

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE O-I (OFFICE AND INSTITUTIONAL) DISTRICT TO THE MIX (MIXED USE) DISTRICT, PROPERTY LOCATED AT 5901-5909 PEACHTREE-DUNWOODY ROAD**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on May 15, 2007 at 7:00 p.m. as follows:

**SECTION 1.** That the Zoning Ordinance of the City of Sandy Springs be amended, and the official maps established in connection therewith be changed so that the following property located at **5901-5909 Peachtree-Dunwoody Road**, consisting of a total of approximately 22.96 acres, be changed from the O-I (Office and Institutional) District to MIX (Mixed Use) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 17 of the 17<sup>th</sup> 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 use permit(s), as listed in the attached conditions of approval, be approved under the provisions of Section 19.2.3 of the Zoning Ordinance of the City of Sandy Springs; and

**SECTION 4.** 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 5.** That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

**SECTION 6.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

**SECTION 7.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 15<sup>th</sup> day of May, 2007.

Approved:



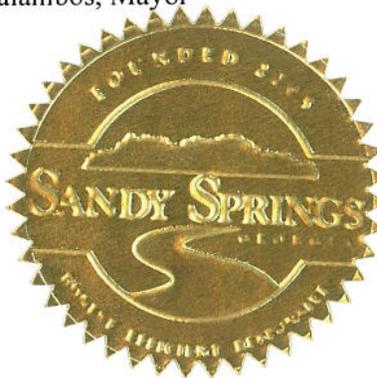
Eva Galambos, Mayor

Attest:



Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**RZ06-021/CV06-012/U06-004**  
**5901-5909 Peachtree-Dunwoody Road**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Tishman Speyer located at 5901-5909 Peachtree-Dunwoody Road. Rezoning petition RZ06-021/CV06-012/U06-004 to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Use District) was approved by the Mayor and City Council at the May 15, 2007 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Office and associated accessory uses at a density of 50,139.37 square feet per acre or 1,151,200 square feet, whichever is less.
  - b. Retail uses at a density of 2,177.70 square feet per acre or 50,000 square feet, whichever is less.
  - c. Residential uses at a density of 9.15 units per acre or 210 units, whichever is less.
  - d. Hotel use at a density of 8.71 rooms per acre or 200 rooms, whichever is less.
  - e. To a maximum building height 25 stories for the office building as shown on the site plan received by the Department of Community Development dated March 20, 2007.
  - f. To a maximum building height of 35 stories for the condominium and hotel tower as shown on the site plan received by the Department of Community Development dated March 20, 2007.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated March 20, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. 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 a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. The minimum design standards are:

Minimum front yard: 5 feet  
Minimum side yard: 15 feet  
Minimum rear yard: 0 feet

Minimum internal setback: 15 feet

Minimum landscaping and buffering between uses: 5 feet

Minimum heated floor area per dwelling unit: 800 square feet

- b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs. Further, the owner shall dedicate all right-of-way and provide easements, both temporary and permanent, required by the Peachtree-Dunwoody streetscape improvement project currently programmed by the Perimeter Community Improvement districts.
- c. No less than 20% of the site shall be maintained as open/green space.
- d. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north and east. Should the owner/developer not come to an agreement on interparcel access at this time with the property owners to the north or east, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained; permanent easements shall be recorded allowing for future inter-parcel access along the entirety of the northern and eastern boundaries of the property, prior to the issuance of an LDP.
- e. Roads "C", and "D" shall be constructed with stub ends at the northern property line. Road "A" will be constructed with a stub end at the eastern property line.
- f. Road "A" shall be constructed so the back of curb is located no more than five (5) feet from the northern property line for the entire length of the road. Should it be determined that site features on the subject property prohibit the construction of Road "A" five (5) feet from the northern property line, this requirement shall be removed through the administrative modification process subject to the approval of the owner of the property to the north.
- g. Provide an additional left turn lanes for northbound and southbound Peachtree-Dunwoody Road at Palisades driveway/Concourse Parkway (creating dual left turn lanes). The median along Peachtree-Dunwoody shall be maintained at its existing width throughout the entire property frontage.
- h. Provide two receiving lanes eastbound along Palisades driveway and westbound along Concourse Parkway at the intersection with Peachtree-Dunwoody Road.
- i. Provide westbound left turn lane along Palisades driveway onto Peachtree-Dunwoody Road.
- j. Provide exclusive right turn lane for driveway #2 northbound along Peachtree-Dunwoody Road.

