

**MEMORANDUM**

**To:** Mayor and City Council

**From:** Steve Dush, AICP

**Date:** May 13, 2013

**Subject:** **RZ 13-051:** 275, 301, and 303 Perimeter Center North; Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Office-Commercial-Residential Conditional (OCRc) to Office-Commercial-Residential Conditional (OCRc) to allow for a change of previous conditions. The tax parcels are 18 350 01 009, 011, and 170.



**BACKGROUND**

The site is located on the northern side of Perimeter Center East, on the southeast corner of Ashford Dunwoody Road and Perimeter Center North. The property is currently zoned OCRc (Office-Commercial-Residential conditional District).

Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC seeks permission on behalf of Hotel Development Partners, LLC to rezone the property currently zoned Office-Commercial-Residential Conditional (OCRc) to Office-Commercial-Residential Conditional (OCRc) to allow for a change of previous conditions. The property consists of approximately 11.53 acres of land, located at 303, 301, and 275 Perimeter Center North, Dunwoody, Georgia 30346. The proposed modifications of the original site plan approved in 2008 that entitled a ten (10)-story, 200-room hotel and an 8,500 square foot restaurant include an eight (8)-story, 134-room hotel, a one (1)-story restaurant of up to 10,600 square feet, two (2) one (1)-story retail structures of up to 4,500 square feet each, and a



one story retail building up to 6,000 square foot. This application runs concurrently with a request for a Special Land Use Permit for a change in the maximum allowable building height of two-stories to eight-stories, where ten-stories were previously permitted. Additionally, the site plan identifies a parking deficiency that must be processed before the ZBA.

Direction	Zoning	Use	Current Land Use
N	PC-3c	Mixed	Multi-family Residential
S	R-100	Residential	Utility Transmission
E	O-I	Commercial	Office
W	C-1 & O-I	Commercial	Retail & Office

**ANALYSIS**

In Georgia, the state prescribes procedures for its counties and municipalities governing zoning decisions, and the local government is required to strictly follow the procedures set out in the Zoning Procedures Law, O.C.G.A. Title 36, Chapter 66.

O.C.G.A. §36-67-1 thru -6 is the State of Georgia Law that requires planning departments and the Boards, Commissions and Councils who review requests for zoning changes to review and research zoning proposals, and before passing recommendation compare the request to- and contrast the request with a set of six criteria. The Steinberg Act is accepted as the requirement associated with the State’s Zoning Procedures Law. These criteria are enumerated as follows:

“...The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

- “(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- “(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- “(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- “(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- “(5) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
- “(6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.”

**OCR District Analysis**

The purpose and intent of the city council in establishing the OCR (Office-Commercial-Residential) District is as follows:

1. To provide for economic development within the city through redevelopment of parcels of land which have been used in the past for commercial and light industrial uses but which have become obsolete and now offer an opportunity for establishing new mixed use developments of medium intensity which consist of a combination of office, commercial, and residential uses;
2. To promote redevelopment and new development in an environment which is pedestrian-oriented and which provides job opportunities and shopping facilities within the same complex in which multifamily housing is located and thereby reduces dependence on the automobile; and
3. To encourage the conversion of vacant commercial and industrial buildings into residential dwelling units.

### **Comprehensive Plan Analysis**

The Dunwoody Comprehensive Plan is organized primarily by regions, delineated as “character areas.” The subject parcels mentioned in this proposal are a part of the “Perimeter Center Character Area,” which is summarized on the attached excerpt from the Comprehensive Plan. The intent of this area is to create a “livable” regional center with first-class office, retail, and high-end restaurants in a pedestrian and bicycle-oriented environment that serves as a regional example of high quality design standards. In accordance with this vision, the applicant plans to make the site pedestrian-friendly by orienting users close to Ashford Dunwoody Road, creating outdoor seating and other gathering spaces, and by providing streetscape treatments in accordance to the Perimeter Community Improvement District’s (PCID) Public Space Standards.

The proposed conditions align with the following goals of the Perimeter Center Character Area:

- Reduce surface parking and promote livable centers in the immediate areas surrounding MARTA station
- Encourage hotel and convention development near MARTA in order to foster commerce along the mass transportation route
- Create bicycle, pedestrian and potential golf cart options to connect with the rest of the City of Dunwoody
- Promote/establish new connectivity

### **Rezoning Analysis**

The site in question is an existing surface office complex, surface parking lot, and accessory parking deck. The applicant plans to develop an eight (8)-story hotel, a one (1)-story restaurant of up to 10,600 square feet, two (2) one (1)-story retail structures of up to 4,500 square feet each, and a 6,000 square foot retail space. This rezoning is sought in order to modify previously approved site plans. The current site plan re-orientes the location of the hotel, increases the amount of restaurant space by potentially 2,100 square feet and adds 9,000 square feet of retail space.

### **Conditions of the Zoning Ordinance**

Chapter 27, §27-1437 identifies the following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:



(a) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan. ***Dunwoody is operating under the auspices of the Comprehensive Plan in effect as of June 2010. The importance of the Comprehensive Plan cannot be understated as a guiding document in the zoning decisions for a jurisdiction because it is a living document that is created from public input and sentiment, laying out the community's vision for how to grow and develop today, and in the future. The Dunwoody Comprehensive Plan is organized primarily by regions, delineated as 'character areas.' The subject parcel is located in the 'Perimeter Center Area,' which is indicated to be approved for uses such as first-class office, retail, and high-end restaurants in a pedestrian and bicycle-oriented environment, consistent with the applicant's request.***

(b) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. ***The proposal will allow for additional uses that are similar to those of surrounding properties as well as help reduce excessive surface parking, which is suitable for this area of the city.***

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned. ***The property involved in this zoning action has some economic use as currently zoned. However, by changing the condition of the current zoning to allow for more retail and restaurant space, there will be a greater opportunity for economic vitality in the area.***

(d) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property. ***The proposal will establish an exact parity among the allowable land uses of the adjacent properties on the east side of Ashford Dunwoody Road.***

(e) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. ***The conditions of the PCID area call for a "livable" regional center with a mix of uses in a pedestrian and bicycle-oriented environment. The request is consistent with this goal. Additionally, the character and quality of the proposed development is better aligned with the recommendations of the Comprehensive Plan than the previous entitlement—the proposal offers a well thought-out pedestrian circulation plan in and around the project site, makes use of best practice commercial center design principles by pulling buildings up to the street, provides a built environment conducive to vibrant street activity, and proposes high-end design materials for the architecture and infrastructure improvements.***

(f) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources. ***Staff cannot identify nor is aware of any such historic buildings, sites, districts, or archaeological resources in the area.***

(g) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. ***The existing street and utility infrastructure is expected to be adequate to service the proposed hotel, retail and restaurant uses on the site. Additionally, there will be no school-aged children generated as a consequence of this development.***

## **Summary/Key Issue Analysis**

The most noticeable difference from the existing approved site plan is, perhaps, the introduction of a curb-cut along Ashford Dunwoody Road. While City Plans promote access management in order to alleviate congestion and improve pedestrian safety, the applicants have submitted a Right-of-Way Deed, which reserves property access along Ashford Dunwoody Road. Because this Right-of-Way Deed produces a right that runs with the land, the applicant has worked with Staff to design a site that will minimize, to the greatest extent possible, pedestrian conflicts associated with a curb-cut and develop a design that advocates a sense of place. The proposed design also promotes numerous fundamental urban design principals, such as creating an active streetscape through the location of buildings that address the street, integrating a pedestrian realm that is energized by the wide sidewalk, and framing the entrance with flanked outdoor dining/seating areas with the proposed hotel as the terminus.

Furthermore, the proposed plan identifies the installation of a No-U-Turn Sign at the intersection of Ashford Dunwoody Road and Perimeter Center North for northbound motorists. This sign as well as on-site directional signage are important elements of the design –directing southbound traffic on Ashford Dunwoody Road to use the curb-cut on Perimeter Center North. As with any development and traffic pattern changes that are associated with changes in use or hours of operation amid existing development, Staff and Perimeter Traffic Operations Program (PTOP) partners will monitor the signal timing and make any necessary adjustments. Lastly, while the Comprehensive Transportation Plan does not currently identify bike lanes along this section of Ashford Dunwoody Road, there is a possibility for this feature to be accommodated in the future if the context and/or plan changes.

## **RECOMMENDATION**

Staff **recommends** the application be approved with the following conditions (updated from the previously submitted application materials from February 28, 2013 to reconcile with the site plans submitted March 14, 2013):

1. ~~The Property will be developed similar to~~ development shall substantially comply with the Site Plan dated and revised October 29, 2008 (hereinafter the "Site Plan") March 14, 2013, prepared by McFarland-Dyer & Associates.
2. Curbcut access from Ashford-Dunwoody Road shall be restricted to a right-in/right-out turning movement.
3. Setbacks shall be measured from existing right-of-way, versus any future right-of-way which the City may demand incidental to development.
4. ~~2. The total density of the development shall~~ contain a hotel not exceed: (1) to exceed eight (8) stories with up to one hundred thirty-four (134) rooms; an outparcel restaurant with up to 10,600 square feet of space; additional outparcel retail space of no more than 15,000 square feet of space; an existing eight (8) story office building; an existing six (6) story office building; (2) an existing eight (8) story office building; (3) an existing seven (7) level parking garage; (4) a proposed ten (10) story hotel; (5) a proposed free standing restaurant; and (6) a proposed two (2) level parking deck. In addition, the height of the hotel shall be a minimum of three stories. If the proposed development reaches the maximum of the proposed 8,500 square foot free standing restaurant, the proposed 200 room hotel, and the existing office buildings, the total number of parking spaces being provided shall not be less than 1,118. and a new, one (1) level parking deck. The total number of

- parking spaces may be reduced proportionally if the square footage of the development is reduced. shall not be less than 1,281.
5. One of the outparcels shall contain a bike rack.
  6. ~~3.~~ Neon, gas, flashing, animated, sound emitting, or rotating signs are prohibited. The Developer shall follow the 2007 Perimeter CID Public Standards for "Boulevards" for all signs in the public right-of-way.
  7. ~~4.~~ Developer will provide sidewalks along its property frontage along Ashford-Dunwoody Road and Perimeter Center North per PCID standards.
  8. ~~5.~~ Outdoor seating shall be allowed in the front of the hotel and restaurant. Sidewalks adjacent to the area of outdoor seating shall have a minimum of ~~six~~ eight (68) foot wide clear walkways for pedestrians.
  9. ~~6.~~ The Developer shall follow the 2007 Perimeter CID Public Standards for "Boulevards" for all lighting it installs in the public right-of-way.
  7. ~~In lieu of complying with the City of Dunwoody Tree Ordinance or the DeKalb County Tree Ordinance, Section 14-39 of the Code of DeKalb County, Developer shall comply with a Tree Preservation and Replacement Plan to be approved by the appropriate jurisdiction's arborist.~~
  10. ~~8.~~ All utilities shall be underground. All street lighting shall be installed with an underground feed.
  11. ~~9.~~ Developer shall follow the "Best Practice Management for Erosion Guidelines" and shall be particularly sensitive to erosion control along the property lines.
  12. ~~10.~~ Detention for the development Water Quality for this newly redeveloped portion of Sterling Pointe shall meet the minimum requirements of Georgia Stormwater Management Manual or the City of Dunwoody.
  13. ~~11.~~ All HVAC equipment located on the roofs of buildings shall be screened from the view of pedestrians on public right-of-way.
  14. ~~12.~~ Signs located at the entrances to the development shall be monument style signs and shall be externally lit.
  15. Parts of the Property may be conveyed as separate tracts and to separate owners with different ownership structures under the zoning plan.
  16. Should there be a conveyance of part of the property to different owners, all zoning conditions and variances shall remain applicable to any portion of the conveyed Property, regardless of what future person or entity owns the subdivided Property.
  17. Conveyance of part of the property to different owners shall not require any changes to the zoning plan for the Development nor any variances. The newly-created property lines which arise from these conveyances are not required to observe setback, buffer or other requirements provided the building layout for the project as a whole continues to comply substantially with the submitted plan and existing condition of the site.

At their regular March meeting, the Community Council heard the applicant's request to rezone the property from OCRC to OCRC and recommended approval of the request, as submitted. The motion passed 5 - 1 votes. Rick Callihan was the dissenting vote.

At a special called April meeting, the Planning Commission reviewed the item and made a motion to recommend approval of the rezoning with staff conditions. The motion passed 4 - 3 votes. Paul Player, Don Converse, and Bill Grossman were the dissenting votes.

### **Attachments**

- Location Map, Zoning Districts Map, Future Land Use Map
- Application Packet
  - March 2013 Traffic Study
- Right-of-Way Dedication Deed

**CITY OF DUNWOODY**  
**March 14, 2013**  
**COMMUNITY COUNCIL MINUTES**

The Community Council of the City of Dunwoody held a Meeting on March 14, 2013 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members:           Norb Leahy, Chairman  
                                   Rick Callihan, Vice Chairman  
                                   Claire Botsch, Community Council Member  
                                   Clayton Coley, Community Council Member  
                                   Tony Delmichi, Community Council Member  
                                   Sam Verniero, Community Council Member

Also Present:               Rebecca Keefer, City Planner  
                                   Christie Mager, Planning Coordinator  
                                   Lenny Felgin, City Attorney

A. CALL TO ORDER

**Clayton Coley called the meeting to order.**

**Sam Verniero introduced himself.**

B. ROLL CALL

**All members were present except Debbie Montgomery.**

C. MINUTES

1. Approval of Meeting Minutes from August 9, 2012 Community Council Meeting.

**Tony Delmichi noted an error in the voting distribution for RZ 12-101 and requested remediation.**

**The motion was voted and passed (5 - 0).**

**Council asked questions of staff about the presence of hard-copies and iPads for future meetings.**

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

1. Nominations for Chair and Vice Chairman.

**Tony Delmichi nominated Norb Leahy for Chairman, to serve until the first Community Council Meeting of 2014.**

**Motion died due to no second.**

**Council discussed deferring until next meeting.**

**Tony Delmichi motioned to hold a special called meeting on April 4, 2013**

**at 7 p.m. for the purpose of discussing Community Council rules and procedures, Sam Veniero seconded.**

**The motion was voted and passed (5 - 0).**

**Claire Botsch arrived to the meeting and Council decided to nominate Chair and Vice Chairman.**

**Tony Delmichi nominated Norb Leahy for Chairman, Rick Callihan seconded.**

**The motion was voted and passed (4 - 2). Claire Botsch and Clayton Coley dissented.**

**Norb Leahy nominated Tony Delmichi for Vice Chairman, Rick Callihan seconded.**

**The motion was voted and failed (2 - 4). Claire Botsch, Clayton Coley, Rick Callihan, and Sam Verniero were the dissenting votes.**

**Clayton Coley nominated Claire Botsch for Vice Chairman, Rick Callihan seconded.**

**The motion was voted and failed (3 - 3). Norb Leahy, Tony Delmichi, and Sam Verniero dissented.**

**Sam Verniero nominated Rick Callihan for Vice Chairman, Clayton Coley seconded.**

**The motion was voted and passed (4 - 2). Tony Delmichi and Norb Leahy were the dissenting votes.**

2. Zoning Code Rewrite Update.

**Rebecca Keefer provided an update on the Zoning Code Rewrite.**

**Council asked questions of staff.**

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. RZ 13-051: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Office-Commercial-Residential Conditional (OCRC) to Office-Commercial-Residential Conditional (OCRC) to allow for a change of previous conditions.

**Den Webb, attorney for Smith, Gambrell & Russell, LLP, introduced himself and Steve Smith, a member of the development team.**

**Mr. Webb introduced and spoke in favor of the application.**



**Council asked questions of applicant and staff.**

**Tony Delmichi motioned to admit new documents pertaining to the right-of-way and curb-cut on Ashford-Dunwoody Road, Norb Leahy seconded.**

**The motion was voted and passed (6 - 0).**

**Norb Leahy opened public comment.**

**Joe Seconder, resident at 2023 Woodland Way, spoke in opposition of application.**

**Mr. Webb responded.**

**Council asked questions of applicant and city attorney.**

**Norb Leahy closed the public comment.**

**Council Members asked questions of staff and the applicant.**

**Rick Callihan motioned to approve rezoning without curb-cut, Clayton Coley seconded.**

**The motion was voted and failed (2 – 4). Claire Botsch, Norb Leahy, Tony Delmichi, and Sam Verniero were the dissenting votes.**

**Tony Delmichi motioned to approve rezoning as it stands, Clayton Coley seconded.**

**The motion was voted and passed (5 – 1). Rick Callihan dissented.**

- 2. SLUP 13-051: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks a Special Land Use Permit for a change in the maximum allowable building height of two-stories to six-stories.

**Clayton Coley motioned to approve Special Land Use Permit, Tony Delmichi seconded.**

**The motion was voted and passed (6 – 0).**

- G. OTHER BUSINESS
- H. PUBLIC COMMENT
- I. COMMUNITY COUNCIL COMMENT
- J. ADJOURN

Approved by:

\_\_\_\_\_

Chairman

Attest:

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Secretary

**CITY OF DUNWOODY**  
**April 23, 2013**  
**PLANNING COMMISSION MINUTES**

The Planning Commission of the City of Dunwoody held a Special Called Meeting on April 23, 2013 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Bill Grossman, Chairman  
 Bob Dallas, Vice Chairman  
 Don Converse, Commission Member  
 Tom Dwyer, Commission Member  
 Renate Herod, Commission Member  
 Paul Player, Commission Member

Also Present: Steve Dush, Community Development Director  
 Rebecca Keefer, City Planner  
 Christie Mager, Planning Coordinator  
 Lenny Felgin, City Attorney

A. CALL TO ORDER

B. ROLL CALL

**All members were present.**

C. MINUTES

1. Approval of Meeting Minutes from September 11, 2012 Planning Commission Meeting.

**Commission Member Don Converse motioned to approve. Commission Member Tom Dwyer seconded.**

**The motion was voted and passed (5 - 0).**

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

1. Nominations for Chairman and Vice Chairman.

**Commission Member Paul Player motioned to approve Bill Grossman as Chairman. Commission Member Don Converse seconded.**

**The motion was voted and passed (6 - 0).**

**Commission Member Paul Player motioned to approve Bob Dallas as Vice Chairman. Commission Member Bill Grossman seconded.**

**The motion was voted and passed (6 - 0).**

2. Zoning Code Rewrite Update.

**Steve updated the Commission on the Zoning Code Rewrite.**

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. RZ 13-051: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Office-Commercial-Residential Conditional (OCRC) to Office-Commercial-Residential Conditional (OCRC) to allow for a change of previous conditions.

**Rebecca introduced the item and recommended approval of the rezoning with the 17 conditions as presented in the staff memo.**

**Bill Grossman opened the Public Hearing.**

**Den Webb, attorney for the applicant, spoke in favor of the application.**

**Stacey Harris, president of the Dunwoody Homeowner's Association (DHA), spoke in opposition of the application.**

**Linda Dunlavy, attorney for the DHA, spoke in opposition of the application. Ms. Dunlavy specifically spoke against the curb-cut on Ashford Dunwoody Road.**

**Commission Member Kirk Anders arrived at the meeting.**

**Joe Seconder, resident at 2023 Woodland Way, spoke in opposition of the application. Mr. Seconder spoke on the City's commitment of "Complete Streets" and promoted the use of bicycles.**

**Mr. Webb addressed opposition's concerns.**

**Bill Grossman closed the Public Hearing.**

**Members of the Commission asked questions of the staff, members of the opposition, applicant, and city attorney.**

**Commission Member Bob Dallas motioned to approve Rezoning with staff conditions. Commission Member Tom Dwyer seconded.**

**The motion was voted and passed (4 - 3). Paul Player, Don Converse, and Bill Grossman were the dissenting votes.**

2. SLUP 13-051: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks a Special Land Use Permit for a change in the maximum allowable building height of two-stories to six-stories.

**Staff introduced the item and recommended approval with one condition**

**as presented in the staff memo.**

**Bill Grossman opened the Public Hearing.**

**Den Webb spoke in favor of the application.**

**No one spoke in opposition.**

**Bill Grossman closed the Public Hearing.**

**Commission Member Bob Dallas motioned to approve. Commission Member Don Converse seconded.**

**The motion was voted and passed (7 - 0).**

G. OTHER BUSINESS

**Rebecca introduced new staff member, Christie Mager.**

H. PUBLIC COMMENT

**Joe Seconder spoke on the hazards of curb-cuts to bicycle safety.**

I. COMMISSION COMMENT

**Members of the Commission discussed final thoughts on the proposed development.**

J. ADJOURN

Approved by:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Secretary



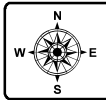
**303, 301, & 275  
Perimeter Center North**

RZ 13-051

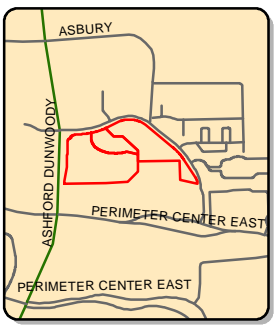
February 2013

**Legend**

- Street Centerlines
- Parcels



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PC-3c

C-1


**303, 301, & 275  
 Perimeter Center North**

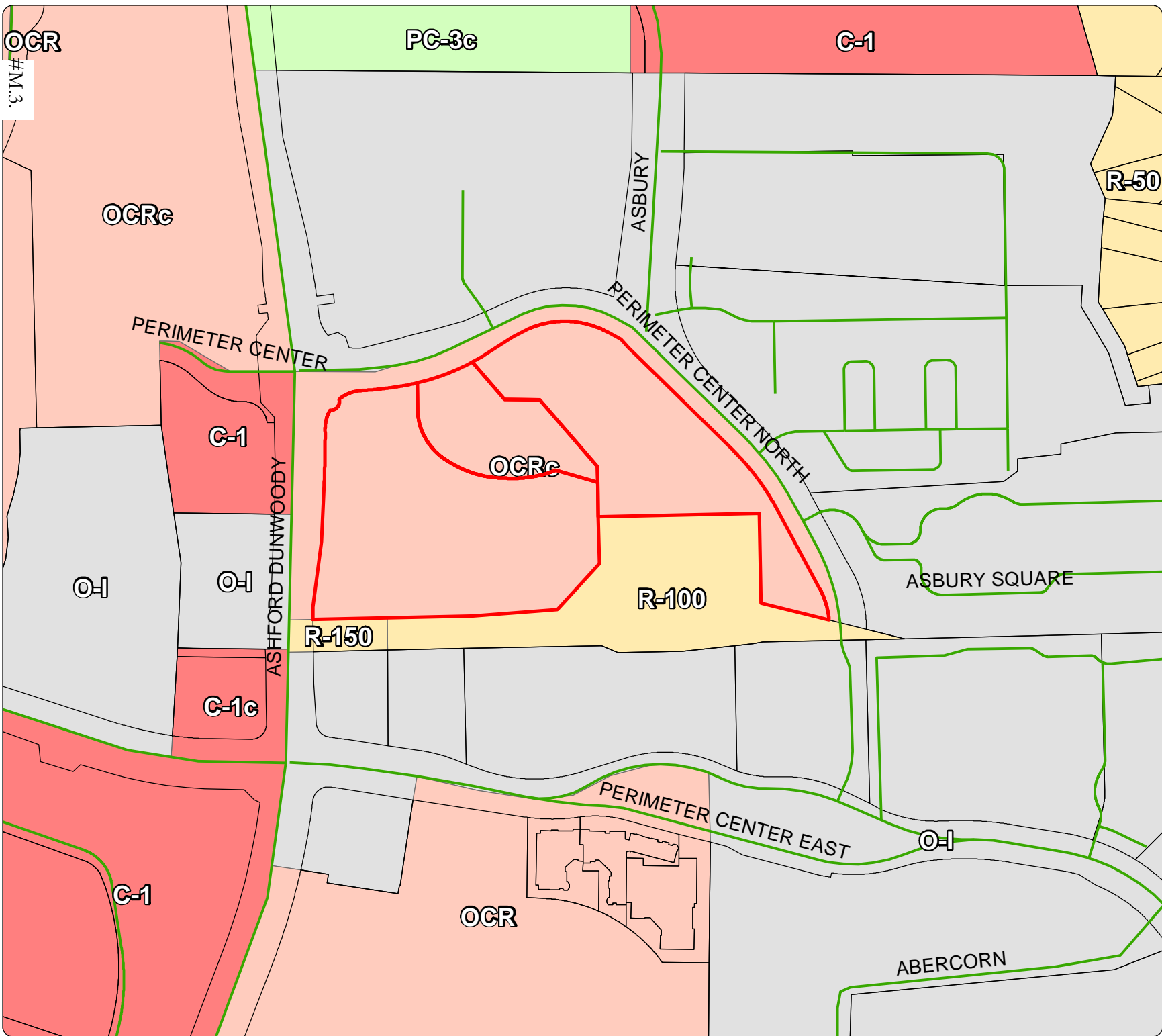
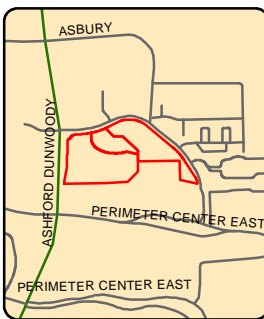
RZ 13-051

