



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** August 14, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ07-021/CV07-020/U07-008** - 5775 & 5795 Glenridge Drive,
Applicant: MLGP Lakeside, LLC, Pursuant to the direction of the
Court and as required by state law a public hearing will be held
regarding the zoning of the subject property

MEETING DATE: For Submission onto the August 21, 2012, City Council Regular
Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Materials

APPROVAL BY CITY MANAGER: JAM APPROVED

PLACED ON AGENDA FOR: 8/21/2012

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



To: John McDonough, City Manager

From: Wendell Willard, City Attorney

Date: August 14, 2012 for submission onto the August 21, 2012 City Council Regular Meeting

Agenda Item: RZ07-021/CV07-020/U07-008 5775 & 5795 Glenridge Drive, Modification of the Approved Zoning Conditions

CMO (City Manager's Office) Recommendation:

APPROVAL of the modification of the approved zoning conditions for the subject property.

Background:

A petition for rezoning was submitted by the property owner on August 29, 2007 to allow the development of 300 residential units, 1,125,000 square feet of new and existing office and financial institution space, 50,000 square feet of retail and restaurant space, and a 200 room hotel, with concurrent variances and a use permit to exceed the maximum district height.

On June 17, 2008, the Sandy Springs Mayor and City Council denied the rezoning petition for the subject property. Following City Council action, the owner appealed the decision to the Superior Court.

Discussion:

Pursuant to the direction of the Court and as required by state law a public hearing must be held regarding the zoning of the subject property. At this time, subject to the settlement of the litigation, staff is recommending approval of the modification of the zoning conditions for the property as outlined in the attached conditions of approval and site plan. The modified site plan showing the proposed development of 520 residential units, 8,000 square feet of freestanding restaurant space, 700,000 square feet of office space, and 42,000 square feet of accessory commercial space to be located within the existing and/or proposed office and residential buildings is recommended by counsel for the City, as it meets the development standards of the Zoning Ordinance and other city codes.

Attachment(s)

Site Plan dated received June 12, 2012 (as entered with Court Order on May 14, 2012)

Revised Conditions of Approval

CONDITIONS OF APPROVAL

RZ07-021/CV07-020/U07-008
5775 & 5795 Glenridge Drive

Rezoning petition RZ07-021/CV07-020/U07-008 to rezone the subject property from O-I (Office and Institutional District) conditional and R-2 (Single Family Dwelling District) to MIX (Mixed Use District) is hereby approved by the Mayor and City Council at the August 21, 2012 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 density of 26,893 square feet per acre or 700,000 square feet, whichever is less.
 - b. One (1) freestanding restaurant at a density of 307.34 square feet per acre or 8,000 square feet, whichever is less.
 - c. Residential and associated accessory uses at a density of 19.98 units per acre or 520 units, whichever is less.
 - d. Accessory commercial uses at a density of 1,613.52 square feet per acre or 42,000 square feet, whichever is less. Said accessory commercial uses shall be contained entirely within either the office buildings and/or the residential buildings. Exterior entrances and signage shall be prohibited.
 - e. The maximum height for new office buildings is dependent on the location of the buildings with respect to the curved line dividing the property into two portions as shown on the site plan referenced in condition 2.a. For any new office building to the right of the line and within the southeastern wedge closest to the intersection of Ga.-400 and I-285, the maximum height shall be sixteen (16) stories, exclusive of any penthouses for mechanical equipment. (U07-008). For any new office building to the left of the line and to the north and west of the wedge, the maximum height shall be eight (8) stories, exclusive of any penthouses for mechanical equipment. (U07-008).
 - f. The restaurant shall have a maximum height of one (1) story.
 - g. The residential building shall have a maximum height of 80 feet (7 stories) except that the building shall not exceed 60 feet (4 stories) along the Glenridge Drive frontage (west elevation), excluding any penthouses for mechanical equipment. (U09-009) Any residential buildings shall meet the design standards of the Sandy Springs Overlay District (Article 12B).
 - h. The following uses are prohibited: Amusements, Indoor; Assembly Halls; Automotive Parking Lots; Automotive Specialty Shops; Church, Temple or Other Place of Worship; Funeral Homes; Garage, Automobile Repair including painting, body repair and

