

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE FROM R-4 (SINGLE FAMILY DWELLING DISTRICT), A-1 (APARTMENT DWELLING DISTRICT), C-1 (COMMUNITY BUSINESS DISTRICT), AND UNZONED TO C-1 (COMMUNITY BUSINESS DISTRICT) FOR PROPERTIES LOCATED AT 4920 ROSWELL ROAD AND 115 W BELLE ISLE ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on September 15, 2015 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 at 4920 Roswell Road and 115 W Belle Isle Road (tax parcel ID #170034LL0120, #17 009300061319 and #17 009300021073), consisting of a total of approximately 14.024 acres, be changed from R-4 (Single Family Dwelling District), A-1 (Apartment Dwelling District), C-1 (Community Business District), and Unzoned to C-1 (Community Business District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 97 of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. 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 3. 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 4. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 5. This Ordinance shall become effective upon adoption by the City Council and the signature of approval of the Mayor.

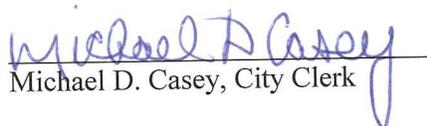
APPROVED AND ADOPTED this the 15th day of September, 2015.

Approved:



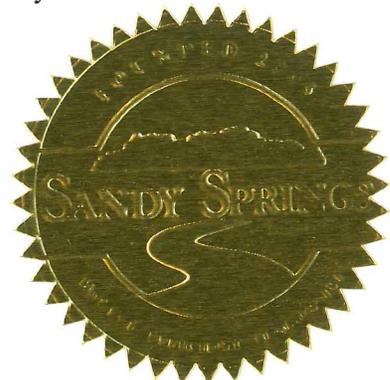
Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

201501514

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of property owned by AmREIT Fountain Oaks LP at 4920 Roswell Road and 115 W Belle Isle Road (tax parcel ID #170034LL0120, #17 009300061319 and #17 009300021073), Sandy Springs, Georgia. Rezoning petition 201501514 was approved to rezone from R-4 (Single Family Dwelling District), A-1 (Apartment Dwelling District), C-1 (Community Business District), and Unzoned to C-1 (Community Business District) and seventeen (17) Concurrent Variances related to the proposed redevelopment of an existing Kroger by the Mayor and City Council at the September 15, 2015 hearing, subject to the following conditions:

Zoning

1. To the owner's agreement to abide by the following:
 - a. To the site plan identified in Item 2(1) below, received by the Department of Community Development on August 18, 2015. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance subject to any and all approved variances and 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 limit deliveries by truck at the loading dock located at the back of the building between the hours of 7:00am and 10:00pm.

2. To the owner's agreement to abide by the following conditions from the "Community Zoning Support Agreement" between the Applicant, West Belle Isle Homeowners Association and West Belle Isle Road Neighbors dated August 17, 2015 and received by the Department August 18, 2015:
 - (1) The Kroger store expansion shall be developed in substantial consistency with the attached Rezoning Site Plan labeled "RZ-1B" and dated 08-10-15 (the "Amended Site Plan").
 - (4) Truck deliveries to the Property shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. No delivery trucks shall be allowed to arrive before 7:00 a.m. or remain after 10:00 p.m. In addition, the loading dock door shall remain closed between the hours of 11:00 p.m. and 7:00 a.m. preventing any unloading of goods from trailers parked overnight during those hours. Trucks shall also refrain from sounding their horns, except in case of emergency, on West Belle Isle Road and on the Property.
 - (5) (Tractor-trailer deliveries shall be staggered to ensure that tractor-trailers will not idle on West Belle Isle. An indicator light system shall be installed to alert drivers whether the loading dock is full thus allowing tractor-trailers to turn into the shopping center and exit onto Long Island Drive if the docks are full.