February 2013

**Legend**

-  Street Centerlines
-  Parcels
- City Zoning**
- DISTRICT**
-  General Commercial
-  Industrial
-  Local Commercial
-  Multi Family Residential
-  Multi-Family Residential
-  Neighborhood Shopping
-  Office-Commercial-Residential
-  Office-Distribution
-  Office-Institution
-  Office-Institution-Transitional
-  Pedestrian Community
-  Residential Community Development
-  Single Family Cluster Residential
-  Single Family Residential

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(1:3600)
















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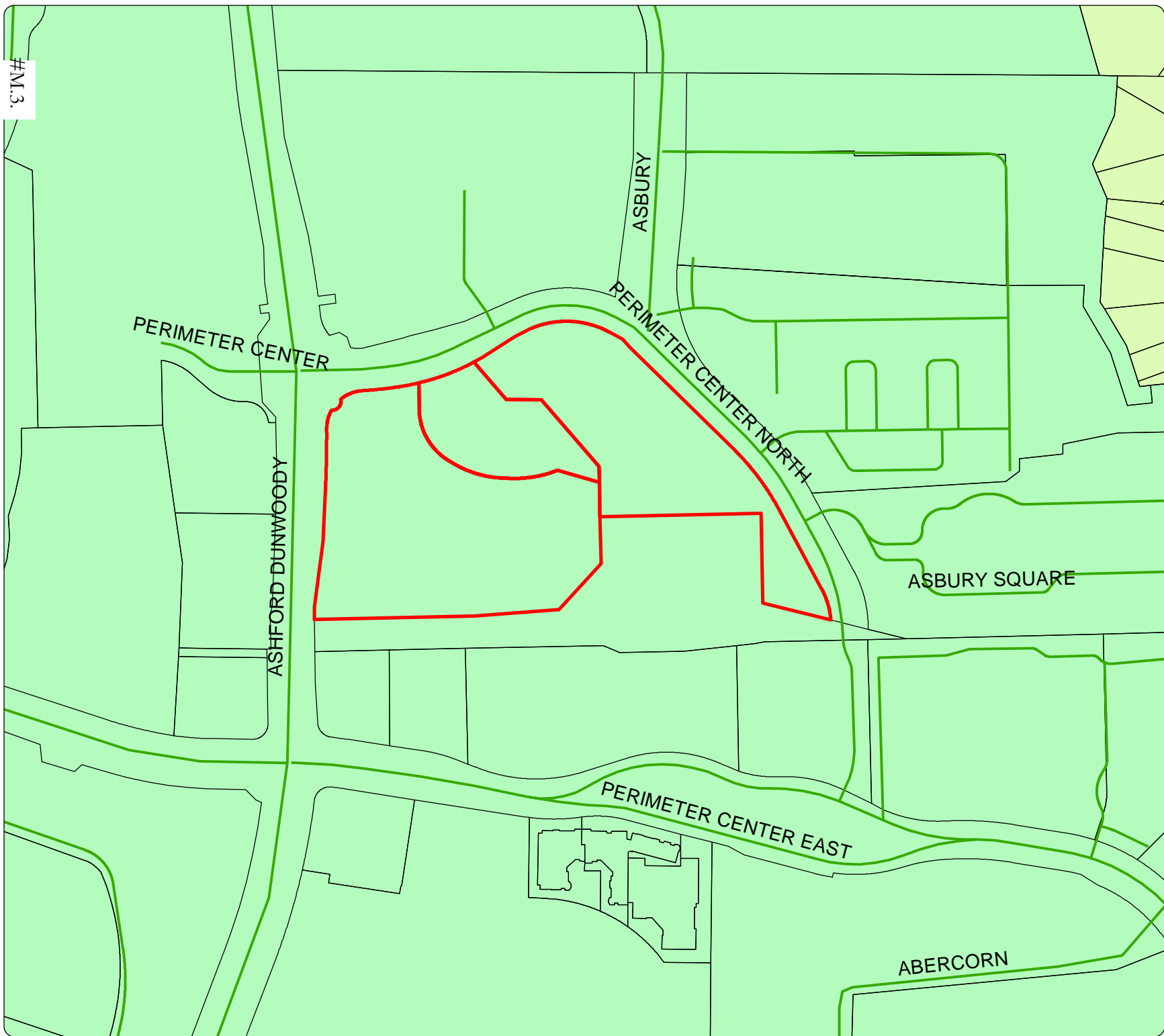
**303, 301, & 275  
 Perimeter Center North**


RZ 13-051

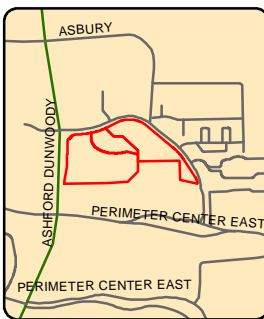
February 2013

**Legend**

-  Street Centerlines
-  Parcels
- Future Land Use**
- Name**
-  Community Facility/Water Treatment
-  Dunwoody Village
-  Georgetown-Shallowford Road
-  Institutional/Campus
-  Jett Ferry Gateway
-  Multi-Family/Mixed-Use
-  Office
-  Perimeter Center
-  Residential
-  Tilly Mill Gateway
-  Winters Chapel Redevelopment Area



 Scale: 1"=300'  
(1:3600)



-137-

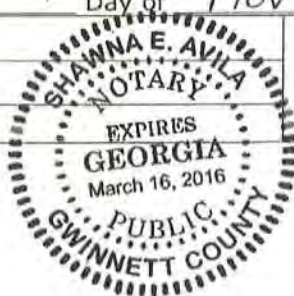


City of Dunwoody  
 41 Perimeter Center East  
 Dunwoody, GA 30346  
 Phone: (678) 382-6800  
 Fax: (770) 396-4828



**Rezoning Application**

<b>Applicant</b>	Name: <del>HDP Acquisitions, LLC /</del> Hotel Development Partners, LLC c/o Kathryn M. Zickert, Esq.	
	Address: 1230 Peachtree Street, NE., Ste. 3100, Atlanta, GA 30309	
	Phone: (404) 815-3704	Fax: (404)685-7004 Email: kmzickert@sgrlaw.com
<b>Property Owner</b>	Owner's Name: RB Sterling Point LLC	
	Owner's Address: P.O. Box 421185, Atlanta, GA 30342	
	Phone:	Fax: Email:
<b>Property Information</b>	Property Address: 301 and 275 Perimeter Center North	Parcel ID: 18-350-01-009, 011 and 170
	Current Zoning Classification: OCR	
	Requested Zoning Classification: OCR	
<b>Questionnaire</b>	1. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan? Yes. See attached analysis	
	2. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? Yes. See attached analysis	
	3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? Maybe. See attached analysis	
	4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No. See attached analysis	
	5. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? Yes. See attached analysis	
	6. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? No. See attached analysis	
	7. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No. See attached analysis	
<b>Affidavit</b>	<i>To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance.</i>	
	Applicant's Name: Hotel Development Partners, LLC c/o Kathryn M. Zickert, Esq.	Date:
	Applicant's Signature: <i>Kathryn M Zickert</i>	Date: 11-28-12
<b>Notary</b>	Sworn to and subscribed before me this 28 <sup>th</sup> Day of Nov, 2012	
	Notary Public: <i>Shawna E. Avila</i>	
	Signature: <i>Shawna E. Avila</i>	
	My Commission Expires: 3-16-16	







City of Dunwoody  
41 Perimeter Center East  
Dunwoody, GA 30346  
Phone: (678) 382-6800  
Fax: (770) 396-4828

### Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

<b>Applicant / Petitioner</b>	Signature:	Date: 2-19-13	
	Address: 3414 Peachtree Rd. #1075	City, State: Atl. GA	Zip: 30326
	Phone: 404-842-1422		
	Sworn to and subscribed before me this 19 <sup>th</sup> day of  , 20 13		
Notary Public:			
<b>Attorney / Agent</b>	Signature:	Date: 11-28-12	
	Address: 1230 Peachtree St., NE, Ste. 3100	City, State: Atlanta, GA	Zip: 30309
	Phone: (404) 815-3704		
	Sworn to and subscribed before me this 28 <sup>th</sup> day of Nov, 20 12		
Notary Public:			



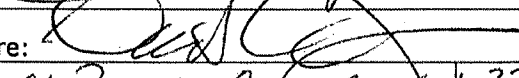

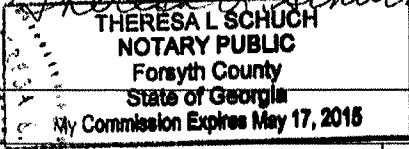




City of Dunwoody  
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Dunwoody, GA 30346  
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### Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. If additional materials are determined to be necessary, they understand that they are responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinances.


Property Owner (If Applicable)	Signature: 	Date: 12/3/2012	
	Address: 41 Perimeter Center East Suite 220	City, State: Atlanta, GA	Zip: 30346
	Phone: 404-965-1070	cell = 404 456 8401	
	Sworn to and subscribed before me this 3RD day of DECEMBER, 2012		
Property Owner (If Applicable)	Notary Public: 	Date:	
			
	Signature:	City, State:	Zip:
	Address:	Phone:	
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		
	Signature:	Date:	
	Address:	City, State:	Zip:
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		
	Signature:	Date:	
	Address:	City, State:	Zip:



City of Dunwoody  
41 Perimeter Center East  
Dunwoody, GA 30346  
Phone: (678) 382-6800  
Fax: (770) 396-4828

### Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?  YES  NO

<b>Applicant / Owner</b>	Signature: 
	Address: <i>64 Perimeter Center East, Atlanta GA 30346</i>
	Date: <i>2/28/13</i>

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount





City of Dunwoody  
41 Perimeter Center East  
Dunwoody, GA 30346  
Phone: (678) 382-6800  
Fax: (770) 396-4828

### Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?  YES  NO

<b>Applicant / Owner</b>	Signature: <i>[Signature]</i> HDP Acquisitions LLC, Hotel Development Partner, LLC
	Address: 3414 Peachtree Rd NE Ste 1075 Atlanta, GA 30326
	Date: 2/28/13

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount



City of Dunwoody  
41 Perimeter Center East  
Dunwoody, GA 30346  
Phone: (678) 382-6800  
Fax: (770) 396-4828

### Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?  YES  NO

<b>Applicant / Owner</b>	Signature: <u>Kathryn M Zickert</u> Kathryn M. Zickert
	Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309
	Date:

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount

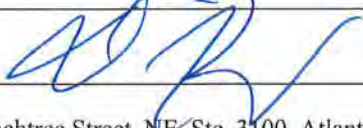




City of Dunwoody  
41 Perimeter Center East  
Dunwoody, GA 30346  
Phone: (678) 382-6800  
Fax: (770) 396-4828

### Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?  YES  NO

<b>Applicant / Owner</b>	Signature:  Dennis J. Webb, Jr.
	Address: 1230 Peachtree Street, NE, Ste. 3100, Atlanta, GA 30309
	Date: 2/22/13

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount





**STATEMENT OF INTENT**

and

**Other Material Required by  
The City of Dunwoody  
for the  
Modification of Conditions**

**of  
HDP Acquisitions LLC  
c/o Hotel Development Partners, LLC**

**For**

**± 11.53 Acres of Land  
located in  
Land Lot 350, 18<sup>th</sup> District, DeKalb County  
Address: 301 and 275 Perimeter Center North**

**Submitted for Applicant by:**

**Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Smith, Gambrell & Russell, LLP  
Promenade II Suite 3100  
1230 Peachtree Street, NE  
Atlanta, Georgia 30309  
404-815-3500**

## **I. INTRODUCTION**

The Applicant seeks a Modification of Conditions imposed by DeKalb County in Case Numbers Z-08-15025 and SLUP-08-15024 upon an 11.53 acre tract known as Sterling Point and located in the southeast quadrant of the intersection of Ashford-Dunwoody Road and Perimeter Parkway North (hereafter the "Subject Property"). Specifically, the Applicant seeks a modification of the site plan and conditions approved therein so as to allow for the development of a 134-room, six (6)-story hotel, a one (1)-story restaurant of up to 10,000 square feet, and two (2) one (1)-story retail structures of up to 4,500 square feet each, and a 1,400 square foot retail space.

The 2008 approvals contemplated similar uses, allowing for a ten (10)-story, 200 unit hotel and an 8,500 square foot free-standing restaurant. The current site plan re-orientes the location of the hotel on-site, increases the amount of restaurant space by potentially 1,500 square feet and increases the amount of retail space by up to 10,400 square feet. The previous site plan and conditions approved by DeKalb County in 2008 are attached as Exhibit A. The current proposed plan is attached as Exhibit B. All other provisions in the 2008 conditions of approval shall remain intact.

The Applicant is agreeable to self-imposed conditions of approval of this modification as follows:

### **A. Zoning Conditions**

1. The development shall substantially comply with the Site Plan dated January 30, 2013, prepared by McFarland-Dyer & Associates.
2. Curbcut access from Ashford-Dunwoody Road shall be restricted to a right-in/right-out turning movement.
3. Setbacks shall be measured from existing right-of-way, versus any future right-of-way which the City might demand incidental to development.

4. The development shall contain a hotel not to exceed eight (8)-stories with up to 134 rooms; an outparcel restaurant with up to 10,000 feet of space; additional outparcel retail space of no more than 10,400 square feet of space, an existing eight (8) story office building; an existing six (6)-story office building; an existing seven (7) level parking garage; and a new, one (1)-story parking deck. The total number of parking spaces shall not be less than 1,261.
5. One of the outparcels shall contain a bike rack.
6. Neon, gas, flashing, animated, sound emitting, or rotating signs are prohibited. The Developer shall follow the 2007 Perimeter CID Public Standards for "Boulevards" for all signs in the public right-of-way.
7. Developer will provide sidewalks along its property frontage along Ashford-Dunwoody Road and Perimeter Center North per PCID standards.
8. Outdoor seating shall be allowed in the front of the hotel and restaurant. Sidewalks adjacent to the area of outdoor seating shall have a minimum of eight (8)-foot wide clear walkways for pedestrians.
9. The Developer shall follow the 2007 Perimeter CID Public Standards for "Boulevards" for all lighting it installs in the public right-of-way.
10. All utilities shall be underground. All street lighting shall be installed with an underground feed.
11. Developer shall follow the "Best Practice Management for Erosion Guidelines" and shall be particularly sensitive to erosion control along the property lines.
12. Water Quality for this newly re-developed portion of Sterling Pointe development shall meet the minimum requirements of Georgia Stormwater Management Manual or the City of Dunwoody.
13. All HVAC equipment located on the roofs of buildings shall be screened from the view of pedestrians on public right-of-way.
14. Signs located at the entrances to the development shall be monument style signs and shall be externally lit.
15. Parts of the Property may be conveyed as separate tracts and to separate owners with different ownership structures under the zoning plan.
16. Should there be a conveyance of part of the property to different owners, all zoning conditions and variances shall remain applicable to any portion

of the conveyed Property, regardless of what future person or entity owns the subdivided Property.

17. Conveyance of part of the property to different owners shall not require any changes to the zoning plan for the Development nor any variances. The newly-created property lines which arise from these conveyances are not required to observe setback, buffer or other requirements provided the building layout for the project as a whole continues to comply substantially with the submitted plan and existing condition of the site.

**B. SLUP Condition:**

1. The total height of the development shall not exceed: (a) an existing six (6)-story office building; (b) an existing eight (8)-story office building; (c) an existing seven (7)-story parking garage; (d) a proposed hotel not to exceed eight (8) stories; (e) a proposed one (1)-story restaurant; (f) two (2) proposed one (1)-story retail buildings; (g) a proposed one (1)-story retail outlet attached to the hotel; and (h) a proposed two (2)-level parking deck.

**II. HISTORY**

This 11.53 acre tract originally was zoned O-I and developed as part of the Taylor and Mathis Plan for Perimeter Center for one six (6)-story office building, one eight (8)-story building, a seven (7)-story parking deck, and a surface parking lot with 512 spaces.

In 1998, a 3.45 portion of the property which faces Ashford-Dunwoody Road was zoned from OI to C-1 to allow for the development of two (2) restaurants along the Ashford-Dunwoody frontage. They were never developed.

In 2008, the entire tract was rezoned from O-I and C-1 to OCR per Z-08-15025. Further, a Special Land Use Permit was approved (SLUP-08-15024) to allow building heights of up to ten (10)-stories.

Both the 1996 and 2008 zoning approvals were conditioned upon substantial DHA input into the zoning process. DHA's focus then, as it remains today, was to make the site "pedestrian friendly" by orienting users close to Ashford-Dunwoody Road, creating outdoor seating and other gathering areas, and by providing substantial street scape treatment.

### III. ZONING IMPACT ANALYSIS

#### A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

This proposal is compliant with the City's Land Use Plan. Perimeter Center as a whole is designated as its own "Character Area" on the Dunwoody Comprehensive Plan. It is a regional center which is intended to contain first-class office, retail and restaurants in a pedestrian and bicycle-oriented environment. This particular tract, given its existing surface parking lot, expressly is denoted as a potential development opportunity within this regional setting.

There are a number of goals for the Perimeter Center Character Area which will be served by this project if approved:

- Encourage hotel and convention development near MARTA to foster commerce;
- Create bicycle and pedestrian options to connect with the rest of the City;
- Promote/establish new connectivity objectives set forth in the plan;
- Maximize use of existing infrastructure and minimize conversion of undeveloped land at the urban periphery;
- Alternatives to transportation by automobile, including mass transit, bicycle routes and pedestrian facilities should be made available in each community;
- Each region should promote and preserve a regional identity or sense of place; and
- The businesses encouraged to develop should be suitable in terms of job skills required, long-term sustainability, and linkages to other economic activities in the regions.

Finally, there are also land use policies and goals served by this project:

- Preserve character of existing residential neighborhoods;
- Encourage a mix of compatible land uses in future infill development;
- Promote walk-and-bike-ability;
- Promote conversion of surface parking to other land uses; and
- Promote reduction of parking minimums while setting maximums in commercial zones.

**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.**

This proposal contemplates additional hotel, restaurant and retail space in an area already designated for such uses. The conversion of surface parking into usable buildings is highly desirable and fully consistent with surrounding development patterns. The proposed height fits with the existing office buildings. Location of retail uses on Ashford-Dunwoody is also consistent, and improvement of pedestrian access is enhanced as well.

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The Applicant, on behalf of the owner of the Subject Property at issue in this rezoning Application, respectfully submits that the City of Dunwoody Zoning Ordinance, as amended from time to time and known as the "City of Dunwoody Zoning Ordinance," to the extent that it classifies the Subject Property in any zoning district which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Subject Property pursuant to the City of Dunwoody Zoning Ordinance deprives the owner of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the owner of any reasonable use and development of the Subject Property. Further, an attempt by the Mayor and City Council to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification, and any other zoning of the Property save for what has been requested by it as established in the City of Dunwoody Zoning Ordinance constitutes an arbitrary and unreasonable use of the zoning and police powers because it bears no substantial relationship to the public health, safety, morality, or general welfare of the public and substantially harms the Subject Property's owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Subject Property's owner. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, 1983, and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Mayor and City Council's failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious, and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia, 1983, and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.



A refusal to allow the development in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution, 1983.

Finally, the Applicant respectfully submits that the Mayor and City Council cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution, 1983.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.**

No. The Subject Property is located in the southeast intersection of Perimeter Center North and Ashford Dunwoody Road. To the north are midrise apartments zoned O-I. To the south is an R-150 strip of land used to access a Georgia Power substation which is zoned R-100. To the west of the site across Ashford-Dunwoody is C-1 property also developed for restaurant uses. The site is already zoned for this use although in a different configuration.

**E. Whether there is other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

This tract has 443 feet of frontage on Ashford Dunwoody Road, a principal arterial. It is already zoned for the same uses requested here. The proposal reinforces and promotes existing

mixed use activity centers which serve a regional market. Its proximity to the Dunwoody MARTA station allows easy mass transit access to the site via a hotel shuttle.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

No. To the applicant's knowledge this site does not contain historic buildings, chimney, farmhouses, remains of Spruill family residences or any specific archaeological resources. It is a surface parking lot.

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

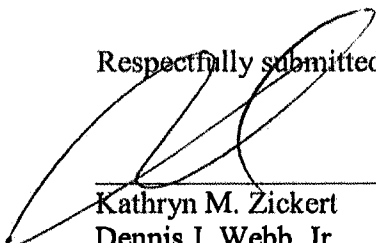
No. A full traffic study of the impact of the proposed right-in/right-out curbcut is being prepared and will be provided to the City. Utilities are available to serve the site. There will be no school-age children generated as a consequence of this development and therefore no impact on schools.

**IV. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Modification of Conditions of Approval at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Dunwoody so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 19<sup>th</sup> day of February, 2013.

Respectfully submitted,

  
\_\_\_\_\_  
Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Attorneys For Applicant

**COMPARISON OF APPROVED CONDITIONS OF ZONING (Z-08-15025)  
AND PROPOSED CONDITIONS OF ZONING**

1. ~~The Property will be developed similar to~~ development shall substantially comply with the Site Plan dated and revised October 29, 2008 (hereinafter the "Site Plan") ~~January 30, 2013, prepared by McFarland-Dyer & Associates.~~
2. Curbside access from Ashford-Dunwoody Road shall be restricted to a right-in/right-out turning movement.
3. Setbacks shall be measured from existing right-of-way, versus any future right-of-way which the City may demand incidental to development.
4. ~~2- The total density of the development shall contain a hotel not exceed: (1) to exceed eight (8) stories with up to one hundred thirty-four (134) rooms; an outparcel restaurant with up to 10,000 square feet of space; additional outparcel retail space of no more than 10,400 square feet of space; an existing eight (8) story office building; an existing six (6) story office building; (2) an existing eight (8) story office building; (3) an existing seven (7) level parking garage; (4) a proposed ten (10) story hotel; (5) a proposed free-standing restaurant; and (6) a proposed two (2) level parking deck. In addition, the height of the hotel shall be a minimum of three stories. If the proposed development reaches the maximum of the proposed 8,500 square foot free-standing restaurant, the proposed 200 room hotel, and the existing office buildings, the total number of parking spaces being provided shall not be less than 1,118. and a new, one (1) level parking deck. The total number of parking spaces may be reduced proportionally if the square footage of the development is reduced.~~ shall not be less than 1,261.
5. One of the outparcels shall contain a bike rack.
6. ~~3- Neon, gas, flashing, animated, sound emitting, or rotating signs are prohibited. The Developer shall follow the 2007 Perimeter CID Public Standards for "Boulevards" for all signs in the public right of way.~~
7. ~~4- Developer will provide sidewalks along its property frontage along Ashford-Dunwoody Road and Perimeter Center North per PCID standards.~~
8. ~~5- Outdoor seating shall be allowed in the front of the hotel and restaurant. Sidewalks adjacent to the area of outdoor seating shall have a minimum of six (6) foot wide clear walkways for pedestrians.~~
9. ~~6- The Developer shall follow the 2007 Perimeter CID Public Standards for "Boulevards" for all lighting it installs in the public right of way.~~
7. ~~In lieu of complying with the City of Dunwoody Tree Ordinance or the DeKalb County Tree Ordinance, Section 14-39 of the Code of DeKalb County, Developer shall comply with a Tree Preservation and Replacement Plan to be approved by the appropriate jurisdiction's arborist.~~
10. ~~8- All utilities shall be underground. All street lighting shall be installed with an underground feed.~~
11. ~~9- Developer shall follow the "Best Practice Management for Erosion Guidelines" and shall be particularly sensitive to erosion control along the property lines.~~
12. ~~10- Detention for the development~~ Water Quality for this newly redeveloped portion of Sterling Pointe shall meet the minimum requirements of Georgia Stormwater Management Manual or the City of Dunwoody.

