

**AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS)
DISTRICT TO THE C-1 (COMMUNITY BUSINESS) DISTRICT, PROPERTY LOCATED AT
5600 ROSWELL ROAD (SR 9)**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on September 18, 2007 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 2.07 acres, be changed from the C-1 (Community Business) District to C-1 (Community Business) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 91 of the 17th 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

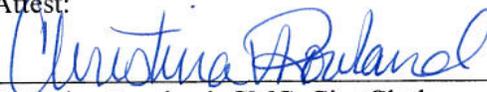
SECTION 6. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 18th day of September, 2007.

Approved:


Eva Galambos, Mayor

Attest:


Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ07-019/CV07-017
7700 and 7710 Nesbit Ferry Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by The Prado, LLC located at 5600 Roswell Road (SR 9). Rezoning petition RZ07-019/CV07-017 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 September 18, 2007 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail and associated accessory uses at a density of 9,821.74 square feet per acre or 20,331 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 June 5, 2007. 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. No more than two (2) exits/entrances on Roswell Road (SR 9). Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - b. Provide streetscape standards consistent with the Main Street district in the Sandy Springs Overlay District along Roswell Road (SR 9).
 - c. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

50 feet from the centerline of Roswell Road (SR 9) or as may be required by the Georgia Department of Transportation.
 - d. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development at the Land Disturbance permit phase.

- e. The developer shall be responsible for complying with the requirements of the document entitled "Fulton County Driveway Manual" adopted by the Fulton County Board of Commissioners on May 18, 2005.
- f. The owner/developer shall implement a program to ensure that all shopping carts for the businesses at the shopping center remain on the subject property at all times. Documentation of said program shall be submitted to the Department of Community Development prior to the issuance of the first Certificate of Occupancy and shall be subject to the approval of the Director of Community Development.
- g. Variance from Section 18.2.1 of the Sandy Springs Zoning Ordinance to allow for a reduction in the total number of parking spaces from 102 to no less than 74 (CV07-017).

P-107-019
CV07-017

A TRACT OF LAND LYING IN LAND LOT 91, DISTRICT 17 OF THE CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED;

BEGINNING AT THE MOST SOUTH EASTERLY R/W POINT ON ROSWELL ROAD, STATE ROUTE 9, SAID POINT BEING THE COMMON PROPERTY CORNER OF THE SAID TRACT AND THE GEORGIA DEPARTMENT OF TRANSPORTATION; THENCE LEAVING SAID R/W N 86-09-50 W FOR A DISTANCE OF 17.59 FEET TO A POINT; SAID POINT IS THE PROPERTY CORNER OF SAID TRACT AND PROPOSED NEW R/W FOR ROSWELL ROAD, STATE ROUTE 9; THENCE N 86-09-52 W ALONG THE COMMON PROPERTY LINE OF SAID TRACT AND CARRIAGE GATE FOR A DISTANCE OF 210.91' TO A POINT; THENCE N 03-50-08 E FOR A DISTANCE OF 45 FEET TO A POINT; SAID POINT IS THE COMMON PROPERTY CORNER OF SAID TRACT AND THE ANCHOR A TRACT; THENCE N 00-22-01 E ALONG SAID COMMON PROPERTY LINE WITH ANCHOR A TRACT FOR 403.89 FEET TO A POINT; THENCE S 89-37-59 E ALONG COMMON PROPERTY LINE WITH SAID TRACT AND ANCHOR A TRACT FOR A DISTANCE OF 177.25 FEET TO A POINT; SAID POINT BEING ON THE PROPOSED NEW R/W OF ROSWEL ROAD; STATE ROUTE 9; THENCE ALONG PROPOSED R/W S 01-49-13 E FOR 13.33 FEET; THENCE ALONG PROPOSED R/W S 49-08-05 E FOR 16.71 FEET; THENCE ALONG PROPOSED R/W S 01-54-09 E FOR 437.74 TO A POINT; SAID TRACT CONTAINS 2.07 ACRES.

RECORDED

PERMITS