



**MAYOR AND CITY COUNCIL**

**ZM12-001/CV12-003**

**1150 Hammond Drive**

**Hammond Center Joint Venture**

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: May 8, 2012 For Submission onto the onto the May 15, 2012 City Council meeting

Agenda Item: **ZM12-001 1155 Hammond Drive**, Request for a zoning modification to revise conditions 2.a., 3.a., 3.b., 3.c., 3.f., 3.g., 3.p., and 3.v. of application RZ08-014/U08-008/CV08-012 and requesting four (4) concurrent variances

***Director of Community Development Recommendation:***

**APPROVAL CONDITIONAL** of the request for a zoning modification to the conditions of Sandy Springs zoning case RZ08-014/U08-008/CV08-012.

***Background:***

The site is located on the south side of Hammond Drive, at the intersection of Peachtree Dunwoody Road. The property is zoned MIX (Mixed Use District) conditional under zoning case RZ08-014/CV08-012 and is currently developed with an office/retail and hotel development.

***Discussion:***

The applicant is seeking approval to revise conditions 2.a., 3.a., 3.b., 3.c., 3.f., 3.g., 3.p., and 3.v. of application RZ08-014/U08-008/CV08-012 and requesting four (4) concurrent variances as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Office and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.
  - b. Retail and associated accessory uses at a maximum density of 6,925.21 gross square feet per acre or 50,000 gross square feet, whichever is less.
  - c. Restaurant and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.
  - d. No more than 400 residential units at a maximum density of 55.12 units per acre, whichever is less.
  - e. To a maximum 120-room hotel.
  - f. The maximum building height shall be 6 stories or 100 feet, whichever is less, for the mixed use building. (U08-008)
  - g. The maximum building height shall be 5 stories for the existing hotel. (U08-008)

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

- a. To the site plan submitted to the Department of Community Development dated received ~~February 3, 2009~~ **March 6, 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 (Peachtree-Dunwoody Road): 15 feet

Minimum side corner yard (Hammond Drive): ~~20~~ **15** feet

Minimum side yard: 0 feet

Minimum rear yard: 20 feet

~~Minimum heated floor area per dwelling unit: 800 square feet~~

- 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 **one (1) foot from the back of future sidewalk** ~~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 right-of-way ~~and provide improvements on~~ **along** Hammond Drive per the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates, to the City of Sandy Springs.
- d. Install traffic signal at the location shown in the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates.
- e. Install northbound right turn lane from Peachtree-Dunwoody Road onto Hammond Drive.
- f. ~~The owner/developer shall close existing access points on Peachtree-Dunwoody Road; no direct access to Peachtree-Dunwoody Road shall be allowed.~~ **To allow the existing right-in only from Peachtree Dunwoody Road to temporarily remain until the future East/West Connector is constructed on the Palisades property at which time no direct access to Peachtree-Dunwoody Road shall be allowed.**
- g. The owner/developer shall provide **no more than two (2)** direct access **points** to future roadway designated "East-West Connector" on adjacent property to the south and easements to allow access through Hammond Center development for traffic coming from adjacent property. ~~Number and~~ **Exact** location of access points to be determined by the Department of Public Works at time of LDP.

- h. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the 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 inter-parcel access along the entirety of the common boundaries of the property, prior to the issuance of an LDP.
- i. There shall be no more than three (3) access points on Hammond Drive. Final curb cut locations shall be determined by the Department of Public Works at time of LDP.
- j. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Department of Public Works at time of LDP.
- k. To allow a second freestanding sign (Sign #1) along the Hammond Drive frontage with a maximum sign face of thirty-two (32) square feet and a maximum height of six (6) feet (CV08-008).
- l. To allow for internal signs to be used as directional signage for the development (CV08-008). Said signs shall have a maximum sign face area of 20 square feet and shall have a maximum height of 6 feet.
- m. To allow wall signs to be up to twenty-seven (27) square feet for tenant spaces with less than thirty (30) linear feet of store front (CV08-008).
- n. To allow wall signs to extend up to twelve (12) inches from a wall, building, or structure with letters placed on a raceway (CV08-008).
- o. To allow Sign #1 and Sign #4 as shown on the site plan submitted to be setback zero (0) feet from the right-of-way as shown on the sign plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- p. To allow for a **second** double-sided, ~~fifty (50) square foot~~ projecting sign (Sign number 3 **or Sign number 5**) on the proposed **multi-family** building between the second and third stories ~~at the intersection of Hammond Drive and Peachtree Dunwoody Road (CV08-008)~~ **as shown on the plans submitted (CV12-003#1).**
- q. To delete the parking lot landscaping requirement for a 10-foot landscape island with a shade tree every sixth parking space in the existing surface parking lot which serves the existing hotel as shown on the sign plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- r. To reduce the required ten (10) foot landscape strip along the south property line adjacent to the proposed east-west connector on the Palisades development property to allow for interparcel access as shown on the site plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).

- s. Variance from the Zoning Ordinance to allow a second freestanding sign (Sign number 6) along the Hammond Drive frontage for parcel I (CV12-003#2).
- t. Variance from the Zoning Ordinance to allow the proposed signs to be internally illuminated (CV12-003#3).
- u. Variance from Section 4.23.1. of the Zoning Ordinance to eliminate the required five (5) foot interior landscape strips along the lot lines of the proposed outparcels (CV12-003#4).
- v. The owner/developer shall pedestrian and bicycle circulation and facilities on site consistent with PCID Overlay District and proximity to Dunwoody MARTA Station.

***Concurrent Review:***

The staff held a Focus Meeting on April 4, 2012 at which the following city departments provided comments:

- Building and Development Division
- Code Enforcement
- Fire Department
- Transportation Division

In addition, the following external departments were contacted for comment:

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Environment and Community Development (*comments received*)
- Fulton County Department of Public Works
- Fulton County Environmental Health Services
- Sandy Springs Council of Neighborhoods
- Sandy Springs Revitalization Inc.
- Georgia Department of Transportation
- City of Atlanta Department of Watershed Management
- U.S. Postal Service Address Management Systems
- MARTA
- Fulton County Emergency Management



Zoning Modification Petition No. ZM12-001/CV12-003

HEARING & MEETING DATES

Community Zoning Information Meeting
March 27, 2012

Mayor and City Council Hearing
May 15, 2012

APPLICANT/PETITIONER INFORMATION

Table with 3 columns: Property Owners (Hammond Center Joint Venture), Petitioner (Hammond Center Joint Venture), Representative (Woody Galloway)

PROPERTY INFORMATION

Table with 2 columns: Property Information (Address, Land Lot, and District; Council District; Frontage and Area; Existing Zoning and Use; Overlay District; 2027 Comprehensive Future Land Use Map Designation; Existing Use)

INTENT

MODIFICATION OF CONDITIONS OF RZ08-014/U08-008/CV08-012 APPROVED BY THE CITY OF SANDY SPRINGS MAYOR AND CITY COUNCIL ON FEBRUARY 17, 2009, WITH CONCURRENT VARIANCES.

The applicant is seeking approval to revise conditions 2.a., 3.a., 3.b., 3.c., 3.f., 3.g., 3.p., and 3.v. of application RZ08-014/U08-008/CV08-012 and requesting four (4) concurrent variances as follows:

- 1. To the owner's agreement to restrict the use of the subject property as follows:
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d. No more than 400 residential units at a maximum density of 55.12 units per acre, whichever is less.
e. To a maximum 120-room hotel.
f. The maximum building height shall be 6 stories or 100 feet, whichever is less, for the mixed use building. (U08-008)

- g. The maximum building height shall be 5 stories for the existing hotel. (U08-008)
2. To the owner's agreement to abide by the following:
- a. To the site plan submitted to the Department of Community Development dated received February 3, 2009 March 6, 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 (Peachtree-Dunwoody Road): 15 feet  
 Minimum side corner yard (Hammond Drive): 20 15 feet  
 Minimum side yard: 0 feet  
 Minimum rear yard: 20 feet  
 Minimum heated floor area per dwelling unit: 800 square feet
- 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 one (1) foot from the back of future sidewalk 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 right-of-way and provide improvements on along Hammond Drive per the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates, to the City of Sandy Springs.
- d. Install traffic signal at the location shown in the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates.
- e. Install northbound right turn lane from Peachtree-Dunwoody Road onto Hammond Drive.
- f. ~~The owner/developer shall close existing access points on Peachtree-Dunwoody Road; no direct access to Peachtree-Dunwoody Road shall be allowed.~~ To allow the existing right-in only from Peachtree Dunwoody Road to temporarily remain until the future East/West Connector is constructed on the Palisades property at which time no direct access to Peachtree-Dunwoody Road shall be allowed.
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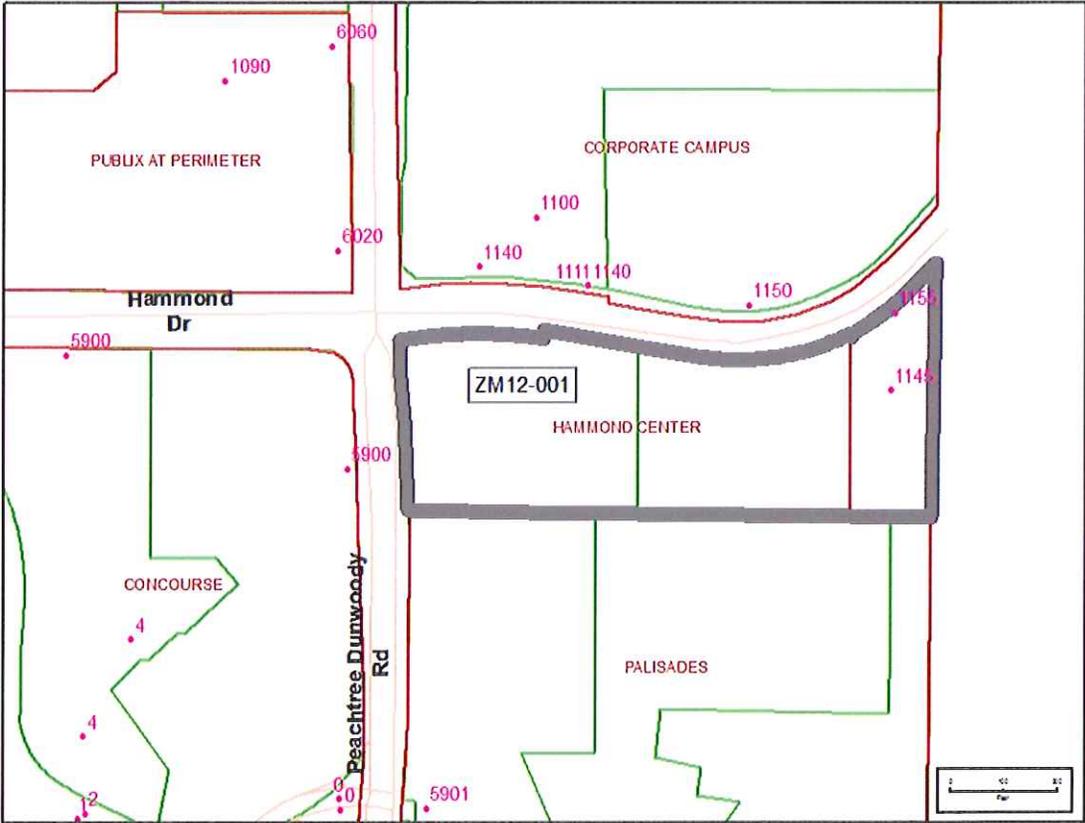
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- p. To allow for a **second** double-sided, **fifty (50) square foot** projecting sign (Sign number 3 **or Sign number 5**) on the proposed **multi-family** building between the second and third stories ~~at the intersection of Hammond Drive and Peachtree Dunwoody Road (CV08-008)~~ **as shown on the plans submitted (CV12-003#1).**
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- s. **Variance from the Zoning Ordinance to allow a second freestanding sign (Sign number 6) along the Hammond Drive frontage for parcel I (CV12-003#2).**
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- u. **Variance from Section 4.23.1. of the Zoning Ordinance to eliminate the required five (5) foot interior landscape strips along the lot lines of the proposed outparcels (CV12-003#4).**
- v. **The owner/developer shall pedestrian and bicycle circulation and facilities on site consistent with PCID Overlay District and proximity to Dunwoody MARTA Station.**

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

- ZM12-001 - APPROVAL CONDITIONAL
- CV12-003#1 - APPROVAL CONDITIONAL
- CV12-003#2 - APPROVAL CONDITIONAL
- CV12-003#3 - DENIAL
- CV12-003#4 - APPROVAL CONDITIONAL

Location Map

1155 Hammond Drive



**BACKGROUND**

The site is located on the south side of Hammond Drive, at the intersection of Peachtree Dunwoody Road. The property is zoned MIX (Mixed Use District) conditional under zoning case RZ08-014/CV08-012 and is currently developed with an office/retail and hotel development.

