

**AN ORDINANCE TO ALLOW FOR A USE PERMIT TO EXPAND THE EXISTING GROUND
LEASE AREA AND TO EXTEND THE HEIGHT OF AN EXISTING CELLULAR
TOWER/ANTENNA**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on October 21, 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 **460 Morgan Falls Road**, consisting of a total of approximately 22.80 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 76 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

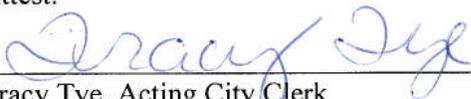
ORDAINED this the 21st day of October, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Tracy Tye, Acting City Clerk
(Seal)



CONDITIONS OF APPROVAL

U08-013/CV08-026 460 Morgan Falls Road

The City of Sandy Springs Mayor and City Council approved the use permit petition for property at 460 Morgan Falls Road. Use permit petition U08-013/CV08-026 was approved to allow for the construction of four (4) radio towers at a maximum height of 303 feet by the Mayor and City Council at the October 21, 2008 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To allow for the construction of four (4) radio towers/antennas (U08-013). The subject use permit shall expire on December 31, 2048.
 - b. The maximum height of each tower shall be 303 feet (CV08-026).
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 9, 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. To allow the four (4) proposed towers to be located within one-quarter of a mile of an existing telecommunication tower exceeding the maximum district height (CV08-026).
 - b. To reduce the required 303 foot setback for Tower #1 to 233 feet as shown on the site plan received by the Department of Community Development dated September 9, 2008 (CV08-026).
 - c. To reduce the required 303 foot setback for Tower #2 to 132 feet as shown on the site plan received by the Department of Community Development dated September 9, 2008 (CV08-026).
 - d. To reduce the required 303 foot setback for Tower #3 to 77 feet as shown on the site plan received by the Department of Community Development dated September 9, 2008 (CV08-026).
 - e. The owner/developer shall design any required tower lighting so that it is baffled or diffused in a manner so as to prevent a view of the light source or light spillover onto the neighboring residential properties.

4. Prior to the issuance of development permits for the construction of the radio towers, the owner/developer shall meet with the Director of Community Development to enter into an agreement as to amount of payment to be made for Impact Fee to the City.

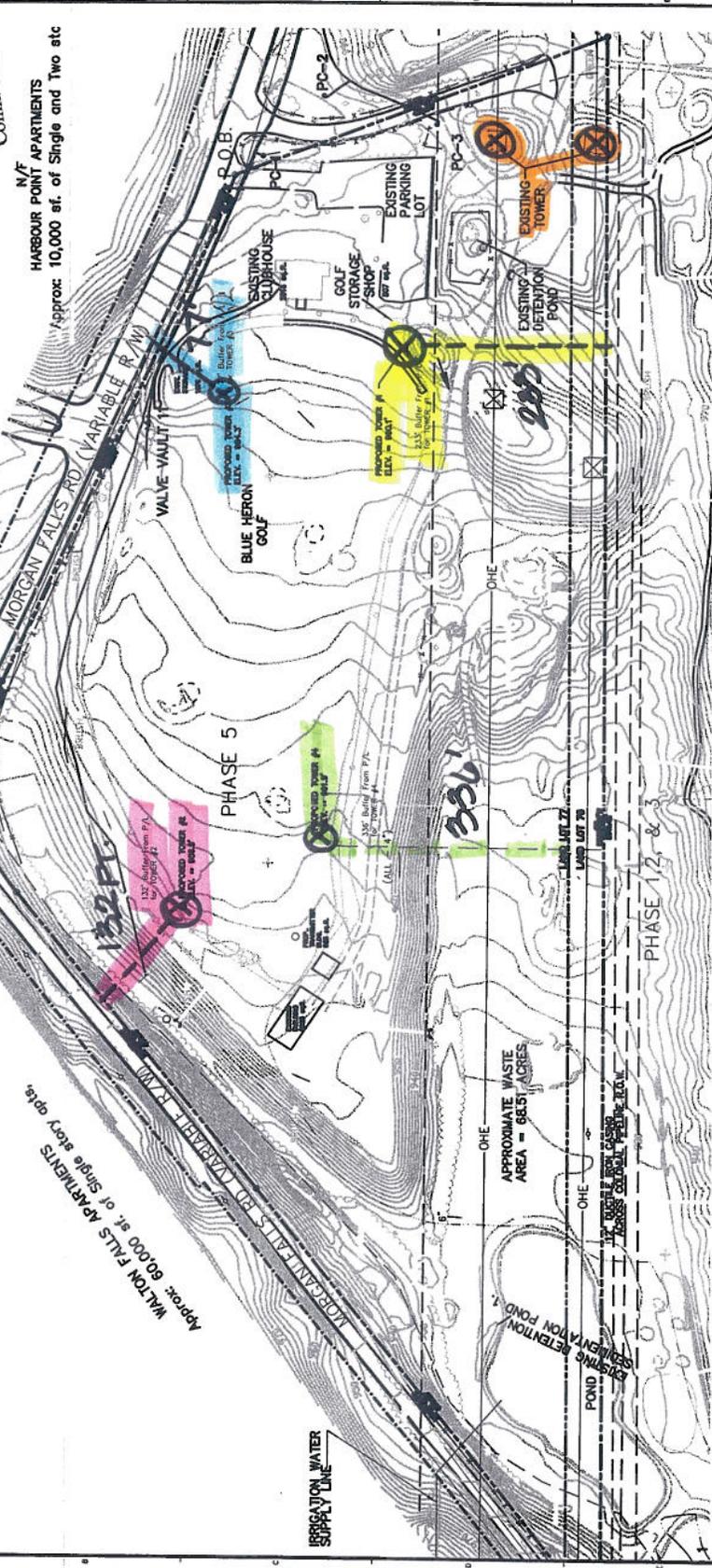
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SEP 09 2008

