandy Springs	30342	GA	
Andrea	Loyd		6/21/2021 18:06	approved		Atlanta	30328	GA	

Summary of Meeting Questions and Answer Session

6669 Peachtree Dunwoody Road
Character Area Map Amendment Application
Community Meeting 1
June 21, 2021

Meeting Commenced at 6:30pm

Gary introduces and let everyone know it is being held both in person and virtually.

Matthew with Sandy Springs opened giving synopsis of meeting and what the purpose is.

- Character Map Amendment and not a specific project use. Other questions should be directed to his office directly. 1st Community Amendment.
- Project is at 6669 Peachtree Dunwoody Road and this is a Character Map Amendment from Protected Neighborhood to Perimeter Center Character Area.
- Purpose of this meeting is to engage community and to get feedback.
- Can go to the Sandy Springs website to see petitions under consideration for additional information. Only here to observe.

Gary gave presentation and then opened it up for Q&A for at least 30 minutes.

Keep in mind we are not at stage of what the project will be. Just deciding if 1st this is a reasonable use of the property given location and 2nd knowing that we will repeat process if the Character Map changes then we have to come back through and gather comments for specific project use and site plan approval.

Question: What will height be and what is the maximum height?

Answer: We don't know. Just setting character area and then will restart process with specific building height.

Comment: Would like you disclose use, you must know the use.

Answer: Not supposed to discuss use at this time and should only be looking at the character area and the three zoning areas and subcategories to determine if reasonable use. Having said that, any information you want about Gary personally or Landbridge as a company can be found on our website. We are housing developers and very seldom develop anything different. Planning documents suggest that height should be 2-5 stories and should be residential. Anyone bringing forward a use should be residential and not more than five stories in height.

Comment: If not more detail than cannot support the CM Amendment.

Answer: Sandy Springs is not the only jurisdiction that requires a land use change before a zoning change, but this is their process. Although it is unusual, and in other jurisdictions it is handled simultaneously, this is Sandy Springs process and we have to follow it.

Question: Was consideration given to Urban Townhouse?

Answer: We do not develop townhouses, so no specific consideration was given to doing a townhouse development. When I looked, I looked at land use planning documents to see if a case could be made for Perimeter Center, as we don't develop townhouses. There is a multifamily zoning in Urban Neighborhood as well, but I'm not a townhouse developer.

Question: Is the 85' from the frontage only or all sides?

Answer: It is from the rear property line. Not from side property lines.

Question: What are considered the sides?

Answer: Two sides, one is the Drayton Hall Townhomes and the other is the Newell Brands office building/parking garage.

Question: How far from sides?

Answer: We would follow Sandy Springs development code and I don't recall what that is but whatever the current ordinance says. Gary stopped and Matthew stepped in and answered that the Code is 20' buffer and setback from Drayton Townhomes and wall, but not the transitional zone that is required from the protected neighborhood.

Question: Are there other appropriate character areas to pursue?

Answer: Based on our review of the planning documents, Urban Neighborhood and Perimeter Center are the two that are in, nearby or adjacent in the area. Urban Neighborhood also has a multifamily designation, a townhome designation and other zoning designations that would be possibilities.

Question: There is a big difference between 2 stories vs 5. Do you have a five-story development near your house?

Answer: No.

Question: What about protection of specific trees. What does Sandy Spring do to protect the trees?

Answer: My reading and interpretation of the documents is that there is a planted vegetative buffer. May have to defer to SS. Matthew responded that they could contact the Sandy Springs arborist directly.

Comment/Question: Concerns regarding diminished value of their property and whether that is taken into consideration. In creating the Perimeter Center designation, where does that developer stop, when does it end if you don't put your foot down? Homes are a major investment and their retirement plan.

Agree it will be developed but the townhouses were expensive and they are going to be hit hard by this. Just want consideration for their issues and maybe we just argue that when we come to the city. Question to you is – did you buy the property or do you have it under contract pending the zoning designation?

Answer: Have the property under contract pending the zoning designation. Have not bought the property.

Question: Explain the buffer. Where is the 85' from?

Answer: Not entirely a buffer, part of it is a transition zone and the other is a massing or compatibility zone. From rear property line, the first 30' is a vegetative buffer with a minimum 6' wall set at the 30' mark. The next 25' would only allow an accessory building or parking but no principal use building. From there is a compatibility transition that limits the height to two stories. So, within the first 55' no principal building and then the next 30' is limited to two stories before you could go up to whatever the zoning allows.

Question: *NOTE: Couldn't hear specific question and it wasn't repeated for the audience, but it was regarding buffer and building height.*

Answer: To be sure there is no misstatement, there is permitted two stories from the 55' to 85' mark. You cannot go vertical to the full permissibility of the building until you are beyond 55'

Question: Between the 55' and 85' would a parking deck be permitted?

Answer: Not sure if that is considered an accessory use. It does say parking is permitted outside the 30' vegetative buffer, but am not sure about a deck.

Question: Will there be a parking deck? How does this impact the traffic?

Answer: Cannot answer those as we do not have a specific site plan yet.

Question: Can you give names of some of the developments that you have completed?

Answer: Go to our website. www.landbridgedevelopment.com There is an inside page which has all of the properties I currently have an ownership in. It is not complete list of everything I have done, but will give you an idea of where I have done development. Also welcome to call me or e-mail me and I can provide a more complete list.

Comments: Talked about the fact that this area is overdeveloped, traffic is bad, can't get out onto Peachtree-Dunwoody Road. Indicated that renters have a different mentality than homeowners and have seen that in their own condominium community where some of the homeowners rent out their units and the renters have less adherence to rules and there are enough renters. Enough renters...where does it stop?

If they want to do something good in Sandy Springs why can't development be focused on a grocery store going where the old Michael's or Stein Mart used to be. No close grocery store where she lives.

Answer: Cannot comment on what SS is or isn't doing. Here to discuss one property.

Question: Asked about how many renters are there going to be and how much traffic?

Answer: These are all valid questions, but cannot be answered until there is a specific use. Condo's, apartments, number of units, square footages, etc., cannot be answered at this stage but will naturally come about after the Character Map Amendment process is complete.

Question/Comment: Encouraged neighbors to drive by 6890 Peachtree Dunwoody Road. Very close to LB office. New five story building with parking underneath and four stories of condominiums. Seeing that would give all on idea of the easement or setback, give an idea of the plantings. Give a perspective

of the perspective from a single family home or a two-three story condo to understand how people will be looking down into your home from their windows at 20-30 feet. It will have a major impact on our homes, our family, our safety and the city of Sandy Springs. Encourage everyone to drive by and look. To put it another way, the property they are looking to develop is just at 1.2 acres and 6890 is 9/10th of one acre. That will give you an idea of what this "gentleman" wishes to do to degrade our neighborhood.

Answer: No response. Asked if anyone had any other questions.

Question: What will be done to mitigate flood?

Answer: Property would be developed under current development codes and engineering standards. No more release of water beyond what exists today.

Question: What are the next steps? Just beginning process, are we just being told what is happening or do we get to act?

Answer: There are two communities meetings, one of which is this one today. All of your questions, comments and concerns are being listened to and taken down and will be considered by your city council persons and commissioners. Ultimately it will go to a vote at planning commission after there is another community meeting of which that planning commission will make a recommendation to the mayor and city council and the mayor and city council will hold another public meeting. You will have the opportunity to attend and voice any concerns before they vote on the action. This is a very important process and people are listening. That is the purpose of this meeting.

Side Note: Another person from the audience spoke up and talked about the Sandy Springs website and that anyone could go to that website and find the Zoning Cases Map and this case would be on that map. She encouraged audience members to go to that page and review and send in their comments and questions and that those would be directly reviewed by Sandy Springs.

Question: When you develop a property in a neighborhood do you work with government support for low income housing?

Answer: Yes, that is a significant part of my experience.

Question: Talked about and asked questions about the highlighted dates on when the process and when it would be complete.

Answer: Have to fill in some of the dates, but if you look at the red star with an 11/02/2021 date and you follow that across there are obviously to-be-determined dates but they are roughly one month apart so if you fill in that table the guess is that it would conclude in March 2022 with a mayor and city council vote.

Question: What past or present business or personal relationships do you have with City Council?

Answer: One friendship with one member a family friend as our sons went to school together. Have no other personal relationships or friendships with any other council members or the mayor and have no other business or casual relationships. I don't do business past or present with the family friend.

Question: What will the average rent be?

Answer: Rent is based on the location and based on AMI. Because it is based on Atlanta, suspect a 1 bedroom would rent at \$800/month and a 2 bedroom at \$900/month.

Question: What size units are you proposing?

Answer: No proposed use whatsoever right now.

Q&A Concluded. GRH thanked everyone for attending and invited them to reach out personally.

Case CA21-0001 Community Meeting 2

July 29, 2021, 6:00pm – Sandy Springs City Hall (1 Galambos Way)

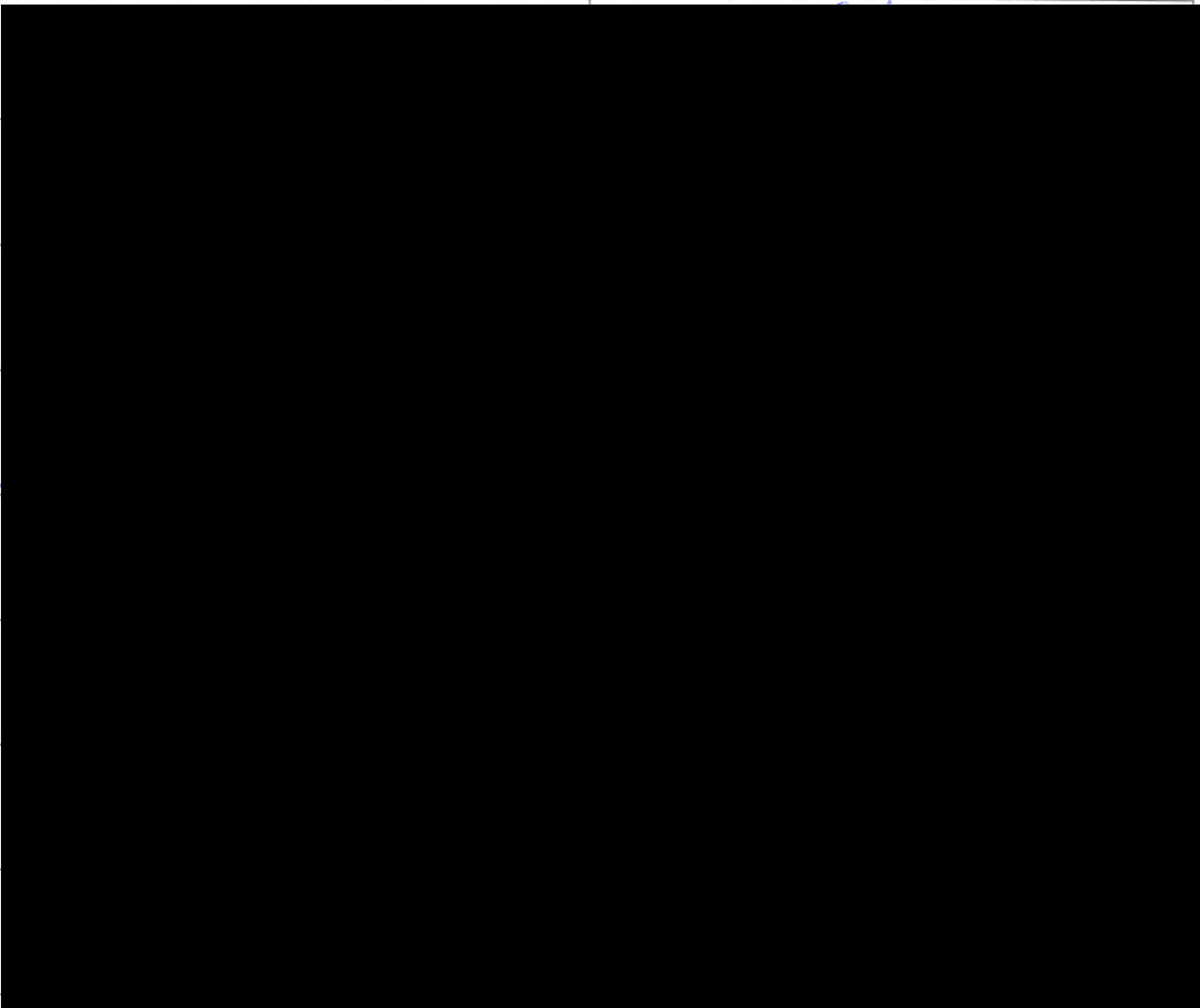
SUMMARY OF ATTENDANCE

Participants:

In Person	18
Virtual	10
LB Staff	<u>4</u>
Total:	32

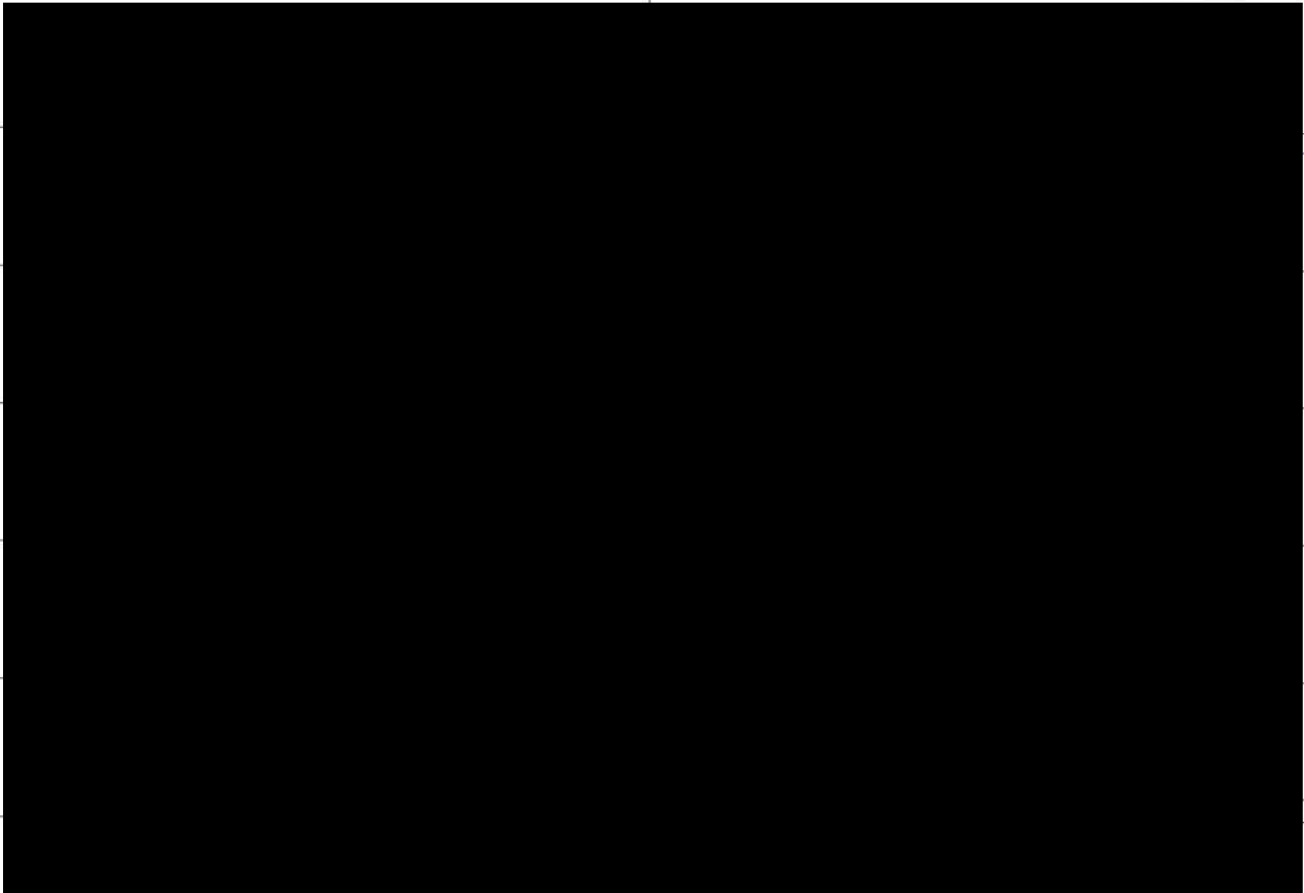
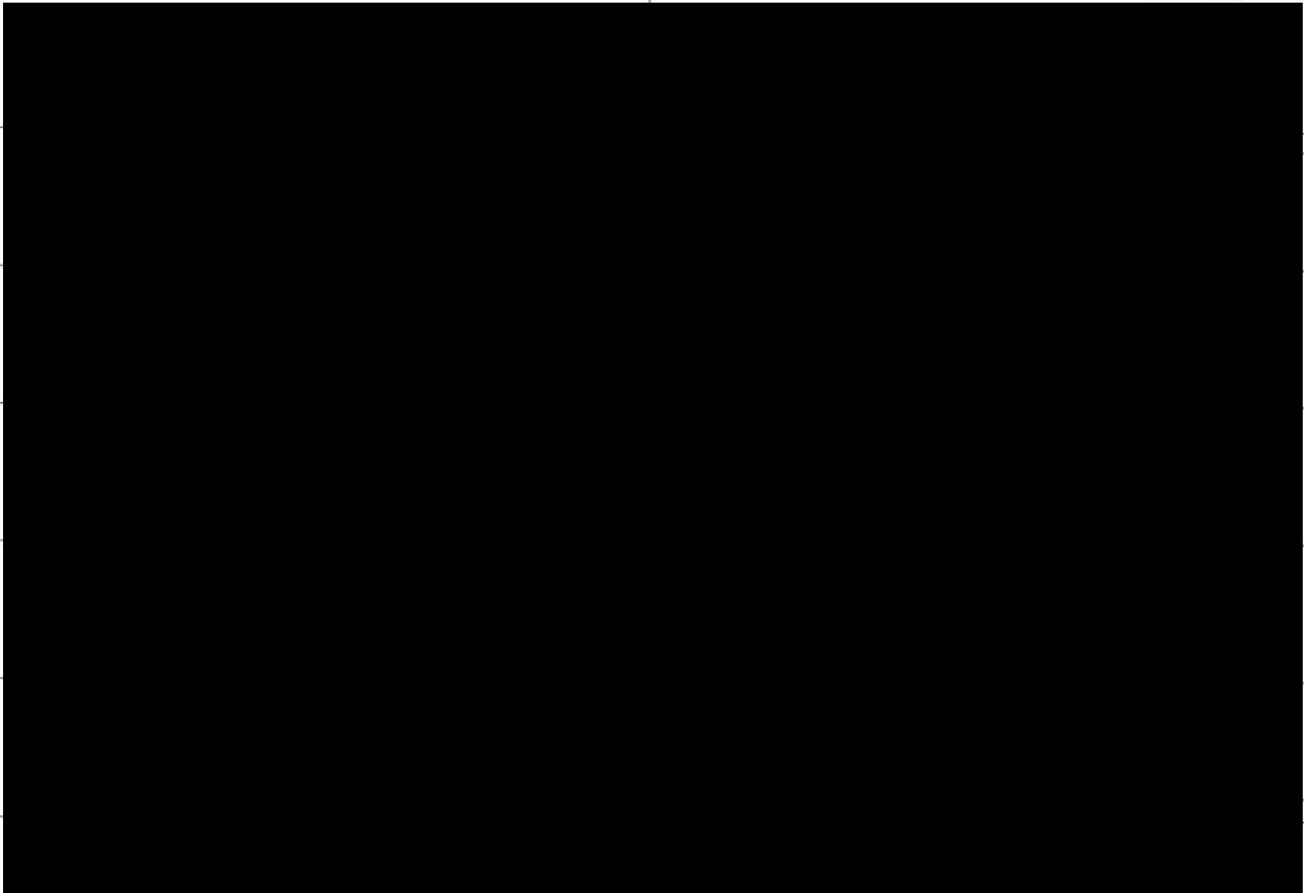
Case CA21-0001 Community Meeting 2

July 29, 2021, 6:00pm – Sandy Springs City Hall (1 Galambos Way)

<u>Name</u>	<u>Address</u>	<u>Email / Phone #</u>
Gayle Moss		
Ray Moss		
Don Abernethy		
David Schild		
Nancy Trusty		
Ronda Smith		
Michael Goltze		
Ken & Kathy Klatt		

Case CA21-0001 Community Meeting 2

July 29, 2021, 6:00pm – Sandy Springs City Hall (1 Galambos Way)

<u>Name</u>	<u>Address</u>	<u>Email / Phone #</u>
CHERYL JOSS		
DAVID JOSS		
Sharon Griswold		
DEREK LANG		
JORGE BERGALLO		
Chuck Palefsky		

Case CA21-0001 Community Meeting 2

July 29, 2021, 6:00pm – Sandy Springs City Hall (1 Galambos Way)

<u>Name</u>	<u>Address</u>	<u>Email / Phone #</u>
Mary Voris		
Larry Palefsky		
Margaret Bugbee		

Virtual Participants 7/29/2021

Name (Original Name)	User Email	Address
----------------------	------------	---------

Michael T Austin		
------------------	--	--

Tom Dell		
----------	--	--

Virginia Sykes		
----------------	--	--

Michele McIntosh-Ross		
-----------------------	--	--

Farina Rabbi		
--------------	--	--

Andrea Loyd		
-------------	--	--

ssmith		
--------	--	--

Terry Freedman		
----------------	--	--

Jan's Phone		
-------------	--	--

Praful		
--------	--	--

Summary of Meeting Questions and Answer Session

6669 Peachtree Dunwoody Road
Character Area Map Amendment Application
Community Meeting 2
July 29, 2021

Meeting Commenced at 6:02pm

Matthew with Sandy Springs opened giving synopsis of meeting and what the purpose is.

- Character Map Amendment and not a specific project use. Other questions should be directed to his office directly. 2nd Meeting regarding Community Amendment.
- Project is at 6669 Peachtree Dunwoody Road and this is a Character Map Amendment from Protected Neighborhood to Perimeter Center Character Area.
- Purpose of this meeting is to engage community and to get feedback.
- Can go to the Sandy Springs website to see petitions under consideration for additional information. Only here to observe.

Gary introduces and let everyone know it is being held both in person and virtually. The presentation will be much like the first with the exception that he has tried to include/address some of the questions from the prior meeting. Reminder that we are not at stage of what the project will be. Just deciding if first, this is a reasonable Character Area for the property given location and second, knowing that we will repeat process if the Character Map changes then we have to come back through and gather comments for specific project use and site plan approval.

Gary gave presentation and then opened it up for Q&A for at least 30 minutes.

Question: What is purpose of the rezoning request?

Answer: This is not a rezoning, this is a Character Area Map Amendment and the purpose is to change it to a character area that will allow it to reach its highest and best use.

Question: How many trees are you keeping?

Answer: I have no idea as the site plan has not been developed. I can say that as much sense as it makes when there is a vegetative buffer to leave it alone, that is not always possible as the civil engineer needs that area for grading and the better solution is to re-establish the buffer rather than leave it in place.

Question: How will this affect the traffic in the area?

Answer: A traffic study has not been done but if it is required by the City of Sandy Springs then it will be. I can speculate that this should not be a development that would typically require a traffic study because it is usually based on the number of trips per day and it would all depend on the scope of the property and whether it became residential, for sale condominiums, or office building, also the height and square footage, all factor in but we just don't know at this time.

Question: Will there be a period of construction, how long will we have to deal with it? We only just ended our last major project on the street.

Answer: Again, I have no idea as that would depend on the intended use, scope and square footage and on how complex the construction will be.

Question: If you are building a new building what are you doing to mitigate the increased effect the construction will have on the urban heat island?

Answer: I have no idea and I cannot answer that question.

Question: 30' buffer, are you going to leave trees in place or plant new ones?

Answer: I don't know, I can tell you that the vegetative buffer will have to meet Sandy Springs Development code. So, if the existing trees are left in place they can count towards the requirements of the vegetative buffer, depending on the type of tree and the amount of screening, but until a tree conservation plan is done and there is a use and a site plan, it is not possible to answer that question.

Question: Why should we approve your request if you don't even know what you want to make?

Answer: That is a great question and unfortunately, this is the Sandy Springs process. We have to first deal with changing the land use plan and you as neighbors/property owners have to decide whether you believe it should remain a single-family residence or if it is to become something different. If it is to become something different then a character area has to be chosen after which you would then choose the zoning. In my opinion all of the evidence supports that Perimeter Center is a reasonable character area to place on this property and I have given reasons why Urban Neighborhood may be less favorable.

Question: What is the proposed building and how many stories?

Answer: There is no proposed building and no idea on stories.

Question: What do you plan/hope to build?

Answer: I have no idea.

Comment: We have all been called here to express our concern about the issues, but every time we have a concern your answer is that you don't know. So, what is the purpose of us being here other than this format of going through your tables? Personally, if you cannot answer most of these questions then my vote is against it. It's a no from my point because I am getting no information.

Matt stepped in to address:

Answer: He is correct that this is the City's process. This level of change is a very broad level and is not meant to go into detail. More or less what he has done is walk you through the table. He has done his part to his credit.

Question: Then, why are we here just listening to this and getting no answers? I'm relatively new to Sandy Springs, just moved here and am not sure of this process. Were there other bids on that property or a fee process or sole source?

Matt Answered: I have no idea of the specifics of that.

Question: Did the City put an RFP out for the contractors?

Audience Member Answered: It's private property. It's not public property, it is private property.

NOTE: Some discussion continued about public versus private among audience and that we just offered to purchase the property from a private owner and the understanding is that is conditional based upon the Character Map Amendment change.

Gary Answered: It is conditional upon a lot of things. I am a contract purchaser, the property was not listed for sale and I approached the property owner. I have been in the neighborhood for a long time and have driven by that property for many, many years. I saw that it hadn't been developed and I asked if I could buy the property and he is really a co-applicant in the sense that he has to approve me changing any use or zoning and these details were worked out with him. I have legal control of the property and it is subject to zoning, the first process of which is the character area map amendment.

Question: Do you know what zoning you would go for then?

Answer: I don't, and I know that sounds evasive, but there is a significant amount of due diligence that has to go into developing a property and with the Sandy Springs process, to do this first, it doesn't make sense to spend ten-to-thousands of dollars doing market studies and land use studies and stuff until you first put a character area in place. I have said before that it is no secret who I am or what I do and what my biases are for. There is a residential multifamily district and urban neighborhood that can go up to eight stories, there are perimeter residential zonings that could be three, five or more stories and at this point in time, I understand your frustration, but the process is to get through the character area map amendment first.

Question: So, do you actually care about how we feel about how it is being redefined as a character area map?

Answer: Yes, to the extent that you have comments about the appropriateness of a character area and the broad land use that fits within the development code of Sandy Springs I care. Once that is done, when it is time to go to zoning, I care because I would love to select a zoning that you guys are in agreement with and that you are advocates and supporters of a project and not opponents, but it just doesn't make sense until we get to November to start talking about that.

Question: You say you care about how we feel about what you are going to build or that someone's going to build and that it has weight?

Answer: Yes sir, within the broad context of Perimeter Center which has three zoning designations, do you have any feedback about the appropriateness given the land use documents? I'm not putting you on the spot right now, but what I presented and your research about whether or not that is appropriate as that is the purpose of this community meeting.

Question: *[Mic didn't pick this up well, hard to hear question]* So as far as the process of this meeting, is it only a decision on yes or no or can it change?

Answer: I believe it can change. Obviously, I have applied asking for Perimeter Center but if you have a different character area that you think is more appropriate for that specific site then I would like to hear about it and your reasons why.

Comment from Ronda Smith: To provide clarity, there are only two designations as it relates to height under Perimeter Residential and they are three stories or five stories. There are only three designations under Urban Neighborhood and they are RU3 which are 3,000 sq.ft. lots, RU4 which is 4,000 sq.ft. lots and RT3 which is three stories with maximum 40' in height. With respect to the buffers and the adjacencies, they would be adjacent to something that is compatible with what they already have as opposed to potentially a five story building. That concern with the thought process of a transition buffer doesn't necessarily provide a lot of comfort. If it's a five-story building, it's not going to matter. If it's a three-story townhouse and it is within less than 20' I don't think Drayton Hall would be too unhappy about that.

GRH Answer: Thank you. May I ask if there is an RM Designation?

Ronda Smith: There is an RM Designation. Residential only is RM3 or RM3-8.

GRH Question: And the RM3-8 would allow up to 8 stories under certain conditions?

Ronda Smith: Correct, but that is under your neighborhood designation and once a character area is changed, it can be any of those districts under the Perimeter Center Character area the RPX or PM. But if we pull out that is one of the great unknowns.

