

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z03-0153 ON
DECEMBER 3, 2003 PROPERTY LOCATED AT 960 FENIMORE CIRCLE**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on July 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 December 3, 2003, for petition Z03-0153 that allowed the property to be rezoned to the NUP (Neighbor Unit Plan District) be changed for the property located at 960 Fenimore Circle, consisting of a total of approximately 0.687 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 87 of the 6th 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

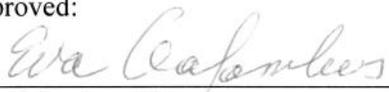
SECTION 3. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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

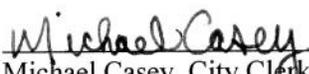
ORDAINED this the 21st day of July, 2009.

Approved:



Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

ZM09-004/CV09-008

960 Fenimore Circle

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z03-0153, with regard to the above referenced property currently zoned NUP (Neighbor Unit Plan District). Zoning modification petition ZM09-004/CV09-008 was approved by the Mayor and City Council at the July 21, 2009 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 5 total dwellings units at a maximum density or 1.09 units per acre based on the total acreage zoned, whichever is less.
 - c. The minimum heated floor area per dwelling unit shall be 3,500 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the revised Site Plan received by the Department of ~~Environment and~~ Community Development on November 10, 2003 and to submit to the Director of ~~Environment and~~ Community Development for approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding requirements of Zoning Resolution
 - b. To comply with the Subdivision Regulations of ~~2003, Fulton County~~ Sandy Springs, Georgia.
3. To the owner's agreement to the following site development considerations:
 - a. The minimum design standards are:

Lot Frontage:	35 Feet
Front Yard:	35 Feet
Side Yard:	10 Feet
Rear Yard:	40 Feet
Lot Width:	100 Feet
Perimeter Setback:	40 Feet, with 50 feet on Side Yard, Corner along Dunwoody Club Drive

Except, lot 2 which shall have a perimeter setback of twenty-one (21) feet to allow for a pool, pool deck and equipment shown on the site plan submitted to the Department of Community Development dated May 11, 2009.

- b. No more than one (1) exit / entrance on Dunwoody Club Drive. Curb cut must align with Mill Trace Drive or be offset a minimum of 300 feet from Mill Trace Drive, or as may be approved by the ~~Fulton County~~ Sandy Springs Traffic Engineer.
 - c. No lot shall have direct access to Dunwoody Club Drive.
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 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 allow the necessary construction easements while the right-of-way are being improved.

30 - feet from the centerline of Dunwoody Club Drive.

- b. Improve roadway along the entire property frontage with curb and gutter per ~~Fulton County~~ Sandy Springs Standards or as may be required by the Georgia Department of Transportation.
 - c. Provide a deceleration lane for each project entrance or as may be required by the ~~Fulton County~~ Sandy Springs Traffic Engineer.
 - d. Provide a left turn lane for each project entrance or as may be required by the ~~Fulton County~~ Sandy Springs Traffic Engineer.
 - e. 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.
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 ~~Environment and~~ Community Development, Development Review Division, arrange to meet with the ~~Fulton County~~ 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 ~~Fulton County~~ City of Sandy Springs Arborist. A signed

copy of the results of these meetings will be required to be submitted along with the applicant for LDP.

- c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Public Works Department, Water Services Division, and arrange to meet on-site with an engineer from the Surface Water Management Program (SWMP), who is responsible for review of the 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 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 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.
- 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.
- f. A draft of the Inspection and Maintenance Agreement required by OCGA Section 26-278 shall be submitted to the Department of Public Works with the Storm Water Concept Plan.
- g. The Inspection 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 the 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 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 fluid 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 a LDP, provide documentation (such as channel cross-sections, centerline profiles, etc.) describing the geometry of all existing natural streams, creeks and 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 ~~County~~ City 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. To allow a pool, pool deck, and equipment on lot 2, 960 Finimore Circle (06-0383-LL-087), to encroach into the perimeter setback of a NUP (Neighborhood Unit Plan District) zoned district as shown on the site plan submitted to the Department of Community Development dated May 11, 2009. (CV09-008)

RECEIVED

SEP 30 2003

LEGAL DESCRIPTION

DEPT OF ENV & COMMUNITY DEV.
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 383 of the 18th District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the point of intersection of the westerly right-of-way line of Dunwoody Creek Court (44-foot right-of-way) with the northerly right-of-way line of Dunwoody Club Drive (50-foot right-of-way);

THENCE RUNNING along the said northerly right-of-way line of Dunwoody Club Drive a distance of 446.71 feet to a point, said point being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING as thus established, thence continuing in a westerly direction along the said northerly right-of-way line of Dunwoody Club Drive North 72 degrees 18 minutes 52 seconds West a distance of 449.73 feet to a point;

THENCE leaving the said right-of-way line of Dunwoody Club Drive and running North 25 degrees 21 minutes 53 seconds East a distance of 219.20 feet to a point marked by a 1" crimp top found;

THENCE North 34 degrees 23 minutes 53 seconds East a distance of 140.27 feet to a point marked by a 1" crimp top found;

THENCE North 29 degrees 06 minutes 22 seconds West a distance of 50.52 feet to a point marked by a 1/2" rebar found;

THENCE North 62 degrees 28 minutes 56 seconds East a distance of 324.13 feet to a point marked by a 1/2" rebar found;

THENCE South 32 degrees 09 minutes 40 seconds East a distance of 200.35 feet to a point marked by a 1/2" open top found;

THENCE South 62 degrees 34 minutes 58 seconds West a distance of 50.40 feet to a point marked by a 1/2" open top found;

THENCE South 08 degrees 44 minutes 44 seconds West a distance of 456.83 feet to a point located on the northerly right-of-way line of Dunwoody Club Drive, said point being the TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL as shown on that certain Survey for Bill Grant Properties, Inc., dated July 31, 2003, prepared by Advance Survey, Inc and certified by Christopher M. Shannon, Georgia Registered Land Surveyor No. 2475.

032-153 FCN

2003Z-0153