

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE PROPERTY FROM THE O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I (OFFICE AND INSTITUTIONAL DISTRICT), PROPERTY LOCATED AT 5395 ROSWELL ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on December 15, 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 **5395 Roswell Road**, consisting of a total of approximately 1.78 acres, be changed from 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 17th 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

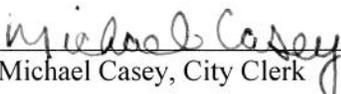
ORDAINED this the 15th day December, 2009.

Approved:



Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ09-001/CV09-003

5395 Roswell Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by The Church of Scientology located at 5395 Roswell Road. Rezoning petition RZ09-001 to rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) was approved by the Mayor and City Council at the December 15, 2009 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/or Church and associated accessory uses in the existing structure at a density of 18,007.30 square feet per acre or 32,053 square feet, whichever is less.
 - b. No overnight stays (11:00 PM to 6:00AM).
 - c. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated May 5, 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. Streetscape including sidewalks will be required at time of building permit or land disturbance permit, whichever occurs first, subject to the approval of the Public Works Department.
 - b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge 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. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell 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.
 - d. 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 Glenridge Drive

- e. To allow parking within the required minimum front and side yard setback (CV09-003).
- f. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).
- g. To allow for a parking lot without the required parking islands (CV09-003).
- h. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (CV09-003).

Drawing No. 1 of 2

PROPERTY AND BOUNDARY SURVEY FOR
 5395 ROSWELL ROAD
 LAND LOT 91 AND 92, 13TH DISTRICT, FULTON COUNTY, GEORGIA



Project No. 085-073
 Date: 04/10/09
 Checked By: HJ
 Drawn By: CMK
 Field Surveyed: 04/10/09

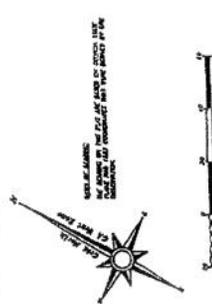
C&C Acc'd Firm Name: 085-073 DMC
 PIN Name: 085-19100

No.	Revision	Date
1	ISSUING SURVEY	04/10/09
2	Add Title Commitment Notes	5/05/09
	Designation and Sheet 2 of 2	