GRH Answer: Yes, and with timing, if you get through Character Area Map Amendment, there is no zoning in place and if I pull out for whatever reason, the current property owner has the right to go through the effort between planning commission and city council and if zoning was actually put in place such as PR5 and for whatever reason I fail to go through with it then, as Ronda is saying, then there is a zoning designation that some other person, the property owner or some other purchaser, could follow.

Question: Wait I'm confused. So, if we go through the Character Area Map Amendment to Perimeter Center or whatever then someone could come in and ask for PX, which is what?

Ronda Smith Answer: Perimeter mixed use. Which would require some other type of mixed use aside from residential.

Question: So, then he if pulls out then it is just open game on that property?

GRH Answer: But that doesn't really change the fact that whoever that is, the current property owner, me, somebody else, they have to do exactly what we are doing today.

Audience Answer: They would have to go through a rezoning.

Question/Comment: *[NOTE: Gentleman commenting referenced our application and the statement that the subject property in its current designation as a Protected Neighborhood Status was an interim designation.]* My question is how do you know, and can you prove that the Protected Neighborhood Status was an interim designation and not a permanent one?

Answer: I have no facts to rely on, it is my judgement as I have been driving by that property for over 20 years and have seen all of the land use changes that have occurred on Peachtree Dunwoody Road. Every time there has been a single-family home and to the best of my knowledge, there is one left up near Spalding Drive. The property owner has every right to achieve the highest and best use of that property and to sell it to the highest bidder, the highest contract purchaser and it, in my opinion, makes perfect sense for that property to become something other than a single-family home. In talking to Sandy Springs, I got the impression that there was a comprehensive land use map amendment that happened years in

the past. They put the character areas in place, they put the protected neighborhood ordinance in place and because there was not a use for the subject property, other than its use as a single-family home, nobody speculated on what it could become. Nobody chose a character area for it, so it is truly an interim use, that's obvious, but I speculated...

Audience interruptions with several people saying "it's not obvious"...

GRH Continues: I'm not trying to define a term. I'm trying to give you an opinion as a real estate professional that....

Audience Interruption: You are making up a term that doesn't exist.

Ronda Smith Comment: That particular piece of property could not legally have its designation changed, based on its existing Fulton County zoning when the maps were converted. I personally worked on the zoning maps and the character area map and that property could not legally be recharacterized or rezoned by the City of Sandy Springs without a process or without specific express permission or request by the property owner. That's why it's a protected neighborhood and yes, it's the last one left and anyone can speculate all they want about what it should be, could be, what the City, what everybody thought it would be, but it was made that way because it legally had to be. It appeared to be an active home with someone residing in it. Whether or not we knew someone was actively living there at the time when the map was made, that was the Fulton County designation at the time the map was made.

Question/Comment: You have made reference to the fact that you have driven by this property because your office was in the neighborhood. That's a misleading statement, in that you are in a zoned area that is not neighborhood. You reference that you have been in the neighborhood office for 20 years, so I'll reference my knowledge of the neighborhood since I have been here for 40 years. So, with that in mind, in Section 1 of your application you stated that the property and I quote "Is surrounded primarily by high density uses on its sides, making it unsuitable for future single-family development." End quote. That's your quote.

This property is not surrounded by high density uses on all sides and you just shared with this group that it is bordered by Glen Meadows neighborhood to the east, by Drayton Hall neighborhood to the north, by Peachtree Dunwoody Road to the west and the only possible high density area is the Newell Brands parking deck and that property is only used during business hours. Given these facts, how is this a high density area?

Answer: That statement "on all sides" took into account the MAA Apartment Homes. You're absolutely correct that a portion of the common east boundary line is shared with Glen Meadows but also a portion of the property line is shared with an apartment complex. To the south is office. I don't consider Peachtree Dunwoody Road, I look across to the neighbor, Embassy Row, and to the north is Drayton Hall which is a townhome development that was developed with some density. That is the basis for me making that statement.

Question: Alright then, you have clarified a portion. Earlier you were talking about the 80' buffer and specifically about the trees that you would be required to have and the 6' wall. In regards to the trees on the property line that adjoins Glen Meadows, that property line is 115' and along that 115' for the property at 6669 Peachtree Dunwoody Road there is a tennis court, so obviously there are no trees. The second point I would make is does it make sense to build a 6' wall when there is already an 8' wall on that

entire length of 115'? What good is a 6' wall? The other point I would make is that you referenced a few minutes ago that you were referring to an old plan for the City, I believe it was 2014 am I correct?

Answer: Perimeter Center CID Plan. It was finished in 2014 per the exhibit.

Question: 2014 per the exhibit? Are you aware of the consolidated perimeter update in 2020? And are you aware of the Sandy Springs plan of 2017? We expect someone who works with us to have a complete knowledge, as we do, and do their research. Your interests are not in our best interests.

Answer: I will take any feedback that you give me. I believe that I have considered appropriate planning documents, but if you have any that you feel I have not considered, then please bring it to my attention.

Comment: And I have.

Question: Have you looked into making your project affordable housing? The housing in this area is stupidly expensive. That is one of the few things that I could support.

Answer: I have no plan for that at this point in time. There is no use proposed, there is no site plan.

Question: Would you buy Mike Austin's property if you didn't know the price of it?

Answer: Can you say that again, please?

Question: Would you buy Mike Austin's property if you didn't know the price of it?

Answer: I know the price of it. I put it under contract.

Question: No, I'm asking...would you buy a car if you didn't know the price of it?

Answer: I don't understand your point ma'am.

Question: Just answer the question yes, or no, would you buy a car if you didn't know the price of it?

Answer: No, of course I wouldn't.

Question/Comment: Ok, then put yourself in our seat right now. It's very difficult for us to support this change when we don't know, like you not knowing the price of the car, I don't know how you expect us sitting here to support this change you're asking, because we don't know anything. So, like you not buying the car, I'm not buying this. I think that's a very fair statement.

Answer: I absolutely appreciate it and unfortunately, I am playing the hand of cards that I've been dealt. I'm following the Sandy Springs process and there is nothing I can do about that.

Question: Well then, let me ask Matthew the same question. Would you buy a car if you didn't know the price of it?

Matthew: Depends on how rich I was maybe?

Comment: No...answer the question.

Matthew: That's my answer.

Comment: Ok well...I think everyone in this audience would not buy a car if they didn't know the price of it.

Question: In the last meeting it was the consensus that you do build Low Income Housing Apartments.

Answer: I do.

Question: And, is that what you are building here? *[Recording was breaking up so hard to understand, but this is the gist].*

Answer: It would be inappropriate for me to comment to that sir. I can speculate on what I think is appropriate. I think, for sale condominiums is appropriate, I think some kind of senior living, assisted living, independent living would be appropriate. Apartments would be appropriate. Office would be appropriate. At this point in time, I just I can't specify.

Question: How many families do you expect will live at this property. Is it only one family or dozens of families?

Answer: I don't have any idea.

Comment/Question: My name is David and I've lived here about 40 years. When a development is about to change the character of the property and it's adjacent to a house that's on my street, it gets my attention. You advised and provided documentation in the first community meeting that the property in question was located within the Perimeter Center Improvement District Priority Redevelopment area and drew an arrow to the property which I believe you also showed tonight. But this property is not and I don't understand why you are indicating that it is. That arrow is an approximation and did not show that this property is within that area.

Answer: It's not in that area. It was included in a study area in past years, within the boundaries of a study area, but it is in RE1 Protected Neighborhood adjacent to Perimeter Center.

Comment/Question: OK. In Section 3 of your Character Map Application you advise about a ½ a mile or more from the subject area a newly constructed 4 & 5 story apartment and condominium buildings and I'm very familiar with them because we take walks around the area and we have seen all of the development going up and you are correct, but these buildings are of a different zoning and are adjacent to and within close proximity of the Marta Station so that's a high density area, completely different from the property in question. Neither of these sites are in the Perimeter Area district so why are you putting this property within the same grouping as those properties that have an entirely different zoning and in my mind, they have that zoning because of their proximity and actually shared property line with the MARTA property?

Answer: I was merely trying to paint a picture of recent development and those are two of the most recent developments that have occurred, but I would agree with you that what's most important is what's immediately adjacent to the subject property.

Comment: My last comment, and I know this is not a zoning it is a character area amendment. We're realists and perhaps that would remain a single-family house but if we are to agree to this change taking place, the possibility of the property becoming inappropriate in our mind as it relates to height and density and that's why we have to oppose this character area amendment.

Answer: OK.

Question: Is it in your best interest to maximize the height of the building?

Answer: That's a great question. I can tell you that I am paying a price that is not for townhomes. And that the property owner is trying to get a price that is not for townhomes.

Audience Statement: Drayton Hall owner read a statement that she is going to file with the case. Basically she stated that they as a community appreciate the interest. They enjoy their neighborhood, their accessibility to community transit but they want to ensure the appropriate alignment of this property. Additional greenspace, improved pedestrian and bike paths and access to mixed use growth of Perimeter Center but while preserving our single-family home neighborhood.

She read a direct quote from 2017 Sandy Springs comprehensive plan: "Sandy Springs established single family neighborhoods define the character of much of our city and are valued by the residents for the quality of life they offer. City policy must insure the protection of these residential assets by maintaining the character of our existing residential neighborhoods and prohibiting the development of higher density housing within our protected neighborhoods. At the same time higher density housing can and should be accommodated... *[breaks up can't understand]* ...where appropriate as part of mixed use and residential redevelopment in targeted redevelopment areas".

We just don't believe this is the area, so while we appreciate the change, we don't believe it should be from protected neighborhood to Perimeter Center. We want this area to remain single-family residential and owner occupied. So, we recognize the need for our community to grow and evolve but we visualize this area, if it must change, to become Urban Neighborhood, not Perimeter Center for several reasons.

- 1) Greenspace - This multi-occupancy building is going to limit the amount of trees and landscaping that we have.
- 2) Visual Effect – a 3-5 story building is going to block all of the surrounding neighborhoods and is an affront to our current transition into this neighborhood.
- 3) Traffic has already been raised and it's going to burden our already overwhelmed road system.
- 4) Property taxes/income. Already see a large growth of apartments on our street and surrounding neighborhood. We need to maintain a balance between rentals and homeownership that enables the appropriate income structure.

Thank you for your time.

Answer: Thank you.

Comment/Question: Are you aware of the four townhome neighborhoods zoned RT3 and RM3? The Oaks of Dunwoody is approximately 50 yards from the subject property, Prescott Walk is approximately 500 yards from the subject property, Peachtree Hollow *[Recording broke up but I believe Hollow is correct]* is approximately 250 yards and Drayton Hall is zero yards away from the subject property. Of importance, these four neighborhoods are not in the Perimeter Center District. Are you aware that those four properties are not in the district?

Answer: Yes.

Statement: The communication must improve to the requests made of neighborhoods just mentioned. We aren't getting feedback on a timely basis. Need improvement so that the City acknowledges their concerns on a timely basis.

Question: What zoning are you hoping for?

Answer: I cannot answer that at this time.

Q&A Concluded. GRH thanked everyone for attending and invited them to reach out personally.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 20 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, KNOWN AS 6669 PEACHTREE DUNWOODY ROAD, ACCORDING TO THE PRESENT NUMBERING SYSTEM OF SAID COUNTY, AS SHOWN ON THAT CERTAIN PLAT OF SURVEY FOR NORTHPARK ASSOCIATES II, LTD., DATED JANUARY 5, 1988, PREPARED BY GEORGIA LAND SURVEYING CO. INC., AND BEARING THE SEAL OF JOSH L. LEWIS, III, GEORGIA REGISTERED LAND SURVEYOR NO. 1751, AND BEING MORE RECENTLY SHOWN ON SURVEY FOR MICHAEL T. AUSTIN, DATED FEBRUARY 22, 1994, PREPARED BY DAVID A. BURRE, GEORGIA REGISTERED LAND SURVEYOR NO. 1965, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

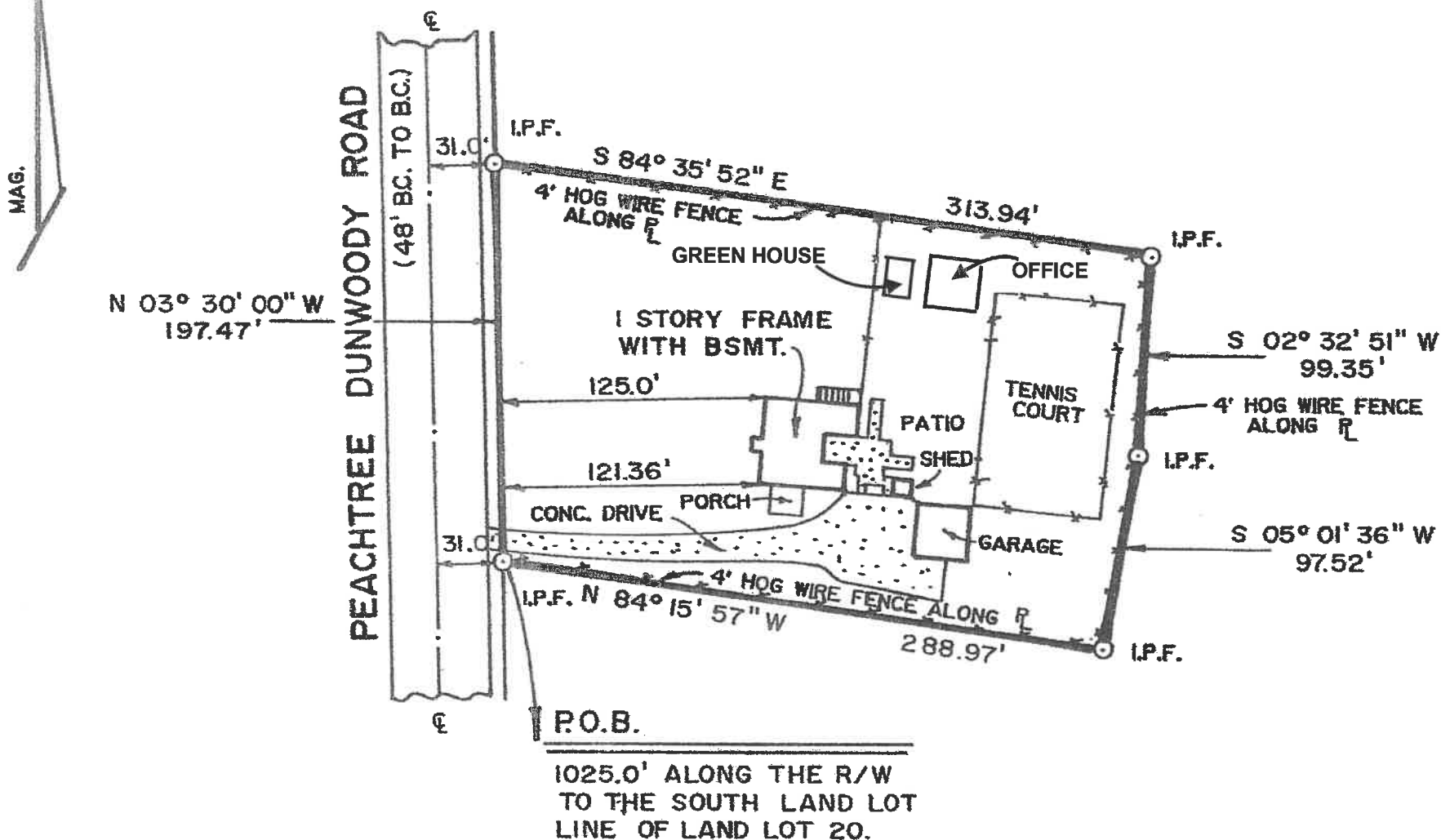
BEGINNING AT AN IRON PIN ON THE EASTERLY RIGHT OF-WAY LINE OF PEACHTREE DUNWOODY ROAD 1,025.0 FEET IN A NORTHERLY DIRECTION ALONG SAID RIGHT-OF-WAY LINE FROM THE SOUTHERLY LAND LOT LINE OF LAND LOT 20 OF THE AFORESAID DISTRICT AND COUNTY; RUN THENCE NORTH 03 DEGREES 30 MINUTES WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 197.47 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY LINE RUN SOUTH 84 DEGREES 35 MINUTES 52 SECONDS EAST A DISTANCE OF 313.94 FEET TO AN IRON PIN; RUN THENCE SOUTH 02 DEGREES 32 MINUTES 51 SECONDS WEST A DISTANCE OF 99.35 FEET TO AN IRON PIN; RUN THENCE SOUTH 05 DEGREES 01 MINUTES 36 SECONDS WEST A DISTANCE OF 97.52 FEET TO AN IRON PIN; RUN THENCE NORTH 84 DEGREES 15 MINUTES 57 SECONDS WEST A DISTANCE OF 288.97 FEET TO AN IRON PIN AND THE POINT OF BEGINNING, SAID TRACT OR PARCEL BEING IMPROVED PROPERTY CONTAINING 1.360 ACRES, ACCORDING TO AFORESAID PLAT OF SURVEY.

FLOOD HAZARD NOTE:

THIS PROPERTY IS NOT CONTAINED WITHIN THE LIMITS OF A FLOOD HAZARD ZONE AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF UNINCORPORATED FULTON CO. GEORGIA; COMMUNITY-PANEL NUMBER 135160 0075, MOST RECENTLY REVISED AUGUST 19, 1985.

REFERENCE SURVEY:

SURVEY FOR: NORTHPARK ASSOCIATES II. LTD. PREPARED BY GEORGIA LAND SURVEYING CO. INC. DATED 1-5-88.



STREET ADDRESS 6669 PEACHTREE DUNWOODY RD.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

David A. Burre



SURVEY FOR:

MICHAEL T. AUSTIN

LAND LOT 20 17th DISTRICT FULTON CO., GEORGIA

DRAWN BY: B J K
DATE: 2-22-94
SCALE: 1" = 100'
PROJECT: 94-1823

DAVID A. BURRE
ENGINEERS & SURVEYORS, INC.

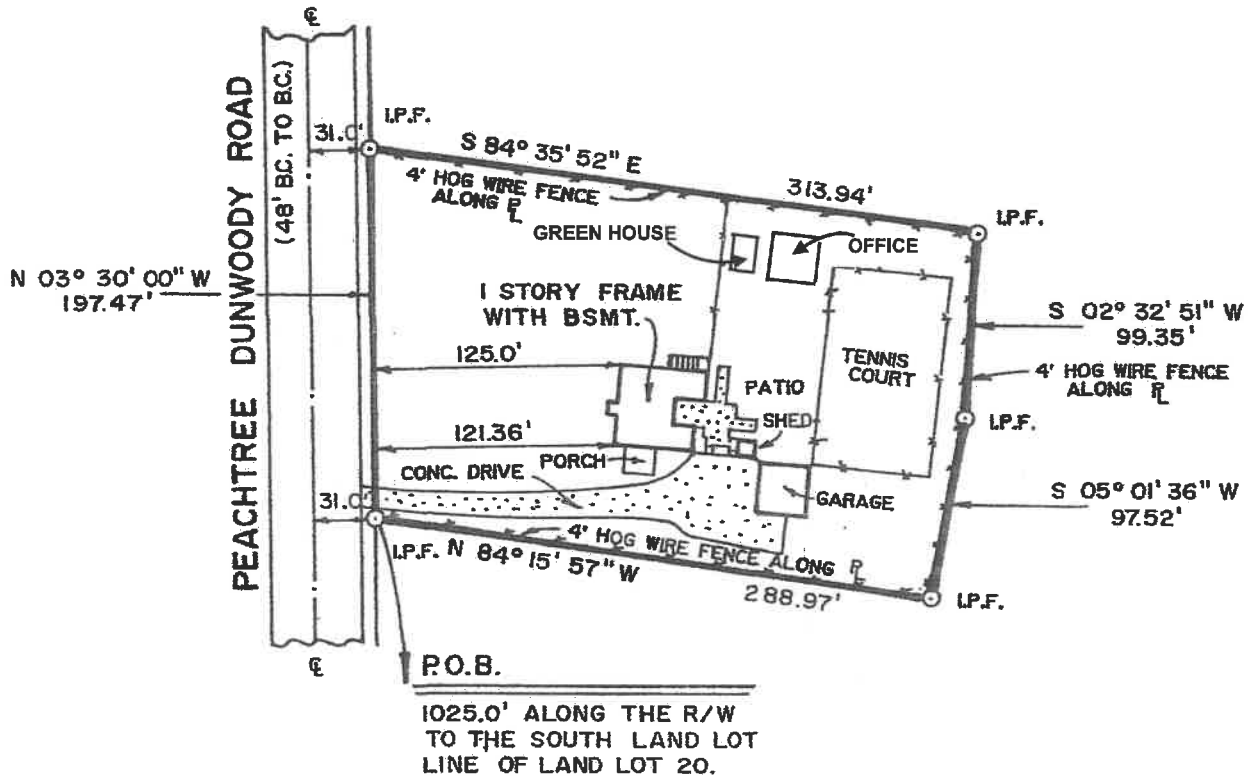
11660 ALPHARETTA HWY. SUITE 100
ROSWELL, GEORGIA 30076
PHONE (404) 442-0500

FLOOD HAZARD NOTE:

THIS PROPERTY IS NOT CONTAINED WITHIN THE LIMITS OF A FLOOD HAZARD ZONE AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF UNINCORPORATED FULTON CO. GEORGIA; COMMUNITY-PANEL NUMBER 133160 0075, MOST RECENTLY REVISED AUGUST 19, 1985.

REFERENCE SURVEY:

SURVEY FOR: NORTHPARK ASSOCIATES II, LTD. PREPARED BY GEORGIA LAND SURVEYING CO. INC. DATED 1-5-88.



STREET ADDRESS 6669 PEACHTREE DUNWOODY RD.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

David A. Burre



SURVEY FOR:

MICHAEL T. AUSTIN

LAND LOT 20 17th DISTRICT FULTON CO., GEORGIA

DRAWN BY: BJK

DATE: 2-22-94

SCALE: 1" = 100'

PROJECT: 94-1823

DAVID A. BURRE
ENGINEERS & SURVEYORS, INC.

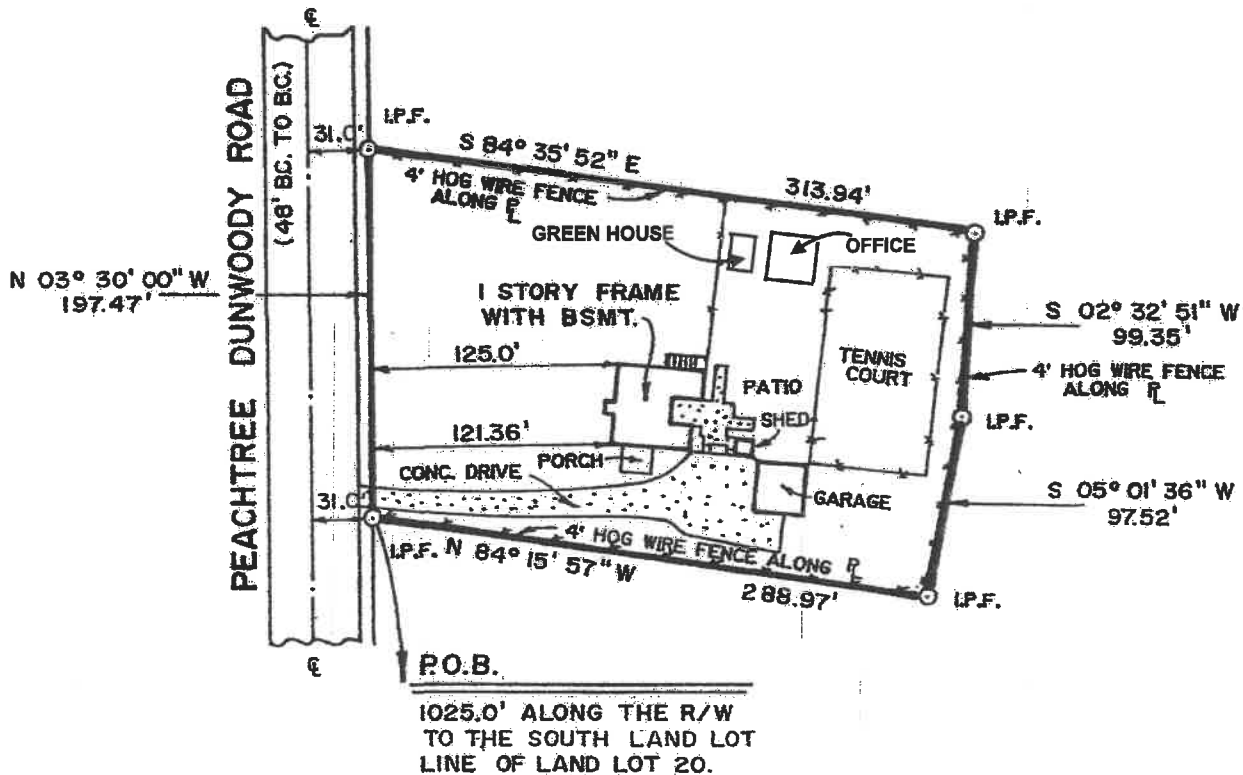
11660 ALPHARETTA HWY. SUITE 100
ROSWELL, GEORGIA 30076
PHONE (404) 442-0500

FLOOD HAZARD NOTE:

THIS PROPERTY IS NOT CONTAINED WITHIN THE LIMITS OF A FLOOD HAZARD ZONE AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF UNINCORPORATED FULTON CO. GEORGIA; COMMUNITY-PANEL NUMBER 133160 0075, MOST RECENTLY REVISED AUGUST 19, 1985.

REFERENCE SURVEY:

SURVEY FOR: NORTH PARK ASSOCIATES II, LTD. PREPARED BY GEORGIA LAND SURVEYING CO., INC. DATED 1-5-88.



STREET ADDRESS 6669 PEACHTREE DUNWOODY RD.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.



SURVEY FOR:

MICHAEL T. AUSTIN

LAND LOT 20 17th DISTRICT FULTON CO., GEORGIA

DRAWN BY: BJK

DATE: 2-22-94

SCALE: 1" = 100'

PROJECT: 94-1823

DAVID A. BURRE
ENGINEERS & SURVEYORS, INC.

11660 ALPHARETTA HWY. SUITE 100
ROSWELL, GEORGIA 30076
PHONE (404) 442-0300

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (this "Agreement") is made and entered into effective 4/20/2021 (the "Effective Date"), by and between MICHAEL T. AUSTIN, an individual, ("Seller"), and LANDBRIDGE ACQUISITIONS, LLC, a Georgia limited liability company, its successors and assigns ("Purchaser"). (The words/terms "Purchaser" and "Seller" shall include their respective successors, heirs, devisees, and assigns where the context requires or permits, and shall include the singular and plural, and the masculine, feminine, and neuter, as the context requires.)

RECITALS:

WHEREAS, Seller is the owner of the Property (as defined herein); and

WHEREAS, Seller agrees to sell, and Purchaser agrees to purchase, the Property (as defined herein) upon the terms and conditions herein set forth.

NOW THEREFORE, in consideration of the premises, the mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

1. **Certain Definitions.** When used in this Agreement, the following terms shall have the respective meanings as set forth opposite each such term:

(a) **Application:** Shall mean an application to the State Credit Agency for an allocation Tax Credits and/or HOME Investment Partnership Program funds under the 2020 application round for financing the development of the Project which is due by the Application Deadline.

(b) **Application Deadline:** Shall mean May 27, 2022, or such later date published by the State Credit Agency for an Application.

(c) **Award Date:** Shall mean the later of November 30, 2022 and the date on which the State Credit Agency officially announces a final award of Tax Credits for the Project.

(d) **Closing:** Shall have the meaning set forth in Section 7 of this Agreement.

(e) **Closing Date:** Shall have the meaning set forth in Section 7 of this Agreement.

(f) **Deed:** Shall have the meaning set forth in Section 7(a) of this Agreement.

(g) **Due Diligence Investigations:** Shall have the meaning set forth in Section 4 of this Agreement.

(h) **Due Diligence Period:** Shall have the meaning set forth in Section 4 of this Agreement.

(i) **Earnest Money Deposits:** Shall have the meaning set forth in Section 3(a) of this Agreement.

(j) **Escrow Agent:** Old Republic National Title Company, 1125 Sanctuary Parkway, Suite 140, Alpharetta, GA 30009, Attn: Robbie J. Dimon.



(k) **Improvements**: Shall mean all buildings, fixtures, structures, parking areas, landscaping and other improvements located in or on the Land as of the Effective Date, including all replacements or additions thereto between the Effective Date and the Closing Date.

(l) **Land**: Shall mean the land used for the Project and further described on Exhibit A attached hereto and made a part hereof, together with any and all right, title and interest of Seller in and to any land lying in the bed of any street, road, alley or avenue, open or proposed, in front of or adjoining such land, as well as any riparian or water rights, any mineral rights, air rights, all rights of way or use, servitudes, licenses, easements, tenements, hereditaments and appurtenances now or hereafter belonging to or benefiting such land.

