

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE O-1 (OFFICE AND INSTITUTIONAL) DISTRICT TO THE C-1 (COMMUNITY BUSINESS) DISTRICT, PROPERTY LOCATED AT PEACHTREE-DUNWOODY ROAD (17 0019 LL059)**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on November 8, 2006 at 7:00 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 **Peachtree-Dunwoody Road (17 0019 LL059)**, consisting of a total of approximately 3.3903 acres, be changed from the O-1 (Office and Institutional) District to the C-1 (Community Business) District with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 19 of the 17<sup>th</sup> 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 use permit(s), as listed in the attached conditions of approval, be approved under the provisions of Section 19.2.3 of the Zoning Ordinance of the City of Sandy Springs; and

**SECTION 4.** 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

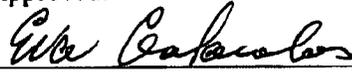
**SECTION 5.** That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

**SECTION 6.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

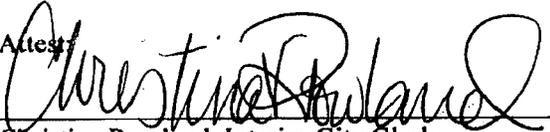
**SECTION 7.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

**ORDAINED** this the 8<sup>th</sup> day of November, 2006.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Christina Rowland, Interim City Clerk

(Seal)



CONDITIONS OF APPROVAL

**RZ06-024/CV06-013/U06-003**  
**Peachtree-Dunwoody Road (17 0019 LL059)**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Northpark Land Associates, Ltd. located at Peachtree-Dunwoody Road (17 0019 LL059). Rezoning petition RZ06-024/CV06-013/U06-003 to rezone the subject property from O-I (Office and Institutional District) conditional to C-1 (Community Business District) was approved by the Mayor and City Council at the November 8, 2006 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To hotel and restaurant uses developed at a density of 84,210.84 gross square feet per acre or 285,500 gross square feet, whichever is less.
  - b. The maximum building height shall be 21 stories or 225 feet. (U06-003)
  - c. The maximum number of hotel rooms shall be limited to 275.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated October 6, 2006, except for the location of access points, which shall be approved by the City of Sandy Springs Transportation Division prior to the issuance of a Land Disturbance Permit. Said site plan is conceptual only and zoning approval does not indicate compliance with other City regulations related to transportation, stormwater, etc. Said site plan must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for 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.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall restrict designed stormwater discharge rates from the development to 75% of the pre-developed natural stormwater runoff rates for the 1 through 10 year storm events.
  - b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs along entire property frontage along Peachtree-Dunwoody Road.

- c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs along entire property frontage along Abernathy Road.
- d. The owner/developer shall dedicate fifty-five (55) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs along entire property frontage along Mount Vernon Highway.
- e. No less than 20% of the site shall be maintained as open/green space.
- f. To reduce the required forty (40) foot front yard setback to ten (10) feet along the Mount Vernon Highway and Peachtree-Dunwoody Road frontages (CV06-013).
- g. To change the required eight (8) foot sidewalk and five (5) foot bicycle lane along Peachtree-Dunwoody Road and Mount Vernon Highway to a combined eight (8) foot sidewalk and bicycle path (CV06-013).
- h. To allow for valet parking only on the site to allow for a layout other than that required (CV06-013).
- i. To allow for an encroachment into the ten (10) foot landscape strip at two points along the Mount Vernon Highway property frontage (CV06-013).
- j. The owner/developer shall work in conjunction with the Sandy Springs Council of Neighborhoods to develop the landscape plan for the forty (40) foot setback area along Abernathy Road. Said landscape plan shall be subject to the approval of the City Arborist.



