

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS) DISTRICT AND THE R-4 (SINGLE FAMILY DWELLING) DISTRICT TO THE MIX (MIXED USE) DISTRICT, PROPERTY LOCATED AT 5006 ROSWELL ROAD (SR 9), 153 SPRUELL SPRINGS ROAD, AND 165 SPRUELL SPRINGS ROAD

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 **5006 Roswell Road (SR 9), 153 Spruell Springs Road, and 165 Spruell Springs Road**, consisting of a total of approximately 0.71 acres, be changed from the C-1 (Community Business) District and the R-4 (Single Family Dwelling) to the MIX (Mixed Use) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 93 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

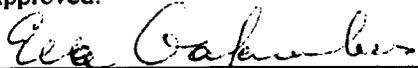
SECTION 4. That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 6th day of February, 2007.

Approved:


Eva Galambos, Mayor

Attest:

Christina Rowland, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ06-050/CV06-035

5006 Roswell Road (SR 9), 153 Spruell Springs Road, and 165 Spruell Springs Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Montrose Enterprises, LLC, Rita DiMaio, Nicola DiCorcia, and Daniel King located at 5006 Roswell Road (SR 9), 153 Spruell Springs Road, and 165 Spruell Springs Road. Rezoning petition RZ06-050/CV06-035 to rezone the subject property from C-1 (Community Business District) and R-4 (Single Family Dwelling District) to **MIX (Mixed Use 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 a single building with residential, office, restaurant and associated accessory uses at a density 10,140.85 square feet per acre or 7,200 square feet, whichever is less, and two (2) residential units at a density of 2.82 units per acre.
 - b. To a maximum building height of three (3) stories.
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 6, 2007. Said site plan shall be 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. To a twenty-five (25) foot buffer and ten (10) foot improvement setback along the west property line adjacent to residentially zoned property.
 - b. The light source of all external lighting in the development shall not be directly visible from adjoining residential properties.
 - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road (SR 9) 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 dedicate twenty-five (25) feet of right-of-way from centerline on Spruell Springs Road 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.

- e. There shall be no curb cuts on Roswell Road (SR 9).
- f. No less than 5% of the site shall be maintained as open/green space.
- g. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the property to the south. Should the owner/developer not come to an agreement on interparcel access at this time with the property owner's to the north and south, 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 north and south of the property, prior to the issuance of an LDP.
- h. To reduce the required five (5) foot landscape strip along a portion of the east property line to three (3) feet as shown on the site plan received by the Department of Community Development dated February 6, 2007 (CV06-035).
- i. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback along a portion of the south property line to a five (5) foot landscape strip as shown on the site plan received by the Department of Community Development dated February 6, 2007 (CV06-035).
- j. To change the required fifty (50) foot buffer and ten (10) foot improvement setback along the west property line to a twenty (20) foot buffer as shown on the site plan received by the Department of Community Development dated February 6, 2007 (CV06-035).
- k. To reduce the required nine (9) foot sidewalk and ten (10) foot landscape strip along the north property line to a six(6) foot sidewalk and five (5) foot landscape strip as shown on the site plan received by the Department of Community Development dated February 6, 2007 (CV06-035).
- l. To reduce the required ten (10) foot landscape strip along the east property line adjacent to Roswell Road (SR 9) to five (5) feet as shown on the site plan received by the Department of Community Development dated February 6, 2007 (CV06-035).
- m. To change the requirement of a ten (10) foot landscape island placed every sixth parking space to a ten (10) foot landscape island placed no more than every eighth parking space as shown on the site plan received by the Department of Community Development dated February 6, 2007 (CV06-035).
- n. The owner/developer shall provide documentation of a shared parking agreement with the property immediately to the north, known as 5014 Roswell Road (SR 9), prior to the issuance of a final Certificate of Occupancy. Said agreement shall be provided through a 25-year casement which shall be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County.
- o. To encroach into the critical root zone of a 51 inch Red Oak specimen tree located along the west property line on an adjacent property (CV06-035). Disturbance shall not occur

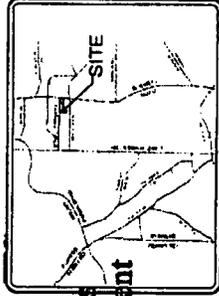
within areas of the critical root zone that did not previously contain other impervious features such as the house foundation and driveway. Said disturbance shall be subject to the approval of the City Arborist.

