

MEMORANDUM

To: City Council

From: John Olson, AICP

Date: November 13, 2017

Subject: Prado Perimeter Center, LLC owner of 121 Perimeter Center West, tax parcel 18-349-05-029, by Dennis J. Webb, Jr., attorney for the owner, seeks the following:

1. **MA17-02:** Request to modify previous zoning conditions;
2. **SLUP 17-04 A):** Section 27-23(b) to vary maximum building height in and OCR (Office, Commercial, Residential) District from 2 stories/35 feet to a 7-story hotel and five-story parking structure;
3. **SLUP 17-04 B):** Section 27-98(b)(6) to vary the Minor Parkway Street Type requirement (Perimeter Center Place); and
4. **SLUP 17-04 C):** Section 27-98(b)(7) to vary the Primary Street Type requirement (Olde Perimeter Way).



BACKGROUND

The subject site is located at the northwest corner of Perimeter Center West and Perimeter Center Place. The property in question is currently improved with a three-story, 49,590 square foot office building that includes a Tin Lizzy's restaurant and SunTrust Bank. Along the western edge of the property, there is also a bank drive-thru building used by SunTrust. The remainder of the site consists of a surface parking lot with several islands of mature hardwood trees.

The site is zoned OCR (Office Commercial Residential) District Conditional and is immediately adjacent to OCR zoning to the north, east, and west of the property; a C-1 (Commercial) District is also found to the south, across Perimeter Center West. According to the Perimeter Center Zoning District regulating map, the parcel is also recognized as a permitted location of a PC-1 (Perimeter Center) District, which calls for the highest intensity of buildings within Perimeter Center.

SITE PLAN ANALYSIS

In 2010 the property was rezoned from an O-I (Office-Institution) District to OCR (Office Commercial Residential) District conditional per case RZ 10-041. The site plan and conditions of this case permits a three (3) story office building with approximately 4,600 square feet of retail or restaurant uses on the ground floor and a bank. To allow for additional buildings and uses on the site, the applicant (Prado Perimeter Center LLC, c/o Dennis J. Webb) is requesting to modify conditions of RZ 10-41 as required by Sections 27-335 and 27-337 of the Dunwoody Zoning Ordinance. According to the site plan, dated August 29, 2017, the major amendment (MA17-02) seeks to amend the site plan to allow for a new restaurant building up to 10,000 square feet, a hotel with 157 rooms, a parking deck providing 364 spaces, and a new location for the drive-thru parking structure. The existing three-story office building that includes a SunTrust Bank and Tin Lizzy's restaurant will remain on the subject property. The applicant also seeks a Special Land Use Permit from Chapter 27, Section 27-73(b) to vary the maximum allowable building height in an OCR (Office Commercial Residential) District from 2 stories/35 feet to permit a 7-story hotel and 5-story parking deck. Staff would note that the proposed height is similar to the 6-story apartment complex to north, and lesser in height to several 12-story buildings further east and south of the property. Additionally, the applicant seeks two SLUPs to vary the minor parkway and primary type requirements of the Perimeter Center Overlay. The aforementioned requests relate to two companion variances and a special exception that were approved by the Zoning Board of Appeals on September 7, 2017:

- ZBA 17-14 A): reduction of the rear yard from 40 to 20 feet for the parking deck;
- ZBA17-14 B): reduction of the side setback reduction from 20 to 10 for the parking deck; and
- SE 17-01: A reduction of parking requirements from 444 to 342 spaces.

An applicant initiated meeting was held on June 29, 2017 from 5:00 to 7:00 P.M. at Hampton Inn and Suites, located at 4565 Ashford Dunwoody Road. Staff received no notice of opposition during this meeting.



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TREE ANALYSIS

Approximately 63 existing parking lot trees, including 14 willow oak specimen trees, are proposed to be removed for grading and land development. Of the specimens, three have a diameter breast height of 24 inches, one is 28 inches, one is 29 inches, one is 30 inches, one is 38 inches, and seven are 32 inches. Review of the site plan indicates that five trees internal to the site and 11 existing street trees will be saved. As well, 17 additional street trees are proposed to be planted along the site's perimeter street frontage, located along Perimeter Center West. In an effort to save mature oak trees on the site, staff has added condition 17, which states that the applicant will save the 38 inch willow oak at the corner of Perimeter Center West and Perimeter Center Place, and prior to issuance of land development permit submit a landscape plan that attempts to save other specimen sized oaks on the property. Should the applicant be able to save additional trees, the condition allows the Community Development Director to approve of a revised site plan. Finally, condition 18 requires the applicant to plant 60% of the street tree plantings as 4" DBH trees.

PARKING ANALYSIS

Code Section 27-421 of the City's Zoning Ordinance permits the Zoning Board of Appeal the ability to waive or reduce the required number of parking spaces in any district upon a finding that the character of the use makes the full provision of parking or loading spaces unnecessary. As demonstrated by the shared parking analysis below, the character of the development makes the full required number of parking spaces unnecessary as office parking is generally in greatest demand during the day, and hotel and restaurant parking during the evening. In response to this demand, the Zoning Board of Appeals approved a reduction of parking from 444 to 342 spaces as a Special Exception (SE17-01) on September 7th, 2017.

Shared parking calculation (ULI methodology)													
USE	SIZE/NUMBER	UNIT	RATE TYPE	WEEKDAY		WEEKEND		PEAK MONTH	PEAK HOUR	MODE ADJUSTMENT	TOTAL SPACES NEEDED	PER CITY CODE (Sec. 27-202)	
				RATE	SPACES	RATE	SPACES	DEC.	7PM			RATE	SPACES
RESTAURANT	14600	ft ²	VISITOR	15.25	223	17	249	100%	100%		223	6.67	98
			EMPLOYEE	2.75	41	3	44	100%	100%		41		
HOTEL	157	rooms	VISITOR	1	157	0.9	142	67%	75%	66%	53	1.25	197
			EMPLOYEE	0.25	40	0.18	29	100%	20%		8		
OFFICE	44990	ft ²	VISITOR	0.3	14	0.03	2	100%	2%		1	3.30	149
			EMPLOYEE	3.5	158	0.35	16	100%	10%		16		
					633		482				342		444
Potential reduction with shared parking (ULI rates): -46%													
Potential reduction with shared parking (City code): -23%													

SURROUNDING LAND USE

Direction	Zoning	Future Land Use	Current Land Use
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N	OCR	Perimeter Center	Multi-family
S	C-1	Perimeter Center	Commercial
E	OCRC	Perimeter Center	Office
W	OCR	Perimeter Center	Commercial

Zoning Ordinance Requests

MA17-02

MA17-02 is a Major Amendment request to modify the conditioned site plan and uses imposed in RZ010-041. This amendment will allow for a new restaurant building up to 10,000 square feet, a hotel with 157 rooms, a parking deck providing 364 spaces, and a new location for the drive-thru parking structure. In light of the surrounding uses that are similar in character, and the fact that it aligns with many of goals of the Comprehensive Plan as outlined in the zoning analysis, staff supports the requested amendment.

SLUP 17-04 A)

Through the process of a Special Land Use Permit, the applicant has requested to increase the building height in an OCR District from 2 stories/35 feet for a seven-story 83-foot hotel and five-story parking deck. The request for height is consistent to properties to the east and north of the subject property. Further, the Perimeter Center District Regulations call for this site to be a PC-1 district, which would allow for a height of 16 stories and 200 feet by right. For these reasons, staff supports the request for additional height.

Relevant Code Sections:

1. Section 27-97(b): The maximum building height (stories/feet) in a OCR District is 2 stories and 35 feet.
2. Section 27-97(b)(4): Buildings in excess stated height limits may be approved through the special land use permit procedures of article V, division 3.

SLUP 17-04 B)

Perimeter Center Place is listed as a Minor Parkway that requires a minimum 6-foot street buffer with street trees, 12-foot shared use path (or 6-foot sidewalk with separate bike lane), and 6-foot yard treatment to building location. Due to an underground gas line, the applicant is requesting to move the street trees from the street buffer to the landscape buffer, located on the other side of the sidewalk. With the exception to the location of the street trees, review of the site plan indicates that the proposed streetscaping meets all other aspects of the minor parkway frontage requirements (see section below). Staff is of the opinion that full compliance along Perimeter Center Place can be waived if, during the Land Disturbance Permit process, the applicant can substantiate the exact location of the gas line. In response to this request, condition 16 has been added to the recommended list of conditions, wherein during the land development phase, the Community Development Director will review information provided by the applicant to determine whether or not the trees need to be moved.

Relevant Code Sections:

The applicant requests a SLUP from the following standards of the Overlay:

1. Section 27-98(b)(6): Minor Parkway Street Type requires a separate bicycle lane, 6-foot street buffer, and 10-foot sidewalk (Perimeter Center Place);

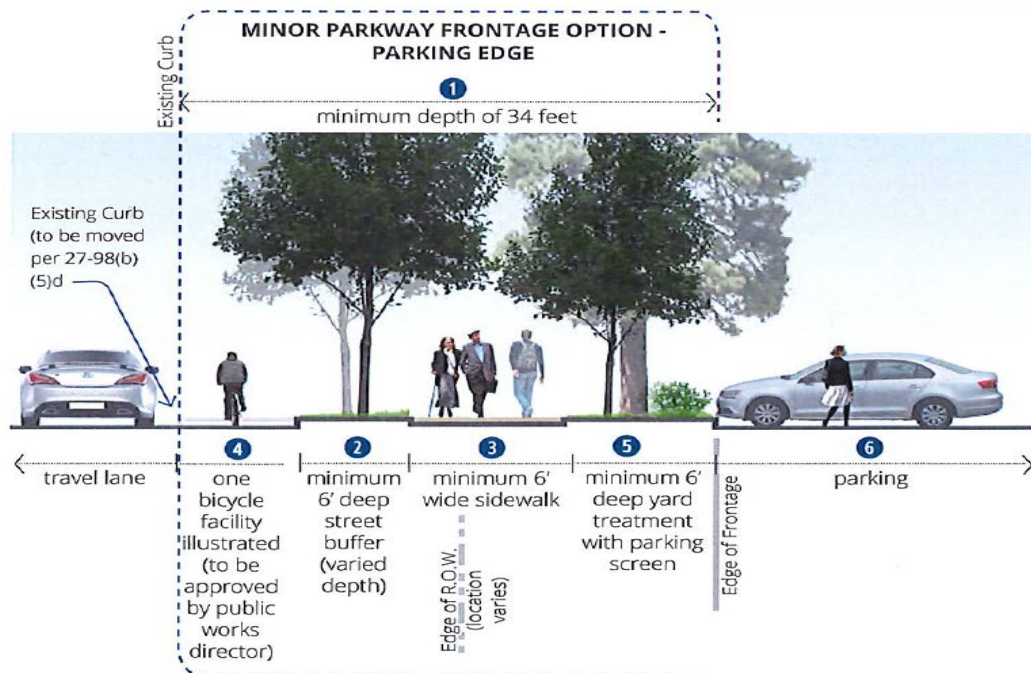


Figure 27-98-12 Minor Parkway Frontage Option - Parking Edge

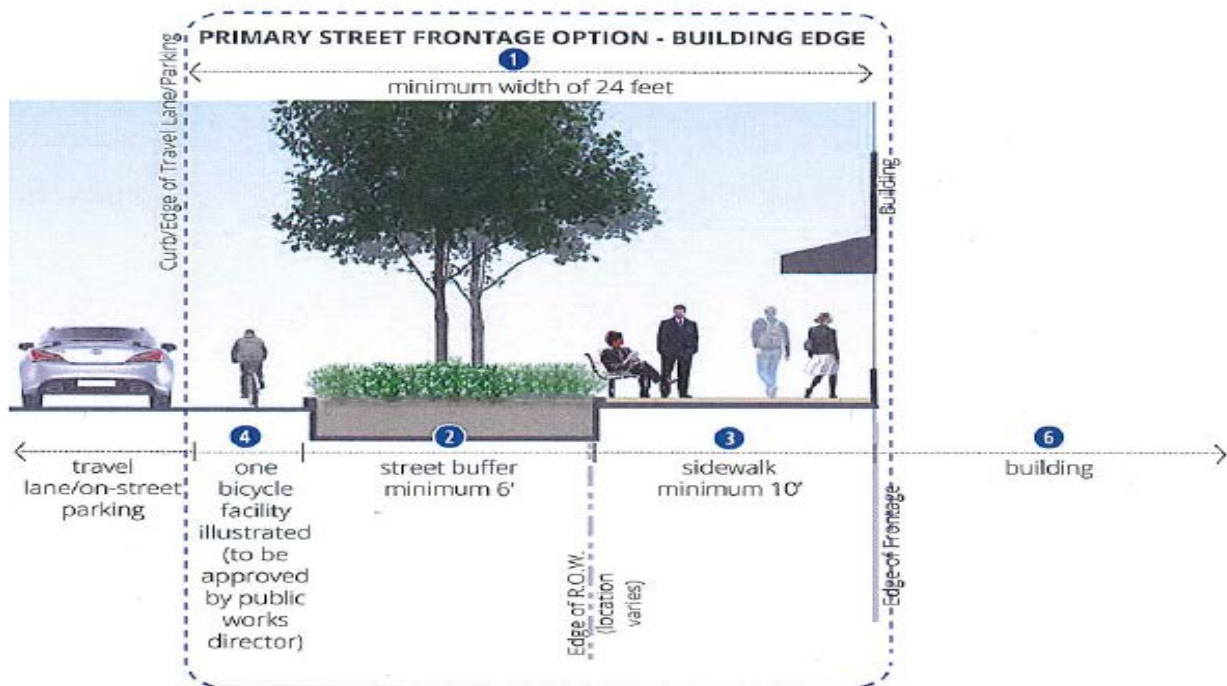
SLUP 17-04 C)

Olde Perimeter Way is listed as a Primary Street that requires a separate bicycle facility, 6-foot street buffer with street trees, and 10-foot sidewalk to building (see street transect below). The applicant has requested a waiver to the requirement for Olde Perimeter Way to keep the streetscape as it is until the neighboring property redevelops. Review of the site indicates that there is space to build the streetscape improvement; as such, staff does not support the request as proposed. Based on discussions with Public Works, they are agreeable to eliminating the bicycle lane due to its location on a private road. This would alter the required frontage to only a 6-foot street buffer and 10-foot sidewalk.

Relevant Code Sections:

The applicant requests a SLUP from the following standards of the Overlay:

2. Section 27-98(b)(7): Primary Street Type requires a separate bicycle lane, 6-foot street buffer, and 10-foot sidewalk (Olde Perimeter Way);





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ZONING ANALYSIS FOR MAJOR AMENDMENT REQUEST

In accordance with Section 27-335 of the Dunwoody Zoning Code, the following review and approval criteria shall be used in reviewing the respective amendment applications:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
The development of the subject property is consistent with the following policies of Comprehensive Plan: 1) encourage a "reduction in excessive surface parking"; 2) promote redevelopment with "high quality design standards and building materials"; 3) encourage development of "pedestrian and bicycle oriented environments"; 4) and create a "livable" regional center with a mix of uses. Additionally, as outlined in the Comprehensive Plan and Zoning Ordinance, the subject site is identified as a permitted location of a PC-1 District. Based on the review of submitted site plan, it appears the development is consistent with this designation, as it promotes a higher intensity of buildings with a mix of uses.
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
The proposed uses are suitable, in light of the existing mix of retail, restaurant, and office uses in the area.
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
While the property does have an economic use as an OCR zoned District, it remains conditioned to a site plan, which limits the highest and best use of the property. The request for an increase in height and modifications of the site plan are intended to align with the intended Comprehensive Plan and PC regulations, which supports a higher intensity of buildings on the site.
4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
The rezoning proposal aligns with the mix of office, retail and restaurant uses in the area. From a use or usability standpoint there should be no adverse effects to adjacent or nearby property. Staff would note that the proposed parking deck will be mitigated by landscape screening and architectural treatments.
5. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;
The proposed density and uses of the property aligns with the goals of the Comprehensive Plan, Perimeter Center Overlay, and Perimeter Center District requirements that provide supporting grounds for approval.
6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;
The zoning proposal is located on an existing surface parking lot wherein its redevelopment will not affect historic buildings, sites, districts or archaeological facilities.

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

The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

ZONING ANALYSIS FOR SPECIAL LAND USE PERMIT REQUESTS

In accordance with Section 27-359 of the Dunwoody Zoning Code, the following review and approval criteria shall be used in reviewing the respective SLUP applications:

1. Whether the proposed use is consistent with the policies of the comprehensive plan;
The proposed use is consistent with policies of the Comprehensive Plan. See statement number one in the review and approval criteria for zoning map amendments above.
2. Whether the proposed use complies with the requirements of this zoning ordinance;
The proposed development complies with the OCR zoning district with the exception of the rear and side setbacks for the parking deck, which was applied for and approved as a variance (ZBA17-14), the parking spaces provided, which was applied for and approved as a special exception (SE17-01), and some of the Perimeter Center Overlay Standards, which is applied for in this application as noted above. While the project is located within the newly adopted Perimeter Center Overlay, it remains non-compliant as developed. However, as a mixed use redevelopment with pedestrian and bicycle oriented environments, the proposed redevelopment will bring the subject property into greater compliance with the goals of the Perimeter Center Overlay.
3. Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
While the development provides adequate land area for the proposed uses, it will require the removal of several parking lot trees to make space available. Additionally, the shared parking analysis indicates that the proposed parking will be appropriate to meet the parking demands of the site. Staff would note that the Zoning Board of Appeals approved a Special Exception (SE17-01) that reduced the required parking from 444 to 342 spaces.
4. Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
 - a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;
The proposed uses will not impact adjoining uses by reasons of noise, smoke, odor, dust or vibration generated by the proposed use. To help mitigate the impacts of the parking deck in relation to the adjacent apartment building, staff has provided condition 14 requiring hooded lights and architectural treatments, and condition 10 requiring a Transition Yard 2 on the side (west) and rear (north) of the parking deck.
 - b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;



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The proposed uses are compatible to what exists in the area, and therefore, will not create adverse impacts upon any adjoining land use by reason of the hours of operation.

- c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
The proposed uses are compatible to what exists in the area, and therefore, will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
 - d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;
The development contains compatible uses that will generate traffic at different peak hours, so it appears that the proposed use will not create adverse impacts upon any adjoining land use by reason of the character of vehicles.
 - e. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and
The size, scale and massing of the 7- story hotel development is appropriate in relation to the size, scale and massing of 6-story apartment building found to the north. Additionally, there is a higher intensity 12-story office building to the east of the development, and more focused urban development further west of the site; all of which support the size, scale and massing of the building proposed on the site.
 - f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
As previously noted, the zoning proposal is located on an existing surface parking lot wherein its redevelopment will not affect historic buildings, sites, districts or archaeological facilities.
5. Whether public services, public facilities and utilities—including motorized and nonmotorized transportation facilities—are adequate to serve the proposed use;
Public services and facilities, and utilities appear to be adequate to serve the proposed use.
 6. Whether adequate means of ingress and egress are proposed, with particular reference to nonmotorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;
The site is served by three different streets that all have adequate means of ingress and egress.
 7. Whether adequate provision has been made for refuse and service areas; and
The site plan provides adequate provisions for refuse and service areas.
 8. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

The apartments to the north of the property are approximately 20 feet from the property line and 33 feet from the proposed parking deck. Given the proximity of the buildings, and the fact that the parking structure will go up to five stories, the proposed parking deck may have some shadow impact on the lower level apartments found immediately adjacent to the deck.

Planning Commission

The Planning Commission heard the applicant's request at the August, September, and October Planning Commission meetings. At the September hearing, a motion was made to approve MA17-02 to modify conditions of zoning and defer SLUP17-04 to the October hearing. The motion passed 7-0. At the October hearing, a motion was made to approve of SLUP17-04 A) Section 27-23(b) to vary maximum building height from two stories and 35 feet to seven stories and five stories, and SLUP17-04 B) Section 27-98(b)(6) to vary the Minor Parkway Street Type requirement (Perimeter Center Place), and deny SLUP17-04 C) to vary a Primary Street Type. The motion was voted and passed 5 to 2. As part of the approval, the Planning Commission recommended the following conditions be placed on the project:

1. The applicant will use hooded lights and architectural treatments, as approved by the Community Development Director, to lessen the impact on the south and north elevations of the parking deck.
2. Within the cross-hatched area shown on the plans, the uses are limited to a bank drive-thru and restaurants.
3. For any trees removed that cannot be replaced on site, the funds paid into the tree bank should go to planting trees with in the PCID.
4. The applicant shall return to the Planning Commission prior to receiving a building permit for a restaurant with color elevations and site plan.
5. The Community Development Director must approve the removal of existing trees on the site prior to the construction of a restaurant.

The City Attorney has reviewed condition 4, and in a statement to staff, it was advised that this condition is not legal, as there's no established procedure for design review by the Planning Commission. As such, staff has removed this condition from staff's recommendation.

Staff Recommendation

Staff recommends **APPROVAL** of SLUP 17-04 A) Section 27-23(b) to vary maximum building height from two stories and 35 feet to seven stories and 83 feet, and B) Section 27-98(b)(6) to vary the Minor Parkway Street Type requirement with the following conditions:

1. Unless otherwise approved, the site plan shall be modified to be in compliance with all Perimeter Center Overlay and all zoning requirements.
2. The total density on the Property shall not exceed (a) an existing $\pm 50,000$ square foot, three-story office building with office, commercial, financial services, retail and/or restaurant uses; (b) a seven-story, 157 room hotel; (c) a single-story standalone restaurant space of up to 10,000 square feet; (d) a standalone, two-lane bank drive-thru; and (e) a five-story parking deck, accepting that the Owner may construct up to a combined total of 15,000 square feet of new restaurant, retail sales, commercial and/or office space in the cross-hatched area on the Site Plan if it

- can demonstrate to the Director of Community Development that adequate parking can be provided. Total parking on the Property shall be a minimum of 342 spaces.
3. Maximum height allowed on the Property will be seven-stories for the hotel and five stories for the parking deck.
 4. Dumpster(s) for the proposed standalone restaurant(s) will be located so as to not be seen from public right of way.
 5. Once no longer required by Tin Lizzy's lease, the shed located on western side of existing three-story office building will be removed.
 6. Once no longer required by Tin Lizzy's lease, the ventilation piping on the western façade of the existing three-story office building will be removed and all HVAC equipment will be screened.
 7. The existing SunTrust sign on Perimeter Center West will come into full compliance with current sign code within 12 months of the issuance of a building permit for the new development proposed by this application.
 8. Should any existing street tree(s) become diseased and/or die, the Owner shall replant new 6 inch DBH tree(s) of the same species in their place.
 9. The drive-thru shown on the Site Plan shall be allowed in lieu of the requirements of the Perimeter Center Overlay, including but not limited to Section 27-98(d)(8); which regulates accessory drive-thru structures in the Perimeter Center Overlay.
 10. Applicant should provide a Transition Yard 2 on the side (west) and rear (north) of the parking deck. Such Transition Yard shall contain no surface parking.
 11. The applicant shall remove the bypass lane found at the drive-thru.
 12. The proposed driveway off of Perimeter Center West should be reduced in width from 28 feet to 26 or less.
 13. For any trees removed that cannot be replaced on site, the funds paid into the tree bank should go to planting trees within the PCID.
 14. The applicant will use hooded lights and architectural treatments, as approved by the Community Development Director, to lessen the impact on the south and north elevations of the parking deck.
 15. Within the cross-hatched area shown on the plans, the uses are limited to a bank drive-thru and restaurants.
 16. During the Land Development Permit process, applicant shall show the exact location of the gas line in relation to the intended location of the street trees along Perimeter Center Place. Based on the information provided, the Community Development Director will review and determine whether the street trees on Perimeter can be planted between the sidewalk and the road as shown in the Perimeter Center Overlay. If it is determined that the gas line will not impact placement of street trees, the street trees will need to be planted per streetscape requirements for a Minor Parkway Street Type.
 17. During the land development phase, the applicant shall work with the City Arborist and Community Development Director to save the 38" Willow Oak at the corner of Perimeter Center West and Perimeter Center Place. Further, prior to the issuance of land disturbance permit, the applicant shall submit a landscape plan to attempt to save some of the specimen sized oaks on the property. In the event that the site plan needs to be amended to save trees, the Community Development Director is authorized to approve of a revised plan.
 18. A minimum of 60% of the trees proposed for planting on the landscape plan shall be 4" DBH, unless otherwise approved by the City Arborist.
 19. The Community Development Director must approve the removal of existing trees on the site prior to the construction of a restaurant.



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Staff believes that there is adequate room on the property to fully comply with all Perimeter Center Overlay requirements on Olde Perimeter Way and that the applicant has failed to demonstrate why it is necessary to vary the requirements. For these reasons, staff recommends **Denial** of SLUP 17-04 C) Section 27-98(b)(7) to vary the Primary Street Type requirement.

Attachments

- Ordinance granting MA17-01
- Ordinance granting SLUP17-04 (A)&(B)
- SLUP 17-04 Original Application packet
- MA17-01 Original Application packet
- Site plan dated 8-29-2017
- Tree Survey and Landscape Plan date 10-5-2017
- Architectural Renderings
- Parking deck treatments
- Shared Parking Calculations
- Dunwoody Comprehensive Plan excerpt
- Perimeter Center Overlay
- Site photos

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 349 05 029 IN CONSIDERATION OF A MAJOR AMENDMENT

- WHEREAS:** Prado Perimeter Center, LLC, seeks to amend the site plan to allow for a new restaurant building up to 10,000 square feet, a hotel with 157 rooms, a parking deck providing 320 spaces, and a new location for the drive-thru parking structure; and
- WHEREAS:** The rezoning proposal aligns with the mix of office, retail and restaurant uses in the area. From a use or usability standpoint there should be no adverse effects to adjacent or nearby property. Staff would note that the proposed parking deck will be mitigated by landscape screening and architectural treatments; and
- WHEREAS:** the Property currently has entitlements stemming from DeKalb County rezoning case RZ 10-41 which permits a three (3) story office building with approximately 4,600 square feet of retail or restaurant uses on the ground floor and a bank; and
- WHEREAS:** The development of the subject property is consistent with the following policies of Comprehensive Plan: 1) encourage a “reduction in excessive surface parking”; 2) promote redevelopment with “high quality design standards and building materials”; 3) encourage development of “pedestrian and bicycle oriented environments”; 4) and create a “livable” regional center with a mix of uses. Additionally, as outlined in the Comprehensive Plan and Zoning Ordinance, the subject site is identified as a permitted location of a PC-1 District. It is the opinion of staff that the development is consistent with this designation, as it promotes a higher intensity of buildings with a mix of uses; and
- WHEREAS:** The Planning Commission heard the applicant’s request at the August, September, and October meetings and a motion was made to Approve of MA17-02 to modify the site plan; and
- WHEREAS:** the Mayor and City Council find that the proposed Development will permit a use that is suitable in view of the use and development of near-by properties; and
- WHEREAS:** Notice to the public regarding said rezoning and modification to conditions of zoning has been duly published in The Dunwoody Crier, the Official News Organ of the City of Dunwoody; and
- WHEREAS:** A public hearing was held by the Mayor and City Council of the City of Dunwoody as required by the Zoning Procedures Act.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby **ORDAIN AND APPROVE** the amendment to the site plan to allow for a new restaurant building up to 10,000 square feet, a hotel with 157 rooms, a parking deck providing 320 spaces, and a new location for the drive-thru parking structure:

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Section 1. The amendment to the site plan to allow for a new restaurant building up to 10,000 square feet, a hotel with 157 rooms, a parking deck providing 320 spaces, and a new location for the drive-thru parking structure shall consist of the following conditions:

- 1. Unless otherwise approved, the site plan shall be modified to be in compliance with all Perimeter Center Overlay and all zoning requirements.**
- 2. The total density on the Property shall not exceed (a) an existing ±50,000 square foot, three-story office building with office, commercial, financial services, retail and/or restaurant uses; (b) a seven-story, 157 room hotel; (c) a single-story standalone restaurant space of up to 10,000 square feet; (d) a standalone, two-lane bank drive-thru; and (e) a five-story parking deck, accepting that the Owner may construct up to a combined total of 15,000 square feet of new restaurant, retail sales, commercial and/or office space in the cross-hatched area on the Site Plan if it can demonstrate to the Director of Community Development that adequate parking can be provided. Total parking on the Property shall be a minimum of 342 spaces.**
- 3. Maximum height allowed on the Property will be seven-stories for the hotel and five stories for the parking deck.**
- 4. Dumpster(s) for the proposed standalone restaurant(s) will be located so as to not be seen from public right of way.**
- 5. Once no longer required by Tin Lizzy's lease, the shed located on western side of existing three-story office building will be removed.**
- 6. Once no longer required by Tin Lizzy's lease, the ventilation piping on the western façade of the existing three-story office building will be removed and all HVAC equipment will be screened.**
- 7. The existing SunTrust sign on Perimeter Center West will come into full compliance with current sign code within 12 months of the issuance of a building permit for the new development proposed by this application.**
- 8. Should any existing street tree(s) become diseased and/or die, the Owner shall replant new 6 inch DBH tree(s) of the same species in their place.**
- 9. The drive-thru shown on the Site Plan shall be allowed in lieu of the requirements of the Perimeter Center Overlay, including but not limited to Section 27-98(d)(8); which regulates accessory drive-thru structures in the Perimeter Center Overlay.**
- 10. Applicant should provide a Transition Yard 2 on the side (west) and rear (north) of the parking deck. Such Transition Yard shall contain no surface parking.**
- 11. The applicant shall remove the bypass lane found at the drive-thru.**
- 12. The proposed driveway off of Perimeter Center West should be reduced in width from 28 feet to 26 or less.**
- 13. For any trees removed that cannot be replaced on site, the funds paid into the tree bank should go to planting trees within the PCID.**
- 14. The applicant will use hooded lights and architectural treatments, as approved by the Community Development Director, to lessen the impact on the south and north elevations of the parking deck.**
- 15. Within the cross-hatched area shown on the plans, the uses are limited to a bank drive-thru and restaurants.**
- 16. During the Land Development Permit process, applicant shall show the exact location of the gas line in relation to the intended location of the street trees along Perimeter Center Place. Based on the information provided, the Community Development Director will review and determine whether the street trees on Perimeter can be planted between the sidewalk**

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CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

and the road as shown in the Perimeter Center Overlay. If it is determined that the gas line will not impact placement of street trees, the street trees will need to be planted per streetscape requirements for a Minor Parkway Street Type.

