

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO REZONE TO O-I (OFFICE AND INSTITUTIONAL DISTRICT)
CONDITIONAL TO ALLOW A PERSONAL CARE HOME, PROPERTY LOCATED AT 5815
MOUNTAIN CREEK ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on April 20, 2010 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 5815 Mountain Creek Road, consisting of a total of approximately 0.52 acres, be changed from the O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 70 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

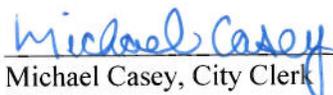
ORDAINED this the 20th day of April, 2010.

Approved:



Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk
(Seal)



CONDITIONS OF APPROVAL

RZ10-001/CV10-001
5815 Mountain Creek Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property located at 5815 Mountain Creek Road. Rezoning petition RZ10-001/CV10-001 was approved to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow a Personal Care Home by the Mayor and City Council at the April 20, 2010 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 Personal Care Home.
 - b. To a 2,721.255 square foot building developed at a density of 5,233.18 square feet per acre.
 - c. To no more than eight (8) occupants (not including the on-site staff) at any given time.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on March 31, 2010. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for 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. The required and/or provided landscape strip(s) and zoning buffer(s) shall be planted to meet the minimum standards as approved by the City Arborist.
 - c. Provide and maintain privacy screening along the southeastern edge of the proposed parking spaces as approved by the Director of Community Development.
 - d. To planting the required landscape strips and zoning buffers to meet the minimum standards as approved by the City Arborist.
 - e. To obtain a Certificate of Occupancy from the City prior to establishing the Personal Care Home use.
 - f. To provide at least one (1) on-site staff person on premises per building twenty-four (24) hours per day.
 - g. To provide a transportation plan for the operation of the Personal Care Home(s) before the issuance of any Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:

- a. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-001).
- b. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary to allow for proposed All-weather surface/Driveway/Parking to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-001).
- c. Variance from Section 8.1.3.C of the Zoning Ordinance to reduce the required twenty (20) foot minimum interior side setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-001).
- d. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Mountain Creek Road 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.

RECEIVED

JAN 08 2010

City of Sandy Springs
Community Development

Legal Description
for
5815 Mountain Creek Road

All that tract or parcel of land lying and being in Land Lot 70 of the 17th District of Fulton County, Georgia, being known as Lot 3, Block B of Mountain Creek Subdivision, Plat Book 59 Page 99 and being more particularly described as follows:

Begin at a ½ inch rebar found on the northeast right-of-way of Mountain Creek Road (50' R/W) 72.42 feet southeast from the southeast intersection of Mountain Creek Road and Carpenter Drive; leaving said right-of-way and running thence N62°-01'-58"E a distance of 238.26 feet to a ½ inch rebar found; running thence S29°-37'-42"E a distance of 90.23 feet to a ½ inch rebar found; running thence S59°-36'-33"W a distance of 232.92 feet to a ¾ inch open top pipe found on the northeast right-of-way of Mountain Creek Road; running thence N32°-37'-50"W along the right-of-way of said road 100.37 feet to the point of beginning; as shown on survey for Sandy Springs Planning and Zoning and Carol Reynolds by Georgia Land Surveying Co., Inc. dated December 24, 2009 and having 0.515 acres and being known as 5815 Mountain Creek Road.

R210-001 / CV10-001