

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z04-0036 ON MAY 5, 2004,
PROPERTY LOCATED AT 5173 AND 5157 NORTHLAND DRIVE**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on July 18, 2006 at 7:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on May 5, 2004, for petition Z04-0036 that rezoned property from the R-2 (Single Family Dwelling) District to the R-3 (Single Family Dwelling) District be changed for the property located at **5173 and 5157 Northland Drive**, consisting of a total of approximately 2.02 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 39 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

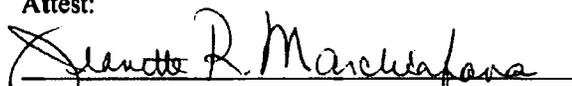
SECTION 4. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 18th day of July, 2006.

Approved:


Eva Galambos, Mayor

Attest:


Jeanette R. Marchiafava, City Clerk

(Seal)



CONDITIONS OF APPROVAL

ZM06-004

5173 and 5157 Northland Drive

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z04-0036, with regard to the above referenced property currently zoned R-3 (Single Family Dwelling District). Zoning modification petition ZM06-004 was approved by the Mayor and City Council at the July 18, 2006 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. No more than 3 total dwelling units, at a maximum density of 1.58 dwelling units per acre, whichever is less based on the total acreage zoned. Approved lot/unit totals are not guaranteed. The developer is responsible through site engineering (at the time of application for a Land Disturbance Permit) to demonstrate that all lots/units within the approved development meet or exceed all the development standards of the City of Sandy Springs. The total lot yield of the subject site shall be determined by this final engineering.
 - c. The minimum heated floor area per dwelling unit shall be 3,750 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated received April 26, 2006. 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 the first Certificate of Occupancy.
 - b. To comply with the Subdivision Regulations of the City of Sandy Springs.
3. To the owner's agreement to the following site development considerations:
 - a. No more than one exit/entrance on Northland Drive. Curb cut location and alignment are subject to the approval of the City of Sandy Springs Traffic Engineer.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
 - a. 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:

30 feet from centerline of Northland Drive.

From the centerline of GA 400 as may be required b the Georgia Department of Transportation.

- b. 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.

From the centerline of GA 400 as may be required by the Georgia Department of Transportation.

- c. 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.
5. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a Land Disturbance Permit (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 Department of Community Development 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 SWMP, through 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., the point in the stream channel where the 25 year storm peak flow is the greatest percentage of the channel capacity, and the hydraulic grade elevation at these points. 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 floodplain and for any post-development floodplain increase, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties.

- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, the discharge from the storm water management facility outlet 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 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 Community Development or his/her designee.
- f. A draft of the Inspection and Maintenance Agreement required by Fulton County Code, Section 26-278 shall be submitted to the Department of the 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 on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning 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 intended/designed, and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended/designed.
- 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 remove pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A description of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of all existing natural streams, creeks, or draws within the proposed development boundary 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 City of Sandy Springs by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff leaving the site 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. All drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. No release of unmanaged or untreated storm flows shall be permitted from any disturbed portion of the developed property. Bypass flows will not be permitted except for undisturbed areas within a buffer or other protected easement and final plans shall provide for collection, conveyance and treatment of all flows from all developed lots or parcels, individual residences or building structures.