

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z86-200 ON NOVEMBER 5, 1986 PROPERTY LOCATED AT 6690 SUNNY BROOK LANE**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on April 20, 2010 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 November 5, 1986, for petition Z86-200 that allowed the property to be rezoned to the O-I (Office and Institutional District) be changed for the property located at **6690 Sunny Brook Lane**, consisting of a total of approximately 12.62 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 87 of the 17<sup>th</sup> 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**SECTION 3.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

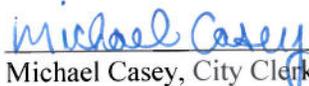
**SECTION 4.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

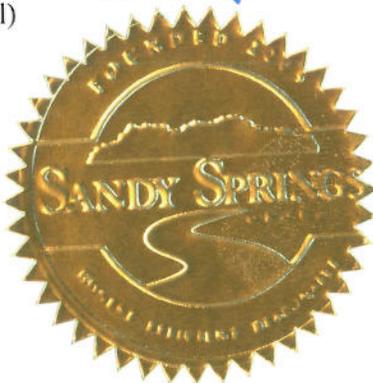
**ORDAINED** this the 20<sup>th</sup> day of April, 2010.

Approved:

  
\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

  
\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)



## CONDITIONS OF APPROVAL

**ZM10-002****6690 Sunny Brook Lane**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z86-200, with regard to the above referenced property currently zoned C-1 (Community Business District). Zoning modification petition ZM10-002 was approved by the Mayor and City Council at the April 20, 2010 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Retail and service commercial and accessory uses at a maximum density of 9,862 square feet of total floor area per acre zoned or a total floor area of 135,000 square feet, but excluding fast food restaurants with drive-through service, service stations and commercial amusements, to be contained within 2 buildings. The Main Building containing 99,000 square feet, more or less, and a specialty building containing 36,000 square feet, more or less.
  - b. Limit the height of the buildings to no more than 2 stories.
2. To the owner's agreement to abide by the following:
  - a. To the Site Plan received by the Zoning **Community Development** Department on ~~11/5/86~~ **February 1, 2010** and to submit to the Director of Public Works for his approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the property, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution.
  - 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 plan for all required landscape strips. 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 landscaped area, undisturbed except for approved access, utility crossings, improvements and replantings where sparsely vegetated, adjacent to the following property lines and in the widths shown and subject to the approval of the ~~Fulton County~~ **City** Arborist and the Director of ~~Planning and Economic~~ **Community** Development (the width of buffers shall be measured from the limits of construction for existing and proposed public roadways as applicable):

50 feet wide on the west and north property lines except on the northeast corner as shown on the site plan referenced in 2.a.

- b. Provide a minimum 75 foot building setback from the north and west property lines as indicated on the site plan referenced in condition 2.a.
- c. Provide a 20 foot wide landscape strip outside of the new dedicated right-of-way of Sunny Brook Lane to be planted with plant material which will attain a height of 6 feet in 2 years, subject to the approval of the ~~Fulton County~~ **City** Arborist.
- d. Provide a landscape strip adjacent to the following property lines in the widths shown:

10 feet wide outside the newly dedicated right-of-way of Abernathy Road.

10 feet wide on the southeast property lines adjacent to the ~~Fulton County~~ **or City** owned property.

- e. Provide an 8 foot high fence or wall for security and visibility subject to the approval of the Director of ~~Planning and Economic~~ **Community** Development along the entire length of the west and north property lines (except for approved access crossings), said improvements to be located outside of any public right-of-way and interior to required buffers or landscape areas.
- f. Any exterior illumination on the site shall not exceed 1.2 footcandles on any property line adjacent to a residential use or zoning district, nor will the light source be directly visible from adjoining residential properties. Any lighting fixture located within 160 feet of the north property line shall be no higher than 3 feet.
- g. No more than 3 exit /entrances (2 public and 1 private) on Abernathy Road, public entrances to be located at least 275 feet from centerline to centerline of each other.
- h. No exit/entrances shall be allowed on Roswell Road or Sunny Brook Lane.

