



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Board of Appeals Hearing; July 10, 2018

Case: **V18-0008 and V18-0009 – 5775 Peachtree Dunwoody Road**

Staff Contact: Madalyn Smith (madalyn.smith@sandyspringsga.gov)

Report Date: June 26, 2018

REQUEST

V18-0008: Variance from Section 5.6.4.J of the Development Code to reduce pedestrian access from the street.

V18-0009: Variance from Section 5.6.4.A of the Development Code to allow the building to remain outside of the build-to zone by a maximum of 20 feet.

APPLICANT

Property Owner: The Simpson Organization	Petitioner: Legacy Ventures	Representative: Keith Simmel, Tori August of Cooper Carry, Inc.
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PROPERTY INFORMATION

Location:	5775 Peachtree Dunwoody Road
Council District:	5 - DeJulio
Road frontage:	Approximately 300 feet along Peachtree Dunwoody Road and 100 feet along Lake Hearn Drive.
Acreage:	Approximately 1.2 acres
Existing Zoning:	PM-12/15 (Perimeter Mixed-Use District)
Existing Land Use:	Medical Offices
Character Area	Medical Center

PROPOSED DEVELOPMENT

The applicant proposes to develop the subject property with a Hyatt Hotel and parking deck. The site is located at Peachtree Dunwoody Road and Lake Hearn Drive, and also has access from a private driveway that extends from Peachtree Dunwoody Road, which is the property's primary frontage.

The first Variance (V18-0008) is requested to eliminate some pedestrian access points along Peachtree Dunwoody Road which are required every 75 feet, per Sec 5.6.4. Due to the slope, the hotel and deck

will be located below the road grade or downhill from Peachtree Dunwoody Road. In light of the existing slope and safety concerns related to having additional doors entering into a parking deck, the applicant is requesting relief from the pedestrian access requirement. At this time, the main entrance to the lobby is located at the corner of the future private road and an additional access from Peachtree Dunwoody is provided just north of the main entrance.

The second Variance (V18-0009) is to allow the building to remain outside of the build-to zone by a maximum of 20 feet on Lake Hearn Drive. According to the submitted letter of intent, this is being requested due to existing signage and future road and intersection improvements that would prevent the structure from meeting the build-to-zone—the build-to zone requires, per Sec. 5.6.4, to locate 75% of the building façade between a minimum primary street setback of 5 feet and a maximum primary street setback of 30 feet. The proposed building does meet the build-to requirements along Peachtree Dunwoody Road.

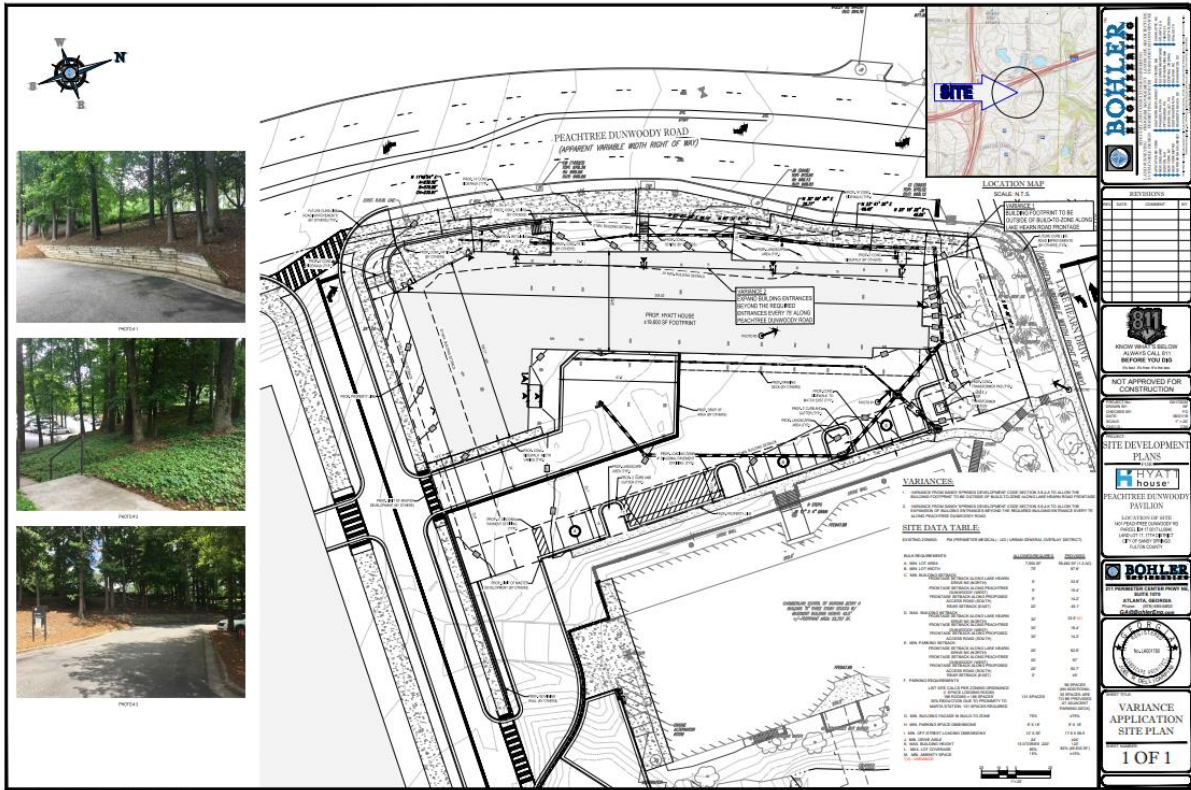
RECOMMENDATION

Department of Community Development

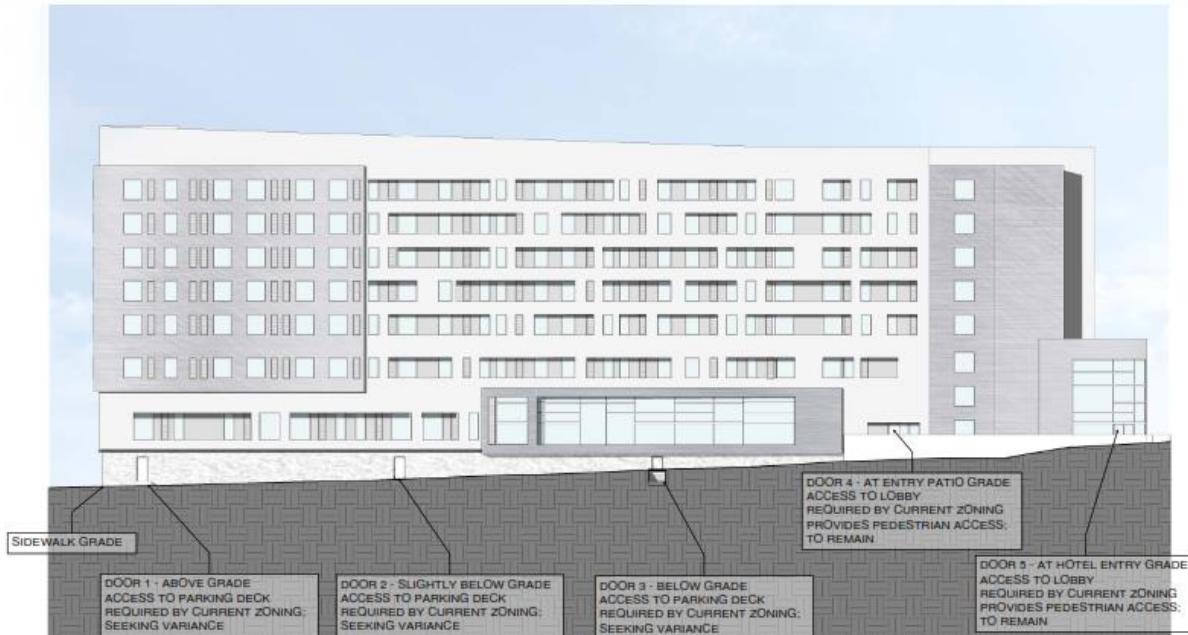
Staff recommends **APPROVAL CONDITIONAL** of V18-0008

