

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS)  
DISTRICT TO THE C-1 (COMMUNITY BUSINESS) DISTRICT, PROPERTY LOCATED AT  
5866 ROSWELL ROAD (SR 9)**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on November 8, 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 **5600 Roswell Road (SR 9)**, consisting of a total of approximately 0.847 acres, be changed from the C-1 (Community Business) District to the C-1 (Community Business) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 90 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

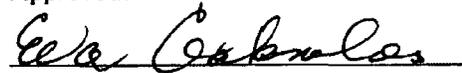
**SECTION 3.** That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

**SECTION 4.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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

ORDAINED this the 8<sup>th</sup> day of November, 2006.

Approved:



Eva Galambos, Mayor

Attest:



Christina Rowland, Interim City Clerk



## CONDITIONS OF APPROVAL

### **RZ06-039**

#### **5600 Roswell Road (SR 9)**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Radha Krishna, Inc. located at 5600 Roswell Road (SR 9). Rezoning petition RZ06-039 to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) was approved by the Mayor and City Council at the November 8, 2006 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To maintain the existing gas station and 1,800 gross square foot convenience store on the eastern 0.538 acre portion of the site at a density of 3,345.72 gross square feet per acre.
  - b. Office and associated accessory uses on the western 0.309 acre portion of the site at density of 30,582.52 gross square feet per acre or 9,450 gross square feet, whichever is less.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated September 5, 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. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road or ten and one-half (10.5) feet from back of curb, whichever is greater, along the entire property frontage to the City of Sandy Springs.
  - b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Cliftwood Drive or ten and one-half (10.5) feet from back of curb along the entire property frontage, whichever is greater, to the City of Sandy Springs.
  - c. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access between the two properties. Should the owner/developer not come to an agreement on interparcel access at this time, 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, prior to the issuance of an LDP.

- d. The owner/developer shall close the existing driveway along Cliftwood Drive and shall provide a shared driveway between the gas station and the office building.
- e. The owner/developer shall install streetscape to the Main Street standards of the Sandy Springs Overlay District along the entire property frontage along Roswell Road and Cliftwood Drive.



EXHIBIT "B"

TRACT A:

All that tract or parcel of land lying and being in Land Lot 90, 17th District, Fulton County, Georgia and being more particularly described as follows:

BEGIN at a nail found at the intersection of the westerly right-of-way line of Roswell Road (having a 65 foot right-of-way) with the southerly right-of-way line of Cliftwood Drive (having a 70 foot right-of-way); running thence south  $01^{\circ}57'20''$  west along and following the westerly right-of-way line of Roswell Road a distance of 140.00 feet to a nail set; thence leaving the westerly right-of-way line of Roswell Road and running thence south  $89^{\circ}32'59''$  west a distance of 183.79 feet to an iron pin set; running thence north  $02^{\circ}29'55''$  east a distance of 140.17 feet to an iron pin set on the southerly right-of-way line of Cliftwood Drive; running thence north  $89^{\circ}38'37''$  east along and following the southerly right-of-way line of Cliftwood Drive a distance of 182.43 feet to a nail found at the POINT OF BEGINNING; being a tract of land with a one story brick and stucco convenience store and gasoline filling station located thereon according to a plat of survey prepared for Radha Krishna, Inc., The Summit National Bank and Commonwealth Land Title Insurance Company, by Survey Concepts, Inc. and certified by O. Eugene Kay, Georgia Registered Land Surveyor No. 1943, dated April 22, 1997, and being known as 5866 Roswell Road according to the present system of numbering streets and roads in Atlanta, Fulton County, Georgia.

TRACT B:

All that tract or parcel of land lying and being in Land Lot 90, 17th District, Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING start at a nail found at the intersection of the westerly right-of-way line of Roswell Road (having a 65 foot right-of-way) with the southerly right-of-way line of Cliftwood Drive (having a 70 foot right-of-way); running thence south  $89^{\circ}38'37''$  west along and following the southerly right-of-way line of Cliftwood Drive a distance of 182.43 feet to an iron pin set and THE TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, thence leaving the southerly right-of-way line of Cliftwood Drive and running thence south  $02^{\circ}29'55''$  west a distance of 140.17 feet to an iron pin set; running thence south  $89^{\circ}32'59''$  west a distance of 80.31 feet to a 1 inch open top pipe found; running thence north  $02^{\circ}30'31''$  west a distance of 104.49 feet to a one-half inch rebar found on the southerly right-of-way line of Cliftwood Drive; running thence north  $89^{\circ}38'37''$  east along and following the southerly right-of-way line of Cliftwood Drive a distance of 80.30 feet to an iron pin set AT THE TRUE POINT OF BEGINNING; being a vacant lot according to a plat of survey prepared for Radha Krishna, Inc., The Summit National Bank and Commonwealth Land Title Insurance Company, by Survey Concepts, Inc. and certified by O. Eugene Kay, Georgia Registered Land Surveyor No. 1943, dated April 22, 1997.

The above Tract A and Tract B is the same property as that which was conveyed to Kenny & McGee Associates, a Georgia General Partnership by that certain Warranty Deed from Martin Oil Marketing, Ltd., dated February 18, 1986, filed February 21, 1986, recorded at Deed Book 9973, Page 266, Fulton County, Georgia Records.