



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

Date: June 5, 2014 for submission onto the June 17, 2014 City Council meeting

Agenda Item: **201400796 1150 and 1140 Hammond Drive** a request to rezone the subject property from MIX (Mixed Use District) to MIX (Mixed Use District), with a Use Permit and concurrent variances.

Department of Community Development Recommendation:

APPROVAL CONDITIONAL of a request to rezone the subject property from MIX (Mixed Use District) to MIX (Mixed Use District), with a Use Permit and concurrent variances.

Background:

The subject site is located on the north side of Hammond Drive and east side of Peachtree Dunwoody Road. The property is currently zoned MIX (Mixed Use District) and is developed with retail, office and residential buildings. The property contains approximately 15.30 acres.

Discussion:

To rezone the subject property MIX (Mixed Use District) Conditional to MIX (Mixed Use District) to allow the development of 696,000 square feet of commercial and office; 160 room hotel, and 385 multi-family units, with a use permit to exceed the district height limit.

Additionally, the applicant is requesting two (2) concurrent variances from the Zoning Ordinance as follows:

1. Variance from Section 4.23.1 to reduce the required twenty (20) foot front landscape strip to five (5) feet.
2. Variance from Section 4.23.1 to reduce the five (5) foot interior side landscape strip to zero (0) feet.

	Currently Permitted	Current Density	Proposed	Proposed Density
Commercial/Office	753,000	49,215.69 sqft/ac	696,000 sqft	45,490.20 sqft/ac
Hotel	160 rooms	10.46 rooms/ac	160 rooms	10.46 rooms/ac
Multi-Family	• See Note below		385 units	25.16 units/ac

- The RZ11-006 case included 345 multi-family units. The 345 units (Northwood Raven) currently under construction is not included in this zoning application. The proposed 385 units of multi-family would be separate from the RZ11-006 zoning case.

The petition was heard at the May 15, 2014 Planning Commission meeting. Squire moved to recommend approval seconded by Tart. The Commission recommended approval (5-0, Maziar, Porter, Frostbaum, Tart and Squire for; Nickles absent; and Duncan not voting) subject to staff's conditions.

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LETTER OF INTENT

The property contains approximately 15.3 acres and is located at the northeast corner of the intersection of Peachtree Dunwoody Road and Hammond Drive (the "Property"). The Property is presently zoned to the MIX Classification.

The Applicant requests a rezoning to the MIX Classification for the development of 696,000 square feet of retail/commercial/service/office and accessory uses together with a 160 room hotel and 385 FOR RENT multi-family residential units. This results in a density of 45,490.20 square feet per acre for the retail/commercial/service/office uses and 25.20 units per acre for the multi-family residential use. Building heights shall range from eleven (11) stories for the hotel, to seven (7) stories for the existing Goddard School and to six (6) stories for the proposed multi-family building. Accordingly, the Applicant requests a Use Permit pursuant to Article 19.2.21 to exceed the height limitation in the MIX District. Further, in order to have the over all development be consistent in traffic flow, parking and landscaping compatibility, the Applicant requests a two part Concurrent Variance consisting of a request pursuant to Article 4.23.1 that (1) the front landscape strip be reduced from the required 40 feet to that as is shown on the Site Plan and that (2) the interior landscape strip be reduced from 5 feet to 0 feet as shown on the Site Plan. The approval of these Concurrent Variances would be in harmony with the policies and intent of the Zoning Ordinance as well as the over all development. Additionally, the approval of these Concurrent Variances would not result in any harm to the health, safety and welfare of the general public. The Applicant also requests that the vested Variances noted on Exhibit "A" attached hereto and by reference thereto made a part hereof be carried forward as Vested Concurrent Variances. The Comprehensive Land Use Plan Map suggests Live/Work Regional development of the Property and this request complies with this designation. Accordingly, with the exception of the request for the FOR RENT multi-family residential units and approximately 17,500 square feet of retail to be developed in the same building as street front retail and being a portion of the 969,000 square feet of retail/commercial/service/office requested, the Property is presently zoned the same as being requested under this Application for Rezoning, Use Permit and Concurrent Variances.

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It is to be noted that in the construction of the multi-family building the Applicant shall provide interior ceiling heights of ten (10) feet and all units shall be individually metered for utilities which commitments are appropriate to be included in Conditions of Zoning. Further, as information reflecting the quality of the finish of the multi-family units, the Applicant shall have appliances with stainless steel fronts and the kitchen countertops shall be of granite or comparable material.

This Application for Rezoning, Use Permit and Concurrent Variances is entirely appropriate and the appropriateness of this Application for Rezoning, Use Permit and Concurrent Variances and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "B" attached hereto and by reference thereto made a part hereof. Now, therefore, the Applicant requests that this Application for Rezoning, Use Permit and Concurrent Variances be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.

APPLICANT:

Hanover R. S. Limited Partnership

By: Adam S. Harbin
 Adam S. Harbin

Nathan V. Hendricks III
 Nathan V. Hendricks III
 Attorney for the Applicant

6085 Lake Forrest Drive
 Suite 200
 Sandy Springs, Georgia 30328
 (404) 255-5161

201400796

Exhibit "A"

THE FOLLOWING VARIANCES ARE VESTED AND SHOULD BE NOTED AS SUCH AND CARRIED FORWARD:

1. CV08-027: (a) 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;
(b) 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 [INSERT NEW DATE] (Peachtree-Dunwoody Road frontage);
(c) To allow for an additional freestanding sign on the Peachtree-Dunwoody Road frontage; and
(d) To allow internal signs throughout the site to be used as directional signage.
2. CV09-002: To allow for two (2) additional freestanding signs on the subject property. Said signs shall have a minimum sign area of thirty-two (32) square feet and a maximum height of eight (8) feet and located along Hammond Drive frontage, on the most eastern entrance to the development, as shown on sign elevation plan dated [INSERT NEW DATE].
3. V09-012: 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.

201400796

Exhibit "B"

APPROPRIATENESS OF APPLICATION
AND
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

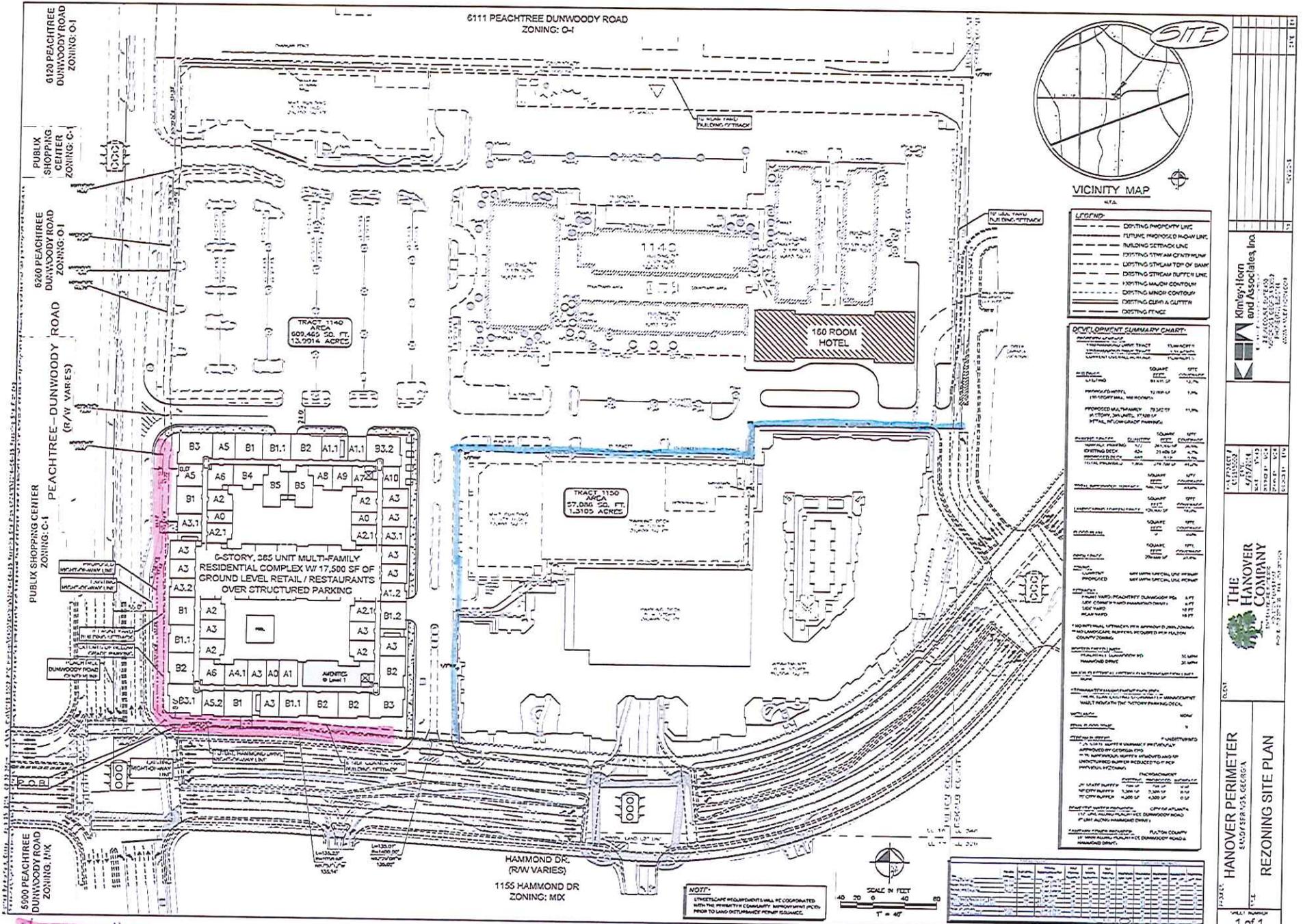
The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Use Permit and Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

