

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO ALLOW ZONING MAP AMENDMENT FROM PX-10/12 TO PX-10/12 TO AMEND EXISTING ZONING CONDITIONS PER 2003Z-0161, 2003U-0029, 2003VC-0227 TO ALLOW A HOTEL USE AT THE PROPERTIES LOCATED AT 0, 6401, 6403 BARFIELD ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on Tuesday, March 19, 2019 at 6:00 p.m. as follows:

SECTION 1. That the Official Zoning Map, incorporated into and part of the City of Sandy Springs Development Code be amended so the properties located at 0, 6401, 6403 Barfield Rd (Parcel # 17 0035 LL3347, LL3313, LL3339, LL3305), consisting of a total of approximately 3.69 acres, be allowed to have a hotel use.

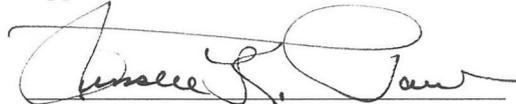
SECTION 2. That the property shall be developed in compliance with the condition of approval, as attached to this Ordinance. Any conditions hereby approved do not authorize the violation of any district regulations; and

SECTION 3. That all Ordinances or part of Ordinances in conflict with the terms of this Ordinance are hereby repealed; and

SECTION 4. 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 19th day of March, 2019.

Approved:



Russell K. Paul, Mayor

Attest:


Coty Thigpen, City Clerk

(Seal)



LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 35 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a 1/2-inch rebar found at the intersection of the Northerly right-of-way line of Mount Vernon Highway (variable right-of-way) and the Easterly right-of-way line of Barfield Road (variable right-of-way), said point being the TRUE POINT OF BEGINNING; Thence along said right-of-way line of Barfield Road North 42 degrees 44 minutes 02 seconds West, a distance of 37.42 feet to a 1/2-inch rebar found; Thence along a curve to the left having an arc length of 185.05 feet, with a radius of 548.13 feet, at a chord bearing of North 21 degrees 57 minutes 34 seconds West, for a chord length of 184.17 feet, to a point; Thence North 30 degrees 18 minutes 41 seconds West, a distance of 150.54 feet to a point; Thence North 29 degrees 57 minutes 58 seconds West, a distance of 19.02 feet to a 5/8-inch rebar found; Thence departing said right-of-way North 59 degrees 41 minutes 19 seconds East, a distance of 203.14 feet to a 5/8-inch rebar found; Thence along a curve to the right having an arc length of 62.36 feet, with a radius of 52.00 feet, at a chord bearing of South 85 degrees 57 minutes 28 seconds East, for a chord length of 58.69 feet, to a 5/8-inch rebar found; Thence South 51 degrees 36 minutes 14 seconds East, a distance of 29.70 feet to a 5/8-inch rebar found; Thence South 89 degrees 56 minutes 13 seconds East, a distance of 236.69 feet to a 5/8-inch rebar found on the Westerly right-of-way line of Georgia Highway 400; Thence along said right-of-way South 00 degrees 09 minutes 52 seconds East, a distance of 307.48 feet to a 1/2-inch rebar found at the intersection with the Northerly right-of-way line of Mount Vernon Highway; Thence along said right-of-way of Mount Vernon Highway South 56 degrees 56 minutes 28 seconds West, a distance of 88.41 feet to a 1/2-inch rebar found; Thence South 70 degrees 14 minutes 06 seconds West, a distance of 187.54 feet to a 5/8-inch rebar found; Thence South 85 degrees 18 minutes 41 seconds West, a distance of 64.65 feet to a 1/2-inch rebar found, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 3.692 Acres.

