

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO REZONE TO C-1 (COMMUNITY BUSINESS DISTRICT)
CONDITIONAL, WITH CONCURRENT VARIANCE(S), TO ALLOW A NEW FAST FOOD
RESTAURANT, PROPERTY LOCATED AT 1155 MOUNT VERNON HIGHWAY**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on July 13, 2010 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 1155 Mount Vernon Highway, consisting of a total of approximately 30.41 acres, be changed from the C-1 (Community Business District) conditional to C-1 (Community Business District) conditional, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 19 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

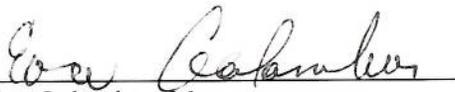
SECTION 4. That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

SECTION 5. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

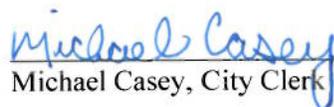
SECTION 6. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 13th day of July, 2010.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

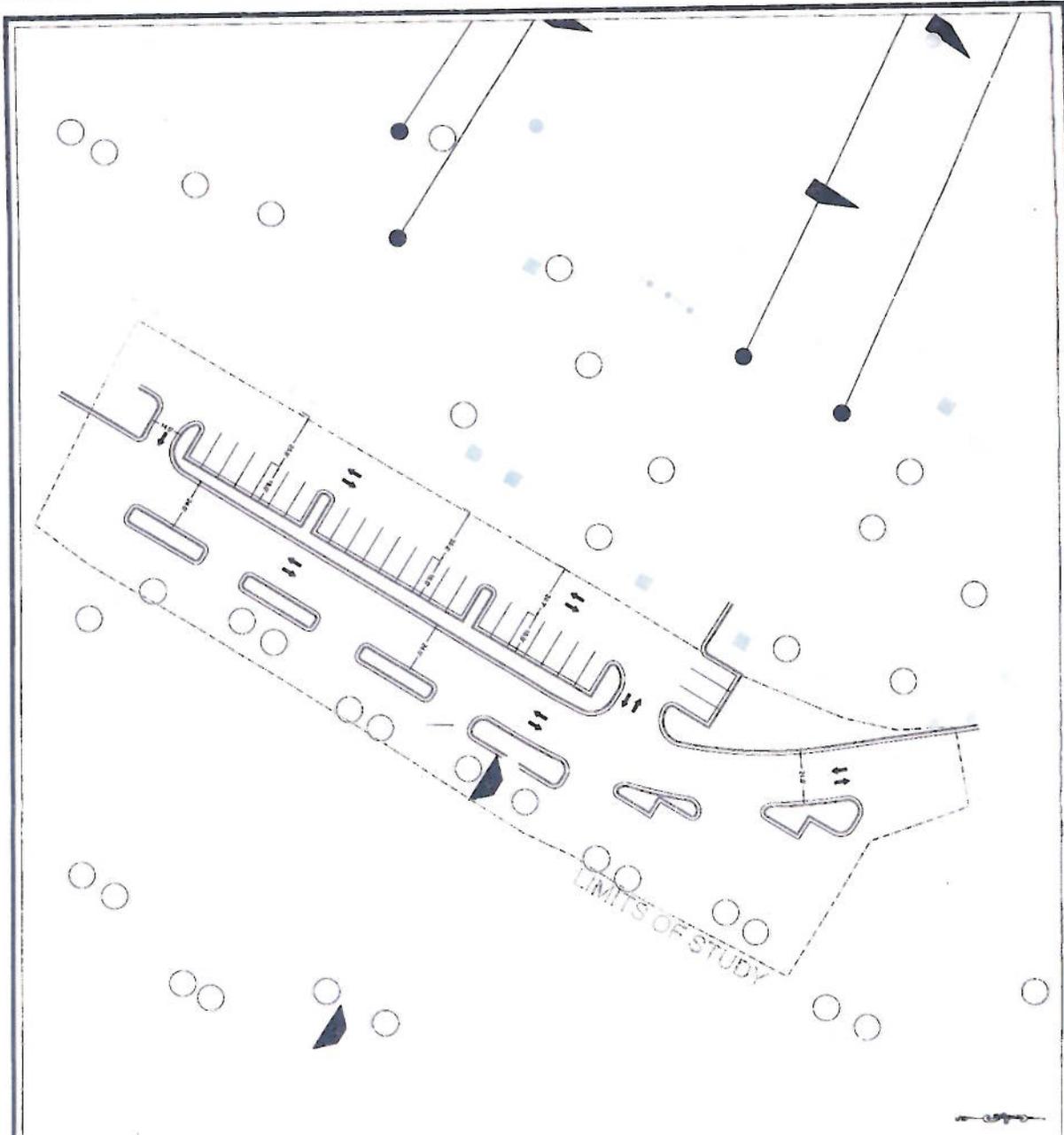
RZ09-006/CV09-015**1155 Mount Vernon Highway**

