

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY LOCATED AT 120 WEST WIEUCA ROAD  
& 130 WEST WIEUCA ROAD FROM A (MEDIUM DENSITY APARTMENT  
DISTRICT) PER 201402052 TO A (MEDIUM DENSITY APARTMENT DISTRICT)**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on November 1, 2016 at 6:00 p.m. as follows:

**SECTION 1.** That the Zoning Ordinance of the City of Sandy Springs be amended, and the official maps established in connection therewith be changed so that the following property located at 120 West Wieuca Road & 130 West Wieuca Road to wit; and

ALL THAT TRACT or parcel of land lying and being Land Lot 94 of the 17<sup>th</sup> 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**SECTION 3.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

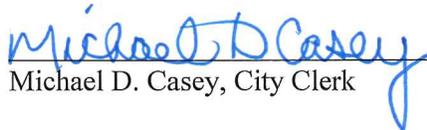
**APPROVED AND ADOPTED** this the 1<sup>st</sup> day of November, 2016.

Approved:



Russell K. Paul, Mayor

Attest:

  
Michael D. Casey, City Clerk

(Seal)



## **120 West Wieuca – Legal Description**

### **Tract One**

All that tract or parcel of land lying and being in Land Lot 94 of the 17<sup>th</sup> District, Fulton County, Georgia and being more particularly described as follows:

Begin at a point found at the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) said point being the southeasterly corner of Lot 22, Unit 4-A Cherokee Park subdivision as per plat recorded in Plat Book 56, Page 8, Fulton County, Georgia records being the TRUE POINT OF BEGINNING; thence commence southwesterly along the northerly right-of-way of West Wieuca Road along an arc of a curve having a radius of 306.06 feet (said arc being subtended by a chord having a chord bearing south 83 degrees 47 minutes 52 seconds west a chord length of 57.06 feet) and an arc distance of 57.14 feet; thence commence south 89 degrees 53 minutes 21 seconds West a distance of 109.00 feet to a rebar found; thence commence north 02 degrees 10 minutes 10 seconds east a distance of 299.04 feet to a rebar found; then commence north 89 degrees 34 minutes 23 seconds east a distance of 150.63 feet to an open top pipe found; thence commence south 00 degrees 44 minutes 12 seconds east a distance of 293.60 feet to a point at the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) where it intersects the southern land lot line of Land Lot 94 and the Point of Beginning, as per survey for REES 542, LLC dated May 7, 2006 prepared by McClung Surveying Services, Inc, Michael R. Noles GRLS 2646 the same being known as 120 West Wieuca Road, Sandy Springs, Georgia according to the current system of numbering in Sandy Springs, Georgia.

### **Tract Two**

All that tract or parcel of land lying and being in Land Lot 94 of the 17<sup>th</sup> District, Fulton County, Georgia and being more particularly described as follows:

Begin at a point found at the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) said point being the southeasterly corner of Lot 22, Unit 4-A Cherokee Park subdivision as per plat recorded in Plat Book 56, Page 8, Fulton County, Georgia records being the TRUE POINT OF BEGINNING; thence commence north 00 degrees 44 minutes 12 seconds west a distance of 293.60 feet to an open top pipe found; thence commence north 00 degrees 22 minutes 32 seconds west a distance of 114.93 feet to a crimp top found; thence commence north 88 degrees 25 minutes 11 seconds east a distance 100.00 feet to a rebar set; thence commence south 00 degrees 38 minutes 17 seconds east a distance of 417.15 feet to a crimp top found on the southern land lot line of Land Lot 94; thence commence south 89 degrees 53 minutes 21 seconds west at distance of 35.40 feet to a point on the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) where it intersects the southern land lot line of Land Lot 94; thence commence northwesterly along the northerly right-of-way of West Wieuca Road (a 40 foot right-of-way) along an arc of a curve having a radius of 306.03 feet (said arc being subtended by a chord having a chord bearing north 84 degrees 45 minutes 43 seconds west a chord length of 64.95 feet) and an arc distance of 65.07 feet to the Point of Beginning as per survey for REES 542, LLC dated May 7, 2006 prepared by McClung Surveying Services, Inc, Michael R. Noles GRLS 2646 the same being known as 130 West Wieuca Road, Sandy Springs, Georgia according to the current system of numberings in Sandy Springs, Georgia.

## CONDITIONS OF APPROVAL

**RZ16-0100**

120 West Wieuca Road

Please be advised that the City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Pulte Group at 120 & 130 West Wieuca Road. Rezoning petition RZ16-0100 was approved to rezone from A (Medium Density Apartment District) per 201402052 to A (Medium Density Apartment District) by the Mayor and City Council at the November 1<sup>st</sup> hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property for Townhouses at a density of 12.3 units per acre or 25 units, whichever is less.
2. To the owner's agreement to abide by the following: To the Site Plan drafted by McFarland-Dyer & Associates and dated September 6, 2016, received by the Department of Community Development on September 7, 2016. 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. The applicant shall be required to complete the concept review procedure prior to application for 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. Shared access streets shall be designed and constructed to public street standards.
  - b. Shared access street with Development of Regional Impact (DRI) 2290, Chastain Mixed Use. As such, the Georgia Regional Impact (GRTA) DRI conditions from the Notice of Decision (NOD) dated January 30, 2013 shall apply to the West Wieuca Road access.
  - c. Shared access street shall align with proposed apartment building on the east side of access road within the Sandy Springs Gateway project.
  - d. Driveway depth shall be approved as shown on the site plan dated November 4, 2014.
  - e. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet as measured from the property line shown on the site plan drafted by McFarland-Dyer & Associates and dated September 6, 2016, received by the Department of Community Development on September 7, 2016.
  - f. To reduce the required side yard setback from twenty-five (25) feet to zero (0) feet.
  - g. To reduce the required rear yard setback from twenty-five (25) feet to zero (0) feet.
  - h. To reduce the forty (40) foot landscape strip to zero (0) feet along the West Wieuca frontage and the ten (10) foot landscape strip to zero (0) feet along the east property line.
  - i. To reduce the stream buffer to allow the encroachments as shown on the site plan drafted by McFarland-Dyer & Associates and dated September 6, 2016, received by the Department of Community Development on September 7, 2016
  - j. There shall be no common trash dumpsters. Trash shall be picked up from individual units one day per week.
  - k. Building lighting shall not be located above the first floor except Coach lights at the back doors of units which shall be screen and directed downward.
  - l. Building exterior treatments shall be brick and/or stone.

4. The Owner/Developer shall provide adequate right of way frontage along West Wieuca Road for installation by a third party of a left hand turn lane northbound into the Gateway Project being developed by JLB Partners. (This is the same left hand turn lane required by GRTA, page 3 of its Notice of Decision for DRI 2290 Chastain mixed use dated Jan 30, 2013 for the JLB Gateway project).