

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE CITY OF SANDY SPRINGS MAYOR AND CITY COUNCIL APPROVING PETITION U09-001/U09-002/U09-007 ON JULY 21, 2009, PROPERTY LOCATED AT 5855 RIVERSIDE DRIVE**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on February 21, 2012 at 6:00 p.m. as follows:

**SECTION 1.** That the condition(s) of a resolution by the City of Sandy Springs Mayor and City Council, approved on July 21, 2009, for petition U09-001/U09-002/U09-007 that allowed the property to be used for a Church, Private School, and Day Care be changed for the property located at 5855 Riverside Drive, consisting of a total of approximately 10.08 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 133 of the 17<sup>th</sup> 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**SECTION 3.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

**SECTION 4.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

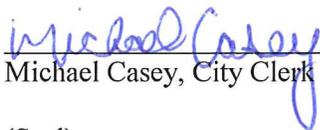
**APPROVED AND ADOPTED** this the 21<sup>st</sup> day of February, 2012.

Approved:



Eva Galambos, Mayor

Attest:

  
Michael Casey, City Clerk

(Seal)



STATE OF GEORGIA, FULTON County.

THIS INDENTURE, made this 29<sup>th</sup> day of April in the year of our

Lord One Thousand Nine Hundred and Eighty-eight  
Presbytery of Georgia of the United Presbyterian Church in the United  
between States of America, Inc. of the first part,  
and Church of St. Andrew, Incorporated of the second part.

WITNESSETH: That the said party of the first part for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release, and forever quit-claim to the said party of the second part, its <sup>successors</sup> ~~heirs~~ and assigns, all the right, title, interest, claim or demand which the said party of the first part has or may have had in and to the following described property, to-wit:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 133 of the 17th District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the eastern right-of-way line of Riverside Drive (as now widened) which point is 400 feet northerly, as measured along the eastern right-of-way line of Riverside Drive, from the intersection of the west line of Land Lot 133 and said right-of-way line of Riverside Drive; running thence south 89 degrees 51 minutes 13 seconds east a distance of 690.33 feet to an iron pin; thence north 48 degrees 32 minutes 09 seconds east a distance of 652.52 feet to an iron pin on the southern right-of-way line of Interstate Highway 285 (or perimeter road); running thence in a north-westerly direction along said right-of-way line an arc distance of 449.07 feet (said arc having a cord running north 77 degrees 46 minutes 32 seconds west 447.56 feet) to a concrete highway monument; running thence in a westerly direction south 78 degrees 40 minutes 51 seconds west a distance of 695.2 feet along the said right-of-way of I-285 to a concrete highway monument on the easterly right-of-way line of Riverside Drive; thence south 26 degrees 42 minutes 51 seconds west along the eastern right-of-way line of Riverside Drive a distance of 156.23 feet to a point; thence continuing along said right-of-way line south 00 degrees 00 minutes 00 seconds west a distance of 249.17 feet to a point; thence continuing south 89 degrees 51 minutes 13 seconds east a distance of 10 feet to the iron pin at the point of beginning; said property being more particularly shown on a plat of survey made by Joseph D. Sims, Registered Professional Land Surveyor, dated July 5, 1983.

This conveyance is made pursuant to the action of the Board of Trustees of Grantor and is made subject to any and all outstanding easements and liens of record, including but not limited to all outstanding Deeds to Secure Debt executed by Grantor First Party to the following and their Successors:

Board of National Missions of the Presbyterian Church in the United States of America; The United Presbyterian Church in the United States of America, A Corporation; and The First National Bank of Atlanta.

Grantee Second Party by accepting title to the aforesaid property hereby accepts and assumes all liability which Grantor First Party has or may have to the said Board of National Missions of the Presbyterian Church in the United States of America, The United Presbyterian Church in the United States of America, A Corporation, and the First National Bank of Atlanta and their successor, and does hereby agree to hold Grantor First Party harmless from any claim by any or all of the aforesaid lienholders and their successors.

Fulton County, Georgia  
Real Estate Transfer Tax  
Paid \$ 0  
Date 2-5-90  
JUANITA HICKS  
Clerk, Superior Court  
By: [Signature]  
Deputy Clerk

GEORGIA Fulton County Clerk's Office Superior Court  
Filed & Recorded, FEB 5 1990 at 3:57 Juanita Hicks CLERK

BOOK 13179PG348

RECORDED

DEC 06 2011

City of Sandy Springs  
Community Development

**RECEIVED**

DEC 06 2011

I-285 ON-RAMP EAST  
VARIABLE R/W

**City of Sandy Springs  
Community Development**

PARKING SPACES REQUIRED BY CODE (1 PER 3.5 FIXED SEATS, CHURCH)	112
PARKING SPACES REQUIRED BY CODE 17 + 8 (1.7 PER 1000 S.F. + 1 PER EMPLOYEE)	134
TOTAL SPACES REQUIRED	112
CURRENT PARKING SPACES	134

