[redacted]

#M89-071

PROPOSAL NUMBER
Z86-208FC
SEE ALSO:

PROPOSAL No.

RECORD OF PROCEEDINGS TO CHANGE CLASSIFICATION OF PROPERTY IN:

SUBDIVISION: LOT NO. BLOCK NO. LAND LOT 361 & 362 DISTRICT 6th

LOCATED: Northridge Drive

PRESENT CLASSIFICATION O-I Cond. PROPOSED CLASSIFICATION

Approved 6-21-89

PROPOSED BY Mike E. Alligood

Owner of Property Peter J. Calabro, Ires.
Mailing Address See application
Proposal Filed 6/12/89 Fee Deposited 6/12/89
Amount of Fee $200.00 Receipt No. 454
Hearing Set For P. M.
Official Map Changed Field Map Changed
Maps Changed By Maps Changed By

Proposed use: modify condition 4F

FULTON COUNTY
ATLANTA, GEORGIA

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT ● 42 SPRING STREET, S.W., PL #14
ATLANTA, GEORGIA 30303
TELEPHONE: AREA CODE (404) 586-4930

June 21, 1989

Mike E. Alligood
Lowe Engineers, Inc.
7100 Peachtree Dunwoody Road
Atlanta, Georgia 30328

Dear Mr. Alligood:

This is to inform you that the Board of Commissioners of Fulton County took action on your Request to Modify Zoning Conditions, Petition M89-071 NFC at their meeting of July 5, 1989. Their action was to Approve your petition.

If you have any questions regarding this action, please do not hesitate to contact me or Ms. Alice Smith, Clerk to Commission.

Sincerely,

Nancy J. Leathers, Deputy Director
Planning and Economic Development

Attachments
cc: Alice Smith, Clerk to Commission
Wallace V. Linsey, Zoning Administrator
Marian Bleakman, Planner II
Barry LeMaster, Senior Planner
File(s): Z86-208 FC

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ZONING DEPT.
JUN 26 9 56 AM '89

PETITION NO. M89-071 NFC

REQUESTED ACTION: Modification of Conditions of zoning, Z86-208 FC

EXISTING COND.

4. To the owner's agreement to abide by the following requirements, dedications and improvements:

f. Submit to the Director of Public Works a base siltation study of Huntingdon Lake, prior to the issuance of a Land Disturbance Permit and upon completion of each phase of development. Said study shall identify, for removal by the developer, all siltation to the lake resulting from the subject development upon the completion of each phase of development.

PROPOSED COND.

4. To the owner's agreement to abide by the following requirements, dedications and improvements:

f. Submit to the Director of Public Works a base siltation study of Huntingdon Lake, prior to the commencement of any land disturbing activities on the subject site and upon completion of each phase of development. Said study shall identify, for removal by the developer, all siltation to the lake resulting from the subject development upon the completion of each phase of development.

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LOCATION: Northridge Road

OWNER: Habersham Investment and Development Corporation

APPLICANT: Lowe Engineers, Inc.

APPLICANT'S INTENT

The applicant seeks to modify condition 4.f. regarding siltation studies as it applies to the subject property on Northridge Road.

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT RECOMMENDATION

XX APPROVE AS SUBMITTED
_____ APPROVAL: CONDITIONAL
_____ DENIAL

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C:\[illegible]9-87M.CS
S\[illegible]

PETITION NO. 89-071 MTC
89-208 EC

2

PLANNING ANALYSIS

The subject property is presently zoned O-I pursuant to Z86-208 FC. The subject site contains 14.59 acres and is located in the northeast quadrant of the Ga. 400/Northridge Road interchange.

The applicant states that this request is to allow him to obtain a Land Disturbance Permit which is necessary for a sewer tap to be secured for the site. Condition 4.f. as written prohibits the issuance of a Land Disturbance Permit without the presentation of a siltation study. According to the applicant the Northridge Forest Subdivision Association is currently negotiating with the Department of Transportation to have one of two existing lakes in the subdivision dredged. He is therefore of the opinion that a study as required would not be beneficial until the agreement to remove silt is satisfied.