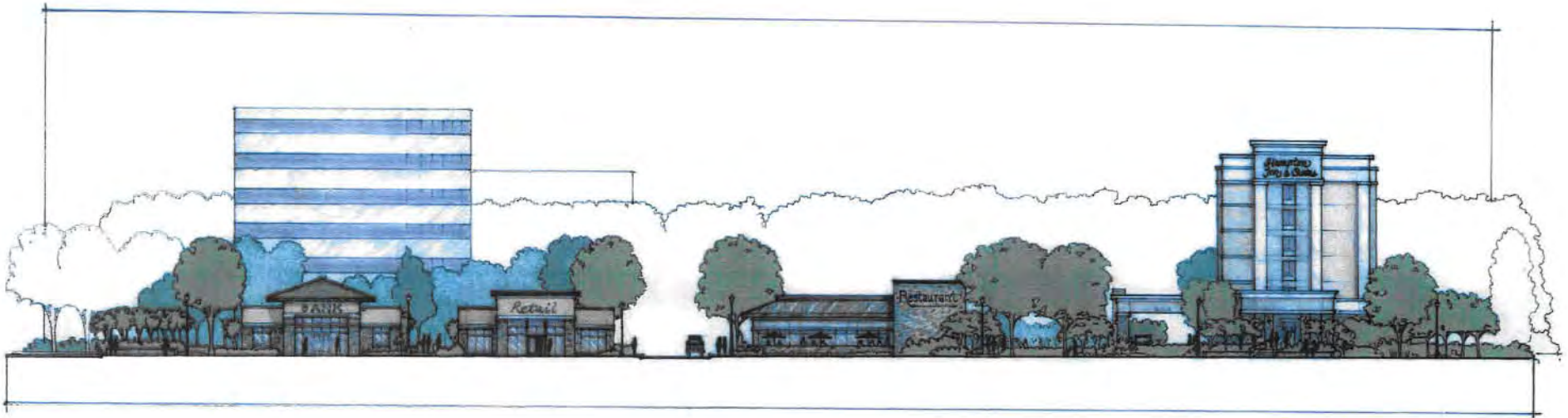
13. ~~11.~~ All HVAC equipment located on the roofs of buildings shall be screened from the view of pedestrians on public right-of-way.
14. ~~12.~~ Signs located at the entrances to the development shall be monument style signs and shall be externally lit.
15. Parts of the Property may be conveyed as separate tracts and to separate owners with different ownership structures under the zoning plan.
16. Should there be a conveyance of part of the property to different owners, all zoning conditions and variances shall remain applicable to any portion of the conveyed Property, regardless of what future person or entity owns the subdivided Property.
17. Conveyance of part of the property to different owners shall not require any changes to the zoning plan for the Development nor any variances. The newly-created property lines which arise from these conveyances are not required to observe setback, buffer or other requirements provided the building layout for the project as a whole continues to comply substantially with the submitted plan and existing condition of the site.

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7/28/13 PC

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-157-



STERLING POINTE  
 DUNWOODY, GEORGIA  
 11.26.2012



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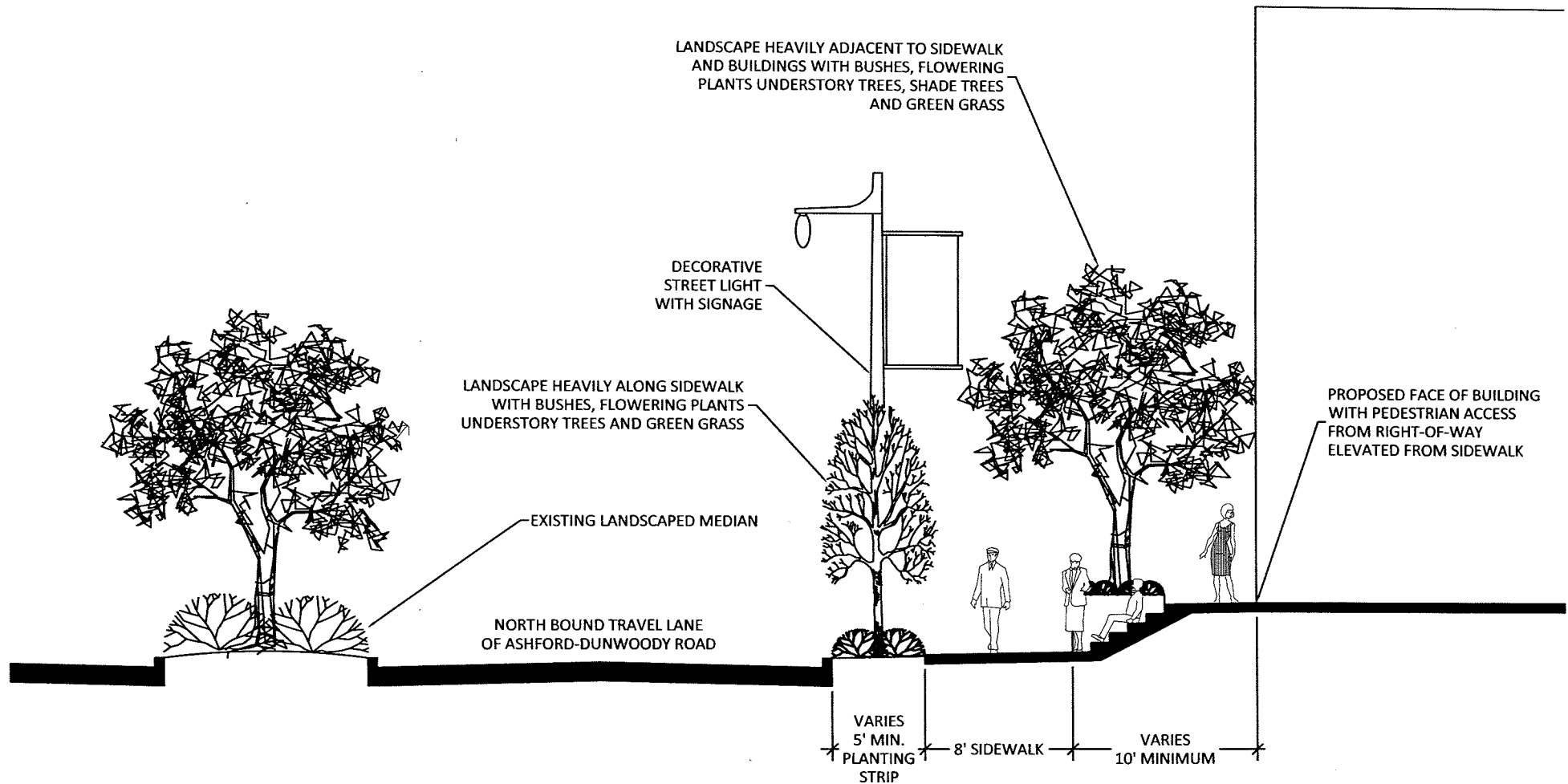
STERLING POINTE  
DUNWOODY, GEORGIA



11.26.2012

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2/28/13 DC

-159-



# STERLING POINTE

## REZONING SITE PLAN - STREET CROSS SECTION

PERIMETER CENTER NORTH, DUNWOODY, GEORGIA  
FEBRUARY 28, 2013

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2/28/13



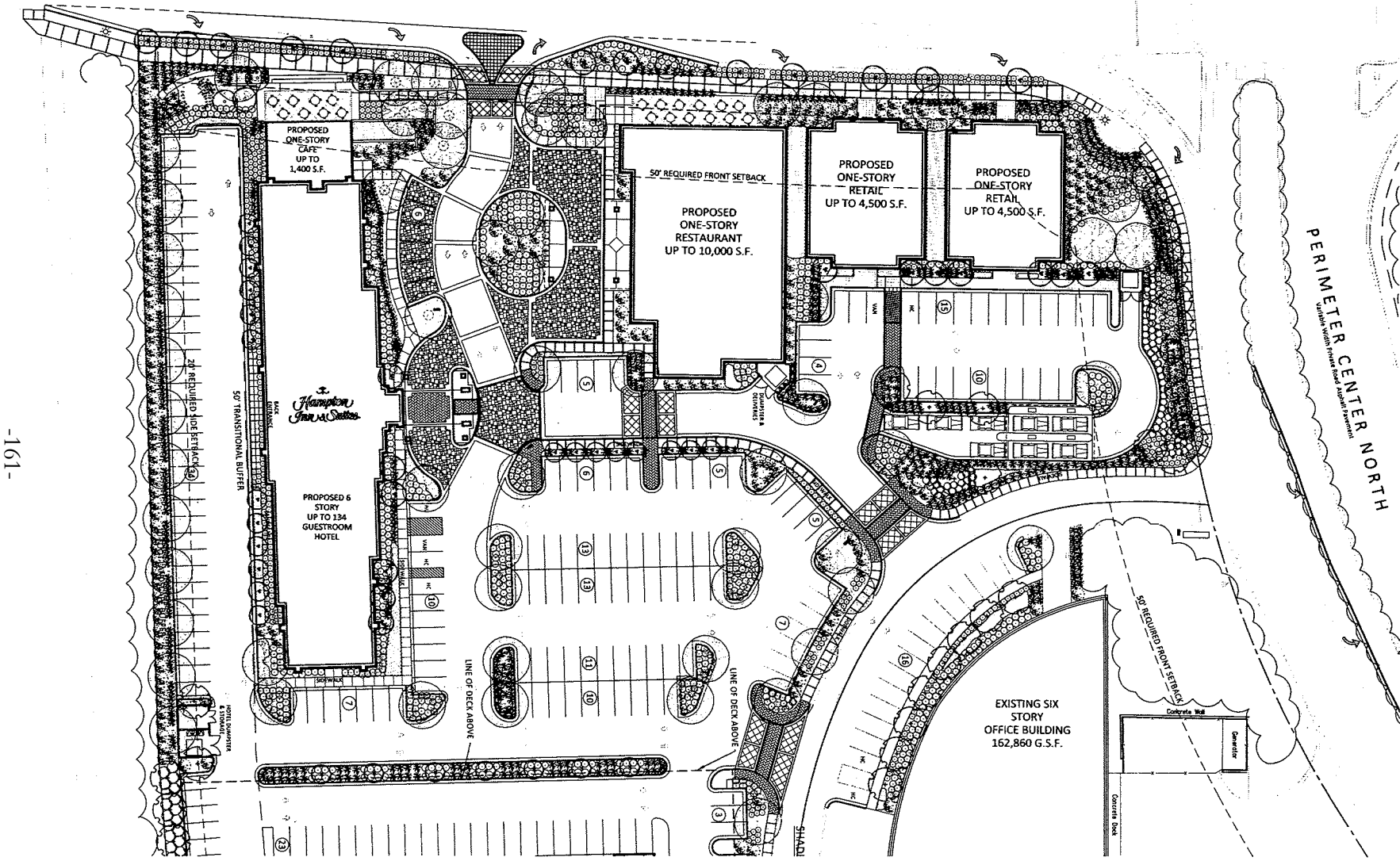
MCFARLAND-DYER & ASSOCIATES  
4174 SILVER PEAK PARKWAY, SUWANEE, GEORGIA 30024  
PHONE (770) 932-6550 FAX (770) 932-6551  
WWW.GOMDA.NET

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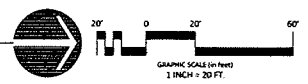
ASHFORD-DUNWOODY ROAD  
120' Public Right of Way, Asphalt Pavement



LEGEND	
STREET LIGHT POLE	
STREET TREE	
SHADE TREE	
UNDERSTORY TREE	
LOW SHRUBBERY	
SHRUBBERY	
GROUND COVER	
SOD / GRASS	

-161-

**STERLING POINTE**  
**LANDSCAPE ARCHITECTURAL CONCEPT**  
 PERIMETER CENTER NORTH, DUNWOODY, GEORGIA  
 FEBRUARY 28, 2013



RECEIVED  
 2/28/13

**MDA**  
 MCFARLAND-DYER & ASSOCIATES  
 474 S.W. 14th PL., SUITE 200, MIAMI, FL 33135  
 PHONE: (770) 972-4550 FAX: (770) 972-4551  
 WWW.COMDANEI

#M1.3

**LEGAL DESCRIPTION:**

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 350 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE CORNER COMMON TO LAND LOTS 347, 348, 349 & 350, THENCE ALONG THE SOUTH LINE OF LAND LOT 350, BEING ALSO THE NORTH LINE OF LAND LOT 347, SOUTH 89 DEGREES 53 MINUTES 41 SECONDS EAST (S89°53'41"E) A DISTANCE OF 246.90' TO A POINT; THENCE CONTINUING ALONG THE SOUTH LINE OF LAND LOT 350, NORTH 88 DEGREES 39 MINUTES 19 SECONDS EAST (N88°39'19"E) A DISTANCE OF 39.56' TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF ASHFORD-DUNWOODY ROAD (120' FT PUBLIC R/W); THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ASHFORD-DUNWOODY ROAD NORTH 00 DEGREES 47 MINUTES 41 SECONDS WEST (N00°47'41"W) A DISTANCE OF 74.90' TO A #4 REBAR SET, SAID POINT BEING THE TRUE POINT-OF-BEGINNING, (P.O.B.); THENCE TURNING AND CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ASHFORD-DUNWOODY ROAD NORTH 02 DEGREES 13 MINUTES 21 SECONDS EAST (N02°13'21"E) A DISTANCE OF 28.65' TO A CONCRETE MONUMENT FOUND; THENCE TURNING AND CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ASHFORD-DUNWOODY ROAD NORTH 07 DEGREES 01 MINUTES 08 SECONDS EAST (N07°01'08"E) A DISTANCE OF 153.50' TO A #5 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ASHFORD-DUNWOODY ROAD NORTH 02 DEGREES 05 MINUTES 35 SECONDS EAST (N02°05'35"E) A DISTANCE OF 128.50' TO A #5 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ASHFORD-DUNWOODY ROAD, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2606.84' AND ARC LENGTH OF 132.86' BEING SUBTENDED BY A CHORD BEARING NORTH 00 DEGREES 49 MINUTES 19 SECONDS EAST (N00°49'19"E) A CHORD DISTANCE OF 132.84' TO A #4 REBAR SET FOR A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PERIMETER CENTER NORTH (VARIABLE R/W - PRIVATE ROAD); THENCE TURNING AND CONTINUING ALONG THE SOUTHERLY LINE OF PERIMETER CENTER NORTH ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 89.04' AND ARC LENGTH OF 46.01' BEING SUBTENDED BY A CHORD BEARING NORTH 14 DEGREES 09 MINUTES 42 SECONDS EAST (N14°09'42"E) A CHORD DISTANCE OF 45.50' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF PERIMETER CENTER NORTH ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 89.04' AN ARC DISTANCE OF 46.05' BEING SUBTENDED BY A CHORD BEARING NORTH 43 DEGREES 47 MINUTES 44 SECONDS EAST (N43°47'44"E) A CHORD DISTANCE OF 45.54 FEET TO A POINT; THENCE TURNING AND

CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF PERIMETER CENTER NORTH ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00' AND ARC LENGTH OF 38.85' BEING SUBTENDED BY A CHORD BEARING NORTH 69 DEGREES 17 MINUTES 57 SECONDS EAST (N69°17'57"E) A CHORD DISTANCE OF 33.02' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF PERIMETER CENTER NORTH ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 89.04' AN ARC DISTANCE OF 9.78' BEING SUBTENDED BY A CHORD BEARING NORTH 83 DEGREES 07 MINUTES 52 SECONDS EAST (N83°07'52"E) A CHORD DISTANCE OF 9.77 FEET TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF PERIMETER CENTER NORTH ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 916.03' AND ARC LENGTH OF 94.04' BEING SUBTENDED BY A CHORD BEARING NORTH 83 DEGREES 20 MINUTES 47 SECONDS EAST (N83°20'47"E) A CHORD DISTANCE OF 94.00' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF PERIMETER CENTER NORTH ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 536.12' AN ARC LENGTH OF 205.62' BEING SUBTENDED BY A CHORD BEARING NORTH 69 DEGREES 25 MINUTES 13 SECONDS EAST (N69°25'13"E) A CHORD DISTANCE OF 204.36' TO A #5 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE NORTH 57 DEGREES 05 MINUTES 28 SECONDS EAST (N57°05'28"E) A DISTANCE OF 82.18' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE NORTH 62 DEGREES 52 MINUTES 26 SECONDS EAST (N62°52'26"E) A DISTANCE OF 41.34' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 210.18', AN ARC LENGTH OF 188.89' AND BEING SUBTENDED BY A CHORD BEARING SOUTH 87 DEGREES 45 MINUTES 18 SECONDS EAST (S87°45'18"E) A CHORD DISTANCE OF 182.60' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 62 DEGREES 10 MINUTES 32 SECONDS EAST (S62°10'32"E) A DISTANCE OF 35.00' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 42 DEGREES 35 MINUTES 30 SECONDS EAST (S42°35'30"E) A DISTANCE OF 25.95' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 45 DEGREES 46 MINUTES 29 SECONDS EAST (S45°46'29"E) A DISTANCE OF 338.31' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 441.96', AN ARC LENGTH OF 17.60' AND BEING SUBTENDED BY A CHORD BEARING SOUTH 45 DEGREES 04 MINUTES 15 SECONDS EAST (S45°04'15"E) A CHORD DISTANCE OF 17.60' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 581.00', AN ARC LENGTH OF 156.56' AND BEING SUBTENDED BY A CHORD BEARING SOUTH 36 DEGREES 20

MINUTES 18 SECONDS EAST (S36°20'18"E) A CHORD DISTANCE OF 156.09' TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 28 DEGREES 34 MINUTES 05 SECONDS EAST (S28°34'05"E) A DISTANCE OF 209.99' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 188.29, AN ARC LENGTH OF 77.71' AND BEING SUBTENDED BY A CHORD BEARING SOUTH 16 DEGREES 56 MINUTES 58 SECONDS EAST (S16°56'58"E) A CHORD DISTANCE OF 77.16' TO A #4 REBAR FOUND; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY LINE AND CONTINUING ALONG THE LINE OF NOW OR FORMERLY GEORGIA POWER NORTH 76 DEGREES 07 MINUTES 10 SECONDS WEST (N76°07'10"W) A DISTANCE OF 163.18' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG SAID LINE NORTH 01 DEGREES 24 MINUTES 31 SECONDS WEST (N01°24'31"W) A DISTANCE OF 208.98' TO A CONCRETE MONUMENT FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 88 DEGREES 29 MINUTES 24 SECONDS WEST (S88°29'24"W) A DISTANCE OF 374.77' TO A CONCRETE MONUMENT FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 01 DEGREES 26 MINUTES 02 SECONDS EAST (S01°26'02"E) A DISTANCE OF 108.83' TO A #5 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 41 DEGREES 58 MINUTES 54 SECONDS WEST (S41°58'54"W) A DISTANCE OF 145.39' TO A POINT; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 85 DEGREES 22 MINUTES 04 SECONDS WEST (S85°22'04"W) A DISTANCE OF 196.89' TO A CRIMPED TOP FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 88 DEGREES 39 MINUTES 19 SECONDS WEST (S88°39'19"W) A DISTANCE OF 372.59' TO A #4 REBAR SET; SAID POINT BEING THE POINT-OF-BEGINNING, (P.O.B.)

**SAID TRACT CONTAINING 11.53 ACRES OR 502,065 SQUARE FEET.**



4174 Silver Peak Parkway, Suwanee, GA 30024

OFFICE: 770-932-6550 FAX: 770-932-6551 [www.gomda.net](http://www.gomda.net)

November 9, 2012

RB Sterling Point, LLC  
PO Box 421185  
Atlanta, GA 30342

**Subject: Pre-Submittal Community Meeting Notice for Sterling Point Development**

Dear Property Owner:

Hotel Development Partners invites you to join them for an informational presentation of the proposed infill amendments to the Sterling Point Development located at Ashford Dunwoody Road NE and Perimeter Center North. The Pre-Submittal Community Meeting will introduce the proposed amendments to the current zoning and site plan of the Sterling Point Development.

The Pre-Submittal Community Meeting will be held Wednesday, November 28, 2012 at 7:00 p.m. at the Sterling Point Conference Room at 301 Perimeter Center North, Atlanta, GA 30346.

If you have any questions prior to the meeting, please feel free to contact me via the below contact information.

We look forward to seeing you and discussing the infill development proposed for Sterling Point.

Sincerely,

Guy Herring

McFARLAND-DYER & ASSOCIATES, INC.  
Guy W. Herring, Director of Planning  
4174 Silver Peak Parkway  
Suwanee, Georgia 30024  
O. 770-932-6550  
F. 770-932-6551  
[gherring@gomda.net](mailto:gherring@gomda.net)

LAND PLANNERS • LANDSCAPE ARCHITECTS • CIVIL ENGINEERS  
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	0 PO BOX 617905	.		CHICAGO	IL	60661-7905	PERIMETER MALL LLC
	0 PO BOX 450233	.		ATLANTA	GA	31145-0233	PCE LP
	0 PO BOX 421185	.		ATLANTA	GA	30342-8185	RB TERRACES LLC
	0 PO BOX 182571	.		COLUMBUS	OH	43218-2571	MCDONALDS USA LLC
	400 NORTHCREEK	.	100	ATLANTA	GA	30327	NF PARK PLACE CENTER LP
	1801 PEACHTREE	ST	NE 225	ATLANTA	GA	30309-1884	METROPOLITAN III LLC
	10461 WESTPARK	DR		HOUSTON	TX	77042-5314	B A PERIMETER PARTNERSHIP LTD
	241 RALPH MCGILL	BLVD	NE	ATLANTA	GA	30308-3374	GEORGIA POWER CO
	0 PO BOX 421185	.		ATLANTA	GA	30342-8185	RB STERLING POINTE LLC
	3490 PIEDMONT	RD	NE 1550	ATLANTA	GA	30305-4800	BANK FIDELITY
	10461 WESTPARK	DR		HOUSTON	TX	77042-5314	B A PERMITER PARTNERSHIP LTD
	0 PO BOX 421185	.		ATLANTA	GA	30342-8185	RB STERLING POINTE LLC
	0 PO BOX 450233	.		ATLANTA	GA	31145-0233	PCE LP
	0 PO BOX 421185	.		ATLANTA	GA	30342-8185	RB STERLING POINTE LLC
	3625 CUMBERLAND	BLVD	SE 420	ATLANTA	GA	30339-3391	PARK PLACE OWNERHSIP LLC
	1801 PEACHTREE	ST	NE 225	ATLANTA	GA	30309-1884	METROPOLITAN LLC
	3625 CUMBERLAND	BLVD	SE 430	ATLANTA	GA	30339-3391	ASHFORD PARK LLC
	0 PO BOX 14019	.		SCOTTSDALE	AZ	85267-4019	STARWOOD ATLANTA LLC
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	0 PO BOX 182571	.		COLUMBUS	OH	43218-2571	MCDONALDS USA LLC
	0 PO BOX 961025	.		FORT WORTH	TX	76161-0025	FIRST STATES INVESTORS 4000B
	3625 CUMBERLAND	BLVD	SE 420	ATLANTA	GA	30339-3391	PARK PLACE OWNERSHIP LLC



### Wildcats, from page 8

field goal before the half. Kicker Hayes Davidson converted his second field goal of the game from 22 yards away, maintaining his 100 percent accuracy mark for the season, to make the score 6-6 at the half.

"We have struggled all season long finishing drives with touchdowns" said junior receiver Max Woodburn, who led the Wildcats with over 100 yards receiving and a touchdown. "We were forced to kick field goals when we needed crucial touchdowns, and it ended up costing us."

The Panthers opened the second half scoring by going on a 60 yard drive capped off

by a 6-yard touchdown run by running back Roman Coats to give the Panthers 13-6 lead, which they would never relinquish.

The Wildcats responded to the Panther touchdown by connecting on their longest play of the game. Quarterback Ryan Gaines hooked up with Woodburn for a 56 yard touchdown pass, and after a botched snap on the extra point, made the score 13-12 early in the third quarter.

After the Wildcat touchdown the Panthers rattled off three unanswered touchdowns to end the threat of a Wildcat upset bid. Running back Roman Coats and Clayton

Davenport each scored their second touchdowns of the game, and a Panther defensive end, Lafayette Kemp, recovered a bad snap on a Wildcat punt attempt and returned it 20 yards for a touchdown, to make the final score 33-12.