- i. The exterior of all concrete blocks shall be coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.) or an alternate solution as may be approved by the Director of ~~Planning and Economic~~ **Community** Development.
- j. Limit the free-standing project identification signage on the entire property to no more than two double-faced monument signs adjacent to Abernathy Road, one having no more than 60 square feet of surface area per face and the second having no more than 20 square feet of surface area per face, and further each not to exceed a height of 15 feet from finished grade measured from the base of the sign structure.
- k. No roof signs are permitted.
- l. Provide landscape islands throughout the parking areas, including a minimum 10 foot wide landscape island at the end of each parking bay and a minimum 5 foot wide landscape island for each 225 feet of continuous bay length.
- m. To provide and maintain off-street parking on the subject property during the entire construction period.
- n. To prohibit any outdoor paging/loudspeaker system.
- o. All trash receptacles shall be located at least 100 feet from the north and/or west property lines and shall be screened with a minimum 6 foot high 100 percent opaque fence or other visual barrier as may be approved by the Director of ~~Planning and Economic~~ **Community** Development. Trash pickup will be limited to 9:00 a.m. to 6:00 p.m., Monday through Friday.
- p. Storm water retention shall be provided in accordance with ~~Fulton County~~ the City's Chief Engineering Department standards and will meet or exceed the requirements of the ~~Fulton County~~ City's Storm Water Retention Ordinance and will not be contained in the 50-foot landscape buffer area shown on said plat.
- q. ~~Provisions shall be made for the permanent maintenance of All~~ **required landscaped setbacks and other landscaped areas and zoning buffers and a copy of these provisions shall be submitted to the Homeowners maintained as approved by the City Arborist.**
- r. Deliveries will be limited to between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.
- s. ~~The hours of operation of any business located within the 35,987 square foot portion of the main building, which is adjacent to the north property line, shall be limited to between 7:00 a.m. and 11:00 p.m. The hours of operation of any business located within the 60,642 square foot portion of the main building,~~

which is adjacent to the west property line, shall be limited to between 5:00 a.m. and 11:00 p.m.

- s. The hours of operation of any business located within the 35,987 square foot portion of the main building which is adjacent to the north property line or within the 60,642 square foot portion of the main building which is adjacent to the west property line shall be limited to between 7:00 a.m. and 11:00 p.m., Monday through Sunday, except the hours of operation for any fitness center, health club, or fitness related retail uses located within the space formerly occupied by Sports Authority and shown as Suite 200 on the drawing attached hereto as Exhibit "C-1", shall be limited to between 5:00 a.m. and 11:00 p.m., Monday through Sunday.
  - t. Any on-premises sale of liquor will be ancillary to the service of food. The Main Building shall contain not more than 6,000 net leasable square feet of restaurant space.
  - u. Perform annual non-mechanical clean up of trash which accumulates within the buffer area along the north and west property lines, and maintain the fence referenced in condition 3.e. above in accordance with all applicable Sandy Springs, Georgia standards and requirements.
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 prior to the approval of a Land Disturbance Permit the following rights-of-way, and dedicate at no cost to ~~Fulton County~~ the City 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 center line of Roswell Road.
    - 55 feet from centerline of Abernathy Road.
    - 40 feet from centerline of Sunny Brook Lane.
  - b. Improve the following roadways along the entire property frontage from the center of road to back of curb as follows:
    - 38 feet from centerline of Abernathy Road to the easternmost curb cut and 26 feet along the remainder of the frontage.
    - 45 feet from centerline of Roswell Road.

- c. Owner agrees to pay up to \$276,000 for the following improvements along the property and to the intersection of Roswell and Abernathy Road within the existing right-of-way:
    - (i) Provide an additional west bound lane on Abernathy Road from the intersection of Roswell Road to Wright Road;
    - (ii) Provide an additional and exclusive right turn lane from Sunny Brook Lane along Roswell Road to Abernathy Road;
    - (iii) Reconstruct the island located at the intersection of Roswell and Abernathy Road to allow for an additional lane on Abernathy Road through the intersection;
    - (iv) Provided existing right-of-way is sufficient, to provide an exclusive right turn lane along the Western Electric property onto northbound Roswell Road;
    - (v) Provide deceleration lanes for a distance of 200 feet and a 50 foot taper from all project entrances;
    - (vi) To provide 2 left turn lanes from westbound Abernathy onto northbound Roswell Road, provided, the approval of ~~Fulton County~~ **the City** is obtained.
  - d. 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 the Marsh Creek sewer relief system as determined by the Department of Public Works.
  - e. 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's** Fire Department.
  - f. 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 or as may be approved by the Director of Public Works.
  - g. Construct sidewalks along entire property frontages on Roswell Road, Abernathy Road and Sunny Brook Lane. Said sidewalks shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the development.
5. To the owner's agreement to abide by the following:
- a. To contact the ~~Director of Public Works~~ **City Arborist** prior to the submittal of a revised site plan, to arrange ~~with the County Arborist~~ an on site evaluation of

existing ~~specimen~~ trees/stands, or tree protection zones within the landscaped areas.

