

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE R-4 (SINGLE FAMILY DWELLING)  
DISTRICT TO O-I (OFFICE AND INSTITUTIONAL) DISTRICT, PROPERTY LOCATED AT  
4579 ROSWELL ROAD (SR 9), 261 HEDDEN STREET, AND WINDSOR PARKWAY (17  
00940001020)**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on February 6, 2007 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 **4579 Roswell Road (SR 9), 261 Hedden Street, and Windsor Parkway (17 00940001020)**, consisting of a total of approximately 2.05 acres, be changed from the R-4 (Single Family Dwelling) District to O-I (Office and Institutional) District with conditions, to wit;

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 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**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 6<sup>th</sup> day of February, 2007.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**RZ06-046/CV06-032**

**4579 Roswell Road (SR 9), 261 Hedden Street, and Windsor Parkway (17 00940001020)**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Slavic Evangelic Christian Church located at 4579 Roswell Road (SR 9), 261 Hedden Street, and Windsor Parkway (17 00940001020). Rezoning petition RZ06-046/CV06-032 to rezone the subject property from R-4 (Single Family Dwelling District) to O-I (Office and Institutional District) was approved by the Mayor and City Council at the February 6, 2007 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To an art/auction gallery and accessory uses in the existing church and accessory building at a density of 10,976 gross square feet per acre or 22,500 gross square feet, 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 dated February 5, 2007. 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 owner/developer shall submit to the City of Sandy Springs a combination plat, which will be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall dedicate fifty-five (55) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, from centerline of Roswell Road (SR 9) along the entire property frontage to the City of Sandy Springs.
  - b. The owner/developer shall dedicate thirty (30) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, from centerline of Windsor Parkway along the entire property frontage to the City of Sandy Springs.
  - c. The owner/developer shall dedicate twenty-five (25) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, from centerline of Hedden Street along the entire property frontage to the City of Sandy Springs.

- d. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north and south. Should the owner/developer not come to an agreement on interparcel access at this time, 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, prior to the issuance of an LDP.
- e. To reduce the required forty (40) foot front setback along Hedden Street to thirty-four (34) feet to allow the existing accessory building to remain (CV06-032).
- f. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback to a two (2) foot landscape strip abutting property zoned R-4 (Single Family Dwelling District) along property line  $S00^{\circ}57'44''E$  147.73' (CV06-032).
- g. To delete the required twenty-five (25) foot buffer and ten (10) foot improvement setback abutting property zoned R-4 (Single Family Dwelling District) along property line  $S86^{\circ}05'11''E$  50' (CV06-032).
- h. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback as shown on the site plan submitted abutting property zoned TR (Townhouse Residential District) along property line  $S05^{\circ}45'01''E$  162.71' (CV06-032).
- i. To delete the required twenty-five (25) foot buffer and ten (10) foot improvement setback abutting zoned TR (Townhouse Residential District) along property line  $S81^{\circ}45'02''E$  90.75' (CV06-032).
- j. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property lines  $S82^{\circ}31'34''W$  106.65',  $S50^{\circ}39'13''W$  138.88', and  $S78^{\circ}43'49''W$  133.55' to allow the existing paving and parking to remain (Section 4.23.1, Minimum Landscape Strips and Buffers).
- k. To allow the existing monument sign to encroach into the required ten (10) landscape strip along the Roswell Road (SR 9) frontage (CV06-032).
- l. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property line  $N84^{\circ}23'53''E$  193.52' to allow the existing driveway, paving, and parking to remain (CV06-032).
- m. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property lines  $N07^{\circ}50'57''E$  46.30' and  $N00^{\circ}32'03''E$  151.82' to allow the existing driveway to remain (CV06-032).
- n. To reduce the required number of parking spaces from 113 to 99 (Section 18.2.1, Basic Off-street Parking Requirements).
- o. Impervious surfaces shall be removed along the easterly property line with areas to be replanted to buffer standards as shown on the site plan received by the Department of

Community Development dated February 5, 2007. Said site plan reflects an asphalt access drive crossing the south end of this area to be so replanted as well as an existing fence along portions of the easterly property line. The existing fence shall be replaced as needed and shall be maintained by the owner/developer.

- p. A twenty (20) foot wide area along the southerly side of the Hedden Street frontage and commencing on the easterly side of the access drive to the property from Hedden Street as shown on the site plan received by the Department of Community Development dated February 5, 2007 shall be planted to buffer standards.
- q. The owner/developer agrees to relocate the dumpster presently located at the southeast corner of the property as shown on the site plan received by the Department of Community Development dated February 5, 2007 to a location central to the property and removed from close proximity to the residential uses to the east of the property.
- r. The owner/developer agrees to restrict access to the property from both Hedden Street and Windsor Parkway for the purpose of avoiding cut through traffic.
- s. The owner/developer agrees not to have any display of "for sale" items on the property within view of Roswell Road (SR 9).



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City of Sandy Springs  
Community Development

Legal Description

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

Commencing from the intersection of the southerly right-of-way of Hedden Street (having a 50 foot right-of-way) and the easterly right-of-way of Roswell Road (having a 65 right-of-way), Thence along said right-of-way of Roswell Road proceeding in a southerly direction for a distance of 234.97 feet to a point, said point being the **TRUE POINT OF BEGINNING;**

Thence leaving said right-of-way proceeding North 84 degrees 23 minutes 53 seconds East for a distance of 193.52 feet to a point; Thence proceeding North 07 degrees 50 minutes 57 seconds West for a distance of 46.30 feet to a 1" crimp top found; Thence proceeding North 00 degrees 32 minutes 03 seconds West for a distance of 151.82 feet to a 1/2" open top found along said right-of-way of Hedden Street; Thence along said right-of-way proceeding South 84 degrees 10 minutes 06 seconds East for a distance of 124.56 feet to a 1/2" open top found; Thence leaving said right-of-way proceeding South 00 degrees 57 minutes 44 seconds East for a distance of 147.73 feet to a point; Thence proceeding South 86 degrees 05 minutes 11 seconds East for a distance of 50.00 feet to an iron pin found; Thence proceeding South 05 degrees 45 minutes 01 seconds East for a distance of 162.74 to a nail found; Thence proceeding South 81 degrees 45 minutes 02 seconds East for a distance of 90.75 feet to a point along the right-of-way of Windsor Parkway (having a 50 right-of-way); Thence along said right-of-way proceeding South 55 degrees 19 minutes 10 seconds West for a distance of 161.34 feet to a 1/2" open top found; Thence leaving said right-of-way proceeding North 05 degrees 51 minutes 57 seconds East for a distance of 109.55 feet to a 3/4" rod found; Thence proceeding North 82 degrees 31 minutes 34 seconds West for a distance of 106.65 feet to a 1" crimp top found; Thence proceeding South 50 degrees 39 minutes 13 seconds West for a distance of 138.88 feet to a iron pin found; Thence proceeding South 78 degrees 43 minutes 49 seconds West for a distance of 133.55 feet to a 2" open top found along the said right-of-way of Roswell Road; Thence along said right-of-way proceeding North 00 degrees 27 minutes 40 seconds West for a distance of 205.26 feet to a point, said point being the **TRUE POINT OF BEGINNING.**

Said parcel containing 2.07 acres

RZ. 06046

Exhibit "A"