

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO ALLOW FOR USE PERMITS TO REVISE THE EXISTING CHURCH,  
SCHOOL, AND DAY CARE USES AND PROPERTY, WITH CONCURRENT VARIANCES**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on December 15, 2009 at 6:00 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 **805, 810, 830, 895, 905 Mount Vernon Highway, and 5540, 5550, 5560 Mount Vernon Parkway, and PIN# 17-0165-LL-018-8**, consisting of a total of approximately 42.3 acres, be allowed a use permit under the R-1 (Single-Family District) and R-2A (Single-Family District) with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 165 of the 17<sup>th</sup> 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**SECTION 6.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

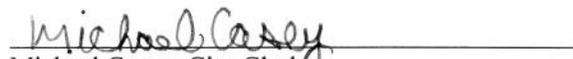
**ORDAINED** this the 15<sup>th</sup> day of December, 2009.

Approved:



Eva Galambos, Mayor

Attest:

  
Michael Casey, City Clerk  
(Seal)



CONDITIONS OF APPROVAL

**U09-007/CV09-011**  
**6024 and 6038 Roswell Road (SR9)**

The City of Sandy Springs Mayor and City Council approved the use permit petition for property at 6024 and 6038 Roswell Road. Use permit petition U09-007/CV09-011 was approved to exceed the maximum district height of six (6) floors or 90 feet, with concurrent variances by the Mayor and City Council at the December 15, 2009 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To a maximum building height of 102 feet (U09-007).
2. To the owner's agreement to abide by the following:
  - a. To the site plan submitted to the Department of Community Development received September 1, 2009 (the "Site Plan"). 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.
  - b. To the architectural elevation drawings/renderings submitted to the Department of Community Development received September 1, 2009. With exception of the architectural treatment and aesthetics of the parking deck, the owner shall abide by the proposed building as shown on the aforementioned architectural elevation drawings/renderings.
  - c. To the Landscape Site Plan submitted to the Department of Community Development received December 3, 2009.
3. To the owner's agreement to provide the following site development standards:
  - a. Variance from Section 12B.8.C.2.a. of the Zoning Ordinance to reduce the required twenty (20) foot minimum yard adjacent to Public Streets to zero (0) feet (CV09-011)(Variance #1).
  - b. Variance from Section 12B.5.B.1. of the Zoning Ordinance to reduce the required ten (10) foot landscape strip from the edge of the sidewalk(s) to a minimum of zero (0) feet (CV09-011) (Variance #2).
  - c. Variance from Section 12B.8.C.4. of the Zoning Ordinance to reduce the required five (5) foot minimum side/rear yard to zero (0) feet (CV09-011) (Variance #3).
  - d. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required five (5) foot side/rear landscape strip to zero (0) feet (CV09-011) (Variance #4).

- e. Variance from Section 12B.5.B.1. of the Zoning Ordinance to reduce the required ten (10) foot landscape strip from the edge of the sidewalk(s) to five (5) feet along the Sandy Springs Drive frontage (CV09-011) (Variance #5).
- f. Variance from Section 12B.4 of the Zoning Ordinance to allow an alternate streetscape design (CV09-011) (Variance #6).
- g. Variance from Section 4.3.5 of the Zoning Ordinance to allow privately owned structures to encroach on public rights-of-way (CV09-011) (Variance #7).
- h. The owner/developer shall dedicate as right of way all property contained within the landscape and sidewalk easement (D.B. 32693, PG 371) or Eleven (11) feet from the back of curb, whichever is greater, along the entire property frontage of Roswell Road, to the City of Sandy Springs as shown on the Zoning Right-of-Way Exhibit ("the Right-of-Way Plan") by Paulson Mitchell received December 2, 2009.
- i. The owner/developer shall dedicate forty-five (45) feet of right of way from the centerline of Hammond Drive R.O.W. along the entire property frontage or thirteen (13) feet from back of curb, whichever is greater to the City of Sandy Springs. In addition, the owner/developer will dedicate any additional area not included in the description of the previous sentence that is contained within the landscape and sidewalk easement (D.B. 32693, PG 371) as shown on the Right-of-Way Plan by Paulson Mitchell received December 2, 2009.
- j. The owner/developer shall dedicate thirty (30) feet of right of way from the centerline of Sandy Springs Place R.O.W. along the entire property frontage or thirteen (13) feet from back of curb, whichever is greater, to the City of Sandy Springs as shown on the Right-of-Way Plan by Paulson Mitchell received December 2, 2009.
- k. The owner/developer will update signalization at the intersection of Roswell Road and Hammond Drive to accommodate new roadway configuration, provide pedestrian access, and meet current city standards. All changes will be made per the approval of the Director of Public Works as part of the LDP.
- l. The owner shall provide additional sidewalk and landscaping along the western side of the proposed parking deck as approved by the Director of Community Development.
- m. If the commercial uses on the subject property require additional parking, as a matter of practice or vehicular overflow, the owner shall utilize the proposed parking deck by a method determined by the Director of Community Development.
- n. The owner/developer shall provide for architectural treatment and aesthetics of the proposed parking deck consistent with the multi-family and commercial portions of the building as shown on the architectural elevation drawings/renderings submitted to the Department of Community Development received September 1, 2009 and indicated in condition 2.b. above.
- o. The owner/developer shall align the western vehicular ingress/egress (curb cut) to the proposed parking garage with the north/south section of Sandy Springs Place, creating a four-way-stop at the intersection of the proposed parking garage curb cut, City Walk

Shopping Center eastern curb cut, Sandy Springs Place (north/south section), and Sandy Springs Place (east/west section) as approved by the Director of Public Works.