201400794



Variance # 1

Variance # 2

THE HANOVER COMPANY
REZONING SITE PLAN

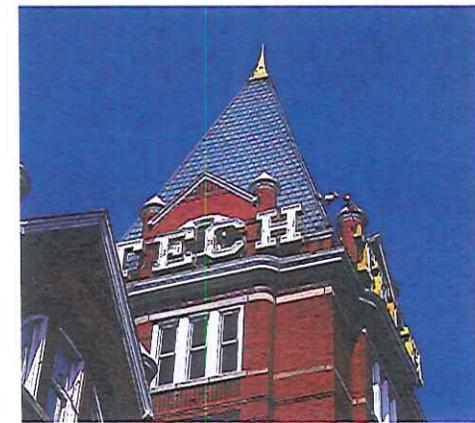
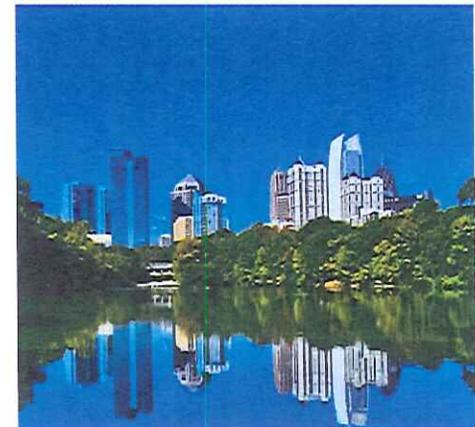
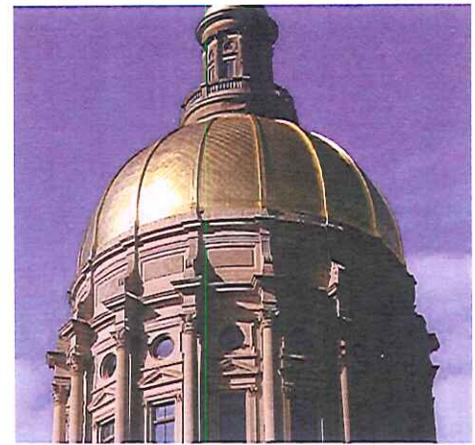
Kimley-Horn and Associates, Inc.
1000 W. BROADWAY, SUITE 100
ATLANTA, GA 30308
404.525.1234

HANOVER PERIMETER
8 AND 9 PER 1033, GEORGIA

1 of 1

HANOVER PERIMETER

Peachtree Dunwoody Road & Hammond Drive
Sandy Springs, Georgia



City of Sandy Springs: Pre-Filing Conference
February 24, 2014

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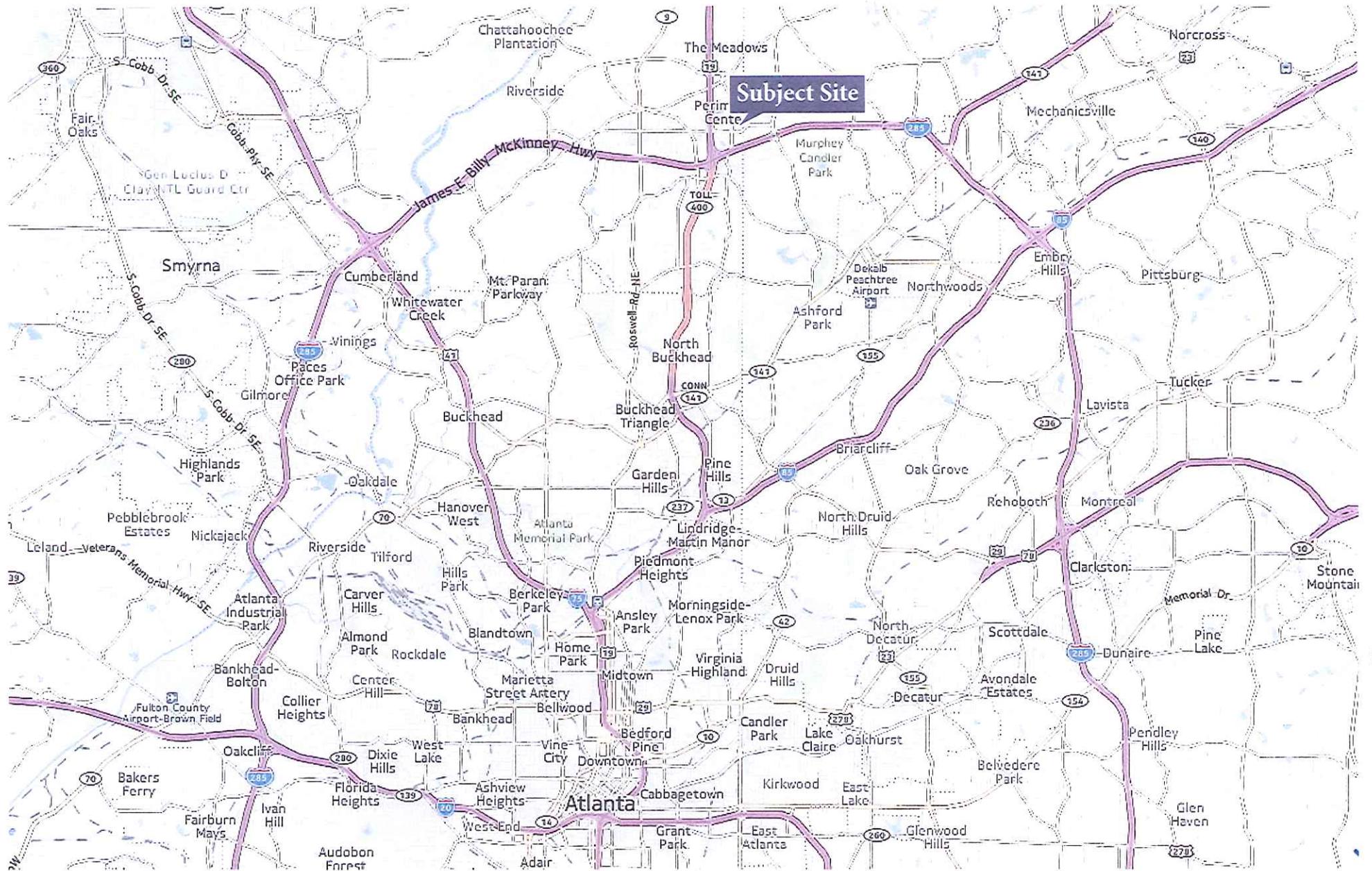


