ORDINANCE NO. 2006-10-78
PETITION NO. ZM06-009/CV06-026

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z05-0084 ON OCTOBER 5, 2005, PROPERTY LOCATED AT CRESTLINE PARKWAY (17 0019LL143)

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 5, 2005, for petition Z05-0084 that rezoned property from the MIX (Mixed Use) District to the A-L (Apartment Limited Dwelling) District be changed for the property located at **Crestline Parkway (17 0019LL143)**, consisting of a total of approximately 1.26 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

SECTION4. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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

Eva Galambos, Mayor

Attest:

Jeanette R. Marchiafava

Jeanette R. Marchiafava, City Clerk

(Seal)

CONDITIONS OF APPROVAL

ZM06-009/CV06-026

Crestline Parkway (17 0019LL143)

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z05-0084, with regard to the above referenced property currently zoned A-L (Apartment Limited District). Zoning modification petition ZM06-009/CV06-026 was approved by the Mayor and City Council at the October 3, 2006 hearing, subject to the following conditions:

1. a. No more than 52 condominium dwelling units at a maximum density of 41.27 dwelling unit per acre based on the total acreage zoned, whichever is less. 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 Sandy Springs. The total lot/unit yield of the subject site shall be determined by this final engineering.

   b. The minimum heated floor area per dwelling unit shall be 1,250 square feet.

   c. The maximum height of the building and parking deck shall be no more than 6 stories which includes a 4 story building over 2 parking levels.

2. To the owner's agreement to abide by the following:

   a. To the revised 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 Ordinance and these conditions prior to the approval of a 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 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. All areas including detention ponds, if any, which are held in common, shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of the Department of Community Development for review and approval prior to the recording of the first final plat.

b. Reduce the 40-foot front yard setback to 35 feet as shown on the site plan (2005VC-0177 NFC, Part 1).

c. To allow for an encroachment within the required front landscape strip with a driveway and parking along the east property line as shown on the site plan received by the Department of Community Development dated August 1, 2006. (CV06-026)

d. Delete the required ten (10) foot side yard setback along the south property line adjacent to property zoned MIX (Mixed Use District), as shown on the site plan received by the Department of Community Development dated August 1, 2006. (CV06-026)

e. 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. (CV06-026)

4. To the owner's agreement to abide by the following traffic requirements, dedication and improvements:

a. 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 or as may be required by the Georgia Department of Transportation.

b. 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.

55 feet from the centerline of Crestline Parkway or as may be required by the Georgia Department of Transportation.

c. The developer shall be responsible for complying with the requirements of the document entitled "Fulton County Driveway Manual" adopted by the Fulton County Board of Commissioners on May 18, 2005.

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, Development Review Division, arrange 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 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 Fulton County 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 Department of Community Development, through the Development Review Division, 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 Sandy Springs 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 required by Sandy Springs shall be submitted to the Department of Public Works 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 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 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.

