

STATE OF GEORGIA
COUNTY OF FULTON

**TO REZONE TO O-I (OFFICE AND INSTITUTIONAL DISTRICT) TO ALLOW A
FUNERAL HOME AND AN ART/AUCTION GALLERY, PROPERTY LOCATED AT
4579 ROSWELL ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on September 18, 2012 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 4579 Roswell Road, consisting of a total of approximately 2.07 acres, be changed from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow a Funeral Home and an Art/Auction Gallery, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lots 93 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

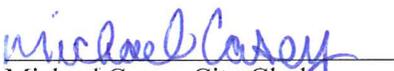
SECTION 6. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

APPROVED AND ADOPTED this the 18th day of September, 2012.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**RZ12-007/CV12-010
4579 Roswell Road**

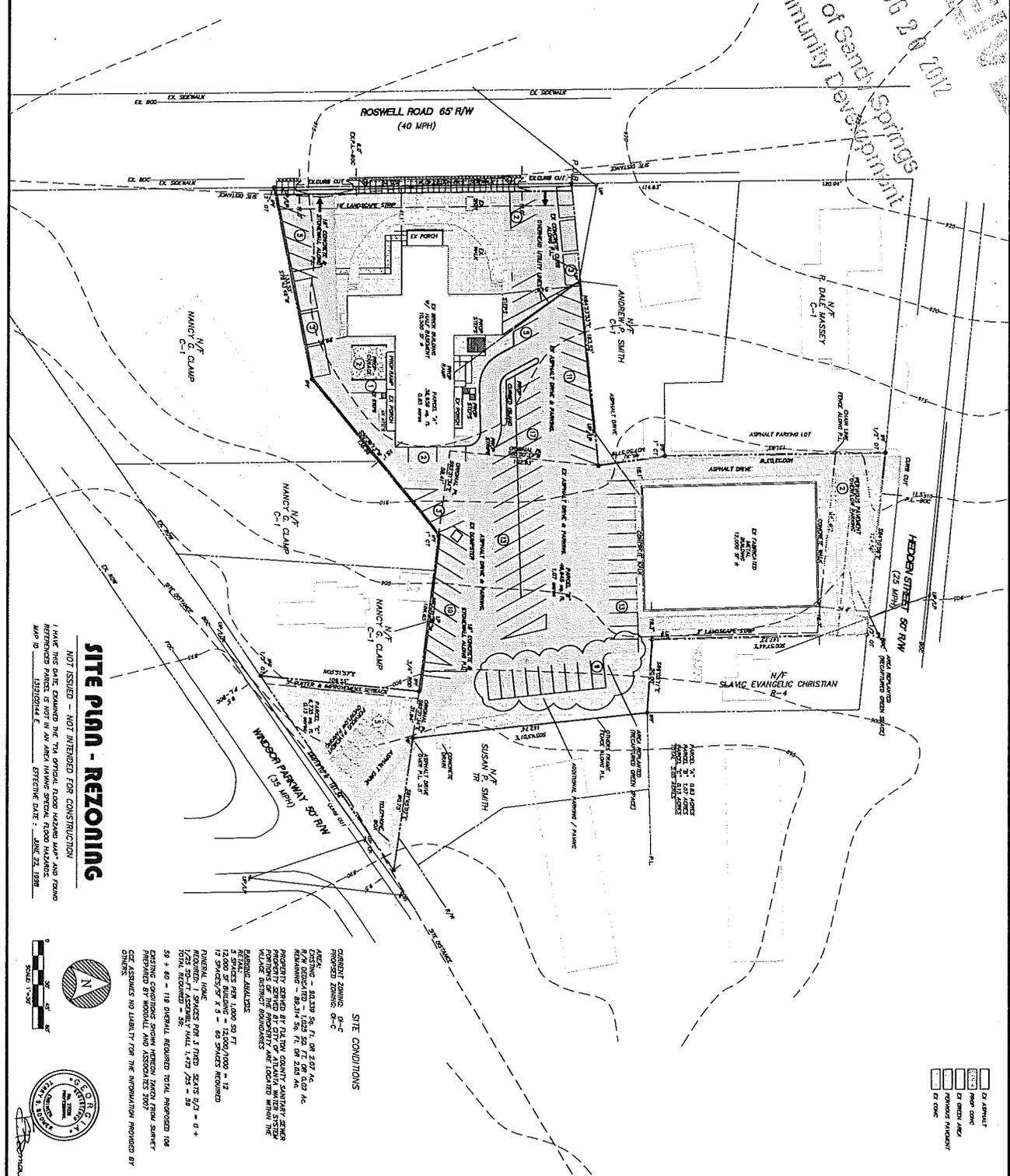
Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of property owned by PDB Family Limited Partnership, LLLP, located at 4579 Roswell Road. Rezoning petition RZ12-007/CV12-007 was approved to rezone from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow a Funeral Home, Art/Auction Gallery by the Mayor and City Council at the September 19, 2012 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 Funeral Home, Art/Auction Gallery and accessory uses in the existing buildings at a density of 10,869.57 gross square feet per acre or 22,500 gross square feet, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated August 20, 2012. 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. 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 owner/developer shall submit to the City of Sandy Springs a combination plat, which will be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County prior to the issuance of a certificate of occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate, to the City of Sandy Springs, sufficient right-of-way along the Roswell Road frontage of the subject property to accommodate driveway reconstruction pursuant to the T-0019 capital improvement project plan adopted on (date). Said right-of-way dedication shall be recorded prior to the issuance of a Certificate of Occupancy/Certificate of Completion for the building remodeling and shall be subject to the approval of the Public Works Department.
 - b. The owner/developer shall dedicate thirty (30) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, from centerline of Windsor Parkway along the entire property frontage to the City of Sandy Springs.
 - c. The owner/developer shall dedicate twenty-five (25) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, from centerline of Hedden Street along the entire property frontage to the City of Sandy Springs.
 - d. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north and south. Should the owner/developer not come to an agreement on interparcel access at this time, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future inter-parcel access, prior to the issuance of an LDP.

