

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z05-0020 ON SEPTEMBER 21, 2005 FOR PROPERTY LOCATED AT 933 ALTAMIRA LANE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on May 20, 2014 at 7:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of Commissioners on September 21, 2005, for petition Z05-0020 that allowed the property to be rezoned to CUP (Community Unit Plan District) be changed for the property located at 933 Altamira Lane, consisting of a total of approximately 0.73 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 343 of the 6th 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

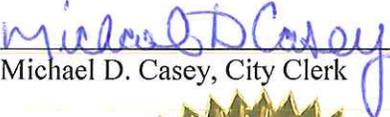
APPROVED AND ADOPTED this the 20th day of May, 2014.

Approved:



Tibby DeJulio, Mayor pro tempore

Attest:



Michael D. Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

2014000891
933 Altamira Lane

Please be advised, the City of Sandy Springs Mayor and City Council approved the modification of condition 3.a. of zoning case Z05-0020, with regard to the above referenced property currently zoned CUP (Community Unit Plan District). Zoning Modification petition 2014000891 was approved by the Mayor and City Council at the May 20, 2014 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 44 total dwelling units at a maximum density of .90 (prior to right-of-way dedication) dwelling units per acre, whichever is less, based on the total acreage zoned. Approved lot/unit totals are not guaranteed. The developer is responsible through site engineering (at the time of application for a Land Disturbance Permit) to demonstrate that all lots/units within the approved development meet or exceed all the development standards of Fulton County. The total lot/unit yield of the subject site shall be determined by this final engineering.
 - c. No more than 7 lots directly contiguous to Chattahoochee Run Subdivision. Each lot directly contiguous to Chattahoochee Run Subdivision shall have a minimum lot size of 33,000 square feet. No more than 14 lots directly contiguous to Spalding Lake and Habersham Place Subdivisions. Each lot directly contiguous to Spalding Lake and Habersham Place Subdivisions shall have a minimum lot size of 20,000 square feet. No more than 7 lots directly contiguous to Jett Ferry Manor Subdivision. Each lot directly contiguous to Jett Ferry Manor Subdivision shall have a minimum lot size of 27,000 square feet. Internal lots shall have a minimum of 20,000 square feet.
 - d. The minimum heated floor area per dwelling unit shall be 3,200 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 September 21, 2005. Said site plan is not conceptual and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for 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. All green space and areas which may be held in common shall be accessible via dedicated roadways, easements, sidewalks, trails, etc. 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. Front Yard: 25 Feet
Side Yard: 15 Feet (27,000 Square-Foot Lots or larger) & 10 Feet (20,000 Square-Foot Lots)
Rear Yard: 35 Feet except lot 26 which shall have a rear yard setback of 20.42 feet as shown on the site plan dated received April 30, 2014, by the Department of Community Development.
Lot Width: 100 Feet
Lot Depth: 150 Feet
Lot Frontage: 35 Feet
Perimeter Setback 40 Feet (except along AG-1 and R-2A zoned property where perimeter setback shall be 50 feet)
- b. Provide a minimum 50-foot principal building setback from peripheral property lines adjoining property zoned AG-1 (Agricultural).
- c. No lot shall have direct access to Jett Ferry Road or any public road outside of the proposed development.
- d. Provide an undisturbed buffer without a 10-foot improvement setback along the perimeter property lines as follows:

50-foot perimeter buffer adjacent to Jett Ferry Manor Subdivision (west property line);
50-foot perimeter buffer adjacent to Chattahoochee Run Subdivision (north property line) and along Jett Ferry Road (except for entrance treatment and road improvements; and 40-foot perimeter buffer adjacent to Spalding Lake Subdivision, except lots 8 through 15 within Spalding Lake Subdivision which shall have a 30-foot landscape strip replanted to buffer standards; and a 40-foot perimeter buffer adjacent to Habersham Lake Subdivision along the south property line except adjacent to lots 8 through 15 as shown on the site plan referenced in condition 2.a. there shall be a 30-foot landscape strip replanted to buffer standards where necessary to build retaining walls, private drives or roads.
- e. Allow fencing (no chain link) within perimeter buffers which does not require removal of trees in excess of 3.5 inches in caliper.
- f. Street lighting shall be done with low impact lighting.
- g. No portion of any private drive or public road may be closer than 50 feet from the south property line.
- h. All utilities shall be underground and street lighting shall be installed with underground feed.

