

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO REZONE TO MIX (MIXED USE DISTRICT) CONDITIONAL TO
ALLOW USES INCLUDING RESTAURANTS AND SERVICE IN THE AREA KNOWN AS
ZONE 6, PROPERTY LOCATED AT 6370 POWERS FERRY ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on December 15, 2009 at 6:00 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 6370 Powers Ferry Road, consisting of a total of approximately 3.52 acres, be changed from the MIX (Mixed Use District) conditional to MIX (Mixed Use District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 205 of the 17th 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 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 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 15th day of December, 2009.

Approved:



Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

RZ09-005
6370 Powers Ferry Road

The City of Sandy Springs Mayor and City Council approved the rezoning of property located at 6370 Powers Ferry Road. Rezoning petition RZ09-005 was approved to rezone the subject property from MIX (Mixed Use District) conditional to MIX (Mixed Use District) conditional by the Mayor and City Council at the December 15, 2009 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail/Office/Institutional/Service Commercial and accessory uses at a maximum density of 7,881.06 square feet of gross floor area per acre zoned, or a total gross floor area of 426,452 square feet, whichever is less, but excluding hotels.
 - b. Provide a minimum of 366,000 square feet of office calculated as part of the total floor area allowed in Condition 1.a.
 - c. No more than 513 total dwelling units, at a maximum density of 9.50 dwelling units per acre, whichever is less based on the total acreage zoned. (AM08-005)
 - d. Limit the height of the buildings, in the various Zones as shown on the site development plan referenced in Condition 2.a. and as specified in condition 3.a. (2004U-0024 NFC)
2. To the owner's agreement to abide by the following:
 - a. To the revised site development zone plan received by the Department of Community Development on January 30, 2008. 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. 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. (AM08-005)
3. To the owner's agreement to the following site development considerations:
 - a. To abide by the following zone development standards: (The zone development standards are taken from the "Amended and Restated Declaration of Covenants, Conditions, and Restrictions" signed by the developer and Riverview Palisades Neighborhood Association and the document was submitted to the County on July 5, 2005.)

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| Zone 1 | This a no-build zone, wherein no new buildings or associated structures will be proposed for construction. Zone 1 is defined by the MRPA (Metropolitan River Protection Act) impervious setback zone of 150 feet, measured from the bank of the river, along the length of the riverbank. Within the 150-foot impervious setback, Zone 1 currently includes an approximately 6,268 square foot portion of an existing 13,452 square foot one-story restaurant with ground level parking as |
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well as a portion of the parking lot associated with the building in Zone 3. The proposed development plan will remove at the time when development occurs as set forth in Zone 3 below, that portion of the parking lot associated with Zone 3, located south of Game Creek, which currently lies within the MRPA 150-foot impervious setback of Zone 1. In addition, to enhance the natural atmosphere of this zone and celebrate the river and creek as an amenity, pervious pedestrian trails, bridges and landscaping may be constructed with appropriate approvals. In addition to the foregoing provision for trails in general, the Applicant may install, construct and maintain a pervious pedestrian trail along the western boundary of Zone 1, from the southern boundary of Zone 1 to the right-of-way of Powers Ferry Road, linking the subject property with the National Park nearby, provided such trail shall be installed in accordance with the National Park Service trail standards.

Zone 2 With the exception of the current and proposed private driveway to access properties owned by Mort Epstein and Showcase Development and owner's right to relocate the existing access roadway connecting Zone 4 to Zone 3, Zone 2 shall be a no-build zone, wherein no buildings, accessory buildings or associated parking structures will be proposed for construction. This area is currently undisturbed and includes the area delineated by the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources 35-foot stream buffer along Game Creek, measured from the banks of Game Creek, along the entire length of the stream. The impervious development rights for this zone may be transferred to other areas of the site. However, to enhance the natural atmosphere of this zone and celebrate the creek as an amenity, pervious pedestrian trails, bridges and landscaping may be constructed with appropriate permits or variances and construction debris will be removed to the extent allowed by applicable authorities.

Zone 3 Zone 3 shall be limited to 10 detached single-family homes and 38 condominium units to be located in one building consisting of one parking deck with two separate condominium unit wings extending vertically from the parking deck. Except as provided in the preceding sentence, no other buildings shall be permitted in Zone 3. The condominium building shall have a height limit of 61 feet and the single-family homes shall have a height limit of 48 feet, both measured to the roof peak (including rooftop mechanical equipment) above average grade; provided however that average grade for the condominium building shall not exceed an elevation of 807 feet and average grade for the single-family homes shall mean the existing average grade of the entire site which shall not exceed 816 feet. Surrounding any rooftop mounted equipment located on the condominium buildings, owner/developer shall build a vertical structure so as to screen the equipment from a side view by homeowners on Riverview Rd. The structure shall be no less than the height of any rooftop mounted equipment and must be at least five feet in height. The structure shall be in a color so as to blend with the color of the roof. The units located on the southern side of Zone 3

adjacent to lots in the Riverview subdivision shall be single-family detached homes and shall have a rear setback of at least 20 feet from the property line or the minimum setback required by Fulton County, whichever is greater. Any units other than single-family detached homes shall have a building setback of 100 feet from the Riverview subdivision property line. All single-family units in Zone 3 shall have a minimum size of 2,300 square feet. The minimum size of units in the condominium building (which shall not exceed a total of 38 units) described above will be 1,900 square feet. If Zone 3 is redeveloped for residential use as contemplated herein, the existing office building will be removed. (AM08-005)