The City of Sandy Springs Mayor and City Council approved the rezoning of property located at 1155 Mount Vernon Highway. Rezoning petition RZ09-006/CV09-015 was approved to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional to allow an additional fast food restaurant on the subject property by the Mayor and City Council at the July 13, 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, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 12,002 gross square feet of total floor area per acre zoned or a total floor area of 364,972 gross square feet, in no more than seven buildings, whichever is less, but excluding adult entertainment establishments, car washes, convenience stores, service stations, grocery stores, commercial amusements and billboards or any uses which are 24 hour operations.
 - b. A maximum of three outparcels shall be allowed on the subject site as shown on the site plan referenced in condition 2.a. The total gross square footage of the outparcel development, shall be calculated as part of the total floor area allowed in condition 1.a.
 - c. No more than two (2) fast food restaurants, having drive-through windows, on the total site.
 - d. Limit the height of the buildings to no more than two stories or 60 feet, excluding entrance features and roof-top screening, whichever is less.
 - e. The hours of operation of the fast food restaurant located in the southeastern corner of the Property as shown on the site plan referenced in condition 2.a. shall be limited to 6:00 a.m. until midnight on Sunday through Thursday and 6:00 a.m. until 2:00 a.m. on Fridays and Saturdays.
2. To the owner's agreement to abide by the following:
 - a. To the overall site plan and Wendy's site plan detail and Chick-Fil-A site plan detail received by the Department of Community Development dated May 26, 2010. Said site plans are 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 be substantially similar to the three (3) elevation renderings received by the Department of Community Development dated July 1, 2010.
3. To the owner's agreement to the following site development considerations:

- a. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Mount Vernon Highway and Perimeter Center West along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

Such right-of-way as may be coordinated and agreed to between the owner and MARTA.
- b. No more than two exit/entrances on Mt. Vernon Highway. The southernmost curb cut shall be limited to right-in/right-out traffic only. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
- c. No more than one exit/entrance on Perimeter Center West. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
- d. No direct access from Mt. Vernon Highway to service the outparcels. The permitted outparcels shall gain access via internal drives. Said access points to the outparcels from the permitted curb cuts shall be located at least 100 feet from the new dedicated right-of-way of any public street.
- e. Each outparcel which abuts a public right-of-way shall have a minimum of 200 feet of frontage on said public right-of-way, except the outparcel labeled on the site plan as "B", shall have a minimum of 160 feet of frontage; however, direct access to said right-of-way shall be prohibited (CV09-015).
- f. Variance from Article 33, Section 26, Subsection F(2) of the Zoning Ordinance to allow a third wall sign (CV09-015).
- g. Light sources of any exterior illumination on the site shall not be directly visible from any adjoining residential property lines.
- h. Any lighting of the parking lot shall be limited in height to a 30 foot mast.
- i. Provide 100% opaque screening around all trash dumpsters subject to the approval of the Director of Community Development. Said dumpsters shall not be located within buffers, landscape strips or parking and loading areas, nor within 150 feet of property zoned or developed residential. Pick-up service shall be limited to the hours between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
- j. Provide 100% opaque screening around all delivery truck bays subject to the approval of the Director of Community Development.
- k. Provide screening of any roof top mechanical equipment from adjacent properties subject to the approval of the Director of Community Development.
- l. The owner/developer shall provide two dedicated outbound lanes for the full throat length of the entrance onto Perimeter Center West.
- m. Window signage shall not be placed inside the glassed-in area above the main entrance of the fast food restaurant located in the southeastern corner of the Property as shown on the south and west elevations of the building referenced in condition 2.b.