Staff recommends **DENIAL** of V18-0009

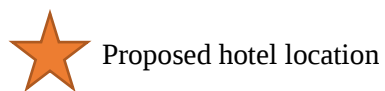
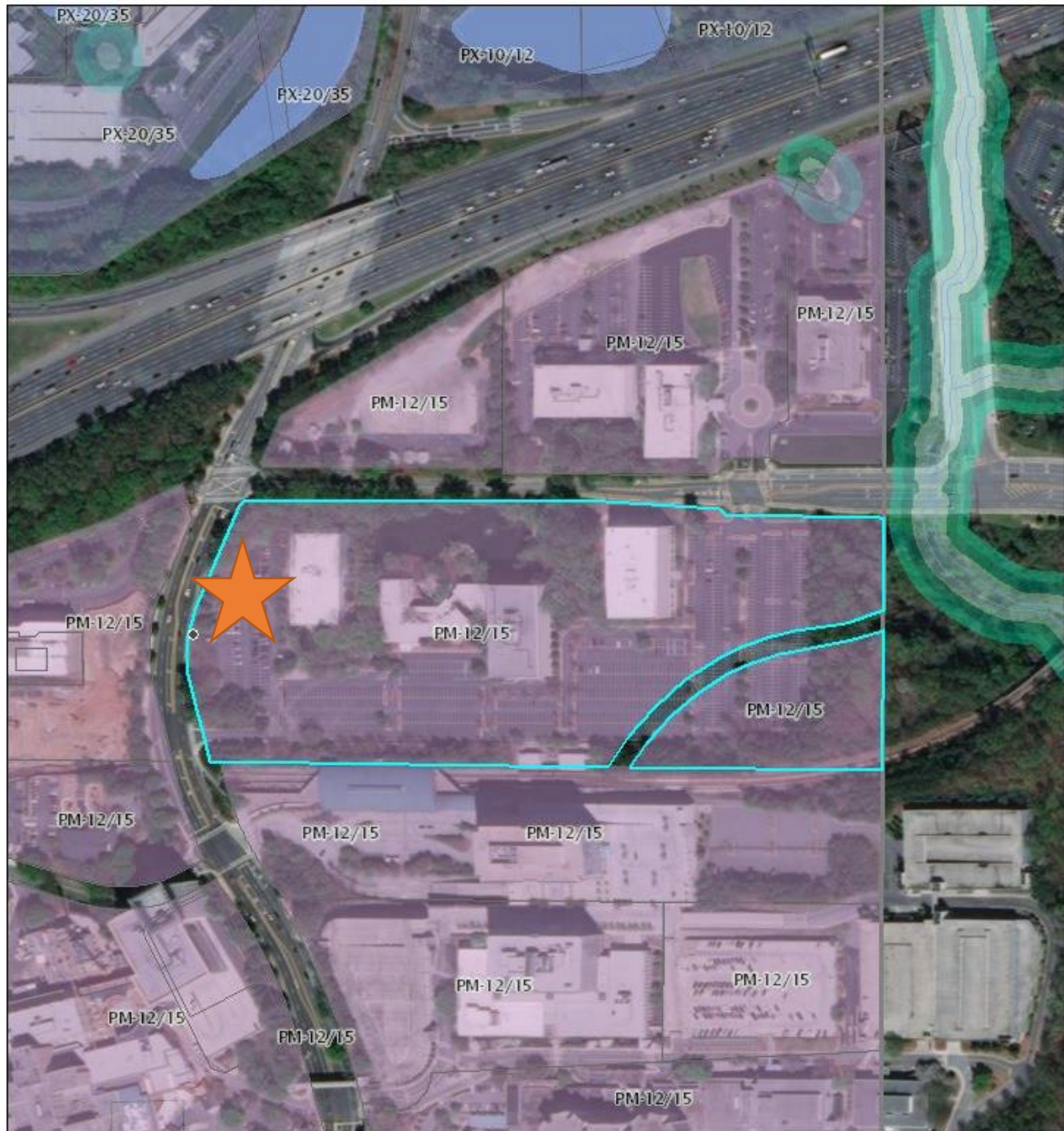
SITE PLAN (FULL SITE PLAN AS ATTACHMENT)



