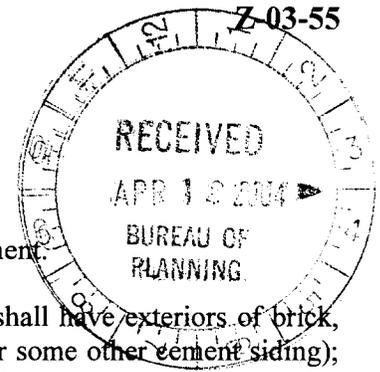




Conditions for Z-03-55

1. The attached document entitled "Zoning Conditions", dated April 12, 2004, consisting of two (2) pages, and marked received by the Bureau of Planning April 12, 2004 is hereby considered a condition of this rezoning and its provisions shall be enforced as such.
2. Site plan entitled "Zoning Site Plan -18 Lots" prepared by URS Corporation, dated April 12, 2004 (originally dated December 18, 2003) and marked received by the Bureau of Planning April 12, 2004.

Zoning Conditions



All utilities shall be underground.

There shall be no vinyl or aluminum siding used within the development.

3. All single-family detached houses located within the development shall have exteriors of brick, stone, stucco or other masonry; hardi-board or hardi-plank siding (or some other cement siding); clapboards; shakes or shingles; or some combination of these materials.
4. There shall be no more than eighteen (18) single-family detached houses built on the property.
5. All construction traffic shall enter the development from Roswell Road by turning onto Meadowbrook Drive and then onto Valley Brook Drive. The developer agrees to direct all labor, light equipment and delivery traffic to use this entrance to the property.
6. The developer shall provide parking for all construction vehicles, including all labor, within the boundaries of the property during all phases of the development of the property. With the exception of delivery vehicles that are unable to park within the boundaries of the property, the developer shall require all construction vehicles to park within the boundaries of the property. The developer agrees to create and post a sign on the property that directs all construction vehicles, including all labor, and prospective homeowner traffic to the interior of the property. It is understood, however, that the developer does not have the necessary police powers to dictate where people park or to prevent people from parking on public streets.
7. The developer agrees that all construction shall take place between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday; between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays; and that no construction of any kind shall take place on Sundays.
8. The developer agrees to construct the houses located closest to Valley Brook Drive and Meadowbrook Drive first in order to minimize construction noise to the adjacent neighborhood, unless the other lots are sold prior to the commencement of construction, in which event, those houses may be constructed prior to the houses located closest to Valley Brook Drive and Meadowbrook Drive.
9. The developer agrees to plant tree barriers along the northern and eastern property lines in order to provide a natural barrier between the existing neighborhood and the new development. The developer agrees that an arborist shall approve all tree barriers and that all trees planted along the northern and eastern property lines shall be deemed replacement trees. The developer agrees to install the tree barriers as soon as possible in order to minimize the visual impact of the development on the adjacent property owners. The tree barriers shall consist of a mixture of evergreen and deciduous trees that provide a natural "screen" between the proposed development and the houses presently located off of Valley Brook Drive and Meadowbrook Drive. Further, the developer agrees to plant a minimum of thirty (30) trees within the tree barriers. Said trees shall be at least ten (10) feet tall and have a minimum three inch (3") caliper at the time of installation. The developer also agrees to install a minimum of thirty (30) plants and shrubs as part of the tree barriers. Further, the developer agrees to, and shall, to the extent possible, comply with the Landscape Plan that was prepared by Amenity Architects, L.L.C., which is dated January 20, 2004, provided, however, that the developer agrees to plant two staggered rows of American Holly trees along the northern property line, ten feet on center, i.e., ten feet apart, with the understanding that one of the two rows of American Holly trees shall be planted in the rear yards

April 12, 2004



of the four lots located along the northern property line of the proposed subdivision, which is what the individuals that own these four lots have requested.

