

**AN ORDINANCE TO REZONE PROPERTY FROM THE C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL TO C-1 (COMMUNITY BUSINESS DISTRICT), PROPERTY LOCATED AT 7355 ROSWELL ROAD (SR 9), 7385 ROSWELL ROAD (SR9), AND 690 DALRYMPLE ROAD**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on December 16, 2008 at 6:00 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 **7355 Roswell Road (SR 9), 7385 Roswell Road (SR9), and 690 Dalrymple Road** consisting of a total of approximately 1.78 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 32 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**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 16th day of December, 2008.

Approved:

  
\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

  
\_\_\_\_\_  
Tracy Tye, Acting City Clerk  
(Seal)



## CONDITIONS OF APPROVAL

### **RZ08-029/CV08-025/DRB08-054**

7355 Roswell Road (SR9), 7385 Roswell Road (SR9), and 690 Dalrymple Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Ray Boyd at 7355 Roswell Road (SR9), 7385 Roswell Road (SR9), and 690 Dalrymple Road. Rezoning petition RZ08-029/CV08-025/DRB08-054 was approved to rezone the subject property from C-1 (Community Business District) conditional to C-1(Community Business District) by the Mayor and City Council at the December 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. A one story retail building not to exceed 11,800 square feet at a density of 6,704.54 square feet per acre, whichever is less.
2. To the owner's agreement to abide by the following:
  - a. To the site plan submitted to the Department of Community Development dated received November 20, 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.
  - b. To the architectural elevation and revised color scheme received November 6, 2008.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall dedicate fifty-five feet (55') from the centerline of Roswell Road (SR 9) along the entire street 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 thirty-five feet (35') from centerline of Dalrymple Road along the entire street frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - c. No loading docks shall be permitted to face Roswell Road (SR 9).
  - d. Roof-mounted equipment shall be screened.
  - e. Prior to issuance of an LDP, the owner/developer shall provide interparcel access with the adjacent commercial property to the east. 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 adjacent property boundaries, prior to the issuance of an LDP.

- f. To reduce the requisite number of parking spaces to 53 from 59 (CV08-025).
- g. To reduce the north (rear) 5 foot landscape strip for property adjacent to C-1 zoning to 2 feet for a distance for approximately 40 feet to allow for locating a dumpster at the northeastern corner of the lot (CV08-025).
- h. To reduce the required eastern side 25 foot buffer and 10 foot improvement setback next to North Springs High School for a distance of approximately 240 feet to a 2 foot landscaped strip to allow for the construction of a shared access driveway along a portion of the eastern property line and relocation of the dumpster/compactor to the northeast corner of the lot per staff recommendations and for a drive-through window to serve the proposed CVS (CV08-025).
- i. To reduce the required eastern 5' landscape strip to zero feet for a distance of approximately 190 feet to allow for the shared access driveway between the proposed development and the adjacent commercial property (Section 4.23.1, Minimum Landscape Strips and Buffers) (CV08-025).
- j. To reduce the side yard setback requirement along the Roswell Road (SR 9) property frontage from the required forty (40) feet to thirty-two (32) feet (CV08-025).



RZ08

Property Description

Proposed CVS

Northeast Corner of Roswell Road and Dalrymple Road  
Sandy Springs, Georgia

RECEIVED  
SEP 02 2008  
City of Sandy Springs  
Community Development

All that tract or parcel of land lying and being in Land Lot 32 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a pk nail found at the southern end of the mitered intersection of the northerly right-of-way of Dalrymple Road (a variable width right-of-way) with the easterly right-of-way of Roswell Road, State Route 9 (an 80 foot right-of-way); Thence continuing with the said miter, North 29 degrees 35 minutes 47 seconds West, a distance of 5.00 feet to a 5/8 inch rebar set, said 5/8 inch rebar set being the **TRUE POINT OF BEGINNING**. Thence continuing with the said miter, North 29 degrees 35 minutes 47 seconds West, a distance of 32.91 feet to a pk nail set at the northern end of the said mitered intersection of the said northerly right-of-way of Dalrymple Road with the said easterly right-of-way of Roswell Road; Thence continuing with the said easterly right-of-way of Roswell Road the following three courses: along a curve to the left, an arc length of 149.73 feet, said curve having a radius of 1962.10 feet, with a chord distance of 149.69 feet, at North 08 degrees 10 minutes 45 seconds East, to a 1/2 inch crimped top pipe found; Thence along a curve to the left, an arc length of 215.00 feet, said curve having a radius of 950.00 feet, with a chord distance of 214.54 feet, at North 03 degrees 34 minutes 03 seconds West, to a 1/2 inch rebar found; Thence South 86 degrees 57 minutes 36 seconds East, a distance of 11.76 feet to a point in the division line between Raymond Boyd (Deed Book 8806 at Page 460) on the south and James Blanc, et al. (Deed Book 23088 at Page 153) on the north; Thence departing the said easterly right-of-way of Roswell Road and continuing with the said division line, South 86 degrees 57 minutes 36 seconds East, a distance of 168.97 feet to a 3/8 inch rebar found in the division line between the said Raymond Boyd on the west and Fulton County Board of Education on the east; Thence continuing with the said division line, South 06 degrees 14 minutes 32 seconds East, a distance of 158.60 feet to a 1/2 inch rebar found in the division line between the said Raymond Boyd on the west and JHH Properties, LLC (Deed Book 45641 at Page 186) on the east; Thence continuing with the said division line, South 00 degrees 33 minutes 12 seconds West, a distance of 56.86 feet to a 5/8 inch rebar set in the division line between the said JHH Properties, LLC on the east and Miney LLC (Deed Book 40117 at Page 555) on the west; Thence continuing with the said division line, South 00 degrees 33 minutes 19 seconds West, a distance of 208.92 feet to a pk nail set; Thence continuing through the said property of Miney LLC the following four courses: North 81 degrees 07 minutes 42 seconds West, a distance of 37.71 feet to a 5/8 inch rebar set; Thence along a curve to the right, an arc length of 15.22 feet, said curve having a radius of 14.14 feet, with a chord distance of 14.50 feet, at South 73 degrees 39 minutes 48 seconds West, to a 5/8 inch rebar set; Thence North 75 degrees 26 minutes 20 seconds West, a distance of 66.78 feet to a 5/8 inch rebar set; Thence North 71 degrees 38 minutes 30 seconds West, a distance of 74.84 feet to a 5/8 inch rebar set on the said miter of the said northerly right-of-way of Dalrymple Road with the said easterly right-of-way of Roswell Road, said 5/8 inch rebar set being the **TRUE POINT OF BEGINNING**.

Said tract of land contains 1.762 Acres.

RZ08 029