- p. The parking lot and proposed buildings shall be located as far from the 51 inch Red Oak specimen tree as possible, or within areas that were previously occupied by the house foundation. No negative changes in grade shall take place outside of the previous house footprint.
- q. Tree protection shall include a minimum of, but shall not be limited to, temporary 6' high chain link fence. Said tree protection measures shall be subject to the approval of the City Arborist.
- r. Hardscape improvements should be minimized or eliminated within the critical root zone, including sidewalks, walls, and features requiring a footing.
- s. The owner should retain the services of an ISA certified arborist, who is qualified in Construction and Tree Preservation techniques, to monitor the tree's health and to prepare Best Management Practice recommendations as needed during the duration of the project.

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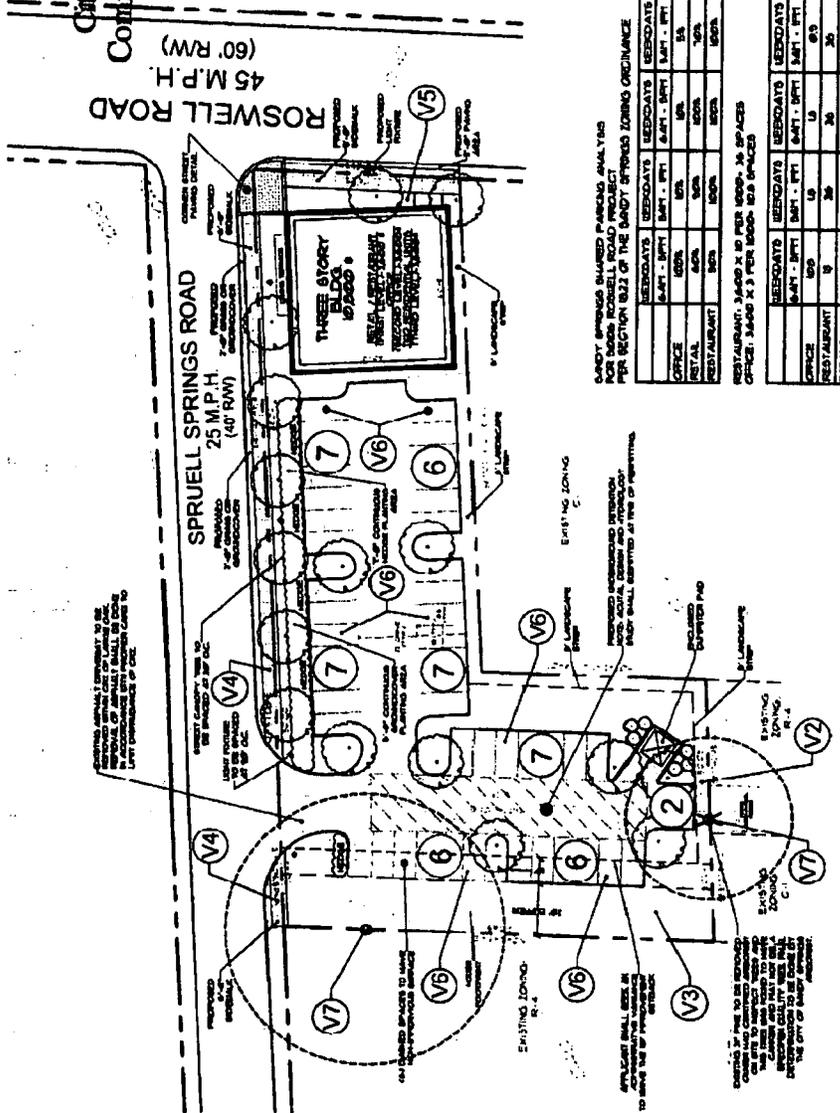


LOCATION MAP
Scale N.T.S.

