

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON  
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z89-0166 ON  
MARCH 20, 1990, PROPERTY LOCATED AT 755 MT. VERNON HIGHWAY**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on March 17, 2009 at 6:00 p.m. as follows:

**SECTION 1.** That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on March 20, 1990 for petition 1989Z-0166, consisting of a total of approximately 3.247 acres, be modified to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 35, 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 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**SECTION 4.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

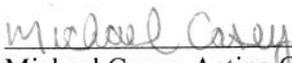
**SECTION 5.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 17th day of March, 2009.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Michael Casey, Acting City Clerk  
(Seal)



**EXHIBIT A**

**Legal Description**

All that tract or parcel of land lying and being in Land Lot 35 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at the intersection of the southeast right-of-way line of Mount Vernon Road (variable right-of-way) and the west right-of-way line of Barfield Road (70-foot right-of-way); running thence South 70 degrees 11 minutes 36 seconds West along the southeast right-of-way line of Mount Vernon Road, 498.72 feet to a ½ inch rebar found; South 00 degrees 34 minutes 41 seconds West along the east right-of-way line of Mount Vernon Road, 31.86 feet to a ½ inch rebar set and the TRUE POINT OF BEGINNING; thence from said TRUE POINT OF BEGINNING, continuing South 00 degrees, 34 minutes 41 seconds West, 455.92 feet to a 1-inch hollow pipe found on the line common to Land Lots 35 and 36, said District; thence South 89 degrees 43 minutes 36 seconds West along said common land lot line, 249.69 feet to a ¼ inch rebar found; thence North 89 degrees 51 minutes 35 seconds West along said common land lot line, 72.87 feet to a 5/8 inch crimped top pipe found at the southeast corner of property now or formerly owned by Allison T. Hurbert; thence North 11 degrees 32 minutes 20 seconds West along the east line of said Hurbert property; 331.00 feet to a ½ inch rebar set on the southeast right-of-way line of Mount Vernon Road; thence North 71 degrees 42 minutes 40 seconds East along the southeast right-of-way of Mount Vernon Road, 239.49 feet to a ½ inch rebar set; thence North 70 degrees 54 minutes 30 seconds East along the southeast right-of-way line of Mount Vernon Road, 175.63 feet to the TRUE POINT OF BEGINNING; said tract containing 3.2477 acres.

LESS AND EXCEPT property described in Right of Way Deed in favor of Fulton County, dated January X, 1991, recorded in Deed Book 14142, page 32, Fulton County Records.

TOGETHER WITH easement rights pursuant to the terms, conditions and obligations contained in the following:

Storm Drain Easement Agreement by and between Lucille Cox Harris and Vernon Woods Medical Associates, dated January 31, 1991, filed February 11, 1991, recorded in Deed Book 14047, page 213, Fulton County Records; and

Storm Drain Easement Agreement by and between John F. Harrington and Mt. Vernon Medical Associates, L.P., dated March 31, 1991, filed April 8, 1991, recorded in Deed Book 14169, page 157, aforesaid records.

RECEIVED  
JAN 14 1991  
City of Sandy Springs  
Community Development

ZM09 001





CONDITIONS OF APPROVAL

**ZM09-001/CV09-001**

755 Mt. Vernon Highway

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Paramount Real Estate Services at 755 Mt. Vernon Highway Zoning modification petition ZM09-001/CV09-001 was approved by the Mayor and City Council at the March 17, 2009 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property to the following:
  - a. Office and accessory uses at a maximum density of 30,000 square feet of gross floor area per acre zoned or a total gross floor area of 105,000 square feet, whichever is less.
  - b. Limit the height of the office building(s) to no more than 5 stories and the height of the parking deck(s) to no more than 3 stories, for a total effective building height not to exceed 8 stories.

