

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE A (MEDIUM DENSITY APARTMENT CONDITIONAL) DISTRICT TO THE A (MEDIUM DENSITY APARTMENT) DISTRICT AND TO APPROVE CONCURRENT VARIANCE(S), PROPERTY LOCATED AT 8701 WINDING RIVER DRIVE AND 100 NORTH RIVER PARKWAY**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on May 16, 2006 at 7:00 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 **8701 Winding River Drive and 100 North River Parkway**, consisting of a total of approximately 14.595 acres, be changed from the A (Medium Density Apartment conditional) District to the A (Medium Density Apartment conditional) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 363, 367, and 368 of the 17<sup>th</sup> District, Fulton County, Georgia by the attached legal description; and

**SECTION 2.** That the variance(s), as listed in the attached conditions of approval, be approved under the provisions of Section 22.9 of the Zoning Ordinance of the City of Sandy Springs; and

**SECTION 3.** 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 4.** That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

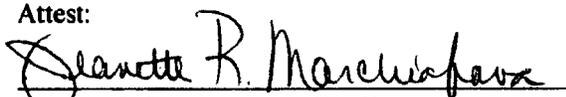
**SECTION 6.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 16<sup>th</sup> day of May, 2006.

Approved:

  
\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

  
\_\_\_\_\_  
Jeanette R. Marchiafava, City Clerk

(Seal)



EXHIBIT "A"  
LEGAL DESCRIPTION

(Survey)

TRACT A

All that tract or parcel of land lying and being in Land Lots 363, 367 and 368 of the 6th District of Fulton County, Georgia, and being more particularly described as follows:

COMMENCING at an iron pin located at the intersection of the northeastern margin of the right-of-way of Dunwoody Place (said right-of-way being 65 feet in width) with the northwestern margin of the right-of-way of North River Drive (said right-of-way being 60 feet in width at this point); thence North 47 degrees 57 minutes 00 seconds West a distance of 29.67 feet to the point of beginning; thence running northwesterly along the northeastern margin of the aforesaid right-of-way of Dunwoody Place North 47 degrees 57 minutes 00 seconds West a distance of 123.21 feet to a point; thence continuing along said right-of-way northwesterly, an arc distance of 177.91 feet, said arc having a radius of 940.00 feet and a chord distance of 177.65 feet, and a chord bearing of North 42 degrees 31 minutes 40 seconds West, to an iron pin found; thence along the southeast line of land now or formerly owned by North River Square Assoc., Inc., North 21 degrees 42 minutes 00 seconds East a distance of 419.50 feet to an iron pin found located on the northeast line of Land Lot 368; thence continuing along land of North River Square Assoc., Inc. and along said land lot line North 28 degrees 43 minutes 00 seconds West a distance of 198.80 feet to an iron pin found; thence continuing along land of North River Square Assoc., Inc. and also land now or formerly owned by Neil E. Sodermann, Barry E. McWhirter, Daphne D. McWhirter & Margaret B. Sodermann and said land lot line North 28 degrees 38 minutes 00 seconds West a distance of 582.00 feet to an iron pin found; thence along the northeast line of land now or formerly owned by Jerry L. Cole and said land lot line North 28 degrees 15 minutes 00 seconds West a distance of 115.10 feet to an iron pin found; thence northeast along land now/formerly of Winding River Village 69 degrees 00 minutes 00 seconds East a distance of 343.10 feet to an iron pin located on the southwest right-of-way of Winding River Drive (a private roadway) - (said right-of-way being 50 feet in width); thence southeast along said right-of-way of Winding River Drive an arc distance of 53.83 feet, said arc having a radius of 661.62 feet, a chord distance of 53.81 feet, and a chord bearing of South 25 degrees 15 minutes 23 seconds East to an iron pin; thence continuing along said right-of-way of Winding River Drive South 27 degrees 00 minutes 00 seconds East a distance of 419.83 feet to an iron pin; thence continuing along said right-of-way southeasterly an arc distance of 421.23 feet, said arc having a radius of 383.10 feet, a chord distance of 400.33 feet, and a chord bearing of South 58 degrees 30 minutes 00 seconds East to an iron pin; thence continuing along said right-of-way North 90 degrees 00 minutes 00 seconds East a distance of 14.56 feet to an iron pin; thence along a curve to the right an arc distance of 31.42 feet, said arc having a radius of 20.00 feet, a chord distance of 28.28 feet, and a chord bearing of South 45 degrees 00 minutes 00 seconds East, to an iron pin located on the west right-of-way of North River Drive (a public roadway), said right-of-way being 50 feet in width; thence south along said right-of-way of North River Drive South 00 degrees 00 minutes 00 seconds East a distance of 116.98 feet to an iron pin; thence continuing along said right-of-way of North River Drive (50 foot right-of-way) southwesterly along an arc distance of 261.56 feet (said arc having a radius of 384.26 feet), a chord distance of 256.54 feet, and a chord bearing of