- i. The community's entrance shall be designed and constructed so that public pedestrian access is available. The community shall have two entrances and shall be gated with private streets to be owned and maintained by the Homeowners Association.
 - j. A concrete sidewalk for public use shall be constructed along Jett Ferry Road.
 - k. Developer shall install at least one hundred fifty (150) hardwood trees of at least 3" caliper. Said trees shall be counted towards any required recompense for the site.
 - l. During construction and thereafter, no more than two (2) exits/entrances on Jett Ferry Road. Curb cut, location and alignment are subject to the approval of the Fulton County Traffic Engineer.
 - m. Retaining walls shall not have any exposed steel, untreated or unpainted concrete block or concrete walls.
 - n. There shall be no impervious surface and no buildings or structures constructed in the southeastern corner of the property in the area behind lot 17 of the Habersham Place Subdivision as shown on the *revised site plan referenced in condition 2.a.
 - o. Except for Road B as labeled on the *revised site plan, private roads or drives and utilities, no impervious surface or structures may be constructed in the area which is located east of lot 38 and north of lots 32 through 37, including all wetland areas located therein, as shown on the *revised site plan. Said area may be restored and then shall be kept and maintained in a natural state in perpetuity.
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 centerline of Jett Ferry Road.
 - b. The developer shall be responsible for complying with the requirements of the document entitled "Fulton County Driveway Manual" adopted by the Fulton County Board of Commissioners on May 18, 2005.
5. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a (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. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at a point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. 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 water surface elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties. Where Fulton County has completed a model of the basin, it shall be used by the developer in the analyses.
- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge 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 across an external property line 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. This condition will not apply when

the storm water management facility is designed and approved to discharge directly to a stream or watercourse.

- 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, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document, for use by the owner and/or any professionals retained by the owner, to plainly describe the basic operational function of the facility(ies), including a description of a permanent marker post(s) which shall indicate that the level of sediment which, if exceeded, requires sediment removal. The Inspection and Maintenance Agreement shall require 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 described in the design guidance document (described above), and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended.
- 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 reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, 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 resulting from the development 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. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water not conveyed to such facilities, subject to the approval of the Director of Public Works. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flows from any disturbed portion of the developed property shall be allowed only with the approval of the Director of Public Works. Other than minimal incidental flows shall be specifically approved by the Director of Public Works. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flows from developed lots or parcels, individual residences or building structures.
- n. Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection, in accordance with the Georgia State Storm water Manual, except that the duration of release for water quality treatment shall be 48 hours.
- o. The engineer/developer is responsible to submit along with the application for Land Disturbance Permit (LDP) a floodplain hydrology and hydraulic study. This floodplain study shall establish the on site pre – development 100 - year storm frequency Base Flood Elevation (BFE). The LDP storm water management plan shall graphically depict the pre – development floodplain horizontal boundaries, and the floodplain elevations.
- p. The developer/builder shall demonstrate to the County that each lot and building site on which the 100 - year floodplain established in condition o. above complies with the County's floodplain lowest floor elevation requirement, prior to then inspection and approval of the foundation for any structure under construction. The FEMA Elevation Certificate shall be utilized to demonstrate that the top of the structure lowest floor complies with County requirements.
- q. The developer/ builder shall demonstrate to the Department of Environment and Community Development at the time of the building permit application, that each lot encroaching into the 100 -year floodplain has the buildable land area required by county code.