

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z01-0057 ON OCTOBER 3, 2001, PROPERTY LOCATED AT CRESTLINE PARKWAY (17 0019LL141)

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on October 3, 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 October 3, 2001, for petition Z01-0057 that rezoned property from the MIX (Mixed Use) District to the MIX (Mixed Use) District be changed for the property located at **Crestline Parkway (17 0019LL141)**, consisting of a total of approximately 6.51 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 19 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

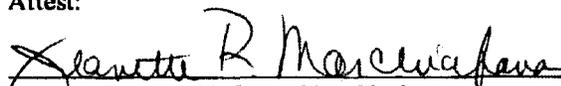
SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 3rd day of October, 2006.

Approved:


Eva Galambos, Mayor

Attest:


Jeanette R. Marchiafava, City Clerk

(Seal)



CONDITIONS OF APPROVAL

ZM06-008/CV06-025
Crestline Parkway (17 0019LL141)

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z01-0057, with regard to the above referenced property currently zoned MIX (Mixed Use District). Zoning modification petition ZM06-008/CV06-025 was approved by the Mayor and City Council at the October 3, 2006 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. No more than forty-eight (48) townhome dwelling units at a maximum density of 7.37 dwelling units per acre based on the total acreage zoned, whichever is less.
 - b. The minimum heated floor area per townhome dwelling unit shall be 2,250 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 on August 1, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution 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.
3. To the owner's agreement to the following site development considerations:
 - a. No more than 1 right-in, right-out exit/entrance on Crestline Parkway. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer. No new median breaks will be granted along the project frontage.
 - b. No access shall be allowed from GA 400.
 - c. Reduce the side to side separation from 40 feet to 20 feet. (Article 8.2.3.K.)
 - d. Reduce front to rear separation from 60 feet to 50 feet. (Article 8.2.3.K.)
 - e. Allow encroachment of the balconies into the 40-foot building setback as shown on the site plan. (Article 8.2.3.B.)

- f. Delete the required 25 foot buffer and 10 foot improvement setback along the north property line adjacent to property zoned A-L (Apartment Limited District). (CV06-025)
 - g. To reduce the required 100 foot pool setback from all property lines, as shown on the site plan received by the Department of Community Development dated August 1, 2006. (CV06-025)
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Reserve for 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 for the collector-distributor project as may be required by the Georgia Department of Transportation (GDOT) as indicated on the site plan referenced in condition 2.a. (the "Property"). This Property must be reserved for twelve months. If GDOT has not acquired the Property within twelve months, the property owner may utilize the Property. The property owner must provide a minimum of 30 days advance notice to the County and GDOT prior to filing for a land disturbance permit on the Property.

- b. Dedicate at no cost to 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 Fulton County 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:

55 feet from centerline of Crestline Parkway;

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

- c. Allow grading inside the reservation area of Georgia 400 as approved by the Georgia Department of Transportation.
 - d. Improve roadway(s) along the entire property frontage with curb and gutter per Sandy Springs standards.
 - e. Provide a deceleration lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
 - f. Provide a left turn lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
 - g. Inter-parcel access must be provided to the adjacent property to the north (zoning case #2001U -0017 NFC) or as approved by the Sandy Springs Traffic Engineer.
 - h. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the Sandy Springs Traffic Engineer at the concept review phase.
5. To the owner's agreement to abide by the following:
- a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Community Development, to meet with the 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 the application for a Land Disturbance Permit with the Department of Community Development, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - c. To contact the Public Works Department, Water Service Division, prior to the application for a Land Disturbance Permit (LDP) with the Department of Community Development, to meet with the Fulton County Drainage Engineer on-site.

