ORDINANCE NO. 2006-05-30
PETITION NO. ZM06-003/CV06-007

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z63-0044 ON MAY 24, 1963 AND TO APPROVE CONCURRENT VARIANCE(S), PROPERTY LOCATED AT 7275 ROSWELL ROAD

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 condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on May 24, 1963, for petition Z63-0044 that rezoned property from the R-2 (Single Family Dwelling) District to the CUP (Community Unit Plan) District be changed for the property located at **7275 Roswell Road**, consisting of a total of approximately 27.766 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 133of the 17th 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 16th day of May, 2006.

Approved:

Eva Galambos, Mayor

Attest:

Jeanette R. Marchiafava, City Clerk

(Seal)

RECEIVED

Legal Description

All that tract or parcel lying and being in Land Lots 32, 33, 74 and 75 of the 17th District, Fulton County, Georgia; being more particularly described as follows:

Beginning at a point on the southeasterly right-of-way of Roswell Road (80 foot right-of-way) 781 feet southwesterly, as measured along the southeasterly right-of-way of Roswell Road, from the southeast corner of the intersection of Roswell Road and Dalrymple Road; thence south 56 degrees 53 minutes 26 seconds east 133.06 feet to an iron pin set; thence south 87 degrees 05 minutes 24 seconds east 425.01 feet to an iron pin found; thence north 40 degrees 54 minutes 36 seconds east 519.98 feet to an iron pin found; thence north 30 degrees 33 minutes 17 seconds east 260.82 feet to an iron pin found on the southerly right-of-way of Dalrymple Road (60 foot right-of-way) at a point located 550.0 feet southeasterly of from the intersection of the southerly right-of-way of Dalrymple Road with the southeasterly right-of-way of Roswell Road; thence along the southerly right-of-way of Dalrymple Road and along the arc of a curve (chord = north 71 degrees 15 minutes 02 seconds east 475.95 feet) 484.15 feet to a point; thence along said right-of-way north 52 degrees 56 minutes 33 seconds east 257.95 feet to an iron pin set, which point is located 500.0 feet from the intersection of the southerly right-of-way of Dalrymple Road with Spalding Drive; thence south 31 degrees 07 minutes 11 seconds east 264.64 feet to an iron pin found; thence south 41 degrees 03 minutes 53 seconds west along the northwesterly line of Unit Two, Block L, Spalding Woods Subdivision 579.92 feet to an iron pin found; thence south 33 degrees 05 minutes 29 seconds west 901.31 feet along said subdivision to an iron pin found; thence north 89 degrees 45 minutes 43 seconds west 214.68 feet to an iron pin found; thence south 04 degrees 18 minutes 30 seconds west 22.86 feet to an iron pin found; thence north 89 degrees 58 minutes 33 seconds west 1092.48 feet to an iron pin set on the southeasterly right-of-way of Roswell Road; thence along the southeasterly right-of-way of Roswell Road north 25 degrees 56 minutes 31 seconds east 261.46 feet to a point; thence along said right-of-way and the arc of a curve (chord = north 35 degrees 22 minutes 36 seconds east 458.08 feet) 460.16 feet to a point: said point being the point of beginning. SAID TRACT CONTAINS 27.766 ACRES.

CONDITIONS OF APPROVAL

ZM06-003/CV06-007
7275 Roswell Road

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z63-0044, with regard to the above referenced property currently zoned CUP (Community Unit Plan District). Zoning modification petition ZM06-001 and the associated concurrent variance petition CV06-005 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 abide by the following:

   a. All references to the site plan referenced in the applicant's original Letter of Intent received by Fulton County on July 31, 1963, and the site plan dated September 27, 2005 approved under ZM05-0075, pertaining to the subject site shall be deleted. The subject property shall hereby be conditioned to the site plan received by the Department of Community Development dated received April 28, 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.

   b. The developer shall market the project for sale to owners who will occupy the proposed condominium units. Marketing materials shall not target investor owners.

   c. The percentage of total units allowed to be leased at any point in time shall not exceed 10 percent. This limitation shall not apply to the Developer, Builder or Declarant.

2. To the owner's agreement to provide the following site development standards:

   a. To remove ten (10) specimen trees as shown on the site plan dated received April 28, 2006 (CV06-007, Part 1).