- e. To reduce the required forty (40) foot front setback along Hedden Street to thirty-four (34) feet to allow the existing 12,000 square foot building to remain (CV06-032).
- f. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback to a two (2) foot landscape strip abutting property zoned R-4 (Single Family Dwelling District) along property line $S00^{\circ}57'44''E$ 147.73' (CV06-032).
- g. To delete the required twenty-five (25) foot buffer and ten (10) foot improvement setback abutting property zoned R-4 (Single Family Dwelling District) along property line $S86^{\circ}05'11''E$ 50' (CV06-032).
- h. To reduce the required twenty-five (25) foot buffer and ten (10) foot improvement setback abutting zoned TR (Townhouse Residential District) along property line $S05^{\circ}45'01''E$ 162.71' to twenty (20) feet. Buffer shall be replanted to buffer standards subject to the approval of the Sandy Springs Arborist. Buffer shall be replanted prior to the issuance of the certificate of occupancy (CV12-010).
- i. To delete the required twenty-five (25) foot buffer and ten (10) foot improvement setback abutting zoned TR (Townhouse Residential District) along property line $S81^{\circ}45'02''E$ 90.75' (CV06-032).
- j. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property lines $S82^{\circ}31'34''W$ 106.65', $S50^{\circ}39'13''W$ 138.88', and $S78^{\circ}43'49''W$ 133.55' to allow the existing paving and parking to remain (Section 4.23.1, Minimum Landscape Strips and Buffers) (CV06-032).
- k. To allow the existing monument sign to encroach into the required ten (10) landscape strip along the Roswell Road (SR 9) frontage (CV06-032).
- l. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property line $N84^{\circ}23'53''E$ 193.52' to allow the existing driveway, paving, and parking to remain (CV06-032).
- m. To delete the required five (5) foot landscape strip abutting property zoned C-1 (Community Business District) along property lines $N07^{\circ}50'57''E$ 46.30' and $N00^{\circ}32'03''E$ 151.82' to allow the existing driveway to remain (CV06-032).
- n. To reduce the required number of parking spaces from 119 to 106 (CV12-010) subject to the following conditions:
 - i. The 12,000 square foot building (Gallery) shall have exclusive right to use twelve (12) marked spaces immediately in front of the Gallery building between the hours of 8:00 AM and 5:00 PM.
 - ii. The 10,500 square foot building (Funeral Home) shall have exclusive right to use three (3) marked spaces.
 - iii. All other parking spaces on the property shall be shared spaces pursuant to the conditions noted below:

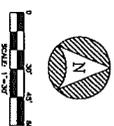
1. The Gallery shall have use of shared parking spaces for auction events up to twelve (12) Sundays per calendar year, between the hours of 11:00 AM and 7:00 PM, but not more than once every three (3) weeks for; and
 2. The Gallery shall have use of the shared spaces for up to thirteen (13) specific weekdays (Monday-Friday) per calendar year, between the hours of 4:00 PM and 9:00 PM, but not more than once every three (3) weeks.
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- o. The owner/developer agrees to ensure that the dumpster will remain in a location central to the property and not in close proximity to the residential uses to the east of the property as shown on the site plan received by the Department of Community Development dated August 20, 2012.
 - p. The owner/developer agrees to prohibit access to the property from Hedden Street except for the access of the two (2) pervious paver overflow parking spaces.
 - q. The owner/developer agrees not to have any display of "for sale" items on the property within view of Roswell Road (SR 9).
 - r. To allow parking within the forty (40) foot front yard setback (CV12-010).

RECEIVED
 AUG 28 2012
 City of Sandy Springs
 Community Development



SITE PLAN - REZONING

NOT ISSUED - NOT INTENDED FOR CONSTRUCTION
 I HAVE THIS DATE EXAMINED THE TIA ORIGINAL PLANS AND FOUND
 REFERENCES TO THIS DATE IN THE AREA WHERE SPECIAL ROAD IMPROVEMENTS
 ARE REQUIRED.
 EXPIRES DATE: 08/28/2012



SITE CONDITIONS

EXISTING ZONING: OI-C
 EXISTING - 30,339 Sq. Ft. ON 2.07 AC.
 N/A (NO) - 1,100 Sq. Ft. ON 0.02 AC.
 PROPERTY OWNED BY: RUTH GUNTER SAUNDERS
 PROPERTY SAVED BY: CITY OF ATLANTA, WINDY RIDGE
 WINDY RIDGE COMMUNITY DEVELOPMENT
 WINDY RIDGE COMMUNITY DEVELOPMENT

PARCEL ANALYSIS

EXISTING: 30,339 SQ. FT.
 12,000 SQ. BUILDING - 12,000/100 = 12
 12 SPACES/10' X 3 = 60 SPACES REQUIRED
 1/25 SQ. FT. ASSEMBLY HALL, 1,472 SQ. = 59
 TOTAL REQUIRED = 56
 59 + 60 = 119 DRIVEWAY REQUIRED TOTAL PROPOSED FOR
 EXISTING CONDITIONS SHOW WINDY RIDGE FROM SINKHY
 PROPOSED BY: WINDY RIDGE AND ASSOCIATES 3107
 C/O. ASSUMES NO LIABILITY FOR THE INFORMATION PROVIDED BY

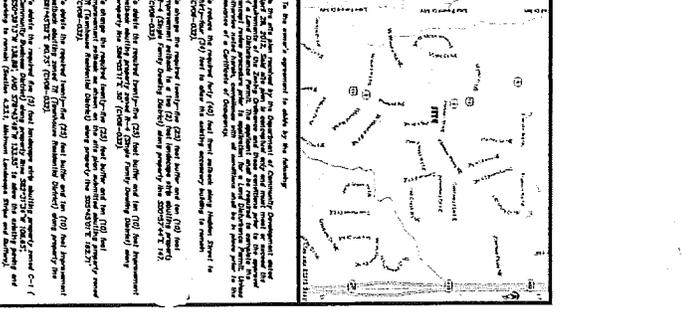
Civil Consulting Engineers, Inc.