Said building and parking deck are to be located as shown on the site plan referenced in condition 2a. The parking deck location shall be a minimum of 120 feet from the south property line if a variance for a reduction in the required parking to 3.6 spaces per 1000 gross square feet of floor area is approved. If the variance is not approved, then the parking deck location shall be located a minimum of 60 feet from the south property line as shown on the site plan received by the zoning department on ~~12/28/89~~ 1/06/2009.

2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Environment and Community Development on ~~March 15, 1990~~ January 6, 2009. 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.
  - b. To submit to the Director of Public Works for his approval, prior to any defoliation or alteration of the site, a land disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention and the method of continuing maintenance of these facilities.
  - c. To submit to the Director of Public Works for his approval, prior to the approval of a Land Disturbance Permit, a detailed landscape and/or tree protection plan for all required buffers, landscape strips, and tree protection zones. Said landscaping for each phase of development shall be in place within 90 days after the issuance of a certificate

of occupancy or the connection of permanent power for each phase provided, however, that all landscaping shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the final phase of the development.

3. To the owner's agreement to the following site development considerations:

a. Provide a natural buffer, undisturbed except for approved access and utility crossings, improvements, and replanting where sparsely vegetated and subject to the approval of the ~~Fulton County~~ City of Sandy Springs Arborist, adjacent to the following property lines and in the widths shown (the width of buffers shall be measured from the limits of construction for existing and proposed public roadways as applicable):

50 feet wide with a 10 foot improvement setback adjacent to the ~~east and~~ south property lines and 25 feet wide with a 13 foot improvement setback along the eastern property line except for "Area B" as indicated on the Landscape Plan submitted March 17, 2009, which shall remain a 50-foot buffer, to allow for construction of a driveway, ~~with an additional setback for all improvements of 10 feet or~~ as may be approved by the Director of ~~Planning and Economic~~ Community Development.

The owner/developer shall replant the 25 foot buffer along the eastern property boundary where it is sparsely vegetated, subject to the approval of the Sandy Springs Arborist.

b. Provide a 40 foot wide landscape strip outside of the new dedicated right-of-way of Mount Vernon Highway. Said landscape strip shall be planted with shrubs, a minimum size of 3 gallons upon installation, planted at a minimum spacing of 3 feet on center, and trees, a minimum 3 inch caliper upon installation, planted at a minimum spacing of 30 feet on center. Plantings shall be subject to the approval of the ~~Fulton County Arborist~~ City of Sandy Springs Arborist.

c. Provide adjacent to the following property lines in the widths shown, a landscape strip, planted with shrubs, a minimum size of 3 gallons upon installation, planted at a minimum spacing of 3 feet upon center, and trees, a minimum 3 inch caliper upon installation, planted at a minimum spacing of 30 feet on center. Plantings shall be subject to the approval of the ~~Fulton County Arborist~~ City of Sandy Springs Arborist: 10 feet wide on all property lines adjacent to non-residential zoning.

d. Provide a minimum 6-foot high 100% opaque, solid wood fence or masonry wall, subject to the approval of the ~~Fulton County~~ City of Sandy Springs Arborist and the Director of Community Development, along the entire length of the west and south property lines, and along the east property line adjacent to any surface parking area. Said fence/wall is to be located outside of any public right-of-way and interior to any required landscape strips and/or buffers, or as may be approved by the ~~Director of Planning and Economic Development~~ Director of Community Development and the ~~Fulton County~~ City of Sandy Springs Arborist. The finished side of said fence/wall shall face the exterior property lines.