17. During the land development phase, the applicant shall work with the City Arborist and Community Development Director to save the 38" Willow Oak at the corner of Perimeter Center West and Perimeter Center Place. Further, prior to the issuance of land disturbance permit, the applicant shall submit a landscape plan to attempt to save some of the specimen sized oaks on the property. In the event that the site plan needs to be amended to save trees, the Community Development Director is authorized to approve of a revised plan.
18. A minimum of 60% of the trees proposed for planting on the landscape plan shall be 4" DBH, unless otherwise approved by the City Arborist.
19. The Community Development Director must approve the removal of existing trees on the site prior to the construction of a restaurant.

SO ORDAINED, this the ____ day of October, 2017.

Approved by:

Approved as to Form and Content

Denis L. Shortal, Mayor

City Attorney

Attest:

Sharon Lowery, City Clerk

SEAL

AMENDMENT APPLICATION



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

* Applicant Information:

Company Name:	Prado Perimeter Center, LLC c/o Dennis J. Webb, Jr., Esq.		
Contact Name:	Dennis J. Webb, Jr.		
Address:	1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309		
Phone:	404-815-3620	Fax:	404-685-6920
Email:	djwebb@sgrlaw.com		
Pre-application conference date (required):	6/6/17		

* Owner Information: ☐ Check here if same as applicant

Owner's Name:	Prado Perimeter Center, LLC		
Owner's Address:	P.O. Box 988, Duluth, GA 30096		
Phone:	404-983-2510	Fax:	
Email:	brucewilliamsproperties@earthlink.net		

* Property Information:

Property Address:	121 Perimeter Center West	Parcel ID:	18-349-05-029
Current Zoning Classification:	OCRC		
Requested Zoning Classification:	OCRC		

* Applicant Affidavit:

I hereby certify that to the best of my knowledge, this amendment 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 certify that I, the applicant (if different), am authorized to act on the owner's behalf, pursuant to this application and associated actions.

Applicant's Name:	Dennis J. Webb, Jr.		
Applicant's Signature:		Date:	7/5/17

* Notary:

Sworn to and subscribed before me this	5 th	Day of	July	, 20	17
Notary Public:	Shawna E. Avila				
Signature:					
My Commission Expires:	3-16-20				



Additional Property Owner(s) Notarized Certification



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

I hereby certify that to the best of my knowledge, this amendment form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filling additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.

*** Property Owner (If Applicable):**

Owner Name: <u>Prado Perimeter Center LLC</u>	
Signature: <u>[Signature]</u>	Date: <u>6/29/17</u>
Address: <u>P.O. Box 988, Duluth, GA 30096</u>	
Phone: <u>404-983-2510</u>	Fax: _____ Email: <u>brucewilliamsproperties@earthlink.net</u>
Sworn to and subscribed before me this <u>29th</u> Day of <u>June</u> , 20 <u>17</u>	
Notary Public: <u>Shawna E. Avila</u>	



*** Property Owner (If Applicable):**

Owner Name: _____	
Signature: _____	Date: _____
Address: _____	
Phone: _____	Fax: _____ Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20 _____	
Notary Public: _____	

*** Property Owner (If Applicable):**

Owner Name: _____	
Signature: _____	Date: _____
Address: _____	
Phone: _____	Fax: _____ Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20 _____	
Notary Public: _____	

Campaign Disclosure Statement



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

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

* **Applicant / Owner:** Prado Perimeter Center, LLC

Signature: _____

Date: 6/29/17

Address: P.O. Box 988, Duluth, GA 30096

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

Date	Government Official	Official Position	Description	Amount


Campaign Disclosure Statement



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

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

* **Applicant / Owner:** Dennis J. Webb, Jr.

Signature:  Date: 7/5/17
Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta GA 30309

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

Date	Government Official	Official Position	Description	Amount

Campaign Disclosure Statement



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

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

* **Applicant / Owner:** Kathryn M. Zickert

Signature: Kathryn M Zickert Date: 7/5/17
Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta GA 30309

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

Date	Government Official	Official Position	Description	Amount

Campaign Disclosure Statement



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

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

* Applicant / Owner: Vickie C. Rusek

Signature: *Vickie C. Rusek* Date: 6/27/17
Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta GA 30309

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

Date	Government Official	Official Position	Description	Amount

Neighborhood Communications Summary Report

Prado Perimeter Center, LL

Notice of a public information meeting was mailed out on June 9, 2017 and publicized on June 14, 2017 (see attached). The meeting was held on June 29, 2017 at 7:00 p.m. At this meeting there were three (3) people that attended: one property manager from The Terraces, one city planning board member, and one investor in a condo at The Manhattan. There was no opposition

Prado Perimeter Center, LLC

C/O Brogdon Consulting
3425 Duluth Park Lane
Duluth, Georgia 30096

June 9, 2017

**INFORMATION MEETING FOR PROPERTY LOCATED AT
121 PERIMETER CENTER WEST
DUNWOODY, GEORGIA**

We are notifying all nearby property owners of a proposed site plan amendment under the existing OCR zoning to allow the development of a new parking deck, hotel and free standing restaurant. The property is zoned OCR.

A public information meeting will take place on June 29, 2017 from 5:00 pm to 7:00 pm to discuss this proposal. This meeting will be held at the Hampton Inn & Suites, 4565 Ashford Dunwoody Road, Dunwoody, Georgia 30346 in the Sterling Room. Please feel free to attend this meeting should you have any questions regarding the proposed Zoning Amendment. If you are unable to attend but would like to obtain information, please contact Bruce Williams at 404-983-2510.

Sincerely,

Prado Perimeter Center, LLC

St. Luke's assists refugee families with English classes

Over the past few months, members of Saint Luke's Presbyterian Church expressed interest in becoming better aware and connected to the community of resettled refugees in the Atlanta area, concentrated in Clarkston. Saint Luke's is well on its way to meeting its commitment to assist the Refugee Family Literacy Program's expansion at the Memorial Drive Presbyterian Church.

The Refugee Family Literacy Program, called Mommy and Me, offers English as a Second Language classes and an early childhood development program for their refugee women who have children under five years of age regardless of race, nationality or reli-

gion. All are welcome. These students come from more than a dozen countries from around the world: Eritrea, Burma, Bhutan, Rwanda, Somalia, Sudan, Iraq, Afghanistan, Iran, The Democratic Republic of Congo, Ethiopia, Burundi, Liberia and Syria.

What began in 2008 as a two-day-a-week community program with just four staff members trying to make a difference in their rapidly evolving neighborhood, now has a paid staff of 27, manages 20-30 weekly volunteers and runs almost 15 classes for over 200 adult and young students.

Classrooms are being refurbished for the start of the 2017-18 school year in a second



Lydia Green and Allie Hearn



campus at Memorial Drive Presbyterian Church. Saturday workdays have brought together volunteers from the Clarkston

community. Mommy and Me staff and their families and members of Saint Luke's Presbyterian Church, Volunteers

share building skills and their enthusiasm and excitement as the project evolves.

Public Notice

There will be a Community Meeting regarding an application to rezone property located at 41, 47, and 53 Perimeter Center East in the City of Dunwoody from the current O-1 (Office - Institutional) zoning district to the PC-2 (Perimeter Center, Subarea 2) zoning district for the purposes of redeveloping the property as a mixed-use project including office, retail, and residential uses, along with structured parking and substantial greenspace. The meeting will be held from 6:00 - 7:00 p.m. on Monday, June 26, 2017, at 47 Perimeter Center East, Suite 530, Dunwoody, Georgia 30346.

Public Notice

There will be a public information meeting on June 29, 2017, from 5:00 p.m. to 7:00 p.m. to discuss a proposed zoning amendment to allow a new parking deck, hotel and free standing restaurant at 121 Perimeter Center West. This meeting will be held at the Hampton Inn & Suites, located at 4565 Ashford Dunwoody Road, Dunwoody, Georgia 30346 in the Sterling Room.

Council, from page 1

tised.

Dunwoody has followed what's called "the backdoor tax increase" law for years with advertisements indicating it will not roll back the millage rate to equalize revenues and expenditures. Little or no opposition has surfaced.

The lack of opposition may be explained by the city's notes on the matter. As the year goes along, revenue projections decline as property tax appeals are heard.

DeKalb County's property tax assessment freeze offsets most of the revenue increase.

"No one owning a home when Dunwoody incorporated is paying more for the same property as they did in 2009 with this credit," wrote the city finance department.

The result is that all of the

increase in the city's projected revenues is coming from commercial property or new real estate sales.

Traffic Calming

The traffic calming project for North Peachtree Road was once again on the Dunwoody city council agenda. Council members were expected to authorize funding for traffic calming measures for the nearly one-mile stretch of roadway starting at the intersection with Mt. Vernon Road.

Area residents petitioned the city last year for traffic calming due to excessive speeds on the 25 mph road. Traffic calming measures include seven median splitter islands and a neighborhood traffic circle at the intersection of North Peachtree Road and Saffron Drive.

The estimated cost is \$200,000 and Georgia Development Partners will construct the roadway improvements.

Council members were expected to discuss increasing the Hotel Motel Tax from five percent to eight percent. A recently signed House bill enables the city to increase the tax via an ordinance.

A strategic planning process, including the ordinance creation, was outlined in a memo to council members from Economic Development Director Michael Starling.

Hotel Motel Tax

A Hotel Motel Tax increase would provide funding for additional city projects. City staff will identify eligible projects, wrote Starling. Stakeholders and three council members will prioritize the project list.

"The city will host a public information open house to share the proposed ordinance and list of projects with residents and community members," wrote Starling.

The final ordinance is expected to be presented to council members at their Oct. 9 meeting.

Public Facilities

Another recently signed House bill, (HB-435) allows the city to create a City of Dunwoody Public Facilities Authority. As described in the bill's text, the purpose is to provide buildings, facilities, equipment and services for the citizens in the city of Dunwoody.

Starling wrote that a resolution would be presented to council members later this summer to create the authority and to adopt rules and procedures on how the authority would operate.

New Officer

Police Officer Kasey Martin was expected to be sworn in as a Dunwoody officer. Martin was formerly a Doraville police officer.

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Office: 770-393-8500

Lee "Mac" Whitesides DMD, MMSc.

Board Certified Oral & Maxillofacial Surgeon
4700 Chamblee Dunwoody Rd. Suite 400, Dunwoody, GA 30338

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*Abutment and crown not included

*Cash only. Not valid with other coupons. New patients only. Certain restrictions apply.
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6/29/17

Public Meeting on 121 PCW

STACY Milam

678-538-3500
(JLL - MANAGES
THE TERRACES)

Bill Grossman

PLANNING Council

STATEMENT OF INTENT

and

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

of
Prado Perimeter Center, LLC

For

\pm 4.70 Acres of Land
located in
Land Lot 349, 18th District, DeKalb County
Address: 121 Perimeter Center West

Submitted for Applicant by:

Dennis J. Webb, Jr.
Vickie C. Rusek
Smith, Gambrell & Russell, LLP
Promenade II Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Applicant in this case seeks to redevelop a 4.70 acre tract of land in the northwest quadrant of the intersection of Perimeter Center West and Perimeter Center Place known as 121 Perimeter Center West (the “Subject Property”) for use as a seven (7)-story hotel, up to 12,000 square foot restaurant and five (5)-story parking deck with 350 spaces. The existing three (3)-story office building with a SunTrust Bank with a drive-thru and Tin Lizzy’s restaurant will remain on the Subject Property, although the bank drive-thru will be relocated.

Over the past decade, Perimeter Center has seen continued growth and transformation and has established itself as a premier regional mixed-use district. As recognized in the Perimeter @ The Center – Future Focus, 2011 Ten Year LCI Update (the “LCI Study”), Perimeter Center’s strength has traditionally been its robust office market, but recent years have seen a steady increase in residential and retail developments. The result has been an increased demand for uses that cater to the workers, visitors, and residents of Perimeter Center. The proposed development, which will replace an existing surface parking lot, is in line with the Perimeter Center Overlay’s goal of creating a vibrant, pedestrian-scale mixed-use district that will serve each of these different groups. In order to redevelop the Subject Property, the Applicant seeks a Modification of Conditions imposed by the City of Dunwoody’s Mayor and City Council in RZ-10-041. The Applicant also seeks setback variances, a Special Land Use Permit (“SLUP”) to increase the allowable height, a SLUP to allow for certain variations from the Perimeter Center Overlay requirements, and a special exception to reduce required parking.

The Subject Property was rezoned to OCR-conditional in 2010 subject to the following five (5) conditions:

1. The Property will be developed similar to the site plan dated January 15, 2010.

2. The total density of the development shall not exceed an existing three (3) story office building consisting of existing office space and a bank and approximately 4,600 square feet of retail or restaurant uses on the ground floor. If the proposed development reaches the maximum of the proposed 4,600 square-foot restaurant, 3,650 square-foot bank, and the 41,344 square feet of office space, the total number of parking spaces allowed should not be less than 181.
3. Neon, gas, flashing, animated, sound emitting, rotating or internally lit sign are prohibited.
4. Any additional dumpster installed as a result of the retail or restaurant use shall be screened from view of public right-of-way.
5. No residential uses shall be permitted on the site.

The Applicant seeks a modification of conditions one and two so as to allow for the proposed development. The proposal is consistent with “the transformation of Perimeter Center into a pedestrian-friendly, livable center,” City of Dunwoody Zoning Ordinance, Sec. 27-98(a)(1), as well as the LCI Study’s desire to have more hotels and restaurants within walking distance from MARTA.

This document is submitted as a Statement of Intent with regard to the Application, a preservation of the Applicant’s legal and constitutional rights, and written justification for the proposed major modification as required by Sections 27-335 and 27-337 of the Dunwoody Zoning Ordinance.

II. 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. The Perimeter Center Character Area is divided into four subareas which match the Overlay. The Subject Property is in subarea PC-1, which is intended to apply to the central core area of Perimeter Center and allows for the highest intensity of buildings and active ground story uses that support pedestrian mobility.

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

- Reduce surface parking and promote livable centers in the immediate areas surrounding MARTA station.
- 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;

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

- Preserve the character of existing residential neighborhoods;
- Encourage a mix of compatible land uses in future infill development;
- Promote walk-and-bike-ability; and
- Promote conversion of surface parking to other land uses.

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 hotel and restaurant space in an area designated for a diverse mix of commercial, residential and retail uses. The conversion of surface parking into usable

buildings is highly desirable and fully consistent with surrounding development patterns. Directly adjacent to the Subject Property to the northwest is Fleming's Prime Steakhouse and Wine Bar, which is zoned OCR. To the north of the Subject Property are the Flats at Perimeter Place apartments, a six-story apartment complex also zoned OCR. South of the Subject Property across Perimeter Center West is Perimeter Mall, which is zoned C-1. To the east across Perimeter Center Place are offices of up to eleven stories zoned OCR. The proposed development is complementary of these uses and fully compatible with the growing mixed-use district.

The scale, height and setbacks of the proposed building are in line with those of surrounding buildings. The proposed hotel and restaurant uses are also appropriate given the Subject Property's proximity to MARTA. The Applicant will be providing sidewalks throughout the Subject Property to improve connectivity to adjacent properties.

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 northwest intersection of Perimeter Center West and Perimeter Center Place and is surrounded by a mix of commercial and high-density residential uses. There is substantial natural buffer between the Subject Property and apartments to the north and Fleming's is also separated by a parking area. The proposed development is fully consistent with and complementary of these surrounding uses. Appropriate conditions will be imposed to protect against any potential adverse impacts.

E. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal.

The proposal reinforces and promotes existing mixed use activity centers which serve a regional market. The Perimeter Center Overlay emphasizes the desire for pedestrian-oriented development that divides large parcels into a more walkable scale, which is exactly what the Applicant proposes here. The Subject Property's proximity to the Dunwoody and Sandy Springs MARTA stations allows easy mass transit access to the site.

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

The Applicant is unaware of any historic buildings, sites, districts, or archaeological resources on or in close proximity to the Subject Property.

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.

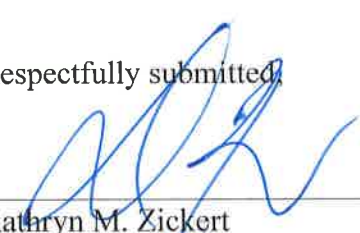
No. Utilities are available to serve the site. There will be no school-age children generated as a consequence of this development and therefore no impact on schools. Given its location and proximity to major thoroughfares, the Subject Property and surrounding roadways will be able to accommodate any additional traffic generated by the development. According to the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition), an average of 0.67 trips are expected to be generated per occupied room of a hotel during the A.M. peak hour, or 0.70 for the P.M. peak hour. For a fully-occupied 157-room hotel, this would be 105 trips during an A.M. peak hour or 110 trips during a P.M. peak hour. As the proposed hotel will not be fully booked all the time and some hotel guests will choose to take MARTA, this number should actually be lower. For a roughly 12,000 square foot "sit down" restaurant, an average of 90 trips is anticipated for the evening weekday peak period. Sit down restaurants are typically not open during the morning peak hours, so this use would not affect the morning rush hour.

III. 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 5th day of July, 2017.

Respectfully submitted,



Kathryn M. Zickert
Dennis J. Webb, Jr.
Vickie C. Rusek
Attorneys For Applicant

LAND DESCRIPTION FOR 121 Perimeter Center West:

ALL that tract or parcel of land lying and being in Land Lot 349 of the 18th District, DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a brass disk lying at the intersection of the western margin of Perimeter Center Place (public right-of-way varies) and the northwestern margin of Perimeter Center West (public right-of-way varies) having State Plane Coordinates (Georgia West) of North 1428660.932 East 2243508.909, said point being THE TRUE POINT OF BEGINNING; Thence along the northwestern margin of Perimeter Center West, South 47 degrees 29 minutes 41 seconds West, 104.72 feet to a right-of-way monument found; Thence continuing along said margin, North 88 degrees 37 minutes 07 seconds West, 171.85 feet to a point; Thence continuing along said margin and following along the arc of a curve to the right 232.10 feet to a point, said curve having a radius of 522.09 feet and a chord bearing and distance of North 75 degrees 52 minutes 48 seconds West, 230.19 feet; Thence continuing along said margin, North 63 degrees 08 minutes 48 seconds West, 73.80 feet to a right-of-way monument found; Thence continuing along said margin, North 26 degrees 59 minutes 58 seconds East, 18.35 feet to a right-of-way monument found; Thence continuing along said margin, North 49 degrees 13 minutes 33 seconds West, 46.34 feet to a brass disk found at the intersection of the eastern margin of Olde Perimeter Way (private driveway) and Perimeter Center West (public right-of-way varies); Thence along the eastern margin of said private driveway, North 23 degrees 53 minutes 45 seconds East, 126.58 feet to an iron pin set with cap; Thence departing said private driveway, South 86 degrees 50 minutes 23 seconds East, 175.00 feet to an iron pin found (1/2" rebar); Thence North 03 degrees 05 minutes 41 seconds East, 237.00 feet to an iron pin set with cap; Thence South 86 degrees 50 minutes 25 seconds East, 382.11 feet to an iron pin found (5/8" rebar) on the western margin of Perimeter Center Place (public right-of-way varies); Thence along the western margin of Perimeter Center Place, following along the arc of a curve to the left 178.28 feet to a point, said curve having a radius of 954.93 and a chord bearing and distance of South 11 degrees 02 minutes 14 seconds West, 178.02 feet; Thence South 05 degrees 38 minutes 53 seconds West, 217.50 feet to a brass disk found, said disk being THE TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 4.70 acres more or less.

-79-

#5.



140

REVISIONS
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DISTRICT
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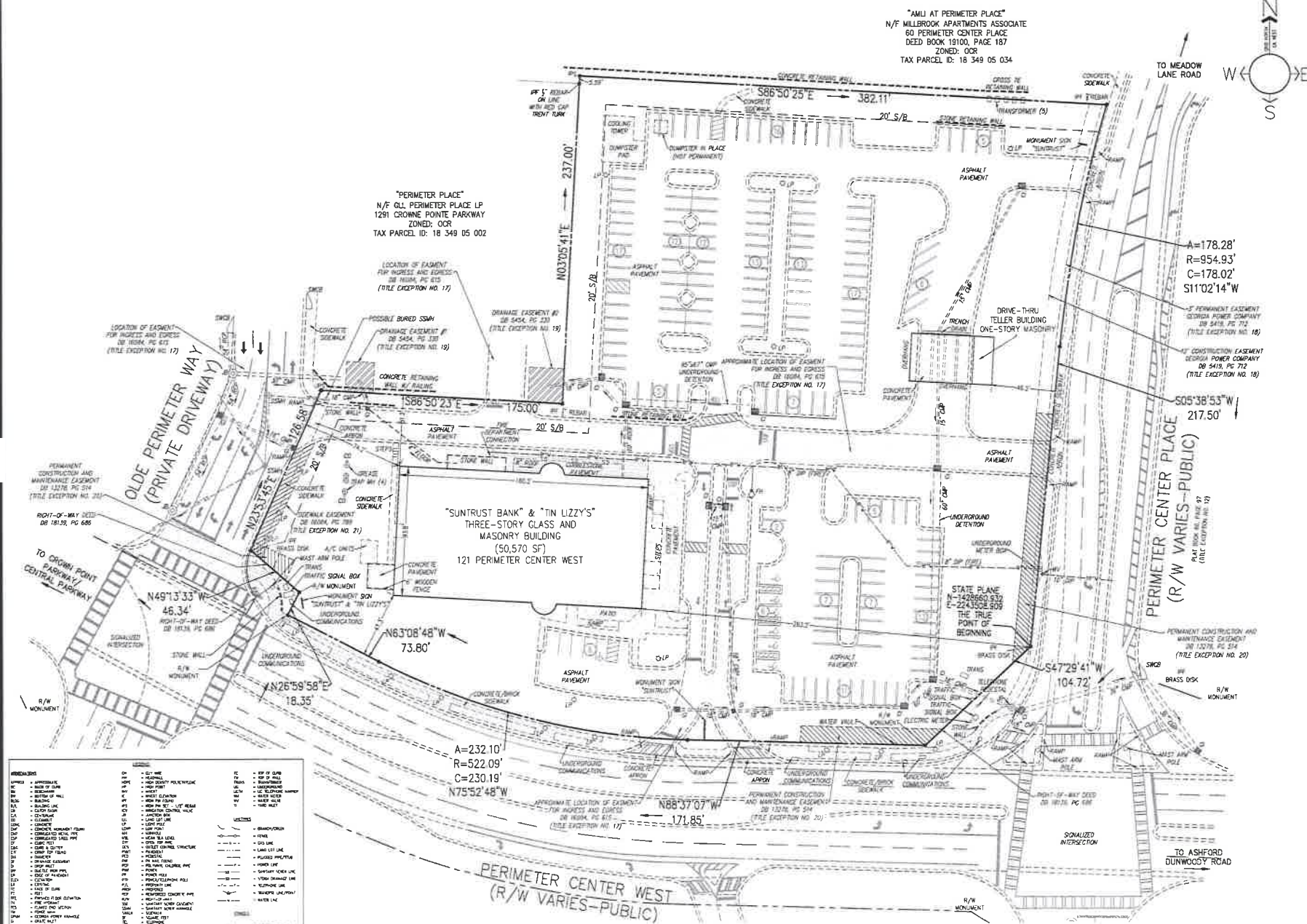
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"AMLI AT PERIMETER PLACE"
N/F MILLBROOK APARTMENTS ASSOCIATE
60 PERIMETER CENTER PLACE
DEED BOOK 19100, PAGE 167
ZONED: OCR
TAX PARCEL ID: 18 349 05 034

TO MEADOW
LANE ROAD

OLDE PERIMETER WAY
(PRIVATE DRIVEWAY)

PERIMETER CENTER PLACE
(R/W VARIES-PUBLIC)

"SUNTRUST BANK" & "TIN LIZZY'S"
THREE-STORY GLASS AND
MASONRY BUILDING
(50,570 SF)
121 PERIMETER CENTER WEST

DRIVE-THRU
TELLER BUILDING
ONE-STORY MASONRY

PERIMETER CENTER WEST
(R/W VARIES-PUBLIC)

TO ASHFORD
DUNWOODY ROAD

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
EXISTING UTILITIES ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN OR FOR UTILITIES NOT SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MUST BE REPAIRED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK.

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CONCRETE, BRICKS, & STONE
LEICESTER • PEPPERIDGE
LEICESTER • LYNNHOLM
4154 SILVER PEAK PARKWAY
SUITE B
SPRINGFIELD, GEORGIA 30084
TELEPHONE (478) 854-1548
INFO@BLUELANDWORKS.COM
WWW.BLUELANDWORKS.COM

PRADO PERIMETER
CENTER LLC
PO BOX 185
DUBLIN, GEORGIA 30128



SCALE: 1" = 30'

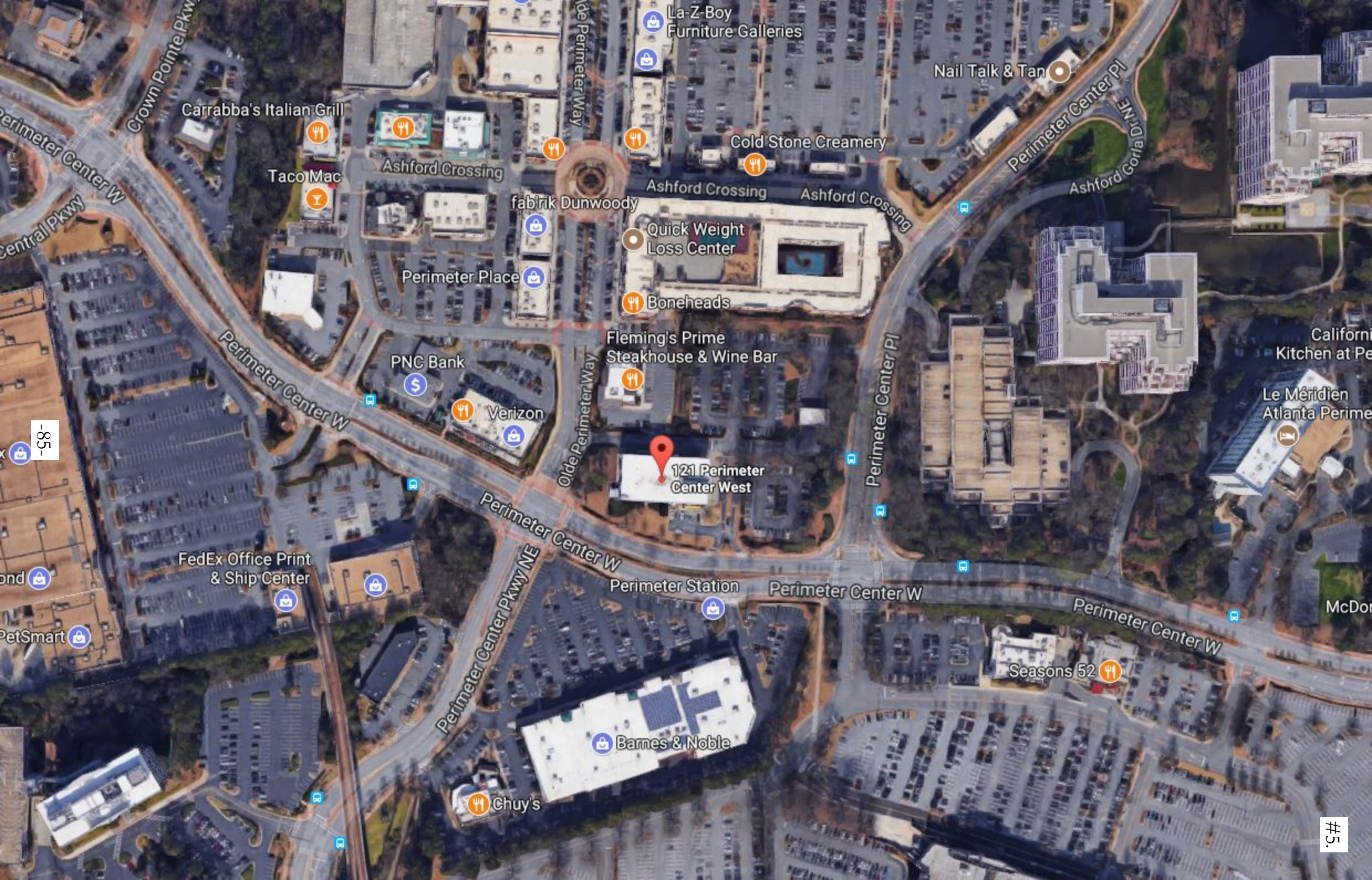


DATE	FILE	REVISION
5	6/25/2017	FINISH: MONITOR DITCH DEEPEN & RIP SECTION

121 PERIMETER CENTER WEST
DUNWOODY, GEORGIA 30346-1250

FREE LOCATION SURVEY
(> 12" DBH)

PROJ/Cfg 2015.053
SHEET 1



-85-

#5.