**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

SUBJECT PETITION ZM12-001/CV12-003	Proposed Use		Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
		Office		20,000	2,770.08
	Retail		50,000	6,925.21	
	Restaurant	7.22	20,000	2,770.08	
	Hotel		120	---	
	Residential Units		400	55.12	

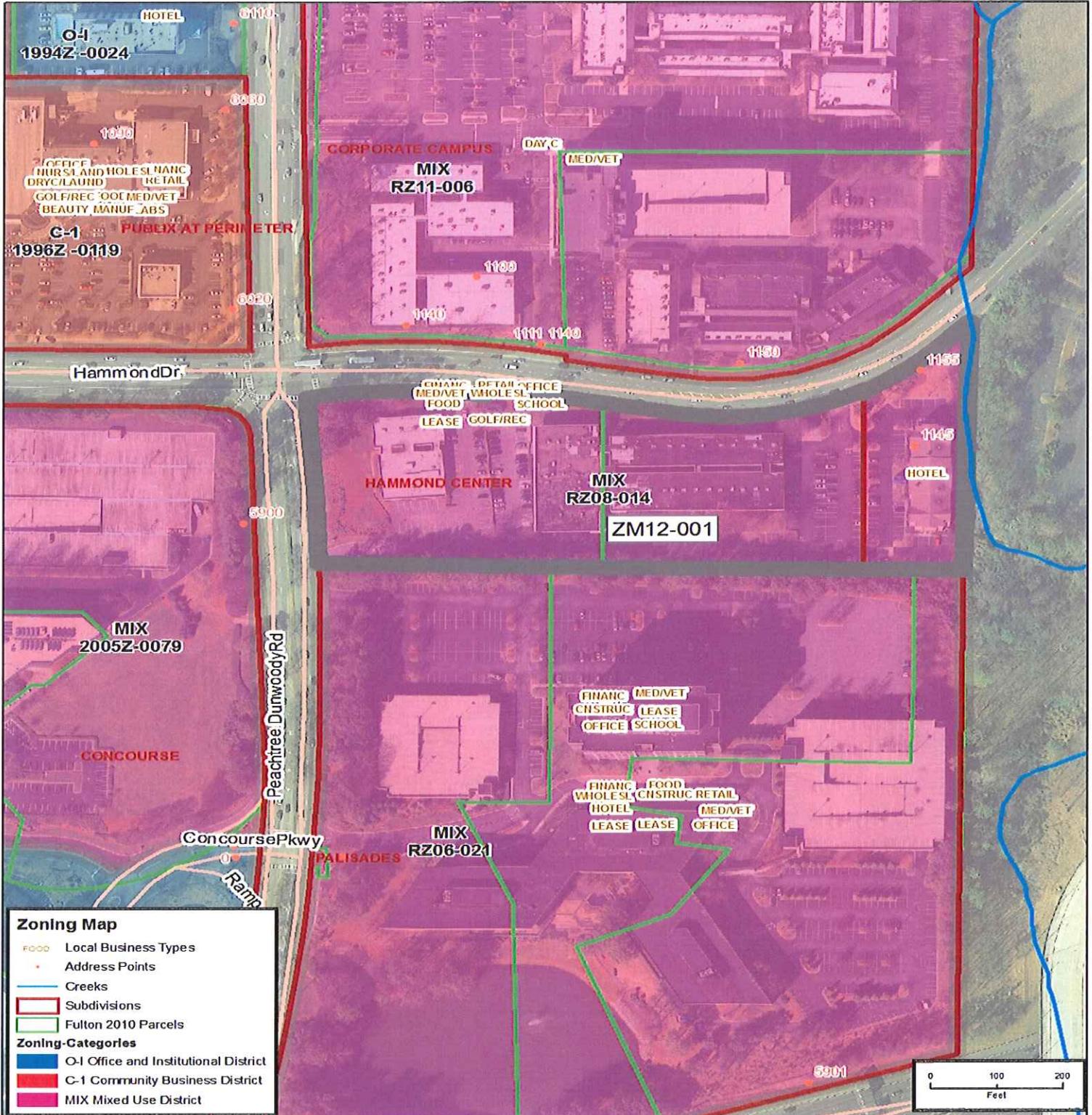
  

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	MIX conditional RZ11-006/U11-002	Corporate Campus - 1140 & 1150 Hammond Drive  Office/Commercial Residential Hotel	19.43	753,000 345 160	38,754.50 17.76 ---
Northeast	DeKalb County  High Street Project  Northwest corner of Hammond Drive and Perimeter Center Parkway  Brief Description of Approved Project: Mixed use project consisting of 1,500 apartments, 1,500 condominiums, 400 hotel keys, a net increase of 138,556 SF of office space (an existing 261,444 SF office space that will be torn down to make room for a new 400,000 SF office space). 325,000 SF of retail space, and 75,000 SF of restaurant space. Note: 235,000 SF of existing office will remain.				
East	DeKalb County  245 Perimeter Center Parkway  Brief Description of Approved project: Mixed-use project consisting of 590,000 square feet of office space, 33,000 square feet of retail space, 900 residential units, 150-room hotel, and 6,000 square feet of restaurant space.				
South	MIX conditional RZ06-021	Palisades - 5901-5909 Peachtree-Dunwoody Road  Office Commercial Residential units Hotel	22.96	1,151,200 50,000 210 200	50,139.37 2,177.70 9.15 ---

West	O-I conditional Z94-0129  MIX conditional Z05-0079	Concourse – Southwest Corner of Hammond Drive & Peachtree Dunwoody Road  Office Commercial Residential units Hotel Health Club Daycare	64.144	4,621,871 70,000 650 No limit 85,000 5,850	72,054.61 1,091.29 10.13 --- 1,325.14 91.20
Northwest	C-1 conditional Z96-0119	Publix Shopping Center - 6010 Peachtree- Dunwoody Road - Retail/Office	9.29	99,628 sf	10,724.22 sf/acre