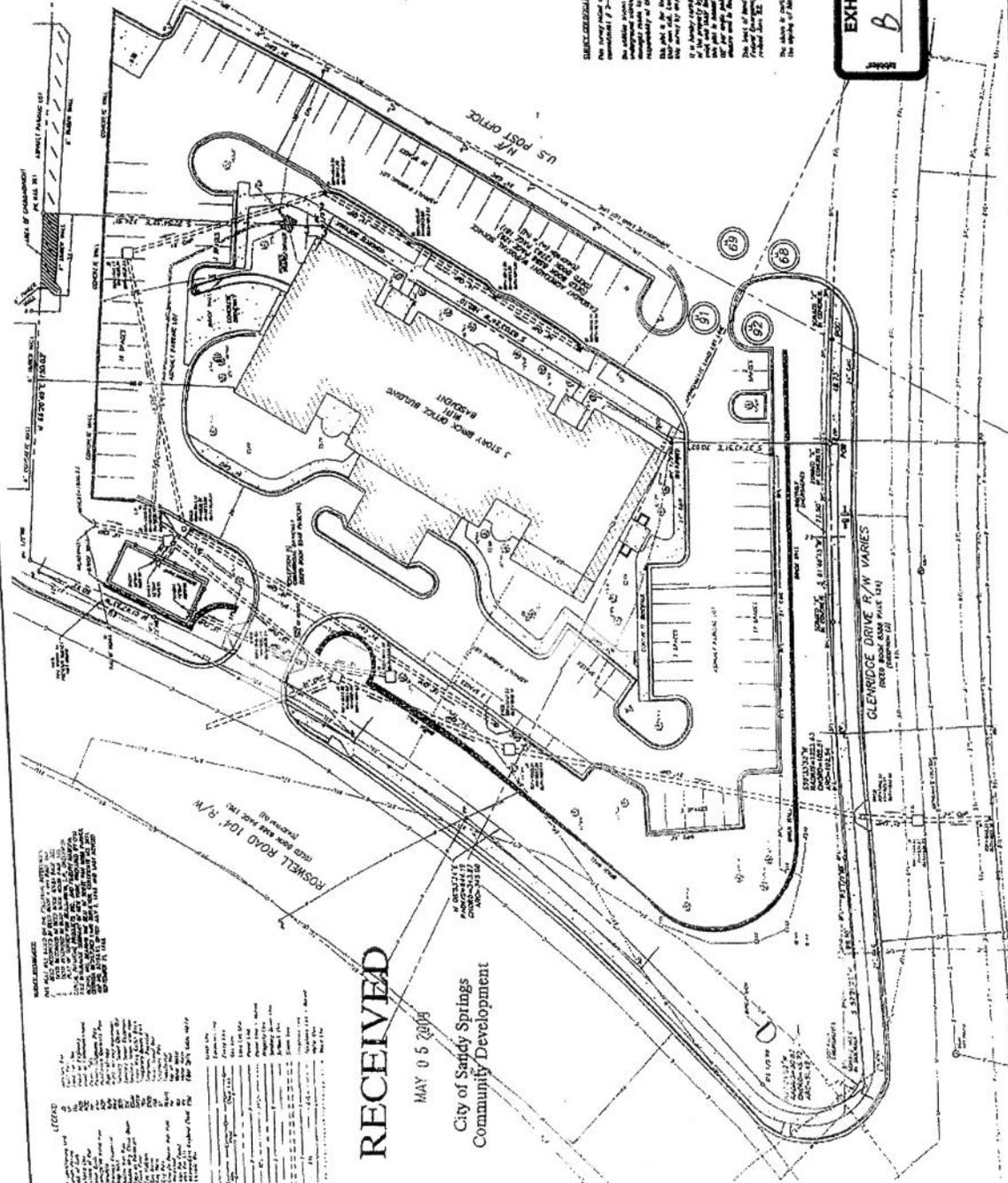
NO POSTING OF THIS SURVEY MAP IS PERMITTED WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. ANY VIOLATION OF THIS PROVISION SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ETHICS OF THE SURVEYOR AND SHALL BE SUBJECT TO THE PENALTIES THEREOF.

EXHIBIT B

DISCLAIMER:
 The surveyor makes no representation or warranty as to the accuracy of the information contained herein, which is derived from the records of the public records office, and the surveyor is not responsible for any errors or omissions in the information. The surveyor is not responsible for any errors or omissions in the information, and the surveyor is not responsible for any errors or omissions in the information. The surveyor is not responsible for any errors or omissions in the information, and the surveyor is not responsible for any errors or omissions in the information.



- DEVELOPMENT STATISTICS SUMMARY CLEAR SUBJECT PARCEL EXHIBIT**
- 1. TOTAL AREA OF SITE: 1.70 ACRES
 - 2. TOTAL AREA OF DEVELOPMENT: 1.70 ACRES
 - 3. TOTAL AREA OF IMPROVEMENTS: 1.70 ACRES
 - 4. TOTAL AREA OF OPEN SPACE: 0.00 ACRES
 - 5. TOTAL AREA OF PAVED SURFACE: 0.00 ACRES
 - 6. TOTAL AREA OF UNPAVED SURFACE: 0.00 ACRES
 - 7. TOTAL AREA OF WATER: 0.00 ACRES
 - 8. TOTAL AREA OF UTILITIES: 0.00 ACRES
 - 9. TOTAL AREA OF OTHER: 0.00 ACRES



NOTICE:
 THIS SURVEY MAP IS A PUBLIC RECORD AND IS SUBJECT TO THE PUBLIC RECORDS ACT OF 1978. ANY PERSON WHO HAS A RIGHT OR INTEREST IN THE PROPERTY SHOWN ON THIS SURVEY MAP SHOULD CONTACT THE SURVEYOR AT THE ADDRESS LISTED HEREON TO OBTAIN A COPY OF THIS SURVEY MAP AND TO VERIFY THE ACCURACY OF THE INFORMATION CONTAINED HEREON.