Zone 4

Allow (a) one condominium building, which will be the westernmost residential building in Zone 4, no taller than 84 feet (including rooftop mechanical equipment) above the grade of the existing road which runs along the western boundary of Zone 4 at its intersection with Powers Ferry Road, containing no more than 300 units with structured parking located within the building perimeter such that the outside perimeter of the building consists of residential units and the deck is open to the perimeter of the condominium building only to allow a maximum of two points of vehicular and pedestrian access (no such opening may be located on the south side of the building unless residential units are constructed directly above the opening).

Allow (b) 125 townhouses with a height limit of 48 feet to the roof peak above finished ground grade and a minimum size of 2,000 square feet; and (c) either one condominium building of up to 40 units or 28 townhouse units to replace the Olive's restaurant building and its 128 space parking lot. In addition, the condominium building described in (a) above may contain accessory retail uses not to exceed a total of 10,000 gross square feet. In either case the maximum height for condominium building or townhouses described in (c) above will not exceed 48 feet to the roof peak from the foundation slab grade. Parking for the condominium building (if constructed on the Olive's site) will be located underneath the building. The condominium building described in (a) above will have an exterior elevation conceptually similar to that shown in the attached elevation by the Preston Partnership, dated May 5, 2005 and attached to the owner's amended declaration as Exhibit C hereof with respect to general facade detail and facade roofline articulation. (per document "Amended and Restated Declaration of Covenants, Conditions, and Restrictions" received by the County on July 5, 2005.) Also, in addition to the uses outlined above, the following three existing uses would be permitted to remain within Zone 4: 8,000 square foot restaurant (Olive's); and 13,452 gross square foot restaurant (Ray's); and 6590 Powers Ferry Road containing 4,465 gross square feet. (AM08-005)

Zone 5

Allow three office buildings of no more than 5 stories each, measured from existing grade, with an average floor-to-floor measurement of 14 feet, with an aggregate gross floor area of 275,000 square feet and one

structured parking deck of no more than 3 levels above grade, with a floor-to-floor measurement of 10.5 feet.

Zone 6 Allow no more than one building that is up to, but shall not exceed, 4 stories measured from existing grade, with an average floor-to-floor measurement of 14 feet and an aggregate gross floor area of 81,000 square feet. Any other buildings within Zone 6 shall be limited to 3 stories in height, located between the existing 4-story building in Zone 6 and Powers Ferry Road, in the northeast corner of Zone 6, and may contain in the aggregate a maximum of 29,000 gross square feet (from which shall be deducted the size of the existing branch bank if it remains) which could be used for office/institutional, retail, residential, restaurant not to exceed a total of 4,200 gross square feet, and service commercial purposes and one structured parking deck of no more than one level above grade, with a floor-to-floor measurement of 10.5 feet. If a residential building is constructed, the number of units it contains will be deducted from the total of 525 residential units allowed in the aggregate for the entire Property. (RZ09-005)

- b. To construct all parking decks in a manner so that their architectural appearance is consistent with the style and materials of the associated office building(s).
 - c. To construct all parking decks so that all sides shall be treated in an architecturally consistent manner.
 - d. Baffle all lights on building and parking deck rooftops so that light is directed towards the ground and away from the residential development to the south.
 - e. No signs shall be placed above the first floor elevation on any side of a building visible from the residential development to the south.
 - f. The emptying of dumpsters is restricted to Monday through Friday between 7 AM and 6PM.
 - g. No free standing cell or other types of free standing communication towers are permitted within the property. No communications antennae or other equipment shall be permitted if such equipment is visible from homes in the Riverview subdivision.
 - h. Delete the required 50-foot undisturbed buffer and 10-foot improvement setback along the south property line for Zone 3 as shown on the variance exhibit attached along the following property lines: South 52°26'53" West, 56.91 feet; South 56°45'09" West, 79.62 feet; South 26°47'33" West, 165.31 feet. (2004VC-0213 NFC).
 - i. All secluded walking paths that go through grassy or wooded areas within seventy-five feet of the open stream known as Game Creek shall be constructed with a pervious surface (i.e., pervious concrete, fine slate, fine shale, mulch, woodchips, or some similar material), as shown on Exhibit "B" received by the Department of Community Development on January 30, 2008. (AM08-005)
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:

55 feet from centerline of Northside Drive;

40 feet from centerline of Powers Ferry Road;

From the centerline of I-285 as may be required by the Georgia Department of Transportation.

- 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 or as maybe approved by Staff.
 - 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 or as maybe approved by Staff.
 - 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 or as maybe approved by Staff. 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 or as maybe approved by Staff. 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 or as maybe approved by Staff.
- 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 or as maybe approved by Staff. 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 or as maybe approved by Staff.
- 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 or as maybe approved by

Staff.

