

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z03-0182 ON MAY 5, 2004
PROPERTY LOCATED AT 7081 CANONBURY PLACE**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on November 17, 2009 at 6:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on May 5, 2004, for petition Z03-0182 that allowed the property to be rezoned to the NUP (Neighbor Unit Plan District) be changed for the property located at 7081 Canonbury Place, consisting of a total of approximately 0.54 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 127 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

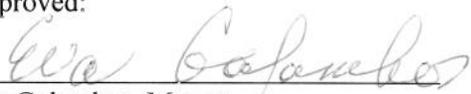
SECTION 3. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

SECTION 4. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

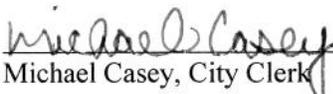
SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 17th day of November, 2009.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk
(Seal)



CONDITIONS OF APPROVAL

ZM09-008/CV09-013

7081 Canonbury Place

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z03-0182, with regard to the above referenced property currently zoned NUP (Neighbor Unit Plan District). Zoning modification petition ZM09-008/CV09-013 was approved by the Mayor and City Council at the November 17, 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. The minimum lot size shall be 22,500 square.
 - c. No more than 6 total dwelling units, at a maximum density of 1.12 dwelling units per acre, whichever is less, based on the total acreage zoned.
 - d. The minimum heated floor area per dwelling unit shall be 4,000 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 December 11, 2003. 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.
 - b. To comply with the Subdivision Regulations of 2003, Fulton County Georgia.
 - c. All areas which are not part of an individual lot and held in common shall be accessible and shall be maintained by a mandatory homeowners association, whose 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.
3. To the owner's agreement to the following site development considerations:
 - a. No more than 1 exit/entrance on Brandon Mill Road. Curb cut must be offset at least 200 feet from Seville Chase or as may be approved by the Fulton County Traffic Engineer.
 - b. No lot shall be allowed direct access to Brandon Mill Road.

- c. The applicant's proposed minimum setbacks and design standards are as follows:

Minimum Lot Frontage	35 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard (Interior)	10 feet
Minimum Rear Yard/ Perimeter	30 feet

Except, lot 3 (7081 Canonbury Place) which shall have a rear/perimeter setback of ten (10) feet to allow for a pool and pool deck in the rear yard of the property shown on the site plan submitted to the Department of Community Development dated September 1, 2009. (ZM09-008)

- d. Reduce the perimeter setback to 30 feet adjacent to the property located at 7080 Brandon Mill Road. (2003VC-0263 NFC, Part 1).
- e. Reduce the 50-foot setback for new street along the north property line to 10 feet (2003VC-0263 NFC, Part 2).
- f. Provide along the common property line with the Riverside Estate Subdivision the following landscaping: 45-50 (15 gallon) Nellie Stevens Hollies in a staggered arrangement at approximately 8 feet on center; 12 Southern Magnolia (6-8 feet in height) installed randomly in clusters of three interrupting the Nellie Stevens Hollies along the staggered row; 12 Loblolly Pines installed randomly in either singles or clusters of three. Said landscaping shall be installed prior to the issuance of the first Certificate of Occupancy.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Dedicate at no cost to Fulton County 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:
- 30 feet from the centerline of Brandon Mill Road.
- b. Provide a deceleration lane for each project entrance or as may be required by the Fulton County Traffic Engineer.
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 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 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 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 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., 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. The analysis shall identify the downstream properties pre and post-development 100-year floodplain and for any post-development floodplain increase, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties.
- 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. Should the method to achieve sheet flow 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

- f. A draft of the Inspection and Maintenance Agreement required by Fulton County Code, Section 26-278 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 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 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 remove pollutants such as oil, grease and other automobile fluids 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 an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of all existing natural streams, creeks, or 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 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. All drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. No release of unmanaged or untreated storm flows shall be permitted from any disturbed portion of the developed property. Bypass flows will not be permitted except for

undisturbed areas within a buffer or other protected easement and final plans shall provide for collection, conveyance and treatment of all flows from all developed lots or parcels, individual residences or building structures.