- b. To provide such plans and documents as may be found necessary to locate all ~~specimen~~ trees/stands, or tree protection zones within landscape area boundaries for the implementation of a tree protection plan.
- c. Activity involving direct interaction with the paying customers of all shopping center businesses shall be prohibited behind the Main Building(s), adjacent to the northern and western property lines.

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2410-002

City of Sandy Springs  
Community Development

**LOCATION:**

AS-BUILT SURVEY FOR TRACT 'C' (180 ABERNATHY RD.)

DATE: MAY 01, 2008

PROJECT: TRACT 'C' (180 ABERNATHY RD.)

OWNER: SSC ABERNATHY, L.P.

PREPARED BY: DAVID A. BURR ENGINEERS & SURVEYORS, INC.

SCALE: AS SHOWN

**LISTING:**

NO.	DATE	DESCRIPTION	BY
1	05/01/08	AS-BUILT SURVEY FOR TRACT 'C' (180 ABERNATHY RD.)	DAVID A. BURR
2	05/01/08	AS-BUILT SURVEY FOR TRACT 'C' (180 ABERNATHY RD.)	DAVID A. BURR
3	05/01/08	AS-BUILT SURVEY FOR TRACT 'C' (180 ABERNATHY RD.)	DAVID A. BURR
4	05/01/08	AS-BUILT SURVEY FOR TRACT 'C' (180 ABERNATHY RD.)	DAVID A. BURR
5	05/01/08	AS-BUILT SURVEY FOR TRACT 'C' (180 ABERNATHY RD.)	DAVID A. BURR
6	05/01/08	AS-BUILT SURVEY FOR TRACT 'C' (180 ABERNATHY RD.)	DAVID A. BURR
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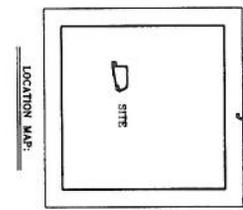
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**DAVID A. BURR ENGINEERS & SURVEYORS, INC.**

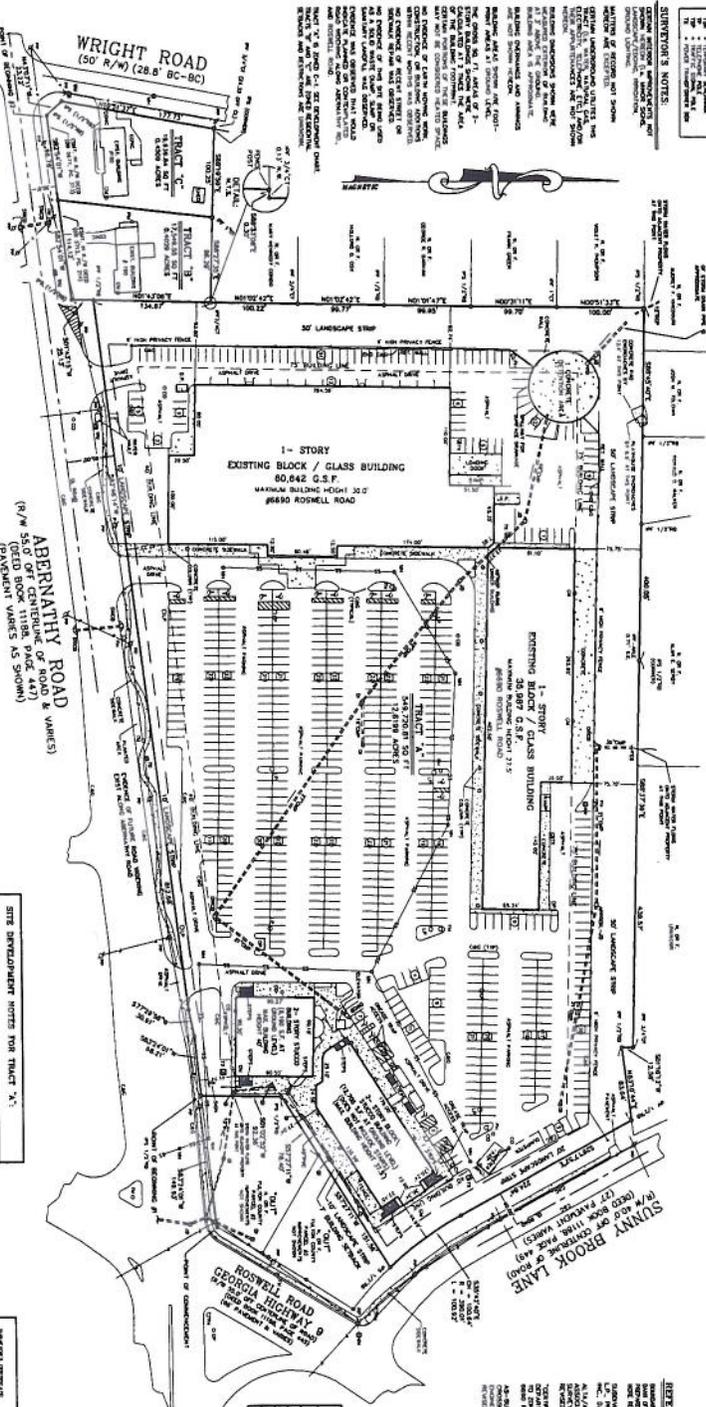
11660 ALPHARETTA HWY. SUITE 100  
ROSWELL, GEORGIA 30076 (770)442-0500