- 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 or as maybe approved by Staff.
- 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 or as maybe approved by Staff.
- 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 or as maybe approved by Staff.
- 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 or as maybe approved by Staff.
- 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 or as maybe approved by Staff.

RZ09 005

EXHIBIT "A"

Legal Description

RECEIVED

AUG 31 2003

City of Sandy Springs
Community Development

Tract I

All that tract or parcel of land lying and being in Land Lots 204, 205, 210 and 211 of the 17th District, Fulton County, Georgia, being shown on Survey of a Portion of Powers Ferry Landing West for MSCL Powers Ferry Landing, L.L.C., First American Title Insurance Company and Wachovia Bank, National Association dated March 25, 2004, last revised June 1, 2004, and certified by Alexander Zeiger, Georgia Registered Land Surveyor #2530, Metro Engineering & Surveying Co., Inc., containing 31.207 acres as per said Survey, which is incorporated herein by reference and made a part of this legal description, and being more particularly described as follows:

Beginning at a point located at the intersection of the southernmost right of way line of Powers Ferry Road (80-foot right of way) with the Land Lot Line common to Land Lots 205 and 210, said point being the TRUE POINT OF BEGINNING; thence northeasterly along the right of way line of Powers Ferry Road and along the arc of a curve to the right an arc distance of 188.03 feet, said arc having a radius of 1006.88 feet and being subtended by a chord bearing of North 76 degrees 32 minutes 19 seconds East a distance of 187.76 feet to a ½ inch rebar found; thence departing said right of way line run South 09 degrees 51 minutes 17 seconds West, a distance of 269.13 feet to a point; thence North 78 degrees 54 minutes 28 seconds West, a distance of 20.14 feet to a point; thence South 00 degrees 36 minutes 13 seconds East, a distance of 21.32 feet to a point; thence South 01 degrees 14 minutes 59 seconds West, a distance of 270.47 feet to a point; thence North 87 degrees 42 minutes 50 seconds West, a distance of 110.87 feet to a ¾ inch rebar found; thence North 00 degrees 01 minutes 37 seconds East, a distance of 124.52 feet to a point; thence South 57 degrees 41 minutes 02 seconds West, a distance of 150.76 feet to a point; thence South 57 degrees 41 minutes 02 seconds West, a distance of 150.76 feet to a point; thence South 07 degrees 56 minutes 17 seconds East, a distance of 16.80 feet to a point; thence South 04 degrees 54 minutes 23 seconds East, a distance of 129.75 feet to a ½ inch rebar found; thence South 30 degrees 16 minutes 01 seconds West, a distance of 89.94 feet to a ¾ inch rebar found; thence South 30 degrees 16 minutes 01 seconds West, a distance of 12.57 feet to a point; thence South 33 degrees 42 minutes 10 seconds West, a distance of 199.82 feet to a ¾ inch open top pipe found; thence South 52 degrees 24 minutes 37 seconds West, a distance of 132.23 feet to a ¾ inch rebar found; thence South 52 degrees 12 minutes 05 seconds West, a distance of 6.95 feet to a ¾ inch open top pipe found; thence South 50 degrees 44 minutes 37 seconds West, a distance of 151.81 feet to a ½ inch rebar found; thence North 20 degrees 37 minutes 09 seconds West, a distance of 50.00 feet to a point; thence South 71 degrees 50 minutes 03 seconds West, a distance of 96.20 feet to a point; thence South 52 degrees 26 minutes 53 seconds West, a distance of 45.00 feet to a ¾ inch rebar found; thence South 52 degrees 26 minutes 53 seconds West, a distance of 56.91 feet to a point; thence South 56 degrees 45 minutes 09 seconds West, a distance of 79.62 feet to a ¾ inch rebar found; thence South 26 degrees 47 minutes 33 seconds West, a distance of 165.31 feet to a ½ inch rebar found; thence South 61 degrees 30 minutes 58 seconds West, a distance of 208.49 feet to a ½ inch rebar found; thence South 61 degrees 46 minutes 48 seconds West, a distance of 166.80 feet to a point; thence South 66 degrees 33 minutes 51 seconds West, a distance of 89.14 feet to a ¾ inch rebar found; thence South 73 degrees 45 minutes 45 seconds West, a distance of 18.87 feet to a ¾ inch rebar found; thence North 23 degrees 11 minutes 29 seconds West, a distance of 68.44 feet to a point; thence South 66 degrees 46 minutes 05 seconds West, a distance of 72.00 feet to a point; thence South 23 degrees 13 minutes 55 seconds East, a distance of 60.00 feet to a ¾ inch rebar found; thence North 73 degrees 33 minutes 55 seconds East, a distance of 35.96 feet to a ¾ inch rebar found; thence South 13 degrees 32 minutes 38 seconds West, a distance of 70.80 feet to a point; thence North 76 degrees 48 minutes 55 seconds West, a distance of 160.00 feet to a point near the edge of the Chattahoochee River; thence along the edge of said river the following courses and distances: North 10 degrees 09 minutes 05 second East, a distance of 140.00 feet to a

