

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z05-0050 ON OCTOBER 3, 2006, PROPERTY LOCATED AT 5600 ROSWELL ROAD (SR 9)**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on September 18, 2007 at 7:00 p.m. as follows:

**SECTION 1.** That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on October 3, 2006, for petition Z05-0050 that rezoned property from the C-1 (Community Business) District to the C-1 (Community Business) District be changed for the property located at **5600 Roswell Road (SR 9)**, consisting of a total of approximately 24.29 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 91 of the 17<sup>th</sup> 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**SECTION 4.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

**ORDAINED** this the 18<sup>th</sup> day of September, 2007.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**ZM07-005/CV07-018**  
**5600 Roswell Road (SR 9)**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z05-0050, with regard to the above referenced property currently zoned currently zoned C-1 (Community Business District). Zoning modification petition ZM07-005/CV07-018 was approved by the Mayor and City Council at the September 18, 2007 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 accessory uses, including all exterior food and beverage service areas, at a total of 341,485 square feet over the 24.29-site, and including no more than one freestanding fast food restaurant with or without drive thru, a financial institution with a drive-thru and a drug store with a drive-thru. Convenience stores with gas pumps and commercial amusements are excluded.
  - b. Limit the height of the buildings to no more than 3 stories with structured parking up to 5 levels.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on August 1, 2007. 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. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for 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. To the Landscape Plan known as (Exhibit B) along the south property line adjacent to Carriage Gate submitted the Department of Community Development on August 11, 2006.
3. To the owner's agreement to the following site development considerations:
  - a. No more than two (2) exits/entrances on Roswell Road (SR 9). Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
  - b. No more than three (3) exits/entrances on Lake Placid Drive. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
  - c. Reduce the number of required parking spaces to no less than 1,333. (2005VC-0105 NFC, Part 4)

- d. Allow shared parking pursuant to Article 18.2.2.
- e. Provide streetscape standards consistent with the Main Street district in the Sandy Springs Overlay District along Roswell Road (SR 9) and along the main boulevard of the project as shown on the site plan received by the Department of Community Development dated August 11, 2006.
- f. Provide a 10-foot front yard along Lake Placid Drive. (2005VC-0105 NFC, Part 1)
- g. Provide a forty-five (45) foot landscape strip planted to buffer standards along the south property line of the overall Prado development adjacent to the Carriage Gate townhomes. (2005VC- 0105 NFC, Part 2) Prior to the issuance of a Land Disturbance Permit the owner/developer shall submit a landscape plan to the Department of Community Development. Said landscape plan shall be subject to the approval of the Sandy Springs Arborist.
- h. Delete the requirement of a tree island every 6th parking space. (2005VC-0105 NFC, Part 3)
- i. Delivery hours for Anchor A and Anchor B retail stores as shown on the site plan referenced in condition 2.a. shall be 7:00 a.m. to 10:00 p.m. Monday through Friday and 9:00 a.m. to 8:00 p.m. Saturday and Sunday.
- j. No dumpsters shall be allowed within the area between the southern property line and rear wall of Anchor A and Anchor B retail stores as shown on the site plan referenced in condition 2.a.
- k. The south wall of Anchor A retail store as shown on the site plan referenced in condition 2.a. shall be comprised of masonry material.
- l. The exterior lighting for the Anchor A and Anchor B retail stores as shown on the site plan referenced in condition 2.a. adjacent to Carriage Gate along the south property line shall be placed on the retaining wall to the south of the building facing the Anchor A and Anchor B buildings and not on the roof of the Anchor A building.
- m. To allow for an additional monument sign along the Roswell Road (SR 9) frontage of the property and to allow for an additional monument sign along the Lake Placid Drive frontage of the property as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
- n. To allow for an encroachment into the twenty-five (25) foot impervious setback of the required stream buffer along the west side of the property as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).

- o. To delete the required five (5) foot landscape strip along all property lines between the "Anchor A Tract" and the remainder of the subject site as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
  - p. To delete the required twenty-five (25) foot building setback along the south property line for the "Anchor A Tract" as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
  - q. The owner/developer shall implement a program to ensure that all shopping carts for the businesses at the shopping center remain on the subject property at all times. Documentation of said program shall be submitted to the Department of Community Development prior to the issuance of the first Certificate of Occupancy and shall be subject to the approval of the Director of Community Development.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Dedicate at no cost to Sandy Springs 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 Sandy Springs 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:  
  
50 feet from the centerline of Roswell Road (SR 9) or as may be required by the Georgia Department of Transportation.  
  
30 feet from the centerline of Lake Placid Drive
  - b. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development at the Land Disturbance permit phase.
  - c. The developer shall be responsible for complying with the requirements of the document entitled "Fulton County Driveway Manual" adopted by the Fulton County Board of Commissioners on May 18, 2005.
5. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a (LDP) with the Department of Community Development, Development Review Division, arrange to meet with the Sandy Springs 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 Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.

- c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Public Works Department and arrange to meet on-site with an engineer, 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 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. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at a point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment, and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year water surface elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties. Where Sandy Springs has completed a model of the basin, it shall be used by the developer in the analyses.
- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge 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. Should the method to achieve sheet flow across an external property line be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Public Works. This condition will not apply when the storm water management facility is designed and approved to discharge directly to a stream or watercourse.
- f. A draft of the Inspection and Maintenance Agreement required by Sandy Springs 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, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document, for use by the owner and/or any professionals retained by the owner, to plainly describe the basic operational function of the facility(ies), including a description of a permanent marker post(s) which shall indicate that the level of sediment which, if exceeded, requires sediment removal. The Inspection and Maintenance Agreement shall require 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 described in the design guidance document (described above), and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended.

- 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 reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, 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 City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
- m. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water

not conveyed to such facilities, subject to the approval of the Director of Public Works. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flows from any disturbed portion of the developed property shall be allowed only with the approval of the Director of Public Works. Other than minimal incidental flows shall be specifically approved by the Director of Public Works. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flows from developed lots or parcels, individual residences or building structures.

- n. Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection, in accordance with the Georgia State Storm water Manual, except that the duration of release for water quality treatment shall be 48 hours.
- o. The owner/developer, as agreed to at the October 3, 2006 Mayor and City Council hearing, shall provide for the required tree islands within all surface parking lots.
- p. The owner/developer shall develop the property in accordance with the detailed streetscape amenities plan as submitted at the October 3, 2006 Mayor and City Council hearing.
- q. The filtering system installed at the outfall from the detention pond shall be selected on its ability to concentrate the removal of oils and petrochemical pollutants. Said system shall be maintained two (2) times yearly with records available for inspection.
- r. The filtering system shall be selected for its sensitivity to nitrates, phosphates, and other chemicals that might be used in a gardening or agricultural environment and shall be placed specific to the gardening center.
- s. The owner/developer shall provide trench drains with grates to be installed across the roadways at every other catch basin on all interior roads with downhill slopes. The interior roads with downhill slopes, as identified on the site plan received by the Department of Community Development received August 11, 2006, are as follows:  
  
Road A (Service Drive)  
Road B (Internal Road Parallel to Roswell Road [SR 9])
- t. To allow the proposed "Anchor C" building to encroach into the required ten (10) foot landscape strip along the east property line as shown on the site plan received by the Department of Community Development on August 1, 2007 (CV07-018).