-98-



The City of Dunwoody does not warrant the accuracy or currency of the map provided and does not guarantee the suitability of the map for any purpose, expressed or implied.

0 400 Feet

SITE DATA:
4.70 ACRES
CURRENT ZONING: OCr (OFFICE-COMMERCIAL-RESIDENTIAL CONDITIONAL)

EXISTING OFFICE BUILDING (SUNTRUST BANK AND TIN LIZZY'S) - 49,590 SF
PROPOSED RESTAURANT - 10,000 SF (MAXIMUM)
PROPOSED HOTEL - 157 ROOMS
PROPOSED ATM DRIVE-THRU (SUNTRUST BANK)
PROPOSED PARKING DECK

STORMWATER MANAGEMENT WILL BE PROVIDED FOR IN A PROPOSED UNDERGROUND FACILITY

PARKING PROVIDED:

PARKING DECK (4-1/2 LEVELS)
320 SPACES

SURFACE: 44 SPACES

364 PARKING SPACES PROVIDED

LOT COVERAGE:

SITE AREA: 4.70 AC

IMPERVIOUS AREA: 3.71 AC

LOT COVERAGE: 79%

PARKING REQUIRED (BY CODE):

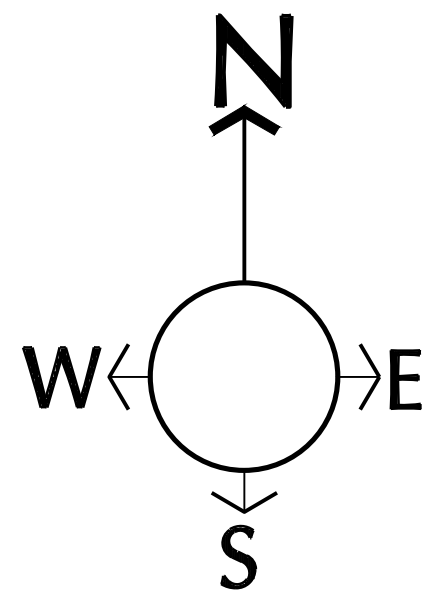
RESTAURANT (14,600 SF) - 98 SPACES
HOTEL (157 ROOMS) - 197 SPACES
OFFICE (44,990 SF) - 149 SPACES

444 SPACES REQUIRED BY CODE

SEE SHARED PARKING CALCULATIONS FOR PROPOSED REDUCTION IN SPACES PROVIDED (342 PARKING SPACES NEEDED BY SHARED PARKING CALCULATIONS)

"PERIMETER PLACE"
N/F GLL PERIMETER PLACE LP
1291 CROWN POINT PARKWAY
ZONED: OCr
TAX PARCEL ID: 18 349 05 002

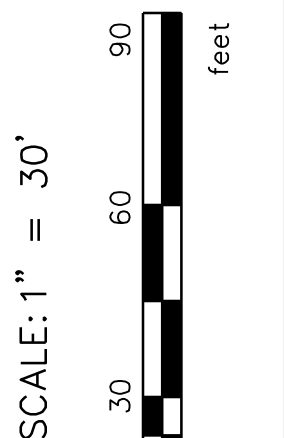
"AMLI AT PERIMETER PLACE"
N/F MILLBROOK APARTMENTS ASSOCIATE
60 PERIMETER CENTER PLACE
DEED BOOK 19100, PAGE 187
ZONED: OCr
TAX PARCEL ID: 18 349 05 034



BLUE LANDWORKS
CONSULTING ENGINEERS & SURVEYORS
LICENSE # PE000518
LICENSE # LS000144
4154 SILVER PEAK PARKWAY
SUITE B
SUMNER, GEORGIA 30024
TELEPHONE: (678) 804-8586
INFO@BLUELANDWORKS.COM
WWW.BLUELANDWORKS.COM

PREPARED FOR:
PRADO PERIMETER CENTER LLC
PO BOX 888
DULUTH, GEORGIA 30096

DATE	REVISIONS
5/06/2017	PRE-APPLICATION REVIEW APPLICATION
6/28/2017	REVISION #1: ADDITIONAL PARKING SPACES
8/15/2017	REVISION #2: REVISED ROAD FRONTAGE STREET ESCAPE
8/29/2017	REVISION #3: REVISED DRIVE-THRU RESTAURANT SITE AND HOTEL PARKING



121 PERIMETER CENTER WEST
DUNWOODY, GEORGIA 30346-1250

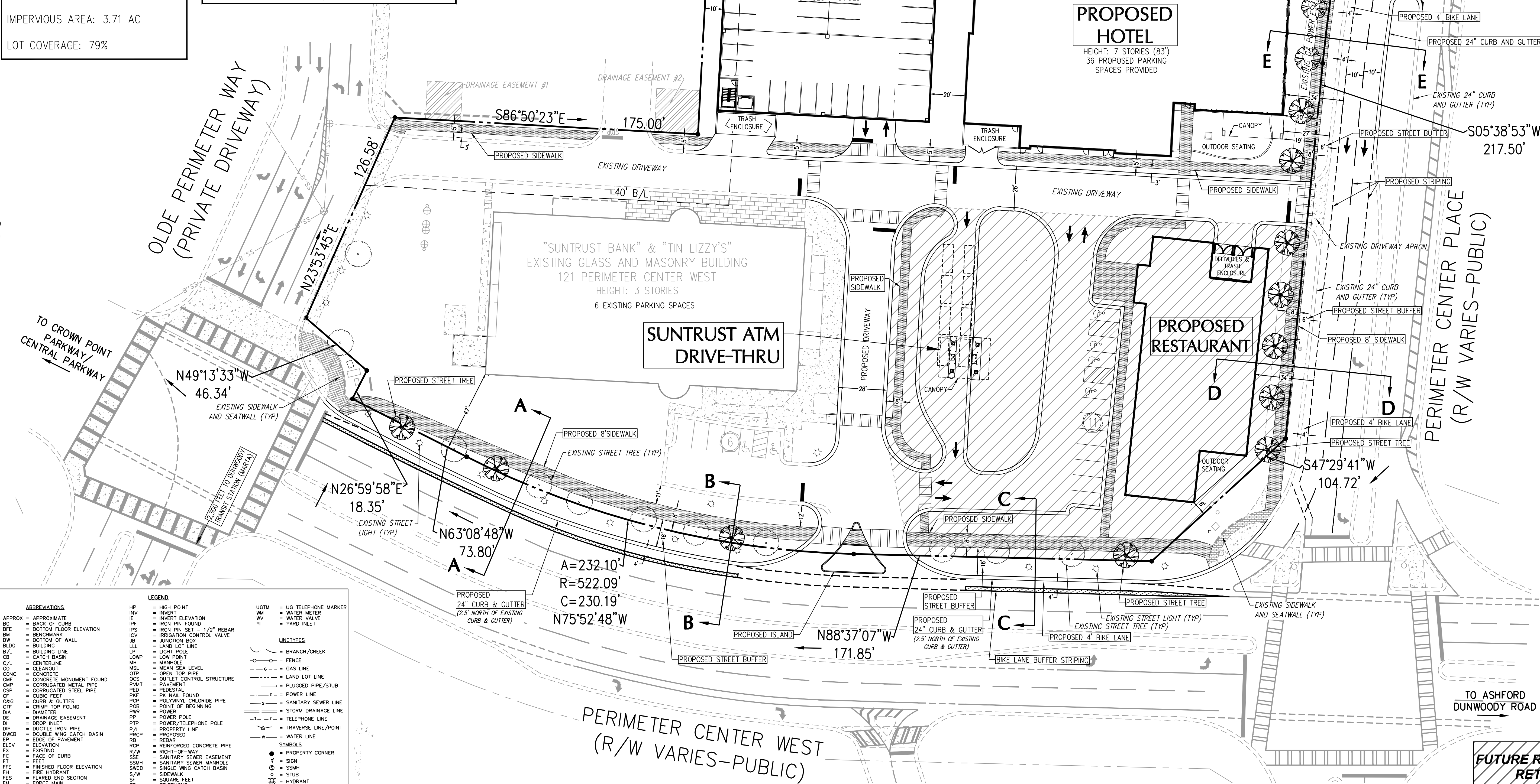
CONCEPTUAL
SITE EXHIBIT

PROJECT # 2015

#5.

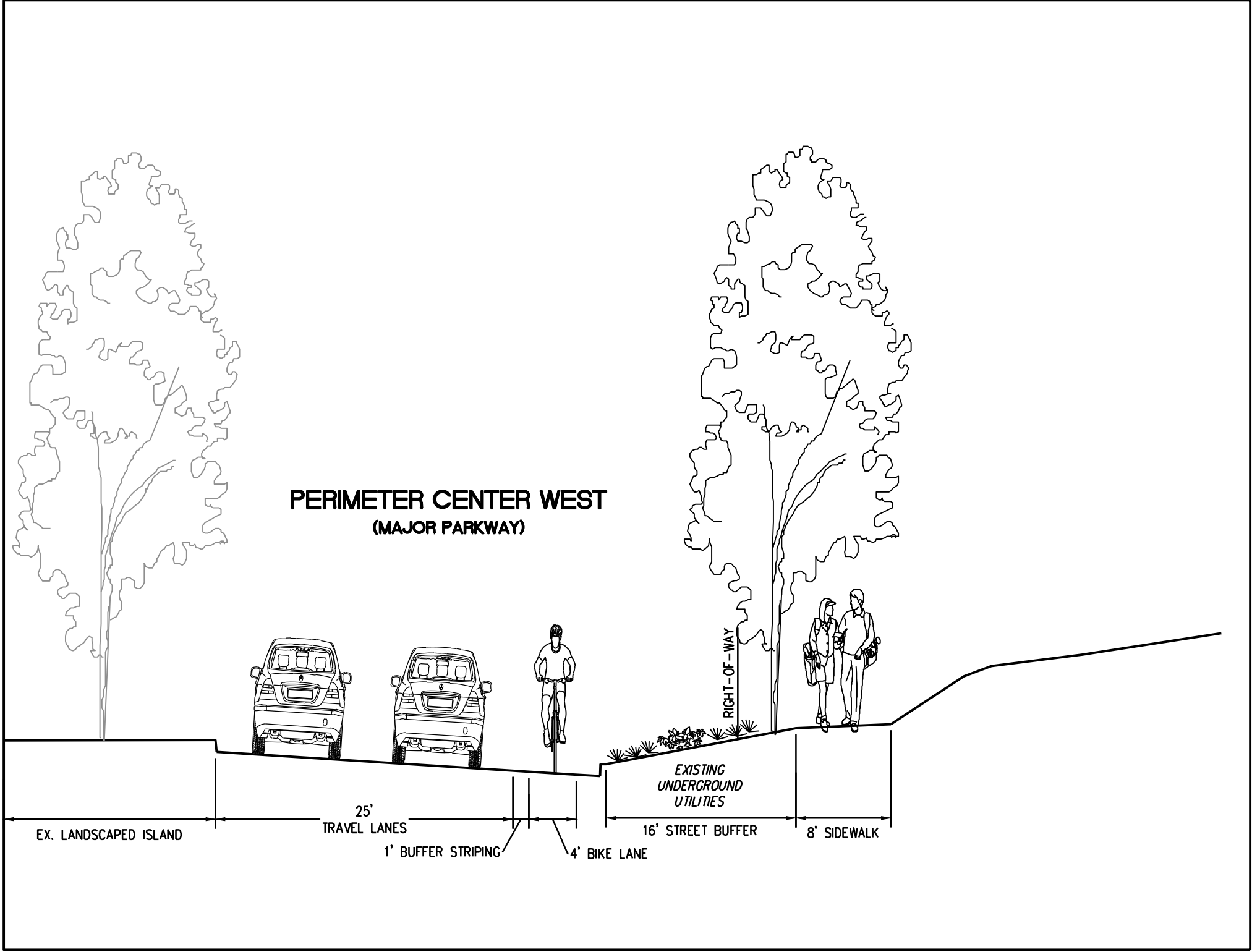
10/20/2015 - 121 Perimeter Center West (1000) - AutoCAD 2013 - Construction 3D/2D drawings.dwg, 02 SITE PLAN, 8/30/2017 9:43 AM by ml

ABBREVIATIONS	LEGEND	LEGEND
APPROX = APPROXIMATE BFC = BACK OF CURB BFE = BOTTOM FLOOR ELEVATION BM = BENCHMARK BW = BOTTOM OF WALL BLDG = BUILDING B/L = BUILDING LINE CB = CATCH BASIN C/L = CENTERLINE CO = CLEANOUT CONC = CONCRETE CWP = CORRUGATED METAL PIPE CSP = CORRUGATED STEEL PIPE CF = CUBIC FEET C&G = CURB & GUTTER CTP = CRIMP TOP FOUND DIA = DIAMETER DRA = DRAINAGE EASEMENT DI = DROP INLET DIP = DUCTILE IRON PIPE DWCB = DOUBLE WING CATCH BASIN EDGE = EDGE OF PAVEMENT ELEV = ELEVATION EX = EXISTING FC = FACE OF CURB FT = FEET FFE = FINISHED FLOOR ELEVATION FH = FIRE HYDRANT FES = FLARED END SECTION FM = FORCE MAIN GPMH = GEORGIA POWER MANHOLE G = GRATE INLET GR = GROUND GW = GUY WIRE HW = HEADWALL HDPE = HIGH DENSITY POLYETHYLENE	HP = HIGH POINT INV = INVERT IPF = IRON PIN FOUND IPS = IRON PIN SET - 1/2" REBAR ICV = IRRIGATION CONTROL VALVE JBI = JUNCTION BOX LL = LAND LOT LINE LP = LIGHT POLE LWP = LOW POINT MH = MANHOLE MSL = MEAN SEA LEVEL OTP = OPEN TOP PIPE OCS = OUTLET CONTROL STRUCTURE PWT = PAVEMENT PED = PEDESTAL PKT = PK WALL FOUND PCP = POLYVINYL CHLORIDE PIPE POB = POINT OF BEGINNING PWR = POWER PP = POWER POLE PTP = POWER/TELEPHONE POLE P/L = PROPERTY LINE PROP = PROPOSED RCP = REINFORCED CONCRETE PIPE R/W = RIGHT-OF-WAY SSE = SANITARY SEWER EASEMENT SSMH = SANITARY SEWER MANHOLE SWB = SINGLE WING CATCH BASIN S/W = SIDEWALK SF = SQUARE FEET TEL = TELEPHONE TB = TOP OF BANK TI = TOP OF CURB TPOB = TRUE POINT OF BEGINNING TR = TRANSFORMER UG = UNDERGROUND	UGTM = UG TELEPHONE MARKER WM = WATER METER WV = WATER VALVE YI = YARD INLET UNITS --- = BRANCH/CREEK --- = FENCE --- = GAS LINE --- = LAND LOT LINE --- = PLUGGED PIPE/STUB --- = POWER LINE --- = SANITARY SEWER LINE --- = STORM DRAINAGE LINE --- = TELEPHONE LINE --- = TRAVELER LINE/POINT --- = WATER LINE SYMBOLS ● = PROPERTY CORNER d = SIGN o = SSMH o = STUB x = HYDRANT w = WATER METER w = WATER VALVE x = LIGHT POST x = UTILITY POLE