point; thence North 29 degrees 17 minutes 05 seconds East, a distance of 51.40 feet to a point; thence North 01 degrees 34 minutes 05 seconds East, a distance of 131.10 feet to a point; thence North 14 degrees 18 minutes 55 seconds West, a distance of 110.78 feet to a point; thence North 14 degrees 18 minutes 55 seconds West, a distance of 66.72 feet to a point; thence North 17 degrees 25 minutes 55 seconds West, a distance of 112.20 feet to a point; thence North 12 degrees 51 minutes 55 seconds West, a distance of 105.00 feet to a point; thence North 12 degrees 51 minutes 55 seconds West, a distance of 23.30 feet to a point; thence North 00 degrees 47 minutes 55 seconds West, a distance of 162.50 feet to a point; thence North 00 degrees 51 minutes 55 seconds West, a distance of 34.43 feet to a point located on the southernmost right of way line of Powers Ferry Road; thence departing said river's edge and along the southernmost right of way line of Powers Ferry Road the following courses and distances: North 66 degrees 47 minutes 54 seconds East, a distance of 211.87 feet to a point; thence North 66 degrees 47 minutes 54 seconds East, a distance of 29.02 feet to a point; thence North 66 degrees 47 minutes 54 seconds East, a distance of 525.91 feet to a point; thence North 66 degrees 47 minutes 54 seconds East, a distance of 28.95 feet to a point; thence North 66 degrees 47 minutes 54 seconds East, a distance of 128.45 feet to a point; thence North 66 degrees 47 minutes 54 seconds East, a distance of 37.90 feet to a point; thence North 66 degrees 45 minutes 25 seconds East, a distance of 759.79 feet to a point; thence along a curve to the right an arc distance of 77.98 feet, said curve having a radius of 1006.88 feet and being subtended by a chord bearing North 68 degrees 58 minutes 10 seconds East a distance of 77.98 feet to a point and the TRUE POINT OF BEGINNING.

Tract II

ALL THAT TRACT AND PARCEL OF LAND lying and being in Land Lots 204 and 205 of the 17th District, Fulton County, Georgia, being shown as Tract II on Survey of a Portion of Powers Ferry Landing West for Powers Ferry Landing West Realty Holding Corporation, MSCL Powers Ferry Landing, L.L.C., Wachovia Bank, National Association and First American Title Insurance Company dated March 24, 2004, last revised May 27, 2004 and certified by John E. Norton, Georgia Registered Land Surveyor #1848 Engineering and Inspection Systems, Inc., containing 14.943 acres, more or less, as per said Survey, which is incorporated herein by reference and made a part of this legal description, and being more particularly described as follows:

BEGINNING AT AN IRON PIN set at the point of intersection of the southwesterly right of way line of Northside Drive with the southeasterly right of way line of Powers Ferry Road; run thence southeasterly, along the southwesterly right of way line of Northside Drive and along the arc of a curve to the right having a radius of 20.00 feet, a distance of 9.97 feet to an iron pin set (said arc being subtended by a chord having a bearing of South 63 degrees 37 minutes 35 seconds East, a distance of 9.87 feet); run thence southeasterly, along said southwesterly right of way line of Northside Drive and along the arc of a curve to the right having a radius of 2,088.09 feet, a distance of 184.43 feet to a point (said arc being subtended by a chord having a bearing of South 46 degrees 48 minutes 39 seconds East and a distance of 184.37 feet); run thence southeasterly, along said southwesterly right of way line of said Northside Drive and along the arc of a curve to the right having a radius of 2,088.09 feet, a distance of 221.77 feet to a point (said arc being subtended by a chord having a bearing of South 41 degrees 36 minutes 09 seconds East and a distance of 221.67 feet); run thence South 39 degrees 09 minutes 54 seconds East, along said southwesterly right of way line of said Northside Drive, a distance of 407.39 feet to an iron pin set; leaving said southwesterly right of way line of said Northside Drive, run thence North 89 degrees 06 minutes 58 seconds West, a distance of 942.49 feet to an iron pin found; run thence North 89 degrees 13 minutes 45 seconds West, a distance of 774.47 feet to an iron pin set; run thence South 10 degrees 50 minutes 44 seconds West, a distance of 198.68 feet to an iron pin found; run thence South 63 degrees 24 minutes 12 seconds West, a distance of 203.04 feet to an iron pin found; run thence North 89 degrees 47 minutes 19 seconds West, a distance of 70.02 feet to an iron pin found; run thence South 09 degrees 44 minutes 56 seconds West, a distance of 132.84 feet to an iron pin found; run thence North 87 degrees 37 minutes 52 seconds West, a distance of 75.40 feet to an iron pin set; run thence North 01 degrees 14 minutes 59 seconds East, a distance of 270.64 feet to a point; run thence North 00 degrees 36 minutes 13 seconds West, a distance of 21.32 feet to an iron pin set; run thence South 78 degrees 54 minutes 28 seconds East, a distance of 20.14 feet to an iron pin set; run thence North 09 degrees 51 minutes 17 seconds East, a distance of 269.13 feet to an iron pin found on said southeasterly right of way line of said Powers Ferry Road; run thence northeasterly along said southeasterly right of way line of Powers Ferry

