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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** July 10, 2012

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** **RZ09-001/CV09-003** - 5395 Roswell Road, *Applicant: Church of Scientology*, Pursuant to the direction of the Court and as required by state law a public hearing will be held regarding the zoning of the subject property

**MEETING DATE:** For Submission onto the July 17, 2012, City Council Regular Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Site Plan  
Revised Conditions of Approval

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**APPROVAL BY CITY MANAGER:**                                          APPROVED

\_\_\_\_\_ NOT APPROVED

**PLACED ON AGENDA FOR:**                     7/17/2012                    

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES      (  ) NO

**CITY ATTORNEY APPROVAL:**                                         

**REMARKS:**



To: John McDonough, City Manager  
From: Wendell Willard, City Attorney  
Date: July 10, 2012 for submission onto the July 17, 2012 City Council Regular Meeting  
Agenda Item: RZ09-001 5395 Roswell Road, Modification of the Approved Zoning Conditions

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***CMO (City Manager's Office) Recommendation:***

**APPROVAL** of the modification of the approved zoning conditions for the subject property.

***Background:***

A petition for rezoning was submitted by the property owner on March 3, 2009 to allow for redevelopment of the property to allow for a church. The owner proposed to enclose the underground parking portion of the building to bring the gross square footage to 43,916 square feet and provide 111 parking spaces.

The property was rezoned by the Sandy Springs Mayor and City Council on December 15, 2009. The City Council approval allowed the owner to maintain the existing 32,053 square foot building, without the potential to enclose the underground parking structure.

Following City Council approval, the owner appealed the decision to both the Superior and Federal Courts.

***Discussion:***

Pursuant to the direction of the Court and as required by state law a public hearing must be held regarding the zoning of the subject property. At this time, subject to the settlement of the litigation, staff is recommending approval of the modification of the zoning conditions for the property as outlined in the attached conditions of approval and site plan. The modified site plan showing the redeveloped 43,916 square foot building with 130 parking spaces is recommended by counsel for the City, as it meets the development standards of the Zoning Ordinance and other city codes.

**Attachment(s)**

Site Plan dated received June 4, 2012  
Revised Conditions of Approval



CONDITIONS OF APPROVAL

**RZ09-001/CV09-003**  
**5395 Roswell Road**

Rezoning petition RZ09-001/CV09-003 to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) is hereby approved by the Mayor and City Council at the July 17, 2012 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/or Church and associated accessory uses in the existing structure at a density of ~~18,007.30~~24,672 square feet per acre or ~~32,053~~43,916 square feet, whichever is less.
  - b. No overnight stays (11:00 PM to 6:00AM).
  - c. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated ~~May 5, 2009~~June 4, 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. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. Streetscape including sidewalks will be required at time of building permit or land disturbance permit, whichever occurs first, subject to the approval of the Public Works Department.
  - b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive 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.
  - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road 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.
  - d. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be

allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

- e. To allow parking within the required minimum front and side yard setback (CV09-003).
- f. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).
- g. To allow for a parking lot without the required parking islands (CV09-003).
- h. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (CV09-003).
- h.i. The owner/developer shall provide a minimum of 130 on-site parking spaces, including the easement area, as shown on the site plan referenced in condition 2.a. above.