CONDITION OF APPROVAL

RZ18-0008

0, 6401, 6403 Barfield Rd

Please be advised, the City of Sandy Springs Mayor and City Council approved the Zoning Map Amendment of the properties located 0, 6401, 6403 Barfield Rd (Parcel # 17 0035 LL3347, LL3313, LL3339, LL3305) from PX-10/12 to PX-10/12 to amend existing zoning conditions PER 2003Z-0161, 2003U-0029, 2003VC-0227 to allow a hotel use. The Zoning Map Amendment RZ18-0008 was approved by the Mayor and City Council at the March 19, 2019 public hearing, subject to the following condition:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 2,353.56 gross square feet per acre zoned or a total of 22,500 square feet, whichever is less, and limited to the first level of either retail/office/hotel building as depicted on the site plan referenced in condition 2.a., but excluding convenience stores with gas pumps; freestanding fast food restaurants; commercial amusements; pawn shops; check cashing businesses; billiards or pool halls; arcades, amusements, game rooms; adult theme bookstores, video stores, movie theaters and/or establishments offering the sale or rental of related machines, tapes, discs, books, magazines, and novelty items; liquor stores; massage parlors or spas; bars; lounges or other establishments whose principal business is the sale of alcoholic beverages; and night clubs, taverns, or similar establishments, and those establishments offering strip tease or nudity as entertainment and those establishments offering dance clubs, and music clubs; live entertainment; outdoor television/video; outdoor speakers other than in-ground speakers which cannot be heard from any residentially zoned property; drive-thrus for food operation; group residences; gymnasiums; health clubs greater than 4,000 square feet (No more than a total of 10,000 square feet for health clubs in office/retail/hotel buildings.); recording studios; research laboratories; restaurants in excess of 4,000 heated square feet; stadiums; and theaters. In addition, the following uses shall not be permitted by use permit or otherwise: (1) festivals or events, occasional outdoor/indoor including but not limited to horse shows, carnivals, dog shows, arts and crafts shows and music festivals, except for purposes of promoting the business of the tenants or landlord of the office/retail/hotel buildings which shall be limited to no more than two per year and which shall not extend past 6 PM (2) amphitheaters (3) self-storage/multi-storage facilities (4) day care facilities other than for exclusive use of the retail/office/hotel tenants and (5) free standing cellular towers. Bars, live entertainment, outdoor television/video, and meeting/conference space are allowed as accessory uses to a hotel use. Hotel accessory outdoor television/video use shall not be heard from any residentially zoned property. Hotel accessory live entertainment shall occur only indoors, shall not be advertised to the public, and shall not be heard from any residentially zoned property. In total, hotel accessory special event/meeting/conference spaces shall contain a seating capacity no greater than 75 seats. Special events shall not be held outdoors.
 - b. Office/institutional/hotel and accessory uses at a maximum density of 36,349.38 square feet of gross floor area per acre zoned or a total gross floor area of 347,500 square feet, whichever is less, with the same exclusions as listed in condition 1.a. Any hotel use shall be located in the building at the corner of Mount Vernon Highway and Barfield Road (known as Building Number 1 or Phase I Building).
 - c. No more than 2 retail/office/hotel buildings as depicted on the site plan. Allow parking deck(s) in the area as depicted on the site plan. If the hotel is developed prior to the parking

deck(s) depicted on the site plan, temporary surface parking shall be provided at a ratio not to exceed one (1) space per lodging room. The temporary surface parking shall be removed within 90 days of issuing the Certificate of Occupancy for parking deck(s).

- d. The maximum height of the retail/office/hotel buildings and parking deck shall be as follows: retail/office/hotel building at the corner of Mount Vernon Highway and Barfield Road (known as Building Number 1 or Phase I Building) shall be no more than 6 stories; the northernmost retail/office building (known as Building Number 2 or Phase II Building) shall be no more than 10 stories; the parking deck shall be no more than 7 stories. The height as thus limited shall not include the height of the penthouse which houses the buildings elevator shaft and HVAC equipment. There shall be no antennas on the south or west facade of Building Number 1 and there shall be no satellite, cellular or wireless communications antennas that are visible from the right-of-way of Mount Vernon Highway or Barfield Road on Building Number 1. All equipment buildings on Building Number 1 shall be permanent. (2003U -0029 NFC)
 - e. No more than 130 total condominium dwelling units at a maximum density of 13.60 dwelling units per acre based on the total acreage zoned, whichever is less.
 - f. The minimum heated floor area for the condominium units is 1,100 square feet.
 - g. The finished floor elevation (FFE) of the first floor of the retail/office building labeled as Building Number 1 (or Phase I Building) on the site plan shall not exceed 1,109.8 feet.
2. To the owner's agreement to abide by the following:
- a. To the revised site plan received by the Department of Environment and Community Development on November 29, 2018. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution 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 the first Certificate of Occupancy.
 - b. All recreational and other areas which may be held in common shall be maintained by a mandatory condominium homeowners association, who's proposed documents of incorporation shall be submitted to the Director of the Department of Environment and Community Development for review and approval prior to the recording of the first final plat.
3. To the owner's agreement to the following site development considerations:
- a. The minimum design standards are as follows:
 - Perimeter Setbacks
 - Front Yard Setback: retail/office/hotel building shall be a minimum of 40 feet from existing right-of way of Mount Vernon Highway and parking deck shall be a minimum of 30 feet from existing right-of-way of Mt. Vernon Highway, except where improvements are shown on the site plan depicted in condition 2.a.
 - Side Yard Setback: 5 feet, except where improvements are shown on the site plan depicted in condition 2.a.
 - Rear Yard Setback: 10 feet, 5 feet, except where improvements are shown on the site plan depicted in condition 2.a.
 - Townhouses
 - Minimum Building Separation: 20 feet
 - b. Provide berm and landscaping of the size, quantity, and material as specified on the landscape drawing prepared by Highgrove Partners dated 2/12/04 and labeled as Exhibit 2-A thru 2-D along Mt. Vernon Highway and Barfield Road or may be approved by the Fulton County Arborist. The Exhibits are attached to the end of this document.

