

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE FROM O-I (OFFICE AND INSTITUTIONAL DISTRICT), C-1 (COMMERCIAL BUSINESS DISTRICT) AND A-O (APARTMENT OFFICE DISTRICT) TO A-L (APARTMENT-LIMITED DWELLING DISTRICT), PROPERTIES LOCATED AT 180 ALLEN ROAD AND 185 CLIFTWOOD DRIVE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on December 17, 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 180 Allen Road and 183 Cliftwood Drive, consisting of a total of approximately 4.2606 acres, be changed from O-I (Office and Institutional District), C-1 (Community Business District) and A-O (Apartment Office District) to A-L (Apartment-Limited Dwelling District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being in Land Lot 90 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

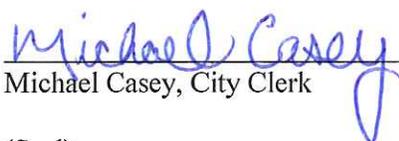
APPROVED AND ADOPTED this the 17th day of December, 2013.

Approved:



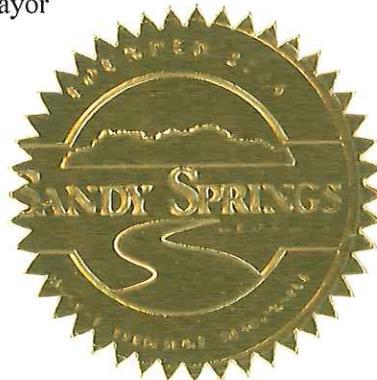
Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

201302883

180 Allen Road and 185 Cliftwood Drive

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of properties owned by Fulton-Allen Road Associates, LLC at 180 Allen Road and 185 Cliftwood Drive. Rezoning petition 201302883 was approved to rezone from O-I (Office and Institutional District), C-1 (Commercial Business District) and A-O (Apartment Office District) to A-L (Apartment Limited Dwelling District) conditional by the Mayor and City Council at the December 17, 2013 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Multi-Family Units and associated accessory uses at a density of 58.21 units per acre or 248 units, whichever is less.
 - b. Said property shall be limited to one (1) and Two (2) bedroom units, with **fifteen (15)** three (3) bedroom units.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on September 19, 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 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. To the elevation plan received by the Department of Community Development on September 18, 2013. Said elevations 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 elevations plans to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for Building Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. **Reserve for the City of Sandy Springs the necessary property to construct the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the City Center Master Plan Street Network. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation; however, Owner/Developer shall be**

permitted to install driveway and other improvements as shown on site plan received by the Department of Community Development on September 19, 2013.

Eighteen (18) feet from the interior east property line, subject to the approval of the Director of Community Development.

- b. Exterior of all buildings should be limited to brick, stone, hard coat stucco, fiber cement siding/trim, PVC (trim and windows only) or fiberglass (windows or doors). Wood shall be allowed as a trim element only.
- c. Roof shingles shall be fiberglass asphalt architectural style shingles in dark gray, charcoal, black, dark brown, no green, white or red brick color.
- d. All permanent dumpsters and trash containers for building as well as service areas will be located within the building or garage.
- e. Any entrance gates on Allen Road or Cliftwood Drive shall be dark color ornamental style steel or aluminum.
- f. Dark color vinyl dipped chain link fencing can be used were it will not front Allen Road or Cliftwood Drive.
- g. Parking deck exterior shall incorporate finished concrete surface, paint or a complementary building material. Parking deck should have a landscaping area at the bass to conceal as much as possible. Examples of unacceptable concrete treatments are located in Exhibit A and examples of unacceptable concrete treatments are located in Exhibit B of the document titles "180 Allen Road & 185 Cliftwood Dr. Neighbor Conditions".
- h. All HVAC and mechanical equipment shall be fully screened even if it is located on rooftops (i) unless the same are not visible from Allen Road, Roswell Road, or Cliftwood Drive or (ii) Developer elects to use "wall pack" HVAC units.
- i. All construction vehicles must enter and exit to Roswell Road. This shall be a clause in any applicable construction contract.
- j. Retaining walls fronting on Allen Road or Cliftwood Drive shall be modular block, brick or stone or concrete block faced with brick or stone.
- k. All elevators shall be located within the interior of all buildings and parking garage footprints.
- l. A pool shall be built as a resident amenity.
- m. Interior ceiling heights should be a minimum of nine (9) feet.
- n. All units shall be individually metered and/or submetered.
- o. Variance from Section 4.23.1 to allow retaining walls to be located in the landscape strip fronting Allen Road (CV-201302883 #1).