- n. To allow a pool and pool deck on lot 3 (7081 Canonbury Place) 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 September 1, 2009. (CV09-013)

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CERTIFICATION AS TO RECORDING
THIS IS TO CERTIFY THAT THIS PLAT HAS
BEEN RECORDED IN PLAT BOOK **243**
PAGE **45** OF FULTON COUNTY RECORDS
ON **03.17.06**

DEPUTY CLERK, SUPERIOR COURT
FULTON COUNTY, GEORGIA

SEE SHEET 3 FOR LINE TABLE.
5' CONCRETE SIDE WALK INSIDE
45' UTILITY EASEMENT.

City of Sandy Springs
Community Development



CURVE	LENGTH	RADIUS	CHORD	CHD. BEG.
C1	98.08'	362.13'	97.77'	S24°53'57"W
C2	26.42'	25.00'	25.01'	N14°53'59"W
C3	121.21'	50.00'	93.63'	S24°06'42"W
C4	65.64'	25.00'	24.79'	S45°06'53"W
C5	65.62'	60.00'	60.93'	N37°12'22"E
C6	90.20'	62.50'	85.77'	S15°56'07"E
C7	35.40'	62.50'	35.13'	S59°32'56"E
C8	55.90'	65.66'	35.48'	S90°10'06"E
C9	55.65'	62.50'	52.02'	N53°10'06"E
C10	159.08'	153.50'	148.31'	S55°45'37"W
C11	54.82'	37.50'	49.32'	N58°55'15"E
C12	96.41'	57.50'	84.43'	S35°08'59"E
C13	75.07'	50.00'	68.22'	N45°15'47"W
C15	13.91'	352.13'	13.91'	S59°57'37"W

STORM WATER ASSEMBLY

STRUCTURES	MATERIAL	TOP	INV	LENGTH
A6 TO A4	18" R.C.P.	898.58	892.18	29'
A4 TO A3	18" R.C.P.	896.43	891.50	35'
A3 TO A2	18" R.C.P.	897.08	890.85	79'
A2 TO A1	18" R.C.P.	891.03	879.89	50'
A1	N/A	891.0	879.76	N/A
B2 TO A2	18" R.C.P.	891.19	896.99	29'
B1	N/A	898.29	874.84	N/A
B2 TO B1	24" CMP	897.64	877.77	43.5'

SANITARY SEWER ASSEMBLY

STRUCTURE	MATERIAL	TOP	INV	LENGTH
S5 TO S4	8" P.V.C.	912.39	908.36	66'
S4 TO S3	8" P.V.C.	917.09	909.23	135'
S3 TO S2	8" P.V.C.	904.28	896.91	63'
S2 TO S1	8" P.V.C.	894.69	886.82	237'
S1 TO EXT. MAN.	8" P.V.C.	892.31	885.34	63'

SEWER LINE DATA

LINE	LENGTH	BEARING
SL27	236.61'	S01°45'56"E
SL28	82.59'	N30°34'38"W
SL29	82.65'	N41°17'32"W
SL30	135.21'	N15°11'40"E
SL31	88.07'	S88°32'25"E

POND DATA
685.28 100 YR FLOOD
653.17 25 YR FLOOD
AT OUTLET CONTROL
STRUCTURE.

