

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z88-0047 ON MAY 4, 1988
PROPERTY LOCATED AT 4465 HIGHGROVE POINTE**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on August 19, 2008 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 4, 1988, for petition Z88-0047 that allowed the property to be rezoned to the R-4 (Single Family Dwelling District) be changed for the property located at **4465 Highgrove Pointe**, consisting of a total of approximately .2019 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 13 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 19th day of August, 2008.

Approved:


Eva Galambos, Mayor

Attest:


Christina Rowland, CMC, City Clerk
(Seal)



CONDITIONS OF APPROVAL

ZM08-008
4465 Highgrove Pointe

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z88-0047, with regard to the above referenced property currently zoned currently zoned R-4 (Single Family Dwelling District). Zoning modification petition ZM08-008 was approved by the Mayor and City Council at the August 19, 2008 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 17 total dwellings units at a maximum density or 3.14 dwelling units per acre based on the total acreage zoned.
 - c. The minimum heated floor area per dwelling unit shall be 2,200 square feet.
2. To the owner's agreement to abide by the following:
 - a. To submit to the director of Public Works for his approval prior to the approval of the Land Disturbance Permit, a revised Site Plan based on the certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of the zoning approval and meeting or exceeding the requirements of the zoning resolution.
 - b. To submit to the Director of Public Works for his approval prior to any defoliation or alteration of the site, a Land Disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention.
 - c. To submit to the Director of Public Works far his approval prior to the approval of a Land Disturbance Permit, a detailed landscape and/or tree protection plan for all required buffers, landscape strips, and tree protection zones. Said landscaping for each phase of development shall be in place prior to the recording of the final plat for each phase of development.
 - d. To the site plan submitted to the Department of Community Development for Lot 7 dated received June 2, 2008. 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 a Certificate of Occupancy (ZM08-008).
3. To the owner's agreement to the following site development considerations:

- a. Provide a 4 foot high landscape earthen berm with a maximum slope of 3 to 1 and/or a minimum 6 foot high 100% opaque solid fence or masonry wall or a minimum 25 foot wide natural undisturbed buffer subject to the approval of the Director of the ~~Planning and Economic Development and the Fulton County~~ **Community Development and the Sandy Springs** Arborist along the entire length of Windsor Parkway (except for approved access crossing), said improvements to be located outside of any public right-of way) and interior to any required landscape strips and/or buffers. The finished side of said fence/wall shall face the exterior property line.
 - b. Any exterior illumination on the site shall not exceed 1.2 foot-candles on any property line adjacent to a residential use or zoning district, nor will the light source be directly visible from adjoining residential properties.
 - c. No more than 1 exit / entrance on Windsor Parkway. The location and alignment of said curb cut is subject to the approval of the ~~Fulton County~~ **Sandy Springs** Traffic Engineer.
 - d. The exterior of all concrete blocks shall be coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.) or an alternate solution as may be approved by the Director of Community Development.
 - e. Provide and maintain off-street parking on the subject property during the entire construction period.
 - f. All recreational facilities shall be located internal to the subdivision or subject to the approval of a special Use permit.
 - g. All lots abutting Derby Hills subdivision shall have minimum set back of 35 feet.
4. To the owner's agreement to abide by the following requirements, dedications and improvements:
- a. Dedicate at no cost to ~~Fulton County~~ **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 a minimum of 45 feet of rights-of-way from the centerline of Windsor parkway, and dedicate at no cost to ~~Fulton County~~ **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 improve said road 14.5 feet from center of road to back of curb along the entire property frontage, and further to allow the necessary construction easement while the right of way is being approved.

