STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE TO MIX (MIXED USE DISTRICT) CONDITIONAL TO ALLOW MULTI-FAMILY DWELLING USE AND TO ALLOW HEIGHT USE PERMITS, PROPERTY LOCATED AT 1140 AND 1150 HAMMOND DRIVE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on September 20, 2011 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 19.4274 acres, be changed from the MIX (Mixed Use District) conditional to MIX (Mixed Use District) conditional, 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 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 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 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 5. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 6. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

APPROVED AND ADOPTED this the 20th day of September, 2011.

Approved:

[Signature]
Eva Galambos, Mayor

Attest:

[Signature]
Michael Casey, City Clerk

(Seal)
CONDITIONS OF APPROVAL

RZ11-006/U11-002
1140 and 1150 Hammond Drive

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Corporate Campus, LLC located at 1140 and 1150 Hammond Drive. Rezoning petition RZ11-006/U11-002 was approved to rezone the subject property from MIX (Mixed Use District) conditional to MIX (Mixed Use District) conditional to allow multi-family dwelling use and to allow height use permits by the Mayor and City Council at the September 20, 2011 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. To the existing seven (7) story commercial building (Goddard School)(U11-002#1), to a six (6) story Multi-family Complex having 345 units and a parking garage (U11-002#2), and to an eleven (11) story, 160 room Hotel (U11-002#3).
   c. To a maximum 160-room hotel.
   d. To a maximum 345 unit Multi-family Complex

2. To the owners agreement to abide by the following:
   a. To the Rezoning Site Plan submitted to the Department of Community Development dated received August 11, 2011. 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): 20 feet
      Minimum side corner yard (Hammond Drive): 12 feet
      Minimum side yard: 10 feet
      Minimum rear yard: 10 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 sufficient right-of-way from centerline of Hammond Drive along the entire property frontage as depicted on the “Additional Right of Way Exhibit” in the Appendix of the Hammond Drive Corridor Report, from Peachtree-Dunwoody Road to Perimeter Center Parkway, prepared for the Fulton County CID, DeKalb County CID, & Perimeter CID, by Kimley-Horn and Associates, Inc. on January 2008, such that the ultimate right-of-way shall be 135 feet in width. The aforementioned Additional Right of Way Exhibit is attached and dated received August 5, 2011 by the Department of Community Development.

d. The new proposed curb cut on Hammond Drive, that is proposed to be approximately 680 feet east of the centerline of Peachtree-Dunwoody Rd, shall be designed to have exit lanes configured to have a right, straight thru lane, and left turn lanes which shall be subject to the approval of the Public Works Department at the time of LDP. The exit lanes shall not have bisecting entry points to those exit and entry lanes a minimum of approximately 130 feet from the proposed curb line of Hammond Drive. Until a traffic signal is operational at this curb cut only one exit lane would be functional. No gates shall be within the entrance and exit lanes off of this Hammond Drive curb cut less than 300 lane feet from the northerly curb of Hammond Drive.

e. Traffic within the property shall be able to circulate through the existing and proposed parking garages and exit on to Hammond Drive subject to the approval of the Public Works Department.

f. By the owner/developer, Hammond Drive shall be milled, resurfaced, and pavement markings placed stripped to points acceptable to the Public Works Department to enable a 200 foot long eastbound left turn lane into the new curb cut in accordance with the Rezoning Site Plan dated received August 11, 2011 by the Department of Community Development or as designated by the Public Works Department.

g. An 8 inch wide by 6 inch tall concrete header curb, painted with traffic yellow, shall be placed by the owner/developer along the centerline of Hammond from Peachtree Dunwoody Road to the proposed new traffic signal/driveway as directed by the Public Works Department.

h. The most westerly existing curb cut off of Hammond Dr shall be made into a right turn in and right turn out driveway at time of receiving a LDP in accordance with the Rezoning Site Plan dated received August 11, 2011 by the Department of Community Development.
i. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Public Works Department for the roads along the frontages of the subject.

j. Prior to issuance of an LDP for the proposed Hotel, permanent easements shall be recorded allowing for future interparcel access along the entire boundary of the adjacent properties to the north and east. Prior to issuance of an LDP for the proposed Hotel, the owner/developer shall attempt to provide interparcel access with the adjacent property to the north; however, should the owner/developer not come to an agreement on interparcel access at that time, the owner/developer shall provide documentation of such. Prior to issuance of an LDP for the proposed Hotel, interparcel access to the east shall occur considering any future infrastructure construction in DeKalb/Dunwoody.

k. At the existing most easterly curb cut this driveway will be allowed to operate as a right turn in and out provided it is reconstructed as directed by the Public Works Department. This driveway will be permanently closed after 24 months of the issuance of the LDP for any portion of this project or as directed by the Public Works Department.

l. Prior to the issuance of a Certificate of Occupancy for the proposed Multi-family complex, a traffic signal study, as designated by the Public Works Department, will be conducted by the owner for proposed traffic signal at the most northerly curb cut on Peachtree Dunwoody Road. This will also include a traffic signal construction design plan that will be approved by the Public Works Department.

m. A traffic signal study, as designated by the Public Works Department, will be conducted by the owner for proposed traffic signal at the proposed curb cut on Hammond Drive. This will also include a traffic signal construction design plan that will be approved by the Public Works Department.