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MAP





PROJECT SUMMARY

BUILDING OVERVIEW

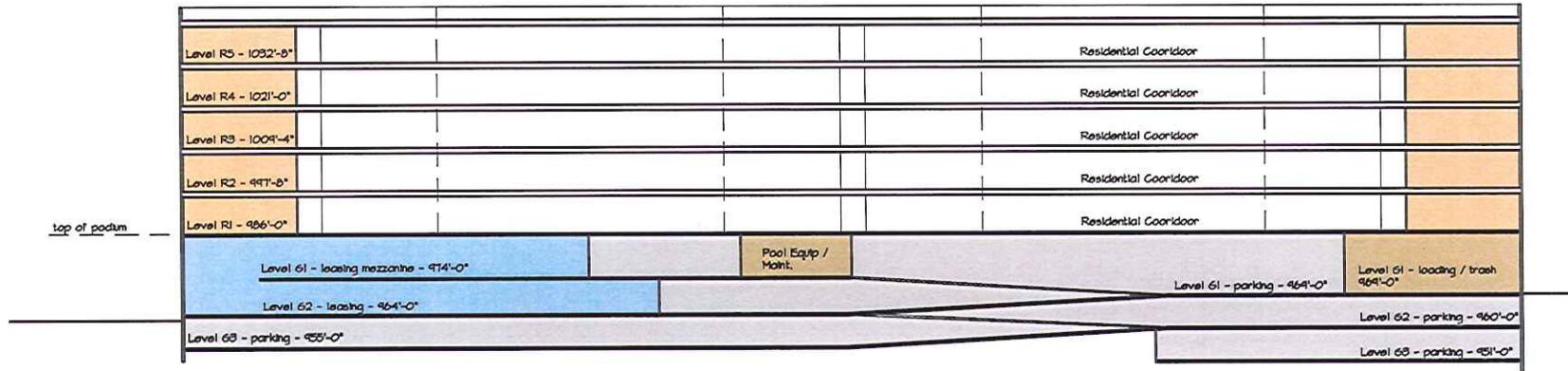
BUILDING SCALE	6-story mid-rise building
QUALITY	Best-in-class unit finishes and resort-style amenities

MULTIFAMILY COMPONENT

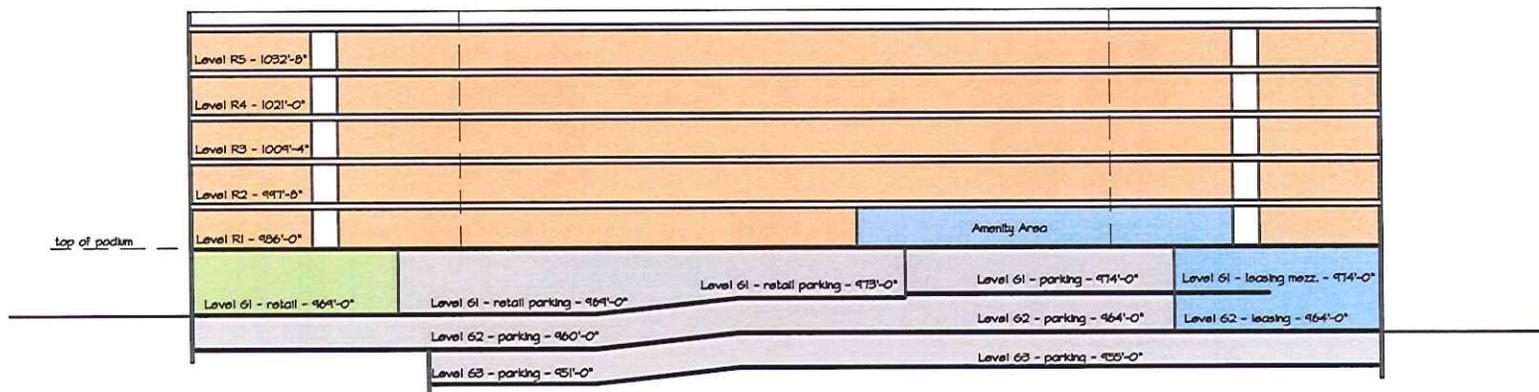
NUMBER OF APARTMENTS	Approximately 375 - 385 apartment units
PARKING	Approximately 1.4 - 1.6 spaces per apartment unit

RETAIL COMPONENT

RETAIL SPACE	Approximately 15,000 - 17,500 square feet of ground-floor retail
PARKING	Approximately 6.5 - 7.5 spaces for every 1,000 square feet of retail space

