

## **Wieuca Road Church Development Proposed Conditions**

1. To the extent that the conditions of this Agreement are more restrictive than, or are not reflected, in conditions applied to the property by the Atlanta City Council, the conditions in this agreement will control. The proposed development shall be restricted as follows:
2. The property shall be developed in accordance with the site plan and uses entitled "Wieuca, 3626, 3693 and 3715 Wieuca Road and 3714 Peachtree Dunwoody Road" prepared by Kimley Horn and Associates, Inc. dated August 16, 2021 and marked received by the City of Atlanta Office of Zoning and Development \_\_\_\_\_ 2021.
3. Working hours on site shall be restricted as provided in the City of Atlanta Noise control Ordinance Section 74-134 (between the hours of 8:00 p.m. and 7:00 a.m. the following day on a weekday or between 8:00 p.m. and 9:00 a.m. on a weekend day or legal holiday, construction noise of any type including but not limited to, noise caused by excavation, demolition, alteration, or repair of any building, as well as the operation of any earth-moving equipment, crane, saw, drill, pile driver, steam shovel, pneumatic hammer, hoist, automatic nailer or stapler, or any similar equipment, shall not be plainly audible within any single-family residential, two-family residential, or multi-family residential zoning district more than 100 feet beyond the property boundary of the property from which the noise emanates. Should blasting be necessary, all State and City Ordinances shall be strictly observed. Applicant shall use a fully licensed and insured contractor with experience in urban conditions.
4. Applicant shall have full-time Project Managers on site who will adhere to all requirements of the City of Atlanta. Further, the Applicant shall provide 3630 Office Property Management, 3630 Condominium Association President, Park Avenue Homeowner's Association President, Longleaf Homeowner's Association President and the President of the North Buckhead Civic Association (NBCA) with a contact name and phone number which will be answered at all times when construction work is in progress. Applicant will also provide and link to the construction cam and an email address for the Project Managers. Program Managers shall make reasonable efforts to respond within 72 hours of notification.
5. Construction worker's vehicles, delivery vehicles, and construction equipment shall be parked within the development and no parking shall be permitted on surrounding

streets or properties. No development vehicles, equipment, materials or supplies shall be permitted on the 3630 property except as allowed by agreement between the appropriate parties.

6. Except as allowed by agreement between the appropriate parties, all building materials shall be staged solely within the development and not on adjacent properties. All use of cranes will conform to relevant City ordinances/codes.
7. Applicant shall submit a traffic management plan for the transportation of construction vehicles for approval by the City of Atlanta and shall provide a copy of said plan to the President of NBCA concurrent with the filing of the original with the governmental authorities. Applicant shall take reasonable measures to significantly limit construction vehicles from using Wieuca Road (north of the roundabout), 3630 Auto Plaza, Old Ivy Road or Peachtree Dunwoody Road for ingress to or egress from the development.
8. The Applicant shall ensure that the adjoining streets and properties are swept from its construction dirt and gravel on an as-needed basis and ensure that its construction-related debris, spills and trash are removed promptly.
9. At such times that access to sidewalks is temporarily closed due to construction of this development, the applicant shall comply with the City of Atlanta Codes regarding sidewalk closure, including the signage requirements of Section 138-65 and 138-67.
10. The office use shall not exceed 440,000 gross square feet. The number of units in the multi-family building shall be limited to 300 units to minimize the impact of traffic. The multi-family building will be structured and constructed such that the residential units could be converted to condominium ownership in the future.
11. The exterior of the eastern façade of the office and multi-family parking deck shall include screening and or other architectural design elements complimentary to the office and multi-family buildings. Design of the parking deck will block the view of headlights from within the deck. Interior lighting of the deck will be designed with shielding to contain light within the parking deck.
12. Applicant shall provide a \$500 per month rental subsidy for a minimum of 2 law enforcement officers/first responders and agrees to coordinate with Livable

Buckhead, LLC, regarding the provision of additional rent subsidies to law enforcement/first responders through Livable Buckhead.

13. Applicant shall incorporate sidewalk level retail and/or active uses on all Peachtree Road and Wieuca Road facades of the office and apartment buildings.
14. Walkways and other connective measures as shown on the site plan will be designed to safely connect and unify the development with existing and planned walkways on adjoining properties.
15. Applicant shall provide a copy of its Tree Save Survey and Tree Replacement Plan to the President of NBCA concurrent with the filing of the original with the governmental authorities. The President of NBCA shall be concurrently copied on any correspondence (including enclosure therewith) from the Applicant or its representative regarding the Tree Save Survey, the Tree Replacement Plan, or any material issue related thereto (greenery issues). Tree Replacement trees shall be planted in the North Buckhead neighborhood if appropriate locations are available.
16. Applicant shall install landscaping plants and hardscape materials that are coordinating/complementary to those used in North Buckhead Park and/or the existing 3630 property and consistent with the architectural design of the project.
17. The property shown on the site plan to be developed as single-family homes shall remain in SPI-12 Subarea 3 with a maximum floor area ratio of .40 and a maximum height of 35 feet. The property shown on the site plan to be developed as townhomes shall be limited to no more than 38 townhomes with a maximum average height of 50 feet.
18. Prior to issuance of the final Certificate of Occupancy, the Developer of the townhome and single-family property agrees to install video surveillance cameras and connect them with the Atlanta Police Department's Video Integration Center.
19. Principal permitted uses of structures shall be limited to those shown on the final Site plan.
20. The height of future church buildings on what is currently the sanctuary and proposed church expansion property but excluding the existing church deck shall be limited to 75 feet above the existing sanctuary floor elevation.