Road and along the arc of a curve to the right having a radius of 1,006.88 feet, a distance of 178.31 feet to a point (said curve being subtended by a chord having a bearing of North 87 degrees 00 minutes 42 seconds East and a distance of 178.07 feet); run thence South 87 degrees 54 minutes 54 seconds East, along said southeasterly right of way line of said Powers Ferry Road, a distance of 183.27 feet to a point; run thence northeasterly, along said southeasterly right of way line of Powers Ferry Road and along the arc of a curve to the left having a radius of 1,472.40 feet, a distance of 1,043.18 feet to a point (said curve being subtended by a chord having a bearing of North 71 degrees 47 minutes 18 seconds East, a distance of 1,021.50 feet); run thence South 37 degrees 27 minutes 39 seconds East, along said southeasterly right of way line of said Powers Ferry Road, a distance of 6.00 feet to a point; run thence northeasterly along said southeasterly right of way line of said Powers Ferry Road and along the arc of a curve to the left having a radius of 1,478.40 feet, a distance of 87.58 feet to a point (said curve being subtended by a chord having a bearing of North 49 degrees 47 minutes 56 seconds East and a distance of 87.57 feet); and run thence North 48 degrees 06 minutes 06 seconds East, along said southeasterly right of way line of said Powers Ferry Road, a distance of 110.82 feet to said iron pin set at the point of intersection of said southeasterly right of way line of Powers Ferry Road with said southwesterly right of way line of Northside Drive at the point of beginning.

Tract III

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 205 of the 17th District, Fulton County, Georgia, being shown as Tract III on Survey of a Portion of Powers Ferry Landing West for Powers Ferry Landing West Realty Holding Corporation, MSCL Powers Ferry Landing, L.L.C., Wachovia Bank, National Association and First American Title Insurance Company, dated March 24, 2004, last revised May 27, 2004, and certified by John E. Norton, Georgia Registered Land Surveyor #1848, Engineering and Inspection Systems, Inc., containing 7.961 acres, more or less, as per said Survey, which is incorporated herein by reference and made a part of this legal description, and being more particularly described as follows:

BEGINNING AT AN IRON PIN set on the northwesterly right of way line of Powers Ferry Road at the point of intersection of said northwesterly right of way line of Powers Ferry Road with the west line of said Land Lot 205; run thence North 01 degrees 49 minutes 51 seconds East, along said west line of said Land Lot 205, a distance of 17.78 feet to a point; run thence North 00 degrees 45 minutes 54 seconds West, along said west line of said Land Lot 205, a distance of 40.73 feet to an iron pin set on the southeasterly right of way line of Interstate 285; run thence northeasterly, along said southeasterly right of way line of Interstate 285, the following courses and distances: North 63 degrees 56 minutes 20 seconds East, a distance of 355.71 feet to a point; run thence North 64 degrees 37 minutes 06 seconds East, a distance of 101.52 feet to a point; run thence North 66 degrees 47 minutes 21 seconds East, a distance of 40.52 feet to a point; run thence North 64 degrees 42 minutes 06 seconds East, a distance of 70.07 feet to a point; run thence North 66 degrees 08 minutes 36 seconds East, a distance of 149.40 feet to a point; run thence North 67 degrees 19 minutes 36 seconds East, a distance of 338.50 feet to a point; run thence North 65 degrees 13 minutes 06 seconds East, a distance of 79.81 feet to a point; and run thence North 61 degrees 22 minutes 51 seconds East, a distance of 42.64 feet to an iron pin found; leaving said southeasterly right of way line of said Interstate 285, run thence South 51 degrees 09 minutes 25 seconds East, a distance of 411.80 feet to an iron pin found on said northwesterly right of way line of said Powers Ferry Road; run thence southwesterly, along said northwesterly right of way line of said Powers Ferry Road and along the arc of a curve to the right having a radius of 1,392.40 feet, a distance of 898.69 feet to a point (said curve being subtended by a chord line having a bearing of South 73 degrees 35 minutes 42 seconds West and a distance of 883.18 feet); run thence North 87 degrees 54 minutes 54 seconds West, along said northwesterly right of way line of said Powers Ferry Road, a distance of 183.27 feet to a point; and run thence southwesterly along said northwesterly right of way line of said Powers Ferry Road and along the arc of a curve to the left having a radius of 1,086.88 feet, a distance of 366.01 feet (said curve being subtended by a chord line having a bearing of South 82 degrees 26 minutes 16 seconds West and a distance of 364.28 feet) to said iron pin set at the point of intersection of the northwesterly right of way line of Powers Ferry Road with said west line of Land Lot 205 at the point of beginning.

TOGETHER WITH rights and interests in and to the stream and drainage facilities granted by the following:

Agreement by and among Ardath F. H. Westlake, John W. Steiner and Powers Ferry-Nautilus dated July 12, 1971, filed August 3, 1971, recorded in Deed Book 5434, Page 157, Fulton County, Georgia; as affected by Agreement by and among Ardath F. H. Westlake, John W. Steiner and Powers Ferry-Nautilus and New York Life Insurance Company (successor in interest), dated April 2, 1974, filed April 11, 1974, recorded in Deed Book 6031, Page 37, Fulton County, Georgia records; and as affected by Agreement by and among Ardath F. H. Westlake, John W. Steiner and "Powers Ferry-Nautilus" dated December 13, 1976, filed July 28, 1978 recorded in Deed Book 7015, Page 487, aforesaid records.