PARKING CALCULATIONS

TOTAL NUMBER OF EXISTING SPACES WITHIN THE LIMITS OF STUDY	= 95
TOTAL NUMBER OF PROPOSED SPACES WITHIN THE LIMITS OF STUDY	= 74
TOTAL NUMBER OF SPACES DISPLACED BY CHICK-FILA STACKING MODIFICATION PLAN	= (21)

GREENSPACE CALCULATIONS

TOTAL AREA OF EXISTING GREENSPACE	= 3,114 S.F.
TOTAL AREA OF PROPOSED GREENSPACE	= 5,461 S.F.
TOTAL AREA OF GREENSPACE GAINED	= 2,347 S.F.

OPEN SPACE CALCULATIONS

AREA OF EXISTING OPEN SPACE	= 0 S.F.
TOTAL AREA OF PROPOSED OPEN SPACE	= 0 S.F.
TOTAL AREA OF OPEN SPACE GAINED	= 0 S.F.



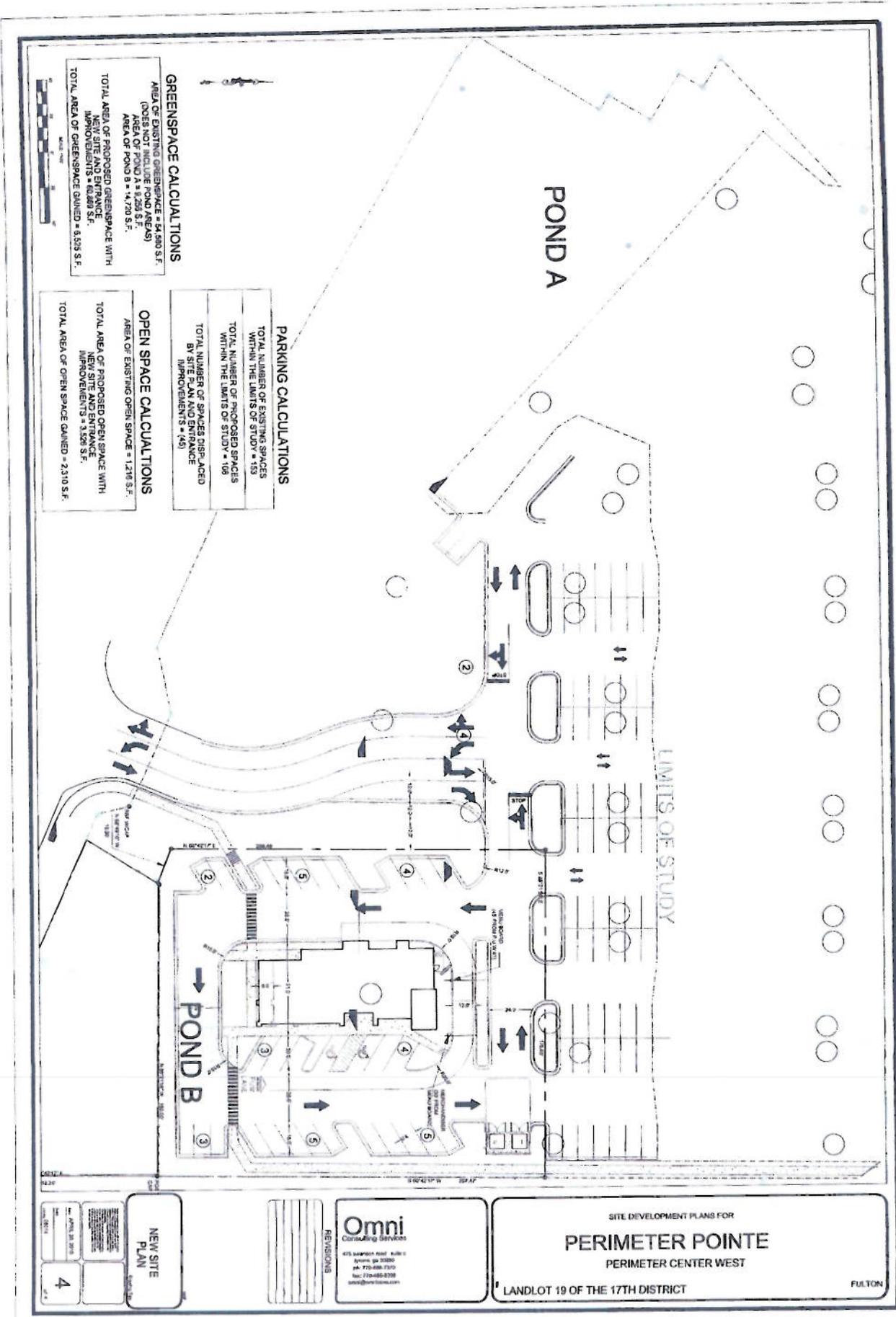
SITE DEVELOPMENT PLANS FOR
PERIMETER POINTE
 PERIMETER CENTER WEST
 LANDLOT 19 OF THE 17TH DISTRICT
 FULTON