"Our record, obviously, was not what anybody wanted," said the Wildcats coach, Jim Showfety. "However, I think our kids continued to play with heart the entire season. They never quit. The returning players will benefit from this years' experience more than they realize. I'm proud of our kids, and I'm grateful for the hard work put in by our coaching staff."

### Light Up, from page 1

This year, enjoy entertainment beginning at 3 p.m. from the Mt. Vernon Middle School chorus, Atlanta Jazz Theatre Dance Company, Once Upon a Ballet, the Dunwoody United Methodist Youth Choir and more.

Watch your child's smile 'light up' as they make reindeer hats with Reising Orthodontics, drink hot chocolate with the Dunwoody Nature Center, decorate cookies and make cards for service men and women with the Dunwoody Preservation Trust, and get their face painted by the Dunwoody Homeowners' Association.

'Light up' another child's

smile by bringing a toy to donate to the Dunwoody Police toy drive for Christmas Kids. Toys for all ages are welcome, with a special need for ages 10-12.

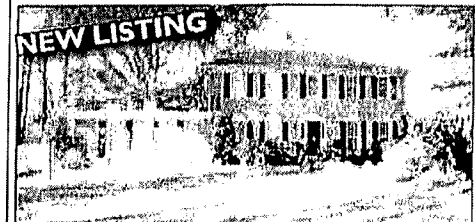
Bring your camera to top the night off with a picture with Santa and his reindeer and enjoy refreshments from vendors and food trucks.

Following the performances, chosen community volunteers Jim Redovian and Penny Fornan, along with the Dunwoody High School girls' and boys' cross country teams, will pull the switches that will light up the tree and the heart of Dunwoody as the community joins to sing "The First Noel" and "We Wish

You a Merry Christmas."

Join your neighbors and friends at this charming event as we celebrate the beginning of the holiday season this Sunday, Nov. 18, at 3 p.m.

## Open House Sunday, Nov 18 2 - 5 pm



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## PRE-SUBMITTAL COMMUNITY MEETING NOTICE FOR THE PUBLIC

Hotel Development Partners, LLC will hold an informational meeting on Wednesday, November 28, 2012 at 7:00 p.m. at the Sterling Point Conference Room at 301 Perimeter Center North, Atlanta, GA 30346 for the purpose of a City of Dunwoody required Pre-Submittal Community Meeting. The purpose of the meeting will be to introduce to neighboring property owners the proposed changes to the Sterling Point Development. All interested neighboring property owners are encouraged to attend.

### Vote, from page 1

mayor's race.

Davis, an attorney, is the son of the late state Rep. Max Davis (R-north DeKalb).

Murray hailed her endorsements by Eyre and by Deborah Anthony, who received 17 percent of the votes in District 3, failing to make the runoff. Davis, of course, can claim the endorsements of Jacobs, state Sen. Fran Millar, state Rep. Tom Taylor and DeKalb Commissioner Elaine Boyer.

In District 1, north of Windsor Parkway to Interstate 285, Rebecca Chase Williams led a five-candidate field with 45.2 percent of the vote. Edging into the runoff with her is Kevin Fitzpatrick, an attorney and former counsel for airline pilots' unions who won 19.4 percent. Williams is a retired national correspondent for ABC News, small business owner and reporter for The Crier.

She announced Monday that the third-place finisher, Alan Cole (18.6 percent) has endorsed her. Cole promised to work actively in her campaign.

"Rebecca Chase Williams is the best choice for our new city and I offer my full endorsement of her campaign," Cole said. "I am urging all of my supporters to cast their votes for Rebecca Chase Williams on December 4th, and anyone who has one of

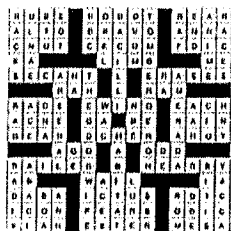
Rebecca's signs in their yards to keep them out for a few more weeks until the runoff."

Williams said Cole offered to replace his signs with hers and offered to send a recorded message of his endorsement.

Fitzpatrick and Williams are seeking the endorsement of Kevin Meaders who ran fourth in the race with 12 percent of the vote. Fitzpatrick was endorsed in an automated call before the election by former Gov. Roy Barnes.

In District 3, the southwestern part of the city that includes Historic Brookhaven, Bates Mattison (21.2 percent) faces Kevin Quirk (20.97 percent). They ran in a nine-candidate field.

In the city's southernmost district, running down to Interstate 85, Joe Gebbia (39.7 percent) squares off against Karen Lord (34.3 percent). A third candidate, Kerry Witt, obtained 25.9 percent.



Legal Advertisement

### Public Notice

Notice is hereby given of a variance requested under Provisions of O.C.G.A. 12-7-6(15) by Wellington Place Condominium Association, Inc., Dunwoody, Georgia, which has been submitted to the Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch.

The variance requested is to temporarily encroach within the 25-foot state waters buffer under the Georgia Erosion and Sedimentation Act, O.C.G.A. 12-7-1 et seq. to accomplish a construction project. The project involves the stabilization of an eroded section of stream bank along Nancy Creek and involves the installation of vegetated rip rap along approximately 35 linear feet of Nancy Creek.

The project site is located as follows: From I-285 East, take Exit 30 Chamblee-Dunwoody Road/N. Peachtree Road, turn left on Chamblee-Dunwoody Road, turn right on Cotillion Drive, turn left on N. Shallowford Road, turn right on Pernoshal Court. The project is at the end of Pernoshal Court. The nearest condo unit to the project site is 2262 Pernoshal Court.

Site plans may be reviewed at the office of Ray Engineering, Inc., whose address is 3985 Steve Reynolds Blvd, Building A, Norcross, GA 30093, Attn. Georgia Matkovic. Please call (770) 923-1122 in advance to schedule an appointment.

Written comments should be submitted within the next 30 days to the Program Manager, NonPoint Source Program, Erosion and Sedimentation Control Unit, 4220 International Parkway, Suite 101, Atlanta, GA 30354.

PRE-SUBMITTAL COMMUNITY MEETING NOTICE FOR THE PUBLIC  
Hotel Development Partners, LLC will hold an informational meeting on  
Wednesday, November 28, 2012 at 7:00 p.m. at the Sterling Point  
Conference Room at 301 Perimeter Center North, Atlanta, GA 30346  
for the purpose of a City of Dunwoody required Pre-Submittal  
Community Meeting. The purpose of the meeting will be to introduce  
to neighboring property owners the proposed changes to the Sterling  
Point development. All interested neighboring property owners are  
encouraged to attend.

# **TRAFFIC IMPACT ANALYSIS**

## **STERLING POINTE DEVELOPMENT**

### **Hotel, Bank, Restaurant & Retail**

**Prepared By:  
GCA, Inc.  
1800 Peachtree Street, NW  
Suite 825  
Atlanta, Georgia 30309  
404-355-4010**

**Prepared For:  
Hotel Development Partners, LLC  
3414 Peachtree Road NE  
Suite 1075  
Atlanta, GA. 30326  
404-842-1422**



**February 2013**

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### **Introduction**

The purpose of this study is to evaluate the traffic impact of the proposed new development of Sterling Pointe in Dunwoody, Georgia. The site, located in the southeast quadrant of the intersection of Ashford Dunwoody Road and Perimeter Center North, is presently occupied by a 512-space surface parking lot. It is anticipated that the new development proposed by Hotel Development Partners, LLC includes a 134-room hotel with a 1,400 square foot café, a 10,000 square foot restaurant, 4,500 square feet of free-standing retail space, and either a 4,500 square foot bank or another 4,500 square feet of free-standing retail space. The proposed development will consist of 1,261 surface and deck parking spaces, which will serve the proposed development as well as two existing office buildings adjacent to the site of the proposed development.

### **Study Area**

After consultation with City of Dunwoody traffic engineering staff, the following streets and intersections were included in the traffic impact study:

- Ashford Dunwoody Road and Perimeter Center North/Perimeter Center Terrace
- Ashford Dunwoody Road and Perimeter Center East/West
- Ashford Dunwoody Road between Perimeter Center North/Perimeter Center Terrace and Perimeter Center East/West
- Perimeter Center North, east of Ashford Dunwoody Road

### **Existing Land Use**

The site is presently a 512-space surface parking lot. The area surrounding the site has land uses that include office, commercial and retail. There is a MARTA rail station at Hammond Drive and Perimeter Center Parkway, which is approximately  $\frac{2}{3}$  mile from the site. Figure 1 shows an aerial view of the site.

**Figure 1 - Site Location**

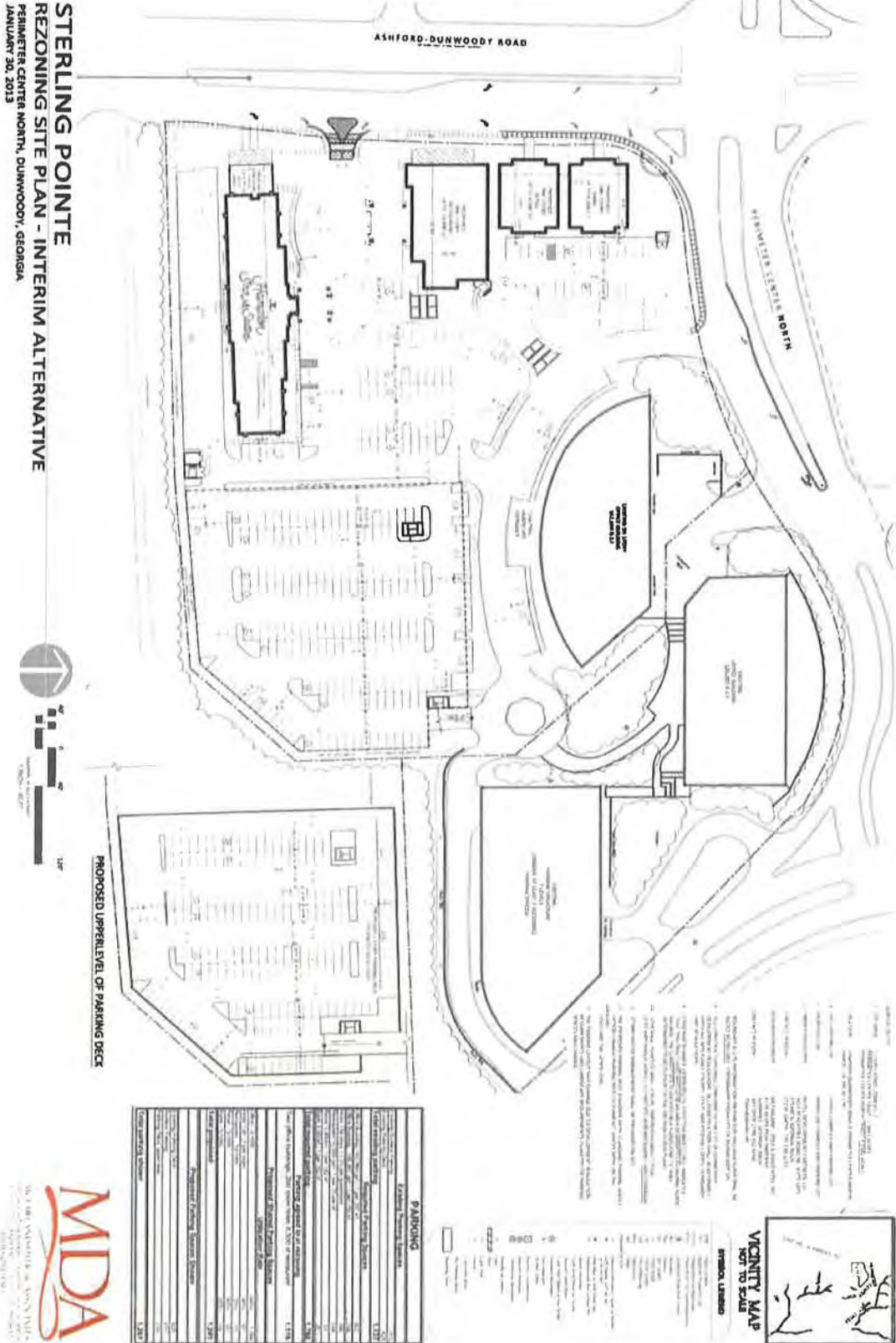


**Proposed Land Use**

The proposed land use for the site consists of a hotel with an attached café, a retail space, a bank or another retail space and a freestanding restaurant. As a bank would generate more trips than the same size retail space, a bank was used for this impact study. Figure 2 shows the site plan.



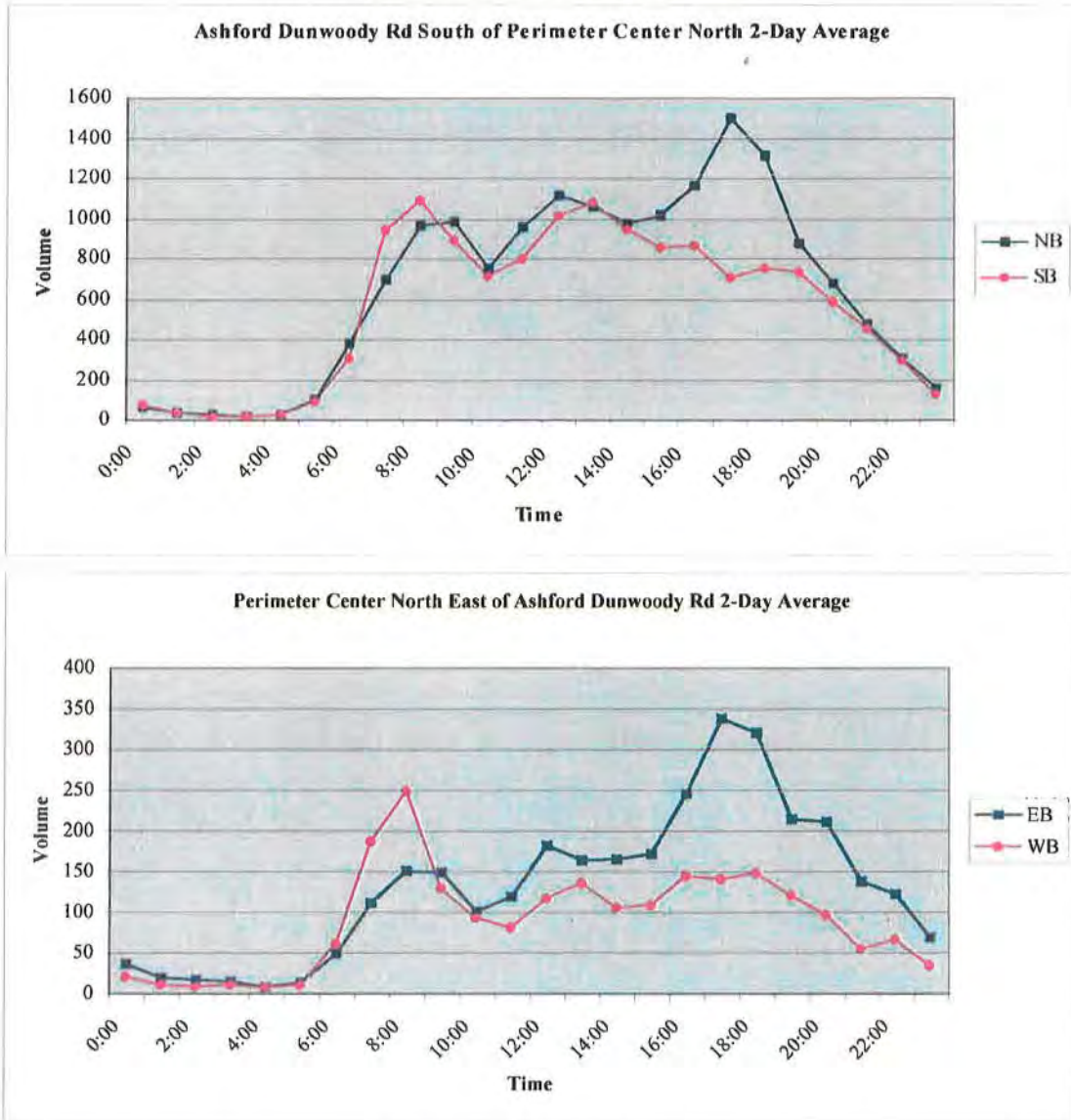
Figure 2 - Site Plan



**Existing Traffic Volumes**

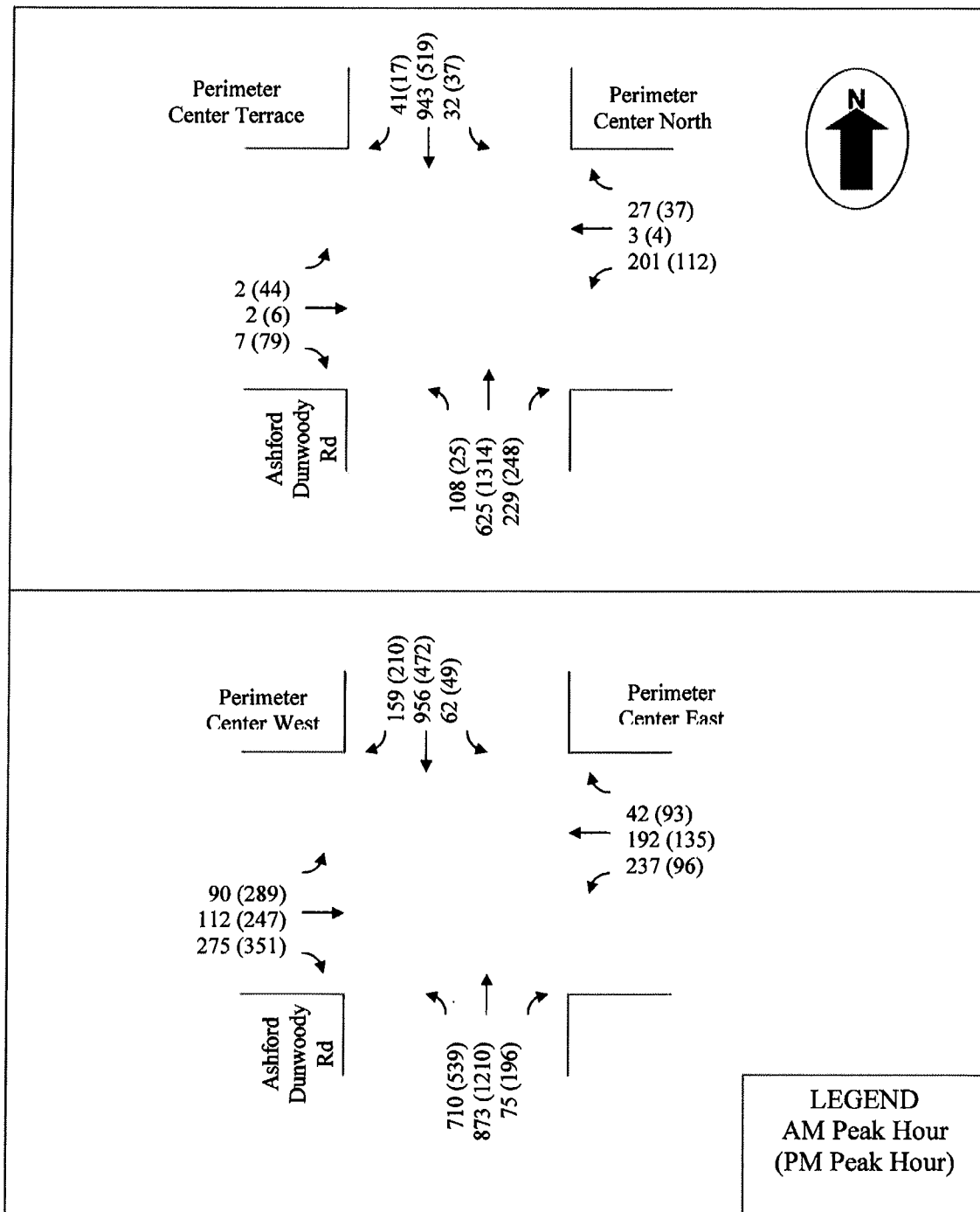
Two-day directional counts were conducted on Ashford Dunwoody Road south of Perimeter Center North and on Perimeter Center North just east of Ashford Dunwoody Road on Tuesday, January 8 and Wednesday, January 9. Figure 3 shows graphs of the average volumes of the two days for each location.

**Figure 3 - Average Daily Volumes**



Peak hour turning movement traffic counts were conducted at the study intersections on Tuesday, January 8. Figure 4 shows summaries of those counts. Full copies are included in the Appendix.

**Figure 4 – Turning Movement Volumes**



## **Methodology**

Initial evaluations were made to assess the current conditions in the vicinity of the development. The peak hour turning movement counts, which were conducted at the study intersections, were used to determine base traffic conditions. Capacity analyses were performed to identify the level of service that currently exists at each intersection.

The *Trip Generation Manual*, published by the Institute of Transportation Engineers, was used to estimate the traffic that will be generated by the development. The new traffic was then distributed and assigned to the existing roadway network. The distribution of new traffic was based on the existing travel patterns derived from the traffic counts and the expected routes to and from the development.

After the generated traffic for the development was distributed and assigned, it was superimposed upon the existing traffic volumes. Capacity analyses were then conducted to evaluate the roadways with existing traffic and existing plus generated traffic.

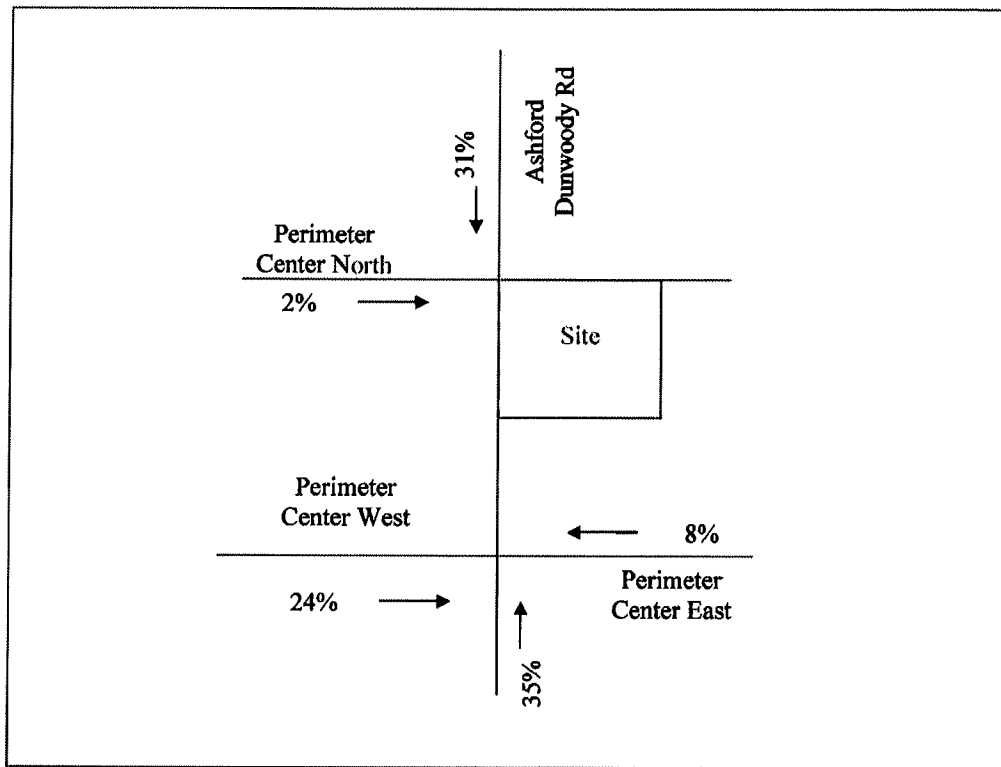
## **Trip Distribution**

There is a MARTA rail station  $\frac{2}{3}$  mile from the site that will provide access to the site and provide some reduction in the generated trips. The Georgia Regional Transportation Authority (GRTA) allows a reduction of up to 20% for some combinations of transit proximity and land use. Based upon the existing office buildings that share the development site, an internal capture of 10% would appear to be very reasonable. However, in view of the importance of the number of trips to be generated by this development and their corresponding effect on the level of service (LOS) of the adjacent intersections, no reduction was taken in this study. Therefore, this report presents a worst-case scenario with regard to traffic impact. The actual average daily impact can be expected to be less than the impact shown in this study.