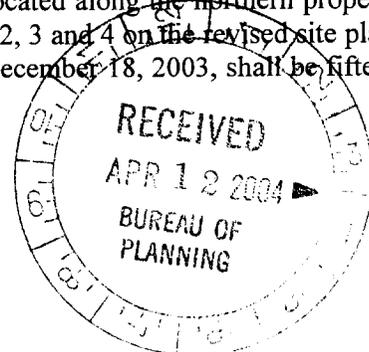
The developer agrees to provide the adjacent homeowners with a copy of the Landscape Plan for the development as soon as it is available and to mark the trees that the developer plans to save prior to commencing construction.

11. Only one (1) monument sign shall be erected at the entrance/exit to the development/subdivision. Said sign shall be constructed of stone or brick, or a combination of stone and brick, and be no more than four (4) feet tall and four (4) feet wide.
12. All lawns shall be sodded.
13. The developer agrees to establish a mandatory homeowners' association and record restrictive covenants for the new development/subdivision.
14. The developer agrees to prohibit access to the property from any street other than Valley Brook Drive. The developer agrees to include this restriction in the restrictive covenants recorded in the Office of the Clerk of the Superior Court of Fulton County, Georgia.
15. The developer agrees not to construct large solid walls or install a gate, or any other device, that would separate the new development from the existing neighborhood.
16. The developer agrees to install a stop sign at the exit from the new development/subdivision onto Valley Brook Drive.
17. The developer agrees to select hardscape and landscape materials for the new development that blend in with the existing subdivision. These materials will, to the extent possible, be delineated in the landscape plan referenced above.
18. The developer agrees to erect a fence along the western edge of the western property line, which adjoins property now or formerly owned by BellSouth. The fence shall comply with the City of Atlanta's standards for fences and walls as stated in the Zoning Ordinance.
19. All detention ponds shall comply with the City of Atlanta's standards and requirements for detention ponds.
20. The developer agrees to erect a six (6) foot tall wooden shadowbox privacy fence along the northern property line prior to the issuance of the first certificate of occupancy for the first house built in the subdivision.
21. The developer agrees to convert lot number 10 on the revised site plan, which was prepared by URS Corporation and which is dated December 18, 2003, to a conservation easement and that lot number 10 shall never be developed; provided, however, that the detention facility/pond for the new development shall be located on lot number 10.
22. The minimum rear yard setback for the four (4) lots that are located along the northern property line of the proposed subdivision, which are identified as lots 1, 2, 3 and 4 on the revised site plan, which was prepared by URS Corporation and which is dated December 18, 2003, shall be fifteen (15) feet.

