

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE CITY OF SANDY SPRINGS MAYOR AND CITY COUNCIL APPROVING PETITION U09-001/U09-002/U09-007 ON JULY 21, 2009, PROPERTY LOCATED AT 5855 RIVERSIDE DRIVE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on May 19, 2015 at 6:00 p.m. as follows:

SECTION 1. That the condition(s) of a resolution by the City of Sandy Springs Mayor and City Council, approved on July 21, 2009, for petition U09-001/U09-002/U09-007 that allowed the property to be used for a Church, Private School, and Day Care be changed for the property located at 5855 Riverside Drive, consisting of a total of approximately 10.08 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 133 of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

SECTION 3. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 4. This Ordinance shall become effective upon adoption by the City Council and the signature of approval of the Mayor.

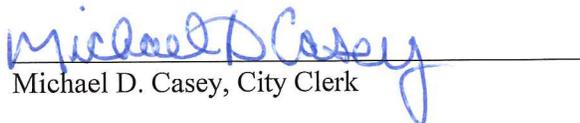
APPROVED AND ADOPTED this the 19th day of May, 2015.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

201500765 5885 Riverside Drive

Zoning Modification petition 201500765 to modify Use Permit condition(s) 1.c, and eliminate condition(s) 2.m and 2.n. was approved by the Mayor and City Council at the May 19, 2015 hearing. Use Permits U09-001, U09-002, and U09-007 are subject to the following modified conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A church at a maximum density of 2,614.19 square feet per acre or a total of 26,351 square feet, whichever is less (U09-001). The subject Private School (U09-002) and Day Care Facility (U09-007) may occupy the aforementioned space.
 - b. A Private Elementary School (grades K through 5) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
 - c. A Day Care Facility with a total enrollment of no more than 150 children limited to operating Monday through Friday between the hours of ~~8:00 a.m.~~ 7:00 a.m. to 6:00 p.m.
 - d. A Day Care Facility with a total enrollment of no more than 50 children limited to operating Saturdays between the hours of 9:00 a.m. to 3:00 p.m.
 - e. The Private School and Day Care(s) shall provide copies of all state licenses and exemptions to the Director of Community Development by July 1st of each calendar year.
 - f. By August 21, 2009 and July 1st of each calendar year thereafter, the Private School and Day Care(s) shall provide an annual report detailing total enrollment by the uses (exemptions and/or licenses) detailed in conditions 1.b, 1.c, and 1.d, subject to the approval of the Director of Community Development.
 - g. No more than a total of 17 staff and 118 children shall be enrolled during weekdays and/or Saturdays until such time review and approval for more occupancy has been obtained from Fulton County Health & Wellness, then a total enrollment of up to the quantity specified in conditions 1.b, 1.c, and 1.d. may be utilized.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated April 8, 2009. 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.

- b. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Riverside 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. The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.
- d. To bring the existing structure into compliance with building codes pursuant to Chapter 105, Buildings and Building Regulations, the Code of the City of Sandy Springs.
- e. To bring the existing structure into compliance with fire codes, pursuant to Chapter 22, Fire Prevention and Protection, of the Code of the City of Sandy Springs.
- f. The school shall provide a 24-hour contact person available to address on-site management issues for surrounding property owners. The school shall provide this information in the annual report referenced in condition 1.f. Compliance with this condition shall be in place by July 1st of each calendar year.
- g. The school shall submit a schedule of events to the Sandy Springs Communications Department detailing the date and time of each special event. Said schedule shall be submitted annually, by July 1st of each calendar year, and monthly on the first day of each month.
- h. Use of such recreational fields and play areas shall not be permitted after sunset.
- i. To prohibit any fixed/permanent outdoor loudspeakers, horns, or amplified sound systems. Operation and use of any portable sound system shall be subject to the City of Sandy Springs Noise Ordinance.
- j. Parking lot lighting shall be no taller than 20 feet and shall not be installed within 50 feet of any residentially-zoned property. The light source of all external lighting on the Property shall be screened and shall not be directly visible from adjoining residential properties. Outdoor lighting of all play areas and recreational fields is prohibited.
- k. Delivery hours and days shall be limited to the following: 7:30 AM to 7:30 PM on Monday through Friday; 8:00 AM to 5:00 PM on Saturdays; no deliveries are permitted on Sundays.
- l. No additional instruction and programs shall be permitted for any person beyond the staff recommended conditions for the number of enrollment during weekdays and Saturdays as specified in conditions 1.b, 1.c, and 1.d.
- ~~m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than June 30, 2015.~~
- ~~n. The subject Private School Use Permit shall expire on June 30, 2015.~~

- o. The instruction at the Private School shall be limited as follows: only offer grades K through 1 for the 2009-2010 academic year, only offer grades K through 2 for the 2010-2011 academic year, only offer grades K through 3 for the academic year 2011-2012.