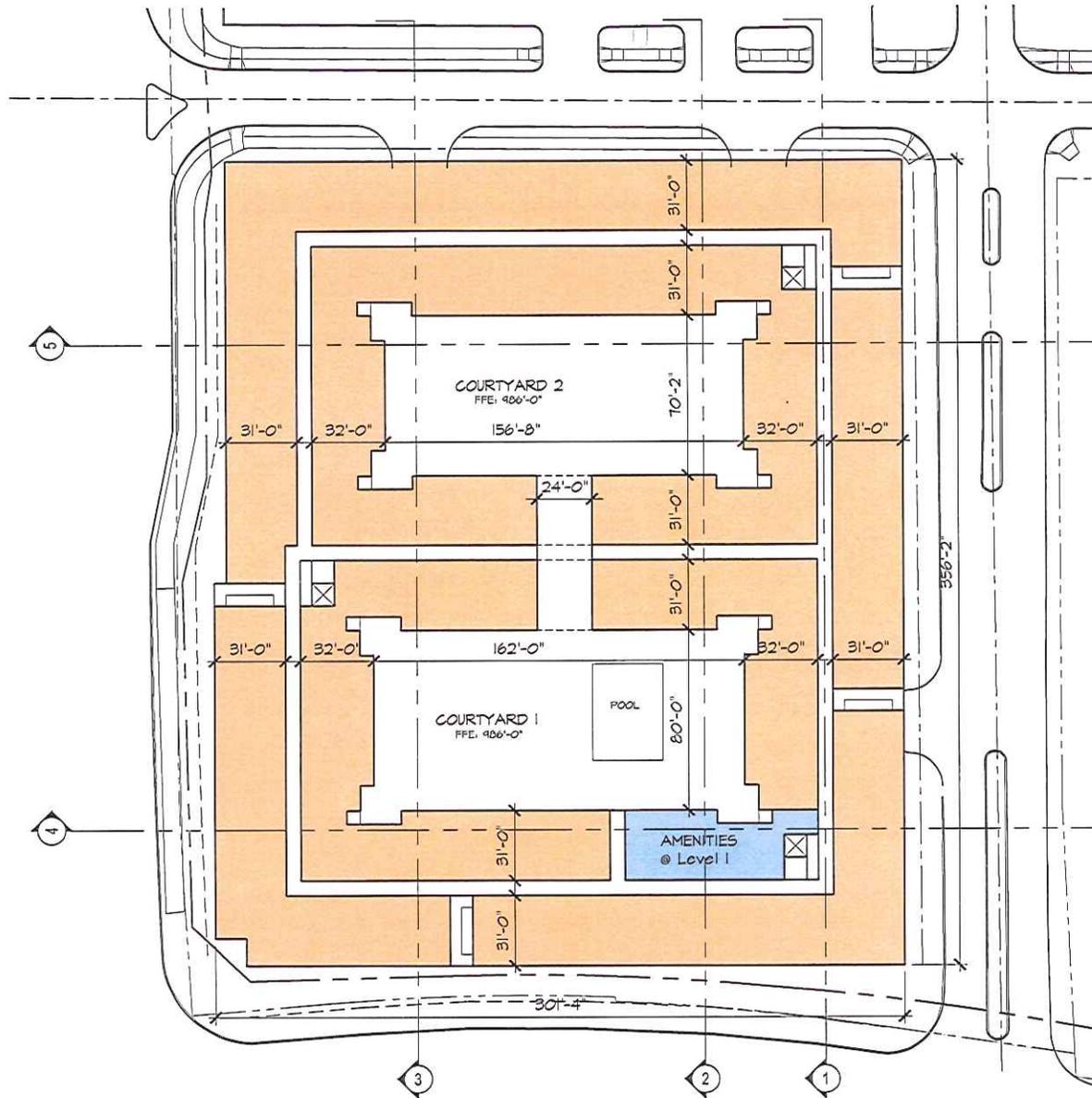


Site Section 01

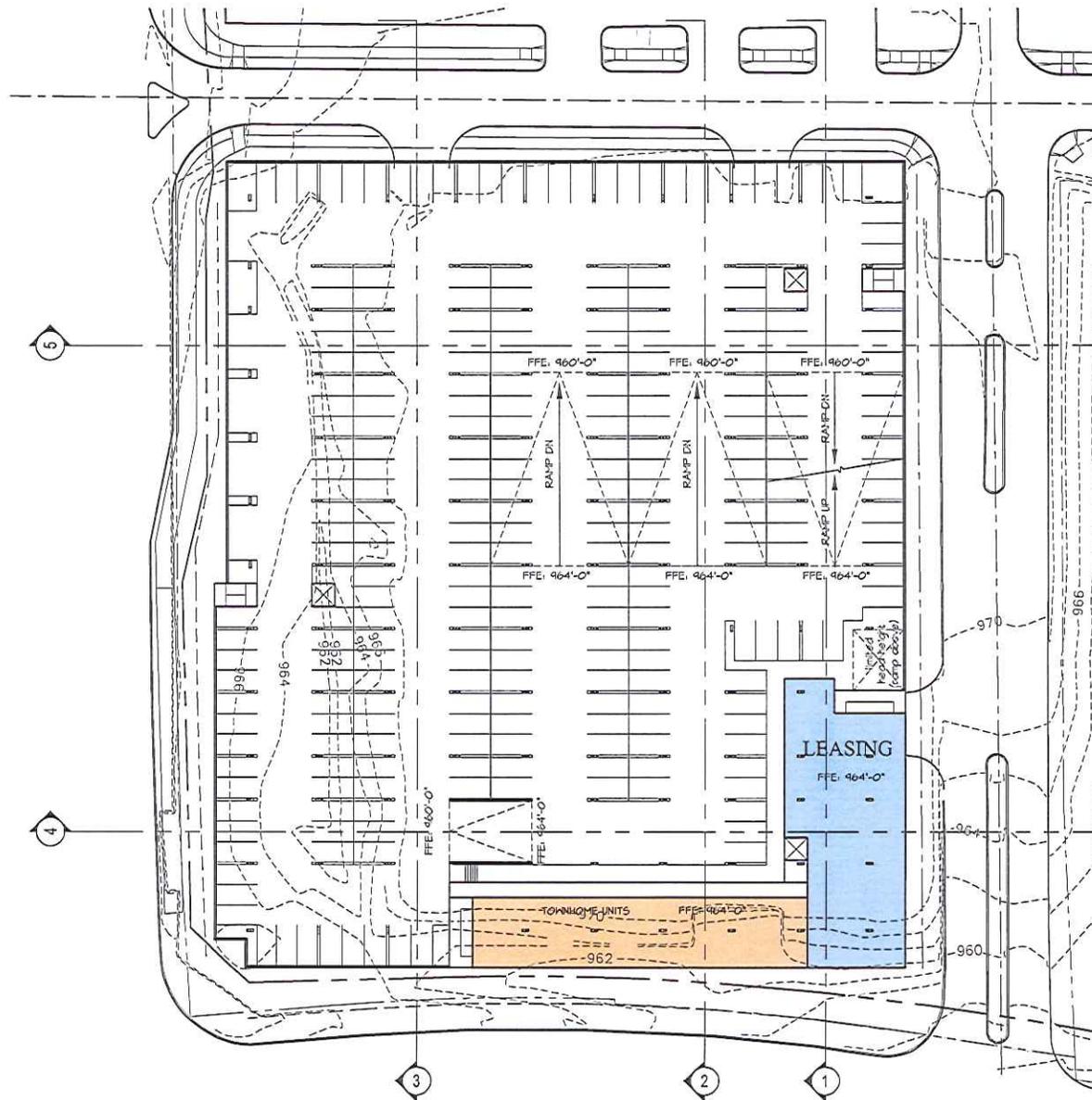


Site Section 04

SITE PLAN - RESIDENTIAL LEVELS

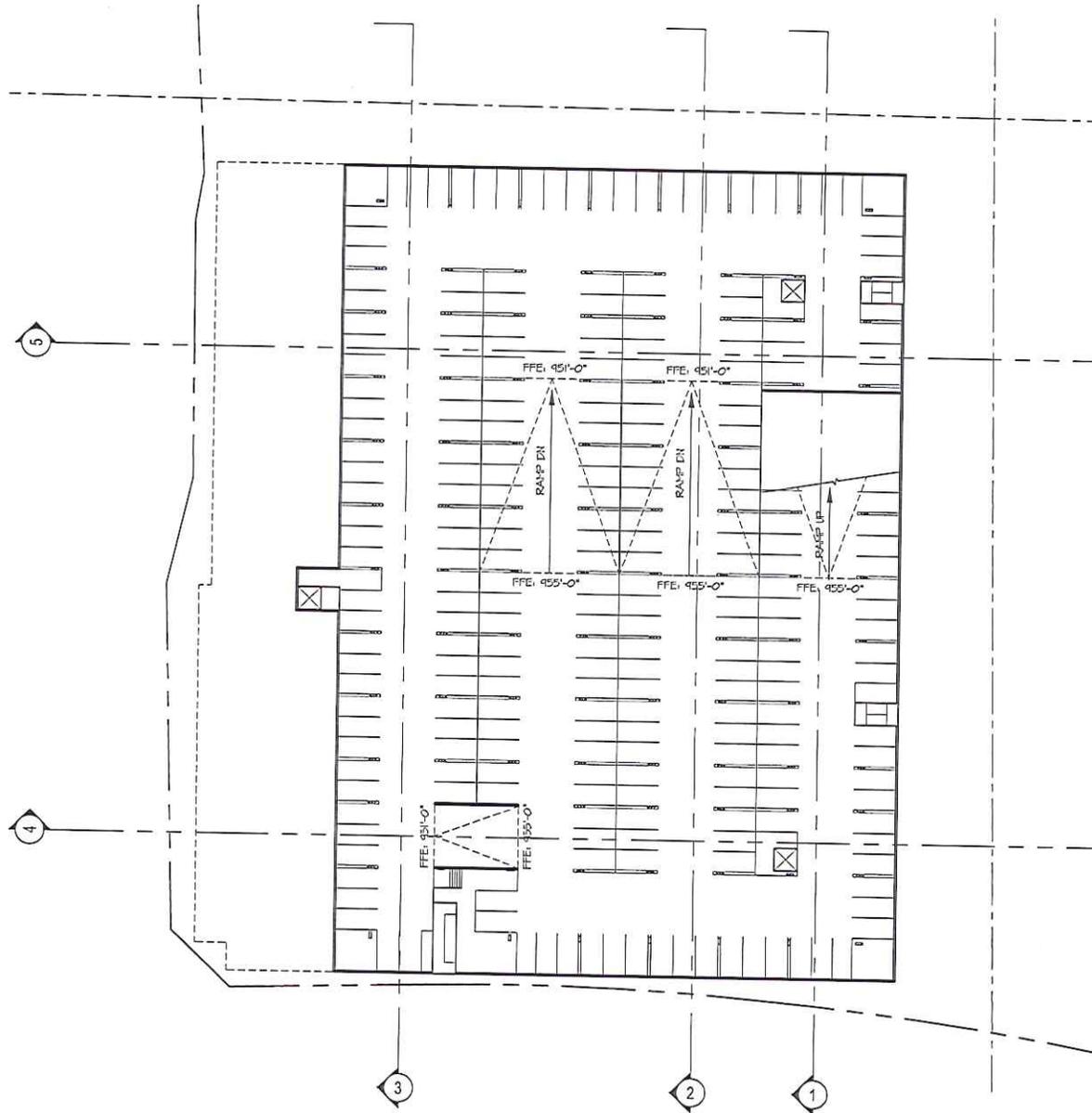


SITE PLAN - GARAGE LEVEL G2

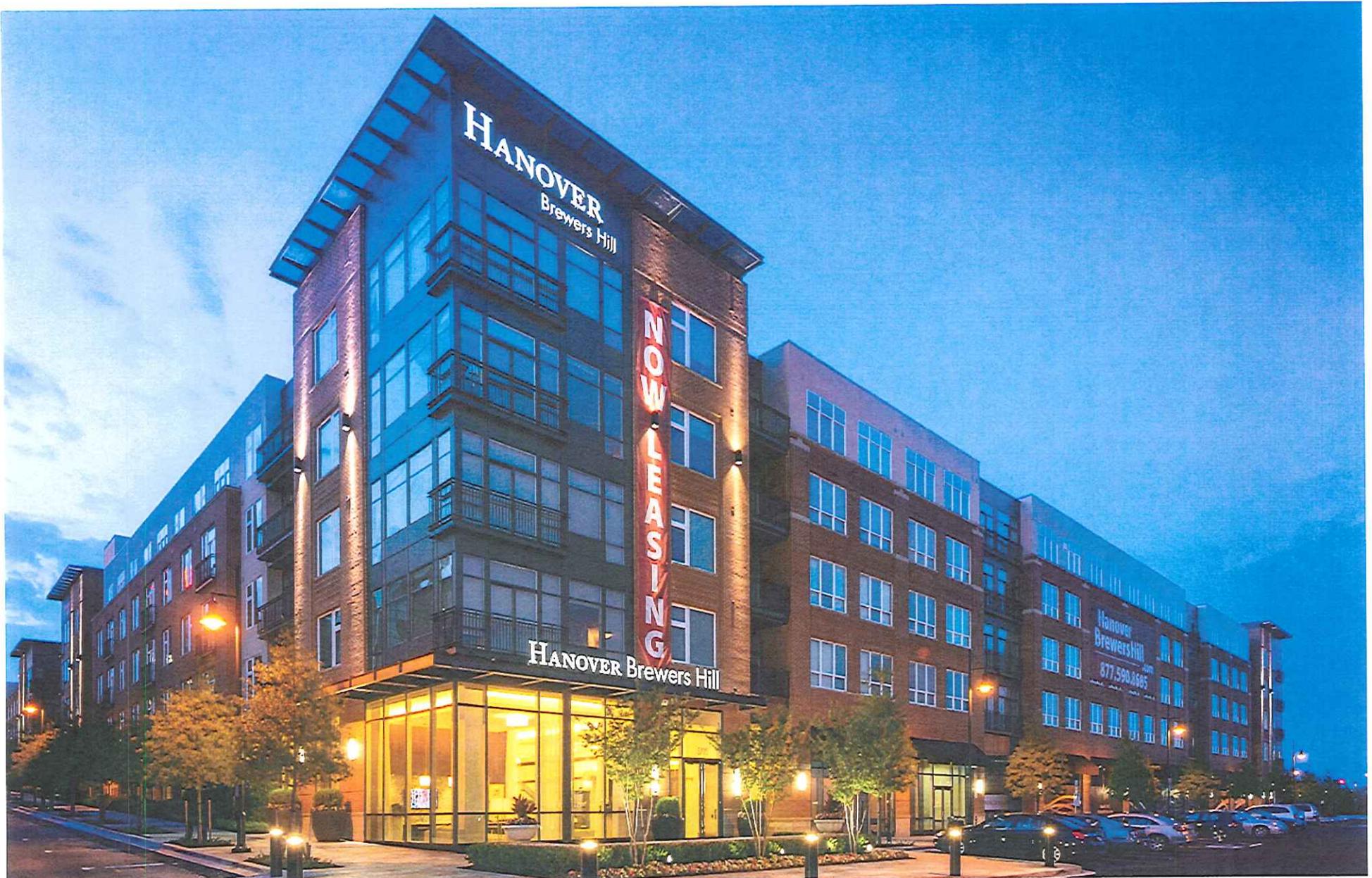


SITE PLAN - GARAGE LEVEL G3