April 12, 2004

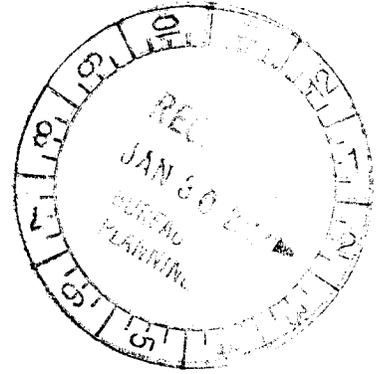
103670v1

Page 2 of 2





2-03-55



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 65 of the 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a 1/2" rebar found on the westerly right-of-way of Valley Brook Circle (50' R/W), said iron pin being 163 feet southerly from the intersection of the southerly right-of-way of Meadowbrook Drive and the westerly right-of-way of Valley Brook Circle; thence running along said westerly right-of-way of Valley Brook Circle South 00 degrees 32 minutes 09 seconds East a distance of 85.00 feet to an iron pin found; South 00 degrees 33 minutes 45 seconds West along said right-of-way line a distance of 30.60 feet to a point; thence continuing along said right-of-way along a curve to the left an arc distance of 39.29 feet, said arc having a radius of 100.00 feet and a chord which bears South 11 degrees 50 minutes 04 seconds East a distance of 39.03 feet to a 1/2" rebar found; thence continuing along said right-of-way along a curve to the left an arc distance of 38.30 feet, said arc having a radius of 79.30 feet and a chord which bears South 42 degrees 17 minutes 21 seconds East a distance of 37.92 feet to a 1/2" rebar found; thence leaving said right-of-way and running South 47 degrees 10 minutes 54 seconds West a distance of 65.00 feet to a point; thence running South 06 degrees 19 minutes 11 seconds East a distance of 31.61 feet to a 1/2" rebar found; thence running South 36 degrees 28 minutes 35 seconds East a distance of 138.66 feet to a point; thence continue South 36 degrees 28 minutes 35 seconds East a distance of 69.79 feet to a 1/2" rebar found; thence running South 52 degrees 33 minutes 31 seconds West a distance of 390.66 feet to a point; thence running North 47 degrees 45 minutes 25 seconds West a distance of 49.57 feet to a point; thence running North 42 degrees 09 minutes 41 seconds East a distance of 174.85 feet to a point; thence running North 49 degrees 00 minutes 29 seconds West a distance of 26.60 feet to a point; thence running North 00 degrees 00 minutes 00 seconds East a distance of 27.74 feet to a point; thence running South 89 degrees 35 minutes 25 seconds West a distance of 155.51 feet to a point; thence running North 00 degrees 08 minutes 51 seconds East a distance of 149.35 feet to a point; thence running South 89 degrees 52 minutes 18 seconds West a distance of 87.95 feet to a 1/2" rebar found on the west line of Land Lot 65; thence running along said land lot line North 00 degrees 09 minutes 03 seconds East a distance of 218.89 feet to a 1" crimped top pipe found; thence leaving said land lot line and running North 89 degrees 51 minutes 53 seconds East a distance of 74.73 feet to a 3/8" rebar found; thence running North 00 degrees 08 minutes 07 seconds West a distance of 85.00 feet to a point; thence running North 89 degrees 51 minutes 54 seconds East a distance of 305.00 feet to a point on the westerly right-of-way line of Valley Brook Circle and the **POINT OF BEGINNING**.

Said Tract containing 4.310 acres.

RCS# 5689
5/03/04
5:43 PM

Atlanta City Council

Regular Session

04-O-1364

Z-03-55 337-341 VALLEY BROOK DRIVE REAR
300 W WIEUCA RD R-4 & R-LC-C TO PD-H
ADOPT ON SUB

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

04-O-1364

RCS# 5000
9/02/03
2:29 PM

Atlanta City Council

Regular Session

MULTIPLE 03-0-1339;1363;1364;1365;1366;1367;1368;
 1369;1370 TO ZRB AND ZONING
 REFER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

MULTIPLE



03-0-1364

City Council
Atlanta, Georgia

SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-03-55
4-8-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **337-341 Valley Brook Drive, N.E. and the Rear of 300 W. Wieuca Road, N.E.** be changed from the **R-4 (Single-Family Residential) & R-LC-C (Residential-Limited Commercial-Conditional)** District, to the **PD-H (Planned Development-Housing)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **65** of the **17th** District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "PD Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

City Council
Atlanta, Georgia

03- 0 -1364

AN ORDINANCE
BY: ZONING COMMITTEE

Z-03-55
8-12-03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **341-343 Valley Brook Drive, N.E./Rear of 300 W. Wieuca Road, N.E.** be changed from the **R-4 (Single-Family Residential) & R-LC-C (Residential-Limited Commercial-Conditional)** District, to the **R-4B (Single-Family Residential)** District, to wit:

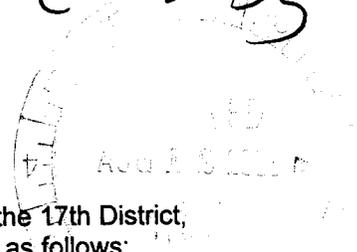
ALL THAT TRACT or parcel of land lying and being in Land Lot **65** of the **17th** District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the Suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

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

7-03-85



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 65 of the 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