South 19 degrees 30 minutes 00 seconds West to an iron pin; thence continuing along said right-of-way of North River Drive (50 foot right-of-way) South 39 degrees 00 minutes 00 seconds West a distance of 214.15 feet to an iron pin where said street widens from a 50 foot right-of-way to a 60 foot right-of-way; thence continuing along said right-of-way North 51 degrees 00 minutes 00 seconds West a distance of 5.0 feet to an iron pin on the 60 foot right-of-way of North River Drive; thence continuing along said 60 foot right-of-way southwesterly along an arc a distance of 247.42 feet, said arc having a radius of 746.20 feet, a chord distance of 246.29 feet, and a chord bearing South 29 degrees 30 minutes 30 seconds West to an iron pin; thence continuing along said right-of-way South 20 degrees 01 minutes 00 seconds West a distance of 129.80 feet to an iron pin; thence along a curve to the right an arc distance of 39.11 feet, said arc having a radius of 20.00 feet, a chord distance of 33.17 feet, and a chord bearing of South 76 degrees 02 minutes 00 seconds West to an iron pin located on the northeast right-of-way of Dunwoody Place (65 foot right-of-way) and the point of beginning.

#### TRACT B

All that tract or parcel of land lying and being in Land Lot 363 of the 6th District of Fulton County, Georgia and being more particularly described as follows:

COMMENCING at an iron pin located at the intersection of the northeast right-of-way of Dunwoody Place (said right-of-way being 65 foot) and the southeast right-of-way North River Drive (said right-of-way being 60 foot), if extended to form an angle instead of a curve; thence North 20 degrees 01 minutes 00 seconds East a distance of 13.48 feet to the point of beginning; thence North 20 degrees 01 minutes 00 seconds East along the southeast right-of-way of North River Drive (60 foot right-of-way) a distance of 170.27 feet to an iron pin; thence continuing along said right-of-way northeasterly an arc distance of 19.51 feet, said arc having a radius of 686.20 feet, a chord distance of 19.50 feet, and a chord bearing of North 20 degrees 49 minutes 23 seconds East, to an iron pin; thence South 49 degrees 10 minutes 00 seconds East along property now/formerly owned by River Pointe Properties, Ltd., a distance of 155.95 feet to an iron pin found; thence South 41 degrees 49 minutes 00 seconds West along property now/formerly owned by River Point Properties, Ltd., a distance of 191.80 feet to an iron pin found located on the northeast right-of-way of Dunwoody Place (65 foot right-of-way); thence North 47 degrees 58 minutes 00 seconds West along said right-of-way a distance of 67.22 feet to an iron pin; thence along a curve to the right an arc distance of 23.72 feet, said arc having a radius of 20.00 feet, a chord distance of 22.35 feet, and a chord bearing of North 13 degrees 58 minutes 30 seconds West, to an iron pin located on the southeast right-of-way of North River Drive (60 foot right-of-way) and the point of beginning.

#### WINDING RIVER DRIVE TRACT

All that tract or parcel of land lying and being in Land Lot 367 of the 6th District of Fulton County, Georgia, and being that certain private roadway known as Winding River Drive being 50 feet in width and lying adjacent to the northeastern and northern boundary of the described Tract A, and being more particularly described as follows:

Beginning at an iron pin located at the southeast intersection of the west right-of-way of North River Drive (50 foot right-of-way) with the south right-of-way of Winding River Drive (50 foot right-of-way) (a private roadway) if extended to form an angle instead of a curve; thence South 00 degrees 00 minutes 00 seconds East a distance of 20.00 feet, along said west right-of-way of North River Drive (50 foot right-of-way) to an iron pin; thence North and West along a curve to the left an arc distance of 31.42 feet, said arc having a radius of 20 feet, a chord distance of 28.28 feet, and a chord bearing of North 45 degrees 00 minutes 00 seconds West, to an iron pin located on the south right-of-way of Winding River Drive (a private roadway), said right-of-way being 50 feet; thence South 90 degrees 00 minutes 00 seconds West along said south right-of-way of Winding River Drive a distance of 14.56 feet to an iron pin; thence continuing northwesterly along said right-of-way an arc distance of 421.23 feet, said arc having a radius of 383.10 feet, a chord distance of 400.33 feet, and a chord bearing of North 58 degrees 30 minutes 00 seconds West to an iron pin; thence continuing along said right-of-way North 27 degrees 00 minutes 00 seconds West a distance of 419.83 feet to an iron pin; thence continuing along said right-of-way northwesterly an arc distance of 53.83 feet, said arc having a radius of 661.62 feet, a chord distance of 53.81 feet, and a chord bearing of North 25 degrees 15 minutes 23 seconds West to an iron pin found, said iron pin being the most northerly corner of Tract "A" of North River Village; thence North 68 degrees 00 minutes 00 seconds East across Winding River Drive to the northeast right-of-way of Winding River Drive (50 foot right-of-way) to an iron pin; thence along said right-of-way southeasterly an arc distance of 49.45 feet, said arc having a radius of 611.62 feet, a chord distance of 49.45 feet, and a chord bearing of South 25 degrees 19 minutes 23 seconds East to an iron pin; thence continuing along said right-of-way South 27 degrees 00 minutes 00 seconds East a distance of 419.83 feet to an iron pin; thence continuing along said right-of-way southeasterly an arc distance of 366.26 feet, said arc having a radius of 333.10 feet, a chord distance of 348.08 feet, and a chord bearing of South 58 degrees 30 minutes 00 seconds East to an iron pin; thence continuing along said right-of-way North 90 degrees 00 minutes 00 seconds East a distance of 34.56 feet to the West right-of-way of North River Drive (50 foot right-of-way), if extended to form an angle instead of a curve and to an iron pin; thence South 00 degrees 00 minutes 00 seconds East along the west right-of-way of North River Drive a distance of 50.00 feet to an iron pin and the point of beginning.

All according to ALTA/ACSM Land Title Survey for Silver Tree Associates, LLC, Wacovia Bank, N.A. and Chicago Title Insurance Company, prepared by Bates-Long & Associates, dated November 5, 2002, and bearing the certification of Fred Wilson Long, G.R.L.S. No. 1685

TOGETHER WITH the following easements which shall be appurtenant to the above described property: (i) all right, title and interest of North River Village Joint Venture to discharge water from that certain 15 foot drainage easement reflected on the "As-Built" Survey of North River Village for Shelter Properties III, prepared by Bates-Long & Associates dated March 23, 1982, revised March 24, 1982 and April 12, 1982 through the drainage facilities lying north of Tract A and (ii) all right, title and interest of North River Village Joint Venture to use for ingress and egress of that portion of Winding River Drive lying and being north of the Winding River Drive Tract.

TOGETHER WITH easements arising from that certain Easement from Aetna Life Insurance Company to J. Howard Chatham dated December 8, 1970, filed December 21, 1970, and recorded

CONDITIONS OF APPROVAL

**RZ06-008/CV06-002**

**8701 Winding River Drive and 100 North River Parkway**

The City of Sandy Springs Mayor and City Council approved the rezoning of property located at 8701 Winding River Drive & 100 North River Parkway. Rezoning petition RZ06-008 and the associated concurrent variance petition CV06-002 to rezone the subject property to A (Medium Density Apartment District) were approved by the Mayor and City Council at the May 16, 2006 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Multi-family residential uses and associated accessory uses.
  - b. To a maximum of 133 units, or a density of 9.11 units per acre, whichever is less.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on February 7, 2006. 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. The approval of the concurrent variance to allow the existing fence/wall to be located in the public right-of-way shall be subject to the approval and issuance of an indemnification agreement, as approved by the Sandy Springs Department of Public Works (CV06-002).
  - b. Prior to issuance of a Certificate of Occupancy on any converted unit, the owner/developer shall have received an indemnification agreement allowing the location of the existing fence/wall in the public right-of-way or shall have removed said improvements from the public right-of-way (CV06-002).
  - c. To allow an existing fence to be located closer to the right-of-way than three (3) feet (CV06-002).
  - d. To allow an existing fence to be located in a required three (3) foot landscape strip (CV06-002).
  - e. To allow an existing sign to project into the right-of-way (CV06-002).

- f. To allow an existing structure to have a side setback of 24.9 feet where 25' is required (CV06-002).
- g. To restrict the amount of leased units in the development to a maximum of 25% of the 133 total number of units.
- h. The owner/developer shall provide two (2) sprinkler heads in the kitchen of each unit, to be supplied from by the domestic water line.