GRADING KEY NOTES:

- G1 PROPOSED STORM STRUCTURE, SEE DRAINAGE PLAN.
- G2 EXISTING STORM STRUCTURE TO REMAIN, DO NOT DISTURB.
- G3 PAVEMENT TO BE FLUSH WITH WALK.
- G4 SEE ARCHITECTURAL PLANS FOR GRADING OF DRIVE ON UPPER LEVEL. DRIVE TO BE FLUSH WITH PROPOSED CONCRETE PAVING AT MATCH POINTS FOR UPPER LEVEL. SEE ARCHITECTURAL PLANS FOR DETAILS.

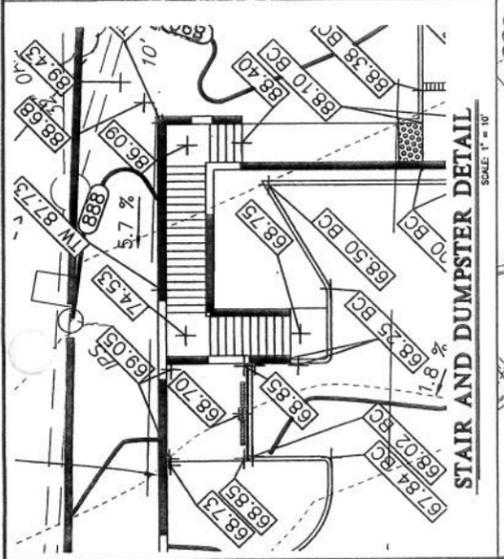
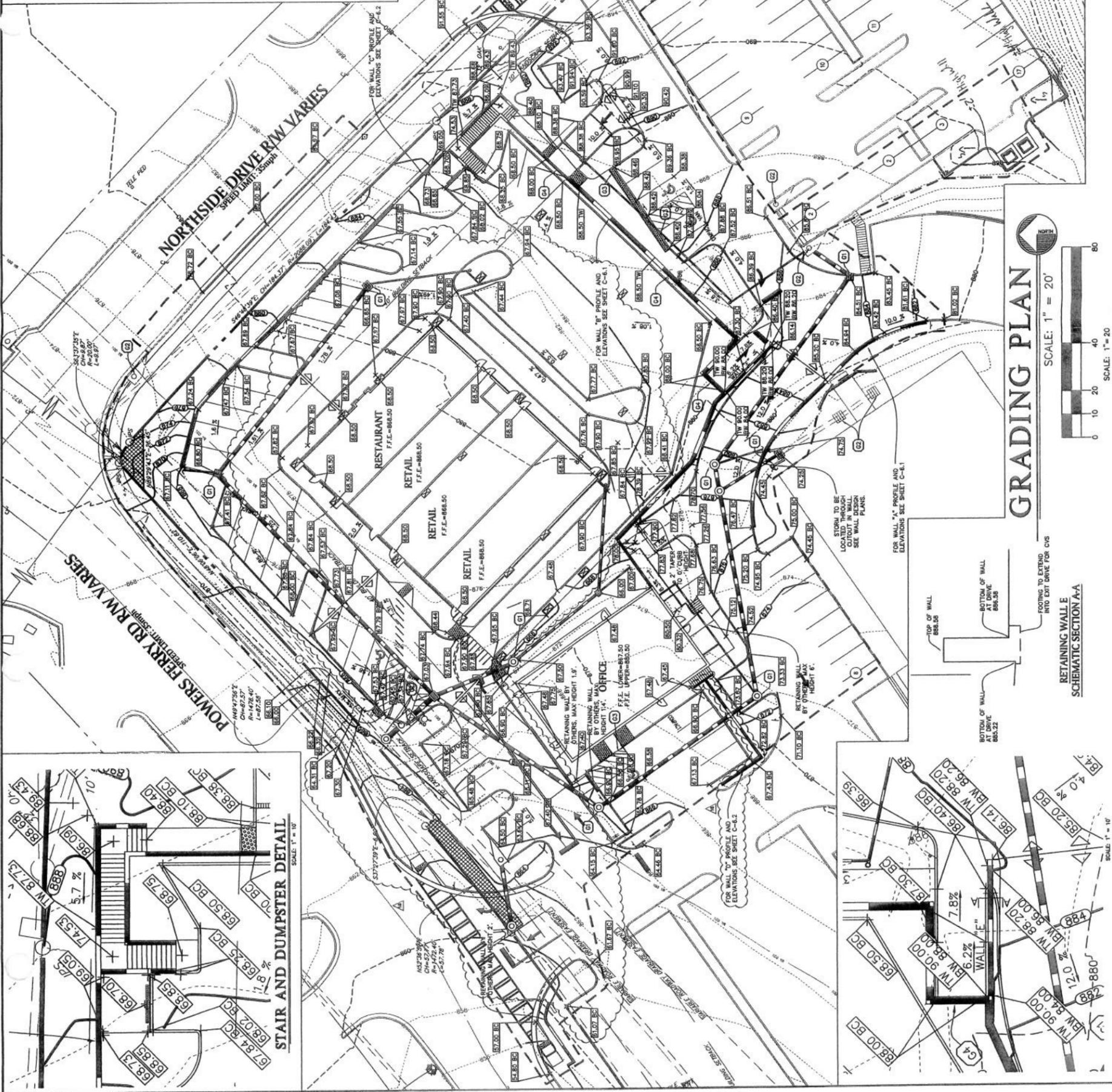
GRADING SHEET NOTES:

