

AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL TO MIX (MIXED USE DISTRICT), PROPERTY LOCATED AT 5825 SANDY SPRINGS CIRCLE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on June 17, 2008 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 **5825 Sandy Springs Circle**, consisting of a total of approximately 0.425 acres, be changed from the C-1 (Community Business District) conditional to MIX (Mixed Use District) with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 90 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 17th day of June, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ08-009/ U08-004/CV08-005
5825 Sandy Springs Circle

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Spring Garden Properties, LLC at 5825 Sandy Springs Circle. Rezoning petition RZ08-009/ U08-004/CV08-005 was approved to rezone the subject property from C-1 (Community Business District) conditional to MIX (Mixed Use District) by the Mayor and City Council at the June 17, 2008 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office, service commercial, event space and associated accessory uses at a density of 25,000 square feet per acre or 10,625 square feet, whichever is less.
 - b. The maximum height of the building shall be 4 stories or 60 feet, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To a revised site plan to be submitted to the Department of Community Development. 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 minimum design standards are:

Minimum front yard: 12 feet
Minimum side yard: 10 feet adjacent to O-I; 5 feet adjacent to C-1
Minimum rear yard: 5 feet
Minimum Common Outdoor Area: 20% of the total site area shall be common outdoor area maintained by the property owner(s)
 - b. The owner/developer shall dedicate forty (40) feet of right-of-way from centerline of Sandy Springs Circle 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.
 - c. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation, except that a masonry entry wall shall be allowed in the area of reservation subject to an indemnification agreement filed by the owner/developer with the City of Sandy Springs.

Forty-five (45) feet from centerline of Sandy Springs Circle

- d. To reduce the required fifty (50) foot buffer and ten (10) foot improvement setback to a twenty (20) foot landscape strip planted to buffer standards along the east property line adjacent to property zoned A-L (Apartment Limited District). Said plantings shall be subject to the approval of the Sandy Springs Arborist. (CV08-005)
- e. The external lighting in the development shall be screened, cut-off type and shall not glare into adjoining residential properties.
- f. To a maximum illuminance level of 0.5 footcandles along all property lines abutting residentially zoned property.
- g. At the time of application for a Land Disturbance Permit, the owner/developer shall be required to submit a photometric study detailing the illuminance level as outlined in the previous condition and illustrating the proposed lighting fixtures.
- h. Should the owner/developer construct above grade structured parking, said parking deck shall have a screening treatment which shall include, but not be limited to, vegetation and plantings. Said parking deck and screening shall be subject to the approval of the Sandy Springs Design Review Board.

Deed Book 45235 Pg 668
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

EXHIBIT "A"

ALL that tract or parcel of land lying in and being in Land Lot 90 of the 17th District, Fulton County, Georgia, also being lot 12 of the J. H. Chatham Subdivision, according to that particular plat recorded in Plat Book 61, Page 93, Fulton County, Georgia records and also being known as improved property located at 5825 Sandy Springs Circle according to the present system of numbering streets and roads in Fulton County, Georgia with said tract or parcel of land being more particularly described as follows:

COMMENCING at a concrete monument with an aluminum disk set in its top, said aluminum disk having been stamped F-451, according to the present numbering system of the Fulton County, Georgia Geographic Information Systems Department, said monument and disk having the Georgia West Zone, State Plane Coordinates of 1432208.622 North and 2234263.973 East, thence running South 21 degrees 54 minutes 36 seconds West a distance of 8,899.7 feet to an iron pin set (1/2-inch rebar), said iron pin set being located on the east right-of-way of Sandy Springs Circle (having an 80-foot right-of-way), said iron pin set also being known as the **TRUE POINT OF BEGINNING**; from the **TRUE POINT OF BEGINNING** as thus being established, thence leaving said right-of-way running South 86 degrees 24 minutes 04 seconds East a distance of 184.99 feet to a iron pin found (1/2-inch rebar); thence running South 02 degrees 52 minutes 28 seconds West a distance of 99.79 feet to a iron pin found (1/2-inch rebar); thence running North 86 degrees 27 minutes 52 seconds West a distance of 185.21 feet to an iron pin set (1/2-inch rebar), said iron pin set being located on the east right-of-way of Sandy Springs Circle (having an 80-foot right-of-way); thence running along said right-of-way North 03 degrees 00 minutes 00 seconds East a distance of 99.99 feet to an iron pin set (1/2-inch rebar), said iron pin set also being known as the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 18,489 sq. ft or 0.42 acres, more or less.



Quitclaim Deed
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