PEACHTREE DUNWOODY PEDESTRIAN ACCESS ELEVATIONS

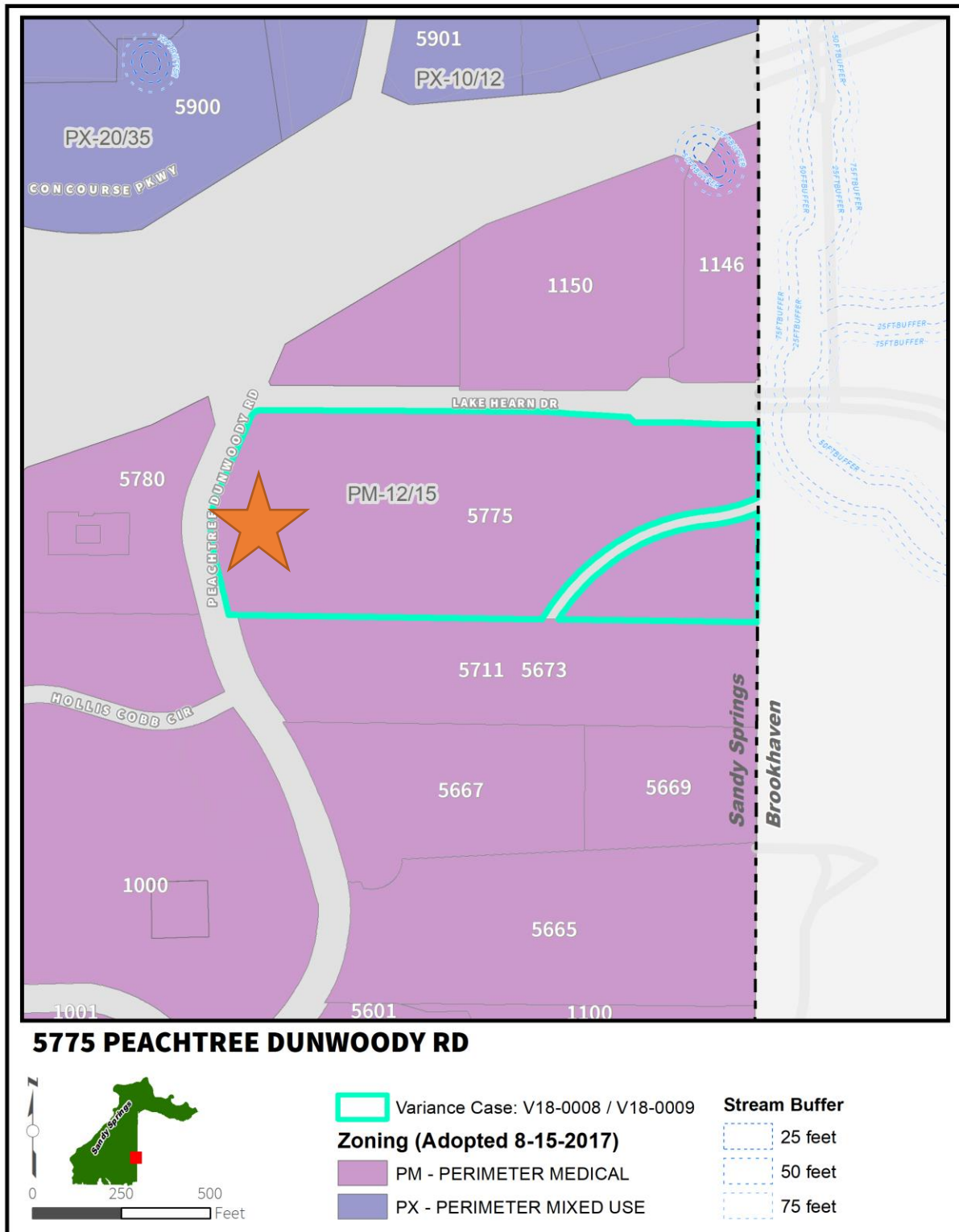


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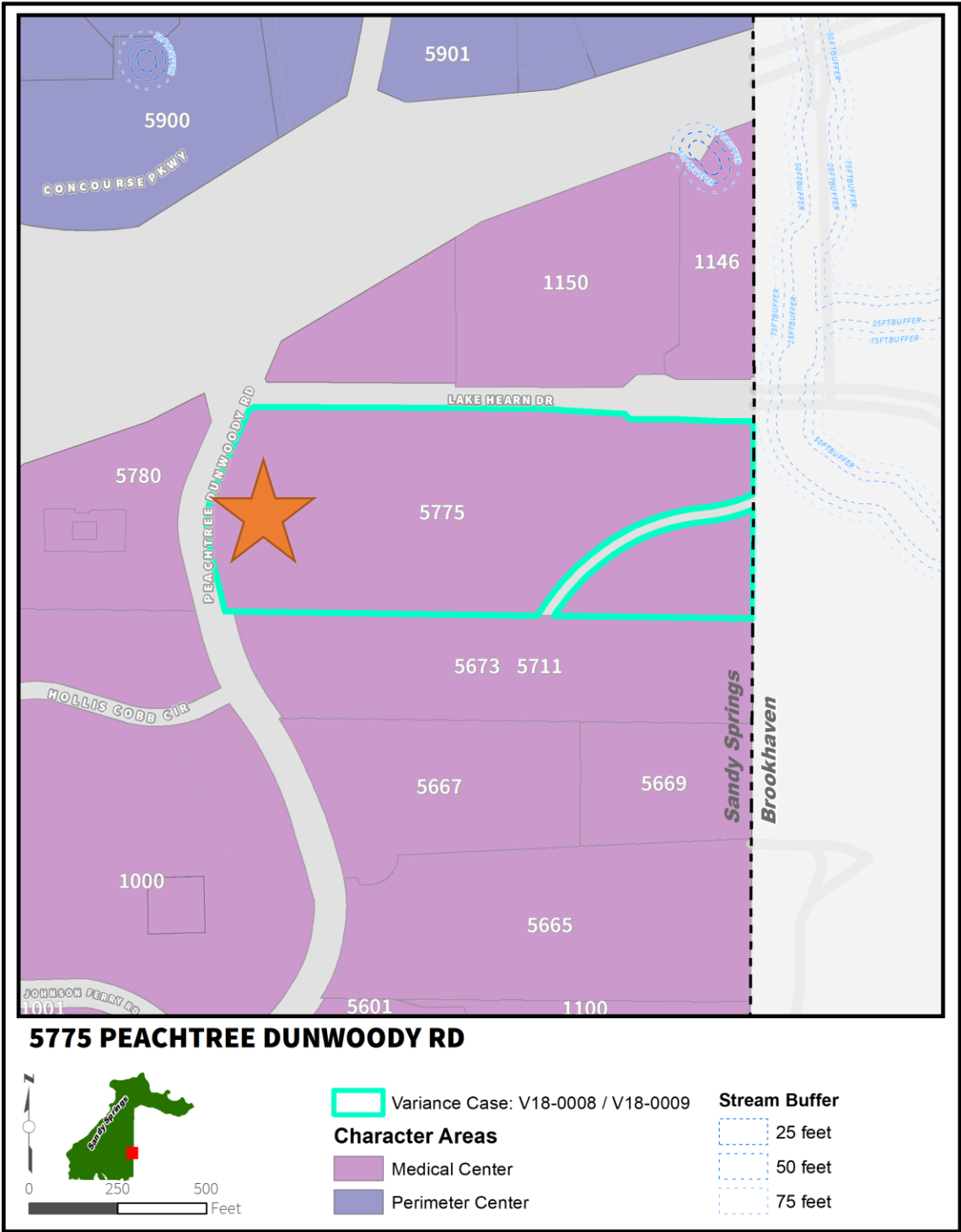


Proposed hotel location

ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATION

Sec. 11.6.2.G Approval Criteria

1. Variances will only be granted upon showing that:

- a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or
- b. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties that prohibits the proposed scope of work from being able to comply with the Development Code.

2. Further, the application must demonstrate that:

- a. Such conditions are not the result of action or inaction of the current property owner; and
- b. The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and
- c. The variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.

Findings V18-0008:

The subject parcel currently serves as a parking lot for the Peachtree Dunwoody Pavilion office park. The proposed structure is a new 186 room hotel. Providing the required pedestrian access points creates an unnecessary hardship for the applicant because of the design challenges and topographical challenges. Peachtree Dunwoody Road is at a significantly higher elevation than the existing parking lot which is unusual in a nonresidential setting. Also, the property slopes down by 10 feet from the north corner of the property, at the intersection of Peachtree Dunwoody Road and the new access drive, to the corner at the intersection of Peachtree Dunwoody Road and Lake Hearn Drive.

The applicant is providing two pedestrian access points at the South end of the property as entrances to the lobby, which will be a public space. The applicant is requesting to waive the requirement for the remaining three required access points along Peachtree Dunwoody Road. Due to the design of the structure and the 10 foot downward slope along Peachtree Dunwoody Road, these three pedestrian access points will not provide access to the hotel itself, but rather the underground parking garage.