(m) **Laws**: Shall mean all laws, statutes, codes, acts, ordinances, orders, judgments, decrees, injunctions, rules, regulations, directions, and requirements of all governmental authorities having jurisdiction over the Property or the use or operation thereof.

(n) **Permitted Exceptions**: (i) General real estate taxes and special assessments related to the period after the Closing Date which are a lien but are not yet due and payable at the Closing Date; (ii) easements, covenants, conditions, reservations and restrictions of record as disclosed in the Title Commitment, unless objected to by Purchaser prior to the Due Diligence Period;; and (iii) any matters disclosed by the Survey, unless objected to by Purchaser prior to the Due Diligence Period.

(o) **Permitted Termination**. Shall have the meaning set forth in Section 6 of this Agreement.

(p) **Planned Use**: Shall mean the development and construction of the Property as set forth in the Application.

(q) **Project**: Shall mean that certain multi-family development as set forth in the Application and to be constructed in accordance with the Purchaser's plans and specifications on the Land, together with all related utilities, roads and other off-site improvements, if any, along with the Land.

(r) **Property**: Collectively, the Land and the Improvements.

(s) **Property Agreements**: All service contracts, equipment leases and any lease with respect to the Property to which Seller or Seller's agent is a party.

(t) **Purchase Price**: Shall have the meaning set forth in Section 3 of this Agreement.

(u) **State Credit Agency**: Shall mean the Georgia Department of Community Affairs.

(v) **Survey**: Shall mean a survey of the Land prepared by a surveyor duly licensed in the jurisdiction in which the Land is located and certified to Purchaser and the Title Company as (i) having been prepared in accordance with ALTA/NSPS Minimum Standard Detail Requirements (2016) and (ii) otherwise meeting the requirements of Purchaser, its lender(s) and investor(s).

(w) **Title Commitment**: Shall mean a commitment for an ALTA Title Insurance Policy for the Property issued by the Title Company in an amount satisfactory to Purchaser.

(x) **Title Company**: Shall mean Old Republic National Title Insurance Company, or any other title insurance agency selected by Purchaser.

(y) **Title Policy**: Shall have the meaning set forth in Section 7 of this Agreement.

2. **Agreement to Purchase and Sell.** Upon the terms and subject to the conditions set forth in this Agreement, Seller agrees to sell and convey to Purchaser at the Closing, and Purchaser agrees to purchase and take from Seller at the Closing, all of Seller's right(s), title, estate and interest(s) in and to the Property.

3. **Consideration and Payment.** In exchange for fee simple title to the Property, Purchaser agrees to pay to Seller the sum of [REDACTED] (the "Purchase Price"), payable as follows:

(a) **Earnest Money:** Purchaser shall deliver earnest money deposits to the Escrow Agent (collectively the "Earnest Money Deposits") as follows, within Ten (10) business days after:

(i) The Effective Date of this Agreement, the sum of [REDACTED] and [REDACTED]

(ii) The Application Deadline of this Agreement, the sum of [REDACTED] (\$ [REDACTED]).

(b) **Entitlement to Earnest Money Deposits.** Subject to the Disbursement of Earnest Money paragraph below:

(i) Notwithstanding anything in this Agreement to the contrary, the full amount of the Earnest Money Deposits shall be immediately refundable to Purchaser upon the request by Purchaser to the Escrow Agent: (A) any time prior to the expiration of the Due Diligence Period; (B) in the event that Purchaser does not submit an Application; (C) in the event of any Permitted Termination (as defined in Section 6(a)); (D) in the event that all of the Closing Conditions have not been met or waived in writing by Purchaser prior to the Closing Date; (E) in the event of any material breach of this Agreement by Seller; or (F) as may otherwise be specifically set forth in this Agreement. In the event of any of the foregoing all Earnest Money Deposits and any other monies held in escrow by Escrow Agent shall be refunded to Purchaser upon demand.

(ii) Seller shall be entitled to the Earnest Money Deposits, provided the Closing Conditions have been satisfied or expressly waived in writing: (A) at Closing, which shall be credited against the Purchase Price, or (B) if the event of a default by Purchaser which results in its failure to purchase the Property.

1. Notwithstanding anything in this Agreement to the contrary, One Hundred and No/100 Dollars (\$100.00) of the Earnest Money Deposits shall be non-refundable, and Seller shall be entitled to said amount if this Agreement terminated for any reason, other than an event of default or breach by Seller, as independent consideration for entering into this Agreement.

(iii) **Nonrefundable Upon receipt of Award:** Ten (10) business days after the Award Date, the Earnest Money Deposits (including any subsequent additions thereto) shall become non-refundable to Purchaser except in the event of a Permitted Termination, or as otherwise set forth in the Agreement.

(c) **Disbursement of Earnest Money.** Escrow Agent shall disburse the Earnest Money Deposits upon: i) Closing; ii) a subsequent written agreement of Purchaser and Seller; iii) an order of a court having jurisdiction over any dispute involving the Earnest Money Deposits; or iv) the receipt of written notice from Purchaser that one of the events set forth in Section 3(b)(i) have occurred. In addition, Escrow Agent may disburse the Earnest Money Deposits upon a reasonable interpretation of the Agreement, provided that Escrow Agent first gives all parties fifteen (15) days notice stating to whom and why the

disbursement will be made. Any party may object to the proposed disbursement by giving written notice of the same to Escrow Agent within the fifteen (15) day notice period. Objections not timely made in writing shall be deemed waived. If Escrow Agent receives an objection and, after considering it, decides to disburse the Earnest Money Deposits as originally proposed, Escrow Agent may do so and send notice to the parties of Escrow Agent's action. If Escrow Agent decides to modify its proposed disbursement, Escrow Agent shall first send a new fifteen (15) day notice to the parties stating the rationale for the modification and to whom the disbursement will now be made.

(d) **Interpleader.** If there is a dispute over the Earnest Money Deposits which the parties cannot resolve after a reasonable period of time, and where Escrow Agent has a bona fide question as to who is entitled to the Earnest Money Deposits, Escrow Agent shall be entitled to, but not obligated to interplead the Earnest Money into a court of competent jurisdiction in Fulton County, Georgia. Escrow Agent shall be reimbursed for and may deduct from any funds interpleaded, its costs and expenses, including reasonable attorney's fees actually incurred. The prevailing defendant in the interpleader lawsuit shall be entitled to collect its attorney's fees and court costs and the amount deducted by Escrow Agent from the non-prevailing defendant.

(e) **Hold Harmless.** All parties hereby agree to indemnify and hold Escrow Agent harmless from and against all claims, causes of action, suits and damages arising out of or related to the performance by Escrow Agent of its duties hereunder, except to the extent any such claims, causes of action, suits and damages arise from or are incurred as the result of the gross negligence or willful default of Escrow Agent. All parties further covenant and agree not to sue Escrow Agent for damages relating to any decision of Escrow Agent to disburse Earnest Money Deposits made in accordance with the requirements of this Agreement.

(f) **Balance of Purchase Price.** The balance of the Purchase Price, less the Earnest Money Deposits, subject to the prorations and adjustments specifically provided for in this Agreement, shall be paid by the Purchaser at Closing in immediately available certified funds.

4. **Due Diligence.**

(a) **Due Diligence Period.** For a period beginning on the Effective Date and ending five (5) business days after the Award Date (the "**Due Diligence Period**"), Purchaser shall have the right upon reasonable notice to Seller, to enter upon the Property for the purpose of inspecting the condition of the Property as well as the use and operation thereof and conducting its due diligence investigation to determine the suitability of the Property for Purchaser's intended uses thereof ("**Due Diligence Investigations**").

(i) The right to conduct Due Diligence Investigations includes, but is not limited to, the right to review any matters disclosed in the Title Commitment and Survey, the right of Purchaser and Purchaser's agents and representatives to enter upon any portion of the Property to take measurements, make non-destructive inspections, make boundary and topographical survey maps, perform appraisals, conduct non-destructive geotechnical, environmental, groundwater, wetland and other studies required by Purchaser in its sole discretion, to determine the adequacy of utilities serving the Property, zoning matters and compliance with Laws.

(ii) Purchaser hereby agrees to protect, defend, indemnify and hold Seller harmless from and against any physical damage to property or injury to persons caused by Purchaser as a result of Purchaser's Due Diligence Investigations.

(iii) Within ten (10) days after the Effective Date, Seller shall deliver to Purchaser the following items (each to the extent available or reasonably obtainable by Seller):

[3847591/2]

6669 Peachtree Dunwoody Road – Execution Version – 2021_04_14



(A) Any and all surveys, plats, site plans, topographical maps and/or engineering reports, maps and/or studies related to the Property, its parent parcel and/or neighboring/adjacent parcels;

(B) Any and all information regarding the zoning of the Property;

(C) Any and all environmental, geotechnical, soil boring, land study, wetland and/or flood plain reports, maps and/or studies related to the Property, its parent parcel and/or neighboring/adjacent parcels;

(D) Any and all market information, feasibility, demand, capture rate, traffic, economic, income and/or special reports and/or studies related to the Property, its parent parcel and/or neighboring/adjacent parcels;

(E) Any and all utility information (including without limitation providers and average monthly unit costs) related to the Property, its parent parcel and/or neighboring/adjacent parcels;

(F) A copy of the Seller's vesting deed for the Property; and

(G) Any and all title insurance policies and title exception documents for the Property and/or its parent parcel.

(b) **Application.** If Purchaser elects not to submit an Application, then Purchaser shall immediately notify Seller of such by written notice following the Application Deadline and this Agreement shall automatically terminate, the Earnest Money Deposits shall be returned to Purchaser, and no party shall have any further rights, duties, liabilities or obligations under this Agreement except as specifically set forth herein. Purchaser's notice under this paragraph shall serve as evidence of a termination under Section 3(b)(i) of this Agreement.

(i) Seller agrees to fully cooperate with Purchaser, in all reasonable respects relating to Purchaser's Application, including, but not be limited to, signing any applications for approvals and/or permits, answering questionnaires, or other actions; provided, Seller shall not assume any financial responsibility therefor, and Purchaser shall indemnify Seller against any commitments made in the approval process.

(ii) Purchaser may notify the Seller in writing of the Award Date.

(iii) As part of the Application, Purchaser may apply for HOME Investment Partnership Program or other federal funds, in which case the acquisition of the Property is subject to 49 CFR 24.101, and Seller acknowledges that:

(A) The Purchaser does not have the power of eminent domain and, therefore, will not acquire the Property if negotiations fail to result in an amicable agreement.

(B) Purchaser estimates the fair market value of the Property to be the Purchase Price.

(iv) **Notwithstanding any provision of this Agreement, if U.S. Department of Housing and Urban Development (HUD) funds are used, including, but not limited to HOME funds, the parties agree and acknowledge that this Agreement does not constitute a commitment of funds**

or site approval, and that such commitment of funds or approval may occur only upon satisfactory completion of an environmental review and receipt of a release of funds notice from the U.S. Dept of HUD under 24 CFR Part 58. The parties further agree that the provision of any federal funds to the project is conditioned on the determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review. If no HUD funds are utilized in regard to this property, this provision shall be considered null and void.

(c) **Title.** Purchaser shall have the right to obtain a Title Commitment covering the Property along with legible and complete copies of all documents listed as exceptions therein. Purchaser shall also have the right to cause the Survey to be prepared, at Purchaser's expense, and Seller shall grant to Purchaser and its agents access to the Property to perform the Survey. Purchaser shall have until 45 days from the end of the Due Diligence Period (the "Initial Examination Date") to review the Title Commitment and the Survey and to give written notice to Seller of such objections as Purchaser may have to any matters set forth in Title Commitment or Survey. If Purchaser delivers such written notice to Seller, then for a period of ten (10) business days after receiving the written notice of objection from Purchaser, Seller shall have the right to have such matters cured at Seller's expense, either by (i) the removal of such exceptions, (ii) the procurement of title insurance endorsements, or (iii) other resolution reasonably satisfactory to Purchaser providing coverage against loss or damage as a result of such exceptions. If Seller does not, or is unwilling to, cure the matters set forth in Purchaser's objection letter to Purchaser's satisfaction within such ten (10) business day period, Purchaser may elect, in its sole discretion (to be exercised by written notice from Purchaser to Seller), to terminate this Agreement, in which event neither party shall thereafter have any further rights, duties, liabilities or obligations under this Agreement except as expressly set forth herein and the Earnest Money Deposits shall be returned to Purchaser. The Purchaser reserves the right to object, in the same manner specified above, to any new matters of title or survey that arise subsequent to the end of the Initial Examination Date and prior to the date of Closing if such matters were caused by the Seller and are unacceptable to the Purchaser.

(d) **Right to Terminate.** By written notice to Seller on or before the expiration of the Due Diligence Period, Purchaser may elect not to proceed with the purchase of the Property. Purchaser may make such election in its sole discretion for any reason. If Purchaser elects not to proceed with the purchase of the Property, then the Earnest Money Deposits shall be returned to Purchaser, and no party shall have any further rights, duties, liabilities or obligations under this Agreement except as specifically set forth herein.

5. **Representations and Warranties.**

(a) **Seller.** Seller represents, warrants and covenants to Purchaser and the Title Company, as of the Effective Date (with such representations and warranties to be re-made as of Closing) that:

(i) Seller has the right, power and authority to enter into this Agreement and to sell the Property in accordance with the terms hereof, and Seller has granted no option to any other person or entity to purchase the Property. The undersigned person executing this Agreement, whether individually or on behalf of an entity, is duly authorized to do so. This Agreement and the consummation of the transaction hereunder by, or on behalf of, Seller have been duly and validly authorized by all necessary parties including, without limitation, members, officers, shareholders, partnerships, corporations or limited liability companies.

(ii) To the best of Seller's knowledge with due inquiry, the Property complies with, conforms to and obeys all Laws existing on the date of Closing of all governmental authorities or agencies having jurisdiction over the Property, and any requirement contained in any hazard insurance policy covering the Property or board of fire underwriters or other body exercising similar functions which are

6 

applicable to the Property or to any part thereof or which are applicable to the use or manner of use, occupancy, possession or operation of the Property.

(iii) To the best of Seller's knowledge, but without additional inquiry, neither the Property nor any portion thereof violates any zoning, building, fire, health, pollution, subdivision, environmental protection or waste disposal ordinance, code, law or regulation or any requirement contained in any hazard insurance policy covering the Property; and Seller shall give prompt notice to Purchaser of any such violation which shall be received by Seller prior to Closing.

(iv) Seller has not received notice of and has no knowledge of any suits, judgments, or violations relating to or at the Property of any zoning, building, fire, health, pollution, environmental protection, or waste disposal ordinance, code, law or regulation which has not been heretofore corrected; that there is no suit or judgment presently pending or, to the best of Seller's knowledge with due inquiry of Seller, threatened which would create a lien upon the Property in the hands of Purchaser after Closing; and Seller shall give prompt notice to Purchaser of any such suit or judgment filed, entered or threatened prior to Closing of which Seller obtains actual knowledge.

(v) To the best of Seller's knowledge with due inquiry there are no known pending, threatened or contemplated eminent domain proceedings affecting the Property or any part thereof; and Seller shall give prompt notice to Purchaser of any such proceedings which occur or are threatened prior to Closing of which Seller obtains knowledge.

(vi) Seller has not received notice of and has no knowledge of pending or contemplated changes in the present status of zoning of the Property, and Seller shall give prompt notice to Purchaser of any such proposed changes of which Seller is aware prior to the Closing.

(vii) The Seller is not involved in any bankruptcy, reorganization or insolvency proceeding.

(viii) All taxes, assessments, water charges and sewer charges affecting the Property or any part thereof due and payable at the time of the Closing shall have been, or will be at Closing, paid in full. All current special assessments which are or will become a lien known to the Seller at the time of Closing on the Property shall also have been paid and discharged at Closing (in pro rata shares between Seller and Purchaser), whether or not payable in installments.

(ix) There are no leases affecting the Property, no parties in possession of the Property nor any parties entitled to possession thereof.

(x) All service contracts, if any, (except those specifically approved by Purchaser which shall be assigned to Purchaser at Closing) shall be terminated and paid in full as of the Closing Date.

(xi) The Property is or will be at Closing, subdivided as an independent and conveyable parcel in accordance with all applicable rules, regulations, zoning and ordinances.

(xii) The Property has or will have prior to Closing, a unique tax parcel number separate from other property owned by Seller.

(xiii) The Property has or will have prior to Closing vehicular and pedestrian access to a public right-of-way, specifically Peachtree Dunwoody Road.

7 

(xiv) Hazardous Materials. To the best of Seller's knowledge with due inquiry: (i) the Property has not in the past been used and is not presently being used for the handling, storage, manufacturing, refining, transportation or disposal of "toxic material", "hazardous substances" or "hazardous waste"; (ii) there has not been and is not presently leaching or drainage of waste materials or hazardous substances into the groundwater beneath or adjacent to the Property; (iii) no buried, semi-buried or otherwise placed tanks, storage vessels, drums, or containers of any kind located on the Property used for the storage of hazardous waste, hazardous substances or toxic material; (iv) there are no asbestos containing materials located on the Property; (v) no construction material used in any improvements located at the Property contains any substance or material presently known to be a hazardous substance or toxic material; (vi) Seller has not disposed upon the Property any hazardous substances on or below the surface of the Property or within two thousand (2,000) feet of the boundary thereof including, without limitation, contamination of the soil, subsoil or groundwater; and (vii) the Property is not in violation of any law, rule or regulation of any government entity having jurisdiction thereof or which exposes Purchaser to liability to third parties. The terms "hazardous waste", "hazardous substances" and "toxic material" include, without limitation, any flammable explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances or related materials defined in the Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sect. 9601 et seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. Sect. 5101 et seq.), the Resource Conservation and Recovery Act, as amended (42 U.S.C. Sect. 6901 et seq.), the regulations adopted and publications promulgated pursuant to the foregoing and any other federal, state or local environmental law, ordinance, rule or regulation. Furthermore, Seller has not received a summons, citation, directive, letter or other communication, written or oral, from any governmental authority as to any of the above environmental concerns.

(A) Without limiting the other provisions of this Agreement, Seller shall cooperate, at no cost to Seller, with Purchaser's investigation of matters relating to the foregoing provisions of this Section and provide access to and copies of all data and/or documents in Seller's or Seller's agent's possession dealing with potentially hazardous materials used at the Property and any disposal practices followed. Seller agrees that Purchaser may make inquiries of governmental agencies regarding such matters, without liability to Purchaser for the outcome of such discussions.

(xv) Seller has provided Purchaser true and complete copies of all surveys, appraisals, engineering reports and other related documentation available to Seller and all amounts due for the services performed for the same have been paid in full.

(xvi) While this Agreement is in effect, Seller shall not solicit, accept or negotiate other offers with respect to the Property or execute any deeds, easements, rights-of-way affecting the Property or subject the Property to any additional covenant, easement, restriction or encumbrance.

(xvii) Nondisclosure of Information. In consideration of, and as a material inducement to, Purchaser entering into this Agreement, Seller agrees not to disclose or permit disclosure of this Agreement, the parties involved in the Project, or any Information to third parties or to employees of Seller other than attorneys, consultants and agents who are required to have the information in order to carry out the discussions regarding this Agreement and have entered into similar confidentiality agreements. The Seller agrees that it shall take all necessary measures to protect the secrecy of and avoid disclosure or use of Information of Purchaser in order to prevent such Information from falling into the public domain or the possession of persons other than those persons authorized under this Agreement to have any such information. The provisions of this Section shall survive the Closings or any expiration or termination of this Agreement. "Information" includes, without limitation, plans, specifications, drawings, designs, financial information, reports, contracts, emails, names of parties involved, and all record-bearing media (electronic or otherwise) containing or disclosing such information.

[3847591/2]



(b) **Purchaser.** Purchaser represents and warrants to Seller as of the Effective Date (which such representations and warranties to be re-made as of Closing) that:

(i) Purchaser has the capacity and authority to execute this Agreement and perform the obligations of Purchaser under this Agreement. All action necessary to authorize the execution, delivery and performance of this Agreement by Purchaser has been taken and such action has not been rescinded or modified.

(ii) Purchaser is not subject to any judgment or decree of a court of competent jurisdiction or governmental agency that would limit or restrict Purchaser's right to enter into and carry out this Agreement.

(iii) Neither the execution of this Agreement nor the consummation of the transactions contemplated herein will constitute a breach under any contract or agreement to which Purchaser is a party or by which Purchaser is bound or affected.

(c) **Continued Accuracy of Representations and Warranties.** The matters set forth in Section 5(a) constitute representations and warranties by Seller which are now, and shall at the Closing, be true and correct. The continued accuracy in all material respects of such representations and warranties is a condition precedent to Purchaser's obligation to close. If, during the period between the Effective Date and the Closing Date, Seller learns of, or has a reason to believe that any of its representations and warranties may cease to be true in any material adverse respect, Seller shall give prompt written notice to Purchaser (the "Seller Notice"). In the event that (i) Seller delivers the Seller Notice, or (ii) Purchaser otherwise becomes aware that any such representation or warranty has ceased to be true in any material adverse respect prior to Closing, Purchaser shall have the right, in its sole discretion, to terminate this Agreement, in which event the Earnest Money Deposits shall be returned to Purchaser, and no party shall have any further rights, duties, obligations or liabilities under this Agreement except as specially set forth herein. Purchaser shall exercise the foregoing election by written notice to Seller on or before the Closing Date. Seller's representations and warranties shall survive the Closing, and Purchaser shall not be deemed to have waived any such representation or warranty unless Purchaser executes an express, written waiver.

6. **Conditions to Closing.**

(a) Notwithstanding anything to the contrary, all of Purchaser's obligations under this Agreement, including without limitation to acquire the Property and pay the Purchase Price, are subject to the fulfillment of each of the following conditions at or prior to the Closing Date, or the express written waiver thereof by Purchaser (the "Closing Conditions").

(i) Seller shall have performed in all material respects its obligations contained in this Agreement required to be performed on or prior to the Closing Date.

(ii) The Title Company is obligated to and will in fact issue to Purchaser and its lender(s) the Title Policy in accordance with the provisions of Section 7 hereof.

(iii) The receipt of the award or allocation of Tax Credits as set forth in the Application.

(iv) Each and every representation and warranty made by Seller in this Agreement shall be true and correct in every material respect.

(v) The Property is zoned as required for the Purchaser's desired use of the Property.

(vi) Purchaser's receipt of an acceptable appraisal, in Purchaser's sole and absolute discretion, of the Property in an amount equal to or greater than the Purchase Price.

(vii) Seller and/or Purchaser having received all necessary permitting and other approvals for Purchaser's desired use of the Property. Seller and Purchaser will fully cooperate to obtain all necessary permitting and other approvals.

(viii) All utilities (including, without limitation, water, sewer, electricity, service) being available for use at the boundary of the Property as of the Closing Date.

(ix) If applicable, Seller's cure of the matters set forth in Purchaser's title objection letter to Purchaser's satisfaction.

Seller shall fully cooperate with Purchaser in accomplishing the foregoing. If any condition specified in this Section 6(a) is not timely satisfied or waived in writing by Purchaser, Purchaser shall have the right to terminate this Agreement (a "Permitted Termination"), in which event, the Earnest Money Deposits shall be returned to Purchaser and no party shall have any further rights, duties, obligations or liabilities under this Agreement except as specifically set forth in this Agreement. Notwithstanding anything to the contrary, the Closing Conditions are each an express condition precedent to Purchaser's obligations hereunder. In no event shall Purchaser be in default under this Agreement unless and until all of the Closing Conditions have been met.

(b) Seller's obligation under this Agreement to sell the Property is subject to the fulfillment at or prior to the Closing Date of each of the following conditions (or the express, written waiver thereof by Seller):

(i) Purchaser shall have performed in all material respects its obligations contained in this Agreement required to be performed on or prior to the Closing Date.

(ii) Each and every representation and warranty made by Purchaser in this Agreement shall be true and correct in every material respect.

If any condition specified in this Section 6(b) is not timely satisfied or waived by Seller, Seller shall have the right to terminate this Agreement, in which event, the Earnest Money Deposits shall be paid to Seller and no party shall have any further rights, duties, obligations or liabilities under this Agreement except as specifically set forth in this Agreement.

7. **Closing.** If all Closing Conditions are satisfied or expressly waived in writing, the closing of the transactions described in this Agreement (the "Closing") shall be held on or before **December 30, 2022**, at the offices of Purchaser's attorney in Atlanta, Georgia (or by overnight delivery service), by giving Seller at least five (5) business days' prior written notice of the time and date thereof, or, if no such notice is given, at 2:00 p.m. on such date (the "Closing Date"). If the Closing does not occur by said date, then Purchaser may extend the Closing Date for up to three (3) consecutive sixty (60) day periods (each a "Closing Extension Period") by delivering [REDACTED] in additional Earnest Money Deposits to the Escrow Agent for each Closing Extension Period, which amount shall be non-refundable to the Purchaser, to extend the Closing Date as provided hereunder. Except as set forth herein, if all Closing Conditions are satisfied or expressly waived in writing and the Closing does not occur by said date unless otherwise extended, neither party shall thereafter have any further rights, duties, liabilities or obligations under this Agreement except as expressly set forth herein and the Earnest Money Deposits shall be released to Seller. If all Closing Conditions have not been satisfied or expressly waived in writing by the Closing Date (as extended by agreement), then full amount of Earnest Money Deposits

shall be refundable to Purchaser on demand to Escrow Agent at any time after the Closing Date (as extended by agreement).

(a) **Conveyance.** At Closing, Seller shall deposit in escrow a good and sufficient limited warranty deed in form acceptable to Purchaser, its counsel and the Title Company, conveying to Purchaser all of Seller's rights and interest in and to the Property, free and clear of all encumbrances, except for the Permitted Exceptions, duly executed by Seller (the "Deed"). Seller shall also execute and deliver the other documents and instruments described in Section 7(e) to convey its other rights, title, and interests in the Property.

(b) **Title Policy.** On the Closing Date, the Title Company shall furnish Purchaser with an ALTA Title Policy issued by the Title Company in the amount of the Purchase Price in its customary form, with all standard exceptions removed ("Title Policy"), which shall insure title to the Property to be good in Purchaser subject only to the Permitted Exceptions. Seller shall obtain, execute and/or deliver such documents and instruments as necessary to satisfy requirements of the Title Company, to delete or remove exceptions, conditions or stipulations to the Title Policy, including but not limited to owner's affidavits, resolutions, releases, and opinions of counsel as may be required by the Title Company.

(c) **Prorations.** Property, ad valorem, and any similar taxes and assessments and rents shall be prorated as of the Closing Date with Seller being responsible for any amounts attributed to the Closing Date. Purchaser and Seller agree to re-prorate taxes and assessments after the Closing upon the receipt of the actual tax bill(s). This provision shall survive the Closing of the transaction contemplated by this Agreement. Any prorations to which Purchaser may be entitled by reason of the foregoing shall be credited against the balance of the Purchase Price to be paid at Closing.

(d) **Charges.**

(i) Seller shall be charged the following amounts at Closing: (a) one-half of any transfer tax payable upon the recording of the Deed and (b) any monetary encumbrances on the Property and recording costs for any associated releases.

(ii) Purchaser shall be charged the following amounts at Closing: (a) the cost of the Title Policy; (b) all preparation and recording costs for the Deed; (c) the cost of the Survey, and (d) one-half of the transfer tax payable upon recording of the Deed.

(iii) Each party shall pay its own attorneys' fees, except as otherwise specifically set forth herein.

(iv) If the Property is or was being taxed under an abatement or exemption that will or does result in the assessment of "rollback" taxes at or after Closing, Seller, at Seller's sole expense, shall be responsible for paying the amount of such rollback taxes whenever the same shall be assessed. This covenant shall survive Closing. Seller shall protect, indemnify, hold harmless and defend the Purchaser against any and all liabilities, claims, demands, damages, costs and expenses, including, without limitation, attorneys' fees, costs and expenses, in connection with claims for any such other commissions, finders' fees, brokerage fees or other similar compensation that may be asserted by any person with respect to this transaction. This indemnification shall extend to any and all claims, liabilities, costs and expenses (including attorneys' fees and litigation costs) arising as a result of such claims and shall survive the Closing and the recording of the Deed.

(e) **Deliveries.**

(i) Seller shall deliver the following to Purchaser (duly executed where applicable) through escrow at or prior to the Closing, each of which shall be in form and substance acceptable to Purchaser in its judgment reasonably exercised:

(A) The Deed.

(B) A quitclaim deed from Seller in recordable form conveying to Purchaser title to the Survey description of the Property.

(C) Such other documents and instruments, including easements, as may be required by any other provision of this Agreement or as may reasonably be required to give effect to the terms and intent of this Agreement.