- VARIABLES:**
- V1 - REDUCE 25' BUFFER AND 5' IMPROVED LANDSCAPE STRIP SOUTH PROPERTY LINE TO A 5' LANDSCAPE STRIP.
 - V2 - REDUCE 25' BUFFER AND 5' IMPROVED LANDSCAPE STRIP ALONG WEST PROPERTY LINE TO A 30' BUFFER.
 - V3 - REDUCE 5' SIDEWALK AND 5' LANDSCAPE STRIP SOUTH PROPERTY LINE TO 5' SIDEWALK AND 5' LANDSCAPE STRIP.
 - V4 - REDUCE 5' LANDSCAPE STRIP ALONG EAST PROPERTY LINE TO A 10' BUFFER'S LANDSCAPE STRIP.
 - V5 - INCREASE THE NUMBER OF PARKING SPACES BETWEEN TREE ISLANDS FROM 15 TO 20.
 - V6 - ENCROACH WITHIN THE CRE OF THE SPECIFIC OAK ON THE EXISTING PROPERTY LINE.
 - V7 - REDUCE THE WIDTH OF THE PROPERTY LINE VARIANCE REQUIRED TO REMOVE THE TREE ONLY IF THE CITY ARBORIST DETERMINED THIS IS A SPECIFIC TREE.

SITE SUMMARY

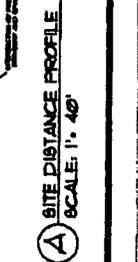
- USE: THREE STORY BLDG. 10,800 SF
- BLDG. SIZE: 10,800 SF
- RECD SPACES: 42
- TOTAL SITE AREA: 0.71 AC +/-
- TOTAL RESIDENTIAL UNITS: 2
- TOTAL PARKING SPACES: 48 SHOWN (42 REQ'D)
- EXISTING ZONING: C-1 & R-4
- PROPOSED ZONING: MIX
- PROPOSED THREE STORY BLDG. SETBACKS:
 - 10' FROM ROSWELL ROAD
 - 10' FROM SPRUELL SPRINGS ROAD
 - 5' FROM SOUTH PROPERTY LINE



SANDY SPRINGS SHARED PARKING ANALYSIS FOR SANDY SPRINGS ROAD PROJECT PER SECTION 8.2.2 OF THE SANDY SPRINGS ZONING ORDINANCE

USE	BLDG. SIZE (SQ. FT.)	RECD SPACES	BLDG. SIZE (SQ. FT.)	RECD SPACES
OFFICE	10,800	42	10,800	42
RESTAURANT	10,800	42	10,800	42
TOTALS	21,600	84	21,600	84

THIS PROJECT HAS BEEN SUBMITTED TO THE CITY OF SANDY SPRINGS FOR REVIEW AND APPROVAL. THE CITY ENGINEER HAS REVIEWED THIS PROJECT AND HAS DETERMINED THAT IT COMPLIES WITH THE CITY ZONING ORDINANCE. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PROJECT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



PRELIMINARY SITE PLAN
SCALE: 1" = 20'

PRELIMINARY SITE PLAN
ROSWELL ROAD TRACT
IN THE DISTRICT
CITY OF SANDY SPRINGS, GEORGIA
MONTROSE ENTERPRISES, L.L.C.

LEGAL DESCRIPTION

All that tract or parcel of land comprising 0.71 acres lying and being in Land Lot 93 of the 17th District, City of Sandy Springs, Georgia being more particularly described as follows:

Beginning at the intersection of the southern right-of-way of Spruell Springs Road, and the western right-of-way of Roswell Road, and said point being the True Point of Beginning, thence along the western right-of-way of Roswell Road South 2° 05' 26" West - 76.89 feet, thence South 87° 3' 38" West - 187.63 feet, thence South 1° 43' 47" West - 84.07 feet, thence South 87° 42' 45" West - 50.05 feet, thence South 89° 3' 54" West - 50.24 feet, thence North 4° 24' 54" East - 160.65 feet to a point on the southern right-of-way of Spruell Springs Road, thence North 89° 50' 34" East - 50.44 feet, thence North 87° 57' 00" East - 50.00 feet, thence North 87° 05' 45" East - 188.04 feet to a point on the western right-of-way of Roswell Road and the True Point of Beginning.

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City of Sandy Springs
Community Development

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