

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE TO C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL, WITH  
A USE PERMIT & CONCURRENT VARIANCE(S), TO ALLOW FOR ADDITIONAL COMMERCIAL  
USES AND TO MAINTAIN THE SELF-STORAGE FACILITY, PROPERTY LOCATED AT 1105 MOUNT  
VERNON HIGHWAY**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on September 21, 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 1105 Mount Vernon Highway, consisting of a total of approximately 1.51 acres, be changed from the C-1 (Community Business District) conditional to C-1 (Community Business District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 19 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

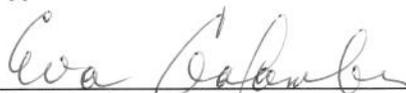
**SECTION 5.** That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

**SECTION 6.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

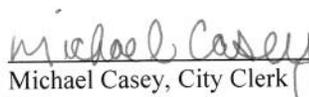
**SECTION 7.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 21<sup>st</sup> day of September, 2010.

Approved:

  
\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

  
\_\_\_\_\_  
Michael Casey, City Clerk

(Seal)



## CONDITIONS OF APPROVAL

**RZ10-006/U10-005/CV10-009****1105 Mount Vernon Highway**

The City of Sandy Springs Mayor and City Council approved the rezoning of property located at 1105 Mount Vernon Highway. Rezoning petition RZ10-006/U10-005/CV10-009 was approved to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional to allow for additional commercial uses and to maintain the self-storage facility by the Mayor and City Council at the September 21, 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 218,469 square foot storage facility with no more than 5,000 square feet of retail and service commercial and general office uses within a single structure developed at a total density of 144,681.45 square feet per acre (U10-005).
  - b. To prohibit the following uses: Indoor Amusements, Art Galleries, Clinics, Financial Establishments, Adult Establishments, Businesses Performing Specified Sexual Activities, Massage Parlors, Lingerie/Bathing Suit Modeling, Laundromats, Laundry & Dry Cleaning Shops, Libraries, Communication Services, Museums, Pet Grooming (no overnight stay), Convenience Printing Shops, Repair Shops not involving manufacturing on site, Research Laboratories, Collecting Recycling Centers, and Convenience Stores. The aforementioned uses shall be prohibited as determined by the Director of Community Development.
  - c. To limit the access to the proposed retail and service commercial uses to the existing main entrance(s).
  - d. To restrict the hours of operation of the proposed retail and service commercial and general office uses to between 6:00 a.m. and 11:00 p.m.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on June 30, 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. To fully implement and utilize the Shared Parking Easement Letter Agreement ("Letter Agreement") between The Home Depot, Inc. and Dunwoody Storage, LLC as written in the Letter Agreement received by the Department of Community

Development July 9, 2010. As stipulated in the Letter Agreement, the owner shall utilize three (3) of Home Depot's parking spaces. Additionally, the owner shall utilize the additional twelve (12) Home Depot's parking spaces offered in the Letter Agreement. The aforementioned total fifteen (15) spaces shall be used for, but not limited to, all employees and tenants within the subject building.

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 delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines. (CV10-009).
  - b. Variance from Section 33.6.8 of the Zoning Ordinance to reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway (CV10-009).
  - c. Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required off-street parking for Mini-warehouses and Retail uses from seventy-one (71) spaces to thirty-three (33) spaces (CV10-009).
  - d. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots (CV10-009).
  - e. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements (CV10-009).
  - f. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Mount Vernon Highway 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.
  - g. The owner/developer shall upgrade the deceleration lane to the permitted access point on Mount Vernon Highway to City of Sandy Springs Driveway Manual standards at time of building permit for the future 4-story self storage building addition as shown on the site plan received by the Department of Community Development on June 30, 2010.

**RECEIVED**

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**LEGAL DESCRIPTION  
New Overall Property**

All that tract or parcel of land lying and being in Land Lot 19, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows: *City of Sandy Springs  
Community Development*

Commencing at the Northwestern end of the miter intersection of the Southern right-of-way of Mount Vernon Highway (variable width right-of-way) and the Westerly right-of-way of Peachtree-Dunwoody Road (variable width right-of-way), being the TRUE POINT OF BEGINNING; thence from the TRUE POINT OF BEGINNING as thus established and following the Westerly right-of-way of Peachtree-Dunwoody Road the following three calls: South 73 degrees 02 minutes 24 seconds East a distance of 47.56 feet to a point; thence South 19 degrees 11 minutes 24 seconds East a distance of 86.46 feet to a point; thence, along the arc of a curve to the left a distance of 72.27 feet said arc having a radius of 446.38 feet and being subtended by a chord with a bearing and distance of South 23 degrees 49 minutes 41 seconds East 72.19 feet to a point; thence departing the Westerly right-of-way of Peachtree-Dunwoody Road South 59 degrees 37 minutes 10 seconds West a distance of 62.49 feet to a point; thence North 30 degrees 22 minutes 50 seconds West a distance of 3.50 feet to a point; thence South 59 degrees 37 minutes 10 seconds West a distance of 9.00 feet to a point; thence North 30 degrees 22 minutes 50 seconds West a distance of 2.00 feet to a point; thence South 59 degrees 37 minutes 10 seconds West a distance of 127.00 feet to a point; thence South 30 degrees 22 minutes 50 seconds East a distance of 5.50 feet to a point; thence South 30 degrees 22 minutes 50 seconds East a distance of 12.00 feet to a point; thence South 59 degrees 37 minutes 10 seconds West a distance of 3.67 feet to a point; thence North 88 degrees 46 minutes 06 seconds West a distance of 22.89 feet to a point; thence North 88 degrees 46 minutes 06 seconds West a distance of 76.53 feet to a point; thence North 88 degrees 46 minutes 06 seconds West a distance of 36.51 feet to a point; thence North 48 degrees 25 minutes 34 seconds West a distance of 117.55 feet to a point; thence South 62 degrees 01 minutes 17 seconds West a distance of 21.35 feet to a point; thence North 44 degrees 44 minutes 53 seconds West a distance of 42.21 feet to a point being on the Southerly right-of-way of Mount Vernon Highway; thence following the Southerly right-of-way the following four calls: North 62 degrees 50 minutes 06 seconds East a distance of 151.86 feet to a point; thence South 12 degrees 42 minutes 21 seconds East a distance of 8.06 feet to a point; thence North 61 degrees 32 minutes 18 seconds East a distance of 67.19 feet to a point; thence North 60 degrees 37 minutes 10 seconds East a distance of 162.63 feet to the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 65669 square feet or 1.51 acres as shown on a Site plan for Dunwoody Self Storage, prepared by Travis Pruitt and Associates, Inc., dated June 16, 2006.

R210-006 / 410-005 / CV10-007