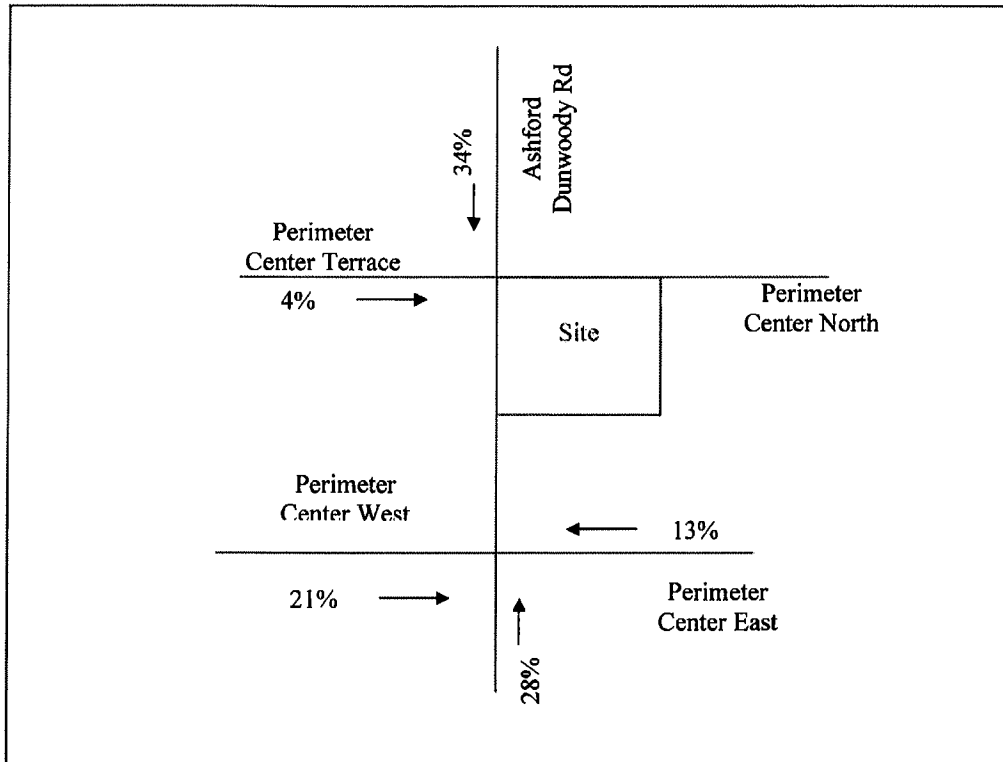
Trip distribution patterns for hotel and restaurant components of this development are projected to be different. A significant portion of the hotel traffic can be expected to come from I-285 via Ashford Dunwoody Road, as many of the patrons can be expected to come from the airport and/or interstate highway system. Another major route for hotel patrons from the north is expected to be from SR 400 by way of Perimeter Center West.

In contrast, the retail, bank and restaurant traffic is expected to primarily come from the surrounding office, commercial and residential areas. Accordingly, two distribution patterns were developed, one for the hotel and one for the retail, bank and restaurant. The pattern for the hotel is based heavily on engineering judgment and is expected to remain the same during both the AM and PM peak hours. The retail, bank and restaurant pattern is based upon the existing distribution of traffic in the vicinity of the site. The area traffic patterns are different during the AM and PM peak hours, so different distribution patterns were developed to reflect the time of day variations. Figure 5 shows the AM peak pattern and Figure 6 shows the PM peak pattern.

**Figure 5 – AM Peak Distribution**



**Figure 6 – PM Peak Distribution**



**Trip Generation**

Estimates of traffic that are projected to be generated by the proposed development were based upon data contained in the *Trip Generation Manual* (TGM), published by the Institute of Transportation Engineers (ITE). That document is a compilation of trip generation data that have been gathered from counts of traffic entering and exiting developments after their completion.

The ITE data provides trip rates that can be applied to the size of a development to derive trip generation projections. The data are listed by type of land use. Since the Sterling Pointe development will consist of a hotel, a bank, retail space and a restaurant, the data used were taken from TGM Categories 310-Hotel, 814-Specialty Retail, 831-Quality Restaurant and 911-Walk-in Bank. The TGM Category 832-High Turnover Restaurant was used to provide trip rates for the café. TGM software was used to facilitate the trip generation process.

Table 1 provides the resulting estimates of peak hour trip generation for the proposed development.

**Table 1 – Trip Generation for the Proposed Development**

Code	Category	Amount	Time	Entering	Exiting
310	Hotel	134 Rooms	AM Peak Hour	36	23
			PM Peak Hour	34	31
814	Specialty Retail	4,500 sq. ft.	AM Peak Hour	0	0
			PM Peak Hour	18	32
831	Quality Restaurant	10,000 sq. ft.	AM Peak Hour	6	2
			PM Peak Hour	50	25
832	High Turnover Restaurant (café)	1,400 sq. ft.	AM Peak Hour	7	6
			PM Peak Hour	9	6
911	Walk-in Bank	4,500 sq. ft.	AM Peak Hour	10	8
			PM Peak Hour	75	75
	Total		AM Peak Hour	59	39
			PM Peak Hour	186	169

The Quality Restaurant will not be open for breakfast, so the traffic generated by the restaurant during the AM peak period will be very low. Likewise, the Specialty Retail will not be open during the AM peak period.

The site has excellent access to the existing office buildings located just east of the site, as well as the developments on the west side of Ashford Dunwoody Road. This will promote foot traffic in the area, attracting pedestrians and reducing vehicular traffic. However, to evaluate the worst-case scenario, no reductions in vehicular traffic were utilized in preparing this report.

#### **Traffic Distribution From Site**

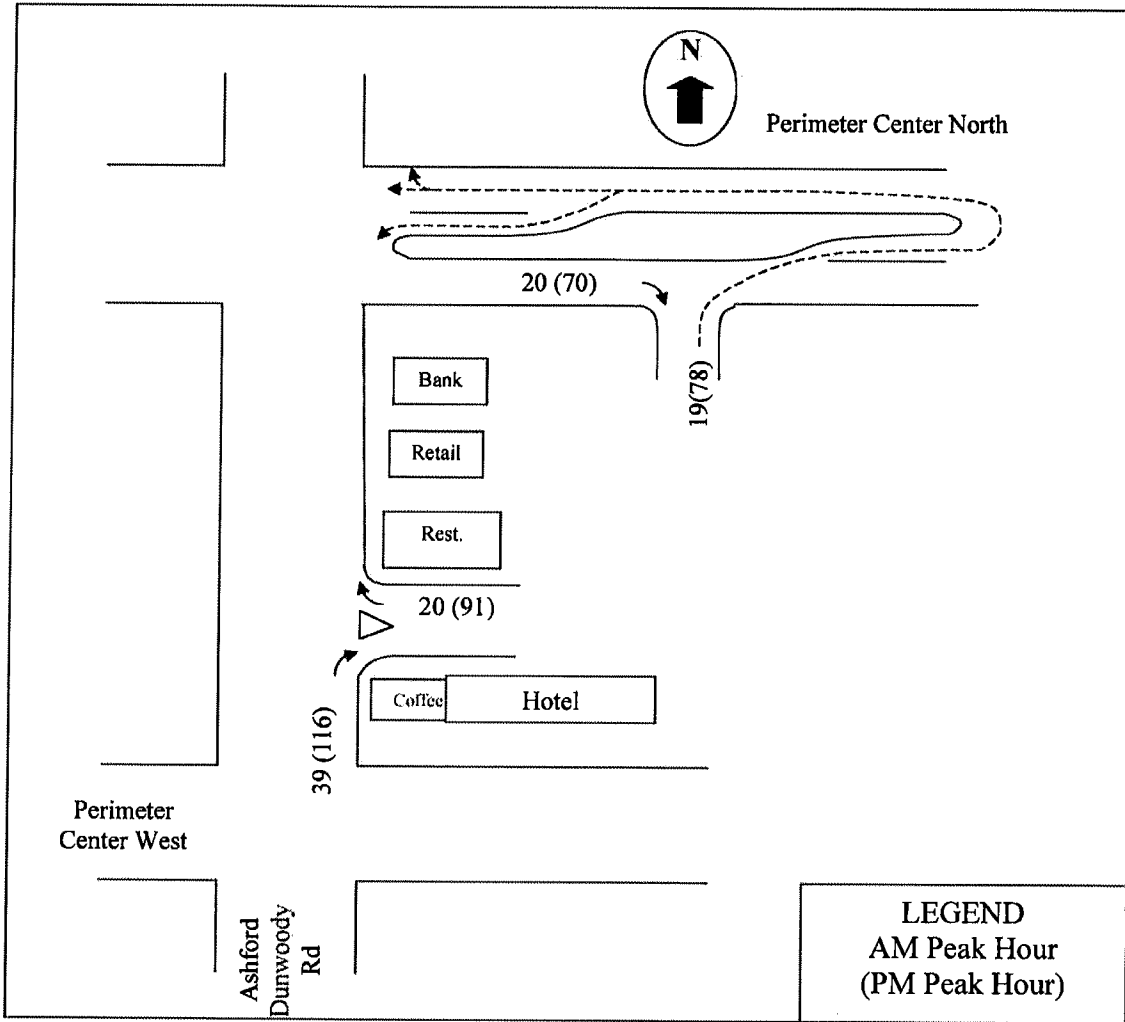
The site presently has driveway access only on Perimeter Center North. As such, people wishing to access the hotel, bank, restaurant or retail shop would have to somehow intuitively drive past the site, turn right into Perimeter Center North, turn right into the Sterling Pointe driveway and meander through the parking lot to get to their desired destination. This indirect point of access would make it difficult for drivers, particularly those from out of town, to find and gain access to the hotel. The added traffic generated that would be driving through the parking lot introduces safety issues for pedestrians, also. In order to make access easier and reduce the vehicle/pedestrian conflicts in the parking lot, the developer proposes to construct a right-in, right-out driveway on Ashford Dunwoody Road.

Based upon traffic patterns in the area and anticipated origins and destinations of the patrons of the bank, retail, restaurant and hotel, it is projected that approximately 67% of the generated trips would enter the site by way of the proposed right-in, right-out



driveway on Ashford Dunwoody Road during the AM peak and 62% would enter there during the PM peak. It is projected that 52% of the exiting trips would exit using that driveway during the AM peak and 54% would exit there during the PM peak. Figure 7 shows the distribution of traffic at the site.

**Figure 7 – Distribution of Traffic at Site**

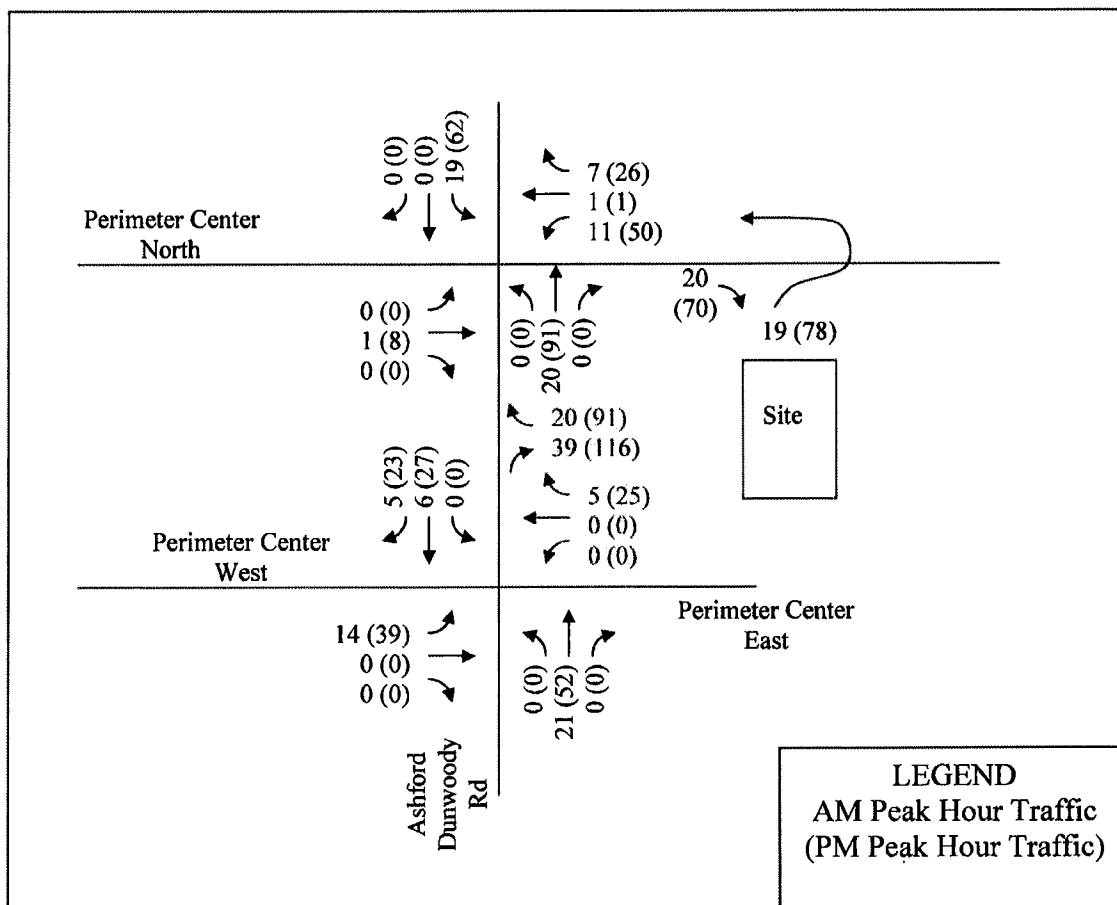


**Trip Assignment to Roadway Network**

After the magnitude of trip generation is established, it is then necessary to determine the routing of the new trips. As stated previously, for this study it is assumed that travel patterns of hotel trips will be predominantly oriented towards SR 400 and the Interstate Highway system. Restaurant trips are projected to follow existing traffic patterns in the area.

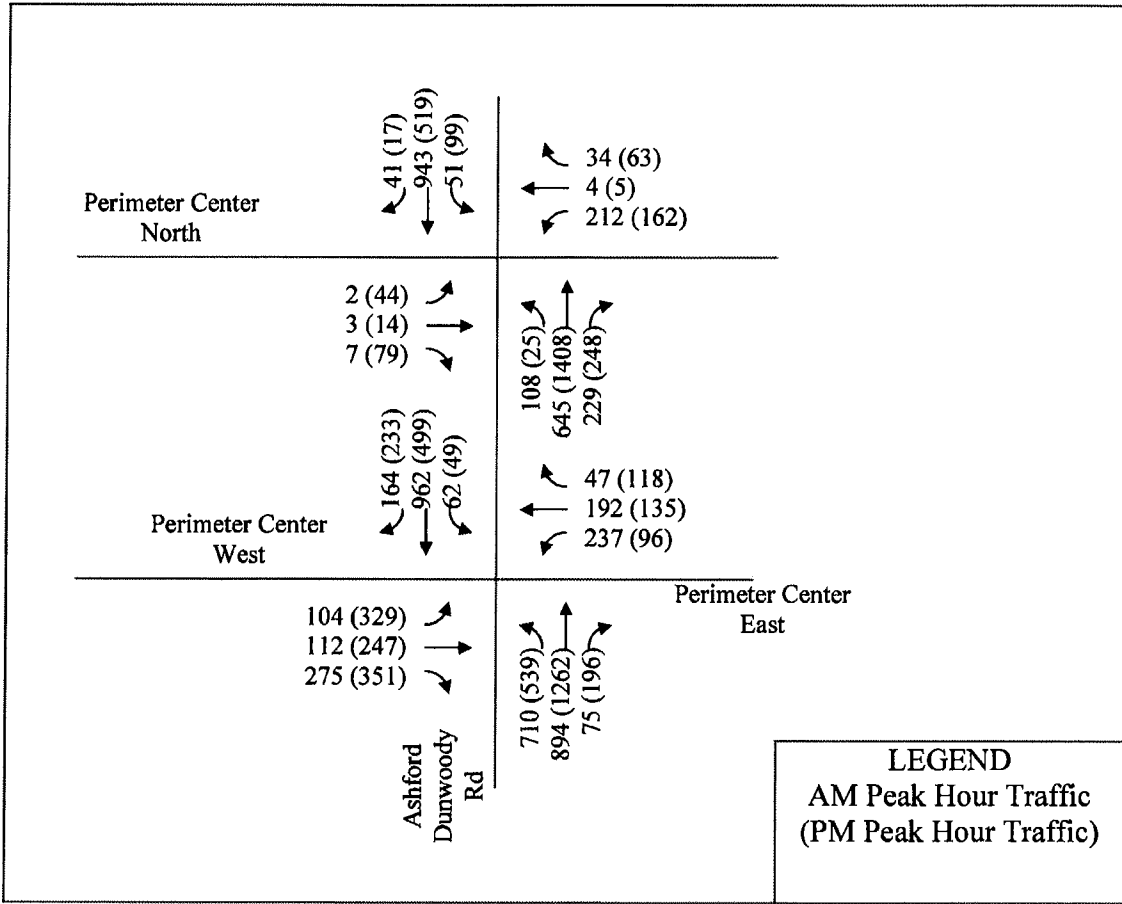
The assignment of generated traffic was a manual process that began at the site and moved outward from the site throughout the study area. Traffic exiting the site in the morning rush hour was evaluated first. The existing volumes obtained from the counts that were conducted at the study intersections were evaluated to determine the percentages traveling in each direction. These percentages were a factor in determining which direction to assign the generated traffic as it entered and left the site. Figure 8 shows the site-generated traffic as it was assigned to the roadway network.

**Figure 8 – Assignment of Generated Traffic to Roadway Network**



After the site-generated volumes were developed and plotted, the existing volumes from the traffic counts were added. Figure 9 shows the site-generated traffic plus the existing volumes.

**Figure 9 – Existing Plus Generated Traffic**



**Capacity Analysis**

Capacity analysis was performed to evaluate each of the study intersections with existing and existing plus generated traffic. Procedures outlined in the *Highway Capacity Manual* (HCM) were used to conduct the capacity analyses. Synchro software was used to facilitate the analysis process. Copies of the Synchro outputs are included in the Appendix. GCA did not have access to the existing signal timings when preparing this report, so Synchro was used to optimize the timings.

The HCM defines level of service (LOS) in terms of the amount of control delay experienced by road users. The LOS definitions for signalized intersections are provided in Table 2.

**Table 2 – Level of Service Criteria for Signalized intersections**

LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (SEC)
A	≤ 10
B	> 10 and ≤ 20
C	> 20 and ≤ 35
D	> 35 and ≤ 55
E	> 55 and ≤ 80
F	> 80

The HCM indicates that levels of service “A” through “E” are considered to be acceptable to most drivers. Level of service “F” indicates long delays that most drivers generally consider to be unacceptable.

LOS is defined in terms of the amount of control delay experienced by road users and is rated on a grading scale of “A” (excellent) through “F” (unacceptable). National guidelines indicate that LOS “A” through “E” are considered acceptable to most drivers. LOS “F” indicates long delays that most drivers generally consider to be unacceptable. LOS “D” is typically desired to be an acceptable goal. LOS “D” and “E” are common in urban areas both on arterials and in central business districts (CBD) particularly during peak periods. It is often thought that a LOS of “D” or “E” indicates that the maximum utilization of the roadway system is being achieved.

### **Results of Capacity Analysis**

In addition to LOS, the amount of delay and the volume to capacity (V/C) ratios are useful indicators of the operation of an intersection. Table 3 shows those values that were calculated for the study intersections.

**Table 3 – Calculated Intersection Levels of Service**

Intersection	Condition	Time	LOS	Delay (sec)	V/C
Ashford Dunwoody Rd & Perimeter Center North	Existing	AM	B	12.2	0.42
	Existing + Generated	AM	B	13.1	0.42
	Existing	PM	B	12.1	0.53
	Existing + Generated	PM	B	16.0	0.59
Ashford Dunwoody Rd & Perimeter Center West	Existing	AM	D	35.8	0.67
	Existing + Generated	AM	D	35.8	0.67
	Existing	PM	C	23.4	0.77
	Existing + Generated	PM	C	27.9	0.87

Note: In some instances delay is shown to decrease after generated traffic is added. That is because the algorithm does not always react predictably to very small changes in volume. Those decreases should be disregarded.

### Existing LOS

As illustrated by the table, the intersections presently operate at acceptable LOS during the peak periods.

### LOS With Existing Plus Generated Traffic

The amount of traffic generated by the development is minimal, compared to the existing on-street traffic. As a result, the effect on the LOS is small. In no instance did the letter LOS change after the site traffic was added. Predictably, delay increased by less than five (5) seconds at any intersection and there are very small increases in the V/C ratios as a result of the proposed development.

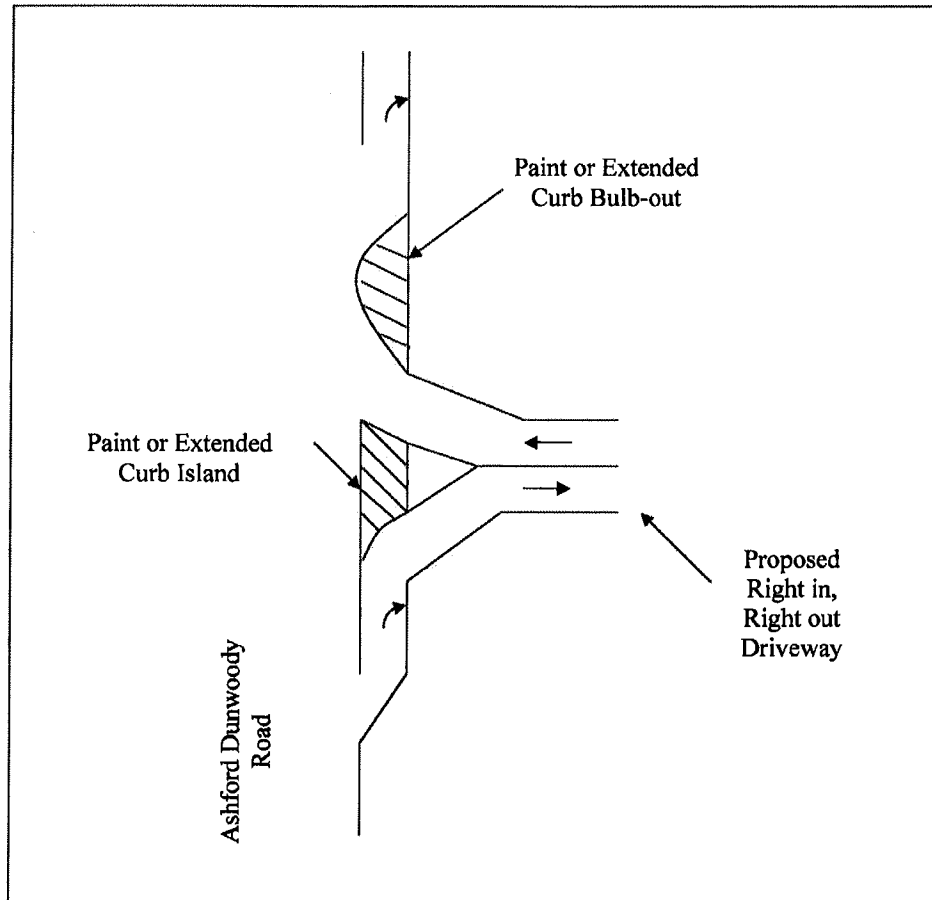
### Right in, Right out Driveway Analysis

The proposed site plan includes a right in, right out driveway on Ashford Dunwoody Road. Right in, right out driveways are generally considered to be rather benign, with little or no adverse effect on other traffic. The developer has also prepared a parking lot plan to provide more direct access from the driveway on Perimeter Center North to the proposed hotel, bank, restaurant and retail sites.

The site plan layout maximizes the deceleration bay lengths along Ashford Dunwoody Road for the right in, into his development as well as the right turn bay for the Perimeter Center North intersection. For the right in, right out into the new development, it is proposed that pavement markings be installed on Ashford Dunwoody Road at the proposed right in, right out driveway to clarify traffic movements. A crosshatched paint or raised island would channel traffic from the deceleration lane into the inbound lane at the driveway. For the exit lane of the driveway, a crosshatched paint or raised bulb-out would guide traffic into the first through lane, instead of continuing on in the right only

lane for the Perimeter Center North intersection. Figure 10 illustrates these concepts schematically.

