

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITIONS OF RZ08-014/U08-008/CV08-012
APPROVED BY THE CITY OF SANDY SPRINGS MAYOR AND CITY COUNCIL ON
FEBRUARY 17, 2009, WITH CONCURRENT VARIANCES, PROPERTY LOCATED AT
1155 HAMMOND DRIVE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on May 15, 2012 at 6:00 p.m. as follows:

SECTION 1. That the condition(s) of a resolution by the City of Sandy Springs Mayor and City Council, approved on and February 17, 2009, for petition RZ08-014/U08-008/CV08-012 that allowed the property to be conditionally rezoned to the MIX (Mixed Use District) be changed for the property located at 1155 Hammond Drive, consisting of a total of approximately 7.22 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lots 17 & 18 of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. That the variance(s), as listed in the attached conditions of approval, be approved under the provisions of Section 22.9 of the Zoning Ordinance of the City of Sandy Springs; and

SECTION 3. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

SECTION 4. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

APPROVED AND ADOPTED this the 15th day of May, 2012.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**ZM12-001/CV12-003
1155 Hammond Drive**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of RZ08-014/U08-008/CV08-012, with regard to the above referenced property currently zoned MIX (Mixed Use District) conditional. Zoning modification petition ZM12-001/CV12-003 was approved by the Mayor and City Council at the May 15, 2012 subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.
 - b. Retail and associated accessory uses at a maximum density of 6,925.21 gross square feet per acre or 50,000 gross square feet, whichever is less.
 - c. Restaurant and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.
 - d. No more than 400 residential units at a maximum density of 55.12 units per acre, whichever is less.
 - e. To a maximum 120-room hotel.
 - f. The maximum building height shall be 6 stories or 100 feet, whichever is less, for the mixed use building. (U08-008)
 - g. The maximum building height shall be 5 stories for the existing hotel. (U08-008)
2. To the owner's agreement to abide by the following:
 - a. To the site plan submitted to the Department of Community Development dated received ~~February 3, 2009~~ **May 14, 2012**. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The minimum design standards are:

Minimum front yard (Peachtree-Dunwoody Road): 15 feet
Minimum side corner yard (Hammond Drive): ~~20~~ **15** feet

Minimum side yard: 0 feet

Minimum rear yard: 20 feet

Minimum heated floor area per dwelling unit: 800 square feet

- b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody Road along the entire property frontage or **one (1) foot from the back of future sidewalk** ~~ten and one half (10.5) feet from back of curb~~, whichever is greater, ~~to the City of Sandy Springs.~~
- c. The owner/developer shall dedicate right-of-way and ~~provide improvements on~~ **along** Hammond Drive per the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates, to the City of Sandy Springs.
- d. Install traffic signal at the location shown in the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates.
- e. Install northbound right turn lane from Peachtree-Dunwoody Road onto Hammond Drive.
- f. ~~The owner/developer shall close existing access points on Peachtree-Dunwoody Road; no direct access to Peachtree-Dunwoody Road shall be allowed.~~ **To allow the existing right-in only from Peachtree Dunwoody Road to temporarily remain until the future East/West Connector is constructed on the Palisades property at which time no direct access to Peachtree-Dunwoody Road shall be allowed.**
- g. The owner/developer shall provide **no more than two (2)** direct access **points** to future roadway designated "East-West Connector" on adjacent property to the south and easements to allow access through Hammond Center development for traffic coming from adjacent property. ~~Number and~~ **Exact** location of access points to be determined by the Department of Public Works at time of LDP.
- h. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent properties. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained; permanent easements shall be recorded allowing for future inter-parcel access along the entirety of the common boundaries of the property, prior to the issuance of an LDP.
- i. There shall be no more than three (3) access points on Hammond Drive. Final curb cut locations shall be determined by the Department of Public Works at time of LDP.
- j. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Department of Public Works at time of LDP.

- k. To allow a second freestanding sign (Sign #1) along the Hammond Drive frontage with a maximum sign face of thirty-two (32) square feet and a maximum height of six (6) feet (CV08-008).
- l. To allow for internal signs to be used as directional signage for the development (CV08-008). Said signs shall have a maximum sign face area of 20 square feet and shall have a maximum height of 6 feet.
- m. To allow wall signs to be up to twenty-seven (27) square feet for tenant spaces with less than thirty (30) linear feet of store front (CV08-008).
- n. To allow wall signs to extend up to twelve (12) inches from a wall, building, or structure with letters placed on a raceway (CV08-008).
- o. To allow Sign #1 and Sign #4 as shown on the site plan submitted to be setback zero (0) feet from the right-of-way as shown on the sign plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- p. To delete the parking lot landscaping requirement for a 10-foot landscape island with a shade tree every sixth parking space in the existing surface parking lot which serves the existing hotel as shown on the sign plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- q. To reduce the required ten (10) foot landscape strip along the south property line adjacent to the proposed east-west connector on the Palisades development property to allow for interparcel access as shown on the site plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- r. Variance from Section 4.23.1. of the Zoning Ordinance to eliminate the required five (5) foot interior landscape strips along the lot lines of the proposed outparcels (CV12-003#4).
- s. The owner/developer shall pedestrian and bicycle circulation and facilities on site consistent with PCID Overlay District and proximity to Dunwoody MARTA Station.