123 CEDAR WOODS TRAIL
 CANTON, GA 30114
 678-462-4272
 OFFICE@CIVILCONSULTINGENR.COM

PROJECT: COMMUNITY FUNERAL SERVICE
 PROJECT ADDRESS: 4579 ROSWELL ROAD
 OWNER: PDB FAMILY PARTNERSHIP, LLP
 OWNER ADDRESS: 4579 ROSWELL ROAD
 CLIENT ADDRESS: SANDY SPRINGS, GA
 REVISION: 07/31/2012, 08/20/2012
 DATE: 04/29/2012 DWG: 2012007R23

SITE ANALYSIS: ZONED OI-C

DENSITY: 10.078/ACRE OR 22,500 GROSS
 DENSITY: 10.976/ACRE OR 22,500 GROSS SF
 PARKING REQUIRED: 119 PARKING PROVIDED: 106



Legal Description

All that tract or parcel of land lying and being in Land Lots 94 of the 17th District City of Sandy Springs within Fulton County, Georgia and being more particularly described as follows:

Commencing from the intersection of the southerly right-of-way of Hedden Street (having a 50 foot right-of-way) and the easterly right-of-way of Roswell Road (having a 65 right-of-way), Thence along said right-of-way of Roswell Road proceeding in a southerly direction for a distance of 234.97 feet to a point, said point being the **TRUE POINT OF BEGINNING**;

Thence leaving said right-of-way proceeding North 84 degrees 23 minutes 53 seconds East for a distance of 193.52 feet to a point; Thence proceeding North 07 degrees 50 minutes 57 seconds West for a distance of 46.30 feet to a 1" crimp top found; Thence proceeding North 00 degrees 32 minutes 03 seconds West for a distance of 151.82 feet to a ½" open top found along said right-of-way of Hedden Street; Thence along said right-of-way proceeding South 84 degrees 10 minutes 06 seconds East for a distance of 124.56 feet to a ½" open top found; Thence leaving said right-of-way proceeding South 00 degrees 57 minutes 44 seconds East for a distance of 147.73 feet to a point; Thence proceeding South 86 degrees 05 minutes 11 seconds East for a distance of 50.00 feet to an iron pin found; Thence proceeding South 05 degrees 45 minutes 01 seconds East for a distance of 162.74 to a nail found; Thence proceeding South 81 degrees 45 minutes 02 seconds East for a distance of 90.75 feet to a point along the right-of-way of Windsor Parkway (having a 50 right-of-way); Thence along said right-of-way proceeding South 55 degrees 19 minutes 10 seconds West for a distance of 161.34 feet to a ½" open top found; Thence leaving said right-of-way proceeding North 05 degrees 51 minutes 57 seconds East for a distance of 109.55 feet to a ¼" rod found; Thence proceeding North 82 degrees 31 minutes 34 seconds West for a distance of 106.65 feet to a 1" crimp top found; Thence proceeding South 50 degrees 39 minutes 13 seconds West for a distance of 138.88 feet to a iron pin found; Thence proceeding South 78 degrees 43 minutes 49 seconds West for a distance of 133.55 feet to a 2" open top found along the said right-of-way of Roswell Road; Thence along said right-of-way proceeding North 00 degrees 27 minutes 40 seconds West for a distance of 205.26 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said parcel containing 2.07 acres

Exhibit "A"

Received

MAY 01 2012

**City of Sandy Springs
Community Development
Department**