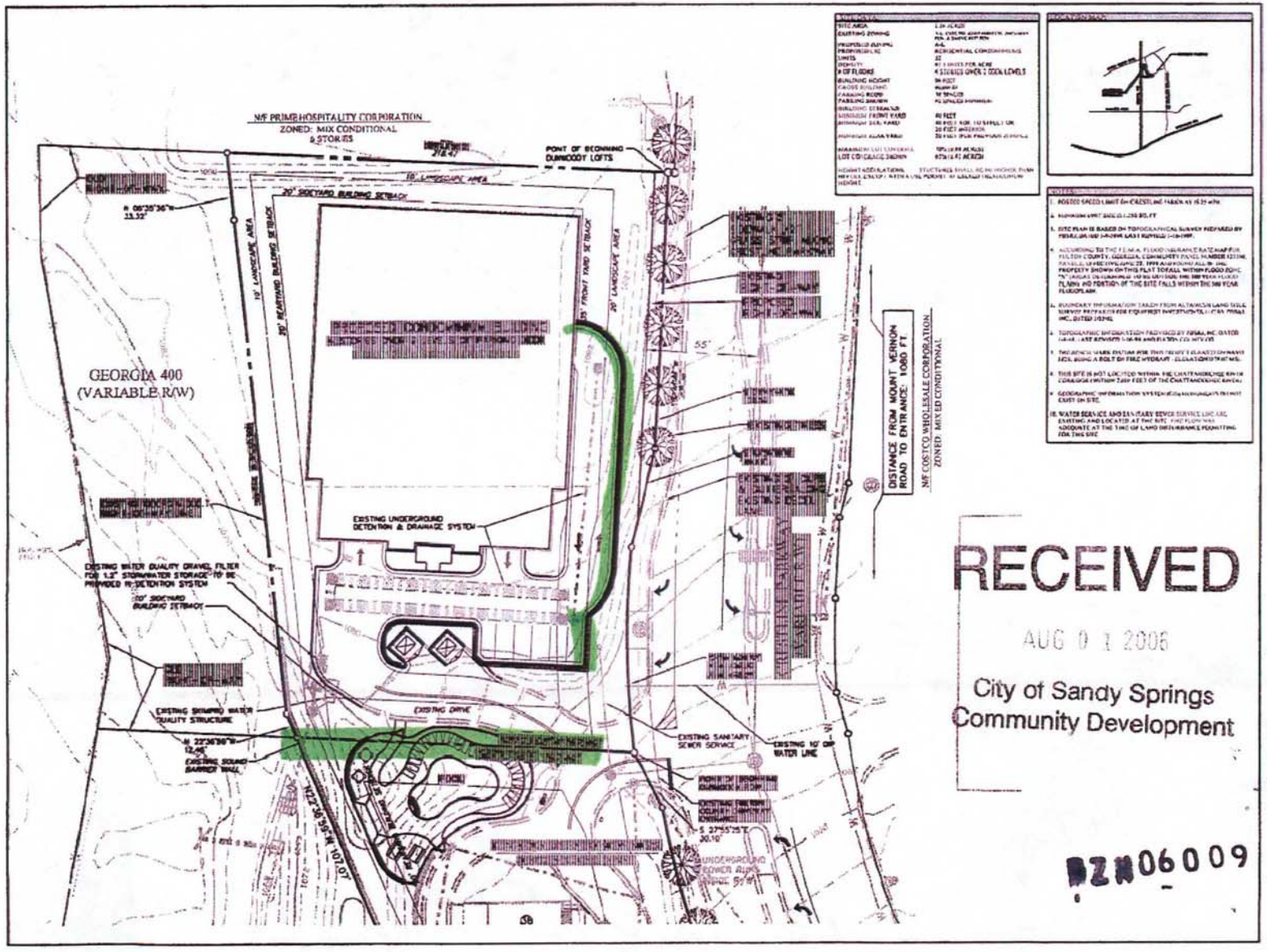
l. The developer/engineer shall demonstrate to the City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year 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. The developer/engineer is required to submit a Storm Water Management Concept Plan for review and approval by the Department Public Works, prior to the application of the Land Disturbance Permit (LDP).



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City of Sandy Springs
Community Development

PZN06009

i-engineering
INNOVATIVE SOLUTIONS

Client

EQUIFIRST

295 WEST CROSSVILLE ROAD
SUITE 640
ROSWELL, GA 30076
PHONE: 770-645-2200
FAX: 770-992-4347

Revisions

No.	Description	Date

Project Title

DUNWOODY LOFTS

Project Location

[illegible] CRESTLINE PARKWAY

LAND LOT 19, 17th DISTRICT
FULTON COUNTY, GEORGIA

Project No. [illegible]
Drawn by: CHE
Checked by: CHE
Date: JULY 27, 2006

Scale: 0 20 40 60
Horizontal: 1" = 20'
Vertical: N/A

Sheet Title

SITE PLAN

Sheet Number

1

Dunwoody Lofts

All that tract or parcel of land lying and being in Land Lots 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, continue 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, said point being the TRUE POINT OF BEGINNING: from the TRUE POINT OF BEGINNING as thus established; THENCE along said right-of-way the following courses and distances; South 02 degrees 46 minutes 44 seconds West for a distance of 135.52 feet to a point; thence along 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; thence leaving said right-of-way of Crestline Parkway North 87 degrees 13 minutes 08 seconds West a distance of 167.49 feet to a point on the existing easterly right-of-way line of Georgia Highway 400; thence along said right-of-way the following courses and distances North 22 degrees 36 minutes 59 seconds West a distance of 12.46 feet to a point; thence North 06 degrees 05 minutes 54 seconds West for a distance of 242.69 feet to a point; thence North 06 degrees 35 minutes 36 seconds West for a distance of 33.32 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 218.47 feet to THE TRUE POINT OF BEGINNING. Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.26 acres more or less.

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