

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS)
DISTRICT AND THE MIX (MIXED USE) DISTRICT TO THE C-1 (COMMUNITY BUSINESS)
DISTRICT, PROPERTY LOCATED AT 6450 PEACHTREE-DUNWOODY ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on October 3, 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 **6450 Peachtree-Dunwoody Road**, consisting of a total of approximately 1.51 acres, be changed from the C-1 (Community Business) District and the MIX (Mixed Use) District to the C-1 (Community Business) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 19 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 use permit(s), as listed in the attached conditions of approval, be approved under the provisions of Section 19.2.3 of the Zoning Ordinance of the City of Sandy Springs; and

SECTION 4. 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 5. 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 6. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

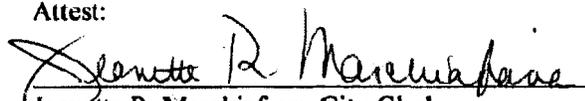
SECTION 7. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 3rd day of October, 2006.

Approved:


Eva Galambos, Mayor

Attest:


Joannette R. Marchiafava, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ06-037/CV06-021/U06-005

6450 Peachtree-Dunwoody Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Home Depot U.S.A., Inc. located at 6450 Peachtree-Dunwoody Road. Rezoning petition RZ06-037/CV06-021/U06-005 to rezone the subject property from C-1 (Community Business District) conditional and MIX (Mixed Use District) conditional to C-1 (Community Business District) was approved by the Mayor and City Council at the October 3, 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 218,469 square foot storage facility developed at a density of 144,681.45 square feet per acre (U06-005).
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on August 30, 2006. 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.
3. To the owner's agreement to provide the following site development standards:
 - a. Delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines (CV06-021).
 - b. To reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway (CV06-021).
 - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Mount Vernon Highway 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.
 - d. The owner/developer shall upgrade the deceleration lane to the permitted access point on Mount Vernon Highway to City of Sandy Springs Driveway Manual standards.

LEGAL DESCRIPTION
New Overall Property

All that tract or parcel of land lying and being in Land Lot 19, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the Northwestern end of the miter intersection of the Southern right-of-way of Mount Vernon Highway (variable width right-of-way) and the Westerly right-of-way of Peachtree-Dunwoody Road (variable width right-of-way), being the TRUE POINT OF BEGINNING ;thence from the TRUE POINT OF BEGINNING as thus established and following the Westerly right-of-way of Peachtree-Dunwoody Road the following three calls: South 73 degrees 02 minutes 24 seconds East a distance of 47.56 feet to a point; thence South 19 degrees 11 minutes 24 seconds East a distance of 86.46 feet to a point; thence, along the arc of a curve to the left a distance of 72.27 feet said arc having a radius of 446.38 feet and being subtended by a chord with a bearing and distance of South 23 degrees 49 minutes 41 seconds East 72.19 feet to a point; thence departing the Westerly right-of-way of Peachtree-Dunwoody Road South 59 degrees 37 minutes 10 seconds West a distance of 62.49 feet to a point; thence North 30 degrees 22 minutes 50 seconds West a distance of 3.50 feet to a point; thence South 59 degrees 37 minutes 10 seconds West a distance of 9.00 feet to a point; thence North 30 degrees 22 minutes 50 seconds West a distance of 2.00 feet to a point; thence South 59 degrees 37 minutes 10 seconds West a distance of 127.00 feet to a point; thence South 30 degrees 22 minutes 50 seconds East a distance of 5.50 feet to a point; thence South 30 degrees 22 minutes 50 seconds East a distance of 12.00 feet to a point; thence South 59 degrees 37 minutes 10 seconds West a distance of 3.67 feet to a point; thence North 88 degrees 46 minutes 06 seconds West a distance of 22.89 feet to a point; thence North 88 degrees 46 minutes 06 seconds West a distance of 76.53 feet to a point; thence North 88 degrees 46 minutes 06 seconds West a distance of 36.51 feet to a point; thence North 48 degrees 25 minutes 34 seconds West a distance of 117.55 feet to a point; thence South 62 degrees 01 minutes 17 seconds West a distance of 21.35 feet to a point; thence North 44 degrees 44 minutes 53 seconds West a distance of 42.21 feet to a point being on the Southerly right-of-way of Mount Vernon Highway; thence following the Southerly right-of-way the following four calls: North 62 degrees 50 minutes 06 seconds East a distance of 151.86 feet to a point; thence South 12 degrees 42 minutes 21 seconds East a distance of 8.06 feet to a point; thence North 61 degrees 32 minutes 18 seconds East a distance of 67.19 feet to a point; thence North 60 degrees 37 minutes 10 seconds East a distance of 162.63 feet to the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 65669square feet or 1.51 acres as shown on a Site plan for Dunwoody Self Storage, prepared by Travis Pruitt and Associates, Inc. dated June 16, 2006.

RECEIVED

JUL 05 2006

City of Sandy Springs
Community Development

June 23, 2006

C:\Documents and Settings\JWagner\Local Settings\Temporary Internet Files\OLKC\overall.doc