

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE FROM MIX (MIXED USE DISTRICT) TO MIX (MIXED USE DISTRICT), PROPERTIES LOCATED AT 1140 AND 1150 HAMMOND DRIVE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on June 17, 2014 at 6:00 p.m. as follows:

SECTION 1. That the Zoning Ordinance of the City of Sandy Springs be amended, and the official maps established in connection therewith be changed so that the following properties located 1140 and 1150 Hammond Drive, consisting of a total of approximately 15.30 acres, be changed from MIX (Mixed Use District) to MIX (Mixed Used District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 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 the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

SECTION 5. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 6. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

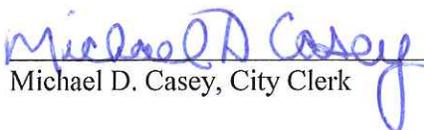
APPROVED AND ADOPTED this the 17th day of June, 2014.

Approved:



Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**201400796
1140 & 1150 Hammond Drive**

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of properties owned by Corporate Campus, LLC at 1140 & 1150 Hammond Drive. Rezoning petition 201400796 was approved to rezone from MIX (Mixed Use District) to MIX (Mixed Use District), conditional by the Mayor and City Council at the June 17, 2014 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial, and/or office and associated accessory uses, including all exterior food and beverage service areas, at a maximum density of 45,490.20 gross square feet per acre or 696,000 sqft gross square feet, whichever is less, but excluding convenience stores with gas pumps, commercial amusements, and freestanding fast food restaurants, except for bagel, pastry and coffee shops, and ice cream parlors.
 - b. To the existing seven (7) story commercial building (Goddard School) (U11-002#1) and to an eleven (11) story, 160 room Hotel (U11-002#3).
 - c. To a six (6) story Multi-family Complex having 385 units and a parking garage (Use Permit 201400796).
 - d. To a maximum 160-room hotel.
 - e. Multi-family units at density of 25.16 gross square feet per acre or 385 units, whichever is less.
2. To the owners agreement to abide by the following:
 - a. To the Rezoning Site Plan submitted to the Department of Community Development dated received April 25, 2014. 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): 8 feet
 - Minimum side corner yard (Hammond Drive): 8 feet
 - Minimum side yard: 10 feet
 - Minimum rear yard: 10 feet
 - Minimum internal setbacks, separations, landscaping and buffering between uses is as shown on the site plan which shall comply with the local governing building codes.
 - b. Interior ceiling heights should be a minimum of nine (9) feet.
 - c. All units shall be individually metered and/or submetered.

- d. 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 ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- e. The owner/developer shall dedicate sufficient right-of-way from centerline of Hammond Drive along the entire property frontage as depicted on the "Additional Right of Way Exhibit" in the Appendix of the *Hammond Drive Corridor Report, from Peachtree-Dunwoody Road to Perimeter Center Parkway*, prepared for the Fulton County CID, DeKalb County CID, & Perimeter CID, by Kimley-Horn and Associates, Inc. on January 2008, such that the ultimate right-of-way shall be 135 feet in width. The aforementioned Additional Right of Way Exhibit is attached and dated received August 5, 2011 by the Department of Community Development.
- f. The new proposed curb cut on Hammond Drive, that is proposed to be approximately 680 feet east of the centerline of Peachtree-Dunwoody Rd, shall be designed to have exit lanes configured to have a right, straight thru lane, and left turn lanes which shall be subject to the approval of the Public Works Department at the time of LDP. The exit lanes shall not have bisecting entry points to those exit and entry lanes a minimum of approximately 130 feet from the proposed curb line of Hammond Drive. Until a traffic signal is operational at this curb cut only one exit lane would be functional. No gates shall be within the entrance and exit lanes off of this Hammond Drive curb cut less than 300 lane feet from the northerly curb of Hammond Drive.
- g. Traffic within the property shall be able to circulate through the existing and proposed parking garages and exit on to Hammond Drive subject to the approval of the Public Works Department.
- h. By the owner/developer, Hammond Drive shall be milled, resurfaced, and pavement markings placed stripped to points acceptable to the Public Works Department to enable a 200 foot long eastbound left turn lane into the new curb cut in accordance with the Rezoning Site Plan dated received August 11, 2011 by the Department of Community Development or as designated by the Public Works Department.(RZ11-006)
- i. An 8 inch wide by 6 inch tall concrete header curb, painted with traffic yellow, shall be placed by the owner/developer along the centerline of Hammond from Peachtree Dunwoody Road to the proposed new traffic signal/driveway as directed by the Public Works Department.
- j. The most westerly existing curb cut off of Hammond Drive shall be made into a right turn in and right turn out driveway at time of receiving a LDP in accordance with the Rezoning Site Plan dated received August 11, 2011 by the Department of Community Development.(RZ11-006)
- k. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Public Works Department for the roads along the frontages of the subject.
- l. Prior to issuance of an LDP for the proposed Hotel, permanent easements shall be recorded allowing for future interparcel access along the entire boundary of the adjacent