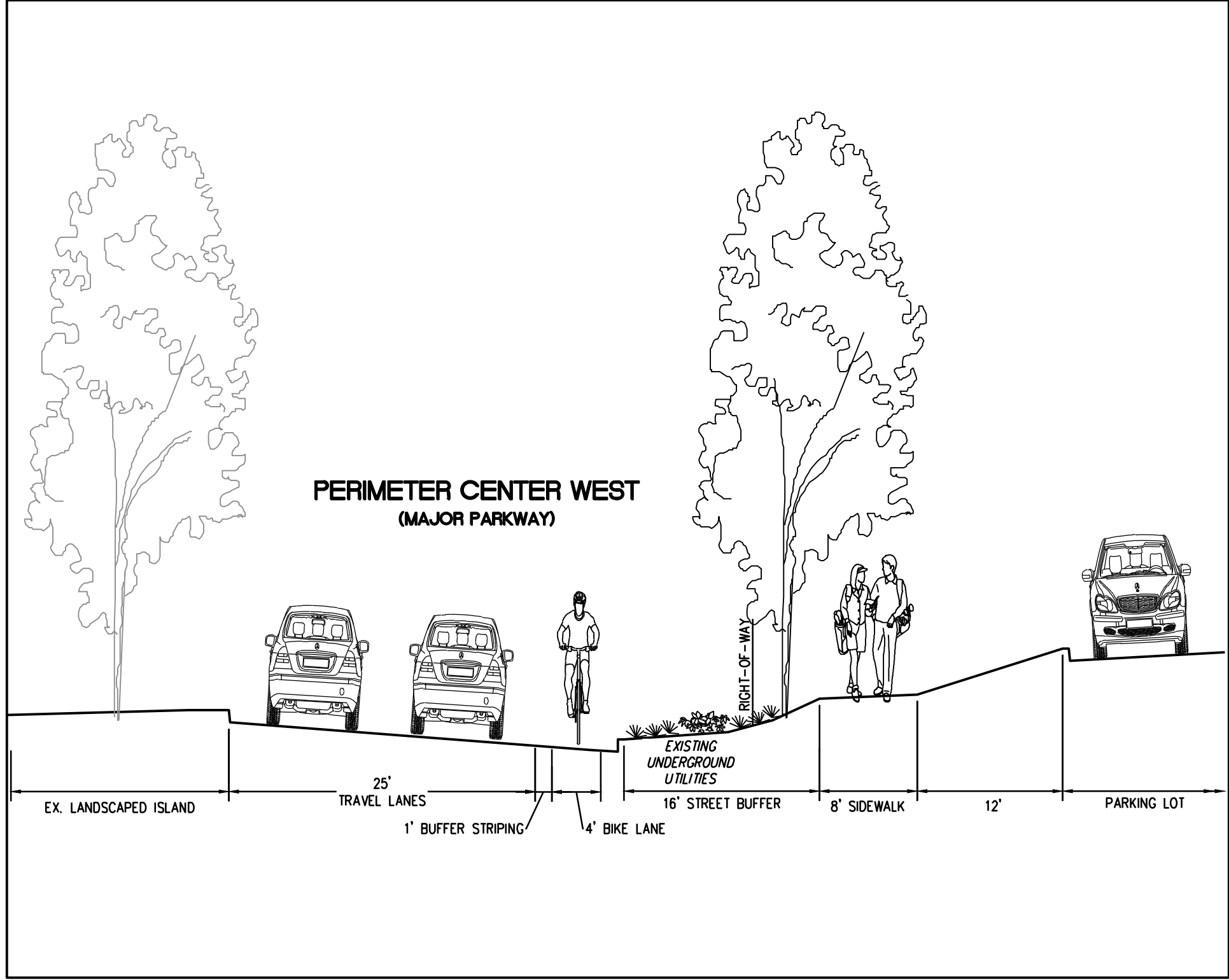


FUTURE RESTAURANT OR
RETAIL TO BE
CONSTRUCTED WITHIN
CROSS-HATCHED AREA

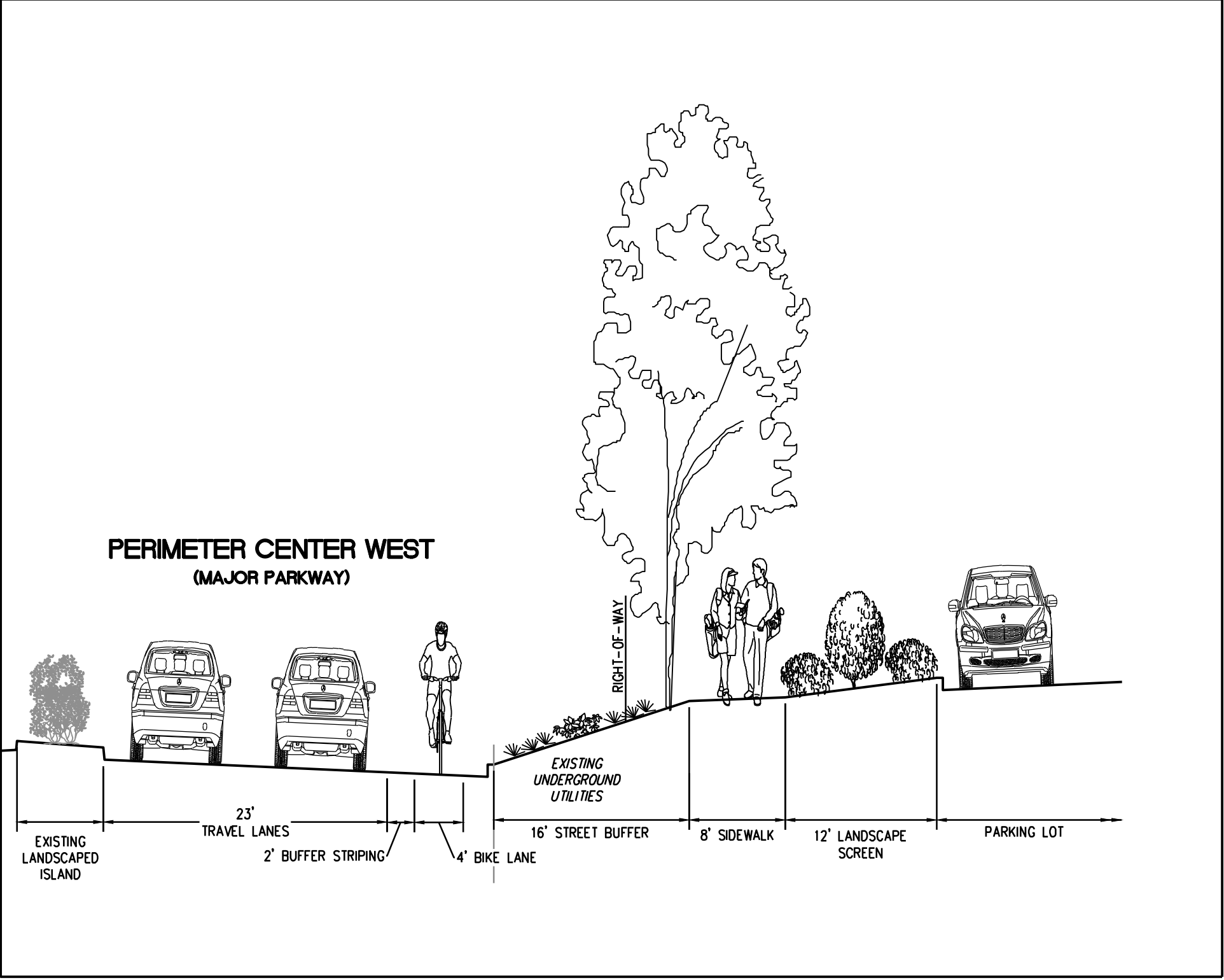
SECTION A-A



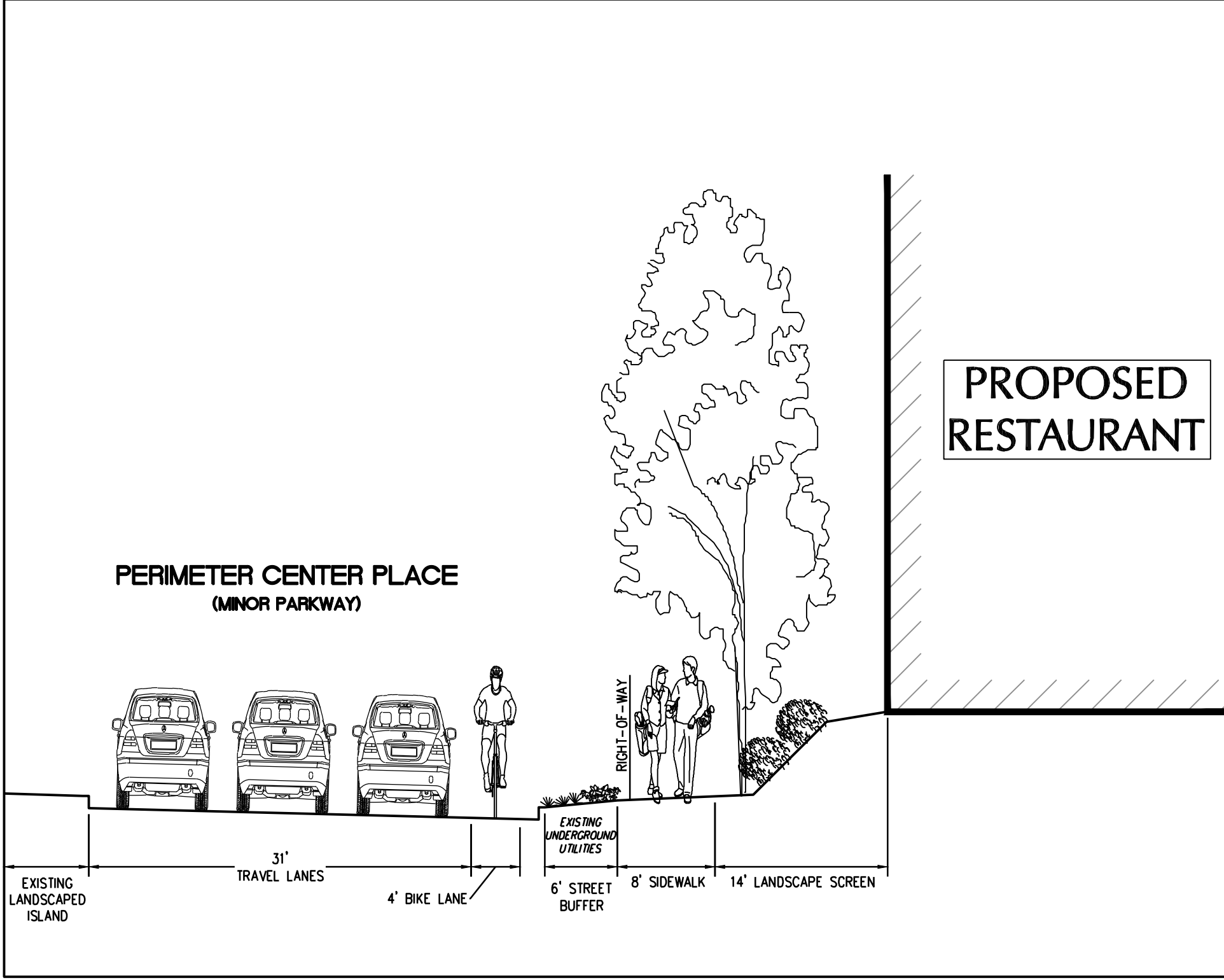
SECTION B-B



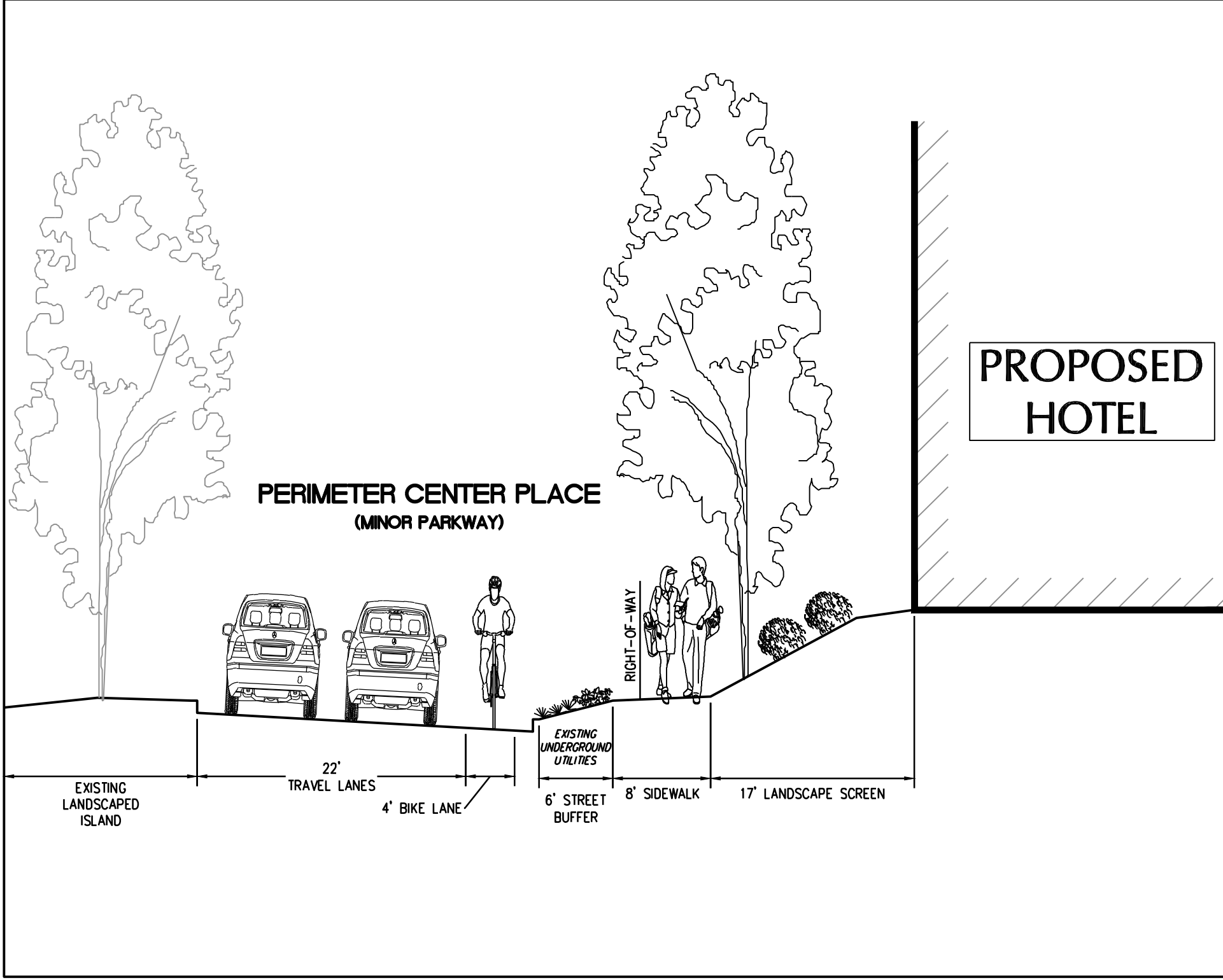
SECTION C-C



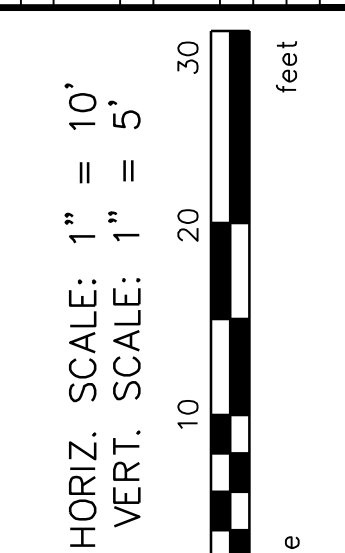
SECTION D-D



SECTION E-E



ISSUE #	DATE	REVISIONS
1	5/06/2017	PRE-APPLICATION REVIEW APPLICATION
2	6/28/2017	VARIOUS COMMENTS FROM CITY OF DUNWOODY
3	8/15/2017	REVISED ROAD FRONTAGE STREET SCAPES
4	8/29/2017	RELOCATE DRIVE-THRU RESTAURANT SITE AND HOTEL PARKING



 DENOTES AN EXISTING TREE THAT WILL BE REMOVED DURING CONSTRUCTION


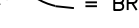
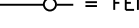

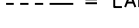
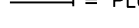


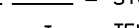


TO MEADOW
LANE ROAD










PERIMETER CENTER PLACE
(R/W VARIES-PUBLIC)

TE: THE EXISTING TREES ALONG PERIMETER CENTER WEST
NOT MEET THE STANDARDS OF SEC. 16-107 (a) (1), BU
C BEING SHOWN AT THE REQUEST OF CITY STAFF

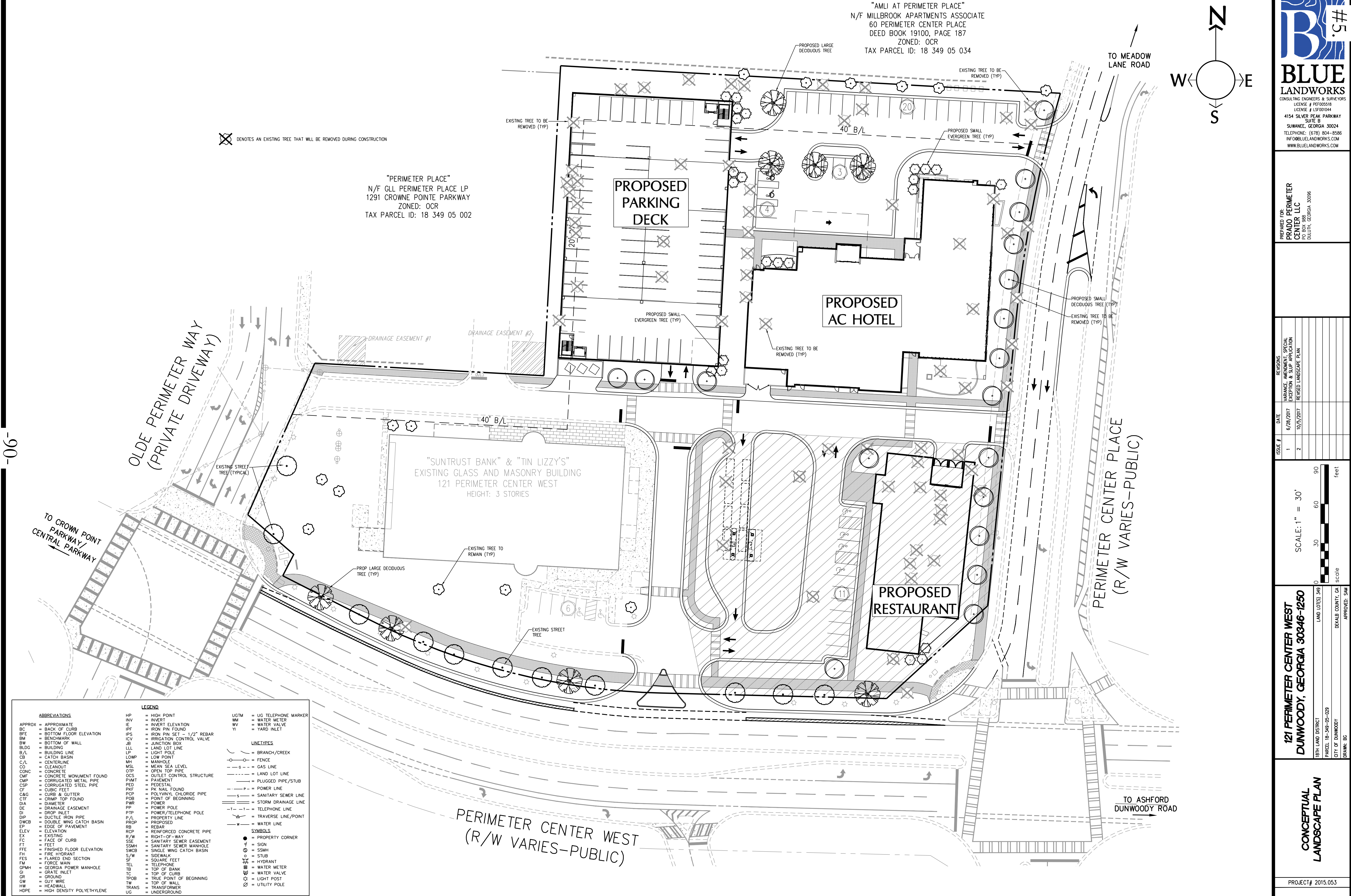
EXISTING UTILITIES ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN OR FOR THE UTILITIES NOT SHOWN. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR IS ADVISED TO NOTIFY THE UTILITIES PROTECTION CENTER AT (800) 282-7411 PRIOR TO ANY EXCAVATION.

ABBREVIATIONS					
APPROX	= APPROXIMATE	HP	= HIGH POINT	UGTM	= UG TELEPHONE MARKER
BC	= BACK OF CURB	INV	= INVERT	W	= WATER MAIN
BM	= BOTTOM FLOOR ELEVATION	INVT	= INVERT ELEVATION	WV	= WATER VALVE
BN	= BENCHMARK	IPF	= IRON PIN FOUND	WY	= YARD INLET
BN	= BENCHMARK	IR	= IRON PIPE SET		
BLD	= BUILDING	IRCT	= IRRIGATION CONTROL VALVE		
BLDG	= BUILDING	JB	= JUNCTION BOX		
BL	= BUILDING LINE	LP	= LIGHT POLE		
CB	= CATCH BASIN	LMP	= LOW POINT		
C/L	= CENTERLINE	MH	= MANHOLE		
C/C	= CLEANOUT	MS	= MEAN SEA LEVEL		
CMC	= CORRUGATED METAL PIPE	OTP	= OPEN TOP PIPE		
CMF	= CORRUGATED CONCRETE FLOW PIPE	OCS	= OUTLET CONTROL STRUCTURE		
CMP	= CORRUGATED STEEL PIPE	P	= PAVEMENT		
C	= CURB	PED	= PEDESTAL		
CT	= CURB & TIE	PN	= POLYVINYL CHLORIDE PIPE		
CTG	= CURB TRIP FOUND	PCP	= POLYVINYL CHLORIDE PIPE		
CTA	= CURB TRIP FOUND	POB	= POINT OF BEGINNING		
DE	= DRAINAGE EASEMENT	PWR	= POWER		
DI	= DROP INLET	PWP	= POWER POLE		
DI	= DUCTILE IRON PIPE	PTP	= POWER/TELEPHONE POLE		
DWCB	= DOUBLE WING CATCH BASIN	PR	= PROPERTY LINE		
E	= EDGE OF PAVEMENT	PROP	= PROPOSED		
ELEV	= ELEVATION	REAR	= REAR		
EX	= EXISTING	RCP	= REINFORCED CONCRETE PIPE		
FC	= FACE OF CURB	R/W	= RIGHT-OF-WAY		
FE	= FINISHED FLOOR ELEVATION	SE	= SANITARY SEWER EASEMENT		
FH	= FIRE HYDRANT	SSMH	= SANITARY SEWER MANHOLE		
FES	= FIRED END SECTION	SWCB	= SINGLE WING CATCH BASIN		
FE	= FORCE MAIN	S/W	= SIDEWALK		
GR	= GROUND	SF	= SQUARE FEET		
GR	= GUY WIRE	TEL	= TELEPHONE		
GR	= GUY WIRE	TB	= TOP OF BANK		
GR	= GUY WIRE	TC	= TOP OF CURB		
GR	= GUY WIRE	TPOB	= TRUE POINT OF BEGINNING		
GR	= GUY WIRE	TW	= TOP OF WALL		
GR	= GUY WIRE	TRANS	= TRANSFORMER		
GR	= GUY WIRE	UG	= UNDERGROUND		
HDPE	= HIGH DENSITY POLYETHYLENE				

LINE TYPES	
	= BRANCH/CREEK
	= FENCE
	= GAS LINE
	= LAND LOT LINE
	= PLUGGED PIPE/STUB
	= POWER LINE
	= SANITARY SEWER LINE
	= STORM DRAINAGE LINE
	= TELEPHONE LINE
	= TRAVERSE LINE/POINT
	= WATER LINE

SYMBOLS	
	= PROPERTY CORNER
	= SIGN
	= SMH
	= STUB
	= HYDRANT
	= WATER METER
	= WATER VALVE
	= LIGHT POST
	= UTILITY POLE

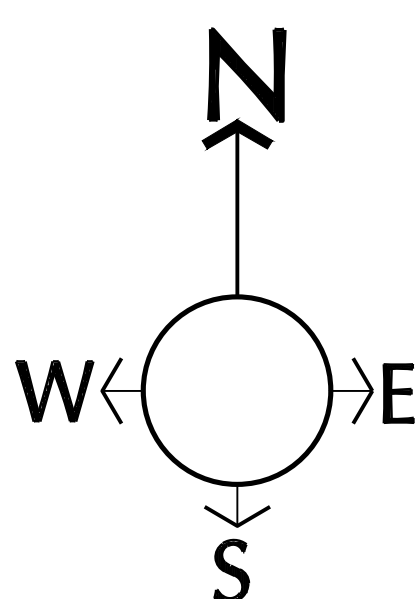
#5.1



✕ DENOTES AN EXISTING TREE THAT WILL BE REMOVED DURING CONSTRUCTION

"PERIMETER PLACE"
N/F GLL PERIMETER PLACE LP
1291 CROWN POINT PARKWAY
ZONED: OCR
TAX PARCEL ID: 18 349 05 002

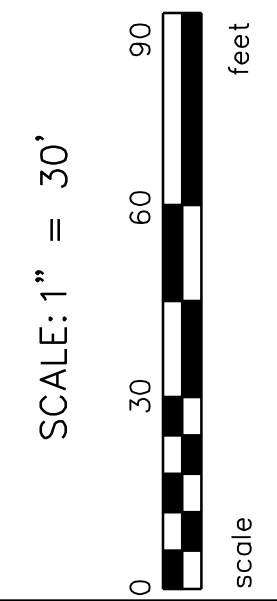
"AMLI AT PERIMETER PLACE"
N/F MILLBROOK APARTMENTS ASSOCIATE
60 PERIMETER CENTER PLACE
DEED BOOK 19100, PAGE 187
ZONED: OCR
TAX PARCEL ID: 18 349 05 034



#5 BLUE LANDWORKS
CONSULTING ENGINEERS & SURVEYORS
LICENSE # PEF005518
LICENSE # LSF001044
4154 SILVER PEAK PARKWAY
SUITE B
SUMANEE, GEORGIA 30024
TELEPHONE: (678) 804-8586
INFO@BLUELANDWORKS.COM
WWW.BLUELANDWORKS.COM

PREPARED FOR:
PRADO PERIMETER CENTER LLC
PO BOX 888
DULUTH, GEORGIA 30096

REVISIONS	DATE	ISSUE #
VARIANCE, AMENDMENT, SPECIAL EXCEPTION & SUB-APPLICATION	6/28/2017	1
REVISED LANDSCAPE PLAN	10/5/2017	2



**121 PERIMETER CENTER WEST
DUNWOODY, GEORGIA 30346-1250**

18TH LAND DISTRICT
PARCEL 18-549-05-028
CITY OF DUNWOODY
DEKALB COUNTY, GA
DRAWN: BC
APPROVED: SM

**CONCEPTUAL
LANDSCAPE PLAN**

PROJECT # 2015.053

ABBREVIATIONS		
APPROX	= APPROXIMATE	
BC	= BACK OF CURB	
BFE	= BOTTOM FLOOR ELEVATION	
BM	= BENCHMARK	
BW	= BOTTOM OF WALL	
BLDG	= BUILDING	
B/L	= BUILDING LINE	
CB	= CATCH BASIN	
C/L	= CENTERLINE	
CO	= CONCRETE	
CONC	= CONCRETE MONUMENT FOUND	
CMP	= CORRUGATED METAL PIPE	
CSP	= CORRUGATED STEEL PIPE	
CF	= CUBIC FEET	
C&G	= CURB & GUTTER	
CTF	= CRIMP TOP FOUND	
DIA	= DIAMETER	
DE	= DRAINAGE EASEMENT	
DI	= DROP INLET	
DIP	= DUCTILE IRON PIPE	
DWCB	= DOUBLE WING CATCH BASIN	
EP	= EDGE OF PAVEMENT	
ELEV	= ELEVATION	
EX	= EXISTING	
FC	= FACE OF CURB	
FT	= FEET	
FFE	= FINISHED FLOOR ELEVATION	
FI	= FIRE HYDRANT	
FES	= FLARED END SECTION	
FM	= FORCE MAIN	
GMH	= GEORGIA POWER MANHOLE	
GI	= GRATE INLET	
GR	= GROUND	
GW	= GUY WIRE	
HW	= HEADWALL	
HDPE	= HIGH DENSITY POLYETHYLENE	

LEGEND		
HP	= HIGH POINT	
INV	= INVERT	
IE	= INVERT ELEVATION	
IPF	= IRON PIN FOUND	
IPS	= IRON PIN SET - 1/2" REBAR	
ICV	= IRRIGATION CONTROL VALVE	
JB	= JUNCTION BOX	
LLL	= LAND LOT LINE	
LP	= LIGHT POLE	
LOWP	= LOW POINT	
MH	= MANHOLE	
MSL	= MEAN SEA LEVEL	
OTF	= OPEN TOP PIPE	
OCS	= OUTLET CONTROL STRUCTURE	
P&MT	= PAVEMENT	
PED	= PEDESTAL	
PKF	= PK NAIL FOUND	
PCP	= POLYVINYL CHLORIDE PIPE	
POB	= POINT OF BEGINNING	
PWR	= POWER	
PP	= POWER POLE	
PTP	= POWER/TELEPHONE POLE	
P/L	= PROPERTY LINE	
PROP	= PROPOSED	
RB	= REBAR	
RCP	= REINFORCED CONCRETE PIPE	
R/W	= RIGHT-OF-WAY	
SSE	= SANITARY SEWER EASEMENT	
SSMH	= SANITARY SEWER MANHOLE	
SSWB	= SINGLE WING CATCH BASIN	
S/W	= SIDEWALK	
TEL	= TELEPHONE	
TB	= TOP OF BANK	
TC	= TOP OF CURB	
TPOB	= TRUE POINT OF BEGINNING	
TW	= TOP OF WALL	
TRANS	= TRANSFORMER	
UG	= UNDERGROUND	

LINE TYPES	
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—	= FENCE
—	= GAS LINE
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—	= POWER LINE
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—	= STORM DRAINAGE LINE
—	= TELEPHONE LINE
—	= TRVERSE LINE/POINT
—	= WATER LINE

SYMBOLS	
●	= PROPERTY CORNER
+	= SIGN
⊙	= SSMH
⊙	= STUB
⊙	= HYDRANT
⊙	= WATER METER
⊙	= WATER VALVE
⊙	= LIGHT POST
⊙	= UTILITY POLE



-92-





Shared parking calculation (ULI methodology)													
USE	SIZE/NUMBER	UNIT	RATE TYPE	WEEKDAY		WEEKEND		PEAK MONTH	PEAK HOUR	MODE ADJUSTMENT	TOTAL SPACES NEEDED	PER CITY CODE (Sec. 27-202)	
				RATE	SPACES	RATE	SPACES	DEC.	7PM			RATE	SPACES
RESTAURANT	14600	ft ²	VISITOR	15.25	223	17	249	100%	100%		223	6.67	98
			EMPLOYEE	2.75	41	3	44	100%	100%		41		
HOTEL	157	rooms	VISITOR	1	157	0.9	142	67%	75%	66%	53	1.25	197
			EMPLOYEE	0.25	40	0.18	29	100%	20%		8		
OFFICE	44990	ft ²	VISITOR	0.3	14	0.03	2	100%	2%		1	3.30	149
			EMPLOYEE	3.5	158	0.35	16	100%	10%		16		
					633		482				342		444
Potential reduction with shared parking (ULI rates): -46%													
Potential reduction with shared parking (City code): -23%													



**BLUE
LANDWORKS**

CONSULTING ENGINEERS & SURVEYORS

LICENSE # PEF005518

LICENSE # LSF001044

4154 SILVER PEAK PARKWAY
SUITE B

SUWANEE, GEORGIA 30024

TELEPHONE: (678) 804-8586

INFO@BLUELANDWORKS.COM

WWW.BLUELANDWORKS.COM

PERIMETER CENTER

Vision/Intent

Perimeter Center will be a visitor friendly “livable” regional center with first-class office, retail, entertainment, hotels, and high-end restaurants in a pedestrian and bicycle-oriented environment. The area will serve as a regional example of high quality design standards. The City of Dunwoody works in partnership with the Perimeter Community Improvement Districts (PCIDs) and adjacent communities to implement and compliment the framework plan and projects identified in the Perimeter Center Livable Centers Initiative study (LCI) and its current and future updates.

In the future, the area should add public gathering space and pocket parks, venues for live music and entertainment and continue to create transportation alternatives, mitigate congestion, and reduce remaining excessive surface parking. The area creates the conditions of possible true “live-work” environment. All future development continues to emphasize high quality design standards and building materials and incorporates the current national best practices on energy efficiency, where possible.

The City of Dunwoody recognizes the value of creating mixed-use, transit-oriented development within walking distance of public transit stations. However, the City has concerns about the impact of such development on the City’s infrastructure and schools.

Future Development

The Perimeter Center Character Area will be divided into four subareas (PC-1, PC-2, PC-3, and PC-4) which match the draft proposed overlay district outline that the City is reviewing as part of the Perimeter Center Zoning Code. This area was the subject of a previous LCI Study. The cities of Dunwoody, Sandy Springs, and Brookhaven work in partnership with the Perimeter Community Improvement Districts (PCIDs) to implement and complement the framework plan and projects identified in the Perimeter Center Livable Centers Initiative study (LCI) and its current and future updates.

For specific recommendations on height, density and use refer to the provisions of the Perimeter Center Overlay District and Zoning, available from the Dunwoody Community Development Department.



FIGURE 13: Perimeter Center Character Area Map

PC-1: Intended to apply to the central core area of Perimeter Center, including the area directly surrounding the Dunwoody MARTA train station. This district allows for the highest intensity of buildings, a high level of employment uses, and active ground story uses and design that support pedestrian mobility.

PC-2: Made up primarily of employment uses and limited shop front retail, residential, and services.

PC-3: A smaller scale, less intensive commercial district, permitting both shop front and office buildings.

PC-4: Made up primarily of residential uses at a scale that provides a transition between the intensity of Perimeter Center and the surrounding single-family residential neighborhoods.

Action Items



▲ Perimeter Mall



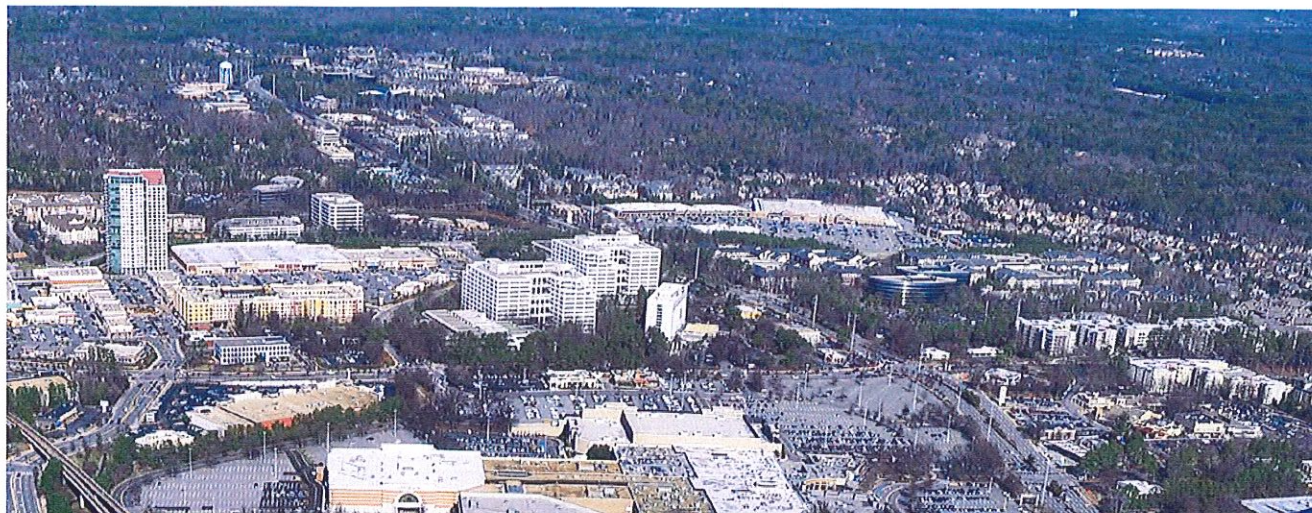
▲ Housing in Perimeter Center

- New development will include amenities and provide public functional green space.
- New development will be mindful of school capacity issues and applicants will work with Board of Education and City for better resolution of school issues.
- 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.
- Achieve a lifelong-community for residents who can age in place with safe access to medical, recreational and other necessary services.
- Create bicycle, pedestrian and non-auto related transportation options to connect with the rest of the City of Dunwoody.
- The 2012 PCID Commuter Trail System Master Plan proposed a network of commuter trails connecting to the MARTA station.
- The 2012 PCID Perimeter Circulator Implementation report recommended circulator transit to provide first/ last mile connectivity for commuters and reduction in CID area congestion.
- The PCIDs have proposed Perimeter Park at the Dunwoody MARTA Station.
- Work with the Perimeter Transportation Management Association (TMA) to actively reduce automobile dependency and emerge as a leader in alternative transportation for the region.
- Work to strengthen Board of Education relationship for creative solutions to school capacity.
- Work with the PCIDs' boards to implement vision.
- Coordinate with the City of Sandy Springs for LCI Updates and implementation.
- Coordinate with the Atlanta Regional Commission (ARC) for implementation of future LCI study updates.
- Coordinate with MARTA regarding Bus Rapid Transit (BRT) (or other regional service) and urban design surrounding all transit stations.
- Look for ways to encourage live entertainment for the benefit of visitors and residents.

COMMUNITY IMPROVEMENT DISTRICT (CID)

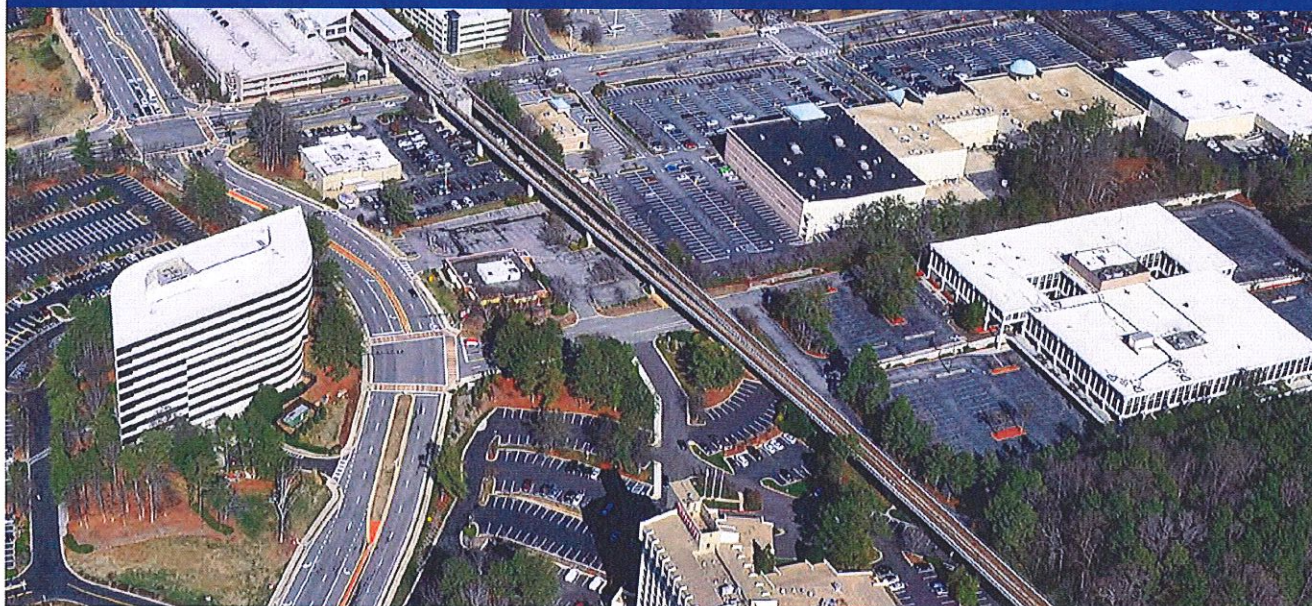
A Community Improvement District (CID) is an authorized self-taxing district dedicated to Infrastructure improvements within its boundaries. The PCIDs are governed by two boards – one each for Fulton and DeKalb. The PCIDs spent or leveraged public funds to invest \$55 million in Dunwoody alone; over \$7 million from ARC's LCI program was directed to the PCIDs. This makes it one of the most, if not the most, successful CIDs in the region. The PCIDs' mission focuses exclusively on transportation improvements:

To work continuously to develop efficient transportation services, with an emphasis on access, mobility, diversification and modernization.