Staff has consulted with the Department of Public Works and has additionally requested and received a letter from the Northridge Forest Subdivision Association who do not object to the requested modification. Therefore, staff is of the opinion that the requested modification will not adversely affect adjacent parcels and recommends that this petition be APPROVED AS SUBMITTED.

Should the Board of Commissioners choose to approve this request staff recommends that the amended condition read as follows:

4. To the owner's agreement to abide by the following requirements, dedications and improvements:

f. Submit to the Director of Public Works a base siltation study of Huntingdon Lake, prior to the commencement of any land disturbing activities on the subject site and upon completion of each phase of development. Said study shall identify, for removal by the developer, all siltation to the lake resulting from the subject development upon the completion of each phase of development.

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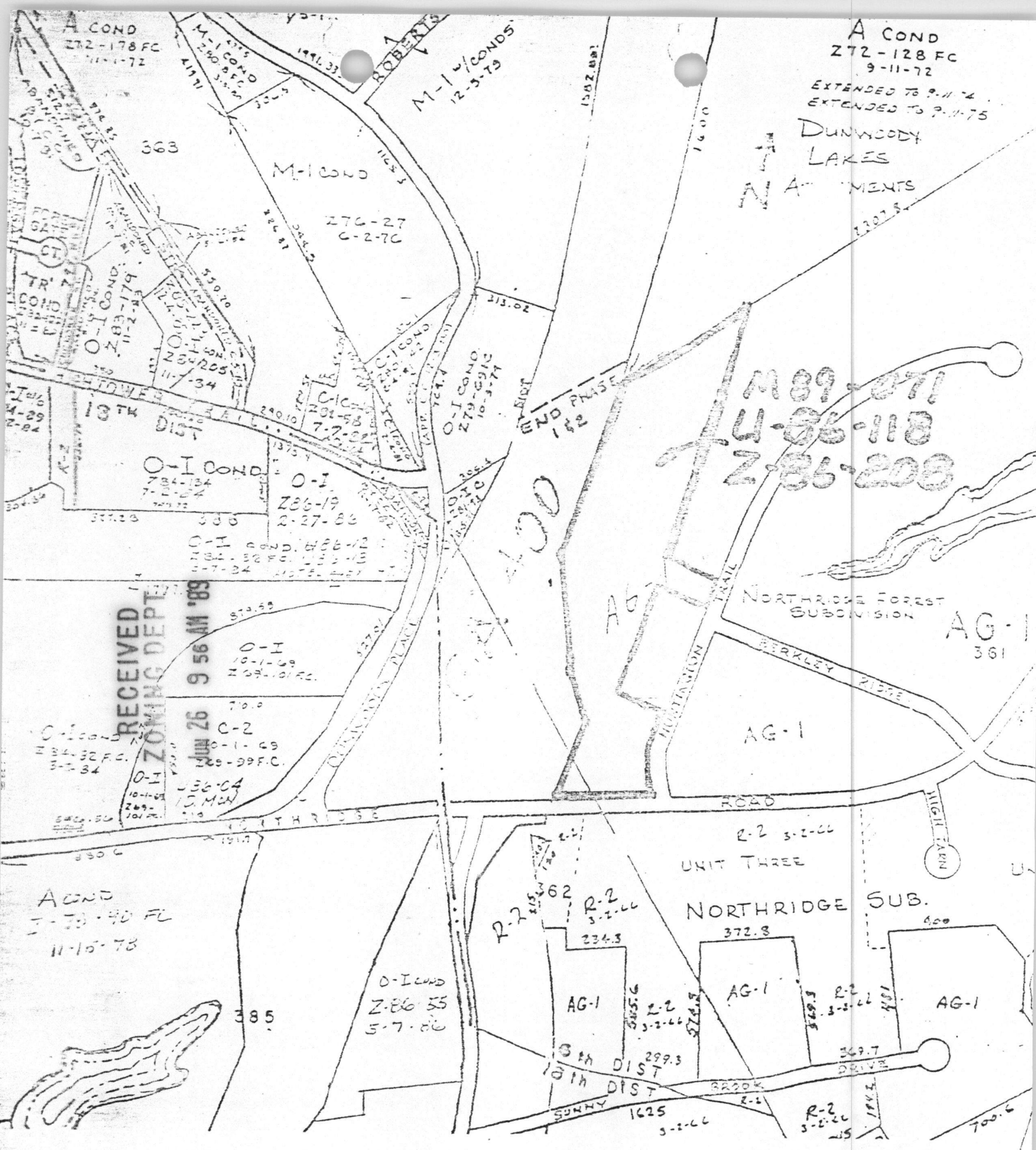

