ORDINANCE NO. 2009-12-62
PETITION NO. U09-007/CV09-011

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO ALLOW FOR A USE PERMIT TO EXCEED THE MAXIMUM DISTRICT HEIGHT OF SIX (6) FLOORS OR 90 FEET, WITH CONCURRENT VARIANCES

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on December 15, 2009 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 **6024 and 6038 Roswell Road**, consisting of a total of approximately 1.96 acres, be allowed a use permit under the C-1 (Community Business District) with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 165 of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. 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 3. 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 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 15th day of December, 2009.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)

CONDITIONS OF APPROVAL

U09-007/CV09-011
6024 and 6038 Roswell Road (SR9)

The City of Sandy Springs Mayor and City Council approved the use permit petition for property at 6024 and 6038 Roswell Road. Use permit petition U09-007/CV09-011 was approved to exceed the maximum district height of six (6) floors or 90 feet, with concurrent variances by the Mayor and City Council at the December 15, 2009 hearing, subject to the following conditions:

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

    a. To a maximum building height of 102 feet (U09-007).

2. To the owner's agreement to abide by the following:

    a. To the site plan submitted to the Department of Community Development received September 1, 2009 (the "Site Plan"). 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.

    b. To the architectural elevation drawings/renderings submitted to the Department of Community Development received September 1, 2009. With exception of the architectural treatment and aesthetics of the parking deck, the owner shall abide by the proposed building as shown on the aforementioned architectural elevation drawings/renderings.

    c. To the Landscape Site Plan submitted to the Department of Community Development received December 3, 2009.

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

    a. Variance from Section 12B.8.C.2.a. of the Zoning Ordinance to reduce the required twenty (20) foot minimum yard adjacent to Public Streets to zero (0) feet (CV09-011)(Variance #1).

    b. Variance from Section 12B.5.B.1. of the Zoning Ordinance to reduce the required ten (10) foot landscape strip from the edge of the sidewalk(s) to a minimum of zero (0) feet (CV09-011) (Variance #2).

    c. Variance from Section 12B.8.C.4. of the Zoning Ordinance to reduce the required five (5) foot minimum side/rear yard to zero (0) feet (CV09-011) (Variance #3).

    d. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required five (5) foot side/rear landscape strip to zero (0) feet (CV09-011) (Variance #4).

e. Variance from Section 12B.5.B.1. of the Zoning Ordinance to reduce the required ten (10) foot landscape strip from the edge of the sidewalk(s) to five (5) feet along the Sandy Springs Drive frontage (CV09-011) (Variance #5).

f. Variance from Section 12B.4 of the Zoning Ordinance to allow an alternate streetscape design (CV09-011) (Variance #6).

g. Variance from Section 4.3.5 of the Zoning Ordinance to allow privately owned structures to encroach on public rights-of-way (CV09-011) (Variance #7).

h. The owner/developer shall dedicate as right of way all property contained within the landscape and sidewalk easement (D.B. 32693, PG 371) or Eleven (11) feet from the back of curb, whichever is greater, along the entire property frontage of Roswell Road, to the City of Sandy Springs as shown on the Zoning Right-of-Way Exhibit ("the Right-of-Way Plan") by Paulson Mitchell received December 2, 2009.

i. The owner/developer shall dedicate forty-five (45) feet of right of way from the centerline of Hammond Drive R.O.W. along the entire property frontage or thirteen (13) feet from back of curb, whichever is greater to the City of Sandy Springs. In addition, the owner/developer will dedicate any additional area not included in the description of the previous sentence that is contained within the landscape and sidewalk easement (D.B. 32693, PG 371) as shown on the Right-of-Way Plan by Paulson Mitchell received December 2, 2009.

j. The owner/developer shall dedicate thirty (30) feet of right of way from the centerline of Sandy Springs Place R.O.W. along the entire property frontage or thirteen (13) feet from back of curb, whichever is greater, to the City of Sandy Springs as shown on the Right-of-Way Plan by Paulson Mitchell received December 2, 2009.

