

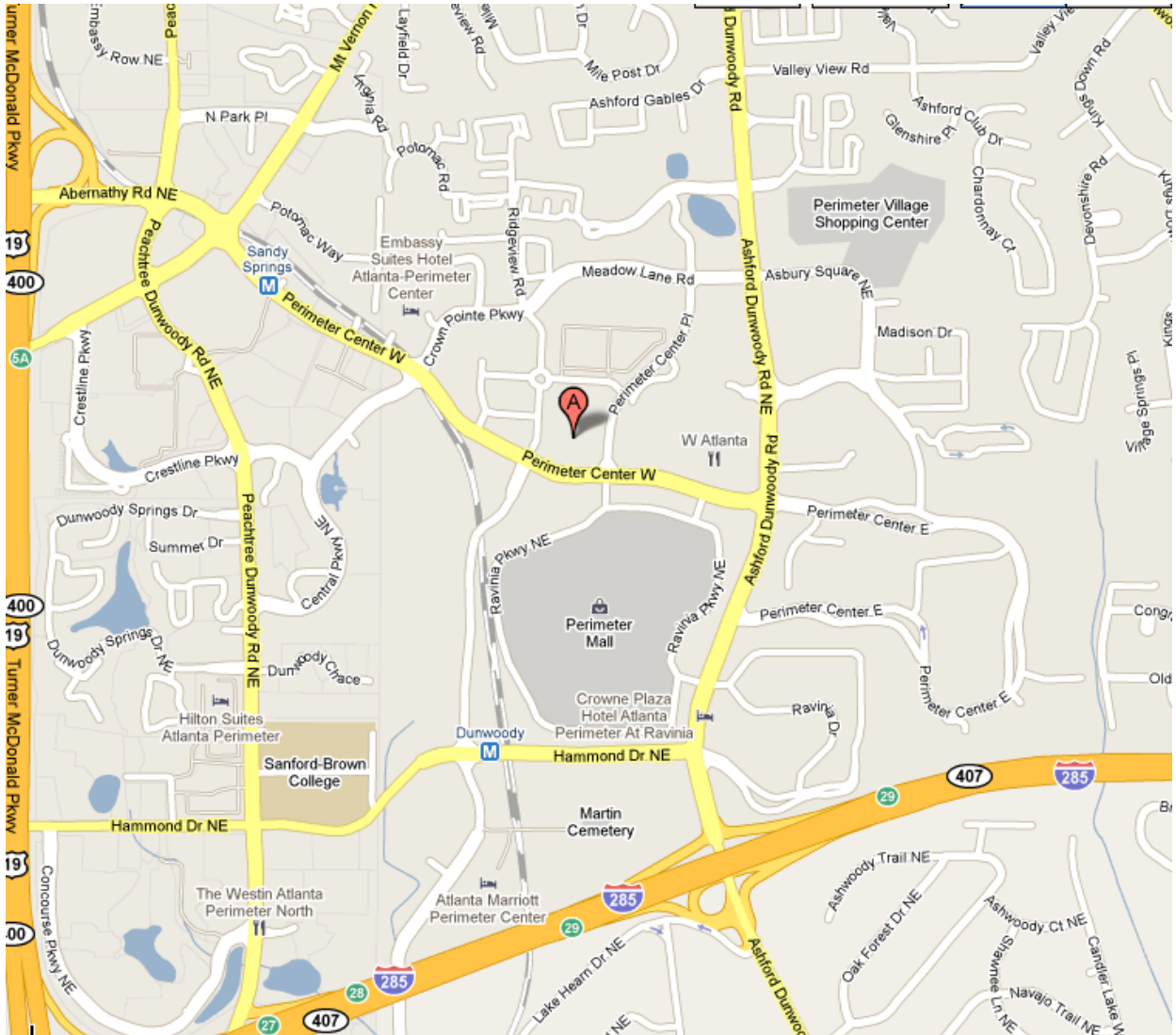
Variance Application Number: SLUP 10-041

Property Location 121 Perimeter Center Parkway

Owner/Petitioner Dillard & Galloway, LLC
Laurel David
3500 Lenox Road, NE, Suite 760
Atlanta, Georgia 30326

Request Special Land Use Permit to exceed two-story height limit to allow for existing three-story office building

Vicinity Map



The site is located on the northern side of Perimeter Center West, on the northwest corner of Perimeter Center West and Perimeter Center Place. The property is currently zoned O-I (Office-Institution district). The applicant's request is to exceed the district's two-story height limit to allow for existing three-story office building to be brought into compliance with the proposed zoning in a concurrent rezoning request.

Special Land Use Analysis

The site where the applicant plans to apply this Special Land Use is an existing, fully developed office complex. The applicant has no plans to expand the structure or the site on which the structure exists, and plans only to initiate a new use in the interior space, either as restaurant or retail. This application runs concurrently with a request for rezoning the subject property from O-I (Office-Institution District) to OCR (Office-Commercial-Residential District) to allow for either of those uses. The applicant is applying for the SLUP to comply with the City of Dunwoody Zoning Ordinance Section 2W-8 that requires a Special Land Use Permit to exceed the two-story height limit. Under its current zoning classification, the subject property is compliant with the height restrictions of O-I. The applicant seeks the SLUP to bring the structure as it is today in compliance with the proposed new zoning classification.