21. The Applicant shall prioritize use of the ingress and egress points located on Peachtree Road and the curb cuts on Wieuca Road between Peachtree Road and the Wieuca/Phipps roundabout for use by tenants and visitors of the office and apartment developments by using signage, landscaping, width of roadways, etc. Applicant will adhere to all traffic conditions as required by the Notice of Decision for DRI #3383 issued by ARC/GRTA with respect to this development.
22. The total number of parking spaces within the office and apartment portion of the development shall not exceed 1,540 spaces.
23. The Applicant shall provide a shared parking study/plan for uses located in the SPI-12 Subarea 1 portion of the property.
24. Applicant will supply bicycle parking to meet the SPI-12 requirements in the multifamily building and in the office building. The office building will provide showers to accommodate people who bicycle to work.
25. Applicant will support and, if necessary, underwrite up to \$30,000 of the cost of installing bus shelters for MARTA Route 110 on the southbound and northbound sides of Peachtree as close as possible to the project site.
26. All exterior lighting shall be designed, shielded, and constructed to minimize light spill off the property and meet all SPI-12 requirements.
27. The Applicant shall support appropriate legislation that will require that all transportation impact fees generated from this development will be used to mitigate traffic in the area surrounding the development, especially Wieuca Road, West Wieuca, Old Ivy Road, Long Leaf Drive, Peachtree Dunwoody, Phipps Boulevard and Peachtree Road. In particular, and in keeping with NBCA's longstanding position that the roundabout will function better if it incorporates modern flow-control technology, the legislation will state that some of the impact fees be directed to adding this type of technology to the roundabout project.
28. Applicant shall develop a pocket park in the northwest corner of the property with an area of approximately 12,500 square feet. Applicant shall develop a pocket park in the northeast corner of the property with an area of approximately 6,000 square feet.

The pocket park will include plantings that are coordinating/complementary to those used in North Buckhead Park.

29. Developer(s) will address to the satisfaction of City of Atlanta the stormwater management system for the entire site so as to minimize the impact of stormwater runoff discharge downstream and shall meet or exceed all code requirements such that the rate of release of stormwater from the site will be designed to reduce the rate of stormwater flow post development versus predevelopment per the requirements of the then current City of Atlanta Stormwater Ordinance. Applicant shall provide a copy of its stormwater management plans to the President of NBCA concurrent with the filing of the original with the governmental authorities.
30. Developer(s) will work to enhance pedestrian and bicycle safety in the plaza area between 3630 Peachtree and the new development.
31. Streets within the single-family and townhome portion of the development shall be designed to minimize cut-through traffic between Wieuca Road and Peachtree Dunwoody Road.
32. All post-construction dumpsters and service facilities shall be screened and located within the enclosed area of the parking decks in the development. Signage indicating loading hours, no idling outside the loading dock, and no queuing for space in the loading dock shall be conspicuously posted at the loading dock.
33. Applicant will undertake a study to locate the origin of the perennial stream tributary of Little Nancy Creek that originates on or near the Wieuca Church property's northern boundary line and take appropriate remediation and protection measures as required by city, state and/or federal law.
34. These conditions of zoning shall be binding upon all successors and assigns of the Applicant for a period of 30 years. The subdivision, sale or partition of all or any part of the property shall not alter the obligation of all owners of the property to comply with these conditions of zoning. Any change to the above conditions that does not qualify for an administrative site plan amendment must complete the then applicable zoning process with the City of Atlanta.
35. The Applicant will not request any administrative site plan amendment which seeks to change any of the conditions contained herein without first giving notice of such

request to the president of NBCA and the Chair of the Zoning Committee of NPU-B. However, the Applicant will have the right to request administrative changes to the site plan without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta and do not: (a) increase the height or square footage of any building or the number of parking spaces; (b) decrease any exterior setback or the amount of landscaped area; (c) materially reduce public access or public spaces; or (d) otherwise materially alter these conditions.

36. All of these narrative conditions will be attached to the Applicant's final site plan filed with the City of Atlanta.