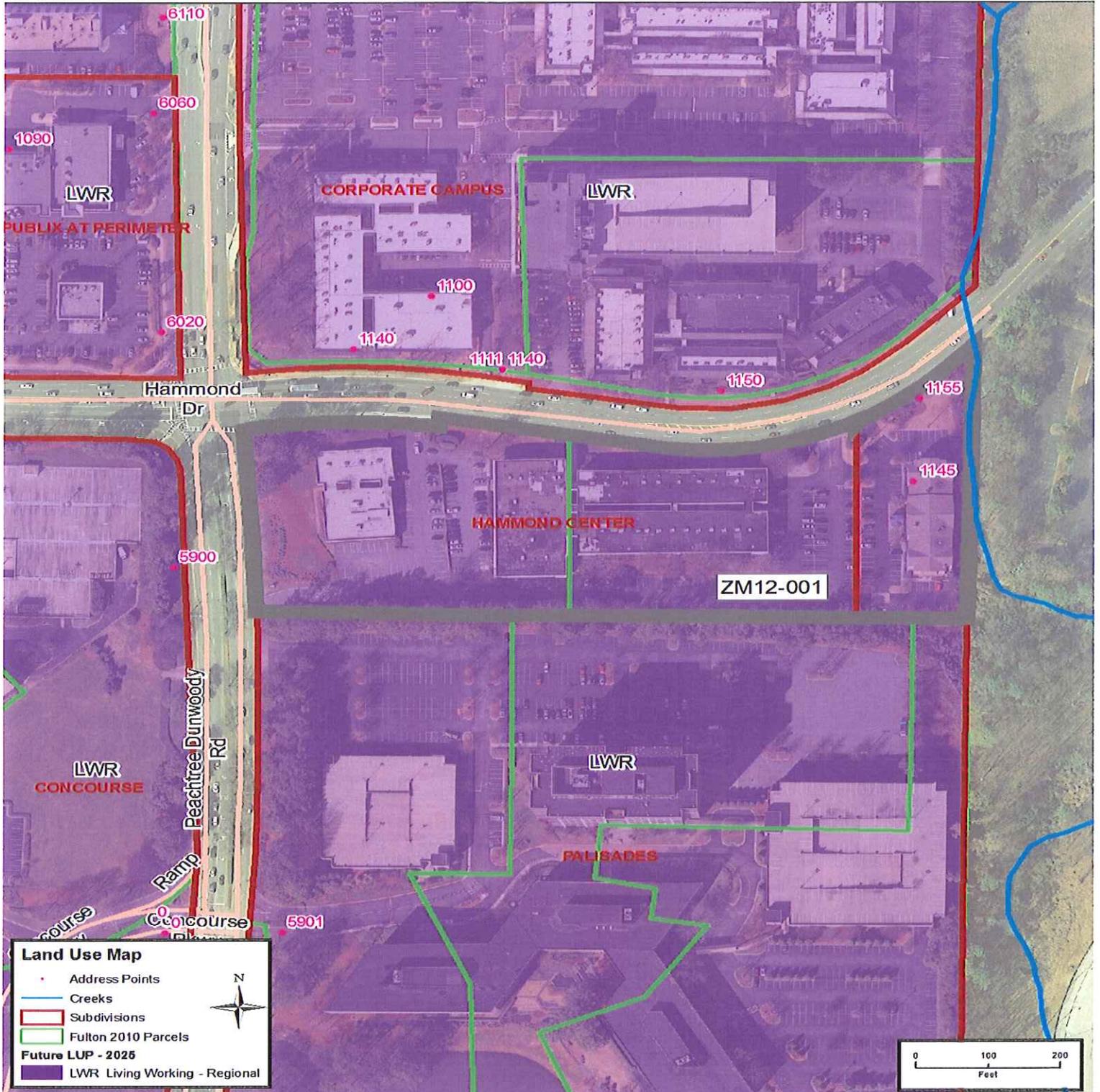
Zoning Map

1155 Hammond Drive



# Future Land Use Map

## 1155 Hammond Drive



Photographs



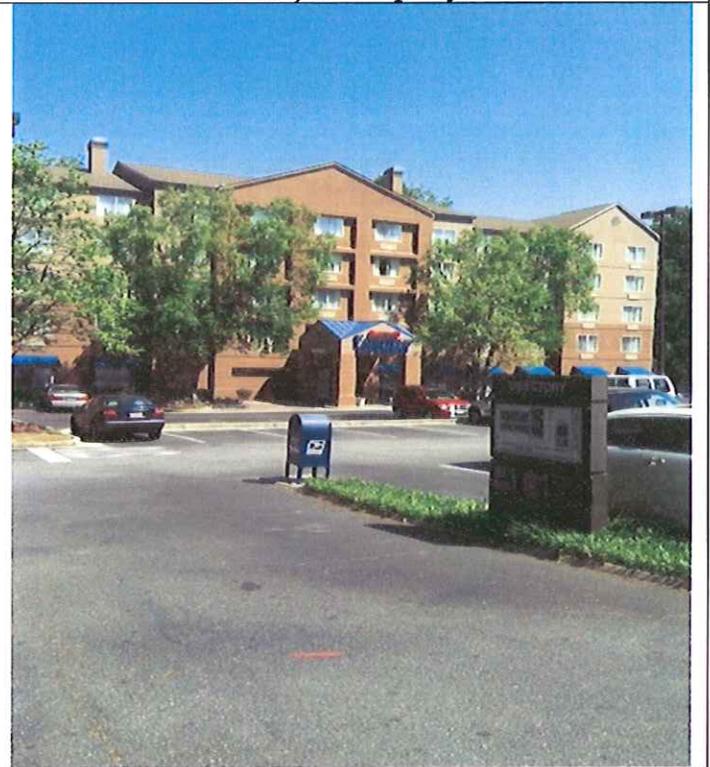
Subject Property



Subject Property

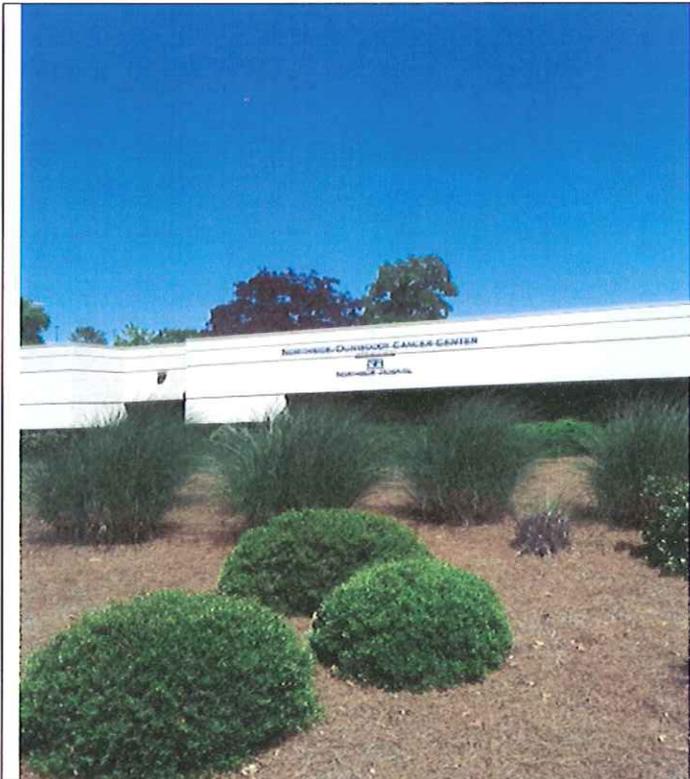


Subject Property

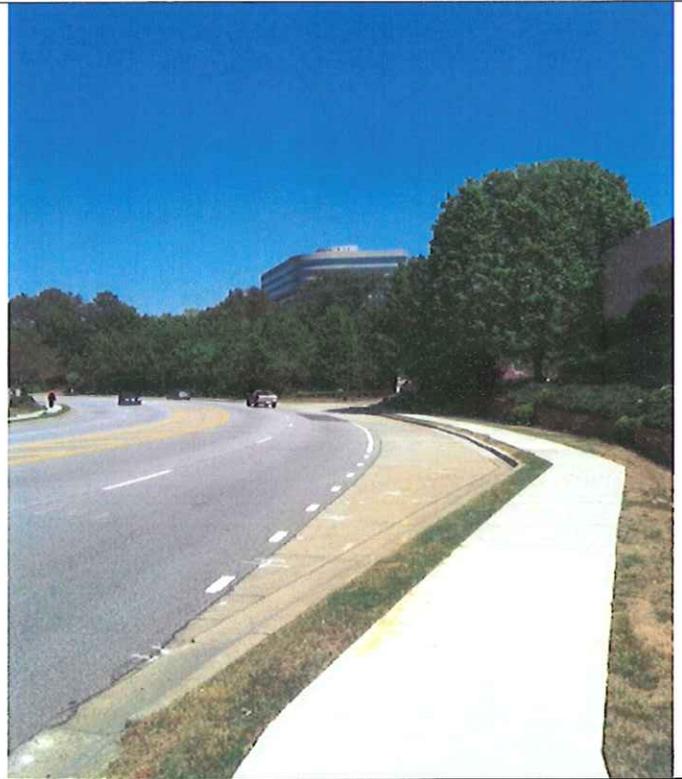


Subject Property

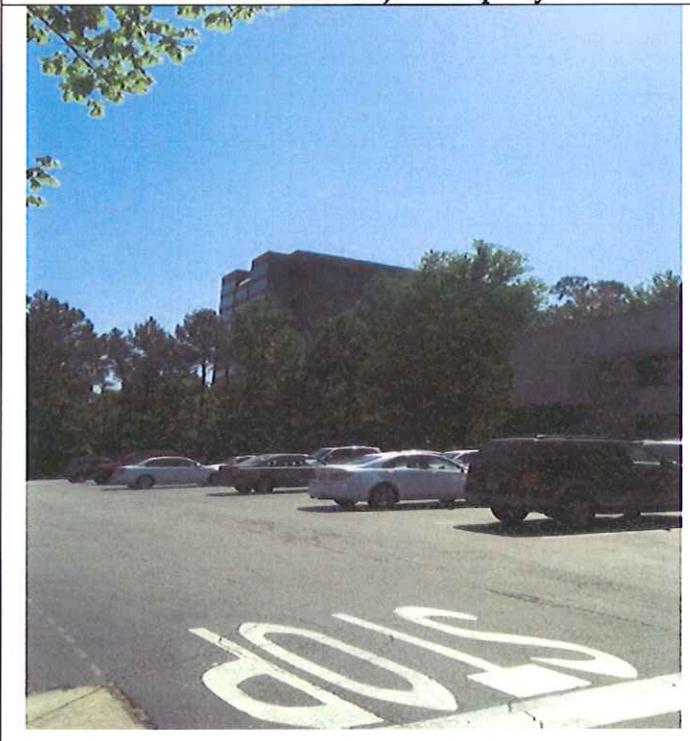
### Photographs



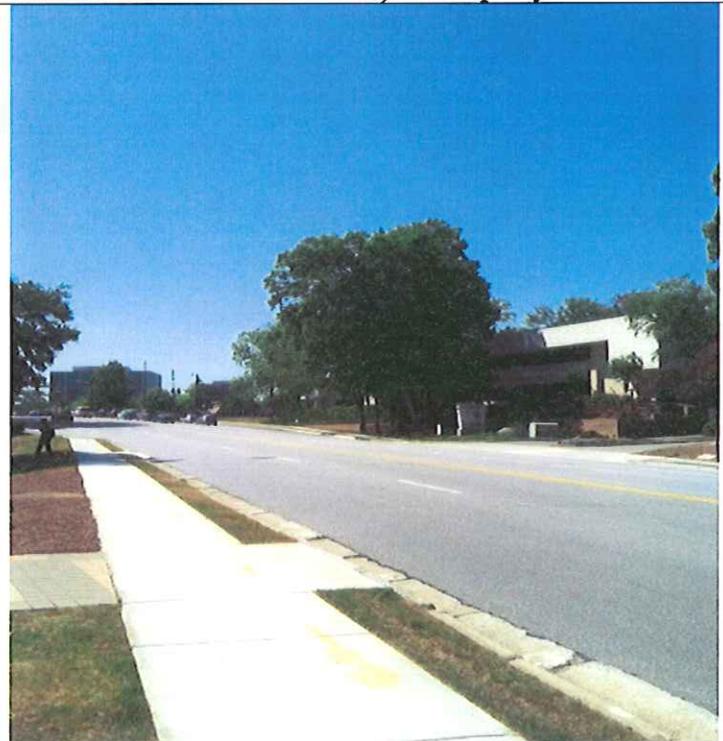
**North of the Subject Property**



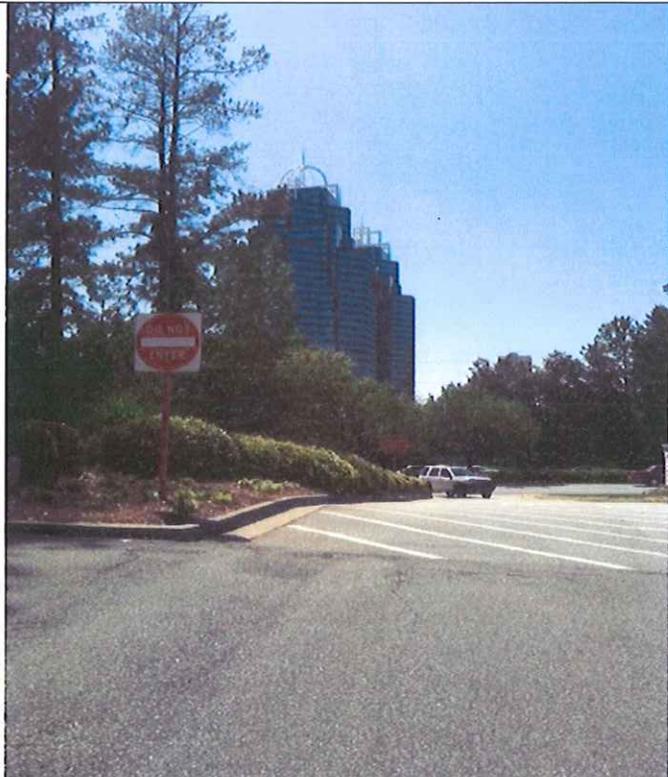
**East of the Subject Property**



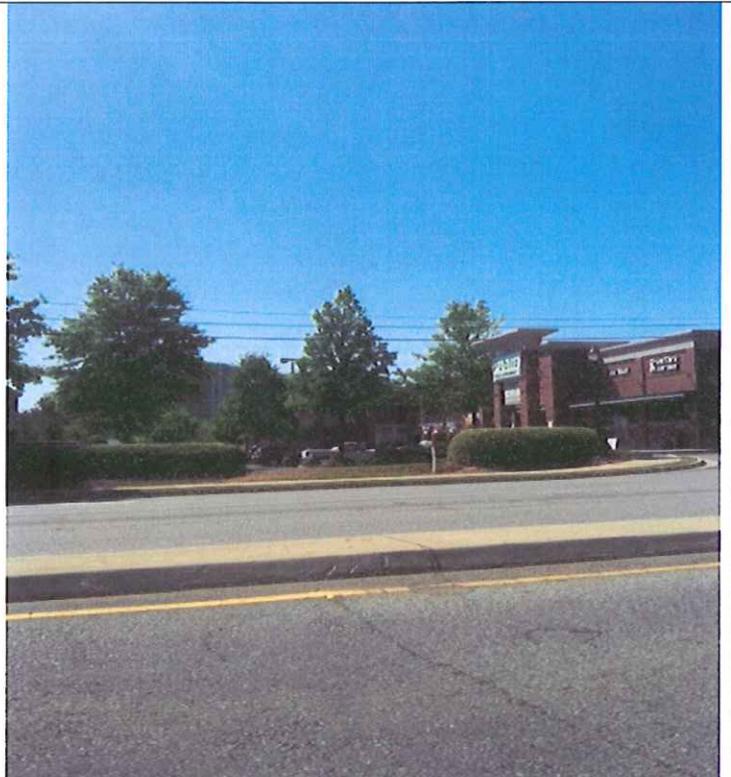
**Subject Property looking South**



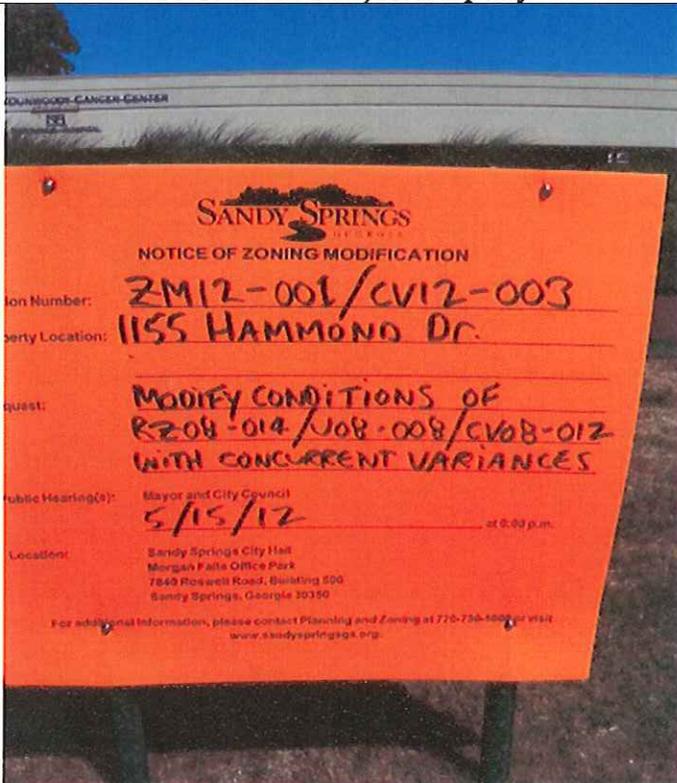
**Looking West**



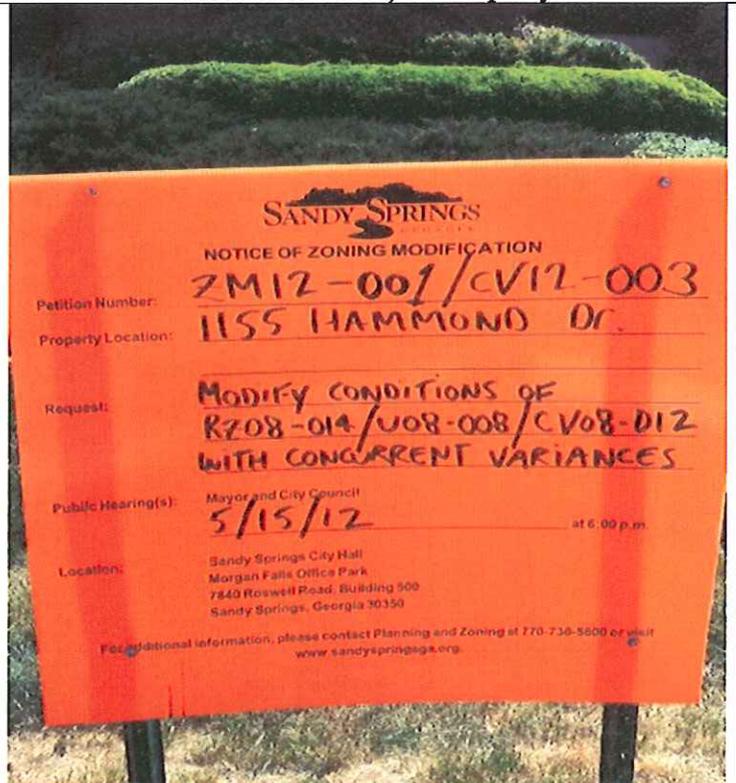
West of the Subject Property



West of the Subject Property



Sign



Sign

**SANDY SPRINGS**  
 NOTICE OF ZONING MODIFICATION

Petition Number: **ZM12-001/CV12-003**

Property Location: **1155 HAMMOND DR.**

Request: **MODIFY CONDITIONS OF RZ08-014/U08-008/CV08-012 WITH CONCURRENT VARIANCES**

Public Hearing(s): Mayor and City Council  
**5/15/12** at 6:00 p.m.

Location: Sandy Springs City Hall  
 Morgan Falls Office Park  
 7840 Roswell Road, Building 500  
 Sandy Springs, Georgia 30350

For additional information, please contact Planning and Zoning at 770-736-5800 or visit [www.sandyspringsga.org](http://www.sandyspringsga.org)

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## APPLICANT'S INTENT

Regarding application RZ08-014/U08-008/CV08-012, the applicant is seeking approval to revise the site plan approved as condition 2.a. and seeking approval to modify/add conditions 3.a., 3.b., 3.c., 3.f., 3.g., 3.p., and 3.v.

*The staff is of the opinion that the request to amend the approved site plan and to modify/add conditions 3.a., 3.b., 3.c., 3.f., 3.g., 3.p., and 3.v. is in harmony with the intent of the Zoning Ordinance and would not adversely affect adjacent or nearby properties because the approved density under zoning case RZ08-014/U08-008/CV08-012 is not changing. Additionally, the proposal is in harmony with the development in the surrounding area. The staff has not received notice or letters of opposition from the adjacent neighbors. Therefore, the staff recommends APPROVAL of this modification request.*

## VARIANCE CONSIDERATIONS

The applicant is requesting four (4) concurrent variances as follows:

1. Variance from Section 33.26.E.15 of the Zoning Ordinance to allow for a second double-sided, projecting sign (Sign number 5) (CV12-003#1).

*Projecting Signs. Businesses which have exterior entrances to a building are permitted one (1) Projecting Sign on the exterior wall of the business at least ten (10) feet above the finished floor elevation of the tenant space. Projecting Signs shall not exceed three percent (3%) of the applicable wall area or forty (40) square feet, whichever is smaller. The projection between the applicable wall and the inside edge of the projecting sign shall not exceed twelve (12) inches. The sign area of a Projecting Sign shall be deducted from the allowable sign area for the applicable wall. Projecting Signs shall not have changeable copy unless approved as a Marquee Sign.*

The applicant seeks a variance from the Zoning Ordinance to display an additional double sided projecting sign on the north elevation of the building, (façade that faces Hammond Drive). The applicant stated that the additional sign gives the development more exposure, necessary to attract customers.

The applicant is proposing to install an additional forty (40) square foot projecting sign. The proposed sign is an aluminum fabricated cabinet internally illuminated. The sign is to be attached to the proposed multi-family building between the second and third stories as shown on the plans submitted.

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

Standards for considerations

Zoning Ordinance

Section 33.12.D. The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

- 1) The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.

Findings:

The unique site layout of this project, create many challenges for using signage effectively to promote vehicular and pedestrian awareness. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

- 2) The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.

**Finding:**

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the business and would be in harmony with the intent of the zoning ordinance. Because the design of the development, with an integrated orientation of multiple retail buildings the ability to capture visibility and identification of the business is limited. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

*Therefore, based on these reasons, the staff recommends APPROVAL of the variance to allow for a second double-sided, projecting sign (Sign number 3 or Sign number 5) on the proposed multi-family building between the second and third stories as shown on the plans submitted (CV12-003#1).*

2. Variance from Section 33.26.E.1.d of the Zoning Ordinance to allow a second freestanding sign (Sign number 6) along the Hammond Drive frontage for parcel I (CV12-003#2).

*d. One (1) maximum thirty-two (32) square foot, monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*

This request is intended to provide visibility on Hammond Drive to the retail buildings on the spin sites or out-parcels. The Zoning Ordinance provides for corner lots to have one sign per street frontage. Because these lots are identified as out parcels (Parcel I and Parcel II) only one sign is allowed.

The applicant's purpose is to present an identification of its premises, communicating to the public the location of their business. Patrons traveling along Hammond Drive will be unable to locate the facility when reaching the intersection of Peachtree Dunwoody Road and Hammond Drive without seeing the Identification sign. This situation creates potential hazardous lane changing and breaking scenarios for the motoring public.

**Standards for considerations**

**Zoning Ordinance**

Section 33.12.D. The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

- 1) The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.

**Findings:**

The unique site layout, quantity of new and existing businesses and the vertical nature of this project, as dictated by the topography and existing natural features, create many challenges for using signage effectively to promote vehicular and pedestrian awareness. The length of

the property frontage in conjunction with the multiple buildings proposed, make it necessary to identify different sections of the development as the topography changes across the property. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

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Finding:

Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and commercially reasonable level of signage for the business and would be in harmony with the intent of the zoning ordinance. Because the design of the development, with an integrated orientation of multiple retail buildings the ability to capture visibility and identification of the business is limited. Therefore, based on these reasons the staff is of the opinion this standard has been satisfied.