Perimeter Center OVERLAY

City of Dunwoody, Georgia



ADOPTED MAY 22, 2017

Dunwoody 
* Smart people – Smart city

City of Dunwoody

41 Perimeter Center East
Suite 250
Dunwoody GA 30346

City Mayor

Denis Shortal

City Council

Lynn Deutsch
John Heneghan
Terry Nall
Jim Riticher
Pam Tallmage
Douglas Thompson

Planning Commission

Bob Dallas, Chair
Kirk Anders
Richard Grove
Bill Grossman
Renate Herod
Paul Player
Thomas O'Brien

City Staff

Eric Linton, City Manager
Jessica Guinn, Assistant City Manager
Steve Foote, Community Development Director
Michael Starling, Economic Development Director
Michael Smith, Public Works Director
Rebecca Keefer, City Planner/Director of Sustainability & Project Manager
John Olson, City Planner
Andrew Russell, Planning Coordinator
Eric Bosman, City Consultant

Sounding Board

Robert Miller
Alex Chambers
Bob Dallas
Jennifer Harper
Stacey Harris
Cheryl Spitalnick
Tony Torbert

CODAMETRICS

duncan | associates

27-98 Perimeter Center Overlay

SECTIONS

- (a) Overlay Generally
- (b) Street Types
- (c) Streets & Blocks
- (d) General Building Design Criteria

27-98 Perimeter Center Overlay

(a) Overlay Generally

(1) Intent. The regulations of the Perimeter Center Overlay are intended to recognize and foster the transformation of Perimeter Center into a pedestrian-friendly, livable center that ensures long term economic, social, and environmental sustainability.

(2) Purpose. The Perimeter Center Overlay has been created to further the following public purposes.

- a. **Plan Compatibility.** To guide new development and redevelopment as defined by the **City of Dunwoody Comprehensive Plan** (adopted 2015) and as amended.
- b. **Perimeter Community Improvement Districts (PCIDs).** To provide implementation guidance for the general vision defined in **Perimeter @ The Center - Future Focus, 2011 - A Ten Year LCI Update**, dated November 2011, as amended (past, current, and future), and adopted by City Council.

(3) Applicability. The regulations within this section, 27-98 Perimeter Center Overlay, apply to all buildings, structures, land and uses within the Perimeter Center Overlay, as illustrated on the City's zoning map and in Figure 27-98-1 Perimeter Center Overlay Map.

(4) Existing Land Development Regulations. Refer to chapter 16 Land Development Regulations for additional requirements. When there is a conflict between the following regulations and chapter 16, the Perimeter Center Overlay regulations govern.

(5) Review and Approval Procedures. Unless otherwise expressly stated, all uses and development in Perimeter Center Overlay are subject to the applicable review and approval procedures of Article V, as well as any applicable procedures in chapter 16 of the municipal code (land development regulations).

(6) Site Plan Review. All applications for development permits within the Perimeter Center Overlay must be accompanied by a site plan, which is subject to review and approval in accordance with Article V, Division 10.

(7) Relief. In some instances, unique site conditions, existing building circumstances or other constraints related to the subject property may make strict compliance with the Perimeter Center Overlay regulations impossible or highly impractical. In such instances, an applicant may seek relief from applicable regulations. Any relief granted and conditions imposed

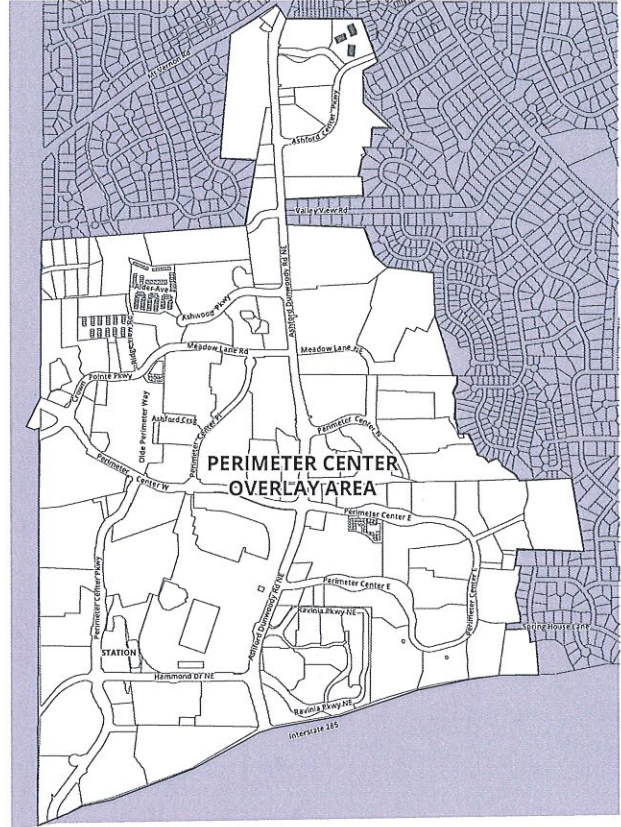


Figure 27-98-1 Perimeter Center Overlay Map

27-98 Perimeter Center Overlay

Street Types

run with the land and are binding on the subject property owner and all future property owners.

a. Minor Exception—Administrative Relief. The community development director or public works director, as noted, is authorized to approve the following minor exceptions to strict compliance in accordance with the special administrative permit procedures of Article V, Division 7:

1. A change to any street or frontage option component width or depth (requires approval by the public works director);
2. A reduction in required landscape or yard depth by no more than 10 percent;
3. Establishment of a public access easement in lieu of right-of-way dedication for street type frontage options, per the public works director.
4. Retaining walls in street type frontages up to 5 feet in height when extreme grades prevent the use of shorter walls and landscaping is used to mitigate the visual impacts of the taller retaining wall at the sidewalk edge; and
5. Any other minor exception expressly authorized under the Perimeter Center Overlay regulations.

b. Major Exceptions—Special Land Use Permit. Major exceptions to strict compliance with the Perimeter Center Overlay regulations include any exception to strict compliance that is not expressly authorized as a minor exception under the provisions of subsection 27-98(a)(7) a. Major exceptions require review and approval in accordance with the special land use permit procedures of Article V, Division 3.

(b) Street Types

(1) Intent

Street Types are established for all of the existing and new streets in the Perimeter Center Overlay area. Frontage options are defined for the space between the building or parking and the curb per street type. Street Types and Frontage Options are intended to address the comfort, convenience, and safety of pedestrians and bicyclists; to develop a network of streets with identifiable character; and to provide an aesthetically pleasing edge to all development.

(2) Applicability

All new development and redevelopment within the Perimeter Center Overlay shall meet the Street Type frontage requirements under any one of the following circumstances:

- a. New Structure.** Development of a new principal structure on a lot or a portion of a lot.
- b. Redevelopment or Renovation.** Redevelopment or renovation of an existing structure or site that increases the gross building square footage by more than 50 percent.
- c. Parking Lots.** Redevelopment or revision to 50 percent or more of an existing parking lot or development of a new parking lot consisting of 15 or more spaces, not including resurfacing or repairing an existing layout.

27-98 Perimeter Center Overlay

Street Types

(3) Street Types Map

Figure 27-98-2 Street Types Map defines street types in Perimeter Center for existing and new streets. Refer to 27-98(c) Streets & Blocks for more information about new streets and their designated locations.

Locations illustrated on the Street Types map are approximate. The requirements and locations of all streets shall be determined by and approved by the public works director during the Site Plan review process.

a. Street Types. The following Street Types are established for the existing streets and any new streets adjacent to and within the Perimeter Center Overlay. Refer to Figure 27-98-2 Street Types Map for the typologies of existing streets and proposed new streets.

1. **Major Parkway Street.** The Major Parkway Street Type is intended to create a parkway effect along the major transportation corridors within Perimeter Center through the use of wide landscape areas heavily planted with native or naturalized trees. Major Parkways require designated bicycle facilities. Refer to 27-98(b)(5) Major Parkway Street Type for requirements.
2. **Minor Parkway Street.** The Minor Parkway Street Type is intended to create a parkway effect along transportation corridors within Perimeter Center through the use of wide landscape areas heavily planted with trees. Minor Parkways require designated bicycle facilities. Refer to 27-98(b)(6) Minor Parkway Street Type for requirements.
3. **Primary Street.** The Primary Street Type is intended to establish a series of comfortably scaled streets with continuous building frontage and a limited number of drives interrupting the sidewalk. Primary Streets require a balance between bicyclists and pedestrians and automobiles by providing designated bicycle facilities and a robust pedestrian realm, and by prioritizing bicyclists and pedestrians for a more balanced transportation route. Refer to 27-98(b)(7) Primary Street Type for requirements.
4. **Secondary Street.** The Secondary Street Type is meant to establish a designated street for parking lot and structure access, while still providing a safe and comfortable pedestrian realm. Refer to 27-98(b)(8) Secondary Street Type for requirements.

b. Street Type Graphics. The graphics provided in this section illustrate the preferred configuration of each Street Type. By applying the standards defined, other configurations are permitted.

c. Redesignating Street Types. Existing street designations are set to match the existing character to the extent possible. New streets have been designated with the intent to provide an appropriate mix of Primary and Secondary Streets, establishing comfortable pedestrian streets while providing for parking access. Re-designation of existing streets may occur per the following:

1. **Process.** Parkways shall not be re-designated, except by a Text Amendment to this code. All other streets may be redesignated using the minor exception process.
2. **Entire Blocks.** When redesignating street types, the entire street between intersecting streets shall be redesignated.
3. **Primary Streets.** The intent is to maintain a similar amount of Primary Streets as established by the map. Primary Streets may be re-designated as Parkways or Secondary Streets only when a new or existing street, currently designated as Secondary, within or abutting the same parcel is redesignated as a Primary Street.
4. **Secondary Streets.** Existing Secondary Streets may be re-designated as Parkways or Primary Streets as long as vehicular access to parking for all surrounding sites has been addressed.

d. Shared-Use Paths. Trail locations are required per the City's current comprehensive plan or other City-approved cycle/pedestrian plan and in coordination with public works director for locations for other trails.

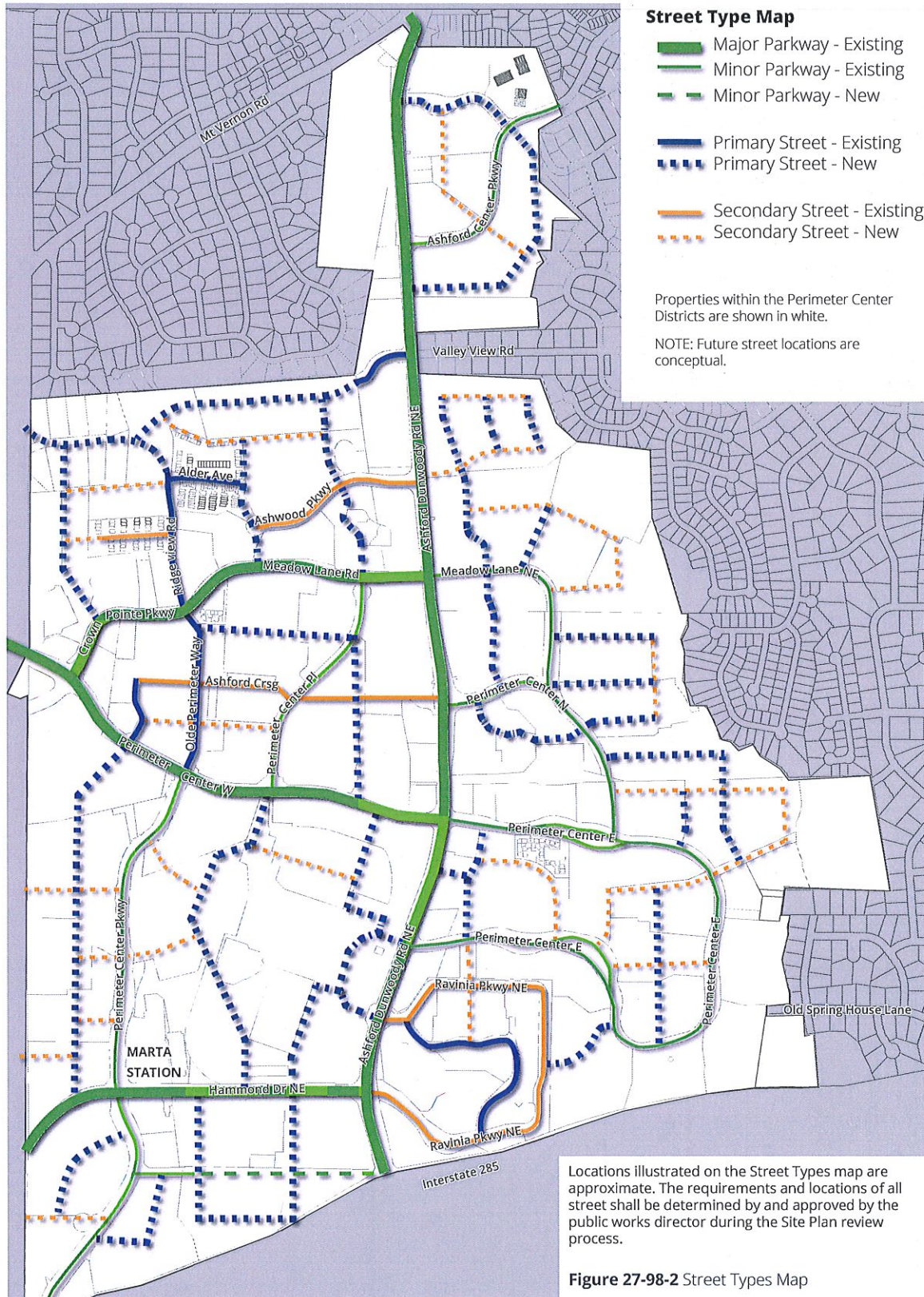
(4) Streetscape Furnishings & Hardscape Design

In addition to the Street Type frontage requirements that include minimum tree plantings and walk/trails, a street furnishings and hardscape design is required along all new and existing street frontages per the following.

a. Definition. The streetscape furnishings and hardscape design shall include the frontage area as defined by the Street Types plus any

27-98 Perimeter Center Overlay

Street Types



27-98 Perimeter Center Overlay

Street Types

hardscaped building setback area less than 25 feet deep from the frontage edge.

- b. Design Submittal.** A consistent design shall be submitted for approval with Site Plan Review for all streets within and adjacent to the development.
- c. Standard Specifications.** The design shall meet any standards defined by the City for sidewalk, curb, access, lighting, landscape, and other applicable construction details. Refer to Chapter 16, Land Development Regulations.
- d. Perimeter Community Improvements Districts (PCID) Public Space Standards.** Refer to the current PCID public space standards document for recommended streetscape component and material specifications.
- e. Submittal Requirements.** At a minimum, the design submittal shall include the following:
 1. **Trees.** Trees meeting the minimum requirements of 27-98(b) Street Types shall be included in the design, with details related to tree pits, tree grates, and tree planting to meet the landscape installation requirements of 27-364 Landscape.
 2. **Pavement Design.** Paving materials and pattern is required for each sidewalk and any other hardscape proposed. Pavement design shall address all walks or trails, including the minimum sidewalk or trail widths required by the frontage.
 3. **Street Furnishings.** Benches and/or seatwalls, planters, planter fences, tree grates, and trash receptacles shall be specified and quantities and locations listed for each street. For each block face, a minimum of two benches or seatwalls, one trash receptacle, and one recycling receptacle are required.
 4. **Bus Stop Facilities.** Coordinate with the public works director for the location of bus stops and the required facilities. Facilities may include benches, pavement, shelters, signs, and other improvements.
 5. **Landscape Design.** Ground plane vegetation shall be designated for any landscape bed areas, planter areas, and open tree wells, including shrubs, perennials, annuals, and grasses.
6. **Lighting.** Pedestrian and vehicular lighting shall be specified with locations and quantities noted. All lighting shall meet any requirements of the public works director. Cut sheets and samples shall be submitted upon request.
7. **Stormwater Facilities.** Any stormwater facilities proposed for the right-of-way shall be included in the streetscape design. Facilities such as stormwater planters or parkway swales may be included. Maintenance responsibilities and processes shall be included.
8. **Identity Elements.** Any other elements designed to establish the identity of each street, such as banners mounted on light poles, pavement markers, artwork, or wayfinding signage, shall be included in the design submittal.
9. **Streetscape Maintenance.** Property owner is responsible for regular maintenance and emptying of trash and recycling receptacles, sweeping of sidewalks and seating areas, and tree maintenance. The City may request additional maintenance procedures.
10. **Streetscape Design Continuation.** The approved streetscape design for each street may be utilized by the City for the extension of any street outside the development to provide continuity.

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Street Types

(5) Major Parkway Street Type

The Major Parkway Street Type applies to existing streets per Figure 27-98-2 Street Types Map. Refer to Figure 27-98-3. Table of Major Parkway Street Type Requirements and Figure 27-98-4 Existing Major Parkway Street Section.

- a. **New Major Parkway Streets.** New Major Parkway streets are not permitted, unless otherwise required by the public works director. This street type is applicable only to existing streets per Figure 27-98-2 Street Types Map.
- b. **Frontage Options.** Frontages address the pedestrian and bicycle realm as well as street & parking buffers and public space options. Parcels that are adjacent to a Major Parkway as designated on the Figure 27-98-2 Street Types Map, shall apply one or more of the Major Parkway Street Frontage Options along the entire

length of the lot line abutting the Major Parkway. Refer to Figure 27-98-5 Table of Major Parkway Street Type Frontage Options.

- c. **Dedication.** When the sidewalk is fully or partially located on private property, right-of-way dedication is required, so that the sidewalk is fully located in the right-of-way. The public works director may approve an easement in lieu of right-of-way dedication based on the geometry of the site, topography, or other site-specific considerations.
- d. **Curb Movement.** The existing street curb may be required to move, based on the selection of the appropriate context-sensitive bicycle facility, per public works director.

FIGURE 27-98-3: TABLE OF MAJOR PARKWAY STREET TYPE REQUIREMENTS

Right-of-Way Width	Varies; shall be wide enough to include curb to curb as well as frontage options.
Travel Lanes	4 to 8 lanes, 2 way
Lane Width	10' to 12' per public works director
Allowable Turn Lanes	Per public works director
Parking Lanes	Permitted only with public works director approval; then parallel only, 8' wide
Pavement Width	Existing, varies. Recommended median when crossing exceeds 32 feet in width.
Frontage Options	Refer to Figure 27-98-5 Table of Major Parkway Street Type Frontage Options.

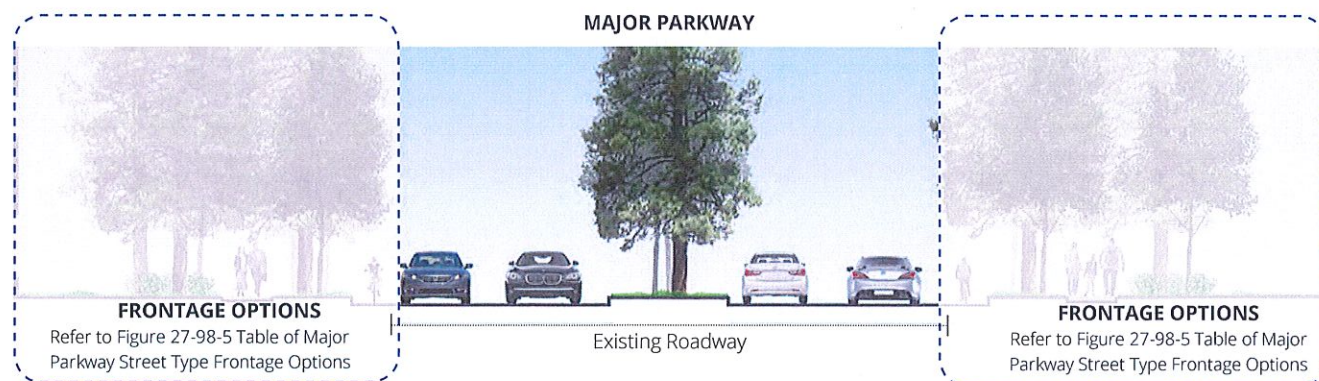


Figure 27-98-4 Existing Major Parkway Street Section

27-98 Perimeter Center Overlay

Street Types

FIGURE 27-98-5: TABLE OF MAJOR PARKWAY FRONTAGE OPTIONS

	PARKING EDGE refer to FIGURE 27-98-6	ACTIVE EDGE refer to FIGURE 27-98-7	BUILDING EDGE refer to FIGURE 27-98-8
1 Minimum Depth of Frontage	The minimum depth of the frontage shall be 34 feet measured from existing curb. Minimum depths of components shall be met; additional areas shall be added to any component to meet the minimum 34 feet.		
2 Street Buffer	<p>Minimum Depth: Street buffer depth may be varied, at a minimum of 8 feet with an average depth of 12 feet.</p> <p>Tree Plantings: Informal groupings of trees shall be spaced intermittently along the parkway with the goal of shading the parkway sidewalk at maturity. Trees shall be spaced between 12 feet and 40 feet on center. The buffer shall consist of at least 5 canopy trees per every 100 feet of buffer.</p> <p>Grade: Grade changes may be accommodated within the street buffer with slopes no greater than 1 to 4 ratio of rise to run. Retaining walls may be incorporated to meet these grades, but shall be no taller than 3 feet.</p>		
3 Sidewalk	A minimum 8 foot wide sidewalk is required and may meander between trees.		
4 Bicycle Facilities	A separated, dedicated bicycle facility is required consisting of an on-street buffered bicycle lane, dedicated cycle track, or shared-use path (a minimum width of 12') per public works director.		
5 Yard Treatment	Minimum Depth: minimum 6 foot deep landscape or patio area is required.		
	Parking Screen is required. Refer to Figure 27-229 Landscape Screen Requirements.	Patio shall be clearly differentiated from sidewalk. Fencing may be required for alcohol service per city ordinance. For PC Districts, the portion of the building facade adjacent to the patio shall meet the primary street facade requirements.	no additional requirements
6 Building & Parking Location	Refer to Article II. Zoning Districts for setback line or 27-105 Building Types for Parkway Frontage requirements for allowable widths of parking along the frontage and required building facades along the frontage.		

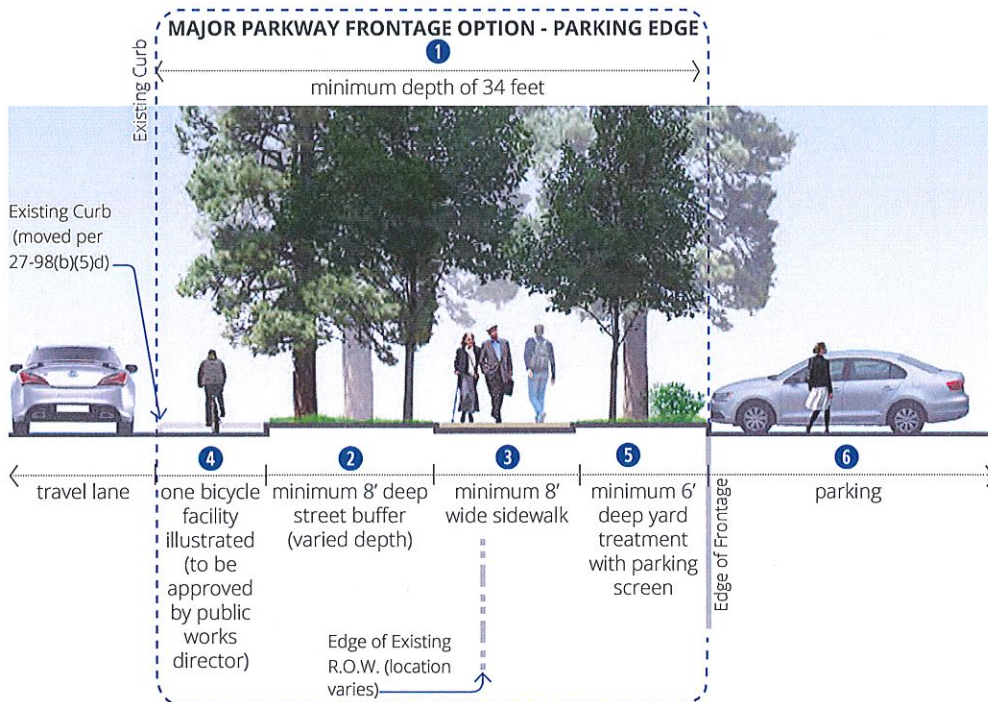


Figure 27-98-6 Major Parkway Frontage Option - Parking Edge

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Street Types

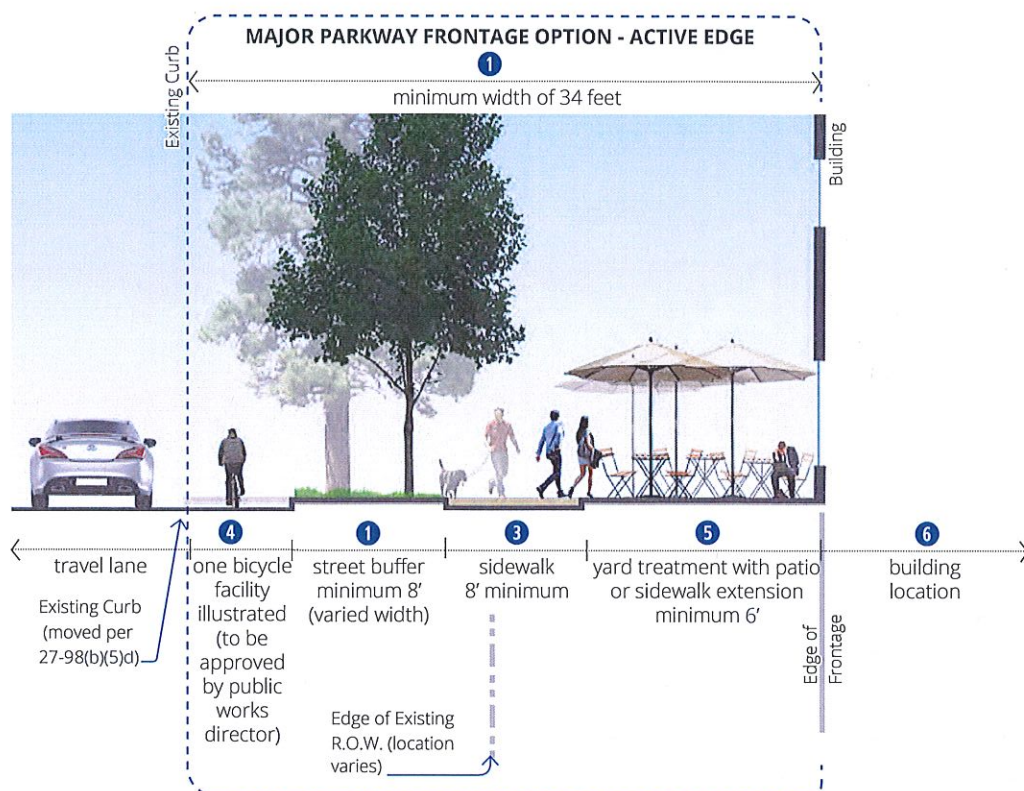


Figure 27-98-7 Major Parkway Frontage Option - Active Edge

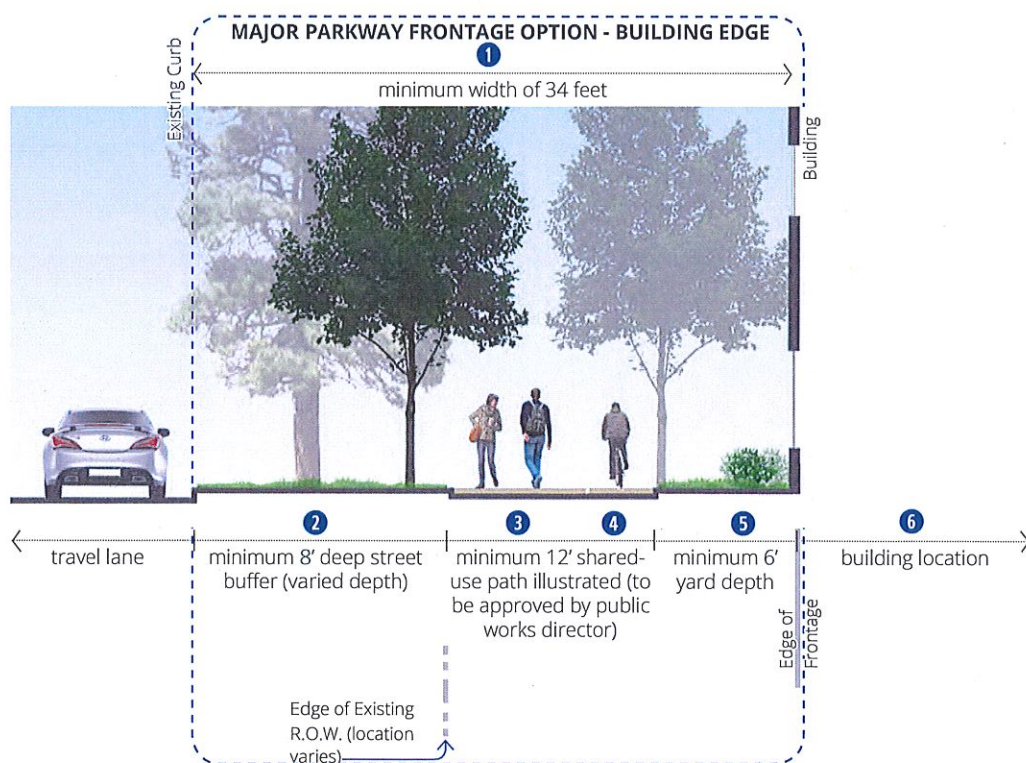


Figure 27-98-8 Major Parkway Frontage Option - Building Edge

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Street Types

(6) Minor Parkway Street Type

The Minor Parkway Street Type applies to existing streets per Figure 27-98-2 Street Types Map and is available for new streets per public works director. Refer to Figure 27-98-9. Table of Minor Parkway Street Type Requirements and Figure 27-98-10 Minor Parkway Street Section - Existing and New.