(D) An affidavit in form and substance reasonably satisfactory to the Title Company for the purpose of permitting the Title Company to delete the standard exceptions from the Title Policy and such other documents reasonably required by the Title Company in connection with the issuance of the Title Policy.

(E) A FIRPTA Affidavit (Certificate of Non-foreign Status) acceptable to the Title Company.

(F) A closing statement identifying the prorations required hereunder and a proration agreement if requested by Purchaser.

(G) A "drop down" certificate, updating the truth and accuracy of Seller's representations and warranties contained herein and indicating any changes which may be required to make those representations and warranties remain true and accurate; provided, however, that if any changes are indicated, then Purchaser shall have the rights as set forth in Section 5(c) above.

(H) Incumbency certificate executed by a duly authorized officer/member/partner of Seller, including the following:

- (i) Address and EIN of Seller.
- (ii) Name of the Officer(s) authorized to sign all of the closing documents.
- (iii) Whether the Seller will affix its corporate seal or have the documents attested by a second Officer.
- (iv) Current Articles of Incorporation/Organization or Certificate of Limited Partnership, together with any amendments;
- (v) Current Bylaws/Operating Agreement/Partnership Agreement, together with any amendments;
- (vi) Certificate of Good Standing dated within 30 days of closing;
- (vii) Resolutions adopted by Seller's governing body authorizing the execution and delivery of this Agreement by Seller, the performance by Seller of its obligations hereunder, the person or Officer(s) executing all closing documents on Seller's behalf to do so, and the consummation of the transactions contemplated hereby.

(ii) Purchaser shall deliver the following to Seller (duly executed where applicable) through escrow at or prior to Closing:

(A) The Purchase Price in available funds.

(B) Resolutions adopted by Purchaser authorizing the execution and delivery of this Agreement by Purchaser, the performance by Purchaser of its obligations hereunder and the consummation of the transactions contemplated hereby.

(C) Such other documents and instruments as may be required by any other provision of this Agreement or as may reasonably be required to give effect to the terms and intent of this Agreement.

8. **Damage or Condemnation; Risk of Loss.**

(a) Commencing upon the Effective Date and extending through Closing hereunder, the Property shall remain in the same condition as on the date hereof, except, however, for natural wear and tear, condemnation, acts of God and occurrences over which Seller has no control. Seller shall not in any manner disturb, cut or remove any trees, shrubs or bushes from the Property during said period except as may be required by governmental authorities or in the reasonable judgment of Seller to prevent damage or injury or property damage, and the risk of loss for any casualty to said Property shall remain upon Seller. Seller shall maintain the current insurance for the Property against fire and other casualties normally covered by an insurance policy with extended coverage. Pending the Closing, Seller shall maintain the Property, the buildings and improvements thereon, and the mechanical equipment, and personal property of every kind used in the operation thereof in good condition and repair, and deliver the same at Closing in the same condition as presently existing, normal wear and tear excepted. Seller shall not remove any item of monetary value from the Property prior to the Closing, except for the purpose of repair or replacement, and any such repaired item or replacement item shall be included in this transaction.

(b) In the event of the institution of any proceedings, judicial, administrative or otherwise, which shall relate to the proposed taking of any substantial portion of the Property by eminent domain prior to Closing, or should a substantial portion of the Property be damaged by fire or other casualty prior to Closing, Purchaser shall have the right and option to terminate this Agreement at any time prior to Closing by giving Seller notice to such effect at any time after Purchaser's receipt of notice of any such occurrence or occurrences. Seller hereby agrees to furnish Purchaser written notification in respect thereof within forty-eight (48) hours from the Seller's receipt of any such notification. Should Purchaser so terminate this Agreement, then all Earnest Money Deposits shall immediately be returned to Purchaser and, thereupon, the parties hereto shall be released from their respective obligations and liabilities hereunder. In the event Purchaser does not elect to terminate this Agreement because of such taking or casualty, at the Closing hereof, Seller shall assign to Purchaser all of Seller's right, title and interest in any award arising out of such taking, or any insurance proceeds arising out of such fire damage or other casualty, as the case may be. For the purposes of this section, a "substantial" part of the Property shall be such a part which makes the remainder of the Property unsuitable for those uses contemplated by Purchaser.

9. **Notices.** Any notice required or permitted to be given hereunder by the parties shall be delivered personally or served by certified or registered mail or by a nationally recognized overnight carrier or by e-mail to the parties at the mailing addresses and email address set forth below, unless different addresses or email addresses are given by one party to the other:



Michael T. Artying

As to Seller:

[REDACTED]
Sandy Springs, GA 30328

E-mail Address:

[REDACTED]


14

As to Purchaser:

Landbridge Acquisitions, LLC
7000 Peachtree Dunwoody Road NE
Suite 4-100
Atlanta, Georgia 30328
Attn: Gary R. Hammond, Jr.
Email Address: [REDACTED]

With Copy to:

Mary Margaret Williams
[REDACTED]
Valdosta, GA 31601
Email Address: [REDACTED]

As provided in this Section, any notice shall, for all purposes, be deemed given and received: (a) if given by email, when the email is transmitted to the party's email address specified above; (b) if hand delivered to a party, upon delivery to the party specified above; (c) if given by a nationally recognized and reputable overnight delivery service, the day on which delivery is made or attempted by such delivery service; or (d) if given by certified mail, return receipt requested, postage prepaid, upon delivery to the party specified above. Unless directed otherwise by prior written notice, counsel for Purchaser and Seller may send written notices required or permitted by this Agreement directly to the other party so long as they simultaneously provide such party's counsel with a copy of any such direct communication, such communications being expressly permitted by Purchaser, Seller and their respective counsel.

10. Remedies.

(a) In the event that Purchaser defaults in its obligation to proceed to the Closing of the transaction contemplated by this Agreement, Seller shall be entitled to terminate this Agreement and receive the Earnest Money Deposits as liquidated damages, in lieu of all other remedies available to Seller at law or in equity for such default. Seller and Purchaser agree that the damages resulting to Seller as a result of such default by Purchaser as of the date of this Agreement are difficult or impossible to ascertain and the liquidated damages set forth in the preceding sentence constitute Seller's and Purchaser's reasonable estimate of such damages.

(b) In the event Seller shall default in the performance of any of its covenants, agreements, warranties or obligations hereunder, Purchaser shall elect, as its sole remedy for failure to Close (except as provided below), either: (i) waive the obligations of Seller in writing; (ii) extend the time for performance by such period of time as may be mutually agreed upon in writing by the parties hereto; (iii) terminate this Agreement and recover the Earnest Money Deposits and Purchaser's actual out-of-pocket costs and expenses incurred by Purchaser in connection with this Agreement and Purchaser's Due Diligence Investigation of the Property (including, without limitation, actual and reasonable legal fees and expenses and court and other costs and expenses of negotiating and enforcing this Agreement), in which event Purchaser and Seller shall have no further obligations hereunder except under provisions of this Agreement which expressly survive the expiration or termination hereof; or (iv) take any and all legal actions necessary to compel Seller's specific performance hereunder (it being acknowledged that damages at law alone would be an inadequate remedy) to consummate the transaction contemplated by this Agreement in accordance with the provisions of this Agreement together with recovery of damages in connection therewith and costs and expense of seeking to enforce specific performance, including without limitation, court costs and actual

[3847591/2]

6669 Peachtree Dunwoody Road – Execution Version – 2021_04_14

15

and reasonable legal fees. If any action at law or in equity is brought to enforce or interpret the provisions of this agreement, the prevailing party shall be entitled to recover from the non-prevailing party reasonable attorney's fees, costs and expenses actually incurred in connection therewith, which fees, costs and expenses may be set by the court in the trial or appeal of such action or may be enforced in a separate action brought for that purpose and which fees shall be in addition to any other relief which may be awarded.

11. Miscellaneous.

(a) Tests, Borings and Examinations. Seller will permit representatives of Purchaser to enter upon the Property to conduct soil tests, borings, and any other tests, surveys, inspections, or examinations that Purchaser desires in connection with its potential purchase of the Property. Purchaser shall hold Seller harmless from any and all costs, expenses, liabilities and damages resulting from the performance of such tests, surveys, inspections, or examinations.

(b) Broker's Commission. Purchaser represents and warrants that it has neither consulted with nor used any broker in connection with this Agreement for which it shall owe a commission. Purchaser shall be responsible for and pay any commissions due any broker in connection with the purchase and sale of the Property arising through or resulting from agreement or action of Purchaser. Purchaser shall protect, indemnify, hold harmless and defend the Seller against any and all liabilities, claims, demands, damages, costs and expenses, including, without limitation, attorneys' fees, costs and expenses, in connection with claims for any such other commissions, finders' fees, brokerage fees or other similar compensation that may be asserted by any person with respect to this transaction arising through or resulting from agreement or action of Purchaser. Seller shall be responsible for and pay any commissions due any broker in connection with the purchase and sale of the Property arising through or resulting from agreement or action of Seller. Seller shall protect, indemnify, hold harmless and defend the Purchaser against any and all liabilities, claims, demands, damages, costs and expenses, including, without limitation, attorneys' fees, costs and expenses, in connection with claims for any such other commissions, finders' fees, brokerage fees or other similar compensation that may be asserted by any person with respect to this transaction arising through or resulting from agreement or action of Seller. The indemnifications set forth above shall extend to any and all claims, liabilities, costs and expenses (including attorneys' fees and litigation costs) arising as a result of such claims and shall survive the Closing and the recording of the Deed or the termination of this Agreement, as the case may be.

(c) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, estates, and assigns.

(d) Assignment of Agreement by Purchaser. Purchaser shall not have the right to assign its rights and to delegate its duties under this Agreement without notice to or consent from Seller except to any party in which an affiliate of Purchaser has a 49% ownership interest. Any other assignment shall be with Seller's written consent.

(e) Unenforceability. If any provisions of this Agreement or the application thereof to any part or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(f) Section Headings. The section headings contained in this Agreement are for reference purposes only, and shall not affect in any way the meaning or interpretation of this Agreement.

(g) Time. Time is of the essence of this Agreement and in the performance of the covenants and provisions hereof.

[3847591/2]

6669 Peachtree Dunwoody Road -- Execution Version -- 2021_04_14

16



Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 10:00 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908135739.242000

Citizen Name: Aron Charles Palefsky

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: Strongly oppose the proposed change/development. It will significantly devalue our home as well as increasing the already increased traffic volume.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908045339.511000

Citizen Name: Avner Swerdlow

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I am opposed to this development.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 3:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909191537.706000

Citizen Name: Carmen Kavali

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I live in and own a business in Sandy Springs, after moving here in 2002. I have lived in Glen Meadow subdivision since 2003. I have seen our neighborhood area grow with the addition of apartments and townhomes along Peachtree Dunwoody Road. I am strongly opposed to the development of adjacent land for anything other than single family housing. We do not need more density here. In addition, a high-rise subsidized housing development flies in the face of our neighborhood structure. Please oppose the developer's plans for this property.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 4:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908193731.083000

Citizen Name: Cathy Mendel

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: Our neighborhood (Glen Meadow) will be affected by this development in a negative way. This part of Peachtree Dunwoody has had many apartments, condos, and townhomes built in the past several years. The traffic is very congested and it is difficult to get out of our neighborhood. Adding another building will contribute to more traffic on this 2 lane road. In addition, the residential communities are already subject to too many commercial buildings which has taken away from the beauty of the street, the neighborhoods noise level, and the great location which makes this area appeal to so many. The congestion and chaos on Peachtree Dunwoody will definitely lower the appeal to those wanting to live in this specific character area.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909020450.460000

Citizen Name: Dan Traurig

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I oppose the idea of this development. Glen Meadow (and the immediate surrounding area) is NOT a dense urban area and is NOT part of the Perimeter Center Character area. The area needs to remain single family homes to preserve the continuity of the surrounding neighborhoods including Glen Meadow. NO high rise apartment should be developed at this site. I'm open to single family homes.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Sunday, September 5, 2021 4:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210905195245.649000

Citizen Name: David & Cheryl Joss

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] 328

Comment: This proposed “character area change” would open the door to a potentially inappropriate, high density development which would be TOTALLY out of character with our Glen Meadow single family subdivision which it adjoins! This property is ideal for Townhouses, similar to the ones next to it which would not require this radical area change. As a retired, 40 year resident in Glen Meadow my wife and I therefore join the many people around this property in opposing the proposed character area change. Please protect the area by NOT allowing this harmful change.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 10:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908140219.518000

Citizen Name: Deborah Amoroso

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] Sandy Springs, GA 30328

Comment: I have 3 points opposing this change of the Character Map for this location: 1. Our neighborhood is not a dense urban area or part of the Perimeter center. In order to preserve continuity of surrounding area of single family homes or urban neighborhood would propose the character map be changed to no more dense than urban neighborhood like our own. This is in line with policy LU-A1. 2. Also this will dramatically change our view which is currently trees only. This is in opposition to Sandy Springs priority to "Transform Peachtree-Dunwoody into "greenway". Already Atlanta has more acres of Parkland per 1000 residents than Sandy Springs 11.5 to our 9.3. We should be looking at more parkland and less development. 3. Peachtree-Dunwoody is a 2 lane road with already too much traffic often going 20 mph over the speed limit. It is often unsafe to leave our neighborhood by car or foot. An additional dense urban building traffic would make this area more unsafe than it already is. Please do not vote to pass this request and ask the developer to change request to urban neighborhood character map change. Thank you for seriously considering our opposition.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 3:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908191334.567000

Citizen Name: Derek Christopher Lang

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] gs, GA

Comment: I think it is inappropriate to build low income housing next to current reasonably higher end developments like Drayton Hall & Glen Wood. This will / may admit or enable the spawning of additional teenage gangs in a reasonably well to do area occupied by highly paid professionals and retirees and contribute to the overall lowering of surrounding property values. Also, eats up green space and Atlanta is supposed or has advertised itself to be a "city of trees".

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Tuesday, June 22, 2021 12:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210622154409.473000

Citizen Name: Derek Christopher Lang

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] Sandy Springs, Ga

Comment: My take from June 21, 2021 mtg with Landbridge at Embassy Suites by Hilton. Cat got out of the bag at the mtg. Drayton Hall Residents attending thoroughly believe now that Landbridge wants to get property re-zoned for low-income housing complex of yet to be determined unknown floors. Residents are not pleased. Landbridge Rep (name?) tried his best to answer questions without giving too much information on what would be built, but that actually didn't quite work.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210907234851.832000

Citizen Name: Don Abernathy

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I am absolutely opposed to the proposed Character Area change for the property at 6669 Peachtree Dunwoody Road, for the following reasons: This property is NOT located within an urban area, despite the inaccurate info presented by the applicant in its application. This property is surrounded by single family homes and needs to remain that way. I support the building of single family townhomes on this property, but not the proposed character area change to Perimeter Center and subsequent construction of a four story apartment complex development. The current Character Area for this part of Sandy Springs is broken down by 75.2% apartment homes, and only 24.8% single family homes. There are 13 neighborhoods in the defined Character Area, and there are 6 apartment complexes in the defined character area. Apartment density is abnormally high and is perhaps one of the highest in Sandy Springs. Let me repeat, in the 2.2 mile by 0.5 mile area of Peachtree Dunwoody between Abernathy Road and Spalding Drive, 75.2% of housing units are apartments, as compared to 53% in the greater Sandy Springs area. The 2017 Sandy Springs Comprehensive Plan states that "there is a need to accommodate members of the Sandy Springs workforce and potential residents, who cannot afford to live in the city, with smaller lot single-family housing options and townhomes". Glen Meadow HOA agrees, smaller lot single family homes and townhomes are a viable option for this Character Area. And this would be in accordance with the Sandy Springs Comprehensive Plan. Glen Meadow HOA's decision is to OPPOSE the Landbridge Development proposal for a change from Protected Neighborhood Character Area to Perimeter Center Character Area for subject property at 6669 Peachtree Dunwoody Road. Many of our residents have worked with fellow Sandy Springs residents, led by Eva Galambos, and fought for 40 years to obtain their own government and become a city in June 2005. We will work fervently to protect the aforementioned character on Peachtree Dunwoody Road. Let me repeat, we OPPOSE the Landbridge Development request Case CA21-0001 for Character Area change. In the past two years, the number of apartments within our defined area has increased by almost 16%! In an article in the Atlanta Journal & Constitution, titled "Lower-cost housing must wait" dated 8/16/21, Mayor Rusty Paul stated "we have to make sure we're getting the kind of development that everyone wants. We need more homeownership opportunities for middle class families." Townhomes would provide that opportunity.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Tuesday, September 7, 2021 7:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210907225929.646000

Citizen Name: Dwayne Hassler

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I have lived in the Glen Meadow subdivision for over 20 years and I know that our homes are not in a Urban area but is made up of single family homes. Additionally right next door to the development are additional single family townhomes. To add a multi story building will disrupt the current character of both those developments mentioned . I am asking you to NOT approve this high rise project

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Sunday, September 5, 2021 2:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210905182921.514000

Citizen Name: Edward Vartanian

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: We object to a 4 story subsidized apartment facility in our suburban neighborhood! It will reduce our property values, cause more crime in the area, and increase the traffic on Peachtree Dunwoody which is already a mess. You are ruining our city!!

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Tuesday, September 7, 2021 5:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210907205303.012000

Citizen Name: Ellen Freedman

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I oppose rezoning this property in order to preserve the continuity of the surrounding neighborhoods.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 3:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909190609.023000

Citizen Name: Erik Van Name

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: Hello, I have owned a home and lived in the Glen Meadow neighborhood since 2003. We are upset to learn that the property in question is being considered for zoning that is inappropriate for the area. The density and property use does not align with the make up of surrounding homes. We had hoped the patch work of commercial developments in residential would stop once we were made a Protected Neighborhood by Sandy Springs. We ask that you hold to that promise and deny this rezoning. Erik Van Name

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 3:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908183256.906000

Citizen Name: Farina Rabbi

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] gs, GA 30328

Comment: As a resident whose property shares a border with the subject parcel, I am strongly opposed to changing the character area map for 6669 Peachtree Dunwoody Road from Protected Neighborhood to Perimeter Center. Such a drastic change would significantly weaken the sense of community and neighborhood that we have built along the Peachtree Dunwoody corridor starting at 6669 Peachtree Dunwoody Road. Peachtree Dunwoody is already a very busy road, and permitting this site to be a part of the Perimeter Center designation would lead to substantially more congestion. Residents in the area today have a difficult time turning onto Peachtree Dunwoody Road due to heavy traffic, even more so during the morning and evening commutes. Allowing the construction of a large complex, whether it is commercial or multi-family residential, would lead to additional traffic, noise and safety risks. I am also concerned that such a change to the character area map would negatively impact property values in the surrounding vicinity. Because the amendment of the character area map as requested by applicant would diminish the character and continuity of the neighborhood without any foreseeable benefits, I respectfully submit that the Planning Commission deny such application.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Tuesday, September 7, 2021 2:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210907175841.561000

Citizen Name: Gayle Moss

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: My husband and I purchased our home in the Glen Meadow Subdivision in June, 1981; so we have been at this location for 40 years. In those 40 years we raised our three children; and they all graduated from North Springs High School. Two of our children purchased homes in Fulton County and our other son lives in Florida. Our children, I think, had a happy childhood in this home and this community. And now, our grandchildren like to visit and take walks or ride their bikes in the neighborhood or play in the creek behind our home. When we first purchased our home, we would turn north from Abernathy Road onto Peachtree Dunwoody Road. It was like going down a country lane. There was an abundance of trees, and their branches actually met over the street. This area of Peachtree Dunwoody Road mainly consisted of single family homes; and there was even a horse farm! But, early in the 1980's, things began to change with new zoning requests from developers who wanted to develop along Peachtree Dunwoody, north of Abernathy Road and up to Spalding Drive. Our Glen Meadow Homeowners Association has negotiated with a number of developers in an effort to protect our neighborhood from encroaching office buildings, apartment units, condos and townhomes. Our HOA negotiated in an effort to lessen density and provide adequate buffers to keep our neighborhood a nice place to live. Fulton County was anxious to make this area a "live-work-play" corridor and they allowed the zonings to be approved to make it such an area. I hope that Sandy Springs will help us to keep our neighborhood protected from further encroachments. If you ride up and down Peachtree Dunwoody Road now, from Abernathy to Spalding, you will see that most of the single family homes have disappeared. Some entire neighborhoods sold out to developers who put in office complexes, condos, apartments, and townhomes. This area now has a very high density of these types of developments. Along with all of the new developments of high density buildings, there has, of course, been a monumental increase in the traffic on Peachtree Dunwoody. At some times, it is impossible to get out of our neighborhood unless some driver who is waiting in the line of traffic will let you out. I ask you to vote "NO" to the Landbridge Development request to change the Character Area of 6669 Peachtree Dunwoody Road to Perimeter Center Character Area. Please keep a Protected Neighborhood Character Area for this piece of property. This property is adjacent to our neighborhood on its eastern boundary line. If the Character Area is changed to Perimeter Center, then the developer would have the option to build up to a 5-story building that could possibly contain 70 to 100 apartment units. If the developer is allowed this change, then we would see this building from our neighborhood; it would be adjacent to a home in our neighborhood; and it would be impossible to adequately buffer it. Again, I ask you to protect our neighborhood by denying the Landbridge Development request to change the Character Area on this property. Thank you for your consideration.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message

(including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909011634.023000

Citizen Name: Grace Griswold

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: Please do not approve this Character Area Map change request. It is not in keeping with the surrounding area and would be much better suited near high density development....which this area is not as it is surrounded by townhomes and single family homes.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 7:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908224247.075000

Citizen Name: Jan Rowell

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: There are multiple points for consideration regarding this petition, each of which demonstrate that the petition should be denied based upon the criteria set forth to evaluate change to the Comprehensive Plan Character Area Map Amendment in the Sandy Springs, Georgia Development Code, version July 30, 2021: 1. The criteria set out in section 11.3.6.b.1 for a Character Area Map Amendment (CAMA) requires that, "The CAMA corrects an error or meets the challenge of some changing condition, trend or fact". No error, changing condition, trend or fact is present in this case. The only change in condition is the owner's request 2. The criteria set out in section 11.3.6.b.2 for a CAMA requires that, "The CAMA substantially conforms with the remainder of the Comprehensive Plan". The existing map currently conforms to the Comprehensive Plan. There has been no development that justifies a more dense land use designation. 3. The criteria set out in section 11.3.6.b.3 for a CAMA requires that, "The CAMA will reinforce the existing or planned character of the area". The proposed amendment does not reinforce the existing character of the area. It proposes to change the existing character of the area from the existing 2 story single family residence character to a multi-family, multi-story character. 4. The criteria set out in section 11.3.6.b.4 requires that, "The CAMA will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation". The additional density proposed in the amendment as infill adjacent to a single family neighborhood will affect the building setbacks and create additional runoff in an area prone to flooding with Otter Creek immediately south of the site of the subject property. 5. The criteria set out in section 11.3.6.b.5 requires that, "The CAMA will not have a significant adverse impact on property in the vicinity of the subject property". The proposed amendment would have a significant adverse impact on the adjacent single family neighborhood and townhome neighborhood. Any proposed structure would be higher than the neighborhood homes, and adversely impact not only the immediately adjacent property, but also the entirety of the single family neighborhoods on and off of Peachtree Dunwoody Road.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Sunday, September 5, 2021 7:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210905230228.581000

Citizen Name: Jason Rabinowitz

Citizen Email:

Citizen Phone:

Citizen Address: 8

Comment: As a Glen Meadow subdivision home owner My family, my Hime values, and I will be negatively affected by this change. we strongly petition Jody and the rest of the city council to oppose this amendment to existing code.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Sunday, September 12, 2021 12:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210912153205.726000

Citizen Name: Jeffrey Jacobson

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] 328

Comment: We have lived in the Glen Meadow Community for 17 years and love our neighborhood! There has been a tremendous amount of construction and development during those years. The Glen Meadow subdivision is NOT a part of the Perimeter Center Character Area. And should remain that way!! Please do NOT change the zoning and allow high rise apartment buildings, etc. to be built here. Thankyou!

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909011451.484000

Citizen Name: Jim Griswold

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I am opposed to the proposed Character Map Changes because it is not in keeping with the surrounding townhome/single family home area. This property was not included in the Perimeter Center Character Map in order to protect (we are a protected neighborhood) from any high density. This property is ideal for townhomes and would be in keeping with the surrounding development. Please deny this application!

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Friday, July 30, 2021 1:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210730163837.727000

Citizen Name: Jordan Loyd

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: We Chose the Drayton Hall neighborhood in Sandy Springs because of the rules regarding building multi-family and low income housing nearby. We should not allow any zoning changes to accommodate Landbridge when we don't know What will be built but we Do know that it will negatively affect our property values!! Landbridge is Not answering any specific questions that would disclose their intent, Therefore we are Against this development being approved!! It's a Definite NO for any changes or rezoning to accommodate this developer!!

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Monday, September 6, 2021 12:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210906162331.015000

Citizen Name: Jorge Bergallo

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] ngs, GA 30328.

