ORDINANCE NO. 2010-04-15
PETITION NO. RZ10-002/CV10-002

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE TO O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO ALLOW PERSONAL CARE HOMES, PROPERTY LOCATED AT 5790 AND 5800 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 5790 & 5800 Mountain Creek Road, consisting of a total of approximately 0.83 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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

RZ10-002/CV10-002

5790 & 5800 Mountain Creek Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property located at 5790 & 5800 Mountain Creek Road. Rezoning petition RZ10-002/CV10-002 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 Personal Care Homes 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 Personal Care Homes.

    b. To one 3,432.559 square foot building and to a second 3,365.037 square foot building developed at a total density of 8,189.88 square feet per acre.

    c. To no more than eight (8) occupants (not including the on-site staff) in each home (16 total) 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. To planting the required landscape strips and zoning buffers to meet the minimum standards as approved by the City Arborist.

    d. To obtain a Certificate of Occupancy from the City prior to establishing the Personal Care Home uses.

    e. To provide at least one (1) on-site staff person on premises per building twenty-four (24) hours per day.

    f. 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 (CV10-002).

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 (CV10-002).

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 (CV10-002).

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.

LEGEND
#5800
AREA
18,006.861 SQ. FT.
0.413 ACRES
#5790
AREA
17,905.952 SQ. FT.
0.411 ACRES
#5815
AREA
22,424.398 SQ. FT.
0.515 ACRES
CARPENTER DRIVE
(75 MPH - POSTED)
MOUNTAIN CREEK ROAD
50' RIGHT-OF-WAY
UNIMPROVED UNKNOWN ROAD
PER TAX MAP
RECEIVED
MAR 31 2010
City of Sandy Springs
Community Development
CURRENT ZONING
REFERENCE
FLOOD STATEMENT
CLOSURE STATEMENT
NOTES
CAROL JUNE REYNOLDS
MOUNTAIN CREEK
12/24/09
1" = 30'
FULTON COUNTY, GEORGIA
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

RECEIVED
JAN 08 2010
City of Sandy Springs
Community Development

Legal Description
for
5790 and 5800 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 Lots 3 and 4, Block A 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 southwest right-of-way of Mountain Creek Road (50' R/W) 200.00 feet southeast from the southwest intersection of Mountain Creek Road and Carpenter Drive; leaving said right-of-way and running thence S57°-22'-35"W a distance of 180.27 feet to a ¾ inch crimp top pipe found; run thence S32°-41'-57"E a distance of 100.18 feet to a ¾ inch open top pipe found; running thence S32°-48'-11"E a distance of 99.64 feet to a ¾ inch crimp top pipe found; run thence N57°-11'-25"E a distance of 180.02 feet to a ½ inch rebar found on the southwest right-of-way of Mountain Creek Road; running thence N32°-54'-44"W along the southwest right-of-way of said road 99.40 feet to a ½ inch rebar found; running thence N32°-26'-40"W along said right-of-way 99.84 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 0.824 acres and being known as 5790 and 5800 Mountain Creek Road.

R210-002 CV10-002