- a. **New Minor Parkway Streets.** New Minor Parkway streets are not permitted, unless a minor exception is approved by the public works director.
- b. **Frontage Options.** Frontages address the pedestrian and bicycle realm as well as street & parking buffers and public space options. Parcels that are adjacent to a Minor Parkway as designated on Figure 27-98-2 Street Types Map shall apply one or more of the Minor Parkway Street Frontage Options along the entire length

of the lot line abutting the Minor Parkway. Refer to Figure 27-98-11 Table of Minor Parkway Street Type Frontage Options.

- c. **Dedication.** When the sidewalk is fully or partially located on private property, right-of-way dedication is required, so that the sidewalk is fully located in the right-of-way. The public works director may approve an easement in lieu of right-of-way dedication based on the geometry of the site, topography, or other site-specific considerations.
- d. **Curb Movement.** The existing street curb may be required to move, based on the selection of the appropriate, context sensitive bicycle facility, per the public works director.

FIGURE 27-98-9: TABLE OF MINOR PARKWAY STREET TYPE REQUIREMENTS

Right-of-Way Width	Existing varies; 100' to 120' per public works director
Travel Lanes	2 to 4 lanes, 2 way
Lane Width	10' to 12' per public works director
Allowable Turn Lanes	Per public works director
Parking Lanes	Permitted only with public works director approval; Parallel only, 8' wide
Pavement Width	Existing, varies. Recommended median when crossing exceeds 32 feet in width.
Frontage Options	Refer to Figure 27-98-11 Table of Minor Parkway Street Type Frontage Options

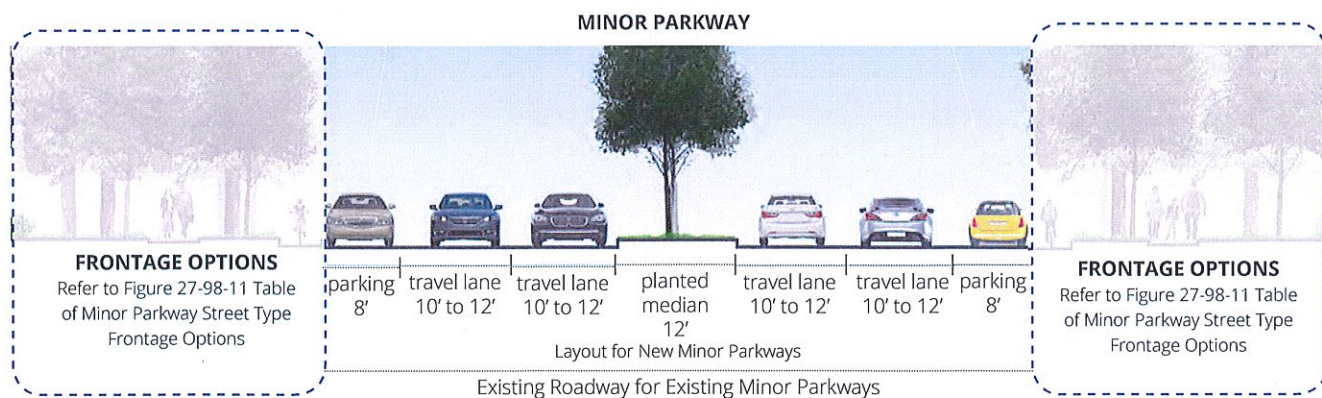


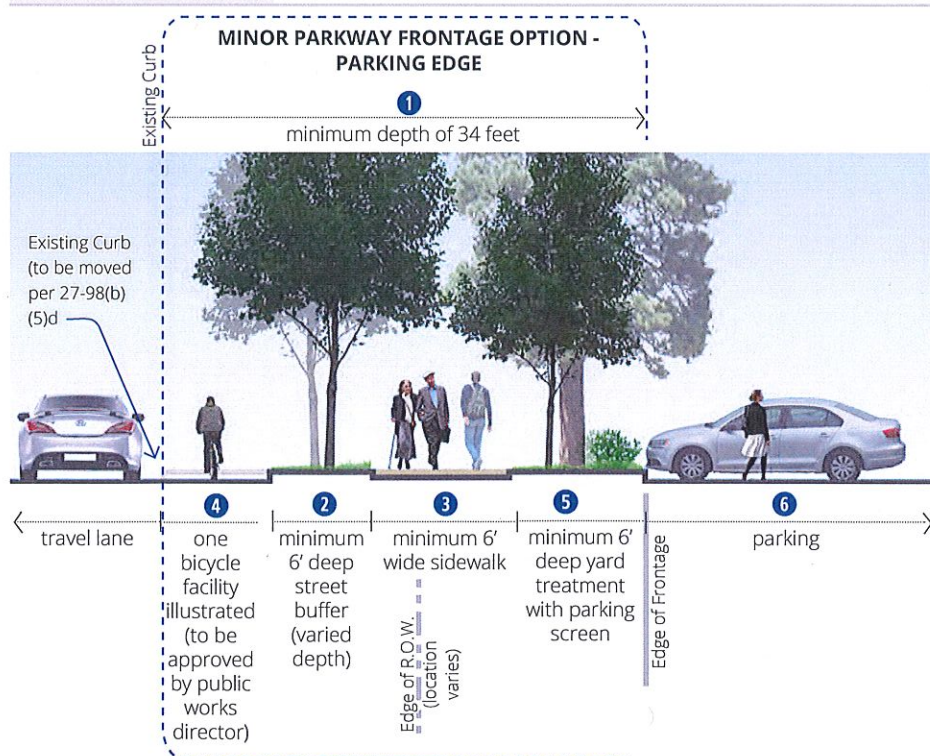
Figure 27-98-10 Minor Parkway Street Section - Existing and New

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Street Types

FIGURE 27-98-11: TABLE OF MINOR PARKWAY FRONTAGE OPTIONS

	PARKING EDGE refer to FIGURE 27-98-12	ACTIVE EDGE refer to FIGURE 27-98-13	BUILDING EDGE refer to FIGURE 27-98-14
1 Minimum Depth of Frontage	The minimum depth of the frontage shall be 34 feet measured from existing curb. Minimum depths of components shall be met; additional areas shall be added to any component to meet the minimum 34 feet.		
2 Street Buffer	<p>Minimum Depth: Street buffer depth may be varied, at a minimum of 6 feet wide with average of 10 feet.</p> <p>Tree Plantings: Informal groupings of trees shall be spaced intermittently along the parkway, with the goal of shading the parkway sidewalk at maturity. Trees shall be spaced between 12 feet and 40 feet on center. The buffer shall consist of at least 5 canopy trees per every 100 feet of buffer.</p> <p>Grade: Grade changes may be accommodated within the street buffer with slopes no greater than 1 to 4 ratio of rise to run. Retaining walls may be incorporated to meet these grades, but shall be no taller than 3 feet.</p>		
3 Sidewalk	A minimum 6 foot wide sidewalk is required and may meander between trees.		
4 Bicycle Facilities	A separated, dedicated bicycle facility is required consisting of an on-street buffered bicycle lane, dedicated cycle track, or shared-use path (a minimum width of 12') per public works director.		
5 Yard Treatment	Minimum Depth: minimum 6 foot deep landscape or patio area is required.		
	Parking Screen is required. Refer to Figure 27-229 Landscape Screen Requirements.	Patio shall be clearly differentiated from sidewalk. Fencing may be required for alcohol service per city ordinance. For PC Districts, the portion of the building facade adjacent to the patio shall meet the primary street facade requirements.	no additional requirements
6 Building & Parking Location	Refer to Article II. Zoning Districts for setback line or 27-105 Building Types for Parkway Frontage requirements for allowable widths of parking along the frontage and required building facades along the frontage.		


Figure 27-98-12 Minor Parkway Frontage Option - Parking Edge

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Street Types

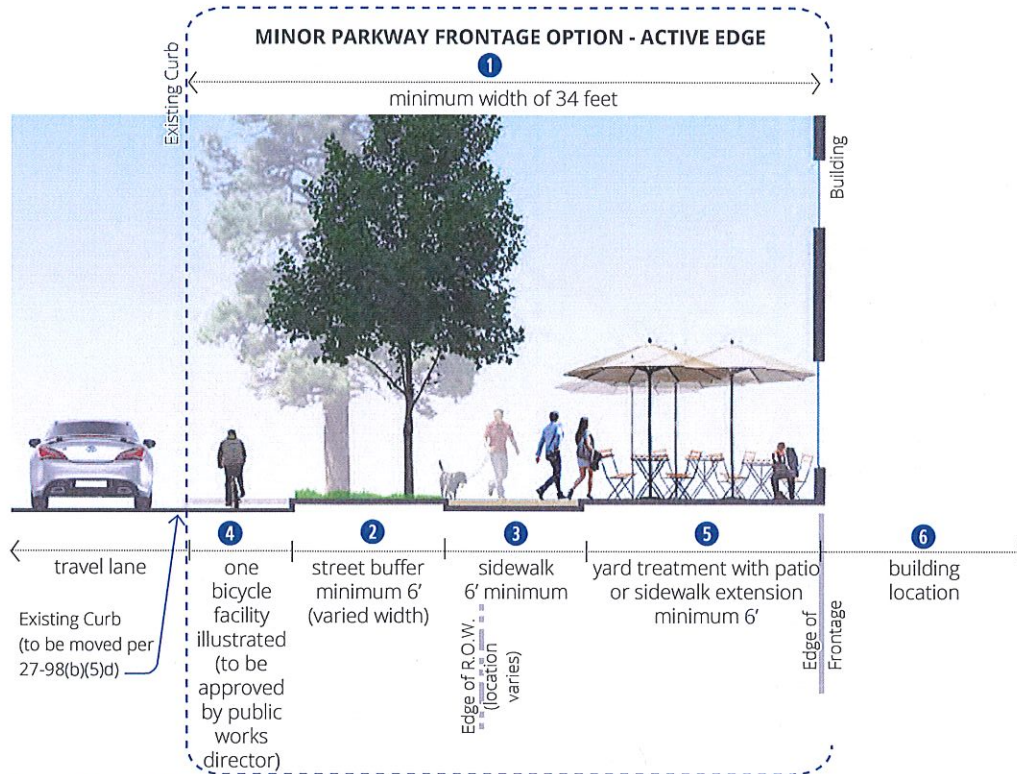


Figure 27-98-13 Minor Parkway Frontage Option - Active Edge

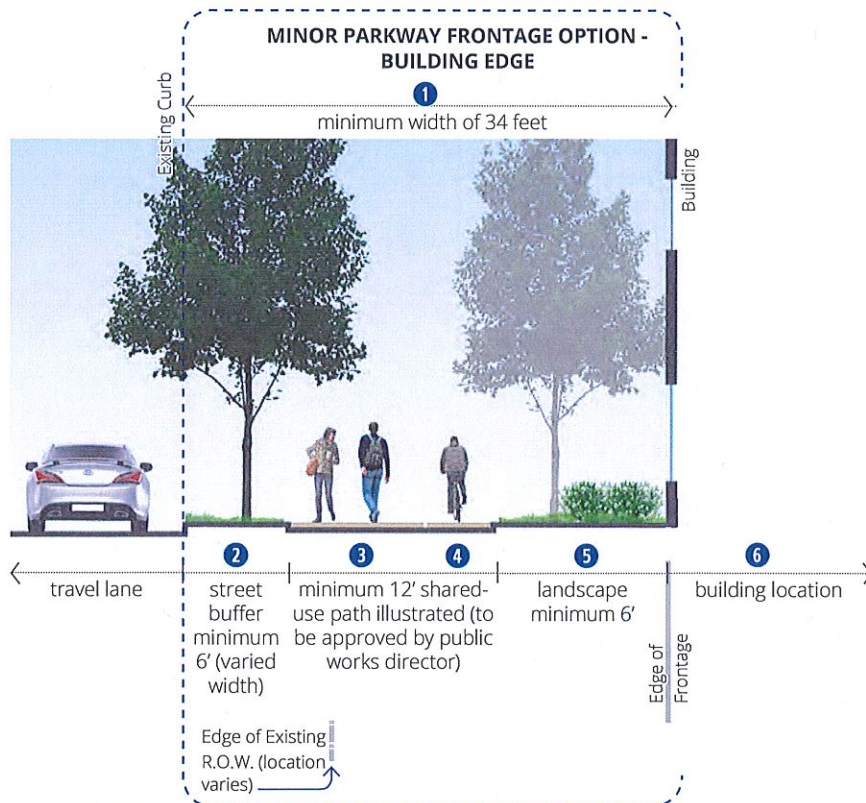


Figure 27-98-14 Minor Parkway Frontage Option - Building Edge

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Street Types

(7) Primary Street Type

The Primary Street Type applies to new and existing streets per Figure 27-98-2 Street Types Map.

- a. **New Primary Streets.** Refer to Figure 27-98-15 Table of Primary Street Type Requirements for primary street type requirements for new streets, Figure 27-98-16 Primary Street Type Section: Typical illustrates the typical street section. A narrow version is available for limited application (refer to Figure 27-98-17 Primary Street Type Section: Narrow).
- b. **Frontage Options.** Frontages address the pedestrian and bicycle realm as well as street & parking buffers and public space options. Parcels that are adjacent to a Primary Street as

designated on Figure 27-98-2 Street Types Map shall apply one or more of the Primary Street Frontage Options along the entire length of the lot line abutting the Minor Parkway. Refer to Figure 27-98-18 Table of Primary Street Frontage Options.

- c. **Dedication.** When the sidewalk is fully or partially located on private property, right-of-way dedication is required, so that the sidewalk is fully located in the right-of-way. The public works director may approve an easement in lieu of right-of-way dedication based on the geometry of the site, topography, or other site-specific considerations.
- d. **Curb Movement.** The existing street curb may be required to move, based on the selection of the appropriate, context sensitive bicycle facility, per the public works director.

FIGURE 27-98-15: TABLE OF PRIMARY STREET TYPE REQUIREMENTS

CONFIGURATION	TYPICAL refer to Figure 27-98-16	LIMITED NARROW refer to Figure 27-98-17
Permitted Location per Adjacent Zoning	any district	RM-HD, PC-4 Districts; use requires approval of public works director/community development director
Right-of-Way Width	66' to 100' per public works director	60' to 75' per public works director
Travel Lanes	2 lanes, 2 way	1 yield lane
Lane Width	10' to 12' per public works director	16' to 18' per public works director
Allowable Turn Lanes	Per public works director	Per public works director
Parking Lanes	Per public works director	Per public works director
Pavement Width	34' to 40'	32'
Frontage Options	Refer to Figure 27-98-18 Table of Primary Street Frontage Options	Yard Edge Frontage Option only

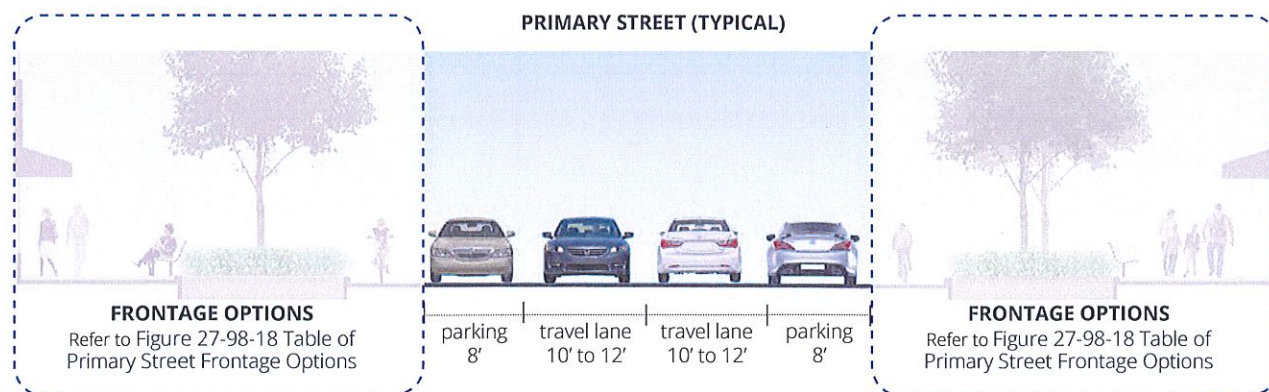


Figure 27-98-16 Primary Street Type Section: Typical

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Street Types

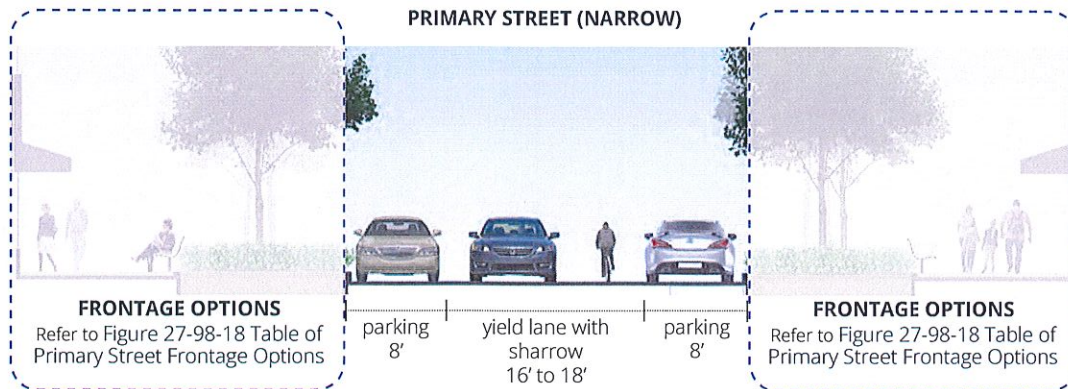


Figure 27-98-17 Primary Street Type Section: Narrow

FIGURE 27-98-18: TABLE OF PRIMARY STREET FRONTAGE OPTIONS					
	BUILDING EDGE refer to FIGURE 27-98-19	PARKING EDGE refer to FIGURE 27-98-20	YARD EDGE refer to FIGURE 27-98-21	COURTYARD/ PLAZA A OR B refer to FIGURE 27-98-22 OR FIGURE 27-98-23	DROP-OFF DRIVE EDGE refer to FIGURE 27-98-24
1 Minimum Depth of Frontage	24 feet	30 feet	16 feet	20 feet	20 feet
	The minimum depth of the frontage shall be measured from existing curb. Minimum depths of components shall be met; additional areas shall be added to any component to meet the minimum overall depth defined above.				
2 Street Buffer	Minimum Depth: Street buffer depth shall be a minimum of 6 feet wide.				
	Tree Planting: Canopy trees spaced minimum 35' on center in planters or wells, either raised or at grade, with access through planters to street, minimum every 60'.		Minimum of one tree per 30 linear feet of frontage, spaced equally or informally		
	Grade changes may be accommodated within the street buffer with slopes no greater than 1 ft of rise in 3 ft run. Retaining walls may be incorporated to meet these grades, but shall be no taller than 18 inches. Steps may also be incorporated.				
3 Sidewalk	Minimum 10' wide clear paved sidewalk with furnishings		Minimum 6' wide sidewalk		
4 Bicycle Facilities	A separated, dedicated bicycle facility is required consisting of an on-street buffered bicycle lane, dedicated cycle track, or shared-use path (a minimum width of 12') per public works director.				
5 Yard Treatment	Build-to Zone is directly adjacent to sidewalk	Minimum 5' landscape area is required to screen parking. Minimum 24" wide shrubs required 30" o.c.	yard depth determined PC Districts: by build-to zone of Building Type. Zoning District: by building setback	30' to 60' deep courtyard or plaza permitted with maximum of 30% of frontage in PC-2 and PC-3, maximum of 10% of frontage in PC-1	minimum 5' buffer; maximum 30' deep drop-off drive is permitted. maximum of 20% of frontage
6 Building & Parking Location	Article II. Zoning Districts for setback line or 27-105 Building Types for Primary Street Frontage requirements for allowable widths of parking along the frontage and required building facades along the frontage.				

