

AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL TO C-1 (COMMUNITY BUSINESS DISTRICT), PROPERTY LOCATED AT 173 ALLEN ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on October 21, 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 **173 Allen Road**, consisting of a total of approximately 2.32 acres, be changed from the C-1 (Community Business District) conditional to C-1 (Community Business District) with conditions, 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 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 21st day October, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Tracy Tye, Acting City Clerk
(Seal)



CONDITIONS OF APPROVAL

RZ08-021/CV08-023

173 Allen Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Arlington Funeral Home located at 173 Allen Road. Rezoning petition RZ08-021 to rezone the subject property from C-1 (Community Business District) conditional C-1 (Community Business District) was approved by the Mayor and City Council at the October 22, 2008 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Funeral Home (Undertaking Establishments) and accessory uses, at a maximum density of 10,222.84 gross square feet of total floor area per acre zoned or a total floor area of 23,717 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 July 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. 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 thirty (30) feet of right-of-way from centerline of Allen Road 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. ~~Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent property. 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 adjacent property boundaries of the property, prior to the issuance of an LDP.~~
 - c. To reduce the required number of parking spaces from 150 to 136 (CV08-023).

H.M. Patterson & Son Arlington Chapel Legal Description

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.

COMMENCING at Georgia Department of Transportation monument BV 060-128 as shown on survey for United Inns, Inc., recorded in PB 115 Page 11-12 recorded among the Land Records of Fulton County, Georgia; thence, leaving the said point and running North 59° 06' 09" West, 779.36 feet to an iron pin set on the northerly right-of-way of Interstate 285 (being a limited access variable right-of-way) and the Point of Beginning.

Thence, from said Point of Beginning as thus established and continuing with the aforesaid right-of-way of Interstate 285 South 81° 50' 48" West, 318.72 feet to a point; thence, South 83° 02' 21" West, 87.85 feet to a point; thence, North 89° 21' 09" West, 32.60 feet to an iron pin set; thence, leaving the aforesaid right-of-way of Interstate 285 North 00° 43' 29" East 259.84 feet to an iron pin set on the southerly right-of-way of Allen Road (having an apparent variable right-of-way); thence, continuing with the aforesaid right-of-way of Allen Road South 89° 25' 28" East 259.93 feet to a point; thence, South 89° 11' 15" East, 57.08 feet to a point; thence, North 88° 41' 37" East, 122.15 feet to an iron pin set; thence, leaving the aforesaid right-of-way of Allen Road South 00° 18' 33" West, 203.77 feet to an iron pin set and the Point of Beginning, containing 101,253 square feet or 2.3245 acres of land, more or less.

Described property is subject to all rights-of-way and easements, both recorded and unrecorded.

RECEIVED
JUL 01 2008
City of Sandy Springs
Community Development