

STATE OF GEORGIA
COUNTY OF FULTON

**TO REZONE TO A-1 (APARTMENT DWELLING DISTRICT) TO ALLOW A MIXED
USES DEVELOPMENT, PROPERTIES LOCATED AT 4550, 4558, 4586, & 4616
ROSWELL ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on July 16, 2013 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 properties located 4550, 4558, 4586, & 4616 Roswell Road, consisting of a total of approximately 21.246 acres, be changed from A-1 (Apartment Dwelling District) to MIX (Mixed Use District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 94 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 City Council and the signature of approval of the Mayor.

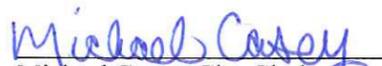
APPROVED AND ADOPTED this the 16th day of July, 2013.

Approved:



Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

201201766
4550, 4558, 4586, & 4616 Roswell Road

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of properties owned by Roswell Windsor, LTD at 4550, 4558, 4586, and 4616 Roswell Road. Rezoning petition 201201766 was approved to rezone from A-1 (Apartment Dwelling District) to MIX (Mixed Use District) conditional by the Mayor and City Council at the July 16, 2013 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a maximum density of 1,412.03 gross square feet per acre or 30,000 gross square feet, whichever is less.
 - b. Retail/Restaurant and associated accessory uses at a maximum density of 4,236.10 gross square feet per acre or 90,000 gross square feet, whichever is less.
 - c. No more than 630 residential units at a maximum density of 29.65 units per acre, whichever is less.
 - d. The maximum building height shall be four (4) stories on the exterior of all residential buildings adjacent to single family residential properties along the west property line or ~~60 feet, whichever is less~~, for the residential building for Phase I and five (5) stories on the exterior of all buildings ~~adjacent to nonresidential uses along the west property line, whichever is less~~, for the residential building for Phase 2 as shown on the site plan dated received June 20, 2013. (Use permit 201201766)
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 20, 2013. 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 any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, 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 the first Certificate of Occupancy.
 - b. Exterior of all buildings should be limited to brick, stone, hard coat stucco, cementitious material and hardiplank, with no wood.
 - c. Ceiling heights should be ten (10) feet.
 - d. All units shall be individually metered and/or submetered.
3. To the owner's agreement to provide the following site development standards:

- a. All project improvements required by Georgia Regional Transportation Authority (GRTA) and outlined in the Notice of Decision dated January 30, 2013, except for West Wieuca at Driveway 3 (Construction of an eastbound left-turn lane along West Wieuca Road), shall be completed prior to the issuance of the first apartment unit certificate of occupancy.
- b. Unless the Developer can provide acceptable documentation to the City of Sandy Springs Director of Community Development that right-of-way cannot be obtained, construction of the eastbound left-turn lane along West Wieuca Road shall be required. Construction of said turn lane shall be completed prior to issuance of any building permit for phase II, (labeled on site plan dated June 20, 2013 as residential 2).
- c. A retaining wall shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 20, 2013 by the Department of Community Development, for the variance herein, showing a reduction in the 25 foot impervious surface setback to seventeen (17) feet to allow a retaining wall, where necessary to accommodate the portion of the encroachment only (Variance #1 201201766).
- d. To allow a second monument sign along the Roswell Road frontage (Variance #2 201201766).
- e. To reduce the required parking from 1,563 to 1,524 a reduction of 39 parking spaces. (Variance #3 201201766).
- f. Development shall comply with the Georgia Stormwater Management Manual Stormwater Runoff Quality Standard by providing practices that treat the water quality volume by infiltration and/or evapotranspiration.
- g. The tributary buffer designated in condition 2.a. shall be planted and maintained subject to the City Arborist in order to ensure full screening of the proposed development from the abutting residences.
- h. All exterior lighting attached to the westerly and northerly building facades directly abutting and/or visible to single family residential properties shall be attached at no level above the first floor and shall be shielded so that the light source is not visible from the adjacent residences and is directed downward.
- i. All lighting along the westerly driveway (from West Wieuca Road to the entrance to the most northerly multi-family building) and any other lighting placed between the most westerly buildings and the westerly property line shall be at a height which can be screened by the zoning buffer and tributary buffer, as determined by the City Arborist, and be shielded so the light source is not visible from any residential properties.
- j. All parking lot lighting shall be shielded so that the light source is not visible from any single family residential property.
- k. A vegetative screening subject to the approval of the City Arborist shall be placed at the westerly end of the driveway aligned with the relocated Windsor Parkway in order to ensure that headlights can be screened from adjacent residences. This planting wall may be placed within the 10-foot improvement setback of the tributary buffer.

- l. Provide physical screening for the commercial loading docks so that noise can be abated to both Cherokee Park and to the proposed apartments.
- m. No detention facilities (above or below ground) shall be placed in the tributary buffer or the improvement setback.
- n. Traffic calming subject to the approval of the Director of Community Development shall be placed along the length of the driveway from the relocated Windsor Parkway intersection to West Wieuca Road.
- o. All property boundary fencing shall have a durable black coating to minimize its visual impact from the residential neighborhood to the west.
- p. No air conditioning units or other mechanical equipment shall be located between the face of the most westerly buildings and the westerly property line. All mechanical equipment located on rooftops shall be fully screened and shielded from adjacent residential properties.
- q. All dumpsters and trash containers for the residential buildings, as well as service areas, will be located within the buildings.
- r. No construction **and/or tractor trailer truck** access is permitted **to** or from West Wieuca Road.

