

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF AN ORDINANCE BY THE FULTON
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z88-032/U88-020/U88-023
ON APRIL 6, 1988, PROPERTY LOCATED AT 7000 & 9000 CENTRAL PARKWAY AND 6205
PEACHTREE DUNWOODY ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on June 15, 2010 at 6:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of , approved on April 6, 1988 for petition Z88-032/U88-020/U88-023, consisting of a total of approximately 58.44 acres, be modified to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 18, of the 17th 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

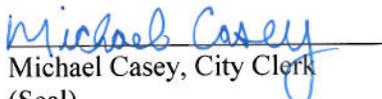
SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 15th day of June, 2010.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk
(Seal)



CONDITIONS OF APPROVAL

ZM10-004/CV10-005

7000 & 9000 Central Parkway and 6205 Peachtree Dunwoody Road

The City of Sandy Springs Mayor and City Council approved the modification of zoning of property owned by JMC-IV Real Estate Company at 7000 & 9000 Central Parkway and 6205 Peachtree Dunwoody Road. Zoning modification petition ZM10-004/CV10-005 was approved by the Mayor and City Council at the June 15, 2010 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 accessory uses including the day care center, at a maximum density of 70,801 square feet of gross floor area per acre zoned or a total gross floor area of 4,137,600 square feet, whichever is less.
 - b. Accessory retail and service commercial uses at a maximum density of 7,016 gross square feet of total floor area per acre zoned or a total floor area of 410,000 gross square feet, whichever is less. Said commercial uses shall comply with the restrictions provided in the ~~Fulton County Zoning Resolution~~ **Sandy Springs Zoning Ordinance**.
 - c. A day care center consisting of a total capacity of 125 children. Prior to the commencement of operation of the day care center, the owner shall comply with all regulations of the **State of Georgia Department of Human Resources** and file a copy of the approved registration with the ~~Zoning Administrator~~ **Director of Community Development**.
 - d. An 18-story, 350 room motel.
 - e. Limit the height of the office buildings to no more 1 (one) 45-story building and 1 (one) 30-story building. All other office buildings shall not exceed 20 stories.
 - f. All buildings must be entirely located within Fulton County boundaries.
2. To the owner's agreement to abide by the following:
 - a. ~~To the Site Plan received by the Zoning Department on February 29, 1988 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 entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution.~~ **To the site plan received by the Department of Community Development dated March 2, 2010. 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. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.**

- b. To submit to the Director of ~~Public Works~~ **Community Development** 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~~ **Community Development** 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.
 - d. To submit to the Director of ~~Public Works~~ **Community Development** for his approval, prior to the subdivision of any parcel zoned pursuant to this petition, a copy of all easement agreements for shared parking and access.
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 replantings where sparsely vegetated and subject to the approval of the ~~Fulton County~~ **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):
 - 70 feet wide on the south property line, with an additional setback for all improvements of 20 feet or as may be approved by the Director of ~~Planning and Economic Development~~ **Community Development**.
 - b. Provide a 10-foot wide evergreen landscape strip within the southernmost portion of the 20 foot wide additional setback referenced in 3.a. above, which shall be planted to provide a 100 percent visual screen to a height of 10 feet within 3 years of growth, subject to the approval of the ~~Fulton County~~ **Sandy Springs** Arborist
 - ~~e. Provide 40 foot wide landscape strips outside of the new dedicated right of way of Peachtree Dunwoody Road and Perimeter Center West. Said landscape strips 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.~~
 - d. 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 on center, and trees, a minimum 3 inch caliper upon installation, planted at a minimum spacing of 30 feet on center. Said plantings shall be subject to the approval of the

Fulton County Sandy Springs Arborist:

25 feet wide on the north and east property lines and landscaping along the north property line as shown on the site plan submitted pursuant to ZM01-051/CV01-217.

- e. 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. In addition, lighting on the top of any parking deck within 400 feet of the south property line shall not exceed a height of 4 feet unless said light sources are enclosed so as to completely shield any light source from the adjacent residential properties, subject to the approval of the Director of Planning and Economic Development Community Development.
- f. ~~No more than 3 (three) exit/entrances on Peachtree Dunwoody Road which shall consist of the 2 (two) existing exit/entrances and 1 (one) right in/right out exit/entrance, the location of which shall be subject to the approval of the Fulton County Traffic Engineer.~~
- g. ~~Access to Perimeter Center West shall be acquired through the adjacent DeKalb County parcel.~~
- h. ~~All curb cuts on the internal parkway shall be subject to the approval of the Fulton County Traffic Engineer.~~
- 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. The exterior of any parking structure within 400 feet of the south property line shall be completely enclosed on the south side and coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.) as may be approved by the Director of Planning and Economic Development Community Development and shall include exterior concrete planting boxes of a similar finish to the parking 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 the 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 Sandy Springs Arborist.
- k. ~~No Allow roof signs are permitted on corporate building as per zoning case ZM01-051/CV01-0127.~~
- l. ~~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 landscape 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.~~
- m. Provide and maintain off-street parking on the subject property during the entire

construction period.