1. SEE SHEET N-1 FOR GENERAL NOTES
2. 24 HOUR CONTACT: TED SANDLER, 770-951-6588.
3. SPOT ELEVATIONS SHOWN ARE TO BOTTOM OF CURB OR FINISHED GRADE UNLESS NOTED OTHERWISE.
4. SPOT ELEVATIONS SHOWN ARE BASED ON 800 MSL.
5. ALL RETAINING WALLS SHOWN ON THESE PLANS SHALL BE DESIGNED BY OTHERS. RETAINING WALL DESIGN ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL RELEVANT GEOTECHNICAL INFORMATION AND PERMITS THAT MAY BE REQUIRED. IF THE WALL DESIGNER DETERMINES THAT PROPOSED UTILITIES, STRUCTURES, OR OTHER ITEMS CONCERNING THE LAYOUT OF THE WALL ARE NOT COMPATIBLE WITH THE REQUIRED RETAINING WALL DESIGN THEN THE WALL DESIGNER SHALL CONTACT THE CIVIL ENGINEER IN WRITING EXPRESSING THE CONCERN. NO WORK SHALL BEGIN ON THIS PROJECT UNTIL ALL CONCERNS ARE RESOLVED.

RECEIVED

AUG 31 2007

City of Sandy Springs
Community Development

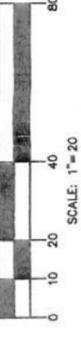


GRADING LEGEND

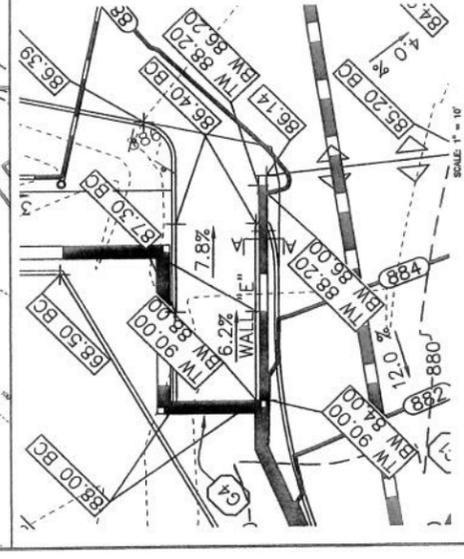
| | |
|--|--|
| | EXISTING CONTOURS |
| | PROPOSED CONTOURS |
| | EXISTING SPOT ELEVATION (BOTTOM OF CURB) |
| | PROPOSED SPOT ELEVATION (FINISHED GRADE) |
| | PROPOSED SLOPE |
| | RIDGE LINE |
| | PROPOSED DRAINAGE STRUCTURE |
| | EXISTING DRAINAGE STRUCTURE |
| | BUILDING COLUMN |
| | RETAINING WALL |
| | LIMITS OF CONSTRUCTION |

GRADING PLAN

SCALE: 1" = 20'



RETAINING WALL E SCHEMATIC SECTION A-A



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FAX 770.650.7684
www.paulsonmitchell.com

PAULSON MITCHELL
INCORPORATED

PROJECT:
CVS/pharmacy
/BANK/RETAILS/OFFICES
LAND LOT 205;
17th DISTRICT;
CITY OF SANDY SPRINGS
FULTON COUNTY, GA

12709-005

FOR:
MetroGroup
COMMERCIAL

595 WEST CROSSVILLE RD
ROSWELL, GA 30075
P: 770.641.1671
F: 770.641.1676

REVISIONS

| | | |
|---|----------|------------------------------|
| A | 12-12-07 | ADDRESS CITY COMMENTS |
| A | 1-31-08 | ADDRESS COMMENTS |
| A | 07-24-08 | REVISED OFFICE LAYOUT |
| A | 08-29-08 | ADDRESS COMMENTS |
| A | 12-17-08 | ADDRESS COMMENTS |
| A | 02-03-09 | CLIENT COMMENTS |
| A | 02-20-09 | FIRE & CLIENT COMMENTS |
| A | 02-26-09 | CLIENT COMMENTS |
| A | 03-17-09 | ENGINEER/ARCHITECT REVISIONS |
| A | 03-27-09 | CLIENT COMMENTS |
| A | 06-29-09 | CLIENT COMMENTS |
| A | 08-11-09 | CLIENT COMMENTS |
| A | 08-26-09 | CLIENT COMMENTS |