- k. Provide an exclusive northbound right turn lane along Peachtree-Dunwoody Road between the I-285 westbound off ramp and Palisades driveway. This lane shall be an additional channelized right turn lane off the I-285 westbound off ramp.
- l. Upgrade the signal at Peachtree-Dunwoody Road and Palisades driveway/Concourse Parkway to accommodate the required geometric changes. All signal design and equipment must conform to the Perimeter Community Improvement District standards. All changes must be approved by the City of Sandy Springs Department of Public Works.
- m. Upgrade the signal at Peachtree-Dunwoody Road and the I-285 westbound off ramp to accommodate the required geometric changes. All signal design and equipment must conform to the Perimeter Community Improvement District standards. All changes must be approved by the City of Sandy Springs Department of Public Works and the Georgia Department of Public Works.
- n. To allow for an encroachment by the proposed Road "E" into the required ten (10) foot landscape strip along the east property line as shown on the site plan received by the Department of Community Development dated March 20, 2007 (CV06-012).
- o. The site plan received by the Department of Community Development, dated March 20, 2007, shall be revised to incorporate raised crosswalks to the extent deemed practical by the applicant.
- p. Drive-thru restaurants shall be prohibited.
- q. All animated, flashing or signs containing changing display elements will be prohibited. In addition, light-emitting diode ("LED") signs, neon signs and signs consisting of, or including, internally illuminated individual letters will be strictly limited to those allowed under the Sign Ordinance of the City of Sandy Springs as the same may be amended from time to time without any request for variance.
- r. To allow for an encroachment by the proposed retail and office buildings into the required twenty (20) foot landscape strip along the west property line (CV06-012).

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MAR 20 2007

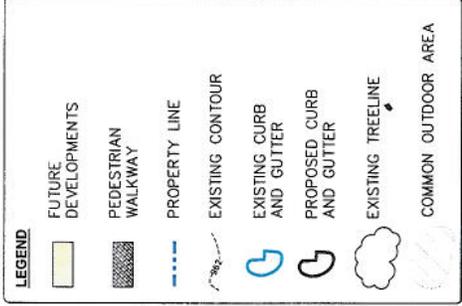
City of Sandy Springs  
Community Development



**GENERAL NOTES**  
APPLICANT: PALISADES BUILDING, L.P.  
3169 HOLCOMB BRIDGE ROAD, SUITE 300  
ATLANTA, GA 30339  
CONTACT: BOB STUBBS  
PHONE: 770-825-0744  
FAX: 770-825-0744

ENGINEER: KIMLEY-HORN AND ASSOCIATES, INC.  
3169 HOLCOMB BRIDGE ROAD, SUITE 600  
NORCROSS, GA 30071  
CONTACT: PHILIP CURRY  
PHONE: 770-825-0744  
FAX: 770-825-0074

SURVEYOR: HIR ENGINEERING, INC.  
301 PEWETER CENTER NORTH, SUITE 400  
ATLANTA, GA 30328  
CONTACT: PHILIP CURRY  
PHONE: 678-775-4600