Therefore, based on these reasons, the staff recommends APPROVAL of the variance to allow a second freestanding sign (Sign number 6) along the Hammond Drive frontage for parcel I (CV12-003#2).

3. Variance from Section 33.26.E.1 the Zoning Ordinance to allow the project Identification signs to be internally illuminated (CV12-003#3).

#### E. Mixed Use District

1. *Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).*
  - a. *One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*
  - b. *One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*
  - c. *One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*
  - d. *One (1) maximum thirty-two (32) square foot, monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.*

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

Standards for considerations

Zoning Ordinance

Section 33.12.D. The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

- 1) The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.

Findings:

Staff is of the opinion that the topography of the lot does not present any challenges to justify the approval of this variance. Therefore, based on this reason the staff is of the opinion this standard has not been satisfied.

- 2) The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.

Finding:

The natural features of the lot do not impact visibility of the sign from the adjoining public roads. Therefore, based on these reasons the staff is of the opinion this standard has not been satisfied.

*Therefore, based on these reasons, the staff recommends DENIAL of the variance to allow the Identification signs to be internally illuminated (CV12-003#3).*

The Staff is unaware of any hardship unique to the property advertised which would warrant special consideration to allow the Identification signs to be internally illuminated. Therefore, based on these reasons Staff recommends DENIAL of variance number 3. However, relief, if granted, would not cause detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a proportional and reasonable level of visible signage for the business and would be in harmony with the intent of the zoning ordinance.

4. Variance from Section 4.23.1. of the Zoning Ordinance to eliminate the required five (5) foot interior landscape strips along the lot lines of the proposed outparcels (CV12-003#4).

Article 22 of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

- A. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,*
- B. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,*
- C. *Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.*

The applicant has indicated this variance will not result in any harm to the health and safety of the general public and that application of the requirement would place a hardship on the applicant. The applicant has indicated that this variance is in harmony with the area and in harmony with the general purpose and intent of the Zoning Ordinance.

*The staff is of the opinion that the landscape strips required for the proposed spin sites are functionally not necessary because the proposed overall project will have inter-parcel connectivity whereby the subject property*

---

*could operate as one development with compatible uses. The staff is of the opinion the variance request is in harmony with the intent of the Zoning Ordinance and the proposal will not pose a detriment to the public. Therefore, based on these reasons, the staff recommends APPROVAL of the variance to eliminate the required five (5) foot interior landscape strips along the lot lines of the proposed outparcels (CV12-003#4).*

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting on April 4, 2012 at which the following departmental comments were provided.

<b>BUILDING &amp; DEVELOPMENT DIVISION</b>	Sandy Springs Building Officer	<ul style="list-style-type: none"> <li>There are no Building Code requirements that need to be addressed at this time.</li> </ul>
	Sandy Springs Chief Engineer	<ul style="list-style-type: none"> <li>There are no Site Engineering requirements that need to be addressed at this time.</li> </ul>
	Sandy Springs Chief Environmental Compliance Officer	<ul style="list-style-type: none"> <li>There are no environmental compliance requirements that need to be addressed at this time.</li> </ul>
<b>CODE ENFORCEMENT</b>	Officer	<ul style="list-style-type: none"> <li>There are no maintenance code violations.</li> </ul>
<b>FIRE DEPT.</b>	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> <li>There are no Fire Department requirements that need to be addressed at this time.</li> </ul>
<b>TRANSPORTATION</b>	Sandy Springs Transportation Planner	<p>Public works has reviewed the zoning modification petition and advises that applicant:</p> <ul style="list-style-type: none"> <li>Dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree Dunwoody Road along entire property frontage or one (1) foot from the back of future sidewalk, whichever is greater.</li> <li>Dedicate sufficient right-of-way from centerline of Hammond Drive along 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, and Perimeter CID by Kimley-Horn and Associates, Inc. on January 2008 such that the ultimate right-of-way shall be 135 feet in width.</li> <li>Dedicate a thirty (30) foot right-of-way miter or radius at the intersection of Peachtree Dunwoody Road and Hammond Drive.</li> <li>Provide a minimum uninterrupted ingress/egress distance of 100 feet at each driveway per the Development Ordinance.</li> </ul>

- Permit only right-in/right-out access on Hammond Drive driveways at the most westerly and most easterly entrances. This is consistent with the Hammond Center DRI #1854 Transportation Analysis, prepared July 2008 by Kimley-Horn and Associates.
- Close the right-in only access on Peachtree Dunwoody Road at such time the "East-West Connector" is constructed.
- Design the new proposed curb cut on Hammond Drive, that is proposed to be approximately 680 feet east of the centerline of Peachtree Dunwoody Road, to have exit lanes configured with a thru-right lane and a left turn lane which shall be subject to 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 100 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 proposed curb line of Hammond Drive.
- Mill, resurface, and install pavement markings, subject to approval of the Public Works Department, on Hammond Drive to enable a 200-foot long westbound left turn lane into the new curb cut.
- Install an 8-inch wide by 6-inch tall concrete header curb, painted with traffic yellow along the centerline of Hammond Drive from Peachtree Dunwoody Road to the most easterly property line as directed by the Public Works department.
- Provide pedestrian and bicycle circulation and facilities on site consistent with PCID Overlay District and proximity to Dunwoody MARTA Station.

Georgia Department  
of Transportation

- There are no GDOT requirements that need to be addressed at this time.

The staff has not received any additional comments from the Fulton County Board of Education.