2007180C.DWG 04.03.08

GRADING PLAN
C-2.1



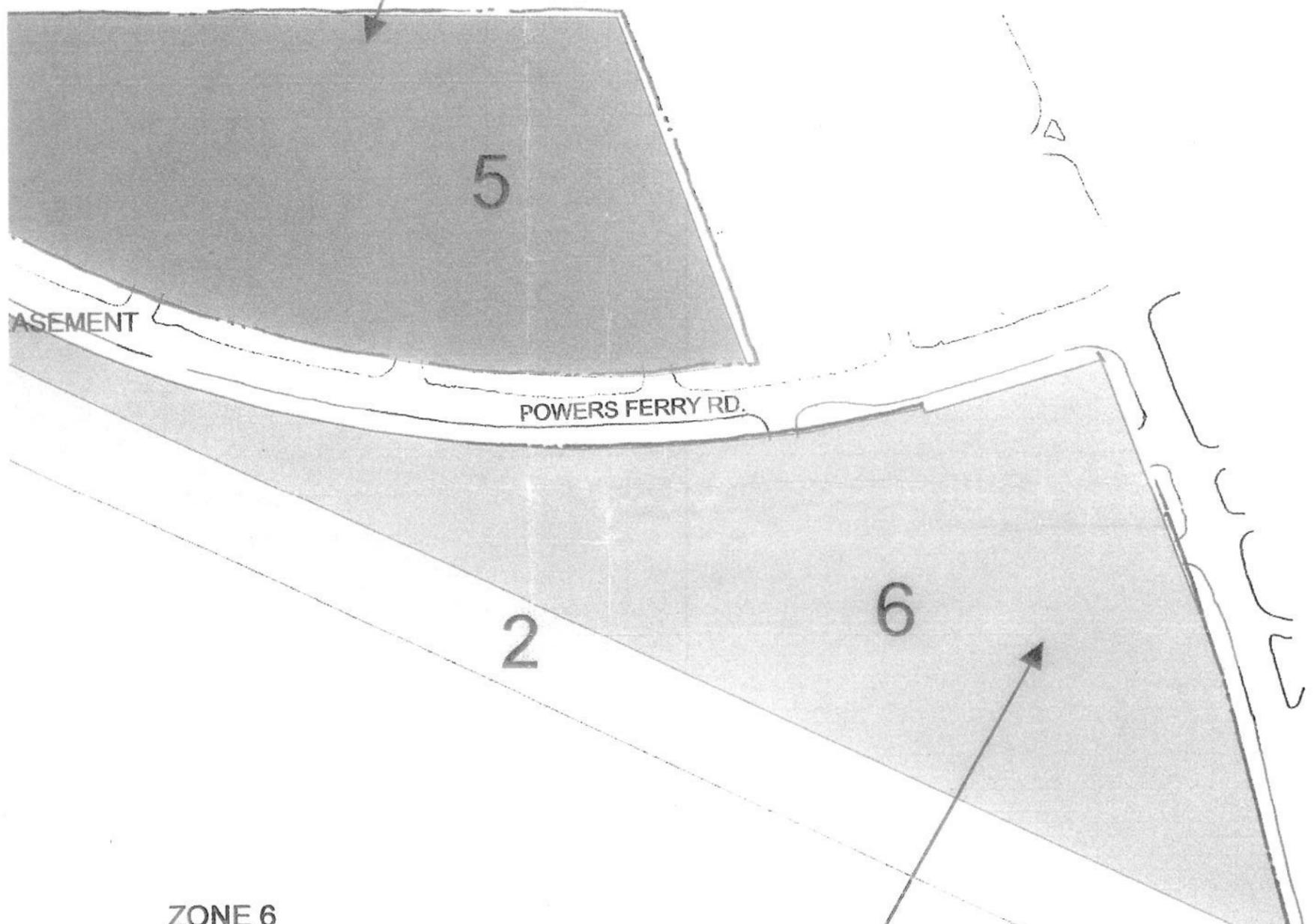
1008001

Zone 4. General
5/5/05. Parking for
vehicle ingress and
egress over the opening.
Less than 1,150 sf.
Minimum unit size: 2,000 sf.
10 units (with
foundation slab grade

(e), Olive's

ZONE 5

1. Max 3 office bldgs; each with: no more than 5 stories and avg of 14 ft floor-to-floor. Aggregate gross floor area for offices: 275,000 sf.
2. 1 parking deck of no more than 3 levels above grade, with 10.5 ft floor-to-floor.



ZONE 6

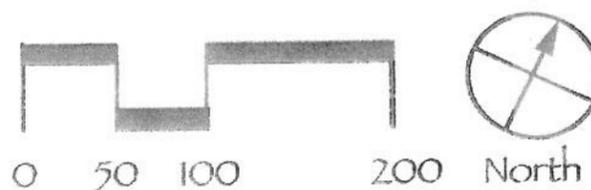
1. 1 bldg of max 4 stories from existing grade, with avg of 14 ft floor-to-floor and aggregate area of 81,000 gross sf.
2. Any other bldgs in Zone 3 (incl. existing bank branch, unless demolished) shall be max 3 stories and located in the NE corner of Zone 6, btw existing bldg and Powers Fy Rd. Aggregate max area of 29,000 gross sf. Permitted uses: office/institutional, retail or residential. Unit limits: min 850 sf, no more than 20% of bldg's units less than 950 sf, avg unit size no less than 1,150 sf.
3. One parking deck of max 1 level above grade, and 10.5 ft floor-to-floor.

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Community Development

JUL 05 2005



Powers Ferry Landing West