

**AN ORDINANCE TO REZONE PROPERTY FROM THE MIX (MIXED USE DISTRICT)
CONDITIONAL TO MIX (MIXED USE DISTRICT), PROPERTY LOCATED AT 1140 & 1150
HAMMOND DRIVE**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on December 16, 2008 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 property located at **1140 and 1150 Hammond Drive**, consisting of a total of approximately 19.43 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 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 use permit(s), as listed in the attached conditions of approval, be approved under the provisions of Sections 19.4.21 (Height – To Exceed District Maximum) and 19.4.44 (Senior Housing) 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 16th day of December, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Tracy Tye, Acting City Clerk
(Seal)



CONDITIONS OF APPROVAL

RZ08-032/U08-014/CV08-027

1140 & 1150 Hammond Dr.

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Corporate Campus LLC at 1140 and 1150 Hammond Drive. Rezoning petition RZ08-032/U08-014/U08-015/CV08-027 was approved to rezone the subject property from MIX (Mixed Use District) conditional to MIX (Mixed Use District) by the Mayor and City Council at the December 16, 2008 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 38,759.69 gross square feet per acre or 753,000 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. No more than 479 senior housing independent living units at a maximum density of 24.67 units per acre, whichever is less. (U08-014)
 - c. No more than 92 skilled and assisted living beds.
 - d. To a maximum 160-room hotel.
 - e. The maximum building height shall be 30 stories for the two residential towers. (U08-015)
 - f. The maximum building height shall be 10 stories for the hotel. (U08-014)

1. To the owner's agreement to abide by the following:
 - a. To the site plan submitted to the Department of Community Development dated received October 7, 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.

2. To the owner's agreement to provide the following site development standards:

- a. The minimum design standards are:

Minimum front yard (Peachtree Dunwoody Road): 20 feet

Minimum side corner yard (Hammond Drive): 12 feet

Minimum side yard: 10 feet

Minimum rear yard: 10 feet

Minimum heated floor area per dwelling unit: 850 square 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. 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.
- c. The owner/developer shall dedicate fifty-five (55) 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.
- d. 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)
- e. 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 October 7, 2008 (Peachtree-Dunwoody Road frontage) (CV08-027).
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. 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.
- k. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Public Works Department.
- l. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with adjacent properties to the north and east. 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 interparcel access along the entire boundary of the adjacent properties, prior to the issuance of an LDP.
- m. Housing shall be designed, constructed and operated in accord with the Fair Housing

Amendments Act. On an annual basis, the controlling entity shall verify compliance with all provisions of the Fair Housing Act related to occupancy in a manner deemed acceptable pursuant to policies and procedures adopted by the Director of Community Development. Dwelling units shall have a minimum heated floor area of 850 square feet.

- n. Each senior housing development shall have at least one (1) unit designated as guest quarters for visitors of residents, but the total number of guest units may not exceed 1% of the total number of units within the development. Guest units shall have a maximum heated floor area of 500 square feet.
- o. 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.
- p. The senior living portion of the property shall be deed restricted to senior housing except as provided for by Fair Housing laws. Each senior housing development shall post on its premises notice of its status as a senior housing development in a manner readily visible to and accessible to the residents. Such notices shall be to the approval of the Department of Community Development.
- q. The property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Community Development. Home occupations shall be permitted in accordance with Section 4.12, Home Occupation, of the Zoning Ordinance.
- r. Any change in the use of a senior housing project that does not comply with the Fair Housing Amendments Act shall conform to all current zoning and density requirements. Any such conversion shall be considered a zoning modification and be brought into conformance with city standards.
- s. Not less than 20% of the site shall be maintained as Open Space of which 15% shall be Green Space.

1140 & 1150 HAMMOND DRIVE

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 18, 17TH DISTRICT, CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NOTHWESTERLY MITER OF INTERSECTION OF HAMMOND DRIVE NORTHERLY RIGHT OF WAY (RIGHT OF WAY VARIES) AND PEACHTREE-DUNWOODY ROAD EASTERLY RIGHT OF WAY (RIGHT OF WAY VARIES) RUN, ALONG SAID PEACHTREE-DUNWOODY ROAD EASTERLY RIGHT OF WAY (RIGHT OF WAY VARIES), NORTH 01 DEGREES 23 MINUTES 59 SECONDS WEST, A DISTANCE OF 152.99 FEET

THENCE RUN NORTH 13 DEGREES 02 MINUTES 18 SECONDS EAST, A DISTANCE OF 47.92 FEET;

THENCE RUN NORTH 00 DEGREES 11 MINUTES 42 SECONDS WEST, A DISTANCE OF 68.53 FEET;

THENCE RUN NORTH 00 DEGREES 11 MINUTES 56 SECONDS WEST, A DISTANCE OF 45.20 FEET;

THENCE RUN NORTH 08 DEGREES 51 MINUTES 34 SECONDS EAST, A DISTANCE OF 20.82 FEET;