- e. Provide a 4-foot high landscaped earthen berm with a maximum slope of 3 to 1 combined with landscaping so as to achieve visual screen of at least 6 feet in height, subject to the approval of the Director of ~~Planning and Economic~~ Community Development, along the entire length of Mount Vernon Highway (except for approved access crossings), said improvements to be located outside of any public right-of-way and within the required landscape strip.
- f. Any exterior illumination on the site shall not exceed 1.2 foot candles on any property line adjacent to a residential use or zoning district, nor will the light source be directly visible from adjoining residential properties.
- g. Screen lighting sources for all surface and deck parking such that no light source is directly visible from any residential property line.
- h. No more than two (2) exits/entrances on Mount Vernon Highway to be located a minimum of 250 feet from any other curb cut, on either side of said road. The westernmost curb cut shall be limited for service entry only and shall be a right-in/right-out only. Curb cut location and alignment are subject to the approval of the ~~Fulton County~~ City of Sandy Springs Traffic Engineer.
- i. Provide certified documents that show the 2-, 10-, 25- and 100-year respective stormwater flows will not be exceeded by reason of the proposed development. Such documents shall include hydrologic and hydraulic calculations indicating the respective stormwater discharges at all points on the perimeter of the proposed development and at critical off-site drainage facilities as determined by the developer and subject to the approval of the Director of Public Works. Said certification shall be made by a Professional Engineer experienced in the design and evaluation of hydrologic and hydraulic systems and certified to practice such in the State of Georgia.
- j. Design required on-site storm water detention facilities to provide 125% storage capacity for all storms up to and including the 100-year storm and such that they are not located within any required buffers, landscape strips, or on required parking and loading areas. Stormwater discharge facilities shall be designed and located in such a manner as to mitigate impact on adjacent, downslope properties. Said facilities shall be located within the required easements, shall be placed underground in-so-far as practical and shall tie into existing stormwater facilities in the Aberdeen Forest subdivision. The location and release rate for said facilities are subject to the approval of the Director of Public Works.
- (Administratively modified on January 15, 1991 to allow a portion of the underground detention facility to encroach into the 10 foot improvement setback as necessary, subject to approval of the Acting Arborist.)
- k. The exterior of all concrete blocks shall be coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.)
- l. The exterior of any parking structure shall be coated with an architectural

treatment (e.g. epoxy, stucco, brick veneer, etc.) or an alternate solution such that the structure will be compatible with the existing development on adjacent-properties as may be approved by the Director of Public Works.

m. Any parking structure shall include exterior concrete planting boxes of a similar finish to the main structure, running the length of each floor, at or above the third story above finished grade. Such planting boxes shall be at least 30 inches in depth and shall be used for planting of landscape materials; including ground cover which will be expected to drape over the sides of the boxes, subject to the approval of the ~~Fulton County~~ City of Sandy Springs Arborist.

n. Limit the free-standing project identification signage on the entire property to no more than one unlighted, double-faced pole sign/monument sign adjacent to Mount Vernon Highway not to exceed a height of 4 feet from finished grade measured from the base of the sign structure.

o. No roof signs are permitted.

p. Provide landscape islands throughout the surface parking areas, including a minimum 10 foot wide landscape island at the end of each parking bay and 5 foot wide landscaped island for each 150 feet of length. Said parking islands must be planted with shade trees, subject to the approval of the Fulton County Arborist.

q. Provide and maintain off-street parking on the subject property during the entire construction period.

r. Provide interparcel access to adjacent property(ies) as may be required by the Director of Public Works.

s. Locate all trash dumpsters internal to the development and provide 100% opaque screening around said dumpsters subject to the approval of the Director of ~~Planning and Economic~~ Community Development. Said dumpsters shall not be located within buffers, landscape strips or parking and loading areas.

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

a. Dedicate at no cost to ~~Fulton County~~ the City of Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide a minimum of 55 feet of right-of-way from the centerline of Mount Vernon Highway, and dedicate at no cost to ~~Fulton County~~ the City of Sandy Springs 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 improve said road 32 feet from center of road to back of curb along the entire property frontage, and further to allow the necessary construction easements while the right-of-way is being improved (U89-105).