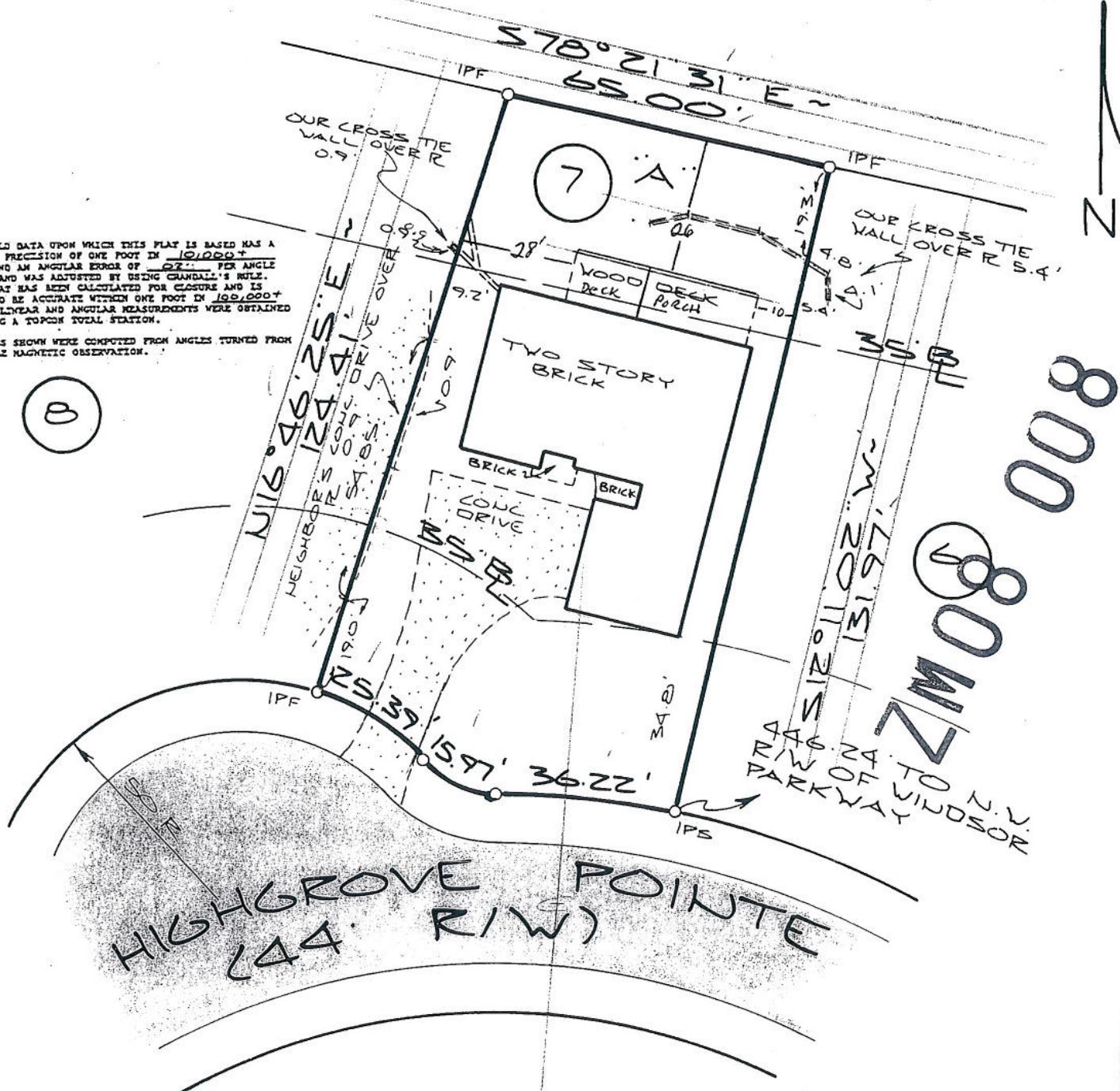
- b. Provide a deceleration lane for a distance of 200 feet and a 50 foot taper from the protect entrance or as may be approved by the ~~Fulton County~~ **Sandy Springs** Traffic Engineer.
 - c. Prior to the issuance of a Land Disturbance Permit, pay into an escrow account at least \$2,380 as a pro-rated share of the cost of improving Peachtree Dunwoody Road and Windsor Parkway for 2 bridges over Nancy Creek. The final amount shall be determined according to the engineering News record index from the approval date of this petition, subject to the approval or the Director of Public Works.
 - d. Connect to metropolitan water and public sanitary sewer available to the site as well as pay all required tap-on fees, front footage assessments and the pro-rated share of the cost of public utility extensions and the Nancy Creek sewer relief system as determined by the Department of Public Works.
 - e. Provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire-fighting equipment as required by ~~Fulton County~~ **Sandy Springs** Fire Department.
 - f. Design required on-site storm water detention facilities such that they are not located within any required buffers or landscape strips.
 - g. Construct sidewalks along entire property frontage within the right-of-way of Windsor Parkway. Said sidewalks for each phase of development shall be in place prior to the recording of the final plat.
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 to arrange with the ~~County~~ **City** Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries.