THENCE RUN NORTH 03 DEGREES 04 MINUTES 51 SECONDS WEST, A DISTANCE OF 72.30 FEET;

THENCE RUN NORTH 01 DEGREES 49 MINUTES 32 SECONDS EAST, A DISTANCE OF 143.78 FEET;

THENCE RUN NORTH 15 DEGREES 28 MINUTES 13 SECONDS EAST, A DISTANCE OF 4.46 FEET;

THENCE RUN NORTH 01 DEGREES 24 MINUTES 32 SECONDS EAST, A DISTANCE OF 67.38 FEET;

THENCE RUN NORTH 00 DEGREES 01 MINUTES 00 SECONDS WEST, A DISTANCE OF 46.72 FEET;

THENCE RUN NORTH 08 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 18.32 FEET;

THENCE RUN NORTH 01 DEGREES 37 MINUTES 34 SECONDS WEST, A DISTANCE OF 134.33 FEET;

THENCE, LEAVING SAID PEACHTREE-DUNWOODY ROAD EASTERLY RIGHT OF WAY (RIGHT OF WAY VARIES), RUN SOUTH 89 DEGREES 13 MINUTES 14 SECONDS EAST, A DISTANCE OF 999.84 FEET TO POINT ALONG LINE OF FULTON COUNTY EASTERLY LIMIT ADJOINING DEKALB COUNTY;

THENCE, ALONG SAID LINE OF FULTON COUNTY EASTERLY LIMIT ADJOINING DEKALB COUNTY, RUN SOUTH 00 DEGREES 37 MINUTES 49 SECONDS WEST, A DISTANCE OF 669.78 FEET TO HAMMOND DRIVE NORTHERLY RIGHT OF WAY (RIGHT OF WAY VARIES);

THENCE, LEAVING SAID LINE OF FULTON COUNTY EASTERLY LIMIT ADJOINING DEKALB COUNTY AND ALONG SAID HAMMOND DRIVE NORTHERLY RIGHT OF WAY (RIGHT OF WAY VARIES) RUN SOUTH 42 DEGREES 17 MINUTES 06 SECONDS WEST, A DISTANCE OF 146.21 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 286.35 FEET, ARC A DISTANCE OF 111.85 FEET, HAVING A CHORD BEARING OF SOUTH 53 DEGREES 28 MINUTES 31 SECONDS WEST AND CHORD DISTANCE OF 111.14 FEET;

THENCE RUN SOUTH 64 DEGREES 39 MINUTES 56 SECONDS WEST, A DISTANCE OF 21.86 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 508.43 FEET, ARC A DISTANCE OF 70.30 FEET, HAVING A CHORD BEARING OF SOUTH 68 DEGREES 37 MINUTES 35 SECONDS WEST AND CHORD DISTANCE OF 70.24 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, ARC A DISTANCE OF 71.04 FEET, HAVING A CHORD BEARING OF SOUTH 79 DEGREES 22 MINUTES 16 SECONDS WEST AND CHORD DISTANCE OF 70.87 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 404.19 FEET, ARC A DISTANCE OF 107.20 FEET, HAVING A CHORD BEARING OF NORTH 86 DEGREES 14 MINUTES 50 SECONDS WEST AND CHORD DISTANCE OF 106.89 FEET;

THENCE RUN NORTH 78 DEGREES 38 MINUTES 57 SECONDS WEST, A DISTANCE OF 147.05 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,400.00 FEET, ARC A DISTANCE OF 26.21 FEET, HAVING A CHORD BEARING OF NORTH 79 DEGREES 11 MINUTES 08 SECONDS WEST AND CHORD DISTANCE OF 26.21 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,400.00 FEET, ARC A DISTANCE OF 135.07 FEET, HAVING A CHORD BEARING OF NORTH 82 DEGREES 29 MINUTES 07 SECONDS WEST AND CHORD DISTANCE OF 135.02 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,058.68 FEET, ARC A DISTANCE OF 135.23 FEET, HAVING A CHORD BEARING OF NORTH 87 DEGREES 57 MINUTES 12 SECONDS WEST AND CHORD DISTANCE OF 135.14 FEET;

THENCE RUN SOUTH 88 DEGREES 23 MINUTES 18 SECONDS WEST, A DISTANCE OF 91.08 FEET TO THE SOUTHEASTERLY MITER OF THE INTERSECTION OF HAMMOND DRIVE NORTHERLY RIGHT OF WAY (RIGHT OF WAY VARIES) AND PEACHTREE-DUNWOODY ROAD EASTERLY RIGHT OF WAY (RIGHT OF WAY VARIES);

THENCE RUN, ALONG SAID MITER, NORTH 46 DEGREES 30 MINUTES 20 SECONDS WEST, A DISTANCE OF 35.29 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 846,258 SQUARE FEET OR 19.4274 ACRES.

RECEIVED
SEP 02 2008
City of Sandy Springs
Community Development