Comment: Dear Sir/Madam, I have concerns about changes in our community. We enjoy living here; we appreciate our walks through beautiful neighborhoods and landscaping. Our location enables us to easily commute via mass transit or our growing road system and the evolving Perimeter Center. We want to ensure the appropriate alignment to this growth by focusing the values of additional green space, improved pedestrian and bicycle pathways, and access to the mixed use growth at Perimeter Center while preserving our single family neighborhoods. As a direct quote from the 2017 Sandy Springs Comprehensive Plan: "Sandy Springs' established single-family neighborhoods define the character of much of the city and are valued by residents for the quality of life they offer. City housing policy must ensure the protection of these residential assets by maintaining the character of existing residential neighborhoods and prohibiting the development of higher-density housing within protected neighborhoods. At the same time, higher-density housing can and should be accommodated and incentivized where it is most appropriate, as part of mixed-use and residential redevelopment in target redevelopment areas." I have serious concerns that changing the Character Area Map for 6669 Peachtree Dunwoody Rd from 'Protective Neighborhood' to 'Perimeter Center' character. We would like this area to remain as residential with owner occupied; not as multiple occupancy rental units. I have several reasons to deny a Perimeter Center Character request: • Green Space: a multiple occupancy building will limit the trees and landscaping. • Visual effect: a 3 to 5 story building will block the surrounding neighborhoods and be an affront to our current transition into the neighborhoods. • Traffic: additional multi-family occupants will burden a road system that already requires additional traffic cops during rush hours. • Property Tax / Income: we are seeing a large growth of apartments in our street and the surrounding Perimeter Mall area. We need to maintain a balance of Rental vs Homeownership to enable the appropriate income structure for Sandy Springs. • Property value: I have concerns about the proposed changes having an adverse effect on my property value. • Security: The increasing Sandy Springs' population brings concern regarding possible crime increase associated to highly populated cities. Sincerely. Jorge Bergallo

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Friday, September 10, 2021 2:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210910175911.813000

Citizen Name: Kellye Lowe

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: This development is NOT for this area. Please vote no. This is a residential area. There are available lots in the Perimeter Center for developments such as this. Why not develop this project there? Just because they got a "deal" on this property doesn't mean they should come in and devalue ours. This seems very opportunistic by Landbridge at our expense. This should remain single-family or townhomes. No dense apartments! No more traffic to the P'tree DunwoodyAbernathy. Can the person who has a connection to this developer or Landbridge please excuse him/herself from the vote.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 2:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909182522.876000

Citizen Name: Kenneth Klatt

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: The proposed character designation change is not appropriate for the transitional nature of the property. It abuts several owner-occupied neighborhoods. It would be better designated as urban neighborhood with townhomes.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Tuesday, September 7, 2021 10:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210907142030.863000

Citizen Name: Kristen George

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: We are 100% against a federally subsidized rental development in our neighborhood. People are moving out of Buckhead to Sandy Springs / Dunwoody due to crime. This complex will bring the value of our real estate down. It seems your company could make more money building condos.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 5:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908203757.888000

Citizen Name: Kristen Rowland

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] 328

Comment: I am writing in opposition to requested change of current protected neighborhood character area. This area should continue to be preserved for the use of single family homes or townhomes. A significant change as requested will negatively impact our Glen Meadow subdivision, traffic patterns and the surrounding areas.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Tuesday, September 7, 2021 11:00 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210907144818.034000

Citizen Name: Lisa McGuire

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I live on Otter Creek Ct. that ends near the proposed development CA21-0001. I oppose this rezoning proposal as it does not fit in with the single family home character of the adjacent properties. This property is surrounded by 3 single family neighborhoods today and should not be changed to fit in the Perimeter Center Character. The proposed height would create an eyesore for the existing neighborhoods and will hurt our property value.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909005318.626000

Citizen Name: Margaret Bugbee

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: We strongly oppose the character map change request . The character map change proposed would negatively impact property values and the character of the adjacent residential neighborhoods. Furthermore, while this is not a rezoning request, the developer has already stated he intends to develop the parcel with high density low income housing. The type of development he is proposing will likely not be approved as it does not provide the proper diversity equity and inclusion which is considered best practice in the affordable housing space. The current models of affordable housing include mixed income developments which have appropriate amenities such as outdoor spaces, playgrounds, community meeting spaces etc. Low income families and individuals desire and deserve the same types of housing as their higher income counterparts. This type of concentrated low income housing is demeaning to its residents and also disincentivizes proper upkeep and maintenance since there is a steady stream of available tenants needing subsidized housing. On the other hand, mixed income housing developments with some subsidized units and also some market rate units provide tenants with dignity, allows them to live in a more diverse, inclusive environment and also requires management to maintain the development to retain their market rate tenants. Since his proposed development is not a best practice, and would surely not fit with the City of Sandy Springs affordable housing master plan, the character map change would leave the parcel vulnerable to other types of development incongruent with the current neighborhoods bordering the lot. The only appropriate character map for this parcel is residential.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Monday, September 6, 2021 12:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210906162535.053000

Citizen Name: MARIA V. SCHENONE

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] gs, GA 30328

Comment: Dear Sir/Madam, I have concerns about changes in our community. We enjoy living here; we appreciate our walks through beautiful neighborhoods and landscaping. Our location enables us to easily commute via mass transit or our growing road system and the evolving Perimeter Center. We want to ensure the appropriate alignment to this growth by focusing the values of additional green space, improved pedestrian and bicycle pathways, and access to the mixed use growth at Perimeter Center while preserving our single family neighborhoods. As a direct quote from the 2017 Sandy Springs Comprehensive Plan: "Sandy Springs' established single-family neighborhoods define the character of much of the city and are valued by residents for the quality of life they offer. City housing policy must ensure the protection of these residential assets by maintaining the character of existing residential neighborhoods and prohibiting the development of higher-density housing within protected neighborhoods. At the same time, higher-density housing can and should be accommodated and incentivized where it is most appropriate, as part of mixed-use and residential redevelopment in target redevelopment areas." I have serious concerns that changing the Character Area Map for 6669 Peachtree Dunwoody Rd from 'Protective Neighborhood' to 'Perimeter Center' character. We would like this area to remain as residential with owner occupied; not as multiple occupancy rental units. I have several reasons to deny a Perimeter Center Character request: • Green Space: a multiple occupancy building will limit the trees and landscaping. • Visual effect: a 3 to 5 story building will block the surrounding neighborhoods and be an affront to our current transition into the neighborhoods. • Traffic: additional multi-family occupants will burden a road system that already requires additional traffic cops during rush hours. • Property Tax / Income: we are seeing a large growth of apartments in our street and the surrounding Perimeter Mall area. We need to maintain a balance of Rental vs Homeownership to enable the appropriate income structure for Sandy Springs. • Property value: I have concerns about the proposed changes having an adverse effect on my property value. • Security: The increasing Sandy Springs' population brings concern regarding possible crime increase associated to highly populated cities. Sincerely. Maria V. Schenone

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Tuesday, September 7, 2021 11:00 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210907144003.062000

Citizen Name: Mark McGuire

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] 0328

Comment: I live in the Glen Meadow neighborhood adjacent to the proposed development CA21-0001. I am against the rezoning proposal that would allow apartments to be built next to homes in Glen Meadow, Drayton Hall, and Preston Woods. There are already many apartments north of this area surrounding the Marta Station, and that is where they are zoned and they should be contained there. This plan would disrupt the single family home character of the area and its height would be an eyesore to the existing homes.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Monday, September 6, 2021 1:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210906172642.287000

Citizen Name: Mary Ann Brennan

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] A 30328

Comment: The Landbridge Development plan for 6669 Peachtree Dunwoody Road (Case CA21-0001). The eastern boundary is 200 feet in width and two-thirds of that boundary adjoins my property. The proposed change and subsequent development will devastate my quality of life and destroy the property value of my home of 40+ years. The reasoning for the Fulton County's Character Area Plan Designation has not changed. In addition, the Protected Neighborhood Designation existed when the current owner of 6669 Peachtree Dunwoody Road purchased the property. Character Area Plans and zoning are a property owner's most basic protection. That protection should not be changed or removed as soon as a developer swoops in to make money at the homeowner's expense.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Friday, July 30, 2021 10:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210730142842.837000

Citizen Name: Mary Vorus

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: As a community, Drayton Hall appreciates Landbridge Development's interest in the land adjacent to our neighborhood. We all share common concerns about changes in our community. We enjoy living here; we appreciate our walks through beautiful neighborhoods and landscaping. Our location enables us to easily commute via mass transit or our growing road system and the evolving Perimeter Center. We want to ensure the appropriate alignment to this growth by focusing the values of additional green space, improved pedestrian and bicycle pathways, and access to the mixed use growth at Perimeter Center while preserving our single family neighborhoods. As a direct quote from the 2017 Sandy Springs Comprehensive Plan: "Sandy Springs' established single-family neighborhoods define the character of much of the city and are valued by residents for the quality of life they offer. City housing policy must ensure the protection of these residential assets by maintaining the character of existing residential neighborhoods and prohibiting the development of higher-density housing within protected neighborhoods. At the same time, higher-density housing can and should be accommodated and incentivized where it is most appropriate, as part of mixed-use and residential redevelopment in target redevelopment areas." We have serious concerns that changing the Character Area Map for 6669 Peachtree Dunwoody Rd from 'Protective Neighborhood' to 'Perimeter Center' character. We would like this area to remain as residential with owner occupied; not as multiple occupancy rental units. We acknowledge the need for change as our community continues to grow and evolve. If new building is to occur in this space; we request this area to become Urban Neighborhood as our Drayton Hall neighborhood is currently characterized. We have several reasons to deny a Perimeter Center Character request to Mixed Use: • Green Space: a multiple occupancy building will limit the trees and landscaping. • Visual effect: a 3 to 5 story building will block the surrounding neighborhoods and be an affront to our current transition into the neighborhoods. • Traffic: additional multi-family occupants will burden a road system that already requires additional traffic cops during rush hours. • Property Tax / Income: we are seeing a large growth of apartments in our street and the surrounding Perimeter Mall area. We need to maintain a balance of Rental vs Homeownership to enable the appropriate income structure for Sandy Springs. We understand that our Sandy Springs 10 year Character Area Map will be undergoing review soon as part of the normal year 5 review. We are very interested in understanding how the Planning Commission and City Council are envisioning our future growth.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Sunday, September 5, 2021 3:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210905183551.220000

Citizen Name: Melissa Runyan

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I object to a 4 story subsidized apartment complex erected on this property. You are trying to ruin our suburbs per the Biden administration and we will fight you every step of the way. This will increase crime, traffic and reduce our property values. Find another use for this property.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

From: Michael T. Austin
6669 Peachtree Dunwoody Road
Sandy Springs Ga.

To: Members of the Sandy Springs Planning and Zoning Department

Re: Pending Petition # CA21-0001 for Amendment to The Comprehensive Plan Area Map for my land parcel at 6669 Peachtree Dunwoody Rd. (Parcel #17 0020 LL0175) from Protected Neighborhood to Perimeter Center.

I purchased this parcel 30+years ago. At the time, it was the northern most parcel on Peachtree Dunwoody Road, that Mr. John Portman and Mr. Hal Berry acquired for the anticipated future "Growth and Development of the Perimeter Center Corridor".

At the time the North Park Office Tower Buildings were approved in the 1980's, my parcel was designated as mid-rise office use with consideration towards "step down" planning for future development proposals. It continued to be referenced as such in the Perimeter Community Improvements Districts 2018 Consolidated Plan.

Recognizing each participating local municipality, The City's of Dunwoody, Brookhaven and Sandy Springs has its own "Future Land Use Planning and Zoning," guidelines and procedures, the Perimeter CID's next 5 to 10 year published planning was to have included elected officials and key planning staff members from each jurisdictions to its related area planning.

The Sandy Springs Comprehensive Plan update "The Next Ten" adopted 2017 established "Character Area" designations in accordance with a property's use as well as "Small Area Planning" corridors. My property, being a residential home built in 1945 is reflected as such and is identified as a "Protected Neighborhood" parcel. It remains the last single unit residential property on Peachtree Dunwoody between the Medical Center Marta Station and the North Springs Marta Station and should be "text book" planning for "step down" use consideration to the corridors existing development.

The Perimeter Center Character Area once in place offers zoning designations consistent with historical and current planning documents for how my property was intended to develop. Only one half of the rear property line of my property is located adjacent to a protected neighborhood. It is the parcel's back yard, and

the property owner has long expected my property to be redeveloped. Sandy Springs has ordinances in place to buffer future development of my property.

In 1999 when the 5 story office building and 4 level parking deck to the south of the parcel was in the design stages the developers approached me with an offer to purchase my property with the intent to construct a second office building with the parking deck in between two buildings. At that time, there was support for mid-rise office on my property.

However, I could not participate in that design and development project because of a 20 year Deed Restriction placed on the parcel in 1983 by and between NorthPark Associates, LTD developers of the NorthPark office towers and Glen Meadow Homeowners Association limiting the property's use to cluster detached residential use. Much has changed over the last 20 years and this deed restriction has run its course! Now is the time to permit the property to achieve a Character Area change consistent with the majority of the surrounding properties and Sandy Springs planning documents.

The "City Of Sandy Springs, 2027 Comprehensive Plan" was updated in 2017, as is required for all municipalities to existing Comprehensive Plans by the Georgia Department of Community Affairs. The Next Ten update, references "Small Area Plans," with specific design standards and guidelines that are more detailed than the Comprehensive Plan and procedures for development in a "Character Area".

This petition for a "Character Area" amendment, being a step in the development process is the basis for this application. An application for a site specific development project and use petition will be reviewed according to adopted ordinance design standards

Therefore, this petition seeks the City's consideration, to amend 6669 Peachtree Dunwoody Road's "Character Area" designation from "Protected Neighborhood" to Perimeter Center. I look forward to presenting a development project that supports the City of Sandy Springs "Comprehensive Planning" for future growth and development.

I thank the members of the planning staff and the Planning Commission for their time and attention to the matter.

With Kindest Regards I Remain

A handwritten signature in blue ink that reads "Michael P. Austin". The signature is written in a cursive, flowing style.



Perimeter's retail explosion

Two projects are breathing life into the area's already vibrant retail sector.

2D

Section D



Walkability: Planners say a pedestrian-friendly district appeals to developers, employers and residents.



All aboard for change



Anne Williams:
President of the Perimeter Community Improvement Districts.

Perimeter Community Improvement District focuses on increasing livability around the Sandy Springs MARTA station

By Erin Findlay
CONTRIBUTING WRITER

It's amazing what a difference a sidewalk can make. When John Sullivan, a vice president at Equity Office Properties Trust, moved to Atlanta from Boston, he was surprised at how everybody at his Perimeter office park jumped into cars to grab lunch.

"When I came here in 1996, very few people walked around this area, but now with sidewalks and crosswalks, you can see people walking all over the place at lunchtime," said Sullivan, chairman of the Fulton Perimeter Community Improvement District (PCID).

Pedestrian improvements are just part of a

study that the PCID recently requested to help make the Sandy Springs MARTA station area into a more livable community. The Atlanta Regional Commission helped fund the study.

Planners say there was a compelling need for the study because of continual pressure to build commercial and retail developments in the attractive Perimeter submarket. As this type of development continues, the area suffers from a worsening imbalance of jobs to housing — and this results in heavy traffic congestion.

"It's very important because we have

➤ See SANDY SPRINGS, 9D



Blueprint for success:

John Sullivan is chairman of the Fulton Perimeter Community Improvement District.

Change movements

of Ashford-bridge to decrease madness.

Hard times over?

Hotels trot out new marketing campaigns and strategies to increase business.

6D



Lunch bunch

Smorgasbord of restaurants on the horizon for central Perimeter area.

8D

Office space optimism

Tenant activity slowly on the rise following multiyear space glut.

12D



No place like home

Mixed-use developments on the rise as single-family homes taper off.

14D

WHAT IS A COMPREHENSIVE PLAN?

A comprehensive plan is an official statement of the City's vision for its future. It expresses the Sandy Springs community's aspirations and goals for the City's future, while articulating a corresponding set of policies and recommendations to guide future decisions regarding land use, development and capital improvements.

WHY UPDATE THE COMPREHENSIVE PLAN?

Sandy Springs is a dynamic and growing city that has experienced substantial changes since the City's first Comprehensive Plan was adopted in 2007. Moreover, as required by Georgia state planning rules, local governments must update their comprehensive plans every five years. Updating the Comprehensive Plan presents an opportunity to account for these changes and to respond to continued growth pressures. It is also an opportunity to celebrate and reflect on Sandy Springs' first ten years, while confirming and refining our aspirations for the coming decade and beyond. While this plan looks 20 years into the future, it emphasizes The Next Ten.



PLAN BACKGROUND

We are a pioneering city.

In its first ten years, the City adopted an accomplished and internationally-noted public-private partnership model of government that has led to an efficient and effective delivery system for municipal services. In *The Next Ten*, the focus turns to the physical and social fabric of our city, further defining who we are—and will be—as a physical place and a community while positioning our city so that we can continue to thrive in the future. It is time now to transition from older models of legacy growth and development to a more transformative approach that emphasizes managed, quality growth. This includes building a sense of place that is “distinctly Sandy Springs” while also preserving what we value and addressing our transportation challenges.

Our challenge is finding the right balance.

We are a city of contrasts. Anchored by the largest employment center in the southeast, corporate headquarters, world-class medical facilities, three MARTA stations and, very soon, a dynamic city center, Sandy Springs continues to evolve along with the region. At the same time, our neighborhoods offer the best of suburban living, while our river corridor, parks, rolling hills and lush tree canopy beckon us outdoors and provide a strong connection to nature. In the future, we must find the right balance:

- How do we sustain economic progress and continue to grow, while retaining our city’s green character, preserving existing neighborhoods, and maintaining our quality of life?
- How do we use our land and our transportation infrastructure efficiently, while providing high-quality housing options that meet future needs and enhance our city?
- How do we address traffic congestion, while recognizing that any comprehensive solution requires providing options for alternative modes of transportation and making the physical form of our city more connected?
- How do we manage the impacts of growth and change over time, ensuring that future development is more predictable and orderly, that legacy zoning inherited from Fulton County is appropriately downsized, and that any new growth occurs in the right places and according to the highest construction standards?
- How do we balance future growth with infrastructure capacity and ensure that any increases in density are accompanied by significant increases in green space, citywide beautification, and high-quality landscapes?

The Next Ten is the culmination of a citywide dialogue to answer these important questions. In addition to updating the City’s 2007 Comprehensive Plan, the City’s guiding policy framework for growth and development, *The Next Ten* initiative also includes the preparation of more-detailed, geographically-specific small area plans for four areas of the city: the Roswell Road corridor, the Perimeter Center, Powers Ferry, and two MARTA station areas (North Springs MARTA station and a proposed new MARTA station).

Simultaneously, the City has embarked on an effort to update its zoning and subdivision regulations through the preparation of a Sandy Springs Development Code, which combines zoning with subdivision and other related development regulations into a single document to enable high-quality standards for managing change. The outcomes of the concurrent efforts inform, and are reflected in, the citywide policy recommendations set forth in this document, and the associated small area plans and preparation of a Sandy Springs Development Code provide the tools for implementing the citywide vision.

The Next Ten therefore constitutes a rare opportunity for Sandy Springs to define its vision for the future while simultaneously identifying and implementing the tools to make that vision a reality. It is a comprehensive and coordinated effort to update, advance, and establish consistency between the City’s policies and regulations, while ensuring that the future of Sandy Springs can fulfill the City founders’ dreams and visions.

To provide context for the core components of the plan, the “Sandy Springs Today” chapter presents a succinct snapshot of current conditions, trends, and opportunities and challenges related to demographics and each of the five plan elements. More detailed analyses of transportation and market conditions are included as appendices to this document.

Moreover, several documents are included by reference as part of the Comprehensive Plan and are appended to this document. These include four associated **Small Area Plans** (Roswell Road, Perimeter Center, North Springs MARTA station and the future Northridge MARTA station, and Powers Ferry), which provide more-detailed and site-specific recommendations for key geographical areas of the city, and a **Capital Improvements Element**, which supports the City's impact fee program (covering public safety, recreation and parks, and roads).

Finally, following the main body of this document, a glossary provides explanations of common planning terminology used throughout this document.

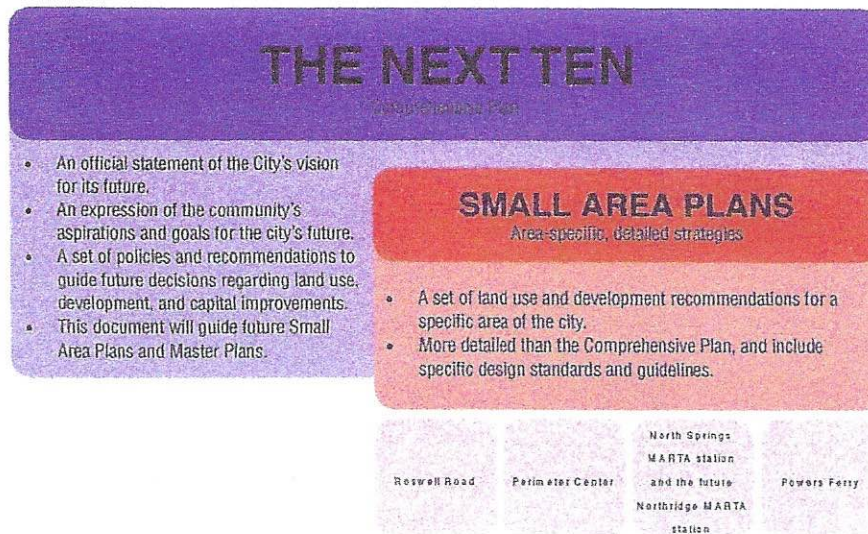




Diagram illustrating land use transitions, from multifamily to townhomes to single family homes.

POLICY LU-A3 MANAGE LAND USE TRANSITIONS:

Encourage sensitive and compatible transitions between single-family residential neighborhoods and adjacent non-residential properties.

ACTIONS

- Establish transitions between land uses that, where feasible, follow a general hierarchy of land uses, scale and intensity—with land uses transitioning from commercial uses to multifamily residential to townhomes or small-lot-single-family residences, before finally transitioning to traditional suburban single-family residences.
- Establish the application of height transitions between sites, when height differences between adjacent parcels are greater than two stories.
- Require the creation of landscape buffers between different land uses. Landscape buffer treatment should relate to parcel depth, with the most intensely landscaped buffers applied to shallow commercial properties.
- Where limited land area is available to create a landscape buffer, encourage the construction of a wall between parcels (Note: fences are discouraged as a buffering element, due to their short lifespans and visual impacts, such as glare, deterioration over time, and incompatible materials). Walls should be visually attractive, utilizing quality and context-sensitive materials. Wall heights should be limited to the extent possible, while still addressing visual impacts, so that the walls do not create their own visual impacts.
- Promote the preservation of existing trees and wooded buffers to enhance screening and buffering. Where existing vegetation includes canopy trees, these areas should remain undisturbed along with the required buffer setback.
- Manage the locations of exterior elements of buildings—such as loading, service, and trash pickup and receptacles—to prevent visual and noise impacts on nearby residences.
- Minimize the intrusion of light, sound, traffic and night-time activity associated with non-residential uses on single-family residential neighborhoods.

*** 20 YEAR Restricted Use Agreement,**
In Behalf of GLEN MEADOW HOMEOWNERS Assoc.
November-1983 -

STATE OF GEORGIA
 COUNTY OF FULTON

Fulton County, Georgia
 Real Estate Transfer Tax
 Paid \$ 275.00
 Date Nov 31 1983
 SARA ANN G. FULTON
 Clerk, Superior Court
 By [Signature]
 Deputy Clerk

LIMITED WARRANTY DEED

THIS INDENTURE is made and entered into this 10th day of November, 1983 by and between GLEN MEADOW HOMEOWNERS ASSOCIATION, INC., a Georgia non-profit corporation, (hereinafter referred to as "Grantor"), and NORTH PARK ASSOCIATES, LTD., a Georgia limited partnership (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors, legal representatives and assigns where the context requires or permits).

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee, the real property described on Exhibit "A" attached hereto and by this reference made a part hereof;

TO HAVE AND TO HOLD said real property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever IN FEE SIMPLE;

SUBJECT TO those certain matters set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

Grantor hereby imposes the following restrictions on the real property conveyed hereby for the benefit of Grantor, its successors and assigns:

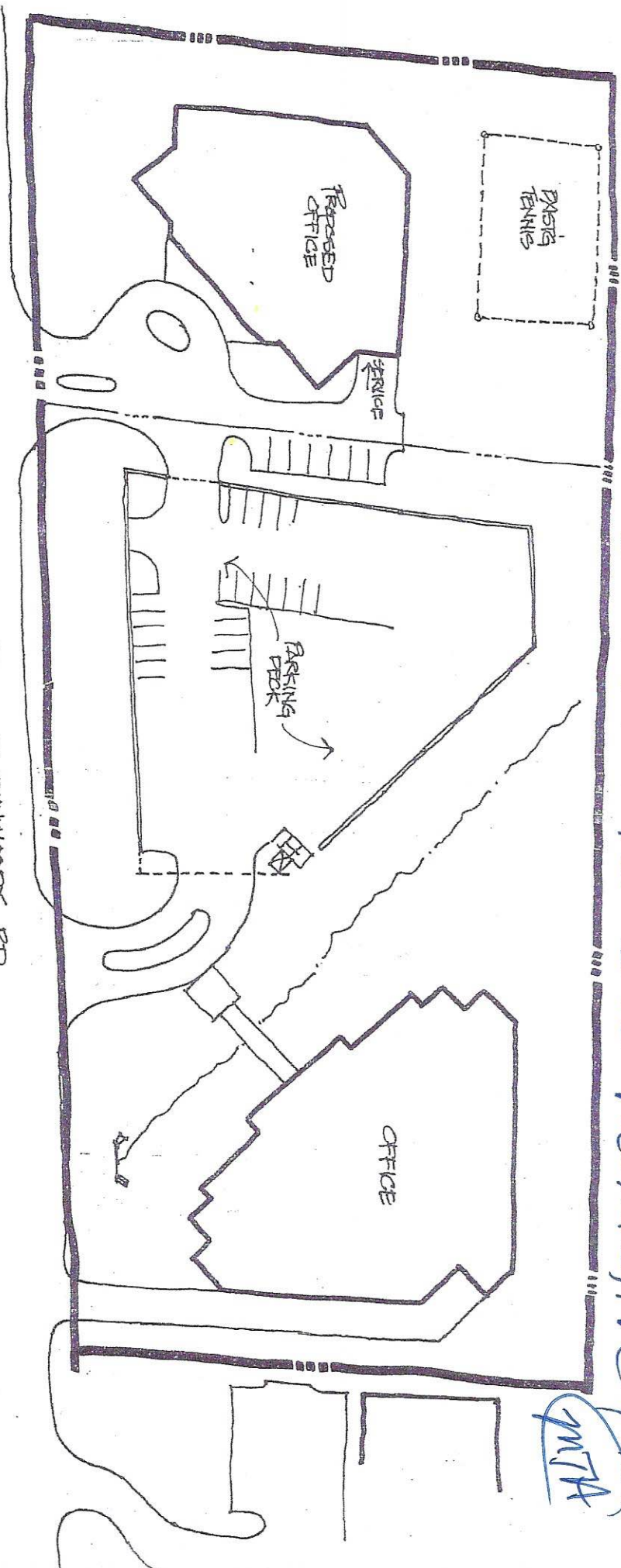
1. Said real property shall not be used for any purpose other than a residential use, provided, however, that such use shall be deemed to include the construction on a portion of said real property of recreational facilities accessory to residential units including, without limitation, tennis courts and swimming pools.
2. Said real property shall be limited to a density of not greater than 4 residential units per acre.
3. Any residential units constructed on said real property shall be of comparable quality and not incompatible with previously constructed residential units of similar density bordering on Glen Meadow Subdivision.

All of the foregoing restrictions shall expire twenty (20) years from the date and year first above written.

And the said Grantor does warrant and will forever defend the right and title to the aforescribed real property unto Grantee only against the claims of persons claiming by, through, or under Grantor, except as expressly set forth hereinabove.

* Proposed -
 Two-Five Story Office Buildings
 * Lost opportunity for Development - per Deed Restriction 3/99

pm74



BROOKTREE DUNWOODY RD.

