

**AN ORDINANCE TO REZONE PROPERTY FROM THE MIX (MIXED USE DISTRICT)
CONDITIONAL TO MIX (MIXED USE DISTRICT), PROPERTY LOCATED AT 335
HAMMOND DRIVE**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on May 20, 2008 at 7:00 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 property located at **335 Hammond Drive**, consisting of a total of approximately 6.227 acres, be changed from the MIX (Mixed Use District) conditional to MIX (Mixed Use District) with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 70 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 use permit(s), as listed in the attached conditions of approval, be approved under the provisions of Section 19.2.3 of the Zoning Ordinance of the City of Sandy Springs; and

SECTION 4. 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 5. 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 6. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 7. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

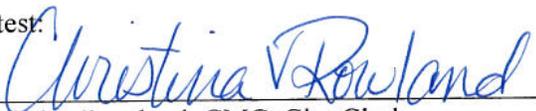
ORDAINED this the 20th day of May, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Christina Rowland, CMC, City Clerk
(Seal)



CONDITIONS OF APPROVAL

RZ08-008/ U08-003/CV08-004
335 Hammond Drive

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Hammond Glen Properties, Inc. located at 335 Hammond Drive. Rezoning petition RZ08-008/ U08-003/CV08-004 to rezone the subject property from MIX (Mixed Use District) conditional to MIX (Mixed Use District) was approved by the Mayor and City Council at the May 20, 2008 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. One (1), 193-unit apartment building and associated accessory uses at a density of 30.99 units per acre, whichever is less.
 - b. One (1), 72-unit assisted living building and associated accessory uses at a density of 11.56 units per acre, whichever is less.
 - c. The maximum building height for the apartment building shall be 125 feet or 11 stories, excluding any penthouses for mechanical equipment. (U08-003)
 - d. The maximum building height for the assisted living building shall be 60 feet or 4 stories, excluding any penthouses for mechanical equipment.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated March 1, 2008. 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: 40 feet
 - Minimum side yard: 35 feet
 - Minimum rear yard: 10 feet
 - Minimum internal setback: 0 feet
 - Minimum heated floor area per dwelling unit: 350 square feet
 - b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Hammond Drive 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.

- c. Reserve for the City of Sandy Springs 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.

Fifty-five (55) feet from centerline of Hammond Drive

- d. At such time that Boylston Road is extended south of Hammond Drive, all vehicular access to this site shall be derived from the Boylston Road extension and all access to Hammond Drive shall be closed.
- e. To reduce the required number of parking spaces from 332 to 221 (CV08-004).

EXHIBIT "A"

Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying in and being part of Land Lot 70 of the 17th District, Fulton County, Georgia, containing 6.203 acres of land, and being more particularly described as follows:

To find the POINT OF BEGINNING proceed from the point where the eastern Right-of-Way of Roswell Road (65 foot Right-of-Way) intersects the southern Right-of-Way of Hammond Drive (70 foot Right-of-Way), thence proceed easterly for 743.4 feet along the southern Right-of-Way of said Hammond Drive, to a 1/2-inch rebar and the POINT OF BEGINNING.

Thence from said POINT OF BEGINNING continue along said southern Right-of-Way of Hammond Drive South 89 degrees 29 minutes 26 seconds East for 157.44 feet to an iron pin; thence leaving said Right-of-Way and proceeding South 00 degrees 07 minutes 04 seconds East for 384.92 feet to a 1-inch crimped top pin; thence proceed South 89 degrees 05 minutes 48 seconds East for 300.39 feet to a 1/2-inch rebar; thence proceed South 00 degrees 02 minutes 57 seconds East for 563.63 feet to a 1-inch crimped top pin; thence proceed South 83 degrees 28 minutes 17 seconds West for 359.40 feet to an iron pin; thence proceed North 00 degrees 05 minutes 22 seconds West for 609.73 feet to an iron pin; thence proceed North 89 degrees 19 minutes 16 seconds West for 99.94 feet to a 1/2-inch rebar; thence proceed North 00 degrees 09 minutes 54 seconds West for 384.63 feet to a point on the southern Right-of-Way of said Hammond Drive and the POINT OF BEGINNING.

The above-referenced property is shown on and described in that certain as-built plat of survey by Hartrampf Engineering, Inc. (Larry T. Mote - RLS #2400) for Hammond Glen Properties, Inc. dated June 3, 1994, last revised July 27, 1994.