- p. The owner/developer shall construct the proposed apartments to condominium building construction standards.



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SEP 01 2009

LEGAL DESCRIPTION  
BY  
SURVEYOR

City of Sandy Springs  
Community Development

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 89  
OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIN SET AT THE SOUTH END OF THE  
MITERED END SECTION THAT FORMS THE INTERSECTION OF THE  
WESTERLY RIGHT OF WAY OF ROSWELL ROAD (65 FOOT RIGHT OF WAY )  
THE NORTHERN RIGHT OF WAY OF HAMMOND DRIVE (VARIABLE RIGHT OF  
WAY);

THENCE, ALONG SAID RIGHT OF WAY NORTH 87 DEGREES 20 MINUTES 29  
SECONDS WEST, 117.84 FEET TO A 1/2 INCH IRON PIN SET;

THENCE, LEAVING SAID RIGHT OF WAY NORTH 04 DEGREES 23 MINUTES  
27 SECONDS EAST, 10.10 FEET TO A 1/2 INCH IRON PIN FOUND;

THENCE, NORTH 02 DEGREES 51 MINUTES 31 SECONDS EAST, 160.84  
FEET TO A 1/2 INCH IRON PIN SET;

THENCE, NORTH 87 DEGREES 53 MINUTES 40 SECONDS WEST, 373.84  
FEET TO A 1/2 INCH IRON PIN SET;

THENCE, NORTH 02 DEGREES 09 MINUTES 08 SECONDS EAST, 154.15  
FEET TO A NAIL SET IN ASPHALT AT THE SOUTHERLY RIGHT OF WAY OF  
SANDY SPRINGS DRIVE (50 FOOT RIGHT OF WAY);

THENCE ALONG SAID RIGHT OF WAY AND ALONG A CURVE TO THE LEFT,  
AN ARC DISTANCE OF 117.61 FEET, SAID CURVE HAVING A RADIUS OF  
292.22 FEET AND BEING SUBTENDED BY A CHORD OF 116.81 FEET, AT  
SOUTH 75 DEGREES 21 MINUTES 41 SECONDS EAST, TO A 1/2 INCH IRON  
PIN SET;

THENCE, SOUTH 86 DEGREES 53 MINUTES 27 SECONDS EAST, 323.51  
FEET TO A 1/2 INCH IRON PIN SET;

THENCE ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 23.25  
FEET, SAID CURVE HAVING A RADIUS OF 392.48 FEET AND BEING  
SUBTENDED BY A CHORD OF 23.24 FEET, AT SOUTH 88 DEGREES 35  
MINUTES 06 SECONDS EAST, TO A 1/2 INCH IRON PIN SET;

THENCE, NORTH 89 DEGREES 43 MINUTES 15 SECONDS EAST, 37.86 FEET  
TO A 1/2 INCH IRON PIN SET AT THE WESTERLY RIGHT OF WAY OF SAID  
ROSWELL ROAD;

THENCE, ALONG SAID RIGHT OF WAY AND ALONG A CURVE TO THE RIGHT,  
AN ARC DISTANCE OF 125.00 FEET, SAID CURVE HAVING A RADIUS OF  
4194.09 FEET AND BEING SUBTENDED BY A CHORD OF 125.00 FEET, AT  
SOUTH 01 DEGREES 44 MINUTES 57 SECONDS WEST, TO A 1/2 INCH  
IRON PIN SET;

THENCE, ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 164.38  
FEET, SAID CURVE HAVING A RADIUS OF 4194.09 FEET AND BEING  
SUBTENDED BY A CHORD OF 164.37 FEET, AT SOUTH 03 DEGREES 43  
MINUTES 33 SECONDS WEST, TO A 1/2 INCH IRON PIN SET AT THE  
NORTH END OF SAID MITERED END SECTION OF THE INTERSECTION OF  
SAID RIGHT OF WAY OF ROSWELL ROAD AND HAMMOND DRIVE;

THENCE, ALONG SAID MITERED END SECTION SOUTH 38 DEGREES 16  
MINUTES 32 SECONDS WEST, 9.60 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 85,471 SQUARE  
FEET OR 1.96 ACRES AND IS SUBJECT TO ANY AND ALL EASEMENTS AND  
OR RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

U09 078