

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION RZ06-039 ON
NOVEMBER 8, 2006, 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 June 17, 2008 at 7:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on January 18, 1984, for petition RZ06-039 that allowed the property to be rezoned to the C-1 (Community Business District) be changed for the property located at **5866 Roswell Road (SR 9)**, consisting of a total of approximately 0.847 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 90 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

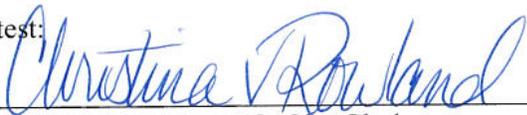
SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 17th day of June, 2008.

Approved:


Eva Galambos, Mayor

Attest:


Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

ZM08-004/CV08-010
5866 Roswell Road (SR 9)

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of RZ06-039, with regard to the above referenced property currently zoned currently zoned C-1 (Community Business District) conditional. Zoning modification petition ZM08-004/CV08-010 was approved by the Mayor and City Council at the June 17, 2008 hearing, subject to the following:

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~~ **April 1, 2008**. 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 (SR 9) 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.~~
 - b. The owner/developer shall dedicate 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 as follows:**

Forty-five (45) feet for a distance of 80.42 feet beginning at the intersection with the east property line identified as S 02°40'52"W on the site plan received by the Department of

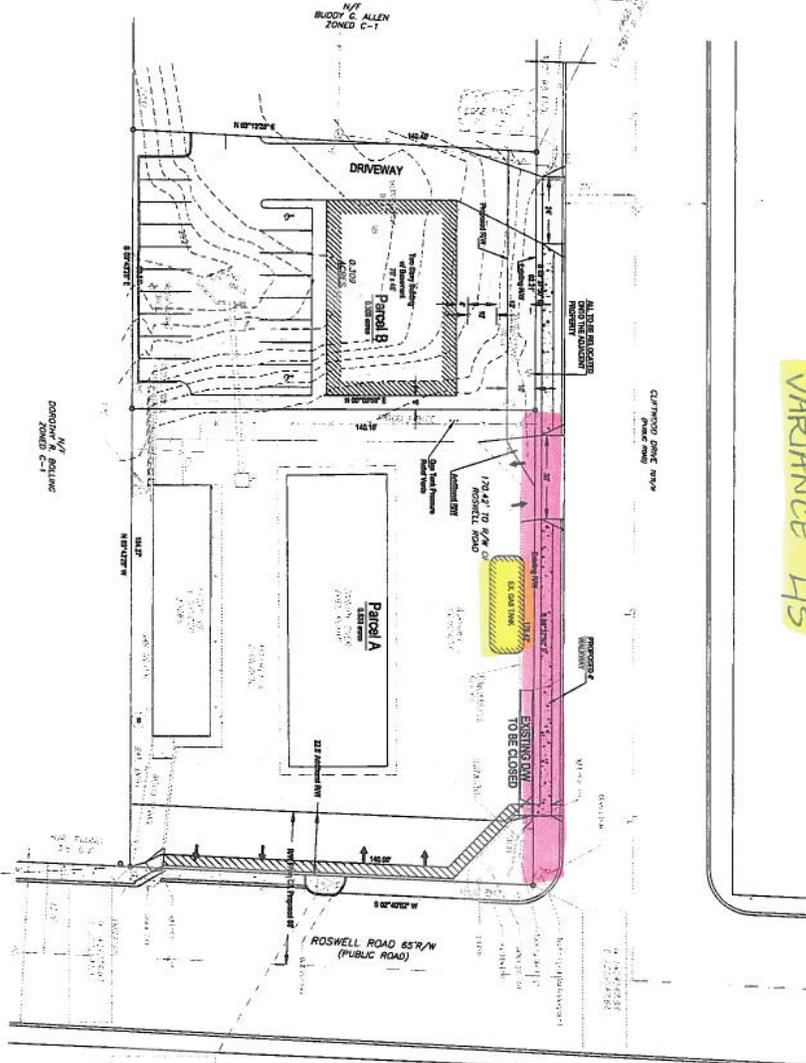
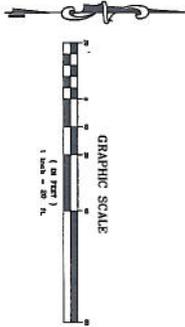
Community Development dated April 1, 2008 and ending at the east side of the existing underground gas tank

Thirty-five (35) feet for a distance of 90 feet beginning at the east side of the existing underground gas tank and ending at the shared property line identified as N 00°09'56"E on the site plan received by the Department of Community Development dated April 1, 2008

Forty-five (45) feet for a distance of 92.31 feet beginning at the shared property line identified as N 00°09'56"E and ending at the west property line of the office development identified as N 03°13'28"E on the site plan received by the Department of Community Development dated April 1, 2008

- 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. Said driveway location and design shall be subject to the approval of the Public Works Department.
- e. The subject property shall be limited to one (1) curb cut along Roswell Road (SR 9) and the owner/developer shall be required to close one (1) of the existing driveways as shown on the site plan received by the Department of Community Development dated April 1, 2008. Said driveway location and design shall be subject to the approval of the Public Works Department.
- f. 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 (SR 9) and Cliftwood Drive.
- g. To delete the required ten (10) foot landscape strip around the existing underground gas tank located along the north property line as shown on the site plan submitted (CV08-010).

ZM08 004



VARIANCE HS

CONDITION 3.B.

City of Sandy Springs
Community Development

APR 01 2008

RECEIVED

DATE	NO	DESCRIPTION
5/13/08	1	DRIVEWAY ADDED

Cliftwood Plaza
Fulton County
LL 90, District 17



CIVIL ENGINEERING
822 Roswell Road
Roswell, Georgia 30075
Phone (770) 404-0748
Fax (770) 404-0751
email: info@ingrains.com



THE GEORGIA SEAL OF THE PROFESSIONAL ENGINEER IS THE PROPERTY OF THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF GEORGIA. IT IS TO BE USED ONLY BY THE ENGINEER TO WHOM IT IS ISSUED AND NO OTHER PERSON SHALL BE PERMITTED TO REPRODUCE OR USE THE SEAL IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF GEORGIA.

EXHIBIT 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:

Beginning at the intersection of the westerly right-of-way line of Roswell Road (a 65-foot right-of-way) with the southerly right-of-way line of Cliftwood Drive (a 70-foot right-of-way) and from said POINT OF BEGINNING running thence South $01^{\circ}57'20''$ West along and following said westerly right-of-way line of Roswell Road 140.00 feet to a point; running thence South $89^{\circ}47'00''$ West 264.50 feet to an iron pin found; running thence North $03^{\circ}11'00''$ East 140.00 feet to a point on the southerly right-of-way line of Cliftwood Drive; running thence North $89^{\circ}45'05''$ East along and following said southerly right-of-way line of Cliftwood Drive 261.50 feet to the POINT OF BEGINNING. Said property being known as 5866 Roswell Road, Sandy Springs, Georgia according to the present system of numbering in Fulton County and being more particularly shown and described on that certain plat of survey by Watts & Browning for Kenny & McGee Associates and Heritage Bank, dated June 10, 1987. Said property being the same property transferred to grantor herein by Warranty Deed dated February 18, 1986 and recorded at Deed Book 9973, Page 268, Fulton County, Georgia Records.

RECEIVED

APR 01 2008

City of Sandy Springs
Community Development