- b. Provide a deceleration lane for each project entrance or as may be approved by the ~~Fulton County~~ City of Sandy Springs Traffic Engineer.
  - c. Connect to metropolitan water and public sanitary sewer available to the site as well as pay all required tap-on fees, front footage assessments and the pro-rated share of the cost of public utility extensions and the cost of Nancy Creek relief sewer system as determined by the Department of Public Works.
  - d. Provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire-fighting equipment as required by the ~~Fulton County~~ City of Sandy Springs Fire Department.
  - e. Design required on-site storm water detention facilities such that they are not located within any required buffers, landscape strips, or on required parking areas.
  - f. Construct sidewalks along entire property frontage within the right-of-way of Mount Vernon Highway. Said sidewalks shall be in prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the development.
  - g. Provide a 12' wide minimum entrance gate and a 40' outside turning radius to the entrance.
  - h. Frontage improvements will be required at time of LDP to conform with planned improvements for Mt. Vernon Highway. This work may include installation or modification of curb and gutter, median island, and/or striping.
5. Participate in off-site transportation improvements necessary to accommodate increased traffic generated by the proposed development. These improvements may include, but are not limited to the following:
- a. New southbound on and off ramps in the northwest quadrant of the Ga. 400/Abernathy Road interchange.
  - b. Six (6) through lanes on Abernathy Road extending from a point midway between the northbound ramp exits from Ga. 400 to the existing median located west of the new southbound ramp exit from Ga. 400 and fully actuated signalization on Abernathy Road at the new southbound on and off ramps.
  - c. One (1) additional lane to the northbound ramp onto Ga. 400 from Abernathy Road and one additional free right turn lane onto said ramp from Abernathy Road, beginning at Peachtree-Dunwoody Road.
  - d. The extension of Mt. Vernon Highway to Barfield Road as a 6-lane section.
  - e. The widening of Abernathy Road to six (6) lanes to Barfield Road.

- f. The construction of a 2-lane collector-distributor system parallel to Georgia 400.
- g. The construction of a new interchange at Georgia 400 between Abernathy Road and Spalding Drive.

(Added in 1989)

The construction of 2-lane on and off ramps from Georgia 400 to Hammond Drive.  
Abernathy Rd. to Peachtree-Dunwoody Rd. from Barfield Rd.

GA 400 Extension (utilities) to I-285 from I-85 GA 400 Spalding Drive

Interchange (new) to Abernathy Rd.

GA 400 NB On-Ramp to Abernathy Rd.

GA 400 On and Off Ramps to Abernathy Rd.

GA 400 SB On and Off Ramps to Abernathy Rd.

Glenridge Dr. to New Glenridge Connector from Douglas Rd.

Glenridge/Perimeter Connector Ext. to Peachtree-Dunwoody Rd. from Johnson Ferry Rd.

Mt. Vernon Hwy. to Barfield Rd. from Glenridge Dr.

Mount Vernon Hwy. to SR 400 from (bridge)

Mount Vernon Hwy. to SR 400 Bridge from Barfield Rd.

Peachtree-Dunwoody Rd. to Hammond Dr. from Spalding Dr.

Peachtree-Dunwoody Rd. to Hollis Cobb Dr. from Johnson Ferry Dr.

Peachtree-Dunwoody Rd. to Spalding Dr. from Abernathy Rd.

Spalding Dr. to Ga. 400 to Peachtree-Dunwoody Rd.

Signalization

Upon resolution of the ~~Board of Commissioners~~ Sandy Springs City Council, the ~~County~~ City of Sandy Springs may substitute or add roadway projects to the identified improvements which add capacity to serve the development. In the event ~~Fulton County~~ the City of Sandy Springs adopts an impact fee resolution, participation in the costs of off-site improvements does not prevent the ~~County~~ City from imposing such additional impact fees as a condition of the issuance of a building permit, provided that such participation shall be credited against impact fees due.