- (6) Garbage pickup and street sweeping on the Property shall be restricted to the following hours: 7:30 a.m. to 7:30 p.m. on weekdays, 8:00 a.m. to 5:00 p.m. on Saturdays, and at no time on Sundays or legal holidays.
 - (7) The ground-based compressor unit serving the Kroger store, currently located adjacent to the detention facility on the western facade of the building, shall be relocated to a location inside the building prior to the issuance of a Certificate of Occupancy for the proposed store expansion area.
 - (8) Lights mounted on poles in the loading area shall be motion-activated and pointed down and away from adjacent residential properties.
 - (9) Lights currently mounted on the rear (western) facade of the building shall be converted to motion-activated lights with shields installed to minimize the amount of light that shines on adjacent residential properties.
 - (13) The northern façade of the expansion area shall be constructed with “Quik Brik” (see exhibit attached) or brick.
 - (14) One "Stop" sign shall be installed at the exit from the Property to West Belle Isle Road and one "Stop" sign shall be installed at the exit from the Property to Long Island Drive.
 - (15) Subject to approval by the City of Sandy Springs, two “No Truck Idling or Parking” signs shall be installed on the northern side of the right-of-way of West Belle Isle Road.
 - (17) The western wall of the expansion area shall be constructed of concrete masonry units (CMU). The CMU wall shall be painted with a two color paint scheme: the lower approximately 30% of the wall shall be painted with a brick color (similar in tone to the color of the brick of the northern façade) and with the upper approximately 70% of the wall being painted a light tan color similar to the existing western façade.
 - (18) Equipment attached to the roof of the Kroger store expansion area shall either be screened from view or located such that it is not visible from the Neighbors' homes.
 - (19) The construction materials and machinery used to construct the Kroger store expansion shall be staged on the Property and shall not be staged on West Belle Isle Road.
3. To the owner’s agreement, to install thirty (30) *Ligustrum* around the cul-de-sac, instead of installing them around the transformer (as shown on approved site plan).

Concurrent Variances

The following concurrent variances were **approved**:

CV1: (Sec. 4.23.1.A) To eliminate the required 10-foot landscape strip along Long Island Drive. (Listed on site plan as No.1)

CV2: (Sec. 4.23.1.A) To eliminate the required 10-foot landscape strip along Belle Isle Road. (Listed on site plan as No.1)

CV 4: (Sec. 4.23.2) To reduce the required 25 foot undisturbed zoning buffer adjacent to residentially zoned property to a width of 20 feet adjacent to the Property's boundary that is interior to property zoned to the A-1 classification. (Listed on site plan as No.2)

CV 6: (Sec. 9.1.3.B) To reduce the required 40 foot front yard setback along Long Island Terrace to a width of twelve (12) feet. (Listed on site plan as No.3)

CV 7: (Sec. 18.2.1) To reduce the required off-street parking for the proposed retail establishment from 910 spaces to 599 spaces. (Listed on site plan as No.7)

CV 8: (Sec. 190-375 of the Tree Conservation Ordinance) To reduce the required tree canopy in parking lot areas from 40% to 15% of total parking lot area. (Listed on site plan as No.9)

The following concurrent variances were **approved conditionally**, under the following respective conditions:

CV 3: (Sec. 4.23.1.B) To reduce the required 25 foot undisturbed zoning buffer adjacent to residentially zoned property to a variable width of between 25 feet and zero (0) feet adjacent to property zoned to the R-3 and R-5 classifications along the northern portion of the Property's western boundary. (Listed on site plan as No.2)

Condition: A landscape plan shall be reviewed and approved by the City Arborist prior to the issuance of a Land Disturbance Permit.

CV 5: (Sec. 18.6.3.B) To reduce the 50 foot landscape strip required in yards used for loading adjacent to residential uses to a variable width of between 25 feet and zero (0) feet. (Listed on site plan as No.8)

Condition: A landscape plan shall be reviewed and approved by the City Arborist prior to the issuance of a Land Disturbance Permit.

CV 9: (Sec. 12B.9) To allow variances to Suburban Overlay District 12B.9 Standards as necessary. (Listed on site plan as No.6; not listed in the letter of intent)

Condition: The design of the addition to the grocery store shall meet the provisions of Section 12B.9. Standards.

CV 10: (Sec. 12B.4) To allow for variances to the Suburban Overlay District 12B.4 Streetscape Standards as necessary. (Listed on site plan as No.4; not listed in the letter of intent)

Condition: New improvements shall meet the requirements of Sec. 12B.4 Streetscape Standards.