properties to the north and east. Prior to issuance of an LDP for the proposed Hotel, the owner/developer shall attempt to provide interparcel access with the adjacent property to the north; however, should the owner/developer not come to an agreement on interparcel access at that time, the owner/developer shall provide documentation of such. Prior to issuance of an LDP for the proposed Hotel, interparcel access to the east shall occur considering any future infrastructure construction in DeKalb/Dunwoody.

- m. The property owner shall install and/or escrow funds for Traffic signals at the most northerly curb cut on Peachtree Dunwoody Road and at the proposed curb cut on Hammond Drive, as determined and approved by the Public Works Department. The traffic signal hardware and software shall be similar to the newest traffic signals installed within the Perimeter CID District.
- n. No more than two (2) curb cuts on Peachtree-Dunwoody Road; one to align with existing median break and the other restricted to right-in/right-out. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
- o. No more than three (3) curb cuts on Hammond Drive. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.(RZ11-006)
- p. The owner/developer shall install a westbound right turn lane from Hammond Drive onto Peachtree-Dunwoody Road. Said improvement shall be installed at such time a new Land Disturbance Permit is approved by the Department of Community Development.
- q. The owner/developer shall follow the Hammond Drive Construction Access Phasing Plan dated received August 11, 2011 by the Department of Community Development or as directed by the Public Works Department.
- r. The parking lanes aisle that exit into the travel lane that would enter or exit the site at the most northerly curb cut on Peachtree Dunwoody Road shall be made right in and right out.
- s. To reduce the required twenty-five foot (25') impervious stream buffer to zero feet (0') and the required fifty foot (50') undisturbed natural stream buffer to five feet (5') to permit an encroachment of 6504 square feet of impervious surface into the twenty-five foot (25') impervious setback and 16,935 square feet of disturbed pervious and impervious area into the fifty foot (50') undisturbed buffer. (CV08-027)
- t. To delete the required twenty (20) foot landscape strip along the area adjacent to the retail building and existing parking along the west property line as shown on the site plan dated July 22, 2011 (Peachtree-Dunwoody Road frontage) (CV08-027).
- u. To delete the required twenty (20) foot landscape strip along the area adjacent to the commercial/multi-family building and parking along the west property line as shown on the site plan dated April 25, 2014 (Peachtree-Dunwoody Road frontage) (CV 201400769).

- v. To allow for an additional freestanding sign on the Peachtree-Dunwoody Road frontage (CV08-027). Said sign shall be no larger than seventy-two (72) square feet with a maximum height of eight (8) feet.
- w. To allow internal signs throughout the site to be used as directional signage (CV08-027). Said signs shall be no larger than twenty (20) square feet with a maximum height of six (6) feet.
- x. Not less than 20% of the total acreage shall be maintained as common outdoor open space for the use and benefit of the residents. Said common outdoor open space shall be marked by appropriate signage and must be accessible via a road or walking trail to the rest of the development.
- y. Not less than 20% of the site shall be maintained as Open Space of which 15% shall be Green Space.
- z. To allow for two (2) additional freestanding signs on the subject property. Said signs shall have a maximum sign area of thirty-two (32) square feet and a maximum height of eight (8) feet and located along the Hammond Drive frontage, on the most eastern entrance to the development, as shown on sign elevation plan dated February 3, 2009. (CV09-002)
- aa. Pursuant to The Tree Conservation Ordinance, Administrative Standards & Best Management Practices – Landscape Strips, Buffers and Parking (A.4) to allow a permanent structure (retaining wall) within a landscape strip. (V09-012)