PROPOSED OFFICE
 FOR
 MICHAEL T. AUSTIN
 3/18/99

EMERALD RD.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Saturday, July 31, 2021 11:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210731152233.734000

Citizen Name: Mitch Rolnick

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: in 2017, Sandy Springs wisely published the following guidance for community development: "Sandy Springs' established single-family neighborhoods define the character of much of the city and are valued by residents for the quality of life they offer. City housing policy must ensure the protection of these residential assets by maintaining the character of existing residential neighborhoods and prohibiting the development of higher-density housing within protected neighborhoods. At the same time, higher-density housing can and should be accommodated and incentivized where it is most appropriate, as part of mixed-use and residential redevelopment in target redevelopment areas." I am concerned about the proposal to change the Character Area Map for 6669 Peachtree Dunwoody Rd from 'Protective Neighborhood' to 'Perimeter Center' character is not consistent with these values. I believe this area to remaining as residential with owner occupied (not as multiple occupancy rental units) will be more consistent with the city's own guidance. However, if a new building is to occur in this space, "Urban Neighborhood" (similar to Drayton Hall neighborhood) is more consistent with the surrounding characterization. There are several reasons to deny a Perimeter Center Character request to Mixed Use: 1. Green Space: a multiple occupancy building will limit the trees and landscaping. 2. Visual effect: a 3 to 5 story building will block the surrounding neighborhoods and be an affront to our current transition into the neighborhoods. 3. Traffic: additional multi-family occupants will burden a road system that already requires additional traffic cops during rush hours. 4. Property Tax / Income: we are seeing a large growth of apartments in our street and the surrounding Perimeter Mall area. We need to maintain a balance of Rental vs Homeownership to enable the appropriate income structure for Sandy Springs. Thank you, and please help to protect our current aesthetic and quality of living to the extent possible.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Sunday, September 5, 2021 5:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210905205407.222000

Citizen Name: Nancy Trusty

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I own a home in Glen Meadow subdivision and have lived in this neighborhood for 38 years. I OPPOSE Landbridge Development's Character Area Map Amendment request for the 1.3 acre property located at 6669 Peachtree Dunwoody Road to be changed from RE-1 Protected Neighborhood to Perimeter Center. Our neighborhood is NOT currently located in a dense urban area. The Character Area Map Amendment WILL SIGNIFICANTLY impact the natural environment (especially wildlife and vegetation) and WILL have a significant adverse impact on property in the vicinity of the subject property. A 20-30 foot vegetative buffer and a six foot high wall will NOT blunt the impact of a MULTI-STORY building to single family home residents who live adjacent to the property. No vegetative buffer is tall enough to screen a tall building. A development of this size and scale on a 1.3 acre parcel will impact nearby residents' quality of life and the value of their homes. This property needs to remain RE-1 for single family homes or townhomes, NOT changed to Perimeter Center for the development of a high rise apartment home. The immediate area on the eastern side of Peachtree Dunwoody Road to the north and the east of the 6669 Peachtree Dunwoody parcel is NOT currently a dense urban area. Thank you for your consideration. Nancy Trusty

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, August 26, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210826111412.535000

Citizen Name: Ray Moss

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: August 25, 2021 Reference: Case No.: CA21-0001 Landbridge Development representative, Gary R. Hammond, letter to Ms. Ginger Sottile dated July 19, 2021 stated that “It is our understanding the Subject Property was zoned RE-1 and designated Protected Neighborhood during a previous city-wide future land use amendment process due to its existing use as single-unit residential lot adjacent to the Glen Meadow Subdivision. However, the Subject Property was included as part of the boundaries of the Perimeter Center Small Area Plan, indicating a change to Perimeter Center was contemplated for this parcel”. This statement is NOT confirmed in The Next Ten Comprehensive Plan Sandy Springs, Georgia. As stated in this plan on page 102, “As part of the small area planning component of the Next Ten planning process, a series of parcels, or conglomeration of parcels, with significant redevelopment potential were identified as Priority Redevelopment Areas, defined with red borders on the Character Area Map”. Please note that 6669 Peachtree Dunwoody Road is NOT defined within a red border. Gary R. Hammond statement is incorrect.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 1, 2021 11:00 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210901145453.940000

Citizen Name: Ray Moss

Citizen Email:

Citizen Phone:

Citizen Address:

Comment: Case CA21-0001 6669 Peachtree Dunwoody Road Character Area Map Amendment Application Character Area Analysis as presented by Petitioner: Gary Hammond, Jr 1. The Character Area Map Amendment corrects an error or meets the challenge of some changing condition, trend, or fact. The Subject Property is designated Protected Neighborhood Character Area, which was likely an interim designation assigned to the Subject Property in the past due to its current use as single unit detached home and location adjacent to the Glen Meadows Subdivision. However, the parcel was also included in the boundaries of the Perimeter Center Small Area Plan. A Protected Neighborhood Character Area does not reflect the current situation of adjacent properties and property along Peachtree Dunwoody Road (North - Urban Neighborhood; South - Perimeter Center; West - Perimeter Center; East - Protected Neighborhood and Perimeter Center). This parcel is surrounded primarily by high density uses on its sides, making it unsuitable for future single-unit detached residential development. Updating the Character Area to Perimeter Center will allow the property to apply for a zoning designation that matches the current trends in the market and immediate vicinity and fulfill the expectation that it would one day be developed as similarly situated property, in accordance with the Perimeter Center Small Area Plan. My Response: The statement made is an assumption made by Gary Hammond. Surely the city administration would have made corrections in the NEXT TEN and Perimeter Center Small Area Plan during the past 4 year. The Subject Property Site IS NOT primarily surrounded by high density on its sides. 130 feet of the site's 200-foot Eastern border is shared by 385 Otter Creek Ct in the Glen Meadow neighborhood. ALL of the site's 300-foot North border is shared with Drayton Hall. 300 feet of the site's South border is shared with a 3-story parking deck. The site's 200-foot west border is Peachtree Dunwoody Road. The current trend is single owner Town Homes like 7 Town Homes built in Glen Meadow in 2003, and the 16 Town Homes built in Drayton Hall in 2003. Lot size average for these Town Homes is .14 acre. 2. The Character Area Map Amendment substantially conforms with the remainder of the Comprehensive Plan. The Character Area Map Amendment request to change from Protected Neighborhood to Perimeter Center will allow for land uses that are consistent with the Perimeter Center Study Area and Perimeter Center Small Area Plan. The Subject Property is located in the Perimeter Center Study Area and is identified on the map for future residential use between two and five stories, and a use, such as housing, that will be able to utilize the infrastructure that has been put into place in the Perimeter Center District. This site is situated along frontage that has sidewalks that connect to Sandy springs Employment Centers, Transportation (MARTA Stations along Peachtree Dunwoody Road), and Community Amenities. This allows the Subject Property to be developed comparably to the neighborhood. According to the Perimeter Center Character Area Description, "the area will remain a thriving and diversified employment center while transitioning over time to include a greater mix of land uses, more housing options, and a connected multimodal transportation network that maximizes opportunities to travel by transit, walking, and bicycling." The Subject Property is ideally situated to take advantage of existing infrastructure and proximity to nearby employment, shopping, and public transportation. Compatible land uses are identified as mixed, multi-family, retail, office, and hotel. My Response: It is questionable that the Subject

Property Site is in the Perimeter Center Study Area. The distance length from Abernathy Road north to Spalding Drive is 2.1 mile and the distance width from GA400 to the Sandy Springs/Dunwoody city border is ½ mile. This area is only ONE Square Mile. Simply stated: There is only one site for development, and it is located across the street from North Springs MARTA station. As Gary Hammond has previously stated, “6669 is the only residential lot available in this area of Peachtree Dunwoody Road”. There is no other land available in this defined area. 3. The Character Area Map Amendment will reinforce the existing or planned character of the area. The Subject Property touches the Perimeter Center Character Area on three sides and was part of the boundaries for the study for the Perimeter Center Small Area Plan. Amending the Character Area to Perimeter Center will allow for a future use consistent with neighboring properties. Peachtree Dunwoody Road has been trending towards different and more intense uses for two decades. Between Abernathy Road and Spalding Drive, the subject is one of few stand-alone, single-unit lots remaining; and, it is at the southern end of this stretch of road where surrounding uses are the most intense. Along Peachtree Dunwoody Road within view of the subject are several five to 17 story office buildings. About one-half mile north of the subject are newly constructed four and five story apartment and condominium buildings. My Response: Gary Hammond’s statement is FALSE. The Subject Property Site borders Perimeter Center Character Area only on the south side. Glen Meadow borders the Subject Property Site on the East side, Drayton Hall borders the Subject Property Site on the North side and Peachtree Dunwoody Road borders the property on the West side. The two seventeen story buildings are on Abernathy Rd., Northpark was built in 1986 by John Portman. Embassy Row buildings bordering Northpark and located at 6600 Peachtree Dunwoody Road range from three to five stories and were built during 1983, 1984 and 1985. The closest building in Embassy Row to The Subject Property, has a 100-foot Set Back Undisturbed Buffer and a 140-foot Ground Level Parking Lot and is 240-feet from Peachtree Dunwoody Road, the building is 8 feet below the surface level of Peachtree Dunwoody Rd. Even in winter you can not see Embassy Row buildings from 6669 Peachtree Dunwoody Rd. 4. The Character Area Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation. The Subject Property is an approximate 1.3-acre lot with a single unit detached home. A change to the Perimeter Center Character Area will not significantly impact the natural environment. Any development will be required to follow the Sandy Springs Development Codes to ensure that any impacts to the natural environment comply with all laws and ordinances. 5. The Character Area Map Amendment will not have a significant adverse impact on property in the vicinity of the Subject Property. The Subject Property, as a single unit detached home, is out of character for the area. High density commercial and residential development are adjacent on all sides. The property was zoned RE-1 at the time of a major land use study in Sandy Springs and was expected to trend to high density development in the future. Although the Subject Property shares a portion of its rear property line with the Glen Meadows subdivision and its north property line with the Drayton Hall townhomes, Sandy Springs Ordinances provide for protecting adjoining neighborhoods with buffers, walls, restricted zones, and compatible zones. Protected Neighborhoods are protected with Neighborhood Transition Zones. For Glen Meadows, the Transition Zone will be 85 feet with the first 30 feet being a vegetative buffer and a six-foot high wall set at the 30-foot line, followed by a 25-foot Restricted Use Zone (only accessory uses), followed by a 30-foot Compatible Massing Zone (no principal uses above two stories in height). In addition, Drayton Hall will be protected by a District Boundary Buffer if the Perimeter Center Character Area is placed on the Subject Property (which will not be the case if Urban Neighborhood Character Area is selected). The District Boundary consists of a 20-foot-wide vegetative buffer with a six-foot wall placed three feet off the common boundary line. The Subject Property is an approximate 1.3-acre lot with a single unit detached home. A change to the Perimeter Center Character Area will not significantly impact the natural environment. Any development will be required to follow the Sandy Springs Development Codes to ensure that any impacts to the natural environment comply with all laws and ordinances. My Response: The Subject Property is in character for the area. The three-level parking deck on the site’s South side border is a good transition from the five story building adjacent to it. As mentioned, Drayton Town Homes are on the sites North border and Glen Meadow is on the sites East border. Buffers and a 6’ wall 35 feet from the window of a home in Glen Meadow is not a wise decision. A six-foot fence offers no privacy irrespective of distance of setback. A wise and acceptable alternative would be a transition from the five-story building at 6655 Peachtree Dunwoody Rd to the three-level parking deck to 5 - 8 three story Town Homes.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: [REDACTED]
Sent: Tuesday, September 7, 2021 6:51 PM
To: COSS Planning and Zoning; Anspach, Matthew; Jody Reichel
Subject: CA21-0001 Planning Commission meeting September 22, 2021
Attachments: Case CA21-0001 Sandy Springs P&Z.pdf; Case CA21-0001 6669 Peachtree Dunwoody aerial.pdf; Case CA21-0001 6669 Peachtree Dunwoody Road diagram.pdf

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

Greeting,

As the portal on Zoning Cases did not allow a PDF of my research, photo graphic/s and comments, please accept them in this e-mail.

I request that this e-mail along with attached PDF files be sent to Planning Commission members Reed Haggard, Andy Porter, Andrea Settles, Elizabeth Kelly, Dave Nickles and Karen Trylovich.

Jody Reichel has walked the perimeters of the property at 6669 Peachtree Dunwoody with me along with HOA representatives of Glen Meadow neighborhood and Drayton Hall neighborhood; therefore, she has an in-depth understanding of the common shared property boundaries of the three sites. Should other Council Members, Planning Commission Members or PZ staff wish to do so, please advise. It is important that each of you and your associates have an accurate knowledge of the developer's proposal and neighborhoods in order for you to make an informed and wise decision.

Should you desire, additional data is readily available and will be provided promptly.

Ray Moss

[REDACTED]

Anspach, Matthew

From: Sandy Springs GIS
Sent: Wednesday, September 8, 2021 5:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210908205639.329000

Citizen Name: Ray Moss

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: Case CA21-0001 Development Code Sec. 11.3.6. - Approval Criteria For a Character Area Map Amendment 16.3.6.b 1. The Character Area Map Amendment corrects an error or meets the challenge of some changing condition, trend or fact. • Response: Landbridge Development request for Character Area Map Amendment does not correct an error in the Next Ten Comprehensive Plan. Also the trend in this defined area in Town Home neighborhood development, Condominium neighborhoods and traditional single detached home neighborhoods. 2. The Character Area Map Amendment substantially conforms with the remainder of the Comprehensive Plan. • Response: Landbridge Development request for Character Area Map Amendment does not substantially conform with the remainder of the Comprehensive Plan. Placement of rental property bordering two property lines of single-family neighborhoods does not conform to policy stated in the Sandy Springs Comprehensive Plan which states: “Protect single-family neighborhoods from the encroachment of non-residential land uses and high-density residential uses.” 3. The Character Area Map Amendment will reinforce the existing or planned character of the area. • Response: Landbridge Development request for Character Area Map Amendment DOES NOT reinforce the existing or planned character of the area. The request seeks to destroy the area. 4. The Character Area Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation. • Response: Landbridge Development request for Character Area Map Amendment will most likely result in the significantly reducing the tree canopy and building and parking will increase water runoff. Wildlife and vegetation will be significantly impacted. 5. The Character Area Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property. • Response: Landbridge Development request of Character Area Map Amendment will have a significant adverse impact on the 6 neighborhoods all within 1000 feet. Property values will diminish, traffic will increase, safety/crime if rental units, and privacy will be significantly impacted if multi-story building.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909002719.474000

Citizen Name: Ray Moss

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: This input supersedes earlier input this afternoon. Case CA21-0001 Development Code Sec. 11.3.6. - Approval Criteria For a Character Area Map Amendment 16.3.6.b 1. The Character Area Map Amendment corrects an error or meets the challenge of some changing condition, trend or fact. • Response: Landbridge Development request for Character Area Map Amendment does not correct an error in the Next Ten Comprehensive Plan. Also the trend in this defined area is for Town Home neighborhood development, Condominium neighborhoods and traditional single detached home neighborhoods. 2. The Character Area Map Amendment substantially conforms with the remainder of the Comprehensive Plan. • Response: Landbridge Development request for Character Area Map Amendment does not substantially conform with the remainder of the Comprehensive Plan. Placement of rental property bordering two property lines of single-family neighborhoods does not conform to policy stated in the Sandy Springs Comprehensive Plan which states: “Protect single-family neighborhoods from the encroachment of non-residential land uses and high-density residential uses.” 3. The Character Area Map Amendment will reinforce the existing or planned character of the area. • Response: Landbridge Development request for Character Area Map Amendment DOES NOT reinforce the existing or planned character of the area. The request seeks to destroy the area. 4. The Character Area Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation. • Response: Landbridge Development request for Character Area Map Amendment will most likely result in significantly reducing the tree canopy and building pad & parking lot area will significantly increase water runoff. Wildlife and vegetation will be significantly impacted as well. 5. The Character Area Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property. • Response: Landbridge Development request of Character Area Map Amendment will have a significant adverse impact on the 6 neighborhoods all within 1000 feet. Property values will diminish, traffic will increase, safety/crime will most likely increase if federally subsidized rental apartments, and privacy will be significantly impacted if multi-story building.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909014318.364000

Citizen Name: Richard Lowe

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I am a resident of Drayton Hall and love our area. Our neighborhood and the surrounding area is not part of the dense urban area and it's not part of the Perimeter Center Character Area. It needs to remain single family homes so there is consistency with the rest of the surrounding area.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 8:00 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909113627.888000

Citizen Name: Roger Spinnato

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I object to the construction of this project as it will change the character of the area.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Monday, September 6, 2021 9:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210906131431.221000

Citizen Name: Sandra Ottinger

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I strongly oppose the proposed development at 6669 Peachtree Dunwoody Rd. and the move to recharacterize our neighborhood to part of the Perimeter Center Character area. Our community is one of single-family homes and is NOT a dense urban center. We want this to remain to continue the character of our neighborhood

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909011055.658000

Citizen Name: Sharon Griswold

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: I am opposed to the proposed change to the Character Area Map for many reasons. First and foremost the proposed site is not in a dense area and my neighborhood, Glen Meadow is a protected neighborhood. How would allowing this inappropriate, square peg in a round hole development protect our neighborhood and keeping the continuity of the surrounding single family homes and townhomes?. A much more suitable and supported option would be the development of townhomes which would be in keeping with the surrounding neighborhoods and in keeping with the current zoning map. As a community, it is not our responsibility to allow certain changes/zonings because that is what the price tag of the property warrants. It is not our job, or your job to allow this type of change because that is all the potential developer can afford. Please do not allow the Character Area Map Change for this property, which instead would be much better suited in an urban, high density area...which this side of the street is not. Thank you!

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, September 9, 2021 7:30 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210909030306.402000

Citizen Name: Susan vasigh

Citizen Email:

Citizen Phone:

Citizen Address:

Comment: I strongly objection to this development because it's adjoins The Glen Meadow neighborhood at the south east of cul-de-sac of otter creek court & also strongly opposed to it Because it destroys the privacy of our neighborhood &also Bring more cars and traffic to peachtree Dunwoody.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Tuesday, September 7, 2021 3:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210907191340.901000

Citizen Name: Terry D Saturday

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED] GA 30328

Comment: Brenda and Terry Saturday OPPOSE and CHALLENGE the alleged reasonableness of the proposed changes by LandBridge Development. We are 25 year residents of Glen Meadow and are active participants in the Glen Meadow Homeowners Association that has historically opposed plans that seek changes to our CUP. Especially, UNREASONBLE changes. We have challenged to the end each process for changes that were NOT reasonable, and, in this case, we again challenge a change in zoning initiated by an amendment to the Perimeter Character Area Map that is seeking and will next seek changes to our PROTECTED NEIGHBORHOOD. We have worked with dozens of builders and the City Commissioners in the past to a reasonable solution. This proposal is unreasonable because it substantially impacts and challenges the Glen Meadow CUP-Protections status. Additionally, as active long-term investors in our neighborhood we have historically strived to maintain at our 32 homes values making improvements. The Glen Meadow homeowners have detrimentally relied on the Sandy Springs City Council and collaborative efforts by Perimeter City protections set forth in the Sandy Springs Comprehensive Plans to KEEP our neighborhood as a PROTECTED NEIGHBORHOOD status. Glen Meadow has on record worked with the City Council and REASONABLE developers and that can happen again - if reasonable. The proposal is unreasonable because of its impact to the established investments of single-family homes adjacent to the subject property. Property value is one very important challenge, and we ask that it remain a high priority for Perimeter Center and City Council to recognize that the placement of low-income housing's impacts our CUP investments. Perimeter Center should and must value the homeowners' views and resentment to changes to our PROTECTED NEIGHBORHOOD status. We respectfully suggest the City of Sandy Springs REJECT the Landbridge Development proposal. Another developer will be more reasonable, and they will come to work collaboratively with Glen Meadow Homeowners. Regards, Terry & Brenda Saturday

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Monday, September 6, 2021 8:00 AM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210906113832.533000

Citizen Name: Terry S Freedman

Citizen Email:

Citizen Phone:

Citizen Address:

Comment: What is the point of have protected zones if it is this easy to get the property reclassified? That said, if it is reclassified there should be some restrictions on use Building height should not exceed that of any adjacent property and sight buffers should be a minimum standard.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Thursday, July 15, 2021 3:30 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210715191511.426000

Citizen Name: Victor Raymond Moss

Citizen Email: [REDACTED]

Citizen Phone: [REDACTED]

Citizen Address: [REDACTED]

Comment: Request for copy of the Application filing by Petitioner Gary R. Hammond, Jr. for meeting scheduled for Thursday, July 29, 2021, 6:00pm.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Anspach, Matthew

From: Sandy Springs GIS
Sent: Monday, September 6, 2021 12:00 PM
To: Planning and Zoning Public Comments
Subject: There Is A New Comment For Zoning Case CA21-0001

Case ID: CA21-0001

Time Submitted: 20210906153303.472000

Citizen Name: William F. Ottinger

Citizen Email:

Citizen Phone:

Citizen Address:

Comment: This proposed development is entirely out of character with the surrounding single-family homes on the east side of Peachtree-Dunwoody Road. Opening the door to rental housing benefits only commercial developers, while lowering the neighborhood's integrity. Atlanta already suffers from far too much random mixture that benefits no one except commercial real estate companies. Every tax payer in our neighborhood opposes this proposal. Please vote it down.

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Planning Commission Meeting, September 22, 2021

Case: **CA21-0002 – 5180 Roswell Road (Parcel # 17 009200050644)**
Staff Contact: Matthew Anspach (MAnspach@SandySpringsga.gov)
Report Date: September 14, 2021

REQUEST

Request for a Comprehensive Plan Character Area Map Amendment from Neighborhood Village to Commercial/Mixed Use.

APPLICANT

Property Owner: Crystal At 5180 LLC (contact: Menachem Chazanow)	Petitioner: Chaya Mushka Children's House (CMCH), c/o Jordan Edwards, The Galloway Law Group, LLC (contact: Jordan Edwards)	Representative: Jordan Edwards
--	---	-----------------------------------

SUMMARY

The Applicant requests a Comprehensive Plan Character Area Map Amendment of **5180 Roswell Road (Parcel # 17 009200050644)** from the Neighborhood Village Character Area to the Commercial/Mixed Use Character Area.

RECOMMENDATION

Department of Community Development

Staff recommends **Deferral of Comprehensive Plan Character Area Map Amendment CA21-0002.**

MATERIALS SUBMITTED AND REVIEWED**Materials:**

1. “PURCHASE AND SALE AGREEMENT,” received June 1, 2021
2. Application, received July 2, July 8, and August 12, 2021

Plans:

1. “RETRACEMENT SURVEY MADE FOR: ZS ROSWELL ROAD HOLDINGS LLC,” prepared by Ironstone Surveying Inc. Land Surveyors, signed and sealed by Jonathan B. Prince, R.L.S., dated August 12, 2021, received August 12, 2021
2. “ALTA / NSPS LAND TITLE SURVEY MADE FOR: LANDMARK ABSTRACT AGENCY LLC CIBC INC. AND ITS SUCCESSORS AND ASSIGNS CRYSTAL AT 5180 LLC OLD REPUBLIC TITLE INSURANCE COMPANY,” prepared by J.B. Prince & Associates Inc. Land Surveyors, signed and sealed by Jonathan B. Prince, R.L.S., dated November 20, 2019, received June 1, 2021

PROPERTY INFORMATION

Location:	5180 Roswell Road (Parcel # 17 009200050644)
Council District:	6 – Andy Bauman
Road frontage:	Approximately 154.60 feet of frontage on Roswell Road
Acreage:	Approximately 1.40 acres
Current Zoning: Existing Land Uses:	ON-3 (Office Neighborhood, 3 stories maximum height) School, Private (K-12), Office, Personal service, Medical
Previous Zoning Cases:	Zoning Modification M1983-0025 was a request to modify conditions of the previously conditionally approved Rezoning 1980Z-0084. The Modification was withdrawn.
Character Area:	Neighborhood Village

PROCESS

Initial Community Meeting (CMI): June 24, 2021	Second Community Meeting (CMII): August 2, 2021	Planning Commission Hearing: September 22, 2021	Mayor and City Council Hearing: October 19, 2021
---	--	--	---

[illegible]

PROPOSED DEVELOPMENT

No site plan is required for a Character Area Map Amendment. The goal with Character Area Map Amendments is to consider the proposed Character Area and land use change, rather than the specifics of a future development.

With that in mind, the proposed change on the property, a Character Area (CA) Map Amendment, would effect a change in character from Neighborhood Village (CA), which encompasses the possible zoning district(s)---Office Neighborhood (ON-)--- to become Commercial/Mixed Use (CA) which includes the zoning district(s)---Office Mixed Use (OX-), Commercial Mixed Use (CX-), Industrial Mixed Use (IX-), Commercial Corridor (CC-), and the variety of permitted uses allowed under each.

The following images show the existing conditions of 5180 Roswell Road (Parcel # 17 009200050644):



Front of parcel from Roswell Road, facing west



Front of parcel, entry from Roswell Road, facing west



Side of building from drive alley, facing north



Side of building and rear of property from drive alley, facing west



Fenced in area to the rear of the building, facing northwest



Rear portion of lot behind fenced area, facing north

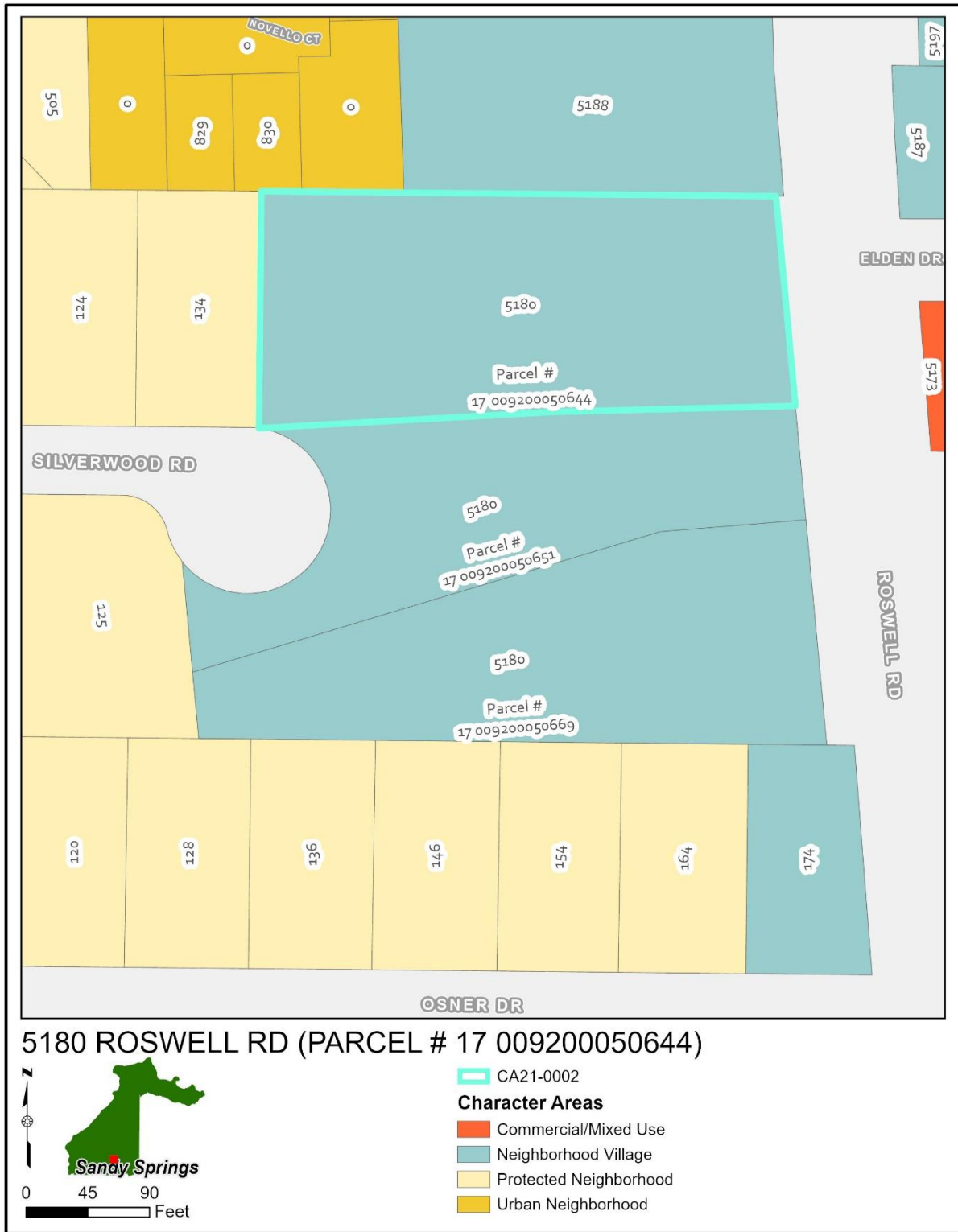
(All photographs By Matthew Anspach, September 14, 2021)

EXISTING CHARACTER AREAS, ZONING, AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Character Area / Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	Urban Neighborhood / RT-3 / Single unit detached residence	830 Novello Court	0.09
North	Urban Neighborhood / RT-3 / Detention pond	0 Mount Paran Road NE (Parcel # 17 009200010200)	0.21
Northeast	Neighborhood Village / ON-3 / Day care	5188 Roswell Road	1.02
East	--	Roswell Road	--
Northeast	Neighborhood Village / ON-3 / Personal service	5187 Roswell Road	0.60
East	--	Elden Drive	--
Southeast	Commercial/Mixed Use / CX-3 / Animal care	5173 Roswell Road	0.57
South	Neighborhood Village / OX-3 / Office, Personal service, Medical	5180 Roswell Road (Parcel # 17 009200050651)	1.19
Southwest	--	Silverwood Road	--
West	Protected Neighborhood / RD-18 / Single unit detached residence	134 Silverwood Road	0.36
PROPOSED DEVELOPMENT			
--	Neighborhood Village / ON-3 / School, Private (K-12), Office, Personal service, Medical	5180 Roswell Road (Parcel # 17 009200050644)	1.40

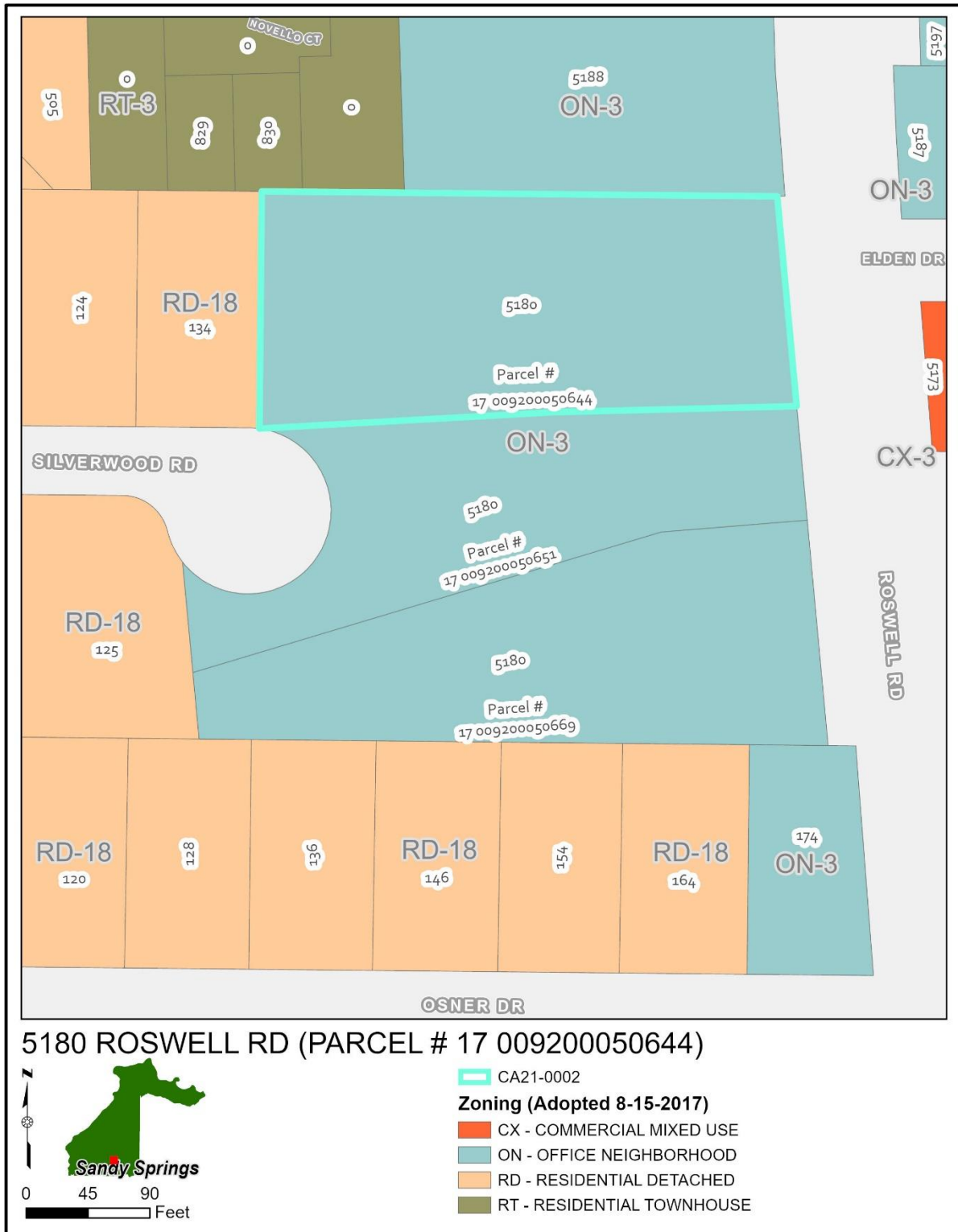
AERIAL IMAGE



CHARACTER AREA MAP



ZONING MAP



CHARACTER AREA MAP AMENDMENT CONSIDERATIONS

Per Sec. 11.3.6.B. of the Development Code, the following list of approval criteria for a Character Area Map Amendment provides guidance for making decisions on approval:

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

Finding: The Amendment would not correct an error and would not meet the challenge of a changing condition. The surrounding area to the property is almost exclusively Neighborhood Village Character Area, or Protected, or Urban Neighborhood. The property is not a corner or intersection currently serving as or transitioning into a commercial center or node. While the area of South Roswell Road, as it is delineated in the Roswell Road Small Area Plan has certainly seen a lot of redevelopment, and an increase in denser commercial development, this particular section is not on the fringe of that activity and is effectively nestled in the middle of somewhat more secluded office/commercial uses. While the long term goals for Roswell Road are likely to trend to a more mix of uses, the subject location is not in a land use transition area.

