

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON  
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z00-0083 ON  
SEPTEMBER 6, 2000 PROPERTY LOCATED AT 7125 HAPPY HOLLOW ROAD**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on October 21, 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 September 6, 2000, for petition Z00-0083 that allowed the property to be rezoned to the CUP (Community Unit Plan District) be changed for the property located at 7125 Happy Hollow Road, consisting of a total of approximately 14.2539 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 311 of the 6<sup>th</sup> 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**SECTION 3.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

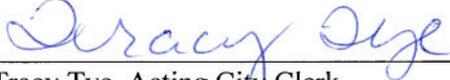
**ORDAINED** this the 21<sup>st</sup> day of October, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Tracy Tye, Acting City Clerk  
(Seal)



CONDITIONS OF APPROVAL

**ZM08-009**  
**7125 Happy Hollow Road**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z00-0083, with regard to the above referenced property currently zoned CUP (Community Unit Plan District). Zoning modification petition ZM08-009 was approved by the Mayor and City Council at the October 21, 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 26 total dwellings units at a maximum density of 2 dwelling units per acre whichever is less, based on the total acreage zoned.
  - c. The minimum lot size shall be 15,000 square feet.
  - d. The minimum heated floor area shall be an average of 3,500 square feet, and a minimum of 3,000 square feet. Each time building permits are issued, the average of minimum heated floor area shall be 3,500 square feet. Example: If one building permit is issued, the minimum shall be 3,500 square feet, but the average of the five shall be 3,500 square feet.
  
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of ~~Environment~~ and Community Development on July 28, 2008. 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. Minimum Front Yard: 15 feet from back of curb  
Minimum Side yard (interior): 10 feet  
Minimum Side yard (Corner): 20 feet  
Minimum Rear yard: 35 feet, except a minimum of 50 feet adjacent to Spalding Green  
Subdivision.  
Minimum Lot Width: 75 feet, except the minimum lot width feet for lots 1 through 11 abutting  
Spalding Green Subdivision.  
Minimum Lot frontage: 35 feet

Building Separation: 20 feet

- b. Decks, patios or gazebos shall not encroach into the rear yard setback of lots adjoining Spalding Green Subdivision.
- c. No more than 1 exit / entrance on Happy Hollow Road. Curb cut location and alignment are subject to the approval of the ~~Fulton County~~ Sandy Springs Traffic Engineer.
- d. No access shall be allowed from Wolf Brook Drive.
- e. No access shall be allowed from Dunwoody Club Drive.
- f. No lot shall be allowed direct access to Happy Hollow Road.
- g. No lot shall be allowed direct access to Dunwoody Club Drive.
- h. All utilities shall be underground.
- i. All street lighting shall be installed with an underground feed.
- j. Stone or brick veneer is to be used on the exterior side of all exposed walls, associated with the detention pond, facing Spalding Green Subdivision. Fencing around the detention pond is subject to the approval of the ~~Fulton County Drainage~~ Sandy Springs Engineer.
- k. ~~All garages shall be side entry except cul-de-sac lots 12, 13, 14 and 15.~~ There will be no rear-entry garages on any lot adjoining Spalding Green Subdivision.
- l. An undisturbed area along the common boundary line with Spalding green Subdivision shall be 50 feet in depth throughout construction until the issuance of a certificate of occupancy.
- m. Plant a minimum of 4 hardwood trees with a minimum 4 inch caliper in each lot. Two trees shall be installed in the front yard, and 2 trees shall be installed in the back yard. Trees shall be spaced a minimum of 30 feet and shall be planted a minimum of 10 feet from any property line. If the ~~Fulton County~~ Sandy Springs Arborist has determined that trees cannot be planted in the rear yard, due to the presence of the existing trees, the preservation of existing trees will fulfill the requirements of this condition.
- n. A brick entrance wall shall be constructed along Happy Hollow Road at the subdivision entrance.
- o. Exterior siding material shall be brick, stucco or stacked stone on the sides facing Spalding Green and on at least three sides of each of the remaining homes.