**SURVEYOR'S NOTES:**

THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1977 AND THE RULES AND REGULATIONS OF THE SURVEYING BOARD OF GEORGIA.

ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1977 AND THE RULES AND REGULATIONS OF THE SURVEYING BOARD OF GEORGIA.

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**TRACT AREA SUMMARY:**

ID	3000' FEET	ACRES
TRACT 'A'	5,457,281.81	125.2150
TRACT 'B'	5,457,281.81	125.2150
TRACT 'C'	19,639.84	0.4508
TOTAL	568,917.20	13.0727

**PRECISION OF SURVEY:**

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**AS-BUILT SURVEY FOR:**

SSC ABERNATHY, L.P.  
SSC RESIDENTIAL, L.P.  
LASALLE BANK NATIONAL ASSOCIATION  
FIDELITY NATIONAL TITLE INSURANCE COMPANY

**DAVID A. BURR ENGINEERS & SURVEYORS, INC.**

11660 ALPHARETTA HWY. SUITE 100  
ROSWELL, GEORGIA 30076 (770)442-0500

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City of Sandy Springs  
Community Development

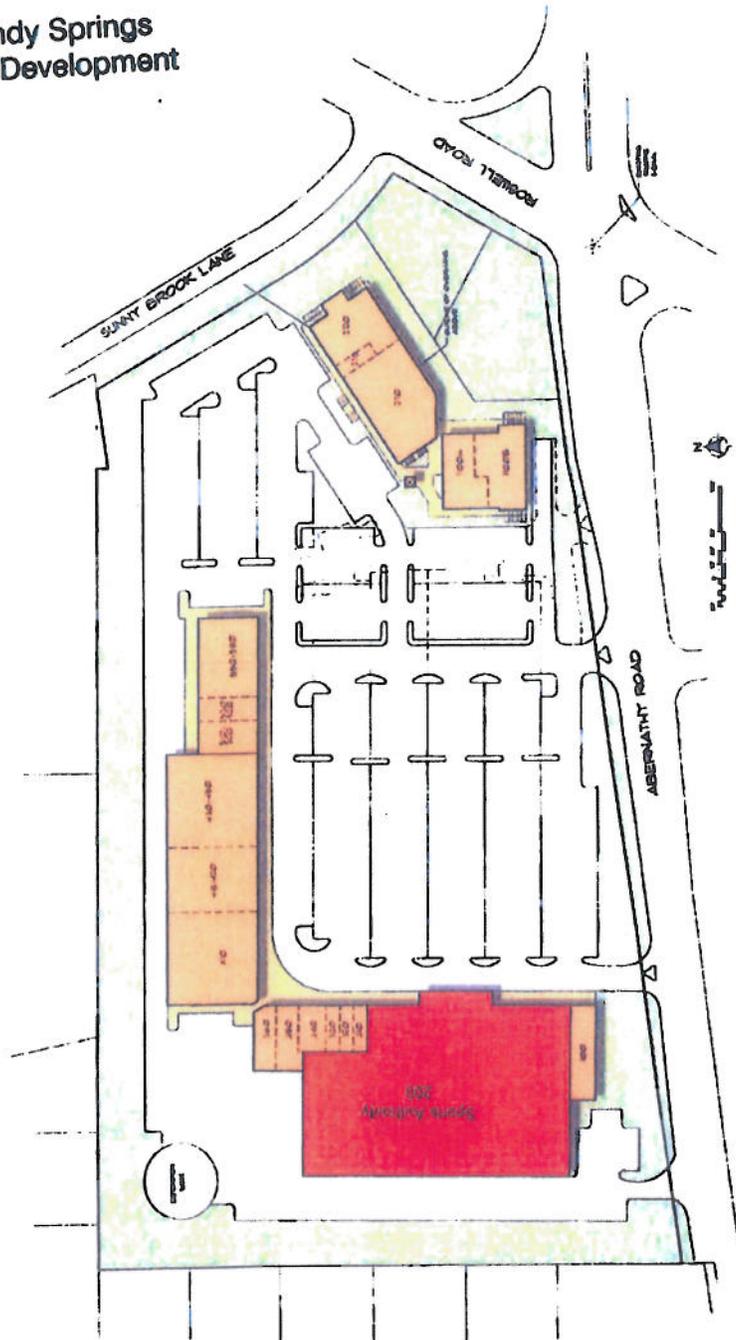


EXHIBIT "C-1"

ZM10-002

**PHILLIPS**  
ARCHITECTS & ENGINEERS

*Sandy Springs Crossing*  
*Existing Site Plan*



**EXHIBIT A**

**Legal Description**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 87 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

Commencing at the point of intersection of the northwesterly right-of-way of Roswell Road, aka Georgia Highway 9 (said right-of-way being 55 feet off the centerline of road) and the northerly right-of-way of Abernathy Road (said right-of-way being 55 feet and varies off the centerline of road); thence westerly along said right-of-way of Abernathy Road, S 83° 24' 01" W, a distance of 149.93 feet to the TRUE POINT OF BEGINNING; thence continuing along said right-of-way, S 83° 24' 01" W, a distance of 68.21 feet to a point; thence S 77° 29' 56" W, a distance of 30.91 feet to a point; thence S 82° 46' 14" W, a distance of 812.68 feet to a