

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO REZONE PROPERTY FROM THE MIX (MIXED USE) DISTRICT AND THE TR (TOWNHOUSE RESIDENTIAL) DISTRICT TO THE MIX (MIXED USE) DISTRICT, PROPERTY LOCATED AT 1455 AND 1465 SOUTH JOHNSON FERRY ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on July 5, 2006 at 7:00 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 **1455 and 1465 South Johnson Ferry Road**, consisting of a total of approximately 14.413 acres, be changed from the MIX (Mixed Use) District and the TR (Townhouse Residential) District to the MIX (Mixed Use) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 16 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 5th day of July, 2006.

Approved:



Eva Galambos, Mayor

Attest:



Jeanette R. Marchiafava, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ06-012/CV06-009
1455 and 1465 South Johnson Ferry Road

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. One hundred thirty (130) townhouse residential units at a density of 9.02 units per acre.
 - b. Office/institutional and accessory uses as a maximum density of 208.15 square feet of gross floor area per acre zoned or a total gross floor area of 3,000 square feet, whichever is less. All office uses not associated with the townhouse development shall be restricted to the second floor of the proposed structure at the northwest corner of the subject site as shown on the site plan referenced in Condition 2.a.
 - c. To provide a 3,000 square foot clubhouse/activity space on the first floor of the proposed structure at the northwest corner of the subject site as shown on the site plan referenced in Condition 2.a.
 - d. To provide a minimum 1, 250 one-bedroom unit, a 1,871 square foot two-bedroom unit, and a 2,250 square foot three-bedroom unit.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on March 13, 2006. 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 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.
 - b. All areas that are not a part of an individual lot and held in common shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of Department of Community Development for review and approval prior to the recording of the first final plat.
 - c. To submit to the City of Sandy Springs a combination plat to incorporate the northern parcel of the site with the southern parcel, which will be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County.
3. To the owner's agreement to provide the following site development standards:
 - a. Provide a 20 foot side yard perimeter setback along the north property line (CV06-009, Part 1).

- b. Provide a 20 foot wide landscape strip along South Johnson Ferry Road (CV06-009, Part 2).
 - c. To reduce the front-to-front building separation to 50 feet, the rear-to-rear building separation to 35 feet, and the side-to-side building separation to 20 feet (CV06-009, Part 3).
 - d. Provide a 10 foot wide landscape strip along the south property lines shown as N89°40'15"W 692.65' and N89°15'02"W 299.92' on the site plan dated received March 13, 2006, subject to the approval of the City of Sandy Springs Arborist (CV06-009, Part 4).
 - e. To allow a wall and gates within the required landscape strip along Peachtree-Dunwoody Road and South Johnson Ferry Road (CV06-009, Part 5).
4. To the owner's agreement to abide by the following traffic requirements, dedication, and improvements:
- a. 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 bisects the required landscape strip of 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.
 - b. Dedicate at no cost to the City of Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to the City of Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

45 feet from centerline of Peachtree-Dunwoody Road
30 feet from centerline of South Johnson Ferry Road.
 - c. If any gates are installed as part of the development, each gate must provide a minimum of 100 feet of storage as measured from the gate call box or key pad to the closest edge of pavement of public street. Gate design, alignment, and location are subject to the approval of the City of Sandy Springs Traffic Engineer.
 - d. Provide a deceleration lane for each project entrance or as may be required by the City of Sandy Springs Traffic Engineer.

- e. Provide a left turn lane for each project entrance or as may be required by the City of Sandy Springs Traffic Engineer.
 - f. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the City of Sandy Springs Traffic Engineer at the concept review phase.
 - g. Provide sidewalks internal to the development at minimum on one side of all internal streets.
5. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a (LDP) with the Department of Community Development, arrange to meet with the City of Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the City of Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.
 - c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Public Works Department and arrange to meet on-site with an engineer, who is responsible for review of Storm Water Concept Plan submittals.
 - d. Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the Department of Community Development a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact; and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at a point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment, and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year water surface elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable offsite drainage easement to accommodate the

100-year storm flow through impacted properties. Where Fulton County has completed a model of the basin, it shall be used by the developer in the analyses.

- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow across an external property line be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Public Works. This condition will not apply when the storm water management facility is designed and approved to discharge directly to a stream or watercourse.
- f. A draft of the Inspection and Maintenance Agreement shall be submitted to the Department of Community Development with the Storm Water Concept Plan.
- g. The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed, and cleaned, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document, for use by the owner and/or any professionals retained by the owner, to plainly describe the basic operational function of the facility(ies), including a description of a permanent marker post(s) which shall indicate that the level of sediment which, if exceeded, requires sediment removal. The Inspection and Maintenance Agreement shall require an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the Department of Community Development. The annual report shall include monthly inspections, photographs, and documentation of the clearing of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as described in the design guidance document (described above), and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended.
- h. The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit, or Building Permit associated with the development.
- i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
- j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve

the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.

- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, and provide details on the Storm Water Management Plan of the post-development channel bank protection measures.
- l. The developer/engineer shall demonstrate to the County by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
- m. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water not conveyed to such facilities, subject to the approval of the Director of Public Works. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flows from any disturbed portion of the developed property shall be allowed only with the approval of the Director of Public Works. Other than minimal incidental flows shall be specifically approved by the Director of Public Works. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flows from developed lots or parcels, individual residences or building structures.
- n. Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection, in accordance with the Georgia State Storm water Manual, except that the duration of release for water quality treatment shall be 48 hours.
- o. Developer/engineer shall address the management of storm/detention for the proposed development.