

STATE OF GEORGIA
COUNTY OF FULTON

TO REZONE THE SUBJECT PROPERTY FROM O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO ALLOW PERSONAL CARE HOMES HAVING A DENSITY LARGER THAN PREVIOUSLY APPROVED, PROPERTY LOCATED AT 5790 AND 5800 MOUNTAIN CREEK ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on September, 2011 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 5790 and 5800 Mountain creek Road, consisting of a total of approximately 0.824 acres, be changed from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow Personal Care Homes having a density larger than previously approved, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 70 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 Mayor and City Council and the signature of approval of the Mayor.

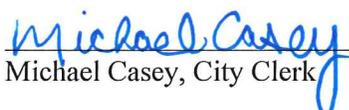
APPROVED AND ADOPTED this the 20th day of September, 2011.

Approved:



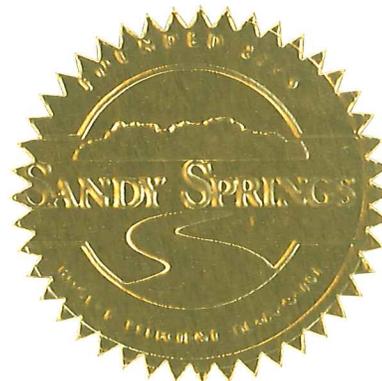
Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ11-005**5790 and 5800 Mountain Creek Road**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by you located at 5790 and 5800 Mountain Creek Road. Rezoning petition RZ11-005 was approved to rezone from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional to allow Personal Care Homes having a density larger than previously approved by the Mayor and City Council at the September 20, 2011 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To Personal Care Homes.
 - b. To one 3,616 square foot Personal Care Home and to a second 3,828 square foot Personal Care Home developed at a total density of 9,034 square feet per acre prior to any right-of-way dedication.
 - c. To no more than eight (8) occupants (not including the on-site staff) in each home (16 total) at any given time.
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 7, 2011. 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 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 required and/or provided landscape strip(s) and zoning buffer(s) shall be planted to meet the minimum standards as approved by the City Arborist.
 - c. To planting the required landscape strips and zoning buffers to meet the minimum standards as approved by the City Arborist.
 - d. To obtain a Certificate of Occupancy from the City prior to establishing the Personal Care Home uses.
 - e. To provide at least one (1) on-site staff person on premises per building twenty-four (24) hours per day.
 - f. To provide a transportation plan for the operation of the Personal Care Home(s) before the issuance of any Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:
 - a. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
 - b. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary to allow for proposed All-weather surface/Driveway/Parking to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
 - c. Variance from Section 8.1.3.C of the Zoning Ordinance to reduce the required twenty (20) foot minimum interior side setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
 - d. The owner/ developer shall dedicate thirty (30) feet of right-of-way from centerline of Mountain Creek 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.
 - e. To reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plan received by the Department of Community Development on June 7, 2011.

Legal Description
for
5790 and 5800 Mountain Creek Road

City of Sandy Springs
Community Development

All that tract or parcel of land lying and being in Land Lot 70 of the 17th District of Fulton County, Georgia, being known as Lots 3 and 4, Block A of Mountain Creek Subdivision, Plat Book 59 Page 99 and being more particularly described as follows:

Begin at a 1/2 inch rebar found on the southwest right-of-way of Mountain Creek Road (50' R/W) 200.00 feet southeast from the southwest intersection of Mountain Creek Road and Carpenter Drive; leaving said right-of-way and running thence S57°-22'-35"W a distance of 180.27 feet to a 3/4 inch crimp top pipe found; run thence S32°-41'-57"E a distance of 100.18 feet to a 3/4 inch open top pipe found; running thence S32°-48'-11"E a distance of 99.64 feet to a 3/4 inch crimp top pipe found; run thence N57°-11'-25"E a distance of 180.02 feet to a 1/2 inch rebar found on the southwest right-of-way of Mountain Creek Road; running thence N32°-54'-44"W along the southwest right-of-way of said road 99.40 feet to a 1/2 inch rebar found; running thence N32°-26'-40"W along said right-of-way 99.84 feet to the point of beginning; as shown on survey for Sandy Springs Planning and Zoning and Carol Reynolds by Georgia Land Surveying Co., Inc. dated December 24, 2009 and having 0.824 acres and being known as 5790 and 5800 Mountain Creek Road.