201201760

RECEIVED

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LEGAL DESCRIPTION:

City of Sandy Springs
Community Development

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING IN LAND LOT 94 OF THE 17th DISTRICT OF FULTON COUNTY GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED AS 21.246 ACRES (927,541 SQ. FT.) ON AN EXHIBIT MAP FOR JLB REALTY LLC, DATED AUGUST 6, 2012, BY HARDY SURVEYING GROUP AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT A #4 REBAR FOUND AT THE RIGHT-OF-WAY INTERSECTION BETWEEN THE WESTERLY RIGHT-OF-WAY OF ROSWELL ROAD (65' R/W) AND THE COMMON LINE OF LAND LOTS 94 AND 95, SAID POINT BEING THE POINT-OF-COMMENCEMENT, (P.O.C.) THENCE CONTINUING IN A NORTHERLY DIRECTION ALONG THE WESTERLY RIGHT-OF-WAY OF ROSWELL ROAD NORTH 00 DEGREES 07 MINUTES 25 SECONDS WEST (N00°07'25"W) FOR A DISTANCE OF 443.33' TO A #5 REBAR FOUND, SAID REBAR BEING THE POINT-OF-BEGINNING, (P.O.B.);

FROM THE POINT-OF-BEGINNING, (P.O.B.) THUS ESTABLISHED; THENCE TURNING AND LEAVING THE WESTERLY RIGHT-OF-WAY OF ROSWELL ROAD (65' R/W) AND CONTINUING SOUTH 88 DEGREES 59 MINUTES 24 SECONDS WEST (S88°59'24"W) FOR A DISTANCE OF 369.24' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 00 DEGREES 16 MINUTES 10 SECONDS EAST (S00°16'10"E) FOR A DISTANCE OF 425.75' TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG THE COMMON LINE TO LAND LOTS 94 AND 95 NORTH 89 DEGREES 35 MINUTES 53 SECONDS WEST (N89°35'53"W) FOR A DISTANCE OF 226.96' TO A POINT; THENCE TURNING AND CONTINUING NORTH 89 DEGREES 26 MINUTES 20 SECONDS WEST (N89°26'20"W) FOR A DISTANCE OF 109.45' TO AN IRON PIN FOUND; THENCE TURNING AND LEAVING SAID LAND LOT LINE AND CONTINUING NORTH 00 DEGREES 21 MINUTES 16 SECONDS WEST (N00°21'16"W) FOR A DISTANCE OF 416.89' TO A NAIL FOUND; THENCE TURNING AND CONTINUING SOUTH 88 DEGREES 52 MINUTES 39 SECONDS WEST (S88°52'39"W) FOR A DISTANCE OF 100.13' TO A CRIMPED TOP PIPE FOUND; THENCE TURNING AND CONTINUING NORTH 00 DEGREES 20 MINUTES 51 SECONDS WEST (N00°20'51"W) FOR A DISTANCE OF 269.01' TO A #4 REBAR FOUND; THENCE CONTINUING NORTH 00 DEGREES 35 MINUTES 38 SECONDS WEST (N00°35'38"W) FOR A DISTANCE OF 263.50' TO A POINT; THENCE TURNING AND CONTINUING NORTH 00 DEGREES 32 MINUTES 39 SECONDS WEST (N00°32'39"W) A DISTANCE OF 448.20' TO A OPEN TOP FOUND; THENCE TURNING AND CONTINUING ALONG THE LINE OF N/F BUCKHEAD STORE ALL LP SOUTH 89 DEGREES 16 MINUTES 01 SECONDS EAST (S89°16'01"E) A DISTANCE OF 617.70' TO A #4 REBAR FOUND; THENCE CONTINUING ALONG SAID LINE NORTH 86 DEGREES 00 MINUTES 59 SECONDS EAST (N86°00'59"E) A DISTANCE OF 187.10' TO A POINT AT THE WESTERLY RIGHT-OF-WAY OF ROSWELL ROAD (65' R/W); THENCE TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY OF ROSWELL ROAD (65' R/W) AND ALONG A CURVE THAT DEFLECTS TO THE RIGHT WITH A RADIUS OF 1613.35', ARC LENGTH OF 115.25', CHORD BEARING SOUTH 03 DEGREES 14 MINUTES 52 SECONDS EAST (S03°14'52"E) A CHORD DISTANCE OF 115.22' TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 00 DEGREES 19 MINUTES 24 SECONDS EAST (S00°19'24"E) A DISTANCE OF 327.84' TO A #4 REBAR FOUND; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 00 DEGREES 14 MINUTES 26 SECONDS EAST (S00°14'26"E) FOR A DISTANCE OF 263.53' TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 00 DEGREES 14 MINUTES 26 SECONDS EAST (S00°14'26"E) FOR A DISTANCE OF 264.70' TO A #5 REBAR FOUND, SAID REBAR BEING THE POINT-OF-BEGINNING, (P.O.B.).

