

AN ORDINANCE TO REZONE PROPERTY FROM THE O-I (OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I (OFFICE AND INSTITUTIONAL DISTRICT), PROPERTY LOCATED AT 6120 PEACHTREE DUNWOODY ROAD

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on August 19, 2008 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 **6120 Peachtree Dunwoody Road**, consisting of a total of approximately 4.25 acres, be changed from the O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) with conditions, 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 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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 19th day August, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Christina Rowland, CMC, City Clerk
(Seal)



CONDITIONS OF APPROVAL

RZ08-013/CV08-011/U08-007

6120 Peachtree Dunwoody Road

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Proc GA, L.P, c/o Robert Belmonte, Hilton Suites Atlanta Perimeter located at 6120 Peachtree Dunwoody Road. Rezoning petition RZ08-013/CV08-011/U08-007 to rezone the subject property from to O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) was approved by the Mayor and City Council at the August 19, 2008 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A 224-room hotel (with a restaurant) and associated accessory uses.
 - b. The maximum building height shall be 6 stories. (U08-007)
 - c. A 4,000 square foot outdoor tent facility.
 - d. The hours of operation for the outdoor tent facility shall be 8:00AM to 11:00PM.
 - e. The owner/ developer shall resubmit a petition to renew the use permit (U08-007) for the tent after five (5) years from the date of the Mayor and City Council approval August 19, 2008.
 - f. Should the property be sold to a franchise other than the Hilton Hotel Corporation the tent facility shall be removed.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated May 6, 2008. 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.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/ developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody Road 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.
 - b. To reduce parking spaces from 280 spaces to 202 spaces. (CV08-011)

- c. To reduce the required ten (10) foot improvement setback along the north property line to five (5) feet. (CV08-011).
- d. To bring tent into compliance with proper building codes pursuant to Chapter 105, Buildings and Building Regulations, of the Code of the City of Sandy Springs.
- e. To bring tent into compliance with proper fire codes pursuant to Chapter 22, Fire Prevention and Protection, of the Code of the City of Sandy Springs.
- f. The tent will be inspected annually by the City of Sandy Springs department of Community Development and Fire Department.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 18 of the 17th District of Fulton County, City of Sandy Springs, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at a point formed by the intersection of the northern right-of-way line of Hammond Drive and the western right-of-way of Peachtree-Dunwoody Road (Right-of-way varies); thence proceed northerly along the western right-of-way line of Peachtree-Dunwoody Road a distance of 786.01 feet to a point; thence continuing along said right-of-way South 89 degrees 05 minutes 53 seconds West a distance of 15.00 feet to a point, said point being the TRUE POINT OF BEGINNING: From the TRUE POINT OF BEGINNING as thus established, thence leaving said right-of-way South 89 degrees 06 minutes 20 seconds West a distance of 415.44 feet to a point; thence North 00 degrees 48 minutes 03 seconds West a distance of 251.16 feet to a ½ inch open top iron pin found; thence North 01 degrees 05 minutes 00 seconds West a distance of 200.53 feet to a ½ inch rebar found; thence South 89 degrees 20 minutes 25 seconds East a distance of 415.84 feet to a point on the western right-of-way line of Peachtree-Dunwoody Road; thence southerly along said right-of-way line South 00 degrees 53 minutes 41 seconds East a distance of 440.41 feet to point, said point being the TRUE POINT OF BEGINNING.

Said parcel having an area of 185,236.6 square feet or 4.25 acres according to the As-Built Survey for Proc Ga., LP, Hilton Suite Atlanta Perimeter by MSP & Associates Land Surveying, Inc., Michael S. Perdue, Georgia Registered Land Surveyor No. 2776 dated April 16, 2008.

RZ08 013

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City of Sandy Springs
Community Development