**LEGAL DESCRIPTION**

**Rezoning and Use Permit Application  
The Kessler Enterprise, Inc.  
LL 19, 17<sup>th</sup> District**

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:

COMMENCING AT A MARTA MONUMENT (STAMPED VERNON 1) LOCATED .1 MILE ± NORTH OF THE INTERSECTION OF MOUNT VERNON HIGHWAY (R/W VARIES) AND ABERNATHY ROAD (R/W VARIES), ALONG THE EAST SIDE OF ABERNATHY ROAD; THENCE SOUTH 38 DEGREES 53 MINUTES 45 SECONDS EAST (S38°53'45"E) & CROSSING ABERNATHY ROAD A DISTANCE OF 333.17' TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF ABERNATHY ROAD, SAID POINT BEING THE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 00 DEGREES 36 MINUTES 26 SECONDS WEST (S00°36'26"W) A DISTANCE OF 98.92 FEET TO A POINT LOCATED ON THE NORTHWESTERLY RIGHT-OF-WAY OF MOUNT VERNON HIGHWAY; THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 48.86 FEET, SAID CURVE HAVING A RADIUS OF 2233.11 FEET, AND BEING SUBTENDED BY A CHORD OF 48.86 FEET SOUTH 49 DEGREES 35 MINUTES 46 SECONDS WEST (S49°35'46"W) AND TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 33.10 FEET, SAID CURVE HAVING A RADIUS OF 2233.11 FEET, AND BEING SUBTENDED BY A CHORD OF 33.10 FEET SOUTH 50 DEGREES 38 MINUTES 51 SECONDS WEST (S50°38'51"W) AND TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY THE FOLLOWING 4 CALLS: SOUTH 53 DEGREES 40 MINUTES 35 SECONDS WEST (S53°40'35"W) A DISTANCE OF 202.62' TO A 1/2" REBAR SET; THENCE SOUTH 64 DEGREES 34 MINUTES 05 SECONDS WEST (S64°34'05"W) A DISTANCE 97.94' TO A 1/2" REBAR SET; THENCE ALONG A CURVE TO THE LEFT WITH AN ARC DISTANCE OF 104.19', SAID CURVE HAVING A RADIUS OF 2221.83', AND BEING SUBTENDED BY A CHORD OF 104.19' SOUTH 60 DEGREES 02 MINUTES 17 SECONDS WEST (S60°02'17"W) TO A 1/2" REBAR SET; THENCE NORTH 67 DEGREES 55 MINUTES 22 SECONDS WEST (N67°55'22"W) A DISTANCE OF 88.34' TO A 1/2" REBAR SET ON THE SOUTHEASTERN RIGHT-OF-WAY OF PEACHTREE-DUNWOODY ROAD (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING 5 CALLS: THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 170.54', SAID CURVE HAVING A RADIUS OF 450.12', AND BEING SUBTENDED BY A CHORD OF 169.52' BEARING NORTH 10 DEGREES 41 MINUTES 25 SECONDS EAST (N10°41'25"E) TO A 1/2" REBAR SET; THENCE NORTH 26 DEGREES 56 MINUTES 25 SECONDS EAST (N26°56'25"E) A DISTANCE OF 118.61' TO A 1/2" REBAR SET; THENCE NORTH 21 DEGREES 32 MINUTES 38 SECONDS EAST (N21°32'38"E) A DISTANCE OF 126.70' TO A 1/2" REBAR SET; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 48.85', SAID CURVE HAVING A RADIUS OF 551.18', AND BEING SUBTENDED BY A CHORD OF 48.83' NORTH 19 DEGREES 00 MINUTES 17 SECONDS EAST (N19°00'17"E) TO A 1/2" REBAR SET; THENCE NORTH 60 DEGREES 51 MINUTES 14 SECONDS EAST (N60°51'14"E) A DISTANCE OF 84.26' TO A 1/2" REBAR FOUND ON THE SOUTHERN RIGHT-OF-WAY OF ABERNATHY ROAD; THENCE ALONG THE SOUTHERN RIGHT-OF-WAY OF ABERNATHY ROAD SOUTH 70 DEGREES 12 MINUTES 01 SECONDS EAST (S70°12'01"E) A DISTANCE OF 106.07' TO A 1/2" REBAR FOUND; THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 83.38 FEET, SAID CURVE HAVING A RADIUS OF 651.90 FEET, AND BEING SUBTENDED BY A CHORD OF 83.32 FEET SOUTH 61 DEGREES 56 MINUTES 52 SECONDS EAST (S61°56'52"E); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 116.53 FEET, SAID CURVE HAVING A RADIUS OF 651.90 FEET, AND BEING SUBTENDED BY A CHORD OF 116.38 FEET SOUTH 53 DEGREES 09 MINUTES 47 SECONDS EAST (S53°09'47"E) AND TO A POINT SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINING 147,682 SQ. FT. OR 3.3903 ACRES.