

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITIONS OF RZ08-018/CV08-020 APPROVED BY
THE CITY OF SANDY SPRINGS MAYOR AND CITY COUNCIL ON JUNE 19, 2012,
WITH CONCURRENT VARIANCES, PROPERTY LOCATED AT 5229 ROSWELL
ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on June 19, 2012 at 6:00 p.m. as follows:

SECTION 1. That the condition(s) of a resolution by the Mayor and City Council, approved on September 16, 2008, for petition RZ08-018/CV08-020 that allowed the property to be conditionally rezoned to the O-I (Office and Institutional District) be changed for the property located at 5229 Roswell Road, consisting of a total of approximately 1.154 acres, to wit;

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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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

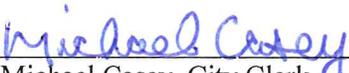
APPROVED AND ADOPTED this the 19th day of June, 2012.

Approved:



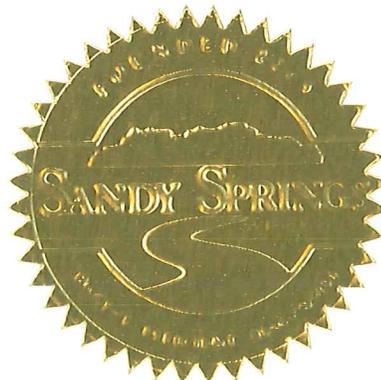
Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**ZM12-004/CV12-009
5229 Roswell Road**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of RZ08-018/ CV08-020, with regard to the above referenced property currently zoned O-I (Office and Institutional) conditional. Zoning modification petition ZM12-004/CV12-009 was approved by the Mayor and City Council at the June 19, 2012 subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a density of 6,499.13 gross square feet per acre or 7,500 gross square feet, whichever is less.
 - b. To a maximum building height two (2) stories.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated April 4, 2012. 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 fifty-five (55) feet of right-of-way from centerline of Roswell Road (SR 9) 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. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Beachland 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. If the plans call for any change to the driveway entrance from Roswell Road, prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent property to the south. 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 southern boundaries of the property, prior to the issuance of an LDP.
 - d. To reduce the required fifty (50) foot buffer to twenty-five (25) feet and less the required ten (10) improvement setback to zero (0) to accommodate the portion of the encroachment only, adjacent to residentially zoned property along the east property line (CV12-009). The owner/developer shall provide additional screening in this area, subject to the approval of the Sandy Springs Arborist.

- e. The parking spaces along the east property line adjacent to the zoning buffer referenced in condition 3.e. shall be developed with pervious material subject to the approval of the Sandy Springs Arborist.
- f. To reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plan received by the Department of Community Development dated April 4, 2012.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 92 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin at the corner formed by the intersection of the easterly right of way side of Roswell Road with the southerly right of way of Beachland Drive and running thence in a southerly direction along the easterly right of way of Roswell Road along a curve having an arc distance of 150.00 feet and subtended by a chord of south 03 degrees 21 minutes 20 seconds west, a distance of 149.94 feet to a half inch (1/2") rebar found; thence north 89 degrees 15 minutes 08 seconds east a distance of 246.60 feet to a half inch (1/2") rebar found; thence north 00 degrees 30 minutes 31 seconds east a distance of 245.52 feet to a half inch (1/2") rebar found; thence running along the southerly right of way of Beachland Drive, south 73 degrees 53 minutes 16 seconds west, a distance of 217.00 feet to an iron pin placed; thence continuing along said right of way, south 39 degrees 04 minutes 00 seconds west a distance of 50.00 feet to an iron pin placed and the point of beginning, being improved property now or formerly known as 5229 Roswell Road and being more particularly shown on a Plat of Survey prepared by A. S. Giometti & Associates, Inc., certified by A. S. Giometti, Georgia Registered Land Surveyor No. 1125, dated December 15, 2005, and said tract containing 1.17 acres.