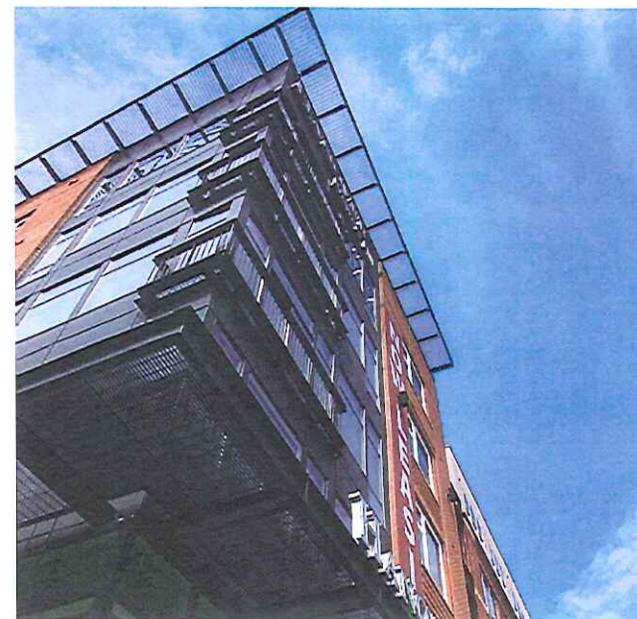
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SANDY SPRINGS, GEORGIA



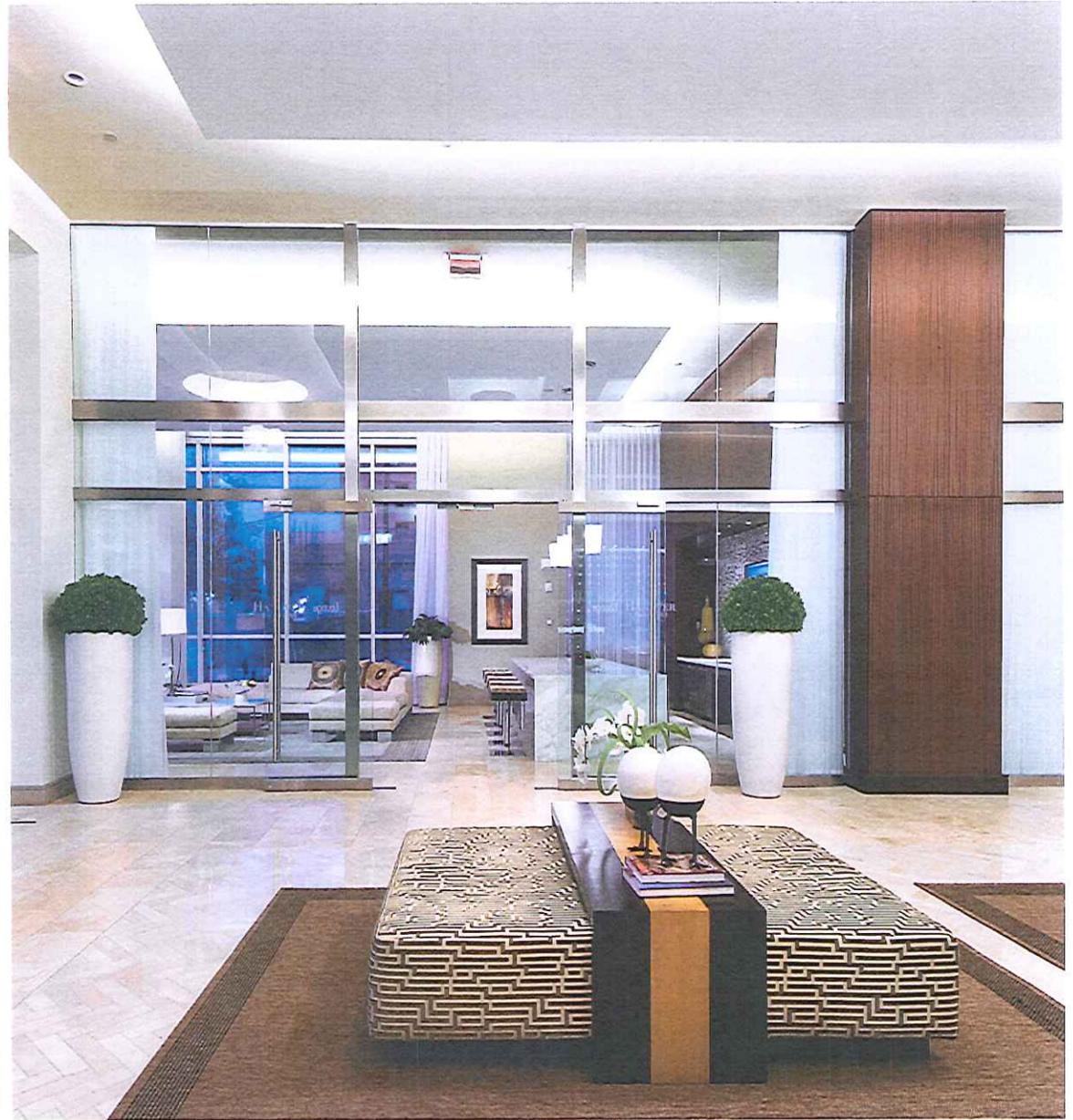
SAMPLE PHOTOS - EXTERIOR ARCHITECTURE



Sample photos are of previous Hanover projects. Future built conditions may vary.