**M**atison  
**D**esign  
**B**uild

6385 Long Island Dr.  
Atlanta, GA 30328  
(404) 845-0141  
(404) 845-0142(F)

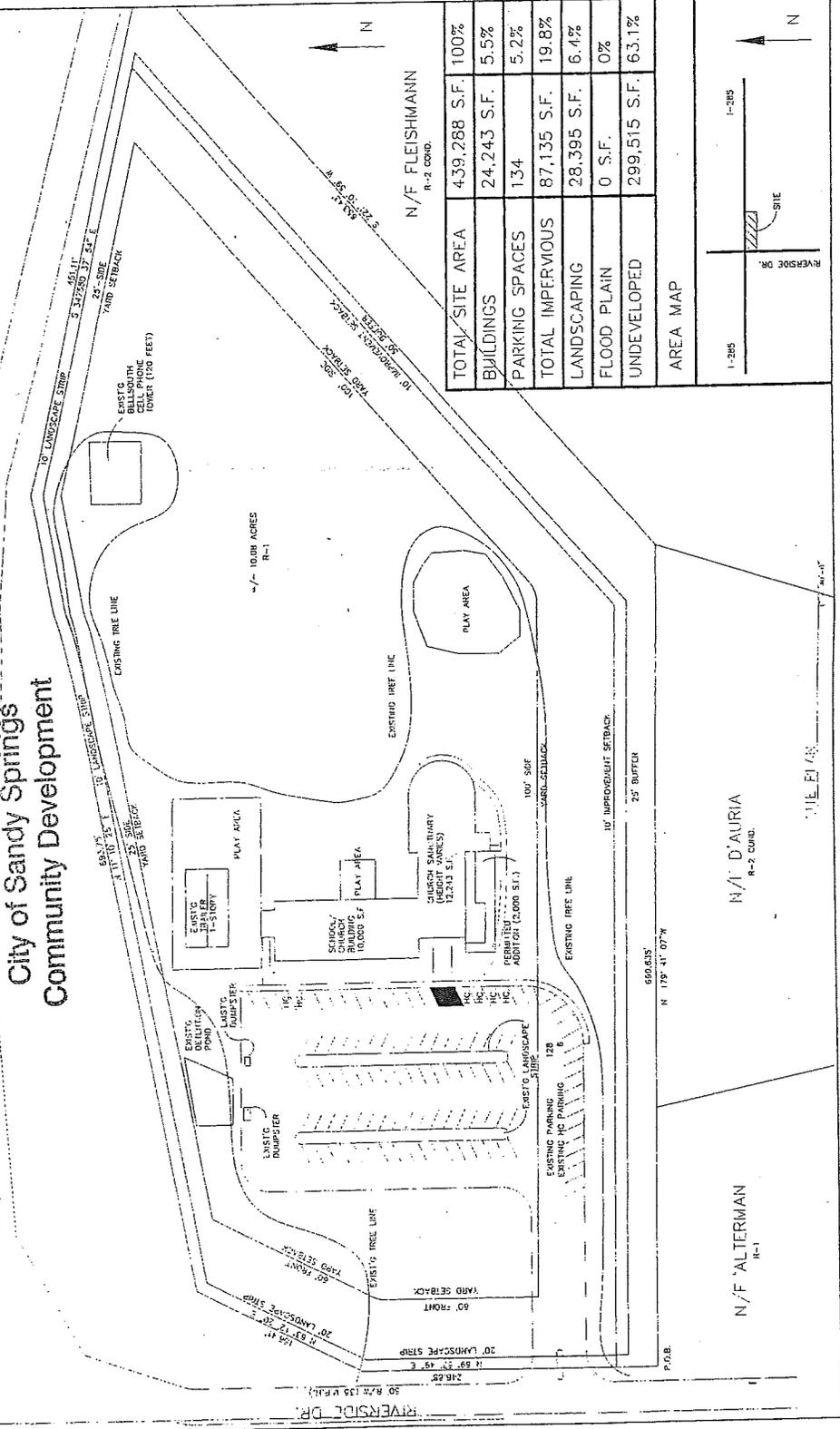
Tabula Rasa  
at  
Church of St. Andrew  
5885 Riverside Dr.  
Atlanta, GA 30327

LAND USE #3  
17-013-11-000-8  
CORRECT 1

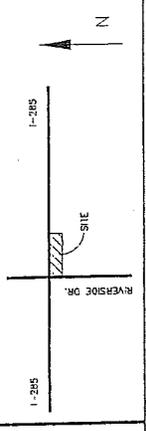
1. CITY COMMENTS	12/02/09
2. CITY COMMENTS	12/02/09
3. CITY COMMENTS	12/02/09
4. CITY COMMENTS	12/02/09
5. CITY COMMENTS	12/02/09
6. CITY COMMENTS	12/02/09
7. CITY COMMENTS	12/02/09
8. CITY COMMENTS	12/02/09
9. CITY COMMENTS	12/02/09
10. CITY COMMENTS	12/02/09

