

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE CITY OF SANDY SPRINGS CITY COUNCIL APPROVING PETITION Z05-0050 ON FEBRUARY 17, 2009 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 February 17, 2009 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 **7640 Roswell Road (SR 9)** consisting of a total of approximately 2.07 acres, be modified with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lots 31 and 76 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**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

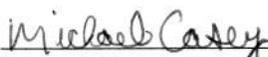
**SECTION 6.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 17th day of February, 2009.

Approved:

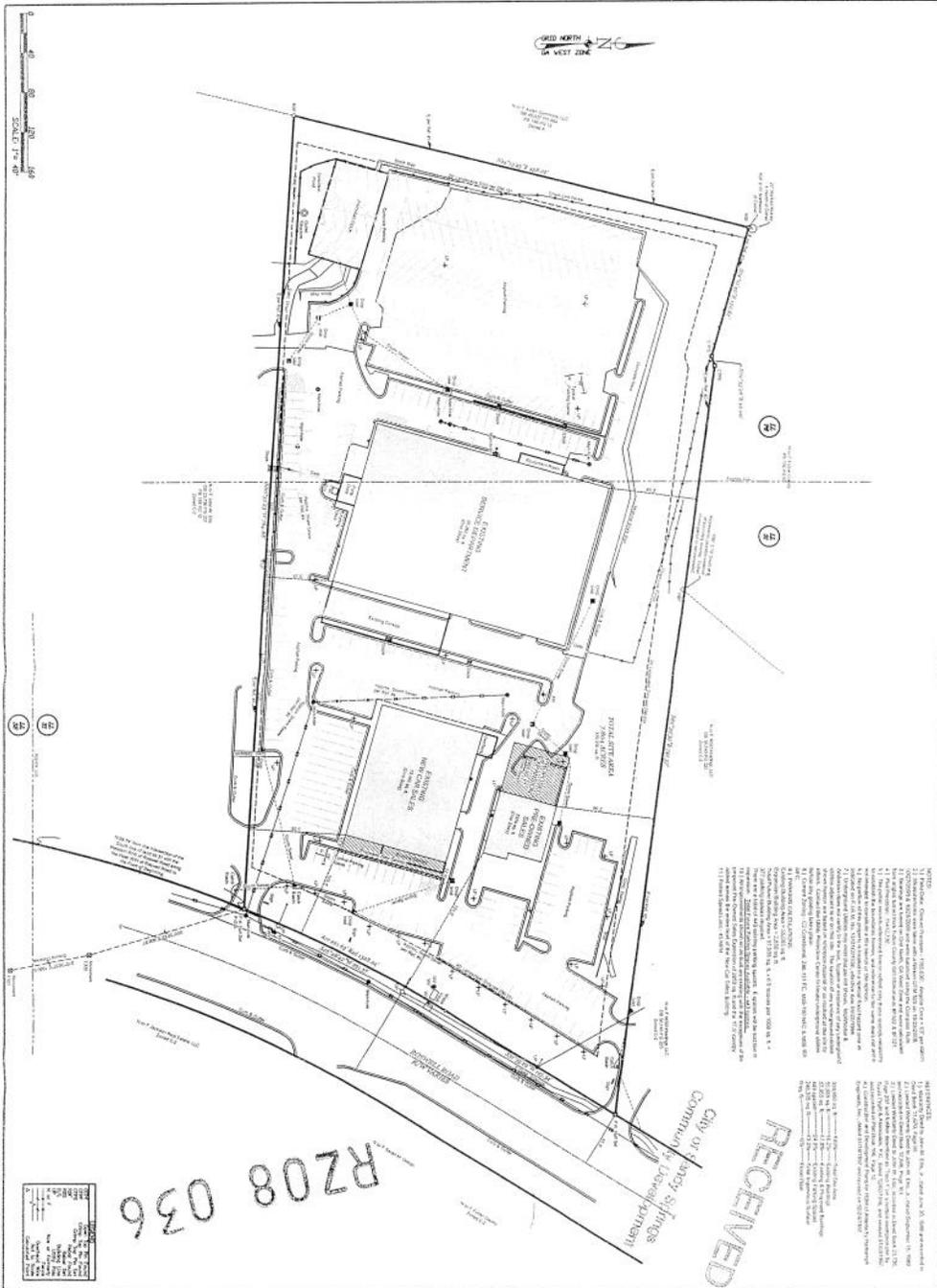
  
Eva Galambos, Mayor

Attest:

  
Michael Casey, Interim City Clerk

(Seal)





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CITY OF JOSEPH, MISSOURI  
 COMMUNITY DEVELOPMENT DEPARTMENT

NOTES:  
 1. This plan was prepared by the City of Joseph, Missouri, and is subject to the approval of the City Council.  
 2. The City of Joseph, Missouri, is not responsible for the accuracy of the information provided on this plan.  
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 9. The City of Joseph, Missouri, is not responsible for the accuracy of the information provided on this plan.  
 10. The City of Joseph, Missouri, is not responsible for the accuracy of the information provided on this plan.