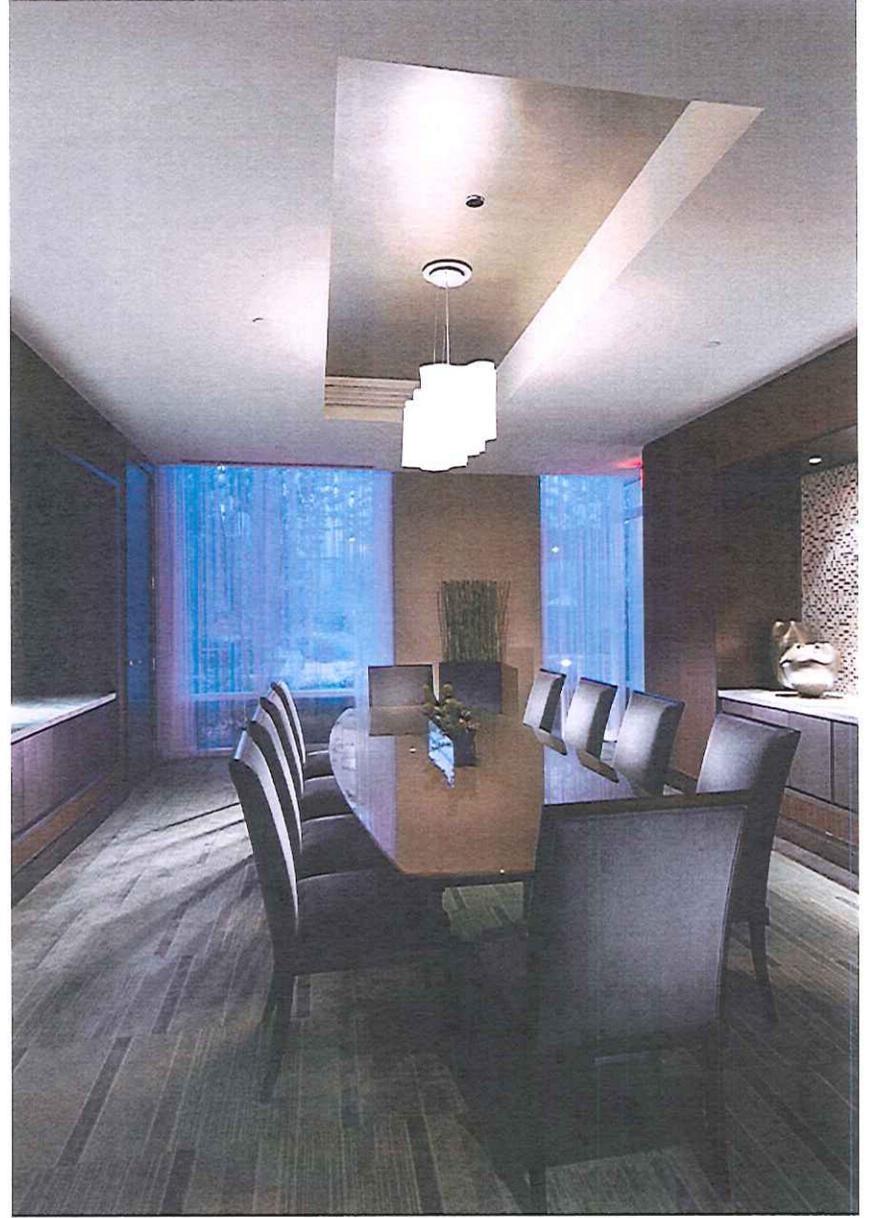
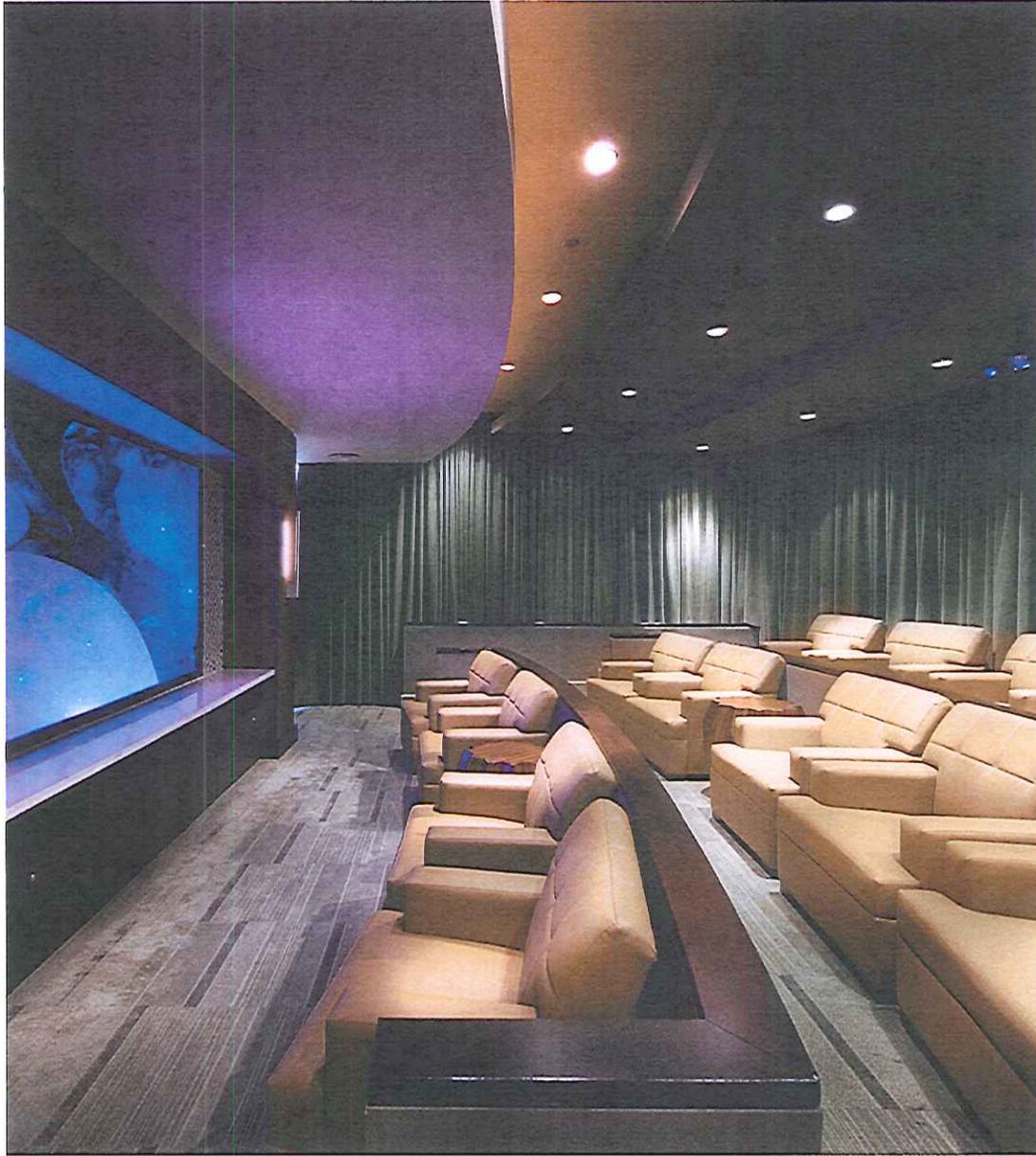


SAMPLE PHOTOS - AMENITIES



Sample photos are of previous Hanover projects. Future built conditions may vary.



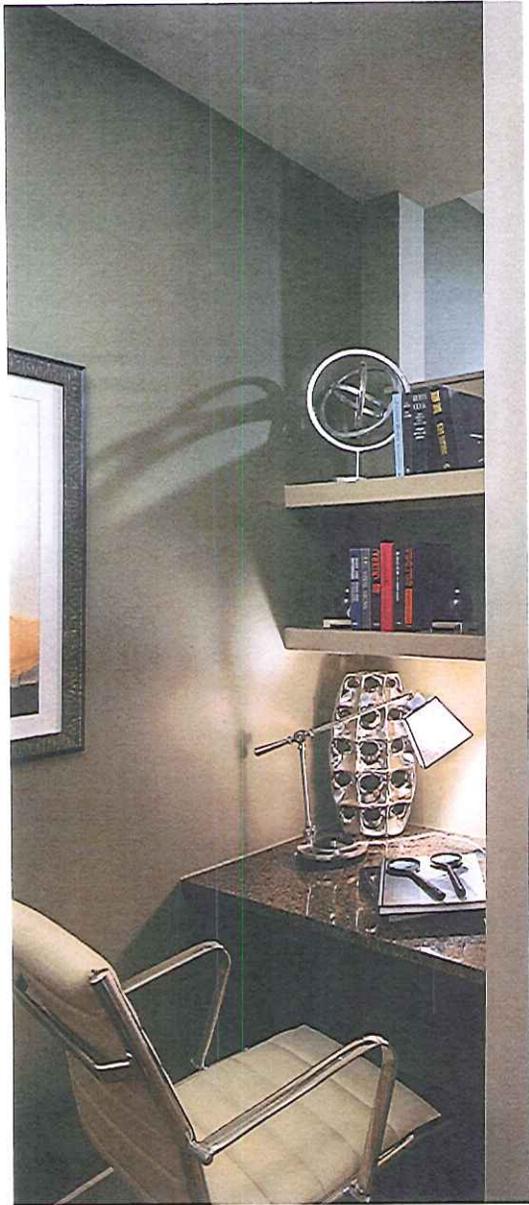


Sample photos are of previous Hanover projects. Future built conditions may vary.