**STAFF RECOMMENDATION**

The staff recommends **APPROVAL CONDITIONAL** of the zoning modification request. The staff recommends that the conditions be read as follows. Where these revisions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Office and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.
  - b. Retail and associated accessory uses at a maximum density of 6,925.21 gross square feet per acre or 50,000 gross square feet, whichever is less.
  - c. Restaurant and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.
  - d. No more than 400 residential units at a maximum density of 55.12 units per acre, whichever is less.
  - e. To a maximum 120-room hotel.
  - f. The maximum building height shall be 6 stories or 100 feet, whichever is less, for the mixed use building. (U08-008)
  - g. The maximum building height shall be 5 stories for the existing hotel. (U08-008)
2. To the owner's agreement to abide by the following:
  - a. To the site plan submitted to the Department of Community Development dated received ~~February 3, 2009~~ **March 6, 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 (Peachtree-Dunwoody Road): 15 feet
    - Minimum side corner yard (Hammond Drive): ~~20~~ **15** feet
    - Minimum side yard: 0 feet
    - Minimum rear yard: 20 feet
    - ~~Minimum heated floor area per dwelling unit: 800 square feet~~
  - 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 **one (1) foot from the back of future sidewalk** ~~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 right-of-way and ~~provide improvements on~~ **along** Hammond Drive per the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates, to the City of Sandy Springs.

- d. Install traffic signal at the location shown in the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates.
- e. Install northbound right turn lane from Peachtree-Dunwoody Road onto Hammond Drive.
- f. ~~The owner/developer shall close existing access points on Peachtree-Dunwoody Road; no direct access to Peachtree-Dunwoody Road shall be allowed.~~ To allow the existing right-in only from Peachtree Dunwoody Road to temporarily remain until the future East/West Connector is constructed on the Palisades property at which time no direct access to Peachtree-Dunwoody Road shall be allowed.
- g. The owner/developer shall provide **no more than two (2)** direct access **points** to future roadway designated "East-West Connector" on adjacent property to the south and easements to allow access through Hammond Center development for traffic coming from adjacent property. ~~Number and~~ **Exact** location of access points to be determined by the Department of Public Works at time of LDP.
- h. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the 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 inter-parcel access along the entirety of the common boundaries of the property, prior to the issuance of an LDP.
- i. There shall be no more than three (3) access points on Hammond Drive. Final curb cut locations shall be determined by the Department of Public Works at time of LDP.
- j. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Department of Public Works at time of LDP.
- k. To allow a second freestanding sign (Sign #1) along the Hammond Drive frontage with a maximum sign face of thirty-two (32) square feet and a maximum height of six (6) feet (CV08-008).
- l. To allow for internal signs to be used as directional signage for the development (CV08-008). Said signs shall have a maximum sign face area of 20 square feet and shall have a maximum height of 6 feet.
- m. To allow wall signs to be up to twenty-seven (27) square feet for tenant spaces with less than thirty (30) linear feet of store front (CV08-008).
- n. To allow wall signs to extend up to twelve (12) inches from a wall, building, or structure with letters placed on a raceway (CV08-008).
- o. To allow Sign #1 and Sign #4 as shown on the site plan submitted to be setback zero (0) feet from the right-of-way as shown on the sign plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- p. To allow for a **second** double-sided, ~~fifty (50) square foot~~ projecting sign (Sign number 3 **or** Sign number 5) on the proposed **multi-family** building between the second and third stories ~~at the intersection of Hammond Drive and Peachtree-Dunwoody Road (CV08-008)~~ **as shown on the plans submitted (CV12-003#1).**
- q. To delete the parking lot landscaping requirement for a 10-foot landscape island with a shade tree every sixth parking space in the existing surface parking lot which serves the existing hotel as shown

on the sign plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).

- r. To reduce the required ten (10) foot landscape strip along the south property line adjacent to the proposed east-west connector on the Palisades development property to allow for interparcel access as shown on the site plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- s. Variance from the Zoning Ordinance to allow a second freestanding sign (Sign number 6) along the Hammond Drive frontage for parcel I (CV12-003#2).
- t. Variance from Section 4.23.1. of the Zoning Ordinance to eliminate the required five (5) foot interior landscape strips along the lot lines of the proposed outparcels (CV12-003#4).
- u. The owner/developer shall provide pedestrian and bicycle circulation and facilities on site consistent with PCID Overlay District and proximity to Dunwoody MARTA Station.

#### **Attachments**

Letter of Intent received March 6, 2012

First Amendment to Zoning Modification and Concurrent Variance Application received May 1, 2012

Site Plans received March 6, 2012

Previously Approved Site Plans received February 3, 2009

Letter Fulton County Dept. of Health Services received April 27, 2012

Letter Fulton County Dept. of Planning and Community Services received April 27, 2012

**Received**

**APPLICATION FOR MODIFICATION OF ZONING CONDITIONS** & **MAR 06 2012**

**CONCURRENT VARIANCE**

***City of Sandy Springs  
Community Development  
Department***

**LETTER OF INTENT**

The Applicant, Hammond Center Joint Venture, seeks a Modification of Zoning Conditions and Concurrent Variances for 7.22 acres of land located at 1155 Hammond Drive in the southeast quadrant of the intersection of Hammond Drive and Peachtree-Dunwoody Road ("the Property"). Pursuant to RZ08-014/U08-008/CV08-12, the Sandy Springs Mayor and Council rezoned the Property to MIX (Mixed Use District) with a series of zoning conditions to allow the development of 90,000 square feet of office, retail and restaurant space, 400 apartment units, and an existing 120-room hotel on the Property. This Application seeks to modify four (4) of those zoning conditions and also seeks two (2) concurrent variances.

Specifically, the Applicant seeks to modify Condition 2.a. by replacing the site plan submitted to the Department of Community Development dated received October 17, 2008 with the revised site plan submitted to the Department of Community Development dated received March 6, 2012. Due to changes in market conditions since the rezoning of the Property to MIX, the Applicant also seeks to modify condition 3.a. by deleting the minimum heated floor area per dwelling unit to allow studio units to be developed on the site, similar to others approved in the market area. The Applicant also seeks to modify condition 3.a. to reduce the minimum side corner yard (Hammond Drive) from twenty (20) feet to fifteen (15) feet. Additionally, the Applicant requests a modification of zoning condition 3.f. to allow the existing right-in only from Peachtree-Dunwoody Road to the site to remain until the East/West Connector is constructed. Condition 3.f. currently prohibits direct access to Peachtree-Dunwoody Road and requires the owner/developer to close the existing right-in access point on Peachtree-Dunwoody Road. The Applicant plans to close this access point once the East/West Connector is

constructed on the Palisades property. However, prior to that construction, the Applicant needs to have access from Peachtree-Dunwoody Road to the Property. Allowing the existing right-in only access to remain will help relieve additional pressure on the intersection of Peachtree-Dunwoody Road and Hammond Drive and provides access from Peachtree-Dunwoody to the site. Finally, the Applicant seeks to modify condition 3.p, which currently allows one double-sided, fifty (50) square foot projecting sign (Sign #3), to allow two double-sided, fifty (50) square foot projecting signs (Sign #3 and Sign #6) on the northwest and northeast corners of the proposed residential building facing Hammond Drive.

In addition to the Zoning Modification requests, the Applicant seeks approval of a concurrent variance to eliminate the interior landscape strip that would be required if portions of the site are sold as outparcels. Section 4.23.1.A. of the Sandy Springs Zoning Ordinance requires a minimum five (5) foot landscape strip along all interior lot lines for MIX zoned properties. Here, such a requirement is not an efficient use of space and would inhibit accessibility and the functionality of the property. Eliminating this requirement would ensure that the Property is developed as a seamless mixed-use development. Additionally, the Applicant seeks approval of a concurrent variance to allow a second double-sided, fifty (50) square foot projecting sign on the northeast corner of the proposed residential building. A second projecting sign at this location would complement the previously-approved double-sided, fifty (50) square foot projecting sign on the northwest corner of the proposed residential building.

Georgia Law and the procedures of Sandy Springs require us to raise Federal and State Constitutional objections to a denial of a modification and concurrent variance request during the application process. Accordingly, the Applicant respectfully files the following constitutional challenge. Any denial of this Application as proposed by the Applicant, would be

unconstitutional in that it 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.

Any denial of this Application as proposed by the Applicant would be unconstitutional, illegal, null and void because such a denial would constitute a taking of the 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, because such a decision would deny 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 City Council of Sandy Springs without any rational basis, thereby 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 City Council of Sandy Springs to amend the Official Zoning Map of the City of Sandy Springs, as proposed by the Applicant, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and the 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 change in the Official Zoning Map of the City of

Sandy Springs designation of the Property that subjects the Property to conditions that 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 Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

Accordingly, the Applicant respectfully requests that this Application be granted and that the zoning conditions be modified and the concurrent variance be granted as requested by the Applicant.

Respectfully submitted,

THE GALLOWAY LAW GROUP, LLC

By: *William Woodson Galloway / mlh*  
William Woodson Galloway  
Attorney for Applicant

3500 Lenox Road, N.E.  
Suite 760  
Atlanta, GA 30326  
404-965-3681

FIRST AMENDMENT TO ZONING MODIFICATION  
AND CONCURRENT VARIANCE APPLICATION  
CITY OF SANDY SPRINGS, GEORGIA

*Received*

MAY 01 2012

*City of Sandy Springs  
Community Development  
Department*

IN RE: )  
)  
Hammond Center Joint Venture )  
)  
Applicant, ) Application Nos. ZM12-001  
) and CV12-003  
)  
Rezoning of Property located at - )  
1155 Hammond Drive )  
in Sandy Springs, Georgia )

COMES NOW the Applicant, Hammond Center Joint Venture, and requests that the above-referenced Application be amended as follows:

1.

By incorporating the four-page "Sign Package" prepared by DeNyse Companies, revised on April 26, 2012, attached hereto as Exhibit "A," in support of the Application.

2.

By substituting the following language for the modification of zoning condition 3.p.: "[T]o allow for a second double-sided projecting sign (Sign number 5) on the proposed multi-family building between the second and third stories, as shown on page 3 of the Sign Package ("Blade Sign") and page 4 of the Sign Package ("Site Map").

3.

By requesting an additional concurrent variance to allow for a third freestanding 32 square foot monument sign on Hammond Drive (Sign number 6), as shown on the Site Map.

4.

By substituting the revised Letter of Intent, attached hereto as Exhibit "B," in lieu of the Letter of Intent originally filed with the Application.

WHEREFORE, the Applicant respectfully requests that this First Amendment be filed; that the Application be amended in accordance with this First Amendment; and that the Applicant has such other and further relief as is just and proper under the circumstances.