**Figure 10 – Proposed Striping at Driveway**



The developer is sensitive to pedestrian issues and wants this development to be pedestrian-friendly. With careful design, pedestrian/vehicle conflicts can be minimized. The raised island proposed to separate the inbound and outbound traffic will provide a refuge for pedestrians so they only have to look for traffic coming in one direction at a time. As such, the developer also proposes to install raised crosswalks with pavers to the island, which would cause drivers to slow while both entering and exiting, and to install Yield To Pedestrians signs.

In order to facilitate southbound travel onto Ashford Dunwoody Road, the developer proposes to install wayfinding signage internal to the site directing traffic wishing to go south on Ashford Dunwoody Road to the exit on Perimeter Center North, where they can

enter Ashford Dunwoody Road at the signal. To facilitate this maneuver, the developer proposes to extend the existing short left turn lane on Perimeter Center North at the median opening east of the site driveway back to the driveway so exiting traffic can more easily enter the left turn lane and make a U turn to head back to Ashford Dunwoody Road.

### **Conclusions**

Good and convenient access is a critical factor in the success or failure of a development such as Sterling Pointe. As we all know, it is very frustrating, particularly for out of town and first time patrons to finally be within sight of a hotel or restaurant and not see a way to enter the parking area. In fact, that can be an important factor in deciding whether to complete the trip or go to a more convenient facility. And it would be a factor in deciding whether to return in the future.

GCA feels that a right in, right out driveway on Ashford Dunwoody Road is very important to the success of the Sterling Pointe redevelopment project. This report has shown that the Sterling Pointe development with such a driveway would not change the levels of service at the Ashford Dunwoody Road/Perimeter Center North or Ashford Dunwoody/Perimeter Center West intersections. Delay would increase insignificantly. GCA recommends that a right in, right out driveway be approved for Sterling Pointe on Ashford Dunwoody Road as shown in the site plan in this report.

The traffic that will be generated by the proposed Sterling Pointe hotel and café shop, restaurant, bank and retail store will have a very small, almost unnoticeable effect on the roadway network. The two signalized intersections already operate at acceptable LOS during the AM and PM peak periods with existing traffic and will continue to operate virtually unchanged with the addition of the site traffic.

### **Recommendations**

Recommendations concerning the proposed right in, right out driveway for the Sterling Pointe development include the following:

1. That the right in, right out driveway on Ashford Dunwoody Road be constructed with a raised island separating inbound and outbound traffic to provide a pedestrian refuge island.
2. That a painted and/or curbed island and a bulb-out be installed at the right in, right out driveway as illustrated in Figure 10.
3. That raised crosswalks with pavers be constructed across the inbound and outbound lanes to the raised island.
4. That Yield To Pedestrians signs be installed on the inbound and outbound lanes at the crosswalks.
5. That signing internal to the site be installed to direct traffic wishing to go south to use the driveway on Perimeter Center North.



6. That the short left turn lane on Perimeter Center North at the median opening east of the site driveway be extended back to the driveway.

It should be noted that Recommendations 1 through 6 have been incorporated into the site plan shown on page 3.

#M.3.

Promenade, Suite 3100  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3592  
Main: 404 815-3500  
Fax: 404 815-3509  
www.sgrlaw.com

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3/14/13  
RMB

SMITH, GAMBRELL & RUSSELL, LLP  
Attorneys at Law

Dennis J. Webb  
Direct Tel: 404.815.3620  
Direct Fax: 404.685.6920  
djwebb@sgrlaw.com

March 14, 2013

**VIA HAND DELIVERY**

Rebecca Keefer  
31 Perimeter Center East, Suite 250  
Dunwoody, Georgia 30346

Re: Rezoning Request, Case No. RZ 13-051, 275 and 301 Perimeter Center North  
(18 350 01 009, 011 and 170)

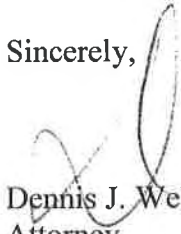
Dear Rebecca:

We amend the above-referenced rezoning file with the following:

1. Sterling Pointe Rezoning Site Plan, dated March 14, 2013;
2. Sterling Pointe Landscape Architectural Concept, dated March 14, 2013; and
3. Traffic Impact Analysis, dated March 2013.

Please add these items to the above-referenced file.

Sincerely,

  
Dennis J. Webb, Jr.  
Attorney

DJW/rg  
Enclosures  
cc: Steve Smith (w/out encs.)  
Don Boyken (w/out encs.)

SGR/10746721.1



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SMITH, GAMBRELL & RUSSELL, LLP  
Attorneys at Law

Dennis J. Webb  
Direct Tel: 404.815.3620  
Direct Fax: 404.685.6920  
djwebb@sgrlaw.com

March 14, 2013

**VIA HAND DELIVERY**

Rebecca Keefer  
City of Dunwoody  
31 Perimeter Center East, Suite 250  
Dunwoody, Georgia 30346

Re: Special Land Use Application, Case No. SLUP 13-051  
275 and 301 Perimeter Center North (18 350 01 009, 011 and 170)

Dear Rebecca:

We amend the above-referenced SLUP file with the following:

1. Sterling Pointe Rezoning Site Plan, dated March 14, 2013;
2. Sterling Pointe Landscape Architectural Concept, dated March 14, 2013; and
3. Traffic Impact Analysis, dated March 2013.

Please add these items to the above-referenced file.

Sincerely,



Dennis J. Webb, Jr.  
Attorney

DJW/rg  
Enclosures  
cc: Steve Smith (w/out encs.)  
Don Boyken (w/out encs.)

# **TRAFFIC IMPACT ANALYSIS**

## **STERLING POINTE DEVELOPMENT**

### **Hotel, Restaurant & Retail**

**Prepared By:**  
**GCA, Inc.**  
**1800 Peachtree Street, NW**  
**Suite 825**  
**Atlanta, Georgia 30309**  
**404-355-4010**

**Prepared For:**  
**Hotel Development Partners, LLC**  
**3414 Peachtree Road NE**  
**Suite1075**  
**Atlanta, GA. 30326**  
**404-842-1422**



**March 2013**

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## **Introduction**

The purpose of this study is to evaluate the traffic impact of the proposed new development of Sterling Pointe in Dunwoody, Georgia. The site, located in the southeast quadrant of the intersection of Ashford Dunwoody Road and Perimeter Center North, is presently occupied by a 512-space surface parking lot. It is anticipated that the new development proposed by Hotel Development Partners, LLC includes a 134-room hotel, a 10,600 square foot restaurant, two 4,500 square foot free-standing retail shops, and another 6,000 square foot free-standing retail shop. The proposed development will consist of 1,261 surface and deck parking spaces, which will serve the proposed development as well as two existing office buildings adjacent to the site of the proposed development.

## **Study Area**

After consultation with City of Dunwoody traffic engineering staff, the following streets and intersections were included in the traffic impact study:

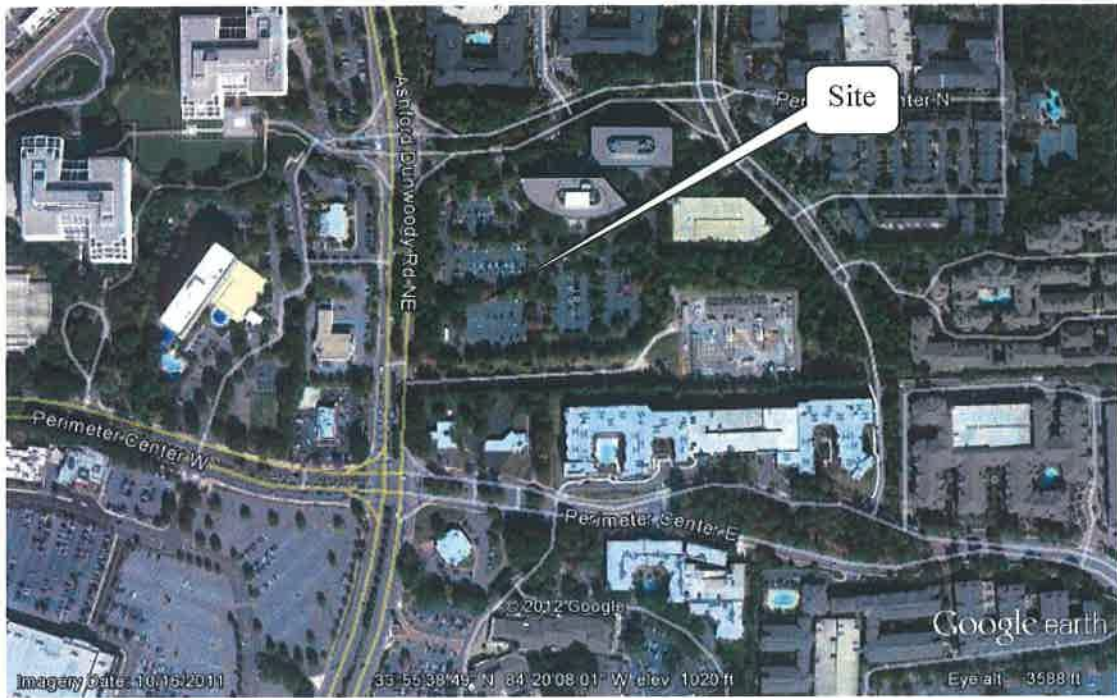
- Ashford Dunwoody Road and Perimeter Center North/Perimeter Center Terrace
- Ashford Dunwoody Road and Perimeter Center East/West
- Ashford Dunwoody Road between Perimeter Center North/Perimeter Center Terrace and Perimeter Center East/West
- Perimeter Center North, east of Ashford Dunwoody Road

## **Existing Land Use**

The site is presently a 512-space surface parking lot. The area surrounding the site has land uses that include office, commercial and retail. There is a MARTA rail station at Hammond Drive and Perimeter Center Parkway, which is approximately  $\frac{2}{3}$  mile from the site. Figure 1 shows an aerial view of the site.



**Figure 1 - Site Location**



**Proposed Land Use**

The proposed land use for the site consists of a hotel, a quality restaurant, and three free-standing retail shops. Figure 2 shows the site plan.

Figure 2 - Site Plan

**STERLING POINTE**  
**REZONING SITE PLAN**  
 PRELIMINARY CENTER NORTH, OAKBROOK, CALIFORNIA



PROPOSED UPGRADE/ADDITION OF PARKING DECK

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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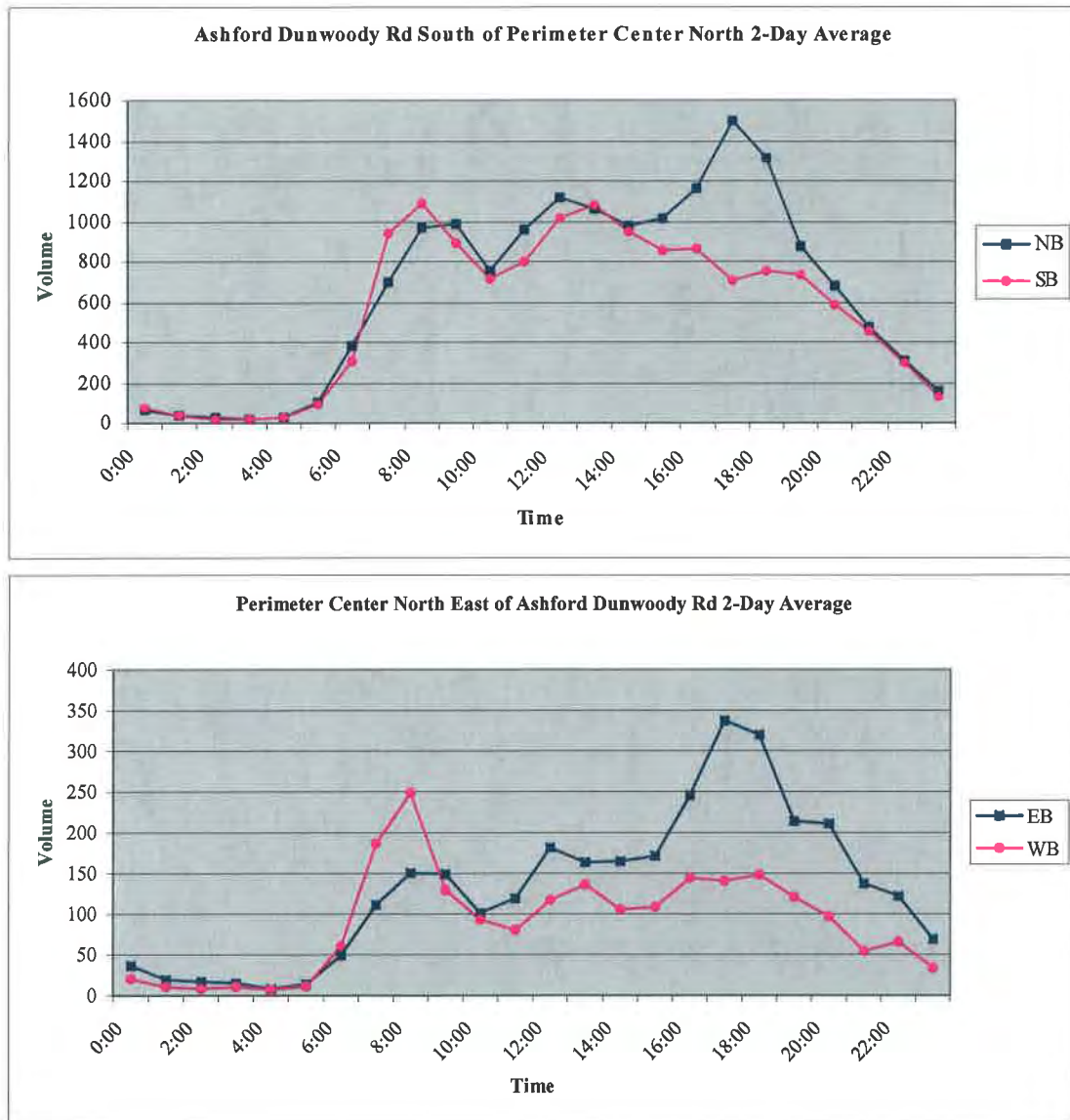
**VACUITY MAP**  
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 49. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE UNIVERSE UNLESS OTHERWISE NOTED.  
 50. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GOD UNLESS OTHERWISE NOTED.



### Existing Traffic Volumes

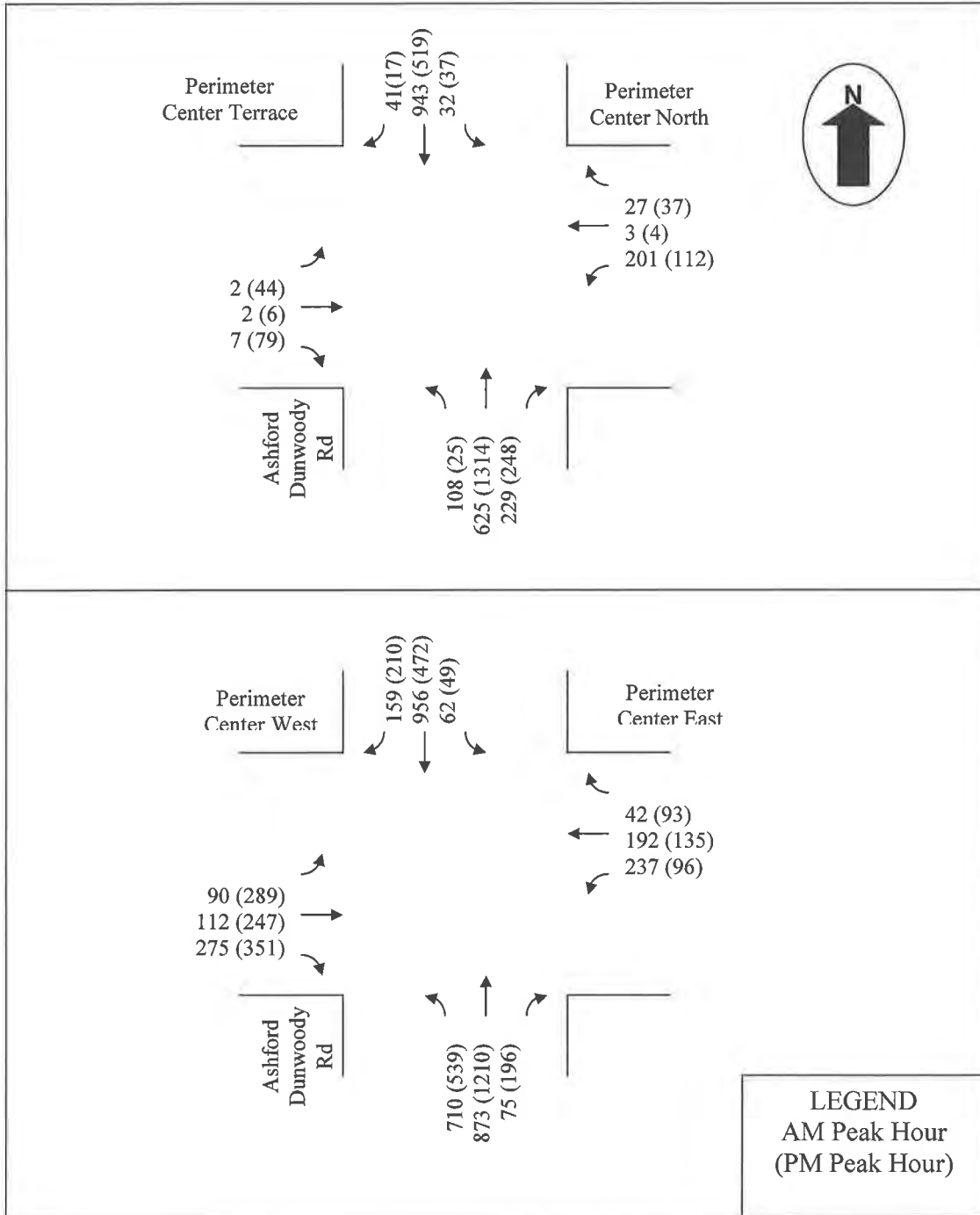
Two-day directional counts were conducted on Ashford Dunwoody Road south of Perimeter Center North and on Perimeter Center North just east of Ashford Dunwoody Road on Tuesday, January 8 and Wednesday, January 9. Figure 3 shows graphs of the average volumes of the two days for each location.

**Figure 3 - Average Daily Volumes**



Peak hour turning movement traffic counts were conducted at the study intersections on Tuesday, January 8. Figure 4 shows summaries of those counts. Full copies are included in the Appendix.

**Figure 4 – Turning Movement Volumes**





## Methodology

Initial evaluations were made to assess the current conditions in the vicinity of the development. The peak hour turning movement counts, which were conducted at the study intersections, were used to determine base traffic conditions. Capacity analyses were performed to identify the level of service that currently exists at each intersection.

The *Trip Generation Manual*, published by the Institute of Transportation Engineers, was used to estimate the traffic that will be generated by the development. The new traffic was then distributed and assigned to the existing roadway network. The distribution of new traffic was based on the existing travel patterns derived from the traffic counts and the expected routes to and from the development.

After the generated traffic for the development was distributed and assigned, it was superimposed upon the existing traffic volumes. Capacity analyses were then conducted to evaluate the roadways with existing traffic and existing plus generated traffic.

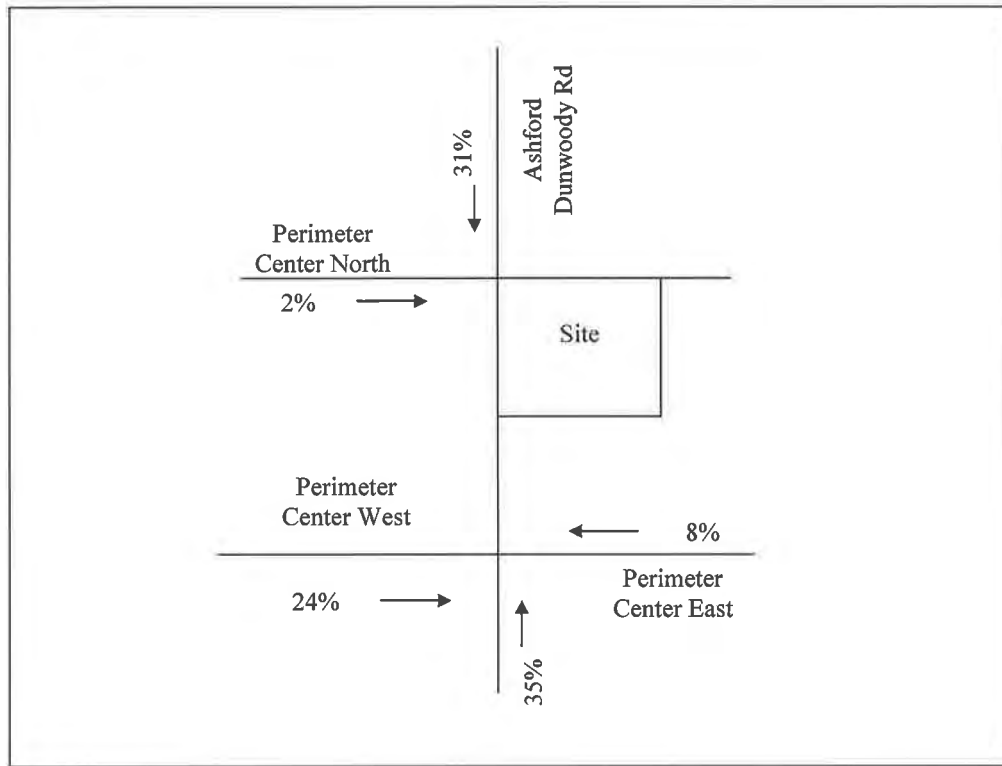
## Trip Distribution

There is a MARTA rail station  $\frac{2}{3}$  mile from the site that will provide access to the site and provide some reduction in the generated trips. The Georgia Regional Transportation Authority (GRTA) allows a reduction of up to 20% for some combinations of transit proximity and land use. Based upon the existing office buildings that share the development site, an internal capture of 10% would appear to be very reasonable. However, in view of the importance of the number of trips to be generated by this development and their corresponding effect on the level of service (LOS) of the adjacent intersections, no reduction was taken in this study. Therefore, this report presents a worst-case scenario with regard to traffic impact. The actual average daily impact can be expected to be less than the impact shown in this study.

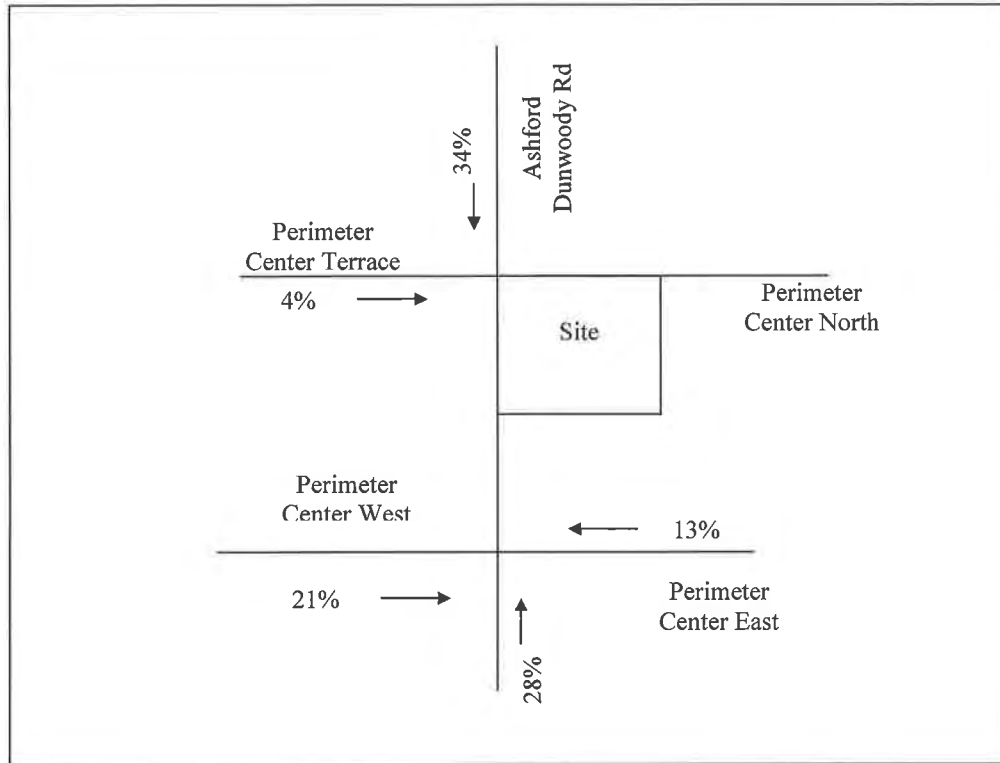
Trip distribution patterns for hotel and restaurant components of this development are projected to be different. A significant portion of the hotel traffic can be expected to come from I-285 via Ashford Dunwoody Road, as many of the patrons can be expected to come from the airport and/or interstate highway system. Another major route for hotel patrons from the north is expected to be from SR 400 by way of Perimeter Center West.