RECEIVED
 MAY 05 2009
 City of Safety Springs
 Community Development

LEGEND

Symbol	Description
(Symbol)	Property Boundary
(Symbol)	Right-of-Way Boundary
(Symbol)	Building Footprint
(Symbol)	Parking Lot
(Symbol)	Driveway
(Symbol)	Easement
(Symbol)	Utility Line
(Symbol)	Other

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 91 and 92 of the 17th District of Fulton County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a point located at the intersection of the northwesterly right-of-way of Glenridge Drive (being a 100 foot right-of-way) and the east land lot line of Land Lot 92 (also being the west land lot line of Land Lot 68); running thence along the northwesterly right-of-way of Glenridge Drive South 60 degrees 34 minutes 51 seconds West, a distance of 48.73 feet to a point and the TRUE POINT OF BEGINNING; running thence along the northwesterly right-of-way of Glenridge Drive South 60 degrees 34 minutes 51 seconds West, a distance of 77.50 feet to a point; continuing thence along the northwesterly right-of-way of Glenridge Drive along a curve to the left an arc distance of 102.54 feet to a point (said arc being subtended by a chord bearing South 58 degrees 22 minutes 28 seconds West and having a length of 102.51 feet); continuing thence along the northwesterly right-of-way of Glenridge Drive South 56 degrees 10 minutes 05 seconds West, a distance of 98.10 feet to a point; continuing thence along the northeasterly right-of-way of Glenridge Drive and the easterly right-of-way of Roswell Road (being a 104 foot right-of-way) along a curve to the right an arc distance of 51.48 feet to a point (said arc being subtended by a chord bearing North 28 degrees 35 minutes 26 seconds West and having a length of 45.72 feet); running thence along the easterly right-of-way of Roswell Road along a curve to the left an arc distance of 345.68 feet to a point (said arc being subtended by a chord bearing North 07 degrees 42 minutes 10 seconds East and having a length of 343.27 feet); continuing thence along the easterly right-of-way of Roswell Road North 02 degrees 59 minutes 17 seconds West, a distance of 60.92 feet to a point; running thence North 65 degrees 09 minutes 39 seconds East, a distance of 150.00 feet to a point; running thence South 24 degrees 06 minutes 35 seconds East, a distance of 124.50 feet to a point; running thence South 01 degree 52 minutes 00 second West, a distance of 182.10 feet to a point; running thence South 28 degrees 51 minutes 26 seconds East, a distance of 70.99 feet to a point and the TRUE POINT OF BEGINNING; being 1.784 acres and being designated as Tract One on that certain survey for Realmark VII, L.P., a Georgia limited partnership, Greenwich Capital Financial Products, Inc., a Delaware corporation, its successors and assigns and Fidelity National Title Insurance Company of New York, prepared by Civil Design, Inc., bearing the seal and certification of Scott Van Webb Parker, Georgia Registered Land Surveyor, Certificate No. 2611, Job No. 93152.01, dated July 7, 1999, and last revised September 21, 1998.

TOGETHER WITH and benefiting the subject property, the easement contained in that certain Easement Agreement by and between the United States Postal Service and Glenridge Square, Ltd., a Georgia limited partnership, and Glenridge Square II, Ltd., a Georgia limited partnership, dated May 25, 1988, filed for record May 31, 1988 at 2:39 p.m., recorded in Deed Book 11571, Page 276, Records of Fulton County, Georgia.

RECEIVED
 COMMUNITY DEVELOPMENT
 SANDY DAVIS