k. The owner/developer will update signalization at the intersection of Roswell Road and Hammond Drive to accommodate new roadway configuration, provide pedestrian access, and meet current city standards. All changes will be made per the approval of the Director of Public Works as part of the LDP.

l. The owner shall provide additional sidewalk and landscaping along the western side of the proposed parking deck as approved by the Director of Community Development.

m. If the commercial uses on the subject property require additional parking, as a matter of practice or vehicular overflow, the owner shall utilize the proposed parking deck by a method determined by the Director of Community Development.

n. The owner/developer shall provide for architectural treatment and aesthetics of the proposed parking deck consistent with the multi-family and commercial portions of the building as shown on the architectural elevation drawings/renderings submitted to the Department of Community Development received September 1, 2009 and indicated in condition 2.b. above.

o. The owner/developer shall align the western vehicular ingress/egress (curb cut) to the proposed parking garage with the north/south section of Sandy Springs Place, creating a four-way-stop at the intersection of the proposed parking garage curb cut, City Walk

Shopping Center eastern curb cut, Sandy Springs Place (north/south section), and Sandy Springs Place (east/west section) as approved by the Director of Public Works.

p. The owner/developer shall construct the proposed apartments to condominium building construction standards.

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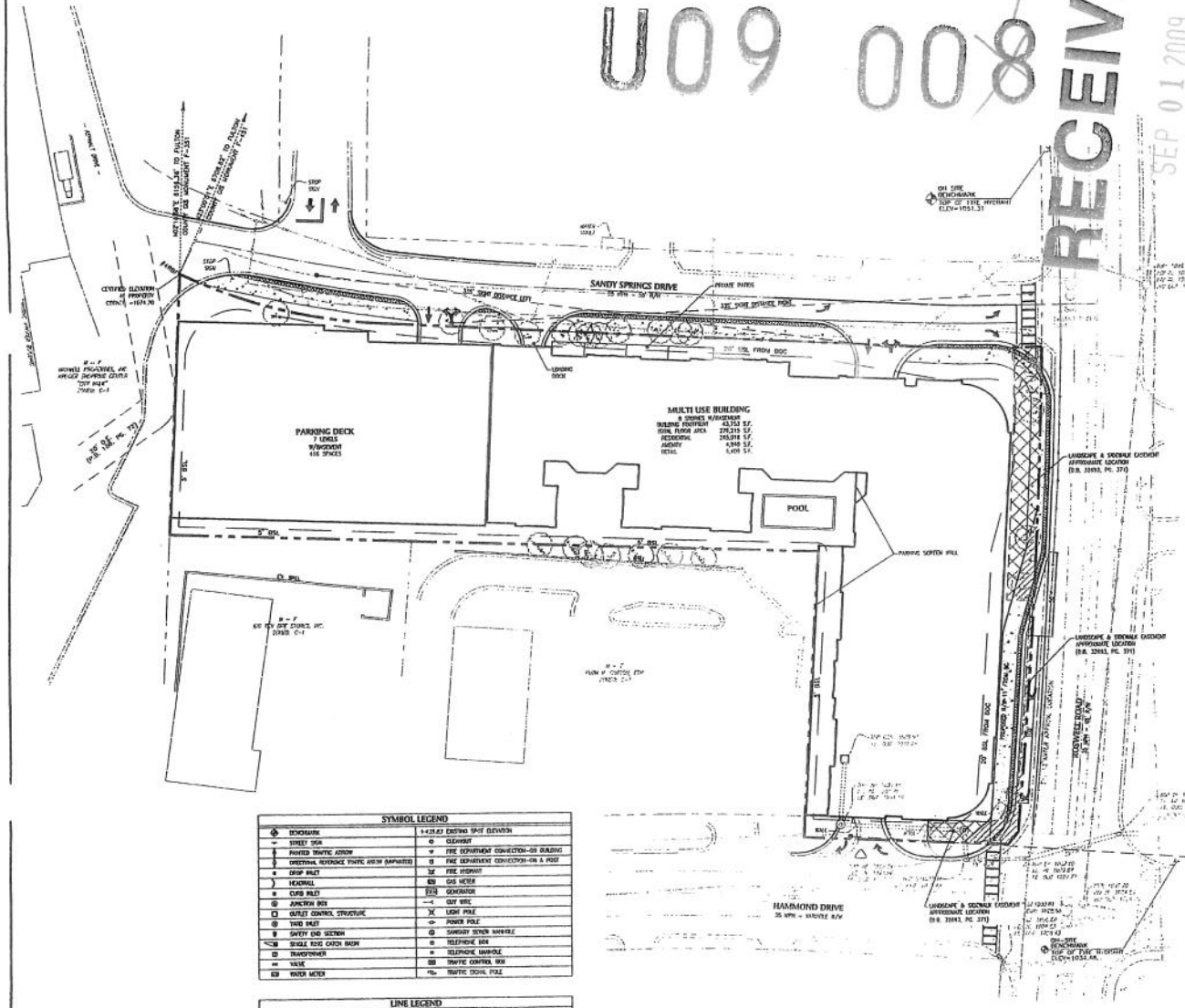