In contrast, the retail and restaurant traffic is expected to primarily come from the surrounding office, commercial and residential areas. Accordingly, two distribution patterns were developed, one for the hotel and one for the retail and restaurant. The pattern for the hotel is based heavily on engineering judgment and is expected to remain the same during both the AM and PM peak hours. The retail and restaurant pattern is based upon the existing distribution of traffic in the vicinity of the site. The area traffic patterns are different during the AM and PM peak hours, so different distribution patterns were developed to reflect the time of day variations. Figure 5 shows the AM peak pattern and Figure 6 shows the PM peak pattern.

Figure 5 – AM Peak Distribution



**Figure 6 – PM Peak Distribution**



**Trip Generation**

Estimates of traffic that are projected to be generated by the proposed development were based upon data contained in the *Trip Generation Manual* (TGM), published by the Institute of Transportation Engineers (ITE). That document is a compilation of trip generation data that have been gathered from counts of traffic entering and exiting developments after their completion.

The ITE data provides trip rates that can be applied to the size of a development to derive trip generation projections. The data are listed by type of land use. Since the Sterling Pointe development will consist of a hotel, retail space and a restaurant, the data used were taken from TGM Categories 310-Hotel, 814-Specialty Retail, and 831-Quality Restaurant. TGM software was used to facilitate the trip generation process.

Table 1 provides the resulting estimates of peak hour trip generation for the proposed development.



**Table 1 – Trip Generation for the Proposed Development**

Code	Category	Amount	Time	Entering	Exiting
310	Hotel	134 Rooms	AM Peak Hour	36	23
			PM Peak Hour	34	31
814	Specialty Retail	4,500 sq. ft.	AM Peak Hour	0	0
			PM Peak Hour	14	18
814	Specialty Retail	4,500 sq. ft.	AM Peak Hour	0	0
			PM Peak Hour	14	18
814	Specialty Retail	6,000 sq. ft.	AM Peak Hour	0	0
			PM Peak Hour	16	20
831	Quality Restaurant	10,600 sq. ft.	AM Peak Hour	8	3
			PM Peak Hour	54	26
	Total		AM Peak Hour	44	26
			PM Peak Hour	132	113

The Quality Restaurant will not be open for breakfast, so the traffic generated by the restaurant during the AM peak period will be very low. Likewise, the Specialty Retail will not be open during the AM peak period.

The site has excellent access to the existing office buildings located just east of the site, as well as the developments on the west side of Ashford Dunwoody Road. This will promote foot traffic in the area, attracting pedestrians and reducing vehicular traffic. However, to evaluate the worst-case scenario, no reductions in vehicular traffic were utilized in preparing this report.

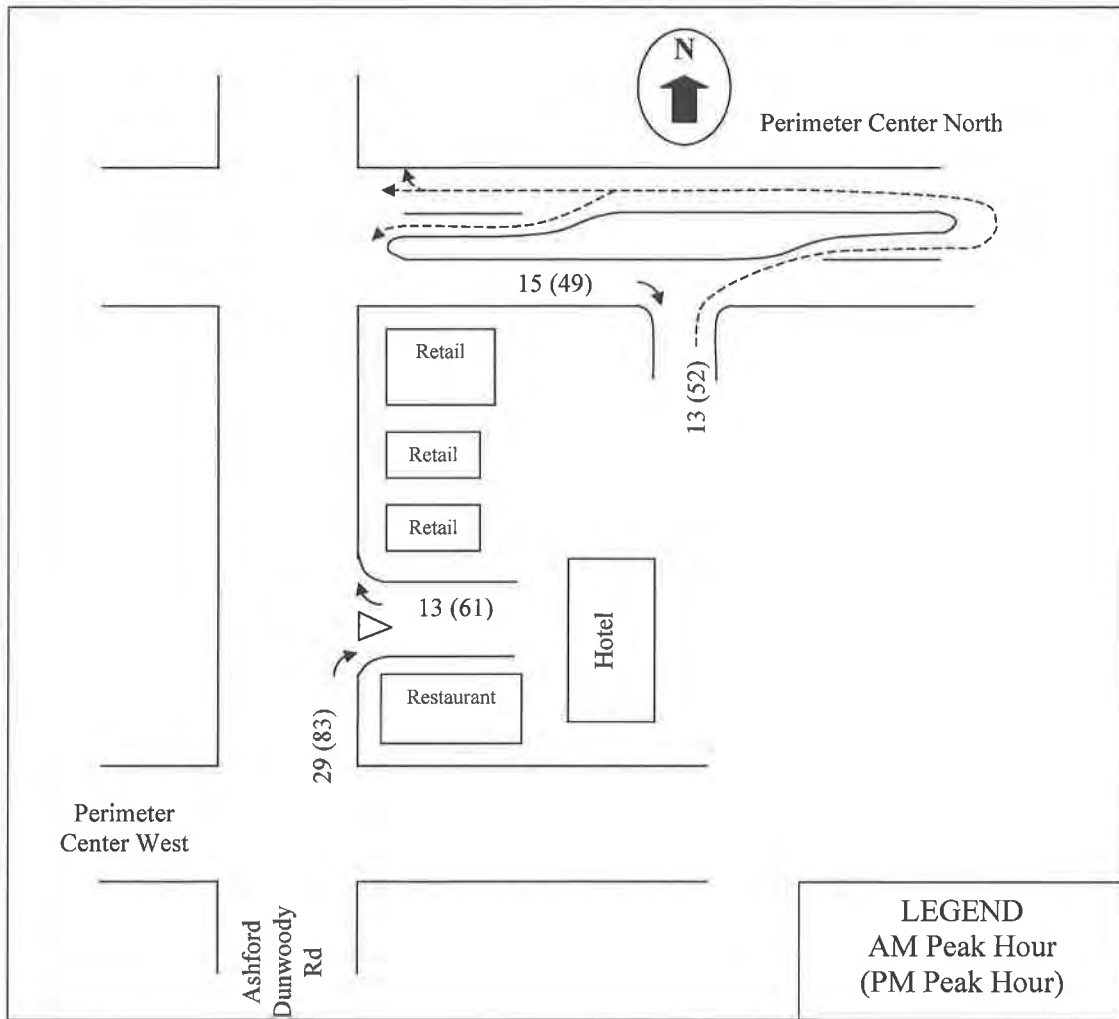
#### **Traffic Distribution From Site**

The site presently has driveway access only on Perimeter Center North. As such, people wishing to access the hotel, restaurant or retail shops would have to somehow intuitively drive past the site, turn right into Perimeter Center North, turn right into the Sterling Pointe driveway and meander through the parking lot to get to their desired destination. This indirect point of access would make it difficult for drivers, particularly those from out of town, to find and gain access to the hotel. The added traffic generated that would be driving through the parking lot introduces safety issues for pedestrians, also. In order to make access easier and reduce the vehicle/pedestrian conflicts in the parking lot, the developer proposes to construct a right-in, right-out driveway on Ashford Dunwoody Road.

Based upon traffic patterns in the area and anticipated origins and destinations of the patrons of the retail, restaurant and hotel, it is projected that approximately 67% of the generated trips would enter the site by way of the proposed right-in, right-out driveway on Ashford Dunwoody Road during the AM peak and 62% would enter there during the PM peak. It is projected that 52% of the exiting trips would exit using that driveway

during the AM peak and 54% would exit there during the PM peak. Figure 7 shows the distribution of traffic at the site.

**Figure 7 – Distribution of Traffic at Site**



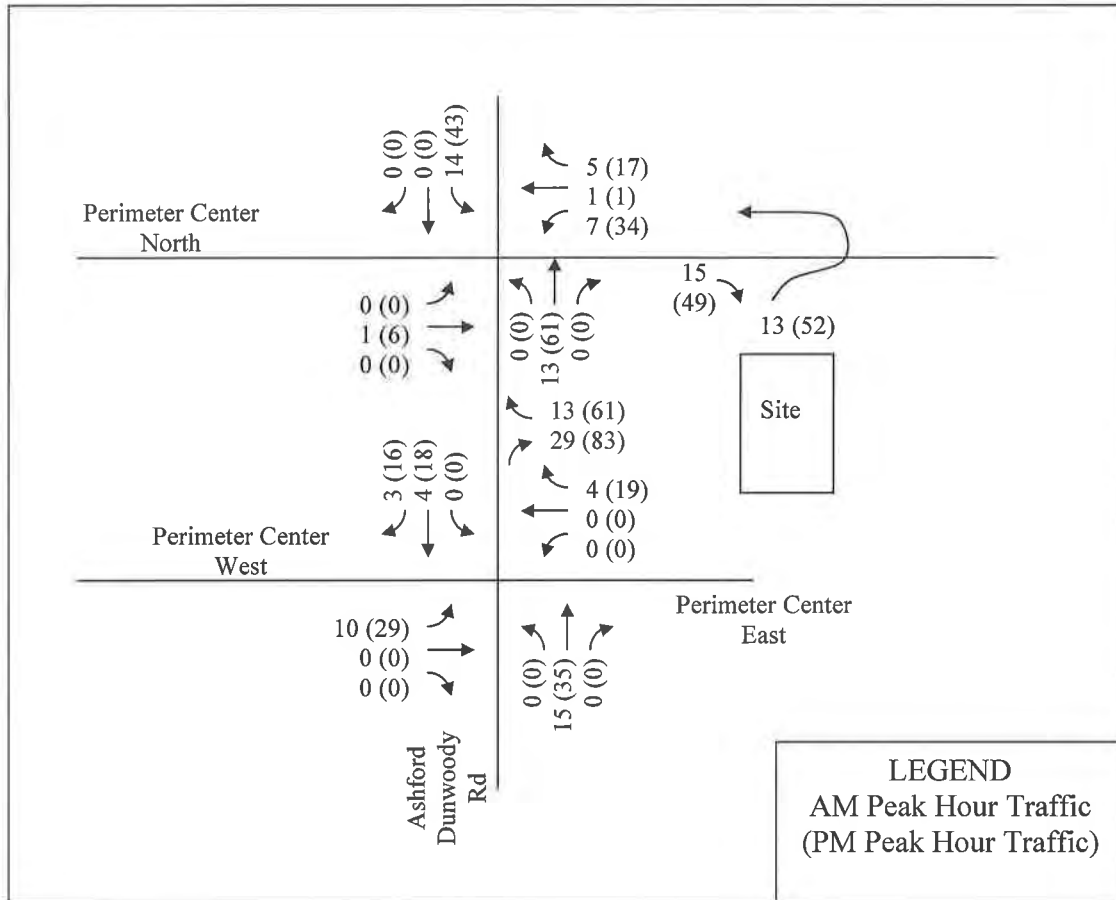
**Trip Assignment to Roadway Network**

After the magnitude of trip generation is established, it is then necessary to determine the routing of the new trips. As stated previously, for this study it is assumed that travel patterns of hotel trips will be predominantly oriented towards SR 400 and the Interstate Highway system. Restaurant trips are projected to follow existing traffic patterns in the area.

The assignment of generated traffic was a manual process that began at the site and moved outward from the site throughout the study area. Traffic exiting the site in the morning rush hour was evaluated first. The existing volumes obtained from the counts that were conducted at the study intersections were evaluated to determine the

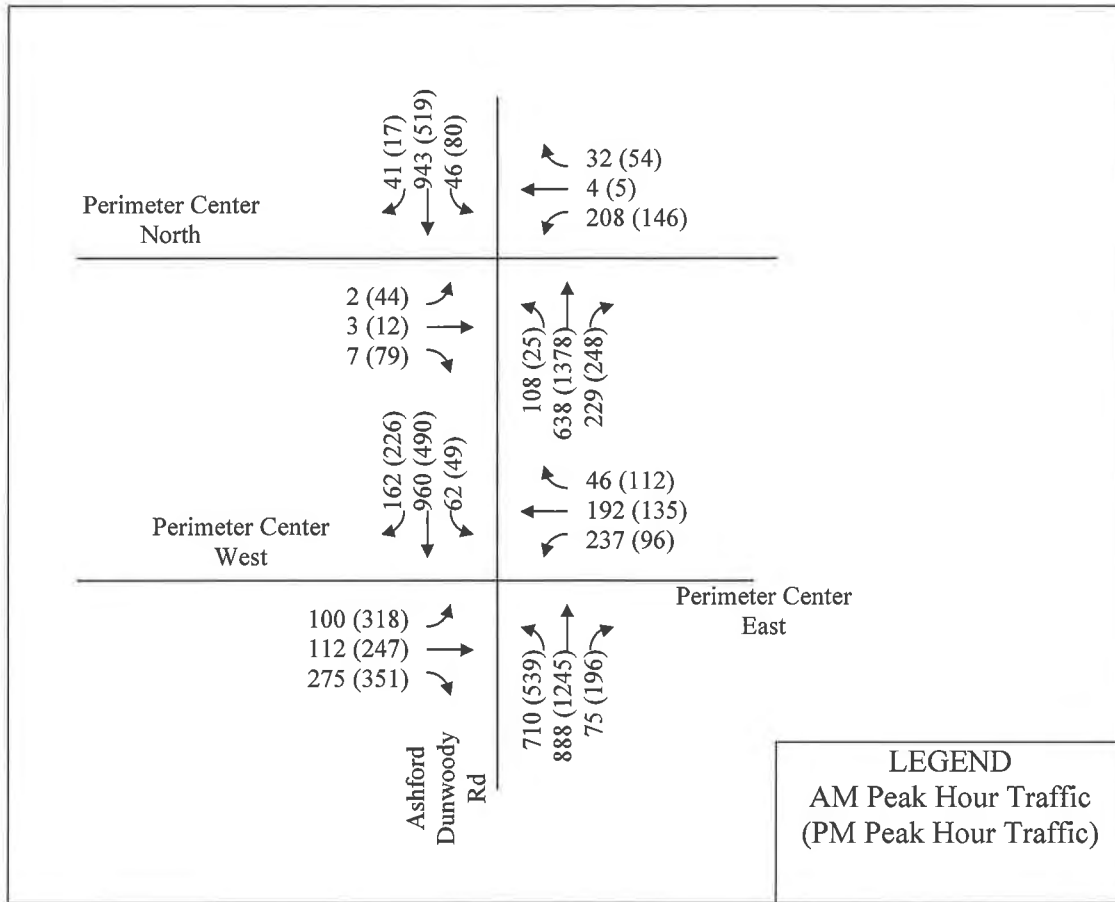
percentages traveling in each direction. These percentages were a factor in determining which direction to assign the generated traffic as it entered and left the site. Figure 8 shows the site-generated traffic as it was assigned to the roadway network.

**Figure 8 – Assignment of Generated Traffic to Roadway Network**



After the site-generated volumes were developed and plotted, the existing volumes from the traffic counts were added. Figure 9 shows the site-generated traffic plus the existing volumes.

Figure 9 – Existing Plus Generated Traffic



**Capacity Analysis**

Capacity analysis was performed to evaluate each of the study intersections with existing and existing plus generated traffic. Procedures outlined in the *Highway Capacity Manual* (HCM) were used to conduct the capacity analyses. Synchro software was used to facilitate the analysis process. Copies of the Synchro outputs are included in the Appendix. GCA did not have access to the existing signal timings when preparing this report, so Synchro was used to optimize the timings.

The HCM defines level of service (LOS) in terms of the amount of control delay experienced by road users. The LOS definitions for signalized intersections are provided in Table 2.

**Table 2 – Level of Service Criteria for Signalized intersections**

LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (SEC)
A	$\leq 10$
B	$> 10$ and $\leq 20$
C	$> 20$ and $\leq 35$
D	$> 35$ and $\leq 55$
E	$> 55$ and $\leq 80$
F	$> 80$

The HCM indicates that levels of service “A” through “E” are considered to be acceptable to most drivers. Level of service “F” indicates long delays that most drivers generally consider to be unacceptable.

LOS is defined in terms of the amount of control delay experienced by road users and is rated on a grading scale of “A” (excellent) through “F” (unacceptable). National guidelines indicate that LOS “A” through “E” are considered acceptable to most drivers. LOS “F” indicates long delays that most drivers generally consider to be unacceptable. LOS “D” is typically desired to be an acceptable goal. LOS “D” and “E” are common in urban areas both on arterials and in central business districts (CBD) particularly during peak periods. It is often thought that a LOS of “D” or “E” indicates that the maximum utilization of the roadway system is being achieved.

### Results of Capacity Analysis

In addition to LOS, the amount of delay and the volume to capacity (V/C) ratios are useful indicators of the operation of an intersection. Table 3 shows those values that were calculated for the study intersections.

**Table 3 – Calculated Intersection Levels of Service**

Intersection	Condition	Time	LOS	Delay (sec)	V/C
Ashford Dunwoody Rd & Perimeter Center North	Existing	AM	B	12.2	0.42
	Existing + Generated	AM	B	12.9	0.42
	Existing	PM	B	12.1	0.53
	Existing + Generated	PM	B	14.9	0.56
Ashford Dunwoody Rd & Perimeter Center West	Existing	AM	D	35.8	0.67
	Existing + Generated	AM	D	35.7	0.67
	Existing	PM	C	23.4	0.77
	Existing + Generated	PM	C	27.1	0.85

Note: In some instances delay is shown to decrease after generated traffic is added. That is because the algorithm does not always react predictably to very small changes in volume. Those decreases should be disregarded.

### Existing LOS

As illustrated by the table, the intersections presently operate at acceptable LOS during the peak periods.

### LOS With Existing Plus Generated Traffic

The amount of traffic generated by the development is minimal, compared to the existing on-street traffic. As a result, the effect on the LOS is small. In no instance did the letter LOS change after the site traffic was added. Predictably, delay did not increase by more than four (4) seconds at any intersection and there are very small increases in the V/C ratios as a result of the proposed development.

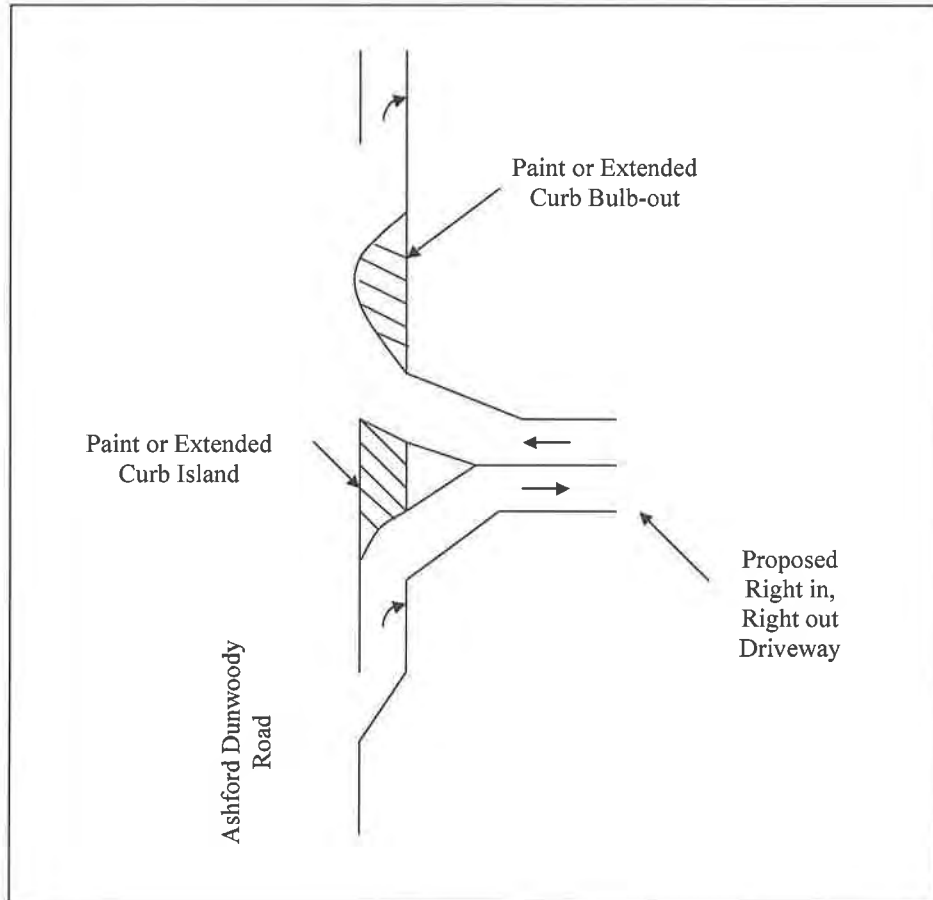
### Right in, Right out Driveway Analysis

The proposed site plan includes a right in, right out driveway on Ashford Dunwoody Road. Right in, right out driveways are generally considered to be rather benign, with little or no adverse effect on other traffic. The developer has also prepared a parking lot plan to provide more direct access from the driveway on Perimeter Center North to the proposed hotel, restaurant and retail sites.

The site plan layout maximizes the deceleration bay lengths along Ashford Dunwoody Road for the right in, into his development as well as the right turn bay for the Perimeter Center North intersection. For the right in, right out into the new development, it is proposed that pavement markings be installed on Ashford Dunwoody Road at the proposed right in, right out driveway to clarify traffic movements. A crosshatched paint or raised island would channel traffic from the deceleration lane into the inbound lane at the driveway. For the exit lane of the driveway, a crosshatched paint or raised bulb-out would guide traffic into the first through lane, instead of continuing on in the right only

lane for the Perimeter Center North intersection. Figure 10 illustrates these concepts schematically.

**Figure 10 – Proposed Striping at Driveway**



The developer is sensitive to pedestrian issues and wants this development to be pedestrian-friendly. With careful design, pedestrian/vehicle conflicts can be minimized. The raised island proposed to separate the inbound and outbound traffic will provide a refuge for pedestrians so they only have to look for traffic coming in one direction at a time. As such, the developer also proposes to install raised crosswalks with pavers to the island, which would cause drivers to slow while both entering and exiting, and to install Yield To Pedestrians signs.

In order to facilitate southbound travel onto Ashford Dunwoody Road, the developer proposes to install wayfinding signage internal to the site directing traffic wishing to go south on Ashford Dunwoody Road to the exit on Perimeter Center North, where they can



enter Ashford Dunwoody Road at the signal. To facilitate this maneuver, the developer proposes to extend the existing short left turn lane on Perimeter Center North at the median opening east of the site driveway back to the driveway so exiting traffic can more easily enter the left turn lane and make a U turn to head back to Ashford Dunwoody Road.

### **Conclusions**

Good and convenient access is a critical factor in the success or failure of a development such as Sterling Pointe. As we all know, it is very frustrating, particularly for out of town and first time patrons to finally be within sight of a hotel or restaurant and not see a way to enter the parking area. In fact, that can be an important factor in deciding whether to complete the trip or go to a more convenient facility. And it would be a factor in deciding whether to return in the future.

GCA feels that a right in, right out driveway on Ashford Dunwoody Road is very important to the success of the Sterling Pointe redevelopment project. This report has shown that the Sterling Pointe development with such a driveway would not change the levels of service at the Ashford Dunwoody Road/Perimeter Center North or Ashford Dunwoody/Perimeter Center West intersections. Delay would increase insignificantly. GCA recommends that a right in, right out driveway be approved for Sterling Pointe on Ashford Dunwoody Road as shown in the site plan in this report.

The traffic that will be generated by the proposed Sterling Pointe hotel, restaurant and retail stores will have a very small, almost unnoticeable effect on the roadway network. The two signalized intersections already operate at acceptable LOS during the AM and PM peak periods with existing traffic and will continue to operate virtually unchanged with the addition of the site traffic.