n. The property owner shall install and/or escrow funds for Traffic signals at the most northerly curb cut on Peachtree Dunwoody Road and at the proposed curb cut on Hammond Drive, as determined and approved by the Public Works Department. The traffic signal hardware and software shall be similar to the newest traffic signals installed within the Perimeter CID District.

o. 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.

p. 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.

q. 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.
r. The owner/developer shall follow the Hammond Drive Construction Access Phasing Plan dated received August 11, 2011 by the Department of Community Development or as directed by the Public Works Department.

s. The parking lanes aisle that exit into the travel lane that would enter or exit the site at the most northerly curb cut on Peachtree Dunwoody Road shall be made right in and right out.

t. 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)

u. 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 August 11, 2011 (Peachtree-Dunwoody Road frontage) (CV08-027).

v. 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.

w. 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.

x. 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.

y. Not less than 20% of the site shall be maintained as Open Space of which 15% shall be Green Space.

z. To allow for two (2) additional freestanding signs on the subject property. Said signs shall have a maximum sign area of thirty-two (32) square feet and a maximum height of eight (8) feet and located along the Hammond Drive frontage, on the most eastern entrance to the development, as shown on sign elevation plan dated February 3, 2009. (CV09-002)

aa. Pursuant to The Tree Conservation Ordinance, Administrative Standards & Best Management Practices – Landscape Strips, Buffers and Parking (A.4) to allow a permanent structure (retaining wall) within a landscape strip. (V09-012)
bb. To the owner's/developer's proffered agreement, at the regularly scheduled Mayor and City Council meeting on September 20, 2011, to amend the letter of intent to include confirmation of the utilization of, as a part of construction, the following:

- Ceilings having a ten (10) foot height minimum.
- Stainless Steel fronts to all kitchen appliances.
- Granite or comparable countertops.
- Individually metered utilities.
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 NORTHWESTERLY 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 689.78 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 148.21 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 108.89 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.
<table>
<thead>
<tr>
<th>#</th>
<th>ACTIVITY</th>
<th>DURATION</th>
<th>HAMMOND ACCESS</th>
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<tbody>
<tr>
<td>1</td>
<td>DEMOLITION</td>
<td>60 DAYS</td>
<td>CUT 2 &amp; CUT 4. WILL GET VARIANCE FOR AFTER HOUR HAUL OFF.</td>
</tr>
<tr>
<td>2</td>
<td>SITEWORK</td>
<td>90 DAYS</td>
<td>CUT 2 &amp; CUT 4. WILL GET VARIANCE FOR AFTER HOUR EQUIPMENT DELIVERIES AND ANY DIRT HAUL OFF.</td>
</tr>
<tr>
<td>3</td>
<td>GARAGE FOUNDATIONS</td>
<td>60 DAYS</td>
<td>CUT 2 &amp; CUT 4. WILL GET VARIANCE FOR AFTER HOUR EQUIPMENT DELIVERIES AND ANY DIRT HAUL OFF.</td>
</tr>
<tr>
<td>4</td>
<td>BUILD HAMMOND DRIVEWAY (CUT 3)</td>
<td>60 DAYS</td>
<td>TO BE DONE SEQUENTIALLY WITH GARAGE FOUNDATIONS AND SITEWORK. REMAINS CLOSED AFTER COMPLETION.</td>
</tr>
<tr>
<td>5</td>
<td>DECK CONSTRUCTION</td>
<td>120 DAYS</td>
<td>CUT 2. DUE TO GRADE – ALL PRECAST DELIVERIES TO BE JIT.</td>
</tr>
<tr>
<td>6</td>
<td>GARAGE CO</td>
<td>30 DAYS</td>
<td>*GARAGE TO BE ACCESSED VIA EXISTING GARAGE ONLY TEMPORARILY UNTIL OPENING CUT 3.</td>
</tr>
<tr>
<td>7</td>
<td>FOUNDATION PACKAGE – BUILDINGS</td>
<td>60 DAYS</td>
<td>CUT 4. THIS WILL BUILD SEQUENTIALLY TO THE DECK ASSEMBLY BUT WILL USE A SEPARATE ENTRY.</td>
</tr>
<tr>
<td>8</td>
<td>CLOSE CUT 2 AFTER DECK COMPLETION</td>
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<tr>
<td>9</td>
<td>FRAMING AND CONSTRUCTION</td>
<td>120 DAYS</td>
<td>CUT 4 EXCLUSIVELY.</td>
</tr>
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<td>10</td>
<td>SHELL CO</td>
<td>30 DAYS</td>
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<tr>
<td>11</td>
<td>OPEN CUT 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>CLOSE CUT 4</td>
<td></td>
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<tr>
<td>13</td>
<td>FINAL CO</td>
<td>30 DAYS</td>
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CUT 1 – EXISTING DOUBLE LANE ROAD, TO BE RIGHT-IN / RIGHT-OUT UPON CO. REMAINS OPEN
CUT 2 – EXISTING CUT SERVING 1150A TO BE CLOSED UPON CO
CUT 3 – FUTURE DECK SERVING APARTMENTS
CUT 4 – EXISTING CUT SERVING 1150D TO BE CLOSED UPON CO

RECEIVED
AUG 1 1 2011
City of Sandy Springs
Community Development