The requested variance is necessary because providing pedestrian access to a car-oriented underground garage was not the intent of the pedestrian access requirements. The intent of these requirements was to enhance the pedestrian experience and provide continuous public space; neither goals are accomplished by requiring the applicant to provide these three access points.

The grade of the site is not the fault of the owner's action or inaction. It is an existing condition. Providing appropriate pedestrian access would require extensive grading—which is not environmentally beneficial.

The applicant is requesting relief from providing only the pedestrian access requirements that are complicated by the topography of the site and do not provide a benefit to the public. The public would benefit though from one additional entrance near the intersection of Peachtree Dunwoody Road and

Lake Hearn Drive, so pedestrians coming from the north do not have to walk outside for the entire length of the building to access the lobby.

Again, the intent of the Comprehensive Plan is to provide a safe and enjoyable environment. Requiring the applicant to provide additional access points along Peachtree Dunwoody Road would not help accomplish this vision. However, a building entrance at the Lake Hearn intersection would.

Findings V18-0009:

The application of the Development Code on this site, from the perspective of the applicant, is limited by the topographical, drainage, and tree canopy issues on the north end of the site. The applicant is seeking relief from the build-to zone requirements along Lake Hearn Drive and requests that the building be located entirely outside the build-to zone.

The north end of the property, at the intersection of Lake Hearn Drive and Peachtree Dunwoody Road, has a steep slope that is currently wooded with mature trees. It is also the location for an existing Peachtree Dunwoody Pavilion sign. The building, as it is currently designed, is not long enough to meet the build-to requirements on all three streets. The applicant though has made the effort to meet the requirement on the opposite corner, where the topography and shape of the lot easily allow for it.

Expanding the proposed building to meet the build-to zone is possible but would require cutting and filling due to the steepness of the slope on the property. It would also require the drainage to be shifted and might lead to a loss of the existing tree canopy. Overall, extending the building into the build-to zone is possible and would be practical.

The conditions of the site (steep slope, drainage patterns and tree canopy), are not due to the action or inaction of the property owner. The building itself is not designed to address the street, which was the decision of the owner. Extending this building into the build-to zone will not create a more pedestrian oriented environment—which is the intent of this requirement.

It is difficult to determine if this is the minimum relief necessary. It is possible for the building to meet the build-to zone, it is simply not a favorable option for the property owner.

The proposal does not meet the intent of the comprehensive plan. The comprehensive plan envisions a “vibrant, human-scaled” Perimeter Center (The Next Ten, page 72). This building as a whole—in the larger picture—does not help accomplish this vision. It is not providing any active use and the architecture does not address the street. Specifically, allowing the applicant to remain outside of the build-to zone increases an already unfavorable design along Lake Hearn Drive.

COMMENTS FROM OTHER PARTIES

Sandy Springs Building Plan Reviewer:

These both seem like reasonable requests. The building is not long enough to meet the frontage requirements on all three streets; making it so would probably create some long-term operational inefficiencies in guest floor layouts.

It might have been possible to flip the plan and put the lobby at the north end and extend main level function areas to the south, except there is not enough function space to do so, so that extension would need to have been guest rooms, which probably is also a first cost and operational issue.

Maintaining the pedestrian access requirement in this case doesn't seem to provide any benefit, functional or aesthetic, to the community. To be most effective, this requirement needs to be coupled with the transparency requirement, which in this case, is being implemented on the building's first active level. Were it not for the grade change along PDR, implementing this requirement could work.

Beyond that, this requirement seems to be one which is most appropriate in a shopfront frontage rather than a general one. Again, if there had been enough function space to fill all, or at least most, of the frontage and take up the significant grade change, then maintaining the requirement might make more sense. In this situation it might implement the letter of the law but it will not implement its intent.

It does seem, however, that providing some guest access from the sidewalks around the north end of the building would provide some pedestrian benefit.

Sandy Springs Transportation Engineer:

1. Applicant should accommodate the required Sandy Springs Roadway Section within their design as follows:

A. Required Section for Peachtree Dunwoody Road is:

From Back of Curb:

6' Landscape Strip

10' Sidewalk

8' Bike Path

B. Required Section of Lake Hearn Drive is:

From Back of Curb:

6' Landscape Strip

6' Sidewalk

8' Bike Path

2. Applicant should coordinate any roadway improvements with GDOT Transform 285/400 project.

Sandy Springs Arborist: No comment regarding the variance request to reduce the street level doors. In regards to the request for a variance for the set back, the tree ordinance does allow for trees to be removed within the building area. However, moving the building closer to the road would result in some tree removal and loss of established tree canopy. I am in favor of allowing for the variance to conserve the existing tree canopy. The canopy of mature/established trees can offer more benefits than newly planted trees.

Sandy Springs Public Works Department: Public Works would recommend that pedestrian access be provided on both street frontages (Lake Hearn Drive and Peachtree Dunwoody Road) at a minimum spacing of every 300 feet. ADA access is required from the sidewalk to the site arrival locations.

Sandy Springs City Engineer: No comment

COMMENTS FROM PUBLIC

As of 6/27/2018, Staff has received one (1) public comment in **opposition** to the Variance, V18-0008. Reasons include a desire for more pedestrian access in Sandy Springs, not less especially considering the proximity to MARTA, as well as safety concerns for pedestrians.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the variance request **V18-0008** from Development Code Sec. XXXXX to eliminate 3 pedestrian entrances along Peachtree Dunwoody Road.

Should the Board of Appeals choose to approve the request, Staff recommends the following condition:

1. To provide an additional pedestrian access near the Peachtree Dunwoody Road and Lake Hearn Drive intersection. This access may be controlled and limited to registered hotel guests.

Staff recommends **DENIAL** of the variance request **V18-0009** from Development Code Sec. XXX to allow the property owner to remain outside the build-to zone on Lake Hearn Drive.

Should the Board of Appeals choose to approve the request, Staff recommends the following condition:

1. The building shall be located a maximum of 20' outside the build-to zone (for a total of XX' from the Lake Hearn Drive right-of-way)
2. At a minimum the slope be landscaped to the foundation planting standards (8.2.4) where it is disturbed after construction.



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT
Board of Appeals Hearing; July 10, 2018

Case: **V18-0011 – 1001 Johnson Ferry Road**

Staff Contact: Lori Leland-Kirk (lleland@sandyspringsga.gov)

Report Date: June 26, 2018

REQUEST

1. Variance from Section 8.2.9.B of the Development Code to reduce the screening of roof top mechanical equipment by reducing the parapet.
2. Variance from Section 5.6.3 of the Development Code to reduce the transparency of the street facing façade from 50% to 29%.

