

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS)  
DISTRICT AND THE A-1 (APARTMENT DWELLING) DISTRICT TO THE C-1  
(COMMUNITY BUSINESS) DISTRICT AND TO APPROVE CONCURRENT VARIANCES,  
PROPERTY LOCATED AT 5009 ROSWELL ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on May 16, 2006 at 7:00 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 **5009 Roswell Road**, consisting of a total of approximately 1.85 acres, be changed from the C-1 (Community Business) District and A-1 (Apartment Dwelling) District to the C-1 (Community Business) District with conditions, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 93 of the 17<sup>th</sup> 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**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

ORDAINED this the 16<sup>th</sup> day of May, 2006.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Jeanette R. Marchiafava, City Clerk

(Seal)



RECEIVED

DEC 6 2005

LEGAL DESCRIPTION

5009 Roswell Road

17th THK

All that tract or parcel of land lying and being in Land Lot 93 of the 2<sup>nd</sup> District, Fulton County, Georgia and being more particularly described as follows:

Beginning at a point located 291.2 feet North of the intersection of Belle Isle Road and Roswell Road; thence, from said POINT OF BEGINNING continuing along the R\W of Roswell Road North 4°43'22" East, 150.00 feet to a point; thence, leaving said R\W and running South 89°14'55" East, 332.01 feet to a 1" crimp top pipe found; thence, South 88°20'34" East, 165.05 feet to a 1" open top pipe found; thence, South 01°38'24" East, 175.00 feet to a point; thence, North 89°31'43" West, 165.00 feet to a point; thence, North 01°36'15" West, 25.00 feet to a ½" rebar found; thence, North 88°38'59" West, 348.72 feet to the POINT OF BEGINNING.

Containing 80,682 square feet or 1.8521 acres of land more or less.

Property is subject to all easements and rights of way, recorded and unrecorded.

CONDITIONS OF APPROVAL

**RZ05-002/CV05-001**  
**5009 Roswell Road**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Kirbo Property Services, LLC located at 5009 Roswell Road. Rezoning petition RZ05-002 and its associated concurrent variance petition CV05-001 to rezone the subject property to C-1 (Community Business District) were approved by the Mayor and City Council at the May 16, 2006 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 institutional uses and associated accessory uses.
  - b. No more than 36,000 gross square feet of the restricted uses at a density of 19,437.40 gross square feet per acre.
2. To the owner's agreement to abide by the following:
  - a. To the revised site plan and Letter of Intent received by the Department of Community Development on May 10, 2006. 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. 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.
3. To the owner's agreement to provide the following site development standards:
  - a. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north and south. Should the owner/developer not come to an agreement on interparcel access at this time with the property owner's to the north and south, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future inter-parcel access to the properties immediately adjacent to the north and south of the property, prior to the issuance of an LDP.
  - b. The owner/developer shall install a six (6) foot masonry wall or wooden privacy fence along the north property line abutting residentially zoned properties. The wall or fence shall be located interior to the improvement setback or within the improvement setback, the type and location of which shall be subject to the approval of the Director of Community Development.
  - c. External lighting in the development shall not have the light source directly visible from adjoining residential properties.

- d. Dumpster service shall not occur between the hours of 7:00 p.m. and 7:00 a.m.
- e. All dumpsters shall be located thirty five (35) feet or greater from residential property lines.
- f. A 40 foot landscape strip along the west property along the entire frontage of Roswell Road (State Route 9).
- g. To remove two (2) specimen trees as shown on the site plan dated received May 10, 2006 (CV05-001).