Owner: Habersham at Northridge,
A Joint Venture, by
Peter J. Calabro, President
[illegible] Abernathy Road, N.E.
Suite 1025
Atlanta, GA. 668-2100

Petitioner: Same as above

Z-86-208 FC
R-1 (Residential) and AG-1 (Agricultural)
to O-I (Office-Institutional)
Northridge Road
District 6, LL's 361 & 362

(23) ZONING MODICICATION - M-89-071 - NORTHRIDGE ROAD

Mrs. Alice H. Smith, Clerk, presented the following memorandum dated June 12, 1989:

To: Alice H. Smith, Clerk

From: Nancy Leathers, Deputy Director, Department of P & ED

Subject: PETITION TO MODIFY CONDITIONS OF ZONING, JUNE 21, 1989, BOARD OF COMMISSIONERS MEETING

The attached report contains the Planning Staff's recommendations for the Requests to Modify Zoning Conditions which have been submitted for your consideration, pursuant to the authority contained in paragraph 4 of Section 6, Conditional Development, of Article XXVIII, CHANGES AND AMENDMENTS, of the Fulton County Zoning Resolution.

Petition No. Related File(s) Condition No(s)	Location	Recommendation
M-89-071 NFC	Northridge Road	Approve as Submitted

The subject property is presently zoned O-I. pursuant to Z-86-208 FC. The subject site contains 14.59 acres and is located in the northeast quadrant of the Ga. 400/Northridge Road interchange.

The applicant states that this request is to allow him to obtain a Land Disturbance Permit which is necessary for a sewer tap to be secured for the site. Condition 4.f. as written prohibits the issuance of a Land Disturbance Permit without the presentation of a siltation study. According to the applicant the Northridge Forest Subdivision Association is currently negotiating with the Department of Transportation to have one of two existing lakes in the subdivision dredged. He is therefore of the opinion that a study as required would not be beneficial until the agreement to remove silt is satisfied.

Staff has consulted with the Department of Public Works and has additionally requested and received a letter from the Northridge Forest Subdivision Association who do not object to the requested modification. Therefore, staff is of the opinion that the requested modification will not adversely affect adjacent parcels and recommends that this petition be APPROVED AS SUBMITTED.

Should the Board of Commissioners choose to approve this request staff recommends that the amended condition read as follows:

4. To the owner's agreement to abide by the following requirements, dedications and improvements:

f. Submit to the Director of Public Works a base siltation study of Huntingdon Lake, prior to the commencement of any land disturbing activities on the subject site and upon completion of each phase of development. Said study shall identify, for removal by the developer, all siltation to the lake resulting from the subject development upon the completion of each phase of development.

A motion to approve was made by Chairman Lomax, seconded by Commissioner King and passed 6-0. Commissioner Boxill was out.

Hearing no objections, Petition M-89-071 NFC was approved.