Prior to issuance of each Land Disturbance Permit, the owner shall provide to ~~Fulton County~~ the City of Sandy Springs monies for transportation improvements to the area equal to the square footage contained within a building proposed pursuant to said Land Disturbance Permit. Costs shall be based on the following rates subject to the Engineering News Record Index beginning from the approval date of these petitions, and adjustment by the ~~Board of Commissioners~~ Sandy Springs City Council:

\$0.58 per gross square foot of office floor area

(updated to \$0.53 in 1989, account #321-540-5402-6175-4101)

\$1.25 per square foot of commercial floor area of accessory uses

The ~~Board of Commissioners~~ Sandy Springs City Council may adjust the above-stated rates pursuant to any public policy change in said rates as adopted by the ~~Board of Commissioners~~ Sandy Springs City Council for the general development area within which the project is located.

6. 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, to arrange with the County Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries.

b. To maintain as a minimum, the tree density requirements as prescribed by the ~~Fulton County~~ City of Sandy Springs Tree Preservation Ordinance Administrative Guidelines, either through the retention of existing trees, or tree replacement, in perpetuity.

c. To the revised conditions of zoning/covenants identified as "Exhibit A" submitted on March 17, 2009, as follows:

1. Revised Landscape Plan. Construction of the added driveway shall be in strict conformance with the landscape plan prepared by Horlander Design Associates, Inc., dated April 13, 2003 revised March 11, 2009, entitled Landscape and Buffer Improvements for Mount Vernon Medical Center ("Revised Landscape Plan"). The Revised Landscape Plan includes items/obligations for the Owner such as:

(a) Supplemental additions of designated landscape elements.

(b) Allowed removal of trees designated on Revised landscape Plan.

(c) Nondisturbance of the remainder of the maple trees located in Area A (Areas A and B are as designated on the Revised Landscape Plan) and nondisturbance of the trees located in Area B - other than necessary pruning and maintenance work.

(d) Kudzu, brush and dead trees/undergrowth to be removed throughout Areas A and B, including from the chain link fence.

(e) Driveway to be maximum of sixteen (16) feet wide curb to curb, plus up to a total of 1.67 feet of curbing and up to four (4) feet of shoulder beyond the eastern curbing. The fence (item 3 below) shall be placed approximately in the middle of the shoulder.

(f) As to Area A, the current natural undisturbed buffer to be modified from its current fifty (50) feet to a twenty-five (25) foot buffer plus an additional thirteen (13) foot improvement setback. The 50-foot buffer shall remain for Area B.

(g) The added landscape elements shall be planted no later than thirty (30) days after substantial completion of the driveway provided this shall be extended for delays due to inclement weather and seasonal planting requirements.

2. Irrigation/Fertilization. The Owner of the Subject Property shall include automatic electric irrigation and regular fertilization so as to promote survival and maximum growth of all bushes and trees.

3. New Fence. The Owner shall repair the chain-link fence which is adjacent to the property line in those areas where it has been damaged by fallen trees.

4. Current Fence. The Owner shall repair the chain-link fence which is adjacent to the property line in those areas where it has been damaged by fallen trees.

5. Maintenance/Replacements. Owner shall perform ongoing maintenance of Areas A and B to a consistently high quality standard, such maintenance to include, but not limited to: (1) seasonal installation of mulch, pine straw, or similar materials and (2) annual deep root injection/fertilization, pruning, and evaluation of maple trees (by a certified arborist) located in Area A. If any trees and/or bushes die or are otherwise removed, then the Owner of the Subject Property shall replace such trees and bushes with ones of a similar size, spread, character and variety as those set forth on the Landscape Plan with the replacement being approved by the Sandy Springs City Arborist.

6. Drainage. The Owner shall provide that all drainage shall continue to flow into the existing retention facility on the Subject Property.

7. Lighting. Any new lighting on the Subject Property shall not face the Autumn Chace Community and shall be recessed and directed inward and downward (as with lights on current upper deck) using environmentally sensitive fixtures which shall be shielded so as to avoid light spillage onto the Autumn Chace Community. The fixtures shall not be visible from the adjacent Autumn Chace Community.