APPLICANT

Property Owner: Scottish Rite Hospital for Crippled Children	Petitioner: Scottish Rite Children's Medical Center, Inc.	Representative: William Woodson Galloway, Galloway Law Group, LLC
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PROPERTY INFORMATION

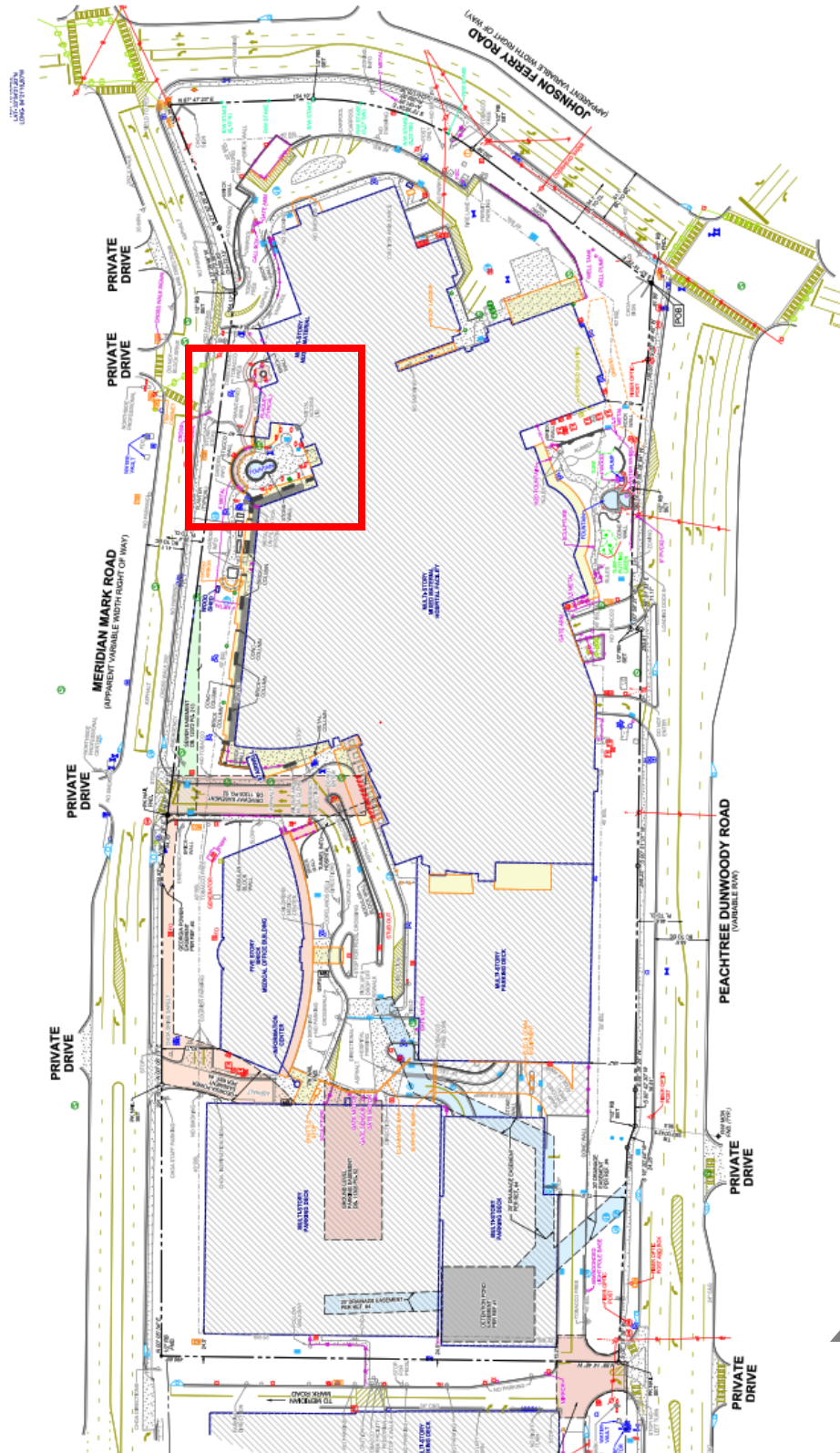
Location:	1001 Johnson Ferry Road, Parcel ID 17 0016 LL 1641
Council District:	5 – DeJulio
Road frontage:	Meridian Mark Road approximately 1,350 feet, Johnson Ferry Road approximately 570 feet, Peachtree Dunwoody Road approximately 1,130 feet
Acreage:	Approximately 11.9 acres
Existing Zoning:	PM-8
Existing Land Use:	Hospital
Character Area	Medical Center

PROPOSED DEVELOPMENT

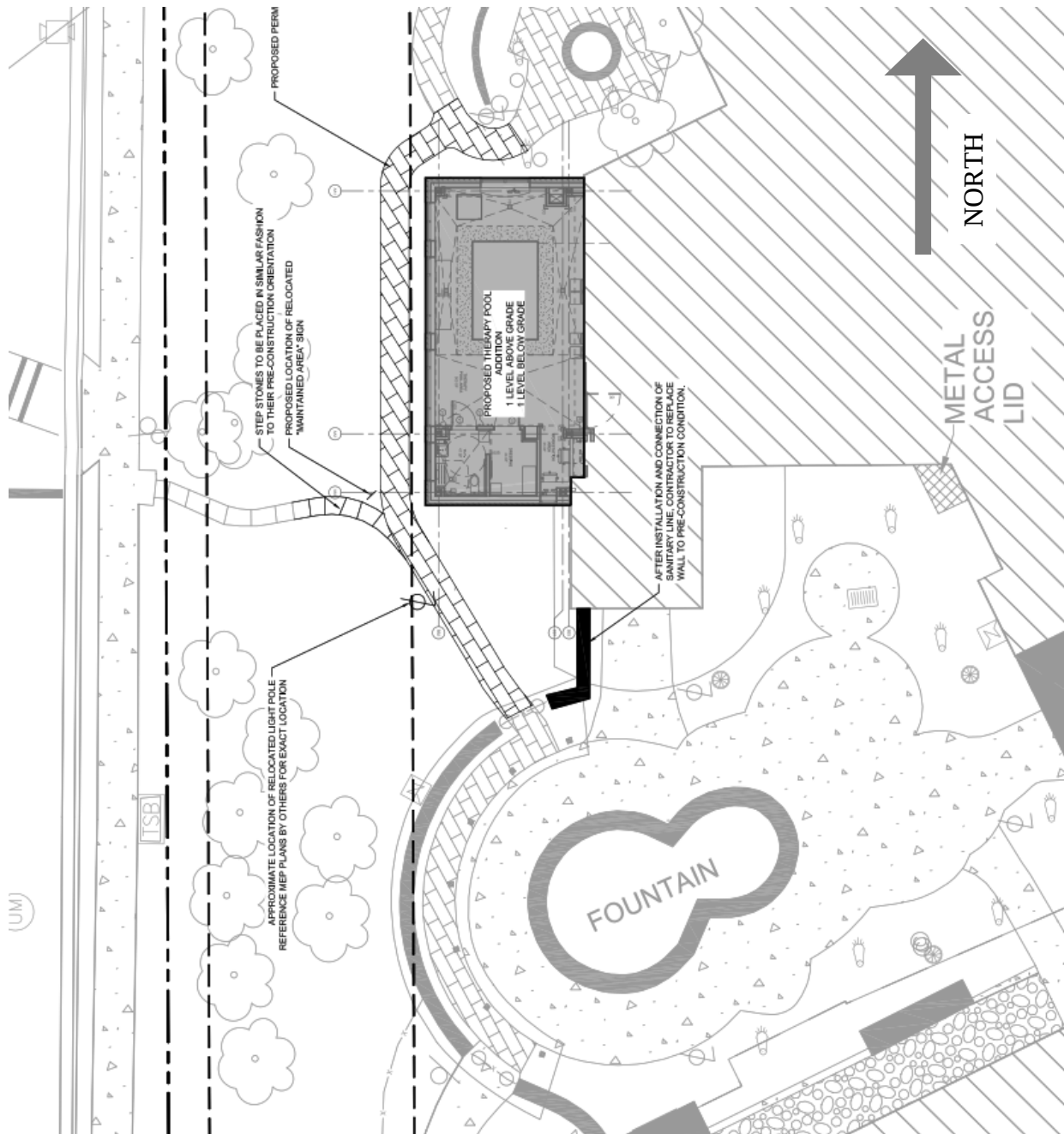
The applicant is proposing to add a one story addition to the Scottish Rite Hospital that will house a pool used for therapeutic recovery from illness or injury. The addition is proposed on the Meridian Mark Road frontage of the hospital complex and has a footprint of approximately 80'x 39' with 80' of one-story frontage on Meridian Mark Road. The site of the proposed addition is currently a landscaped area in front of the hospital complex.

