

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS)
DISTRICT TO THE MIX (MIXED USE) DISTRICT, PROPERTY LOCATED AT 400
CARPENTER DRIVE**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on August 1, 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 **400 Carpenter Drive**, consisting of a total of approximately 0.66 acres, be changed from the C-1 (Community Business) District to the MIX (Mixed Use) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 90 of 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

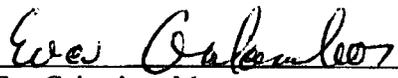
SECTION 4. That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

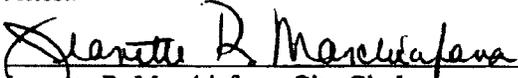
SECTION 6. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 1st day of August, 2006.

Approved:


Eva Galambos, Mayor

Attest:


Jeanette R. Marchiafava, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ06-011/CV06-010

400 Carpenter Drive

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Squire Inn, Inc. located at 400 Carpenter Drive. Rezoning petition RZ06-011 to rezone the subject property to C-1 (Community Business District) was approved by the Mayor and City Council at the August 1, 2006 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To a density of 57,575.75 gross square feet per acre or 38,000 gross square feet of building area, whichever is less.
 - b. To the retail, office, and four (4) residential uses as provided for in the Letter of Intent dated received by the Department of Community Development on July 10, 2006.
2. To the owner's agreement to meet the following site development standards:
 - a. To a revised site plan to be received by the Department of Community Development. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, 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. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the property to the west. Should the owner/developer not come to an agreement on interparcel access at this time with the property owner's to the west, 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 to the properties immediately adjacent to the west of the property, prior to the issuance of an LDP.
 - c. The subject property shall be limited to a maximum of two (2) curb cuts on Carpenter Drive, one of which shall be utilized solely for ingress and egress to sub-grade or underground parking facilities and subject to location and sizing of openings as approved by the Department of Community Development.
 - d. At least 15% of the property shall be maintained as open/green space.
 - e. The owner/developer shall install a directional sign on the property indicating the location of a signalized intersection at Carpenter Dr. and Roswell Rd., meeting the approval of the Director of Community Development.

3. The owners agreement to include in the Declarations of Covenants and Restrictions, recorded for the residential condominium development of the subject property, and prior to issuance of any residential certificate of occupancy to the condominiums, the following:
 - a. A restriction limiting the number of units in the condominium development which can be used for rental units and non owner occupancy to a sum of not more than 25% of the total units.
 - b. To include in the covenants a provision requiring a reserve fund for building maintenance.
4. To the owners agreement to abide by the following traffic requirements, dedications and improvements:
 - a. Dedicate at no cost to the City of Sandy Springs along the entire property frontage, prior to the approval of a land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to the City of Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

30 feet from centerline of Carpenter Drive.