

PROPOSED CONDITIONS FOR REZONING AND REDEVELOPMENT OF ROCK SPRINGS PLAZA AT PIEDMONT AND CHESHIRE BRIDGE

1. The portion of the property that is currently zoned C-2 shall be rezoned MRC-2-C and developed according to the standards therein and generally in accordance with the conceptual site plan entitled “1845 Piedmont Road, Atlanta, Georgia, Site Plan”, prepared by Lord, Aeck & Sargent Architecture, dated January 21, 2008.
2. The chairperson of NPU-F shall be notified at the time of any submission for a Special Administrative Permit on the property.
3. The portion of the property that is currently zoned NC-5 shall not be rezoned in conjunction with the proposed development and shall be developed in accordance with the NC- 5 zoning standards (as required by the City of Atlanta Zoning Ordinance).
4. The portion of the property that is currently zoned R-4 as shown on the official City of Atlanta zoning map (the “R-4 Property”) shall be rezoned to MRC-2-C and restricted to use as greenspace through a permanent conservation easement in favor of the City of Atlanta or other qualified entity; or, in the event the City of Atlanta or other qualified entity will not accept the permanent conservation easement, through a deed restriction or negative easement provided, however, that the developer may use the R-4 Property as if it were part of the overall tract for calculations with regard to ordinances of the City of Atlanta and for the following activities:
 - a. Temporary construction access within the first twenty feet (20’) of such property abutting the development after which the area will be relandscaped; and
 - b. Construction of subsurface utilities and utilities required by the City of Atlanta Department of Watershed Management. The Developer shall use every effort to ensure that Best Management Practices are utilized in regard to any such disturbance.

Further access to that portion of the property transferred to the City of Atlanta or other qualified entity, as described above, shall be at the discretion of the receiving party in consultation with the Morningside-Lenox Park Neighborhood Association, the Piedmont Heights Neighborhood Association and the Lindridge-Martin Manor Neighborhood Association.

In the event that a suitable entity willing to accept the dedication of the subject property cannot be identified, deed restrictions will be developed accomplishing this purpose and recorded prior to the issuance of any building permits for this project.

5. The existing 15-ft. wide ingress/egress easement through the property at 1870 Windemere shall be released by the developer within 30 days after the issuance of a building permit for the first phase of development on the property.
6. Subject to approval of the City of Atlanta, the developer shall make the following traffic improvements:
 - a. Eliminate 5 existing curb cuts on Piedmont Road and 1 existing curb cut on Cheshire Bridge Road. Full access rights at the existing access points shall be legally rescinded;
 - b. A maximum of two site driveways are permitted for site access;

- c.No site access is permitted within 200 feet from the northern-most property line on Cheshire Bridge Road;
- d.Preserve the necessary right-of-way along property frontage to maintain a 60-foot-paved width on Piedmont Road as shown on revised plan;
- e.Allow for inter-parcel access from adjacent property to the south;
- f.Provide bicycle racks in parking garage or building entrances (as required per the City of Atlanta Zoning Ordinance);
- g.Traffic signal at the intersection of Piedmont Road and the primary site access;
- h.The following improvements are required on and adjacent to non-state routes;
 - (i)Piedmont Avenue @ Driveway #2 – Construct separate right- and left-turn lanes exiting the site; and
 - (ii)All signalized study intersections – retiming of signal splits and offsets.

All of the above listed improvements shall be undertaken by the developer without regard to whether or not they may be individually required under the provisions of the City of Atlanta Zoning Ordinance or other provisions of the Atlanta Code of Ordinances. Further, the developer will actively support any request made by the adjacent neighborhoods to the City of Atlanta to dedicate transportation impact fees paid by this developer for this project to the funding of these improvements and any other subsequently identified traffic improvement projects in the immediate vicinity of this development.

