

AN ORDINANCE TO REZONE PROPERTY FROM THE A-L (APARTMENT LIMITED DISTRICT) CONDITIONAL TO A-L (APARTMENT LIMITED DISTRICT), PROPERTY LOCATED AT 305 CARPENTER DRIVE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on September 16, 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 **305 Carpenter Drive**, consisting of a total of approximately 1.15 acres, be changed from the A-L (Apartment Limited District) conditional to A-L (Apartment Limited 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 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 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

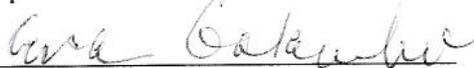
SECTION 5. That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 16th day of September, 2008.

Approved:


Eva Galambos, Mayor

Attest:


Christina Rowland, CMC, City Clerk
(Seal)



CONDITIONS OF APPROVAL

RZ08-012/U08-006/CV08-014

305 Carpenter Drive

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Masoud Zahedi at 305 Carpenter Drive. Rezoning petition RZ08-012/U08-006/CV08-014 was approved to rezone the subject property from A-L (Apartment Limited District) conditional to A-L (Apartment Limited District) by the Mayor and City Council at the September 16, 2008 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. 170 independent living, senior housing units at a density of 142.86 units per acre, whichever is less. Said housing shall have at least 80% of the occupied dwelling units occupied by at least one person who is 62 years of age or older which shall be verified by documentation submitted annually by the owner/developer pursuant to policies and procedures adopted by the Director of Community Development. Exceptions to this requirement shall be made for spouses if at least one (1) of the occupants is at least 62 years of age and for persons with disabilities.
 - b. The minimum heated floor area for the units shall be as follows:
 - a. No more than 80 units shall have a minimum heated floor area of 850 square feet
 - b. At least 30 units shall have a minimum heated floor area of 1,000 square feet
 - c. At least 60 units shall have a minimum heated floor area of 1,200 square feet
 - c. To a maximum building height ten (10) 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 May 6, 2008. 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 Carpenter 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. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent properties. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, 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 along the entirety of the northern and eastern boundaries of the property, prior to the issuance of an LDP.

- c. All units shall be designed, constructed and operated in accord with the Fair Housing Amendments Act. On an annual basis, the controlling entity shall verify compliance with all provisions of the Fair Housing Act related to occupancy in a manner deemed acceptable pursuant to policies and procedures adopted by the Director of Community Development.
- d. The senior housing development may have at least one (1) unit designated as guest quarters for visitors of residents, but the total number of guest units may not exceed 1% of the total number of units within the development. Guest units shall have maximum heated floor area of 500 square feet.
- e. The property shall be deed restricted to senior housing except as provided for by Fair Housing laws. Each senior housing development shall post on its premises notice of its status as a senior housing development in a manner readily visible to and accessible to the residents. Such notices shall be subject to the approval of the Department of Community Development.
- f. The property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.
- g. The project is encouraged to incorporate Easy Living and applicable accessibility standards (as administered and copyrighted by a coalition of Georgia citizens including but not limited to AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).
- h. Home occupations shall be permitted in accordance with Section 4.12, Home Occupation, of the Zoning Ordinance.
- i. Any proposed change in the use of a senior housing project that does comply with the Fair Housing Amendments Act shall conform to all current zoning and density requirements. Any such conversion shall be considered a zoning modification and be required to be brought into conformance with city standards.
- j. The project is encouraged to incorporate features to enhance the quality of the senior housing development including, but not limited to, laundry rooms on each floor, lounges on each floor with automated external defibrillators (AEDs), balconies on each floor for fresh air, theater-style media centers, library, dining halls, wall-mounted emergency pull cords in each unit's bathroom, aerobics and fitness centers.

RECEIVED

AUG 19 2008

City of Sandy Springs
Community Development



All that tract or parcel of land lying and being in Land Lots 70 and 90 of the 17th District, Fulton County, Georgia, are particularly described as follows:

Beginning at a point on the southern side of Carpenter Drive five hundred thirty two (532) feet east of Roswell Road; thence east two hundred thirteen (213) feet; thence south three hundred fifteen (315) feet; thence west two hundred thirteen (213) feet; thence north three hundred thirteen (313) feet to Carpenter Drive and the point of beginning; being improved property known as No. 305 Carpenter Drive, according to the present system of numbering houses in Fulton County, Georgia.

Sandy Springs, GA
Community Development

MAY 06 2008

RZ08 012