VICINITY MAP
SCALE: 1" = 3000'

ZONING PLAN NOTES:

1. BOUNDARY, TOPOGRAPHIC AND UTILITY INFORMATION TAKEN FROM SURVEY BY PAULSON MITCHELL SURVEYORS DATED 03.04.03.
2. PROPERTY IS LOCATED AT ROSWELL ROAD AND SANDY SPRINGS DRIVE IN LAND LOT 89, 17th DISTRICT, FULTON COUNTY, SANDY SPRINGS, GEORGIA.
3. THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY F.I.R.M. COMMUNITY PANEL NO. 130160 0143 G, EFFECTIVE DATE JUNE 22, 1988.
4. PROJECT ADDRESS:
   6030 ROSWELL ROAD
   SANDY SPRINGS, GA 30328
5. TOTAL SITE AREA = 1.96 ACRES (85,470 S.F.)
6. ALL EXISTING BUILDINGS ON SITE HAVE BEEN DEMOLISHED.
7. PROPERTY IS ZONED C-1 (1958-Z-0019) AND IS LOCATED WITHIN THE SANDY SPRINGS OVERLAY DISTRICT (MAIN STREET DISTRICT).
8. UTILITY CONTACTS:

City of Atlanta Water	(404)192-1453
Fulton Sewer	(404)730-7501
Fulton Health	(404)853-8776
Georgia Gas & Light	(770)984-3949
BellSouth	(404)780-2800
Verizon Cable	(770)510-2000
Georgia Power	(800)660-5890

9. WATER SERVICE: CITY OF ATLANTA WATER SERVICE IS LOCATED AT THE SITE. SERVICE FOR THIS PROJECT WILL BE PROVIDED OFF THE EXISTING 12" MAIN ALONG THE WEST SIDE OF ROSWELL ROAD.
10. SANITARY SEWER SERVICE: FULTON COUNTY SERVICE TREATMENT CAPACITY (LONG ISLAND SERVICE AREA) IS AVAILABLE PER THE ORDINATED LETTER OF AVAILABILITY DATED 08.07.04 FC FILE (317.01). PUBLIC SEWER IS LOCATED ON ROSWELL ROAD AND SANDY SPRINGS DRIVE.
11. STORMWATER MANAGEMENT FACILITIES: STORMWATER MANAGEMENT WILL BE ACHIEVED WITHIN THE BUILDING PRIOR TO CONVEYANCE INTO THE MUNICIPALITY STORMWATER SEWER SYSTEM.
12. A TWO FOOT WIDE BRICK PAVER AND A NINE FOOT WIDE SIDEWALK ARE REQUIRED AS A LANDSCAPE STRIP ALONG ROSWELL ROAD AND SANDY SPRINGS DRIVE.