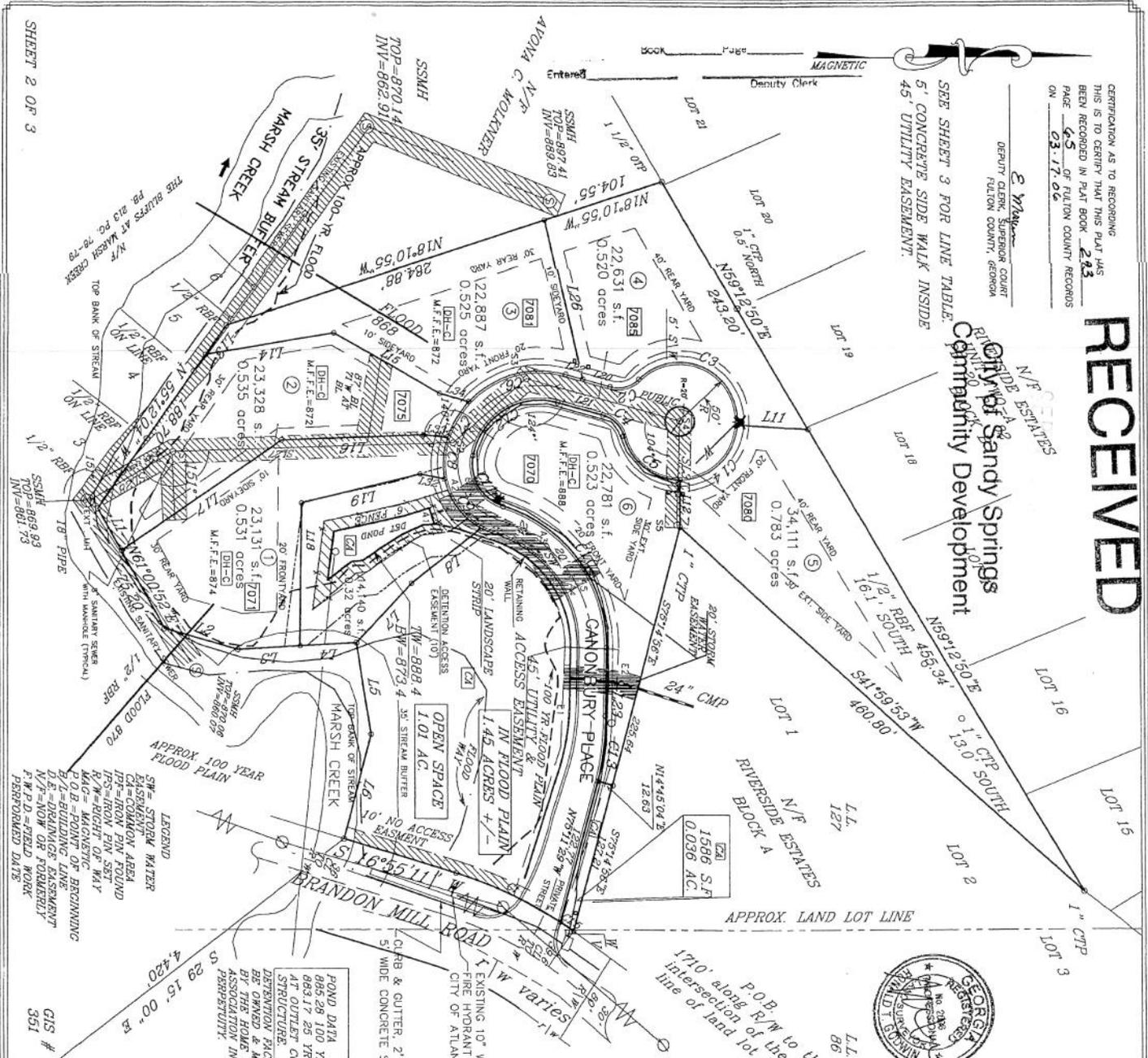
DISTRIBUTION FACILITY SHALL
BE OWNED & MAINTAINED
BY THE CITY OF ATLANTA WATER
DEPARTMENT.