**McWhorter & Anderson**  
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416 Firle Ferry Road  
 Building M, Unit 303  
 Cumming, GA 30049  
 (770) 889-6430  
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As-Built Site Plan & Boundary Survey for  
**JOHN W. ELLIS, JR.**  
 Land Lots 21 & 76 of the 17th District  
 Fulton County  
 Sandy Springs, Georgia  
 10-20-2006

CONDITIONS OF APPROVAL

**RZ08-036/CV08-031/DRB08-064**

7640 Roswell Road (SR9)

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by John Ellis at 7840 Roswell Road (SR9). Rezoning petition RZ08-036/CV08-031 was approved to rezone the subject property from C-2 (Commercial District) conditional to C-2(Commercial District) by the Mayor and City Council at the February 17, 2009 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. A car dealership and automobile maintenance facility not to exceed 57,935 square feet at a density of 7,423.75 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 4, 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 55 feet from the centerline of Roswell Road (SR9) along the entire street frontage or 10.5 feet from the edge of curb, whichever is greater.
  - b. To allow the existing 25 foot landscape strip to remain in the rear of the property in lieu of the required 50 foot buffer and 10 foot landscape strip (Section 4.23.1; Minimum Landscape Strips and Buffers).(CV08-031).
  - c. To allow the existing landscape strip to vary from 20 feet to zero feet on the southern boundary of the property in lieu of the required 5 foot landscape strip (Section 4.23.1; Minimum Landscape Strips and Buffers) (CV08-031).
  - d. The owner/developer shall install a concrete pad per MARTA's specification for the future installation of a bus shelter. The location of the concrete pad will be determined by Public Works at the initiation of the Land Disturbance Permit (LDP). The concrete pad, if warranted, shall be subject to MARTA and City of Sandy Springs approval at time of LDP.

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City of Sandy Springs  
Community Development  
EXHIBIT "A"

RZ08 036

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ALL THAT TRACT or parcel of land lying and being in Land Lots 31 and 76 of the 17th District, Fulton County, Georgia being more particularly described as follows:

To find the Point of Beginning, begin at intersection of the northwesterly right-of-way of Roswell Road (a variable right-of-way) and the southerly land lot line of Land Lot 31 of the 17th District, Fulton County, Georgia; running thence northeasterly along the northwesterly right-of-way of Roswell Road 1041.29 feet to a point; running thence north 86 degrees 25 minutes 08 seconds west along the right-of-way of Roswell Road 15.83 feet to an iron pin placed, said iron pin placed being the POINT OF BEGINNING; from said POINT OF BEGINNING running thence north 86 degrees 25 minutes 08 seconds west along property now or formerly Morgan Falls Station, Ltd., 784.88 feet to an iron pin found; running thence north 14 degrees 23 minutes 00 seconds east along the property line of property now or formerly Morgan Falls Station, Ltd., 458.25 feet to an iron pin found; running thence south 74 degrees 14 minutes 25 seconds east along the property line of property now or formerly Fulton County, 135.94 feet to a point; running thence north 72 degrees 40 minutes 41 seconds east along the property line of property now or formerly Fulton County, 10.00 feet to an iron in placed; running thence south 82 degrees 32 minutes 24 seconds east along the property line of property now or formerly B & D Partnership, 738.07 feet to a point on the northwesterly right-of-way of Roswell Road; running thence south 31 degrees 42 minutes 42 seconds west along the northwesterly right-of-way of Roswell Road, 194.84 feet to a point; running thence along the arc of a curve along the northwesterly right-of-way of Roswell Road 221.65 feet to an iron pin placed, said arc being subtended by a chord bearing south 26 degrees 55 minutes 52 seconds west 221.39 feet, having a radius of 1328.240 feet, said iron pin placed being the POINT OF BEGINNING. Being 7.797 acres as shown on survey for John W. Ellis, Jr., Bank South, N.A. and Lawyers Title Insurance Co. by Watts & Browning Engineers and G. M. Gillespie, Georgia Registered Professional Land Surveyor No. 2121 and Watts & Browning Engineers, dated January 2, 1991, last revised September 22, 1993.

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Together with all right and title to that Joint Entrance Easement Agreement between Morgan Falls Station, Ltd., and John W. Ellis, Sr., dated October 31, 1986, recorded in Deed Book 10428, Page 73, Fulton County, Georgia records and that Joint Entrance Easement Agreement between B & D Partnership and John W. Ellis, Jr. dated September 15, 1989, recorded in Deed Book 12846, Page 192, aforesaid records as amended in Deed Book 13215, Page 117, aforesaid records.

BOOK 17160 PG 325