- n. ~~Provide interparcel access to adjacent property(ies) as may be required by the Director of Public Works.~~
 - o. Variance from Section 8.1.3.B. of the Zoning Ordinance to reduce the required forty (40) foot minimum front yard setback to the extent necessary to comply in accordance with the site plan received by the Department of Community Development on March 2, 2010 to include any future required right-of-way dedication. (CV10-005).
 - p. Variance from Section 8.1.3.C. of the Zoning Ordinance to reduce the required forty (40) foot minimum side yard setback adjacent to a street to the extent necessary to comply in accordance with the site plan received by the Department of Community Development on March 2, 2010 to include any future required right-of-way dedication. (CV10-005).
 - q. Variance from Section 18.3.1.E. of the Zoning Ordinance to allow off-street parking within the required setback for the front yard and the side corner yard. (CV10-005).
 - r. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots. (CV10-005).
 - s. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements. (CV10-005).
4. To the owner's agreement to abide by the following requirements, dedications and improvements;
- a. Dedicate at no cost to ~~Fulton County~~ **Sandy Springs** along the entire property frontage, prior to the approval of the next Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to ~~Fulton County~~ **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 allow the necessary construction easements while the rights-of-way are being improved:
 - 50 **55** feet from centerline of Peachtree Dunwoody Road, provided, however, that a minimum of 10.5 feet of right-of-way is provided from the edge of all road improvements.
 - ~~55 feet from centerline of Perimeter Center West.~~
 - ~~Sufficient right of way for the internal parkway such that a minimum of 10.5 feet of right of way is provided from the edge of all road improvements, within which utilities may be located.~~

- b. Improve the following roadways along the entire property frontage ~~from the center of road to back of curb~~ as follows:

~~Add left turn lanes along Peachtree Dunwoody Road at each project entrances the design of which shall be subject to the Fulton County Traffic Engineer.~~

~~Improve the internal parkway to a four (4) lane divided section with medians and left turn lanes, subject to the approval of the Fulton County Traffic Engineer.~~

Realign, and rename as appropriate, Central Park West and Central Parkway as shown in the zoning concept plan. Property will be dedicated and/or current right of way quitclaimed between the owner and the City as necessary at no cost to the City or owner other than owner agreeing to pay all costs and expense associated with ~~for~~ the improved roadway design and realignment. All future rights of way will conform to City standards and shall be subject to all rules and regulations of the City. Existing right-of-way quitclaimed as a part of the realignment will take on the once adjoining/underlying zoning district and be subject to the conditions herein of the ZM10-004/CV10-005 approval.

- c. ~~Provide deceleration lanes for a distance of 200 feet and a 50 foot taper from all project entrances or as may be approved by the Fulton County Traffic Engineer.~~
- d. ~~Pay a pro-rated share of the cost of upgrading signalization at the intersections of Central Parkway with Perimeter Center West and Peachtree Dunwoody Road, or as may be required by the Fulton County Traffic Engineer.~~
- e. ~~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, facility improvements and the Nancy Creek sewer relief system as determined by the Department of Public Works.~~
- f. 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 Sandy Springs Fire Department.
- g. 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 Community Development.
- h. ~~Construct, sidewalks along entire property frontage within the rights of way of Peachtree Dunwoody Road and Perimeter Center West. Said sidewalks shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the development.~~
- i. ~~To construct a bus shelter at MARTA's bus stop nearest the site at such time as the location~~

of said bus shelter is determined by MARTA.

- j. ~~Provide at no cost, the right of way and/or construction easements necessary for a MARTA rapid rail transit line, subject to the approval and design by the Metropolitan Atlanta Rapid Transit Authority, within the 40 foot wide landscape strip required under condition 3c. above and design all buildings and other improvements within the development to accommodate said rapid transit construction.~~
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:~~
 1. ~~New southbound on and off ramps in the northwest quadrant of the 6a. 400/Abernathy Road interchange.~~
 2. ~~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.~~
 3. ~~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.~~
 4. ~~The extension of Mt. Vernon Highway to Barfield Road as a 6 lane section.~~
 5. ~~The widening of Abernathy Road to six (6) lanes to Barfield Road.~~
 6. ~~The construction of a 2 lane collector-distributor system parallel to Georgia 400.~~
 7. ~~The construction of a new interchange at Georgia 400 between Abernathy Road and Spalding Drive.~~
 8. ~~The construction of 2 lane on and off ramps from Georgia 400 to Hammond Drive.~~

~~Prior to the issuance of each Land Disturbance Permit, the owner shall provide to Fulton County 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 adjustment by the Board of Commissioners based on the Engineering News-Record Index beginning from the approval date of these petitions:~~

~~\$ 0.45 per gross square foot of office floor area.~~

~~\$ 1.25 per gross square foot of commercial, restaurant and day care center floor area.~~

~~\$ 430.50 per motel room.~~

~~The Board of Commissioners may adjust the above stated rates pursuant to any public policy change in said rates as adopted by the Board of Commissioners 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~~ **Community Development**, prior to the application for a Land Disturbance Permit to arrange with the ~~County~~ **Sandy Springs** 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~~ **Sandy Springs** Tree Preservation **Conservation** Ordinance ~~Administrative Guidelines~~, either through the retention of existing trees, or tree replacement, in perpetuity.
7. ~~As to the monies required of the petitioner to be paid under Conditions 4. d., 4.e. and 5. above, the petitioner shall be entitled to a credit to be applied against these monies for any verifiable escrow funds previously expended by the petitioner for the matters enumerated under the above stated Conditions 4.d., 4.e. and 5., subject to the approval of the Director of Public Works.~~