

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE CITY OF SANDY SPRINGS APPROVING PETITION RZ08-013/CV08-011/U08-007 ON AUGUST 19, 2008, 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 July 16, 2013 at 7:00 p.m. as follows:

**SECTION 1.** That the condition(s) of a Resolution by the City of Sandy Springs, approved on August 19, 2008, for petition RZ08-013/CV08-011/U08-007 that allowed the property to be rezoned to the O-I (Office and Institutional District) be changed for the property located at 6120 Peachtree Dunwoody Road, consisting of a total of approximately 4.25 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 18 of the 17<sup>th</sup> District, Fulton County, Georgia by the attached legal description; and

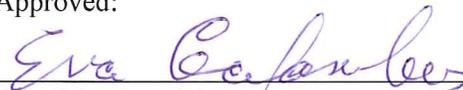
**SECTION 2.** That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

**SECTION 3.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

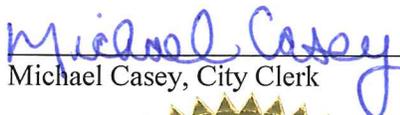
**SECTION 4.** This Ordinance shall become effective upon adoption by the City Council and the signature of approval of the Mayor.

**APPROVED AND ADOPTED** this the 16<sup>th</sup> day of July, 2013.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**201301406**

**6120 Peachtree Dunwoody Road**

Please be advised, the City of Sandy Springs Mayor and City Council approved the modification of the conditions of RZ08-013/CV08-011/U08-007, with regard to the above referenced property currently zoned O-I (Office and Institutional District). Zoning modification petition 201301406 was approved by the Mayor and City Council at the July 16, 2013 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.~~
  - e. Should the property be sold to a franchise other than the Hilton Hotel Corporation the tent facility shall be removed.
  - f. Should the tent be replaced the new structure shall be brought into compliance with the Sandy Spring building and fire code regulations in effect at the time of construction.
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. The tent will be inspected annually by the City of Sandy Springs Department of Community Development and Fire Department.~~
  - e. An inspection report shall be submitted every six (6) months that certifies that the structural integrity of the tent and the flame retardant membrane meet the most current Sandy Springs building and fire code regulations. Said inspection must be conducted by a private professional engineer. Failure to comply with this condition will require that the tent facility be removed.

## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 18 of the 17<sup>th</sup> 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.

**RECEIVED**

MAY 07 2013

City of Sandy Springs  
Community Development

