STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE PROPERTY FROM THE O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO MIX (MIXED USE DISTRICT), PROPERTY LOCATED AT
1155 HAMMOND DRIVE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on February 17, 2009 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 1155 Hammond Drive, consisting of a total of approximately 7.22 acres, be changed from the O-I (Office and Institutional District) conditional to MIX (Mixed Use District) with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 17 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 17th day of February, 2009.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, Interim City Clerk

(Seal)
Legal Description for:
Hammond Center Joint Venture

[Per Revised Plat 10/16/08]

All that tract or parcel of land lying and being in Land Lots 17 & 18 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

COMMENCING at the southeast corner of Land Lot 18 (said corner being common to Land Lots 17 and 18 of the 17th District, Fulton County and Land Lots 329 and 348 of the 18th District, DeKalb County), and said point being the POINT OF BEGINNING.

THENCE, along the easterly line of Land Lot 17 and the common line with property now or formerly owned by Novare Perimeter, LLC, South 00 degrees 06 minutes 04 seconds East, for 384.59 feet to a point on the common line with property now or formerly owned by Laing Properties;
THENCE, along said common property line North 89 degrees 26 minutes 35 seconds West, for 969.01 feet to a point on the easterly right-of-way of Peachtree - Dunwoody Road (Variable R/W);
THENCE, along said right-of-way, First North 02 degrees 35 minutes 04 seconds West, for 160.00 feet to a point;
THENCE, North 04 degrees 54 minutes 27 seconds West, for 158.85 feet to a point at the right of way intersection of Peachtree - Dunwoody Road and Hammond Drive;
THENCE, leaving the right-of-way of Peachtree - Dunwoody Road, and following the southerly right-of-way of Hammond Drive, North 85 degrees 10 minutes 25 seconds East, for 60.36 feet to a point;
THENCE, along a curve to the right having an arc length of 125.79 feet, a radius of 902.95 feet and being subtended by a chord with a bearing of North 89 degrees 11 minutes 52 seconds East, for 125.69 feet to a point;
THENCE, North 03 degrees 09 minutes 20 seconds East, for 12.00 feet to a point;
THENCE, along a curve to the right having an arc length of 87.42 feet, a radius of 914.95 feet and being subtended by a chord with a bearing of South 84 degrees 06 minutes 02 seconds East, for 87.39 feet to a point;
THENCE, South 81 degrees 21 minutes 25 seconds East, for 173.07 feet to a point;
THENCE, South 81 degrees 21 minutes 25 seconds East, for 105.76 feet to a point;
THENCE, along a curve to the left having an arc length of 156.65 feet, a radius of 498.37 feet and being subtended by a chord with a bearing of North 89 degrees 38 minutes 18 seconds East, for 156.01 feet to a point;
THENCE, South 09 degrees 22 minutes 03 seconds East, for 6.00 feet to a point;
THENCE, along a curve to the left having an arc length of 140.78 feet, a radius of 504.37 feet and being subtended by a chord with a bearing of North 72 degrees 40 minutes 28 seconds East, for 140.32 feet to a point;
THENCE, along a curve to the left having an arc length of 186.19 feet, a radius of 497.11 feet and being subtended by a chord with a bearing of North 53 degrees 56 minutes 54 seconds East, for 185.10 feet to a point at the intersection of the easterly line of Land Lot 18 and the southerly right-of-way of Hammond Drive;

Exhibit “C”
THENCE, along the easterly line of Land Lot 18 and the common line with property now or formerly owned by Novare Perimeter, LLC, South 00 degrees 35 minutes 26 seconds West for a distance of 56.67 feet to the POINT OF BEGINNING.

The herein described tract of land contains 314,373 Square Feet or 7.22 Acres of land, more or less.
CONDITIONS OF APPROVAL

RZ08-014/U08-008/CV08-012
1155 Hammond Drive

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Hammond Center Joint Venture at 1155 Hammond Drive. Rezoning petition RZ08-014/U08-008/CV08-012 was approved to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Use District) by the Mayor and City Council at the February 17, 2009 hearing, subject to the following conditions:

1. To the owner’s agreement to restrict the use of the subject property as follows:

   a. Office and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.

   b. Retail and associated accessory uses at a maximum density of 6,925.21 gross square feet per acre or 50,000 gross square feet, whichever is less.

   c. Restaurant and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.

   d. No more than 400 residential units at a maximum density of 55.12 units per acre, whichever is less.

   e. To a maximum 120-room hotel.

   f. The maximum building height shall be 6 stories or 100 feet, whichever is less, for the mixed use building. (U08-008)

   g. The maximum building height shall be 5 stories for the existing hotel. (U08-008)

2. 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 17, 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 (Peachtree-Dunwoody Road): 15 feet
      Minimum side corner yard (Hammond Drive): 20 feet
      Minimum side yard: 0 feet
Minimum rear yard: 20 feet
Minimum heated floor area per dwelling unit: 800 square feet

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 right-of-way and provide improvements on Hammond Drive per the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates, to the City of Sandy Springs.

d. Install traffic signal at the location shown in the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates.

e. Install northbound right turn lane from Peachtree-Dunwoody Road onto Hammond Drive.

f. The owner/developer shall close existing access points on Peachtree-Dunwoody Road; no direct access to Peachtree-Dunwoody Road shall be allowed.

g. The owner/developer shall provide direct access to future roadway designated “East-West Connector” on adjacent property to the south and easements to allow access through Hammond Center development for traffic coming from adjacent property. Number and location of access points to be determined by the Department of Public Works at time of LDP.

h. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent properties. 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 inter-parcel access along the entirety of the common boundaries of the property, prior to the issuance of an LDP.

i. There shall be no more than three (3) access points on Hammond Drive. Final curb cut locations shall be determined by the Department of Public Works at time of LDP.

j. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Department of Public Works at time of LDP.

k. To allow a second freestanding sign (Sign #1) along the Hammond Drive frontage with a maximum sign face of thirty-two (32) square feet and a maximum height of six (6) feet (CV08-008).

l. To allow for internal signs to be used as directional signage for the development (CV08-008). Said signs shall have a maximum sign face area of 20 square feet and shall have a maximum height of 6 feet.
m. To allow wall signs to extend up to twelve (12) inches from a wall, building, or structure with letters placed on a raceway (CV08-008).

n. To allow Sign #1 and Sign #4 as shown on the site plan submitted to be setback zero (0) feet from the right-of-way as shown on the site plan submitted to the Department of Community Development dated received October 17, 2008 (CV08-008).

o. To delete the parking lot landscaping requirement for a 10-foot landscape island with a shade tree every sixth parking space in the existing surface parking lot which serves the existing hotel as shown on the site plan submitted to the Department of Community Development dated received October 17, 2008 (CV08-008).

p. To reduce the required ten (10) foot landscape strip along the south property line adjacent to the proposed east-west connector on the Palisades development property to allow for interparcel access as shown on the site plan submitted to the Department of Community Development dated received October 17, 2008 (CV08-008).