overhaul of major components; Group Residences; Gymnasiums; Landscaping Business; Garden Center; Lawn Service Businesses; Millinery or Similar Trade whenever products are sold commercial, exclusively on the site where produced; Motels; Personal Care Homes; Plant Nurseries; Repair Shops not involving any manufacturing on the site; Research Laboratories; Service Stations; Stadiums; Theaters; Recycling Centers, Collecting; Automotive Garage; Automotive Repair Garage; Automobile & Light Truck Sales\Leasing; Batting Cage, Outdoor; Bowling Alley; Car Wash; Check Cashing Establishment; Drive-in Theater; Drive-thru banking facilities; Garage, Automobile Repair; Laundry and/or Dry Cleaning Plant Distribution Center; Pawn Shop; Plumbing Shop associated with commercial sales; Skating Rink; Tinsmithing Shop; Self Storage/Mini; Self Storage/Multi; Drive-thru restaurants.

2. To the owner's agreement to abide by the following:
 - a. To the site plan dated June 11, 2012 and received by the Department of Community Development on June 12, 2012 (as entered pursuant to the Court Order of May 14, 2012). 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: 40 feet
 - Minimum side yard: 10 feet
 - Minimum rear yard: 10 feet
 - Minimum internal setback: 0 feet
 - Minimum landscaping and buffering between uses: 0 feet
 - Minimum heated floor area per dwelling unit: 700 square feet
 - b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Glenridge 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.
 - c. No less than 34% of the site shall be maintained as open space of which 15% shall be green space.
 - d. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with 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 interparcel access along the entirety of the boundary of the adjacent properties, prior to the issuance of an LDP.

- e. The owner/developer shall update the existing signalization to accommodate the new roadway configuration at the project entrance and provide pedestrian access consistent with current city standards. Said signalization and pedestrian access shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- f. The owner/developer shall install a dedicated northbound right turn lane to serve project entrances on Glenridge Drive. Location and design of said lane shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- g. The owner/developer shall install southbound right turn lane from Glenridge Drive onto I-285 westbound ramp. The lane will begin to the south of the existing driveway for the building located at 5730 Glenridge Drive, and the lane taper will begin at the point of tangency of the existing driveway at the travel lane. Location and design of said lane shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- h. The owner/developer shall install a parallel lane on the westbound entrance ramp from Glenridge Drive onto I-285. Location and design of said lane shall be subject to the approval of the Georgia Department of Transportation and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- i. No outparcel shall have direct access to Glenridge Drive.
- j. To modify the surface parking landscape island requirement to provide for an alternate landscaping plan by maintaining the existing surface parking landscaping as shown on the site plan referenced in condition 2.a. (CV07-020)
- k. The tree buffer at the western boundary line of the property abutting Glenridge Drive, shall be retained as configured on the latest site plan as presented to the City with rezoning application RZ09-010/U09-009/CV09-019 as measured from the dedicated right-of-way. The buffer will be forty feet (40') in width and will be supplemented with understory plantings to provide enhanced visual screen of the development from Glenridge Drive. Plantings will be made subject to approval of the Sandy Springs Arborist and will be located to minimize any adverse impact on the critical root zone of existing trees in the buffer.



SITE NOTES

TOTAL PROPERTY ACREAGE 24.0053
 LAND LOT 011 (TH DISTRICT FULTON COUNTY GEORGIA)
 CURRENT ZONING CLASSIFICATION O11(OFFICE/INSTITUTIONAL)
 PARCEL INCLUDES TRACT 1 LAND AREA 28,848 SF & TRACT 2 LAND AREA 812,241 SF FOR A TOTAL OF 841,089 SF

*PARKING LOT LANDSCAPING: ALL PROPOSED PARKING COMPLIES WITH THE DUE DILIGENCE LANDSCAPE BLAND EVERY SIXTH SPACE. ISLANDS SHALL INCLUDE A MIN. 3' CALIPER CHAIR TREE. EXISTING PARKING TO REMAIN SHALL MEET THE PARKING LOT PLANNING REQUIREMENTS. THE ADDITION OF THE REQUIRED LANDSCAPE ISLANDS WOULD RESULT IN EXTENDING PARKING AREAS BY EXISTING LANDSCAPE AREAS AND ADJACENTLY AFFECTING AND REMOVING EXISTING MATURE TREES.