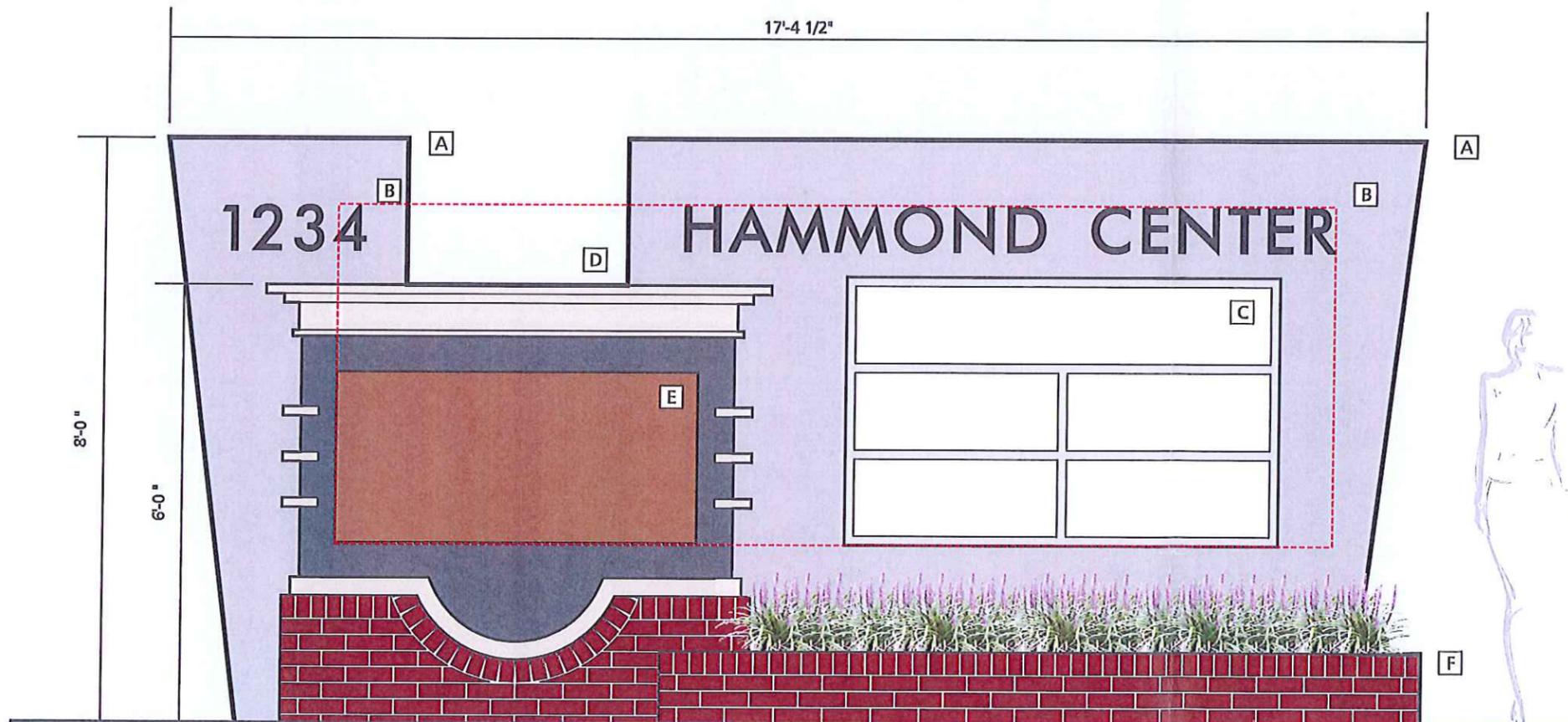
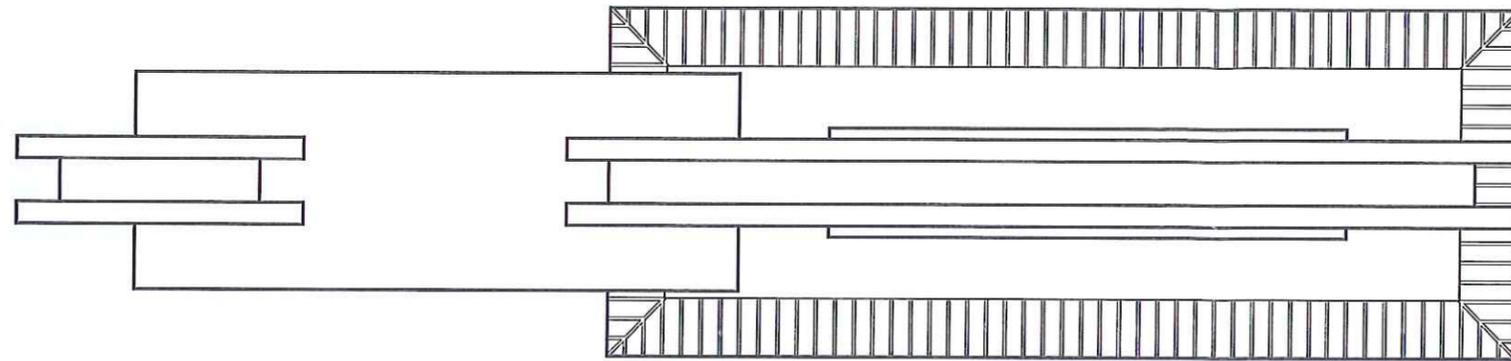
Respectfully submitted,

DILLARD & GALLOWAY, LLC

By:   
William Woodson Galloway  
Attorney for Applicant

3500 Lenox Road, N.E.  
Suite 760  
Atlanta, GA 30326  
404-965-3681

170345



63.94 SF

Qty: 1  
Site: 2

Main Id  
Scale: 1/2" = 1'-0"

**Colors & Finishes**

Colors shown here may not exactly match manufacturers color chart swatch or actual sample. Client to either provide samples or specifications for custom colors prior to production or approve DeNyse color samples or color specifications

- C-1  TBD
- C-2  TBD
- C-3  TBD
- C-4  TBD

**Construction Specifications**

- A Aluminum fabricated cabinet internally illuminated with high output fluorescent lamps
- B Routed copy with 3/4" push through acrylic with an opaque face and backed with diffuser film
- C Removable acrylic tenant panels to have firs surface applied translucent vinyl
- D Aluminum fabricated residential monument with lath for applied brick and internally illuminated with high output fluorescent lamps
- E Removable aluminum pan to have routed copy backed with acrylic
- F Brick planter

Max Allowed Sq Ft : 64 Max Ht.: 8  
Designed Sq Ft: 63.94

*Received*

MAY 01 2012  
City of Sandy Springs  
Community Development  
Department



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Management Company  
NA

Property Name & Address  
Hammond Center

Sandy Springs, GA

Bid Number  
54409

Project Manager  
Richard Swartz

Designer  
m.butler

Date  
4.12.2012

Revision Date  
1 4.25.2012 JCD  
4.26.2012 rs

Design Time  
4

Filename  
Main Id v3

- Concept
- Preliminary
- Production





Received  
 MAY 01 2012  
 City of Sandy Springs  
 Community Development  
 Department

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Management Company  
 NA

Property Name & Address  
 Hammond Center  
 Sandy Springs, GA

Bid Number  
 54409

Project Manager  
 Richard Swartz

Designer  
 m.butler

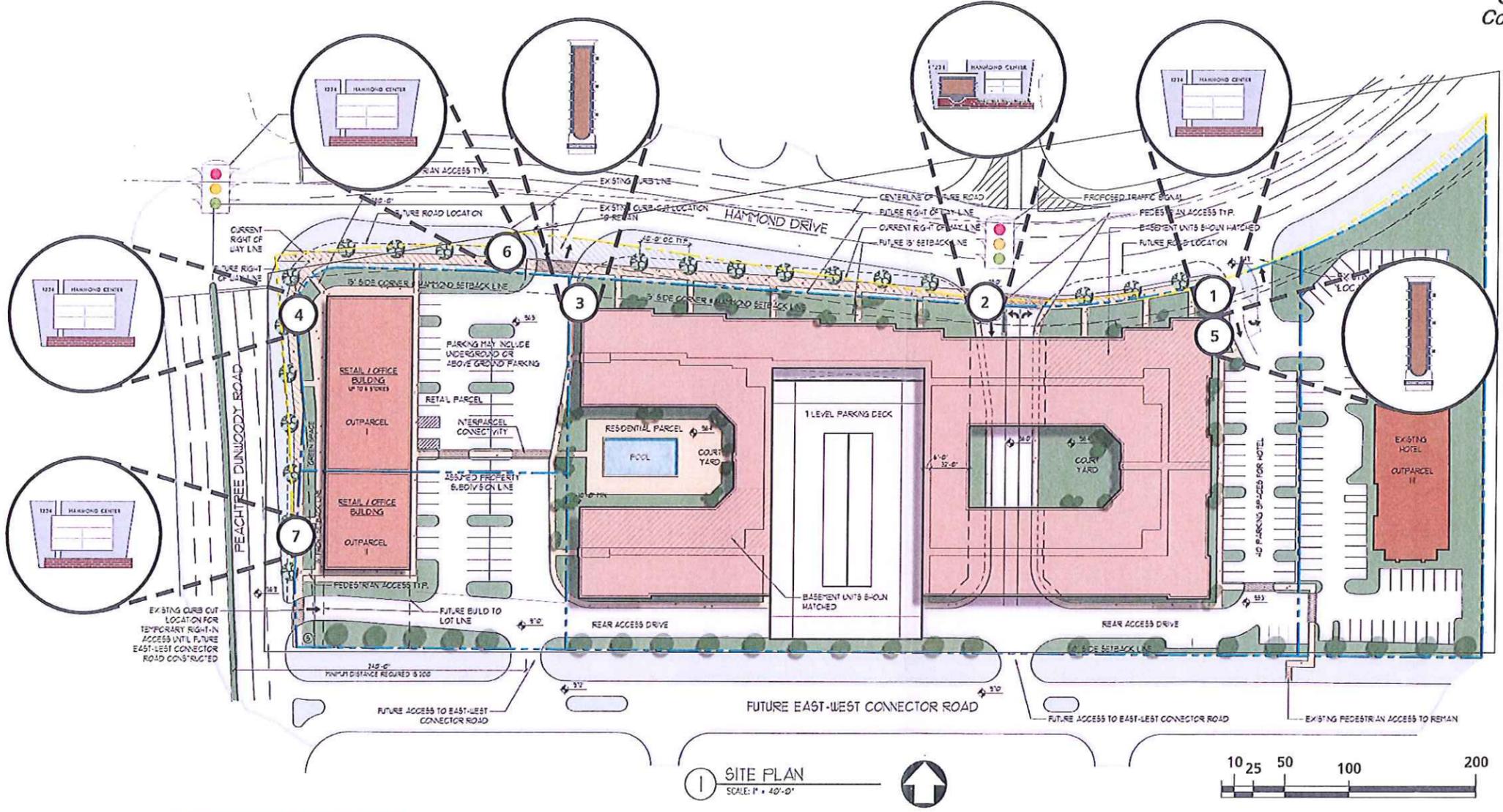
Date  
 4.12.2012

Revision Date  
 1 4.25.2012 JCD  
 4.26.2012 rs

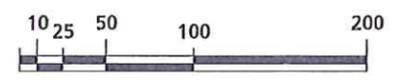
Design Time  
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Filename  
 Main Id v3

Legend:  
 Concept  
 Preliminary  
 Production



1 SITE PLAN  
 SCALE: 1" = 40'-0"



**Signage Note**  
 Building And Site As Follows  
 1. 32 SF Monument Sign  
 2. 64 SF Monument Sign  
 3. 40 SF Projecting Blade Sign  
 4. 32 SF Monument Sign  
 5. 40 SF Projecting Blade Sign  
 6. 32 SF Monument Sign  
 7. 32 SF Monument Sign  
 Locations of signage are conceptual w/ approximate square footages shown pending design.

**LEGEND**  
 --- EXISTING ROW LINE  
 --- PROPOSED ROW LINE  
 --- AREA RESERVED FOR FUTURE ROW  
  
**NOTE**  
 RETAIL PARCEL MAY INCLUDE RETAIL, OFFICE, BANK, COFFEE HOUSE, OR DRUGSTORE WITH DRIVE-THRU CANOPIES, BUT EXCLUDES ALL OTHER FOOD USERS WITH DRIVE-THRU

**DEVELOPMENT STATISTICS SUMMARY CHART**

TOTAL AREA OF SITE (BEFORE ROW DONATION)	314,630 SF
TOTAL AREA RESERVED FOR FUTURE ROW	14,631 SF
TOTAL AREA OF SITE (AFTER ROW DONATION)	299,999 SF
NET TOTAL ACRES (BEFORE ROW DONATION)	12.1 ACRES
NET TOTAL ACRES (AFTER ROW DONATION)	6.83 AC
PROPOSED RETAIL	10,000 SF
PROPOSED OFFICE SPACE	20,000 SF
PROPOSED RESIDENTIAL (MAXIMUM)	400 UNITS
EXISTING HOTEL	N/A
PARKING SPACES	PER CODE
BUILDING HEIGHT (MAXIMUM)	90'-0"
TOTAL IMPERVIOUS	223,481 SF
LANDSCAPING AND/OR GREEN SPACE	7,645 SF
FLOOD PLAN	0 SF
UNDEVELOPED AND/OR OPEN SPACE	1,164 SF
TOTAL "COMMON" OUTDOOR AREA	88,855 SF

**PARKING CALCULATIONS (CITY OF SANDY SPRINGS METHOD)**

USE	MINIMUM REQUIREMENT	QUANTITY	# OF SPACES REQUIRED	10% REDUCTION DUE TO PROXIMITY TO MARTA	SHARED PARKING REDUCTION
OFFICE	3 SPACES PER 1000 SF	10,000	60	54	
RETAIL	5 SPACES PER 1000 SF	10,000	150	33	
HOTEL	1 SPACE PER ROOM	00	100	108	
RESIDENTIAL	1 BEDROOM - 1.15 SPACES	260	315	253	
MULTI-FAMILY	2 BEDROOM - 1.15 SPACES	140	245	21	
<b>TOTAL</b>			<b>1000</b>	<b>93</b>	

**UNIT MIX**

UNIT TYPE	QUANTITY	PERCENTAGE
STUDIO	100	25%
STUDIO PLUS	100	25%
ONE BEDROOM	60	6%
TWO BEDROOM	140	35%
<b>TOTAL</b>	<b>400</b>	<b>100%</b>

Site Map  
 Scale: 1/2" = 1'-0"

X Client Verification Required - By Initialing this drawing you agree to the layout, content and accuracy of this drawing.