Community Council

At their regular March meeting, the Community Council heard the applicant's request to increase the allowable maximum height of a building in the OCR zoning district. After some discussion with the applicant related to the nature of the business and the proposed use of the subject property specifically, a motion was made to **recommend approval** of the request, as submitted.

Planning Commission

At their regular April meeting, the Planning Commission heard the applicant's request to increase the allowable maximum height of a building in the OCR zoning district. After brief discussion, a motion was made to **recommend approval** of the request, as submitted.

Conditions of the Zoning Ordinance

Article 5, Section 5B-13 of the City of Dunwoody Zoning Ordinance identifies the following criteria for evaluation that should be examined when determining the appropriateness of a special land use permit:

- (a) Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;
The size of the site is acceptable for the proposed use, and a detailed parking study was performed to ensure adequate parking. According to the zoning ordinance, there is not enough parking, but the applicant has filed for a special exception to bring the site into compliance.

- (b) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
The proposed height is comparable to adjacent properties within the PCIDs and is an existing condition.
- (c) Adequacy of public services, public facilities, and utilities to serve the use contemplated;
There are already number public services on the site, as it is an existing office complex. The applicant will be required to retrofit the building to the requirements for the proposed uses, regulated during the building permit process, but the height of the building is an existing condition.
- (d) Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
The area is heavily congested during peak traffic hours in the morning and evening, but there would not be a significant increase in traffic because there is already traffic in the area to visit similar land-uses (e.g. restaurants, Perimeter Mall). Additionally, allowing the additional story would not change the structure of the building, but bring an existing building into compliance.
- (e) Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
Adjacent land uses are congruent to the proposed land use, so other sites will not be adversely affected.
- (f) Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
Allowing the additional story will not change the egress on the site, but they will be required to retrofit the building in compliance with the modern-day building code.
- (g) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;
Granting the additional story would not create any adverse impacts on the site.
- (h) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
The height of the building would not change the hours of operation of the land use.
- (i) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
The height of the building would not change the manner of operation of the land use.
- (j) Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;
The building is compliant with the current zoning classification, but is too high for the proposed rezoning. A special exception will be required to bring the parking on the site into compliance for the proposed uses.
- (k) Whether or not the proposed use is consistent with the policies of the comprehensive plan;
The proposed use is consistent with the current and proposed comprehensive plan, as a greater number of stories is recommended in the PCIDs.

- (l) Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;
The proposed height will not affect any buffer zones.
- (m) Whether or not there is adequate provision of refuse and service areas;
Since the building already exists, there are already adequate refuse and service areas.
- (n) Whether the length of time for which the special land use permit is granted should be limited in duration;
There should be no limit to the special land use permit because the application runs concurrently with a request for rezoning. If they both pass, the special land use permit would be necessary to keep the existing site in compliance with the new zoning classification.
- (o) Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;
Adjacent buildings are congruent to the proposed building.
- (p) Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;
There will be adverse affects on historic buildings, sites, districts, or archeological resources.
- (q) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
The proposed height satisfies the requirements of the supplemental regulations.
- (r) Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.
The building shadow will not change since the proposed height already exists.

Recommendation

Staff recommends the application, as has been detailed and submitted to city staff, be approved.

Attachments

- Application, submitted January 19, 2010.
- Parking study.
- Site photos.

AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING MAP FOR ZONING CONDITIONS OF LAND LOT 349 (4.692 ACRES), LOT PARCEL NUMBER 18 349 05 029 IN CONSIDERATION OF SPECIAL LAND USE PERMIT 10-041 (121 Perimeter Center Parkway)

WHEREAS, the City of Dunwoody Mayor and City Council previously approved a rezoning of this property from the Office Institutional (OI) District to Office-Commercial-Residential (OCR) District by Ordinance on May 24, 2010; and

WHEREAS, the Special Land Use Permit 10-041 is requested pursuant to Section 2W-8 of the City of Dunwoody Zoning Ordinance to exceed the two-story height limit of the buildings in the Office-Commercial-Residential (OCR) Zoning District; and

WHEREAS, A First Read of this Ordinance took place on May 10, 2010 and a duly advertised public hearing was held by the Mayor and City Council on May 24, 2010 during.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody while in Regular Session on May 24, 2010 hereby ordains and approves the Special Land Use Permit 10-041 of this said property in order to exceed the two-story height requirements of the OCR Zoning District with the following conditions:

1. Approval of the SLUP shall be conditioned on the site plan received by the Community Development Department on January 19, 2010. Further site development or revisions to the existing site layout shall only occur consistent with the City of Dunwoody Zoning Ordinance § 5A-25, or by a change of zoning conditions.
2. No residential uses shall be permitted on the site.

SO ORDAINED AND EFFECTIVE, this 24th day of May, 2010.

Approved by:

Approved as to Form and Content

Ken Wright, Mayor

Brian Anderson, City Attorney

Attest:

Sharon Lowery, City Clerk (Seal)