

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITIONS OF A RESOLUTION BY SANDY SPRINGS CITY COUNCIL APPROVING PETITION RZ2006-039 ON NOVEMBER 8, 2006 FOR PROPERTY LOCATED AT 0 CLIFTWOOD DRIVE (TAX PARCEL # 17 009000030382)

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on September 15, 2015 at 6:00 p.m. as follows:

SECTION 1. That the conditions of a Resolution by the Sandy Springs City Council on November 8, 2006, for petition RZ2006-039 that allowed the property to be rezoned to C-1 (Community Business District) be changed for the property located at 0 Cliftwood Drive, consisting of a total of approximately 0.309 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 90 of the 17th District, Fulton County, Georgia by the attached legal description; and

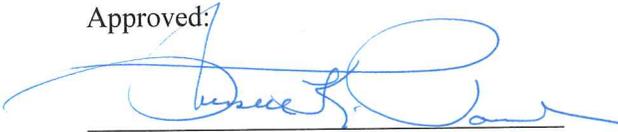
SECTION 2. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

SECTION 3. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 4. This Ordinance shall become effective upon adoption by the City Council and the signature of approval of the Mayor.

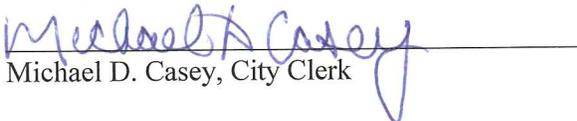
APPROVED AND ADOPTED this the 15th day of September, 2015.

Approved:



Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

201501844
0 Cliftwood Drive

Please be advised, the zoning modification for property at 0 Cliftwood Drive (Tax ID # 17 009000030382) has been accepted by the City of Sandy Springs and given the case number 201501844. The zoning modification process is hereby initiated for the request to modify zoning conditions 1(a), 1(b), 2(a), 3(a), 3(b), 3(c), 3(d) and 3(e) of rezoning case RZ2006-039. Zoning Modification petition 201501844 was approved by the Mayor and City Council at the September 15, 2015 hearing subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. ~~To maintain the existing gas station and 1,800 gross square foot convenience store on the eastern 0.538 acre portion of the site at a density of 3,345.72 feet per acre~~
 - b. ~~Office and associated accessory uses~~ Development on the western 0.309 acre portion of the site at shall be limited to a density of 30,582.52 gross square feet per acre or 9,450 gross square feet, whichever is less.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated ~~September 5, 2006~~ May 29, 2015 and as modified by this application. 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. The applicant shall be required to complete the concept review procedure prior to application for 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 or ten and one half (10.5) feet from back of curb, whichever is greater along the entire property frontage to the City of Sandy Springs.~~
 - b. The owner/developer shall dedicate ~~forty five (45) feet of right-of-way from centerline of Cliftwood Drive or ten and one half (10.5) feet from back of curb~~ ten (10) feet along the entire property frontage of Cliftwood Drive, whichever is greater, for the required landscape strip/furniture zone as required in the City Center Master Plan Appendix B Proposed Street Sections, as adopted December 18, 2012 to the City of Sandy Springs, to allow the required 6 foot sidewalk and one foot behind the sidewalk to be located within the Cliftwood Drive right-of-way.
 - c. Prior to issuance of an LDP, the owner/developer shall attempt to provide inter-parcel access between the ~~two properties~~ subject property and the adjacent property to the south (5866 Roswell Road). Should the owner/developer not come to an agreement on interparcel access at this time, 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, prior to the issuance of an LDP.

- d. ~~The owner/developer shall close the existing driveway along Cliftwood Drive and shall provide a shared driveway between the gas station and the office building.~~ Prior to the issuance of an LDP, the owner/developer shall record a permanent easement allowing future interparcel access on the subject property for the benefit of the adjacent property to the east (existing gas station). Any interparcel access implemented pursuant to such permanent easement shall be at a location mutually acceptable to both property owners.
 - e. The owner/developer shall install streetscape to the Main Street standards of the Sandy Springs Overlay District along the entire property frontage along ~~Roswell Road and Cliftwood Drive.~~
4. The parcel of land subject to RZ2006-039 be subdivided as required by the City of Sandy Springs subdivision regulations to be consistent with this application and the site plan submitted with this application prior to the issuance of a land disturbance permit.
 5. Approval of Zoning Modification Application 201501855 shall not modify or otherwise impact the zoning conditions applicable to the eastern 0.538 acre portion of the site identified in RZ06-039 and currently improved with a gas station and convenience store.

LEGAL DESCRIPTION TRACT #3

PROPERTY DESCRIPTION TRACT THREE - CLIFTWOOD DRIVE PARCEL

Being all that tract or parcel of land lying and being in Land Lot 90, 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

COMMENCING at the intersection of the apparent westerly right-of-way line of Roswell Road a.k.a. State Route 9 (having an apparent variable width right-of-way) and the apparent southerly right-of-way line of Cliftwood Drive (having an apparent variable width right-of-way); thence, leaving the aforesaid right-of-way line of Roswell Road and running with the said right-of-way line of Cliftwood Drive North 89° 35' 45" West, 170.42 feet to a point and the POINT OF BEGINNING.

Thence, from said POINT OF BEGINNING as thus established and leaving the said right-of-way line of Cliftwood Drive and running with property now or formerly owned by Sultan Sultan Developments, LLC as recorded in Deed Book 51675, Page 542 among the land records of Fulton County, Georgia

1. South 00° 14' 35" West, 140.16 feet to a 2" metal disc and rebar found stamped "RLS 3028; thence, leaving the aforesaid property of Sultan Sultan Developments, LLC and run with property now or formerly owned by 5844 Roswell Road, LLC as recorded in Deed Book 52020, Page 661, aforesaid records
2. North 89° 41' 23" West, 99.71 feet to a 1 inch open top pipe found; thence, leaving the aforesaid property now or formerly owned by 5844 Roswell Road, LLC and run with property now or formerly owned by Ann Andy Hung Tai & Julie Li Mei as recorded in Deed Book 36784, Page 494, aforesaid records
3. North 03° 15' 03" East, 140.51 feet to a 1/2 inch rebar found on the aforesaid right-of-way line of Cliftwood Drive; thence, leaving the aforesaid property of Ann Andy Hung Tai & Julie Li Mei and run with the said right-of-way line of Cliftwood Drive
4. South 89° 35' 04" East, 92.34 feet to the POINT OF BEGINNING, containing 13,467 square feet or 0.3092 acres of land, more or less.

Described property is subject to all easements and rights of way recorded and unrecorded.