- p. All recreational and other areas which may be held in common shall be maintained by a mandatory homeowners association, who's proposed documents of incorporation shall be submitted to the Director of ~~the Department of Environment and Community Development~~ for review and approval prior to the recording of the first final plat. The developer shall include in the homeowners association covenants that membership in the incorporated into the covenants of the new subdivision.
- q. The owner/developer shall provide a permanent thirty-five (35) foot natural undisturbed buffer and ten (10) improvement setback adjacent to Spalding Green Subdivision. Said buffer shall be replanted where sparsely vegetated subject to the approval of the Sandy Springs Arborist.
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 the following right-of-way, and dedicate 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 allow the necessary construction easements while the right-of-way are being improved:
- 30 feet from the centerline of Happy Hollow Road.  
30 feet from the centerline of Dunwoody Club Drive.
- b. Improve roadway(s) along the entire property frontage with curb and gutter per Fulton County standards or as may be approved by the ~~Fulton County~~ City of Sandy Springs Traffic Engineer and/or the Georgia Department of transportation.
- c. Permanently cul-de-sac Wolf Brook Drive as approved by the ~~Fulton County~~ City of Sandy Springs Traffic Engineer. A cul-de-sac is not required at the end of Wolf Brook Drive should the stub of Wolf Brook Drive be abandoned by ~~Fulton County~~ the City of Sandy Springs.
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 ~~Environment and Community Development~~, to meet with the ~~Fulton County~~ 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 the application for a Land Disturbance Permit with the Department of ~~the Environment and Community Development~~, arrange an on-site evaluation of existing

- specimen trees/stands, buffers, and tree protection zones within the property boundaries with ~~Fulton County~~ 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 ~~Environment and Community Development~~, to meet with the ~~Fulton County Drainage~~ Sandy Springs 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, creek, 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 County 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 system 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, surface Water Section, 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 conveyance system downstream and any potential surface water implications.
  - h. The developer/engineer is responsible to conceptually describe to the County 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.

RECEIVED

JUL 28 2008

City of Sandy Springs  
Community Development

PROPERTY LINE DESCRIPTION FOR TRILLIUM

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 311 OF THE 6TH DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE **TRUE POINT OF BEGINNING** IS AT AN IRON PIN AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY OF DUNWOODY CLUB DRIVE WITH THE EASTERN RIGHT-OF-WAY OF HAPPY HOLLOW ROAD (HAVING A 60 FOOT RIGHT-OF-WAY;

THENCE NORTH 33 DEGREES 09 MINUTES 43 SECONDS WEST, 32.22 FEET TO A POINT;

THENCE NORTH 06 DEGREES 56 MINUTES 43 SECONDS EAST, 65.44 FEET TO A POINT;

THENCE NORTH 04 DEGREES 22 MINUTES 04 SECONDS EAST, 46.67 FEET TO A POINT;

THENCE NORTH 18 DEGREES 11 MINUTES 56 SECONDS EAST, 55.55 FEET TO A POINT;

THENCE NORTH 00 DEGREES 33 MINUTES 55 SECONDS EAST, 56.54 FEET TO A POINT;

THENCE NORTH 00 DEGREES 07 MINUTES 09 SECONDS EAST, 45.19 FEET TO A POINT;

THENCE NORTH 04 DEGREES 35 MINUTES 44 SECONDS WEST, 84.31 FEET TO A POINT;

THENCE NORTH 00 DEGREES 04 MINUTES 37 SECONDS EAST, 104.07 FEET TO A POINT;

THENCE NORTH 57 DEGREES 50 MINUTES 00 SECONDS EAST, 1,444.91 FEET TO A POINT;

THENCE SOUTH 32 DEGREES 07 MINUTES 36 SECONDS EAST, 174.50 FEET TO A POINT;

THENCE SOUTH 32 DEGREES 07 MINUTES 36 SECONDS EAST, 25.58 FEET TO A POINT;

THENCE SOUTH 04 DEGREES 51 MINUTES 35 SECONDS EAST, 18.60 FEET TO A POINT;