#M89-071

June 12, 1989

Mr. Wallace V. Linsey, Sr.
Zoning Administrator
Fulton County Zoning Department
Room 307
Fulton County Administration Bldg.
165 Central Avenue, S. W.
Atlanta, Georgia 30335

Re: Modification of
Conditional Zoning
Habersham at Northridge
Site
Lowe Project No. 8559

Dear Mr. Linsey:

On behalf of Habersham Investment and Development Corporation, we respectfully submit this request for a modification of the zoning condition Number 4-f of the Zoning Case Number Z-86-208 FC. The condition reads as follows:

> Submit to the Director of Public Works a base siltation study of Huntingdon Lake, prior to the issuance of a Land Disturbance Permit and upon completion of each phase of development. Said study shall identify, for removal by the developer, all siltation to the lake resulting from the subject development upon the completion of each phase of development.

The hardship encountered in meeting this requirement of zoning was the denial of access to Huntingdon Lake to perform the siltation study.

This decision was made by the Northridge Forest Subdivision Association due to current negotiations with the Georgia Department of Transportation to dredge one of the two existing lakes in the subdivision. Also, no new base study information would be beneficial to the parties involved until the agreement to remove the silt is satisfied.

LOWE ENGINEERS 7100 PEACHTREE DUNWOODY ROAD, ATLANTA, GEORGIA 30328-1615
TEL (404) 399-6400 FAX (404) 393-9406

#M89-071

In addition, to meet the requirements set forth by the Department of Public Works in securing a sewer tap, a Land Disturbance Permit must be issued. Therefore, the intention of this request for modification is to allow the issuance of a Land Disturbance Permit without the required study, and then specify conditions for actual land disturbing activities. This is reflected in the following re-wording of condition Number 4-f.

> Submit to the Director of Public Works a base siltation study of Huntingdon Lake, prior to any land disturbing activities and upon completion of each phase of development. Said study shall identify, for removal by the developer, all siltation to the lake resulting from the subject development upon the completion of each phase of development.

We hope that this request for modification and explanation given is sufficient for your review. Please feel free to call Bill Bersson or me at 399-6400 if you have any questions regarding this matter.

Sincerely,

LOWE ENGINEERS, INC.

Mike E. Alligood
Project Engineer

MEA:ph

Enclosure

cc: Mr. Peter J. Calabro/Habersham Investment & Development Corp.
Mr. William T. Bersson, P.E/Lowe Engineers, Inc.

(C)Linsey.jl2

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JUN 12 1989
ZONING DEPT.

APPLICATION FOR MODIFICATION OF CONDITIONAL ZONING

TO: The Board of Commissioners of Fulton County, Georgia

Zoning Dept. Receipt Stamp

(1) Application of:

Habersham Investment and Development Corp.
Property Owner

Lowe Engineers, Inc.
Applicant (If different from owner)

(2) CASE FILE NUMBER of the Rezoning or Special Use Permit to which this application pertains: #Z-86-208 FC

(3) State NAME OF PERSON in the Department of Planning and Community Development with whom this application has been discussed: Ms. Nancy Leathers

(4) PROPERTY LOCATED ON (ROAD NAME) Northridge Road

LAND LOT(s) 361 and 362 DISTRICT 6

(5) LEGAL DESCRIPTION OF PROPERTY for which the modification is requested. Metes and Bounds Legal Description (If property is in a recorded subdivision a copy of the deed or a copy of the survey is acceptable). If space is not sufficient, please attach.

(See Attached)

#M89-071

(6) Identify the SPECIFIC "CONDITION" being addressed in this application; give condition number and letter (such as 2-b).

4-f

(7) LETTER (please attach: See I-C-2 on the "Procedure" Sheet). Give a written explanation of the circumstances upon which the request for modification is based. State (1) the specific hardship being encountered and (2) what change is needed in order to develop and use the property.

(8) REVISED SITE PLAN (please attach): illustrating the requested modification, as appropriate to the nature of the request.

(9) FEE: Submit fee of $200.00 for the original modification plus $100.00 for each additional modification on the same property.

