

**AN ORDINANCE TO REZONE PROPERTY FROM THE O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I (OFFICE AND INSTITUTIONAL DISTRICT), PROPERTY LOCATED AT 5229 ROSWELL ROAD (SR 9)**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on September 16, 2008 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 **5229 Roswell Road (SR 9)**, consisting of a total of approximately 1.172 acres, be changed from the O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 92 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

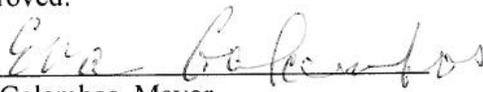
**SECTION 4.** That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

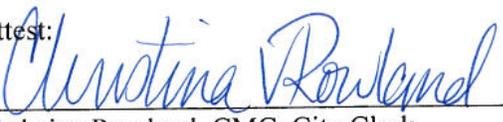
**SECTION 6.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 16<sup>th</sup> day of September, 2008.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Christina Rowland, CMC, City Clerk  
(Seal)



## CONDITIONS OF APPROVAL

### **RZ08-018/CV08-02** **5229 Roswell Road (SR 9)**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Marjorie Knight at 5229 Roswell Road (SR 9). Rezoning petition RZ08-018/CV08-020 was approved to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) by the Mayor and City Council at the September 16, 2008 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 associated accessory uses at a density of 6,399.32 gross square feet per acre or 7,500 gross square feet, whichever is less.
  - b. To a maximum building height two (2) stories.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated August 7, 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. 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) 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.
  - b. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Beachland 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. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent property to the south. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, 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 along the entirety of the southern boundaries of the property, prior to the issuance of an LDP.
  - d. To reduce the required fifty (50) foot buffer to twenty-five (25) feet adjacent to residentially zoned property along the east property line (CV08-020). The owner/developer shall install a six (6) foot tall, privacy fence interior to the buffer to

provide additional screening. Said fence type and design shall be subject to the approval of the Design Review Board.

- e. The parking spaces along the east property line adjacent to the zoning buffer referenced in condition 3.e. shall be developed with pervious material subject to the approval of the Sandy Springs Arborist.



EXHIBIT "A"

Legal Description

All that tract or parcel of land lying and being in Land Lot 92 of the 17<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin at the corner formed by the intersection of the easterly right of way side of Roswell Road with the southerly right of way of Beachland Drive, and running thence in a southerly direction along the easterly right of way of Roswell Road along a curve having an arc distance of 150.00 feet and subtended by a chord of South 03 degrees 21 minutes 20 seconds West a distance of 149.94 feet to a half inch (1/2") rebar found; thence North 89 degrees 15 minutes 08 seconds East a distance of 246.60 feet to a half inch (1/2") rebar found; thence North 00 degrees 30 minutes 31 seconds East a distance of 245.52 feet to a half inch (1/2") rebar found; thence running along the southerly right of way of Beachland Drive South 73 degrees 53 minutes 16 seconds West a distance of 217.00 feet to an iron pin placed; thence continuing along said right of way South 39 degrees 04 minutes 00 seconds West a distance of 50.00 feet to an iron pin placed and the POINT OF BEGINNING being improved property known as 5229 Roswell Road and being more particularly shown on a plat of survey prepared by A.S. Giometti & Associates, Inc., certified by A.S. Giometti, GRLS No. 1125, dated December 15, 2005 and said tract containing 1.17 acres.

Sandy Springs, GA  
Community Development

JUN 05 2008