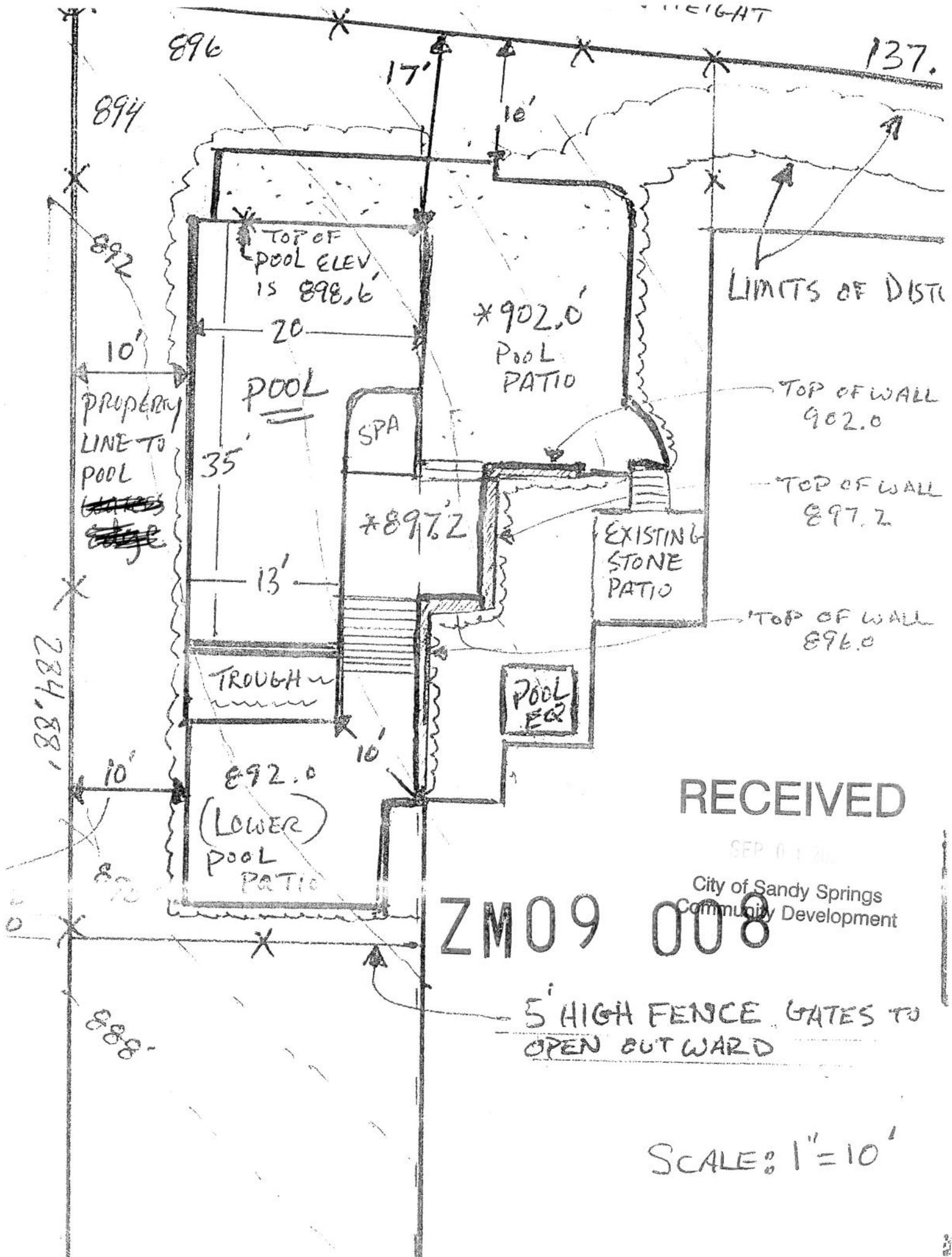
PREPARED FOR:
TRUSCANY CORPORATION

Scale: 1" = 60'
Date: 11/11/05
County: FULTON, GA
Job No.: 04-0421

DELTA SURVEYORS, INC.
Professional Surveyors
770-460-3542 (Fax) 770-460-7114
P.O. BOX 671
Payetteville, GA 30214

JOHN 316





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SEP 01 2010

City of Sandy Springs
Community Development

ZM09 008

5' HIGH FENCE GATES TO OPEN OUTWARD

SCALE: 1" = 10'