

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO REZONE FROM C-1 (COMMUNITY BUSINESS DISTRICT) to
C-1 (COMMERCIAL BUSINESS DISTRICT) PROPERTIES LOCATED AT 6545, 6555,
AND 6555 (REAR) ROSWELL ROAD (SR9)**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on February 18, 2014 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 properties located 6545, 6555, and 6555 (rear) Roswell Road (SR9) consisting of a total of approximately 4.19 acres, be changed from C-1 (Community Business District) to C-1 (Community Business District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 88 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

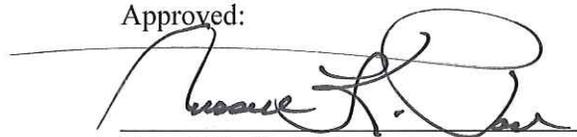
SECTION 4. That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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

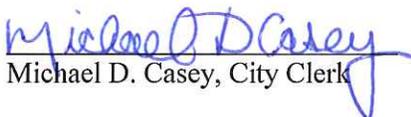
APPROVED AND ADOPTED this the 18th day of February, 2014.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

201303719
6545, 6555, 6555 (rear) Roswell Road (SR9)

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of properties owned by 6545 Roswell, LLC at 6545, 6555 and 6555 (rear) Roswell Road. Rezoning petition 201303719 was approved to rezone from C-1 (Community Business District) conditional to C-1 (Commercial Business District) by the Mayor and City Council at the February 18, 2014 hearing, subject to the following conditions:

1. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on December 5, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
 - b. To the elevation plan received by the Department of Community Development on February 18, 2014. Said elevations plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved elevations plans to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for Building Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
2. To the owner's agreement to provide the following site development standards:
 - a. Variance from Section 4.23.1 to reduce the fifty (50) foot rear buffer to ten (10) feet along rear property line and to zero (0) for the access to the rear portion of the property. (CV-201303719 #1)
 - b. Variance from Section 12. B.8.A.3 to the maximum number of parking space permitted from 37 to 43 spaces. (CV-201303719 #2)
 - c. Variance from Section 12.B.8.E.2 to decrease the minimum height from 25 feet to 18 feet. (CV-201303719 #3)
 - d. Variance from Section 103-72 of the Sandy Springs Development Regulations to delete the requirement for interparcel access to the property to the south. (CV-201303719 #4)
 - e. Variance from Section 33.22.C to reduce the 10 foot setback to 0 feet. (CV-201303719 #5)

ORDINANCE NO. 2014-02-06
PETITION NO. 201303719

- f. Variance from Section Section12B.8.F.2.c to reduce the 60% transparent glazing on the ground floor façade to 18%. (CV-201303719 #7)
- g. Southwest elevation of the building shall be screened from street view subject to the approval of the Sandy Springs Arborist.
- h. Screening shall be installed along the northwest property line to screen the neighboring properties from headlights subject to the approval of the Director of Community Development.

RECEIVED

Proposed Zaxby's Parcel Legal Description:

City of Sandy Springs
Community Development

All that tract or parcel of land situate, lying and being in Land Lot 88 of the 17TH District of Fulton County, Georgia being more particularly describe as follows:

Commencing at a found 5"x5" concrete monument at the intersection of the Southerly Right-of-Way line of Abernathy Road and the Easterly Right-of-Way line of Roswell Road; thence S 25° 43' 07" W, a distance of 1115.94 feet to a point on said Easterly Right-of-Way line of Roswell Road, the next 3 calls being coincident with said Easterly Right-of-Way line of Roswell Road; thence S 11° 48' 29" W, a distance of 21.18 feet to a point; thence S 78° 11' 48" E, a distance of 8.58 feet to a point on the arc of a curve to the left; thence Southwesterly along said curve having a radius of 2554.55 feet and a chord length of 143.95 feet that bears S 09° 19' 21" W, an arc length of 143.97 feet to the Point of Beginning; thence S 84° 33' 03" E, a distance of 47.01 feet to a point; thence N 88° 55' 33" E, a distance of 221.14 feet to a point; thence S 01° 09' 36" E, a distance of 50.30 feet to a point; thence S 04° 07' 57" W, a distance of 100.01 feet to a found 1/2 inch rebar; thence S 88° 50' 21" W, a distance of 287.53 feet to a found 1/2 inch rebar at the said Easterly Right-of-Way line of Roswell Road, the next 3 calls being coincident with said Easterly Right-of-Way line of Roswell Road; thence Northeasterly along a curve to the right, having a radius of 2563.26 feet and a chord length of 100.74 feet that bears N 05° 43' 30" E, an arc length of 100.74 feet to a point; thence N 88° 55' 33" E, a distance of 8.79 feet to a found 1/2 inch rod on the arc of a curve to the right; thence Northeasterly along said curve having a radius of 2554.55 feet and a chord length of 56.20 feet that bears N 07° 04' 40" E, an arc length of 56.21 feet to the Point of Beginning.

Said parcel containing 0.974 Acres, more or less.

RECEIVED

Overall Legal Description:

City of Sandy Springs
Community Development

All that tract or parcel of land situate, lying and being in Land Lot 88 of the 17TH District of Fulton County, Georgia being more particularly describe as follows:

Commencing at a found 5"x5" concrete monument at the intersection of the Southerly Right-of-Way line of Abernathy Road and the Easterly Right-of-Way line of Roswell Road; thence S 25° 43' 07" W, a distance of 1115.94 feet to a point on said Easterly Right-of-Way line of Roswell Road being the **Point of Beginning**; thence N 88° 53' 39" E, a distance of 469.12 feet to a found 1/2 inch rebar; thence N 01° 15' 44" W, a distance of 14.86 feet to a found 1/2 inch rebar; thence N 00° 43' 21" W, a distance of 30.01 feet to a found 1/2 inch rebar; thence N 89° 28' 26" E, a distance of 11.96 feet to found 1/2 inch rebar; thence N 00° 48' 14" E, a distance of 112.91 feet to a found 1/2 inch rebar; thence S 89° 46' 23" E, a distance of 295.70 feet to a found 1/2 inch rebar w/ cap LSF 797; thence S 00° 45' 40" E, a distance of 137.00 feet to a point; thence S 89° 05' 47" W, a distance of 283.35 feet to a found 1/2 inch rebar; thence S 01° 37' 20" E, a distance of 236.17 feet to a found 1/2 inch rebar; thence S 89° 14' 15" W, a distance of 253.13 feet to a point; thence S 04° 07' 57" W, a distance of 100.01 feet to a found 1/2 inch rebar; thence S 88° 50' 21" W, a distance of 287.53 feet to a found 1/2 inch rebar at the said Easterly Right-of-Way line of Roswell Road, the next 5 calls being coincident with said Easterly Right-of-Way line of Roswell Road; thence Northeasterly along a curve to the right having a radius of 2563.26 feet and a chord length of 100.74 feet that bears N 05° 43' 30" E, an arc length of 100.74 feet to a point; thence N 88° 55' 33" E, a distance of 8.79 feet to a found 1/2 inch rod on the arc of a curve to the right; thence Northeasterly along said curve having a radius of 2554.55 feet and a chord length of 200.12 feet that bears N 08° 41' 32" E, an arc length of 200.17 feet to a point; thence N 78° 11' 48" W, a distance of 8.58 feet to a point; thence N 11° 48' 29" E, a distance of 21.18 feet to the **Point of Beginning**.

Said parcel containing 4.214 Acres, more or less.