Omni
 Consulting Services
 475 Westwood Blvd., Suite 200
 Los Angeles, CA 90024
 Tel: 310.440.2322
 Fax: 310.440.2323
 www.omniconsulting.com

CHICK-FILA
 MODIFICATION
 PLAN
 SHEET NO. 3

DATE	NO.
APRIL 26, 2010	3

EXHIBIT "D"



GREENSPACE CALCULATIONS

AREA OF EXISTING GREENSPACE = 54,430 S.F.
 (DOES NOT INCLUDE POND AREAS)
 AREA OF POND A = 1,255 S.F.
 AREA OF POND B = 4,720 S.F.

TOTAL AREA OF PROPOSED GREENSPACE WITH
 NEW SITE AND ENTRANCE
 IMPROVEMENTS = 60,885 S.F.

TOTAL AREA OF GREENSPACE GAINED = 6,105 S.F.

PARKING CALCULATIONS

TOTAL NUMBER OF EXISTING SPACES
 WITHIN THE LIMITS OF STUDY = 153

TOTAL NUMBER OF PROPOSED SPACES
 WITHIN THE LIMITS OF STUDY = 106

TOTAL NUMBER OF SPACES DISPLACED
 BY SITE PLAN AND ENTRANCE
 IMPROVEMENTS = (40)

OPEN SPACE CALCULATIONS

AREA OF EXISTING OPEN SPACE = 1,218 S.F.

TOTAL AREA OF PROPOSED OPEN SPACE WITH
 NEW SITE AND ENTRANCE
 IMPROVEMENTS = 3,598 S.F.

TOTAL AREA OF OPEN SPACE GAINED = 2,310 S.F.

REVISIONS	DATE	BY	DESCRIPTION

NEW SITE PLAN	4
DATE	04/11/11
BY	APRIL M. BIRN

Omni
 Consulting Services

475 Lawrence Road, Suite 200
 Decatur, GA 30030
 Tel: 770-486-8700
 Fax: 770-486-8708
 omni@omnicons.com

SITE DEVELOPMENT PLANS FOR

PERIMETER POINTE

PERIMETER CENTER WEST

LANDLOT 19 OF THE 17TH DISTRICT

FULTON

EXHIBIT "D"

Chicago Title Insurance Company
 Commitment Number: 90900891
 Date: July 10, 2009 at 8:00 a.m.

OCT 06 2009

PARCEL A

All that tract or parcel of land lying and being in Land Lot 19 of the 17th District of Fulton County, Georgia, and being more particularly described as follows: Beginning at the intersection of the easterly line of said Land Lot 19 and the northeasterly right-of-way line of Perimeter Center West, formerly known as Meadow Lane (variable width right-of-way); proceeding thence along said northeasterly right-of-way line, the following courses: North 68° 23' 19" West a distance of 310.61 feet to a point and northwesterly a distance of 8.82 feet along the arc of a curve to the right, said curve having a radius of 2,609.64 feet and being subtended by a chord having a bearing and distance of North 68° 18' 48" West 8.82 feet to a point; leaving said northeasterly right-of-way line and proceeding thence North 00° 35' 05" East a distance of 4.26 feet to a point; proceeding thence northwesterly a distance of 364.78 feet along the arc of a curve to the right, said curve having a radius of 2,248.50 feet and being subtended by a chord having a bearing and distance of North 61° 33' 07" West 364.36 feet to a point; proceeding thence North 48° 46' 19" West a distance of 15.27 feet to a point; proceeding thence North 32° 24' 31" East a distance of 84.58 feet to a point; proceeding thence North 57° 35' 29" West a distance of 9.00 feet to a point; proceeding thence North 32° 24' 31" East a distance of 26.25 feet to a point; proceeding thence North 57° 35' 29" West a distance of 18.63 feet to a point; proceeding thence North 48° 13' 23" East a distance of 111.56 feet to a point; proceeding thence North 41° 46' 37" West a distance of 815.25 feet to a point; proceeding thence South 48° 13' 23" West a distance of 110.75 feet to a point; proceeding thence North 43° 45' 36" West a distance of 217.12 feet to a point on the southeasterly right-of-way line of Mount Vernon Highway (variable width right-of-way); proceeding thence along said southeasterly right-of-way line, the following courses: northeasterly a distance of 10.58 feet along the arc of a curve to the left, said curve having a radius of 1,302.31 feet and being subtended by a chord having a bearing and distance of North 39° 30' 45" East 10.56 feet to a point, South 43° 45' 36" East a distance of 14.27 feet to a point and North 34° 37' 11" East a distance of 200.00 feet to a point; leaving said southeasterly right-of-way line and proceeding thence South 55° 22' 49" East a distance of 105.88 feet to a point; proceeding thence southeasterly a distance of 51.33 feet along the arc of a curve to the left, said curve having a radius of 230.00 feet and being subtended by a chord having a bearing and distance of South 61° 48' 25" East 51.22 feet to a point; proceeding thence South 68° 10' 01" East a distance of 31.33 feet to a point; proceeding thence South 31° 42' 17" West a distance of 254.15 feet to the True Point of Beginning.