City of Sandy Springs
Community Development

N/F
WALTON FALLS, LLC
D.B. 26553, PG. 143
(PLAT PER REF. #4)
TAX I.D. 17-0077-LL-025

N/F
HARBOUR POINT APARTMENTS
Approx: 10,000 sq. ft. of Single and Two etc



NO.	DATE	DESCRIPTION
1		Geosyntec
2		REVISED PER COMMENTS
3		REVISED PER COMMENTS
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Legend	Buffer
	P/L
	Lead Lot Line
	Fence
	Fence # 2

- TOWER # 1
- TOWER # 2
- TOWER # 3
- TOWER # 4
- EXISTING

NOTE: R-2
zoning
Classified as PUBLIC RECREATION &
CONSERVATION

Recreation Statistics Summary	
Total Area of	22.20 Ac.
Building Footprint	0.103 Ac (4%)
Parking Spaces (20' x 80')	(1,850)
Total Impervious Surface	(2,250)
Landscaping	(1,250)
Flood Plain	0.00 Ac (0%)
Unshaded/Open Space	12.09 Ac (53%)



Location Map (MIS)

NOT FOR CONSTRUCTION

Legal Description

All that parcel of land lying in Land Lots 76 and 77 of the 17th District, City of Sandy Springs, Fulton County, Georgia, contained 22.80 acres more or less, as shown and described according to that certain Ground Lease and Location survey for American Media Services by LandAir Surveying Company, dated January 14, 2008, last revised February 15, 2008 bearing the seal and certification of H. Tate Jones, Georgia Registered Land Surveyor 2339 which plat is hereby made part of this legal description by this reference and being more particularly described as follows:

Commencing at a point formed by the intersection of the westerly right-of-way line of Roswell Road (Variable R/W) with the southwesterly right-of-way of line of Morgan Falls Road (Variable R/W); THENCE proceed in a westerly direction along the southwesterly right-of-way line of Morgan Falls Road for a distance of 2,749.13 feet to a point and the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING as thus established, proceed South 21 degrees 22 minutes 00 seconds East leaving said Southwesterly right-of-way of Morgan Falls Road for a distance of 499.64 feet to a point;

THENCE proceed North 90 degrees 00 minutes 00 seconds West for a distance of 2041.42 feet to a point set on the Southeasterly right-of-way of Morgan Falls Road (Variable R/W);

Thence proceed along said southeasterly right-of-way of Morgan Falls Road the following courses and distances;

North 51 degrees 44 minutes 55 seconds East for a distance of 699.29 feet to a point;

North 51 degrees 36 minutes 54 seconds East for a distance of 486.16 feet to a point;

Along a curve to the right having a radius of 246.62 feet and an arc length of 171.91 feet, being subtended by a chord of North 70 degrees 34 minutes 10 seconds East for a distance of 168.46 feet to a point;

Along a chord to the right having a radius of 298.12 feet and an arc length of 79.83 feet, being subtended by a chord of South 74 degrees 15 minutes 59 seconds East for a distance of 79.59 feet to a point;

South 67 degrees 33 minutes 02 seconds East for a distance of 39.44 feet to a point;

THENCE South 65 degrees 48 minutes 31 seconds East for a distance of 641.77 feet to a point; and, South 70 degrees 09 minutes 07 seconds East for a distance of 76.35 feet to a point and the TRUE POINT OF BEGINNING.

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SEP 29 2008

City of Sandy Springs
Community Development