To maintain as a minimum, the tree density requirements as prescribed by the ~~Fulton County Tree Preservation Ordinance Administrative~~ **Sandy Springs Tree Conservation Ordinance**, either through the retention of existing trees, or tree replacement, in perpetuity.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 100,000 FEET, AND AN ANGULAR ERROR OF 27" PER ANGLE POINT, AND WAS ADJUSTED BY USING CHANDALL'S RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.

BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

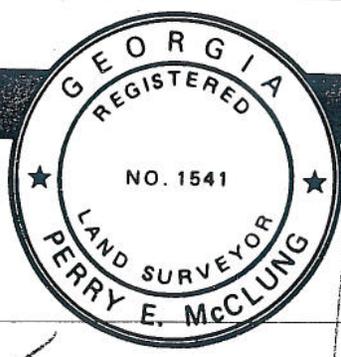
(B)



HIGHGROVE POINTE
(44' R/W)

4465 HIGHGROVE POINTE
ATLANTA, GA.

McLUNG SURVEYING INC.



This property (is not) located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.
In my opinion this plat is a correct representation of the land platted.

Perry E. McClung
Perry E. McClung, Surveyor

Fences should not be placed using side dimensions from house.

PROPERTY OF MARY JO SIBBALD
LOT 7, BLOCK "A" HIGHGROVE ON WINDSOR
LAND LOT 13 DISTRICT 17TH SECTION COUNTY FULTON GEORGIA
DATE 7-27-94 SCALE 1" = 30'

PB 173 PG 24
C. ROBIN WYATT

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 13 of the 17th District of Fulton County, Georgia and being shown on Boundary Survey for Dogwood Properties, Inc. prepared by E D I Engineers & Surveyors, Inc., Samuel G. Evans, Jr., Registered Land Surveyor No. 1559 dated April 29, 1988 and being more particularly described as follows:

BEGINNING at an iron pin found on the Northeasterly side of the existing Right of Way of Windsor Parkway, formerly House Road, 836.0 feet Southeasterly as measured along the existing Right of Way of Windsor Parkway from the intersection of Windsor Parkway with the East Right of Way of Peachtree Dunwoody Road (25' from Centerline) if extended; thence North 14 degrees 15 minutes 58 seconds East and along Lot 5 and 6, Dunwoody Acres Subdivision, 484.48 feet to an iron pin placed on the line of Block "C", Section Two, Derby Hills Subdivision; thence South 78 degrees 21 minutes 31 seconds East and along the line of Lot 46, 45 and partially along Lot 44, Block "C", said Subdivision, 247.28 feet to an iron pin placed; continuing thence South 82 degrees 35 minutes 00 seconds East and partially along Lot 44 and along Lot 43 and partially along Lot 42, said subdivision, a distance of 232.93 feet to a 1" pipe found; thence South 03 degrees 21 minutes 02 seconds West and along the line of Lot 2, Dunwoody Acres Subdivision, 366.22 feet to an iron pin placed on the Northwesterly side of the existing Right of Way of Windsor Parkway; thence Southwesterly and along Windsor Parkway an Arc distance of 34.94 feet, which Arc is subtended by a chord bearing South 76 degrees 58 minutes 45 seconds West a chord distance of 34.94 feet to a point; thence South 76 degrees 03 minutes 53 seconds West 214.08 feet to a point; thence Southwesterly and along Windsor Parkway an Arc distance of 152.67 feet, which Arc is subtended by a chord bearing South 88 degrees 50 minutes 53 seconds West a chord distance of 151.42 feet; thence North 78 degrees 22 minutes 07 seconds West and along Windsor Parkway 118.28 feet to a point; continuing thence Northwesterly and along Windsor Parkway an Arc distance of 63.83 feet, which Arc is subtended by a chord bearing North 76 degrees 44 minutes 08 seconds West a chord distance of 63.82 feet to the point of beginning.

#M 89-009