**Received**

**APPLICATION FOR MODIFICATION OF ZONING CONDITIONS &**

**MAY 01 2012**

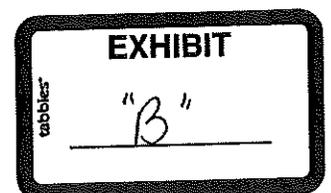
**CONCURRENT VARIANCES**

**City of Sandy Springs  
Community Development  
Department**

**LETTER OF INTENT**

The Applicant, Hammond Center Joint Venture, seeks a Modification of Zoning Conditions and Concurrent Variances for 7.22 acres of land located at 1155 Hammond Drive in the southeast quadrant of the intersection of Hammond Drive and Peachtree-Dunwoody Road ("the Property"). Pursuant to RZ08-014/U08-008/CV08-12, the Sandy Springs Mayor and Council rezoned the Property to MIX (Mixed Use District) with a series of zoning conditions to allow the development of 90,000 square feet of office, retail and restaurant space, 400 apartment units, and an existing 120-room hotel on the Property. This Application seeks to modify four (4) of those zoning conditions and also seeks three (3) concurrent variances.

Specifically, the Applicant seeks to modify Condition 2.a. by replacing the site plan submitted to the Department of Community Development dated received October 17, 2008 with the revised site plan submitted to the Department of Community Development dated received March 6, 2012. Due to changes in market conditions since the rezoning of the Property to MIX, the Applicant also seeks to modify condition 3.a. by deleting the minimum heated floor area per dwelling unit to allow studio units to be developed on the site, similar to others approved in the market area. The Applicant also seeks to modify condition 3.a. to reduce the minimum side corner yard (Hammond Drive) from twenty (20) feet to fifteen (15) feet. Additionally, the Applicant requests a modification of zoning condition 3.f. to allow the existing right-in only from Peachtree-Dunwoody Road to the site to remain until the East/West Connector is constructed. Condition 3.f. currently prohibits direct access to Peachtree-Dunwoody Road and requires the owner/developer to close the existing right-in access point on Peachtree-Dunwoody Road. The Applicant plans to close this access point once the East/West Connector is



constructed on the Palisades property. However, prior to that construction, the Applicant needs to have access from Peachtree-Dunwoody Road to the Property. Allowing the existing right-in only access to remain will help relieve additional pressure on the intersection of Peachtree-Dunwoody Road and Hammond Drive and provides access from Peachtree-Dunwoody to the site. Finally, the Applicant seeks to modify condition 3.p, which currently allows one double-sided, fifty (50) square foot projecting sign (Sign #3), to allow for a second double-sided projecting sign (Sign number 5) on the proposed multi-family building between the second and third stories, as shown on page 3 of the Sign Package (“Blade Sign”) and page 4 of the Sign Package (“Site Map”), submitted in support of the Application.

In addition to the Zoning Modification requests, the Applicant seeks approval of a concurrent variance to eliminate the interior landscape strip that would be required if portions of the site are sold as outparcels. Section 4.23.1.A. of the Sandy Springs Zoning Ordinance requires a minimum five (5) foot landscape strip along all interior lot lines for MIX zoned properties. Here, such a requirement is not an efficient use of space and would inhibit accessibility and the functionality of the property. Eliminating this requirement would ensure that the Property is developed as a seamless mixed-use development. Additionally, the Applicant seeks approval of a concurrent variance to allow a second double-sided projecting sign (Sign number 5) on the proposed multi-family building between the second and third stories, as shown on page 3 of the Sign Package (“Blade Sign”) and page 4 of the Sign Package (“Site Map”). A second projecting sign at this location would complement the previously-approved double-sided, fifty (50) square foot projecting sign on the northwest corner of the proposed residential building.

Finally, the Applicant seeks approval of a concurrent variance to allow a third freestanding 32 square foot monument sign on Hammond Drive (Sign number 6), as shown on

the Site Map. The requested monument sign would provide much-needed visibility along Hammond Drive for the retail/office building (Outparcel I).

Georgia Law and the procedures of Sandy Springs require us to raise Federal and State Constitutional objections to a denial of a modification and concurrent variance request during the application process. Accordingly, the Applicant respectfully files the following constitutional challenge. Any denial of this Application as proposed by the Applicant, would be unconstitutional in that it 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.

Any denial of this Application as proposed by the Applicant would be unconstitutional, illegal, null and void because such a denial would constitute a taking of the 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, because such a decision would deny 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 City Council of Sandy Springs without any rational basis, thereby 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 City Council of Sandy Springs to amend the Official Zoning Map of the City of Sandy Springs, as proposed by the Applicant, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and the 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 change in the Official Zoning Map of the City of Sandy Springs designation of the Property that subjects the Property to conditions that 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 Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

Accordingly, the Applicant respectfully requests that this Application be granted and that the zoning conditions be modified and the concurrent variances be granted as requested by the Applicant.

Respectfully submitted,

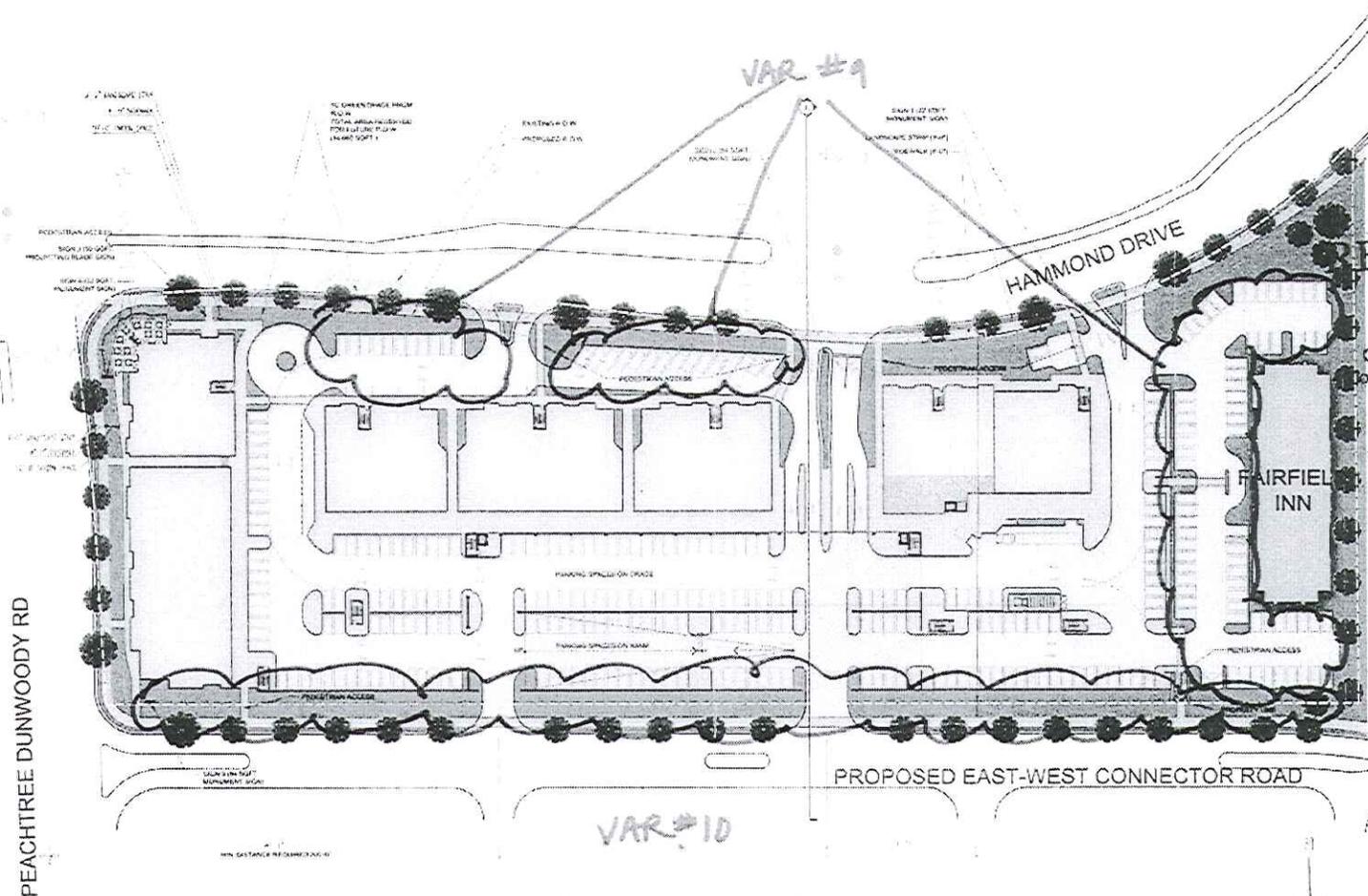
THE GALLOWAY LAW GROUP, LLC

By:   
William Woodson Galloway  
Attorney for Applicant

3500 Lenox Road, N.E.  
Suite 760  
Atlanta, GA 30326  
404-965-3681







RECEIVED  
 City of Sandy Springs  
 Community Development

HAMMOND CENTER  
 Hammond Drive | Sandy Springs, Georgia

corcoran | ota  
 ARCHITECTURE | INTERIORS | LANDSCAPE

THE CONNECTOR GROUP | 1350 Peachtree Ave. Suite 1015 Atlanta, GA 30309 | 404.487.4444

PLAN LEGEND

[Symbol]	EXISTING
[Symbol]	PROPOSED
[Symbol]	NON-ADJACENT EXISTING

DEVELOPMENT STATISTICS SUMMARY CHART

Category	Value
Total Area	1,234,567
Building Area	567,890
Parking Area	123,456
Landscaping Area	34,567
Other	500,000

OXFORD PERIMETER PARKING CALCULATIONS - CITY OF SANDY SPRINGS METHOD

Category	Value	Notes
Office	100	
Retail	200	
Restaurant	150	
Hotel	300	
Other	50	
<b>Total</b>	<b>800</b>	

SHARED USE CALCULATIONS - ENTIRE PROPERTY

Category	Value	Notes
Office	100	
Retail	200	
Restaurant	150	
Hotel	300	
Other	50	
<b>Total</b>	<b>800</b>	



REVISIONS

No.	Date	Description

Scale: RETAIL LEVEL PLAN 1"=30'-0"

PREVIOUSLY APPROVED

DRAWN BY

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of Sandy Springs  
Community Development

PEACHTREE DUNWOODY RD

HAMMOND DRIVE

FAIRFIEL  
INN

PROPOSED EAST-WEST CONNECTOR ROAD

HAMMOND CENTER  
Hammond Drive | Sandy Springs, Georgia

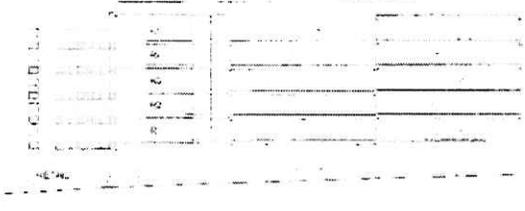
corcoran | ota  
ARCHITECTS, INC.