2. *The Character Area Map Amendment substantially conforms with the remainder of the Comprehensive Plan.*

Finding: The Next Ten Comprehensive Plan states, “development outside the edges of protected neighborhoods will be carefully managed to prevent encroachment of non-residential or higher-intensity residential uses into this Character Area and to ensure compatible transitions between land uses and development intensities.” (Page 104). This would not be a proposal that Staff would support as to be considered carefully managed to prevent encroachment of non-residential...uses,” or “compatible transitions between land uses and development intensities.”

The Next Ten does look to increase the mix of uses along Roswell Road, but also recognizes that there is an appropriate process for that transition to happen.

A Character Area (CA) Map Amendment is meant to be a more holistic consideration about the makeup of an area. A change to this particular property of the nature being considered would effectively create a doughnut hole of Commercial/Mixed Use CA not compatible with the surrounding residential, office, and light commercial in existence in the immediate area. Again, the proposed property is surrounded by Neighborhood Village, Protected and Urban Neighborhood areas---other than a single .58 acre commercial property (currently an animal hospital) across the street.

3. *The Character Area Map Amendment will reinforce the existing or planned character of the area.*

Finding: The Amendment would not reinforce the existing or planned character of the area. As mentioned previously, the property is currently surrounded by Neighborhood Village, Protected, and Urban Neighborhood Character Areas. Other than a single .58 acre commercial property across the street, the nearest Character Area not Village, Protected, or Urban Neighborhood is approximately 700 feet to the north and 1600 feet to the south.

The immediate planned character for this general vicinity of Roswell Road when looking at The Next Ten is primarily Neighborhood Village CA. Thus, the current designation is appropriate for the property.

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

Finding: The property would likely not see a significant change or negative impact environmentally from the stormwater, wildlife, and vegetation perspectives in particular---based on the proposed change. The site is already largely impervious and moderately developed. Actual impacts on air, water, and noise would be difficult to truly quantify with the existing and proposed information that is available and required at this stage in the zoning process.

5. *The Character Area Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.*

Finding: The Next Ten plan for this area of Roswell Road clearly shows the overwhelming support in the area for a relaxed commercial environment. Neighborhood Village only supports Office Neighborhood as a zoning district and thus, a high degree of restraint regarding the mix of uses in the nearby vicinity.

The significant increase in possible zoning districts and their underlying uses that would be permitted should the map be amended to Commercial/Mixed Use, would seem to indicate a reasonably high probability that the neighboring, lower intensity residential areas may be impacted adversely from a quality of life standpoint if the quality of life is predicated on the aforementioned Next Ten, Neighborhood Village observation. There is certainly no guarantee that there would be any negative impact, but simply inferring from the increased diversity of potential permitted uses, an eventual increase in noise, traffic, and other characteristics of potential hazards and nuisances would be likely---contrary to the “village” plan for the immediate area.

COMMENTS FROM OTHER PARTIES**Sandy Springs Public Works:**

The submitted survey does not include the frontage improvements made by the City's T0033-7 CDBG project that were in place at the time of the latest survey revision date of 8/12/2021.

Sandy Springs Transportation Engineer:

The change in Character Area from Neighborhood Village to Commercial/Mixed Use could have a significant effect on Trip Generation for Allowable Uses.

The Applicant should provide information showing how allowable uses within the Commercial/Mixed Use Character Area would be mitigated as compared to trips generated within a Neighborhood Village Character Area.

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:

No comment provided.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

Fire Department has no issue with change of Character Area for the parcel, but Applicant has been made aware, and should continue to be aware, that significant changes will be required to the building to allow an Educational use in this space, including, but not limited to, addition of sprinkler system, change of egress layouts, and any other changes required by The International Building Code or Life Safety Code.

Sandy Springs Economic Development:

No comment provided.

Sandy Springs Recreation & Parks:

No comment provided.

Fulton County Schools:

No comment provided.

Fulton County Public Services and Utilities:

No comment provided.

PUBLIC PARTICIPATION

Community Meeting I

There were approximately 17 in-person and virtual attendees, including the Applicant team, the President of the Sandy Springs Council of Neighborhoods (SSCN), representatives from the High Point Civic Association (HPCA), the Windsor Park Community Association, and the Enclave at Mount Paran, and a reporter at the Initial Community Meeting on June 24, 2021, held both in person and virtually. Topics discussed included the proposal to bring the School, Private (K-12) use into compliance with the Development Code, the Comprehensive Plan Character Area Map Amendment process, the CMCH School, etc. Per the Applicant, there are currently approximately 120 enrolled children, which could grow to approximately 200, in first (1st) through eighth (8th) grades. The Applicant expressed that there are no plans to change the site, though attendees expressed concerns about the proposed amendment to the Character Area of the subject parcel and wondered why a site could not be found that is already properly zoned. The Applicant indicated CMCH's affiliation with the local community, where many of the enrolled children's families live.

Community Meeting II

There were approximately 13 in-person and virtual attendees, including the Applicant team, the President of SSCN, representatives from the Windsor Park Community Association and the Enclave at Mount Paran, and a reporter at the Second Community Meeting on August 2, 2021, held both in person and virtually. Topics discussed included the proposal and processes. Questions and concerns regarded why the CMCH School is currently operating out of compliance with the Code, potential uses that could be allowed if the Comprehensive Plan Character Area Map Amendment and subsequent Zoning Map Amendment (Rezoning) Applications were approved, and the potential future number of enrolled children.

Correspondence Received

Comments / No public comment was submitted in writing.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Deferral** of **Comprehensive Plan Character Area Map Amendment** CA21-0002, request for a Comprehensive Plan Character Area Map Amendment from Neighborhood Village to Commercial/Mixed Use.



SANDY SPRINGS™
GEORGIA

Case No.: **CA21-0002**
Planner's initials: **AH**

APPLICATION

COMPREHENSIVE PLAN CHARACTER AREA MAP AMENDMENT

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	Character Area Analysis	☐
11	Chattahoochee River Corridor Certificate	☐ or N/A ☐
11-12	8½" x 11" copy of Survey	☐
11	8½" x 11" copy of Legal Description (must be in Word format)	☐
11-12	11" x 17" copy of Survey	☐
11-12	Two (2) full-scale copies of Survey	☐
11	8½" x 11" copy of Legal Description (must be in Word format)	☐
13	Meeting Schedule	N/A
14	Fee Schedule	N/A
14	Fee Payment	☐
15	Sign Specifications	N/A
16	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.: CA21-0002
Planner's initials: AH

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 5180 Roswell Road	
	Parcel Tax ID(s): 17 009200050644	
	Total acreage: approx. 1.4	Council District: 6
	Current zoning: ON-3	Current use: private school, religious
	Character Area: Neighborhood Village	

APPLICATION	Purpose of the Application: allow private school in an existing building	
	Detailed request: The Applicant requests a Character Area Map Amendment from the Neighborhood Village character area to the Commercial/Mixed Use character area, in order to later request a rezoning that would allow a currently operating religious private school use in an existing building.	
	Petitioner: Chaya Mushka Children's House, c/o Jordan Edwards, The Galloway Law Group, LLC	
	Petitioner's address: 4062 Peachtree Road NE, Ste A330, Atlanta, GA 30319	
	Phone: (404) 965-3682 Email: jordan@glawgp.com	

OWNER	Property owner: CRYSTAL AT 5180 LLC	
	Owner's address: 5180 Roswell Road, Sandy Springs, GA 30342	
	Phone: [REDACTED]	Email: [REDACTED]
	Signature (authorizing initiation of the process): <i>M. Chazanow</i> By: Menachem Chazanow	
	If the property is under contract, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-Application Meeting date:	5/25/2021	Anticipated Application date:	7/6/2021	7/2/2021 (actual)
CMI date, time, and location:	6/24/2021 at 6:00 PM at CMCH, 5180 Roswell Road (Parcel # 17 009200050644), Sandy Springs, Georgia 30342, with Zoom/call-in option			
ADDITIONAL INFORMATION:				
SUBMITTAL ITEMS WAIVED BY DIRECTOR:				



SANDY SPRINGS™
GEORGIA

Case No.: **CA21-0002**
Planner's initials: **AH**

APPLICATION FORM

APPLICATION	Purpose of the Application: Allow a private school use in an existing building
	Detailed request: Amend Character Area Map designation of 5180 Roswell Road, Lot 1 (shown on enclosed survey) (Parcel Number 17 009200050644) from Neighborhood Village to Commercial/Mixed Use, in order to later request a rezoning that would allow a currently operating religious private school use in an existing building.

COMMUNITY MEETING I REPORT	Date and location of CMI: June 24, 2021, at 5180 Roswell Road (Parcel 17 009200050644)	
	Beginning time: 6:00 PM	End time: 7:00 PM
	Summary of concerns discussed: While no one voiced any complaints about the specific private religious school use, the primary concern expressed was that the requested character area change could allow a zoning district that could permit unwanted uses on the property. Other topics raised include carpooling and its effect on Roswell Road; the growth plan for the school; whether the amendment request concerns only the school building; the school's affiliation with a local synagogue; the Applicant's search for an alternative location; property management; access easements; stormwater runoff; and the property's history.	
	Does the Application address the concerns discussed at the CMI? ☒ Yes ☐ No	
	Explain: Attendees observed that amending the Development Code to allow private schools by Conditional Use Permit in the ON-3 district would be a more suitable solution, and the Applicant will cooperate if that method is preferred. The Applicant has a carpool plan in place and has never had a problem with cars queuing back onto Roswell Road. The number of enrolled students may grow somewhat, but the number of grade levels offered will not. The Applicant searched extensively for another location but found nothing that met requirements. Access easements are and will continue in place. Installation of stormwater detention facilities was required as a condition of an earlier rezoning.	

- TO BE FILLED OUT BY P&Z STAFF -

Application date: 7/2/2021	Tentative Planning Commission date: 9/22/2021
CMI date and time: 8/2/2021, 6:00 PM	Tentative Mayor and City Council date: 10/19/2021
OFFICIAL REQUEST (FOR PUBLICATION):	
Request for a Comprehensive Plan Character Area Map Amendment from Neighborhood Village to Commercial/Mixed Use	



SANDY SPRINGS™

GEORGIA

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: CRYSTAL AT 5180 LLC	Sworn and subscribed before me this 30 th day of June 20 21 Notary public: Tasha Marcell Seal:
Address: 5180 Roswell Road	
City, State, Zip Code: Sandy Springs, GA 30342	
Email address: [REDACTED]	
Phone number: [REDACTED]	
Owner's signature: M. Chazanow By: Menachem Chazanow	

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

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

Applicant states under oath that:	
☐ 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: Chaya Mushka Children's House	Sworn and subscribed before me this 1 st day of July 20 21 Notary public: Tasha Marcell Seal:
Company name: c/o Jordan Edwards	
Address: The Galloway Law Group, LLC 4062 Peachtree Road NE, Suite A330	
City, State, Zip Code: Atlanta, GA 30319	
Email address: jordan@glawgp.com	
Phone number: (404) 965-3682	
Applicant's signature: [Signature]	Commission Expires: APRIL 25, 2023
By: Isser New Rabbi and Director, CMCH	

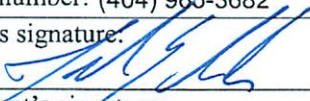
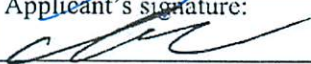


SANDY SPRINGS™

GEORGIA

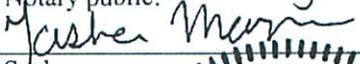
AUTHORIZATION FORM – PART II

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: Jordan Edwards
Company: The Galloway Law Group, LLC
Address: 4062 Peachtree Road NE, Suite A330
City, State, Zip Code: Atlanta, GA 30360
Email address: jordan@glawgp.com
Phone number: (404) 965-3682
Agent's signature: 
Applicant's signature: 

By: Isser New

Rabbi and Director, CMCH

Sworn and subscribed before me this 1 st day of July 20 21
Notary public: 
Seal: 
Commission expires:



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:

CRYSTAL AT 5180 LLC

Campaign Contributions:

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

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

Name: CRYSTAL AT 5180 LLC, by Menachem Chazanow

Signature: *M. Chazanow*

Date: 6-30-21

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

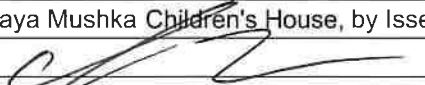
List all individuals or business entities which have an ownership interest in the property which is the subject of this Application:

CRYSTAL AT 5180 LLC

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

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

Name: Chaya Mushka Children's House, by Isser New

Signature: 

Date: 7-1-21

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:

CRYSTAL AT 5180 LLC

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
Rusty Paul	\$500	July 2021	Campaign contribution

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: The Galloway Law Group LLC, by Jordan Edwards	
Signature: 	Date: 7/02/2021

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

**LETTER OF INTENT
APPLICATION FOR CHARACTER AREA MAP AMENDMENT
CITY OF SANDY SPRINGS, GEORGIA**

The Chaya Mushka Children's House School (the "School") requests a Character Area Map Amendment for one lot measuring approximately 1.4 acres located at 5180 Roswell Road (Parcel Identification Number 17 009200050644) (the "Property") to reclassify the Property from the Neighborhood Village character area to the Commercial/Mixed Use character area. The School brings this request in order to continue operating as a Jewish private school on the Property. As currently zoned to the Office Neighborhood-3 (ON-3) district, the Property is not permitted to be used for a "private school", as the term is defined in the Sandy Springs Development Code. The School has mistakenly operated on the Property since 2018, and, following consultation with City personnel, now seeks to rectify this mistake by coming into compliance with zoning requirements. To become compliant, the School understands the Property must be rezoned to a district that permits the private school use. However, the Property's Neighborhood Village character area designation is only compatible with the ON-zoning district. Consequently, before the School can request a rezoning it must first request a character area map amendment, to reclassify the Property to a character area that would allow a zoning district that would permit the private school use. The Commercial/Mixed Use character area achieves this goal, and has the additional city planning benefit of being one of the four character areas found along Roswell Road south of Interstate 285. Of particular note, the School is not proposing any type of development on or changes to the Property; rather, this character area request, and the subsequent rezoning, concern only the Property's continued use as a school.

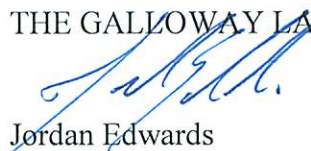
The School, which is affiliated with Congregation Beth Tefillah on High Point Road, is one of the few Chabad schools in the Atlanta metropolitan area and the only one in Sandy Springs. The School offers instruction in grades 1 through 8 to approximately 120 children, most of whom live in the neighborhoods that surround the School. School-related traffic has never queued onto Roswell Road thanks to a drop-off/pick-up circulation plan with abundant stacking in place, and School leaders have never received complaints from neighboring property owners about the School's operation. The Property's historic architecture, established trees, and

secluded orientation, as well as its proximity both to Congregation Beth Tefillah and to the homes of its students, provide an ideal learning environment.

The School is committed to achieving zoning compliance. If this effort is not successful, the likeliest result is that the School, having to vacate the Property, would cease to exist for lack of a viable alternative location. Accordingly, the School respectfully asks that the City Council of Sandy Springs approve the Character Area Map Amendment as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Jordan Edwards
Attorney for the Applicant

4062 Peachtree Road, Ste A330
Atlanta, Georgia 30319
(404) 965-3682

**CHARACTER AREA ANALYSIS
APPLICATION FOR CHARACTER AREA MAP AMENDMENT
CITY OF SANDY SPRINGS, GEORGIA**

The Chaya Mushka Children’s House School (the “School”) requests a Character Area Map Amendment for one lot measuring approximately 1.4 acres located at 5180 Roswell Road (Parcel Identification Number 17 009200050644) (the “Property”) to reclassify the Property from the Neighborhood Village character area to the Commercial/Mixed Use character area. As detailed in the enclosed Letter of Intent, the School makes this request as the first step in a process for bringing an existing school use into compliance with the requirements of the Sandy Springs Development Code.

Because this Character Area Map Amendment request is consistent with the approval criteria enumerated at Section 11.3.6.B. of the Sandy Springs Development Code, as documented below, the School respectfully asks that the City Council of Sandy Springs approve the Character Area Map Amendment as requested.

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

The Property was until last year part of a 3.8-acre tract improved with one historic building and two architecturally consistent office buildings constructed in the 1980’s (in 2020 the tract was replatted to divide it into three lots, one for each of the three buildings; the Property is the northernmost of these lots). In 2017, when Sandy Springs adopted its new Character Area Map, all properties fronting Roswell Road south of I-285 were assigned to one of four character areas: Urban Neighborhood, Neighborhood Village, Mixed use, or Commercial/Mixed Use. Like many of these properties, the 3.8-acre tract was designated Neighborhood Village. Later that year, when the City adopted the new Zoning Map, the tract was zoned to the Office Neighborhood-3 (ON-3) district out of a necessity created by the new Development Code: just one district, ON-, is compatible with the Neighborhood Village character area. See Development Code Section 1.2.1. Crucially, the ON- district is one of just two non-park/conservation zoning districts that does not allow the “private school” use, whether as a Permitted Use, Limited Use, or with approval of a Conditional Use Permit (CUP). Development Code Division 7.2.

The resulting scenario is that the Property is barred from the private school use, even though it is exceedingly well suited, as already developed, for a private school, and indeed where such a use has occurred without detriment to neighboring property owners or to public roadways. In bizarre contrast, the Development Code would permit a private school on nearby sites that would be far worse learning environments, such as at the busy Fountain Oaks shopping center, or that would be disruptive to area residents, like in the middle of the condominium communities or single-family neighborhoods in the vicinity with approval of a CUP. Moreover, while a private school is allowable in almost every other zoning district, the Property is not eligible for rezoning to one of these districts under its current Neighborhood Village character area assignment. Accordingly, the requested Character Area Map Amendment will correct an unfortunate result in which the Property is barred from a private school use for which it is exceptionally well suited.

2. The Character Area Map Amendment substantially conforms to the remainder of the Comprehensive Plan.

As described above, the Sandy Springs Character Area Map assigns properties in the Roswell Road corridor south of I-285 to one of four character areas, one of which is the Commercial/Mixed Use classification. This character area assignment promotes goals repeated throughout The Next Ten Comprehensive Plan related to the City's vision for commercial corridors, including Roswell Road: "revitalize Roswell Road into a dynamic main street, through incentivizing mixed-use redevelopment"; "encourage a mix of land uses... along major commercial corridors"; "create compact, walkable and mixed-use neighborhoods through the reuse of aging commercial and multifamily residential properties". The Next Ten Comprehensive Plan at Pages 72, 86. The Comprehensive Plan also incorporates a Roswell Road Small Area Plan, which states the City's vision that "Roswell Road will be transformed from a primarily suburban, auto-oriented corridor—defined by strip-commercial centers and surface parking lots—into a great multimodal boulevard that will connect vibrant mixed-use neighborhoods." Roswell Road Small Area Plan at Page 6. "Incorporating a mix of land uses in compact development patterns will create a dynamic 'live-work-play' corridor". Id.

Based on these goals, the Commercial/Mixed Use character area is an appropriate classification for properties along Roswell Road, including the Property. In addition to being appropriate, the Property's assignment to Commercial/Mixed Use would be in keeping with character area designations up and down the Roswell Road corridor. Moreover, the proposed use

for a private school both enhances the mix of uses in the area and promotes the goal of transitioning Roswell Road away from automobile-oriented land uses.

3. The Character Area Map Amendment will reinforce the existing or planned character of the area.

As described above, the City's vision for the Roswell Road corridor is "a great multimodal boulevard that will connect vibrant mixed-use neighborhoods." Roswell Road Small Area Plan at Page 6. Pursuant this goal, properties up and down Roswell Road are assigned to the Commercial/Mixed Use character area. The Property fronts Roswell Road and, indeed, is across the street from property assigned to Commercial/Mixed Use. Accordingly, the requested Character Area Map Amendment will reinforce the existing or planned character of the area around the Property.

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

As stated in the enclosed Letter of Intent, the School seeks merely to continue a Jewish school use within an existing building. The building was built in the 1980's and is ideally suited for the school use. As such, the School does not propose any changes to the Property, whether to the building, grounds, or parking areas. Because no physical changes will result from the Commercial/Mixed Use designation, the Character Area Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife or vegetation.

5. The Character Area Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.

Mixed commercial uses have characterized Roswell Road for decades, and properties in the vicinity are accustomed to these uses in the corridor. In accord with this history, the Character Area Map designates properties along Roswell Road south of I-285 to just four character areas, three of which are mixed-use commercial classifications. Amending the Character Area Map to reassign the Property from Neighborhood Village to Commercial/Mixed Use, both of which are designed for mixed-use land uses, will therefore not have a significant

adverse impact on property in the vicinity of the Property. See The Next Ten Comprehensive Plan at Pages 111, 113. More to the point, the proposed school is a low-impact use well suited for the Property, and in the time during which the use has been ongoing it has not generated any negative responses from neighboring property owners.

As documented above, the requested Character Area Map Amendment to reassign the Property from Neighborhood Village to Commercial/Mixed Use is consistent for the criteria enumerated at Section 11.3.6.B. of the Sandy Springs Development Code. Accordingly, the School respectfully asks that the City Council of Sandy Springs approve the Character Area Map Amendment as requested.

Sincerely,

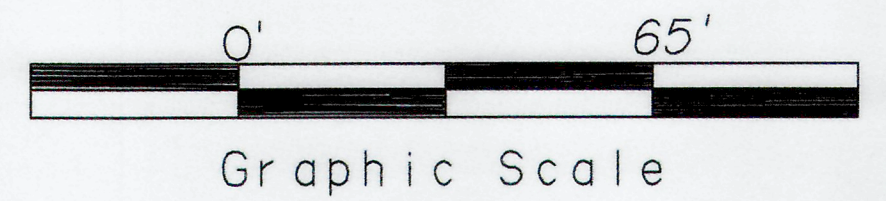
THE GALLOWAY LAW GROUP, LLC



Jordan Edwards
Attorney for the Applicant

4062 Peachtree Road, Ste A330
Atlanta, Georgia 30319
(404) 965-3682

RETRACEMENT
SURVEY MADE FOR:
ZS ROSWELL ROAD HOLDINGS LLC.
PROPERTY LOCATED IN:
LAND LOT 92 * 17TH DISTRICT
FULTON COUNTY, GEORGIA
SCALE: 1" = 30' * 06-14-2021



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE
USES OF THAT NAME APPEARING IN THE TITLE
BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

REVISED 06/21/2021
REVISED 06/29/2021
REVISED 07/27/2021
REVISED 07/29/2021
REVISED 08/12/2021

ACCORDING TO THE F.I.R.M. OF FULTON COUNTY, PANEL
NUMBER 13121C 0144F, DATED 08-18-2013, A PORTION
OF THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD
HAZARD AREA.

THIS MAP OR PLAT HAS BEEN CALCULATED
FOR CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT 153.280 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY
IS BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 16,785 FEET AND ANGULAR
ERROR OF 00'00"00" PER ANGLE POINT
AND WAS ADJUSTED USING LEAST SQUARES RULE.

THE EQUIPMENT USED TO
MAKE THIS SURVEY WAS A
TOPCON GPT-3005LW TOTAL STATION.

LEGEND	
P.O.B.	POINT OF BEGINNING
IPF	IRON PIN FOUND
IPP	IRON PIN PLACED
REAR	REAR
MTP	MASH TOP PIPE
OTP	OPEN TOP PIPE
R.O.W.	RIGHT-OF-WAY
B/L	BUILDING LINE
N/F	NOW OR FORMERLY
DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
L.L.	LAND LOT
L.L.L.	LAND LOT LINE
P/L	PROPERTY LINE
C/L	CENTER LINE
P/C	PROPERTY CORNER
⊠	POWER POLE
—E—	OVERHEAD POWER LINE
TRANS.	TRANSFORMER
W.M.	WATER METER
F.H.	FIRE HYDRANT
MIN.	MINIMUM
MAX.	MAXIMUM

NOTES:
REFERENCE INFORMATION TAKEN FROM DEED BOOK
58993 PAGE 84 OF FULTON COUNTY, GA., RECORDS.
THE FIELD WORK WAS COMPLETED ON 05-15-2019.
THE PLAT WAS COMPLETED ON 05-17-2019
THE CURRENT OWNER IS ZS ROSWELL ROAD HOLDINGS,
LLC, PER DEED BOOK 58993 PAGE 82-84 OF FULTON
COUNTY, GA., RECORDS.

THERE WAS NO OBSERVED EVIDENCE OF RECENT EARTH
MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING
ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING
THE FIELDWORK.
THERE WAS NO OBSERVED CHANGES IN STREET
RIGHT-OF-WAY LINES OBSERVED IN THE PROCESS OF
CONDUCTING THE FIELDWORK.
THERE WAS NO OBSERVED EVIDENCE OF RECENT STREET
OR SIDEWALK CONSTRUCTION OR REPAIRS IN THE PROCESS
OF CONDUCTING THE FIELDWORK.

THE SUBJECT PROPERTY HAS INDIRECT PHYSICAL ACCESS TO
TO ROSWELL ROAD, WHICH IS A PUBLIC ROAD.
THERE WERE NO OBSERVED ENCROACHMENTS.
THERE WAS NO WETLANDS DESIGNATED BY THIS SURVEYOR.
THERE WAS NO OBSERVED EVIDENCE OF A CEMETERY
OR BURIAL GROUNDS.
THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID
WASTE DUMP, SUMP OR SANITARY LANDFILL.
THE SOURCE OF BEARINGS SHOWN HEREON ARE STATE PLANE
COORDINATES.
NO PORTION OF THIS PROPERTY LIES WITHIN THE BOUNDARIES
OF THE METROPOLITAN RIVER PROTECTION ACT.
IRON PINS PLACED 1/2" REBAR AT ALL CORNERS UNLESS
OTHERWISE NOTED.
THE SUBJECT PROPERTY IS IN THE NANCY CREEK DECLARED
SENSITIVE AREA.

PREPARED BY:
IRONSTONE SURVEYING INC.
LAND SURVEYORS
96 ERNEST BILES DRIVE
JACKSON, GA. 30233
WWW.IRONSTONESURVEYING.COM
PHONE #: 770-957-4614

CURRENT ZONING: ON-3 OFFICE NEIGHBORHOOD DISTRICT
3' MIN. / 20' MAX. PRIMARY
STREET BUILD-TO ZONE
REAR BUILDING SETBACK: 5'
SIDE COMMON LOT LINE BUILDING SETBACK: 5'
MINIMUM LOT WIDTH: 75' LOT WIDTH
MAXIMUM HEIGHT: 3 STORIES MAX. / 42' MAX.
MAXIMUM HEIGHT WITHIN A TRANSITION AREA IS 2 STORIES / 28'
MINIMUM REQUIRED LOT AREA: 7900 SQ.FT.

