

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z97-0012 ON JUNE 4, 1997, PROPERTY LOCATED AT 4999 PEACHTREE-DUNWOODY ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on March 7, 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 June 4, 1997, for petition Z97-0012 that rezoned property from the R-2 (Single Family Dwelling) District to the R-3 (Single Family Dwelling) District be changed for the property located at **4999 Peachtree-Dunwoody Road**, consisting of a total of approximately 0.676 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 133 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

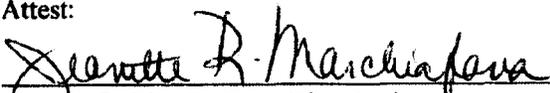
SECTION 4. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 7th day of March, 2006.

Approved:


Eva Galambos, Mayor

Attest:


Jeanette R. Marchiafava, City Clerk

(Seal)



2M 05-001

LEGAL DESCRIPTION
OF
4999 PEACHTREE DUNWOODY ROAD
SANDY SPRINGS, FULTON COUNTY, GEORGIA

RECEIVED

MAY 3 2005

All that tract or parcel of land lying and being in Land Lot 14 of the 17th District of Fulton County, Georgia, and being Lot 3 of the Kerry Hill Subdivision, as shown on Exemption Plat recorded in Plat Book 197, Page 141, Fulton County Records, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at a point formed by the intersection of the southerly margin of the right of way of Evergreen Drive with the easterly margin of the right of way of Peachtree Dunwoody Road, thence running southerly, along the easterly margin of the right of way of Peachtree Dunwoody Road, a distance of 544.90 feet to an iron pin set on the easterly margin of the right of way of Peachtree Dunwoody Road, which iron pin is the POINT OF BEGINNING. From the POINT OF BEGINNING, as thus established, run thence South 79 degrees, 18 minutes, 44 seconds East a distance of 220.81 feet to an iron pin; thence running South 74 degrees, 19 minutes, 54 seconds East, a distance of 185.20 feet to an iron pin; thence running South 69 degrees, 17 minutes, 51 seconds East, a distance of 206.67 feet to an iron pin; thence running South 58 degrees, 08 minutes, 43 seconds West, a distance of 134.13 feet to an iron pin; thence running North 77 degrees, 54 minutes, 38 seconds West, a distance of 112.54 feet to an iron pin; thence running North 83 degrees, 54 minutes, 54 seconds West, a distance of 30.03 feet to an iron pin; thence running North 03 degrees, 20 seconds, 22 minutes East, a distance of 116.78 feet to an iron pin; thence running North 74 degrees, 19 minutes, 54 seconds East, a distance of 132.98 feet to an iron pin; North 79 degrees 18 minutes 44 seconds East, a distance of 33.36 feet to an iron pin; thence running North 79 degrees, 18 minutes, 44 seconds West, a distance of 117.63 feet to an iron pin; thence running South 81 degrees, 12 minutes, 08 seconds West, a distance of 69.77 feet to an iron pin on the easterly margin of the right of way of Peachtree Dunwoody Road; thence running northerly along the easterly margin of the right of way of Peachtree Dunwoody Road, along the arc of a curve to the right (having a chord running North 05 degrees, 37 minutes, 31 seconds East, a distance of 38.42 feet) a distance of 38.44 feet to an iron pin and the POINT OF BEGINNING.

CONDITIONS OF APPROVAL

ZM05-001

4999 Peachtree-Dunwoody Road

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 3 total dwelling units at a maximum density of 1.71 dwelling units per acre, whichever is less, based on the total acreage zoned.
 - c. The minimum heated floor area per dwelling unit shall be 2,500 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the revised site plan received by the Development Services Department on May 29, 1997. 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. No more than 1 exit/entrance on Peachtree-Dunwoody Road. Curb cut location and alignment are subject to the approval of the Fulton County Traffic Engineer.
 - b. No lot shall be allowed direct access from Peachtree-Dunwoody Road.
 - c. Provide for a 40-foot building setback adjacent to all property zoned R-2 (Residential) with the exception of the reduction of a portion of the 40' setback to 28.08' only for improvements shown on the site plan received by the Department of Community Development December 30, 2005. (ZM05-001)
 - d. Provide a 10-foot rear yard setback on lot #1. (97VC-029 NFC)
 - e. Provide adjacent to the south property line of lots 1 and 2 for at least 322 feet, a 20-foot wide landscape strip with approved access crossings, planted with both trees and shrubs. Said landscape strip shall be planted so as to meet the specifications as set forth in the Fulton County Tree Preservation Ordinance. Plantings and specifications shall be subject to the approval of the Fulton County Arborist.
 - f. Provide for a 10-foot wide undisturbed buffer along the south property line of lot 3 for at least 112 feet, with a 10-foot wide landscape strip interior to the buffer. Said landscape strip shall be planted with trees and shrubs so as to meet the specifications as set forth in the Fulton County Tree Preservation Ordinance. Plantings and specifications shall be subject to the approval of the Fulton County Arborist.

- g. Provide a 3 foot high earthen berm, with a 1-foot top width and a maximum slope of 2:1 planted to landscape strip standards, along the entire length of the south property line interior to the buffer required in condition 3.f. and in conjunction with the landscape strip required in condition 3.e. with approved access crossings to preserve existing trees. The berm shall be compacted to 95% proctor density. Plantings and specifications shall be subject to the approval of the Fulton County Arborist.
 - h. Provide for plantings adjacent to the south side of each structure to screen the structures from the property to the south. Said plantings shall be subject to the approval of the Fulton County Arborist.
 - i. Prior to the application for a building permit, submit to the Development Services Department for approval, a Land Disturbance permit.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Reserve for Fulton County 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, as well as to design all building setback lines, landscape strips, buffers, and/or fences and signs based on this reservation:

45 feet from centerline of Peachtree-Dunwoody Road.
 - b. 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 centerline of Peachtree-Dunwoody Road.
 - c. Improve roadway along the entire property frontage with curb and gutter per Fulton County standards or as may be required by the Georgia Department of Transportation.
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 Development Services Department, 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. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Development Services Department, to 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 a Land Disturbance Permit.

- c. At the time of submittal for a Land Disturbance Permit and after the approval of the Preliminary Plat, the engineer/developer is required to provide written documentation verifying on-site evaluation and any other necessary downstream constraints.
- d. Provide documentation (cross-section, profile, etc.) as to the existing conditions for all natural streams/creeks within the boundary of the project. Show, by documentation, the appropriate erosion protection of the stormwater conveyance system.
- e. The developer/engineer is responsible to demonstrate to the County by engineering analysis, that the developed land use (proposed development) stormwater runoff conditions are controlled at the maximum predeveloped land use level, so that downstream properties/conveyance systems are not impacted or aggravates existing flooding/drainage nor creates new drainage/flooding problems off-site.
- f. The owner/developer shall repair the pipe outflow and participate in modifying/extending the pipe outflow through the adjacent downstream properties to an existing drainage swale, or show significant progress in such, prior to the issuance of a building permit. (ZM05-001)