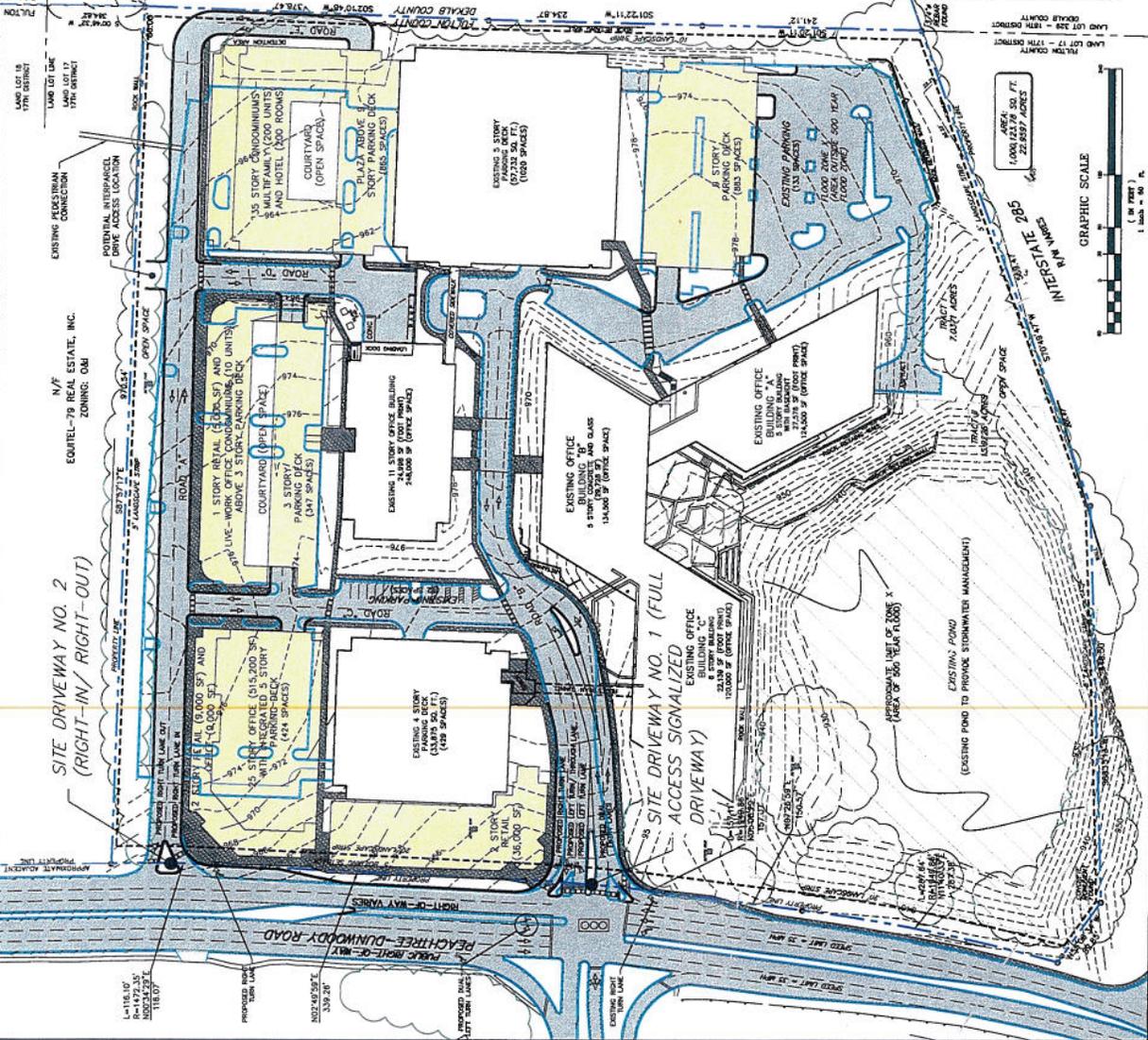


**NOTES:**  
BUILDING SETBACKS ARE NOT REQUIRED PER "MIX" ZONING CLASSIFICATION. TO BE ZONED PER PLAN.  
UNDISTURBED BUFFERS AND/OR PROTECTED NATURAL AREAS ARE NOT PRESENT WITHIN PROJECT LIMITS.

LAND USE	TOTAL (AC)	SF #UNITS	DENSITY
EXISTING	22.86 Acres	627,000 SF	27,308 SF/Acre
PROPOSED			
MIX (Mixed Use)	22.86 Acres	200 Rooms	8.71 Units/Acre
Hotel		200 Rooms	8.71 Units/Acre
Condominium-Multifamily		200 Units	0.44 Units/Acre
Live-Work Office Condominiums		10 Units	2,178 SF/Acre
Retail		50,000 SF	22,831 SF/Acre
Office		324,200 SF	

LAND USE	REQUIRED RATIO	REQUIRED SPACES (SHARED PARKING CALC.)	MAXIMUM NUMBER OF SPACES PROVIDED
Hotel	1 PER ROOM	200	150
Retail	5 PER 1000 SF	250	150
Office - Proposed	3.0 PER 1000 SF (Per 250,000 SF)	750	SHARED
Office - Existing	2.504 (Exceeding 250,000 SF)	2,504	SHARED
<b>SUBTOTALS</b>			
Live-Work Office Condominiums		3,274	3,693 Shared Parking
Hotel		200	20
Condominiums		400	400
Multifamily		400	400
<b>TOTALS</b>		<b>4,144</b>	<b>3,994</b>