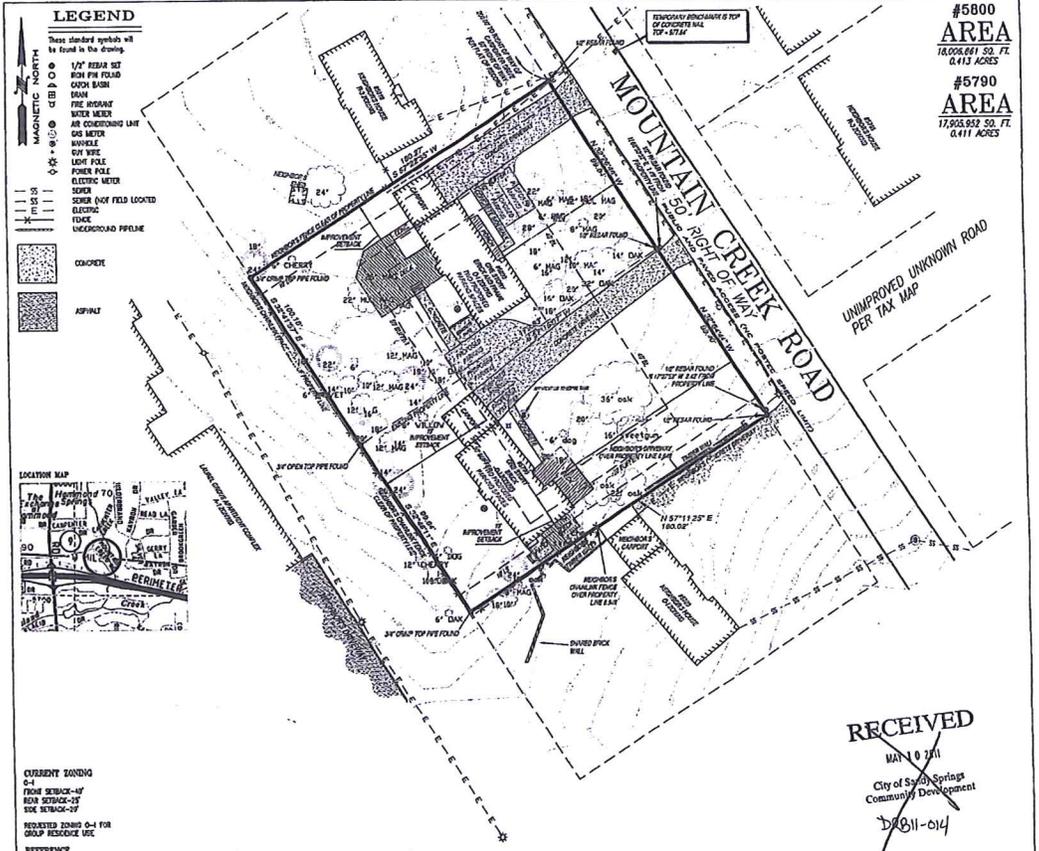
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JUN 07 2011

City of Sandy Springs
Community Development

R211-005

Mountain Creek Road



#5800
AREA
18,028.871 SQ. FT.
0.413 ACRES

#5790
AREA
17,925.952 SQ. FT.
0.411 ACRES

LEGEND
These standard symbols will be found in the drawing.

- 1/2" FERRIS SET
- IRON PIPE FLOOR
- CATCH BASIN
- SOAK
- FIRE HYDRANT
- WATER METER
- AIR CONDITIONING UNIT
- 60 METER
- WIRELESS
- 60V WIRE
- LIGHT POLE
- POWER POLE
- ELECTRIC METER
- SEWER
- SEWER (NOT FIELD LOCATED)
- ELECTRIC
- TRUCK
- UNDERGROUND PIPELINE



CURRENT ZONING
O-4
FROM RESIDUE-47
BY RESIDUE-47
THE RESIDUE-47

REQUESTED ZONING O-4 FOR
GROUP RESIDUE USE

REFERENCE
PLAT BOOK 54, PAGE 93
DEED BOOK 2254, PAGE 112
DEED BOOK 44163, PAGE 152

#5800 & #5790
A DEVELOPMENT DIVISION SUBMITTAL SHEET
WITH PERCENTAGE (%) OF TOTAL SITE COVERAGE:

- NOTES**
1. ELEVATIONS ARE BASED ON WOOD BENCH DATUM
 2. CONTOUR LINES ARE AT 2' INTERVALS
 3. 10' SPACING BENCH TOPON END 2' FOR TOTAL STATION AND ALIGNED OR DATA COLLECTION
 4. SETTING DATA UNDER BENCH POINT AND CHECKED SOURCE
 5. ZONING REGULATIONS OBTAINED FROM SANDY SPRINGS ZONING MAP, DATED FEBRUARY 16, 2004
 6. FIELD EVIDENCE SUGGESTS THAT THE SUBJECT PROPERTIES ARE NOT CORNERED BY RIVER
 7. #5800 AND #5790 BOTH LIE WITHIN THE WOOD STREET OVERLAY CORNER
 8. #5800 PARCEL ID NUMBER: 17-007000-00209

FLOOD STATEMENT
I HAVE THIS DATE, EXAMINED THE "FEDERAL FLOOD HAZARD MAP" AND FOUND NO SPECIAL STUDY REQUIRED. THIS PLAN HAS BEEN CALCULATED FOR FLOODING TO BE ACCURATE TO 1 FOOT IN 100-YEAR FLOOD HAZARDOUS WENT TO AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR OTHER FOR LEAD PANEL, MAP OR

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAN IS BASED WAS A CLOSURE OF 1 FOOT IN 100-YEAR FLOOD HAZARDOUS WENT TO AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR OTHER FOR LEAD PANEL, MAP OR

#5790 MOUNTAIN CREEK ROAD

FIRST FLOOR	EXISTING FINISHED	EXISTING UNFINISHED	TOTAL EXISTING FLOOR PLATE	RENOVATED FINISHED	RENOVATED UNFINISHED	RENOVATED FLOOR PLATE
EXISTING FLOOR PLATE	1,602	-	1,602	1,602	-	1,602
TURNOFF LEVEL FLOOR PLATE	0	1,602	1,602	1,602	0	1,602
CAR PORT FLOOR PLATE	-	412	412	312	100	412
TOTAL EXISTING SQ. FT.	-	-	3,616	3,516	100	3,616
EXISTING PORCH TO REMAIN	-	130	-	-	-	-
INCLUDES CAR PORT FLOOR PLATE	-	-	-	-	-	-

#5800 MOUNTAIN CREEK ROAD

FIRST FLOOR	EXISTING FINISHED	EXISTING UNFINISHED	TOTAL EXISTING FLOOR PLATE	RENOVATED FINISHED	RENOVATED UNFINISHED	RENOVATED FLOOR PLATE
EXISTING FLOOR PLATE	1,657	-	1,657	1,657	-	1,657
TURNOFF LEVEL FLOOR PLATE	821	1,272	1,272	1,272	0	1,272
CAR PORT FLOOR PLATE	-	358	358	312	46	358
TOTAL EXISTING SQ. FT.	-	-	3,287	3,241	46	3,287
INCLUDES CAR PORT FLOOR PLATE	-	-	-	-	-	-

12211-005

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Community Development
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City of Sandy Springs
Community Development



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SURVEY PLAT FOR: #5790 & #5800 MOUNTAIN CREEK ROAD

DATE: 12/21/09 **SCALE:** 3/4"

REVISION **BY** **DATE**

REVISED CALCULATIONS **SL** 5/4/11

GEORGIA LAND SURVEYING CO.
EST 1956

CAROL JUNE REYNOLDS

LAND LOT: 70 17th DISTRICT SECTION: FULTON COUNTY, GA
LOT: 3 & 4 BLOCK: A UNIT: PHASE:

SUBDIVISION: MOUNTAIN CREEK

DEED BOOK: , PAGE: SURVEYED: 12/29/09 PARTY CHIEF: JLR
PLAT BOOK: , PAGE: DRAFTED: 5/9/11 DRAFTER: SL SHEET 1 OF 1

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAN DOES NOT EXTEND TO ANY OTHER PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS REPERCUSSION BY THE SURVEYOR. ALL PATENT PENDING TO FILE AND COPYRIGHT