

**AN ORDINANCE TO REZONE PROPERTY FROM THE O-I (OFFICE AND INSTITUTIONAL) DISTRICT TO THE O-I (OFFICE AND INSTITUTIONAL) DISTRICT, PROPERTY LOCATED AT 5755 DUPREE DRIVE**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on December 18, 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 **5755 Dupree Drive**, consisting of a total of approximately 2.42 acres, be changed from the O-I (Office and Institutional) District to O-I (Office and Institutional) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 174 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**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 18<sup>th</sup> day of December, 2007.

Approved:

  
Eva Galambos, Mayor

Attest:  
  
Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**RZ07-031/CV07-026**

**5755 Dupree Drive**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Chestnut Realty, LLC, Willow Realty, LLC, and Future Realty & Management Company located at 5755 Dupree Drive. Rezoning and concurrent variance petition RZ07-031/CV07-026 to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) was approved by the Mayor and City Council at the December 18, 2007 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Office and associated accessory uses at a density of 9,090.91 square feet per acre or 22,000 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 September 4, 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. 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 Dupree Drive 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. To encroach twenty (20) feet into the required twenty-five (25) foot rear yard setback along the north property line with the proposed terrace (CV07-026).
  - c. To encroach three (3) feet into the required forty (40) foot front yard setback to allow the existing parking area along the east side of the site to remain (CV07-026).
  - d. To delete the parking lot landscaping requirements to allow the existing surface parking areas to remain (CV07-026).



LEGAL DESCRIPTION

RZ07 031

All that tract or parcel of land lying and being in Land Lot 174 of the 17<sup>th</sup> District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a rebar placed at the intersection of the southeasterly right-of-way line of Powers Ferry Road (80-foot right-of way) and the north land lot line of Land Lot 174, said district and county;  
Thence continuing along said right-of-way line, South 25 degrees, 28 minutes, 41 seconds West, a distance of 32.73 feet to a rebar placed;  
Thence continuing along said right-of way South 25 degrees, 28 minutes, 38 seconds East, a distance of 10.73 feet to rebar placed at the intersection of the southeasterly right-of-way line of Powers Ferry Road and the northerly right-of-way line of DuPree Drive (50-foot right-of-way);  
Thence continuing along the northerly right-of-way line of Dupree Drive the following courses and distances:  
South 84 degrees, 14 minutes, 17 seconds East, a distance of 557.56 feet to a point;  
Thence an arc distance of 313.95, (said arc being subtended by a chord of North 80 degrees, 06 minutes, 28 seconds East, a chord distance of 310.06 feet, with a radius of 574.54 feet) to point;  
Thence North 64 degrees, 27 minutes, 12 seconds East, a distance of 217.03 feet to a point;  
Thence an are distance of 82.07 feet, (said are being subtended by a chord of North 69 degrees, 18 minutes, 49 seconds East, a chord distance of 81.80 feet, with a radius of 293.57 feet to a rebar placed;  
Thence leaving said right-of-way line, north 01 degrees, 11 minutes, 38 seconds West, 6.27 feet to a rebar found on the north line of Land lot 174, said district and county;  
Thence continuing along the northerly line of Land Lot 174, South 85 degrees, 34 minutes, 45 seconds West, 1126.29 feet to a rebar place and the Point of Beginning, said tract containing 2.4150 acres.

RECEIVED

SEP 04 2007

City of Sandy Springs  
Community Development