PARCEL B

All that tract or parcel of land lying and being in Land Lot 19 of the 17th District of Fulton County, Georgia, and being more particularly described as follows: Beginning at the intersection of the easterly line of said Land Lot 19 and the northeasterly right-of-way line of Perimeter Center West, formerly known as Meadow Lane (variable width right-of-way); proceeding thence along said northeasterly right-of-way line, the following courses: North 68° 23' 19" West a distance of 310.61 feet to a point and northwesterly a distance of 8.82 feet along the arc of a curve to the right, said curve having a radius of 2,609.64 feet and being subtended by a chord having a bearing and distance of North 68° 18' 48" West 8.82 feet to a point; leaving said northeasterly right-of-way line and proceeding thence North 00° 35' 05" East a distance of 4.26 feet to a point; proceeding thence northwesterly a distance of 364.78 feet along the arc of a curve to the right, said curve having a radius of 2,248.50 feet and being subtended by a chord having a bearing and distance of North 61° 33' 07" West 364.36 feet to a point; proceeding thence North 48° 46' 19" West a distance of 15.27 feet to a point; proceeding thence North 32° 24' 31" East a distance of 84.58 feet to a point; proceeding thence North 57° 35' 29" West a distance of 9.00 feet to a point; proceeding thence North 32° 24' 31" East a distance of 26.25 feet to a point; proceeding thence North 57° 35' 29" West a distance of 18.63 feet to a point; proceeding thence North 48° 13' 23" East a distance of 111.56 feet to a point; proceeding thence North 41° 46' 37" West a distance of 815.25 feet to a point; proceeding thence South 48° 13' 23" West a distance of 110.75 feet to a point; proceeding thence North 43° 45' 36" West a distance of 217.12 feet to a point on the southeasterly right-of-way line of Mount Vernon Highway (variable width right-of-way); proceeding thence along said southeasterly right-of-way line, the following courses: northeasterly a distance of 10.58 feet along the arc of a curve to the left, said curve having a radius of 1,302.31 feet and being subtended by a chord having a bearing and distance of North 39° 30' 45" East 10.56 feet to a point, South 43° 45' 36" East a distance of 14.27 feet to a point and North 34° 37' 11" East a distance of 200.00 feet to a point; leaving said southeasterly right-of-way line and proceeding thence South 55° 22' 49" East a distance of 105.88 feet to a point; proceeding thence southeasterly a distance of 51.33 feet along the arc of a curve to the left, said curve having a radius of 230.00 feet and being subtended by a chord having a bearing and distance of South 61° 48' 25" East 51.22 feet to a point; proceeding thence South 68° 10' 01" East a distance of 31.33 feet to a point; proceeding thence South 31° 42' 17" West a distance of 254.15 feet to the True Point of Beginning.