RECOMMENDATION
Department of Community Development
Staff recommends <u>APPROVAL</u> of V18-0011 to 1) reduce the screening of roof top mechanical equipment and 2) reduce the transparency of the street facing facade.

FULL SITE PLAN



DETAILED SITE PLAN

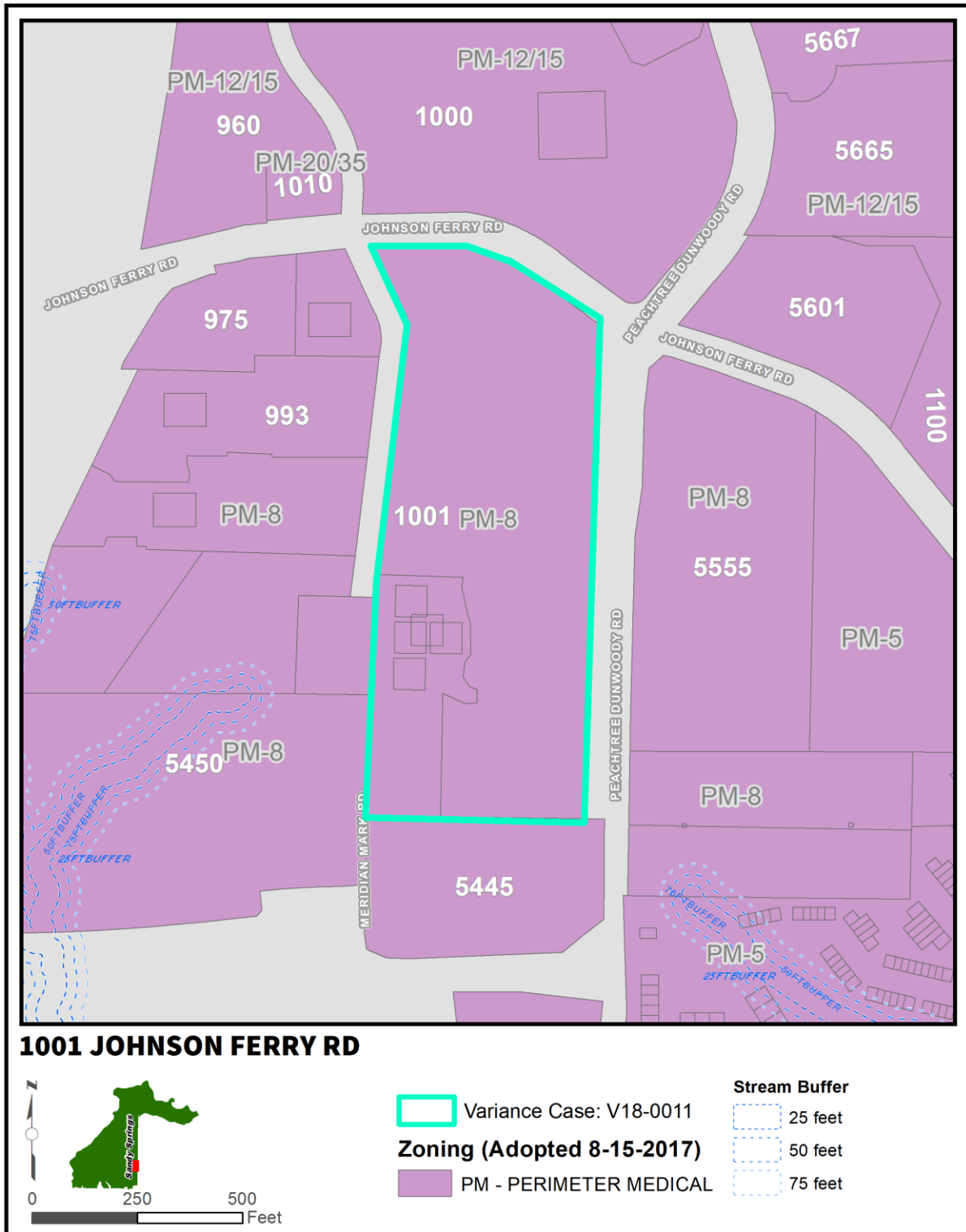


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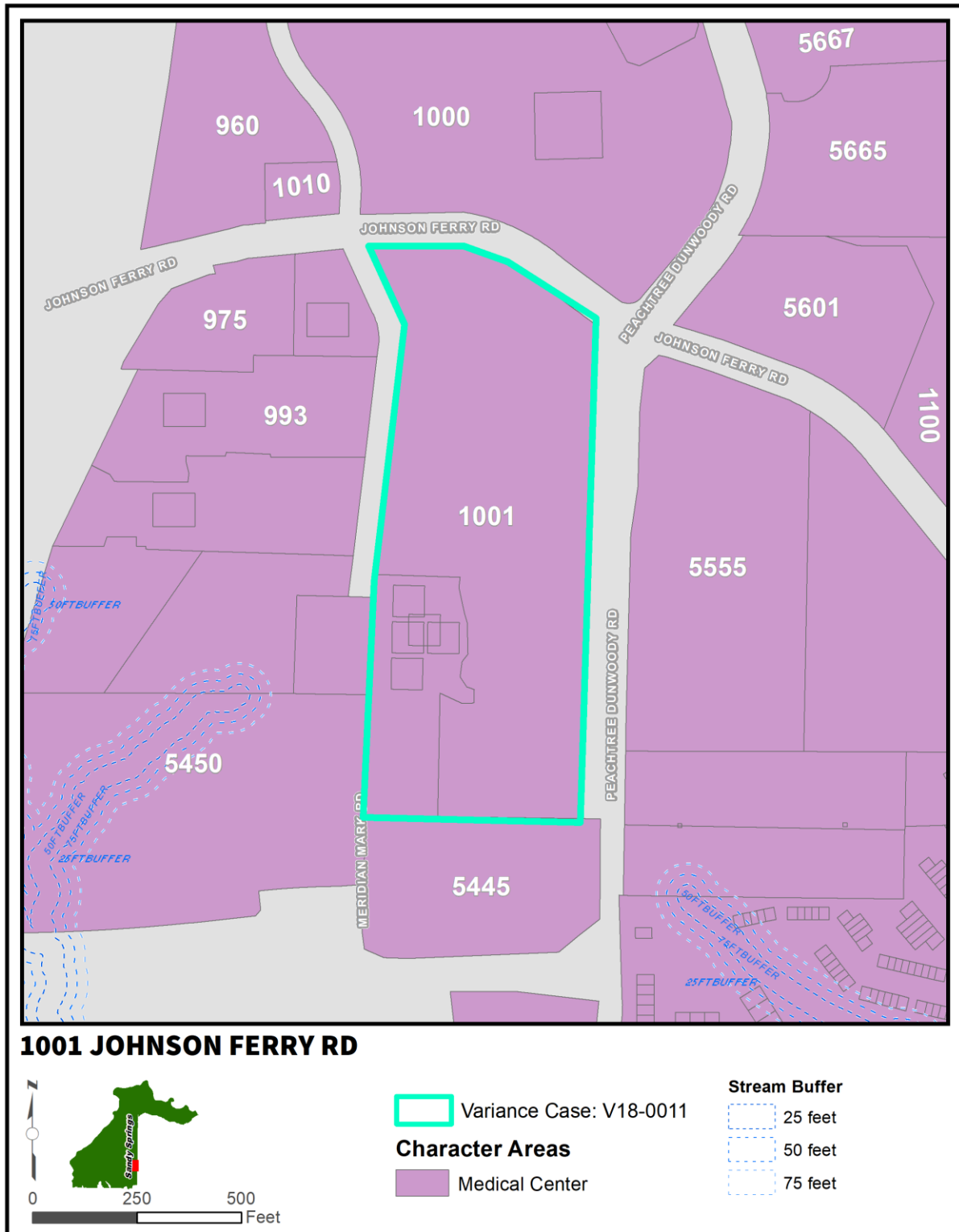


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ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS

Per Section 11.6.2.G, of the Development Code,

1. *Variances will only be granted upon showing that:*
 - a) *The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or*
 - b) *There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*
2. *Further, the application must demonstrate that:*
 - a) *Such conditions are not the result of action or inaction of the current property owner; and*
 - b) *The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
 - c) *The variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.*

MECHANICAL SCREENING VARIANCE

The applicant has requested a variance from Section 8.2.9.B of the Zoning Ordinance to reduce the screening of roof top mechanical equipment because the mechanical screening would impact the existing hospital windows on floors above the addition.

Findings:

1.a The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant. The subject property is part of an existing hospital complex that was first developed decades ago. It would create an unnecessary hardship for the applicant to screen the mechanical equipment for the therapy pool addition according to code because it would render patient rooms directly above the addition unusable. The one-story addition is proposed to be approximately 12' in height. This height is dictated by the presence of second story windows on the existing hospital façade located above the therapy pool addition. The requested variance is necessary because a parapet wall intended to screen mechanical equipment would have the unintended consequence of obstructing the views from patient rooms above the therapy pool on the second floor. According to the applicant, views out of patient rooms and not merely light have been proven to provide significant medical benefits to hospital patients.

1.b There are extraordinary and exceptional conditions due to size, shape or topography which are specific to the subject property and not generally found in similar properties. Hospitals are unique buildings due to the nature of their use and their pattern of growth over

time. The subject property is unique due to its size, long narrow shape, development over decades, and frontage on three sides.

2.a Such conditions are not the result of action or inaction of the current property owner.

The hospital development occupies the entire block so every façade of the building is visible from the right-of-way. The hospital campus has been constructed over decades by multiple parties and is mostly built out. Adding a therapy pool addition to the façade of the hospital with minimal negative impact to the existing building function necessitates the variance to reduce rooftop mechanical screening and is not the result of action or inaction of the current property owner.

2.b The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. Screening the mechanical equipment according to the Code would result in lost usability of rooms above the addition. The applicant has minimized the relief necessary from the rooftop mechanical screening requirement because the roof line will be at a higher grade than the adjacent Meridian Mark Road right-of-way and therefore the mechanical equipment will be obscured from view at the street level (See Exhibit 1-Viewshed Analysis in Appendix). The mechanical equipment will be screened further because it is located behind existing trees. However, in staff's opinion, a lightweight decorative screen could possibly be located around the mechanical equipment.