ITEM #2: THERE ARE NO PROPOSED SINGLE FAMILY RESIDENTIAL LOTS ON THE SITE.
 ITEM #3: THERE ARE NO HIGHWAY OVERHEAD AND UNDERGROUND ELECTRICAL AND TELEPHONE TRANSMISSION CONVEYANCE LINES ARE LOCATED ON THE SITE.
 ITEM #4: 10' REAR AND SIDE YARD 1/20' PROPOSED (GA 4001.281)
 1/20' SIDE YARD ADJOINING NORTH PROPERTY LINE W/ GLENDRIDGE RD.
 ITEM #5: 100 YEAR FLOOD PLAIN LIMITS DO NOT EXIST ON THE PROPERTY PER FEMA FIRM MAPS.
 ITEM #6: LAKES, STREAMS AND OTHER WATERS DO NOT OCCUR ON THE SITE.
 ITEM #7: THERE ARE NO COMMUNITY WASTEWATER FACILITIES INCLUDING WETLANDS OR AREAS RESERVED FOR SEPTIC DRAIN FIELDS AND POINTS OF ACCESS LOCATED ON THE SITE.
 ITEM #8: SITE IS SERVED BY MUNICIPAL WATER & SANITARY SEWER.
 ITEM #9: THERE ARE NO HAZARDOUS MATERIALS ON THE SITE.
 *THE PROPERTY IS NOT WITHIN THE PART 50 AIRPORT NOISE CONTOUR MAP.

SITE LEGEND

BUILD. TYPE	EXISTING SF. OFFICE TO REMAIN	PROPOSED SF. OFFICE/FUNCTIONAL	TOTAL PROPOSED EXISTING
RESIDENTIAL	520 UNITS, 198,700 SF	700,000 SF	1,218,700 SF
RETAIL	50,000 SF	0	50,000 SF

DEVELOPMENT STATISTICS SUMMARY

TYPE	AREA	% OF TOTAL
TOTAL AREA OF SITE	1,124,000 SF	100%
BUILDINGS (PROPOSED, EXISTING & DECKS)	426,833 SF	37.94%
SURFACE PARKING SPACES	28	3.04%
STRUCTURED PARKING SPACES	3,211	3.04%
TOTAL IMPERVIOUS SURFACE	683,716 SF	61.20%
LANDSCAPING	442,284 SF	38.80%
FLOOD PLAIN	0 SF	0%
UNDEVELOPED AND/OR OPEN SPACE	504,284 SF	44.96%

CHART



GLENDRIDGE DRIVE FRONTAGE REQUIREMENT:

- SEE FIGURE 2.01.2.2
- STREET TREES 40' O.C.
- 16' STREET SCAPING ZONE
- 2' PLANTING ZONE BY STREET TREES
- 6' SIDEWALK
- 10' PLANTING ZONE

PRIVATE DRIVE TO OFFICE BUILDING:

- 10' SIDEWALK
- 10' PLANTING ZONE
- 10' PLANTING ZONE

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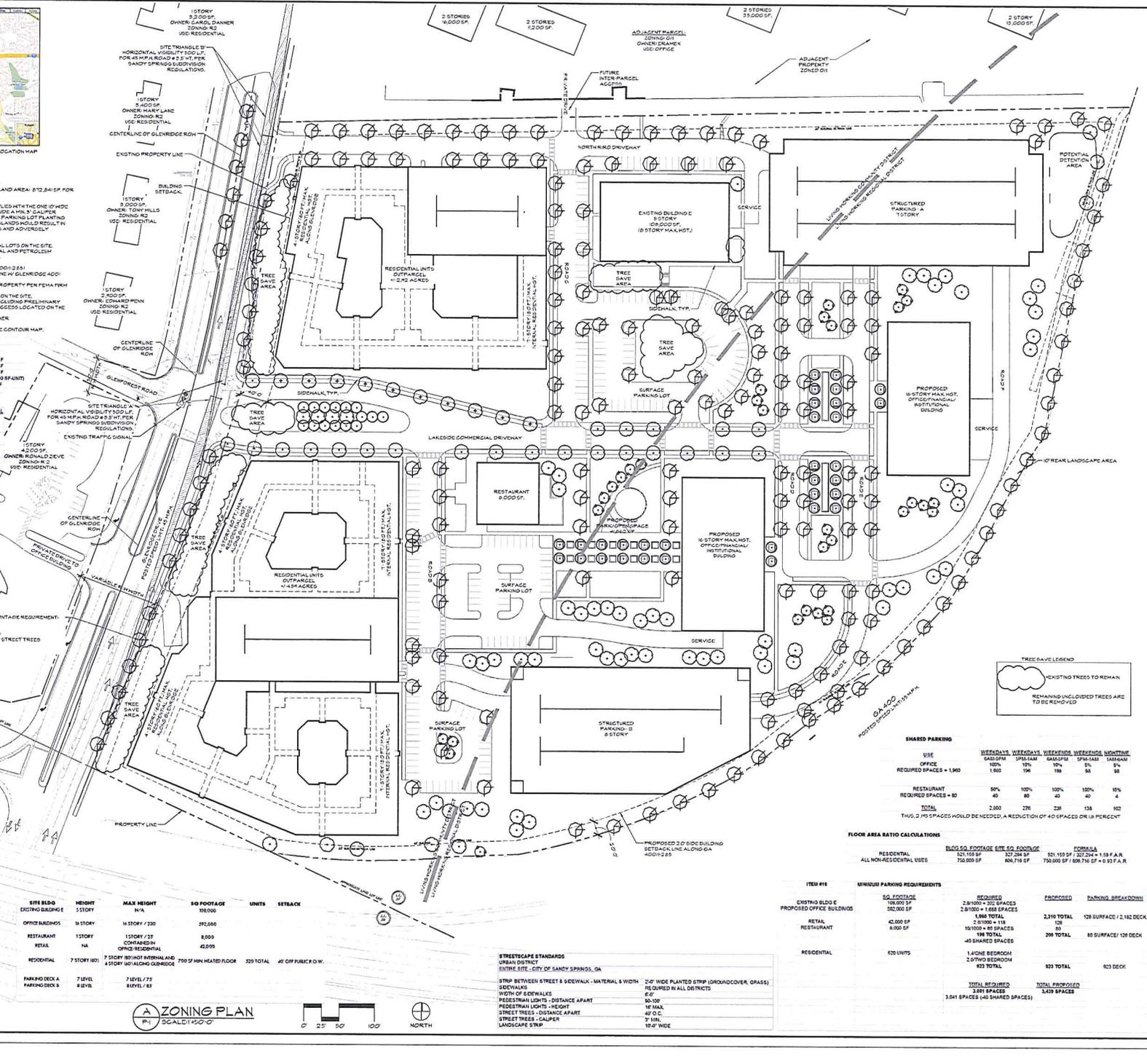
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SHARED PARKING

USE	WEEKDAYS	WEEKENDS	WEEKENDS	WEEKENDS	WEEKENDS
	6AM-9PM	9PM-1AM	6AM-9PM	9PM-1AM	6AM-9PM
OFFICE	1,800	196	196	63	63
RESTAURANT	80	80	80	80	80
TOTAL	2,200	276	276	143	143

THIS 2,200 SPACES WOULD BE NEEDED, A REDUCTION OF 40 SPACES OR 18 PERCENT.