PARCEL C

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PARCELS D AND E

All that tract or parcel of land lying and being in Land Lot 19 of the 17th District of Fulton County, Georgia, and being more particularly described as follows: Beginning at the intersection of the easterly line of said Land Lot 19 and the northeasterly right-of-way line of Perimeter Center West, formerly known as Meadow Lane (variable width right-of-way); proceeding thence along said northeasterly right-of-way line the following courses: North 68° 23' 19" West a distance of 310.61 feet to a point and northwesterly a distance of 8.82 feet along the arc of a curve to the right, said curve having a radius of 2,609.64 feet and being subtended by a chord having a bearing and distance of North 68° 18' 48" West 8.82 feet to a point; leaving said northeasterly right-of-way line and proceeding thence North 00° 35' 05" East a distance of 4.26 feet to a point; proceeding thence northwesterly a distance of 364.78 feet along the arc of a curve to the right, said curve having a radius of 2,248.50 feet and being subtended by a chord having a bearing and distance of North 61° 33' 07" West 364.36 feet to a point; proceeding thence North 48° 46' 19" West a distance of 15.27 feet to a point; proceeding thence North 32° 24' 31" East a distance of 84.58 feet to a point; proceeding thence North 57° 35' 29" West a distance of 9.00 feet to a point; proceeding thence North 32° 24' 31" East a distance of 26.25 feet to a point; proceeding thence North 57° 35' 29" West a distance of 18.63 feet to a point; proceeding thence North 48° 13' 23" East a distance of 111.56 feet to a point; proceeding thence North 41° 46' 37" West a distance of 815.25 feet to a point; proceeding thence South 48° 13' 23" West a distance of 110.75 feet to a point; proceeding thence North 43° 45' 36" West a distance of 217.12 feet to a point on the southeasterly right-of-way line of Mount Vernon Highway (variable width right-of-way); proceeding thence along said southeasterly right-of-way line, the following courses: northeasterly a distance of 10.58 feet along the arc of a curve to the left, said curve having a radius of 1,302.31 feet and being subtended by a chord having a bearing and distance of North 39° 30' 45" East 10.56 feet to a point, South 43° 45' 36" East a distance of 14.27 feet to a point and North 34° 37' 11" East a distance of 200.00 feet to a point; leaving said southeasterly right-of-way line and proceeding thence South 55° 22' 49" East a distance of 105.88 feet to a point; proceeding thence southeasterly a distance of 51.33 feet along the arc of a curve to the left, said curve having a radius of 230.00 feet and being subtended by a chord having a bearing and distance of South 61° 48' 25" East 51.22 feet to a point; proceeding thence South 68° 10' 01" East a distance of 31.33 feet to a point; proceeding thence South 31° 42' 17" West a distance of 254.15 feet to the True Point of Beginning.

Legal descriptions for Parcels A, B, C and D and E are together with and subject to the following easements:

- (1) Permanent and Non-exclusive Utility Easements; and
- (2) Permanent Non-exclusive Easements for Surface Parking, as reserved in Limited Warranty Deed recorded in Deed Book 20228, page 85; and are together with the rights granted under the following:
 - (a) Easement Agreement by and between Homart Development Co., a Delaware corporation, and Ackerman Crown Points 11, L.P., a Georgia Limited partnership, dated as of January 17, 1995, recorded in Deed Book 19212, page 76, Fulton County, Georgia, Records, and recorded in Deed Book 8453, page 1, DeKalb County, Georgia, Records;
 - (b) Construction and Easement Agreement by and between St. Joseph's Health System, Inc. and Homart Development Co., dated as of December 30, 1994, recorded in Deed Book 19116, page 243, Fulton County, Georgia, Records, and recorded in Deed Book 8491, page 163, DeKalb County, Georgia, Records, and recorded in Deed Book 8496, page 720, DeKalb County, Georgia, Records, as amended by Amended and Restated Construction and Easement Agreement between Finwest Limited Partnership and Homart Development Co., dated as of June 30, 1995, recorded in Deed Book 19748, page 56, Fulton County, Georgia, Records, and recorded in Deed Book 8501, page 587, DeKalb County, Georgia, Records;
 - (c) Reservations contained in Limited Warranty Deed from Metropolitan Atlanta Rapid Transit Authority, dated as of October 16, 1995, recorded in Deed Book 20228, page 85, Fulton County, Georgia, Records; and
 - (d) Easement and Maintenance Agreement by and between Homart Development Co. and Metropolitan Atlanta Rapid Transit Authority, dated as of October 16, 1995, recorded in Deed Book 20228, page 99, Fulton County, Georgia, Records.

RZ09 006