### **Recommendations**

Recommendations concerning the proposed right in, right out driveway for the Sterling Pointe development include the following:

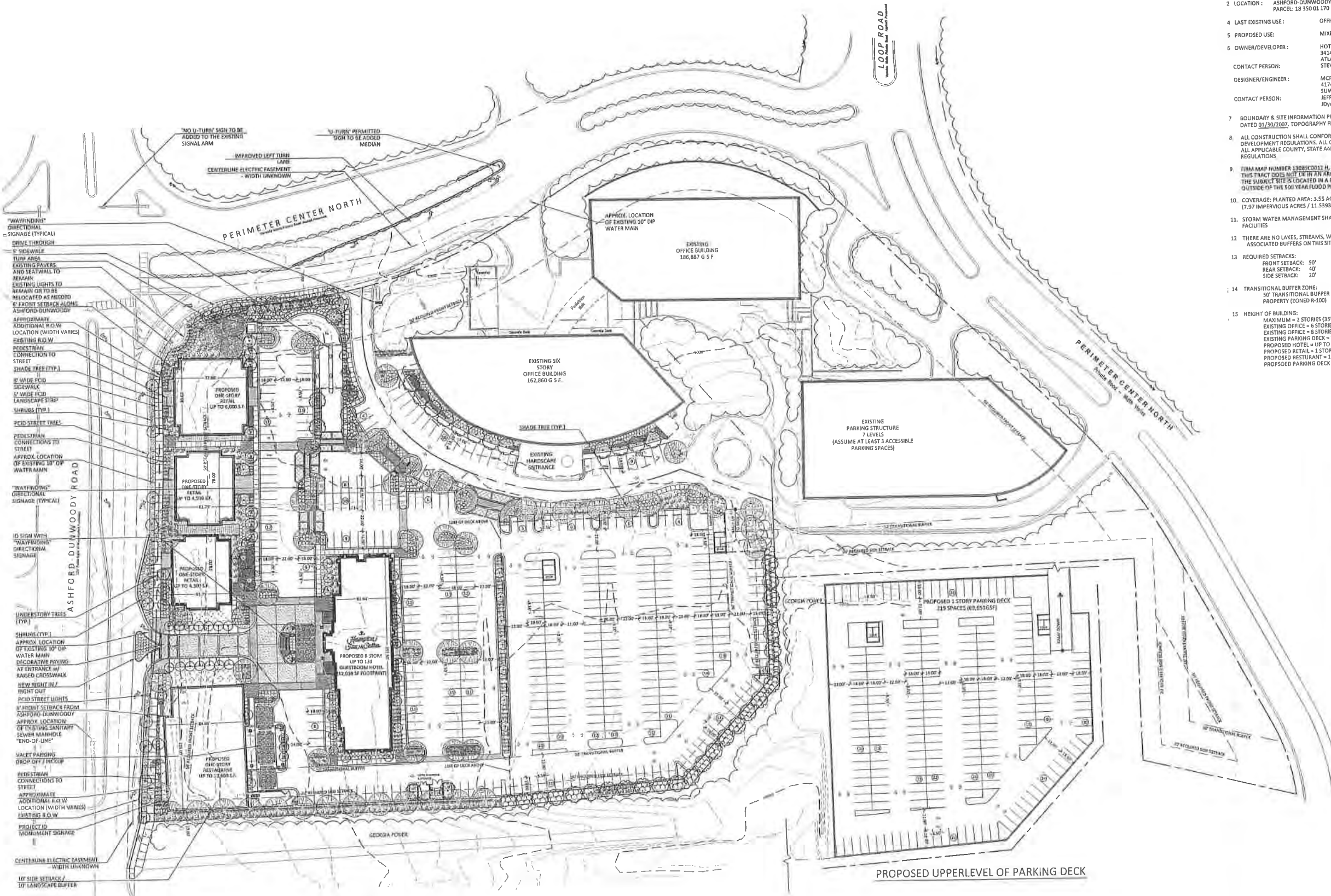
1. That the right in, right out driveway on Ashford Dunwoody Road be constructed with a raised island separating inbound and outbound traffic to provide a pedestrian refuge island.
2. That a painted and/or curbed island and a bulb-out be installed at the right in, right out driveway as illustrated in Figure 10.
3. That raised crosswalks with pavers be constructed across the inbound and outbound lanes to the raised island.
4. That Yield To Pedestrians signs be installed on the inbound and outbound lanes at the crosswalks.
5. That signing internal to the site be installed to direct traffic wishing to go south to use the driveway on Perimeter Center North.

6. That the short left turn lane on Perimeter Center North at the median opening east of the site driveway be extended back to the driveway.

It should be noted that Recommendations 1 through 6 have been incorporated into the site plan shown on page 3.

**APPENDIX**

#M.3.



"WAYFINDING" DIRECTIONAL SIGNAGE (TYPICAL)

5' SIDEWALK

TURF AREA

EXISTING PAVERS AND SEATWALL TO REMAIN

EXISTING LIGHTS TO REMAIN OR TO BE RELOCATED AS NEEDED

5' FRONT SETBACK ALONG ASHFORD-DUNWOODY

APPROXIMATE ADDITIONAL R.O.W. LOCATION (WIDTH VARIES)

EXISTING R.O.W.

PEDESTRIAN CONNECTION TO STREET

SHADE TREE (TYP.)

8' WIDE "C/D" SIDEWALK

5' WIDE "C/D" LANDSCAPE STRIP

SHRUBS (TYP.)

PCID STREET TREES

PEDESTRIAN CONNECTION TO STREET

APPROX. LOCATION OF EXISTING 10" DIP WATER MAIN

"WAYFINDING" DIRECTIONAL SIGNAGE (TYPICAL)

10' SIGN WITH "WAYFINDING" DIRECTIONAL SIGNAGE

UNDERSTORY TREES (TYP.)

SHRUBS (TYP.)

APPROX. LOCATION OF EXISTING 10" DIP WATER MAIN

DISCREETIVE PAVING AT ENTRANCE w/ RAISED CROSSWALK

NEW SIGN IN / RIGHT OUT

PCID STREET LIGHTS

V FRONT SETBACK FROM ASHFORD-DUNWOODY

APPROX. LOCATION OF EXISTING SANITARY SEWER MANHOLE "END-OF-LINE"

VALET PARKING DROP OFF / PICKUP

PEDESTRIAN CONNECTIONS TO STREET

APPROXIMATE ADDITIONAL R.O.W. LOCATION (WIDTH VARIES)

EXISTING R.O.W.

PROJECT ID MONUMENT SIGNAGE

CENTERLINE ELECTRIC easement - WIDTH UNKNOWN

10' SIDE SETBACK / 10' LANDSCAPE BUFFER



VICINITY MAP NOT TO SCALE

- GENERAL NOTES:
- SITE AREA: 11.5393 ACRES, ZONED OCA (OFFICE-COMMERCIAL-RESIDENTIAL) PERIMETER CENTER TRACT: 7.3891 ACRES PERIMETER CENTER NORTH TRACT: 4.1502 ACRES
  - LOCATION: ASHFORD-DUNWOODY ROAD & PERIMETER CENTER NORTH PARCEL: 18 350 01 170
  - LAST EXISTING USE: OFFICE COMPLEX AND PARKING LOT
  - PROPOSED USE: MIXED USE COMPLEX AND PARKING LOT
  - OWNER/DEVELOPER: HOTEL DEVELOPMENT PARTNERS, LLC 3414 PEACHTREE ROAD NE, SUITE 1075 ATLANTA, GEORGIA 30326 STEVE SMITH, 770-330-3233
  - CONTACT PERSON: MCFARLAND - DYER & ASSOCIATES, INC. 4174 SILVER PEAK PARKWAY SUWANEE, GEORGIA 30024 JEFF DYER (770) 932-6550, JDyer@gomda.net
  - BOUNDARY & SITE INFORMATION PREPARED BY MILLMAN SURVEYING, INC DATED 01/30/2007. TOPOGRAPHY FROM CITY OF DUNWOODY GIS.
  - ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF DUNWOODY DEVELOPMENT REGULATIONS. ALL CONSTRUCTION SHALL ALSO COMPLY WITH ALL APPLICABLE COUNTY, STATE AND FEDERAL CODES, STANDARDS AND REGULATIONS.
  - FEMA MAP NUMBER 13080C0012 H, EFFECTIVE MAY 7, 2003, INDICATES THAT THIS TRACT DOES NOT LIE IN AN AREA DESIGNATED AS HAVING FLOOD HAZARD. THE SUBJECT SITE IS LOCATED IN A FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOOD PLAIN.
  - COVERAGE: PLANTED AREA: 3.55 AC, IMPERVIOUS AREA: 7.97 AC (7.97 IMPERVIOUS ACRES / 11.5393 SITE ACRES) = 69% COVERAGE
  - STORM WATER MANAGEMENT SHALL BE PROVIDED ON SITE IN SUB-SURFACE FACILITIES
  - THERE ARE NO LAKES, STREAMS, WETLANDS OR WATERS OF STATE OR THEIR ASSOCIATED BUFFERS ON THIS SITE.
  - REQUIRED SETBACKS: FRONT SETBACK: 50' REAR SETBACK: 40' SIDE SETBACK: 20' PROPOSED SETBACKS: FRONT SETBACK: VARIES / 5' MIN. REAR SETBACK: 40' SIDE SETBACK: 10'
  - TRANSITIONAL BUFFER ZONE: 50' TRANSITIONAL BUFFER REQUIRED ADJACENT TO GEORGIA POWER PROPERTY (ZONED R-100)
  - HEIGHT OF BUILDING: MAXIMUM = 2 STORIES (35') EXISTING OFFICE = 6 STORIES EXISTING OFFICE = 8 STORIES EXISTING PARKING DECK = 7 LEVELS PROPOSED HOTEL = UP TO 10 STORIES PROPOSED RETAIL = 1 STORY PROPOSED RESTAURANT = 1 STORY PROPOSED PARKING DECK = UP TO 3 LEVELS

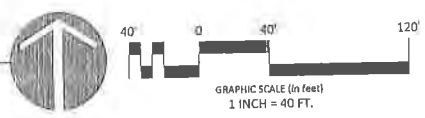
**SYMBOL LEGEND**

R/W	Right of Way
PA	Adjacent Property Line
P.O.B.	Place/Point of Beginning
P.O.C.	Place/Point of Commencement
AC	Area
Rad	Radius
Arc	Arc Length
D	Delta Angle
ChL	Chord Length
ChB	Chord Bearing
Mtd.	Measured
Deed	Deed
(Revised) Actual	
•	Measurement Control as stated or to be set
•	5/8" Rebar w/ Cap Set
•	Iron Nail or Drill Hole Set
•	Monument Box w/Iron Pin
•	Storm Manhole
•	Curb Inlet Basin w/ Grate
•	Square Catch Basin
•	Curb Inlet Basin w/out Grate
•	Sanitary Manhole
•	Fire Hydrant
•	Water Valve
•	Electric Transformer
•	Electric Manhole
•	Telephone Manhole
•	Handicap Space
•	Sign
•	Wall
•	Light Pole
•	Fence
•	Concrete Area
•	No Parking Area
•	Building Area

**PARKING**

Existing Parking Spaces	
Existing Surface Parking	512
Existing Parking Deck	623
<b>Total existing parking</b>	<b>1,137</b>
Required Parking Spaces	
Office Building (162,860 sq ft / 1 per 250 sq ft)	652
Office Building - 186,697 sq ft / 1 per 230 sq ft	728
Hotel 134 keys / 1.25 per guestroom	108
Restaurant 10,000 sq ft / 1 per 75 per sq ft	141
Retail 15,000 sq ft / 1 per 150 sq ft	33
<b>Total required parking</b>	<b>1,792</b>
<b>Minimum Parking Approved in Previous DeKalb County Case 2-08-16025 &amp; SJ LUP-08-16024</b>	<b>1,118</b>
<b>Two office buildings, 200 room hotel, 10,000 sq ft restaurant</b>	<b>1,118</b>
Proposed Shared Parking Spaces (Subject to ZBA Approval)	
Utilization Rate	
Office - 31/1000	100%
Hotel 134 - 1 per room	85%
Restaurant - 10/1000	70%
Retail - 5/1000	80%
<b>Total proposed</b>	<b>1,261</b>
Proposed Parking Spaces Shown (Subject to ZBA Approval)	
Existing Parking Deck	623
Surface Parking	437
Parking Deck upper level	310
<b>Total parking shown</b>	<b>1,291</b>

**STERLING POINTE** RECEIVED  
**REZONING SITE PLAN**  
 PERIMETER CENTER NORTH, DUNWOODY, GEORGIA  
 MARCH 14, 2013

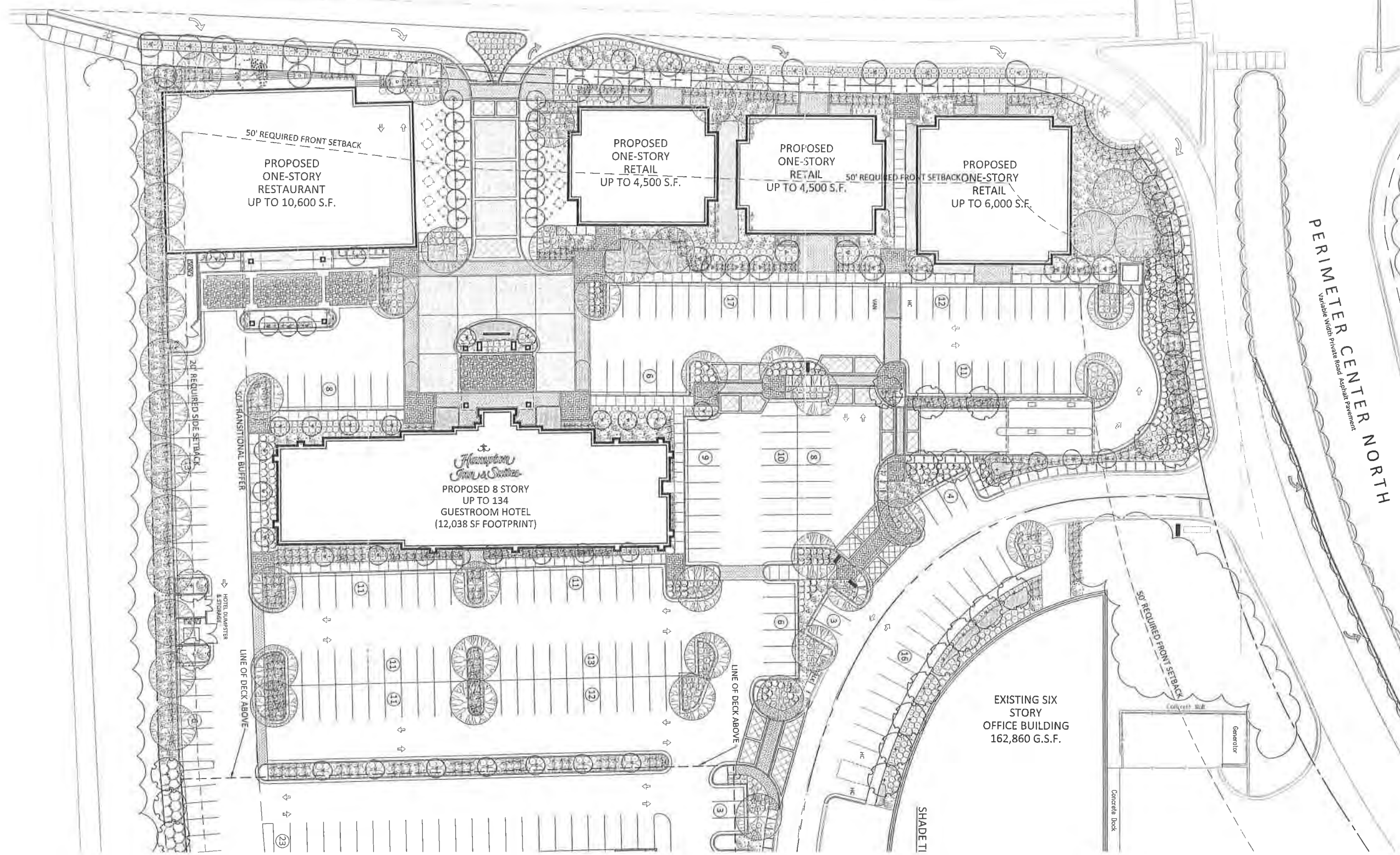


**MDA**  
 MCFARLAND-DYER & ASSOCIATES  
 4174 SILVER PEAK PARKWAY, SUWANEE, GEORGIA 30024  
 PHONE (770) 932-6550 FAX (770) 932-6551  
 WWW.GOMDA.NET

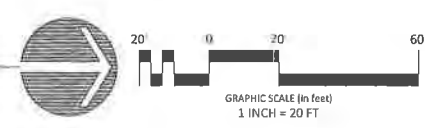
-213-

ASHFORD-DUNWOODY ROAD  
120' Public Right of Way Asphalt Pavement

LEGEND	
STREET LIGHT POLE	
STREET TREE	
SHADE TREE	
UNDERSTORY TREE	
LOW SHRUBBERY	
SHRUBBERY	
GROUND COVER	
SOD / GRASS	



STERLING POINTE **RECEIVED**  
LANDSCAPE ARCHITECTURAL CONCEPT  
PERIMETER CENTER NORTH, DUNWOODY, GEORGIA  
MARCH 14, 2013



**MDA**  
MCFARLAND-DYER & ASSOCIATES  
4174 SILVER PEAK PARKWAY, SUWANEE, GEORGIA 30024  
PHONE (770) 932-6550 FAX (770) 932-6551  
WWW.COMDANET



RIGHT OF WAY DEED

FILED & RECORDED  
DEKALB COUNTY  
SEP 19 1 44 PM '80

STATE OF GEORGIA  
COUNTY OF DEKALB

*Callie H. Wiley*  
CLERK OF SUPERIOR COURT

THIS INDENTURE made this 11th day of September, 1980, by and between TAYLOR & MATHIS ENTERPRISES, a Georgia general partnership, as to an undivided 50% interest (said general partnership being comprised of CHARLES MCKENZIE TAYLOR, as to a 41.28% interest, T. HARVEY MATHIS, as to a 41.28% interest, GRAYDON B. LEAKE, JR., as to a 13.44% interest, JAMES D. FLUKER, JR., as to a 2% interest and E. H. AVERY, as to a 2% interest); METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation, as to an undivided 45% interest; and 2154 TRADING CORPORATION, a New York corporation, as to an undivided 5% interest, being joint venturers doing business as PERIMETER CENTER NORTH ASSOCIATES, hereinafter referred to as "Owner" of the first part, and DEKALB COUNTY, a political subdivision of the State of Georgia, hereinafter referred to as "County" of the second part.

W I T N E S S E T H :

That for and in consideration of the sum of One Dollar (\$1.00) the Owner, subject to the reservations and conditions hereinafter set forth, does hereby grant and convey to the County the following described property, to wit:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 350 of the 18th District of DeKalb County, Georgia, being the property designated as "1.190 Ac.", on the plat of survey, a copy of which is attached hereto as Exhibit "A", and by this reference made a part hereof; said plat being entitled "Plat for Right-of-Way Deed Purposes for Widening of Ashford-Dunwoody Road", prepared by W. L. Jordan & Co., Inc., dated September 5, 1980.

TOGETHER WITH a temporary construction easement in, to and over the strip of land designated as "TEMPORARY CONSTRUCTION EASEMENT" which is shown on the aforementioned Exhibit "A" plat as being 0.67 Ac., more or less; said easement to terminate upon the completion of Ashford-Dunwoody widening project.

DeKalb County, Georgia  
Real Estate Transfer Tax  
Paid \$ NONE  
CLERK, SUPERIOR COURT  
By *Paulette Gray*  
Deputy Clerk

BOOK 4339 PAGE 399

4339-399

Received 3/14/13

Said property is conveyed subject to existing utility facilities and the reservations and conditions set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

Driveways and entrances to the property of the undersigned shall be preserved in case they are affected by a change of grade, and, where drainage pipes are necessary for driveways now in use, same shall be furnished by the County, not to exceed 16 feet in length for each driveway.

The Owner further grants the right to all necessary drainage in the widening construction of Ashford-Dunwoody Road and the maintenance of said road and also releases the County from any claim or damage arising on account of construction of said road or fills and embankments, ditches or culverts or bridges on account of back water changing of courses of streams, or in any other manner.

TO HAVE AND TO HOLD the said conveyed premises in fee simple.

The Owner hereby warrants that it has the right to sell and convey said land and binds itself, its successors and assigns forever to defend by virtue of these presents against the claims of persons claiming under Owner.

By the acceptance of delivery of this deed, the County recognizes (i) that the said property is conveyed subject to the conditions and reservations set forth on said Exhibit "B" and (ii) the County waives any obligation of Owner to maintain or repair the Ashford-Dunwoody Right-of-Way within the boundaries of the conveyed property.



IN WITNESS WHEREOF, the Owner has hereunto set its hand and seal the day and year first above written.

As to Taylor & Mathis Enterprises: Signed, sealed and delivered in the presence of:

TAYLOR & MATHIS ENTERPRISES, a Georgia general partnership

By: [Signature] (SEAL)  
CHARLES MCKENZIE TAYLOR, as partner

By: [Signature] (SEAL)  
T. HARVEY MATHIS, as partner

By: [Signature] (SEAL)  
GRAYDON E. LAKE, JR., as partner

By: [Signature] (SEAL)  
JAMES D. FLUKER, JR., as partner

By: [Signature] (SEAL)  
E. H. AVERY, as partner

AND

METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation

By: [Signature]  
Title: Assistant Vice President

Attest: [Signature]  
Title: Assistant Secretary  
(CORPORATE SEAL)

2154 TRADING CORPORATION, a New York corporation

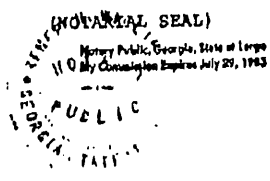
By: [Signature]  
Title: VICE PRESIDENT

Attest: [Signature]  
Title: Assistant Secretary  
(CORPORATE SEAL)

as the joint venturers doing business as Perimeter Center North Associates

[Signature]  
Witness

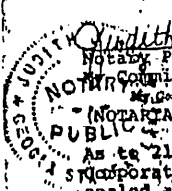
[Signature]  
Notary Public  
My Commission Expires:



As to Metropolitan Life Insurance Company: Signed, sealed and delivered in the presence of:

[Signature]  
Witness

[Signature]  
Notary Public  
My Commission Expires:



As to 2154 Trading Corporation: Signed, sealed and delivered in the presence of:

[Signature]  
Witness

[Signature]  
Notary Public  
My Commission Expires:



METROPOLITAN LIFE INSURANCE COMPANY, as Lender, joins herein for the purpose of releasing said property, designated as "1.19 Ac." on said Exhibit "A" from the lien and effect of that certain Deed to Secure Debt dated June 28, 1979, recorded in Deed Book 4073, Page 462 of the DeKalb County records and transferred to Metropolitan Life Insurance Company by virtue of a Transfer and Assignment dated June 28, 1979, recorded in Deed Book 4073, Page 492, and consents to the grant of said temporary construction easement as set forth in the within and foregoing Right-of-Way Deed.

Signed, sealed and delivered in the presence of:

METROPOLITAN LIFE INSURANCE COMPANY

By: Fred S. Burkhardt  
 Title: Assistant Vice President

Bulah Meyers  
 Witness

Attest: [Signature]  
 Title: Assistant Secretary

Judith J. Reas  
 Notary Public  
 My Commission Expires: 12-31-80  
 My Commission Expires: 12-31-80  
 (NOTARIAL SEAL)  
 NOTARY PUBLIC  
 GEORGIA STATE

(CORPORATE SEAL)  
 METROPOLITAN LIFE INSURANCE COMPANY  
 GEORGIA



EXHIBIT "B"

Said property is conveyed to the County subject to the following reservations and conditions:

1. The Owner reserves the road cut that is presently under construction into its property at the intersection of Ashford-Dunwoody Road and the Perimeter Center North (Main Road), which intersection is to be signalized; said Perimeter Center North (Main Road) having been approved by DeKalb County and being at present in the final stage of completion.

2. The Owner has the right to cause to be made one (1) curb cut from its property into Ashford-Dunwoody Road at some point north of the Perimeter Center North (Main Road) intersection and one (1) curb cut into Ashford-Dunwoody at some point south of the Perimeter Center North (Main Road) cut. Said curb cuts are to be made at locations in the discretion of the Owner.

3. The parties comprising Owner, hereby reserve for themselves, their respective heirs, legal representatives, successors and assigns, the unrestricted right of ingress and egress through the road ~~cut~~ and the other curb cuts to be constructed as set forth in Conditions 1 and 2 hereof.

4. The parties comprising Owner further reserve for themselves, their respective heirs, legal representatives, successors and assigns, the right to make full use of all utilities and drainage facilities that now exist or that may later be introduced within the boundaries of the conveyed property or the right-of-way of Ashford-Dunwoody Road.