27-98 Perimeter Center Overlay

Street Types

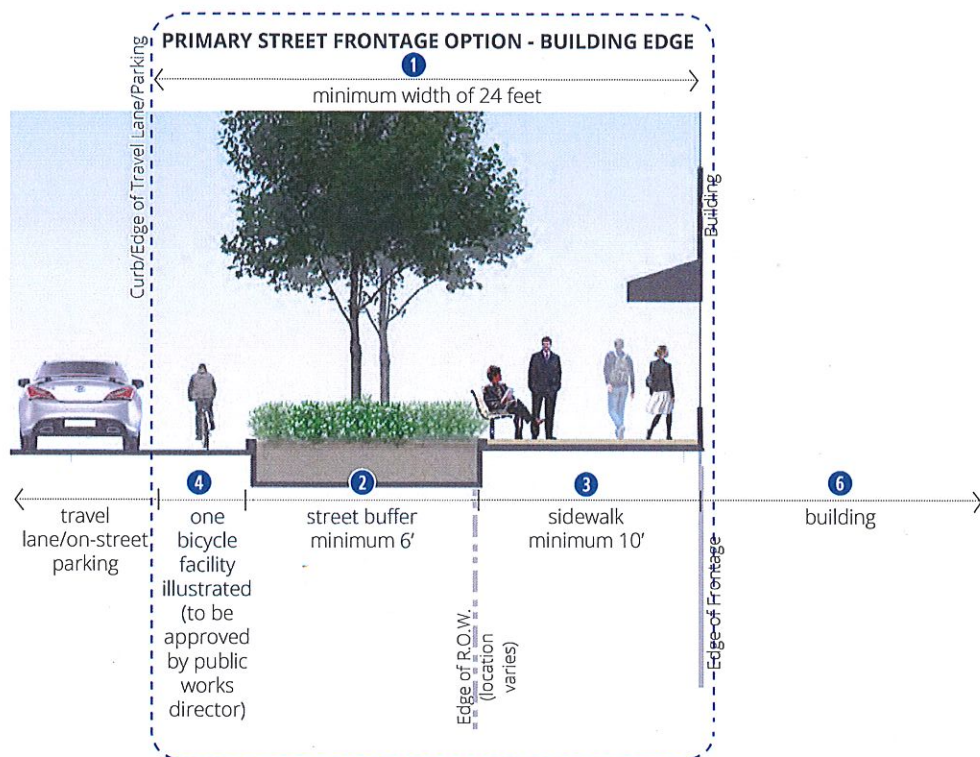


Figure 27-98-19 Primary Street Frontage Option - Building Edge

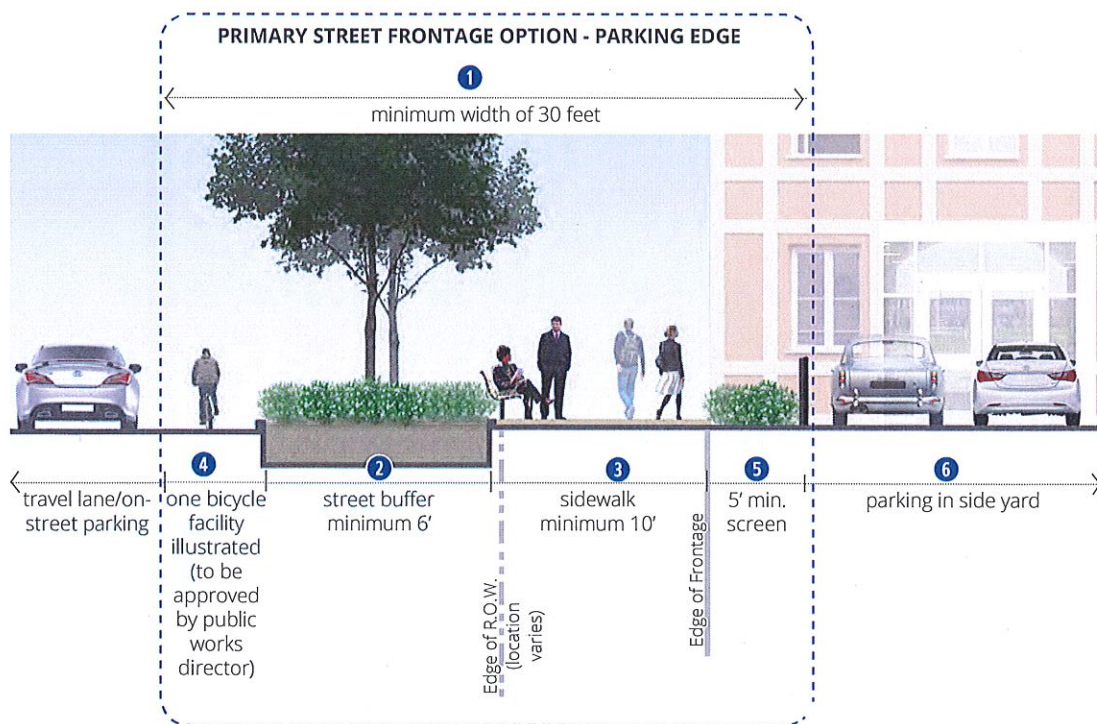


Figure 27-98-20 Primary Street Frontage Option - Parking Edge

27-98 Perimeter Center Overlay

Street Types

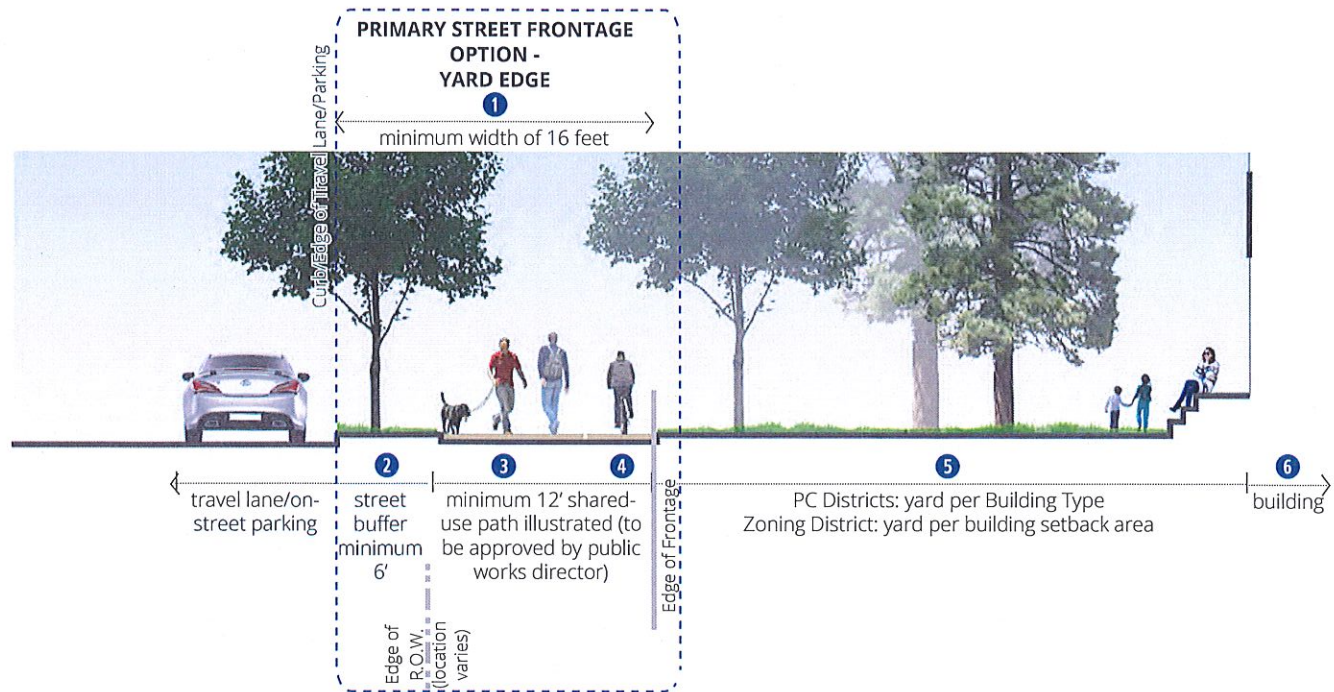


Figure 27-98-21 Primary Street Frontage Option - Yard Edge

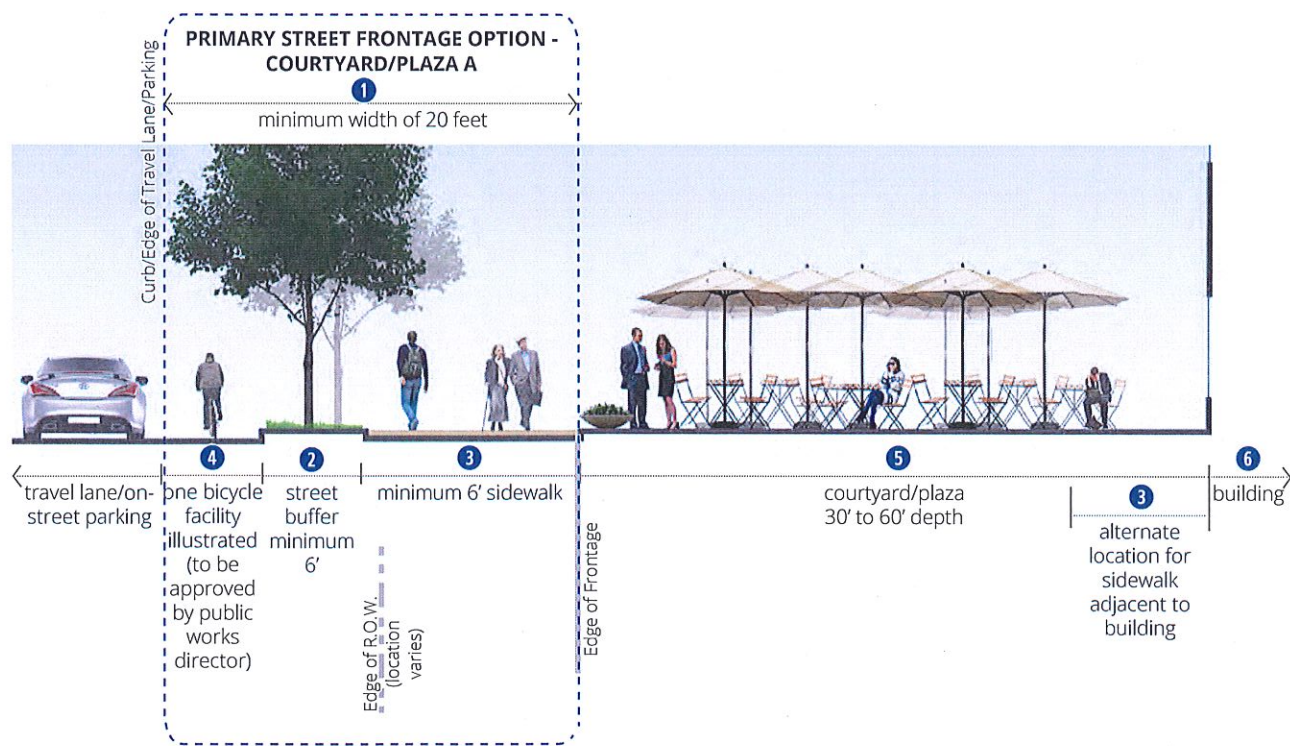


Figure 27-98-22 Primary Street Frontage - Courtyard/Plaza A

27-98 Perimeter Center Overlay

Street Types

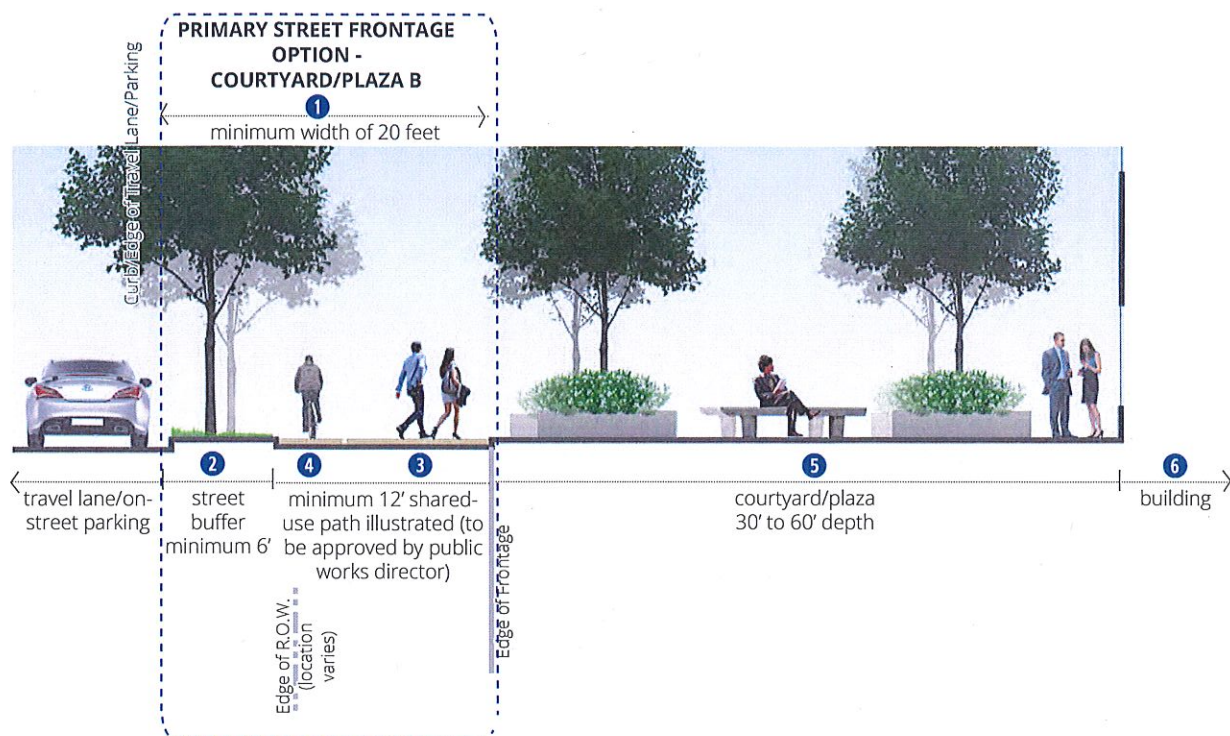


Figure 27-98-23 Primary Street Frontage Option - Courtyard/Plaza B

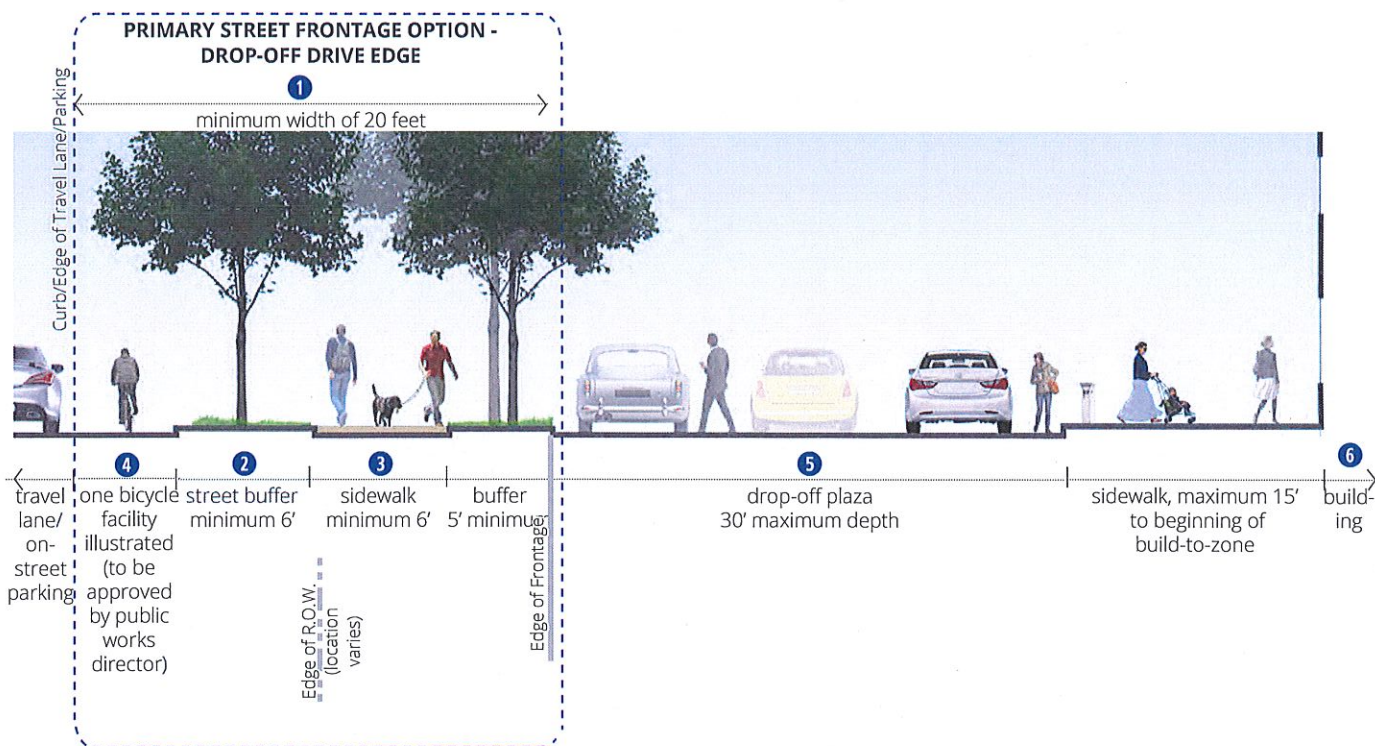


Figure 27-98-24 Primary Street Frontage Option - Drop-off Drive Edge

27-98 Perimeter Center Overlay

Street Types

(8) Secondary Street Type

The Secondary Street Type applies to new and existing streets per Figure 27-98-2 Street Types Map.

a. New Secondary Streets. Refer to Figure 27-98-25 Table of Secondary Street Type Requirements for Secondary Street Type requirements for new streets, Figure 27-98-26 Secondary Street Type Section - Typical illustrates the typical street section. A narrow version is available for limited application (refer to Figure 27-98-27 Secondary Street Type Section - Narrow).

b. Frontage Options. Frontages address the pedestrian and bicycle realm as well as street & parking buffers and public space options. Parcels that are adjacent to a Secondary Street as designated on Figure 27-98-2 Street Types Map, shall apply one or more of the Secondary

Street frontage options along the entire length of the lot line abutting the Secondary Street. Refer to Figure 27-98-28 Table of Secondary Street Frontage Options.

c. Dedication. When the sidewalk is fully or partially located on private property, right-of-way dedication is required, so that the sidewalk is fully located in the right-of-way. The public works director may approve an easement in lieu of right-of-way dedication based on the geometry of the site, topography, or other site-specific considerations.

d. Curb Movement. The existing street curb may be required to move, based on the selection of the appropriate, context sensitive bicycle facility, per the public works director.

FIGURE 27-98-25: TABLE OF SECONDARY STREET TYPE REQUIREMENTS

CONFIGURATION	TYPICAL refer to Figure 27-98-26	LIMITED NARROW refer to Figure 27-98-27
Permitted Location per Adjacent Zoning	any district	RM-HD, PC-4 Districts; use requires approval of public works director/community development director
Right-of-Way Width	66' to 100' per public works director	60' to 75' per public works director
Travel Lanes	2 lanes, 2 way	1 yield lane
Lane Width	10' to 12' per public works director	16' to 18' per public works director
Allowable Turn Lanes	Per public works director	Per public works director
Parking Lanes	Per public works director	Per public works director
Pavement Width	34' to 40'	32'
Frontage Options	Refer to Figure 27-98-28 Table of Secondary Street Frontage Options	

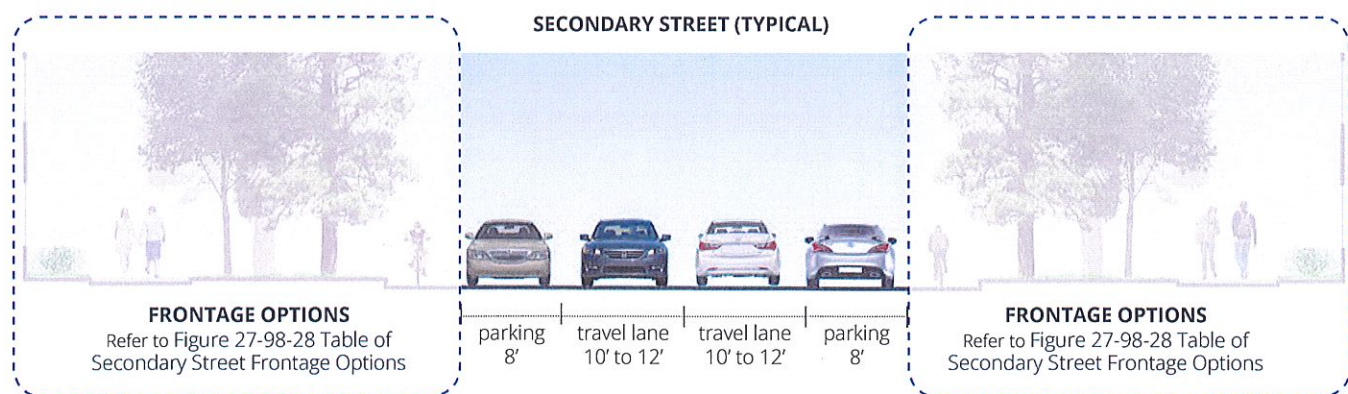


Figure 27-98-26 Secondary Street Type Section - Typical

27-98 Perimeter Center Overlay

Street Types

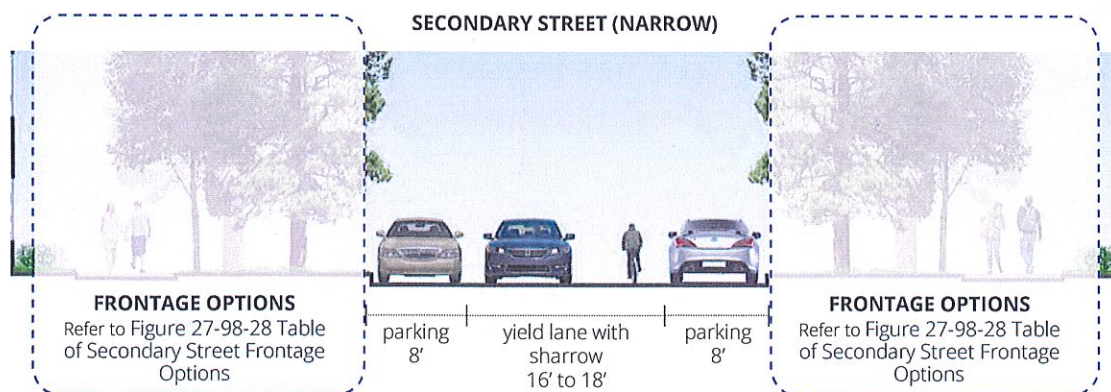


Figure 27-98-27 Secondary Street Type Section - Narrow

FIGURE 27-98-28: TABLE OF SECONDARY STREET FRONTAGE OPTIONS

	PARKING EDGE refer to FIGURE 27-98-29	YARD EDGE refer to FIGURE 27-98-30
1 Minimum Depth of Frontage	The minimum depth of the frontage shall be 20 feet measured from existing curb. Minimum depths of components shall be met; additional areas shall be added to any component to meet the minimum overall depth.	
2 Street Buffer	<p>Minimum Depth: Street buffer width shall be a minimum of 6 feet wide.</p> <p>Tree Plantings: A minimum of one tree for every 300 square feet of buffer shall be provided, spaced evenly or informally.</p> <p>Grade: Grade changes may be accommodated within the street buffer with slopes no greater than 1 ft of rise in 4 ft run. Retaining walls may be incorporated to meet these grades, but shall be no taller than 3 feet.</p>	
3 Sidewalk	A minimum 6 foot wide sidewalk is required and may meander between trees.	
4 Bicycle Facilities	Shared, on-street bicycle facilities	
5 Yard Treatment	A minimum 8' screen is required between parking and the sidewalk. The screen shall include a canopy tree every 30 feet of frontage, spaced evenly or informally, and a double row of shrubs, minimum 24" in height and width at maturity, staggered and spaced 24" on center.	A minimum 5' deep landscape yard is required, with a minimum of 30 shrubs, perennials, and/or grasses for every 500 square feet of yard area.
6 Building & Parking Location	Refer to Article II. Zoning Districts for setback line or 27-105 Building Types for Secondary Frontage Options requirements for allowable widths of parking along the frontage and required building facades along the frontage.	

27-98 Perimeter Center Overlay

Street Types

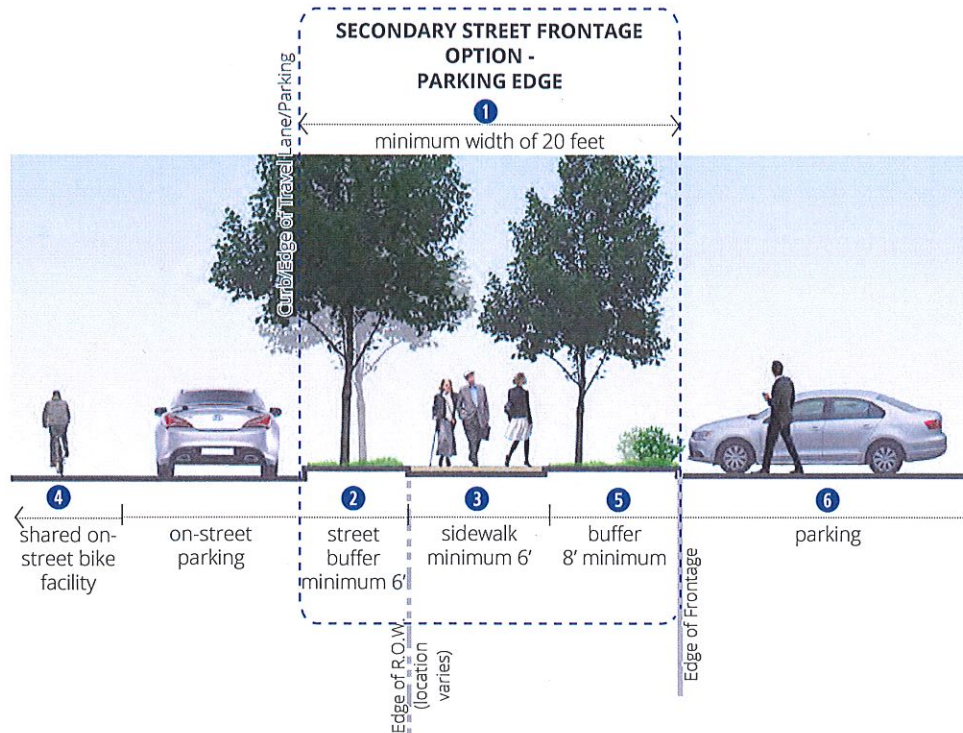


Figure 27-98-29 Secondary Street Frontage Option - Parking Edge

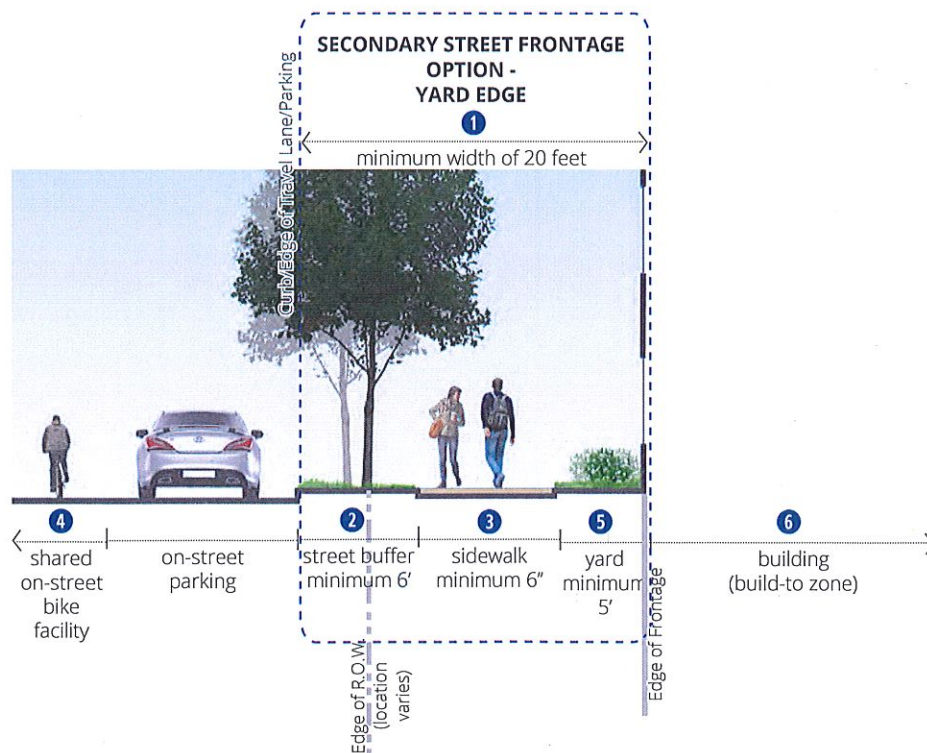


Figure 27-98-30 Secondary Street Frontage Option - Yard Edge

27-98 Perimeter Center Overlay

Streets & Blocks

(c) Streets & Blocks

(1) Intent

The intent of the following requirements is to form an interconnected network of streets with multiple intersections and block sizes scaled to support multiple modes of transportation, including walking, biking, transit use, and driving, within the Perimeter Center Overlay area. Also refer to Chapter 16 for additional regulations.

(2) Applicability

All new development and redevelopment on site 5 acres or larger within the Perimeter Center Overlay shall meet the general block, lot, and street design requirements under any of the following circumstances:

- a. **New Structure.** Development of a new principal structure on a lot or portion of a lot.
- b. **Redevelopment or Renovation.** Redevelopment or renovation to an existing structure or site that increases the gross building square footage by more than 50 percent.
- c. **Parking Lots.** Redevelopment or revision to 50 percent or more of an existing parking lot or development of a new parking lot consisting of 15 or more spaces, not including resurfacing or repairing an existing layout.

(3) New Street Locations.

- a. **Street Types Map.** Proposed street locations are illustrated on Figure 27-98-2 Street Types Map, defined to establish a network that would fulfill the Streets & Blocks intent and regulations.
- b. **Public Works Director.** Locations illustrated on the Street Types map are approximate. The requirements and locations of all streets shall be determined by and approved by the public works director during the Site Plan review process.

(4) Street Connectivity.

The following provides requirements and guidance for locating new streets and connecting to surrounding context.

- a. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new developments.
- b. Cul-de-sac and dead end streets should be avoided and utilized only when topography and

other existing barriers, such as highways, rail lines, or waterways, prevent street connectivity.

- c. Streets should follow natural features rather than interrupting or dead-ending at the feature.
- d. Streets should terminate at another street with either open space or a building facade across from the termination.
- e. When adjacent developments do not provide connectivity, coordinate with the community development director and public works director to determine the potential for future connections and provide for those connections.

(5) Block Configuration

Refer to Figure 27-98-31 for an illustration of Typical Block Elements and section 16-240 for Blocks.

- a. Blocks should be deep enough to accommodate buildings facing streets with parking located in the interior. Refer to 27-98(b) Street Types for minimum building frontages required for all streets.
- b. Blocks may be configured to include existing lots within an existing zoning district that is outside of the Perimeter Center Overlay.

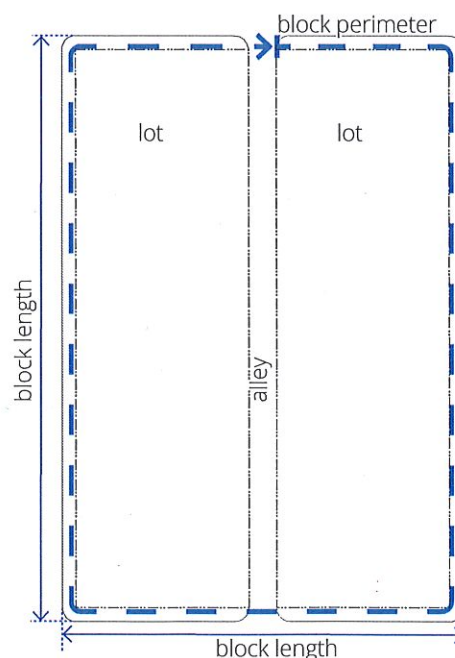


Figure 27-98-31 Typical Block Elements

27-98 Perimeter Center Overlay

Streets & Blocks

- c. A network of streets is required to meet the maximum block size requirement. Proposed new streets to meet these sizes are illustrated on Figure 27-98-2 Street Types Map.
- d. **Block Sizes for Zoning Districts.** Block sizes for residential and commercial development and redevelopment are designated in section 16-240.
- e. **Block Sizes for Perimeter Center (PC) Districts.** Maximum block perimeter for all PC Districts is 2400 feet. Recommended block perimeter is a maximum of 1800 feet.
- f. **Exceptions.** Exceptions to block sizes include locations adjacent to natural features, such as steep grades and drainage areas, and other existing barriers, such as an inability to connect to adjacent parcels.

(6) Block Driveway Access Configurations

- a. Blocks may include alleys, drives, or driveway entrances for service, parking accessibility, and other routes internal to the development.
- b. Access to blocks should be aligned across the street from access to other blocks.
- c. In the Perimeter Center districts, driveway locations are defined in the general Building Type requirements. Refer to 27-105(a)(10) Driveways.
- d. **Mid-Block Pedestrianways.** Mid-Block pedestrianways are required through blocks longer than 800 feet and at locations that connect public rights-of-way with other public facilities such as parks and transit.
 - 1. When combined with mid-block street crossings, these pathways should align to facilitate easy pedestrian movements.
 - 2. Mid-block pedestrianways should be located in the middle third of a block face.
 - 3. Minimum width for mid-block pedestrianways rights-of-way or easements is 20 feet.
 - 4. A minimum of 1 canopy tree per 600 square feet of area is required.
 - 5. Mid-block pedestrianways should be treated with the minimum design requirements per 27-98(b)(4) Streetscape Furnishings & Hardscape Design.
- 6. Shared-use paths through blocks per 27-98(b)(3)d may fulfill the requirements for Mid-Block Pedestrianways.

(7) Street Types

Refer to 27-98(b) Street Types for requirements for streets.

- a. **Street Type.** All new and existing streets shall utilize one of the permitted Street Types per Figure 27-98-2 and the requirements of 27-98(b) Street Types.
- b. **Frontage Options.** For each side of a street adjacent to or within the development, one of the frontage options defined by Street Type shall be utilized.
- c. **Other Internal Street.** Other street types completely internal to the development may be approved by the public works director and the community development director through minor exception.
- d. **Public Use.** All streets shall be available for public use at all times. Gated streets and streets posted as private are not permitted.
- e. **Dimensions.** The dimensions defined in each Street Type provide the acceptable ranges. The public works director shall determine the appropriate configuration and dimensions for each street. Minor exceptions may be approved by the public works director during the approval process.
- f. **Additional Director Requirements.** During the Pre-Submittal Conference, the community development director and/or public works director may adjust requirements for right-of-way, pavement width, or street elements depending on unique site locations and characteristics.
- g. **Street Construction.** All street construction, whether publicly dedicated or privately held, shall follow Street Type and Frontage requirements and any other specifications defined by the City.
- h. **Private Streets.** Private streets that prevent street connectivity or are inconsistent with adopted plans shall not be permitted.