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SAMPLE PHOTOS - UNIT INTERIORS

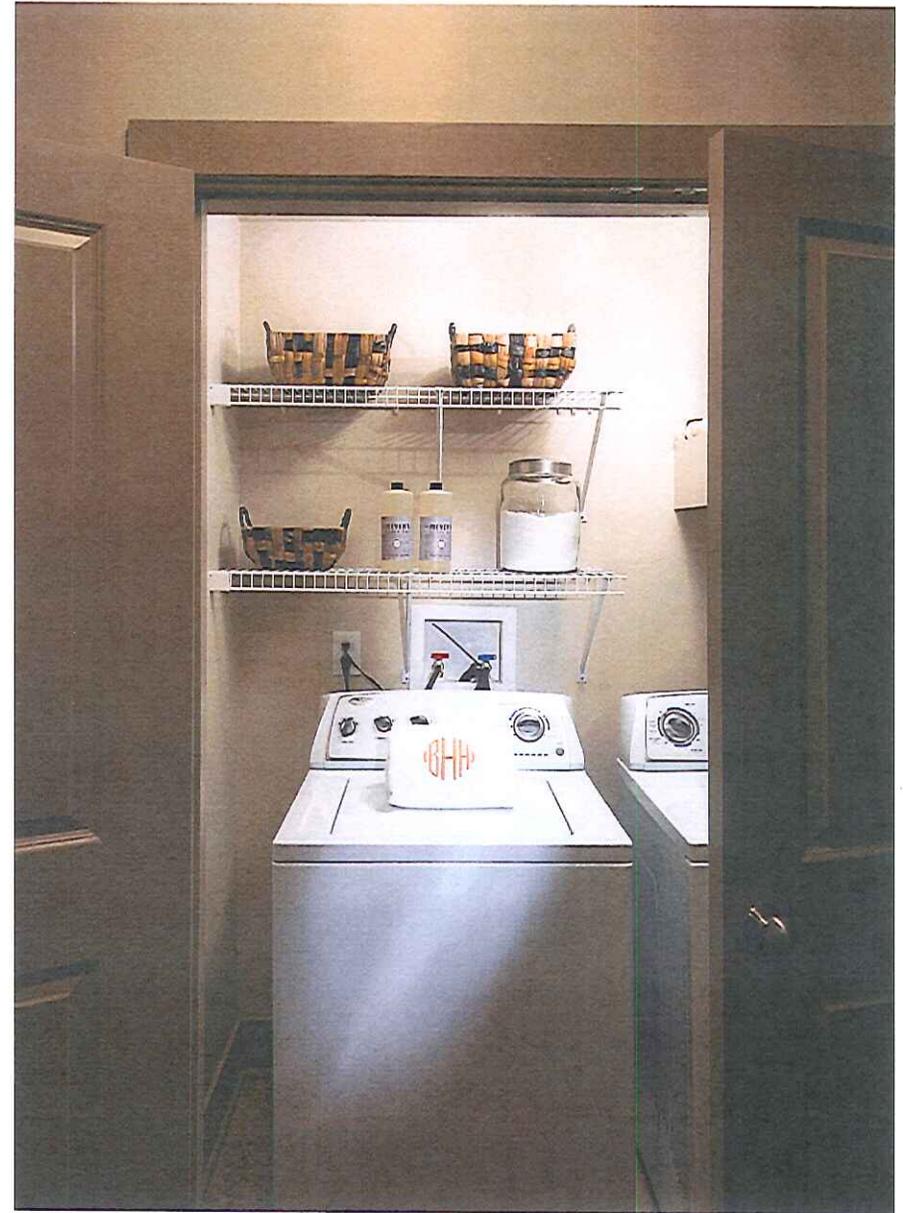


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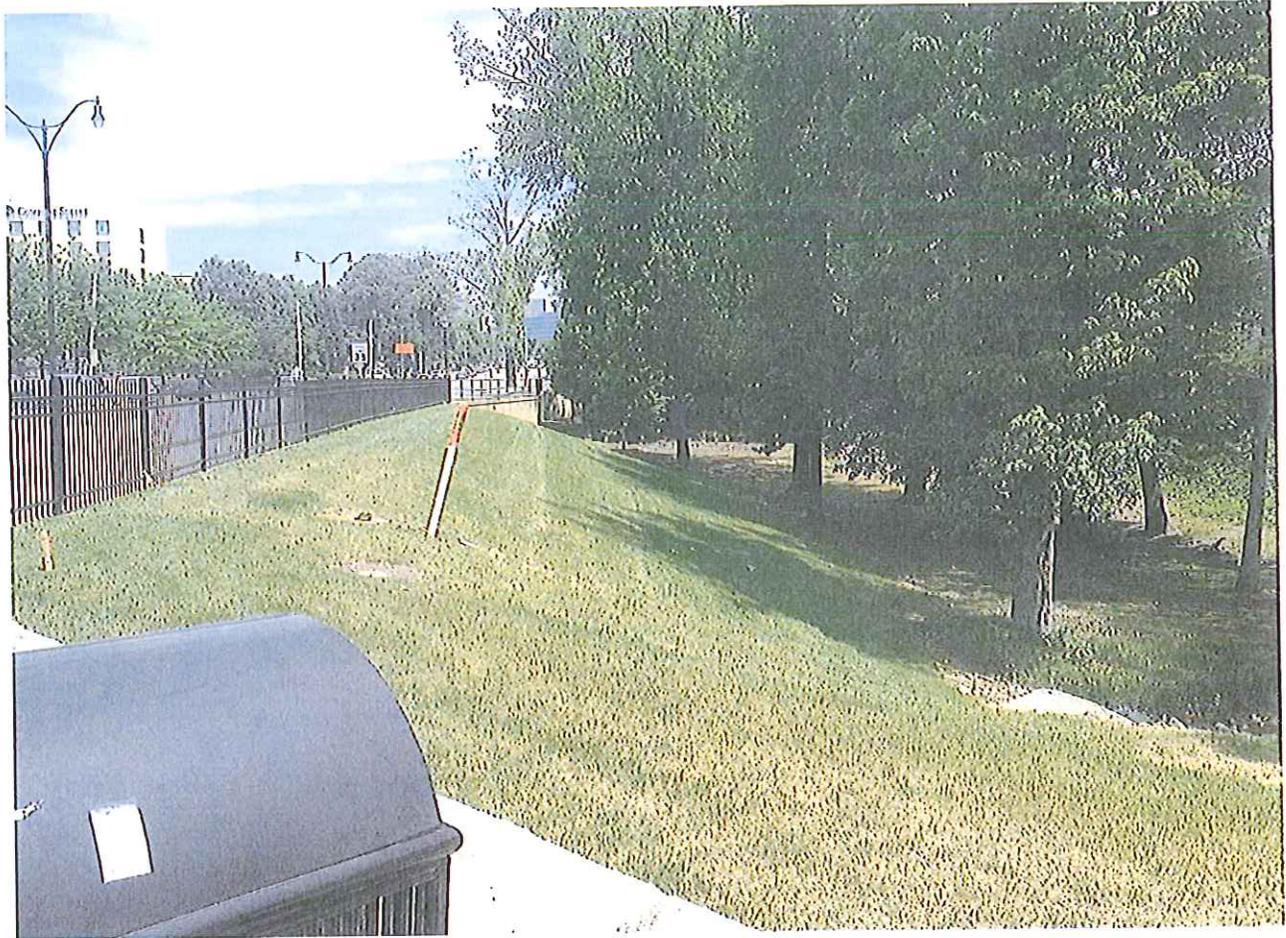
Sample photos are of previous Hanover projects. Future built conditions may vary.





THE HANOVER COMPANY















MEMORANDUM

TO: Linda Abaray, Senior Planner
City of Sandy Springs, Department of Community Development

FROM: Monica Robinson, B.S., M.B.A., Environmental Planner
Department of Health and Wellness, Office of the Director

DATE: April 4, 2014

SUBJECT: Zoning Comments for April 2014

AGENDA ITEM	ZONING COMMENTS
201400891	<p>If a plat or a revised plat is required for recording, the Fulton County Department of Health and Wellness will require that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by that jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.</p> <p>The Fulton County Department of Health and Wellness will require that the owner/developer connect the house to public water and public sanitary sewer which is available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p>
201400796	<p>The Fulton County Department of Health and Wellness will require that the applicant connects the proposed development to public water and public sanitary sewer available to the site.</p> <p>Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.</p> <p>This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.</p> <p>If this proposed development includes a public swimming pool as defined in the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches including spas, whirlpools, etc., the owner or contractor must submit plans for review and approval by this department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.</p> <p>Since this proposed development includes a tourist accommodation, as defined in the Department of Human Resources rules and regulations for tourist accommodations as adopted by Fulton County as the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XIII – Tourist Accommodations, is proposed, the owner or contractor must submit plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a tourist accommodation permit prior to opening.</p> <p>This Department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.</p> <p>If there are existing structures that will be demolished, this department is requiring that those structures be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.</p>