THENCE SOUTH 13 DEGREES 52 MINUTES 39 SECONDS EAST, 49.03 FEET TO A POINT;

THENCE SOUTH 01 DEGREES 13 MINUTES 19 SECONDS WEST, 27.95 FEET TO A POINT;

THENCE SOUTH 18 DEGREES 11 MINUTES 43 SECONDS WEST, 72.64 FEET TO A POINT;

THENCE SOUTH 11 DEGREES 00 MINUTES 41 SECONDS WEST, 25.98 FEET TO A POINT;

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THENCE SOUTH 61 DEGREES 58 MINUTES 50 SECONDS WEST, 20.45 FEET TO A POINT;

THENCE SOUTH 36 DEGREES 03 MINUTES 15 SECONDS WEST, 24.09 FEET TO A POINT;

THENCE SOUTH 10 DEGREES 56 MINUTES 29 SECONDS WEST, 29.32 FEET TO A POINT;

THENCE SOUTH 35 DEGREES 49 MINUTES 46 SECONDS WEST, 29.34 FEET TO A POINT;

THENCE SOUTH 13 DEGREES 30 MINUTES 02 SECONDS WEST, 39.83 FEET TO A POINT;

THENCE SOUTH 27 DEGREES 35 MINUTES 38 SECONDS WEST, 33.84 FEET TO A POINT;

THENCE SOUTH 38 DEGREES 05 MINUTES 32 SECONDS WEST, 75.80 FEET TO A POINT;

ZM08 009

THENCE SOUTH 31 DEGREES 10 MINUTES 04 SECONDS WEST, 45.74 FEET TO A POINT;

THENCE SOUTH 07 DEGREES 27 MINUTES 06 SECONDS WEST, 45.66 FEET TO A POINT;

THENCE SOUTH 10 DEGREES 33 MINUTES 04 SECONDS WEST, 39.11 FEET TO A POINT;

THENCE SOUTH 07 DEGREES 15 MINUTES 09 SECONDS EAST, 26.83 FEET TO A POINT;

THENCE SOUTH 35 DEGREES 09 MINUTES 13 SECONDS EAST, 26.12 FEET TO A POINT;

THENCE SOUTH 14 DEGREES 44 MINUTES 52 SECONDS EAST, 23.83 FEET TO A POINT;

THENCE SOUTH 36 DEGREES 59 MINUTES 00 SECONDS WEST, 30.03 FEET TO A POINT;

THENCE SOUTH 45 DEGREES 13 MINUTES 47 SECONDS WEST, 39.36 FEET TO A POINT;

THENCE SOUTH 53 DEGREES 06 MINUTES 55 SECONDS WEST, 70.82 FEET TO A POINT;

THENCE SOUTH 64 DEGREES 12 MINUTES 24 SECONDS WEST, 38.38 FEET TO A POINT;

THENCE NORTH 23 DEGREES 27 MINUTES 00 SECONDS WEST, 25.39 FEET TO A POINT;

THENCE NORTH 23 DEGREES 27 MINUTES 00 SECONDS WEST, 259.62 FEET TO A POINT;

THENCE SOUTH 59 DEGREES 27 MINUTES 11 SECONDS WEST, 6.00 FEET TO A POINT;

THENCE SOUTH 59 DEGREES 51 MINUTES 29 SECONDS WEST, 435.34 FEET TO A POINT;

THENCE SOUTH 55 DEGREES 34 MINUTES 52 SECONDS WEST, 191.88 FEET TO A POINT;

THENCE SOUTH 55 DEGREES 15 MINUTES 02 SECONDS WEST, 165.78 FEET TO A POINT;

THENCE SOUTH 51 DEGREES 57 MINUTES 09 SECONDS WEST, 313.91 FEET TO A POINT;

SAID POINT BEING THE POINT OF BEGINNING;

SAID THE PARCEL THAT CONTAINS 14.24 A.C OR 620,479 SQFT.

ZM08 009