VARIANCES REQUESTED:

1. SPECIAL USE PERMIT PURSUANT TO SECTION 120.6(E) OF THE ZONING ORDINANCE TO PERMIT AN INCREASE IN THE HEIGHT LIMITATION FOUND IN SECTION 9.1.3(A) OF THE ZONING ORDINANCE FROM SIX FLOORS OR NINETY FEET TO NINE FLOORS (INCLUDING BASEMENT) AND ONE-HUNDRED AND TWO FEET FROM AVERAGE GRADE AS MEASURED PER THE BUILDING HEIGHT DEFINITION IN THE ZONING ORDINANCE (110 FEET FROM ACTUAL GRADE ALONG ROSWELL ROAD AND HAMMOND DRIVE).
2. VARIANCE FROM SECTION 120.6(C)(3)(A) TO REDUCE THE REQUIRED YARD ADJACENT TO A PUBLIC STREET FROM TWENTY FEET TO ZERO FEET ON THE ROSWELL ROAD FRONTAGE AND ON A PORTION OF THE HAMMOND DRIVE FRONTAGE AS SHOWN ON THE SITE PLAN FOR THE PROJECT TO ACCOMMODATE A RIGHT TURN LANE FROM ROSWELL ROAD ONTO HAMMOND DRIVE AND AN EXISTING LANDSCAPE AND SIDEWALK EASEMENT IN FAVOR OF FULTON COUNTY.
3. VARIANCE FROM SECTION 120.3.3(B)(1) TO REDUCE THE REQUIRED LANDSCAPE STRIP ADJACENT TO THE EDGE OF THE SIDEWALK OUT OF THE RIGHT-OF-WAY FROM SIX FEET TO ZERO FEET ON THE ROSWELL ROAD FRONTAGE AS SHOWN ON THE SITE PLAN TO ACCOMMODATE A RIGHT TURN LANE FROM ROSWELL ROAD ONTO HAMMOND DRIVE AND AN EXISTING LANDSCAPE AND SIDEWALK EASEMENT IN FAVOR OF FULTON COUNTY.
4. VARIANCE FROM SECTION 120.6(C)(6) TO REDUCE THE REQUIRED SIDE YARD ALONG THE TWO WESTERNMOST PROPERTY LINES FROM FIVE FEET TO ZERO FEET.
5. VARIANCE FROM SECTION 4.2.1.1 TO REDUCE THE REQUIRED LANDSCAPE STRIP ALONG THE TWO WESTERNMOST PROPERTY LINES FROM FIVE FEET TO ZERO FEET.
6. VARIANCE FROM SECTION 120.3.3(B)(1) TO REDUCE THE REQUIRED LANDSCAPE STRIP ADJACENT TO THE EDGE OF THE SIDEWALK OUT OF THE RIGHT-OF-WAY FROM TEN FEET TO ZERO FEET ON THE SANDY SPRINGS DRIVE FRONTAGE FOR PRIVATE PATIOS TO ACCOMMODATE A GRADE CHANGE ON THE SITE.
7. VARIANCE FROM SECTION 120.6 TO PERMIT AN ALTERNATE STREETSCAPE DESIGN AT THE BUILDING CORNERS ON ROSWELL ROAD AT HAMMOND DRIVE AND SANDY SPRINGS DRIVE AS SHOWN ON THE HARDSCAPE SITE PLAN (SHEET L1.01A) BY EDAW LANDSCAPE ARCHITECTS TO ACCOMMODATE CONVEXITY AND GRADE CHANGE ISSUES RESPECTIVELY.
8. VARIANCE FROM SECTION 4.3.5 TO PERMIT ENCROACHMENTS IN THE RIGHT-OF-WAY.