- c. No more than two (2) exits/entrances on Barfield Road. Location and alignment are subject to the approval of the Fulton County Traffic Engineer. Concurrent to the Construction of the driveways, a median may need to be constructed on Barfield Road, or the closest driveway to Mount Vernon Highway on the west side of Barfield Road may need to be converted to a right-in, right-out, or as may be approved by the Fulton County Traffic Engineer.
- d. No access shall be allowed from Mount Vernon Highway.
- e. Allow encroachments of improvements into the required landscape strips along Barfield Road and Mount Vernon Highway as shown on the site plan depicted in condition 2.a. and the landscape drawings referenced in condition 3.b. or as may be approved by the Fulton County Arborist. (2003VC-0227 NFC, Part 1)
- f. Delete the ten-foot landscape strip along Georgia 400 right-of-way. (2003VC0227 NFC, Part 2)
- g. The Mt. Vernon Highway parking deck facade shall use the same material accents as used on the facade of the office/retail/hotel buildings and be the same color. The Mt. Vernon Highway parking deck facade shall also provide 80% architectural screening at the openings to shield vehicles within the parking deck from being viewed from outside the parking deck.
- h. The hours of operation for the retail and/or service establishments and all non-office uses shall be limited to the hours of 6:00 AM to 10:00 PM Sunday through Thursday and 6:00 AM to 11:00 PM Friday and Saturday. This limitation shall not apply to hotel and accessory uses, provided that hotel accessory bars and live entertainment shall be limited to the hours of 6:00 AM to 11:45 PM daily.
- i. Pole lighting for the parking drives and top of the parking deck shall utilize shoebox style or other shielded light fixtures. All exterior lights (including those within the parking deck) including but not limited to any accent pole lights on the Property shall be directed away from the Autumn Chace and Granville communities, shall be shielded, shall not exceed 1.2-foot candles at the Autumn Chace and Granville Condominium property lines; shall be designed to point light down and minimize the amount of light spillover from the proposed development; and shall not exceed 12 feet in height for ground level fixtures and 8 feet for fixtures on top of the parking deck. Except for within the interior of the parking deck, exterior non-residential lighting shall be limited to incandescent, high-pressure sodium, low-pressure sodium and equivalent bulbs (i.e. no metal halide, mercury type or equivalent bulbs shall be allowed). The non-residential buildings shall not be illuminated from the exterior except for: (1) street level parking lot lighting, pedestrian lighting and related street level lighting and (2) landscape lighting so long as it (a) meets the criteria of items one through three above, (b) cuts off at 11:00 PM nightly and uses no greater than 150 watt, low pressure sodium fixtures on 25-foot centers.
- j. Neither pole-mounted signage nor white or full panel light-background signs shall be permitted for the retail/office/hotel buildings.
- k. All signs shall be monument or wall signs.
- l. On the west and south faces of the office/retail/hotel buildings labeled Building Number 1 & 2 (or Phase I Building and Phase II Building, respectively) on the site plan, illuminated wall signage is not allowed above the first level except within 50 feet of the southeastern corner of each building.
- m. Comply with the Urban District of the Sandy Springs Overlay District Article 12.B.4. of the Zoning Resolution for pedestrian lighting, sidewalks and street trees along Barfield Road and Mt. Vernon Highway, except that light fixtures shall not exceed 13 feet in height.
- n. All first floor wall and monument signage along the Mount Vernon Highway and Barfield Road facades of Building 1 and 2 (or Phase I Building and Phase II Building, respectively) as well as 100 feet along the first level of the northern facade of Building 1 (beginning at

the northwestern corner of Building 1 and proceeding east), if illuminated, shall be externally illuminated.