Akbar, Abdul

From: Abaray, Linda <LAbaray@SandySpringsga.gov>
Sent: Friday, March 14, 2014 11:33 AM
To: Abaray, Linda
Subject: Sandy Springs Preliminary Zoning Agenda
Attachments: 201400796 Site Plan & LOI.pdf; 201400891 Site plan & LOI.pdf

All:

Please be advised, the material details the zoning petitions received on or before the August 6, 2013 submittal deadline. We are writing to solicit your comments with regard to these applications. Please forward a response in writing detailing your comments, or lack thereof to the attention of the Linda Abaray. Correspondence may be sent to the following address:

City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350
labaray@sandyspringsga.gov

Agenda Item		Council District	Meeting Dates
Zoning Modification			
1.	201400891 933 Altamira Lane Applicant: Gillian Burr ▪ To modify condition 3-a. of Z05-0020 to reduce the required thirty-five (35) foot rear yard setback to twenty (20) feet for construction of a single family residence.	6	CZIM – 3/25/14 MCC- 5/20/14
Rezoning			
2.	201400796 1140 & 1150 Hammond Drive Applicant: Hanover R.S. Limited Partnership ▪ To rezone the subject property from MIX (Mixed Use District) to MIX (Mixed Use District) to allow office, retail, hotel and multi-family uses, with a use permit and concurrent variances.	5	CZIM – 3/25/14 CDRM – 4/24/14 PC- 5/15/14 MCC- 6/17/14

Linda Abaray
Senior Planner
City of Sandy Springs

COMMENTS ON PUBLIC SERVICES AND UTILITIES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the City of Sandy Springs and the Fulton County Plan Review process prior to the commencement of any construction activity.

WATER AND WASTEWATER (SEWER):

WATER:

Anticipated water demand: 100 gallons per day (gpd) per 1,000 square feet (sq.) x 696,000 (retail / office space) sq. ft. = 69,600 gallons per day (gpd) plus 270 gallons per day (gpd) per housing unit x 385 units = 103,950 gallons per day plus 100 gallons per day (gpd) per hotel room (with a hotel restaurant) x 160 hotel rooms = 16,000 gpd for a total daily water usage = 189,550 gpd.

This project is within the City of Atlanta water jurisdiction.

SEWER:

Basin: Nancy Creek

Treatment Plant: R.M. Clayton (City of Atlanta)

Anticipated sewer demand: 170,595 gallons per day

There are three sewer manholes within the southern property boundary (Sewer manhole # SMNC1416420 to # SMNC1416410) and there are six sewer manholes within the eastern property boundary (Sewer manhole # SMNC1716240 to # SMNC1416190) located in Land Lot 18, District 17 that can service the proposed 1140 & 1150 Hammond Drive (Hanover Perimeter) retail, office, multi-family and hotel mixed use development.

Because of the size of this development, Fulton County Government is requesting that the developer pay to have a downstream analysis performed on the impact on the Fulton County sewer system by the sewer discharge of this proposed project. The contact for the Department of Water Resources of Fulton County Government to further coordinate this request will be with either Lamar Lambert (404-612-7470) or Ray Wooten (404-612-7547).

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

Property Profile for **1140 HAMMOND DR**

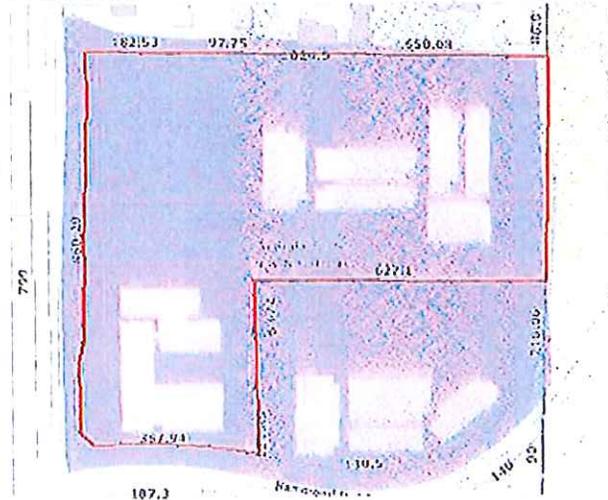
Property Tax Information

Tax Year	2013
Parcel ID	17 0018 LL0716
Property Address	1140 HAMMOND DR
Owner	CORPORATE CAMPUS LLC
Mailing Address	3756 LAVISTA RD SUITE 200 TUCKER GA 30084
Total Appraisal	\$20,000,000
Improvement Appraisal	\$5,174,700
Land Appraisal	\$14,825,300
Assessment	\$8,000,000
Tax District	59B
Land Area	14.642309 ac
Property Class	Commercial Large Tracts
Land Use Class	Office Bldg (Low Rise > 4) Class B
TAD	
CID	Fulton Perimeter CID
Zoning	
Zoning Class	not available
Overlay District	
2030 Future Development	not available
Political	
Municipality	Sandy Springs
Commission District	4
Commission Person	Tom Lowe
Council District	not available
Council Person	not available
Voting Precinct	SS08D
Poll Location	Hammond Park Gym, 705 Hammond Drive NE
Congressional District	006
State Senate District	006
State House District	080
School Zones	
Elementary School	High Point
Middle School	Ridgeview
High School	Riverwood
Other Information	
Zip Code	30328
Census Tract	101.10
In Less Developed Census Tract	No

Oblique Aerial View (looking north)



Property Map



Vicinity Map

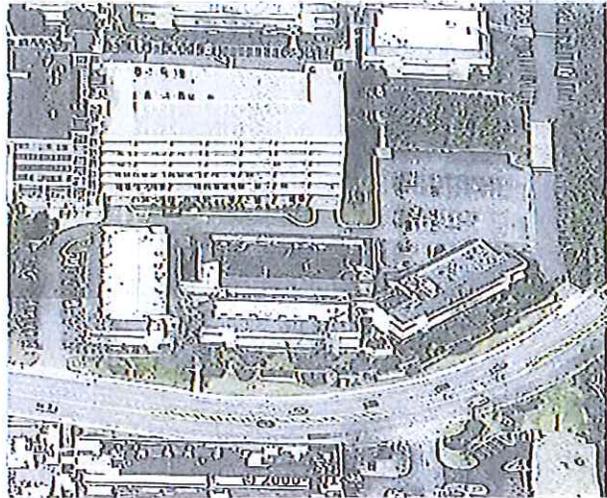


Property Profile for **0 HAMMOND DR**

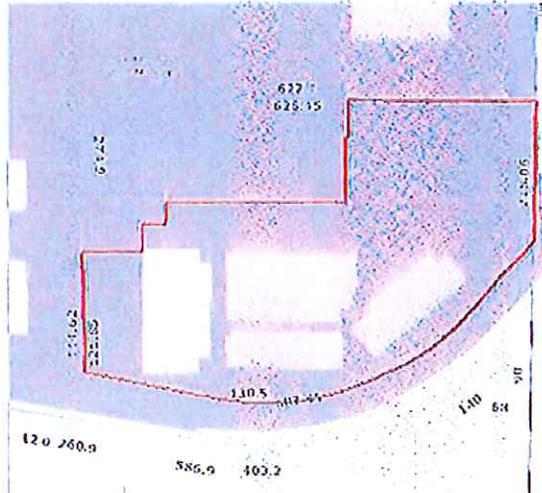
Property Tax Information

Tax Year	2013
Parcel ID	17 0018 LL1029
Property Address	0 HAMMOND DR
Owner	HR PERIMETER PROPERTY OWNER LLC
Mailing Address	1057 E MOREHEAD ST SUITE 300 CHARLOTTE NC 28202
Total Appraisal	\$8,395,700
Improvement Appraisal	\$4,214,100
Land Appraisal	\$4,181,600
Assessment	\$3,358,280
Tax District	59B
Land Area	4.130004 ac
Property Class	Commercial Small Tracts
Land Use Class	Office Bldg (Low Rise > 4) Class B
TAD	
CID	Fulton Perimeter CID
Zoning	
Zoning Class	not available
Overlay District	
2030 Future Development	not available
Political	
Municipality	Sandy Springs
Commission District	4
Commission Person	Tom Lowe
Council District	not available
Council Person	not available
Voting Precinct	SS08D
Poll Location	Hammond Park Gym, 705 Hammond Drive Ne
Congressional District	006
State Senate District	006
State House District	080
School Zones	
Elementary School	High Point
Middle School	Ridgeview
High School	Riverwood
Other Information	
Zip Code	30328
Census Tract	101.10
In Less Developed Census Tract	No

Obllique Aerial View (looking north)



Property Map



Vicinity Map