Beginning at a 1/2" reinforcing bar found on the westerly right-of-way of Valley Brook Circle (50' R/W), said iron pin being 248 feet southerly from the intersection of the southerly right-of-way of Meadowbrook Drive and the westerly right-of-way of Valley Brook Circle; thence along the westerly right-of-way of Valley Brook Circle South 00 degrees 33 minutes 45 seconds West a distance of 14.53 feet to a point; thence continuing along said right-of-way along a curve to the left an arc distance of 133.04 feet, said arc having a radius of 100.00 feet and a chord which bears South 36 degrees 39 minutes 18 seconds East a distance of 123.44 feet to a point; thence leaving said right-of-way South 07 degrees 15 minutes 57 seconds West a distance of 40.00 feet to a point; thence South 01 degrees 17 minutes 49 seconds East a distance of 130.74 feet to a point; thence South 36 degrees 28 minutes 35 seconds East a distance of 67.79 feet to a 1/2" reinforcing bar found; thence South 52 degrees 33 minutes 31 seconds West a distance of 390.66 feet to a point; thence North 47 degrees 45 minutes 25 seconds West a distance of 49.57 feet to a point; thence North 42 degrees 09 minutes 41 seconds East a distance of 174.85 feet to a point; thence North 49 degrees 00 minutes 29 seconds West a distance of 26.60 feet to a point; thence North 00 degrees 00 minutes 00 seconds East a distance of 27.74 feet to a point; thence South 89 degrees 35 minutes 25 seconds West a distance of 155.51 feet to a point; thence North 00 degrees 08 minutes 51 seconds East a distance of 149.35 feet to a point; thence South 89 degrees 52 minutes 18 seconds West a distance of 87.95 feet to a 1/2" reinforcing bar found on the west line of Land Lot 65; thence along said Land Lot Line North 00 degrees 09 minutes 03 seconds East a distance of 218.89 feet to a 1" crimped top pipe found; thence leaving said Land Lot Line North 89 degrees 51 minutes 53 seconds East a distance of 380.33 feet to a 1/2" reinforcing bar found on the westerly right-of-way of Valley Brook Circle and the POINT OF BEGINNING..

Said Tract or Parcel containing 3.940 acres of land.

Page 1 of 2

03-0-1364

(Do Not Write Above This Line)

AN ORDINANCE 2-03-55
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT AND THE R-L-C (RESIDENTIAL-LIMITED COMMERCIAL-CONDITIONAL) DISTRICT TO THE R-4B (SINGLE-FAMILY RESIDENTIAL) DISTRICT, PROPERTY LOCATED AT 341-343 VALLEY BROOK DRIVE, N.E. AND THE REAR OF 300 WEST WIEUCA ROAD, N.E., FRONTING 147.53 FEET ON THE SOUTHWESTERLY SIDE OF VALLEY BROOK DRIVE BEGINNING 248 FEET SOUTH FROM THE SOUTHWEST CORNER OF MEADOWBROOK DRIVE. DEPTH: VARIES; AREA: 3.940 ACRES; LAND LOT 65, 17TH DISTRICT, FULTON COUNTY, GEORGIA.
OWNER: A.G. DANIEL & ASSOCIATES, INC. ET AL
APPLICANT: CRABAPPLE DEVELOPMENT, INC.
BY: GEORGE E. HARVEY, III, ATTORNEY NPU-B COUNCIL DISTRICT 7

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 9-2-03

Referred To: Zoning

MAY 3 2004

COUNCIL

First Reading
Committee Date 2003/27/2003
Chair

Committee
Date 28/2004
Chair
Action: Fav, Adv, Held (see rev. side)
Other: on second try
Members: [Signatures]

Committee
Date
Chair
Action: Fav, Adv, Held (see rev. side)
Other:
Members:
Refer To

Committee
Date
Chair
Action: Fav, Adv, Held (see rev. side)
Other:
Members:
Refer To

Committee
Date
Chair
Action: Fav, Adv, Held (see rev. side)
Other:
Members:
Refer To

COUNCIL ACTION
 2nd 1st & 2nd 3rd Readings
 Consent V Vote RC Vote
CERTIFIED

GERTRUDE
MAY 3 2004
COUNCIL PRESIDENT PROTREM

APPROVED
MAY 0 8 2004
MAYOR'S ACTION

APPROVED
MAY 1 1 2004
MAYOR