NOTE:
THESE LOTS ARE LIMITED TO A TOTAL OF ONE ACCESS
ONTO ROSWELL ROAD.
ACCESS LIMITED TO EXISTING CURB CUT OFF OF
ROSWELL ROAD.

LOT "1"
1.396 ACRES
60,827 SQ.FT.
LOT COVERAGE
32,609 S.F.
DB 58993 82
PB 429 PG 34
ZONED ON-3
OFFICE NEIGHBORHOOD DISTRICT
TAX ID #: 17-009200050644
ADDRESS:
5180 ROSWELL ROAD
SANDY SPRINGS, GA., 30342

NOTE:
THE CITY OF SANDY SPRINGS, FULTON COUNTY, CITY OF ATLANTA,
PERSONNEL AND/OR AGENTS SHALL HAVE
FREE ACCESS TO AND ACROSS ALL EASEMENTS FOR THE PURPOSE OF
MAINTENANCE AND INSPECTION.
SANITARY SEWER SERVICE PROVIDED BY FULTON COUNTY.
WATER SERVICE PROVIDED BY CITY OF SANDY SPRINGS.
ALL FEATURES AND IMPROVEMENTS ON SITE ARE EXISTING.
NO FIELD WORK WAS PERFORMED BY THIS SURVEYOR.
INFORMATION TAKEN FROM PLAT BOOK 429 PAGE 34
OF FULTON COUNTY, GA., RECORDS.

CURVE TABLE									
CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING	FIELD RECORD	DEED RECORD
C-1	46.40'	-646.44'	152.42'	188°12'40"	123°28'56"	92.56'	S 29°16'42"W S 27°35'27"W		

OWNER OF RECORD
ZS ROSWELL HOLDINGS LLC
5180 ROSWELL ROAD
SANDY SPRINGS, GA., 30342

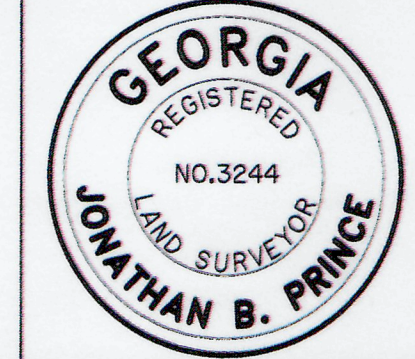
PROPERTY BEING LOT "1" AS RECORDED IN
PLAT BOOK 429 PAGE 34 OF FULTON
COUNTY, GA., RECORDS.

PARKING SPACES FOR SCHOOLS, PRIVATE
(K-12), PER SEC.8.1.2: MIN. VEHICLE PARKING IS 1 PER 500 SQ.FT.
MIN. SHORT-TERM BIKE PARKING IS 1 PER 30 STUDENTS.
MIN. LONG-TERM BIKE PARKING IS 1 PER 60 STUDENTS.
PER SEC. 8.1.2.B.
REQUIRED PARKING SPACES 27,766 SQ.FT. / 500 SQ.FT. = 56 PARKING SPACES
THERE ARE A TOTAL OF 48 PARKING SPACES.
THE NUMBER OF PARKING SPACES DO NOT MEET THE
REQUIREMENTS OF 56 PARKING SPACES.
THERE ARE 11 CLASSROOMS ON SITE.
REQUIRED SHORT TERM BIKE PARKING IS 4 PARKING SPACES.
REQUIRED LONG TERM BIKE PARKING IS 2 PARKING SPACES.
THERE ARE 120 STUDENTS.
THERE ARE NO BIKE PARKING SPACES ON SITE.

Per Sec. 1.1.9. of the Sandy Springs Development Code: among the remaining conditions
of rezoning are buffers or setbacks adjacent to Protected Neighborhoods that exceed
the requirements in this Development Code and any provision in an approved condition
or site plan that restricts vehicular access to or from a particular direction.

Per Section 1.1.9. of the Sandy Springs Development Code, prior conditions of rezoning are still in
effect that pertain to "buffers or setback adjacent to Protected Neighborhoods that exceed the
requirements of this Development Code". Prior to the current ON-3 zoning classification, the
depicted property was zoned O-1 with conditions per Fulton County Z-80-84, which required, in
pertinent part: "the petitioner's agreement to provide a 50 foot wide, natural, undisturbed
buffer, replanted where sparsely vegetated, adjacent to the west property line and following the
arc of the Silverwood Road cul-de-sac and a 50' setback."

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67,
THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND
APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR
RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES
SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS
OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE
GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT
AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE
UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT
COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR
PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES
AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH
IN O.C.G.A. SECTION 15-6-67.



GA. REG. L.S. LIC. NO. 3244
8-12-2021
DATE

F.I.R.M. MAP



SILVERWOOD ROAD N.E.

ASPHALT PAVING

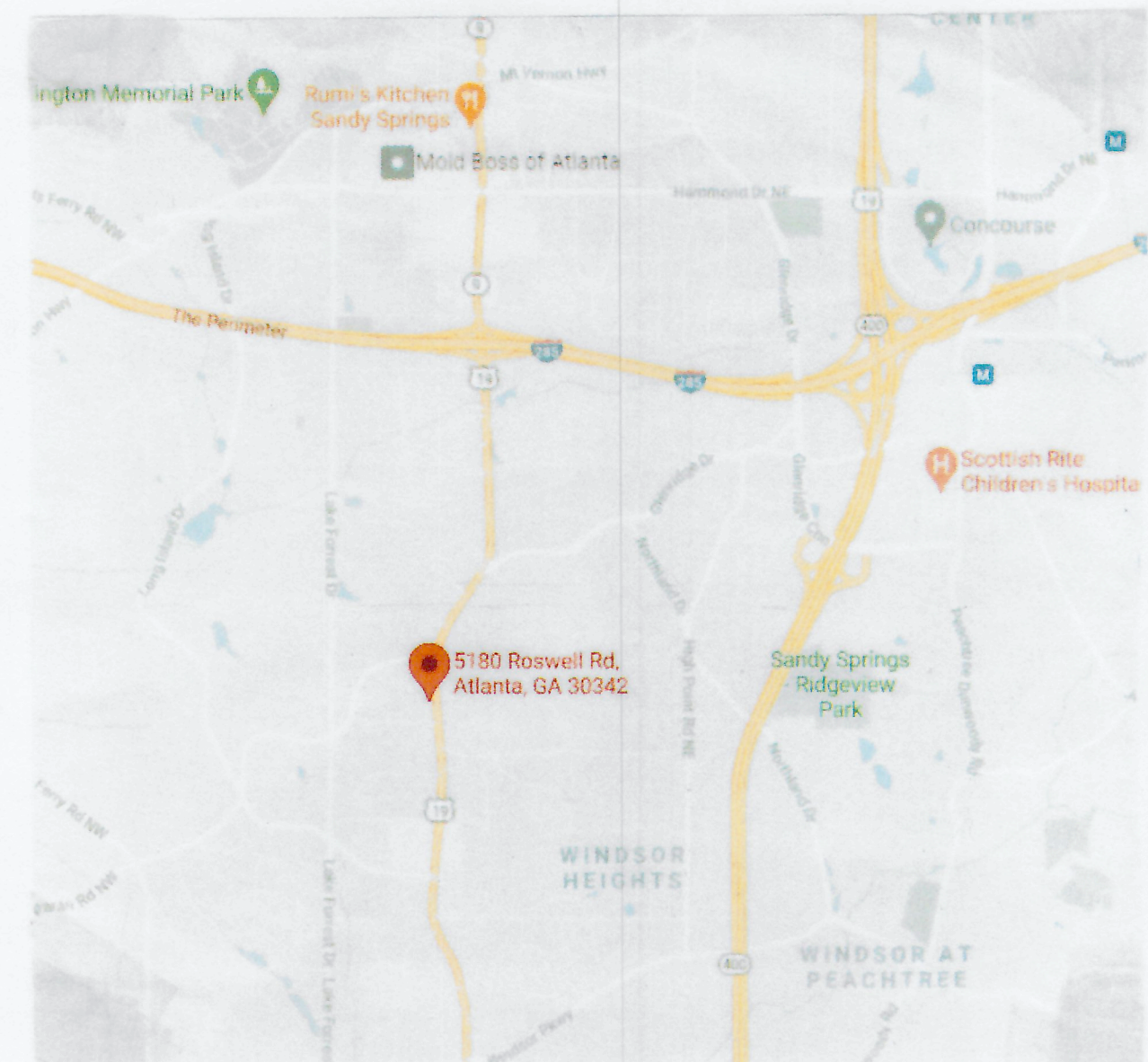
60' R/W

IPF 1/2" RB

BUILDING FOOTPRINT = 9,259 SQ.FT.
CONCRETE SW / PATIO = 1,791 SQ.FT.
PORCH "1" = 366 SQ.FT.
PORCH "2" = 219 SQ.FT.
ASPHALT PARKING LOT = 20,988 SQ.FT.
EXISTING LOT COVERAGE = 32,609 S.F.
LOT SIZE = 60,827 S.F.
LOT COVERAGE PERCENTAGE = 32,609 S.F./60,827 S.F.
53.61%

ZS ROSWELL ROAD HOLDINGS LLC.
DB 58993 82
PB 429 PG 34
OFFICE NEIGHBORHOOD DISTRICT

VICINITY MAP



ASPHALT PAVING

104' PUBLIC R/W PER DB 7737 PG 426 & DB 3563 PG 135
ROSWELL ROAD

EDGE OF PAVEMENT

EXHIBIT A**[LEGAL DESCRIPTION]**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 92 of the 17th District, Fulton County, Georgia, being shown as **Lot 1 – being 1.396 Acres**, on a Survey made for Landmark Abstract Agency, LLC, CIBC, Inc., and its successors and assigns, Crystal at 5180 LLC and Old Republic Title Insurance Company, as per plat recorded in Plat Book 429, Page 34, Fulton County, Georgia records, which plat is incorporated herein and made a part hereof by reference, being known as 5180 Roswell Road by the present system of numbering houses in Fulton County, Georgia.

COMMUNITY MEETING I SUMMARY
APPLICATION FOR CHARACTER AREA MAP AMENDMENT
CITY OF SANDY SPRINGS, GEORGIA

On June 24, 2021, the Chaya Mushka Children’s House School (the “School”) hosted a Community Meeting I in compliance with the procedures for requesting a Character Area Map Amendment. The Amendment requested by the School would reclassify one lot measuring approximately 1.4 acres located at 5180 Roswell Road (Parcel Identification Number 17 009200050644) (the “Property”) from the Neighborhood Village character area to the Commercial/Mixed Use character area.

In advance of this community meeting, the School mailed 187 letters to the owners of property within 500 feet of the Property, based on a mailing list provided by the City. The meeting was held at the Property and was attended in person by approximately 10 people, some of whom provided their contact information on an Attendance Sheet. See **Exhibit A – CMI Attendance Sheet**. Additionally, the School provided a virtual option for attending the meeting using the Zoom platform. See **Exhibit B – Zoom Meeting Participation List**.

After summarizing the School’s Amendment request, described in the enclosed Letter of Intent, the School welcomed meeting attendees to voice their thoughts or ask questions. While attendees expressed support for the School’s use on the Property, they stated that a Conditional Use Permit (CUP) would be a preferable method for achieving zoning compliance than a Character Area Map Amendment and subsequent Rezoning. Unfortunately, private schools are not permissible by CUP in the ON-3 zoning district. Nonetheless, attendees stated it would be preferable, and more logical, to amend the Development Code to allow private schools in ON-3 than to change the Property’s character area designation. The principal reason given for disfavoring the character area amendment was a concern that it would make possible a rezoning to a district that would allow unwanted uses in the event the School ever left the Property.

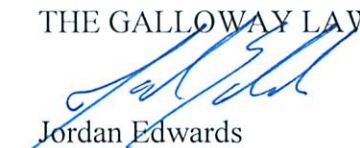
Other topics of note raised at the meeting include:

- School traffic and whether it had any effect on Roswell Road – *The School benefits from access to the shared vehicle circulation and parking areas that span the three recently replatted lots at 5180 Roswell Road, and has a Carpool Plan in place with abundant stacking capacity. As a result, the School has never experienced a problem of cars queuing back onto the public roadway.*

- School enrollment and growth potential – *The School offers instruction in grade levels 1 through 8 to approximately 120 children, most of whom live in the neighborhoods that surround the School. The School has no plans to offer additional grade levels.*
- The property included in the Amendment request – *The only property included in the request is the 1.34-acre lot on which the school building stands. The other two lots with architecturally similar buildings are not included. The School has no plans for developing or otherwise altering the Property.*
- The School's religious affiliation – *The School is an independent affiliate of Congregation Beth Teffilah, located about a mile away on High Point Road.*
- Why the School was unable to operate in another location – *The School conducted a rigorous search for an alternative location and found nothing that met its needs. Not only is alternative space unavailable, but even if something were found it would likely be prohibitively expensive. Most of the families with children enrolled in the School live in the neighborhoods that surround the School, which is in walking distance to its affiliate synagogue.*
- Property ownership – *The School is under contract to purchase the Property, contingent on the Property successfully coming into zoning compliance.*
- Stormwater detention – *The three lots comprising 5180 Roswell Road, including the Property, were zoned to Fulton County's O-I district in the 1980's. A condition of that zoning approval was the installation of stormwater detention facilities, and those facilities are still in place.*

Sincerely,

THE GALLOWAY LAW GROUP, LLC


Jordan Edwards
Attorney for the Applicant

4062 Peachtree Road, Ste A330
Atlanta, Georgia 30319
(404) 965-3682

EXHIBIT A

CMI Attendance Sheet

CA21-0002 – Community Meeting I

June 24, 2021, 6:00 PM, at CMCH School, 5180 Roswell Road

Applicant: CMCH School

Name and Organization	Address	Email Address
NORRIS PROYLES HPCA		
DUFFY HICKEY HPCA		
Jane Kelley Windsor Park Commner		
Karen Newman McEneri		
RICHARD LEVITT ENCLAVE @ MT. PARN		
Brad Keshlear		
Zalman Bernstein		
Y. K. K.		
Joe Heins		
Alexandra Horst, COSS		ahorst@sandy Springs, ga gov
Isser New		

EXHIBIT B

Zoom Meeting Participation List

Meeting Participants ×☐ Export with meeting data

Report to Zoom

[Export](#)☒ Show unique users

Name (Original Name)	User Email	Total Duration (Minutes)	Guest
Susan Maziar		57	Yes
ckontz		53	Yes
Bob Pepalis		50	Yes
presenter 2		50	Yes
Jordan Edwards	jordan@glawgp.com	49	No
Alexandra.Horst		31	Yes
Jamille Bradfield		39	Yes

CONSTITUTIONAL OBJECTIONS
APPLICATION FOR CHARACTER AREA MAP AMENDMENT
CITY OF SANDY SPRINGS, GEORGIA

Georgia Law and the procedures of City of Sandy Springs require us to raise Federal and State Constitutional objections during the Character Area Map Amendment application process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Development Code of the City of Sandy Springs, Georgia, as applied to the Property, that would result in a denial of the Character Area Map Amendment as requested, are, or would be, unconstitutional in that they would destroy property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of the City of Sandy Springs or the Sandy Springs Development Code to the Property which restricts its use to any use in a manner other than that requested is unconstitutional, illegal and null and void because such an application constitutes a taking of property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

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

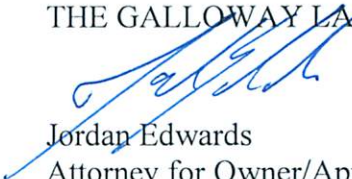
A refusal to grant the Character Area Map Amendment as requested would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Character Area Map Amendment subject to conditions that are different from the conditions requested, to the extent such different conditions would have the effect of further restricting the utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act

and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to the City of Sandy Springs, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by the City of Sandy Springs. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Owner/Applicant respectfully requests that the City Council of the City of Sandy Springs grant the Character Area Map Amendment as requested.

THE GALLOWAY LAW GROUP, LLC



Jordan Edwards

Attorney for Owner/Applicant

4062 Peachtree Road, Ste A330
Sandy Springs, Georgia 30319
(404) 965-3680

COMMUNITY MEETING II SUMMARY
APPLICATION FOR CHARACTER AREA MAP AMENDMENT
CITY OF SANDY SPRINGS, GEORGIA

On August 2, 2021, the Chaya Mushka Children’s House School (the “School”) hosted a Community Meeting II in compliance with the procedures for requesting a Character Area Map Amendment. The Amendment requested by the School would reclassify one lot measuring approximately 1.4 acres located at 5180 Roswell Road (Parcel Identification Number 17 009200050644) (the “Property”) from the Neighborhood Village character area to the Commercial/Mixed Use character area. In advance of this community meeting, the School mailed 187 letters to the owners of property within 500 feet of the Property, based on a mailing list provided by the City, and posted a notice sign on the Property. The meeting was held at Sandy Springs City Hall and was attended by two members of the public. See **Exhibit A – CMII Attendance Sheet**. Additionally, the School provided a virtual option for attending the meeting using the Zoom platform, which was used by four people to attend. See **Exhibit B – Zoom Meeting Participation List**.

After summarizing the School’s Amendment request, described in the Letter of Intent submitted with the Application, the School provided a summary of the discussion at the first community meeting and welcomed attendees to voice their thoughts or ask questions. Topics raised at the meeting include:

- The School’s operation outside of zoning compliance – *The Property is zoned to the ON-district, which does not permit the “school, private” use. However, the School has been operating since late 2018 due to a combination of factors. The current property owner purchased the property based in part on a misconception that the old zoning regulations, predating the current Development Code and Zoning Map, still applied. As well, a misunderstanding of how the use was defined under zoning regulations, as a school rather than as an accessory use to a religious institution/place of worship, contributed. Additionally, a change in the School’s leadership led to a further delay in rectifying the error. Following interactions with the City last year and renewed contact with the Community Development Department, the applicant began efforts to achieve zoning compliance. Due to the City’s policy of accepting character area map amendment*

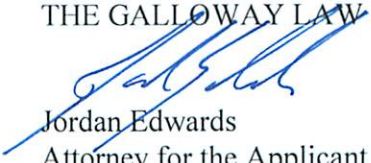
applications only twice each year, the current cycle was the earliest opportunity for commencing the necessary zoning processes.

- Ownership and contract for sale of the Property – *The Property was purchased by the current owner in 2018. The School is under contract to acquire the Property contingent on achieving zoning compliance.*
- Concern that changing the Property’s Neighborhood Village character area would open the door to unwanted uses – *The School’s Application proposes a change to the Commercial/Mixed Use character area, which is one of the four character areas found along Roswell Road south of I-285 (in fact, the small lot immediately across Roswell Road from the Property has a Commercial/Mixed Use character area assignment and is zoned to the CX- district), so the proposal is in keeping with nearby character area designations. If the School’s request is approved, any subsequent change to the Property’s zoning classification would also require community involvement and approval by the City Council, and it is unlikely that an incongruous rezoning proposal could garner the necessary support.*
- Carpool Plan; concern for spillover onto Roswell Road – *The School has a carpool plan in place that can accommodate approximately 75 cars at a single time. That many cars have never stacked up during drop-off and pick-up hours though, and the School has never experienced cars backing up onto Roswell Road. Based on the carpool plan and the abundance of available stacking capacity, such spillover seems very unlikely even if the number of students grows.*
- Alternative solution for achieving zoning compliance that does not require changing the character area – *At the School’s first community meeting, an attendee suggested that instead of pursuing a character area map amendment and rezoning of the Property, the School should instead seek a text amendment of the Development Code that would allow the “school, private” use in the ON- district, whether as a permitted use, limited use, or conditional use. The Development Code permits only the City’s administrative staff or elected officials to initiate text amendments, though, so the School is unable to make such a request. However, the School would not object to this method of achieving zoning compliance, and if such a text amendment were approved would be able to withdraw the character area application.*

- Maximum number of students per fire safety regulations – *To our knowledge, fire safety regulations limit a building's maximum occupancy, not the number of students that a school may enroll. However, school accreditation agencies enforce ratios relating the number of students to square feet of school floor area across several types of school use (e.g. classroom, arts room, lunchroom, etc.). It is also important to note that the School has no intention of expanding the school floor area in any way; rather, the character area and zoning changes are only meant to allow the existing school use, not to allow any new uses or development of the Property.*

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Jordan Edwards
Attorney for the Applicant

4062 Peachtree Road, Ste A330
Atlanta, Georgia 30319
(404) 965-3682

EXHIBIT A

CMII Attendance Sheet

CA21-0002 – Community Meeting II

August 2, 2021, 6:00 PM, at Sandy Springs City Hall, 1 Galambos Way

Applicant: CMCH School

[illegible]

EXHIBIT B

Zoom Meeting Participation List

1. Richard Levitt
2. Susan Maziar
3. Sofia Wellman

A fourth member of the public attended the Zoom meeting but did not leave any identifying contact information.



P&Z STAFF REPORT

Planning Commission Meeting, September 22, 2021

Case: **TA21-0004 – (School, Private (K-12) and Library, Museum in ON-)**
 Staff Contact: Matthew Anspach (MAnspach@sandyspringsga.gov)
 Report Date: September 14, 2021

PURPOSE

An Ordinance to amend the following Development Code Division and Section:

Div. 7.2. Allowed Use Table
 Sec. 7.4.1. Public and Civic Uses

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Text Amendment** TA21-0004.

PROCESS

Planning Commission Hearing:
 September 22, 2021

Mayor and City Council Hearing:
 October 19, 2021

PROPOSED AMENDMENT

Div. 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 -	P M-	Definition/ Standards
Public and Civic Uses																				

Civic																				Sec. 7.4.1
College/university	—	—	—	—	—	—	—	—	—	P	P	—	P	P	P	P	—	P	P	Sec. 7.4.1.B
Government facility	C	C	P	—	C	C	C	C	—	P	P	P	P	P	P	P	C	P	P	Sec. 7.4.1.D
Library/museum	—	—	—	—	—	—	—	—	L	P	P	P	P	P	P	P	—	P	P	Sec. 7.4.1.E
Place of assembly	—	—	—	—	—	—	—	—	P	P	P	—	P	P	P	P	—	P	P	Sec. 7.4.1.C
Place of worship	C	C	—	—	C	C	C	C	P	P	P	—	P	P	P	P	C	P	P	Sec. 7.4.1.F
Prison/correctional facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—	C	—	—	—	—	Sec. 7.4.1.G
School, private (K-12)	C	C	—	—	C	C	C	C	L	L	L	-	P	P	L	L	C	P	P	Sec. 7.4.1.H
School, public (K-12)	P	P	—	—	P	P	P	P	—	P	P	-	P	P	P	P	P	P	P	Sec. 7.4.1.I

Sec. 7.4.1.E. Library, Museum

E. Library, Museum

1. **Defined** A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.
2. **Additional Use Standards**
 - a. In the ON- District, the following Additional Use Standards apply
 - i. Lot area shall be a minimum of one (1) acre and a maximum of three (3) acres.
 - ii. Access shall be from an arterial street.
 - iii. The maximum lot coverage and maximum building height shall not exceed those in the ON- District.

Sec. 7.1.4.H. School, Private (K-12)

H. School, Private (K-12)

1. **Defined** An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education.
2. **Basic Use Standards**
 - a. Day care facilities (see Sec. 7.5.5) in association with the school do not require a separate conditional use permit.
 - b. No buildings and refuse area may be located within 100 feet of a Protected Neighborhood district used for residential purposes.
 - c. No active outdoor recreation area may be located within 100 feet of a Protected Neighborhood district used for residential purposes.
 - d. No parking areas may be located within 50 feet of any Protected Neighborhood district used for residential [purposes].
 - e. Student drop-off and vehicular turn-around facilities must be provided on-site so that vehicles may re-enter the street in a forward manner.
 - f. Off-site stadium:
 - i. Vehicular access is prohibited from a local street.
 - ii. A minimum 200-foot buffer and minimum 10-foot improvement setback must be provided along all common lot lines adjacent to a Protected Neighborhood or Urban Neighborhood district.
 - iii. The hours of operation are limited to 6:00 AM and 11:00 PM adjacent to a street right-of-way or residential district.
3. **Additional Use Standards**
 - a. Minimum lot area is 1 acre.
 - b. Permitted curb cut access must not be from a local street.
 - c. The maximum lot coverage and maximum building height beyond those of the underlying zoning district are determined through the Conditional Use Permit process.
 - d. In the ON- District, the following Additional Use Standards apply
 - i. Lot area shall be a minimum of one (1) acre and a maximum of three (3) acres.
 - ii. Access shall be from an arterial street.
 - iii. The maximum lot coverage and maximum building height shall not exceed those in the ON- District.
 - iv. There shall be no more than 250 students.
 - v. There shall be no athletic facilities on site. Any requirement for student recreation areas shall be permitted, as is required by the appropriate regulating State Authority.

BACKGROUND

Currently, School, Private (K-12) and Library, Museum are not permitted in the Office Neighborhood (ON-) District (Div. 7.2.). The ON- District is found in south Sandy Springs, south of I-285, primarily along Roswell Road and Glenridge Drive.

In the residential Protected Neighborhood (RE-, RD-) and the Urban Neighborhood (RU-, RT-, RM-, RX-) Districts, as well as in the Perimeter Residential (PR-) District, School, Private (K-12) is permitted with the approval of a Conditional Use Permit.

In most of the Corridors & Nodes Districts (OX-, CX-, IX-, CC-), School, Private (K-12) is permitted as a limited use.

In the TX-, CX-, and two other Perimeter Center (PM-, PX-) Districts, School, Private (K-12) is permitted as of right.

In all but the primary residential districts, Library, Museum is permitted as of right.

The ON- District is intended for office and related commercial uses and allows for civic, open space, and park uses (Sec. 4.1.1.). School, Private (K-12) and Library, Museum are types of civic uses. Place of Assembly is a civic use that is permitted in ON-, and Place of Worship is a civic use that is a limited use in ON-. College/University, Government Facility, Prison/Correctional Facility, and School, Public (K-12) are all civic uses that are not permitted in ON-, and would remain as such under the proposed text amendment.

For these reasons, Staff recommends that Div. 7.2. be amended, such that School, Private (K-12) and Library Museum be permitted as limited uses in ON- as is consistent with how School, Private (K-12) is currently regulated in most Corridors & Nodes Districts, and since a limited use requires compliance with Additional Use Standards (Sec. 7.1.5.).

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, Staff recommends **Approval of Text Amendment** TA21-0004, An Ordinance to amend the following Development Code Division and Section:

Div. 7.2. Allowed Use Table
Sec. 7.4.1. Public and Civic Uses

TA21-0004 Text Edits (Sec. 7.4.1.):

E. Library, Museum

1. **Defined** A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.
2. **Additional Use Standards**
 - a. In the ON- District, the following Additional Use Standards apply
 - i. Lot area shall be a minimum of one (1) area and a maximum of three (3) acres.
 - ii. Access shall be from an arterial street.
 - iii. The maximum lot coverage and maximum building height shall not exceed those in the ON- District.

-AND-

H. School, Private (K-12)

1. **Defined** An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education.
2. **Basic Use Standards**
 - a. Day care facilities (see Sec. 7.5.5) in association with the school do not require a separate conditional use permit.
 - b. No buildings and refuse area may be located within 100 feet of a Protected Neighborhood district used for residential purposes.
 - c. No active outdoor recreation area may be located within 100 feet of a Protected Neighborhood district used for residential purposes.
 - d. No parking areas may be located within 50 feet of any Protected Neighborhood district used for residential [purposes].
 - e. Student drop-off and vehicular turn-around facilities must be provided on-site so that vehicles may re-enter the street in a forward manner.
 - f. Off-site stadium:
 - i. Vehicular access is prohibited from a local street.
 - ii. A minimum 200-foot buffer and minimum 10-foot improvement setback must be provided along all common lot lines adjacent to a Protected Neighborhood or Urban Neighborhood district.
 - iii. The hours of operation are limited to 6:00 AM and 11:00 PM adjacent to a street right-of-way or residential district.
3. **Additional Use Standards**
 - a. Minimum lot area is 1 acre.
 - b. Permitted curb cut access must not be from a local street.
 - c. The maximum lot coverage and maximum building height beyond those of the underlying zoning district are determined through the Conditional Use Permit process.
 - d. In the ON- District, the following Additional Use Standards apply

- i. Lot area shall be a minimum of one (1) acre and a maximum of three (3) acres.
- ii. Access shall be from an arterial street.
- iii. The maximum lot coverage and maximum building height shall not exceed those in the ON- District.
- iv. There shall be no more than 250 students.
- v. There shall be no athletic facilities on site. Any requirement for student recreation areas shall be permitted, as is required by the appropriate regulating State Authority.

DRAFT