

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO ALLOW FOR A USE PERMIT FOR A PRESCHOOL AT A CHURCH,
TEMPLE, OR PLACE OF WORSHIP, PROPERTY LOCATED AT 5065 HIGH POINT ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on April 17, 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 **5065 High Point Road**, consisting of a total of approximately 4.866 acres, be allowed a use permit under the R-2 (Single Family Dwelling) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 40 of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. 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 3. 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 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

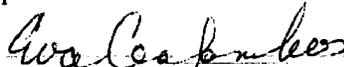
SECTION 5. That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 17th day of April, 2007.

Approved:


Eva Galambos, Mayor

Attest:

Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

U07-002/CV07-002
5065 High Point Road

The City of Sandy Springs Mayor and City Council approved the use permit and concurrent variance petition for property owned by Congregation Beth Tefillah, Inc. located at 5065 High Point Road. Use Permit petition U07-002/CV07-002 to allow for the addition of a 13,600 square foot preschool at the existing synagogue was approved by the Mayor and City Council at the April 17, 2007 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Synagogue, mikvah, and associated accessory uses at a density of 4,323.06 square feet per acre or 21,036 square feet, whichever is less (U07-003).
 - b. Preschool and associated accessory uses at a density of 2,794.90 square feet per acre or 13,600 square feet, whichever is less (U07-002).
 - c. To a maximum of 128 students.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated January 16, 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.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of High Point 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.
 - b. The light source of new external lighting in the development shall not be directly visible from adjoining residential properties.
 - c. To allow for an encroachment into the 100 foot building setback adjacent to residentially zoned property with the existing synagogue along the north and south sides of the building (35 feet on the north; 10 feet on the south) (CV07-002).
 - d. To allow for an encroachment into the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the north property line with the existing driveway (CV07-002).

- e. To reduce the required 100 foot building setback to 92 feet adjacent to residentially zoned property along the south property line for a distance of 51 feet for the development of the preschool building (CV07-002).
- f. The owner/developer shall plant the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the north and south property lines to buffer standards as required by the Zoning Ordinance. Said plantings shall be subject to the approval of the Sandy Springs Arborist prior to the issuance of a Land Disturbance Permit.

Barton Surveying, Inc.

1500 Palm Road

Canton, GA 30115

Tel (770) 345-2810

FAX (770) 345-2840

December 8, 2006

RECEIVED

JAN 02 2007

City of Sandy Springs
Community Development

Written Description

5065 Highpoint Road - Congregation Beth Tefillah, Inc.

All that tract or parcel of land lying and being in Land Lot 40, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found on the easterly right of way of Highpoint Road (having a 50 foot right of way), said iron pin being located 450.00 feet southerly as measured along said right of way of Highpoint Road from the north line of Land Lot 40; thence **N 89°59'19" E** a distance of **682.72** feet to a concrete monument found on the westerly right of way of Georgia Highway 400 (having a variable right of way); thence along said right of way of Georgia Highway 400 the following courses and distances; **S 07°37'02" W** a distance of **150.58** feet to a concrete monument found; thence **S01°55'57" E** a distance of **166.08** feet to a concrete monument found; thence leaving said right of way of Georgia Highway 400 **S 89°55'13" W** a distance of **672.89** feet to a 1/2" iron pin found on the easterly right of way of Highpoint Road; thence along said right of way of Highpoint Road the following courses and distances; **N 00°35'10" E** a distance of **166.99** feet to a point; thence **N 01°05'02" E** a distance of **149.09** feet to a 1/2" iron pin found and the **POINT OF BEGINNING**.

Said tract contains **4.866** acres.