NOOT  
L6 - 1018'0"  
L2 - 1003'0"  
L4 - 995'0"  
L3 - 994'0"  
L2 - 972'0"  
TRAFFIC LIGHT  
L7 - 1066'0"  
HAMMOND  
DRIVE 500'0"

PROPERTY LINE

PROPERTY LINE

PARKING DRIVE



EAST-WEST  
CONNECTOR 260' 0"

SECTION THROUGH MAIN ENTRY INTO MARKET CONNECTION

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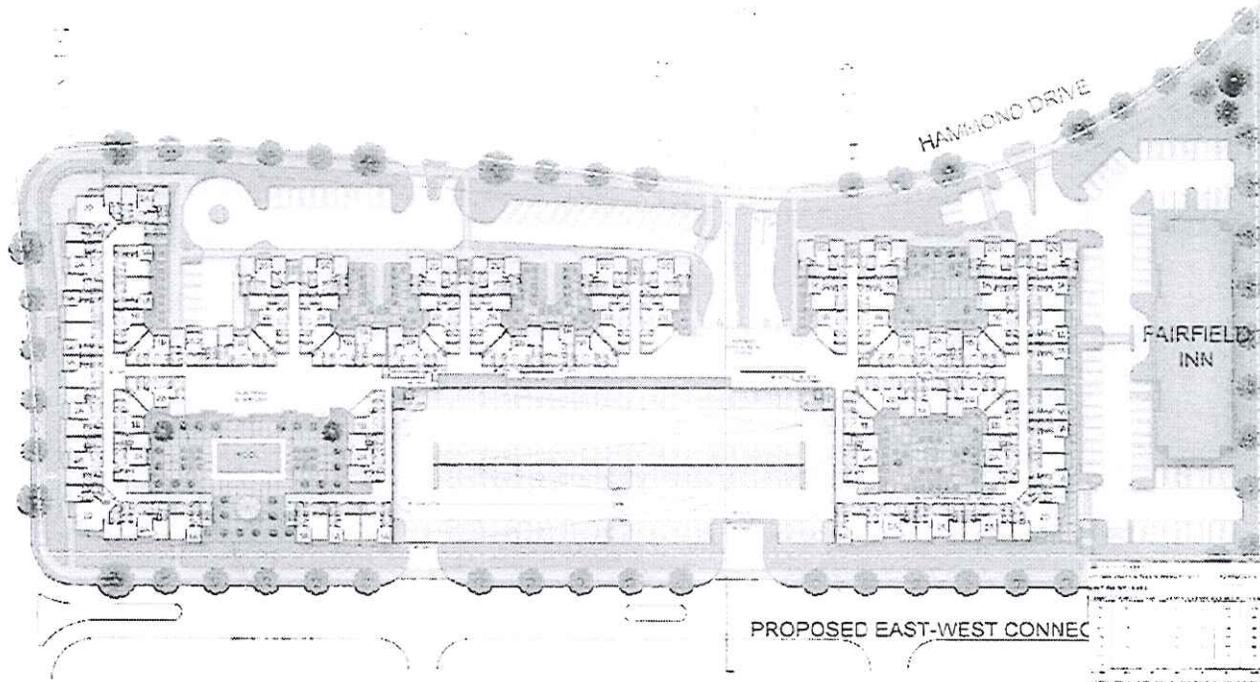
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EXHIBIT C

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City of Sandy Springs  
Community Development

PEACHTREE DUNWOODY RD



FAIRFIELD INN

HAMMOND CENTER  
Hammond Drive | Sandy Springs, Georgia

corcoran | ota

PROJECT NAME	PROJECT NUMBER	DATE
PROJECT LOCATION	PROJECT TYPE	PROJECT STATUS
PROJECT OWNER	PROJECT CONTACT	PROJECT PHONE
PROJECT ARCHITECT	PROJECT ENGINEER	PROJECT SURVEYOR
PROJECT LANDSCAPE	PROJECT CIVIL	PROJECT MECHANICAL
PROJECT ELECTRICAL	PROJECT PLUMBING	PROJECT FIRE
PROJECT SPECIALTIES	PROJECT OTHERS	PROJECT NOTES

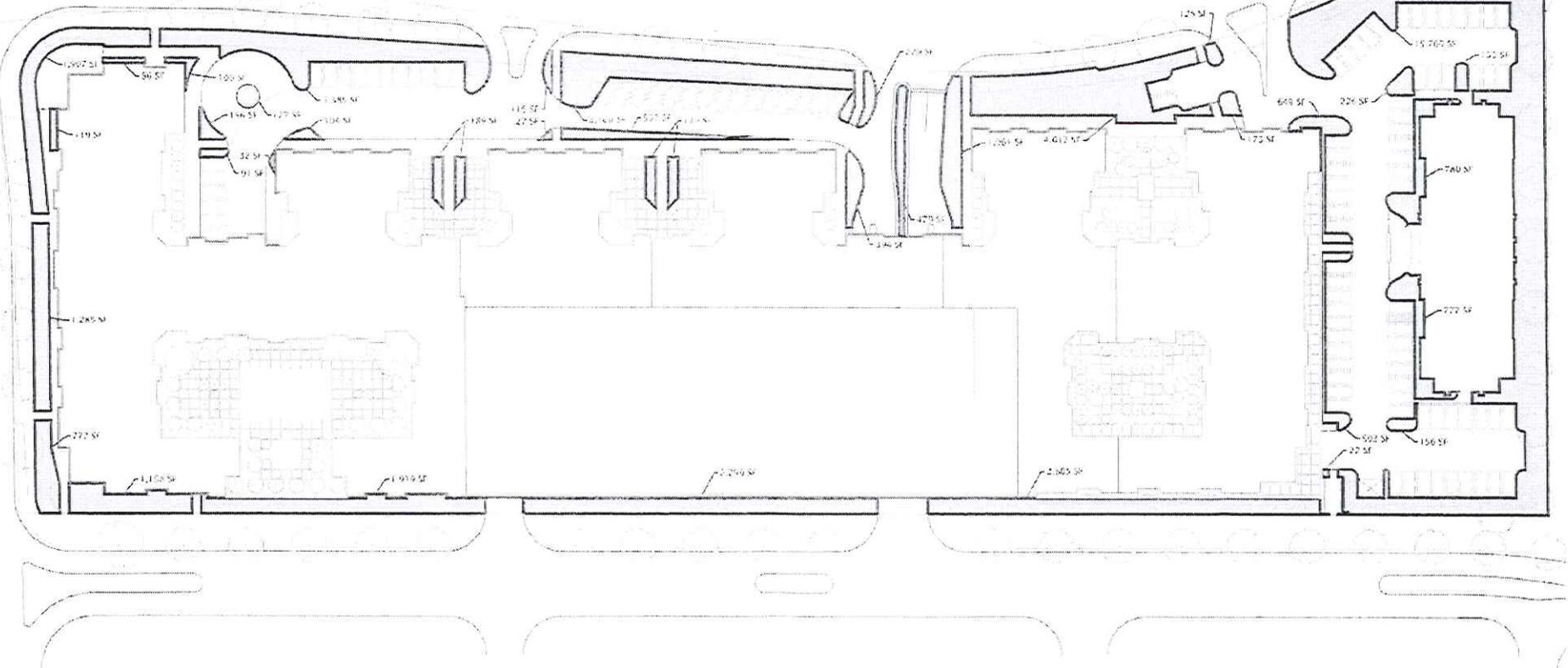
RESIDENTIAL LEVEL  
PLAN 1/2" = 1' 0"  
SCHEME "1"

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City of Sandy Springs  
Community Development

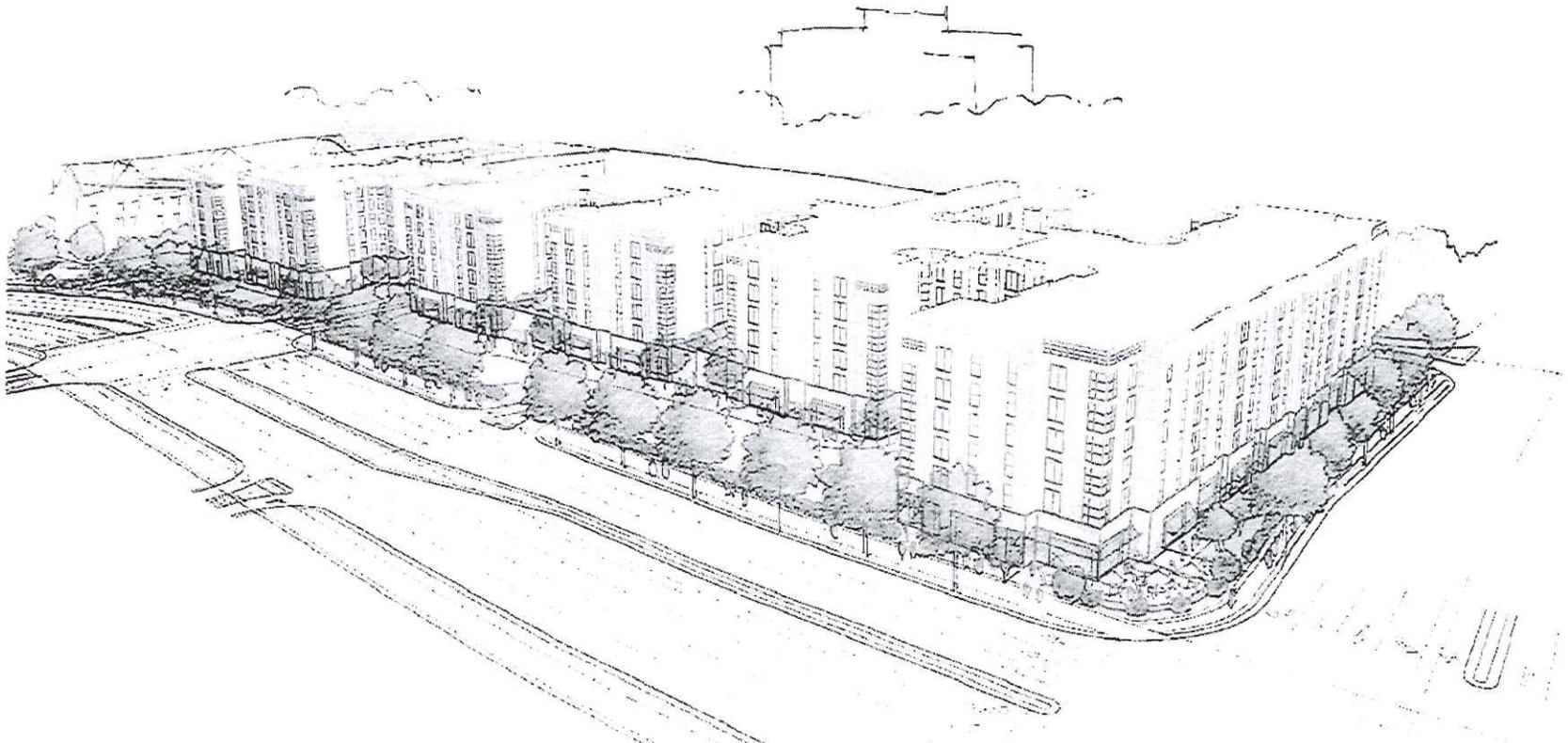
[Green Box] = GREEN SPACE  
[White Box] = OPEN SPACE



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COUNCIL  
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City of Sandy Springs  
Community Development



OXFORD PROPERTIES, INC.  
MUNTZING SATTELE CO

HAMMOND CENTER  
SITE SKETCH FROM NORTHWEST CORNER  
SANDY SPRINGS • GEORGIA

THE CORCORAN OTA GROUP  
ARCHITECTS

PREVIOUSLY APPROVED



MEMORANDUM

TO: Patrice S. Dickerson, Manager of Planning & Zoning
City of Sandy Springs, Department of Community Development

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

DATE: April 23, 2012

SUBJECT: Zoning Comments for May 2012

Received

APR 27 2012

City of Sandy Springs
Community Development
Department

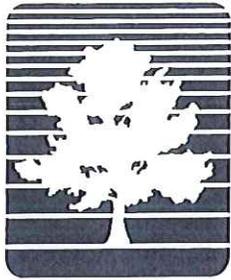
Table with 2 columns: AGENDA ITEM and ZONING COMMENTS. It contains two rows of zoning comments for items RZ12-003/CV12-002 and RZ12-004/CV12-004.

AGENDA ITEM	ZONING COMMENTS
ZM12-001/ CV12-003	<p>The Fulton County Department of Health and Wellness recommends that the applicant be required to connect 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>The proposed facility must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.</p> <p>Since this proposed development includes a food service facility, 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>Since this proposed development includes a public swimming pool as defined in the regulations 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>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 container be submitted for review and approval.</p> <p>This department is requiring that all existing structures to be demolished must 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>

*Received*

APR 27 2012

*City of Sandy Springs  
Community Development  
Department*



**FULTON COUNTY**

Department of Planning and Community Services  
Fulton County Government Service Center at Fulton Industrial  
5440 Fulton Industrial Boulevard  
Atlanta, GA 30336

April 11, 2012

Patrice S. Dickerson, Manager of Planning & Zoning  
City of Sandy Springs  
Department of Community Development  
Planning and Zoning Division  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

Dear Ms. Dickerson:

I am in receipt of your zoning package soliciting comments on the upcoming City of Sandy Springs zoning agenda for the May Planning Commission and June Mayor and City Council Meetings. I have reviewed all items within the package and find none of them have a significant impact on Unincorporated Fulton County. Thank you for the opportunity to review the requests.

Sincerely,

Randy Beck, Director  
Planning and Community Services

*Received*

**APR 27 2012**

*City of Sandy Springs  
Community Development  
Department*