2.c The variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare. The general intent of the mechanical screening requirement is to obscure mechanical equipment from sight. The applicant provided a viewshed analysis from the sidewalk directly adjacent to the property that shows the equipment would not be visible by pedestrians or drivers on the street level (See Exhibit 1-Viewshed Analysis in Appendix). The rooftop mechanical equipment will be located in the least visible location possible. The required parapet would provide minimal screening benefit due to the topography and landscape of the site and would detract from the public benefit of desirable patient rooms on the second floor above. Staff finds that granting a reduction in rooftop mechanical screening for a medical therapy pool addition would not be detrimental to the public good, safety and welfare.

TRANSPARENCY VARIANCE

The applicant has requested variance from Section 5.6.3 of the Zoning Ordinance to reduce the transparency of the street facing facade from 50% to 29% in order to preserve patient privacy in a treatment area.

Findings:

1.a The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant. The subject property is part of a large tract that was first developed decades ago as a hospital. Three sides of the subject property have street frontage. It would create a hardship for the applicant to provide 50% transparency as required for the ground story in the Urban Limited Frontage because it is incongruous with

the permitted use of the addition as a therapy pool and with patient privacy in a treatment area. The transparency requirements were established to enliven the building façade with retail, restaurant and office uses in mind. The applicant has proposed 29% transparency to enliven the building façade and the addition is located between two amenity areas.

1.b There are extraordinary and exceptional conditions due to size, shape or topography which are specific to the subject property and not generally found in similar properties.

The subject property is unique due to its size, long narrow shape, development over decades, and frontage on three sides. Site conditions specific to the subject property caused the applicant to locate the therapy pool where the transparency requirement cannot be met including the fact that all sides of the hospital complex are visible and located on street frontage. A hospital is a use that has atypical requirements, including privacy. This need for privacy for a therapy pool is specific to the subject property and not generally found in similar properties.

2.a Such conditions are not the result of action or inaction of the current property owner.

The proposed development occupies an entire city block, so every façade of the building is visible from the right-of-way. The nature of providing medical therapy to children in a therapy pool necessitates patient privacy, and therefore, is not the result of action or inaction of the current property owner.

2.b The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. The applicant has minimized the relief necessary from the 50% transparency requirement by proposing 29% transparency, which is higher than the requirement for a residential use (20%). The property is used as a hospital and hospital facade design transparency differs from retail, office and restaurant design due to needs for privacy in patient care.