- p. Variance from Section 12B.8.A.7 to allow parking between the sidewalk and the building on the Cliftwood Drive frontage (CV 201302883 #2).
- q. Variance from 12B.8.C.2.b to increase the maximum building setback on Cliftwood Drive from 40 feet to 230 feet (CV 201302883 #3).
- r. Variance from Section 12B.8.F.2.b.v to increase the maximum length of the building adjacent to the street from 200 feet to 218 feet. (CV-201302883 #4).
- s. Variance from Section 12B.8.F.2 c. i to reduce the 60% to 20.75% transparent glazing on the ground floor façade along the north and west elevations. (CV-201302883 #5).
- t. Variance from Section 12B.8.F.c.ii to increase the minimum window distance from 10 feet to 17 feet along the north and west elevations. (CV-201302883 #6).

201302883

RECEIVED

SEP 03 2013

City of Sandy Springs
Community Development

EXHIBIT "A"
LEGAL DESCRIPTION

Being all that tract or parcel of land lying and being in Land Lot 90, 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a 1/2 inch rebar set on the northerly right-of-way of Allen Road (having an apparent 50' right-of-way) said rebar set 320 feet westerly along the aforesaid right-of-way of Allen Road from the intersection of said northerly right-of-way of Allen Road and the westerly right-of-way of Roswell Road per record information; thence, leaving the aforesaid POINT OF BEGINNING as thus established and continuing with the said right-of-way of Allen Road

1. North 89° 47' 00" West, 300.00 feet to a 1/2 inch rebar found; thence, leaving the aforesaid right-of-way of Allen Road and running with lands now or formerly owned by Housing Authority of Fulton County per Deed Book 6236, Page 299 and Deed Book 6236, Page 300 recorded among the Land Records of Fulton County, Georgia
2. North 00° 02' 00" East, 563.96 feet; thence, leaving the lands of Housing Authority of Fulton County and running with the southerly platted line of Bristol Hills Subdivision per Plat Book 56, Page 93
3. South 89° 48' 58" East, 119.78 feet; thence, leaving the aforesaid platted line of Bristol Hills Subdivision
4. North 04° 11' 02" East, 163.47 feet to a point on the southerly right-of-way line of Cliftwood Drive (having an apparent variable right-of-way); thence, running with the said right-of-way of Cliftwood Drive
5. 111.25 feet along the arc of a curve deflecting to the right, having a radius of 914.52 feet and a chord bearing and distance of South 86° 21' 29" East, 111.18 feet; thence, leaving the aforesaid right-of-way of Cliftwood Drive
6. South 03° 26' 02" West, 156.61 feet; thence, running with the aforesaid platted line of Bristol Hills Subdivision
7. South 89° 48' 58" East, 66.72 feet; thence, leaving the said platted line of Bristol Hills Subdivision and running with lands now or formerly of Dorothy R. Bolling per Deed Book 52020, page 661, aforesaid records
8. South 00° 02' 00" West, 71.58 feet; thence, leaving the aforesaid lands of Dorothy R. Bolling and running with lands now or formerly of Andrews Buckhead Properties per Deed Book 10592, Page 114, Deed Book 21786 Page 148 and Deed Book 21786, Page 152, aforesaid records
9. North 89° 59' 37" West, 6.24 feet; thence,
10. South 00° 12' 18" East, 304.85 feet; thence,
11. South 89° 59' 01" East, 4.97 feet; thence, leaving the aforesaid lands of Andrews Buckhead Properties and running with lands now or formerly of The Mary Virginia Seagraves Irrevocable Trust per Deed Book 21739, Page 164, aforesaid records
12. South 00° 02' 00" West, 187.70 feet to the POINT OF BEGINNING.

The above described property contains 185,590 square feet or 4.2606 acres of land, more or less and is shown on and described according to that certain ALTA/ACSM Land Title Survey for Fulton-Allen Road Associates, LLC, ECI ARA, LLC, ARP Sandy Springs, LLC, Branch Banking and Trust Company and First American Title Insurance Company, prepared by TerraMark Land Surveying, Inc., dated May 24, 2013, which survey is hereby made a part of this description by this reference.