point; thence leaving said right-of-way, N 01° 43' 06" E, a distance of 134.87 feet to a point; thence S 88° 33' 08" E, a distance of 0.30 feet to a point; thence N 01° 02' 42" E, a distance of 100.22 feet to a point; thence N 01° 02' 42" E, a distance of 99.77 feet to a point; thence N 01° 01' 47" E, a distance of 99.95 feet to a point; thence N 00° 31' 11" E, a distance of 99.70 feet to a point; thence N 00° 51' 33" E, a distance of 100.00 feet to a point; thence S 88° 45' 40" E, a distance of 400.05 feet to a point; thence S 88° 37' 39" E, a distance of 439.57 feet to a point; thence S 01° 16' 12" W, a distance of 12.58 feet to a point; thence N 83° 10' 44" E, a distance of 83.64 feet to a point on the westerly right-of-way of Sunny Brook Lane (said right-of-way being 40 feet off the centerline of road); thence continuing along said right-of-way S 28° 17' 52" E, a distance of 224.84 feet to a point; thence following the arc of a curve to the left a distance of 100.92 feet to a point, said arc having a radius of 390.00 feet and being subtended by a chord of S 35° 42' 40" E, a chord distance of 100.64 feet; thence leaving said right-of-way, S 57° 27' 11" W, a distance of 151.56 feet to a point; thence S 57° 27' 11" W, a distance of 78.40 feet to a point; thence running S 01° 02' 52" W, a distance of 92.36 feet to a point, said point being the TRUE POINT OF BEGINNING, all according to ALTA/ACSM As-Built Survey for Ronus Properties, Archon Financial, L.P. and Stewart Title Guaranty Company, prepared by David A. Burre Engineers & Surveyors, Inc., bearing the certification of David A. Burre, G.R.L.S. No. 1965, dated June 20, 2003, last revised October 10, 2003, said survey being incorporated herein and by this reference made a part hereof.

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FEB 01 2010

City of Sandy Springs  
Community Development

ZM10-003