- d. The engineer/developer is required to submit along with the application for a Land Disturbance Permit (LDP) signed documentation verifying the storm water concept plan approval.
- e. Provide at the LDP approval documentation (such as cross-section, profile, etc.) describing all existing natural streams, creeks, or draws geometry, within the proposed development boundary and provide the appropriate bank erosion protection for the conveyance system after development.
- f. The developer/engineer is responsible to demonstrate to the City by engineering analysis at the Land Disturbance Permit application that the proposed development surface water runoff conditions are controlled at the minimum predevelopment level, so that downstream conveyance systems may not be impacted, aggravate existing flooding or drainage problems nor creates new flooding or drainage problems off-site.
- g. Prior to the application for a Land Disturbance Permit, the developer/engineer shall submit to the Department of Public Works a project Storm Water Concept Plan. This concept plan shall be preliminary drawing describing (but not limited to) the proposed location of project surface water quality and quantity facilities/Best Management Practices (BMP's); the existing downstream off-site drainage conveyance system that the proposed development runoff will impact; the discharge path(s) from facilities/BMP's outlet through the downstream drainage system offsite to the appropriate receiving conveyance system downstream and any potential surface water implications.
- h. The developer/engineer is responsible to conceptually describe to the City at the storm water concept plan approval phase post development structural Best Management Practices (BMP's) to be utilized to reduce surface water pollution impact associated with the proposed development. The detail engineering analysis and specifications of BMPs shall be included as a part of the LDP storm water submittal.

Dunwoody Row

All that tract or parcel of land lying and being in Land Lots 18 and 19 of the 17th District Fulton County, Georgia and being more particularly described as follows:

Commencing at the intersection of the southerly right-of-way line of Mount Vernon Highway, having a variable width right-of-way and the existing easterly right-of-way line of Georgia State Highway 400, having a variable width right-of-way; THENCE along said existing easterly right-of-way line the following courses and distances; South 05 degrees 03 minutes 39 seconds West for a distance of 188.04 feet to a point; THENCE South 01 degrees 05 minutes 25 seconds East for a distance of 292.46 feet to a point; THENCE South 87 degrees 13 minutes 08 seconds East for a distance of 254.30 feet to a point on the westerly right-of-way of Crestline Parkway, having a variable width right-of-way; continue North 02 degrees 46 minutes 52 seconds West for a distance of 3.00 feet to a point; thence South 02 degrees 46 minutes 44 seconds West for a distance of 135.52 feet to a point; thence South 13 degrees 56 minutes 10 seconds West for a distance of 49.49 feet to a point; thence along a curve to the left having a radius of 478.01 feet and an arc length of 100.30 feet, being subtended by a chord of South 00 degrees 47 minutes 53 seconds East for a distance of 100.12 feet to a point, said point being the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established, continue THENCE South 27 degrees 55 minutes 25 seconds East for a distance of 30.10 feet to a point; THENCE along a curve to the left having a radius of 468.00 feet and an arc length of 422.09 feet, being subtended by a chord of South 36 degrees 05 minutes 13 seconds East for a distance of 407.93 feet to a point; THENCE South 53 degrees 54 minutes 19 seconds East for a distance of 51.86 feet to a point; THENCE along a curve to the left having a radius of 478.00 feet and an arc length of 275.25 feet, being subtended by a chord of North 84 degrees 35 minutes 15 seconds East for a distance of 271.46 feet to a point; THENCE leaving said southerly right-of-way line of Crestline Parkway South 06 degrees 20 minutes 09 seconds East for a distance of 86.05 feet to a point; THENCE South 25 degrees 40 minutes 48 seconds West for a distance of 54.99 feet to a point; THENCE South 89 degrees 45 minutes 15 seconds West for a distance of 408.95 feet to a point; THENCE South 88 degrees 29 minutes 04 seconds West for a distance of 317.09 feet to a point on the existing easterly right-of-way line of Georgia State Highway 400; THENCE along said existing right-of-way line the following courses and distances; North 23 degrees 29 minutes 23 seconds East for a distance of 127.95 feet to a point; THENCE North 00 degrees 33 minutes 17 seconds West for a distance of 349.59 feet to a point; THENCE North 22 degrees 36 minutes 59 seconds West for a distance of 107.07 feet to a point; THENCE leaving said right-of-way line of Georgia Highway 400 South 87 degrees 13 minutes 08 seconds East a distance of 167.49 feet to THE TRUE POINT OF BEGINNING. Together with and subject to covenants, easements, and restrictions of record.

Said property contains 6.51 acres more or less.