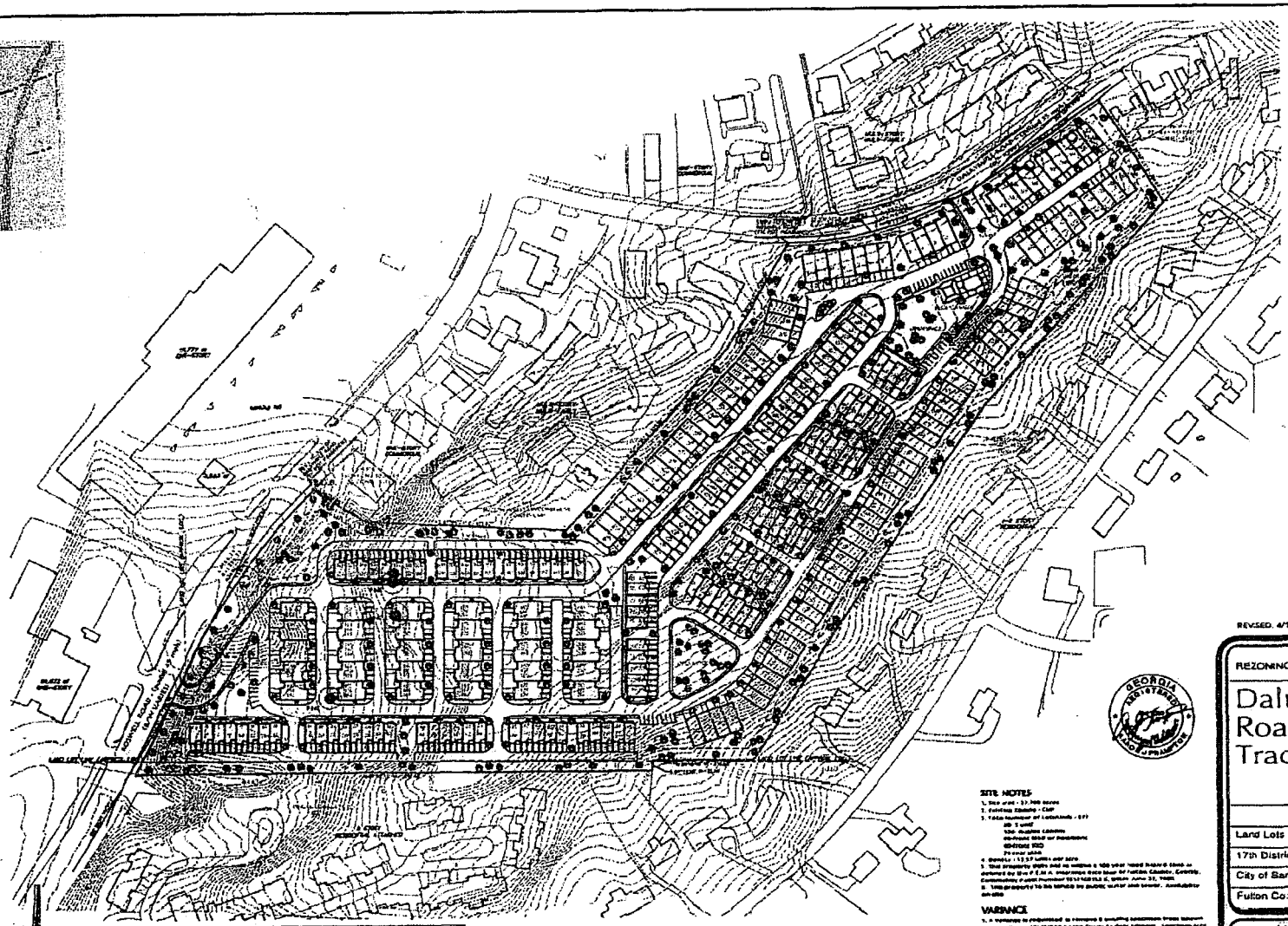
   b. To reduce the required 100' swimming pool and associated equipment setback to 15' feet as depicted on the site plan dated received April 28, 2006 (CV06-007, Part 2).

   c. A 5-foot high aluminum fence shall be installed along the property line adjoining the Spalding Woods subdivision. A staggered row of magnolias and hollies shall be planted 15 feet on center between the fence and the condominium units in this portion of the development.

   d. Developer shall plant interior street trees at least 4" DBH at the time of planting.

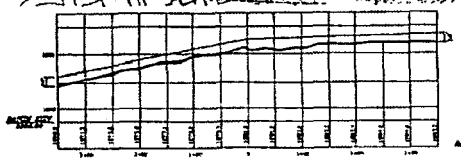
   e. The development shall have private streets and may be gated at Developer's election.

VICINITY MAP
1" = 1000'

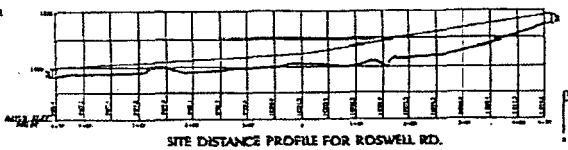


SITE NOTES

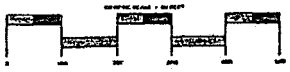
VARIANCE



SITE DISTANCE PROFILE FOR DALRYMPLE RD.



SITE DISTANCE PROFILE FOR ROSWELL RD.



REVISED: 4/12/06

REZONING MOD. - SITE PLAN

Dalrymple Road Tract

Land Lots 32,33,74 & 75

17th District

City of Sandy Springs

Fulton Co., GA

March 7, 2006

Scale : 1" = 100'

Sheet 1 of 2

Clark Design Group

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SURVEYING • LANDSCAPE ARCHITECTURE

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OWNER / DEVELOPER

Jolly Development

24 HOUR - EMERGENCY CONTACT

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