CV 11: (Sec. 12B.5) To allow variances to the Suburban Overlay District 12B.5 Site Development Standards as necessary. (Listed on site plan as No.5; not listed in the letter of intent)

Condition: New improvements shall meet the requirements of Sec. 12B.5 Site Development Standards.

CV 12: (Tree Protection Ordinance) To allow variances to the Tree Protection Ordinance and Administrative Standards as necessary. (Listed on site plan as No. 10; not listed in the letter of intent)
Condition: A landscape plan shall be reviewed and approved by the City Arborist prior to the issuance of a Land Disturbance Permit.

RECEIVED

JUL 02 2015

Revised 06/29/15

City Of Sandy Springs
Community Development
District, Fulton County,

All that tract or parcel of land lying and being in Land Lot 97 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a 5/8-inch rebar found located at the intersection of the Westerly right-of-way line of Roswell Road, a.k.a. US Hwy 19 and GA Hwy 9 (55 foot right-of-way from centerline of road) and the Northerly right of way of Long Island Drive (50 foot right-of-way), said point being the TRUE POINT OF BEGINNING; Thence along the Northerly right-of-way line of Long Island Road, North 85 degrees 42 minutes 01 seconds West, a distance of 450.71 feet to a Nail found; Thence North 85 degrees 37 minutes 20 seconds West, a distance of 220.40 feet to a Nail found at the intersection of the Northerly right-of-way line of Long Island Drive with the Easterly right-of-way line of Long Island Terrace (Right-of-way varies); Thence along said Easterly right-of-way line of Long Island Terrace and following along a curve to the right having an arc length of 43.02 feet, with a radius of 25.00 feet, being subtended by a chord bearing of North 36 degrees 22 minutes 23 seconds West, for a distance of 37.91 feet to a 5/8-inch rebar found; Thence North 12 degrees 49 minutes 23 seconds East, a distance of 292.39 feet to a 5/8-inch rebar set; Thence along a curve to the left having an arc length of 224.09 feet, with a radius of 60.00 feet, being subtended by a chord bearing of North 31 degrees 48 minutes 53 seconds West, for a distance of 114.76 feet to a 5/8-inch rebar set; Thence departing said right-of-way line, North 42 degrees 22 minutes 23 seconds West, a distance of 54.13 feet to a 5/8-inch rebar found; Thence North 21 degrees 33 minutes 27 seconds East, a distance of 125.01 feet to a 5/8-inch rebar set; Thence North 00 degrees 28 minutes 29 seconds East, a distance of 280.16 feet to a Nail found located on the Southerly right-of-way line of Belles Isle Road (40 foot right-of-way); Thence along Southerly right-of-way line of Belles Isle Road, South 89 degrees 24 minutes 39 seconds East, a distance of 401.15 feet to a 5/8-inch rebar set; Thence departing said right-of-way, South 04 degrees 27 minutes 05 seconds West, a distance of 69.74 feet to a 5/8-inch rebar set; Thence South 89 degrees 21 minutes 03 seconds East, a distance of 205.39 feet to a 5/8-inch rebar set; Thence North 04 degrees 13 minutes 25 seconds East, a distance of 71.73 feet to a 5/8-inch rebar set located on the Southerly right-of-way line of Belles Isle Road (40 foot right-of-way); Thence along said right-of-way, South 89 degrees 39 minutes 06 seconds East, a distance of 27.10 feet to a 1-1/2-inch open top pipe; Thence departing said right-of-way line, South 04 degrees 18 minutes 34 seconds West, a distance of 165.43 feet to a 2-inch open top pipe found; Thence North 89 degrees 23 minutes 55 seconds East, a distance of 139.39 feet to a Nail found located on the Westerly right-of-way line of Roswell (55 foot right-of-way from centerline of road); Thence along said right-of-way line, South 04 degrees 51 minutes 48 seconds West, a distance of 731.06 feet to a 5/8-inch rebar set; Thence along a curve to the right having an arc length of 23.43 feet, with a radius of 50.00 feet, being subtended by a chord bearing of South 81 degrees 02 minutes 18 seconds West, for a distance of 23.22 feet to a 5/8-inch rebar found; said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 13.691 Acres.