FLOOR AREA RATIO CALCULATIONS

	BUILDING FOOTPRINT AREA	FOOTPRINT SETBACK LINE ALONG GA 4001.281	FORMULA
RESIDENTIAL	520,000 SF	322,284 SF	520,000 SF / 322,284 SF = 1.61 F.A.R.
ALL NON-RESIDENTIAL USES	750,000 SF	806,716 SF	750,000 SF / 806,716 SF = 0.93 F.A.R.

ITEM #16	MINIMUM PARKING REQUIREMENTS	REQUIRED	PROPOSED	PARKING BREAKDOWN
EXISTING BLDG E	60' FOOTPRINT 100,000 SF	2,310 = 320 SPACES	2,310	128 SURFACE / 2182 DECK
PROPOSED OFFICE BUILDING	520,000 SF	2,310 = 1,688 SPACES	0	0
RETAIL RESTAURANT	42,000 SF	2,310 = 118	239	80 SURFACE/ 159 DECK
RESIDENTIAL	620 UNITS	1,406 BEDROOM 2,470 BEDROOM 823 TOTAL	823 TOTAL	823 DECK
TOTAL		3,851 SPACES	3,439 SPACES	

STREETSCAPE STANDARDS
 URBAN DISTRICT
 ENTIRE SITE - CITY OF SANDY SPRINGS, GA

STRIP BETWEEN STREET & SIDEWALK - MATERIAL & WIDTH
 2'-0" WIDE PLANTED STRIP (GRASS/COVER, GRASS)
 SIDEWALKS
 WIDTH OF SIDEWALKS
 PEDESTRIAN LIGHTS - DISTANCE APART
 PEDESTRIAN LIGHTS - HEIGHT
 STREET TREES - DISTANCE APART
 STREET TREES - CALIPER
 LANDSCAPE STRIP
 10'-0" WIDE



ZONING PLAN
 SCALE: 1" = 50'-0"

6 Executive Park Drive
 Suite 300
 Atlanta, GA 30329
 www.hgcorp.com
 P: 404.241.1100
 F: 404.241.1102

HG CORP
 PLANNING & ARCHITECTURE

REVISIONS

NO.	DATE	REVISION

CLIENT CONTACT INFORMATION:
 HALLA HOLDINGS (RETAIL)
 One Atlanta Center
 1500 Lenox Road, Suite 600
 Atlanta, Georgia 30326
 Phone: 404.939.2512

LAKESIDE OFFICE MASTERPLAN
 SANDY SPRINGS, GA
 MLGP LAKESIDE, LLC.
 ATLANTA, GA

TITLE: **ZONING PLAN**

DATE: 06-11-12
 JOB NO: 07037
 DRAWING: 07037/PW3
 DRAWN BY: STH
 CHECKED BY: CRM
 SCALE: 1" = 50'

