



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: July 10, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: **RZ07-021/CV07-020/U07-008** - 5775 & 5795 Glenridge Drive,
Applicant: MGLP 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 July 17, 2012, City Council Regular
Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Site Plan
Revised Conditions of Approval

APPROVAL BY CITY MANAGER:  APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 7/17/2012

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



To: John McDonough, City Manager
From: Wendell Willard, City Attorney
Date: July 10, 2012 for submission onto the July 17, 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)

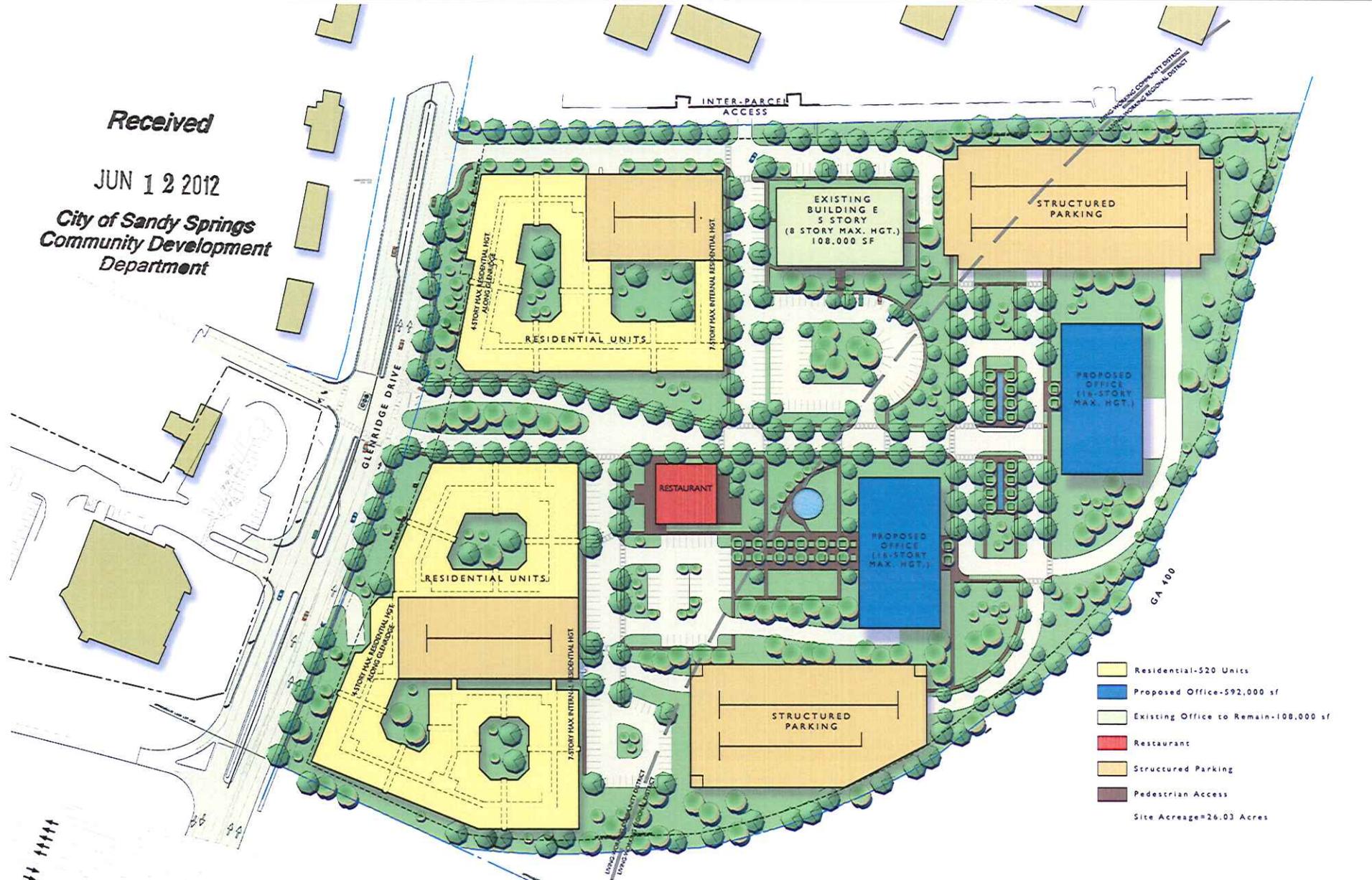
Site Plan dated received June 12, 2012 (as entered with Court Order on May 14, 2012)
Revised Conditions of Approval

LAKESIDE OFFICE MASTER PLAN

Received

JUN 12 2012

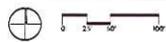
*City of Sandy Springs
Community Development
Department*



- Residential-520 Units
 - Proposed Office-592,000 sf
 - Existing Office to Remain-108,000 sf
 - Restaurant
 - Structured Parking
 - Pedestrian Access
- Site Acreage=26.03 Acres

ZONING PLAN

SANDY SPRINGS, GEORGIA
JUNE 11, 2012



MLGP LAKESIDE, LLC.

LANDSCAPE ARCHITECT

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 July 17, 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. 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.