SITE PLAN	200801
DATE	08/10/10
DESIGNED BY	stm
DRAWN BY	stm
CHECKED BY	stm
DATE	08/10/10

C-1  
SHEET 1 OF 1



TOTAL SITE AREA	439,288 S.F.	100%
BUILDINGS	24,243 S.F.	5.5%
PARKING SPACES	134	5.2%
TOTAL IMPERVIOUS	87,135 S.F.	19.8%
LANDSCAPING	28,395 S.F.	6.4%
FLOOD PLAIN	0 S.F.	0%
UNDEVELOPED	299,515 S.F.	63.1%
AREA MAP		



*2/11/10*

## CONDITIONS OF APPROVAL

**ZM11-006**  
**5855 Riverside Drive**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of U09-001/U09-002/U09-007, with regard to the above referenced property currently zoned R-1 (Single Family Dwelling District). Zoning modification petition ZM11-006 was approved by the Mayor and City Council at the February 21, 2012 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. A church at a maximum density of 2,614.19 square feet per acre or a total of 26,351 square feet, whichever is less (U09-001). The subject Private School (U09-002) and Day Care Facility (U09-007) may occupy the aforementioned space.
  - b. A Private Elementary School (grades K through 3<sup>5</sup>) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
  - c. A Day Care Facility with a total enrollment of no more than 150 children limited to operating Monday through Friday between the hours of 8:00 a.m. to 6:00 p.m.
  - d. A Day Care Facility with a total enrollment of no more than 50 children limited to operating Saturdays between the hours of 9:00 a.m. to 3:00 p.m.
  - e. The Private School and Day Care(s) shall provide copies of all state licenses and exemptions to the Director of Community Development by July 1<sup>st</sup> of each calendar year.
  - f. By August 21, 2009 and July 1<sup>st</sup> of each calendar year thereafter, the Private School and Day Care(s) shall provide an annual report detailing total enrollment by the uses (exemptions and/or licenses) detailed in conditions 1.b, 1.c, and 1.d, subject to the approval of the Director of Community Development.
  - g. No more than a total of 17 staff and 118 children shall be enrolled during weekdays and/or Saturdays until such time review and approval for more occupancy has been obtained from Fulton County Health & Wellness, then a total enrollment of up to the quantity specified in conditions 1.b, 1.c, and 1.d. may be utilized.

2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated April 8, 2009. 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.
  - b. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Riverside 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 light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.
  - d. To bring the existing structure into compliance with building codes pursuant to Chapter 105, Buildings and Building Regulations, the Code of the City of Sandy Springs.
  - e. To bring the existing structure into compliance with fire codes, pursuant to Chapter 22, Fire Prevention and Protection, of the Code of the City of Sandy Springs.
  - f. The school shall provide a 24-hour contact person available to address on-site management issues for surrounding property owners. The school shall provide this information in the annual report referenced in condition 1.f. Compliance with this condition shall be in place by July 1<sup>st</sup> of each calendar year.
  - g. The school shall submit a schedule of events to the Sandy Springs Communications Department detailing the date and time of each special event. Said schedule shall be submitted annually, by July 1<sup>st</sup> of each calendar year, and monthly on the first day of each month.
  - h. Use of such recreational fields and play areas shall not be permitted after sunset.
  - i. To prohibit any fixed/permanent outdoor loudspeakers, horns, or amplified sound systems. Operation and use of any portable sound system shall be subject to the City of Sandy Springs Noise Ordinance.

- j. Parking lot lighting shall be no taller than 20 feet and shall not be installed within 50 feet of any residentially-zoned property. The light source of all external lighting on the Property shall be screened and shall not be directly visible from adjoining residential properties. Outdoor lighting of all play areas and recreational fields is prohibited.
- k. Delivery hours and days shall be limited to the following: 7:30 AM to 7:30 PM on Monday through Friday; 8:00 AM to 5:00 PM on Saturdays; no deliveries are permitted on Sundays.
- l. No additional instruction and programs shall be permitted for any person beyond the staff recommended conditions for the number of enrollment during weekdays and Saturdays as specified in conditions 1.b, 1.c, and 1.d.
- m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than ~~December 31, 2013~~ June 30, 2015.
- n. The subject Private School Use Permit shall expire on ~~December 31, 2013~~ June 30, 2015.
- o. The instruction at the Private School shall be limited as follows: only offer grades K through 1 for the 2009-2010 academic year, only offer grades K through 2 for the 2010-2011 academic year, only offer grades K through 3 for the academic year 2011-2012.