

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY from C-1 (Community Business District) and A-O (Apartment Office District) conditional to C-1 (Community Business District) conditional with concurrent variances, PROPERTY LOCATED AT 5545 & 5555 & 5565 New Northside Drive**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on July 21, 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 5545 & 5555 & 5565 New Northside Drive, consisting of a total of approximately 3.56 acres, be changed from the C-1 (Community Business District) and A-O (Apartment Office District) conditional to C-1 (Community Business District) having concurrent variances with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 205 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**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

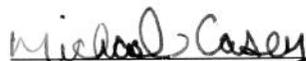
**SECTION 6.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 21<sup>st</sup> day of July, 2009.

Approved:

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

Attest:

  
\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)



## CONDITIONS OF APPROVAL

**RZ09-002/CV09-004**  
**5545 & 5555 & 5565 New Northside Drive**

The City of Sandy Springs Mayor and City Council approved the rezoning of property located at 5545 & 5555 & 5565 New Northside Drive. Rezoning petition RZ09-002/CV09-004 was approved to rezone the subject property from C-1 (Community Business District) and A-O (Apartment Office District) conditional to C-1 (Community Business District) conditional with concurrent variances by the Mayor and City Council at the July 21, 2009 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Retail and service commercial, office and including a veterinary clinic (non-outside animal facility), a restaurant, and financial institution, at a maximum density of 4,943 gross square feet per acre or 17,303 gross square feet, whichever is less. Massage Parlors, Adult Establishments/Businesses, Laundry/Dry Cleaning Plants, Garden Shops/Centers, and Tobacco Shops are prohibited.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated June 3, 2009. 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 forty (40) feet of right-of-way from centerline of New Northside 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.
  - b. At the time of redevelopment of that portion of the property abutting Powers Ferry Road, the owner/developer shall dedicate forty (40) feet of right-of-way from centerline of Powers Ferry 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.
  - c. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Powers Ferry Road.

- d. To reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to a minimum of a fifty (50) foot undisturbed natural buffer plus a seven (7) foot impervious surface setback to allow for the proposed retaining walls and to allow for the existing and other proposed impervious surfaces to be within the required seventy-five (75) foot stream buffer and setback as shown on the site plan received by the Department of Community Development dated June 3, 2009. (CV09-004).
- e. To install an additional freestanding monument sign along New Northside Drive where one (1) is permitted. The sign shall be located as shown on the site plan received by the Department of Community Development dated June 3, 2009 and the sign area shall be limited to no more than 40 sq.ft. and the overall height shall be limited to no more than 5 feet (CV09-004).
- f. To allow a permanent structure (parking lot) completely within a landscape strip (CV09-004).
- g. To provide interparcel access among the three uses on the subject property (proposed retail, Wachovia Bank property and Chevron property) to and from Powers Ferry Road and New Northside Drive.



RZ09 002

*Legal Description Tract 1:*

All that tract or parcel of land lying and being in Land Lot 205, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the northwesterly end of mitered intersection of the northerly right of way of Powers Ferry Road (45 feet from the existing centerline as per deed book 11900, page 214) and the easterly right of way New Northside Drive (80 feet right of way); thence proceed along said right of way of New Northside Drive the following courses and distances: North 02 degrees 47 minutes 40 seconds West a distance of 150.00 feet to a 1" rebar found, North 02 degrees 47 minutes 40 seconds West a distance of 126.83 feet to a point, and North 01 degrees 13 minutes 30 seconds West a distance of 104.93 feet to a 1" rebar found, said point being the Point of Beginning; from the Point of Beginning, as thus established, proceeding along said right of way of New Northside Drive the following courses and distances: along a curve of the arc to the left a distance of 88.32 feet (said arc having a radius of 1190.92 feet, and a chord of bearing North 07 degrees 41 minutes 08 seconds West and a distance of 88.30 feet) to a ½" rebar found, and North 09 degrees 20 minutes 18 seconds East a distance of 90.39 feet to a ½" rebar found on the southeasterly right of way of Interstate Highway 285 (limited access highway); thence proceeding along said right of way of Interstate Highway 285 the following courses and distances: North 31 degrees 34 minutes 48 seconds East a distance of 222.38 feet to a concrete monument found, North 59 degrees 42 minutes 33 seconds East a distance of 37.86 feet to a 1" rebar found; thence leaving said right of way of Interstate Highway 285 and proceeding South 45 degrees 41 minutes 09 seconds East a distance of 13.74 feet to a 1½" rebar found; thence proceeding South 13 degrees 22 minutes 19 seconds East a distance of 352.33 feet to a point; thence proceeding South 08 degrees 45 minutes 51 seconds East a distance of 23.79 feet to a point; thence proceeding South 88 degrees 03 minutes 39 seconds West a distance of 193.70 feet to a point; thence proceeding South 86 degrees 59 minutes 28 seconds West a distance of 53.43 feet to the Point of Beginning.