Please type or PRINT CLEARLY property owner(s) and applicant(s) name below signature. (If applicant is same as property owner, please sign both places.)

Property Owner(s) Name and Address:

(Signature) Peter J. Calabro, President
Habersham Investment & Development Corp.
Northpark Town Center-Bldg. 400, Suite 1025
(Address) 1000 Abernathy Road, N.E.
Atlanta, Georgia 30328
(City & State) (Zip Code)
668-2100
(Phone)

Applicant(s) Name and Address:

(Signature) Mike E. Alligood
Lowe Engineers, Inc.
7100 Peachtree Dunwoody Road
(Address)
Atlanta, Georgia 30328
(City & State) (Zip Code)
399-6400
(Phone)

(Rev. 3/86)

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ZONING DEPT.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 361 and 362 of the 6th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin placed at the corner formed by the intersection of the western right-of-way line of Huntington Trail and the northern right-of-way line of Northridge Road;

running thence South 69 degrees 42 minutes 19 seconds West along the northern right-of-way line of Northridge Road a distance of 50.13 feet to a point;

running thence in a southwestern direction along the northern right-of-way line of Northridge Road an arc distance of 360.025 feet to a point, said arc being subtended by a chord bearing South 81 degrees 44 minutes 20 seconds West a chord distance of 356.993 feet;

running thence North 76 degrees 02 minutes 47 seconds West along the northern right-of-way line of Northridge Road a distance of 55.78 feet to an iron pin found;

running thence North 50 degrees 31 minutes 20 seconds West a distance of 2.40 feet to a right-of-way monument;

running thence North 18 degrees 48 minutes 46 seconds East a distance of 274.37 feet to a right-of-way monument found;

running thence North 03 degrees 35 minutes 13 seconds East a distance of 309.99 feet to a right-of-way monument found;

running thence North 09 degrees 59 minutes 49 seconds West a distance of 468.39 feet to a right-of-way monument found;

running thence in a northeastern direction an arc distance of 811.08 feet to a right-of-way monument, said arc being subtended by a chord bearing North 17 degrees 22 minutes 11 seconds East with a chord distance of 810.917 feet;

running thence North 65 degrees 09 minutes 22 seconds East a distance of 88.23 feet to a right-of-way monument;

running thence North 07 degrees 41 minutes 33 seconds East a distance of 12.17 feet to an iron pin found;

running thence North 58 degrees 36 minutes 03 seconds East a distance of 403.60 feet to an iron pin found;

running thence South 16 degrees 21 minutes 18 seconds West a distance of 976.75 feet;

running thence South 75 degrees 22 minutes 10 seconds East a distance of 299.56 feet to an iron pin located on the western right-of-way of Huntington Trail;

thence running along said right-of-way in an arc distance of 130.22 feet, said arc being subtended by a chord bearing South 19 degrees 01 minutes 24 seconds West with a chord distance of 130.21 feet;

thence running South 20 degrees 22 minutes 09 seconds West a distance of 29.4 feet;

#M89-071

thence running North 69 degrees 42 minutes 50 seconds West a distance of 299.69 feet;

running thence South 20 degrees 21 minutes 11 seconds West a distance of 599.34 feet to an iron pin found;

running thence south 69 degrees 38 minutes 20 seconds East a distance of 299.52 feet to an iron pin found on the western line of Huntington Trail;

running thence South 20 degrees 22 minutes 09 seconds West along the western right-of-way line of Huntington Trail a distance of 14.25 feet to a point;

running thence in a southeastern direction along the western right-of-way line of Huntingdon Trail and following the curvature thereof an arc distance of 266.313 feet to a point, said arc being subtended by a chord bearing South 00 degrees 37 minutes 51 seconds East with a chord distance of 260.390 feet;

running thence south 21 degrees 37 minutes 51 seconds East along the western right-of-way line of Huntington Trail a distance of 20.62 feet to the point of beginning, said property containing 14.59 acres.

#M89-071