2.c The variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare. The general intent of the transparency requirement is to enliven and activate façades to create a more pedestrian friendly, lively public environment by allowing views of activity inside the building. The applicant is proposing 29% transparency which balances the intent for an enlivened facade with the need for privacy in a medical therapy pool. Staff finds that granting a reduction in transparency for a medical therapy pool addition would not be detrimental to the public good, safety and welfare.

COMMENTS FROM OTHER PARTIES

Buildings:

It would help to have more information. Since this is a tiny addition to a large building, it would help to be able to see it in the context of the entire elevation. It is essentially an alteration of the existing facade.

It would also help to have the elevations for a transparency calculation. I get 44-45% in a rough take-off from the material we do have.

The elevations might also help in understanding what view blockages from patient rooms might occur. It appears that there are only two rooms that would potentially be affected.

It would also be helpful to know the height(s) of the rooftop equipment and to have some sightline studies of the proposed design, as the building appears to be several feet above the street.

Site Development:

No comment

Arborist:

No comment

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the two requests relative to the variance standards contained in Section 11.6.2.G of the Development Code. Based upon this review, staff recommends **APPROVAL** of the two variance requests contained in V18-0011:

1. Variance from Section 8.2.9.B of the Development Code to reduce the screening of roof top mechanical equipment.
2. Variance from Section 5.6.3 of the Development Code to reduce the transparency of the street facing facade.

Should the Board of Appeals choose to approve the two requests, Staff recommends the following conditions:

1. A light-weight screen similar to a decorative fence is provided for screening around the mechanical equipment.
2. Transparency of 29% or greater is provided on the street-facing façade.

APPENDIX

Exhibit 1- Viewshed Analysis

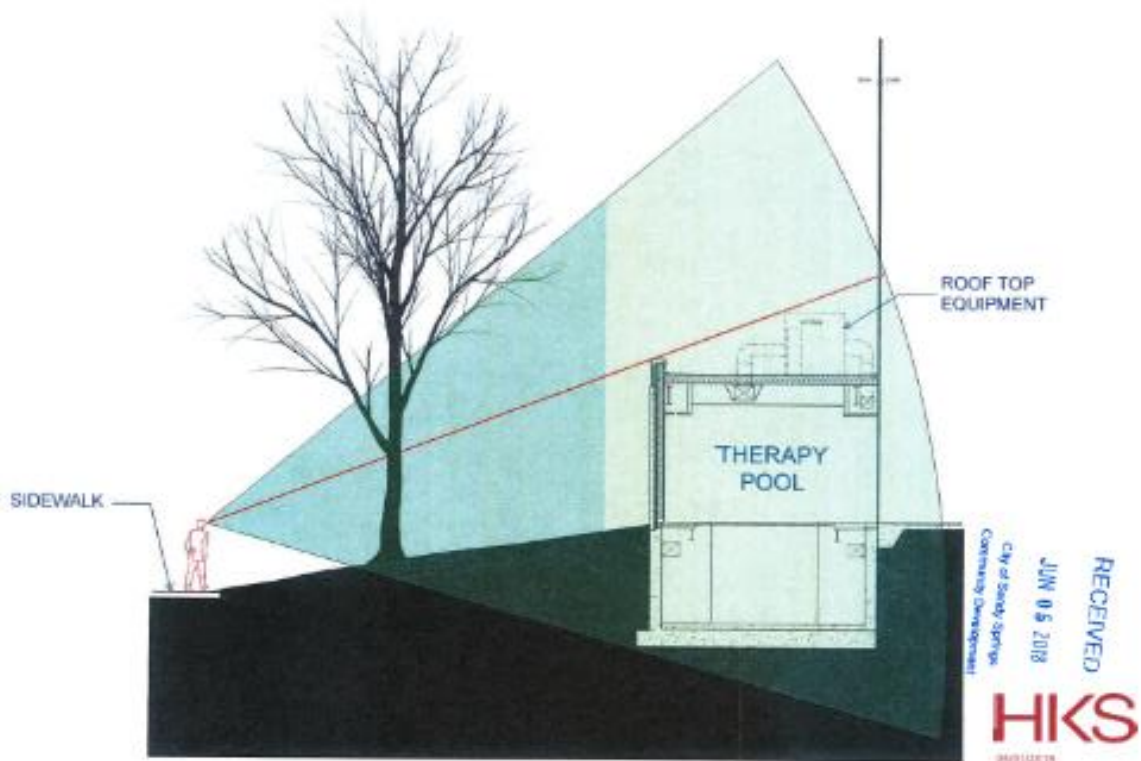


Exhibit 2 – Perspective 1

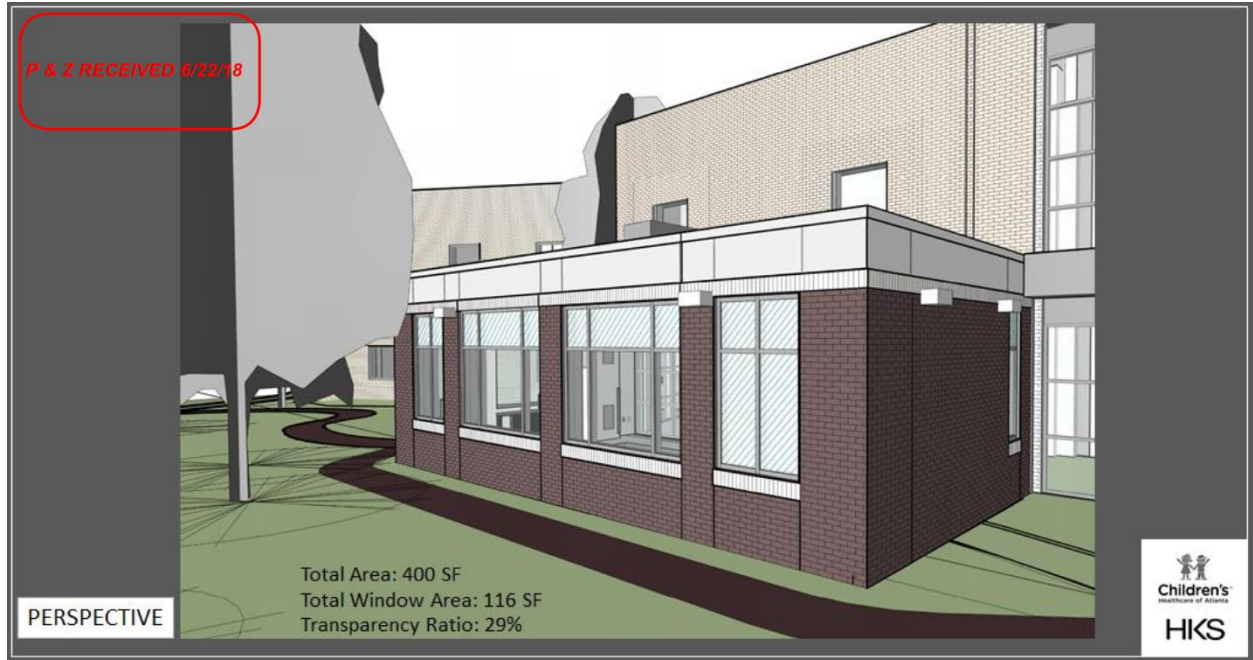


Exhibit 3 – Perspective 2

