





To: John McDonough, City Manager

From: Angela Parker, Director of Community Development 

Date: March 10, 2014 for Submission onto the March 18, 2014 City Council Regular Meeting Agenda

Subject: Consideration of the Extension of the Sandy Springs Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs

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***Department of Community Development Recommendation:***

**APPROVAL** of the extension of the Sandy Springs Grand Bohemian Hotel Land Disturbance Permit for a period of 180 days due to inability to secure financing for the project.

***Background:***

On August 18, 2009, the Mayor and City Council amended Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs to allow for extensions to Land Disturbance Permits by the Council should a project show justifiable cause as defined in the ordinance.

***Discussion:***

An extension of a Land Disturbance Permit is justifiable if an inability to obtain financing, despite documentation of the property owner's efforts during the three (3) months prior to the applicant seeking an extension and continuing until one (1) week prior to consideration of the extension request to the City Council. Documentation shall consist of two (2) official denials signed by officers of two (2) different lending institutions who have final jurisdiction over such financial transactions.

The original Land Disturbance Permit was issued on June 11, 2008. In addition to the original 180-day extension approved by the Director, the applicant has received six (6) extensions from the Mayor and City Council.

***Alternatives:***

The Council could choose not to approve the extension of the Sandy Springs Grand Bohemian Hotel Land Disturbance Permit, requiring the project to be permitted again under current codes and ordinances.

***Attachment:***

Letter of Application for Extension and Determination of Justifiable Cause.

## Dickerson, Patrice

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**From:** Martin, Linda <Linda.Martin@wcsr.com>  
**Sent:** Monday, March 03, 2014 3:33 PM  
**To:** Dickerson, Patrice  
**Cc:** Brian A. Py; 'Judy King'; Foltz, Joseph; Dormon, Caitlin; Landreau, Cindy  
**Subject:** Sandy Springs Grand Bohemian Hotel--LDP #07-00031  
**Attachments:** Fifth Third Lender Letter.PDF; Emigrant Lender Letter.PDF

Hi Patrice. Attached are two lender letters for the referenced matter. Please confirm we are on the Council Meeting Agenda for March 18.

Thank you for your help on this.

Best regards,

Linda

*Linda F. Martin*

**Real Estate Paralegal**

**WOMBLE CARLYLE SANDRIDGE & RICE, LLP**

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February 28, 2014

Mr. Richard C. Kessler, President  
Kessler Grand Bohemian Atlanta, LLC  
4901 Vineland Rd., Suite 650  
Orlando, FL 32811

Re: Kessler Grand Bohemian Atlanta, LLC  
Construction Loan Financing for  
Grand Bohemian Hotel – Atlanta

Dear Mr. Kessler:

Thank you for submitting a request for the construction financing of your Grand Bohemian Hotel – Atlanta project. The bank has chosen to decline your request at this time as presented.

We value the relationship with you and the Kessler Collection. When the economic conditions for this project become more favorable, we would welcome the opportunity to revisit your Atlanta project.

Thank you again for your consideration and we look forward to a continued relationship with you and your companies.

Sincerely,

Tom Carroll  
Vice President