MINED USE DEVELOPMENT STANDARDS - SECTION 12.3	REQUIREMENT	COMPLIANCE
Front Yard	5'	5'
Side Yard	15'	15'
Rear Yard	0'	0'
Internal	15'	15'
Landscaping	5'	5'
Residential Units Min. Floor Area	800 SF	4,893 AC (213.36)
Common Outdoor Area (Min. 200)	4,893 AC	22,857 ACRES



**CLIENT:** PALISADES BUILDING, L.P.  
**TITLE:** REZONING SITE PLAN

**PREPARED BY THE OFFICE OF:** Kimley-Horn and Associates, Inc.  
3169 HOLCOMB BRIDGE ROAD SUITE 600 - NORCROSS, GEORGIA 30071-1367  
PHONE: (770) 825-0744

NO.	ADDRESS	CITY	DATE	REVISIONS
1	1118 1/2	1118 1/2	11/07/06	11/07/06
2	1118 1/2	1118 1/2	11/07/06	11/07/06
3	1118 1/2	1118 1/2	11/07/06	11/07/06

## EXHIBIT A

### LEGAL DESCRIPTION

All of that tract or parcel of land lying in Land Lot 17 of the 17<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin at the intersection of the easterly right-of-way of Peachtree Dunwoody Road (right-of-way width varies) (said iron pin being 40 feet from the centerline of Peachtree Dunwoody Road) and the northerly right-of-way of Interstate 285 (right-of-way width varies) and from this POINT OF BEGINNING thus established, run along the easterly right-of-way of Peachtree Dunwoody Road (40 feet from the parallel to the centerline) along a curve to the left having a radius of 1949.86 feet and an arc length of 287.64 feet, being subtended by a chord of North 11 degrees 40 minutes 33 seconds East for a distance of 287.38 feet to a point;

Thence continuing along the easterly right-of-way of Peachtree Dunwoody Road (40 feet from and parallel to the centerline), run North 07 degrees 26 minutes 59 seconds East a distance of 44.21 feet to an iron pin;

Thence continuing along the easterly right-of-way of Peachtree Dunwoody Road (40 feet from and parallel to the centerline), run North 16 degrees 40 minutes 34 seconds East a distance 55.17 feet to an iron pin;

Thence continuing along the easterly right-of-way of Peachtree Dunwoody Road, run North 7 degrees 29 minutes 27 seconds East for a distance of 101.13 feet to a point;

Thence continuing along the easterly right-of-way of Peachtree Dunwoody Road, run North 83 degrees 42 minutes 50 seconds West a distance of 9.54 feet to a point;

Thence continuing along the easterly right-of-way of Peachtree Dunwoody Road (40 feet from and parallel to the centerline), run along a curve to the left having a radius of 1472.35 feet and an arc length of 116.10 feet, being subtended by a chord of North 00 degrees 34 minutes 27 seconds East for a distance of 116.07 feet to an iron pin;

Thence leaving the easterly right-of-way of Peachtree Dunwoody Road, run South 87 degrees 57 minutes 17 seconds East for a distance of 970.54 feet to a one inch diameter open top iron pipe on the east line on Land Lot 17;

Thence run South 02 degrees 10 minutes 48 seconds West along said east line of Land Lot 17 for a distance of 378.47 feet to an iron pin;

Thence run South 01 degrees 22 minutes 11 seconds West along said east line of Land Lot 17 for a distance of 234.87 feet to a one inch diameter crimp top iron pipe;

Thence run South 01 degrees 20 minutes 11 seconds West along said east line of Land Lot 17 for a distance of 241.12 feet to a three quarter inch diameter reinforcing bar on the northerly right-of-way of Interstate 285 (right-of-way width varies);

Thence leaving said Land Lot line, and along the northerly right-of-way of Interstate 285 (right-of-way width varies) run South 70 degrees 49 minutes 47 seconds West for a distance of 569.47 feet to an iron pin;

Thence continuing along the northerly right-of-way of Interstate 285 (right-of-way width varies) run South 88 degrees 15 minutes 13 seconds West for a distance of 448.50 feet to a concrete right-of-way monument;

Thence continuing along the northerly right-of-way of Interstate 285 (right-of-way width varies), run North 55 degrees 06 minutes 34 seconds West for a distance of 82.65 feet to an iron pin at the POINT OF BEGINNING;

Said tract or parcel of land contains 22.93329 acres according to that certain Survey prepared by HDR/WLJordan dated April 18, 2001, last revised May 14, 2001.