- 7.The property shall be developed in accordance with the City of Atlanta Tree Protection Ordinance. A tree save plan for the R-4 Property will be in place and approved by the City Arborist prior to the issuance of any building permits for this project. The intent of this condition is to minimize construction impact on the property currently zoned R-4.
- 8.Prior to the issuance of any development permits, a hydrology study shall be conducted that verifies that storm-water run-off will be detained on-site at a rate of 110% of existing conditions. Said hydrology study shall further verify compliance with all other requirements of the City of Atlanta and the State of Georgia related to storm-water retention and detention.
- 9.All lighting on the rear of the development shall be designed so as to reduce, to the extent reasonably possible, light spillage or glare onto adjoining single-family properties. Light fixtures shall be “WideLite, EWL Series, EFFEX Wall Luminaires” as described in WideLite Bulletin No. EWL-011508, or equal.
- 10.The rear (i.e. east) wall of the parking deck shall be constructed so as to conform to the elevation entitled “1845 Piedmont Road, Atlanta, Georgia, Elevation” prepared by Lord, Aeck & Sargent Architecture, dated January 21, 2008.
- 11.The parking deck shall be designed with an exterior screen or landscaping to partially screen the view from adjacent public streets and adjoining properties. The rear (i.e. east) wall of any parking deck structure shall be painted a neutral color.
- 12.From existing grade, building heights shall not exceed 65 ft. (5 structured levels) on Piedmont Road.
- 13.From existing grade, building heights shall not exceed 35 ft. (3 structured levels) along the rear (east side) of the project for the first 250 feet from the south property line.

14. The maximum number of residential units shall not exceed 300.
15. The maximum amount of retail or office space shall be 60,000 square feet. Of this square footage, no more than 20,000 square feet shall be permitted to obtain a license to sell alcoholic beverages for on-premises consumption and in no event shall any individual use with a license to sell alcoholic beverages for on-premises consumption exceed 8,000 square feet.
16. The following uses shall be prohibited: adult businesses, storage centers, automotive services, big box retail, drive-thru services, and digital industry switchboards, power generators and other relay equipment as a primary use. Dry cleaners, print shops and other businesses using solvents are permitted subject to the requirements of the applicable laws and regulations of EPA and Georgia EPD.
17. The developer shall seek LEED certification for this development.
18. All restaurant cooking ventilation will exit the structure through the roof at a point within 175 feet of the east right-of-way line of Piedmont Road and a noise buffering design will be utilized for such ventilation.
19. Hours of operation for retail establishments shall be limited from 7:00 a.m. to 11:00 p.m., other than those for restaurants or bars, which shall be limited to 6:30 a.m. to 12:30 a.m.
20. No billboards or signs shall be built on top of buildings. Mechanical equipment shall be located or screened so that it is not visible from the R-4 zoned lots fronting on Windemere Drive. Satellite dishes shall be located or screened so that they are not visible from the R-4 zoned lots fronting on Windemere Drive to the extent that such a restriction does not violate applicable Federal law.
21. A balanced mix of retail uses that support neighborhood needs shall be encouraged. Retail establishments of a regional draw shall be discouraged.
22. In accordance with applicable law, the site shall be treated for rodent infestation prior to demolition of the existing buildings.
23. Prior to obtaining a demolition permit, the developer shall have sufficient equity committed for development of the property or a development loan commitment.
24. The developer shall comply with the hours for construction imposed by the City of Atlanta Noise Ordinance.
25. Construction vehicles shall not drive or park on any single-family neighborhood street. Developer agrees not to seek permits from the City to allow construction vehicles to drive on single-family neighborhood streets. Signage shall be placed on the construction site informing employees and vendors of this restriction.
26. The developer shall provide, in consultation with the Windemere neighbors, a traffic calming plan for Windemere Drive. Furthermore, the developer shall provide, in consultation with the Piedmont Heights Civic Association, a traffic calming plan for impacted streets in Piedmont Heights that intersect with Piedmont Road from Cheshire Bridge to East Rock Springs. In addition, the developer shall support the request of the three neighborhoods to the City for dedication of an adequate portion of traffic impact fees paid as part of the development to such improvements.
27. The developer shall, at his sole expense, develop and implement landscaping plans, in consultation with the affected property owners, for the rear yards of those homes, facing Windemere Drive, whose rear yards abut, in whole or part, his property.

28. The wall that is required between MRC and R-4 will be constructed as close to the rear of the building as City of Atlanta Fire Department regulations will permit.

29. In the event the City of Atlanta does not approve any of the above conditions, a separate and enforceable restrictive covenant in favor of the Morningside–Lenox Park Association (MLPA) and the Piedmont Heights Civic Association (PHCA) shall be recorded that memorializes the omitted conditions.