SYMBOL LEGEND

	BENCHMARK	1+25.82	EXISTING SPOT ELEVATION
	STREET SIGN		CLEANOUT
	PAINTED TRAFFIC ARROW		FIRE DEPARTMENT CONNECTION-ON BUILDING
	DIRECTIONAL REFERENCE TRAFFIC ARROW (IMPRINTED)		FIRE DEPARTMENT CONNECTION-ON A POST
	DROP INLET		FIRE HYDRANT
	HEADWALL		GAS METER
	CURB INLET		GENERATOR
	JUNCTION BOX		GUY WIRE
	OUTLET CONTROL STRUCTURE		LIGHT POLE
	YARD INLET		POWER POLE
	SAFETY END SECTION		SANITARY SEWER MANHOLE
	SINGLE ROW CATCH BASIN		TELEPHONE BOX
	TRANSFORMER		TELEPHONE MANHOLE
	VALVE		TRAFFIC CONTROL BOX
	WATER METER		TRAFFIC SIGNAL POLE

LINE LEGEND

	PROPOSED BUILDING		
	PROPOSED CURB & GUTTER		EXISTING CURB & GUTTER
	PROPOSED FENCE		EXISTING FENCE
	PROPOSED FLOODPLAIN		EXISTING FLOODPLAIN
	PROPOSED RIGHT-OF-WAY		EXISTING RIGHT-OF-WAY
	PROPOSED ROAD CENTERLINE		EXISTING ROAD CENTERLINE
	PROPOSED RETAINING WALL		EXISTING RETAINING WALL
	SITE BOUNDARY LINE		LAND LOT LINE
	ADJACENT PROPERTY LINE		DISTRICT PROPERTY LINE
	STREAM CENTERLINE		STREAM TOP OF BANK
	PROPOSED LOT LINE		WETLANDS

SITE ANALYSIS

TOTAL SITE AREA		1.96 ACRES	(85,470 S.F.)
NET SITE AREA		1.84 ACRES	(80,298 S.F.)
BUILDING & PARKING DECK	79% OF NET SITE	1.47 ACRES	(63,285 S.F.)
IMPERVIOUS SURFACE*	88.2% OF NET SITE	1.62 ACRES	(70,792 S.F.)
FLOOD PLAIN	0% OF NET SITE	0.00 ACRES	(0 S.F.)
OPEN SPACE**	21% OF NET SITE	0.39 ACRES	(17,013 S.F.)
HARDSCAPE	9.2% OF NET SITE	0.17 ACRES	(7,507 S.F.)
GREENSPACE	11.8% OF NET SITE	0.22 ACRES	(9,506 S.F.)
PARKING SPACES PROVIDED			445 SPACES
RETAIL (MAX 4.5 MSF)		(4.5 MSF)	59 SPACES
RESIDENTIAL (MAX 2/UNIT)		(1.52/UNIT)	416 SPACES
PARKING SPACES REQUIRED			281 SPACES
RETAIL (6,527 S.F. x 1.5 MSF)			8 SPACES
RESIDENTIAL (273 UNITS x 1/UNIT)			273 SPACES

*INCLUDES BUILDING, PARKING DECK, AND HARDSCAPE
**INCLUDES AREA FROM FACE OF BUILDING TO PROPERTY LINE, AREA WILL BE SIDEWALK. OPEN SPACE INCLUDES ALL LANDSCAPED AREAS.

ZONING SITE PLAN

0 15' 30' 60' 120'
SCALE: 1" = 30'

LAND PLANNERS
ENGINEERS • SURVEYORS
TRANSPORTATION
LANDSCAPE ARCHITECTS
85-A MILL STREET
SUITE 300
ROSWELL, GEORGIA 30075
VOICE 770.650.7665
FAX 770.650.7664
www.paulsonmitchell.com

PAULSON MITCHELL INCORPORATED

PROJECT:

1.96 AC MIXED USE DEVELOPMENT

NORTHWEST CORNER OF ROSWELL RD AND HAMMOND DR
6030 ROSWELL ROAD
SANDY SPRINGS, GA 30328
LAND LOT 89 17th DISTRICT
FULTON COUNTY, GA

FOR:

PACIFIC LIFE INSURANCE COMPANY
700 NEWPORT CENTER RD
NEWPORT BEACH, CA 92660

GEORGIA REGISTERED No. 032202 PROFESSIONAL ENGINEER
8/26/09

REVISIONS

2009139z1.dwg 08.27.09

ZONING SITE PLAN

SHEET ZS-1

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LEGAL DESCRIPTION BY SURVEYOR

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 89 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIN SET AT THE SOUTH END OF THE MITERED END SECTION THAT FORMS THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF ROSWELL ROAD (65 FOOT RIGHT OF WAY) THE NORTHERN RIGHT OF WAY OF HAMMOND DRIVE (VARIABLE RIGHT OF WAY);
THENCE, ALONG SAID RIGHT OF WAY NORTH 87 DEGREES 20 MINUTES 29 SECONDS WEST, 117.84 FEET TO A 1/2 INCH IRON PIN SET;
THENCE, LEAVING SAID RIGHT OF WAY NORTH 04 DEGREES 23 MINUTES 27 SECONDS EAST, 10.10 FEET TO A 1/2 INCH IRON PIN FOUND;
THENCE, NORTH 02 DEGREES 51 MINUTES 31 SECONDS EAST, 160.84 FEET TO A 1/2 INCH IRON PIN SET;
THENCE, NORTH 87 DEGREES 53 MINUTES 40 SECONDS WEST, 373.84 FEET TO A 1/2 INCH IRON PIN SET;
THENCE, NORTH 02 DEGREES 09 MINUTES 08 SECONDS EAST, 154.15 FEET TO A NAIL SET IN ASPHALT AT THE SOUTHERLY RIGHT OF WAY OF SANDY SPRINGS DRIVE (50 FOOT RIGHT OF WAY);
THENCE ALONG SAID RIGHT OF WAY AND ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 117.61 FEET, SAID CURVE HAVING A RADIUS OF 292.22 FEET AND BEING SUBTENDED BY A CHORD OF 116.81 FEET, AT SOUTH 75 DEGREES 21 MINUTES 41 SECONDS EAST, TO A 1/2 INCH IRON PIN SET;
THENCE, SOUTH 86 DEGREES 53 MINUTES 27 SECONDS EAST, 323.51 FEET TO A 1/2 INCH IRON PIN SET;
THENCE ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 23.25 FEET, SAID CURVE HAVING A RADIUS OF 392.48 FEET AND BEING SUBTENDED BY A CHORD OF 23.24 FEET, AT SOUTH 88 DEGREES 35 MINUTES 06 SECONDS EAST, TO A 1/2 INCH IRON PIN SET;
THENCE, NORTH 89 DEGREES 43 MINUTES 15 SECONDS EAST, 37.86 FEET TO A 1/2 INCH IRON PIN SET AT THE WESTERLY RIGHT OF WAY OF SAID ROSWELL ROAD;
THENCE, ALONG SAID RIGHT OF WAY AND ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 125.00 FEET, SAID CURVE HAVING A RADIUS OF 4194.09 FEET AND BEING SUBTENDED BY A CHORD OF 125.00 FEET, AT SOUTH 01 DEGREES 44 MINUTES 57 SECONDS WEST, TO A 1/2 INCH IRON PIN SET;
THENCE, ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 164.38 FEET, SAID CURVE HAVING A RADIUS OF 4194.09 FEET AND BEING SUBTENDED BY A CHORD OF 164.37 FEET, AT SOUTH 03 DEGREES 43 MINUTES 33 SECONDS WEST, TO A 1/2 INCH IRON PIN SET AT THE NORTH END OF SAID MITERED END SECTION OF THE INTERSECTION OF SAID RIGHT OF WAY OF ROSWELL ROAD AND HAMMOND DRIVE;
THENCE, ALONG SAID MITERED END SECTION SOUTH 38 DEGREES 16 MINUTES 32 SECONDS WEST, 9.60 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 85,471 SQUARE FEET OR 1.96 ACRES AND IS SUBJECT TO ANY AND ALL EASEMENTS AND OR RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

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