SHEET: **P-1**

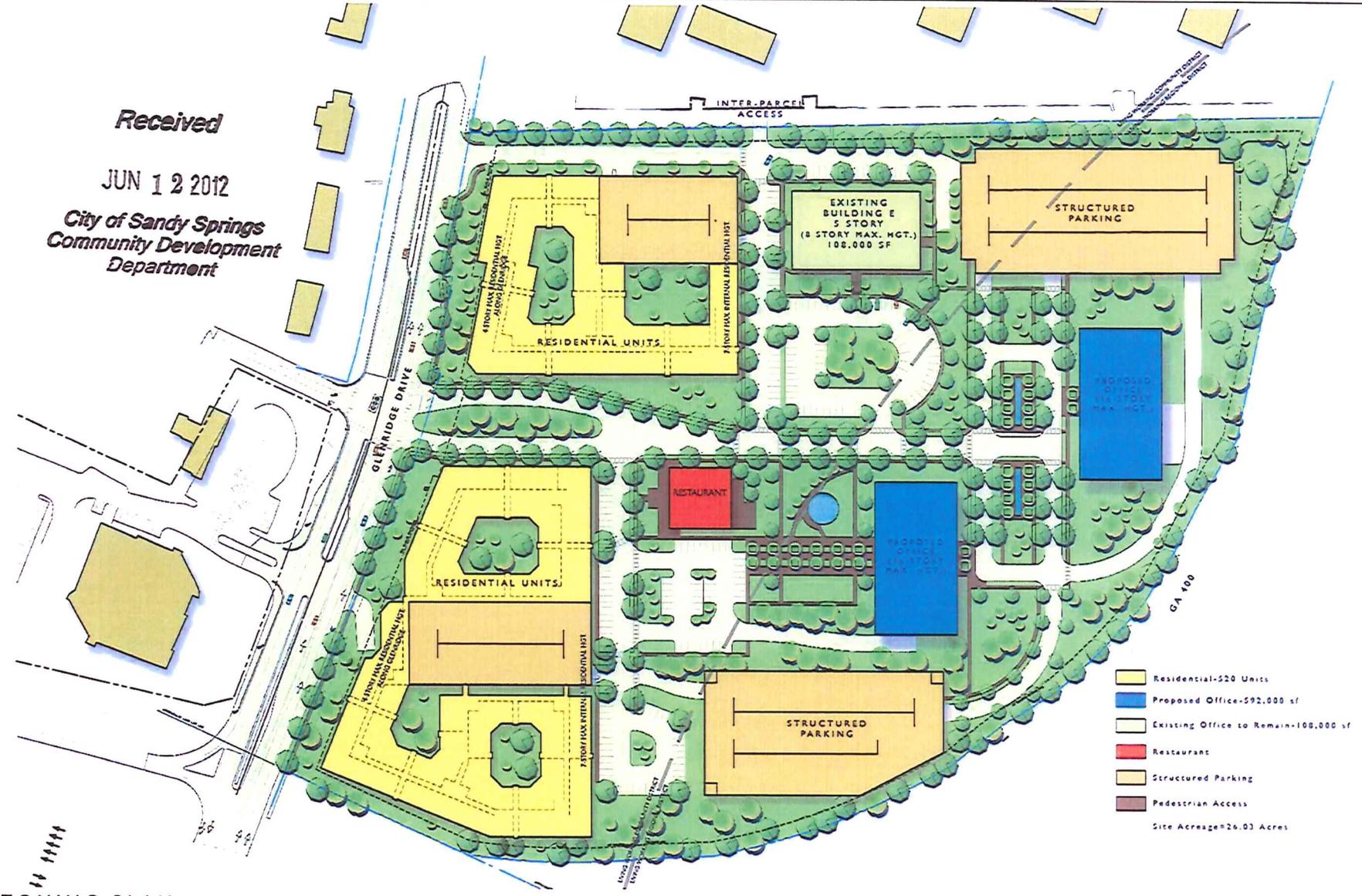
NOT RELEASED FOR CONSTRUCTION

LAKESIDE OFFICE MASTER PLAN

Received

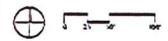
JUN 12 2012

*City of Sandy Springs
Community Development
Department*



ZONING PLAN

SANDY SPRINGS, GEORGIA
JUNE 11, 2012



MLGP LAKESIDE, LLC.

.....

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



MLGP LAKESIDE, LLC,)
)
Plaintiff,)
)
v.)
)
CITY OF SANDY SPRINGS, GEORGIA,)
)
by and through Its Councilmembers,)
)
MAYOR EVA GALAMBOS; JOHN)
)
PAULSON; DIANNE FRIES; RUSTY)
)
PAUL; WILLIAM (CHIP) COLLINS, JR.;)
)
ASHLEY JENKINS; TIBERIO DEJULIO;)
)
and KAREN MEINZEN MCBENERNY,)
)
Defendants.)

CIVIL ACTION
FILE NO. 2008-CV-153627

CONSENT ORDER

The parties, by their counsel having consented hereto, and after review of the record in this cause, the Court hereby orders as follows:

1. In this lawsuit, Plaintiff challenges the current zoning classifications of property it owns in the City of Sandy Springs, which is on an approximately 26-acre tract located at 5775 and 5795 Glenridge Drive (as more fully described in the Complaint, the "Property"). Plaintiff seeks to have the Property zoned in a constitutional manner. In purchasing the Property, Plaintiff relied on the Comprehensive Plan in effect that designated a portion of the Property for potential use as Live Work Regional.