27-98 Perimeter Center Overlay

General Building Design Criteria

(d) General Building Design Criteria

(1) Intent. These criteria are intended to address each building's appearance and cohesiveness within the overall Perimeter Center Overlay area. Further, the criteria are intended to elicit high quality buildings, enhance the pedestrian experience, maintain an appropriate scale, and implement the vision for the area as defined in current plans.

(2) Applicability. The following outlines the general design criteria applicable to all buildings within the Perimeter Center Overlay.

a. Applicable Facades. These criteria apply to all facades visible from the street, facing streets, facing main parking lots, and adjacent to open spaces, unless otherwise noted.

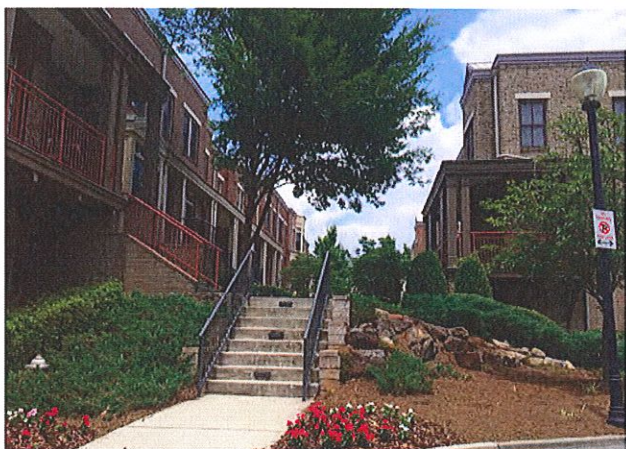
b. Applicable Development Sites. All new development and redevelopment within the Perimeter Center Overlay shall meet the general building design requirements under any of the following circumstances:

1. **New Structures & Additions.** Development of a new principal structure or additions to a principal structure on a lot or a portion of a lot.
2. **Existing Façade Renovation.** An alteration to an existing structure that includes renovation of more than 50 percent of an applicable facade.

(3) Materials.

a. Major Facade Materials. Major facade materials include high quality, durable, finish materials, such as brick, stone, and glass. Other high quality materials may be approved by the Director of Community Development during the site plan process. A minimum of 80 percent of each facade shall be constructed of major materials. Street facade materials shall continue around the corner of the building to non-street-facing facades a minimum depth of 20 feet. Refer to Figure 27-98-32 Major Materials.

b. Minor Materials. Acceptable high quality minor facade materials include all major materials; cement-based stucco; wood lap siding and shingles; architectural metal siding; architecturally finished concrete; fiber cement siding or shingles (such as Hardie Company products or similar); synthetic stucco/EIFS (see restrictions below); glass block; split-faced, burnished, glazed, or honed concrete masonry



Major Materials: Brick, stone



Major Materials: Glass, concrete

Figure 27-98-32 Major Materials

27-98 Perimeter Center Overlay

General Building Design Criteria

units (CMU), cast stone concrete elements. No more than 20 percent of each facade shall consist of minor materials.

c. Accent Materials. The following materials may be used for trim, details, soffits, eaves, and other accent areas: vinyl; aluminum and other durable metals; and metal for beams, lintels, trim, and ornamentation. Other materials may be approved by the Director of Community Development during the site plan process.

d. Restrictions.

1. The use of plain CMU block and vinyl are prohibited as a facade material.
2. Synthetic stucco (EIFS) used on the first or second floor of a building shall be a "high-impact" system. Conventional EIFS may be used above the second floor.

e. Roof Materials. Wherever asphalt shingles are used, they shall be a minimum 3-dimensional architectural type.

(4) Windows, Awnings, and Shutters

a. Quantity of Windows. A minimum of 15 percent window coverage is required per story on all street facing facades and any facade visible from a street.

1. **Measurement.** Window requirements are measured as a percentage of the facade per floor.
2. **Blank Walls.** Windows shall be distributed so that no rectangular area greater than 30 percent of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 30 feet in width is windowless and violates the minimum percentage requirements.

b. Transparent Glass. All window glass shall be highly transparent with low reflectance. Light transmission should be approximately 60 percent for ground story windows and a minimum of 55 percent for upper story windows.

c. Awnings. All awnings shall be canvas or metal. Plastic awnings are prohibited. Awnings shall not be translucent. Refer to Figure 27-98-33 Awnings.



Permitted Awnings: Metal



Permitted Awnings: Canvas

Figure 27-98-33 Awnings

27-98 Perimeter Center Overlay

General Building Design Criteria

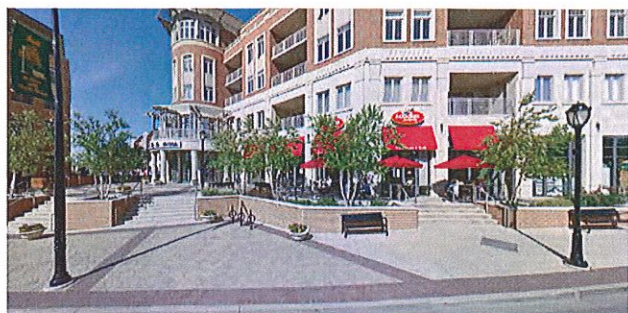


Figure 27-98-34 Examples of Ground Story along Slope.

d. Shutters. If installed, shutters, whether functional or not, may be designed to the following standards:

1. All shutters should be sized for the windows, so that if the shutters were to be closed, they would not be too small for complete coverage of the window.
2. Shutters should be wood, metal, or fiber cement. Other "engineered" woods may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.

(5) Garage Doors. The following requirements apply to garage doors provided on any street facade.

- a. Location.** Garage doors are not permitted on Primary Street facades unless not utilized for vehicular access (but for patio access, open air dining). Garage doors are permitted on Secondary Street Facades with direct access to the street. The preferred location is on interior lot facades.
- b. Recessed from Facades.** Garage Doors located on street facing facades shall be recessed a minimum of 3 feet from the dominant facade of the principal building facing the same street.
- c. Design.** Garage doors facing a Secondary Street and intended to be closed during business hours shall be clad with materials consistent with the design of the building. Carriage-style doors are required on the Townhouse and Detached House Building Type.

(6) Ground Story at Sloping Facades

- a. Intent.** Given the slopes in many parts of the Perimeter Center area, building design must accommodate grade changes along the sidewalk without creating tall, out-of-scale blank walls. Large, unarticulated building facades signal to pedestrians that an area is not intended for walking, reducing activity in the area and creating dead zones. Refer to Figure 27-98-34 Examples of Ground Story along Slope.
- b. Regulations for Shopfronts.**
 1. Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.

27-98 Perimeter Center Overlay

General Building Design Criteria

2. Unless impracticable, the interior floor level should step to match the exterior grade.
3. If it is necessary for the interior floor to remain constant along the grade, changes may be accommodated by a storefront window display space.
4. Knee wall and retaining walls shall not exceed 30 inches in height except along a maximum 15 foot section of facade length.
5. If grade change is more than 12 feet along a single block face, entrance requirements may be increased to one entrance per 80 feet of building frontage.
6. Building entrances adjacent to the street should be within 3 feet of the elevation of the adjacent sidewalk, unless utilizing the PC District building types.

c. Regulations for Residential and other Building Frontages.

1. Grade transitions at the building along the sidewalk should be designed to minimize blank walls.
2. Unless impracticable, the interior floor level should step to match the exterior grade.
3. Multiple front entrances along the street activate each segment of building section at each grade.
4. Transition zones between the sidewalk and building facade of porches, terraces, and landscape areas may be used assist with grade changes.
5. If it is necessary for the interior floor to remain constant along the grade, changes can be accommodated by terraced planters and retaining walls.
6. Retaining walls shall not exceed 30 inches in height except along a maximum 15 foot section of frontage.
7. When the elevation of the first floor is more than 3 feet above grade, windows should be provided into the basement or lower floor elevations.

(7) Fueling Stations

Refer to Figure 27-98-35 Recommended Gas Station Layout for one illustration of the following criteria.

- a. **Building Location.** A principal building should be built up to any corner with the longest facade along any Primary Street. If no Primary Street abuts the parcel, along the Parkway Facade.
- b. **Side Yard Parking.** One double loaded aisle of parking is permitted on the interior side along a Primary Street, perpendicular to the street.
- c. **Pumps and Canopy Location.** The pumps and canopy may be located on the interior of the parcel, but may have driveways to a street.
- d. **Building Build-to Zone.** A building should be built to within 5 feet to 15 feet of the edge of the Street Type frontage.
- e. **Building Facade Design.** The facade of all buildings shall meet all general design criteria within this section, 27-98(d) General Building Design Criteria.
- f. **Canopy Design.** The canopy, columns, and structure shall be constructed substantially of the same materials utilized on the building.
- g. **Pavement.** Site paving shall consist of maximum 22 foot driveways and lanes along parking and along pumps. All other areas shall be landscaped.
- h. **Frontage.** A maximum of 50 percent of the frontage may be used for parking and fuel areas.

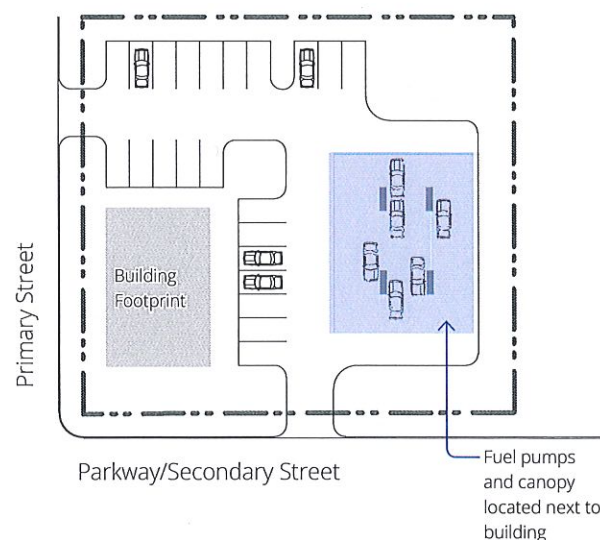


Figure 27-98-35 Recommended Gas Station Layout

27-98 Perimeter Center Overlay

General Building Design Criteria

(8) Accessory Drive-through Structures

Refer to Figure 27-98-36 Recommended Drive-Through Facility Layout for one illustration of the following requirements.

- a. **Structure/Canopy.** Drive-through structures or canopies shall be located on the rear or side facade of the building or in the rear of the lot behind the building, where permitted by use. The structure should not be visible from any Primary Street.
- b. **Stacking Lanes.** Stacking lanes shall be located perpendicular to the Primary Street or behind the building.
- c. **Canopy Design.** The canopy, columns, and structure shall be constructed substantially of the same materials utilized on the building.

(9) Parking Structures Fronting a Street

The following requirements are provided for parking structures fronting a Secondary Street or Parkway.

- a. **Primary Streets.** Parking structures, whether accessory or principal use, shall not front a Primary Street, unless otherwise approved with Special Land Use Permit per Article V, Division 3.
- b. **Perimeter Center Districts.** In the Perimeter Center (PC) Districts, parking structures as the principal use on the lot require a special land use permit (refer to Article V, Division 3 Special Land Use Permits).
- c. **Parking Structure Design Requirements.**
 1. **Blank Wall Limitations.** On any street facade, no rectangular area greater than 30 percent of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 15 feet in width may be solid, blank wall.
 2. **Pedestrian Entry.** A defined pedestrian entrance/exit is required separate from the vehicular entrance and directly accessing the sidewalk. If the entry is enclosed, windows are required to meet a transparency rate of 65 percent.
 3. **Structures along Highways.** Structured parking located along highways shall incorporate architectural elements (e.g. trellises, planters, landscape, panels) that provide visual screening of vehicles and interior lighting.

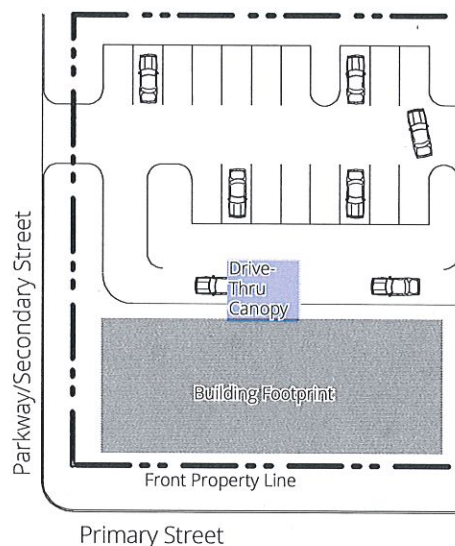


Figure 27-98-36 Recommended Drive-Through Facility Layout

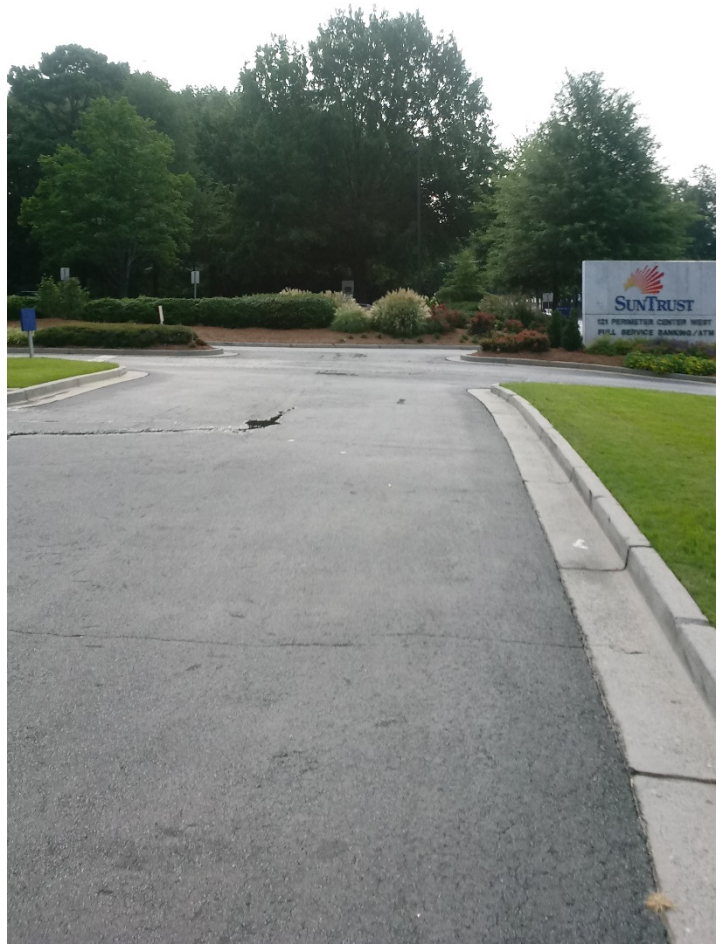
27-98 Perimeter Center Overlay

General Building Design Criteria

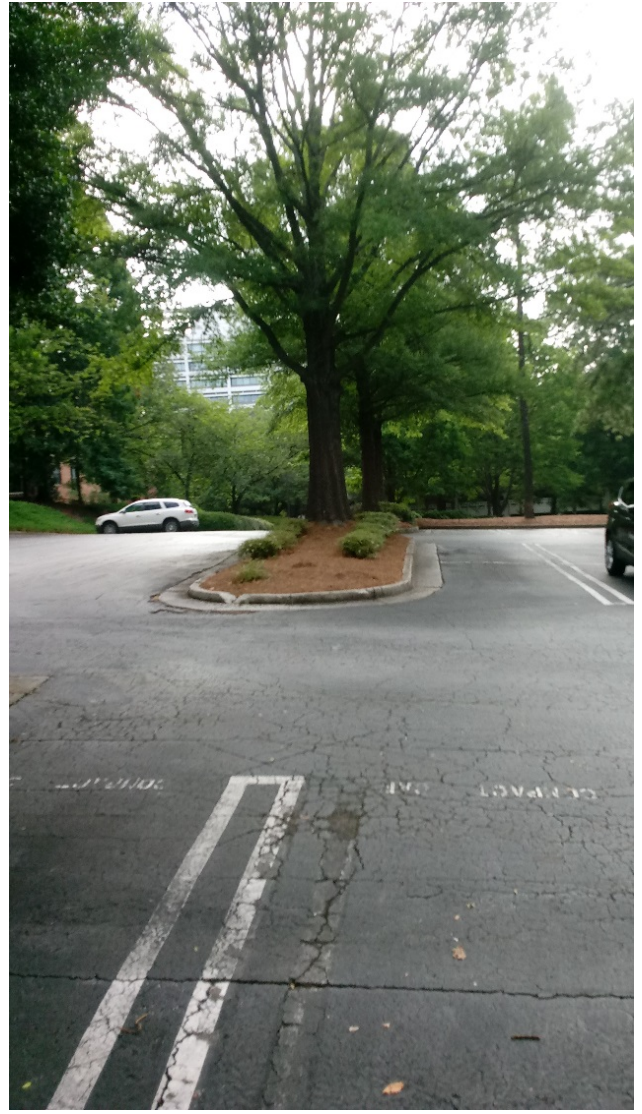


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Northwestern Mutual Real Estate

1100 Abernathy Road, Suite 895
Atlanta, GA 30328
770 395 2800 office
770 395 2801 fax

Nov. 1, 2017

Via First Class Mail and by Email
c/o John.Olson@DunwoodyGa.Gov

Mayor and Council

City of Dunwoody, Georgia

41 Perimeter Center East

Dunwoody, Georgia 30346

Re: Prado Perimeter Center, LLC – SLUP17-04; SLUP 17-04 A, B, and C
and MA17-02 – Objection to the Proposed Special Land Use Permit, Modification of Zoning
Conditions and Requested Variances for 121 Perimeter Center West, Dunwoody, Ga. 30346

Dear Mayor and Councilmembers:

We appreciate your hard work and leadership. We depend on your protection of the residents, voters and taxpayers of this city. We know you work hard to improve our city every day. Thank you for your service.

We write to ask for your help and to object to Prado Perimeter Center, LLC's proposed Special Land Use Permit and Modification of Zoning Conditions proposed in items MA17-02, SLUP17-04 and SLUP 17-04 A, B, and C at 121 Perimeter Center West, Dunwoody, Ga. 30346. Millbrook Apartment Associates, LLC and Northwestern Mutual Life Insurance Company request the Mayor and Council to protect the over 400 residents of the City of Dunwoody of District 1 living at 60 Perimeter Center Place (The Flats at Perimeter Place), the thousands of Dunwoody citizens that travel on Perimeter Center Parkway West every day and the over \$60 million dollars of property tax value of the complex being jeopardized by this proposed development.

The proposed project will damage the quality of life and peaceful enjoyment of the property rights of Dunwoody citizens based on the effects of this project. As the Mayor and Council know, our citizens and this upscale apartment complex constitute the bedrock community which anchors the live, work and play concept of Perimeter Place. Our 400 citizens of Dunwoody care about their quality of life very much. Once building begins, our residents, the complex, Dunwoody citizens that travel Perimeter Center Parkway each day

Northwestern Mutual is the marketing name for The Northwestern Mutual Life Insurance Company, Milwaukee, WI and its subsidiaries

and the surrounding neighbors will be shocked to find a seven (7) story hotel and a five (5) story parking deck being built which greatly exceeds the present zoning allowances for the SunTrust Bank location. While people appreciate public participation opportunities, most citizens and residents do not realize that a development is underway until it is too late. Then, they get upset at leadership for allowing such impacts. The response that a citizen had their chance to voice concerns had they seen a very small publication in the city's designated legal organ is little solace to the citizens. As far as we know, no independent study of the proposed project in relation to our concerns has been completed. As a result, we are asking the Mayor and Council to protect the citizens from this development.

Our concerns are significant. First and foremost, we are concerned that this project will damage the quality of life and enjoyment of the homes of our 400 residents and thousands of Dunwoody citizens. The project adds three hundred fifty (350) parking spaces for vehicle traffic and one hundred fifty-seven (157) rooms for occupants on less than five (5) acres. The congestion surrounding Perimeter Center Parkway West and Perimeter Place is already bottlenecked at this particular development. The congestion will become dramatically worse for all citizens traveling this road. Residents' ability to get to their businesses and homes will be impaired substantially.

Second, each resident's right of enjoyment of their home will be impaired with regard to blocking their cityscape view and additional carbon monoxide emissions. As opposed to the city view that the citizens of this complex have enjoyed for over 10 years, residents will enjoy the view of a parking deck and the side of a hotel after construction. In addition, they will endure the fumes from cars starting when the temporary hotel occupants leave their 350 parking spaces and when cars idle while parking in those spaces. Based on the present zoning, our citizens would continue to enjoy the same cityscape view of our beautiful city and terrace amenities they have enjoyed for over a decade. We would ask you to preserve their property rights and the complex's property rights, and we specifically reserve our constitutional, common law and statutory rights to assert claims from any violation of the aforesaid or related rights related to the modification of zoning conditions and passage of the related special land use permit.

Third, the construction of this project for the time period involved will substantially affect the residents and visitors to Perimeter Place and the Flats during its construction. Construction noise, debris, and other nuisance effects will occur as a result which would be prevented if present zoning conditions were maintained. The present zoning conditions were supposed to prevent such long term impacts to the area and enhance the live, work and play residents of the City of Dunwoody, not push them out in favor of temporary hotel guests. Unfortunately, the zoning conditions are being violated by the proposed special use permit for the to the detriment of Dunwoody citizens.

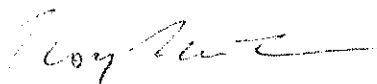
Fourth, sewer capacity is a major concern to our complex, the citizens of Dunwoody and to DeKalb County businesses and residents. We are surprised that this project can go forward based on the present sewer capacity allowance within the county. We are uncertain if the project can maintain the sewer capacity allowance without producing subsequent overflows or capacity problems for other owners and residents.

Fifth, the proposed project will devalue the complex, which has been a major commercial taxpayer of the city for over a decade. This project was brought to the City based on the Perimeter Place concepts for a live, work and play community with certain amenities for residents of this upscale apartment community. The apartment complex would never have been centered in this location had the city expressed that it would allow for a seven (7) story hotel and five (5) story parking deck to block the view and easy access to the property for residents. The allowance for these modifications, variances and special land use permit deprives our complex of certain value, access, and enjoyment rights and constitutes a constitutional deprivation and taking of property

rights. We reserve our claims and constitutional rights and request that the city prevent the taking of our property rights and those of our residents and the devaluation of the complex. For over ten (10) years, this complex has been a major contributor and commercial taxpayer for the city and request that such contribution not have been made in vein to allow for the taking of our property rights. We would request that you protect our investment in the city and the tax base value of this property for the City.

Great concern exists with regard to the impacts of this project on residents, voters, businesses, and all citizens of Dunwoody who travel this area. The effects suffered by our business and by the residents and citizens already occupying and traveling through this area will be inordinate. We have contributed to the tax base and quality of life for the City of Dunwoody for a long period of time based on the project conditions presented several years ago. Our rights and enjoyment of the property should not be deprived to attract a new project at our expense and the expense of our residents and other Dunwoody citizens. We request that the City reject the special use permit and the modifications requested to the zoning conditions. We appreciate your consideration of our concerns and request your assistance and protection of our complex and the citizens of Dunwoody. Thank you.

With warmest regards, I am



Troy McMahan
Northwestern Mutual Life Insurance Company
Millwood Apartment Associates Limited

Enclosure: Reservation of Constitutional Rights and Property Rights

CONSTITUTIONAL NOTICE AND CHALLENGE
TO SPECIAL LAND USE PERMIT AND MODIFICATION OF
CERTAIN ZONING CONDITIONS

**OPPOSITION TO APPLICATION FOR SPECIAL LAND USE PERMIT AND
MODIFICATION OF CERTAIN ZONING CONDITIONS**

REZONING/SLUP OPPONENTS' NAME/ OWNER'S NAME: Northwestern Mutual Life Insurance Company / Millbrook Apartment Associates, LLC/Troy McMahan; 60 Perimeter Center Place, Dunwoody, Ga. 30346, hereinafter Opponent or Adjacent Property Owner

LOCATION OF PROPERTY: 121 Perimeter Center West, Dunwoody, Ga. 30346
("Subject Properties"). Proposed Seven (7) Story Hotel and Five (5) Story Parking Deck
Within 500 feet of Opponent's Apartment Complex, Hereinafter Petitioner or Hotel Developer

PROPOSED ACTION BY CITY: SLUP17-04; SLUP 17-04 A, B, and C and MA17-02
For Prado Perimeter Center, LLC ("Rezoning/Special Land Use Permit/Modification of
Certain Zoning Conditions"), hereinafter "proposed action or actions"

Dear Mayor and City Council of the City of Dunwoody, Georgia:

This notice is being provided by Northwestern Mutual Life Insurance Company, Millbrook Apartment Associates, LLC and Troy McMahan, Director and Asset Manager for the Opponent (hereinafter all referred to as the "Opponent" or "Adjacent Property Owner") to comply with the mandate of the Georgia Supreme Court decisions which require the presentation of constitutional issues to the zoning authority as a condition precedent to seeking judicial relief in the event a zoning decision constitutes a violation of an aggrieved person's constitutional rights. Accordingly, the Opponent hereby preserves its rights to raise the following Constitutional issues before a court of competent jurisdiction, should any part of the above-referenced Rezoning, Special Land Use Permit, and Modification of Zoning Conditions be approved.

Approval of the subject Special Land Use Permit, the Modification of Zoning Conditions and Rezoning of the Subject Property as expressed in Items 17-04 A, B, and C and MA 17-02 would constitute an arbitrary and capricious abuse of the zoning power of the City of Dunwoody, Georgia. The Subject Properties have been in proper commercial use for many years and have coexisted peacefully with surrounding landowners and contributed to the local economy. The Adjacent Property has been a large contributor to the tax base of Dunwoody, Georgia for over a decade.

The Opponent respectfully submits that approval of the Rezoning Application Request would constitute an arbitrary, capricious, and unreasonable use of the City's zoning power because it would bear no substantial relationship to the public health, safety, morality or general welfare of the public. The proposed action would substantially harm and devalue the Opponent's property. The proposed action would restrict our ingress and egress rights. The proposed action would impair our residents' and our peaceful enjoyment rights including but not limited to the obstruction of view, freedom from loud noise, exposure to carbon monoxide fumes, and other

related rights. The proposed action will inhibit and impair our leasing, freedom of contract rights and alienability rights as protected by the Georgia and US Constitutions. The proposed action shall damage the ability to sell the subject property and will damage the ability to sublease for any tenants thus damaging their leasehold interests. The subject action constitutes Constitutional Deprivations including but not limited to a taking of the Opponent's private property rights without just compensation as well as a violation of their due process rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, Article I, Section III, Paragraph I and Article I, Section I, Paragraph I of the Constitution of the State of Georgia. Any such approval would also violate the Opponents' Equal Protection Rights guaranteed by the Constitutions of the United States and State of Georgia. In addition, the proposed action will vitiate those same rights for the 400 or so residents of the Flats which hold leasehold interests in the property and said Constitutional and legal rights and claims are hereby reserved for legal action also.


The proposed actions would prevent the opponent from realizing a fair and reasonable economic return on their investment and from making the highest and best use or reasonable use of its property. The opponent's property has been improved through the years in reliance upon the City's zoning and changing the aforesaid would deprive the adjacent property owner of its investment in these improvements and cause the opponent to incur a substantial loss in property value. In addition, the opponent remitted all appropriate property taxes to the City of Dunwoody at the prescribed tax rate for commercial properties.

The proposed action would create an unfair change in zoning and violate the Article IX, Section II, par. 4 of the Georgia Constitution. It would block our present property rights without justification under constitutional scrutiny standards.

Furthermore, the Opponent and its residents respectfully preserve their rights to raise any challenges based upon its procedural due process rights, resulting from any fundamental unfairness in the Rezoning, Special Land Use Permit and Modification of Zoning Conditions procedure set forth by the City of Dunwoody or any deviation therefrom or the Zoning Procedures Law in rendering a decision on the above referenced proposals. We appreciate your protection of these constitutional and other legal rights. Thank you.

With warmest regards, we are

HECHT WALKER, P.C.



Greg Hecht, Esq.
Georgia Bar No. 003860
Counsel for Opponents



Troy McMahan, Northwestern Mutual Life
Insurance Company and Millwood
Apartment Associates, LLC