4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Reserve for Fulton County along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

55 feet from centerline of Mount Vernon Highway;

from the centerline of Georgia 400 per the Georgia 400 Collector-Distributor plans or as may be required by the Georgia Department of Transportation.

- b. Dedicate at no cost to Fulton County along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

55 feet from the centerline of Barfield Road;

40 feet from the centerline of Mount Vernon Highway;

from the centerline of Georgia 400 as may be required by the Georgia Department of Transportation.

- c. Provide a deceleration lane for each project entrance or as may be required by the Fulton County Traffic Engineer.
- d. Provide a left turn lane for each project entrance or as may be required by the Fulton County Traffic Engineer.
- e. Upgrade the traffic signal at the intersection of Mount Vernon Highway and Barfield Road or as required by the Fulton County Traffic Engineer.
- f. Provide a westbound right turn lane on Mount Vernon Highway at Barfield Road or as may be approved by the Fulton County Traffic Engineer.
- g. Increase the eastbound left turn storage to accommodate the 95th percentile queue at the intersection of Mount Vernon Highway and Barfield Road or as may be approved by the Fulton County Traffic Engineer.
- h. Increase the southbound left turn storage to accommodate the 95th percentile queue at the intersection of Mount Vernon Highway and Barfield Road or as may be approved by the Fulton County Traffic Engineer. Provide a median on Barfield Road to protect the left turn queue or as may be approved by the Fulton County Traffic Engineer.
- i. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the Fulton County Traffic Engineer at the concept review phase.

5. To the owner's agreement to abide by the following:
- a. ~~Prior to submitting the application for a Land Disturbance Permit (LDP) with the Department of Environment and Community Development, Development Review Division, arrange to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.~~
 - b. ~~Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton County Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.~~
 - e. ~~Prior to submitting the application for an LDP, the developer/engineer shall contact the Public Works Department, Water Services Division, and arrange to meet on-site with an engineer from the Surface Water Management Program (SWMP), who is responsible for review of Storm Water Concept Plan submittals.~~
 - d. ~~Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the SWMP, through the Development Review Division, a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc., the point in the stream channel where the 25 year storm peak flow is the greatest percentage of the channel capacity, and the hydraulic grade elevation at these points. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment and limited field survey data.~~
 - e. ~~Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, the discharge from the storm water management facility outlet shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan.~~
 - f. ~~A draft of the Inspection and Maintenance Agreement required by OCGA Section 26-278 shall be submitted to the Department of Public Works with the Storm Water Concept Plan.~~
 - g. ~~The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed and cleaned on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as intended/designed, and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended/designed.~~
 - h. ~~The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit or Building Permit associated with the development.~~
 - i. ~~The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.~~

- ~~j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to remove pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A description of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan.~~
 - ~~k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of all existing natural streams, creeks, or draws within the proposed development boundary and provide details on the Storm Water Management Plan of the post-development channel bank protection measures.~~
 - ~~l. The developer/engineer shall demonstrate to the County by engineering analysis submitted with the LDP application, that the discharge rate of the storm water runoff leaving the site is restricted to seventy-five percent (75%) of the current developed conditions for the one(1) year frequency storm event, up to and including the ten (10) year frequency storm event. All other storm frequencies will be reduced to one hundred percent (100 %) of the current developed conditions. Current conditions shall refer to the runoff value of the site as it currently exists; however a 'c' value of greater than 0.65 may not be used. The water quality volume may be satisfied by utilizing the detention facility for multi-purpose usage.~~
 - a. A pre-application meeting will be required before applying for a Land Disturbance Permit (LDP)
 - b. An as-built survey shall be provided prior to submitting for Land Disturbance Permit (LDP) showing how previous conditions specified in conditions 5 of original zoning case 2003Z-0161 have been met.
6. Comply with the Georgia Regional Transportation Authority (GRTA) "Revised Notice of Decision" dated November 8, 2016 for DRI #477, Perimeter Ford Redevelopment. (ZM16-0025)