2. Defendants have agreed that the Property should be rezoned. Accordingly, Defendants are hereby ordered to rezone the Property in a constitutional manner in accordance with the terms of this Order, and the cause is remanded for that purpose.

3. The Court hereby orders Defendants to reconsider the rezoning in a manner that permits uses not less than the parameters set forth on Exhibit "1" to this Order.

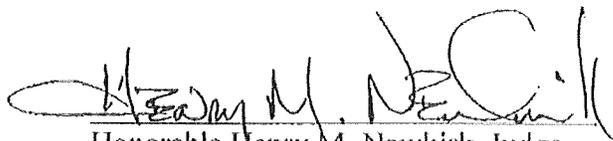
4. Defendants have advised the Court that the City Council must hold a public hearing to consider a rezoning of the Property, but that further proceedings before the Design Review Board or Planning Commission are not required in that this is a remand to the City Council. Plaintiff's Petition for Rezoning, Petition No. RZ07-021/CV07-020/U07-008, as further described in the Complaint, shall be reconsidered with density and other conditions not less than the parameters set forth in Exhibit 1. Such Petition shall be considered before the Defendant City Council in accordance with law and pursuant to a public hearing. Defendants shall expedite the process to the extent legally permissible and appropriate, while ensuring that the public has an opportunity to be heard on such Petition as it may be amended by the Plaintiff and/or voted upon by the City Council. Plaintiff shall submit a new site plan to the City within 30 days of this Order unless otherwise agreed to by the Parties or as directed by the Court. City Council shall hold a final

public hearing on or within 30 days of submittal of a new site plan by Plaintiff unless otherwise agreed to by the Parties or directed by the Court.

5. In the event the Property is not rezoned in accordance with the terms of this Order, Plaintiff shall have thirty days from the date of such action to file any objection thereto, and the Court shall have a hearing on such objections.

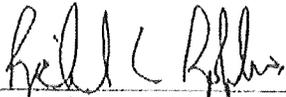
6. This Court shall retain jurisdiction of this matter for enforcement of the foregoing Order until such time as there is a dismissal.

SO ORDERED this 14th day of May, 2012.

A handwritten signature in black ink, appearing to read "Henry M. Newkirk". The signature is written in a cursive style with a large, stylized initial "H".

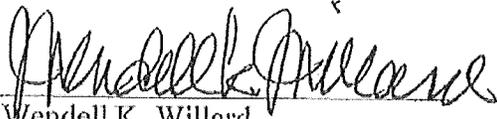
Honorable Henry M. Newkirk, Judge
Superior Court of Fulton County

Consented to and agreed to by:



Richard L. Robbins
Georgia Bar No. 608030
Jason S. Alloy
Georgia Bar No. 013088
Heather H. Sharp
Georgia Bar No. 671545
ROBBINS ROSS ALLOY
BELINFANTE LITTLEFIELD LLC
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Attorneys for Plaintiff



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Attorney for Defendants



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Decatur, Georgia 30030
Telephone: (404) 378-7417
Facsimile: (404) 378-7778

Attorneys for Defendants

Exhibit # 1 (final)

CONDITIONS

APPROVAL CONDITIONAL of the rezoning from O-I (Office and Institutional District) conditional and R-2 (Single Family Dwelling District) to MIX (Mixed Use District).

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

- a. Office and associated accessory uses at a density of 700,000 square feet.
- b. One (1) freestanding restaurant at a density of 307.34 square feet per acre or 8,000 square feet, whichever is less.
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2. To the owner's agreement to abide by the following:

- a. To the site plan to be provided by owner/developer to the Department of Community Development on or within thirty (30) days of the Court Order entered on May 1st, 2012. Said site plan shall be 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:
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