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## *Legal Description Tract 2:*

All that tract or parcel of land lying and being in Land Lot 205, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the northwesterly end of mitered intersection of the northerly right of way of Powers Ferry Road (45 feet from the existing centerline as per deed book 11900, page 214) and the easterly right of way New Northside Drive (80 feet right of way); thence proceed along said right of way of New Northside Drive North 02 degrees 47 minutes 40 seconds West a distance of 150.00 feet to a 1" rebar found, said point being the Point of Beginning; from the Point of Beginning, as thus established, continue along said right of way of New Northside Drive the following courses and distances: North 02 degrees 47 minutes 40 seconds West a distance of 126.83 feet to a point, and North 01 degrees 13 minutes 30 seconds West a distance of 104.93 feet to a 1" rebar found; thence leaving said right of way of New Northside Drive and proceeding North 86 degrees 59 minutes 28 seconds East a distance of 53.43 feet to a point; thence proceed North 88 degrees 03 minutes 39 seconds East a distance of 193.70 feet to a point; thence proceed South 08 degrees 45 minutes 51 seconds East a distance of 61.41 feet to a point; thence proceed South 04 degrees 22 minutes 33 seconds East a distance of 212.76 feet to a ½" rebar found on the northerly right of way of Powers Ferry Road (80 feet at this point); thence proceed along said right of way of Powers Ferry Road along the arc of a curve to the right a distance of 84.74 feet (said arc having a radius of 974.56 feet and a chord with bearing South 53 degrees 17 minutes 54 seconds West and a distance of 84.71 feet) to a ½" rebar found; thence leaving said right of way of Powers Ferry Road and proceeding North 03 degrees 13 minutes 09 seconds West a distance of 47.11 feet to a ½" rebar found; thence proceed North 18 degrees 57 minutes 53 seconds West a distance of 84.40 feet to a nail found; thence proceed South 75 degrees 03 minutes 13 seconds West a distance of 171.93 feet to the Point of Beginning.

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### *Legal Description Tract 3:*

All that tract or parcel of land lying and being in Land Lot 205, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the northwesterly end of mitered intersection of the northerly right of way of Powers Ferry Road (45 feet from the existing centerline as per deed book 11900, page 214) and the easterly right of way New Northside Drive (80 feet right of way); thence proceed along said right of way of New Northside Drive the North 02 degrees 47 minutes 40 seconds West a distance of 150.00 feet to a 1" rebar found, thence leaving said right of way of New Northside Drive and proceeding North 75 degrees 03 minutes 13 seconds East a distance of 171.93 feet to a nail found; thence proceeding South 18 degrees 57 minutes 53 seconds East a distance of 84.40 feet to a ½" rebar found; thence proceeding South 03 degrees 13 minutes 09 seconds East a distance of 41.67 feet to a point on the northerly right of way of Powers Ferry Road; thence proceeding along said right of way of Powers Ferry Road the following courses and distances: along a curve of the arc to the right a distance of 38.47 feet (said arc having a radius of 873.33 feet, and a chord of bearing South 56 degrees 51 minutes 24 seconds West and a distance of 38.46 feet) to a point, South 57 degrees 43 minutes 35 seconds West a distance of 133.71 feet to a point, and along a curve of the arc to the right a distance of 62.92 feet (said arc having a radius of 25.00 feet, and a chord of bearing North 65 degrees 33 minutes 30 seconds West and a distance of 47.58 feet) to the Point of Beginning.

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